AGENDA

WARRENTON PLANNING COMMISSION
Regular Meeting | June 12, 2025 | 6:00 p.m.
Warrenton City Hall Commission Chambers | 225 S Main Avenue, Warrenton, OR 97146

*****The meeting will be broadcast via Zoom at the following link*****
https://us02web.zoom.us/j/89424483614?pwd=aQEMoaWvvbiH6xmWNVHpQtix5LWv8a.1
Meeting ID: 894 2448 3614 | **Passcode:** 123456 | **Dial-in number:** 253-215-8782

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1. **CALL TO ORDER & PLEDGE OF ALLEGIANCE**

2. **ATTENDANCE**

3. **APPROVAL OF MINUTES**
   A. Planning Commission Regular Minutes – 05.08.2025

4. **PUBLIC COMMENT**
   At this time, anyone wishing to address the Planning Commission concerning items of interest may do so. The person addressing the Planning Commission must complete a Public Comment Card and submit it to the Secretary prior to the meeting. All comments will be addressed to the whole Planning Commission and limited to 3 minutes per person. Public Comments may also be submitted by email to planning@warrentonoregon.us, no later than 4:00 p.m. the day of the meeting. The Planning Commission reserves the right to delay any action, if required, until such time as they are fully informed on a matter.

5. **PRESENTATION**
   A. Clatsop County Housing and Buildable Land Project

6. **PUBLIC HEARING**
   A. **PUD-25-1** Fort Point planned unit development off Ridge Road in Hammond (Taxlot 810170001300).

7. **BUSINESS ITEMS**

8. **DISCUSSION ITEMS**

9. **GOOD OF THE ORDER**

10. **ADJOURNMENT**

Next Regular Meeting: July 10, 2025

Warrenton City Hall is accessible to the disabled. An interpreter for the hearing impaired may be requested under the terms of ORS 192.630 by contacting Dawne Shaw, City Recorder, at 503-861-0823 at least 48 hours in advance of the meeting so appropriate assistance can be provided.

City of Warrenton Planning Commission

Meeting Minutes

City Hall, 225 S. Main Warrenton, OR 97146

Thursday, May 08, 2025

1. City Commission meeting called to order at 6:00 pm

2. Pledge of Allegiance

Commission Members	Present	Excused
Tony Faletti		X
Dan Heath	X	
Mike Moha	X	
Karin Hopper	X	
Chris Hayward		X
Colin Atkinson	X	

Staff Members Present	
Planning Director Jeffrey Adams	Deputy City Recorder Hanna Bentley, Acting Secretary
City Manager Esther Moberg	

3. Elections

A. Nominate a Chair for the 2025 calendar year

Motion:	I would like to nominate Mike Moha				
Moved:	Hopper				
Seconded:	Atkinson	**Aye**	**Nays**	**Absent**	**Recused**
Vote:	Faletti			X	
	Heath	X			
	Moha	X			
	Hopper	X			
	Hayward			X	
	Atkinson	X			
Passed:	4/0				

B. Nominate a Vice Chair for the 2025 calendar year

Motion:	I will nominate Karin Hopper				
Moved:	Moha				
Seconded:	Atkinson	**Aye**	**Nays**	**Absent**	**Recused**
Vote:	Faletti			X	
	Heath	X			
	Moha	X			
	Hopper	X			
	Hayward			X	
	Atkinson	X			
Passed:	4/0				

It was noted by City Manager Esther Moberg that Commissioner Cynthia O' Reilly had resigned her position and to await appointment of a replacement by the Mayor.

4. Approval of Minutes

A. Planning Commission Regular Minutes – 12.12.2024

Motion:	To approve the minutes				
Moved:	Hopper				
Seconded:	Atkinson	**Aye**	**Nays**	**Absent**	**Recused**
Vote:	Faletti			X	
	Heath	X			
	Moha	X			
	Hopper	X			
	Hayward			X	
	Atkinson	X			
Passed:	4/0				

5. Public Comment – None

6. Public Hearings

A. CUP-25-1

It was noted by Commissioner Hopper that the report mentioned Homestay Lodging while the unit would be a Vacation Rental. It was decided that the applicant would be asked to clarify when it was time to hear from them. Planning Director Jeffrey Adams mentioned that the unit would be the applicant's third unit to become a vacation dwelling and that the police had not received any complaints about the others.

The applicant spoke to his application being the third unit in his development to be made a vacation rental and that he is the original developer of the townhomes. The applicant referenced the report that was submitted with the application. Questions were raised from the Commission

regarding the lack of long-term rentals in the area to which the applicant responded that he tried long-term rentals first but only was able to fill one unit. The applicant also spoke to the other two units that were vacation rentals being booked out through the summer and the economic benefit that created to the area.

The Commissioners deliberated amongst themselves and added conditions. The condition was to submit a completed transient room tax form within 180 days of approval; the applicant must apply for a business license and the vacation rental. It was added that the applicant must follow all applicable vacation code requirements as outlined in our city code.

Motion:	To pass with the conditions stated				
Moved:	Hopper				
Seconded:	Atkinson	**Aye**	**Nays**	**Absent**	**Recused**
Vote:	Faletti			X	
	Heath	X			
	Moha	X			
	Hopper	X			
	Hayward			X	
	Atkinson	X			
Passed:	4/0				

7. Business Items - None

8. Discussion Items - None

9. Good of the Order - None

10. Adjournment

There being no further business, Chair Moha adjourned the meeting at 6:27 pm.

Approved:

Attest:

Mike Moha, Chair

Judith Stich, Secretary

Clatsop County Housing Inventories

WARRENTON HOUSING INVENTORIES REPORT

MAY 2025

3J CONSULTING

INTRODUCTION

The Warrenton Housing Inventories Report is part of a multi-jurisdictional project to address key housing production barriers in the five cities and unincorporated rural communities of Clatsop County. The focus of this work is to address Land Supply recommendations from the 2019 Clatsop County Housing Strategies Report that called for further refinement of buildable lands inventories (BLIs) and further assessment of infrastructure issues that affect housing development in the county.

The final work products will allow Clatsop County and five cities (Astoria, Cannon Beach, Gearhart, Seaside, and Warrenton) to share a cohesive set of information about land, building, and infrastructure needs that can establish a foundation for shared actions and investments to address these needs. The project also provides baseline information for the City of Astoria to meet the requirements of the Oregon Housing Needs Analysis (OHNA).

The Warrenton Housing Inventories Report includes:

- **Housing Supply Inventory** that examines demographic and housing profiles to understand the living situations in Warrenton and the cost and availability of local housing.
- **Infrastructure Inventory** to assess local Capital Investment Programs and Public Facilities Plans to the buildable land inventories to produce a list of high priority infrastructure projects and investments that will help cities make land ready for housing development.
- **Buildable Land Inventory** to assist the city in locating developable land for future housing projects.
- **Opportunities and Constraints** based on a discussion with City staff to assess the city's overall infrastructure needs, as well as the specific infrastructure required to support development on identified parcels.

HOUSING SUPPLY INVENTORY

Oregon housing laws emphasize the need for comprehensive strategies to address rising housing costs, expand affordable housing, and support vulnerable populations. The Housing Supply Inventory examines demographic and housing profiles to understand the living situations for Warrenton residents and the availability and condition of local housing. The findings aim to identify barriers to housing choice and inform planning for context-sensitive housing type characteristics and the need to address fair housing issues and other community-specific housing concerns.

HOUSING AFFORDABILITY

Warrenton currently functions as a "buyer's market," where homes tend to stay on the market longer and sell for lower prices. Over the past year, home prices in Warrenton have decreased by about 3.7%, the highest drop in price among its peer cities. The comparison of peer cities is based on cities resembling Warrenton in terms of the scale, character, and housing market trajectory, but not geography. Warrenton's peer cities include Brookings, Hood River, Lincoln City, and Tillamook. In November 2024, the median home sold price in Warrenton was $515,000, making it the third most expensive market among its peer cities, following Hood River ($746,562) and Brookings ($532,500). Notably, about 27% of homeowners in Warrenton are cost burdened, the highest rate among peer cities.

Renters face slightly more severe housing cost challenges, with about 31% being considered cost burdened. While the cost burden is higher among renters than owners, it is significantly lower in Warrenton when compared to the rate of renter cost burden in peer cities. US Census data shows that 5.4% of Warrenton residents live in poverty, which equates to 336 individuals. This percentage is lower than the Clatsop County average of 10.2% and the lowest rate of poverty among Warrenton's peer cities.

Warrenton has 2,648 housing units. Of those units, 2,368 are occupied, while 280 are reported as vacant. According to the US Census, only 57 of the vacant units are available to rent or purchase. While less of a trend in Warrenton, coastal tourism can significantly impact these figures, as short-term rentals and seasonal housing reduce availability and affordability of local units.

Warrenton has a total of 1,467 owner-occupied housing units. Owner-occupied housing primarily consists of detached single-family units (1,164).

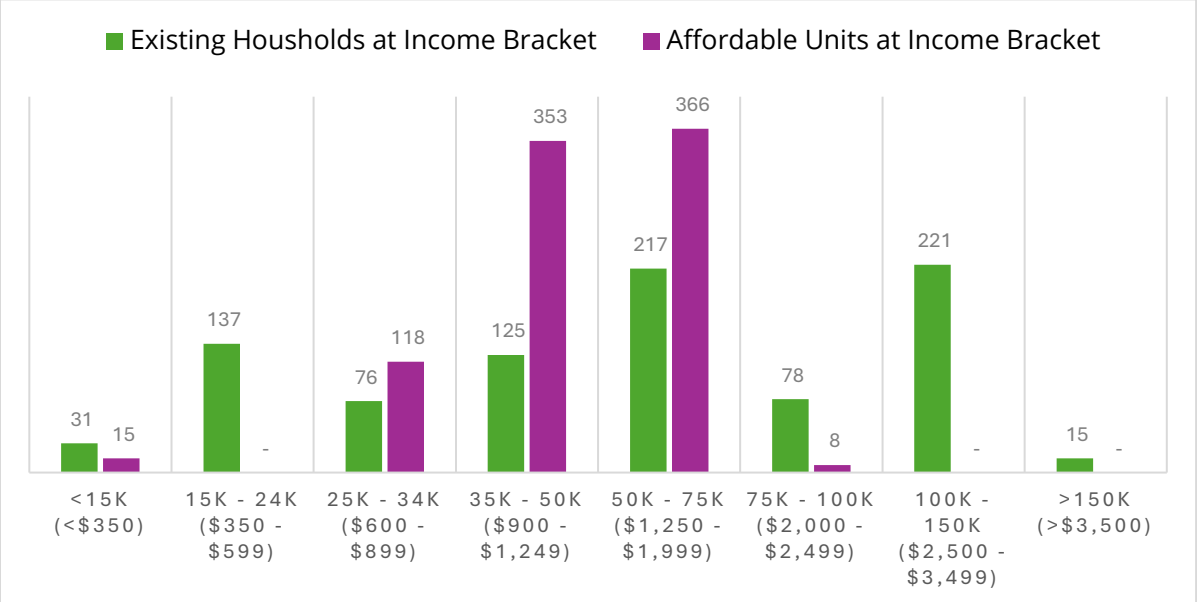
Warrenton Vacancy by Subcategory

	Vacant Units	Percentage
For rent	0	0.0%
Rented, not occupied	0	0.0%
For sale only	57	20.4%
Sold, not occupied	0	0.0%
For seasonal, recreational, or occasional use	143	51.1%
For migrant workers	0	0.0%
Other vacant	80	28.6%
Total	280	100%

There are 900 renter-occupied housing units in Warrenton. Renter-occupied housing is more evenly spread across different housing types when compared to owner-occupied housing, with renters mostly living in housing that consists of 2-9 units (410). Of those 410 units, 238 are considered middle housing (2-4 units). Renters also live in single family detached units (287) and housing that consists of 10 or more units (157). About half of renters across all income brackets struggle to afford their housing, often sacrificing other basic needs like food, healthcare, childcare, and transportation.

There is a surplus of rental units for households that earn between $25,000 and $75,000 annually. However, there is a need for more rental units for households earning less than $25,000 per year and above $75,000 annually. The lack of low and high-cost housing creates greater competition for moderately priced housing, resulting in families paying a higher percentage of their income on rent.

Warrenton Comparison of Rental Household Incomes with Occupied Units Affordable at Each Income Level



COMMUNITY-SPECIFIC HOUSING CONCERNS

Warrenton's housing trends reflect national patterns of economic inequity and racial disparities. White households, which make up about 80% of the population, own about 89% of the city's owner-occupied housing units. Hispanic or Latino residents comprise the second largest racial/ethnic group at 9.1%. Of the 154 Hispanic or Latino households (6.2% of all occupied housing units) 41.6% own their homes, while 58.4% rent.

According to the US Census, about 19% of Warrenton's population reported experiencing a disability, compared to the county rate of 19.5%.[1] This rate represents a substantial segment of the population. This prevalence underscores the importance of ensuring that community services, infrastructure, and policies promote inclusivity and accessibility to all individuals, regardless of their physical or cognitive functions.

According to point-in-time (PIT) reports for 2023, there were approximately 926 people experiencing houselessness in Clatsop County.[2] Clatsop County has one of the highest rates of houselessness per 1,000 residents reported in the state. The actual number of people experiencing houselessness throughout the year is likely higher due to the limitations of the PIT count.

[1] *Calculations based on U.S. Census ACS 2022 (5-year estimates) Table B18101 (Sex by Age by Disability Status)*

[2] *Portland State University Estimates: 2023 available for download at Oregon Statewide Homelessness Report 2023 (pdx.edu.)*

INFRASTRUCTURE INVENTORY

The infrastructure inventory draws information from Warrenton's Water System Master Plan (2018), Transportation System Plan (2019), Capital Improvement Program (2022), Wastewater Facility Plan (2002), and Stormwater Management Plan (2008).

The Water System Master Plan says that the city's water system faces capacity challenges, with existing water rights that may be insufficient by 2037. Plans to mitigate this issue include formal agreements with Gearhart, enhanced stream flow monitoring, and using existing reservoirs to manage peak demand. System upgrades such as integrating a supervisory control and data acquisition system to the Water Treatment Plant (WTP) and adding pressure reducing valve adjustments to the south reservoir are aimed at optimizing pressure and reducing booster station reliance.

The plan states that water storage is adequate for the next 20 years, though emergency backup power at the WTP needs expanded fuel capacity. Fire flow deficiencies will be addressed through major transmission upgrades, including upsizing lines along Ridge Road and Harbor Street, and replacing aging infrastructure. Long-term efforts include replacing 1% of the water distribution system annually and updating the Water Master Plan in 10 years after its publishing.

The Wastewater Facility Plan notes that the city's wastewater treatment plant is nearing capacity and requires significant upgrades to meet stricter effluent standards. The preferred solution of converting existing Sequencing Batch Reactors to membrane bioreactors offers high operational reliability and effluent quality, with a projected cost of $28.6 million. Planned developments, such as Fort Pointe, are projected to be supported by extended utility pipelines and a facility expansion approved in 2023.

The Stormwater Management Plan notes that stormwater infrastructure improvements are critical in Warrenton, focusing on aging systems, flood resilience, and pollutant management. Strategies within the plan include enhanced public education, maintenance of levees and culverts, updated development ordinances, and regional coordination.

Priorities in the city's Transportation System Plan emphasize safety, multimodal access, and connectivity. Goals include reducing congestion, enhancing transit with the Sunset Empire Transportation District, improving downtown access, and expanding pedestrian and bike infrastructure. These efforts align with broader objectives of economic vitality, environmental sustainability, and community livability.

The 2024–2029 Capital Improvement Program (CIP) emphasizes public safety, service delivery, environmental stewardship, and fiscal sustainability. It supports infrastructure resilience while guiding development and funding strategies to meet Warrenton's long-term growth and quality-of-life goals. A Key project in the CIP that is listed in the 2024-2025 schedule includes the creation of a pump station bypass program to connect a bypass pump to the sanitary sewer force mains.

BUILDABLE LAND INVENTORY

The Buildable Land Inventory (BLI) describes the methodology and results of the residential buildable lands in the City of Warrenton. The objective of the BLI is to determine the amount of developable land available for future housing within the Urban Growth Boundary (UGB).

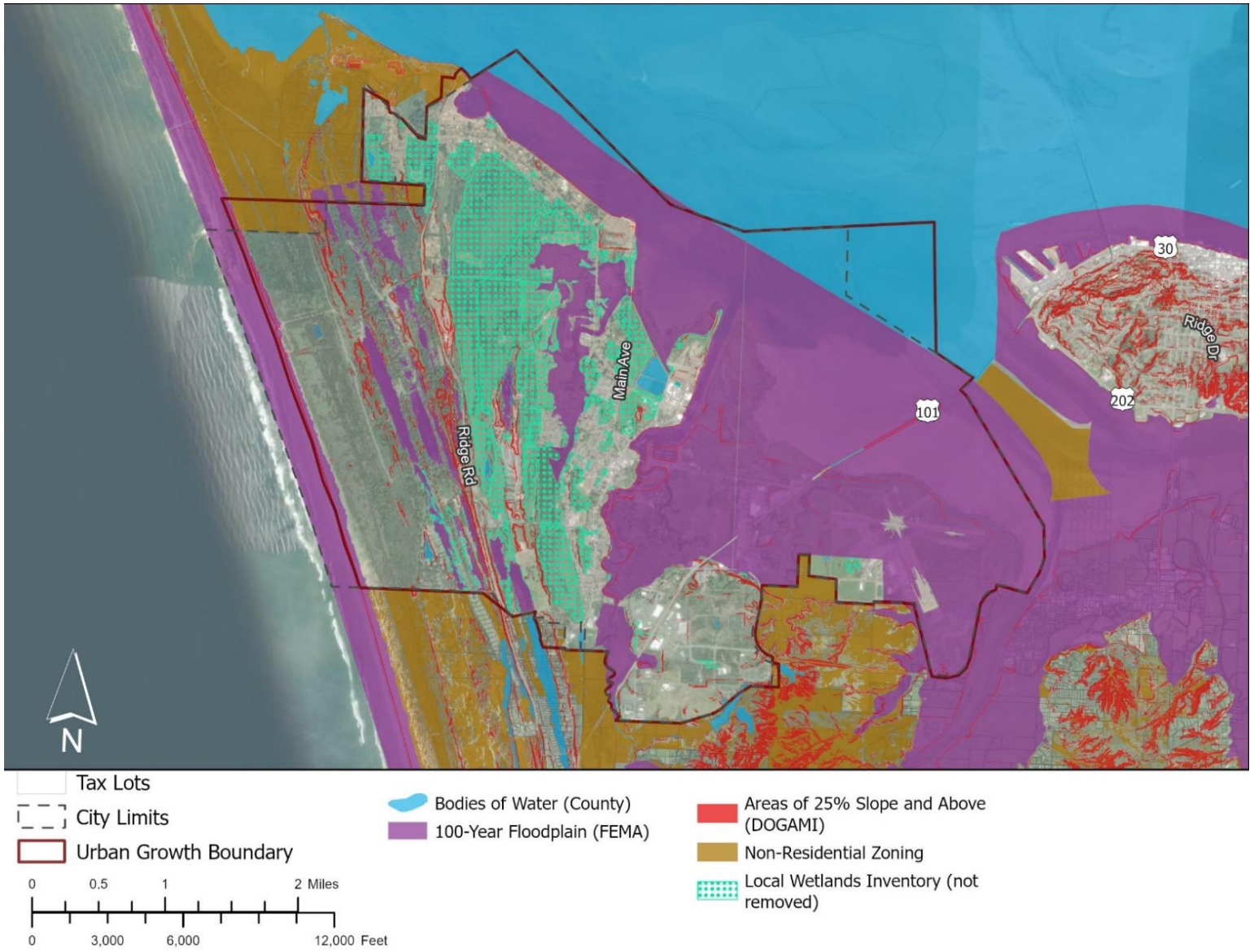
Warrenton is located between the mouth of the Columbia and the Pacific Ocean. The land along the Columbia is divided into three aquatic zones, all of which preclude future development. The Hammond Marina, located in northern Warrenton, contains a smaller commercial core and higher density housing. Fort Stevens State Park marks the western border of Warrenton. Highway 101 crosses through the city and makes up the southern area with large commercial and industrial sites. Downtown itself is centrally located with higher density housing radiating to lower residential densities. In total, the Warrenton UGB includes nearly 5,000 lots and 8,669 gross acres.

Almost 30% of the land inside the Warrenton UGB is zoned residential. There are 2,586 acres of residential land and 3,166 residentially zoned lots. Most of the city's residential land is zoned for lower densities. Three lower density zones, the R10 – Intermediate Density zone (26.5%), the RGM – R-10 Growth Management zone (22.1%), and the R40 – Low Density Residential zone (25.0%) make up 73.6% of the residential land base. Land zoned for mixed-use development (CMU – Mixed Use Commercial) makes up 2.1% of residential land in the UGB. Parcels zoned CMU are located along Main Street close to the commercial downtown core.

Warrenton is on flat land at lower elevations and highly affected by water hazards. Development within the city is hindered primarily by the 100-Year floodplain. Fort Stevens is located on the northern periphery of Warrenton. The area bounds the city with constraints including floodplains and steep slopes. The area's forest has since grown over the sand dunes, causing some topography to change but the slope to remain. It is contrasting to other cities where the slope mostly comes from the foothills of the Coast Range on the east side

The majority of the floodplain is found east of the state park. Around one quarter of all residential lands in Warrenton are constrained. Lots zoned R10 – Intermediate Density contain the most land and are also the most highly constrained, at 40%. The RGM – R-10 Growth Management zone includes larger vacant lots, and is the second most constrained (24%), followed by the R40 – Low Density Residential zone (17%).

Warrenton Constraints



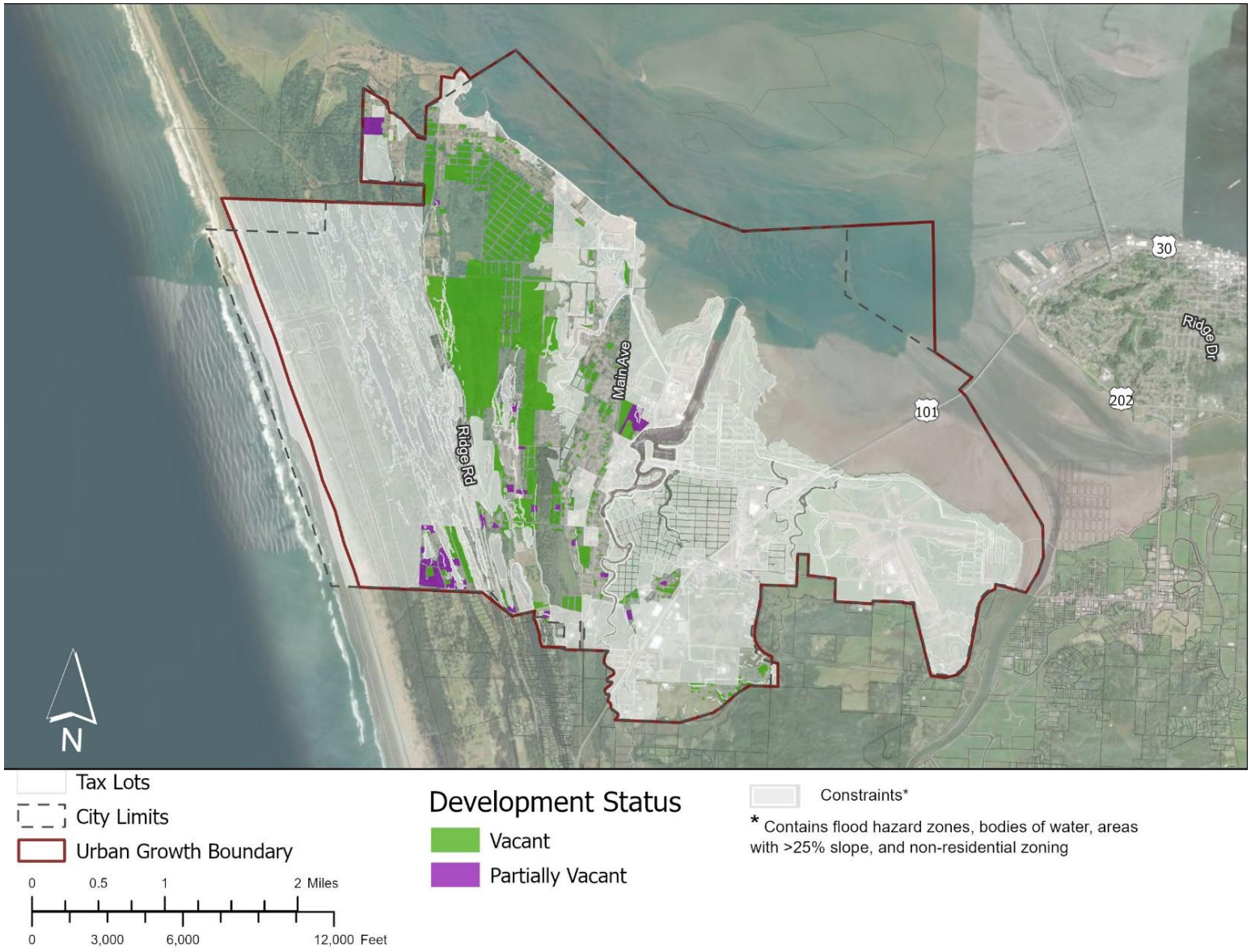
After subtracting constraints, there are a total of 880 acres of buildable land zoned for residential development in the Warrenton UGB, as shown in the table below. Around 93% of the buildable land is vacant. The RGM zone has the most buildable land with over 340 net buildable acres, making up approximately 39% of all net buildable vacant land. R40 also has a significant amount of net buildable land, with 304 acres (38%). There are 78 net buildable acres zoned R10. Most of the larger vacant sites are highly constrained.

Warrenton Residential Acres by Planning Designation

Plan Designation	Developed Land	Buildable Vacant	Constrained Vacant	Buildable Part Vacant	Total Buildable	Total
CMU - Mixed Use Commercial	40.0	12.8	0.0	0.6	13.5	53.5
RH - High Density Residential	223.1	54.0	3.6	12.8	66.8	293.6
RM - Medium Density Residential	287.5	43.2	3.9	-	43.2	334.6
R10 - Intermediate Density	605.7	62.3	2.0	15.9	78.2	686.0
RGM - R-10 Growth Management	189.3	339.9	40.3	2.8	342.7	572.3
R40 - Low Density Residential	289.5	303.8	20.9	32.2	336.0	646.3
Total	**1,635.1**	**816.0**	**70.7**	**64.3**	**880.4**	**2,586.2**

Source: Warrenton Buildable Land Inventory; 3J Consulting

Warrenton Development Status with Constraints



OPPORTUNITIES AND CONSTRAINTS

To establish a shared understanding of current on-the-ground conditions, the project team met with Warrenton City staff to review identified vacant and partially vacant lands. This analysis provides a clearer picture of Warrenton's actual development capacity and highlights some improvements that could unlock development potential in targeted areas.

Areas 1 and 2 are heavily constrained by both significant and non-significant local wetlands. Infill development could take place in these areas, although additional development may disrupt the wetlands. The City is currently maintaining these areas as a continuation of surrounding wetlands.

Commercial development is planned for the western portion of **Area 3**. The City is planning for large retail in the area. The City also hopes to see commercial development in **Area 4**.

Area 5 is owned by the Warrenton Fiber Company, which is interested in providing commercial development on the site. The City is interested in expanding the commercial corridor along Ensign Lane to Highway 101. Warrenton Fiber Company also owns **Area 6**, where a mini-storage facility is set to be developed and is currently going through a site design review process.

Area 7 is partly owned by Warrenton Middle School. This area currently does not have enough transportation access to support housing development.

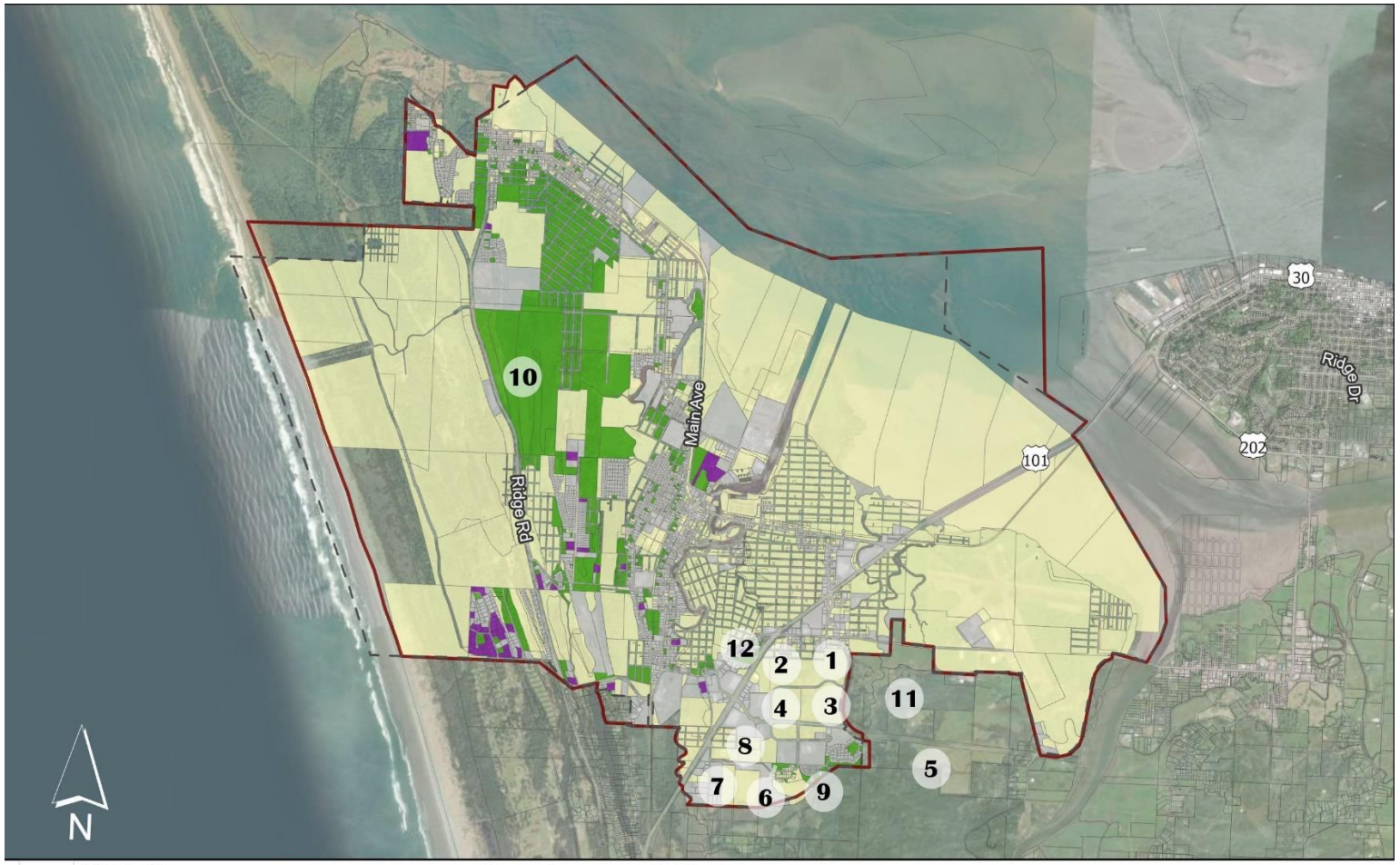
The Roosevelt Subdivision is located in **Area 8**. This subdivision is currently in phase 1 of development. The full build of the subdivision will not happen until the Wastewater Treatment Plant (WWTP) update is completed. A subdivision is also planned in **Area 9** and is currently in phase 2 of development.

Area 10 consists of the Fort Pointe housing development. 210 housing units are planned for the area, 40 of which will be single family housing units. Development is scheduled to occur over the next 10 years.

Area 11 is owned by the Warrenton Fiber Company and would be an ideal location for future housing development. While the owner has indicated interest in development, the city's WWTP will need to be updated before any housing is developed. This area is currently outside of the UGB and upon annexation will need an extension of city services. The area resides outside of the floodplain, has limited wetlands, and is outside of the tsunami inundation zone.

The Chelsea Gardens neighborhood is located in **Area 12**. This area is zoned for higher density and commercial mixed-use. It consists of a variety of small vacant lots that have different owners. While it is difficult to assemble lots for a larger housing development, this area has great potential for infill development. One pre application has recently been submitted for 13 to 26 townhomes.

Warrenton Development Status and Observations



HOUSING PRODUCTION TARGETS

The Oregon Housing Needs Analysis (OHNA) Methodology determines the housing need in each city that meets population threshold requirements. The table below displays Warrenton's 1-year annual housing production target and 20-year total housing production target. These totals are distributed across area median income (AMI) levels under both the 1-year and 20-year targets.

OHNA Housing Production Targets, Warrenton UGB

Results	Total	0-30%AMI	31-60% AMI	61-80% AMI	81-120% AMI	>120% AMI
1 year	94	38	23	8	12	13
20 year	1,276	427	297	117	194	241

Source: OHNA Methodology Report 2024, Pg 60

The City of Warrenton recently received a grant from the State of Oregon Department of Land Conservation and Development (DLCD) to update its development code to comply with and exceed housing-related statutes and facilitate housing production, affordability, and choice.

Amendments to the development code include allowing duplexes on all single-family detached lots in accordance with House Bill 2001. Other amendments include revisions to single-family housing (accessory dwelling units, manufactured homes) and the other middle housing types (tri/quadplex, townhomes, cottage clusters). Provisions for other middle-housing options are included for minimum compliance with state law and continuity with other residential code standards. These provisions will address and provide updates to accessory dwelling units (ADUs), tri/quadplexes, townhomes, and cottage clusters. Once the updated development code is adopted, Warrenton will be able to encourage and facilitate the development of new, and more affordable, housing options within the city.

Warrenton Housing Supply Inventory

April 2025

Introduction

The Clatsop County Housing Inventories project is a collaborative effort aimed at addressing key barriers to housing production across the county's five cities and unincorporated rural communities. Building on prior housing analysis work, this project lays the groundwork for Clatsop County's upcoming Housing Capacity Analysis in 2025, as required by the Oregon Housing Needs Analysis (OHNA). It focuses on refining buildable lands inventories (BLIs) and assessing infrastructure issues, following recommendations from the 2019 Housing Strategies Report. By providing a comprehensive set of shared data on land, buildings, and infrastructure needs, the project will support coordinated actions and investments to address housing challenges throughout Clatsop County.

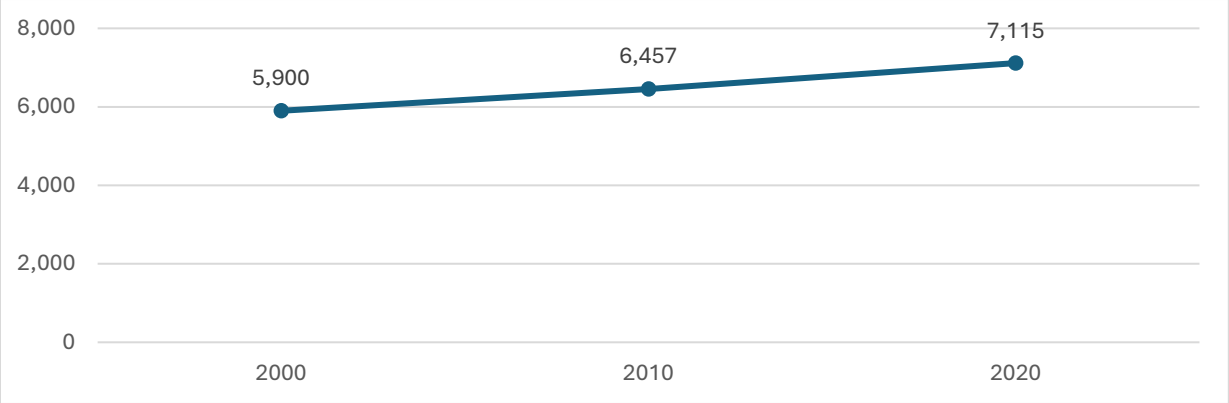
Oregon housing laws emphasize the need for comprehensive strategies to address rising housing costs, expand affordable housing, and support vulnerable populations. This housing assessment examines demographic and housing profiles to understand the living situations in Warrenton and the cost and availability of local housing. This assessment provides a data-driven evaluation of current housing supply, focusing on affordability and impacts on underserved populations. The goal is to identify barriers to housing choice, to inform regional planning efforts on housing types and the need to address fair housing concerns.

Contextualized Factors

Population

According to the US Decennial Census, Warrenton grew steadily in population by approximately 26% between 2000 and 2020. Figure 1 shows changes in Warrenton's population from 2000 to 2020.

Figure 1. Warrenton Population 2000, 2010, 2020



Sources: US Decennial Census reports for 2000, 2010, and 2020.

Similarly, the State of Oregon saw steady growth since 2000 with 24% increase overall. Clatsop County reported 4% growth overall, with a 7% decline in 2010 and an 11% rebound in 2020.

Portland State University (PSU) population projections for Clatsop County and the State of Oregon are expected to drop from the previously predicted annual growth rate and is expected to even out in coming years due to declining birth rates. Warrenton's population is expected to increase over the next 15 years. The PSU population forecast for Warrenton note a projected increase to 8,080 people by 2074.[1] Clatsop County is projected to reach 44,176 in population by 2074, an 8% increase from 2020, with the highest growth within the county predicted to be within Warrenton, Seaside, and Gearhart UGBs.

Demographic Trends Affecting Housing Demand

Table 1 depicts Warrenton's age cohorts as percentages of the total population. Approximately 32% of Warrenton are between 50 and 79 years of age and considered as a group beginning or at retirement age and 32% are under 24 years of age. Warrenton's population distribution currently aligns with that of Clatsop County. Most of the county are between 50 and 79 years old, with the highest population being those who are between 50 and 64 years old and considered preparing for retirement age and potentially downsizing or looking for ways to age-in-place on a fixed income. While aging populations should be considered in housing policy recommendations, this indicator does not suggest the need for additional age-specific policies in Warrenton, due to similar distributions within the surrounding county.

Table 1. Age Cohorts by Percentage of Total Population, Warrenton and Clatsop County

	Warrenton	Clatsop County
Under 5 years	4.9%	4.8%
5 to 17	18.4%	13.5%
18 to 24	8.2%	7.5%
25 to 34	15.7%	11.9%
35 to 49	16.9%	18.1%
50 to 64	14.0%	20.6%
65 to 79	18.4%	19.4%
80 and over	3.4%	4.2%

Source: Calculations based on US Census ACS 2022 (5-year estimates) Table B01001: Sex by Age.

[1] Final results published 2024 for Region 3: Northwest via https://www.pdx.edu/population-research/population-forecasts, as County and UGB tables and county-wide report, Coordinated Population Forecast 2024 through 2074, Clatsop County.

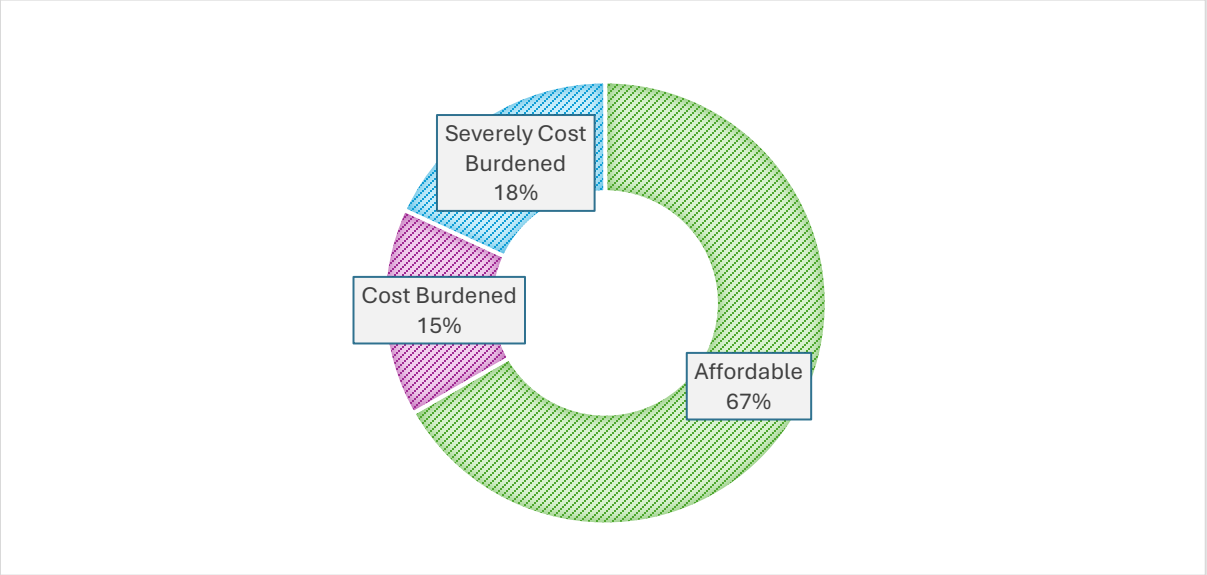
Housing Affordability

Affordability rates are shown in the figures below as the percentage of monthly income spent on housing costs. Housing affordability is defined as follows:

1. Affordable: Less than 30% of monthly income on housing costs
2. Cost Burdened: Spending >30% of monthly income on housing costs[2]
3. Severely Cost Burdened: Spending >50% of monthly income on housing costs

As shown below in Figure 2, 30% of Warrenton renters are paying more than 50% of their monthly income on rent. The Oregon Department of Land Conservation and Development (DLCD) considers cities where at least 25% of renter households spend more than 50% of their income on housing to be "severely rent-burdened" under Oregon's House Bill 4006 (2018) and for cities with populations over 10,000 they require these cities hold public meetings to discuss the causes of severe rent burdens, identify barriers to affordability, and explore potential solutions.[3]

Figure 2. Warrenton Renter Occupied Housing: Ratio of Cost to Income



Source: Calculations based on US Census ACS 2022 (5-year estimates) Table B25070 Gross Rent as a Percentage of Household Income for Renter-Occupied Units.

Figures 3 highlight the ratio of housing costs to income for owners and demonstrate that those in renter-occupied housing often spend more of their monthly income on housing costs and are more cost burdened than owner-occupied units.

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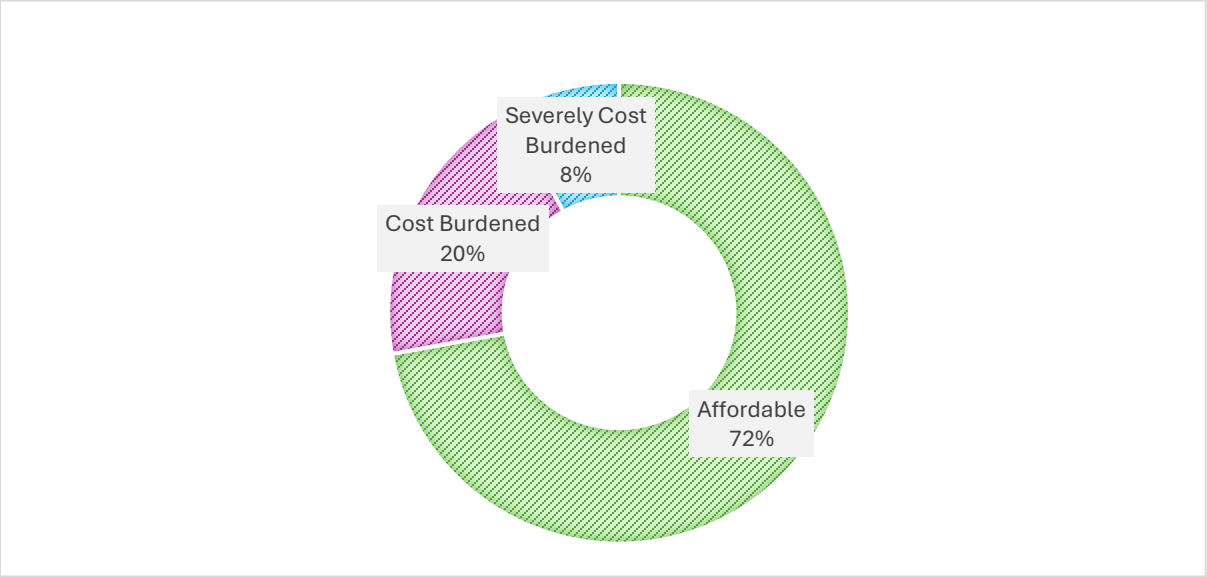
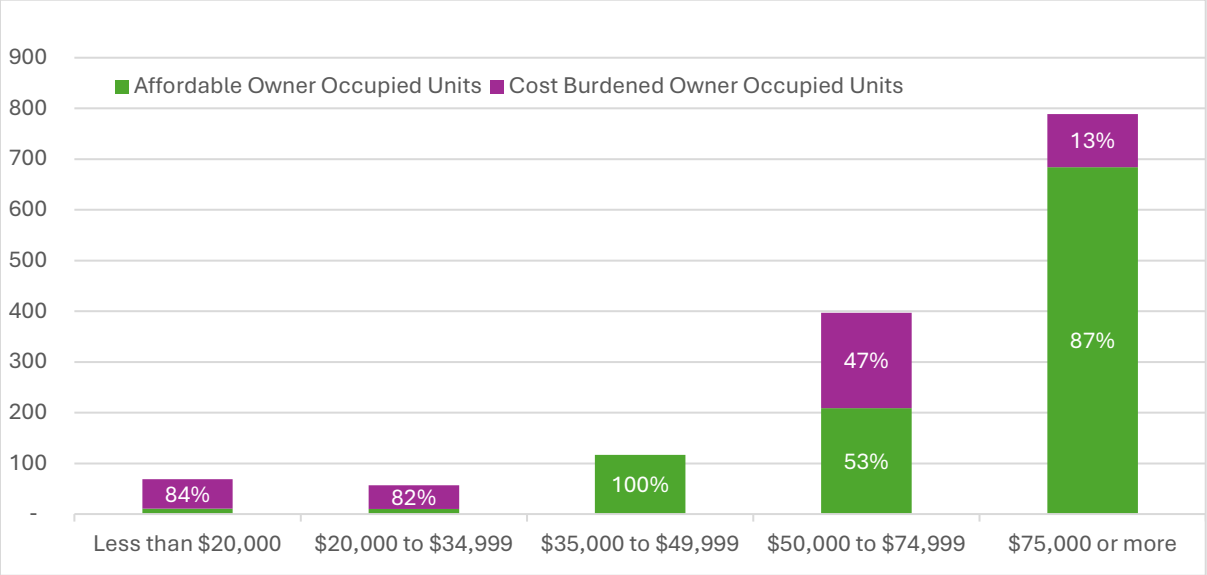
[2] U.S. Department of Housing and Urban Development (HUD), Definitions: Cost Burden
[3] Oregon DLCD, Required Housing Reporting

Figure 3: Warrenton Owner Occupied Housing: Ratio of Cost to Income



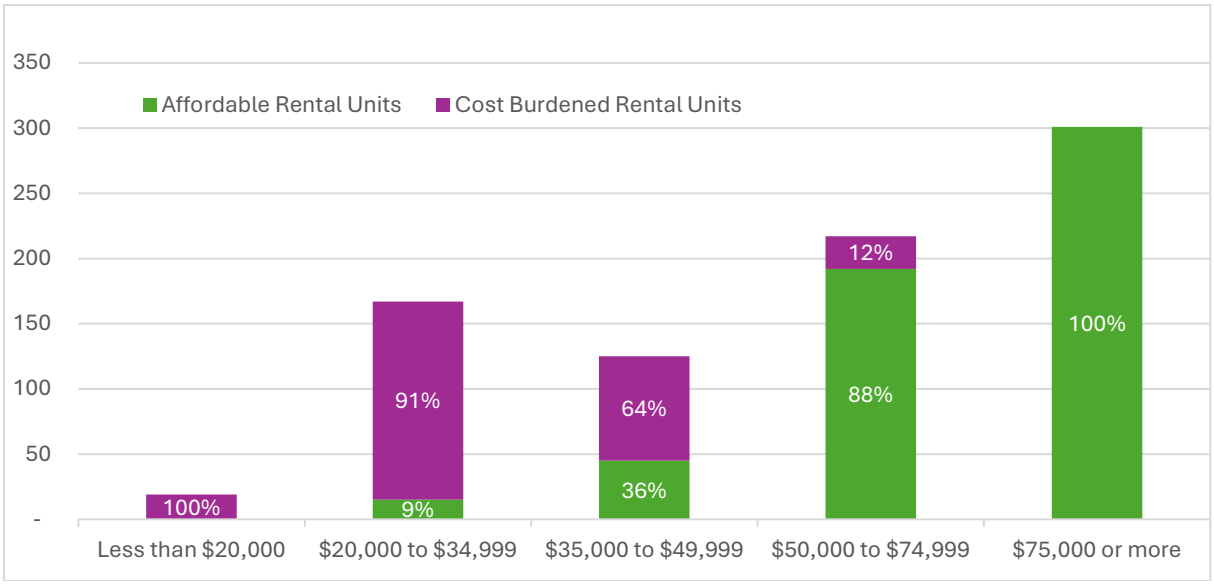
Source: Calculations based on US Census ACS 2022 (5-year estimates) Table B25091 Mortgage Status by Selected Monthly Owner Costs as a Percentage of Household Income for Owner-Occupied Housing Units.

Figure 4. Warrenton Owner Occupied Units by Income Bracket and the Percentage of Each Bracket Paying More than 30% in Housing Costs



Source: Calculations based on US Census, ACS 2022 (5-year estimates) Table B25106.

Figure 5. Warrenton Rental Units by Income Bracket and the Percentage of Each Bracket Paying More than 30% in Housing Costs



Source: Calculations based on US Census, ACS 2022 (5-year estimates) Table B25106.

Shown in Figure 4, homeowners earning less than $35,000 spend a greater percentage of income on housing costs. Of the homeowners in those income brackets, 83% spend 30% or more on housing. Some households may be stuck in a mortgage they can no longer afford due to a change in circumstances or have paid off their mortgage but are struggling to afford increasing property taxes on a fixed income, such as social security and/or pension. For all owner-occupied households with income levels above $50,000, 25% are spending over 30% of their monthly income on housing costs. Figure 5 shows that more renters earning below $50,000 annually spend 30% or more of their income on housing costs (81%). Census figures for severe cost burdened (paying over 50% in housing costs) are not currently available by income bracket.

An analysis of Warrenton's peer cities gives context to the city's metrics and data that would otherwise be difficult to evaluate. The comparison is based on resembling Warrenton in terms of the scale, character, and housing market trajectory, not geography. Housing markets vary between Warrenton's peer cities which include Brookings, Hood River, Lincoln City, and Tillamook. The housing market in Warrenton compares well to its peer cities when looking at median home price and the number of homeowners paying more than 30% of their income in housing costs, as shown in Table 2. [4]

[4] Peer cities based on list provided by Oregon Housing Needs Analysis Draft Methodology 2024, Pg 25.

Median home price and percentage change from the previous year are provided by Rocket Homes reports generated citywide and included below in Table 2. These reports categorize areas as:

1. Buyer's Market: homes tend to stay on the market longer and sell for lower prices.
2. Neutral Market: that homes stay on the market for a typical length of time and that overall prices are moderate for the region.
3. Seller's Market: homes typically sell faster and at higher prices.

The housing market in Warrenton compares well with its peer cities. Warrenton and Brookings are both considered a buyer's market. Warrenton has the third highest home price ($515,000), following Hood River ($746,562) Brookings ($532,500). In Warrenton, home prices have dropped by 3.7% over the past year, reflecting one of the largest declines among its peer cities. In contrast, Brookings saw a 4.2% increase in home price over the same period, indicating modest growth despite being a buyer's market. Similarly, Lincoln City operates as a buyer's market, with a 2.0% rise in home price over the past year.

Hood River and Tillamook stand out as seller's markets. Hood River has seen a 6.9% increase in home price over the past year, while Tillamook experienced the most dramatic growth, with an 11.2% rise in price in the past month. These trends suggest robust demand in these markets, driving up prices and reducing the time homes spend on the market.

Tillamook's recent price surge is the highest among the peer cities, followed by Hood River's increase. Warrenton's median home price ($515,000) falls in the mid-range when compared to its peer cities, located between Lincoln City ($510,000) and Brookings ($532,000) for home price. In contrast, Warrenton has the highest rate of cost burdened owners (27.1%) among its peer cities.

Table 2. Owner Housing Prices for Warrenton & Peer Cities

	Median Home Price	% Change to previous year	% Owners paying 30% or more on costs
Warrenton	$515,000	-3.7%	27.1%
Brookings	$532,500	4.2%	22.7%
Hood River	$746,562	6.9%	21.9%
Lincoln City	$510,000	2.0%	25.3%
Tillamook	$460,000	11.2%	26.5%

Source: Rocket Homes October 2024 Housing Market Reports; Calculations based on US Census ACS 2022 (5-year estimates) Table B25106: Tenure by Housing Cost as Percentage of Household Income in the Past 12 Months.

Renters across all peer cities face higher rates of cost burden compared to homeowners, as shown in Table 3. In Tillamook 56.7% of renter households are cost burdened, compared to 26.5% of homeowners. Warrenton has the lowest renter cost burden (30.7%) when compared

to its peer cities. Warrenton falls in the midrange of median rent cost ($1,199), best matching Lincoln City ($1,134) in rent cost.

Table 3. Renter Housing Prices for Warrenton & Peer Cities

	Median Rent	% Renters paying 30% or more on costs
Warrenton	$1,199	30.7%
Brookings	$1,288	37.5%
Hood River	$1,318	48.5%
Lincoln City	$1,134	51.9%
Tillamook	$1,081	56.7%

Source: Calculations based on US Census ACS 2022 (5-year estimates) Table B25106: Tenure by Housing Cost as Percentage of Household Income in the Past 12 Months; Table DP04 Selected Housing Characteristics.

Table 4 depicts the median incomes found in Warrenton and its peer cities and what 30% is for each community. The table also provides annual median rents for each city. Warrenton's median income falls in the midrange of the peer cities at $69,400, located between Tillamook ($57,604) and Brookings ($73,384) in income. Warrenton's annual median rent ($14,388) and median home price ($515,000) are also located in the midrange when compared to its peer cities.

Table 4. Income and Housing Cost in Warrenton & Peer Cities

	Median Income	30% of Median Income	Annual Median Rent
Warrenton	$69,400	$20,820	$14,388
Brookings	$73,384	$22,015	$15,456
Hood River	$77,975	$23,393	$15,816
Lincoln City	$56,322	$16,897	$13,608
Tillamook	$57,604	$17,281	$12,972

Source: Rocket Homes October 2024 Housing Market Reports; Calculations based on US Census ACS 2022 (5-year estimates) Table DP04 Selected Housing Characteristics; Table S1903 Median Incomes in the Past 12 Months

Housing Needs for Cost Burdened Households

Income Levels

The Census defines the Federal Poverty Level (FPL) as a set of income thresholds that vary by family size. The 2022 federal poverty level for a single person was $13,590.[5] According to the most recent US Census data on poverty, 5.4% of Warrenton's population lives in poverty which equates to approximately 336 individuals. This percentage is about half of the county average (10.2%) and peer cities, Lincoln City (11.9%) and Tillamook (10.8%).[6] Bookings (6.5%) also has

[5] FPL Calculator (Federal Poverty Level) 2022.

[6] *Calculations based upon US Census, ACS 2022 (5-year estimates) Table C17002 (Ratio of Income to Poverty Level in the Past 12 Months)*

the second lowest rate of those living at poverty level among the peer cities, followed by Hood River (9.7%).

Warrenton also has a lower percentage (16.2%) of those living just above the identified poverty level, between the FPL and twice the FPL, when compared to Clatsop County (19.3%). Approximately 78% of households are living at twice the FPL in Warrenton. This is slightly higher than Clatsop County (70.4%).

Available Housing Stock

Warrenton has a total of 2,648 housing units of those units, 2,368 are occupied, while 280 (10.6%) of those units are reported as vacant. Table 5 breaks down vacancy status in Warrenton. The US Censes organizes 'vacancy status' into different subcategories, with the largest group of vacant housing in Warrenton being housing that is used for seasonal, recreational, or occasional use (143 units).[7] Of the total vacant units, 80 units are considered 'other vacant' meaning that the owner is currently making repairs or renovations, does not want to rent or sell, is using the unit for storage, or is elderly and living in a nursing home or with family members.[8]

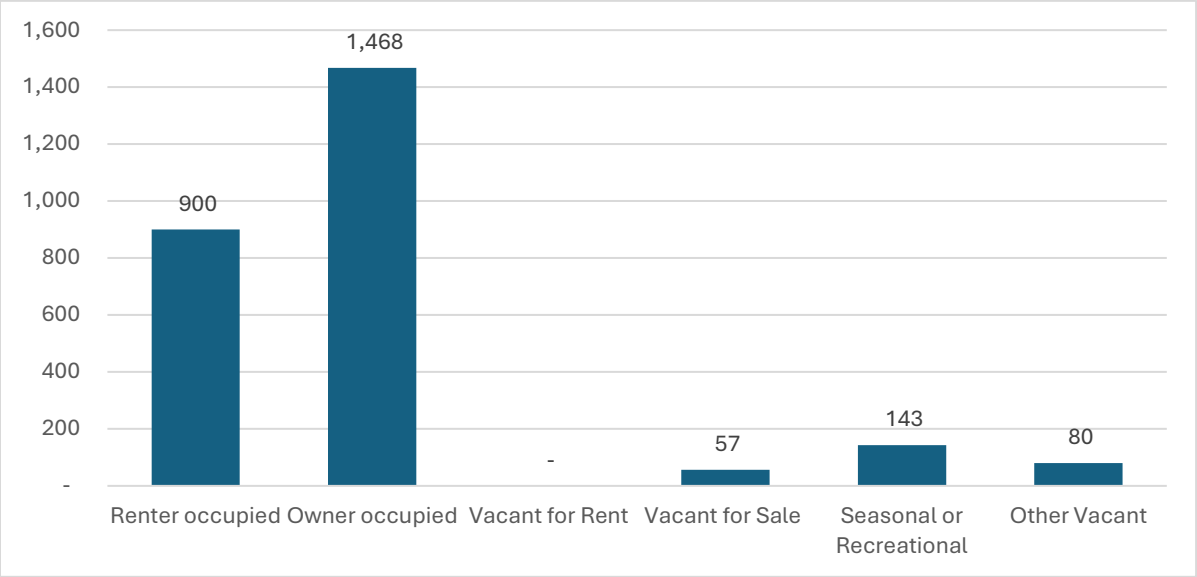
Table 5. Warrenton Vacancy by Subcategory

	Vacant Units	Percentage
For rent	0	0.0%
Rented, not occupied	0	0.0%
For sale only	57	20.4%
Sold, not occupied	0	0.0%
For seasonal, recreational, or occasional use	143	51.1%
For migrant workers	0	0.0%
Other vacant	80	28.6%
Total	280	100%

Source: US Census, ACS 2022 (5-year estimates), Table B25136 (Vacancy Status by Units in Structure.

[7] US Census, ACS 2022 (5-year estimates), Table B25136 (Vacancy Status by Units in Structure)
[8] US Census, Housing Characteristics, 2020 Census Briefs

Figure 6. Housing Units by Tenure and Occupancy Status

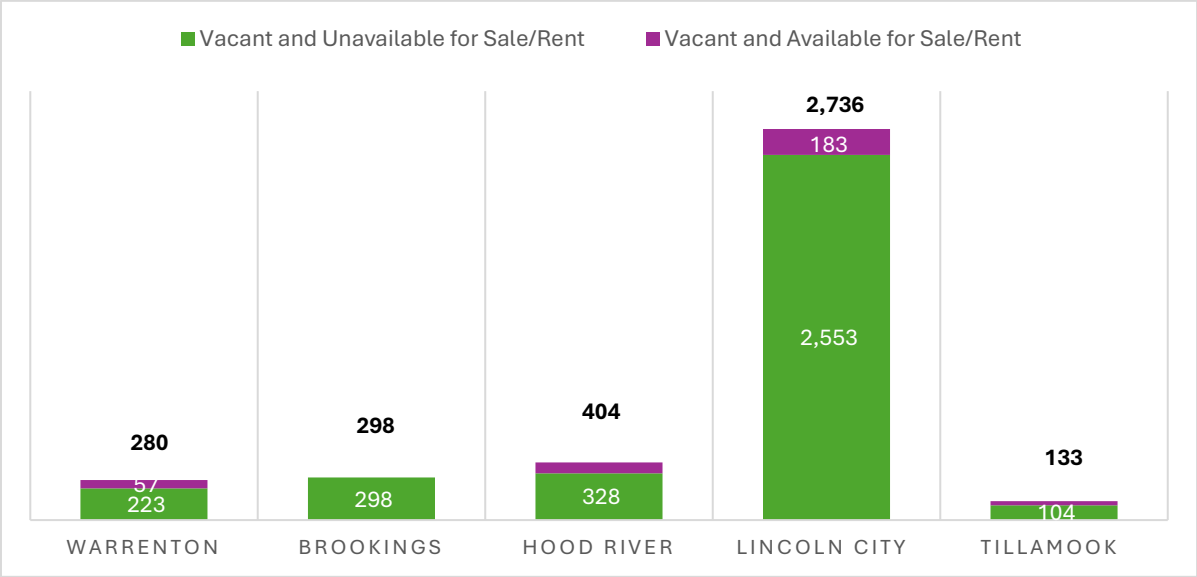


Source: US Census ACS 2022 (5-year estimates) Tables B25004 and B25136.

Figure 6 above illustrates the total number of housing units (2,648) in Warrenton by tenure and occupancy status. Figure 7 below depicts the total amount of housing units in each peer city in the bolded number above each column, along with the total units that are categorized as available for rent and for sale but vacant (purple), and units that are vacant but unavailable (green). This illustrates the true amount of vacant housing stock available.

Vacancy rates and housing availability reveal important differences among Warrenton's peer cities, highlighting varying pressures on housing markets. Of all the peer cities included in this analysis, Tillamook contains the highest percentage of housing that is vacant, but available to rent or buy (21.8%). Warrenton closely follows Tillamook in housing that is vacant but available (20.4%). Hood River (18.8%) falls in the midrange of housing that is vacant but available, while Lincoln City (6.7%) and Brookings (0.0%) have the lowest percentages. These trends could be attributed to the tourism industries found in each coastal city and the need for short-term rental housing. Seasonal-use housing growth in cities like Warrenton, Brookings, and Lincoln City impact affordability as it removes units from the market. Table 6 below lists occupied and vacant units by housing type.

Figure 7. Warrenton & Peer Cities Vacant Units



Source: Calculations based on US Census, ACS 2022 (5-year estimates) Table B25004 Vacancy Status.

Owner-Occupied Housing

Warrenton has a total of 1,467 owner-occupied housing units. Shown in table 6, most owner-occupied housing consists of detached single-family units (1,164). Following single-family, owners occupy mobile homes (142), townhomes (105), and housing that consists of 2-9 units (57).

Renter-Occupied Housing

There are 900 renter-occupied housing units in Warrenton. Renter-occupied housing is more evenly spread across different housing types when compared to owner-occupied housing, with renters mostly living in housing that consists of 2-9 units (410). Of those 410 units, 238 of those units are considered middle housing (2-4 units). Renters also live in single family detached units (287) and housing that consists of 10 or more units (157). Some renters occupy townhomes (37 units) and mobile homes (9 units) as well. Data listed above demonstrate that approximately one third of these renters are financially strained by their housing expenses, which can limit their ability to afford other necessities such as food, healthcare, and transportation. Low vacancy rates means greater competition for housing.

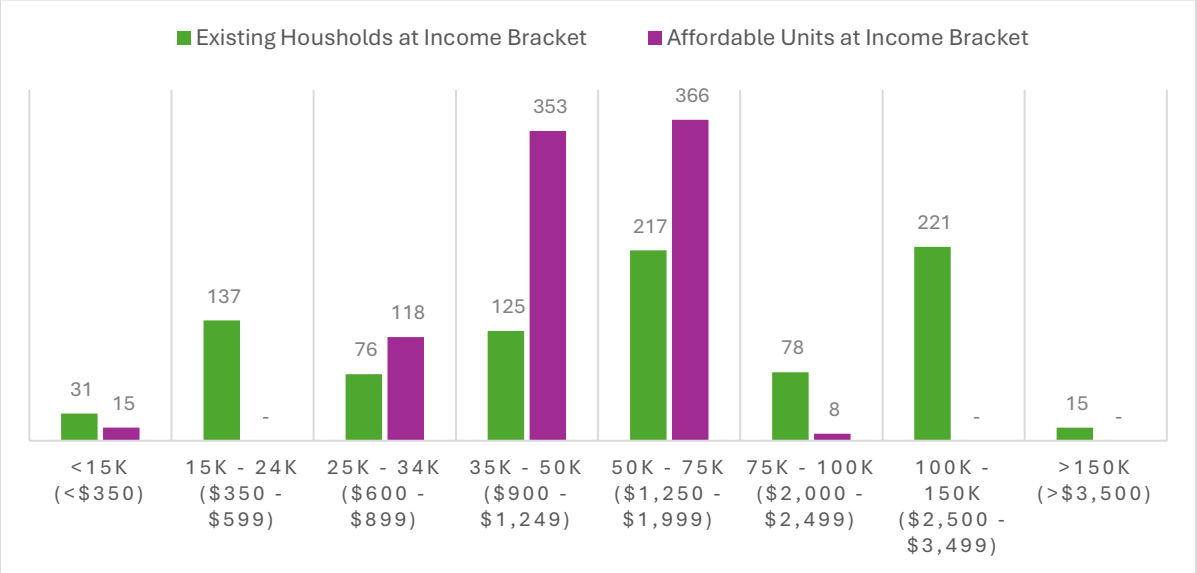
Table 6. Warrenton Housing Type by Tenure

	Occupied Housing Units			Vacant Housing Units	Total Units
	Owner	Renter	Total Occupied	Total Vacant	Total Units
Single Family	1,164	287	**1,451**	**280**	**1,731**
Townhome	105	37	**142**	**0**	**142**
2 to 9 Units	57	410	**467**	**0**	**467**
10 or More Units	0	157	**157**	**0**	**157**
Mobile Home	142	9	**151**	**0**	**151**
Total	**1,468**	**900**	**2,368**	**280**	**2,648**

Source: Calculations based on US Census, ACS 2022 (5-year estimates) Table B25032 Tenure by Units in Structure and B25136

Figure 8 shows the rental units that are available in Warrenton at each household income level. It also shows the range of monthly rent that would be affordable at those income brackets in the parentheses below. There is a surplus of rental units for households that earn between $25,000 and $75,000 annually. However, there is a need for more rental units for households earning less than $25,000 per year and above $75,000 annually. The lack of appropriately priced housing options creates greater competition for housing affordable to other income brackets and results in households paying more of their income than is sustainable on housing costs each month or choosing housing based on a lack of preferable options.

Figure 8. Warrenton Comparison of Rental Household Incomes with Occupied Units Affordable at Each Income Level



Source: Calculations based on US Census, ACS 2022 (5-year estimates) Tables B25118 Tenure by Household Income in the Past 12 Months (In 2022 Inflation Adjusted Dollars) and B25063 Gross Rent for Renter-Occupied Housing Units.

Implications

Market rate housing is essentially unaffordable for households in the lowest income segments of the population, demonstrated in Figure 8. While earning income, these households are particularly vulnerable to financial instability and may require assistance through social programs or affordable housing initiatives. Some initiatives to consider could include the development of income restricted housing and increased access to housing accepting voucher programs.

Such a high percentage of renters spending 30% or more of their income on housing highlights a major affordability issue. Renters are at a higher risk of housing insecurity and may be more susceptible to eviction and/or experiencing houselessness if their financial situation changes. The city may consider pursuing methods to support this segment of the community, such as collaborating with county programs aimed at eviction prevention or enacting strategies to mitigate impacts on naturally occurring affordable rent housing in the face of new development.

While the situation is somewhat better for homeowners, it still points to affordability challenges. Homeowners who are at lower income levels might be at risk of foreclosure. Seniors may be priced out of aging in place or may have limited disposable income for other important needs. High property taxes on a fixed income, such as a pension or social security may also contribute to financial pressure among other factors.

The data underscore the importance of addressing housing affordability. The number of both renters and homeowners experiencing housing cost burdens suggests that there is a need for comprehensive strategies to improve housing affordability. Ensuring that more residents can afford their housing costs is crucial for the overall economic health and stability of the community. Strategies the city could consider involve increasing the supply of affordable housing across all income brackets, given the current disconnect between the number of households at each income bracket and the supply of housing units that would be deemed affordable at that income bracket. Providing rental assistance and implementing policies to support low-income households are strategies the city could also investigate.

Housing Needs of People of Color

Table 7 shows Warrenton's population by race. Most of Warrenton's population identifies as White (79.7%), while the second largest population identifies as Hispanic or Latino (9.1%).[9] Table 8 shows that about 89% of homeowners identify as White.

[9] Tenure by Race of Householder is not easily accessible within annual ACS estimates and Decennial Census data is utilized in the tables below.

Table 7. Warrenton Population by Race

	Population Count	Percentage
White alone	5,002	79.7%
Black/ African American alone	37	0.6%
American Indian/Alaska Native alone	62	1.0%
Asian alone	100	1.6%
Native Hawaiian/ Pacific Islander alone	22	0.4%
Some Other Race alone	41	0.7%
Two or More Races	442	7.0%
Hispanic or Latino	571	9.1%
Total	6,277	100.0%

Source: US Decennial Census 2020 Table P9 (Hispanic or Latino and Non-Hispanic or Latino by Race).

Table 8. Warrenton Homeownership Rates by Race

Householders	Owner Occupied Units	Renter Occupied Units	Total by Race	% Owner Occupied	% Renter Occupied	% Owner Occupied Housing by Race	% Occupied Housing by Race
White alone	1,297	850	2,147	60.4%	39.6%	88.5%	86.0%
Black/ African American alone	5	10	15	33.3%	66.7%	0.3%	0.6%
American Indian/Alaska Native alone	12	11	23	52.2%	47.8%	0.8%	0.9%
Asian alone	25	13	38	65.8%	34.2%	1.7%	1.5%
Native Hawaiian/ Pacific Islander alone	2	5	7	28.6%	71.4%	0.1%	0.3%
Some Other Race alone	28	38	66	42.4%	57.6%	1.9%	2.6%
Two or More Races	97	104	201	48.3%	51.7%	6.6%	8.0%
Total Households	**1,466**	**1,031**	**2,497**				

Source: US Decennial Census 2020 Table H10 (Tenure by Race of Householder).

The total households listed above includes 154 households that identify as Hispanic or Latino (6.2% of all occupied housing units) and 41.6% are homeowners, while 58.4% rent, which is reported separately in the US Decennial Census tables and not reported by the ACS.[10]

Findings: Table 8 demonstrates varying homeownership rates among different racial groups. Most White households own their homes. They are also one of the only groups whose share of owner-occupied housing is higher than their share of occupied housing in total. White families make up 79.7% of the Warrenton population. They make up 86.0% of all occupied housing units in Warrenton but make up 88.5% of all owner-occupied units. The only other group with a share of owner-occupied housing higher than their share of total occupied housing is those who identify as Asian (1.7% owner occupied).

Historical Context and Correlation between Race and Housing

Historically, discriminatory practices like redlining and biased mortgage lending have systematically excluded minority groups from homeownership. Redlining involved denying loans or insurance to entire neighborhoods based on racial composition, while discriminatory lending practices have often led to minorities being offered less favorable loan terms.

These practices have long-term impacts, preventing minority families from building equity and wealth through homeownership, which in turn affects their economic stability and ability to afford housing in the future.

The historical exclusion from homeownership has a direct correlation with current housing affordability issues faced by minority populations. Those without generational wealth or with lower incomes are more likely to be renters and to spend a higher proportion of their income on housing, as evidenced by the high-cost burden among renters. Lower homeownership rates suggest that ongoing disparities in access to housing opportunities still exist.

Implications

Warrenton's housing market reflects broader national trends where economic hardship and racial disparities intersect. Addressing these issues requires comprehensive strategies, including policy reforms to promote affordable housing, initiatives to combat discrimination in lending practices and increase awareness of Fair Housing Rules, and programs aimed at supporting minority homeownership. This could involve engagement centered on lending practices and credit, programs that provide down payment assistance, and encouraging the reporting of housing discrimination to allow for the enforcing fair housing laws to ensure equitable treatment for all residents. Activities can connect property managers, members of protected

[10] *U. S. Decennial Census 2020, Table H11 (Tenure by Hispanic or Latino).*

classes likely to experience housing inequities, faith leaders, social service agencies, owners of culturally relevant businesses, and employers who have a large share of BIPOC employees or people with disabilities.[11]

Housing Need of People with Disabilities

Disability types relevant to housing need include:

- Ambulatory Difficulties: Challenges related to walking or moving around.
- Cognitive Difficulties: Issues with mental processes such as memory, problem-solving, or concentrating.
- Hearing Difficulties: Problems with hearing, which may range from partial to total hearing loss.

About 19% of Warrenton's population reported experiencing a disability, compared to the county rate of 20%.[12] This prevalence underscores the importance of ensuring that community services, infrastructure, and policies promote inclusivity and accessibility to all individuals, regardless of their physical or cognitive functions.

Implications

Given the high percentage of people with ambulatory and other disabilities, there is a critical need for accessible housing. This includes features like ramps, wider doorways, modified bathrooms, and ground-floor units to accommodate mobility issues.

Promoting universal design principles in new housing developments can help ensure that homes are accessible to people of all abilities, enhancing independence and quality of life for residents with disabilities. People living with disabilities might have a greater need to be near doctors and services, making the choice of neighborhood especially important.

The data on disability prevalence in Warrenton highlights the need for comprehensive strategies to support individuals with disabilities. By addressing housing accessibility, enhancing support services, and promoting inclusive and fair policies, Warrenton can work towards becoming a more inclusive and equitable community for all residents. This requires coordinated efforts from local jurisdictions, community organizations, and residents to ensure that the needs of people with disabilities are met and that they can fully participate in all aspects of community life.

[11] Standing At The Intersection of Fair Housing and Oregon Goal 10 Housing, March 2024.
[12] Calculations based on US Census ACS 2022 (5-year estimates) Table B18101 (Sex by Age by Disability Status).

Housing Need of People Experiencing Houselessness

According to point-in-time (PIT) reports for 2023, there were approximately 926 people experiencing houselessness in Clatsop County.[13] Clatsop County has one of the highest rates of homelessness per 1,000 residents reported in the state. To fully understand the implications of the data, it's essential to explain what a PIT count is, its limitations, and what these findings mean for the community.

Understanding Point-in-Time (PIT) Counts

A Point-in-Time (PIT) count is a survey conducted to measure the number of people experiencing houselessness on a single night in January. This count is mandated by the US Department of Housing and Urban Development (HUD) and is typically carried out by local Continuums of Care (CoCs), which are regional planning bodies that coordinate housing and services funding for homeless families and individuals.

The PIT count aims to provide a snapshot of houselessness in the county, capturing both sheltered (those in emergency shelters or transitional housing) and unsheltered (those sleeping in places not meant for human habitation, such as streets, cars, or abandoned buildings) populations.

Since the PIT count is conducted on a single night, it may not capture the true scale of houselessness over time, missing those who are temporarily housed or not visible during the count. Certain populations, such as youth, families, and individuals who are couch-surfing or living in hidden locations, are often underrepresented. People may also avoid being counted due to stigma or fear of authorities. Weather conditions on the night of the count can significantly impact the results. For instance, extreme cold might drive more people to shelters, while milder weather might see more people staying outdoors.

Implications

While the PIT count has limitations and may underrepresent the true extent of houselessness, it provides a valuable snapshot that can inform policy, resource allocation, and community action. These figures indicate a significant houselessness issue within Clatsop County, necessitating attention, intervention, and collaboration between local authorities, social service agencies, and the community, including larger cities in the county, like Warrenton. The actual number of people experiencing houselessness throughout the year is likely higher due to the limitations of the PIT count. To effectively address houselessness, a multifaceted approach is needed, focusing on expanding housing options, enhancing support services, and fostering collaboration through

[13] Portland State University Estimates: 2023 available for download at *Oregon Statewide Homelessness Report 2023 (pdx.edu.)*.

coordination with the county, and among housing partners such as the Clatsop County Regional Housing Task Force, Clatsop Community Action, Northwest Oregon Housing Authority, Clatsop Behavioral Health, Helping Hands Navigation Center, and Iron Tribe Network.

The data underscores the need for more emergency shelters, transitional housing, and permanent supportive housing to accommodate and support those experiencing houselessness. Beyond housing, there is a need for comprehensive services, including mental health care, substance abuse treatment, job training, and case management, to address the root causes of houselessness and support individuals in transitioning to stable housing.

Next Steps

The Oregon Housing Needs Analysis Methodology determines the housing need in each city that meets population threshold requirements. Table 9 displays Warrenton's 1-year annual housing production target and 20-year total housing production target. These totals are distributed across area median income (AMI) levels under both the 1-year and 20-year targets.[14] These projections will be used as a basis for Warrenton's Housing Capacity Analysis and Housing Production Strategy.

Table 9. Warrenton UGB OHNA Housing Production Targets

Results	Total	0-30%AMI	31-60% AMI	61-80% AMI	81-120% AMI	>120% AMI
1 year	94	38	23	8	12	13
20 year	1,276	427	297	117	194	241

Source: OHNA Methodology Report 2024, Pg 60.

The data from this summary will be included in a final report along with information from the City's Buildable Lands Inventory and Housing Readiness Infrastructure Summary. The report will be shared with the Regional Housing Task Force, Warrenton's Planning Commission, and the public to review and discuss the compiled findings. Ultimately, the report will serve as a foundation for Warrenton's future housing plans. By offering contextualized insights, this strategy will help shape actionable measures to ensure Warrenton can meet housing demands for its projected population.

[14] HUD sets annual AMI/MFI by region and family size for federal housing program eligibility. Clatsop County AMI for a family of four was $92,300 in 2024, making 80% AMI $73,850, via HUD portal. FY 2024 Income Limits Documentation System -- Summary for Clatsop County, Oregon.

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TECHNICAL MEMORANDUM

To: City of Warrenton

From: Julia Reisemann, Ian Maher, and Steve Faust, 3J Consulting

Date: April 30th, 2024

Project: **Clatsop County Housing Inventory**
Project No: **24922.30 Clatsop County Housing Inventory**
RE: **Methodology for the Warrenton Buildable Lands Inventory**

Introduction

This memorandum describes the methodology and results of the residential Buildable Lands Inventory (BLI) for the City of Warrenton. This analysis supports the Clatsop County Housing Inventories project. The BLI analysis uses the most current Geographic Information Systems (GIS) data available for the City of Warrenton. This project is funded by Oregon general fund dollars through the Department of Land Conservation and Development. The contents of this document do not necessarily reflect the views or policies of the State of Oregon.

Regulatory Basis

This inventory is consistent with Oregon's statewide requirements for Goal 10 and its administrative rule (OAR 660-008). In accordance with OAR 660-008-0005 (2), an estimate of residential buildable lands within Warrenton's Urban Growth Boundary (UGB) has been conducted to determine the supply of land available to meet housing needs.

Buildable Lands Inventory Methodology

The objective of the BLI is to determine the amount of developable land available for future housing within the UGB. The steps taken to perform this analysis are as follows:

1. Generate a residential land base using zoning and comprehensive plan designations.
2. Classify land into categories identifying their development status. Separate lands if they can be developed ("Vacant" and "Partially Vacant") or not ("Developed" and "Other").
3. Identify and calculate constraints that reduce the gross buildable acres of future development.
4. Inventory results and accounting for needed public facilities.

Step1: Generate Residential Land Base

The residential land base reflects Warrenton's current zoning categories. City of Warrenton staff reviewed the categories. The inventory is part of a housing study done for all of Clatsop County.

Properties within the residential land base include the following base zone classifications (see Figure 1):

- CMU - Mixed Use Commercial
- RH - High Density Residential
- RM - Medium Density Residential
- R10 - Intermediate Density Residential
- RGM - R-10 Growth Management Zone
- R40 - Low Density Residential

The classifications have been kept consistent throughout the analysis. The city does have multiple overlay zones that could not be included within the GIS analysis. City staff were encouraged to remove individual sites during the review process. Overlay zones in the City's municipal code include:

- Flood Hazards Overlay
- Soils Hazard Overlay
- Beaches and Dunes Overlay
- Dredged Material Disposal Site Overlay
- Airport Operations Overlay
- Mitigation Site Protection Overlay
- Neighborhood Master Plan Overlays

Warrenton is located between the mouth of the Columbia and the Pacific Ocean (see Figure 1). The land along the Columbia is divided into three aquatic zones, all of which preclude future development. The land has no potential for future residential development. Hammond Marina is to the north with a smaller commercial core and higher density housing. Fort Stevens State Park marks the western border of Warrenton. Highway 101 crosses through the city and makes up the southern area with large commercial and industrial sites. Downtown itself is centrally located with higher density housing radiating to lower residential densities. In total, the UGB of Warrenton includes almost 5,000 lots with 8,669 gross acres.

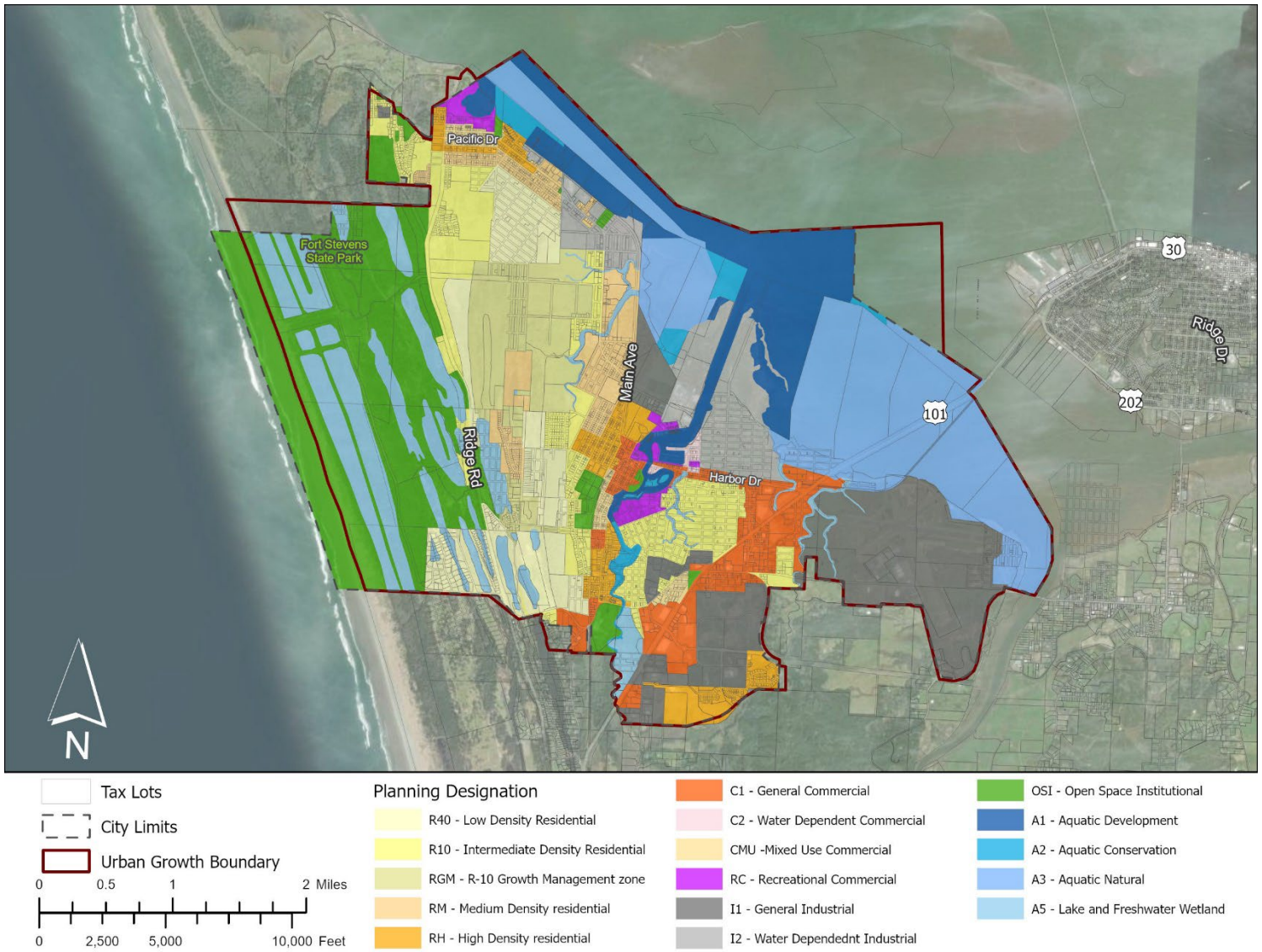
Almost 30% of the land inside the UGB is zoned residential. Table 1 shows an acreage of 2,586 acres for residential land and 3,166 residentially zoned lots. Most of the city's residential land is made up of lower residential densities. Three lower density zones, R10 – Intermediate Density (26.5%), RGM-R-10 – Growth Management Zone (22.1%), and R40 – Low Density Residential (25.0%) total up to 73.6% of the residential land base in the UGB. There is some land zoned for mixed-use development (CMU – Mixed Use Commercial) making up only 2.1% of residential land. CMU Commercial is located along Main Street close to the commercial downtown core.

Table 1 Gross Acreage by Designated Residential Plan Category

Plan Designation	Number of Tax Lots	Gross Acres	Percent of Acres
CMU - Mixed Use Commercial	284	53	2.1%
RH - High Density Residential	710	294	11.4%
RM - Medium Density Residential	801	335	12.9%
R10 - Intermediate Density	911	686	26.5%
RGM - R-10 Growth Management	121	572	22.1%
R40 - Low Density Residential	339	646	25.0%
Total	**3,166**	**2,586**	**100%**

Source: Warrenton Buildable Land Inventory; 3J Consulting

Figure 1: Warrenton Zoning and Comprehensive Plan Designations



Step 2: Classify Lands

The next step in this BLI analysis includes classifying each tax lot (parcel) into one of the categories described below.

Vacant land: Properties with no structures or have buildings with very little value. For this BLI, residential lands with an improvement value of less than $10,000 and a size of at least 3,000 square feet (sf) are considered vacant. These lands are reviewed using aerial imagery and Google Streetview. If the land is in a committed use, such as a parking lot, home, shed or new/under construction, an assessment is made to classify it as vacant, part vacant or developed.

Partially vacant land: Properties that are occupied by a use (e.g., a home or building structure with value over $10,000) but have enough land to be subdivided without the need for rezoning. This determination is made using tax assessor records, aerial imagery and Google Streetview. For Single Family lots, it is assumed that ¼ acre (10,890 sf) is retained by each existing home, and the remainder is included in the part vacant land inventory. For non-single family uses (e.g., churches) aerial imagery is used to determine the size of the unused portion.

Developed: Properties unlikely to yield additional residential development for one of two reasons: 1) They possess existing structures at densities that are unlikely to redevelop over the planning period; or 2) They include parcels with zoning or comprehensive plan designations that do not permit housing development.

Other: Properties which are regarded as unlikely to be developed because they are restricted by existing uses such as:

- Public land, parks, state recreation sites, schools, roads and right-of-way and utilities.
- Property cannot be served with public facilities.
- Property is constrained on more than 85% of its area.
- Property zoning does not allow or conditionally allows residential development.

In some cases, tax lots are split to accompany different plan classifications. Split tax lots are treated as individual lots and might go into any of the categories described above.

These classifications are validated using satellite imagery, Google Street View, and assessor records. Preliminary results are refined based on City staff input received during the planning process (see Figure 2). Warrenton has multiple large vacant lots east of Fort Stevens State Park. There are larger vacant lots by Hammond as well as closer to the central core of Warrenton. Other vacant and partially vacant lots are smaller and spread throughout the existing residential neighborhoods.

Table 2 displays the development status and the gross acreage by residential zone. Within the UGB of Warrenton are 887 acres of vacant land and 84 acres of partially vacant land. That is around 34% of all residentially zoned land. A roughly equal amount of Warrenton's residential land is within FEMA's 100-year floodplain and cannot be developed, appearing as Other (35%). 28% is assigned to Developed and 38% of land is either in the Vacant or Partially Vacant category. The three lower

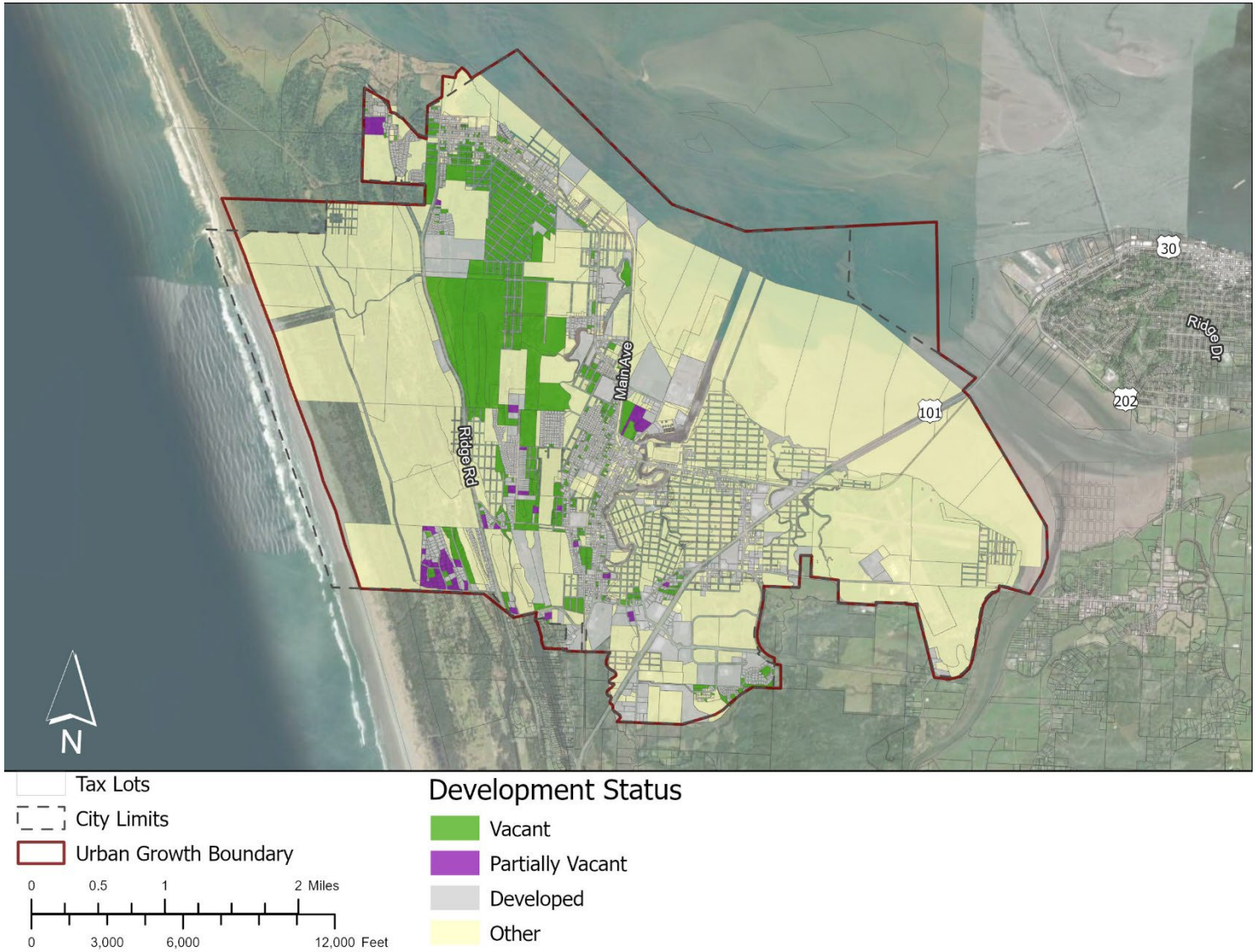
density residential zones with the most land also offer the highest amount of vacant and partially vacant land. RGM-R-10 land contains the most vacant acreage with 380 acres but has limited infrastructure. Lower density zones (R10, RGM-R-10, and R40) make up 87% of all vacant residential land. Lands that allow for higher density total 118 vacant acres (13%). RM – Medium Density Residential is the only zone with no available partially vacant land. All other zones have some partially vacant sites ranging from the low end of less than 1 acre (CMU) to 45 acres (R40).

Table 2 Residential Land by Development Status (gross acres)

Plan Designation	Vacant Acres	Partially Vacant Acres	Developed Acres	Other Acres	Total
CMU - Mixed Use Commercial	12.9	0.9	38.0	1.7	53
RH - High Density Residential	57.7	15.2	156.2	64.5	294
RM - Medium Density Residential	47.1	-	160.3	127.2	335
R10 - Intermediate Density	64.3	18.5	228.2	375.0	686
RGM - R-10 Growth Management	380.2	4.8	53.9	133.4	572
R40 - Low Density Residential	324.6	44.8	84.9	192.0	646
Total	**886.8**	**84.1**	**721.6**	**893.8**	**2,586**

Source: Warrenton Buildable Land Inventory; 3J Consulting

Figure 2: Development Status



Step 3: Identify Constraints

The methodology for identifying and removing development constraints is consistent with state guidance on BLIs per OAR 660-008-0005(2) and 660-038-0070. The BLI is intended to include land that is "suitable, available, and necessary for residential uses." "Buildable Land" includes residential designated land within the UGB, including vacant and part vacant land that is suitable, available, and necessary for residential uses.

Public-owned land is generally not considered to be available for new growth unless the underlying zoning permits housing or the land is being made available by the jurisdiction for housing. It should be noted that "available" in the context of this analysis does not mean that the land is presently on the market or development ready. It is assumed that "available" land is expected to come on the market within the 20-year timeframe of this study.

Based on state guidelines and information provided by City staff, the following constraints have been deducted from the residential lands inventory.

- Open water at least one-half acre in size.
- Land within the 100-year floodplains (FEMA's Special Flood Hazard Area).
- Steep slopes of 25% and more.
- Utility easements to the Bonneville Power Authority.

Note: Aquatic zones are included in the GIS constraints layer for analytical purposes as many parcels within the county have residential as well as aquatic zoning.

Warrenton is on flat land and of lower elevation and highly affected by water hazards. Development within the city is hindered primarily by the 100- Year floodplain. Fort Stevens does have some floodplains in addition to steep slopes caused by old dunes, but the majority of floodplain is found east of the state park. Table 3 provides a summary of constrained land by zone. Around one quarter of the residential lands in Warrenton (either developed or not) are constrained. Lots zoned R10 – Intermediate Density contain the most land and are also the most highly constrained, at 40%. Zone RGM – R-10 – Growth Management with larger vacant lots is also the second most constrained (24%), followed by R40 (17%).

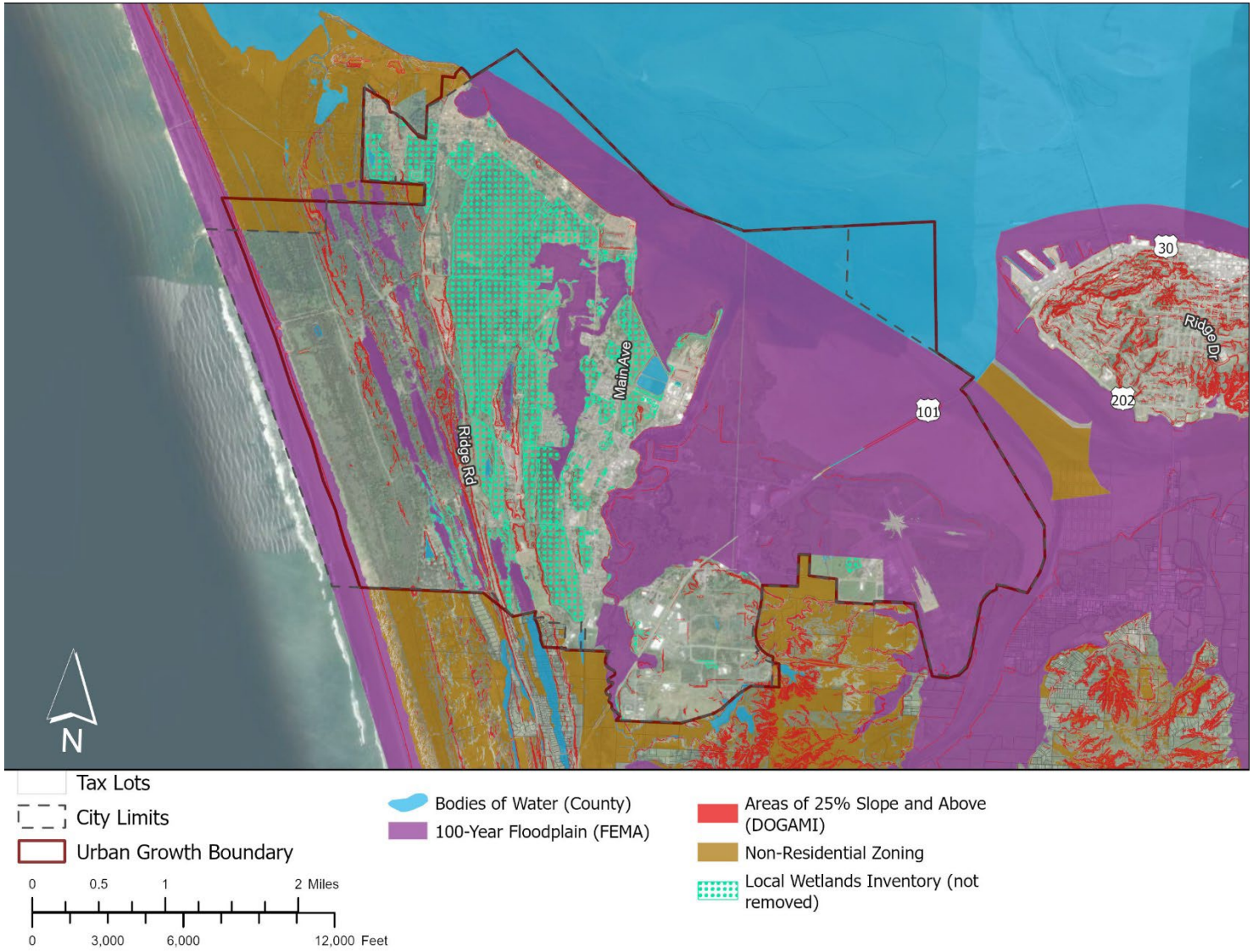
Note: A wetland inventory exists in Warrenton, cataloging locally significant wetlands. As the Warrenton zoning code does not explicitly prohibit development in wetland areas, they have not been deducted from the buildable lands inventory. However, they have been included in the Figure 3 map to show where they are located.

Table 3 Constrained Acres by Assigned Plan Categories within Warrenton's UGB

Planning Designations	Gross Acreage	Constrained Acres	Percent Constrained
CMU - Mixed Use Commercial	53.5	0.1	0.2%
RH - High Density Residential	293.6	32.4	11.0%
RM - Medium Density Residential	334.6	64.6	19.3%
R10 - Intermediate Density	686.0	273.6	39.9%
RGM - R-10 Growth Management	572.3	138.5	24.2%
R40 - Low Density Residential	646.3	111.3	17.2%
Total	**2586.2**	**620.6**	**24.0%**

Source: Warrenton Buildable Land Inventory; 3J Consulting

Figure 3 Constraints



Step 4: Inventory

There is a total of 880 acres of buildable land zoned for residential development in the City of Warrenton's UGB, as shown in Table 4. Around 93% of the buildable land is vacant. The RGM zone has the most buildable land with over 340 net buildable acres, making up almost half of all net buildable vacant land (39%). R40 also has a significant amount of net buildable land, with 304 acres (38%). There are 78 further net buildable acres located on R10 zoned land. Most of the larger vacant sites are also highly constrained as shown in Figure 4. Figure 4 includes all sites and their development status with constraints.

Table 4 Residential Acres by Planning Designation[1]

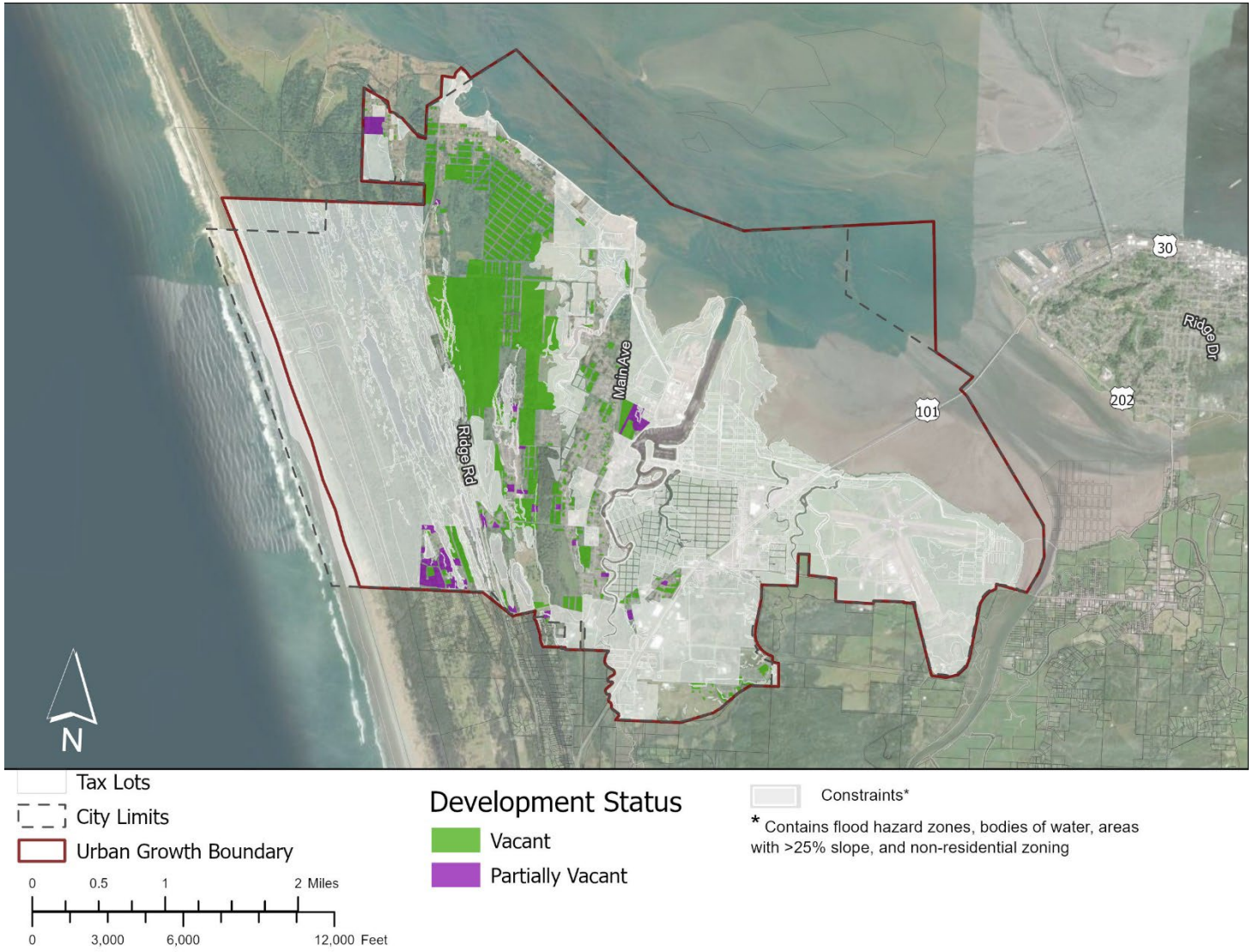
Plan Designation	Developed Land	Buildable Vacant	Constrained Vacant	Buildable Part Vacant	Total Buildable	Total
CMU - Mixed Use Commercial	40.0	12.8	0.0	0.6	13.5	53.5
RH - High Density Residential	223.1	54.0	3.6	12.8	66.8	293.6
RM - Medium Density Residential	287.5	43.2	3.9	-	43.2	334.6
R10 - Intermediate Density	605.7	62.3	2.0	15.9	78.2	686.0
RGM - R-10 Growth Management	189.3	339.9	40.3	2.8	342.7	572.3
R40 - Low Density Residential	289.5	303.8	20.9	32.2	336.0	646.3
Total	**1,635.1**	**816.0**	**70.7**	**64.3**	**880.4**	**2,586.2**

Source: Warrenton Buildable Land Inventory; 3J Consulting

Note: The Federal Emergency Management Agency (FEMA) is currently undergoing a study of the Special Flood Hazard Area for the City of Warrenton. The preliminary study could affect the buildable net land by removing up to an additional 32 acres from consideration.

[1] Developed Land refers to the development status of 'Developed' and 'Other' excluding acreage that falls into part vacant.

Figure 4 Development Status with Constraints



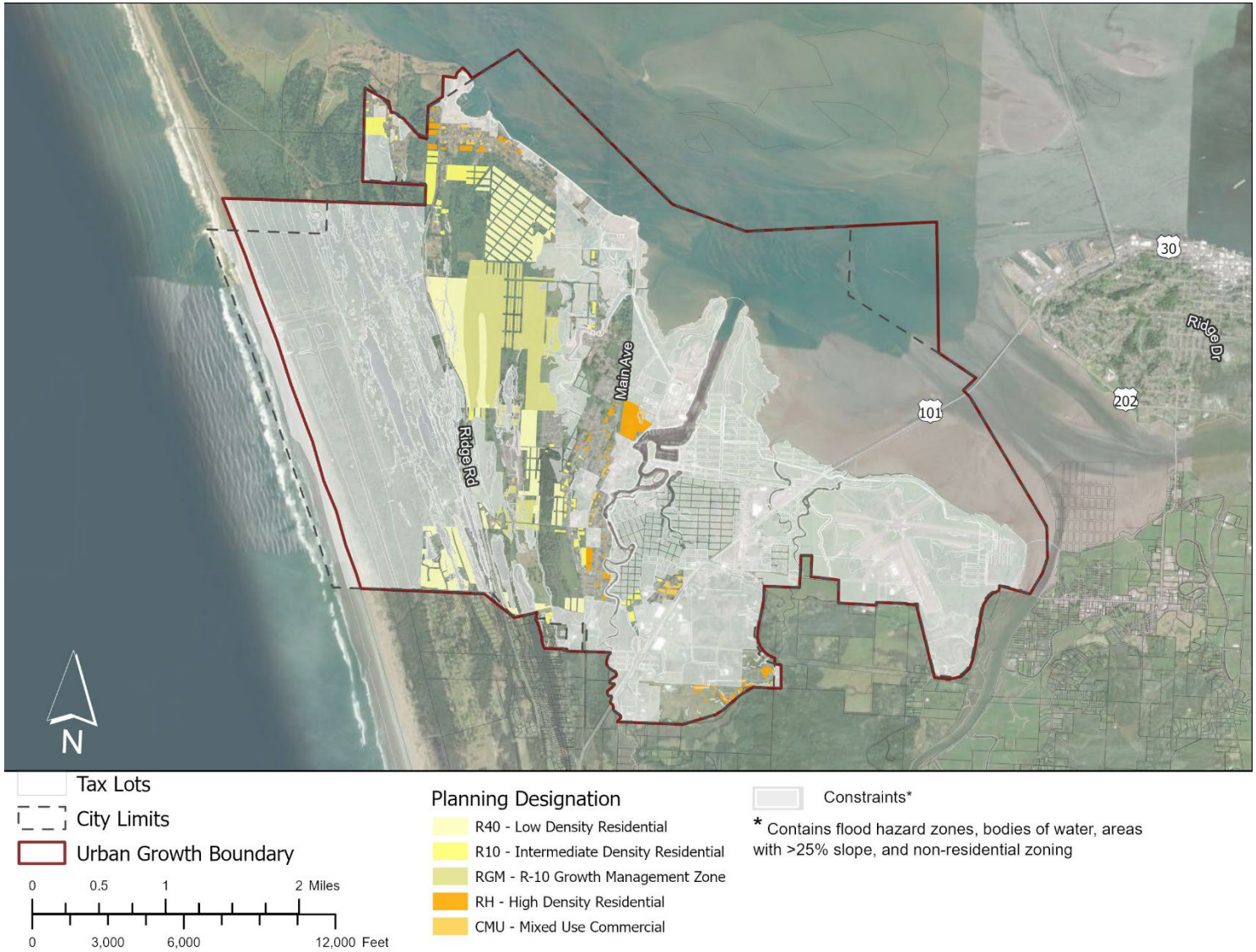
Warrenton stands out from the other coastal towns in that the majority of buildable land is on lots five acres or larger as shown in Table 5. The table separates buildable land by zone, use type and lot size. Overall, the majority of buildable land is on large lots of five acres or more (56%) and the least amount of land is on smaller lots of less than one acre (13%). All mixed-use lots close to the core of Warrenton are below one acre in size, and these 70 lots make up only 1.5% off all buildable land. Most residential zones have lots larger than 5 acres. For example, three large lots zoned RH cover 26 acres together and offer 24 acres of net buildable land. All three lots are next to each other at the corner of N Main and NE 1st Street. The top 3 lots by net buildable acreage offer a quarter of the total buildable land, with 138 acres located on the largest one, which is zoned RGM-R-10. Figure 5 shows all vacant or partially vacant lots by planning designation with constraints.

Table 5 Developable Residential Acres by Planning Designation and Lot Size

Planning Designations	Number of Lots	Buildable Acres	Percent of Area
Mixed-Use			
CMU - Mixed Use Commercial			
0-1 acres	71	13.5	1.5%
1-5 acres	-	-	0.0%
>5 acres	-	-	0.0%
Subtotal	**71**	**13.5**	**1.5%**
Residential Only			
RH - High Density Residential			
0-1 acres	90	20.5	2.3%
1-5 acres	15	22.8	2.6%
>5 acres	3	23.6	2.7%
RM - Medium Density Residential			
0-1 acres	79	24.4	2.8%
1-5 acres	7	10.4	1.2%
>5 acres	2	8.4	1.0%
R10 - Intermediate Density Residential			
0-1 acres	72	18.5	2.1%
1-5 acres	16	22.9	2.6%
>5 acres	3	36.8	4.2%
RGM - R-10 Growth Management Zone			
0-1 acres	21	8.7	0.2%
1-5 acres	35	52.9	0.0%
>5 acres	10	281.1	0.2%
R40 - Low Density Residential			
0-1 acres	64	30.1	3.4%
1-5 acres	92	163.8	18.6%
>5 acres	7	142.2	16.1%
Subtotal	**516**	**866.9**	**98.5%**
0-1 acres	397	115.6	13.1%
1-5 acres	165	272.7	31.0%
>5 acres	25	492.1	55.9%
Total	**587**	**880.4**	**100.0%**

Source: Warrenton Buildable Land Inventory; 3J Consulting

Figure 5 Developable Residential Lands by Planning Designation with Constraints



According to state regulations, land impacted by wetlands cannot be removed from the inventory unless the local jurisdiction has adopted protections that prohibit or restrict development on wetlands. Alternatively, a jurisdiction could conduct an analysis of historic development on land with wetlands compared to land without wetlands to establish a discount factor. The amount of additional land within Warrenton affected by locally significant wetlands is shown in Table 6.

Table 7 Net Buildable Acreage by Planning Designation with Locally Significant Wetlands Removed

Plan Designation	Buildable Land	Within Wetlands	Percent
CMU - Mixed Use Commercial	13.5	0.6	5%
RH - High Density Residential	66.8	29.8	45%
RM - Medium Density Residential	43.2	41.5	96%
R10 - Intermediate Density	78.2	34.3	44%
RGM - R-10 Growth Management	342.7	309.0	90%
R40 - Low Density Residential	336.0	230.7	69%
Total	**880.4**	**645.8**	**73%**

Source: Warrenton Buildable Land Inventory; 3J Consulting

If the City decides to conduct a Housing Capacity Analysis, OAR 660-038-0050(4) allows a reduction of 25% of buildable land to account for public facility needs that come with residential development. This reduction can be for rights-of-way, parks, stormwater treatment or other public needs. The deduction of 25% is only applied to unconstrainted vacant land. This would reduce the buildable land by 204 acres, resulting in a total of 676 net buildable acres (Table 7).

Table 7 Net Buildable Acreage by Planning Designation with Public Facility Reduction

Plan Designation	Buildable Vacant	Net Vacant Reduction	Buildable Part Vacant	Total Net Buildable
CMU - Mixed Use Commercial	12.8	3.2	0.6	10.3
RH - High Density Residential	54.0	13.5	12.8	53.3
RM - Medium Density Residential	43.2	10.8	0.0	32.4
Residential	62.3	15.6	15.9	62.6
Zone	339.9	85.0	2.8	257.7
R40 - Low Density Residential	303.8	75.9	32.2	260.1
Total	**816.0**	**204.0**	**64.3**	**676.4**

Source: Warrenton Buildable Land Inventory; 3J Consulting

Data Sources

The following data sets were used for this analysis:

- Boundaries
  - City – provided by the City
  - UGB – provided by the City, with updates given by Clatsop County
- Planning
  - Tax lots
    - provided by Clatsop County
    - development status based on 2023 certified values
  - Zoning – provided by City
- Environmental

- FEMA[2] Floodplain – via Oregon Spatial Library
- Wetlands – provided by Clatsop County
- Slopes derived from DOGAMI[3] lidar
- Parks – via County
- Open Water – via National Wetland Inventory/USGS[4]

- - - E N D O F D O C U M E N T - - -

[2] FEMA – Federal Emergency Management Agency publishes floodplain data sets
[3] DOGAMI - Oregon Department of Geology and Mining Industries offers a 3foot statewide lidar data set
[4] USGS – United States Geological Survey offers a National Wetland Inventory that includes open waterbodies

Clatsop County Housing Inventories

Warrenton Infrastructure Summary Memo

November 8, 2024

Introduction

This summary outlines key capital improvements in current infrastructure plans for the City of Warrenton that will enable housing production on buildable lands. It includes descriptions, costs, and timelines of key issues and improvements identified in the City's infrastructure plans including the City of Warrenton's Water System Master Plan (2018), Transportation System Plan (2019), Capital Improvement Program (2022), Wastewater Facility Plan (2002), and Stormwater Management Plan (2008). New FEMA requirements are also included within this analysis, as they will impact development within the city of Warrenton.

Warrenton Water System Master Plan

Introduction

The Warrenton Water System Master Plan, published in 2018, provides the city with a plan for future development of their water system. The plan outlines population projections, water demand estimates for current and future service areas, system performance criteria, supply and distribution system capabilities, and improvement project recommendations with cost estimates and implementation timelines.

Current Conditions

The Water System Plan identifies approximately 3,320 accounts, currently with 2,150 inside city limits and 1,170 outside of the city. There are over 94 miles of water system piping, including 5.5 miles of raw water pipeline. The water department operates and maintains 3 reservoirs, 2 booster pump stations, and 1 pressure relief valve (PRV). This infrastructure supplies water across two pressure zones, the South and Town zones.

Future Needs

Currently, Warrenton holds 27 cubic feet per second (cfs) in water rights, but uncertainties persist due to incomplete permit extensions and evaluations by the Oregon Water Resources Department. This leaves the actual approved rights unknown, potentially affecting the summer flow of the Lewis and Clark River, which may fall below the available 8.2 cfs of developed water rights. By 2037, the maximum day demand is expected to approach the available water rights capacity.

To address these issues, Warrenton plans to establish a formal agreement with Gearhart to better manage supply availability and peak usage. This includes proposing a monthly base charge for Gearhart to streamline coordination. Additionally, the city aims to evaluate the adequacy of current water rights and sources through regulatory reviews, incorporating independent studies and additional stream flow monitoring.

Efforts also include leveraging the existing 16 million gallons raw water storage reservoir upstream of the Water Treatment Plant (WTP) to supplement water supply during low river flow periods, while assessing necessary improvements.

Booster Station

The South Reservoir Booster may be deficient by 285 gallons per minute by 2037. By adding supervisory control and data acquisition (SCADA) to the WTP, PRV can control the pressure setting based on the South Reservoir level, reducing the need for the booster under normal conditions.

Backup Power

The system has sufficient backup power through 2037, but the WTP's backup power lasts just over two days. Additional fuel storage at the WTP is recommended for extended emergencies.

Storage

The WTP Clearwell and South Reservoir have more than adequate storage for the next 20 years.

Distribution System

System pressures currently span between 50 to 97 psi across different demand scenarios, prompting a focused evaluation of areas with pressures exceeding 80 psi to install service line Pressure Reducing Valves (PRVs). SCADA systems should be incorporated to automate WTP PRV and South Reservoir Booster operations based on reservoir levels to optimize operations. Adjusting PRV pressure settings is crucial to prevent overflow and ensure efficient turnover.

Addressing fire flow deficiencies is a priority, identified in areas with undersized piping or inadequate looping. Major projects, such as the Hammond Water Line and upgrades to Harbor Street and Ridge Road piping, are planned to rectify these issues. Specifically, pressure drops below 40 psi near the KOA Campsite along Ridge Road will be mitigated by upgrading 5,650 feet of existing 8-inch pipe to 18-inch pipe.

Plans also include decommissioning the Harbor Street Facility upon completion of improvements to the Hammond Water Line and Harbor Drive piping. To sustain system reliability, funding should be increased to replace 1% of the distribution system annually by 2038, ensuring ongoing infrastructure improvements and maintenance.

Most projects in the first 10 years focus on replacing the raw water line and three major transmission pipe projects to address fire flow deficiencies. Additionally, the City should study options for the raw water system, cost of service, and update this Water Master Plan over the next 10 years. Several other fire improvement projects that primarily consist of upsizing or looping pipes are recommended to address existing deficiencies but are scheduled across the 20-year timeframe. Improvements and maintenance will be required for current facilities, including epoxy coating the WTP Clearwell, upgrading SCADA components and controls, and replacing filters at the WTP.

Project Summary Table

The table below summarizes critical improvement projects and costs for years 1-5, 6-10 and 11-20.

1-5 Years

Type	Description	Cost (2017 dollars)
Facility	South Reservoir Replacement Reserve ($106,000/year)	$530,000
Operations	Water Plant Filter Replacement ($220,000 per year)	$1,100,000
Facility	Recoat epoxy lining at the WTP Clearwell	$1,175,000
Operations	SCADA Improvements (South Reservoir Booster and WTP PRV)	$45,000
Fire Flow	Upgrade 800 ft of 4-inch pipe to 8-inch on Anchor Ave and 2nd and 3rd St	$93,000
Raw Water Line	Replace 2,500 ft of 24-inch raw water pipe downstream from the Raw Water Reservoir	$993,000
Raw Water Line	Replace 4,300 ft of 24-inch raw water pipe upstream from the Raw Water Reservoir	$1,694,000

6-10 Years

Type	Description	Cost (2017 dollars)
Facility	South Reservoir Replacement Reserve ($106,000/year)	$530,000
Operations	Water Plant Filter Replacement ($220,000 per year)	$1,100,000
Pipe	Upsize 5,650 ft of 8-inch pipe to 18-inch on Ridge Rd	$1,677,000
Fire Flow	Upsize 6,050 ft of 6-inch and 8-inch pipe to 18-inch on Harbor Street	$1,897,000
Raw Water Line	Replace 2,000 ft of 24-inch raw water main from the Camp C Dam line downstream	$796,000
Raw Water Line	Replace 800 ft of 12-inch raw water main from Camp C Dam to main transmission line	$211,000
Raw Water Line	Replace 4,000 ft of 24-inch raw water main downstream of Bridge 7	$1,591,000
Raw Water Line	Replace 4,000 ft of 24-inch raw water main from Lewis & Clark Dam to Bridge 7	$1,572,000
Raw Water Line	Replace 1,700 ft of 16-inch raw water main from Little South Fork Dam to Bridge 7	$456,000
Raw Water Line	Replace 1,800 ft of 16-inch raw water main from Big South Fork Dam to Bridge 7	$481,000

11-20 Years

Type	Description	Cost (2017 dollars)
Facility	South Reservoir Replacement Reserve ($106,000/year)	$1,060,000
Operations	Water Plant Filter Replacement ($220,000 per year)	$2,200,000
Fire Flow	Upsize 2,900 ft of 6” and 8” pipe to 12” on Skipanon Dr	$541,000
Fire Flow	Upsize 6”and install new 18” pipe for 4,600 ft on Perkins Ln and Dolphin Rd	$1,512,000
Fire Flow	Upsize 550 ft of 6” pipe to 8” at South Jetty High School	$64,000
Fire Flow	Upsize 250 ft of 8” to 12” near Costco off Discovery Rd and Highway 101	$45,000
Fire Flow	Upsize 350 ft of 4” to 10” pipe on Jetty Ave south of Hwy 101 Business	$53,000
Fire Flow	Upsize 250 ft of 8” to 10” pipe south of the intersection of Highway 101 and Marlin Ave from Unnamed Rd to Neptune Ave	$40,000
Fire Flow	Upsize 2,250 ft of 6”, 8” and 10” pipe to 12” at the shopping center off Harbor Street from Neptune Ave to Premarq Access	$647,000
Fire Flow	Upsize 1,800 ft of 4” pipe to 8” on Dellmoor Loop and Old Bog Rd	$221,000
Fire Flow	Upsize 3,100 ft of 4” and 6” pipe to 8” on Cullaby Lake Ln and Hawkins Rd	$374,000
Fire Flow	Upsize 450 ft of 4” pipe to 8” on Sand Dollar Ln	$55,000
Fire Flow	Upsize 800 ft of 4” pipe to 8” on Highway 101 west of South Reservoir	$103,000
Fire Flow	Upsize 500 ft of 4” to 8” pipe on Cedar Ct and 1st St	$58,000
Fire Flow	Install 250 ft of 12” pipe on 13th St from Main Ave to Anchor Ave	$38,000
Fire Flow	Install 900 ft of 8” pipe to make loop from Pine Ave to 14th St	$101,000
Fire Flow	Upsize and install 600 ft of 6” pipe to 8-inch on NE Heron Ave and finish loop from Harbor Pl to Harbor St	$73,000
Fire Flow	Install 400 ft of 8” pipe on King Salmon Pl from 9th to 12th Ave	$51,000
Fire Flow	Upsize 8” and install 12” pipe to finish loop for 2,650 ft on Pacific Dr from Ridge Rd to Silverside St	$473,000
Fire Flow	Upsize 400 ft of 4” pipe to 8” on Silverside St	$48,000
Fire Flow	Upsize 6” and install 8” pipe for 3,050 ft on segments of Fourth and Fifth Ave from Lake Dr to Heceta Pl	$371,000
Fire Flow	Upsize 500 ft of 6” to 10” pipe off 19th S Leg west of South Jetty High School	$68,000

Fire Flow	Upsize 1,200 ft of 4” pipe to 8” on 7th Ave from Enterprise St to Desdemona St	$149,000
Water Quality	Install 300 ft of 8” pipe to complete the loop on Whiskey Rd	$35,000

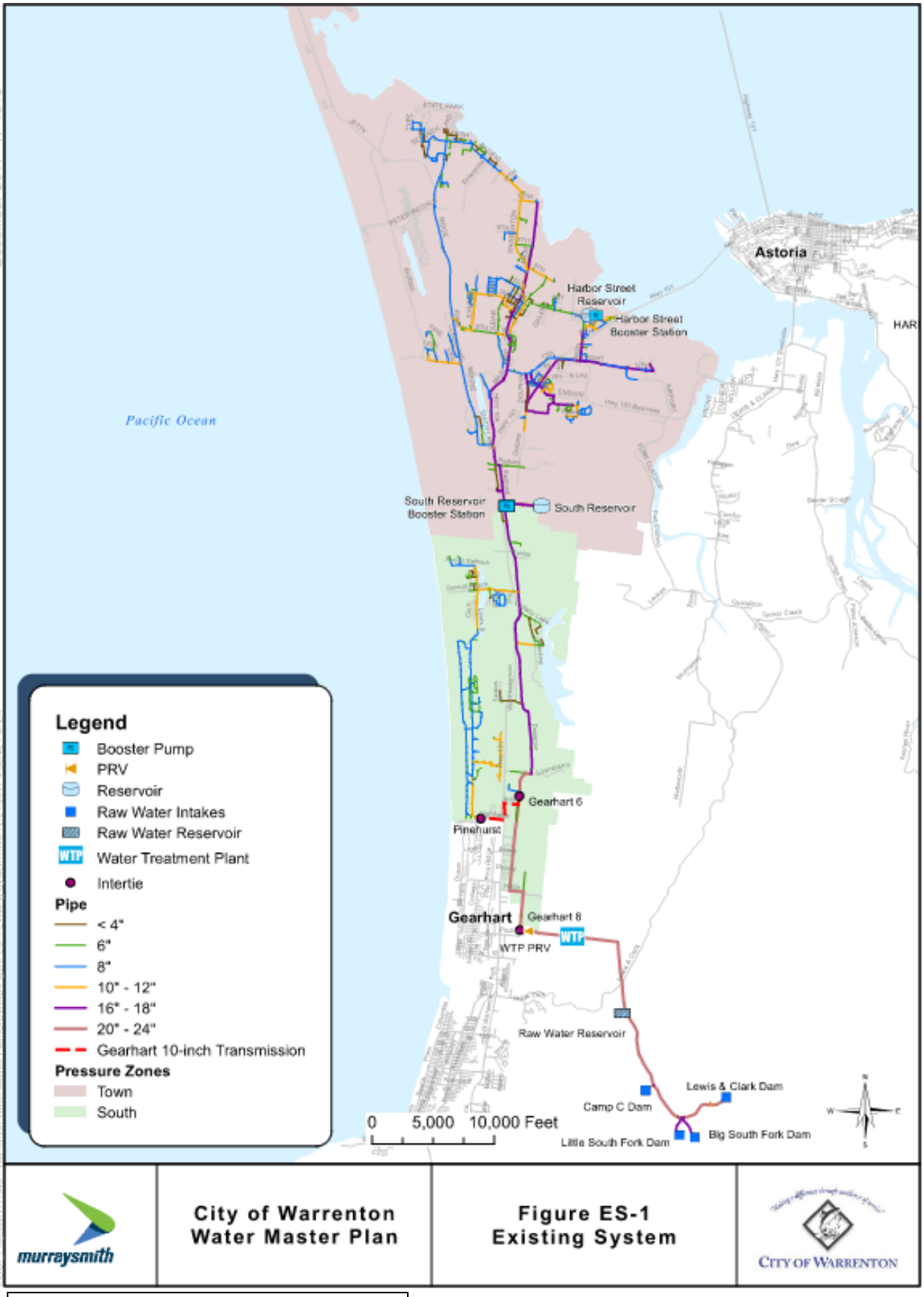


Figure 1: Water Master Plan, Existing System

Warrenton Transportation System Plan

Introduction

The Warrenton Transportation System Plan (TSP), published in 2019, prepares the city for transportation needs through 2040. This Warrenton TSP update establishes a new 2016 baseline condition and identifies transportation improvements needed through the year 2040. The TSP addresses compliance with new or amended federal, state, and local plans, policies, and regulations including the Oregon Transportation Plan, the State's Transportation Planning Rule, and the Oregon Highway Plan. The City's current revenue sources are expected to provide about $21 million through 2040. This estimate is based on the assumption that the average amounts received over the previous five years will continue to be received at that per capita rate through 2040.

Current Conditions

For pedestrians and bicyclists, there are critical gaps in sidewalk coverage along Harbor Drive/Marlin Avenue from SE Anchor Avenue to SE Galena Avenue south, and from SE/NE King Avenue to SE 2nd Street eastward, with sporadic coverage on the east side of the roadway near SE 11th Place to the city limits. Safety concerns persist on the Old Youngs Bay (US 101 Business) and New Youngs Bay (US 101) Bridges. Although sidewalks are present on the north side of Warrenton-Astoria Highway between NE Heron Avenue and Ensign Road, overall pedestrian facilities are rated as poor due to incomplete coverage, requiring pedestrians to share road shoulders with fast-moving vehicles.

Drivers in Warrenton face increasing traffic volumes, particularly from tourism and congestion in neighboring Astoria. The New Youngs Bay Bridge and Old Youngs Bay Bridge are noted bottlenecks expected to worsen by 2040. Specific segments of US 101, including near SE Neptune Drive and SE Ensign Lane, have been identified as high collision areas, highlighting safety concerns.

Future Needs

579 households are projected to be added by 2035, while the total employment is projected to grow by approximately 1,370 employees. Goals and objectives were identified as a part of this plan to identify future needs, guide development and prioritize future transportation programs. The objectives lie under the goals of Health, Safety, Travel Choices, Economic Vitality, Livability, Sustainability, Fiscal Responsibility, and Compatibility.

The objectives include maximizing active transportation options, aligning with the 2008 Warrenton Trails Master Plan to provide recreational opportunities, and meeting city and Americans with Disabilities Act standards. Public safety will be prioritized with improved signage for streets, pedestrian and bike ways, and trails, along with creating safe routes across US 101 and managing access points on highways and arterials.

Focus areas include enhancing the city's resilience to natural hazards, reducing travel distances, improving travel reliability, managing congestion, and promoting ride sharing. Collaborating with the Sunset Empire Transportation District to expand transit services and amenities is crucial, alongside developing a well-connected network of arterials, collectors, and paths that support diverse mobility needs.

The plan emphasizes balanced development patterns that encourage connectivity and mobility options for all community members, while addressing parking efficiency to support downtown businesses and accommodate growth. Additional efforts include enhancing the downtown area's vitality, supporting local boating and shipping activities, and improving tourism access and opportunities. Measures to minimize environmental impact, reduce greenhouse gas emissions, and preserve historic sites are integral to developing a sustainable and effective transportation system.

Funding strategies prioritize diverse and stable sources to implement projects promptly, ensuring ongoing maintenance and safety of the transportation infrastructure. Coordination with adjacent jurisdictions and transportation agencies will facilitate the development of projects benefiting the broader region and state, while maintaining seamless functionality across different jurisdictions and efficiently utilizing public infrastructure investments.

Figure 2: Transportation System Plan, Transportation System Study Area

Project Summary Table

The table below describes likely funded improvement projects for key transportation facilities and their cost.

Project	Cost
Modify intersection to accommodate WB-62 trucks with a minimum turning radius of 45 degrees. This project rebuilds the intersection and includes water quality facilities, a new drainage system, concreate walks and curb.	$3,000,000
Construct shoulder widening of three feet on both sides (conservative estimate) of Fort Stevens Hwy 104 (Main Avenue) between 14th Street to just south of the spur to provide additional paved width. The estimate includes a new drainage system and two water quality facilities.	$1,100,000

Warrenton Wastewater Facility Plan

Introduction

The Warrenton Wastewater Facility Plan published in 2023 addresses the need for significant upgrades due to increased population and flow demands. The plan includes an assessment of the current Sequencing Batch Reactor (SBR) wastewater treatment plant, revealing that some equipment is near the end of its useful life and requires replacement. Additionally, the plan outlines the necessary upgrades to the wastewater collection system, highlighting issues such as inflow and infiltration caused by defects in sewer pipes and manholes. The plan also incorporates population growth projections and the development of five liquid stream treatment alternatives to enhance plant capacity, operational efficiency, and compliance with stringent effluent disinfection standards.

Current Conditions

The City of Warrenton's SBR Wastewater Treatment Plant (WWTP) is rapidly nearing capacity due to increased flows from substantial population growth. A condition assessment revealed that some equipment is at the end of its useful life and needs replacement. Additionally, the wastewater collection system has defects such as separated joints, holes, and root intrusion, which contribute to inflow and infiltration, increasing peak flow rates to the WWTP and reducing treatment efficiency. Some manholes also have damage, and maintenance upgrades are recommended for two pump stations within the system

Future Needs and Plans

Based on projected flow and loading estimates, five treatment options were developed to address capacity constraints, operational issues, and stricter effluent disinfection requirements. Currently nearing capacity, the plant faces challenges in maintaining effluent quality within National Pollutant Discharge Elimination System (NPDES) permit limits as demand increases. To meet these challenges, upgrades are necessary to achieve higher effluent quality, particularly in reducing suspended solids and meeting stringent bacteria limits such as fecal coliform and enterococci.

The options focus on achieving higher effluent clarity through advanced membrane or tertiary filtration technologies, which are less susceptible to environmental factors like wind turbulence and bird interference compared to current SBR technology.

Project Summary

The WWTP needs improved effluent clarity and an upgraded UV disinfection system to meet stricter bacteria limits. Various options for achieving higher effluent quality were considered.

The options were evaluated based on capital cost, 20-year life cycle cost, regulatory compliance, expandability, operational reliability, and community impact. Option 3, converting existing SBRs to membrane bioreactors, was deemed the most beneficial, offering the highest effluent quality and operational reliability. The initial capital cost for Option 3 is estimated at $28.6 million, with a 20-year life cycle cost of $37.8 million, including both plant upgrades and sewer system improvements.

Future Development

Currently, a Planned Unit Development consisting of 240 homes and 210 multi-family units is being planned for the Fort Pointe area in Warrenton. Approximately two miles of pipeline for both water and sewer services are planned to be located along 11th Street and Warrenton Road, connecting to Ridge Road to support this new development. These pipelines will eventually connect to a new expansion of the wastewater facility, designed to meet projected population growth and increasing needs of the city. Expansion of the wastewater facility was approved in 2023.

Warrenton Stormwater Management Plan

Introduction

The City of Warrenton embarked on Phase 2 of its Stormwater Master Plan in 2007. This initiative aimed to thoroughly assess and improve the city's stormwater management system in anticipation of ongoing growth. Building on Phase 1, which involved extensive data collection and survey efforts, Phase 2 focused on developing a comprehensive Stormwater Master Plan. The city, although not currently bound by specific regulatory mandates for stormwater management, recognized the pressing need to address aging infrastructure, including ditches needing dredging, leaky or missing tide gates, and a pump station approaching the end of its operational life. Stakeholder involvement, public meetings, and data-driven assessments were integral to formulating recommendations for both maintenance of existing facilities and a forward-looking Capital Improvement Plan.

Current Conditions

Warrenton's stormwater infrastructure has multiple issues stemming from aging and outdated components. Originally installed in the 1970s, the city's two pump stations are now showing signs of wear, with only one operational. This southern pump station, crucial for managing stormwater during high tides, has been prone to power outages and mechanical failures. The city's tide gates, essential for preventing tidal backflow, require regular maintenance to ensure effectiveness.

Overall, the stormwater system is nearing capacity and experiences localized flooding during significant storm events and high tides. This is primarily due to undersized and vegetation-choked channels, particularly noticeable around the ditches north of 2nd Avenue. Warrenton's stormwater network encompasses a complex array of components including sloughs, vegetated channels, stormwater pipes, roadside ditches, tide gate culverts, and pump stations. High tide levels in the Columbia River often close tide gates, hindering drainage efforts. Some tide gates are in disrepair, allowing river water to flow into the city during high tides, exacerbating backwater conditions and flooding.

Future Needs

Warrenton faces significant challenges with its stormwater infrastructure, exacerbated by aging components and increasing demands. The city's management efforts are crucial for maintaining community livability amidst ongoing growth. Key strategies include enhancing public awareness through surveys, stenciling storm drains, and publishing educational materials. Coordination with state and federal agencies is essential to address flood hazards, particularly with proposed revisions to Flood Insurance Rate Maps and ensuring the integrity of levees, culverts, and tide gates. Regular maintenance and strategic planning are prioritized for existing ditches, critical for effective drainage behind levees. New ordinances will require stormwater management facilities in all development projects, supporting pollutant removal and downstream capacity assessments. Adopting design standards and collaborating on a coastal-specific stormwater manual aim to improve system resilience. The Capital Improvement Plan outlines projects like tide gate refurbishments, pump station upgrades, and infrastructure studies, signaling Warrenton's commitment to sustainable infrastructure development and community resilience.

In addition, the plan highlights Facility Maintenance and Capital Improvement Projects in order of priority, listed below. The projects were selected based on their ability to meet the City's stormwater goals.

Project Summary Table

The table below describes hopeful improvement projects, their priority status, and their cost.

Project	Priority	Estimated Cost
West Hammond Marina Tide Gate Repair/Refurbishment	High	$344,190
East Hammond Marina Tide Gate Repair/Refurbishment	High	$349,033
Tide Gate Repair & Replacement Plan	High	$115,050
Upgrade SE 3rd/4th Street Pump Station	High	$721,762
Refurbish NE 1st Street Pump Station	High	$721,762
Upsize Storm System in West Portion of Hammond Marina Subbasin	Low	$135,879
Relieve Stormwater Drainage Issue in East Hammond/Enterprise Ditch Area (system)	Low	$494,086
Relieve Stormwater Drainage Issue in East Hammond/Enterprise Ditch Area (pump station)	Low	$1,944,854
Upgrade Downtown Conveyance System	Low	$861,794

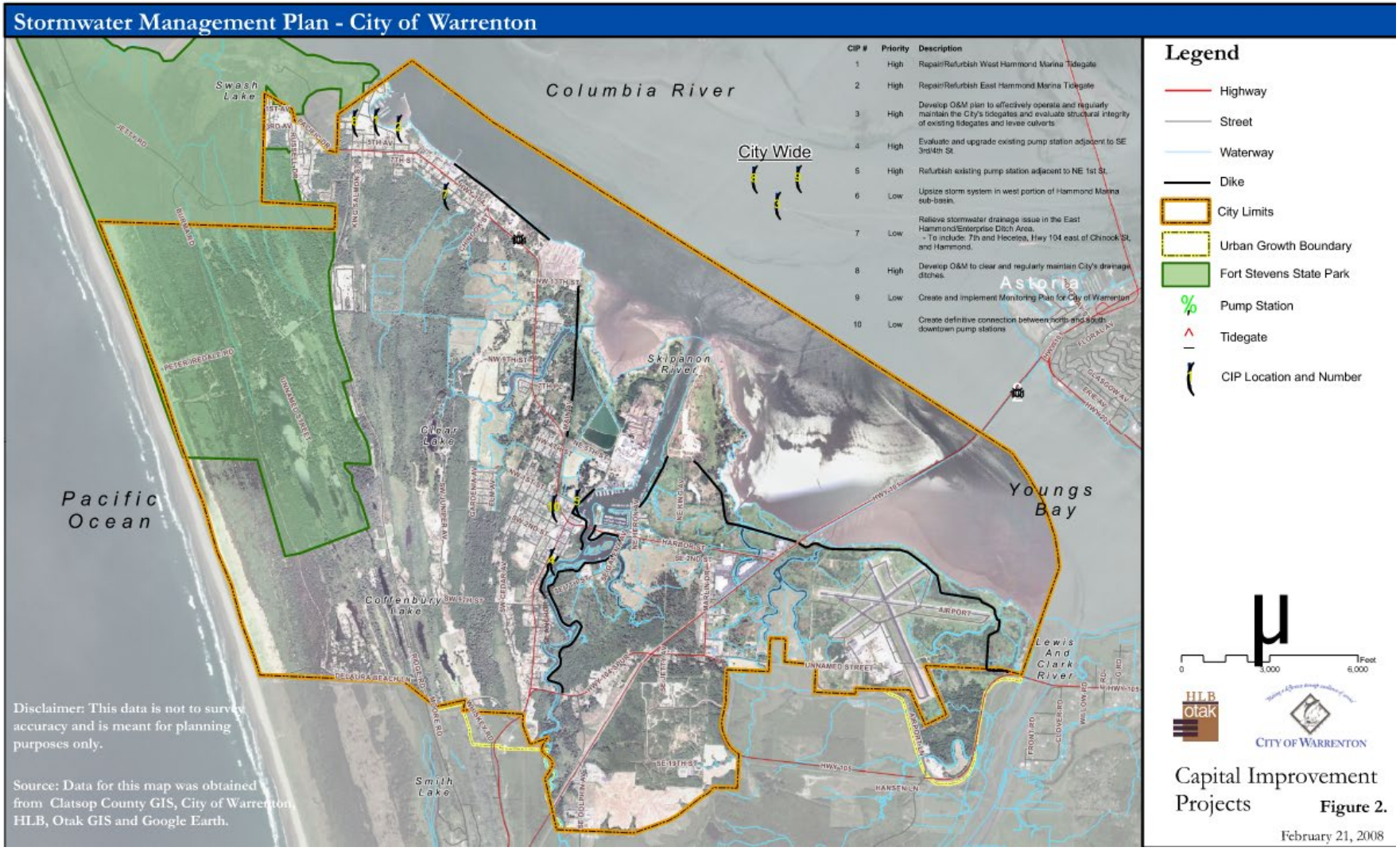


Figure 3: Stormwater Management Plan, Capital Improvement Projects

Federal Emergency Management Agency Requirements

Introduction

New federal rulemaking, resulting from a Biological Opinion issued by the National Marine Fisheries Service, has made it a requirement for communities to demonstrate how floodplain development is compliant with the Endangered Species Act in Special Flood Hazard Areas (SFHA). These changes are needed to protect the habitat of several species of fish and Southern Resident Killer Whales to comply with the Endangered Species Act.

Current Conditions

The Federal Emergency Management Agency (FEMA) is evaluating proposed changes to the National Flood Insurance Program (NFIP) outlined in the Implementation Plan through an environmental impact statement (EIS), in compliance with the National Environmental Policy Act. The Final Implementation Plan is anticipated by 2026 following the Record of Decision in the EIS process, then FEMA will fully implement the plan in 2027. Until then, communities need to begin taking action to protect habitat and achieve "no net loss." The City of Warrenton is expected to adopt and implement interim measures, called Preimplantation Compliance Measures (PICMs). Adoption of any of these measures will impact development in Warrenton due to a large amount of floodplain located within city limits.

Future Needs

PICM pathways include the following: (1) adopt a model ordinance that considers impacts to species and their habitat and requires mitigation to a no net loss standard; (2) choose to require a habitat assessment and mitigation plan for development on a permit-by-permit basis; or (3) putting in place a prohibition on floodplain development in the SFHA. Communities must pick a PICM pathway by December 1, 2024. If a community fails to inform FEMA of its selection, they will default to the permit-by-permit PICM pathway. Communities will be required to report their floodplain development activities to FEMA beginning in January of 2025.

Warrenton Capital Improvement Program

Introduction

The Capital Improvement Program 2024-2029 (CIP) is a financial planning tool to help the community direct scarce resources to high priority projects. Through planning, the City will be able to complete projects to improve the quality of life in Warrenton and have the resources to acquire necessary equipment to ensure efficient delivery of services. Capital improvements are assets that include planned purchases of equipment as well as construction projects for facilities and utility systems. Examples of equipment include the purchase of vehicles, major tools, police cars, copiers, backhoes, dump trucks, and bucket trucks. Capital construction projects include new facilities, remodeling or enlargement of existing facilities, expansion or capacity improvements to utility systems, and major system improvements.

Current Conditions

Warrenton is at a pivotal point where addressing its aging infrastructure and meeting the growing needs of the community are crucial. The city's CIP for 2024-2029 outlines several key projects aimed at enhancing public safety, improving accessibility, and supporting economic development. Significant projects include the Hammond Marina Dock Replacement, which will modernize the marina facilities to accommodate larger vessels and increase revenue potential while reducing maintenance costs. Additionally, the Safe Routes to School (SRTS) initiative will construct a dedicated pedestrian path along Main Avenue, ensuring safer travel for students and encouraging walking and bicycling.

Infrastructure improvements include the renovation of the Building/Planning Department and redesigning the city lot to improve traffic flow and stormwater management.

Future Needs

The 2024-2029 CIP focuses on prioritizing projects that enhance quality of life and service delivery. The CIP targets key areas such as public safety, infrastructure, connectivity, accessibility, environmental projects, community development, and financial sustainability. For public safety and infrastructure, the program plans to acquire essential vehicles and equipment and improve utility systems to meet current and future demands. Connectivity projects aim to enhance pedestrian and bicycling pathways, promoting non-vehicular travel and safety for residents. Environmental and community projects focus on expanding green spaces, parks, and community facilities, along with fostering partnerships for sustainability initiatives. Economic and residential development strategies are designed to support growth while preserving Warrenton's small-town charm and natural beauty. Financial planning involves annual updates to reflect changing priorities and cost estimates, leveraging federal, state, and local funds, and grant opportunities to finance projects without overburdening the city's budget.

Project Summary Table

The table below describes key upcoming improvement projects, their cost, funding source and schedule.

Project Name	Description	Project Cost	Funding Sources	Schedule
Pump Station Generator Undetermined Locations #1 & #2	Install stationary generator and transfer switches at two locations for emergency flow during extended power outages.	$120,000	Sewer Capital Reserve Fund	2023-2024
Pump Station Bypass Program	Install vaults, valves, and piping to connect a bypass pump to the sanitary	$4,100,000	038-430	2024-2025

	sewer force mains adjacent to the pump stations.			
SW Alder Ave 3rd to 2nd	Construct 24" pipe on SW Alder Ave from SW 3rd St to SW 2nd St to reduce flooding and provide better drainage.	$123,000	028-430-620086	2023-2024

City of Warrenton
Planning Department
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Phone: 503.861.0920 Fax: 503.861.2351

STAFF REPORT

TO:	The Warrenton Planning Commission
FROM:	Zach Pelz, AICP – Contract City Planner
DATE:	June 5, 2025
SUBJ:	Conditional Use Permit PUD-25-1

BACKGROUND

The Fort Point PUD includes a mix of new single- and multi-family homes and associated open space, vehicle circulation areas, and related improvements, and was originally approved as a PUD Preliminary Plat in 2017 (SUB 17-1). The PUD Preliminary Plat approval was modified in 2021 (SUB 20-2) and an extension was granted in 2023 (MC 22-2). Later in 2023, another modification of the Fort Point PUD was approved which established new conditions of approval replacing the previous approvals of SUB 17-1 and SUB 20-2 (MC 23-3). Unlike the previous approvals it replaced, MC 23-3 did not include a Preliminary Plat approval, only a conceptual plan. A modification of one of the conditions of approval from MC 23-3 was approved on September 20, 2024 (MC 24-3) with an effective date of October 8, 2024.

Per WMC 16.224.060, a PUD Final Development Plan is required to be reviewed by the Planning Commission (PC) within one year of a modified approval of a preliminary development plan. Therefore, this application for the Fort Point PUD Final Development Plan therefore must be scheduled for a PC meeting prior to October 8, 2025, one year from the effective date of the latest modified approval.

This PUD Final Development Plan is for the 240 ownership and build-to-rent (BTR) homes portion of the Fort Point PUD. A PUD Final Development Plan for the multi-family portion of the Fort Point PUD development will be submitted at a later date as a separate application, as allowed through Section 16.224.060.A. of the Warrenton Municipal Code (WMC).

An associated three-parcel partition was approved for the property in 2021 (LP 20-2) but was never recorded. A new three-parcel partition was approved on June 6, 2024 (LP 24-3). A modification of LP 24-3 was approved on August 14, 2024 (MC 24-4) with an effective date of August 29, 2024. The three-parcel partition will divide the property into three distinct parcels including: Parcel 1 which contains wetlands and will remain undeveloped; Parcel 2 which is the area subject to this PUD Final Development Plan for the ownership and BTR homes; and Parcel 3 which will include the multi-family development. As mentioned above, the PUD Final Development Plan for the multi-family development on Parcel 3 is planned to be submitted separately.

PUBLIC PROCESS, PROCEDURES & PUBLIC NOTICE

The application was submitted April 3, 2025 and was deemed complete May 22, 2025. Notice of the public hearing was sent to adjacent property owners on May 23 and published in The Astorian on May 31, 2025.

The staff report was published and provided to the Planning Commission and agency stakeholders on June 5, 2025.

CODE PROVISIONS, APPLICANT RESPONSES, AND FINDINGS

Applicable Warrenton Municipal Code (WMC) chapters for this application include:

16.120 Access and Circulation
16.124 Landscaping, Street Trees, Fences and Walls
16.128 Vehicle and Bicycle Parking
16.132 Clear Vision Areas
16.136 Public Facilities Standards
16.140 Stormwater and Surface Water Management
16.152 Grading, Excavating, and Erosion Control Plans
16.156 Wetland and Riparian Corridor Development Standards
16.184 Single-family Attached, Duplex, and Triplex Design Standards
16.192 Large-scale Developments
16.201 Transit Access and Supportive Improvements
16.208 Type III Procedure (Quasi-Judicial)
16.212 Site Design Review
16.224 PUD Final Development Plan

Additional applicable criteria for this application include:

Conditions of Approval from Planning File No. MC 23-3 and MC 23-4

Warrenton Municipal Code
Applicant responses and staff findings regarding the applicable sections of the Warrenton Municipal Code (WMC) are provided below. *WMC text is in italicized font*. Applicant responses and staff findings are in plain type. Staff recommended **conditions of approval are shown in bold underline type.**

Chapter 16.120 Access and Circulation
16.120.020Vehicular Access and Circulation.

[…]

B. *Applicability. This chapter shall apply to all transportation facilities and improvements (e.g., public and private streets, driveways, multi-use paths, etc.) within the City and to all*

properties that abut these facilities. Additional standards can be found in Chapter 16.136, Public Facilities Standards.

APPLICANT RESPONSE: None provided.

STAFF FINDING: The subject site abuts Ridge Road, which is a transportation facility in the City of Warrenton, and therefore application is subject to review under the applicable standards of Chapter 16.120.

C. Access Permit Required. Access to a street requires an access permit in accordance with the following procedures:

1. Permits for access to state highways shall be subject to review and approval by Oregon Department of Transportation (ODOT), except when ODOT has delegated this responsibility to the City or Clatsop County. In that case, the City or County shall determine whether access is granted based on its adopted standards.

2. Permits for access to county highways shall be subject to review and approval by Clatsop County, except where the County has delegated this responsibility to the City, in which case the City shall determine whether access is granted based on adopted City standards.

APPLICANT RESPONSE: None provided.

STAFF FINDING: The subject site abuts Ridge Road, which is a County major collector. The final design of access to Ridge Road will be subject to review and approval by Clatsop County. **Prior to approval of construction plans for the first phase of development on the subject site, Applicant shall submit evidence to the City which confirms that Clatsop County agrees to the final design of access on to Ridge Road.**

[…]

E. Conditions of Approval. The City or other agency with access permit jurisdiction may require the closing or consolidation of existing curb cuts or other vehicle access points, recording of reciprocal access easements (i.e., for shared driveways), development of a frontage street, installation of traffic control devices, and/or other mitigation as a condition of granting an access permit, to ensure the safe and efficient operation of the street and highway system. Access to and from off-street parking areas (other than driveways that serve single-family, two-family, or three-family dwellings) shall not permit backing onto a public street.

APPLICANT RESPONSE: None provided.

STAFF FINDING: Applicant's plans illustrate that three new points of access/egress to/from Ridge Road are planned. Ridge Road is under the jurisdiction of Clatsop County. Subsequently, Clatsop

County will have the authority to review and approve the final design for site access/egress at Ridge Road. With the suggested conditions of approval, the condition can be met.

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: None provided.

STAFF FINDING: Vehicle access is required for all new residential development in the City of Warrenton. All planned lots within the PUD will have access to a public street via Option 1 or Option 2 above. **Prior to final subdivision plat approval, Applicant shall provide evidence to the City which demonstrates that all necessary easements will be established to accommodate legal access to lots that are accessed via a private street or alley.** The applicable criteria can be met.

4. *Subdivisions and Partitions Fronting Onto an Arterial Street. Land divisions fronting onto a City arterial street shall be required to provide alley or secondary (local or collector) streets for access to individual lots. When alleys or secondary streets cannot be constructed due to topographic or other physical constraints, access may be provided by consolidating driveways for clusters of two or more lots (e.g., includes flag lots and mid-block lanes). Land divisions fronting onto state highways are expected to meet state access management and mobility standards.*

APPLICANT RESPONSE: None provided.

STAFF FINDING: The subject site fronts onto Ridge Road which is designated as a major collector in the 2019 Warrenton TSP. The criterion does not apply.

5. *Double-Frontage Lots. When a lot has frontage onto two or more streets, access shall be provided first from the street with the lowest classification. For example, access shall be provided from a local street before a collector or arterial street. Except for corner lots, the creation of new double-frontage lots shall be prohibited in all residential districts, unless topographic or physical constraints require the formation of such lots. When double-frontage lots are permitted in a residential district, a landscape buffer with trees and/or shrubs and groundcover not less than 10 feet wide shall be provided between the back yard fence/wall and the sidewalk or street; maintenance shall be assured by the owner (i.e., through homeowner's association, etc.).*

APPLICANT RESPONSE: None provided.

STAFF FINDING: The subject site currently has frontage only on Ridge Road. Subsequently, Applicant's plans are designed to optimize access along the Ridge Road frontage. Where planned lots front upon more than one public or private street or private alley, such lots have only a single point of access. The applicable criteria are 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: None provided.

STAFF FINDING: Responses to the applicable Sections under Divisions 2 and 3 are responded to below. Per the City's decision in MC-23-3, improvements to Ridge Road are limited to the installation of a 10-foot wide multi-use pathway in the existing public right-of-way, and the installation of a new Enhanced Crosswalk at the south leg of the intersection of Ridge Road and Peter Iredale Road. The criterion is met.

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.

2. Arterial and Collector Streets. Unless directed otherwise by this Development Code or by the Warrenton Comprehensive Plan/TSP, access spacing on City collector and arterial streets and at controlled intersections (i.e., with four-way stop sign or traffic signal) in the City of Warrenton shall be determined based on the policies and standards contained in the Warrenton Transportation System Plan, Manual for Uniform Traffic Control Devices, or other applicable documents adopted by the City.

APPLICANT RESPONSE: None provided.

STAFF FINDING: The 2019 TSP identifies Ridge Road as a major collector with a minimum access separation for new streets and driveways of 100-feet. As illustrated in Applicant's Prelminary Plat, the site includes three access points at Ridge Road; Road B, Road C, and Road I. All three new points of access exceed the minimum access separation, including when accounting for separation from the existing Peter Iredale Road, located northwest of the subject site. The applicable criteria are met.

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.

APPLICANT RESPONSE: None provided.

STAFF FINDING: Applicant has coordinated with Clatsop County regarding the planned access locations at Ridge Road. As above, these access points exceed the City's minimum separation standards for a major collector roadway. Additional access restrictions are not needed. The criterion does not apply.

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: None provided.

STAFF FINDING: As shown on Applicant's site plan, Road C, Road B, Road I, and Road A are designed as public local streets. The 2019 TSP indicates a minimum access spacing distance along local streets of 15-feet. Applicant's plans show all new driveways located along a public street to be separated from a public street intersection by a minimum of 15-feet. The criterion 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: None provided.

STAFF FINDING: As shown on Applicant's site plan, all planned lots will have a maximum of one driveway. Shared driveways are planned for Lots 6-31. The criterion is met.

I. Shared Driveways. The number of driveway and private street intersections with public streets shall be minimized by the use of shared driveways with adjoining lots where feasible. The City shall require shared driveways as a condition of land division, development review, or site design review, as applicable, for traffic safety and access management purposes in accordance with the following standards:

1. Shared driveways and frontage streets may be required to consolidate access onto a collector or arterial street. When shared driveways or frontage streets are required, they shall be stubbed to adjacent developable parcels to indicate future extension. "Stub" means that a driveway or street temporarily ends at the property line, but may be extended in the future as the adjacent parcel develops. "Developable" means that a parcel is either vacant or it is likely to receive additional development (i.e., due to infill or redevelopment potential).

2. Access easements (i.e., for the benefit of affected properties) shall be recorded for all shared driveways, including pathways, at the time of final plat approval (Chapter 16.216) or as a condition of development review or site development approval (Chapter 16.212).

3. Exception. Shared driveways are not required when existing development patterns or physical constraints (e.g., topography, parcel configuration, and similar conditions) prevent consolidation of access points to public streets.

4. Cross Access. Cross access is encouraged, and may be required, between contiguous sites in commercial (C-1, C-MU, C-2 & R-C) and industrial (I-1 & I-2) districts and for multifamily housing developments in the High Density Residential District in order to provide more direct circulation between sites and uses for pedestrians, bicyclists, and drivers.

APPLICANT RESPONSE: None provided.

STAFF FINDING: Planned internal public streets minimize new access points on Ridge Road. As shown on Applicant's site plan, shared driveways are planned for Lots 6-31. Additionally, several lots will access a public street via a private alley. **As a condition of approval, Applicant shall establish all necessary easements to ensure legal access for lots served by shared driveways and private alleys.**

J. Street Connectivity and Formation of Blocks Required. In order to promote efficient vehicular and pedestrian circulation throughout the City, land divisions and large site developments shall produce complete blocks bounded by a connecting network of public and/or private streets, in accordance with the following standards:

1. Block Length and Perimeter. The maximum block length shall not exceed 600 feet between street corner lines in Residential and C-1 zones, 400 feet in the C-MU zone, and 1,000 feet in other zones unless it is adjacent to an arterial street or unless the topography or the location of adjoining streets justifies an exception. The minimum length of blocks along an arterial in zones other than Residential, C-1, and C-MU 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.

APPLICANT RESPONSE: None provided.

STAFF FINDING: Applicant's plans illustrate that the maximum block length of 600-feet is met for internal blocks through the use of new public and private streets and internal pedestrian walkways. Blocks fronting on Ridge Road exceed the 600-foot length maximum. **To ensure convenient pedestrian access to the planned multi-use pathway along the site's Ridge Road frontage, Applicant shall extend the planned pedestrian accessways in the following locations to connect to the planned multi-use pathway in Ridge Road:**

- **Walkway extending from Road A west along the frontage of Lots 50-52 and 62-64;**
- **Walkway extending from Road A west along the frontage of Lots 79-81 and 92-94;**
- **Walkway extending from Road A west along the frontage of Lots 145-147 and 154-156;**
- **Walkway extending from Road B west along the frontage of Lots 171-176;**
- **Walkway extending from Road B west along the frontage of Lots 184-190;**

Additionally, Applicant shall establish all necessary easements to accommodate legal access for all residents throughout these site accssways.

2. Street Standards. Public and private streets shall conform to the standards of Chapter 16.136, Public Facilities Standards; Section 16.120.030, Pedestrian Circulation; applicable Americans With Disabilities Act (ADA) design standards; City construction standards for streets; and other applicable Development Code sections.

APPLICANT RESPONSE: None provided.

STAFF FINDING: Responses to the applicable criteria from the above-referenced sections are later in this report.

3. Exception. Exceptions to the above standards may be granted when blocks are divided by one or more pathway(s), in conformance with the provisions of Section 16.120.030. Pathways shall be located to minimize out-of-direction travel by pedestrians and may be designed to accommodate bicycles.

APPLICANT RESPONSE: None provided.

STAFF FINDING: Applicant has employed a range of pedestrian and vehicle circulation strategies to ensure convenient access and mobility for future residents; including, public streets and sidewalks, private alleys, and pedestrian pathways. This network of access improvements will serve to minimize out of direction travel for pedestrians and will help manage points of potential conflict at Ridge Road.

The planned blocks immediately fronting Ridge Road are excessively long and do not benefit from the same pedestrian access as planned for blocks at the interior of the site. **To ensure pedestrians and bicyclists have this same convenient access to the planned multi-use pathway in Ridge Road, staff is recommending a condition of approval that would require connections between internal pathways and Ridge Road in the following locations:**

- **Walkway extending from Road A west along the frontage of Lots 50-52 and 62-64;**
- **Walkway extending from Road A west along the frontage of Lots 79-81 and 92-94;**
- **Walkway extending from Road A west along the frontage of Lots 145-147 and 154-156;**
- **Walkway extending from Road B west along the frontage of Lots 171-176;**
- **Walkway extending from Road B west along the frontage of Lots 184-190;**

With the recommended condition of approval, the criterion can be met.

K. Driveway Openings and Widths. Driveway openings (or curb cuts) shall be the minimum width necessary to provide the required number of vehicle travel lanes (10 feet for each travel lane). The following standards (i.e., as measured where the front property line meets the sidewalk or right-

of-way) are required to provide adequate site access, minimize surface water runoff, and avoid conflicts between vehicles and pedestrians:

1. Single-family, two-family, and three-family uses shall have a minimum driveway width of 10 feet, and a maximum width of 24 feet, except that one recreational vehicle pad driveway may be provided in addition to the standard driveway for lots containing at least 5,000 square feet of area.

[…]

APPLICANT RESPONSE: None provided.

STAFF FINDING: Applicant's plans indicate that driveways for single-family homes measure between 10-20 feet wide. The criterion is met.

5. Setback Required. A minimum five-foot setback from the edge of driveway to any property line is required. The setback area shall be kept free of impervious surfaces at all times and shall be vegetated to minimize surface water runoff to adjoining properties. These requirements may be increased if the Community Development Director, building official, City-appointed engineer, or Planning Commission determines that topography, soil conditions, or other circumstances dictate the need for additional protection measures.

APPLICANT RESPONSE: None provided.

STAFF FINDING: Applicant's plans indicate that driveways will be placed more than 5-feet from an adjacent property line and that this area between the edge of the driveway and the property line will be vegetated. The criterion is met.

6. Driveway Aprons. Driveway aprons shall meet City construction standards and be installed between the street right-of-way and the private drive, as shown in Figure 16.120.020.K. Driveway aprons shall conform to ADA standards for sidewalks and pathways, which require a continuous route of travel that is a minimum of three feet in width, with a cross slope not exceeding two percent.

APPLICANT RESPONSE: None provided.

STAFF FINDING: Applicant did not provide detail regarding the design of the driveway apron. **Prior to construction plan approval, Applicant shall submit plans for driveway aprons that conform to City standards.**

[…]

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.

APPLICANT RESPONSE: None provided.

STAFF FINDING: The planned development is subject to the Uniform Fire Code. As shown on Applicant's plans, all planned lots will be accessible within 150-feet of a public street or via an alternative accessway equipped with a paved fire apparatus turnaround where such accessway length exceeds 150-feet. The grade of planned public streets and private acessways does not exceed 12 percent. The criteria are met.

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: None provided.

STAFF FINDING: The site includes two small vehicle parking areas located near the leasing office and a planned pocket park abutting Road I. Each of the parking areas includes sufficient turn-around area within the abutting private alley to accommodate vehicles entering onto the adjacent public street in a forward manner. The criterion is met.

M. Vertical Clearances. Driveways, private streets, aisles, turn-around areas and ramps shall have a minimum vertical clearance of 13 feet 6 inches for their entire length and width.

N. Vision Clearance. No signs, structures or vegetation in excess of three feet in height shall be placed in vision clearance areas, as shown in Figure 16.120.020.N. The minimum vision clearance area may be increased by the Community Development Director, City-appointed engineer, or Planning Commission upon finding that more sight distance is required (i.e., due to traffic speeds, roadway alignment, etc.). See also Chapter 16.132 for additional requirements.

APPLICANT RESPONSE: None provided.

STAFF FINDING: Applicant's plans indicate that the vertical and vision clearance requirements above can be met. **Prior to the approval of Applicant's construction plans, Applicant shall demonstrate that the applicable vertical and vision clearance requirements in WMC 16.120.020.M. and N. are met.**

O. Construction. The following development and maintenance standards shall apply to all driveways, parking areas, and private streets in the City of Warrenton:

1. Surface Options. All driveways, parking areas, aisles, and turn-a-rounds in the City of Warrenton shall be paved with asphalt, concrete, or other comparable surfacing. A durable non-paving material may be used for driveways and private streets that serve three or fewer residential dwelling units and in other instances where the need to reduce surface water runoff and protect water quality can be demonstrated through adequate findings of fact submitted by the applicant and/or property owner as part of the development proposal. All paving and non-paving surfaces shall meet City construction standards and shall be subject to review and approval by the Community Development Director, City-appointed engineer, and/or Planning Commission.

APPLICANT RESPONSE: None provided.

STAFF FINDING: Applicant's plans indicate that driveways, parking areas, and other vehicle circulation areas will be paved with asphalt or concrete. **Prior to construction plan approval, Applicant shall demonstrate to the City's satisfaction that all vehicle surfacing has been designed in conformance with applicable City standards.**

2. Surface Water Management. All driveways, parking areas, aisles and turn-a-rounds shall have onsite collection or infiltration of surface waters to eliminate sheet flow of such waters onto public

rights-of-way and abutting property. Surface water facility plans shall be prepared by a qualified person and constructed in conformance with City standards. Such plans shall attempt to follow the principle that water falling on a given site should be absorbed or retained on-site to the extent that the quantity and rate of water leaving the site after the development would not be significantly different than if the site had remained undeveloped.

APPLICANT RESPONSE: None provided.

STAFF FINDING: Applicant's stormwater plan indicates that the post-development runoff characteristics of the site will mimic the pre-development characteristics. Additionally, site drainage has been designed to eliminate sheet flow onto public rights-of-way and abutting properties. The criterion is met.

3. Driveway Aprons. When driveway approaches or "aprons" are required to connect driveways to the public right-of-way, they shall be paved with concrete surfacing and meet City construction standards.

APPLICANT RESPONSE: None provided.

STAFF FINDING: The application does not provide detail regarding the interface between apron transitions at driveways and private alleys and at the intersecting public streets. **Prior to construction plan approval, Applicant shall provide such design details and which shall conform to City standards.**

16.124 Landscaping, Street Trees, Fences and Walls

16.124.030 New Landscaping.

Sets standards for and requires landscape plans for all new development in the City requiring a City permit. This section also requires buffering for parking and maneuvering areas, and between different land use districts. Note that other landscaping standards are provided in Division 2, Land Use Districts, for specific types of development.

APPLICANT RESPONSE: None provided.

STAFF FINDING: Certain landscaping standards in this Chapter are applicable to the planned development. Responses to the applicable criteria are provided below.

16.124.040 Street Trees.

Sets standards for and requires planting of trees along all streets for shading, comfort and aesthetic purposes.

APPLICANT RESPONSE: None provided.

STAFF FINDING: Street trees are required along Certain landscaping standards in this Chapter are applicable to the planned development. Responses to the applicable criteria are provided below.

[…]

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.

F. Exemptions. The protection standards in this section shall not apply in the following situations:

1. Dead, Diseased, and/or Hazardous Vegetation. Vegetation that is dead or diseased, or poses a hazard to personal safety, property or the health of other trees, may be removed. Prior to tree removal, the applicant shall provide a report from a certified arborist or other qualified professional (i.e., a certified member of the Oregon Loggers Association) to determine whether the subject tree is diseased or poses a hazard, and any possible treatment to avoid removal, except as provided by paragraph 2 of this section.

2. Emergencies. Significant vegetation may be removed in the event of an emergency when the vegetation poses an immediate threat to life or safety.

3. Licensed Timber Operations. Logging operations that have been permitted by the Oregon Department of Forestry as being consistent with the Oregon Forest Practices Rules and Statutes.

APPLICANT RESPONSE: During verbal discussions with Applicant, Applicant indicated that tree removal on the subject site was removed as part of a licensed timber operation permitted by the Oregon Department of Forestry.

STAFF FINDING: Per WMC 16.124.060.F.3., licensed timber operations are exempt from the provisions of this section. Applicant has not furnished evidence to support their verbal claim that tree removal was undertaken consistent with a licensed timber operation. **Prior to preliminary subdivision plan approval, Applicant shall provide evidence to confirm that tree removal on site was undertaken as part of a licensed timber operation permitted by the Oregon Department of Forestry.**

16.124.070 New Landscaping.

A. Applicability. This section shall apply to all developments within the City of Warrenton.

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: None provided.

STAFF FINDING: Applicant provided a landscape plan that includes the above-requested information. The criteria are met.

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

1. Residential districts: 20% of the site.

[…]

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

APPLICANT RESPONSE: None provided.

STAFF FINDING: Applicant did not quantify the percent of site landscaping in their application materials. **Prior to preliminary subdivision plat approval, Applicant shall provide evidence to confirm that a minimum landscape area of 589,528 square feet will be provided on the future Parcel 2.**

D. Landscape Materials. Landscape materials include trees, shrubs, groundcover plants, turf grasses (e.g. grass sod or seed), and outdoor hardscape features, as described below:

1. Natural Vegetation. Natural vegetation shall be preserved or planted where practicable.

2. Plant Selection. A combination of deciduous and evergreen trees, shrubs, turf grasses, and ground-covers shall be used for all planted areas, the selection of which shall be based on local climate, exposure, water availability, and drainage conditions. As necessary, soils shall be amended to allow for healthy plant growth.

3. "Non-native, invasive" plants, as per Section 16.124.020, shall be prohibited.

4. Hardscape features (i.e., patios, decks, plazas, etc.) may cover up to 50% of the required landscape area. Swimming pools, sports courts and similar active recreation facilities may not be counted toward fulfilling the landscape requirement.

5. Non-plant Groundcovers. Bark dust, chips, aggregate or other non-plant groundcovers may be used, but shall cover no more than 50% of the area to be landscaped. "Coverage" is measured based on the size of plants at maturity or after five years of growth, whichever comes sooner.

6. Tree Size. Trees shall have a minimum caliper size of one and one-half inches or greater (two inches for required street trees) at time of planting.

7. Shrub Size. Shrubs shall be balled and burlapped and sized to fit in multi-gallon containers.

8. Groundcover Size. Groundcover plants shall be sized and spaced so that they grow together to cover a minimum of 30% of the underlying soil within two years.

9. Significant Vegetation. Significant vegetation preserved in accordance with Section 16.124.020 may be credited toward meeting the minimum landscape area standards. Credit shall be granted on a per square foot basis. The street tree standards of Section 16.124.040 may be waived when trees preserved within the front yard provide the same or better shading and visual quality as would otherwise be provided by street trees.

APPLICANT RESPONSE: None provided.

STAFF FINDING: Applicant's landscape plan includes a mix or trees, shrubs, and ground covers as outlined above, but does provide detail as to whether hardscapes, pedestrian access corridors, or similar are intended to satisfy the overall site landscaping requirement. **Prior to preliminary subdivision plat approval, Applicant shall provide evidence to confirm that a minimum landscape area of 589,528 square feet will be provided on the future Parcel 2, and incorporating the landscaping material requirements in 16.124.070.D.1.-9.**

[…]

E. Landscape Design Standards. All yards, parking lots and required street tree planter strips shall be landscaped in accordance with the provisions of Sections 16.124.010 through 16.124.050. Landscaping shall be installed with development to provide erosion control, visual interest, buffering, privacy, open space and pathway identification, shading and wind buffering, and to help control surface water drainage and improvement of water quality, based on the following standards:

1. Yard Setback Landscaping. Landscaping shall satisfy the following criteria:

a. Provide visual screening and privacy within side and rear yards while leaving front yards and building entrances mostly visible for security purposes.

b. Use shrubs and trees as wind breaks, as appropriate.

c. Retain natural vegetation, as practicable.

d. Define pedestrian pathways and open space areas with landscape materials.

e. Provide focal points within a development, such as signature trees (i.e., large or unique trees), hedges and flowering plants.

f. Use trees to provide summer shading within common open space areas, and within front yards when street trees cannot be provided.

g. Use a combination of plants for year-long color and interest.

h. Use landscaping to screen outdoor storage and mechanical equipment areas, and to enhance graded areas such as berms, swales and detention/retention ponds.

APPLICANT RESPONSE: None provided.

STAFF FINDING: Applicant's landscape plan illustrates planned landscaping within public and private rights-of-way but does not detail planned landscaping within required yard areas or parking lots. **Prior to preliminary subdivision plat approval, Applicant shall provide evidence to confirm that the landscaping requirements in 16.124.070.E.1. are met.**

2. Parking Areas. A minimum of eight percent of the combined area of all parking areas, as measured around the perimeter of all parking spaces and maneuvering areas, shall be landscaped. Such landscaping shall consist of an evenly distributed mix of shade trees with shrubs and/or groundcover plants. "Evenly distributed" means that the trees and other plants are distributed around the parking lot perimeter and between parking bays to provide a partial canopy. At a minimum, one tree per five parking spaces total shall be planted to create a partial tree canopy over and around the parking area. All parking areas with more than 20 spaces shall include landscape islands with trees to break up the parking area into rows of not more than 12

contiguous parking spaces. All landscaped areas shall have minimum dimensions of four feet by four feet to ensure adequate soil, water, and space for healthy plant growth.

APPLICANT RESPONSE: None provided.

STAFF FINDING: Applicant's landscape plan illustrates planned landscaping within public and private rights-of-way but does not detail planned landscaping within required yard areas or parking lots. **Prior to preliminary subdivision plat approval, Applicant shall provide evidence to confirm that the landscaping requirements in 16.124.070.E.2. are met.**

[…]

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: None provided.

STAFF FINDING: Applicant's landscape plan illustrates planned landscaping within public and private rights-of-way but does not provide detail regarding how this landscaping complies with the applicable criteria above. **Prior to preliminary subdivision plat approval, Applicant shall provide evidence to confirm that the landscaping requirements in 16.124.080.A. are met.**

B. Caliper Size. The minimum caliper size at planting shall be one and one-half inches diameter breast height (dbh) (two inches for required street trees), based on the American Association of Nurserymen Standards.

APPLICANT RESPONSE: None provided.

STAFF FINDING: Applicant's landscape plan indicates that new street trees will be planted at a minimum size of 2 ½ inch caliper. The criterion is met.

C. Spacing and Location. Street trees shall be planted within existing and proposed planting strips, and in sidewalk tree wells on streets without planting strips. The Community Development Director or Planning Commission may approve planting of street trees in other areas upon submission of a landscaping plan that demonstrates comparable (or greater) benefits to the neighborhood. Street tree spacing shall be based upon the type of tree(s) selected and the canopy size at maturity. In general, trees shall be spaced no more than 30 feet apart, except where planting a tree would conflict with existing trees, retaining walls, utilities and similar physical barriers.

APPLICANT RESPONSE: None provided.

STAFF FINDING: Applicant's landscape plan shows planned street trees within new public rights-of-way to the extent feasible given the need to avoid utility conflicts and other physical barriers. Applicant's plan does not include new street trees along the Ridge Road frontage. **Prior to preliminary subdivision plat approval, Applicant shall revise their landscape plan to include street trees, consistent with 16.124.080.C., along the planned multi-use pathway for the length of the site frontage along Ridge Road.**

D. Soil Preparation, Planting and Care. The developer shall be responsible for planting street trees, including soil preparation, groundcover material, staking, and temporary irrigation for two years after planting. The developer shall also be responsible for tree care (pruning, watering, fertilization, and replacement as necessary) during the first two years after planting.

E. Assurances. The City shall require the developer to provide a performance and maintenance bond, or cash deposit, in an amount determined by the City-appointed engineer, to ensure the planting of the tree(s) and care during the first two years after planting.

APPLICANT RESPONSE: None provided.

STAFF FINDING: Applicant did not provide detail regarding soil preparataion or assurances. **Prior to construction plan approval, Applicant shall provide evidence to the City to confirm that the requirements in 16.124.080.D. and E. are met.**

16.128 Vehicle and Bicycle Parking

16.128.020 Applicability.

All developments in the City of Warrenton shall comply with the provisions of this chapter.

APPLICANT RESPONSE: None provided.

STAFF FINDING: Responses to the applicable criteria in this section are responded to below.

16.128.030 Vehicle Parking Standards.

At the time a structure is erected or enlarged, or the use of a structure or parcel of land is changed within any zone in the City, off-street parking spaces shall be provided in accordance with requirements in this section, chapter, and Code, unless greater requirements are otherwise established. The minimum number of required off-street vehicle parking spaces (i.e., parking that is located in parking lots and garages and not in the street right-of-way) shall be determined based on the standards in Table 16.128.030.A.

A. General Provisions.

[…]

2. Service drives or aisles to off-street parking areas shall be designed and constructed to facilitate the flow of traffic and to provide maximum safety to pedestrian, bicycle, and vehicular traffic on the site.

3. Service drives or aisles shall be clearly and permanently marked and defined through the use of bumper rails, fences, buildings, walls, painting, or other appropriate markers.

4. Fractional space requirements shall be counted as a whole space.

5. All parking lots shall be designed and constructed to meet the City standards of Section 16.120.020, this chapter, Chapter 16.136, and this Code.

6. Uses not specifically listed above shall furnish parking as required by the Community Development Director, who shall consider uses similar to those listed in Table 16.128.030.A and the Institute of Traffic Engineers Parking Generation as guides for determining requirements for other uses.

7. Parking spaces and parking areas may be used for transit related uses such as transit stops and park- and-ride/rideshare areas, provided minimum parking space requirements can still be met.

[…]

APPLICANT RESPONSE: None provided.

STAFF FINDING: Applicant's plans illustrate that access to planed lots will occur via public rights-of-way, private alleys, and private shared driveways. In each case, independent pedestrian pathways are provided that provide safe and convenient access to future lots and minimize conflicts between pedestrians and motorists. Additional detail regarding the design of off-street parking spaces will be provided during preliminary subdivision plat review. The criteria can be met.

[…]

10. The applicant may propose a parking space standard that is different than the standard in Table 16.128.030.A, for review and action by the Community Development Director through a variance procedure, pursuant to Chapter 16.272. The applicant's proposal shall consist of a written request and a parking analysis prepared by a qualified professional/registered engineer. The parking analysis, at a minimum, shall assess the average parking demand and available supply for existing and proposed uses on the subject site; opportunities for shared parking with other uses in the vicinity; existing public parking in the vicinity; transportation options existing or planned near the site, such as frequent transit service, carpools, or private shuttles; and other relevant factors.

The Community Development Director may reduce or waive the off-street parking standards for sites with one or more of the following features:

a. Site has a transit stop with existing or planned frequent transit service (30-minute headway or less) located adjacent to it, and the site's frontage is improved with a transit stop shelter, consistent with the standards of the applicable transit service provider: Allow up to a 20% reduction to the standard number of automobile parking spaces;

b. Site has dedicated parking spaces for carpool/vanpool vehicles: Allow up to a 10% reduction to the standard number of automobile parking spaces;

c. Site has dedicated parking spaces for motorcycle and/or scooter or electric carts: Allow reductions to the standard dimensions for parking spaces and the ratio of standard to compact parking spaces;

d. Available on-street parking spaces adjacent to the subject site in amounts equal to the proposed reductions to the standard number of parking spaces.

e. Site has more than the minimum number of required bicycle parking spaces: Allow up to 10% reduction to the number of automobile parking spaces.

f. The property is located in the downtown area as defined by the intersection of E Harbor Drive, S Main Avenue and 4th Street.

APPLICANT RESPONSE: None provided.

STAFF FINDING: Applicant's plans illustrate that homes planned for the future detached lots will include a 2-car garage with a 20-foot wide driveway that is capable of hosting 2 additional off-street parking spaces. These same plans show a 10-foot wide driveway for the attached single-family homes capable of hosting 1 off-street vehicle parking space. Applicant did not provide detail to confirm whether the planned attached homes will include a garage. Applicant has not requested any deviation from the standards as may be allowed in a. – f. above. **Prior to preliminary subdivision plan approval, applicant shall provide evidence to confirm that off-street parking meets or exceeds the minimum requirements in Table 16.128.030.A.**

B. Parking Location and Shared Parking.

1. Location. Vehicle parking is allowed only on approved parking shoulders (streets), within garages, carports and other structures, or on driveways or parking lots that have been developed in conformance with this Code. Parking and loading areas shall not be located in required yards adjacent to a street unless otherwise specifically permitted in this ordinance. Side and rear yards that are not adjacent to a street may be used for such areas when developed and maintained as required in this chapter. See also Chapter 16.120, Access and Circulation.

APPLICANT RESPONSE: None provided.

STAFF FINDING: Applicant's plans illustrate that parking will be provided as allowed above. The criterion is met.

[…]

C. Parking Stall Standard Dimensions and Compact Car Parking. All off-street parking stalls shall be improved to conform to City standards for surfacing, stormwater management, and striping. See Section 16.120.020 for parking lot construction standards. Up to 40% of the required spaces may be sized to accommodate compact cars. Standard parking spaces shall conform to the dimensions in Figure 16.128.030.C. Disabled person parking spaces shall conform to the standards (and dimensions) in this section.

APPLICANT RESPONSE: None provided.

STAFF FINDING: Applicant's plan includes two small parking areas located near the leasing office and a small park/open space south of Road I. **At time of preliminary subdivision approval,**

applicant shall provide evidence that these parking areas have been designed in conformance with the applicable requirements in Figures 16.128.030.C. and D.

[…]

16.132 Clear Vision Areas
16.132.010 Clear Vision Areas.

See also Section 16.120.020 and Figure 16.120.020.N.

A. A clear vision area shall be maintained on the corner of property adjacent to the intersection of two streets, or adjacent to the intersection of a street and a railroad.

B. A clear-vision area shall consist of a triangular area. Two sides of the triangle are lot lines measured from the corner intersection of the street lot lines for a distance specified in this section or, where the lot lines have rounded corners, the lot lines extended in a straight line to a point of intersection and so measured. The triangle's third side is a line across the corner of the lot joining the non-intersecting ends of the other two sides.

C. A clear-vision area shall contain no planting, fence, wall, structure, or temporary or permanent obstruction exceeding 36 inches in height measured from the top of the curb or, where no curb exists, from the established street centerline grade, except:

1. Trees exceeding this height may be located in this area provided all branches and foliage are removed to a height of eight feet above the grade;

2. Open-wire fencing that does not obscure sight more than 10% may be a maximum of 48 inches high.

D. The following dimensional requirements govern clear vision areas:

1. The minimum length of street sides of the clear vision triangle shall be 15 feet. See Figure 16.132.010.

2. The minimum vision clearance area may be increased by the Community Development Director, City-appointed engineer, or Planning Commission upon finding that more sight distance is required (i.e., due to traffic speeds, roadway alignment, etc.).

APPLICANT RESPONSE: None provided.

STAFF FINDING: Applicant's plan appears to show some planned landscaping within clear vision areas that may conflict with these standards. **Prior to preliminary subdivision plat approval, Applicant shall provide evidence to demonstrate conformance with the applicable standards in 16.132.010.**

16.136 Public Facilities Standards
16.136.010 Purpose and Applicability.

[…]

B. When Standards Apply. Unless otherwise provided, the standard specifications for construction, reconstruction or repair of transportation facilities (public or private), utilities and other public improvements within the City shall occur in accordance with the standards of this chapter. No development may occur unless the public (or private, in some instances) facilities related to development comply with the public facility requirements established in this chapter.

C. Standard Specifications. The City shall establish standard construction specifications consistent with the design standards of this chapter and application of engineering principles. They are incorporated in this Code by reference.

APPLICANT RESPONSE: None provided.

STAFF FINDING: The applicable criteria from this Chapter are responded to below.

D. Conditions of Development Approval. No development may occur unless required public facilities are in place or guaranteed, in conformance with the provisions of this Code. Improvements required as a condition of development approval, when not voluntarily accepted by the applicant, shall be roughly proportional to the impact of development. Findings in the development approval shall indicate how the required improvements are roughly proportional to the impact.

APPLICANT RESPONSE: None provided.

STAFF FINDING: Where necessary, conditions of approval are recommended by staff as outlined below. Where appropriate, an analysis of rough proportionality is provided.

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: None provided.

STAFF FINDING: Pursuant to the flexibility afforded by a PUD, MC 23-3 approved a configuration of some new lots that would be accessible via a private alley. Moreover, applicant has requested an alternative design standard for new public local streets comprising 28-feet of pavement, (2) five-foot wide sidewalks, and landscape strips within a 50-foot wide right-of-way. Staff is supportive of the alternative street standard as requested by Applicant.

[…]

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.

APPLICANT RESPONSE: None provided.

STAFF FINDING: The application does not include a final subdivision plat. **At time of final subdivision plat, Applicant shall provide evidence demonstrating that public rights-of-way will be dedicated in conformance with 16.136.020.C.**

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.

APPLICANT RESPONSE: None provided.

STAFF FINDING: The application does not include a final subdivision plat. **At time of final subdivision plat, Applicant shall provide evidence demonstrating that access easements will be lawfully established where necessary.**

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:

[…]

APPLICANT RESPONSE: None provided.

STAFF FINDING: The planned street design generally conforms with that approved in MC-23-3. Additionally, Applicant has requested, and staff supports, use of the local road alternative minimum design standard for new public streets, as provided in Table 16.136.010. Applicant's planned design for private alleys and the planned multi-use pathway conform to the standards in Table 16.136.010. The criteria are met.

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.

APPLICANT RESPONSE: None provided.

STAFF FINDING: Applicant's TIA did not recommend the need for a traffic signal as a result of operational characteristics following the build out of the planned site. An enhance pedestrian crossing at the intersection of Ridge Road and Peter Iredale Road has been suggested and is supported by City and County staff. **Prior to construction plan approval, Applicant shall provide plans to the City which include a new enhanced pedestrian crossing at the south leg of the intersection of Ridge Road and Peter Iredale Road.**

[…]

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.

APPLICANT RESPONSE: None provided.

STAFF FINDING: Applicant's plans illustrate that connections to Ridge Road will be made in conformance with applicable spacing requirements for collector roadways. Similarly, internal streets satisfy applicable intersection spacing requirements. Due to existing development and natural resources adjacent the site, extension of streets to abutting properties to the south and east is not possible. In response to the block length standards, staff recommends the following condition of approval:

To ensure convenient pedestrian access to the planned multi-use pathway along the site's Ridge Road frontage, Applicant shall extend the planned pedestrian accessways in the following locations to connect to the planned multi-use pathway in Ridge Road:

- **Walkway extending from Road A west along the frontage of Lots 50-52 and 62-64;**
- **Walkway extending from Road A west along the frontage of Lots 79-81 and 92-94;**
- **Walkway extending from Road A west along the frontage of Lots 145-147 and 154-156;**
- **Walkway extending from Road B west along the frontage of Lots 171-176;**
- **Walkway extending from Road B west along the frontage of Lots 184-190;**

[…]

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.

APPLICANT RESPONSE: None provided.

STAFF FINDING: Applicant's plans illustrate intersection angles are designed in conformance with this section. **At time of construction plan approval, Applicant's plans shall demonstrate compliance with the intersection design requirements in 16.136.020.K.**

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.

APPLICANT RESPONSE: None provided.

STAFF FINDING: The City's TSP identifies the minimum width for a major collector street right-of-way as 64 feet. Ridge Road is currently located within a right-of-way of approximately 160-feet wide along the site frontage. No additional right-of-way dedication is required. The criterion is met.

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.

APPLICANT RESPONSE: None provided.

STAFF FINDING: The application includes several private dead-end streets (alleys) that terminate in a private driveway, if less than 150-feet in length, or that terminate in a hammerhead turnaround if greater than 150-feet in length. Only one of these dead-end alleys, Alley H, exceeds 200-feet in length. The general configuration of these private alley accessways was approved in MC-23-3. **Prior to preliminary subdivision plat approval, Applicant shall coordinate with the Fire Department to confirm that the planned design for these dead-end alleys, and other streets, conforms to all applicable Fire Code requirements.**

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.

APPLICANT RESPONSE: None provided.

STAFF FINDING: Applicant's plans do not include detail showing the vertical profile of new streets. **Prior to preliminary subdivision plat approval, Applicant shall provide evidence to the City to demonstrate conformance with the applicable horizontal and vertical curvature standards for all new streets, as outlined in 16.136.020.N.**

[…]

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.

APPLICANT RESPONSE: None provided.

STAFF FINDING: Applicant's plans do not show radiused corners at intersections. **Prior to preliminary subdivision plat approval, Applicant shall provide evidence to the City to demonstrate conformance with the applicable alley design standards in 16.136.020.R.**

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.

APPLICANT RESPONSE: None provided.

STAFF FINDING: The City generally approved the use of private streets/alleys to access certain lots in MC-23-3, which is authorized by the City's PUD procedure. The criterion does not apply.

[…]

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

APPLICANT RESPONSE: None provided.

STAFF FINDING: Applicant's plans to do indicate the location of planned mail boxes on site. **Prior to preliminary subdivision plan approval, Applicant shall provide plans which demonstrate compliance with the mailbox location requirements in 16.136.020.W.**

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

APPLICANT RESPONSE: None provided.

STAFF FINDING: Applicant's plans do not include detail regarding the design of new street lights. **Prior to construction plan approval, Applicant shall provide evidence confirming that new street lights conform to applicable City standards.**

[…]

16.136.030 Public Use Areas.

A. Dedication Requirements.

[…]

APPLICANT RESPONSE: None provided.

STAFF FINDING: In lieu of these and PUD-related parks and open space area requirements, in MC-23-3, the City allowed Applicant to provide a minimum 10-foot wide multi-use path along the site's frontage with Ridge Road. Applicant's plans illustrate their intent to install the multi-use pathway in satisfaction of these requirements. The criteria are met.

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 onsite 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.

APPLICANT RESPONSE: None provided.

STAFF FINDING: The applicant has provided a LPSS narrative and preliminary engineering plans with regard to the sanitary sewer and water improvements necessary to the serve the project. The applicant proposes a combination of a private and public sanitary sewer infrastructure to serve the project. The provided information appears to meet the criteria above, however, we recommend the following conditions of approval be incorporated :

- Prior to issuance of the Public Works Construction Permit for each phase of the project, the applicant shall submit construction plans that show looped public water mains within all right-of-way connections to the existing water main within Ridge Road or as approved the consultant City Engineer.

- Prior to issuance of the Public Works Construction Permit for each phase of the project, the applicant shall submit plans of the water system to the Oregon Health Authority (OHA) Drinking Water Services as per OAR 333-061 and obtain approval (after City Public Works review/tentative approval). A copy of the approval shall be submitted to the City.
- Prior to issuance of the Public Works Construction Permit for each phase of the project, the applicant's design team shall submit design calculations showing that the fire flow requirements for hydrants and multi-family buildings can be met while maintaining the minimum operating pressure of 20 psi as required/approved by the Fire Code Official and Oregon Fire Code.
- Prior to submittal of engineering plans for the 1st phase of the project, the applicant shall coordinate with the City Public Works Department to provide an engineering analysis (stamped by a PE) of the public force mains to finalize and define sanitary sewer service to the project with a combination of a LPSS and conventional sewer pump stations.
- Prior to issuance of the Public Works Construction Permit for each phase of the project, the applicant shall submit plans of the sanitary sewer system to the Oregon Department of Environmental Quality (DEQ) as per ORS 468B.055 and obtain approval (after City Public Works review/tentative approval). A copy of the approval shall be submitted to the City
- Prior to issuance of the Public Works Construction Permit for each phase of the project, the applicant shall submit CCR and HOA documents to the City for review and approval that address the maintenance timing, responsibilities, and funding mechanism for the Low Pressure Sewer System (LPSS) planned within the project.
- Prior to issuance of the Public Works Construction Permit for the 1st phase of the project, the applicant shall obtain and record a 30 to 35-foot wide public access and utility easement to the City across privately owned KOA property (TL 1301) for the offsite water main and sanitary sewer connection between NW Warrenton Drive and NW Ridge Road (and the future multi-purpose path extension).
- Prior to occupancy of the 1st unit/home within the project, the applicant shall design, permit, construct, and obtain final acceptance from the City for offsite and parallel 10-inch sanitary sewer force main and 12-inch diameter water main connection between NW Warrenton Drive and NW Ridge Road.

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.

APPLICANT RESPONSE: None provided.

STAFF FINDING: The applicant has provided a preliminary stormwater management plan (stormwater report) that shows compliance with City requirements with respect to Chapter 16.140 and incorporates onsite conveyance calculations, downstream evaluations, and identifies the anticipated stormwater routing and outfalls for the project. The provided information appears to meet the City's criteria, however, wetland fill permits may be required and trigger state and federal requirements for stormwater management; therefore, we recommend the following conditions of approval:

- The applicant shall submit a final stormwater management plan (stamped by a Professional Engineer) for the subdivision and any offsite improvements that meet City standards and address any additional stormwater management requirements that may be triggered due to DSL or USACE permits. Modifications to the PUD layout that may result based on changes to the stormwater design will be reviewed pursuant to Chapter 16.228.
- Prior to and as part of the final plat recordation for each phase of the project, the applicant shall show public stormwater and access easements to the City for stormwater facilities (if required) and storm outfalls.

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.

APPLICANT RESPONSE: None provided.

STAFF FINDING: Applicant's plans illustrate the location of underground water, sanitary sewer, and stormwater utilities, as well as show public utility easements located along all public street frontages. New utilities are also planned to be located within the private alleys. **Prior to construction plan approval, Applicant shall provide evidence to confirm that all utilities necessary to serve each lot have been designed in conformance with applicable City standards, and that where located on private property, sufficient access and maintenance easements will be established.**

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: None provided.

STAFF FINDING: Applicant's plans illustrate the location of underground water, sanitary sewer, and stormwater utilities, as well as show public utility easements located along all public street frontages. New utilities are also planned to be located within the private alleys. **Prior to**

construction plan approval, Applicant shall provide evidence to confirm that all utilities necessary to serve each lot have been designed in conformance with applicable City standards, and that where located on private property, sufficient access and maintenance easements will be established.

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: None provided.

STAFF FINDING: The applicant has provided a preliminary grading plan and stormwater management plan (stormwater report) which develops the property in a logical manner which is consistent with the City requirements.

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.

APPLICANT RESPONSE: None provided.

STAFF FINDING: The applicant has provided a preliminary stormwater management plan (stormwater report) that shows compliance with City requirements with respect to Chapter 16.140 and incorporates onsite conveyance calculations, downstream evaluations, and identifies the anticipated stormwater routing and outfalls for the project. The provided information appears to meet the City's criteria; however, wetland fill permits may be required and trigger additional state and federal requirements for stormwater management (water quality and detention requirements). The application shows evidence that the project will drain properly and

future reviews by the engineering and public works department will be required to confirm modifications to the storm system are in compliance with City standards.

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.

APPLICANT RESPONSE: None provided.

STAFF FINDING: Applicant's plans do not combine storm and sewer. Storm drainage has been designed to mimic existing runoff characteristics are not expected to unreasonably burden adjacent properties. **Prior to construction plan approval, Applicant shall submit a final stormwater management report to confirm that all applicable stormwater management standards have been met.**

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: None provided.

STAFF FINDING: Applicant's plans indicate that drainage has been designed to mimic existing runoff characteristics. **Prior to construction plan approval, Applicant shall submit a final stormwater management report to confirm that all applicable stormwater management standards have been met.**

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: None provided.

STAFF FINDING: A 1200-C permit will be required for this project. **Prior to the issuance of a grading permit, Applicant shall submit and obtain a NPDES 1200-C erosion control permit from Oregon DEQ and provide evidence of a permit to the City.**

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: None provided.

STAFF FINDING: Applicant's preliminary stormwater plans and report indicate that these standards can be met. **Prior to issuance of a Public Works Construction Permit for each phase of the project, Applicant shall submit a final stormwater management plan (stamped by a Professional Engineer) for the subdivision and any offsite improvements that meet City standards and address any additional stormwater management requirements that may be triggered due to DSL or USACE permits. Modifications to the PUD layout that may result based on changes to the stormwater design will be reviewed pursuant to Chapter 16.228.**

[…]

16.152 Grading, Excavating, and Erosion Control Plans
16.152.010 Purpose.

The purpose of this chapter is to safeguard life, limb, property, and the public welfare by controlling activities that lead to soil erosion and sedimentation into watercourses, wetlands, riparian areas, public and private roadways caused by development activities, including clearing, grading, stripping, excavating, and filling of land.

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.

[…]

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.

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.

APPLICANT RESPONSE: None provided.

STAFF FINDING: Applicant's plans illustrate grading on the private property to the north. Staff is recommending a condition of approval that requires Applicant to obtain all easements necessary for construction and other improvements on the abutting private property. Additional grading review will occur at subject phases of project development.

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.

APPLICANT RESPONSE: None provided.

STAFF FINDING: Applicant's plans illustrate grading on the private property to the north. Staff is recommending a condition of approval that requires Applicant to obtain all easements necessary for construction and other improvements on the abutting private property. Additional grading review will occur at subject phases of project development.

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.

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.

APPLICANT RESPONSE: None provided.

STAFF FINDING: The applicant has provided a preliminary stormwater management plan (stormwater report) that shows compliance with City requirements with respect to Chapter 16.140 and incorporates onsite conveyance calculations, downstream evaluations, and identifies the anticipated stormwater routing and outfalls for the project. The provided information appears to meet the City's criteria; however, wetland fill permits may be required and trigger additional state and federal requirements for stormwater management (water quality and detention requirements). The application shows evidence that the project will drain properly and future reviews by the engineering and public works department will be required to confirm modifications to the storm system are in compliance with City standards.

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

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.

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.

APPLICANT RESPONSE: None provided.

STAFF FINDING: The applicant has provided a preliminary stormwater management plan (stormwater report) that shows compliance with City requirements with respect to Chapter 16.140 and incorporates onsite conveyance calculations, downstream evaluations, and identifies the anticipated stormwater routing and outfalls for the project. The provided information appears to meet the City's criteria; however, wetland fill permits may be required and trigger additional state and federal requirements for stormwater management (water quality and detention requirements). The application shows evidence that the project will drain properly and future reviews by the engineering and public works department will be required to confirm modifications to the storm system are in compliance with City standards.

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 measure 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.

[…]

16.156 Wetland and Riparian Corridor Development Standards
16.156.010 Purpose.

This chapter provides development standards for wetland and riparian corridors in the City of Warrenton and the Warrenton Urban Growth Area to comply with Statewide Planning Goal 5 (OAR Division 660 Chapter 23). The City of Warrenton has inventoried its wetland and riparian corridor resources, made a determination of significance for each resource unit, and produced applicable development standards that are contained in this chapter.

16.156.020 Applicability.

This chapter applies to all lands lying within the City of Warrenton and the Warrenton Urban Growth Area.

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.

B. Applications to the City of Warrenton for grading or building permits that would authorize development within a jurisdictional wetland boundary approved by the Oregon Department of State Lands shall contain the following:

1. A State of Oregon Wetland Removal-Fill Authorization.

2. Written verification from the Warrenton Community Development Director, or designee, that the affected wetland area is classified as "non-significant" per the City of Warrenton Locally Significant Wetland Map dated October 17, 1997. Alternatively, for development in a "significant"

wetland, a City of Warrenton Hardship Variance (see Section 16.156.080) must be obtained instead of the Community Development Director's written verification.

APPLICANT RESPONSE: Although Wetland B is not located on the City of Warrenton Locally Significant Wetland Map, the Applicant will address these standards as the wetland has been delineated as Wetland B.

STAFF FINDING: The revised plans show impacts to delineated wetlands in the vicinity of planned Lots 193-197. Subsequently, Applicant seeks approval for a hardship variance per 16.156.080. Responses to the hardship criteria are outlined below.

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:

1. Agricultural (farming and ranching) activities other than construction of buildings, structures, or paved roads conducted in accordance with federal, state, and local laws; or

2. Replacement of existing structures, streets, driveways, and utilities in the same location that do not disturb additional wetland surface area; or

3. Perimeter mowing and other cutting necessary for hazard prevention; or

4. Removal of non-native vegetation or nuisance plants and replacement with native plant species. All work conducted under this subsection (A)(4) must occur by hand (i.e., hand-pulling, machete, chain saw, or other similar means) unless approval from the Oregon Division of State Lands or the US Army Corp of Engineers for mechanized work has been granted. Submission of a landscape plan (including a revegetation plan) in accordance with Chapter 16.124 of this Code is required; or

5. Maintenance of existing ditches (not streams) to same configuration as previously constructed; or

6. A forest operation subject to the requirements of the Oregon Forest Practices Act and associated administrative rules; or

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

APPLICANT RESPONSE: The Applicant is requesting an approval from the City of Warrenton Planning commission for a hardship variance, and would accept a condition of approval to obtain a valid State of Oregon Wetland Removal-Fill Authorization prior to disturbing Wetland B on the subject site.

STAFF FINDING: Applicant is requesting a hardship variance to allow impacts to Wetland B. Justification is outlined 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.

APPLICANT RESPONSE: The proposed use for the parcel is residential development consistent with the underlying zoning designation and constitutes a reasonable and legal use of the property. This use is especially appropriate given the region's significant housing shortage, as documented in the City's 2019 Housing Needs Analysis prepared by Johnson Economics and Angelo Planning Group. That analysis recommends the City "encourage middle- and high-density residential zones to be used for housing at these densities, and not be built out with low-density housing that [doesn't] meet the intention of the zones," and also recommends that the City "facilitate 'missing middle' housing types." Granting this variance will support the City in meeting the adopted goals of the Housing Needs Analysis by enabling higher-densityresidential development in an area zoned for such use.

STAFF FINDING: Staff agrees that the planned development represents a reasonable and legal use of the property relative to the underlying zoning. Additionally, planned residential density for the site is well below the allowable density.

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: Strict adherence to this chapter, particularly the limitations on grading and wetland impacts, would render a substantial portion of the parcel undevelopable. The site

requires up to 30 feet of fill in certain areas to achieve level ground for development, and avoidance of the subject wetland would extend the non-buildable area over 100 feet beyond the wetland boundary. Given the narrow shape of the parcel, this would significantly disrupt the proposed road layout and site plan and effectively preclude a development pattern consistent with similarly zoned parcels. Strict adherence to this chapter, particularly the limitations on grading and wetland impacts, would render a substantial portion of the parcel undevelopable.

STAFF FINDING: Applicant's request for a hardship variance was submitted on June 5, shortly ahead of the deadline to publish this staff report. Subsequently, staff did not have time to provide an analysis of this issue prior to the publication of the staff report. Staff will provide a response to this prior to or during the June 12 public hearing.

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

APPLICANT RESPONSE: While some adjacent parcels also include wetlands, those features are generally located along the perimeter of the sites and have not interfered with the ability to develop the primary buildable area. In contrast, the subject parcel contains an isolated wetland situated further inland, directly within the area needed for road and lot layout. Requiring full avoidance of this feature would preclude development over a substantial portion of the site and result in a loss of development potential not experienced by neighboring property owners. As a result, the Applicant would be denied a substantial property right that is enjoyed by the majority of landowners in the vicinity: the ability to fully utilize the interior portion of the site for residential development.

STAFF FINDING: Applicant's request for a hardship variance was submitted on June 5, shortly ahead of the deadline to publish this staff report. Subsequently, staff did not have time to provide an analysis of this issue prior to the publication of the staff report. Staff will provide a response to this prior to or during the June 12 public hearing.

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

APPLICANT RESPONSE: Nearly 80 percent of the parcel contains delineated wetlands, making developable land extremely limited. The Applicant is requesting to fill only one isolated wetland that is physically and hydrologically separated from the broader wetland complex to the east. This variance is the minimum necessary to allow a feasible development on the remaining upland portion of the property while still avoiding more extensive impacts to the primary wetland system.

STAFF FINDING: Applicant's request for a hardship variance was submitted on June 5, shortly ahead of the deadline to publish this staff report. Subsequently, staff did not have time to provide an analysis of this issue prior to the publication of the staff report. Staff will provide a response to this prior to or during the June 12 public hearing.

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 fill of this isolated wetland will not be materially detrimental to the public welfare or to neighboring properties. The site is surrounded by a vast wetland complex that will remain undisturbed, and the proposed development will be required to meet all applicable stormwater and environmental regulations, further ensuring no off-site impacts.

STAFF FINDING: Applicant's request for a hardship variance was submitted on June 5, shortly ahead of the deadline to publish this staff report. Subsequently, staff did not have time to provide an analysis of this issue prior to the publication of the staff report. Staff will provide a response to this prior to or during the June 12 public hearing.

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 variance is consistent with the intent of this chapter, which is to balance resource protection with reasonable development opportunities. The Applicant is avoiding the primary wetland system and is only requesting relief to allow development in a constrained portion of the site that is otherwise isolated. The request supports adopted Comprehensive Plan policies that encourage compact residential development and provision of housing within urbanizing areas.

STAFF FINDING: Applicant's request for a hardship variance was submitted on June 5, shortly ahead of the deadline to publish this staff report. Subsequently, staff did not have time to provide an analysis of this issue prior to the publication of the staff report. Staff will provide a response to this prior to or during the June 12 public hearing.

16.184 Single-family Attached, Duplex, and Triplex Design Standards
16.184.010 Applicability.

Single-family attached housing (townhomes on individual lots), duplex, and triplex developments shall comply with the standards of this chapter.

16.184.020 Purpose.

These standards are intended to control development scale; avoid or minimize impacts associated with traffic, parking, and design compatibility; and ensure proper management and maintenance of common areas.

16.184.030 Design Standards.

A. Building Mass Supplemental Standard. The maximum number and width of consecutively attached townhomes (i.e., with attached walls at property lines) shall not exceed eight units or 200 feet (from end-wall to end-wall) whichever is less.

APPLICANT RESPONSE: None provided.

STAFF FINDING: Applicant's plans indicate that all future homes will be either single-family attached or detached. Attached homes will be attached in pairs only and will include a maximum width of less than 200-feet. The criterion is met.

B. Access Standards. Townhomes, duplexes and triplexes receiving access directly from a public or private street (as opposed to alley access) shall comply with the following standards, in order to minimize interruption of adjacent sidewalks by driveway entrances, slow traffic, improve appearance of the streets, and minimize paved surfaces for better stormwater management.

1. The maximum allowable driveway width facing the street is 10 to 24 feet per dwelling unit. The maximum combined garage width per unit is 50% of the total building width. For example, a 24-foot wide unit may have one 12-foot wide garage.

APPLICANT RESPONSE: The Applicant is seeking flexibility from WMC 16.184.030(B)(1), which limits garage width to no more than 50 percent of the total building width, through the Final PUD process. This flexibility is necessary to support a higher-density housing development that helps meet the community's growing need for a variety of housing types. Strict compliance with the garage width standard would constrain the ability to deliver compact, functional homes and reduce overall density, undermining the purpose of the PUD and the City's adopted housing goals.

The requested deviation supports a site design that optimizes livable space within each unit while accounting for regional weather, household storage needs, and the overall community aesthetic. The homes are arranged within a land plan based on new urbanist principles, emphasizing walkability and a connected street network. The ability to accommodate wider garages on narrower lots is essential to delivering a development that is both efficient and livable.

As offsetting mitigation, the project includes community-wide benefits such as an internal network of walking paths that promote pedestrian access throughout the development and connect residents to shared open spaces. These features contribute to a well-integrated and pedestrian-oriented neighborhood design.

This standard is met through the PUD process, which is intended to allow modifications that result in a more effective and responsive development pattern.

STAFF FINDING: Staff concurs with Applicant's response above and supports the requested flexibility from the garage width standard.

2. Two adjacent garages shall share one driveway when individual driveways would be separated by less than 20 feet (i.e., the width of one on-street parking space). When a driveway serves more than one lot, the developer shall record an access and maintenance agreement/easement to benefit each lot, prior to building permit issuance.

APPLICANT RESPONSE: None provided.

STAFF FINDING: Applicant's plans include shared driveways where such would be separated by less than 20-feet. **Prior to final subdivision plat approval, Applicant shall provide evidence to the City to demonstrate that sufficient legal access and maintenance responsibilities will be established for the shared use driveways.**

C. Common Areas. Common areas (e.g., landscaping in private tracts, shared driveways, private alleys, and similar uses) shall be maintained by a homeowners association or other legal entity. A homeowners association may also be responsible for exterior building maintenance. A copy of any applicable covenants, restrictions, and conditions shall be recorded and provided to the City prior to building permit approval.

APPLICANT RESPONSE: None provided.

STAFF FINDING: Prior to final plat approval, Applicant shall submit documentation to the City which establishes the program for maintenance of all commonly owned areas.

16.192 Large-Scale Developments
16.192.010 Approval Process.

A. Large-Scale Development. A development which is:

1. A planned unit development, manufactured dwelling park, recreational vehicle park, or campground; or

[…]

B. Review Type.

1. Type III: "1, 2, 3, or combined 1 and 4."

2. Type I: "4."

APPLICANT RESPONSE: None provided.

STAFF FINDING: As above, PUDs are defined as a large-scale development and reviewed pursuant to the City's Type III procedure.

16.192.020 General Provisions.

A. No permit shall be issued or conditional use application approved for a use defined as a large-scale development until the Community Development Director or hearings body (as applicable) determines that all applicable sections of this Code have been satisfied.

B. The degree of protection from problems caused by hazardous soils or stormwater runoff which is required by this chapter is considered reasonable for regulatory purposes. This chapter shall not create liability on the part of the City of Warrenton or by any officer, employee or official thereof for any damages due to hazardous soils or stormwater runoff that results from reliance on this chapter or any administrative decision lawfully made thereunder.

APPLICANT RESPONSE: None provided.

STAFF FINDING: Final design of grading and stormwater management will occur following preliminary subdivision approval. Staff have recommended conditions of approval, that will occur closer to the construction plan phase of work, regarding the submittal of more detailed design documents that will serve to demonstrate compliance with these standards. With the conditions of approval, the criteria can be met.

16.192.030 Soil Suitability.

A. Unless the Community Development Director (Type I or Type II) or hearings body (Type III) determines that an adequate detailed soil survey has already been undertaken for the entire portion of the site proposed for development, the owner or developer shall have a new soil survey of the site prepared to determine if construction on the site would be hazardous to facilities on the parcel or to nearby property due to the load bearing capacity of the soils, the potential for wind or water erosion, or the wetness or slope characteristics of the soil.

B. The soil survey shall be performed by a registered geotechnical engineer that is licensed in the State of Oregon.

C. If the detailed soil survey indicates that significant amounts of hazardous soils are in locations desired for development, the developer or owner shall submit a report to the City of Warrenton prepared by a licensed geotechnical engineer which indicates suitable techniques to minimize potential soil hazards to facilities on the parcel or to nearby property.

APPLICANT RESPONSE: None provided.

STAFF FINDING: Final geotechnical design will occur following preliminary subdivision approval. Staff have recommended conditions of approval, that will occur closer to the construction plan phase of work, regarding the submittal of more detailed design documents that will serve to

demonstrate compliance with these standards. With the conditions of approval, the criteria can be met.

D. The proposed use will only be approved if:

1. The detailed soil survey indicates that there is not a significant amount of hazardous soils on the portion of the site proposed for development; or

2. A method of eliminating hazards which could result from soils on the site prepared by a licensed geotechnical engineer and submitted to the City of Warrenton Planning and Building Department for review by a City-appointed engineer who will be paid by the developer and/or property owner.

APPLICANT RESPONSE: None provided.

STAFF FINDING: Final geotechnical design will occur following preliminary subdivision approval. Staff have recommended conditions of approval, that will occur closer to the construction plan phase of work, regarding the submittal of more detailed design documents that will serve to demonstrate compliance with these standards. With the conditions of approval, the criteria can be met.

E. If a detailed soil survey indicates that corrosive resistant materials are appropriate for pipes or foundations associated with the development, the City-appointed engineer may require that suitable materials be used for the pipes or foundations.

APPLICANT RESPONSE: None provided.

STAFF FINDING: Final geotechnical design will occur following preliminary subdivision approval. Staff have recommended conditions of approval, that will occur closer to the construction plan phase of work, regarding the submittal of more detailed design documents that will serve to demonstrate compliance with these standards. With the conditions of approval, the criteria can be met.

16.192.040 Stormwater Management.

The applicant shall submit a stormwater management plan, which shall meet the criteria of Chapter 16.140 of this Code, to the City of Warrenton Planning and Building Department for review for the proposed development that is prepared by a registered engineer currently licensed in the State of Oregon.

APPLICANT RESPONSE: None provided.

STAFF FINDING: The applicant has provided a preliminary stormwater management plan (stormwater report) that shows compliance with City requirements with respect to Chapter

16.140 and incorporates onsite conveyance calculations, downstream evaluations, and identifies the anticipated stormwater routing and outfalls for the project. The provided information appears to meet the City's criteria, however, wetland fill permits may be required and trigger state and federal requirements for stormwater management; therefore, we recommend the following conditions of approval:

- **The applicant shall submit a final stormwater management plan (stamped by a Professional Engineer) for the subdivision and any offsite improvements that meet City standards and address any additional stormwater management requirements that may be triggered due to DSL or USACE permits. Modifications to the PUD layout that may result based on changes to the stormwater design will be reviewed pursuant to Chapter 16.228.**
- **Prior to and as part of the final plat recordation for each phase of the project, the applicant shall show public stormwater and access easements to the City for stormwater facilities (if required) and storm outfalls.**

16.192.050 Utilities.

A. The applicant shall provide detailed information and analyses, as necessary, to the City of Warrenton to allow the City to assess the expected impacts of the development on the capacity of Warrenton's water, sewer, and transportation. The development will only be allowed if sufficient capacity exists or suitable evidence indicates it will exist prior to completion of the development construction. In deciding the sufficiency of capacity, consideration will be given to possible increases in flows resulting from activities of existing system users and from facilities which are likely to be built due to the proposed use, but are not part of the development.

B. On-site water supply, sewage disposal, access and circulation, shall be approved by the Warrenton Public Works Director. The development will not be allowed unless satisfactory provisions are made for these facilities. Satisfactory provisions, in part, mean that the size of any water lines, sewer lines, access roads, and drainage-ways will be sufficient to meet the needs of the development and, where desirable, accommodate growth in other areas. Suitable arrangement, including dedication of land or use of easements, shall be made so that the City will be able to maintain appropriate water, sewer, street, and drainage facilities. The construction of lengthy pressure-forced sewer lines to the site which by-pass undeveloped properties will be discouraged.

C. Utility lines in the development (including electricity, communications, street lighting and cable television) shall be placed underground. Appurtenances and associated equipment such as surface mounted terminal boxes and meter cabinets may be placed above ground.

D. All utilities shall be installed in conformance with this Code and City construction standards.

APPLICANT RESPONSE: The application satisfies the requirement to assess and quantify the development's effects on public facilities and services, as outlined below.

Transportation System:

A Transportation Impact Analysis (TIA) prepared by Lancaster Mobley titled "Fort Pointe Planned Unit Development Transportation Impact Analysis" dated August 16, 2023, for the project analyzes the proposed development's impacts on the surrounding transportation network. The development will ultimately consist of apartment units being proposed through a separate application after the multi-family portion of the development is conveyed to a separate developer, 214 detached single-family homes, and 26 attached single-family townhomes, constructed in phases through 2031. Trip generation estimates anticipate 244 AM peak hour, 325 PM peak hour, and 3,596 total weekday trips at full buildout. The TIA concludes that no traffic signal or left-turn lane warrants are met, and no operational mitigation is necessary. Sight distance at access points is adequate, and queuing impacts are not expected to measurably change. While some intersections in the study area exhibit crash rates exceeding the 90th percentile, no patterns or trends were identified that require mitigation. Therefore, the existing transportation network is expected to continue to function acceptably, and no improvements beyond site access construction are necessary to meet City standards.

Pedestrian Ways and Bikeways:

A multi-use trail is proposed along NW Ridge Road, which will be constructed and extended as part of each development phase and the future multi-family development. Internal pedestrian connectivity is provided throughout the PUD, linking residential units to open space areas and the trail system. These facilities will enhance non-vehicular access throughout the development and to the adjacent Fort Stevens Park.

Drainage System:

The Final drainage report demonstrates that the development will comply with the City's stormwater standards. The Fort Point PUD will increase impervious surfaces across approximately 43 acres, with stormwater conveyed east toward existing wetlands and forested areas consistent with the City's preference for unrestricted drainage without detention structures. Due to site topography, portions of Phase 1 will also drain to conveyance ditches on NW Ridge Road.

Phase 1 will construct two outfalls (Outfall 1 and 2), with a portion of Phase 2 using

Outfall 2. Phase 2 is expected to include two additional outfalls, and the Multi-Family site will include one. All outfalls will be constructed per ODOT Detail No. 1342 with slope-anchoredpipes and riprap pads for energy dissipation.

Runoff will discharge to a 221.84-acre wetland system within the 531.43-acre Alder Creek Basin. The proposed development represents about 5.6% of the basin's area. While the City's Stormwater Management Plan notes capacity constraints in downstream infrastructure, the large receiving wetland provides substantial natural detention capacity.

Design is supported by the 2017 Otak Preliminary Drainage Report and the project's Technical Appendix: Downstream Analysis.

Parks System:

The development includes several pocket parks and an internal trail network, providing accessible open space for residents. Additionally, the project is located adjacent to Fort Stevens State Park, a major regional recreation amenity. These features support the recreational needs of future residents and minimize demand on existing City park infrastructure. Parks System Development Charges (SDCs) will be paid in accordance with City requirements.

Water System:

The plans identify water system connection points and new hydrants to serve the development. Hydrant flow tests were performed on Warrenton Drive, approximately 1 mile east of the development. A new water main will be constructed on 11th Street connecting from Warrenton Drive to the development site. Public water mains and hydrants will be provided throughout the development which connect and loop with the water mains on Ridge Road.

Sewer System:

The project proposes use of a low-pressure liquid-only sewer (LOS) system manufactured by Orenco. This system uses small-diameter, shallow-buried piping and provides primary treatment at each unit before discharging filtered effluent into the collection system. The system includes a new pressurized sewer main on 11th Street connecting the development site to Warrenton Drive where the sewer is conveyed to the existing public sewer infrastructure. The system minimizes infiltration, requires no lift stations, and is cost-effective for low-density developments. The proposed LOS system reduces strain on public infrastructure and is consistent with best practices for decentralized wastewater management in growing communities.

STAFF FINDING: Applicant and City are continuing to refine the plan to provide utility service to the subject site. Several conditions of approval have been added that will ensure that future design phases of work demonstrate conformance with all applicable utility requirement.

[…]

Chapter 16.224 Planned Unit Developments
16.224.030 Permitted Building and Uses.

The following buildings and uses may be permitted as hereinafter provided. Buildings and uses may be permitted either singly or in combination provided the overall density of the planned development does not exceed the density of the zoning district as provided by Section 16.224.040.

A. Single-family detached and attached dwellings.

B. Duplexes, triplexes, courtyard cottages and multifamily dwellings.

[…]

APPLICANT RESPONSE: None provided.

STAFF FINDING: The application seeks approval of single-family attached and detached dwellings.

16.224.040 ***Development Standards.***

A. *Minimum Site Size. Planned unit developments shall be established only on parcels of land which are suitable for the proposed development and are no smaller than the minimum lot size established in the zoning district. The minimum lot size for RV parks and campgrounds shall be five acres. The minimum lot size for IMPs shall be 10 acres.*

APPLICANT RESPONSE: None provided.

STAFF FINDING: The subject site is approximately 68-acres in total area. The criterion is met.

B. *Open Space. In all PUDs at least 40% of the total area shall be devoted to open space. Up to 25% of this open space may be utilized privately by individual owners or users of the planned development; however, at least 75% of this area shall be common or shared open space.*

[…]

APPLICANT RESPONSE: None provided.

STAFF FINDING: In MC-23-3, the City approved the construction of a multi-use pathway fronting Ridge Road in lieu of 40% open space standard above. The criterion does not apply.

C. *Density. The density of the planned development shall not exceed the density of the zone in which it is located. Minimum space size for individual spaces within RV parks is 700 square feet (see Chapter* ***16.176*** *for additional standards; where PUD standards differ from standards found elsewhere in this Code, the more stringent requirement shall apply). The Planning Commission shall review density allowances for campgrounds on a case-by-case basis using the criteria of Section* ***16.220.030*** *as a minimum standard for approval.*

APPLICANT RESPONSE: None provided.

STAFF FINDING: The City approved a maximum of 450 residential units on this site and the adjacent multi-family site in MC-23-3. Applicant's plans include a total of 240 single-family lots. The criterion is met.

D. *Subdivision Lot Sizes. Minimum area, width, depth and frontage requirements for subdivision lots in a planned unit development may be less than the minimums set forth elsewhere in this*

*Code, provided that the overall density is in conformance with Section **16.224.040** and the lots conform to the approved preliminary development plan.*

APPLICANT RESPONSE: None provided.

STAFF FINDING: The application includes lots that are smaller than allowed in the underlying zone. This flexibility is allowed throught the PUD to encourage more effient site design and to preserve the large wetland tract east of the subject site.

***E.** Off-Street Parking. Parking areas shall conform to all provisions of Chapter **16.128**.*

***1.** Pursuant to subsection **M**, the Planning Commission may adjust minimum parking requirements for institutional development based on a parking impact study provided by the applicant.*

APPLICANT RESPONSE: None provided.

STAFF FINDING: Responses to the applicable parking requirements are provided earlier in this narrative.

***F.** Signs. All signs of any type within a planned unit development are subject to review and approval of the Planning Commission. The Commission shall consider each sign on its merits based on its aesthetic impact on the area, potential traffic hazards, potential violation of property and privacy rights of adjoining property owners and need for said sign.*

APPLICANT RESPONSE: None provided.

STAFF FINDING: The application does not include include a request for any signage. The criteria do not apply.

***G.** Setbacks and Yard Requirements. No structure shall be located closer than 20 feet from any public street within a planned unit development unless otherwise approved by the Planning Commission. Other setbacks are to be determined by the Planning Commission where they are considered essential to the public health, safety or welfare. These setbacks required by the Planning Commission shall be recorded as part of the protective covenants as required by Section **16.224.060**.*

APPLICANT RESPONSE: Applicant seeks approval for the following yard area setbacks:

- Front and Garage: 20-feet
- Rear: 9 feet
- Side: 5 feet
- Side (abutting Ridge Rd): 10-feet

STAFF FINDING: Staff supports the requested setbacks.

H. *Height Limits. Height limits in a planned unit development are the same as in the zoning district, except that the Planning Commission may further limit heights when necessary for-the maintenance of the public health, safety or welfare.*

APPLICANT RESPONSE: None provided.

STAFF FINDING: The height limits in the underlying zone will apply. The criteria are met.

[…]

16.224.060 Procedure-Final Development Plan.

A. *Within one year after preliminary approval or modified approval of a preliminary development plan or an IMP, the applicant shall, at the next regularly scheduled meeting, file with the Planning Commission a final plan for the entire development or, when submission in stages has been authorized, for the first unit of the development. The final plan shall conform in all major respects with the approved preliminary development plan or an IMP. The final plan shall include all information included in the preliminary plan, plus the following:*

APPLICANT RESPONSE: The Warrenton Planning Commission approved the preliminary subdivision and planned unit development plan for the Fort Point development (SUB-20-2) on January 14, 2021. The approval has been modified three times, first by MC-22-2, final and effective on February 14, 2023, second by MC-23-3, final and effective on October 11, 2023, and third by MC-24-3, final and effective on October 8, 2024. This application is being submitted within one year from the most recent modification. This standard is met.

STAFF FINDING: Staff concurs with Applicant's response.

1. *Contour map of the site showing at least two-foot contour intervals.*

2. *Grading plan for the site showing future contours if existing grade is to be changed more than two feet.*

3. *Existing and proposed utility lines (storm and sanitary sewer, gas, etc.).*

4. *Preliminary subdivision plat meeting the requirements of Section* ***16.216.040*** *if property is to be subdivided.*

5. *Location and dimensions of pedestrian ways, roads, malls, common open spaces, recreation areas and parks.*

6. *Location, dimensions and arrangement of automobile off-street parking spaces including width of aisles, spaces and other design criteria.*

7. *Preliminary architectural plans and elevations of typical structures.*

8. *Preliminary planting and landscaping plan for the site.*

9. *The applicant shall also submit drafts of appropriate deed restrictions or protective covenants to provide for the maintenance of common areas and to assure that the objectives of the planned unit development shall be followed.*

APPLICANT RESPONSE: The above-listed items are included in Applicant's submittal materials.

STAFF FINDING: Staff concurs with Applicant's response.

B. *Upon receipt of the final development plan, the Planning Commission shall examine such plan and determine whether it conforms to all applicable criteria and standards, and whether it conforms in all substantial respects to the previously-approved preliminary development plan or IMP; or the Commission shall require such changes in the proposed development or impose such conditions of approval as are in its judgment necessary to insure conformity to the applicable criteria and standards. In so doing, the Planning Commission may permit the applicant to revise the plan and resubmit it as a final development plan within 60 days.*

APPLICANT RESPONSE: The Applicant has submitted to the Planning Commission the development plans, a conditions of approval response memorandum, this narrative, and supporting appendices to demonstrate compliance with the previously-approved preliminary development plan. The Applicant understands and acknowledges that the Planning Commission will examine the plans to determine conformance with the preliminary approval and compliance with the conditions of approval.

STAFF FINDING: Staff concurs with Applicant's response. Where necessary and appropriate, staff has recommended conditions of approval to gain conformance with applicable requirements.

C. *After final development plan approval by the Planning Commission, the planned development application will be sent to the City Commission for consideration and final approval. A Type III review procedure shall be used. If the PUD is a residential subdivision or institutional use allowed in the base zone, with no commercial, RV, or campground amenities, review by the City Commission is not required; however, final subdivision plat approval in accordance with Section* ***16.216.070*** *is required.*

APPLICANT RESPONSE: This application is for a residential subdivision that is allowed in the Low Density Residential Zone (R-40) and Intermediate Density Residential Zone (R-10) districts, therefore a review by the City Commission is not required. The Applicant understands and acknowledges that the final subdivision plat will need to be approved by the Warrenton Community Development Director prior to recording with Clatsop County, in accordance with Section 16.216.070.

STAFF FINDING: Staff concurs that the application is not subject to review by the City Commission.

Conditions of Approval from Planning File No. MC 23-3

1. *All streets with 28-foot width shall have restricted parking on one side of the street. Streets with 32-foot width shall allow parking on both sides of the street. Any deviation to the prescribed engineering standards shall be approved by the Public Works Director upon recommendation by the city's consulting engineer.*

APPLICANT RESPONSE: All streets with 28-foot width will have restricted parking on one side of the street. No streets are proposed with 32-foot width. The Public Road (Local Road - Alternative Minimum) street section is demonstrated on the Preliminary Plat sheets in the Preliminary Plans provided in Appendix C.

STAFF FINDING: City staff are supportive of the reqeuested local road alternative minimum standards. The condition is met.

2. *Sidewalks shall be provided along all public roads within the development per City Engineering standards, unless a deviation from these standards is approved by the Warrenton Public Works Department upon recommendation by the City's consulting engineer.*

APPLICANT RESPONSE: Sidewalks will be provided along all public roads with ADA. Compliance with this condition is demonstrated in the Preliminary Plans submitted with this application.

STAFF FINDING: Applicant's plans show sidewalks along all public streets and pedestrian accessways separated from all private alleys. The final design of these improvements will be refined in subsequent review phases of this development. The condition is met.

3. *The final construction plans shall include a minimum of two (2) off-street parking sites per for each single family and duplex structure. Off-street parking for the multi—family development and recreation facilities shall meet the requirements of Section 16.128 of the Warrenton Development Code.*

APPLICANT RESPONSE: Two off-street parking stalls will be provided for each single family and duplex structure. Confirmation of compliance with this condition can be reviewed prior to issuance of building permits for the single family and duplex dwellings. Off-street parking for the

multifamily development and recreation facilities will be reviewed for compliance through the Site Design Review application submitted at a later date.

STAFF FINDING: Prior to approval of final construction plans, Appliacnt shall demonstrate that 2 off-street parking spaces have been provided to each lot. The condition can be met.

4. *The developer or assigned corporation shall be responsible for the construction and maintenance of the private parking lots for the multi-family development. Parking areas for housing clusters shall be maintained by either the HOA or the rental management company.*

APPLICANT RESPONSE: The multi-family developer understands that they are responsible for the construction and maintenance of the private parking lots for the multifamily development, which will be reviewed through a separate Final Development Plan Application and Site Design Review applications. Individual homeowners, the HOA, or the rental company for the BTR units will maintain the parking spaces for the ownership or BTR homes, and public off-street parking for the leasing office and park, respectively.

STAFF FINDING: Prior to final plat approval of the subdivision lots in this Final PUD, Applicant shall demonstrate that the maintenance program for all parking areas has been legally established within covenants, or similar encumbrances affecting the subject the lots. The condition can be met.

5. *No private drives or dead-end alleys shall be longer than 150 feet in length. The Planning Commission authorizes the one extended public road cul-de-sac at the south end of the development including a fire access onto Ridge Road. This recognition is due to the unique shape of the uplands area of the project site.*

APPLICANT RESPONSE: All Private Alleys that are longer than 150 feet in length have a hammer-head for fire apparatus turnaround, or are through streets. Compliance with this condition is demonstrated in the Preliminary Plans submitted with this application.

STAFF FINDING: Staff concurs with Applicant's response. The condition is met.

6. *Sanitary sewer and water systems shall be designed to meet the intent of the City Engineering Standards. Any deviation from the standards shall be approved by the City Public Works Director upon recommendation by the City's consulting engineer.*

APPLICANT RESPONSE: Sanitary sewer and water systems will meet the intent of the City Engineering Standards. A Final Stormwater Plan and Updated Geotechnical Report are submitted with this application. Any deviations from standards will be approved by the City Public Works Director upon recommendation by the City's consulting engineer.

STAFF FINDING: The applicant has provided a LPSS narrative and preliminary engineering plans with regard to the sanitary sewer and water improvements necessary to the serve the project.

The applicant proposes a combination of a private and public sanitary sewer infrastructure to serve the project. The provided information appears to meet the criteria above, however, we recommend the following conditions of approval be incorporated :

- Prior to issuance of the Public Works Construction Permit for each phase of the project, the applicant shall submit construction plans that show looped public water mains within all right-of-way connections to the existing water main within Ridge Road or as approved the consultant City Engineer.
- Prior to issuance of the Public Works Construction Permit for each phase of the project, the applicant shall submit plans of the water system to the Oregon Health Authority (OHA) Drinking Water Services as per OAR 333-061 and obtain approval (after City Public Works review/tentative approval). A copy of the approval shall be submitted to the City.
- Prior to issuance of the Public Works Construction Permit for each phase of the project, the applicant's design team shall submit design calculations showing that the fire flow requirements for hydrants and multi-family buildings can be met while maintaining the minimum operating pressure of 20 psi as required/approved by the Fire Code Official and Oregon Fire Code.
- Prior to submittal of engineering plans for the 1st phase of the project, the applicant shall coordinate with the City Public Works Department to provide an engineering analysis (stamped by a PE) of the public force mains to finalize and define sanitary sewer service to the project with a combination of a LPSS and conventional sewer pump stations.
- Prior to issuance of the Public Works Construction Permit for each phase of the project, the applicant shall submit plans of the sanitary sewer system to the Oregon Department of Environmental Quality (DEQ) as per ORS 468B.055 and obtain approval (after City Public Works review/tentative approval). A copy of the approval shall be submitted to the City
- Prior to issuance of the Public Works Construction Permit for each phase of the project, the applicant shall submit CCR and HOA documents to the City for review and approval that address the maintenance timing, responsibilities, and funding mechanism for the Low Pressure Sewer System (LPSS) planned within the project.
- Prior to issuance of the Public Works Construction Permit for the 1st phase of the project, the applicant shall obtain and record a 30 to 35-foot wide public access and utility easement to the City across privately owned KOA property (TL 1301) for the offsite water main and sanitary sewer connection between NW Warrenton Drive and NW Ridge Road (and the future multi-purpose path extension).
- Prior to occupancy of the 1st unit/home within the project, the applicant shall design, permit, construct, and obtain final acceptance from the City for offsite and parallel 10-inch sanitary sewer force main and 12-inch diameter water main connection between NW Warrenton Drive and NW Ridge Road.

7. *The developer's engineer shall prepare a final stormwater management plan that addresses potential impacts on adjoining properties, the Enterprise drainage system and the Tansy Creek drainage system. The plan shall be reviewed and approved by the city's consulting engineer prior to final plat approval for the first phase of the project.*

APPLICANT RESPONSE: A Final Stormwater Plan is submitted with this application.

STAFF FINDING: The applicant has provided a preliminary stormwater management plan (stormwater report) that shows compliance with City requirements with respect to Chapter 16.140 and incorporates onsite conveyance calculations, downstream evaluations, and identifies the anticipated stormwater routing and outfalls for the project. The provided information appears to meet the City's criteria, however, wetland fill permits may be required and trigger state and federal requirements for stormwater management; therefore, we recommend the following conditions of approval:

- The applicant shall submit a final stormwater management plan (stamped by a Professional Engineer) for the subdivision and any offsite improvements that meet City standards and address any additional stormwater management requirements that may be triggered due to DSL or USACE permits. Modifications to the PUD layout that may result based on changes to the stormwater design will be reviewed pursuant to Chapter 16.228.
- Prior to and as part of the final plat recordation for each phase of the project, the applicant shall show public stormwater and access easements to the City for stormwater facilities (if required) and storm outfalls.

8. *The developer will submit an updated geo-technical report for the development area that addresses any special construction requirements due to soils conditions prior to final plat approval.*

APPLICANT RESPONSE: An Updated Geotechnical Report is submitted with this application.

STAFF FINDING: Staff is recommending conditions of approval regarding subsequent geotechnical review, reporting, and certification in response to this condition. With the additional conditions of approval, the condition can be met.

9. *Final utility plans will meet all requirements of the State Fire Code relating to distance to a hydrant and water flow. The City Fire Chief shall approve plans prior to construction.*

APPLICANT RESPONSE: Utility plans are submitted that demonstrate the proposed location of new fire hydrants which are designed to meet State Fire Code requirements. The Developer understands that they will be approved by the City Fire Chief prior to construction commencement.

STAFF FINDING: Final utility plans will be reviewed prior to the issuance of a public works construction permit for each phase of the project. The condition can be met.

10. *The developer will obtain any required approval from Clatsop County for the entrance points onto Ridge Road. The development will prohibit direct private access to Ridge Road for individual lots.*

APPLICANT RESPONSE: There will be no private access for individual lots to ridge road, which is shown on the submitted Preliminary Plans. The Developer will seek approval from Clatsop County for any entrance points onto Ridge Road in accordance with this condition of approval.

STAFF FINDING: Clatsop County will have the authority to approve the final design for new access/egress to Ridge Road. The condition can be met.

11. *The City Planning Director or designee shall assign street names and addresses based on the City of Warrenton addressing grid and City Code Requirements. All addresses will be clearly posted on each structure.*

APPLICANT RESPONSE: The Developer understands and acknowledges that street names and addresses will be assigned. All assigned addresses will be posted on each structure.

STAFF FINDING: Street naming will take place at a later phase of site development. The condition can be met.

12. *The developer will propose development covenants that establish all building setbacks from other structures,roadways, sidewalks, etc. The design standards shall outline exterior design themes, property maintenance and exterior storage requirements. The covenants shall be recorded with the final plat documents for each phase of development.*

APPLICANT RESPONSE: The Developer has submitted draft CC&Rs for the single-family and BTR portions of the development. The Fort Point Covenants & Restrictions document establishes the building setbacks from other structures, roadways, and sidewalks. The Fort Point Community Guidelines document outlines the exterior design themes, exterior storage requirements, and establishes an Architectural Design Review Committee to review any proposed changes. The Bylaws establish maintenance requirements. The CC&Rs will be recorded with the final plat documents for single-family and BTR portions of the development. Design standards for the multifamily portion of the development will be addressed through the Site Design Review application to be submitted at a later date.

STAFF FINDING: Staff concurs with Applicant's response. The condition can be met.

13. *The developer will reimburse the City of Warrenton for the costs associated with outside engineering, financial review, and planning consulting that is required for the review and construction management for this project. The City will review the scope of the contracts with the developer.*

APPLICANT RESPONSE: The Developer acknowledges its obligation to reimburse the City of Warrenton for costs associated with outside engineering, financial review, and planning consulting as required. Such reimbursement shall be subject to the Developer's prior review and approval of the scope, price, and terms of the relevant contracts before any costs are incurred as stated in this condition.

STAFF FINDING: Upon payment of these fees to the City, this condition can be met.

14. *Deviations in residential design standards, setbacks shall be addressed in the development agreement.*

APPLICANT RESPONSE: Any presently proposed deviations from residential design standards ownership portions of the development are addressed in the Draft Development Agreement, the Ownership HOA materials and CC&Rs. The residential design standards for the multifamily portion of the development will be reviewed as part of the Site Design Review application to be submitted at a later date.

STAFF FINDING: Setback deviations are addressed in the development agreement and CCRs. Subsequent to this response, Applicant submitted a request for relief from the 50% maximum garage width standard, which staff supports. **Prior to final plat approval, Applicant shall update their CCRs and Development Agreement documents to reflect the change in the garage width requirement.**

15. *The developer will financially participate with Clatsop County on the construction of appropriate turn lanes, deceleration lanes and pedestrian cross walks adjacent to the proposed development.*

APPLICANT RESPONSE: This condition of approval is satisfied by the Transportation Impact Analysis (TIA) completed by Lancaster Mobley for the development, which concludes that no mitigation of intersections is necessary, no new traffic signals are warranted, and all study intersections currently operate and are projected to continue operating acceptably per agency standards through the 2031 buildout year. Based on these findings, no financial participation in additional turn lanes, deceleration lanes, or pedestrian crosswalks is required.

STAFF FINDING: Staff is recommending a condition of approval that will require Applicant to install an enhanced crosswalk at the south leg of the intersection of Ridge Road and Peter Iredale Road. Staff agrees with Applicant that their TIA does not support additional improvements in this corridor.

16. *In lieu of land dedicated to public open space, the developer shall construct a multi-purpose path along the western side of the project area or immediately adjacent to the right-of-way, the location of which will be approved by Clatsop County Public Works department. The design of the trail shall be reviewed and approved by the Planning Commission as part of the Final PUD approval process.*

APPLICANT RESPONSE: The multi-purpose path is shown immediately adjacent to the right-of-way in the submitted Preliminary Plans. The design of the path is submitted with this Final Development Review application for review and approval by the Planning Commission. Construction of the path along the frontage of the multifamily portion, based on the parcel configuration approved through LP-24-3, will be completed prior to the issuance of occupancy for that portion. Construction of the path along the frontage of the remaining portions of the parcel to the south of the multifamily portion will be completed prior to occupancy for each phase of that respective portion.

Following further coordination with the Clatsop County Public Works Department, the revised Civil Drawings included in Appendix D reflect the County's preferred location and design for the multi-purpose path along Ridge Road. Email correspondence outlining the County's preferences is included with this application. Additionally, a Typical Cross Section detail of the multi-purpose path is provided in the Civil Drawings contained in Appendix C.

STAFF FINDING: Applicant and City negotiated over the installation of the multi-use pathway in MC-23-3 and prior, in lieu of on site open space that would otherwise be required for the PUD. Allowing Applicant to construct the pathway in phases, and deferring the construction of the multi-use portion until that site is developed, as Applicant proposes above, raises the possibility that the multi-use pathway will not be usable for the next 10 years (per Applicant's phasing plan) or longer. Subsequently, Staff is recommending that the Planning Commission require the full buildout of the multi-use pathway within 3-years of approval of the construction plans for Phase 1.

17. *The developer will install a pedestrian crosswalk with pedestrian activated flashing beacons for Ridge Road north of the proposed development at the entrance to Fort Stevens State Park. The crossing design will be approved by Clatsop County Public Works. The installation will occur prior to the issuance of the final certificate of occupancy for the multi-family development.*

APPLICANT RESPONSE: Preliminary Plans for the pedestrian crosswalk with pedestrian activated flashing beacons for Ridge Road are submitted with this application.

STAFF FINDING: Staff is recommending a condition of approval that will require Applicant to install an enhanced crosswalk at the south leg of the intersection of Ridge Road and Peter Iredale Road.

18. *An easement for the Ridge Road to NW Warrenton Drive multi-purpose trail shall be granted along the northerly portion of the project area. The dedications and financial participation outlined in Conditions 15-17 will satisfy the public open space requirements for the PUD.*

APPLICANT RESPONSE: The Developer will seek to establish an easement for the Ridge Road to NW Warrenton Drive multi-purpose trail along the northerly portion of the project area in accordance with this condition. A 15 foot wide access easement for the Ridge Road to NW Warrenton Drive multi-purpose path is shown within the multi-family portion of the

development. As this portion of the site will be conveyed to a multi-family developer, the final location and design of the easement will be reviewed through a separate Final Development Plan application.

STAFF FINDING: Staff concurs with Applicant's response.

19. *The developer will submit monument sign plans for entrance points to the project area. Plans shall be approved by the Planning Director prior to the issuance of the final certificate of occupancy for the multi-family project.*

APPLICANT RESPONSE: The Developer understands that monument signs will need to be submitted for approval by the Planning Director prior to final certificate of occupancy for the multifamily portion of the development.

STAFF FINDING: Staff concurs with Applicant's response.

20. *The developer will create and record documents establishing a permanent homeowner's association. The HOA or assigned corporation will be responsible for maintenance of all private open space and private recreational facilities.*

APPLICANT RESPONSE: The submitted CC&Rs include provisions for establishing a permanent homeowner's association (HOA) for the ownership portions of the development. The HOA will be responsible for the maintenance of all private open space and private recreational facilities within the ownership portion.

STAFF FINDING: Staff has included conditions which require revisions to the CCRs prior to final plat approval. With these conditions, the condition can be met.

21. *The developer or assigned corporation will construct and maintain all private recreation facilities within the development. Each phase of the development will private open space per the final development plans.*

APPLICANT RESPONSE: The submitted CC&Rs include provisions for establishing and maintaining all private recreational facilities within the ownership portion of the development. The BTR-assigned corporation and the multifamily developer understand and acknowledge that they will be responsible for constructing and maintaining the recreational facilities within their respective portions of the development.

STAFF FINDING: Staff concurs with Applicant's response.

22. *The City of Warrenton and developer shall establish a construction and maintenance agreement for the trail connection between NW Warrenton Drive and Ridge Road.*

APPLICANT RESPONSE: The submitted CC&Rs include provisions for establishing and maintaining all private recreational facilities within the ownership portion of the development. The BTR-

assigned corporation and the multifamily developer understand and acknowledge that they will be responsible for constructing and maintaining the recreational facilities within their respective portions of the development.

STAFF FINDING: This condition relates to the east-west trail connection between Ridge Road and Warranton Drive, and not the on-site facilities. **Prior to construction plan approval, Applicant shall obtain approval from the City for a development agreement that establishes the construction and maintenance requirements as specified in Condition of Approval No. 22 from MC-23-3.**

23. *The overall development capacity shall be capped at 450 residential units. Multifamily units shall not exceed 210 units. The duplex units shall range between 20 and 40 units. The remaining units shall be single-family residential units. Modification to the mix of residential styles shall be approved by the Planning Director. Any change to the overall number of units will be reviewed and approved by the Planning Commission.*

APPLICANT RESPONSE: The Developer agrees to this requirement, and understands that any modification to the mix of residential styles shall be approved by the Planning Director, and that any change to the overall number of units will be reviewed and approved by the Planning Commission.

STAFF FINDING: Staff concurs with Applicant's response.

24. *The single-family ownership units shall be a minimum of 25% of the overall single-family units within the project area. A reduction in the number of ownership units shall be reviewed and approved by the Planning Commission.*

APPLICANT RESPONSE: The Developer agrees to this requirement, and understands that any reduction in the number of ownership units shall be reviewed and approved by the Planning Commission.

STAFF FINDING: Staff concurs with Applicant's response.

25. *The developer or assigned corporation shall construct and establish a Build to Rent community (BTR) that is managed by a professional management group with experience with similar projects. Sale of the BTR project can occur and the new development agreement shall delineate the process for the sale. The City shall review the sale of the BTR ownership based on project experience on similar developments and a new development agreement shall be executed.*

APPLICANT RESPONSE: If a sale of the BTR project occurs, the Developer will submit a new development agreement in accordance with this condition.

STAFF FINDING: Staff concurs with Applicant's response.

26. *The developer will prepare a BTR operational plan for the City to review and approve prior to final plat approval. It should address construction standards, short-term and long-term rental requirements, and property maintenance.*

APPLICANT RESPONSE: The Developer agrees to prepare a BTR operational plan for the City to review and approve prior to final plat approval of the BTR portion of the development.

STAFF FINDING: Staff concurs with Applicant's response.

27. *The City of Warrenton, the developer, Clatsop County, and Business Oregon and other potential funding sources shall develop a financing plan for the infrastructure improvements planned from NW Warrenton Drive to Ridge Road. The developer will be responsible for infrastructure improvements within the proposed Planned Unit Development. Once the infrastructure has been completed and inspected, it shall be dedicated to the public. The City Commission shall approve said agreement prior to final plat approval.*

APPLICANT RESPONSE: A financing plan for the infrastructure improvements is submitted with this application, and the Developer understands and acknowledges that the City Commission shall approve the agreement prior to final plat approval of the ownership and BTR portions of this project.

STAFF FINDING: Staff concurs with Applicant's response.

28. *The developer shall be authorized to convey the wetland tract to a private entity. The transfer shall include a restrictive covenant that prevents further subdivision or development of the wetlands tract in a manner that would cause the PUD to exceed development limitations placed by the Warrenton Planning Commission. The restriction will also limit tree clearing to upland areas as part of an approved Oregon Department of Forestry permit. Wetland areas shall be managed pursuant to Section 16.156.040 of the WDC as of September 12, 2024, and shall be subject to all city, state, and federal regulations regarding wetlands disturbance.*

APPLICANT RESPONSE: This condition of approval was modified by MC-24-3 on September 12, 2024 by the City of Warrenton Planning Commission. The strikethrough condition is the prior condition, and the revised condition as approved is below. The Developer understands and acknowledges this condition has been modified and agrees to comply with the condition language.

STAFF FINDING: Staff concurs with Applicant's response.

29. *The City of Warrenton will request a speed study for Ridge Road be conducted by Clatsop County.*

APPLICANT RESPONSE: The Developer understands and acknowledges that the City of Warrenton will request a speed study for Ridge Road be conducted by Clatsop County. The Developer understands and acknowledges that the City of Warrenton will request a speed study for Ridge Road be conducted by Clatsop County.

STAFF FINDING: This speed study was conducted by Clatsop County on May 22, 2025. The condition is met.

30. *The following items shall be completed prior to final PUD consideration by the Warrenton Planning Commission:*
    a. *Preliminary Sewer, Water and Stormwater Engineering Plans.*
    b. *Proposed Utility Financing Plan (To be approved by the Warrenton City Commission)*
    c. *Preliminary Landscaping Plan and Significant Vegetation Protection Plan.*
    d. *Site design and construction standards for BTR neighborhood*

APPLICANT RESPONSE: Preliminary Plans for the sewer, water, and stormwater are submitted with this application.

The Financing Agreement included in Appendix B addresses only the proposed sewer improvements. The water line improvements, which are planned to be installed concurrently with the sewer line, will not involve any additional public funding beyond what has already been agreed upon by the Developer and the City. These improvements will be funded entirely through private financing secured by the Developer. To demonstrate this, a supplemental Sources and Uses spreadsheet has been provided as Appendix B – Utility Sources and Uses, confirming that no additional public funds are required for the water line improvements.

Preliminary Landscaping Plans and a Significant Vegetation Protection Plan are submitted with this application for the ownership and BTR portions of the development. Landscaping Plans for the multifamily portion of the development will be reviewed for compliance through the Site Design Review application submitted at a later date.

The BTR homes within the community will be designed and constructed in accordance with the building plans submitted with this application and will be consistent with the Draft Development Agreement included as Appendix B.

STAFF FINDING: The items required in Condition of Approval 30.a.-d. have been supplied by the Applicant. The condition is met.

31. *The developer will prepare the necessary Preliminary Plat documents for review and approval by the Warrenton Planning Commission within Three (3) years of the notice of decision of the preliminary PUD.*

APPLICANT RESPONSE: The Developer agrees to prepare the Preliminary Plat documents for review by the Warrenton Community Development Director in accordance with the Warrenton Development Code for the ownership and BTR portions of the development within three years of the notice of decision for the preliminary PUD, which as modified, is three years from October 8, 2024. Preliminary Plat documents will be submitted by October 8, 2027. The multifamily portion of the property has already submitted a final plat application for that portion of the development so that the multifamily portion can be recorded prior to any other portions.

STAFF FINDING: Staff concurs with Applicant's response.

32. *The final plat for the multi-family development shall be submitted within two (2) years of the approval of the Preliminary Plat for the development. The Planning Commission will approve the Site Design Review as required by Section 16.212.*

APPLICANT RESPONSE: A final plat for the approved land partition LP-24-4 has been submitted for the multifamily portion of this development for review and approval by the Warrenton Community Development Director. The Developer understands that final sign-off by the City will not be granted until final development approval in accordance with condition number 7 in case file LP-24-4, approving the three lot partition.

STAFF FINDING: Staff concurs with Applicant's response.

33. *The final plat application for the duplex development shall be submitted within three (3) years of Preliminary Plat approval.*

APPLICANT RESPONSE: The final plat documents for the duplex development will be submitted in accordance with this condition, within three (3) years of the approval of the preliminary plat for that portion of the development.

STAFF FINDING: Staff concurs with Applicant's response.

34. *The final plat application for the single-family residential portion of the development shall be submitted in phases within ten (10) years of the approval of the Preliminary Plat for the development.*

APPLICANT RESPONSE: The final plat documents for the single-family residential portion of the development will be submitted in accordance with this condition and submitted in phases within ten (10) years of the approval of the preliminary plat for that portion of the development.

STAFF FINDING: Staff concurs with Applicant's response.

35. *Deviation for the above-referenced development timeframes shall be reviewed and approved by the Planning Director as a Type II Modification to Conditions of Approval pursuant to WDC Section 16.228.*

APPLICANT RESPONSE: The Developer agrees to this condition.

STAFF FINDING: Staff concurs with Applicant's response.

CONCLUSIONS AND RECOMMENDATION

The applicant has demonstrated that the Final PUD can comply with applicable City of Warrenton Municipal Code requirements subject to the following conditions of approval. Accordingly, staff recommends approval of the request with the following conditions:

1. **Conditions Required to be Completed Prior to issuance of a grading permit for the project:**
    a. A final Geotechnical Report by a licensed Geotechnical Engineer is required for the entire subdivision and shall be submitted for review by the building department.
    b. A grading review letter is required from the Geotechnical Engineer of record to confirm the final civil design for grading (cut & fill slopes), slope stability, drainage control, and any other geotechnical concerns identified for the project is in accordance with their recommendations and identifies the inspections required by the geotechnical engineer during construction of the subdivision.
    c. The applicant shall submit and obtain a NPDES 1200-C erosion control permit from Oregon DEQ and provide evidence of a permit to the City.
    d. The developer will reimburse the City of Warrenton for the costs associated with outside engineering, financial review, and planning consulting that is required for the review and construction management for this project. The City will review the scope of the contracts with the developer.
2. **Conditions Required to be Completed Prior to issuance of a Public Works Construction Permit for each phase of the project:**
    a. The Applicant shall adhere to all applicable local, state, and federal laws regarding the protection of wetlands and waters of the state. If there is any activity or impacts within a delineated wetland or waters of the state, the applicant shall obtain and provide the City a copy, any authorization and permits for the project from the Oregon Department of State Lands (DSL) and/or US Army Corps of Engineers (USACE). permits.
    b. The applicant shall submit a final stormwater management plan (stamped by a Professional Engineer) for the subdivision and any offsite improvements that meet City standards and address any additional stormwater management requirements that may be triggered due to DSL or USACE permits. Major changes to the PUD layout and density which are dictated by the addition of stormwater facilities shall require the submittal of a Major Modification to the Community Development Director determination per the City Municipal Code.
    c. The applicant shall submit construction plans that show looped public water mains within all right-of-way connections to the existing water main within Ridge Road or as approved

the consultant City Engineer.

d. The applicant shall submit plans of the water system to the Oregon Health Authority (OHA) Drinking Water Services as per OAR 333-061 and obtain approval (after City Public Works review/tentative approval). A copy of the approval shall be submitted to the City.

e. The applicant's design team shall submit design calculations showing that the fire flow requirements for hydrants and multi-family buildings can be met while maintaining the minimum operating pressure of 20 psi as required/approved by the Fire Code Official and Oregon Fire Code.

f. The applicant shall be required to document and submit for final approval design exceptions for any deviations to the City's Engineering Design Standards to the Public Works Director upon recommendation for approval by the Contract City Engineer. At a minimum, the following design exception approvals are required based on the current preliminary plans:

    i. Public roads with a reduced pavement width section to 28-foot width with parking limited to one side of the street (Local Road - Alternative Minimum).

    ii. Alternate secondary access roads consisting of private alleys with no parking, curbs, or sidewalks and driveway access to rear facing garages (sidewalks will be provided within open spaces or alleys to the front of the home).

    iii. Reduced maintenance access width (12' minimum) with vehicle turn-arounds for 11th Street utility corridor.

g. In lieu of land dedicated to public open space, the developer shall design and construct a 10' wide AC or concrete multi-purpose path with 3' shoulders along the eastern side of the Ridge Road right-of-way as permitted and approved by Clatsop County Public Works department.

h. The applicant shall submit plans of the sanitary sewer system to the Oregon Department of Environmental Quality (DEQ) as per ORS 468B.055 and obtain approval (after City Public Works review/tentative approval). A copy of the approval shall be submitted to the City

i. The applicant shall submit CCR and HOA documents to the City for review and approval that address the maintenance timing, responsibilities, and funding mechanism for the Low Pressure Sewer System (LPSS) planned within the project.

j. Applicant shall submit evidence to the City which confirms that Clatsop County agrees to the final design of access on to Ridge Road.

k. Applicant shall provide details for the design of all driveway and alley aprons in conformance with City standards.Applicant shall demonstrate that the applicable vertical and vision clearance requirements in WMC 16.120.020.M. and N. are met.

l. Applicant shall demonstrate to the City's satisfaction that all vehicle surfacing has been designed in conformance with applicable City standards.

m. Applicant shall provide evidence to confirm that a minimum landscape area of 589,528 square feet will be provided on the future Parcel 2, and incorporating the landscaping material requirements in 16.124.070.D.1.-9.

n. Applicant shall provide evidence to confirm that the landscaping requirements in 16.124.070.E.1. are met.

o. Applicant shall provide evidence to confirm that the landscaping requirements in 16.124.070.E.2. are met.

p. Applicant shall provide evidence to confirm that the landscaping requirements in 16.124.080.A. are met.

q. Applicant shall revise their landscape plan to include street trees, consistent with 16.124.080.C., along the planned multi-use pathway for the length of the site frontage along Ridge Road.

r. Applicant shall provide evidence to the City to confirm that the requirements in 16.124.080.D. and E. are met.

s. Applicant shall provide evidence to confirm that off-street parking meets or exceeds the minimum requirements in Table 16.128.030.A.

t. Applicant shall provide evidence that the parking areas have been designed in conformance with the applicable requirements in Figures 16.128.030.C. and D.

u. Applicant shall provide evidence to demonstrate conformance with the applicable standards in 16.132.010.

v. Applicant's plans shall demonstrate compliance with the intersection design requirements in 16.136.020.K.

w. Applicant shall coordinate with the Fire Department to confirm that the planned design for these dead-end alleys, and other streets, conforms to all applicable Fire Code requirements.

x. Applicant shall provide evidence to the City to demonstrate conformance with the applicable horizontal and vertical curvature standards for all new streets, as outlined in 16.136.020.N.

y. Applicant shall provide evidence to the City to demonstrate conformance with the applicable alley design standards in 16.136.020.R.

z. Applicant shall provide plans which demonstrate compliance with the mailbox location requirements in 16.136.020.W.

aa. Applicant shall provide evidence confirming that new street lights conform to applicable City standards.

bb. Applicant shall provide evidence to confirm that all utilities necessary to serve each lot have been designed in conformance with applicable City standards, and that where located on private property, sufficient access and maintenance easements will be

established.

cc. Applicant shall submit a final stormwater management report to confirm that all applicable stormwater management standards have been met.

dd. If Applicant intends to impact wetlands in the vicinity of planned Lots 193-197, or elsewhere, Applicant shall be required to obtain a State of Oregon Wetland Removal-Fill Authorization and obtain verification from the Warrenton Community Development Director that the wetland is non-significant or if significant, obtain a hardship variance per 16.156.080.

ee. Applicant shall provide evidence to the City to demonstrate that sufficient legal access and maintenance responsibilities will be established for the shared use driveways.

ff. Applicant shall obtain approval from the City for a development agreement that establishes the construction and maintenance requirements as specified in Condition of Approval No. 22 from MC-23-3.

gg. All streets with 28-foot width shall have restricted parking on one side of the street. Streets with 32-foot width shall allow parking on both sides of the street. Any deviation to the prescribed engineering standards shall be approved by the Public Works Director upon recommendation by the city's consulting engineer.

hh. Sidewalks shall be provided along all public roads within the development per City Engineering standards, unless a deviation from these standards is approved by the Warrenton Public Works Department upon recommendation by the city's consulting engineer.

3. Conditions Required to be Completed Prior to the acceptance of Public Improvements for each phase of the project:

a. Final letter indicating that the geotechnical related inspections and testing was completed under their observation and guidance and that construction of the public improvements and the lot grading for the subdivision phase has been completed in general conformance with the recommendations provided in the final Geotechnical Report or as modified based on their field inspections.

b. The geotechnical review letter shall identify lots, if any, which require lot-specific geotechnical reports and/or special inspections required by the geotechnical engineer during the construction of foundations and/or grading for each home or unit.

4. Conditions Required to be Completed Prior to final plat approval for each phase of the project:

a. The applicant shall indicate and show the following on the final plat:

i. 8' PUE along all public and road frontages as approved by the City Engineer

ii. Public access and utility easement top the City across the private alley tracts.

iii. Public stormwater and access easements to the City for stormwater facilities (if required) and storm outfalls.

b. Applicant shall establish all necessary easements to ensure legal access for lots served by shared driveways and private alleys.

c. To ensure convenient pedestrian access to the planned multi-use pathway along the site's Ridge Road frontage, Applicant shall extend the planned pedestrian accessways in the following locations to connect to the planned multi-use pathway in Ridge Road:

   i. Walkway extending from Road A west along the frontage of Lots 50-52 and 62-64;

   ii. Walkway extending from Road A west along the frontage of Lots 79-81 and 92-94;

   iii. Walkway extending from Road A west along the frontage of Lots 145-147 and 154-156;

   iv. Walkway extending from Road B west along the frontage of Lots 171-176;

   v. Walkway extending from Road B west along the frontage of Lots 184-190;

   Additionally, Applicant shall establish all necessary easements to accommodate legal access for all residents throughout these site accssways.

d. Applicant shall provide evidence to confirm that tree removal on site was undertaken as part of a licensed timber operation permitted by the Oregon Department of Forestry.

e. Applicant shall provide evidence demonstrating that public rights-of-way will be dedicated in conformance with 16.136.020.C.

f. Applicant shall provide evidence demonstrating that access easements will be lawfully established where necessary.

g. Applicant shall coordinate with the City and County to develop a street naming scheme in conformance with 16.136.020.T.

h. Applicant shall submit documentation to the City which establishes the program for maintenance of all commonly owned areas.

i. Applicant shall update their CCRs and Development Agreement documents to reflect the change in the garage width requirement.

j. An easement for the Ridge Road to NW Warrenton Drive multi-purpose trail shall be granted along the northerly portion of the project area.

5. General:

a. Prior to submittal of engineering plans, the applicant shall coordinate with the City Public Works Department to provide an engineering analysis (stamped by a PE) of the public force mains to finalize and define sanitary sewer service to the project with a combination of a LPSS and conventional sewer pump stations.

b. Prior to occupancy of 1st unit within the multi-family development, the developer team shall design, install, and obtain final acceptance for the construction of a pedestrian crosswalk with pedestrian activated flashing beacons across Ridge Road, south of the existing entrance to Fort Stevens State Park or as otherwise approved by the Clatsop

County Public Works.

c. In lieu of land dedicated to public open space, the developer shall construct a multi-purpose path along the western side of the project area or immediately adjacent to the right-of-way, the location of which will be approved by Clatsop County Public Works department. Applicant shall be required to construct the entire pathway along the entire frontage of the single- and multi-family parcels within 3-years of the approval of the Phase 1 construction drawings

d. The applicant shall obtain and record a 15-foot wide public access easement to the City across all privately owned (multi-family parcel and/or KOA property) for the future multi-purpose path extension between Ridge Road and NW Warrenton Drive (future Tansy Point trail).

e. Prior to the submittal of engineering plans for the 11th Street utility corridor improvements, the applicant shall:

   i. Obtain DSL concurrence and verify permitting requirements for the project. If the applicant determines that wetland fill permits are required for the project, the applicant shall coordinate with the City and submit for permanent wetland impacts to provide a 12-foot wide gravel maintenance access road where possible (STA 6+00 to STA 16+00 & STA 48+00 to STA 53+50 on 11th Street Composite Utility Plan).

   ii. As shown on the preliminary civil plans, the applicant shall obtain and record a 30 to 35-foot wide public access and utility easement to the City across privately owned KOA property (TL 1301) for the future multi-purpose path extension between Ridge Road and NW Warrenton Drive.

   iii. NW 11th Street shall have a maintenance road where possible, with proper drainage for access to water and sewer lines.

   iv. Developer shall collaborate with the City, if the City determines it is in their best interest to upsize and/or extend the new utilities proposed in NW 11th Street.

   v. The City of Warrenton and developer shall establish a construction and maintenance agreement for the trail connection between NW Warrenton Drive and Ridge Road.

f. The overall development capacity shall be capped at 450 residential units. Multi-family units shall not exceed 210 units. The duplex units shall range between 20 and 40 units. The remaining units shall be single-family residential units. Modification to the mix of residential styles shall be approved by the Planning Director. Any change to the overall number of units will be reviewed and approved by the Planning Commission.

g. The single-family ownership units shall be a minimum of 25% of the overall single-family units within the project area. A reduction in the number of ownership units shall be reviewed and approved by the Planning Commission.

h. The developer or assigned corporation shall construct and establish a Build to Rent community (BTR) that is managed by a professional management group with experience with similar projects. Sale of the BTR project can occur and the new development

agreement shall delineate the process for the sale. The City shall review the sale of the BTR ownership based on project experience on similar developments and a new development agreement shall be executed.

i. The developer will prepare a BTR operational plan for the City to review and approve prior to final plat approval. It should address construction standards, short-term and long-term rental requirements, and property maintenance.

j. The City of Warrenton, the developer, Clatsop County, Business Oregon, and other potential funding sources shall develop a financing plan for the infrastructure improvements planned from NW Warrenton Drive to Ridge Road. The developer will be responsible for infrastructure improvements within the proposed Planned Unit Development. Once the infrastructure has been completed and inspected, it shall be dedicated to the public. The City Commission shall approve said agreement prior to final plat approval.

k. The developer shall be authorized to sell the wetland tract to a private entity. The sale shall include a restrictive covenant that prevents further subdivision or development of the wetlands tract in a manner that would cause the PUD to exceed development limitations placed by the Warrenton Planning Commission. The restriction will also limit tree clearing to upland areas as part of an approved Oregon Department of Forestry permit. Wetland areas shall be managed pursuant to Section 16.156.040 of the WDC, except that agricultural uses and tree clearing shall be prohibited.

l. The developer will prepare the necessary Preliminary Plat documents for review and approval by the Warrenton Planning Commission within three (3) years of the notice of decision of the preliminary PUD.

m. The final plat for the multi-family development shall be submitted within two (2) years of the approval of the Preliminary Plat for the development. The Planning Commission will approve the Site Design Review as required by Section 16.212.

n. The final plat application for the duplex development shall be submitted within three (3) years of Preliminary Plat approval.

o. The final plat application for the single-family residential portion of the development shall be submitted in phases within ten (10) years of the approval of the Preliminary Plat for the development.

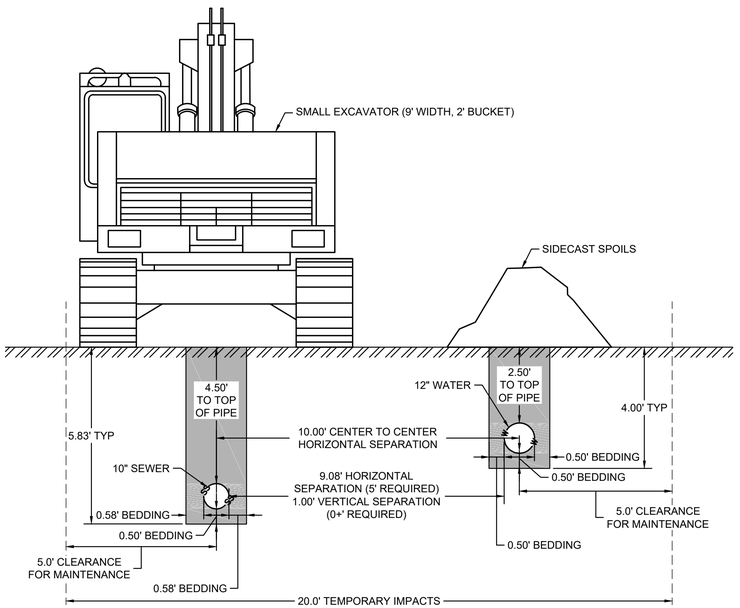
p. Deviation from the above-referenced development timeframes shall be reviewed and approved by the Planning Director as a Type II Modification to Conditions of Approval pursuant to WDC Section 16.228.

RECOMMENDED MOTION

"Based on the findings and conclusions of the June 5, 2025, staff report, I move to approve PuD-25-1 subject to the conditions of approval included in the staff report."

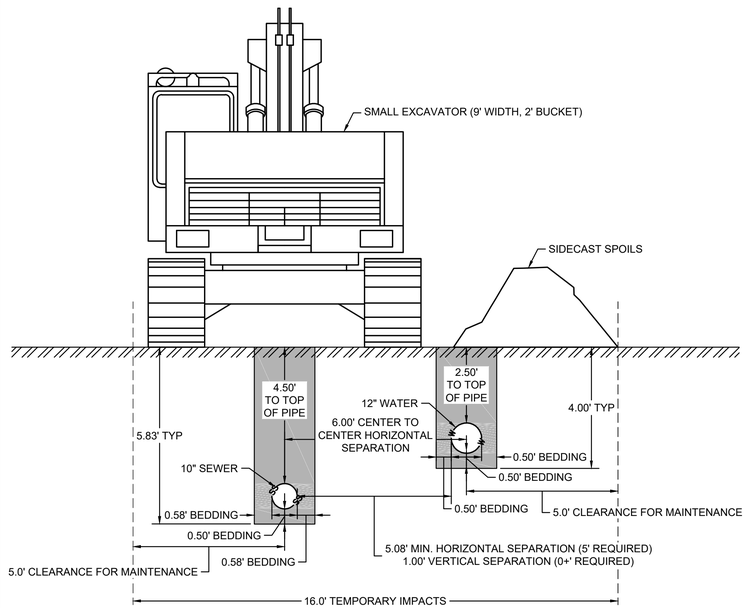
ATTACHMENTS

1. Applicant's submittal
2. Agency feedback



NOTES:
1. MINIMUM COVER ON WATER PIPE SHALL BE 2.5'.
2. TOPSOIL AND VEGETATION TO BE RE-ESTABLISHED FOLLOWING INSTALLATION.

NOT TO SCALE	
DETAIL NUMBER 1	**11TH STREET TYPICAL UTILITY SECTION**



NOTES:
1. MINIMUM COVER ON WATER PIPE SHALL BE 2.5'.
2. TOPSOIL AND VEGETATION TO BE RE-ESTABLISHED FOLLOWING INSTALLATION.

NOT TO SCALE	
DETAIL NUMBER 2	**11TH STREET COMPACT UTILITY SECTION**

Final Development Plan

Appendix A - Conditions of Approval Response

3J CONSULTING
9600 SW NIMBUS AVENUE SUITE 100
BEAVERTON, OREGON 97008
PH: (503) 946.9365
WWW.3JCONSULTING.COM

PROJECT NAME:	3J PROJECT NUMBER:	CITY OF WARRENTON LAND USE CASE(S):
Fort Point Final Development Plan	24940	MC-23-3, LP-24-3

TO:	FROM:	DATE:
City of Warrenton Planning Director	Sam Huck, AICP *Planner*	March 31, 2025

This condition of approval response memo provides final responses and demonstrates compliance with the Conditions of Approval in the City of Warrenton Planning Commission's Notice of Decision for MC-23-3 and LP-24-3.

Response to Conditions of Approval (MC-23-3, LP-24-3)

#	Condition of Approval	Applicant Response:
1	All streets with 28-foot width shall have restricted parking on one side of the street. Streets with 32-foot width shall allow parking on both sides of the street. Any deviation to the prescribed engineering standards shall be approved by the Public Works Director upon recommendation by the city's consulting engineer.	**All streets with 28-foot width will have restricted parking on one side of the street. Streets with 32-foot width will allow for parking on both sides of the street. Compliance with this condition is demonstrated in the Preliminary Plans submitted with this application.**
2	Sidewalks shall be provided along all public roads within the development per City Engineering standards, unless a deviation from these standards is approved by the Warrenton Public Works Department upon recommendation by the City's consulting engineer.	**Sidewalks will be provided along all public roads. Compliance with this condition is demonstrated in the Preliminary Plans submitted with this application.**
3	The final construction plans shall include a minimum of two (2) off-street parking sites per for each single family and duplex structure. Off-street parking for the multi—family development and recreation facilities shall meet the requirements of Section 16.128 of the Warrenton Development Code.	**Two off-street parking stalls will be provided for each single family and duplex structure. Confirmation of compliance with this condition can be reviewed prior to issuance of building permits for the single family and duplex dwellings. Off-street parking for the multifamily development and recreation facilities will be reviewed for compliance through the Site Design Review application submitted at a later date.**
4	The developer or assigned corporation shall be responsible for the construction and maintenance of the private parking lots for the multi-family development. Parking areas for housing clusters shall be maintained by either the HOA or the rental management company.	**The Developer understands and acknowledges that they are responsible for the construction and maintenance of the private parking lots for the multifamily development. The HOA/rental company will maintain the housing clusters parking.**
5	No private drives or dead-end alleys shall be longer than 150 feet in length. The Planning Commission authorizes the one extended public road cul-de-sac at the south end of the development including a fire access onto Ridge Road. This recognition is due to the unique shape of the uplands area of the project site.	**No private drives or dead-end alleys will be longer than 150 feet. Compliance with this condition is demonstrated in the Preliminary Plans submitted with this application.**
6	Sanitary sewer and water systems shall be designed to meet the intent of the City Engineering Standards. Any deviation from the standards shall be approved by the City Public Works Director upon recommendation by the City's consulting engineer.	**Sanitary sewer and water systems will meet the intent of the City Engineering Standards. A Final Stormwater Plan and Updated Geotechnical Report are submitted with this application. Any deviations from standards will be approved by the City Public Works Director upon recommendation by the City's consulting engineer.**

7	The developer's engineer shall prepare a final stormwater management plan that addresses potential impacts on adjoining properties, the Enterprise drainage system and the Tansy Creek drainage system. The plan shall be reviewed and approved by the city's consulting engineer prior to final plat approval for the first phase of the project.	**A Final Stormwater Plan is submitted with this application.**
8	The developer will submit an updated geo-technical report for the development area that addresses any special construction requirements due to soils conditions prior to final plat approval.	**An Updated Geotechnical Report is submitted with this application.**
9	Final utility plans will meet all requirements of the State Fire Code relating to distance to a hydrant and water flow. The City Fire Chief shall approve plans prior to construction.	**Final utility plans are submitted that meet State Fire Code requirements. The Developer understands that they will be approved by the City Fire Chief prior to construction commencement.**
10	The developer will obtain any required approval from Clatsop County for the entrance points onto Ridge Road. The development will prohibit direct private access to Ridge Road for individual lots.	**There will be no private access for individual lots to ridge road, which is shown on the submitted Preliminary Plans. The Developer will seek approval from Clatsop County for any entrance points onto Ridge Road in accordance with this condition of approval.**
11	The City Planning Director or designee shall assign street names and addresses based on the City of Warrenton addressing grid and City Code Requirements. All addresses will be clearly posted on each structure.	**The Developer understands and acknowledges that street names and addresses will be assigned. All assigned addresses will be posted on each structure.**
12	The developer will propose development covenants that establish all building setbacks from other structures, roadways, sidewalks, etc. The design standards shall outline exterior design themes, property maintenance and exterior storage requirements. The covenants shall be recorded with the final plat documents for each phase of development.	**The Developer has submitted draft CC&Rs for the single-family and BTR portions of the development. The Fort Point Covenants & Restrictions document establishes the building setbacks from other structures, roadways, and sidewalks. The Fort Point Community Guidelines document outlines the exterior design themes, exterior storage requirements, and establishes an Architectural Design Review Committee to review any proposed changes. The Bylaws establish maintenance requirements. The CC&Rs will be recorded with the final plat documents for single-family and BTR portions of the development. Design standards for the multifamily portion of the development will be addressed through the Site Design Review application to be submitted at a later date.**
13	The developer will reimburse the City of Warrenton for the costs associated with outside engineering, financial review, and planning consulting that is required for the review and construction management for this project. The City will review the scope of the contracts with the developer.	**The Developer acknowledges its obligation to reimburse the City of Warrenton for costs associated with outside engineering, financial review, and planning consulting as required. Such reimbursement shall be subject to the Developer's prior review and approval of the scope, price, and terms of the relevant contracts before any costs are incurred as stated in this condition.**
14	Deviations in residential design standards, setbacks shall be addressed in the development agreement.	**Any presently proposed deviations from residential design standards are addressed in the development agreement. The residential design standards for the multifamily portion of the development will be reviewed as part of the Site Design Review application to be submitted at a later date.**
15	The developer will financially participate with Clatsop County on the construction of appropriate turn lanes, deceleration lanes and pedestrian cross walks adjacent to the proposed development.	**This condition of approval is satisfied by the Transportation Impact Analysis (TIA) completed by Lancaster Mobley for the development, which concludes that no mitigation of intersections is necessary, no new traffic signals are warranted, and all study intersections currently operate and are projected to continue operating acceptably per agency standards through the 2031 buildout year. Based on these findings, no financial participation in additional turn lanes, deceleration lanes, or pedestrian crosswalks is required.**
16	In lieu of land dedicated to public open space, the developer shall construct a multi-purpose path along the western side of the project area or immediately adjacent to the right-of-way, the location of which will be approved by Clatsop County Public Works department. The design of the trail shall be reviewed and approved by the Planning Commission as part of the Final PUD approval process.	**The multi-purpose path is shown immediately adjacent to the right-of-way in the submitted Preliminary Plans. The design of the path is submitted with this Final Development Review application for review and approval by the Planning Commission. Construction of the path along the frontage of the multifamily portion, based on the parcel configuration approved through LP-24-3, will be completed prior to the issuance of occupancy for that portion. Construction of the path along the frontage of the remaining portions of the parcel to the south of the multifamily portion will be completed prior to occupancy for each phase of that respective portion.**

17	The developer will install a pedestrian crosswalk with pedestrian activated flashing beacons for Ridge Road north of the proposed development at the entrance to Fort Stevens State Park. The crossing design will be approved by Clatsop County Public Works. The installation will occur prior to the issuance of the final certificate of occupancy for the multi-family development.	**Preliminary Plans for the pedestrian crosswalk with pedestrian activated flashing beacons for Ridge Road are submitted with this application.**
18	An easement for the Ridge Road to NW Warrenton Drive multi-purpose trail shall be granted along the northerly portion of the project area. The dedications and financial participation outlined in Conditions 15-17 will satisfy the public open space requirements for the PUD.	**The Developer will seek to establish an easement for the Ridge Road to NW Warrenton Drive multi-purpose trail along the northerly portion of the project area in accordance with this condition.**
19	The developer will submit monument sign plans for entrance points to the project area. Plans shall be approved by the Planning Director prior to the issuance of the final certificate of occupancy for the multi-family project.	**The Developer understands that monument signs will need to be submitted for approval by the Planning Director prior to final certificate of occupancy for the multifamily portion of the development.**
20	The developer will create and record documents establishing a permanent homeowner's association. The HOA or assigned corporation will be responsible for maintenance of all private open space and private recreational facilities.	**The submitted CC&Rs include provisions for establishing a permanent homeowner's association (HOA) for the ownership portions of the development. The HOA will be responsible for the maintenance of all private open space and private recreational facilities within the ownership portion.**
21	The developer or assigned corporation will construct and maintain all private recreation facilities within the development. Each phase of the development will private open space per the final development plans.	**The submitted CC&Rs include provisions for establishing and maintaining all private recreational facilities within the ownership portion of the development. The BTR-assigned corporation and the multifamily developer understand and acknowledge that they will be responsible for constructing and maintaining the recreational facilities within their respective portions of the development.**
22	The City of Warrenton and developer shall establish a construction and maintenance agreement for the trail connection between NW Warrenton Drive and Ridge Road.	**Upon receipt of a signed easement from the adjacent property owner, completion and review of the trail design by others, and submission of proof of a financing plan to the Developer, the Developer will submit draft language for a construction and maintenance agreement and will work with the City towards finalizing the agreement.**
23	The overall development capacity shall be capped at 450 residential units. Multifamily units shall not exceed 210 units. The duplex units shall range between 20 and 40 units. The remaining units shall be single-family residential units. Modification to the mix of residential styles shall be approved by the Planning Director. Any change to the overall number of units will be reviewed and approved by the Planning Commission.	**The Developer agrees to this requirement, and understands that any modification to the mix of residential styles shall be approved by the Planning Director, and that any change to the overall number of units will be reviewed and approved by the Planning Commission.**
24	The single-family ownership units shall be a minimum of 25% of the overall single-family units within the project area. A reduction in the number of ownership units shall be reviewed and approved by the Planning Commission.	**The Developer agrees to this requirement, and understands that any reduction in the number of ownership units shall be reviewed and approved by the Planning Commission.**
25	The developer or assigned corporation shall construct and establish a Build to Rent community (BTR) that is managed by a professional management group with experience with similar projects. Sale of the BTR project can occur and the new development agreement shall delineate the process for the sale. The City shall review the sale of the BTR ownership based on project experience on similar developments and a new development agreement shall be executed.	**If a sale of the BTR project occurs, the Developer will submit a new development agreement in accordance with this condition.**
26	The developer will prepare a BTR operational plan for the City to review and approve prior to final plat approval. It should address construction standards, short-term and long-term rental requirements, and property maintenance.	**The Developer agrees to prepare a BTR operational plan for the City to review and approve prior to final plat approval of the BTR portion of the development.**
27	The City of Warrenton, the developer, Clatsop County, and Business Oregon and other potential funding sources shall develop a financing plan for the infrastructure improvements planned from NW Warrenton Drive to Ridge Road. The developer will be responsible for infrastructure improvements within the proposed Planned Unit Development. Once the infrastructure has been completed and inspected, it shall be dedicated to the public. The City Commission shall approve said agreement prior to final plat approval.	**A financing plan for the infrastructure improvements is submitted with this application, and the Developer understands and acknowledges that the City Commission shall approve the agreement prior to final plat approval of the ownership and BTR portions of this project.**

28	~~The developer shall be authorized to sell the wetland tract to a private entity. The sale shall include a restrictive covenant that prevents further subdivision or development of the wetlands tract in a manner that would cause the PUD to exceed development limitations placed by the Warrenton Planning Commission. The restriction will also limit tree clearing to upland areas as part of an approved Oregon Department of Forestry permit. Wetland areas shall be managed pursuant to Section 16.156.040 of the WDC, except that agricultural uses and tree clearing shall be prohibited.~~ The developer shall be authorized to convey the wetland tract to a private entity. The transfer shall include a restrictive covenant that prevents further subdivision or development of the wetlands tract in a manner that would cause the PUD to exceed development limitations placed by the Warrenton Planning Commission. The restriction will also limit tree clearing to upland areas as part of an approved Oregon Department of Forestry permit. Wetland areas shall be managed pursuant to Section 16.156.040 of the WDC as of September 12, 2024, and shall be subject to all city, state, and federal regulations regarding wetlands disturbance.	**This condition of approval was modified by MC-24-3 on September 12, 2024 by the City of Warrenton Planning Commission. The strikethrough condition is the prior condition, and the revised condition as approved is below. The Developer understands and acknowledges this condition has been modified and agrees to comply with the condition language.**
29	The City of Warrenton will request a speed study for Ridge Road be conducted by Clatsop County.	**The Developer understands and acknowledges that the City of Warrenton will request a speed study for Ridge Road be conducted by Clatsop County.**
30	The following items shall be completed prior to final PUD consideration by the Warrenton Planning Commission:	
a.	Preliminary Sewer, Water and Stormwater Engineering Plans.	**Preliminary Plans for the sewer, water, and stormwater are submitted with this application.**
b.	Proposed Utility Financing Plan (To be approved by the Warrenton City Commission)	**A draft financing plan is submitted with this application, and the Developer understands and acknowledges that the City Commission shall approve the agreement prior to final plat approval for the ownership and BTR portions of this development.**
c.	Preliminary Landscaping Plan and Significant Vegetation Protection Plan.	**Preliminary Landscaping Plans and a Significant Vegetation Protection Plan are submitted with this application for the ownership and BTR portions of the development. Landscaping Plans for the multifamily portion of the development will be reviewed for compliance through the Site Design Review application submitted at a later date.**
d.	Site design and construction standards for BTR neighborhood	**Site design and construction standards for BTR neighborhood are submitted with this application.**
31	The developer will prepare the necessary Preliminary Plat documents for review and approval by the Warrenton Planning Commission within Three (3) years of the notice of decision of the preliminary PUD.	**The Developer agrees to prepare the Preliminary Plat documents for review by the Warrenton Community Development Director in accordance with the Warrenton Development Code for the ownership and BTR portions of the development within three years of the notice of decision for the preliminary PUD, which as modified, is three years from October 8, 2024. Preliminary Plat documents will be submitted by October 8, 2027. The multifamily portion of the property has already submitted a final plat application for that portion of the development so that the multifamily portion can be recorded prior to any other portions.**
32	The final plat for the multi-family development shall be submitted within two (2) years of the approval of the Preliminary Plat for the development. The Planning Commission will approve the Site Design Review as required by Section 16.212.	**A final plat for the approved land partition LP-24-4 has been submitted for the multifamily portion of this development for review and approval by the Warrenton Community Development Director. The Developer understands that final sign-off by the City will not be granted until final development approval in accordance with condition number 7 in case file LP-24-4, approving the three lot partition.**
33	The final plat application for the duplex development shall be submitted within three (3) years of Preliminary Plat approval.	**The final plat documents for the duplex development will be submitted in accordance with this condition, within three (3) years of the approval of the preliminary plat for that portion of the development.**

34	The final plat application for the single-family residential portion of the development shall be submitted in phases within ten (10) years of the approval of the Preliminary Plat for the development.	**The final plat documents for the single-family residential portion of the development will be submitted in accordance with this condition and submitted in phases within ten (10) years of the approval of the preliminary plat for that portion of the development.**
35	Deviation for the above-referenced development timeframes shall be reviewed and approved by the Planning Director as a Type II Modification to Conditions of Approval pursuant to WDC Section 16.228.	**The Developer agrees to this condition.**
Modification of Approved Land Partition (LP-24-4)		
1	Further subdivision of Parcel 2 in compliance with the approved final planned unit development plan is required prior to the issuance of building permits.	**The Developer understands and acknowledges that further subdivision will occur, and that subsequent preliminary plat applications will be submitted for review and approval prior to issuance of building permits.**
2	The final land partition shall be signed by a registered professional land surveyor.	**The Developer understands and acknowledges that the final land partition shall be signed by a registered professional land surveyor.**
3	Per MC-23-03, the developer's engineer shall prepare a final stormwater management plan that addresses potential impacts on adjoining properties, the Enterprise drainage system and the Tansy Creek drainage system. The plan shall be reviewed by the city's consulting engineer prior to final land partition approval.	**A final stormwater management plan is submitted with this application.**
4	Per MC-23-3, the developer will submit an updated geo-technical report for the development areas that addresses any special construction requirements due to soil conditions prior to final land partition approval.	**An updated geotechnical report is submitted with this application.**
5	Per MC-23-3, the developer will propose development covenants that establish all building setbacks from other structures, roadways, sidewalks, etc. The design standards shall outline exterior design themes, property maintenance and exterior storage requirements. The covenants for Parcel 3 shall be recorded with the final plat.	**The CC&Rs for the ownership and BTR portions of the development are submitted with this application, and will be recorded with the final plat documents for these portions of the development.**
6	Per MC-23-3, an easement for the Ridge Road to NW Warrenton Drive multi-purpose trail shall be granted along the northerly portion of the project area. This shall be shown on the final plat.	**An easement is shown in the Preliminary Plans submitted, and the Developer will seek to establish an easement for the Ridge Road to NW Warrenton Drive multi-purpose trail along the northerly portion of the project area in accordance with this condition.**
7	The submitted final plat shall comply with the approved final planned development plan required in MC-23-3. Final plat approval shall not be granted until after the planned unit development plan has been approved by the Warrenton Planning Commission.	**The Developer understands and acknowledges this condition. A final plat for the approved land partition will be submitted first so that the multifamily portion can obtain final plat approval before the other portions of the development, and the Developer understands that final sign-off by the City will not be granted until final development approval. The final plat documents for the ownership and BTR portions of the development will be submitted in accordance with the final plat timelines as specified in the conditions for MC-23-3.**

FORT POINT HOMEOWNERS ASSOCIATION

PROPOSED COMMUNITY GUIDELINES

COMMUNITY GUIDELINES

INDEX

INTRODUCTION

Building a new community is an exciting and rewarding activity. It is an undertaking requiring the contributions of people with a wide range of skills, goals and outlooks. These guidelines have been prepared to direct the future development activities of the Fort Point Development. It is everyone's hope that the original vision of the Fort Point Development as a community will be realized and maintained.

Excellence is the hallmark of the Fort Point Development. That excellence is achieved through careful planning, quality construction, and by providing mechanisms to direct community activities. The guidelines contained in this letter will ensure excellence by establishing standards for all residences.

These guidelines are not meant to restrict, but to guide, allowing for creativity and individuality to be expressed. We ask your assistance and cooperation in following these guidelines to make Fort Point Development a lastingly beautiful community.

The Fort Point Development has a master plan to include over 400 residential dwelling units, including single family homes and apartments. In addition, land is set aside for nearly 200 acres of open space. Together, these uses provide for a balanced community where people play, live, and work.

In order for the Fort Point Development to function as an integrated community, both now and in the future, the development shall establish a homeowner's association with the following terms and conditions. The Fort Point Homeowners Association (the "Association") is to be established under the laws of the State of Oregon as a nonprofit corporation. Each homeowner and lot owner is to be a member of the Association.

USE OF COVENANTS AND GUIDELINES

The Fort Point Development is subject to certain recorded covenants and restrictions (the "Covenants"). The Covenants and these guidelines are intended to establish and maintain a harmonious community image for the Fort Point Development. Through the Covenants and the design review process created therein, a consensus is achieved between individual aesthetic judgment and the broader interests of community standards. The Covenants are embodied in a legal document accepted by every homeowner when title to the property is taken. The Covenants establish an architectural design review committee (the "Design Review Committee") and require the Design Review Committee's written approval before any change to a site or building exterior is made.

As stated in the Covenants, "No structure, whether residence, accessory building, tennis court, swimming pool, antennae, flagpoles, fences, . . . or other improvements, shall be constructed or maintained upon any lot or unit and no alteration or painting to the exterior of a structure shall be made and no landscaping performed unless complete plans, specifications and lot plans therefore, showing the exterior design, height, building material, and color scheme thereof shall be submitted to and approved by the Architectural Design Review Committee." Simply stated, no new construction or modification to existing construction is to occur on any lot or exterior of any home without the prior approval of the Design Review Committee. The Design Review Committee's responsibility is to ensure that the harmonious, high quality image of the Fort Point Development is implemented and maintained.

DESIGN REVIEW PROCEDURES

The Design Review Committee's responsibilities are bifurcated in that certain members of the Committee review only plans for construction of homes while certain other members of the Committee are responsible for reviewing improvements made to sites thereafter.

In order to obtain Design Review Committee review of proposed site or building exterior construction, the homeowner or its representative initiates the review process by submitting an application to the Design Review Committee.

The Design Review Committee shall meets regularly and renders a decision on an application within thirty days from the date of submittal.

The applicant starts the formal review process by submitting the following required information:

A. Project Data:

1. Name of applicant (homeowner).

2. Address and phone number of applicant.

3. Description of proposed construction.

4. Construction schedule.

5. Names and phone numbers of all homeowners within properties within 500 feet of the subject property, when those homeowners are able to view the proposed improvements from their properties.

B. A site plan drawn accurately to scale, showing location and extent of:
1. Lot lines.
2. Location of house.
3. Layout of proposed construction, including dimensions as appropriate.
4. Details describing the construction, including (as applicable): color, materials, sizes, etc.

C. Building elevations (as applicable).

D. A landscape plan showing proposed plantings, including sizes, species, numbers, mulch materials, landscape features, description of irrigation system, etc.

E. Miscellaneous.
1. Complete working drawings and specifications for all proposed construction.
2. A sample of the proposed house siding not less than one square foot in size with the
3. proposed stain or paint color applied.
4. A sample of the proposed trim material not less than twelve inches long with the proposed stain or paint color applied.
5. A written statement of the type of color of roofing to be used.
6. A detailed site and grading plans showing finished contours, building elevations, spot elevations on pavements, retaining walls, drainage swales/structures, curb/gutter/sidewalk locations, etc.

The Design Review Committee will meet to consider the application and will render a decision by voting. An affirmative vote of the majority of the Design Review Committee where a quorum is present constitutes approval.

DESIGN GUIDELINES - - GENERAL PRINCIPLES

The purpose for the Design Review Committee is to ensure consistent application of these guidelines and those set forth in the Covenants. The guidelines contained in the Covenants are designed to promote those qualities in the Fort Point Development which bring value to individual properties and will promote the attractiveness and functional utility of the community. Those qualities include a harmonious relationship among structures, vegetation, topography, and overall design of the community.

The guidelines in the Covenants set forth very specific criteria related to building construction and site development. These criteria are directed toward ensuring that the following general principles are adhered to.

Validity of Concept. The basic idea of the proposed construction must be sound and appropriate to the surroundings.

Environment. The proposed construction must not unnecessarily destroy or blight the natural or man-made environment of the Fort Point Development. Treatment of the site

must relate harmoniously to adjacent sites and structures that have a visual relationship to the proposed construction.

Your Neighbors. The interests of neighboring properties must be protected by making reasonable provisions for such matters as access, surface water, drainage, sound and sight buffers, preservation of views, light and air, and other aspects of design which may have a substantial effect on neighboring properties.

Design Compatibility. The proposed construction must be compatible with the design characteristics of the property, adjoining properties and the neighborhood setting. Compatibility is defined as harmony in style, scale, materials, color, and construction details.

Workmanship. The quality of workmanship evidenced in construction must be equal to or better than that of the surrounding properties. In addition to being visually objectionable and making an unflattering statement about you as the homeowner, poor construction practices can cause functional problems and even create safety hazards. Neither the Association nor the Design Review Committee, however, assumes any responsibility for the safety of new construction by virtue of design or workmanship.

Timing. Projects which remain uncompleted for long periods of time are visually objectionable and can be a nuisance and safety hazard for neighbors in the community. All applications must include a proposed maximum time from start to completion of construction. If the proposed time period is considered unreasonable, the Design Review Committee may disapprove the application. If projects are not completed within the approved time schedule, The Design Review Committee has the authority to require the applicant to complete the unfinished construction within 45 days or be subject to action by the Design Review Committee to remove the incomplete construction.

***Fines.** The Board, by a majority vote, may assign fines between $25 and $500. These fines will be assessed based on the severity of the violation. In the case of continuing or uncorrected violations, the Board, by majority vote, may repeat the fines at the rate of up to $15 per day or $500 per month until the violation is corrected. The following process will be used by the Board:

1. The homeowner in violation will be contacted by the Board and asked to correct the problem.

2. If the homeowner fails to correct the problem to the Board's satisfaction, the Board may, by majority vote, assess a fine.

3. The homeowner will be notified in writing of the Board's decision to fine. In addition, the homeowner will be provided an opportunity to address the Board if they feel the fine is inappropriate.

4. If the homeowner does not address the Board, or if, following the discussion with the homeowner, the Board votes to move forward with the fine, a final letter confirming the fine will be sent to the homeowner.

RESOURCES

Proposed construction may involve various governmental agencies in addition to the Design Review Committee. The applicant should check with the City of Warrenton to determine if their review/input is needed. All construction and/or improvements are subject to the City of Warrenton's Ordinances, as are currently in effect, or as may be amended from time to time.

It is the applicant's responsibility to ensure that any proposed construction is coordinated with, and where applicable, approved by these and other local, state, and federal government agencies. The Design Review Committee and the Association assume no responsibility for obtaining these reviews and approvals.

ACCEPTABLE IMPROVEMENT PRACTICES

The balance of this document outlines the design and construction practices required for changes and improvements to building exteriors and sites. Some of these practices are mandatory and are preceded by the word "shall." Others are recommendations, preceded by the word "should." In addition, certain design and construction methods that are not acceptable are illustrated for the applicant's information.

Applications conforming with the design and construction practices and principles outlined in these guidelines will most likely be approved by the Design Review Committee. Applications proposing deviation from these guidelines will be considered on their individual merits. In any event, all applications are considered on a case-by-case basis.

DESIGN GUIDELINES - - EXEMPTIONS

The following types of changes, additions, or alterations do not require the approval of the Design Review Committee. Although exempted, all work must proceed in accordance with all state and local building codes and other construction requirements.

1. Addition of plants to a property in accordance with a previously-approved landscape plan.
2. Modifications to the interior of a residence when those modifications do not materially affect the outside appearance of the structure.
3. Repainting and/or re-staining in original colors.
4. Repairs to a structure in accordance with previously-approved plans and specifications.
5. Re-roofing with blue label medium grade (or better) cedar shakes.
6. Seasonal decorations if removed promptly (within 15 days following the holiday).
7. Real estate "for sale" signs which are not larger than five square feet and where no more than one sign is placed in any given lot.

DESIGN GUIDELINES - - PROHIBITED USES

Certain uses are prohibited within residential neighborhoods at the Fort Point Development. Among those prohibited uses are the following (refer to the Covenants for further guidance): Uses or activities that constitute an annoyance or a nuisance to the neighborhood are prohibited, including those which detract from residential value, and from the overall enjoyment and quality of the neighborhood.

Offensive Activities. Uses or activities that are defined as noxious or offensive include, for example, parking vehicles on lawns, exterior sound systems that create noise beyond the property lines, etc.

Outdoor Storage. Storage of trash, building materials, equipment, garden supplies, etc., in unscreened areas is prohibited. Refer to the section on screening for further detail.

Vegetable Gardens. Vegetable gardens are prohibited except in screened backyard areas.

Livestock. The size of lots in the Fort Point Development make it an inappropriate setting for raising animals other than domesticated dogs, cats and other common household pets. Raising livestock, such as horses, goats, sheep, chickens, etc., is therefore prohibited. The size and location of a lot may also affect its suitability for accessory structures.

Commercial Uses. Most business activities are prohibited within residential neighborhoods in Warrenton. Prohibited activities include in-house businesses that attract clients or customers, such as beauty salons, accounting businesses, etc. Such in-home businesses as machine shops, car repair or other similar commercial/industrial businesses are also prohibited.

Watering Dogs. Homeowners may not allow their dogs to water on other homeowners yards.

DESIGN GUIDELINES - - BUILDING ARCHITECTURE

General. Any exterior addition or alteration to an existing residence shall be approved by the Design Review Committee and shall be compatible with the design character of the original structure.

Colors. All exterior painting or staining shall be of colors in harmony with the other existing homes in the neighborhood or of colors similar to those originally employed in the neighborhood. Unpainted surfaces and unstained areas, such as brick or stone, shall not be painted or stained.

Windows. All windows shall have painted or stained wood or non-reflective metal frames and dividers. No reflective glass is permitted.

Window Coverings. Window coverings visible from the exterior shall be compatible with the architectural character of the residence. Reflective shades or film-type window coverings are specifically prohibited.

Masonry. Use of masonry as an exterior building material is encouraged. New masonry construction should match original construction. The selection of masonry type, color, grout color, etc., must be approved by the Design Review Committee.

***Antennae.** Only satellite dish antennae less than one meter in diameter shall be erected on the exterior of any structure, or placed on any lot.

DESIGN GUIDELINES - - ROOFING***

General. Any alteration of roofing type or color shall be approved in advance by the Architectural Design Review Committee (ADRC). Any roofing installed shall be consistent with the existing character of the neighborhood. Neither the Association nor the ADRC make any claims or warranties as to the performance of any roofing material selected, approved, and installed.

Appearance. Any roofing materials selected shall be compatible with roofs on surrounding Fort Point Homeowners Association (WHA) homes and specifically consistent with the architecture of the home for which the application is being made and meet the following criteria:

E.a. Uniform tones of dark brown, dark grey or charcoal

E.b. Appearance of cedar shakes unless the architecture of the home for which application is being made is consistent with slate, or is consistent with manmade composite shingles as described under General Characteristics below.

E.c. Thickness for materials other than natural slate shall be no less than ¼ inch on average over the bottom exposed edge of a shingle, shake, or tile.

Roofing Materials. Installation of blue label cedar medium grade (or better) cedar shake or cedar shingle does not require the prior approval of the ADRC, as noted in the "DESIGN GUIDELINES – EXEMPTIONS" section.
In addition, the following roofing products are allowable; however, installations which change existing roofing material shall be approved in advance by the ADRC.

a. Clay tile

b. Concrete or cement based composite tile

c. Manmade composite shingles or tiles as defined under General Characteristics

d. Slate

General Characteristics. All roofing materials proposed shall meet or exceed the roofing specifications for untreated blue label medium grade cedar shake. Manmade composite shingles or tiles shall, in addition, meet each of the following specifications:

a. Fire rating- UL Class A

b. Wind rating Class F, 110 mph warranty

c. Expected lifespan- 50 year warranty

d. Asphalt Composite- 3 layer or 465 pounds per 100 square feet

Examples of Acceptable Composite Shingle/Tile Materials. Product names are listed as examples only, not recommendations of specific manufacturers. Any product submitted for approval shall be equal to or better than the following as determined by the ADRC:

a. CERTAINTEED PRESIDENTIAL TL

b. PABCO PARAMOUNT ADVANTAGE

c. OWENS CORNING WOODMOOR

d. DECRA STONE COATED STEEL ROOFING SYSTEMS SHAKE

e. ECO STAR

Submission/Application. The application to the ADRC shall include a picture of an existing installation of the product.
The application shall include the nearest known address of a property with the desired product installed.
The application submitted for the ADRC approval shall include, if requested, a sample panel of the material demonstrating how the product will look with more than a single tile/shingle installed on the panel. Size need not exceed 3'X3'. Such sample will be required for all materials not previously installed in the WHA.

DESIGN GUIDELINES - - FENCING

All perimeter (lot line) fencing constructed in the Fort Point Development shall be of the approved fencing types only. All other fences, such as interior fencing to enclose patios, screen trash receptacles, support arbors, etc., shall be of a type, finish, color, etc., compatible with the approved perimeter fencing type and the building architecture. No fences shall be constructed in front yards. No fencing shall be installed in such a way that it blocks established drainage waste.

Fence designs are approved by the Design Review Committee. All fences shall be "Good Neighbor Fences" in that each side of the fence appears the same.

DESIGN GUIDELINES - - SCREENING

General. Approved fencing or other approved means shall be used to screen unsightly objects. The purpose of the screening requirements is to ensure that residential neighborhoods have a neat and orderly appearance free from the visual clutter that detracts from property values and community character.

Garbage. All trash, refuse, garbage and other waste shall be kept in enclosed containers such as garbage cans, waterproof boxes, etc. These containers shall be kept within the garage, or if placed outside shall be screened from the view of any public or private property using approved means. An enclosure shall be kept neat, clean, and weed-free.

Vehicles. Only automobiles with four wheels shall be parked in the street or in visible areas within Fort Point. All other vehicles such as commercial and/or recreation

vehicles (RVs), motorcycles, boats, campers, hauling trucks, trailers, etc., shall be kept in the garage. No vehicles of any kind shall be repaired, rebuilt, etc., except in the garage or on the driveway. If conducted on the driveway, this kind of activity shall continue for no longer than a 24-hour period.

Firewood. Firewood shall be stacked neatly and shall be stored in such a way so that it is not unsightly or objectionable.

Pools/Hot Tubs. Any swimming pools, spas, hot tubs, Jacuzzis, etc., shall be screened from view with approved means.

Dog Houses/Runs. Dog houses, shelters, and runs shall be screened from the view of adjacent public or private properties and streets and shall be built from materials compatible with the house.

DESIGN GUIDELINES - - LANDSCAPING

General. All portions of private home site not covered by house, driveway, patios, sidewalks, etc., shall be landscaped within 12 months of occupancy. The front yard landscaping shall be completed upon occupancy. Landscaping shall be done in accordance with the landscape plan approved by the Design Review Committee. The plan shall show all proposed landscape improvements including trees, shrubs, turf, mulches (bark dust, gravel, etc.), patios, fences, arbors, swimming pools, rock work, retaining walls, vegetable gardens, etc.

Landscaping additions including walls, decks, patios, etc., that were not part of the initial approved plan must receive separate Design Review Committee approval.

Tree Cutting. Design Review Committee approval is required before trees may be removed. The Covenants state that no tree shall be cut unless it is diseased or poses a hazard, or unless a permit is issued by the City of Warrenton. The Design Review Committee requires written confirmation from a certified arborist, or an equivalent professional, before it will approve a request to cut a tree.

Gravel. The use of gravel as a mulch material is permitted but it shall not be used to cover large areas. No more than 10 percent of the total area of any lot shall be covered by non-living ground covers such as gravel, lava rock, bark dust, etc.

Ornamentation. The utilization of non-living objects as ornaments in the landscape is generally discouraged, particularly in front or side yards visible from adjacent properties and roads. Such ornamentation includes driftwood, wagons, animal skulls, wagon wheels, sculpture (flamingos, deer, cherub, etc.). The goal of any landscape improvement is to promote a pleasing and harmonious neighborhood character. Individual expression is permissible so long as it does not detract from this goal.

Maintenance. All landscaping shall be maintained in a neat and attractive condition. Minimum maintenance requirements include fertilizing, watering, mowing, hedging, pruning, removal and replacement of dead or dying plants, removal and/or killing of weeds and noxious grasses, and removal of trash.

DESIGN GUIDELINES - - MISCELLANEOUS

Signs. No signs of any type shall be displayed after initial occupancy, except for a single sign advertising the home for sale or rent. This single sign shall not exceed five square feet in size. No sign shall be posted in the windows of a home except those specifically approved by the Design Review Committee.

Mailboxes. Mail boxes shall be constructed of either brick or wood. Single wood or metal posts supporting a mail box are not acceptable.

Lighting. Exterior lighting shall not be directed in such a manner as to create an annoyance to adjoining properties. High-wattage area lighting (yard lights) are prohibited. Illumination of roofs or features on roofs is prohibited. Street lighting is provided by the City of Warrenton. If you notice a problem with any street light, please contact the City directly for any required maintenance and/or upkeep.

Play Equipment. Play equipment may be erected within a fenced or screened area, but shall have the approval of the committee. Play equipment shall be in appropriate scale and of approved materials and color. Equipment utilizing natural materials, wood versus metal, is preferred. Homeowners are asked to regulate the use of all play equipment so that it does not become a problem for surrounding neighbors.

Accessory Structures. All accessory structures such as greenhouses, storage sheds, patio covers, arbors, cabanas, spa covers, pool covers, etc., shall be approved by the Design Review Committee. Any such structures shall be sited and designed to be compatible with the house and all adjacent houses, fences, etc. In no case shall accessory structures be located within the setbacks required by the City of Warrenton or Clatsop County. Additionally, all accessory structures must comply with governmental authorities.

Driveways. Any modification of a driveway shall be approved by the Design Review Committee. In no case shall the width of the driveway at the curb be widened. Any widening inbound of the curb shall be smoothly transitioned back to the curb.

Retaining Walls. Any retaining wall shall be approved by the Design Review Committee. The applicant is encouraged to use materials that are compatible with the building construction. (Wood painted or stained to match the house, brick or stone to match the house, etc.). Retaining walls which divert water onto other properties or otherwise substantially alter existing drainage patterns are prohibited.

Site Grading. Any change to site grading shall be approved by the Design Review Committee. No new grading shall divert water onto other properties or otherwise substantially alter existing drainage patterns. Care shall be taken to keep water away from foundations. Spouts shall discharge onto splash blocks or other devices to prevent saturation of soils or of soils at foundations. Irrigation of plant material shall be kept well away from the foundation. Patios, lawn areas, shrubs, shrub beds, etc., shall be sloped positively away from foundations to prevent puddling of water.

PROTECTIVE COVENANTS

Attached to these guidelines are the Covenants, as amended. The Covenants are accepted by every homeowner in the Fort Point Development when title to property is taken.

The Covenants establish the Design Review Committee and give the Board of Directors for the Association the authority to establish the additional guidelines and procedures set forth herein. Where the Covenants and these guidelines differ in requirement to procedure, the more restrictive shall apply. Where the two are contradictory, the Covenants shall prevail.

FORT POINT HOMEOWNERS ASSOCIATION

PRELIMINARY AND PROPOSED DECLARATION OF COVENANTS AND RESTRICTIONS

INDEX

ARTICLE I

Definitions

Section 1. The following words and terms when used in this declaration or any supplemental declaration shall have the following meanings:

a. "Association" shall mean and refer to Fort Point Homeowners Association, an Oregon non-profit corporation.

b. "Properties" shall mean and refer to such Properties as are subject to this Declaration and such additions thereto as may later be brought within the jurisdiction of the Association.

c. "Common area" shall mean all real property owned by the Association for the common use and enjoyment of the Owners and Unit Owners. The Common area to be owned by the Association at the time of conveyance is described on Exhibit D and is deemed to include the bike path along the right-of-way for Fort Point Drive.

d. "Lot" shall mean and refer to any plot of land shown on any recorded subdivision map of the Properties with the exception of Common area.

e. "Unit" shall mean and refer to a single dwelling unit within a multi-family dwelling structure.

f. "Owner" shall mean and refer to the record Owner, whether one or more persons or entities, of a fee simple title to any Lot which is part of the Properties, including contract sellers, but excluding those having such interest merely as security for the performance of an obligation.

g) "Unit Owner" shall mean and refer to the record Unit Owner, whether one or more persons or entities, of a fee simple title to any Unit including contract sellers, but excluding those having such interest merely as security for the performance of an obligation.

h) "Member" shall mean and refer to every person or entity who holds membership in the Association.

i) "Architectural Design Review Committee" shall mean the committee appointed by the Board of Directors of Fort Point Homeowners Association.

ARTICLE II

Membership and Voting Rights

Section 1. Membership. Every person or entity who is an Owner or a Unit Owner shall be a Member of the Association. Membership shall be appurtenant to and may not be separated from ownership of any Lot or Unit which is subject to assessment by the Association. Ownership of such Lot or Unit shall be the sole qualification for membership.

Section 2. Voting Rights. The Association shall have three classes of voting membership.

Class A. Class A Members shall be all Owners, with the exception of the Developer and the Unit Owners, and shall be entitled to one vote for each Lot owned. When more than one person holds an interest in any Lot, all such persons shall be Members. The vote for such Lot shall be exercised as they determine, but in no event shall more than one vote be cast respecting any Lot.

Class B. The Class B Member shall be the Developer and shall be entitled to three votes for each Lot owned. The Class B membership shall cease and be converted to Class A membership on the happening of either of the following events, whichever occurs earlier:

a. When the total votes outstanding in the Class A membership, or
b. equal the total votes outstanding in the Class B membership

ARTICLE III

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ARTICLE IV

Property Rights in the Common Properties

Section 1. Members' Easements of Enjoyment. Subject to the provisions of Section 2 of Article IV, every Member shall have a right and easement of enjoyment in and to the Common area and such easement shall be appurtenant to and shall pass with title to every Lot and Unit.

Section 2. Extent of Members' Easements. The rights and easements of enjoyment created hereby shall be subject to the following:

a. The right of the Association provided in its Certificate of Incorporation and Bylaws to suspend the voting rights and right to use recreational facilities by a Member for any period during which any assessment remains unpaid, and for any period not to exceed thirty (30) days for any infraction of its published rules and regulations, and

b. The right of the Association to dedicate or transfer all or any part of the Common area to any municipal, county, state, federal or other public agency, authority or utility for such purposes and subject to such conditions as may be agreed to by the Members, provided that no such dedication or transfer or determination shall be effective unless an instrument agreeing to such dedication or transfer, signed by Members entitled to cast two-thirds (2/3) of the votes has been recorded, and unless written notice of the proposed agreement and action thereunder is sent to every Member at least ninety (90) days in advance of any action taken.

Section 3. Any Member may delegate, in accordance with the Bylaws, his right of enjoyment to the Common area to his tenants, or contract purchasers who reside on a Lot or Unit.

ARTICLE V
Easements

There is hereby created a blanket easement upon, across, over and under each Lot, Unit and the Common area for the following purposes:

a. Ingress, egress, installation, repair and maintenance of all utilities, including but not limited to water, sewer, gas, telephones, electricity and a master or cable television antenna system;

b. Maintenance, including but not limited to, fertilizing and spraying, of all trees, grass and other vegetation on the Properties; and

c. Sidewalk easements to allow meandering as part of the overall street design.

ARTICLE VI
Building Setbacks

No structure shall be constructed, placed, or maintained on any lot within the development except in compliance with the following setback requirements:

Building Setbacks on Parcel 2

1. **East of Road B:**
   For all structures located on the portion of Parcel 2 east of the existing or any future designation of "Road B," the following setback requirements shall apply, regardless of any changes in the name, designation, or alignment of Road B:
   a. **From Road B (right-of-way including sidewalk):** A minimum setback of 20 feet shall be maintained between any structure and the nearest edge of the existing or any future designated right-of-way of Road B.
   b. **From Rear Property Line:** A minimum setback of 9 feet shall be maintained between any structure and the rear property line.
   c. **From Side Property Lines:** A minimum setback of 5 feet shall be maintained between any structure and each side property line.
   d. **Exceptions:** Minor architectural projections such as eaves, awnings, and balconies may encroach into required setbacks by no more than 24 inches, provided they do not impede access or create safety hazards.
2. **West of Road B:**
   For all structures located on the portion of Parcel 2 west of the existing or any future designation of "Road B," the following setback requirements shall apply, regardless of any changes in the name, designation, or alignment of Road B:
   a. **From Structure to Property Line Opposite of Driveway Side:** A minimum setback of 9 feet shall be maintained between any structure and the nearest edge of the property line opposite of driveway side.
   b. **From Structure to Sidewalk Opposite of Driveway Side:** A minimum setback of 6.5 feet shall be maintained between any structure and adjacent sidewalks for the property line opposite of driveway side.
   c. **From Driveway Side:** A minimum setback of 20 feet shall be maintained between any structure and the property line on the driveway side.
   d. **From Side Property Lines:** A minimum setback of 5 feet shall be maintained between any structure and each side property line.
   e. **Exceptions:** Minor architectural projections such as eaves, awnings, and balconies may encroach into required setbacks by no more than 24 inches, provided they do not impede access or create safety hazards.

ARTICLE VII

Architectural Design Review Committee

No structure, whether residence, accessory building, tennis court, swimming pool, antenna, flagpoles, fences, walls, exterior lighting or other improvements, shall be constructed or maintained upon any Lot or Unit and no alteration or painting to the exterior of a structure shall be made and no landscaping performed unless complete plans, specifications and Lot plans therefore, showing the exterior design, height, building material and color scheme thereof, shall have been submitted to and approved in writing by the Architectural Design Review Committee. The Architectural Design Review Committee shall be composed of three or more representatives appointed by the Board of Directors of the Association. In the event the Board, or its designated committee, fails to approve or disapprove such design and location within thirty (30) days after said plans and specifications have been submitted to it, approval will not be required and this Article will be deemed to have been fully complied with.

All decisions by the Architectural Design Review Committee shall be made in compliance with the Findings, Conclusions and Order before the City Council of the City of Warrenton, dated April 7, 1981.

ARTICLE VIII

Exterior Maintenance

Section 1. The structures and grounds of each Lot and Unit shall be maintained in a neat and attractive manner. Upon the Owner's or Unit Owner's failure to do so, the Board of Directors may, at its option, after giving the Owner or Unit Owner thirty (30) days written notice sent to his last known address, have the grass, weeds and vegetation cut when and as often as is necessary in its judgment, and have dead trees, shrubs and plants removed from any Lot.

Section 2. Upon the Owner or Unit Owner's failure to maintain the exterior of any structure in good repair and appearance, the Board of Directors may, at its option, after giving the Owner or Unit Owner three (3) months written notice, make repairs and improve the appearance in a reasonable and workmanlike manner.

Section 3. Assessment of Costs. The costs of such maintenance referred to in Sections 1 and 2 of this Article shall be assessed against the Lot or Unit upon which such maintenance is done and shall be added to and become part of the annual/monthly maintenance or charge to which such Lot or Unit is subject under Article VI hereof, except that payment for any work performed pursuant to this Article shall be due on presentation to the Owner or Unit Owner, either in person or by regular mail, of the Association's invoice therefore.

Section 4. Access at Reasonable Hours. For the purpose solely of performing the maintenance referred to in Sections 1 and 2 of this Article, the Association, through its duly authorized agents or employees, shall have the right after reasonable notice to the Owner or Unit Owner, to enter upon any Lot or Unit at reasonable hours on any business day.

ARTICLE IX

Common Scheme Restrictions

The following restrictions are imposed as a common scheme upon each Lot, Unit and upon the Common area for the benefit of each other Lot, Unit and Common area and may be enforced by any Owner or Unit Owner.

Improvements constructed or maintained on the Lots or Units shall utilize high quality exterior materials and be of such character and design as to be in harmony with surrounding structures and the Common area.

No garbage, refuse or cuttings shall be deposited on any street, road or Common area, and not on any Lot or on the Unit grounds unless placed in a suitable container suitably located.

Boats, trailers, trucks, campers or commercial vehicles shall not be parked or maintained in the property; however, this restriction does not restrict trucks or commercial vehicles from making pick ups or deliveries to or in the Properties, nor shall this restriction restrict trucks or commercial vehicles within the Properties which are necessary for the construction of residential dwellings or maintenance of the Common area.

No noxious or offensive activities shall be carried out on the Properties.

No Owner shall remove trees upon his Lot, except those which are hazard, diseased, or where approval to remove the trees has been granted by the City of Warrenton.

The Board of Directors may, from time to time, adopt additional rules and regulations governing the use of the Properties and the conduct of the residents and guests so as to encourage the high quality of the community. No action shall be taken by the Board which would discriminate against any Owner or Unit Owner in favor of any other Owner or Unit Owner.

The following restrictions are imposed on all single family dwellings described in Exhibit A. Said dwellings shall conform to the following specifications:

1. Double-wall construction;
2. Cedar or brick exterior siding materials;
3. Roof material shall be one of the following:***
    - 3.a. Blue label cedar medium grade (or better) cedar shake or shingle;
    - 3.b. Clay tile;
    - 3.c. Manmade composite shingle or tiles as defined in the Association's Community Guidelines; or
    - 3.d. Slate

    Installations done as a change to existing roof material shall be approved in advance by the ADRC.
4. The ground floor, exclusive of open porches, decks and garages, shall not be less than 1,000 square feet, except the ground floor of any two-story single family dwelling shall not be less than 1,200 square feet;

5. Landscaping of the front yard must be completed at the time construction of the dwelling is completed.

6. Any exceptions to these requirements must have prior written approval of the Architectural Design Review Committee.

ARTICLE X

General Provisions

Section 1. Duration. The covenants and restrictions of this Declaration shall run with and bind the land, shall inure to the benefit of the Association or the Owner or Unit Owner of any land subject to this Declaration, their respective legal representatives, heirs, successors and assigns for a term of twenty (20) years from the date this Declaration is recorded, after which time said covenant shall be automatically extended for successive periods of ten (10) years unless an instrument terminating these covenants and restrictions signed by the then members entitled to cast seventy-five percent (75%) of the votes.

Section 2. Amendments. These covenants and restrictions may be amended during the first twenty (20) years from the date of this Declaration, by an instrument signed by the members entitled to cast not less than ninety percent (90%) of the votes and thereafter by an instrument signed by the members entitled to cast not less than seventy-five percent (75%) of the votes. Any amendment must be recorded.

Section 3. Notices. Any notice required to be sent to any Member, Owner or Unit Owner under the provisions of this Declaration shall be deemed to have been properly sent when mailed to the last known address of the person who appears as Member, Owner or Unit Owner on the records of the Association at the time of such mailing.

Section 4. Enforcement. Enforcement of these covenants and restrictions shall be by any proceeding at law or in equity against any person or persons violating or attempting to violate the covenant or restriction, either to restrain violation or to recover damages, and against the land to enforce any lien created by these covenants. Failure by the Association, Owner or Unit Owner to enforce any covenant or restriction therein contained shall in no event be deemed a waiver of the right to do so thereunder.

Section 5. Severability. Invalidation of any one of these covenants or restrictions by judgment or court order shall in no way affect any other provisions which shall remain in full force and effect.

FORT POINT HOMEOWNERS ASSOCIATION

PROPOSED BYLAWS

PROPOSED BYLAWS OF THE
FORT POINT HOMEOWNERS ASSOCIATION

INDEX

ARTICLE I

Plan of Project Ownership

1.1 Name and Location. These are the Bylaws of the Fort Point Homeowners Association, an Oregon non-profit corporation (hereinafter the Association). The Association is located in Warrenton, Clatsop County, Oregon, and is subject to that amended Declaration of Covenants and Restrictions, (the Declaration).

1.2 Purposes. The Association is formed to serve as the means through which the members may take action with regard to administration, management, and operation of the Association.

1.3 Applicability of Bylaws. The Association, all members, and all persons, who are tenants or contract purchasers who reside in Fort Point, shall be subject to these Bylaws and to all rules and regulations which may be promulgated hereunder.

1.4 Composition of the Association. The Association shall be composed of all members, including the Association itself. The Association shall have three (3) classes of membership, Class "A", Class "B", and Class "C", as more fully set forth in the Declaration.

1.5 Definitions. The definitions contained in or adopted by the Declaration shall be applicable to these Bylaws.

ARTICLE II
Voting

2.1 Voting. Each member shall be allocated a voting right in the affairs of the Association according to the provisions of the Declaration.

2.2 Proxies. A vote may be cast in person or by proxy. A proxy given by a member to any person who represents such member at meetings of the Association shall be in writing and signed by such member and shall be filed with the secretary. No proxy shall be valid after the meeting for which it was solicited, unless otherwise expressly stated in the proxy.

2.3 Joint Owners. Whenever any lot is owned by two or more persons jointly, according to the records of the Association, the vote of such lot may be exercised by any one of the owners then present, in the absence of protest by a co-owner. In the event of such protest no one co-owner shall be entitled to vote without the approval of all co-owners. In the event of disagreement among the co-owners, the vote of such lot shall be disregarded completely in determining the proportion of votes given with respect to such matter.

2.4 Quorum of Lot Owners. Except where a larger percentage may be required by the Declaration, these Bylaws , or applicable law, the voting rights present in person or by proxy shall constitute a quorum at any meeting of the Association. The subsequent joinder of any owner, in the action taken at a meeting by signing and concurring in the minutes thereof, shall constitute the presence of such person for the purpose of determining a quorum. When a quorum is once present to organize a meeting it cannot be broken by the subsequent withdrawal of an owner or owners. If any meeting of members cannot be organized because of a lack of quorum, the members who are present, either in person or by proxy, may adjourn the meeting from time to time until a quorum is present.

2.5 Majority Vote. The vote of the holders of more than fifty percent (50%) of the voting rights present, in person, or by proxy, at a meeting at which a quorum is constituted shall be binding upon all owners for all purposes except where a higher percentage vote is required by law, by the Declaration, or by these Bylaws.

2.6 Mail Ballots. The board may provide for mail ballots as from time to time are necessary for the administration of the project.

ARTICLE III
Meetings of the Association

3.1 Place of Meeting. The Association shall hold meetings at such suitable place convenient to the members as may be designated by the Board of Directors from time to time.

3.2 Annual Meetings. The annual meetings of the Association shall normally be held in the month of March at such hour and on such date as the president may designate. The annual meetings shall be for the purpose of electing directors and for the transaction of such other business as may properly come before the meeting.

3.3 Special Meetings. Special meetings of the Association may be called by the president or secretary or by majority of the Board of Directors and must be called by such officers upon receipt of a written request from owners representing at least twenty percent (20%) of the voting rights stating the purpose of the meeting. Business transacted at a special meeting shall be confined to the purposes stated in the notice.

3.4 Notice of Meetings. Notice of all meetings of the Association stating the time and place and the objects for which the meeting is being called, shall be given by the president or secretary. All notices shall be in writing and mailed to each member at his address as it appears on the books of the Association not less than thirty (30) days nor more than fifty (50) days prior to the date of the meeting. Proof of such mailing may be given by an affidavit of the person giving the notice. When a meeting is adjourned for less that thirty (30) days, no notice of the adjourned meeting need be given other than by announcement at the meeting at which such adjournment takes place.

3.5 Waiver of Notice. Waiver of notice of meeting of the members shall be deemed equivalent of proper notice. Any member may, in writing, waive notice of any meeting of the members, either before or after such meeting. Attendance at a meeting by a member, whether in person or by proxy, shall be deemed waiver by such member of notice of the time, date and place thereof, unless such member specially objects to lack of proper notice at the time the meeting is called to order.

3.6 Order of Business. The order of business at annual meetings of the Association will be within the discretion of the officers of the Association and will normally include:

a. Calling to order and certifying proxies;
b. Proof of notice of meeting or waiver of notice;
c. Reading of minutes of preceding meeting;
d. Reports of officers;
e. Reports of committees, if any;
f. Election of directors;
g. Unfinished business;
h. New business; and
i. Adjournment.

ARTICLE IV
Board of Directors

4.1 Number and Qualification. The affairs of the Association shall be governed by a Board of Directors composed of five (5) persons. All of the Directors must be lot owners.

4.2 Powers and Duties. The Board of Directors shall have the powers and duties necessary for the administration of the affairs of the Association and may do all such acts and things as are not by law or by these Bylaws directed to be exercised and done by the owners.

4.3 Other Duties. In addition to duties imposed by these Bylaws or by resolutions of the Association, the Board of Directors shall have authority to carry out and be responsible for the following matters:

a. Care, upkeep, and supervision of the Project and the common property; and assigning, supervising assignments or approving any assignment of the use of any common element, as may be required by the Declaration.
b. Designation and collection of annual and other assessments from the owners in accordance with these Bylaws and the Declaration, and to select a depository for such funds.
c. Payment of all common expenses of the Association, and institution and maintenance of a voucher system for payment, which shall require a sufficient number of signatories thereon as may be reasonably necessary to prevent any misuse of the Association's funds.

d. To designate, hire, and dismiss the personnel necessary for the maintenance, operation, repair, and replacement within the Project.
e. Subject to the limitations of the Declaration leasing, subleasing, or hypothecation in any manner of the general common elements which have or may have any income producing potential.
f. Promulgation and enforcement of rules of conduct for lot owners, employees, and invitees which shall be consistent with the restrictions set out in the Declaration.
g. Appointment of a Architectural Design Review Committee of not less than three (3) members, a majority of whom shall be members of the Association. The duties of this committee shall be as directed by the board and as set forth in Article VII of the Declaration.

4.4 Management Agent. The Board of Directors may employ a management agent, to be compensated in an amount established by the Board of Directors, to perform such duties and services as the Board of Directors shall authorize, including, but not limited to, the duties listed in Section 4.3 of this Article.

4.5 Election and Term in Office. Directors shall be elected to serve a term of two years. Terms shall be staggered so that the terms of at least two (2) and no more than three (3) directors shall expire annually. Directors shall hold office until their respective successors have been elected by the lot owners. Election shall be by plurality.

4.6 Vacancies. Vacancies on the Board of Directors caused by any reason other than the removal of director by a vote of the Association, shall be filled by the vote of a majority of the remaining directors even though they may constitute less than a quorum; and each person so elected shall be a director until a successor is elected upon expiration of the term for which such person was elected by the other directors to serve.

4.7 Removal of Directors. At any legal annual or special meeting, any one or more of the directors may be removed, with or without cause, by a majority of the owners and a successor may be then and there elected to fill the vacancy thus created. Any director whose removal has been proposed by the owners may be given an opportunity to be heard at the meeting.

4.8 Resignation. A director may resign at any time by giving written notice to the board, the president or the secretary of the Association. Unless otherwise specified in the notice, the resignation shall take effect on the day and at the time the notice is received by the board or such officer. The acceptance of the resignation shall not be necessary to make it effective.

4.9 Organizational Meeting. The first meeting of a newly-elected Board of Directors shall be held within thirty (30) days of election at such place as shall be fixed by the directors at the meeting at which such directors were elected and no notice shall be necessary to the newly elected directors in order to legally hold such meeting providing a majority of the newly elected directors are present.

4.10 Regular and Special Meetings. Regular meetings of the Board of Directors may be held at such time and place as shall be determined, from time to time, by a majority of the directors. Special meetings of the Board of Directors may be called by the president and must be called by the secretary at the written request of at least two (2) directors. Notice of any special meeting shall be given to each director, personally or by mail, telephone, or telegraph at least seven (7) days prior to the day named for such meeting and shall state the time, place, and purpose of such meeting. All meetings of the Board of Directors shall be open to owners. Such meetings may be conducted by telephonic communication, and telephonic meeting shall not require notice to lot owners. Any business conducted by telephonic meeting shall be reported in the minutes of the next regular meeting of the Board of Directors.

4.11 Board of Directors Quorum. At all meetings of the Board of Directors three (3) of the existing directors shall constitute a quorum for the transaction of business and the acts of the majority of the directors present shall be the acts of the Board of Directors. If, at any meeting of the Board of Directors, there be less than a quorum present, the majority of those present may adjourn the meeting from time to time. At any such adjourned meeting any business which might have been transacted at the meeting as originally called may be transacted without further notice.

4.12 Compensation of Directors. No director shall be compensated in any manner, except for out-of-pocket expenses, unless such compensation is approved by a vote of the lot owners.

4.13 Liability and Indemnification of Directors, Officers, Manager, or Managing Agent. The directors and officers shall not be liable to the Association for any mistake of judgment, negligence, or otherwise except for their own willful misconduct or bad faith. The Association shall indemnify, defend, and hold harmless each director and officer of the Association to the maximum extent permitted by the Oregon nonprofit corporation act.

4.14 Fidelity Bond. The Board of Directors shall require any person or entity, including, but not limited to, employees of any professional manager who handles or is responsible for Association funds, to furnish such fidelity bond as the Board of Directors deem adequate. The premiums on such bonds covering Association directors, officers and employees shall be paid by the Association.

4.15 Insurance. The Board of Directors shall obtain the insurance required in Article VIII of these Bylaws. In addition the Board of Directors, in its discretion, may obtain such other insurance as it deems necessary to protect the interests of the Association or lot owners. The Board of Directors shall conduct an annual insurance review which, if appropriate, shall include an appraisal of all improvements contained in the Project.

4.16 Committees. By resolution adopted by a majority of the Directors, committees shall be established to perform such tasks and to serve for such periods as may be designated by the Board of Directors. Such committees shall perform such duties and have such powers as may be provided in the resolution. Each committee shall operate in accordance with the terms

of the resolution of the Board of Directors designating the committee or with rules adopted by the Board of Directors.

ARTICLE V

Officers

5.1 Designation. The principal officers of the Association shall be president, vice president, and a secretary-treasurer, all of whom shall be elected by the directors. The directors may appoint an assistant treasurer, an assistant secretary, and any such other officers as in their judgment may be necessary.

5.2 Election of Officers. The officers of the Association may be elected by the Board of Directors at the organizational meeting of each new board or any Board of Directors' meeting thereafter and shall hold office at the pleasure of the Board of Directors.

5.3 Removal of Officers. Upon an affirmative vote of a majority of the members of the Board of Directors any officer may be removed, either with or without cause, and his successor elected at any regular or special meeting of the Board of Directors.

5.4 President. The president shall be the chief executive officer of the Association. He shall preside at all meetings of the Association and of the Board of Directors. He shall have all of the general powers and duties which are usually vested in the office of president of an association, including but not limited to, the power to appoint committees from among the owners from time to time, as he may in his discretion decide is appropriate, to assist in the conduct of the affairs of the Association. The president shall be entitled to vote at Board of Directors meetings only in case of a tie vote at any such meeting and his vote shall be final.

5.5 Vice President. In the absence of the President or in the event of his death, inability or refusal to act, the Vice President, if any, shall perform the duties of the President, and when so acting, shall have all the powers of and be subject to all of the restrictions upon the President. Any Vice President shall perform such other duties as from time to time may be assigned to him by the President or by the Board of Directors.

5.6 Secretary-Treasurer. The secretary-treasurer shall keep the minutes of all meetings of the Board of Directors and the minutes of all meetings of the Association; he shall have charge of such books and papers as the Board of Directors may direct; and he shall, in general, perform all the duties incident to the office of secretary-treasurer. The secretary-treasurer shall also have responsibility for the Association's funds and securities not otherwise held by the managing agent, and shall be responsible for keeping full and accurate accounts of all receipts and disbursements in books belonging to the Association. He shall be responsible for the deposit of all monies and other valuable effects in the name and to the credit of the

Association in such depositories as may, from time to time, be designated by the Board of Directors.

5.7 Directors as Officers. Any director may be an officer of the Association.

ARTICLE VI

Budget Expenses and Assessments

6.1 Budget. The Board of Directors shall, from time to time and at last annually, prepare a budget for the Association; estimate the common expenses expected to be incurred; assess the near-term adequacy of the operating reserves; and assess the common expenses as an annual dues assessment to the members in the proportion set forth in the Declaration.

6.2 Determination of Common Expenses. Common expenses shall include:

(a) Expenses of administration;
(b) Expenses of maintenance, repair, or replacement of common property;
(c) Cost of insurance or bonds obtained in accordance with these Bylaws;
(d) A general operating reserve;
(e) Reserve for replacements and deferred maintenance as set forth in Section 6.4;
(f) Any deficit uncommon expenses for any prior period;
(g) Utilities for the common property and other utilities with common meter or commonly billed, such as trash collection, water, and sewer, and
(h) Any other items properly chargeable as an expense of the Association.

6.3 Annual Assessment of Members. All members shall be obliged to pay common expenses assessed to them as annual dues by the Board of Directors on behalf of the Association pursuant to these Bylaws and the Declaration. Assessments may not be waived due to limited or nonuse of common property. The Board of Directors, on behalf of the Association, shall assess the common expenses as an annual dues assessment against the members and shall take prompt action to collect from a member any dues assessment which remains unpaid for more than thirty (30) days from the due date for its payment.

6.4 Reserves. A portion of the common expense collected from each lot owner shall be placed in an account separate from the general operation account of the Association. This separate account is to be used as a reserve account for major maintenance and replacement of those common property all or part of which would normally require replacement in more than three (3) or less than thirty (30) years from the time the budget is determined by the Board of Directors.

The reserve account shall be used only for the purposes outlined in this section; provided, however, that the Board of Directors may borrow funds from the reserve account to meet high

seasonal or extraordinary demands on the regular operation funds or to meet other temporary expenses which will be repaid into such reserve account from regular or special assessments or maintenance fees. The reserve account may be invested by the Board of Directors subject to normal prudent investment standards.

Assessments paid into the reserve account shall be the property of the Association and are not refundable to sellers of lots.

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ARTICLE VII

Maintenance and Use of the Project Property

7.1 Maintenance and Repair. Except as otherwise provided herein for damage or destruction caused by casualty:

(a) Lots and Improvements. All maintenance and/or repairs to any lot and improvement thereto shall be made by the owner of such lot; who shall keep the same in good order, condition, and repair; and shall do all redecorating, painting, and staining which at any time may be necessary to maintain the good appearance and condition of his lot and improvements.

(b) Common Property. All maintenance, repairs, and replacements to the common property shall be made by the Association and shall be charged to all of the members as common expense. Any damage caused by a member to the common property shall be charged to such member as an additional assessment against such member.

7.2 Association Rules and Regulations. In addition to the provisions of the Amended Declaration of Covenants and Restrictions and these Bylaws, the Board of Directors, from time to time, may adopt, amend, modify, or revoke, rules and regulations governing the conduct of persons and the operation and use of the lots and common property as it may deem necessary or appropriate in order to assure the peaceful and orderly use and enjoyment of the Project. Such action shall be effective unless, by a vote of not less than a majority of the votes present in person or by proxy at any meeting, such action shall be rejected or modified by the owners. A copy of the rules and regulations, upon adoption and a copy of each amendment, modification, or revocation thereof, shall be delivered by the secretary promptly to each member and shall be binding upon all members and occupants of all lots.

7.3 Abatement and Enjoining of Violations. The violation of any rule or regulation adopted pursuant to these Bylaws or the breach of any Bylaw contained herein or of any

provision of the Amended Covenants and Restrictions shall give the Board of Directors, acting on behalf of the Association, the right in addition to any other rights set forth in these Bylaws:

(a) To enter upon the lot in which or as to which such violation exists and to summarily abate and remove, at the expense of the responsible owner, any structure, thing, or condition that may exist therein contrary to the intent and meaning of the provisions hereof, and the Board of Directors shall not thereby be deemed guilty of any manner of trespass; or

(b) To enjoin, abate, or remedy such thing or condition by appropriate legal proceedings; or

(c) To levy reasonable fines or penalty assessments after giving notice, an opportunity to be heard, and an opportunity to abate or remedy such breach.

Any expense, including but not limited to attorney's fees, incurred by the Association in remedying the default; any damage incurred by the Association; or any fines or penalty assessments so levied shall be assessed against the account of the responsible member. Any payment made to the Association by or on behalf of a member on whose account there remains an unpaid fine or penalty assessment balance shall be credited first for the payment of that fine/penalty assessment and then for the payment of other fees and assessments (e.g. annual dues assessments).

In addition, any aggrieved member may bring an action to recover damages or to enjoin, abate, or remedy such thing or condition by appropriate legal proceedings against the offending member.

***7.4 Satellite Dish Antennas. The purpose of these Bylaw provisions is to establish procedures and criteria for the reasonable regulation of satellite dish antennas less than one meter in diameter. Antennas one meter in diameter and larger continue to be prohibited in accordance with the Fort Point Homeowners Association Community Guidelines.

a. Procedures. The installation of a satellite dish antenna less than one meter in diameter requires approval of the Architectural Design Review Committee. The Design Review Committee will review requests on a case-by-case basis and shall require, depending upon site-specific factors and conditions, reasonable measures to achieve minimal visual intrusion. Such measures will be consistent with the following criteria:

b. Location. Satellite dish antennas shall be located, to the maximum extent possible consistent with the reception of an acceptable quality signal, so as to be hidden from view. Generally, antennas should not be visible at all from the street in front of the home. Additionally, a location should be selected

which minimizes the visual intrusion for neighbors to the sides and the rear of home.

c. Painting/Color. Each satellite dish antenna shall be of a color and tone so as to visually blend with its background. If necessary to achieve an acceptably low level of visual intrusion, the Design Review Committee may require an antenna to be painted to match its background.

(d) Screening. In some cases, screening may be a reasonable alternative (or supplemental) method of reducing visual intrusion. The Design Review Committee may require that antennas be screened if that is necessary to reduce the visual intrusion to an acceptable level.

d. General. These Bylaw provisions shall be implemented in a manner so as not to prevent, unreasonably delay, or unreasonably increase the cost of the installation, maintenance or use of a satellite dish antenna less than one meter in diameter. Nor shall these provisions be the basis of any requirement which would preclude the reception by the antenna of an acceptable quality signal.

ARTICLE VIII

Insurance

8.1 Insurance. For the benefit of the Association and the members, the Board of Directors shall obtain and maintain at all times and shall pay for out of common expense funds the following insurance:

(a) Property insurance covering loss or damage from occurrences including, but not limited to, fire, vandalism, and malicious mischief with extended coverage endorsements; and such other coverage such as flooding, which the association may deem desirable, for not less than the full insurable replacement value of the common property. Such policy or policies shall name the Association as the insured;

(b) A policy or policies insuring the Association, the Board of Directors, owners, and managing agent against liability to the public or to the owners of lots and of common property and their invitees or tenants incident to the ownership or use of the property. There may be excluded from such policy or policies coverage of a lot owner (other than as a member of the

Association or the Board of Directors) for liability arising out of acts or omission of such lot owner and liability incident to the ownership and/or use of the part of the property as to which such lot owner has the exclusive use or occupancy. Limits of liability under such insurance shall not be less than One Million Dollars ($1,000,000) on a combined single limit basis. Such policy or policies shall be issued on a comprehensive liability basis and shall provide cross liability endorsement wherein the rights of named insured under the policy or policies shall not be prejudiced as respects his, her, or their action against another named insured; and

(c) Worker's compensation insurance to the extent necessary to comply with any applicable laws.

Each lot owner shall be responsible for obtaining, at his own expense, insurance covering his property not insured under paragraph (a) above and against his liability not covered under paragraph (b) above.

8.2 Policies. Insurance obtained by the Association shall be governed by the following provisions:

(a) All policies shall be written with the State of Oregon or a company licensed to do business in the State of Oregon and holding a Commissioner's rating of "A" and size rating of "AAA" or better by the Best's Insurance Reports, current at the time the insurance is written.

(b) All losses under policies hereafter in force regarding the property shall be settled exclusively with the Board of Directors or its authorized representative. Proceeds of the policies shall be paid to the Association as trustee for the lot owners, or upon demand of any mortgage, to an insurance trustee acceptable to the Association and mortgagees of lots.

ARTICLE IX

Condemnation

The Board of Directors shall have the sole authority to negotiate with any public or private body or person having the power of eminent domain; and to sue or defend in any litigation, involving such bodies or persons with respect to the common property of the Project, and shall assist any lot owner whose lot or a part thereof is the subject of any condemnation or eminent domain proceeding; provided, however, nothing in this or any document of agreement relating to the Project shall be construed to give a lot owner or any party priority over the rights of the first mortgagees of any Project lots in the case of a distribution to the lot owner of any such condemnation awards for losses to or a taking of a lot and/or the common property.

ARTICLE X

Amendments to the Bylaws

10.1 How Proposed. Amendments to the Bylaws shall be proposed by either a majority of the Board of Directors or by lot owners holding twenty percent (20%) of the voting rights. The proposed amendment must be reduced to writing and shall be included in the notice of any meeting at which action is to be taken thereon.

10.2 Adoption. Amendments may be approved by the Association at a duly constituted meeting or ballot meeting conducted for such purpose. A vote of a majority of the members present and voting shall be required for any amendment.

ARTICLE XI

Records and Audits

11.1 General Records. The Board of Directors and managing agent or manager, if any, shall keep detailed records of the actions of the Board of Directors and managing agent or manager, minutes of the meetings of the Board of Directors; and minutes of the meeting of the Association. The Board of Directors shall maintain a Book of Resolutions containing the rules, regulations, and policies adopted by the Association, Board of Directors, and the manager. The Board of Directors shall maintain a list of owners entitled to vote at meetings of the Association and a list of all mortgagees.

11.2 Records of Receipts and Expenditures. The Board of Directors or its designee shall keep detailed, accurate records in chronological order of the receipts and expenditures affecting the common property; itemizing the maintenance and repair expenses of the common property and other expenses incurred. Such records and the vouchers authorizing the payments shall be available for examination by the owners and mortgagees during normal business hours.

11.3 Assessment Roll. The assessment roll shall be maintained in a set of accounting books in which there shall be an account for each lot. Such account shall designate the name and address of the owner or owners, the amount of each assessment against the owners, the dates and amounts in which the assessment comes due, the amounts paid upon the account, and the balance due on the assessments.

11.4 Payment of Vouchers. The Secretary-Treasurer shall pay all vouchers up to One Thousand Dollars ($1,000) signed by the secretary-treasurer, the president, managing agent, manager, or other person authorized by the Board of Directors. Any voucher in excess of $1,000 shall require the signature of the president.

11.5 Reports and Audits. An annual report of the receipts and expenditures of the Association and assets and liabilities shall be rendered by the Board of Directors to all owners attending the Annual Meeting. From time to time the Board of Directors, at the expense of the Association, may obtain an audit of the books and records pertaining to the Association and furnish copies thereof to the owners. At any time any owner may, at his own expense, cause an audit or inspection to be made of the books and records of the Association.

11.6 Notice of Sale or Mortgage. Immediately upon the sale or mortgage of any lot, lot owner shall promptly inform the secretary-treasurer or manager of the name and address of said vendee mortgage.

11.7 Inspection of Records by Lot Owners. The Association shall maintain all of the documents delivered by the Declarant pursuant to the Declaration. These and all other records of the Association shall be reasonably available for examination by any owner. Upon written request, the Association shall make available for duplication any such records. The Association may charge a reasonable fee for furnishing copies of any documents, information, or records described in this section.

ARTICLE XII

Miscellaneous

12.1 Notices. All notices to the Association or the Board of Directors shall be sent care of the managing agent, or, if there is no managing agent, to the principal office of the Association in care of the secretary-treasurer or to such other address as the Board of Directors may hereafter designate from time to time. All notices to any owner shall be sent to such address as may have been designated by him, from time to time, in writing to the Board of Directors, or if no address has been designated, then to the owner's lot.

12.2 Waiver. No restriction, condition, obligation, or provision contained in these Bylaws or rules and regulations adopted pursuant hereto shall be deemed to have been abrogated or waived by reason of any failure to enforce the same, irrespective of the number of violations or breaches thereof which may occur.

12.3 Action Without a Meeting. Any action which the Declaration or these Bylaws require or permit the owners or directors to take at a meeting may be taken without a meeting if a consent in writing, setting forth the action so taken, is signed by all of the owners or directors entitled to a vote on this matter. The consent, which shall have the same effect as a unanimous vote of the owners or directors, shall be filed in the record of minutes of the Association.

12.4 Participation in Master Association. In the event the overall Fort Point Subdivision is organized as a Master Association, the President of the Association shall be

authorized and empowered to represent the Association in all matters pertaining to the Master Association, and shall have all powers and authority to vote, sign documents and do any other acts in connection therewith.

12.5 Invalidity: Number: Captions. The invalidity of any part of these Bylaws shall not impair or affect in any manner the validity, enforceability, or effect of the balance of these Bylaws. As used herein, the singular shall include the plural and the plural the singular. The masculine and neuter shall each include the masculine, feminine and neuter, as the context requires. All captions used herein are intended solely for convenience of reference and shall in no way limit any of the provisions of these Bylaws.

12.6 Conflicts. These Bylaws are intended to comply with the Oregon Project Act and the Declaration. In case of any irreconcilable conflict such statute and document shall control over these Bylaws or any rules regulations adopted hereunder.

DEVELOPMENT AGREEMENT FOR SEWER LINE IMROVEMENTS

THIS DEVELOPMENT AGREEMENT FOR SEWER LINE IMPROVEMENTS is made and entered into by and among (**i**) the **CITY OF WARRENTON**, an Oregon municipal corporation (the "***City***"); (**ii**) **FORT POINT LAND PARTNERS**, a Wyoming limited liability company ("***Developer***"); and (**iii**) **3PO Networks LLC,** an Oregon limited liability company (the "***Operator***"; and together with the City and the Developer, sometimes referred to collectively herein as the "***Parties***"; and/or each individually as a "***Party***"), effective as of March 11, 2025 (the "***Effective Date***").

RECITALS:

WHEREAS, Developer proposed to construct a sewer line along 11th Street between Ridge Road and NW Warrenton Drive (the "***Project***"), as described in the attached **EXHIBIT "A"** (the "***Improvements***");

WHEREAS, as part of the Project, Developer will construct the Improvements on property within the City, the location and nature of which is further described in the attached **EXHIBIT "B"** ("***Property***");

WHEREAS, upon construction and acceptance thereof, the Improvements will become subject to the control and ownership of Operator and must therefore conform to the City's public improvement standards consistent with the City's current Public Works Design Standards;

WHEREAS, the Developer has agreed to upsize the sewer line to a 10" line per agreement and City has agreed to provide additional funding of $250,000 in recognition of this contribution; and

WHEREAS, Developer, Operator and City wish to establish an agreement setting forth the terms under which the Improvements will be constructed, the funding mechanisms, ownership and chain of conveyance of the same.

NOW THEREFORE, the Developer, the Operator, and the City agree to the following conditions for completion of this Project and acknowledge that the recitals are incorporated by reference herein.

AGREEMENT:

1. **Permit to Construct**. Developer shall request that City issue Developer any permits necessary to allow Developer to construct the Improvements subject to this Agreement's terms and conditions and any other applicable laws and regulations (together, collectively, the "***Permits***"). City shall review the permit application(s) and issue the Permit(s) if the application complies with the foregoing. The permit(s) shall specify the Improvements' type and extent and the period within which said Improvements shall be completed. Developer agrees to comply with all permit requirements in addition to the terms and obligations described in this Agreement and all Exhibits incorporated by reference in this Agreement.

2. **Cost**.

a. The total cost to complete the Improvements is estimated to be $1,200,000.00, as detailed in the improvement cost budget attached as **EXHIBIT "C"** incorporated herein by reference. This total Improvement budget is intended to guide efforts and discussions between the Developer and the City in managing and controlling overall Improvement Costs (defined below).

b. The City will reimburse Developer for all agreed to and approved costs, up to a maximum of $250,000.00, associated with planning, designing, and constructing the Improvements, to include but not be limited to, land use planning, surveying, engineering, landscape architecture, geotechnical, construction inspection, environmental, arborist, jurisdictional fees, bonding, and construction costs (collectively, the "***Improvement Costs***"), and make a one-time lump-sum payment of two hundred and fifty thousand dollars ($250,000.00) (the "***City Payment***"). Any costs incurred by the Developer in excess of the dollar value identified in this Section will be the responsibility of the Developer and shall be paid by the Developer. The City Payment will be made upon receipt of invoice from Developer.

c. If the City requests changes to the Improvements that increase the construction costs, or if the Developer and the City mutually agree on change orders that increase the construction costs, **EXHIBIT "C"** and Section 2b shall be adjusted and increased accordingly.

3. **Improvements; Ownership**. The Parties agree that the ownership of the Improvements shall be effected and conveyed as follows:

a. Upon the Developer's completion of the Improvements, the City shall inspect and, upon finding the Improvements to be in compliance with applicable laws, rules, and regulations, approve the same by issuing any and all final Permits required for the operation of the Improvements (the date on which such final Permit(s) is issued is the "***Initial Completion Date***").

b. Upon the Initial Completion Date, Developer shall transfer, sell, and convey the Improvements to Operator by virtue of a Bill of Sale or other written instrument, who shall thereafter own such Improvements for a period not to exceed three (3) years (such three (3) year period, the "***Operator Ownership Period***").

c. Upon the expiration of the Operator Ownership Period, the City will re-review and inspect the Improvements to ensure they still meet City standards, and upon approval by the City, the Improvements shall be transferred, sold, and conveyed to the City and thereafter will be subject to the control and ownership of the City. The Improvements will be delivered by Operator to the City free of any and all liens and encumbrances. Operator shall timely execute and record any deeds or other documents and take any other steps necessary to effectuate the intent of this Section 3. Until such time as the City owns the Improvements, the Improvements will be privately owned by the Operator and the only required connection to the Improvements will be for the Fort Point Development located on Ridge Road. Before City ownership of the Improvements, all maintenance and testing for the Improvements will be the responsibility of

the Developer.

4. **Timeframe**. Developer agrees that it shall complete, or cause to be completed, all Improvements within 18 months from the date on which all necessary Permits are issued by the City ("Expiration Date") sufficient for Developer to commence construction of the Improvements. However, upon written request of the Developer provided to the City prior to the Expiration Date, this Agreement may be extended for a period not to exceed an additional 12 months, in City's sole discretion.

5. **Sewer Line – Connection & Use**. Notwithstanding the foregoing, during the Operator Ownership Period, the Operator shall not connect any sewer collection system other than the permitted Fort Point Community. Furthermore, the Operator shall not generate or collect any revenue from the ownership or operation of the Improvements. By their execution of this Agreement, the Parties hereto acknowledge that the Project is ultimately intended to benefit a multi-unit residential development currently contemplated as being constructed by Developer on portions of that certain parcel of real property located adjacent to the Project's location and bearing Clatsop County Tax Assessor's identification number 810170001300 (collectively, and together with any and all (**i**) buildings, units, improvements, or other structures located thereon; and (**ii**) residents, occupants, tenants of the same, (the "***Fort Point Community***"), within which such Fort Point Community, Developer shall construct a privately-owned sanitary sewer collection network to service the buildings and units to be constructed thereon, and the occupants and residents thereof (collectively, the "***Private Sewer Network***"). The Project is therefore ultimately intended and required to: [**x**] collect any and all effluence, discharge, and other sanitary or wastewater products produced by or originating from the units, structures, residents, or dwellings located within the Fort Point Community (collectively, the "***Effluence***") via the Private Sewer Network; [**y**] transport such Effluence via the sewer line constructed as part of the Project to a connection point between the same and the City's existing sewer main and processing system (collectively, the "***City Network***") in the general area where 11th Street meets NW Warrenton Drive; and [**z**] permit the City to process, treat, and/or dispose of the Effluence upon the transportation thereof to the City Network (such processing, treatment and/or disposal, collectively, the "***City Processing Obligation***"). Upon the Initial Completion Date and continuing in perpetuity thereafter, the City agrees to comply with the City Processing Obligation, regardless of the ownership of the Private Sewer Network or of the Project, such that the Private Sewer Network shall at all times after the Initial Completion Date be serviced via the Improvements that are connected to the City Network, all components of which shall be capable of processing any and all Effluence requiring discharge from the Fort Point Community. The City hereby acknowledges and agrees that the Private Sewer Network shall remain privately-owned by either Developer or Operator (*or their permitted successors or assigns*), and shall not be subject to any future transfer, conveyance, or reversion of the same to the City at any time; provided, however, that despite the City's lack of such ownership of the Private Sewer Network, it will continue at all times to comply with the City Processing Obligation from and after the Initial Completion Date. In no event shall the City cease, delay, or limit the performance of the City Processing Obligation or otherwise undertake any actions that would result in the Fort Point Community and/or the Private Project Sewer Network not being fully operational and collecting all Effluence from the Fort Point Community and processing, treating, or disposing of the same as outlined above.

6. **Survey and Design**.

a. All surveying, engineering design and construction staking for the Improvements shall be performed under the supervision of a registered professional engineer and/or professional surveyor (as applicable) experienced with the type of construction involved in the Improvements. All expenses and fees incurred for such professional services shall be the responsibility of and be paid by Developer.

b. The designs for all Improvements shall incorporate all required elements of the then current Public Works Design Standards, development code, and applicable provisions of the City Design and Construction Standards. Improvements design shall conform to current approved policies, standard drawings and specifications as adopted and/or referenced by City. All plans and specifications submitted by or on behalf of Developer shall be subject to review by the City Engineer prior to construction of any element of the Improvements.

c. If an Improvement or any portion thereof lies within an area subject to the control of the state, county, railroad, utility and/or other agency (public or private), Developer must obtain appropriate plan approvals and written Permits from such agencies prior to commencement of any construction within those areas. Developer will obtain written acceptance from all such affected agencies prior to receipt of City's acceptance of the Improvement(s).

d. Design grades and alignment of proposed Improvements shall be extended to accurately show connections or potential connection to existing public facilities.

e. Developer's engineering, geotechnical, and/or environmental consultants shall furnish detailed reports and calculations pertinent to the design of the Improvements upon request by the City Engineer.

f. Prior to final acceptance of the Improvements, all lot and street monuments shall be set by an Oregon licensed surveyor. The City Engineer shall designate type and location of monuments to be set within public rights-of-way. Monuments at street intersections shall be set in recessed monument boxes. All work associated with survey monumentation shall be completed at Developer's expense. Likewise, all plats, easements and record of surveys must be recorded prior to final acceptance of the Improvements.

7. Construction Inspection.

a. City Engineer or a duly appointed representative shall perform an inspection for construction of the Improvements. The City will perform project inspection/observation, at a level deemed necessary by the City Engineer. All costs attributed to such services will be paid by Developer.

b. All inspection (engineering) costs including required testing of materials and systems shall be borne by and paid by Developer. Such engineering costs shall be representative of current prevailing professional fee schedules.

c. City will be provided the opportunity to inspect each segment of the Improvements as constructed as the City Engineer shall deem necessary so as to ensure that the Improvements meet City standards.

d. Developer shall give City Engineer 24 hours advance written or oral notice of completion of the various phases of the Improvements to allow the City the ability to timely inspect each completed phase. The City shall begin all necessary inspections within the standard inspection time frame of the city after said notice.

e. City Engineer or designee shall be permitted to observe the work-in-progress of the Improvements on behalf of the City and shall have the authority to stop work when, in the exercise of his/her reasonable opinion, such action is necessary to ensure the public's interest in the safety or viability of the Improvements. The City Engineer shall have the authority to reject any work and/or materials which, in his/her reasonable opinion fail to conform to approved plans and specifications, regardless of whether City exercises all of its rights to perform inspections and observations under this Section.

f. City Engineer has the authority to require Developer to replace or repair any unsatisfactory or faulty items resulting from defects in materials or workmanship both during construction and during assurance periods specified in Section 9. All repairs and/or replacements shall be made at the sole cost and expense of Developer.

g. Developer shall pay all costs associated with construction inspection (observation), including contracted professional services (i.e., materials testing) furnished by City.

h. City will be provided the opportunity to observe/inspect the following minimum activities, as applicable and as determined by City:

i. Examine/review and approve all aggregate, concrete, A.C. and other materials, for use on the Improvements, to ensure their compliance with City standards.

ii. Review all plan or specification change requests, and approve in writing.

iii. Observe, monitor and inspect construction activities sufficient to ensure end products meet City specifications.

iv. Perform or have performed material, composition and other tests required to ensure City specifications are met.

v. Observe/inspect (as appropriate) all phases of construction activity, erosion and sedimentation control, and traffic control.

8. Insurance. Prior to commencement of any work on the Improvements, Developer shall furnish City with proof of liability insurance for the term covered by this Agreement in amounts of not less than $2,000,000 for injury to any person and not less than $2,000,000 for any occurrence together with insurance for property damage of not less than $2,000,000. City of Warrenton, its elected and appointed officials, its officers, agents, employees and volunteers shall be named as additional insured. Developer's insurer shall be required to give City at least 30 days prior written notice before canceling any of the required insurance coverage. Developer's insurer will add others, as named additional insureds, if so directed by City.

9. Performance Security.

a. Prior to commencing construction of the Improvements, Developer shall execute and deliver a Performance Bond to the City issued by a surety company authorized to do business in Oregon in an amount of not less than one hundred ten percent (110%) of the estimated cost to complete construction of the Improvements as described in Section 2(a) above.

b. Upon completion of the Improvements and prior to final acceptance by City after three (3) years, Developer shall submit to City, in a form acceptable to City, a one-year (post-construction) maintenance bond issued by a surety company authorized to do business in Oregon in an amount equal to forty percent (40%) of the actual construction cost of the Improvements or $25,000, whichever is greater. There will also be a certificate showing full testing of the sewer line meeting City requirements (no leaks, loss of pressure or other maintenance failures) by the Developer at time of final acceptance by City.

10. Warranties and Maintenance.

a. All components of the Improvements shall have a warranty for a period of not less than one (1) year against defects of material and workmanship. The warranty period for the applicable components of the Improvements shall not commence until the Improvements are accepted by the City (three (3) years after completion) and the maintenance bond is provided to the City.

b. During such warranty period, Developer shall make, at its own expense, all repairs or replacements to the Improvements as determined by the City Engineer. All subsequent repair or replacement work (performed after the original acceptance) shall be further guaranteed for a minimum one-year period from the acceptance date of any such repair or replacement.

c. City shall notify the surety company of any repairs or replacements. All subsequent repair or replacement work (performed after the original project acceptance) shall be further guaranteed for at least one (1) year from acceptance date of any such repair.

d. Developer shall make all repairs and replacements promptly upon receipt of written orders from City Engineer. If Developer fails to make the repairs and replacements promptly, the City may do the work and Developer and/or Developer's surety shall be liable for the cost thereof.

e. Developer shall obtain all necessary approvals for work in the City right of way.

11. Indemnification and Legal Standards.

a. Developer shall defend, indemnify, and hold harmless the City, its elected and appointed officials, employees, and agents from and against any and all claims, demands, suits, actions, proceedings, judgments, losses, damages, injuries, penalties, costs, expenses (including attorney's fees) and liabilities to the extent they are directly or indirectly resulting from the acts or omissions of Developer, or any of Developer's subcontractors, suppliers, employees, agents, or independent contractors in connection with the performance of this Agreement. The obligations of this indemnification shall survive the termination or expiration of this Agreement.

b. Developer's contractor(s) shall comply with U.S. Department of Labor Safety and Health Regulations for construction promulgated under the Occupational Safety and Health Act of 1970 (Public Law 91-596 and all subsequent amendments) and under Section 107 of the Contract Work Hours and Safety Standards Act (Public Law 91-54 and all subsequent amendments).

12. Obligations of Developer.

a. Developer's contractor and all subcontractors must be registered with the Oregon Construction

Contractors Board (consistent with ORS Chapter 701) and/or the Landscape Contractors Board (consistent with ORS Chapter 671) prior to commencing any work on the Improvements and Stormwater Pond. A copy of each registration shall be supplied to City upon request.

b. Developer shall comply with all applicable project conditions, requirements, rules, regulations and laws of the government of the United States, the State of Oregon, Marion County, City of Silverton, and/or other jurisdictional agencies having authority over the Improvements and Stormwater Pond.

c. Without limiting the foregoing, Developer and its contractor shall take all necessary precautions for the safety of employees on the project and shall comply with all applicable provisions of safety laws to prevent accidents from occurring or injury being sustained to workmen or others.

d. Developer shall provide and pay for all materials, labor, water, tools, equipment, lights, power, transportation and other facilities necessary for the execution and completion of the Improvements. All materials shall be of good quality and no materials shall be purchased subject to any financing statement filed pursuant to the Uniform Commercial Code or subject to a conditional sales contract or other agreement under which the seller retains an interest in the material.

e. Developer shall, upon completion of the Improvements, warrant good title to all materials used in the work, free from all liens, claims or encumbrances, and further, that there are no liens or encumbrances upon any of the Improvements of any nature. Such warranty shall be in the form of a written affidavit, signed by the Developer and provided to the City Engineer prior to accepting the Improvements.

f. Any and all Permits and licenses necessary for the prosecution of the work on the Improvements shall be obtained by and at the expense of the Developer. The Developer acknowledges that approval of the construction drawings by the City Engineer or Public Works for issuance of a construction permit does not relieve the Developer from obtaining any and all reviews and Permits required under the building, plumbing, or electrical codes, and any state or federal law.

13. <u>City Acceptance</u>.

a. As a part of the application for City acceptance of the Improvements, Developer shall furnish City original reproducible "as-built" plans/drawings of all Improvements and Stormwater Pond. As-built plans shall be submitted using City approved, electronically-stored format (ACAD and PDF).

b. As a part of the application for City acceptance of the Improvements, Developer shall submit to City an affidavit in a form satisfactory to City stating that all accounts for material, labor and other expenses incurred in connection with the construction of the Improvements have been paid in full. If City has reason to believe that any such account remains unpaid, it may require from Developer a lien waiver signed by a material-man, contractor or laborer.

c. If, after issuance of a Final Certificate of Acceptance by City, any sum remains unpaid which Developer has stated has been paid, then Developer shall pay to City all monies incurred by City in compelling payment of such account or the discharge of any lien, including all costs

including reasonable attorney's fees incurred in connection with such claim.

d. Developer shall submit application for completion to City Engineer, in writing. Upon receiving such application City Engineer shall, within 15 days, notify Developer of any work yet to be performed. When the Improvements have been completed to the satisfaction of City Engineer, Developer shall be issued a written Initial Certificate of Completion of the completed work. Three years from the date of the Initial Certificate of Completion, the City shall inspect the Improvements and upon satisfaction of the City Engineer, Developer shall be issued a Final Certificate of Acceptance. Thereafter, the Performance Bond may be released upon receipt from Developer of a one-year maintenance bond per Section 9b of this Agreement. The one-year maintenance period shall not terminate prior to (1) the assigned date shown on the Final Certificate of Acceptance and (2) release, in writing from City, certifying that an inspection of the Improvements, as applicable, has been made and that labor and materials supplied to the project have successfully endured throughout the one-year warranty period.

14. Default.

a. A Developer default shall occur if:

i. Developer breaches any material provision of this Agreement and such breach continues and is not remedied within thirty (30) calendar days after Developer receives written notice from City that specifies the breach.

ii. Developer makes any assignment for the benefit of creditors, or is adjudicated as bankrupt, or has a receiver, trustee, or creditor's committee appointed over it that is not removed within one hundred and eighty (180) days after appointment.

b. A City default shall occur if City breaches any material provision of this Agreement, whether by action or inaction, and such breach continues and is not remedied within thirty (30) calendar days after City receives written notice from Developer that specifies the breach.

c. In the event of a default by Developer under this Agreement, the City shall have the right to demand specific performance of this Agreement, to recover amounts paid by the City under this Agreement for the Improvements and any other remedy provided at equity or law.

d. Neither City nor Developer shall be considered in breach of or in default with respect to any obligation created hereunder or progress in respect thereto if the delay in performance of such obligations arises from unforeseeable event that is outside of the Party's reasonable control, and did not result from the fault or negligence of the Party ("***Unavoidable Delay***"). Unavoidable Delays include acts of public enemy, fires, floods, earthquakes, epidemics, quarantine restrictions, strikes, freight embargoes, or unusually severe weather. The claiming Party must take reasonable precautions to prevent further delays owing to such causes. If an Unavoidable Delay occurs, the time or times for performance of the obligations of City or Developer, as the case may be, shall be extended for the period of the Unavoidable Delay, provided, however, that the Party seeking the extension of time shall notify the other Party within three (3) calendar days after the Party becomes aware of the causes of any such Unavoidable Delay and the estimated time for correction, and shall use best efforts to resume performance as soon as the Unavoidable Delay is complete.

15. Miscellaneous.

a. Any notice or communication under this Agreement by either Party to another shall be deemed given and delivered (**a**) forty-eight hours after being dispatched by registered or certified U.S. mail, postage prepaid, return receipt requested, or (**b**) when received if personally delivered. Notice or communication to the Parties shall be addressed as follows:

If to the City:
CITY OF WARRENTON
City Manager, Esther Moberg
PO Box 250
Warrenton, OR 97146
971-286-2017
citymanager@warrentonoregon.us

If to the Developer:
FORT POINT LAND PARTNERS, LLC
Josh Materne, Manager
1309 Coffeen Ave., Ste 7846
Sheridan, WY 82081
Mailing Address:
8150 Central Expy, FL 10
Dallas, TX 95203
469-275-8028
josh@ideologymfo.com

If to the Operator:

3PO NETWORKS, LLC
Alex Gamota, CEO & Co-Founder
950 SE Oak Ave.
Roseburg, OR 97470
617-515-0721
alex@3ponetworks.com

b. The City's obligations under this Agreement are expressly made subject to the discretion of the Warrenton City Council to allocate funds for such activities consistent with local budget law (ORS 294.205 to 294.565).

c. Developer is an independent contractor and shall not be construed in any manner as an agent of City, nor shall Developer represent itself as being an agent of the City by actions, written or oral representations made to third persons.

d. This Agreement may be terminated by either Developer or City upon 90 days written notice to the other Party. In the event of termination by Developer, any Improvements installed or partially installed at the time of termination but not yet accepted by the City shall be deemed abandoned and become City property and the City may file a claim against the bond described in Section 9 of this Agreement in an amount the City in its sole discretion deems necessary to complete the Improvements; provided, however, that upon any such termination, Operator shall first have a ninety (90) day period within which to complete the construction of the Improvements itself before the City files any such claim against the bond.

e. All of the terms and provisions of this Agreement are fully set forth herein, and no prior understanding or obligation not expressly set forth in this Agreement shall be binding upon the Parties and no subsequent modification of this Agreement shall be binding upon the Parties unless it is in writing and executed with the same formalities as this Agreement. No waiver by either Party of any breach of any obligation of the other Party shall operate or be considered as a waiver of any other or subsequent breach. Developer shall not assign any rights or

obligations arising from this Agreement without the written consent of City. Any person to whom Developer assigns this Agreement must have development qualifications and financial capacity equal or superior to those of Developer as determined by the City in its reasonable discretion.

f. This Agreement shall be in full force and effect until the Improvements are complete and final acceptance in writing is given by the City, along with any final Permits required for the operation thereof.

g. If a dispute over the terms and conditions arises between City and Developer, City and Developer agree to meet regarding the dispute in an effort to negotiate a resolution thereof. If the City and Developer cannot negotiate a resolution of settlement of the dispute, the City and Developer are then free to resolve the matter(s) judicially by way of a trial to the court without a jury. The City and Developer will be responsible for payment of their own fees and costs including attorney and other professional fees.

h. This Agreement is not entered into pursuant to ORS 94.504. City hereby confirms that this Agreement does not constitute or concern the adoption, amendment, or application of the Statewide Planning Goals, comprehensive plan provisions, or land use regulations. All land use approvals required to develop the Project are to be obtained separately from this Agreement in due course in accordance with all applicable laws and regulations.

[***Remainder of this page is intentionally left blank; signature page(s) follow(s)***]

IN WITNESS WHEREOF, the City has caused this Agreement to be signed by its City Manager in acknowledgement:

Acknowledged and accepted by:

Witnesses:

By: _____
Print Name: _____

By: _____
Print Name: _____

CITY:

THE CITY OF WARRENTON, OREGON

By: Esther Moberg
Print Name: Esther Moberg
Title: City Manager

STATE OF OREGON)
) ss.
County of Clatsop)

This instrument was acknowledged before me on March 12, 2025, by Esther Moberg, as City Manager of the CITY OF WARRENTON, OREGON, who is personally known to me ~~or has produced _____ as identification.~~

_____
(Signature)
{SEAL}

Notary Public for Oregon
My Commission Expires: Oct 4, 2026

OFFICIAL STAMP
DAWNE RENEE SHAW
NOTARY PUBLIC-OREGON
COMMISSION NO. 1029068
MY COMMISSION EXPIRES OCTOBER 04, 2026

IN WITNESS WHEREOF, Developer has caused this Agreement to be signed, sealed and notarized, with the Agreement to be effective as of the Effective Date.

Acknowledged and accepted by:

Witnesses:	**DEVELOPER:**
By: _____	FORT POINT LAND PARTNERS, LLC,
Print Name: _____	a Wyoming limited liability company
By: _____	By: _____
Print Name: _____	Print Name: _____
	Title: _____

STATE OF OREGON)
) ss.
County of Clatsop)

This instrument was acknowledged before me on _____, 202__, by _____, as _____ of FORT POINT LAND PARTNERS, LLC, a Wyoming limited liability company

_____
(Signature)

Notary Public for Oregon

{SEAL}

My Commission Expires: _____

IN WITNESS WHEREOF, Operator has caused this Agreement to be signed, sealed and notarized, with the Agreement to be effective as of the Effective Date.

Acknowledged and accepted by:

Witnesses:	**OPERATOR:**
By: _____	**3PO NETWORKS LLC,**
Print Name: _____	an Oregon limited liability company
By: _____	By: _____
Print Name: _____	Print Name: _____
	Title: _____

STATE OF OREGON)
) ss.
County of Clatsop)

This instrument was acknowledged before me on _____, 202__, by _____, as _____ of 3PO NETWORKS, LLC, an Oregon limited liability company

_____
(Signature)

Notary Public for Oregon

{SEAL}

My Commission Expires: _____

EXHIBIT "A"

Description of Improvements

The following list details the Improvements comprising the components of the 10" sewer line located along 11th Street, extending between Ridge Road and NW Warrenton Drive.

- Connection fitting at the private sewer meter from Fort Pointe at the Southwest end of the project.
- 10" diameter, AWWA C-900 PVC Sewer Pipe
- Ductile Iron Fitting, CL 52
- Air Release Valve Assembly
- 48" Standard Manhole intercepting existing sewer main and connecting new 10" line.

Sewer lines and connections shall be so constructed as to conform with provisions of the City of Warrenton, Oregon State Plumbing Code, and DEQ requirements. Lines will be made of polyvinyl chloride with "O" ring rubber gasket joints. Joints shall be tight and waterproof. The physical connection to existing City sewer main shall be made only by a licensed plumber of the State of Oregon or an individual approved by the City of Warrenton as competent to make sewer hookups.

The list of items is a general list, the exact construction material, product type, length, and style will be submitted to the City of Warrenton through the standard permitting process for city review and approval.

EXHIBIT "B"

Property Description/Location of Project

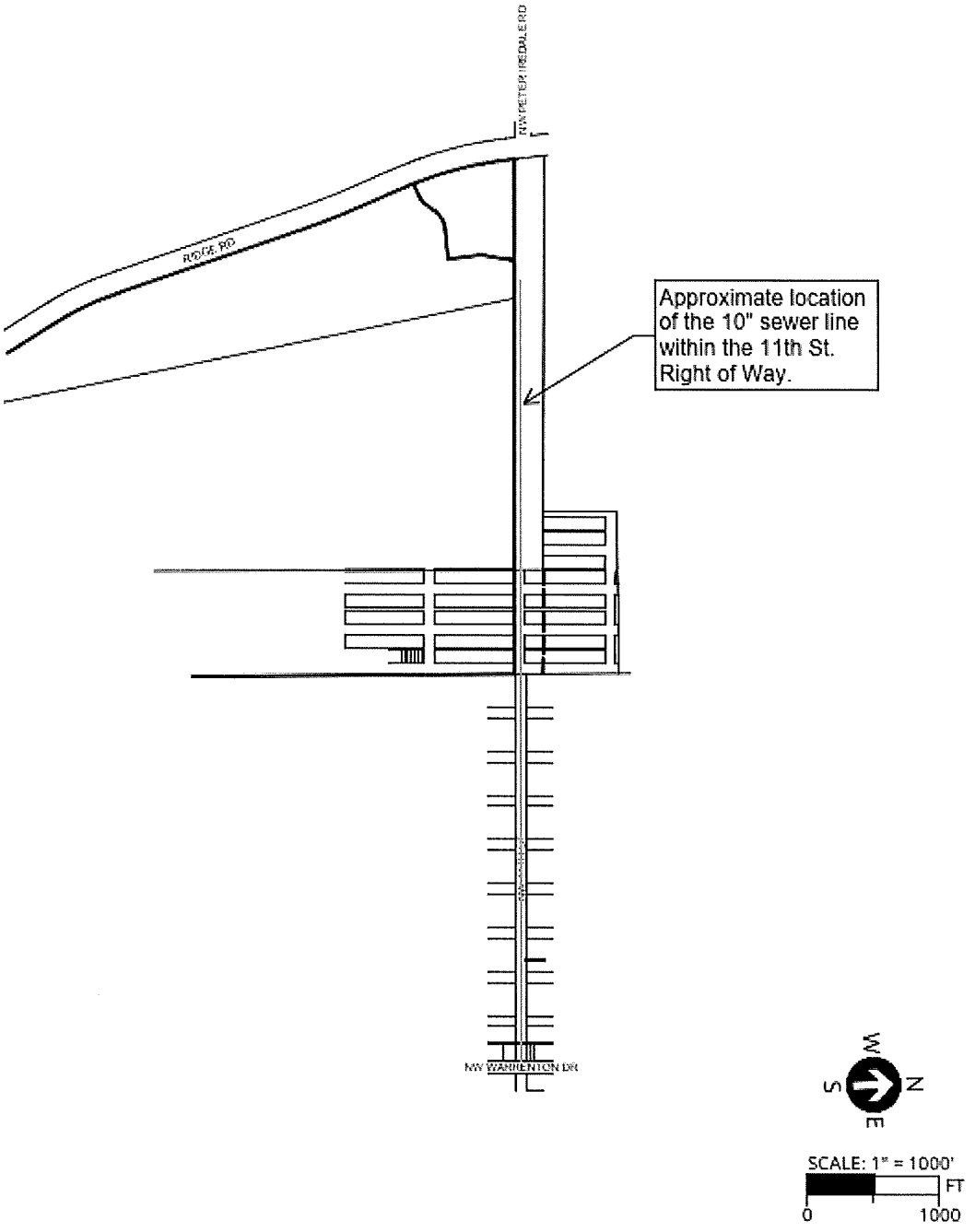


EXHIBIT "C"

Improvement Cost Breakdown

Improvements are estimated to be $1,200,000, City's total contribution will be $250,000.

11th Street Improvement Cost Breakdown

Category		Cost Est.
Water	$	600,000.00
Sewer	$	600,000.00
Total Cost	$	1,200,000.00
City Reimbursment	$	250,000.00
Developer Cost	$	950,000.00

LIMITED GEOTECHNICAL ENGINEERING REPORT R1

Fort Pointe Residential Development
Warrenton, Oregon
PSI Project No. 07041568

PREPARED FOR:

MAG-AMB Development, LLC
6817 27TH Street W
Tacoma, Washington 98466-5211

March 28, 2025

BY:

PROFESSIONAL SERVICE INDUSTRIES, INC.
6032 N. Cutter Circle, Suite 480
Portland, OR 97217
Phone: (503) 289–1778

Professional Services Industries, Inc.
6032 N. Cutter Circle, Suite 480
Portland, OR, 97217
Office – (503) 289-1778

March 28, 2025

Mission DG
112 E Pecan Street, Suite 850
San Antonio, Texas 78205

ATTENTION: Mr. Mark Tolley
Email: mark@missiondg.com

SUBJECT: **Limited Geotechnical Engineering Report R1**
Fort Pointe Residential Development NW
Ridge Road and NW 11th Street
Warrenton, Oregon 97146
PSI Project Number: 07041568

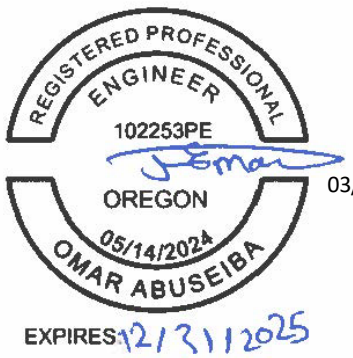
Professional Service Industries, Inc. (PSI), an Intertek company, is pleased to submit this limited geotechnical engineering report for the referenced project. This report includes the results from the field exploration and laboratory testing along with limited recommendations for use in preparation of the appropriate design and construction documents for the eastern slope at the subject site.

PSI appreciates the opportunity to provide this service. PSI also has great interest in providing materials testing and inspection services during the construction of this project and will be glad to meet with you to further discuss how we can be of assistance as the project advances.

If there are questions pertaining to this report, or if PSI may be of further service, please contact us at your convenience.

Respectfully submitted,
Professional Services Industries, Inc.

Reviewed by
Nabil Mikhail, D.GE.
nabil.mikhail@intertek.com



03/28/2025

Omar Abuseiba, PE
Omar.abuseiba@intertek.com

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FIGURES

APPENDICES

1 PROJECT INFORMATION

1.1 PROJECT AUTHORIZATION

Professional Service Industries, Inc. (PSI), an Intertek company, has completed a limited field exploration and geotechnical evaluation for the eastern slope at Fort Pointe residential development. PSI's services were performed in general accordance with Contract between PSI and MAG-AMB dated Feb 4, 2025. However, based on further communications with the Client, it was agreed that the need was for a study of the eastern slope only.

1.2 PROJECT DESCRIPTION

Based on PSI's review of the site plan *Fort Pointe Mixed Use Phase 1 & 2* (prepared by 3J Consulting, dated October 23, 2024), the proposed development encompasses approximately 269 acres. Of that, roughly 60 acres are located on elevated terrain outside mapped floodplains and tsunami inundation zones. This geotechnical report focuses exclusively on the stabilization of the eastern slope — a critical element due to its elevation change, subsurface conditions, and seismic considerations.

Key geotechnical concerns include:

- Slopes up to 3H:1V and up to 36 feet in height;
- Liquefaction and lateral spreading potential under seismic loading; and
- Grading feasibility, erosion, and groundwater management.

The geotechnical recommendations presented in this report are based on the available project information, structure locations, and the subsurface materials encountered during the field investigation. Should any of the above information or design basis made by PSI be inconsistent with the planned construction, it is requested that you contact us immediately to allow us to make any necessary modifications to this report. PSI will not be held responsible for changes to the project if not provided the opportunity to review the information and provide modifications to our recommendations.

1.3 PREVIOUS REPORTS

Previously, Cascadia Geoservices, Inc. investigated this site and published their finding in a report dated November 11, 2024, and was provided to us by the client.

Cascadia Geoservices explored the site with four (4) soil borings to a depth of 50 feet below the existing ground surface (bgs), 15 Test pits to a depth of 6.5 bgs, and three (3) infiltration tests to a depth of 1 feet bgs.

2 SITE AND SUBSURFACE CONDITIONS

2.1 SITE DESCRIPTION

The project site is located east of NW Ridge Road and south of Peter Iredale Road in Warrenton, Oregon, approximately 1.2 miles from the Pacific Ocean and about 1.5 miles north of the Columbia River's mouth. The property occupies a broad coastal dune ridge with a mixture of open dunes and forested areas. Topography varies significantly, with ground elevations ranging from approximately 33 to 110 feet above mean sea level (AMSL). The site's northern portion is relatively flat, while the central and southern portions feature prominent dune formations and slopes. The western site boundary is adjacent to NW Ridge Road and buffered by dense coastal vegetation. (See Figure 1 – Site Vicinity Map.)

2.2 SITE GEOLOGY

According to the U.S. Geological Survey (USGS) National Geologic Map Database and the Geomorphic Map of Clatsop County, Oregon (1970), the site lies within an active coastal dune system. These sand ridges, formed by marine and aeolian processes, include deposits that reach elevations of over 100 feet AMSL. The dunes are primarily composed of fine to medium sands, often underlain by older terrace deposits and, at depth, by the Troutdale Formation.

2.3 TOPOGRAPHY

Review of the site plan contours indicates that the north and northwest portions of the site are relatively level, while the central and eastern areas include moderate to steep slopes associated with dune terrain. Elevations across the site range from approximately 33 feet near the eastern margin to 110 feet at the crest of dune ridges near the center and west side.

2.4 FAULTING

A review of the USGS Quaternary Fault and Fold Database revealed no active crustal faults within 10 miles of the project site. However, the regional seismic hazard is dominated by the Cascadia Subduction Zone, located approximately 50 miles offshore, which poses a significant risk of strong seismic shaking.

TABLE 2.1: FAULTS WITHIN 10 MILES OF SITE

Fault Name	Type of Fault	Slip Rate (mm/yr)	Direction	Distance		Fault ID Number
				Miles	Km	
Cascadia fold and fault belt	Moderately Constrained	1 to 5	W	5	8	784
Cascadia fold and fault belt	Moderately Constrained	1 to 5	SW	8.5	13.7	785

No active crustal faults directly underlie Warrenton. The primary seismic threat to the site is a large subduction zone earthquake (the Cascadia interface offshore) which can produce very strong shaking in this region. Local faults in the vicinity have relatively low slip rates and are not expected to produce surface rupture at the site. Therefore, fault-related ground rupture is not a design concern for the eastern slope.

2.5 Field Exploration and Laboratory Testing Program

To evaluate soil conditions for the site, PSI proposed three (3) SCPTu soundings and two (2) Geoprobe. The CPT soundings were advanced using a track-mounted Geoprobe 6622 CPT rig. SCPTu-1 advanced to a depth of approximately 24 feet, while SCPTu-2 was advanced to a depth of approximately 63 feet and SCPTu -3 was advanced to a depth of 51 feet. All CPT locations encountered tip refusal on the dense Troutdale formation. Locations of the CPT soundings and Geoprobe borings are shown on Figure 2, and summarized in Table 2.2 below:

Table 2.2: Field Exploration Summary

Exploration	Latitude	Longitude	Approx. Depth (feet)
SCPTu-1	46°10’54.52” N	123°57’15.93”	24.28
SCPTu-2	46°10’42.88” N	123°57’08.31”	63.5
SCPTu-3	46°10’34.02” N	123°57’05.96”	51.84
Geoprobe -1	46°10’55.27” N	123°57’11.63”	45
Geoprobe-2	46°10’47.23” N	123°57’10.24”	35

The CPTs provided continuous measurements of tip resistance (qc), sleeve friction, pore pressure, and shear wave velocities. SCPTu-2 and SCPTu-3 included pore pressure dissipation tests to assess groundwater depth. The Geoprobe borings allowed for visual classification, and collection of samples for lab testing.

Laboratory tests were performed on select samples, including natural moisture content, grain size distribution (sieve analysis with fines content), and Atterberg limits (plasticity) on fine-grained portions.

Detailed descriptions of the field exploration methods and lab test results are provided in Appendix A and B of this report.

2.6 Subsurface Conditions

Using the field and laboratory data, we developed a generalized subsurface profile for the eastern slope area. Subsurface conditions across the site are relatively stratified with depth, but laterally the soil conditions are consistent on the ridge and slope, with expected variation mainly in the thickness of surficial sand. Below is a summary of typical strata encountered (from top down), focusing on the slope vicinity:

- Topsoil/Vegetation Layer (0.5–1 ft).
- Loose to medium dense fine sand with silt (0–30/40 ft): Brown to gray, poorly graded.
- Dense to very dense sand (Possible Marine Terrace deposits) (30–50 ft): Moist to saturated.
- Troutdale Formation (>45–60 ft): Refusal layer. Dense sand to gravel, partially cemented in places.

The critical layer for stability lies within the loose to medium dense upper sand. This material becomes problematic when saturated or disturbed and was the focus of slope stability analysis.

2.7 Groundwater Information

Groundwater at the site is influenced by the coastal setting and stratigraphy. No permanent piezometers were installed, but observations during drilling and CPT pore pressure measurements provide a reasonable estimate of groundwater conditions

TABLE 2.3: GROUNDWATER LEVELS (DEPTHS)

Boring Designation	Surface Elevation, MSL (feet)	Depth encountered Drilling (feet)	Water Elevation, MSL (Feet)	Comments
CPT-01	56	Not Encountered	Not Encountered	Refusal
CPT-02	68	38	30	Refusal
CPT-03	51	33	18	Refusal
GP-01	62	35	27	Refusal
GP-02	63	Not Encountered	Not Encountered	Terminated

The groundwater levels presented in this report were measured at the time of PSI field activities. The contractor should determine the actual groundwater levels at the site before construction activities. If groundwater rises above Elevation +25 feet (MSL), seismic slope stability could fall below acceptable limits.

2.8 SEISMIC DESIGN PARAMETERS

We understand that the project is governed by the 2021 edition of the International Building Code (IBC), which requires that structures be designed to resist dynamic forces resulting from seismic events. These seismic forces depend on both the magnitude of potential earthquake ground motions and the geotechnical characteristics of the underlying soil.

As part of the seismic design procedure outlined in IBC 2021 and ASCE 7-16, it is necessary to determine the Seismic Site Class, which categorizes the site based on the stiffness and stratigraphy of the upper 100 feet of subsurface soil. Although the CPT soundings and borings performed for this investigation extended to a maximum depth of approximately 64 feet below existing ground surface, conditions below this depth were extrapolated using engineering judgment, published geologic references, and our regional experience with similar subsurface profiles.

Based on this evaluation and in accordance with IBC 2021, and calculating the average shear wave velocities from the equation 20.4.1 of the IBC, we got an average velocity of 869 ft/sec indicating that the site is classified as Site Class D. This classification reflects the presence of loose to dense sands and silty sands encountered in the upper 50 feet, and the absence of hard rock or very stiff cohesive material within the top 100 feet. The associated probabilistic ground acceleration values and site coefficients were obtained from the USGS Seismic Design Maps Tool (https://seismicmaps.org/) using the ASCE 7-16 parameters. These values are summarized in the table below.

TABLE 2.4: SEISMIC DESIGN PARAMETERS

Period (sec)	Mapped MCE Spectral Response Acceleration (g)		Site Coefficients		Adjusted MCE_R Spectral Response Acceleration (g)		Design Spectral Response Acceleration (g)	
0.2	S_s	1.352	F_a	1.0	S_{Ms}	1.352	S_{Ds}	0.902
1.0	S_1	0.704	F_v	*	S_{M1}	*	S_{D1}	*

2% Probability of Exceedance in 50 years for Latitude, Longitude: 46.180417°, -123.953311°
MCE_R = Maximum Considered Earthquake
* See 11.4.7 in ASCE 7-16

The Site Coefficients referring to ASCE 7-16 Section 11.4.7 require the structural engineer to apply appropriate calculations as needed. Design of structures should comply with the requirements of the governing justification's building codes and standard practices of the Structural Engineering Association of Oregon.

For slope stability analysis, we have considered a horizontal seismic coefficient (k_h) of 0.15 (equivalent to about 0.3g short-term acceleration reduced for pseudo-static analysis) to assess pseudo-static slope stability. Typically, a pseudo-static coefficient of about half to one-third of PGA is used to check slope yield acceleration. In this case we aimed for a factor of safety of 1.1 under that seismic coefficient, as is common practice for pseudo-static slope stability acceptance.

2.9 SLOPE STABILITY CONCERNS

Based on the cross-sections provided to us, the eastern slope exhibits cut and fill conditions up to 36 feet in height, with surface inclinations reaching 3H: 1V in some areas. Subsurface materials, including loose silty sands and sandy silts, combined with shallow groundwater at approximate elevations of +20 and +30 feet (MSL) .

2.9.1 SLOPE STABILITY ANALYSIS

It is understood that slopes of 3H:1V are anticipated beyond the east sides of the proposed development. Preliminary analyses indicated that the stability of the 3H:1V slopes would likely be satisfactory for the typical minimum required factor of safety (FOS) of 1.3 for short-term cases, and 1.5 for long-term cases. Primarily analyses were conducted utilizing the Spencer's method and confirmed with the Bishop Simplified method. Results of the slope stability analyses of the earthen slopes under the short-term (undrained) and long-term (drained) soil conditions for the proposed profiles are showing FOS of about 1.77 for groundwater at El. +20 ft MSL and about 1.66 for groundwater at El. +30 ft MSL, which are satisfactory. For the induced horizontal seismic coefficient k_h of 0.15, a factor of safety of 1.14 was reached for groundwater at El. +20 ft MSL, which is satisfactory. However, it should be noted that for groundwater at El. +30 ft MSL, the seismic FOS dropped to 1.03, will is less than 1.1. Therefore, it is critical that design groundwater levels are maintained at or below those used in analysis. The stability plates of the cases analyzed are included in the Appendix of this report.

2.9.2 SLOPE STABILITY RECOMMENDATIONS

As stated above, the proposed eastern profile appears to result in deep-seated FOS higher than the required factors of 1.3 and 1.5 for short-term (undrained) and long-term (drained) conditions, respectively.

However, we strongly recommend that good drainage be provided and that the face of the slope be protected from sloughing or scouring of the sand materials through use of vegetation or geosynthetics or rocks or other means. Monitoring of the slope during and after construction is also recommended, particularly in areas near the crest, to detect any early signs of displacement or seepage.

Although recommendations for individual building foundations were outside the scope of this geotechnical evaluation. However, given the proximity to the eastern slope, foundations placed near the slope crest must be designed with special consideration to avoid compromising slope stability. It is recommended that the structural design team considers using deep foundation systems (e.g., drilled piers or piles), reduced allowable bearing pressures, or providing adequate horizontal setbacks from the slope edge. These precautions will help reduce the risk of inducing slope instability or excessive settlement under static or seismic loading.

2.10 LIQUEFACTION POTENTIAL

PSI performed liquefaction analyses using CPT data (via software Cliq by Geologismiki). The analysis followed the simplified procedure (Youd et al., 2001) which compares the cyclic stress ratio (CSR) induced by shaking to the cyclic resistance ratio (CRR) of the soil. In essence, a factor of safety against liquefaction = CRR/CSR can be computed for each sublayer of soil. A factor of safety (FS_{liq}) less than 1.1 suggests a likely liquefaction.

Our findings that there is a zone between 40 and 50 below existing grades that is equally likely to have liquefaction or no liquefaction or just unlikely to liquefy as shown in the Appendix. The settlement associated with the liquefaction is approximately 0.2 inch.

3 GEOTECHNICAL CONCLUSIONS AND RECOMMENDATIONS

3.1 GEOTECHNICAL DISCUSSION

The eastern slope of the site presents several key geotechnical challenges due to its height (approximately 36 feet), slope inclination (as steep as 3H:1V), loose sandy soils, and the potential for seismic-induced deformation. Our conclusions and recommendations address the slope stability under both static and seismic conditions, potential for liquefaction, and associated site preparation and drainage needs.

Slope Stability

- Under static conditions, the existing slope exhibits stability with an estimated factor of safety (FOS) of 1.77 and 1.66 for groundwater at El. +20 ft and +30 ft MSL, respectively, which is satisfactory.
- For seismic loading, using a pseudo-static coefficient (k_h = 0.15), the FOS value is approximately 1.14 for groundwater at El. +20 ft MSL, which is satisfactory.
- In case groundwater gets shallower at 30 ft MSL, the FOS will be less than satisfactory.

Liquefaction and Lateral Spread

- CPT analyses indicate that loose saturated sands may be susceptible to liquefaction during a Cascadia Subduction Zone event.
- Our analysis indicated about 0.2-inch vertical settlement while the lateral movement was approximately 2.5 inches.
- Potential for lateral spreading exists if liquefaction occurs beneath the slope. While no surface rupture is expected, deformation at the slope face could lead to instability.
- A target pseudo-static FOS ≥ 1.1 is recommended to reduce deformation risk.

The following geotechnical design recommendations have been developed based on the previously described project characteristics and subsurface conditions encountered. The proposed construction should be performed in accordance with these recommendations and the applicable building code, and local governmental standards which have jurisdiction over this project. As stated above recommendations for individual building foundations were outside the scope of this geotechnical evaluation. However, given the proximity to the eastern slope, foundations placed near the slope crest must be designed with special consideration to avoid compromising slope stability. It is recommended that the structural design team consider using deep foundation systems (e.g., drilled piers or piles), reduced allowable bearing pressures, or providing adequate horizontal setbacks from the slope edge. These precautions will help reduce the risk of inducing slope instability or excessive settlement under static or seismic loading.

3.1.1 LIQUEFACTION INDUCED SETTLEMENT

Following a seismic event that triggers liquefaction, the underlying loose sands are expected to experience volumetric contraction as excess pore pressures dissipate. This settlement may result in ground surface lowering of about 0.2 inch depending on the thickness and density of the affected layers.

3.1.2 LATERAL SPREAD

As stated above, the presence of continuous, saturated, low-density sands beneath the slope creates a potential for lateral spreading during strong ground shaking. Lateral spreading is a seismically induced ground failure mechanism characterized by horizontal ground movement, typically toward a free face such as the eastern edge of this site. If liquefaction occurs in the subsurface, the loss of shear strength could allow sections of the slope to displace horizontally toward the adjacent lowlands. While no distinct free face is present in the form of a bluff or riverbank, the topographic relief and loose nature of the sand make this mechanism plausible. Lateral spreading, if triggered, could lead to disruption of surface features or slope geometry and impose large strains on any embedded infrastructure. Design mitigation should focus on reducing the potential for spreading through site grading that minimizes slope steepness, incorporation of reinforcement (such as geogrid-reinforced soil), and installation of drainage elements to reduce pore water pressures. Reinforcing critical slope zones with geogrids or tensile inclusions is strongly encouraged.

Again, and as stated above, recommendations for individual building foundations were outside the scope of this geotechnical evaluation. However, given the proximity to the eastern slope, foundations placed near the slope crest must be designed with special consideration to avoid compromising slope stability. It is recommended that the structural design team consider using deep foundation systems (e.g., drilled piers or piles), reduced allowable bearing pressures, or providing adequate horizontal setbacks from the slope edge. These precautions will help reduce the risk of inducing slope instability or excessive settlement under static or seismic loading.

3.2 EARTHWORK

3.2.1 SITE PREPARATION

Site preparation along the eastern slope must be carried out with a specific focus on preserving slope stability, preventing erosion, and minimizing disturbance to the sandy soils that characterize the area. Vegetation clearing should be limited strictly to the areas where regrading, construction, or slope stabilization is required. In areas where vegetation must be removed, roots should be left intact where feasible to retain some degree of soil reinforcement, especially near the slope crest. Any stumps or root masses that are removed must be backfilled immediately with compacted clean sand to prevent localized soft spots or water collection.

On the slope crest, the topsoil layer is typically shallow, ranging from 6 to 12 inches in thickness, while slightly deeper organic deposits may exist in swales. These materials should not be reused as fill but can be stockpiled for later landscaping or re-vegetation efforts. After stripping, exposed subgrades should be inspected by a geotechnical engineer to confirm the absence of loose, organic, or saturated pockets that could compromise stability. Any weak or unsuitable materials encountered should be excavated and replaced with compacted sand or suitable engineered fill.

Heavy construction traffic should be restricted from operating on or near the crest of the slope to avoid destabilizing the upper portion of the slope. If access is required along or across the slope face, it should be limited to lightweight, low-ground-pressure equipment, and only when ground conditions are dry and stable. Construction on the slope itself should follow a controlled sequence that includes compacting exposed subgrades, placing fill in thin lifts, and shaping the slope in a manner that avoids abrupt grade changes or unsupported vertical cuts.

Erosion control measures must be installed prior to site disturbance and maintained throughout grading and construction. These measures should include perimeter silt fences, temporary slope cover such as jute or coir blankets, and slope surface protection following final grading. Ideally, slope-related site work should be scheduled during the dry season to reduce the potential for runoff and erosion.

The geotechnical engineer should observe and verify site conditions during the clearing and grading process to identify any subsurface anomalies that may warrant additional stabilization. Any encountered groundwater seepage or soil instability should be addressed immediately with temporary drainage measures or localized over-excavation and backfill using well-compacted granular material.

3.2.2 PROOF ROLLING

Proof rolling should be conducted on flat, accessible areas near the slope crest or on construction pads where fills will be placed. The purpose of this process is to identify any soft, loose, or compressible zones that require improvement prior to fill placement. A loaded dump truck or rubber-tired equipment with an axle load of at least 20 tons may be used for this purpose where conditions allow. However, proof rolling is not appropriate on the slope face itself due to steep gradients and loose sand. Instead, the slope subgrade should be evaluated by geotechnical personnel through visual inspection and manual probing. In these areas, a vibratory plate compactor or a hand-operated rammer may be used to densify the exposed surface prior to placing new fill. Any areas exhibiting excessive deflection or pumping behavior during compaction must be over-excavated and replaced with compacted sand or other approved fill. Compaction efforts and the general condition of the subgrade should be verified in the field under the direction of the geotechnical engineer.

3.2.3 STRUCTURAL FILL

3.2.3.1 GENERAL

It is our understanding that over 30 feet of cut and fill will be required to reach final grades within this site. Following the site preparation as stated above, operations for the mass site grading may proceed.

The structural fill should be placed in maximum lifts of eight (8) inches of loose material and compacted to at least 95 percent of the Modified Proctor (ASTM D 1557) maximum dry density within the range of zero to three percentage (0% to +3%) points of the optimum moisture content. Vibratory compaction methods should be used. If the fill is too dry, water should be uniformly applied and thoroughly mixed into the soil by disking or scarifying. Any fill material to be placed in non-structural or landscaped areas should be compacted to at least 90 percent of the standard Proctor (ASTM D 698) maximum dry density within the range of two (2) percentage points below to three percentage (-2% to +3%) points above the optimum moisture content.

Fill placement in low-lying areas of the site should be carried out in lifts and on benches. It is recommended that benches about four (4) feet wide be constructed every two (2) vertical feet. Each lift of compacted structural fill should be tested and documented prior to placement of subsequent lifts. Care should be taken to apply compaction effort throughout the fill and fill scope areas. The moisture content and the degree of compaction of the structural fill soils should be maintained until the construction of the structures within the area. As a guideline, it is recommended that field density tests be performed at a frequency of not less than one (1) test per lift for every 2,500 square feet of fill placed, or a minimum of four (4) tests per lift, whichever is greater. Tested fill materials not meeting either the required dry density or moisture content range should be recorded, the location noted and reported to the Contractor and Owner. A retest of that area should be performed after the Contractor performs remedial measures.

Coarse granular fill should be compacted until well keyed. No brush, roots, construction debris, or other deleterious material should be placed within the structural fills. The earthwork contractor's compactive effort should be evaluated on the basis of field observations, and lift thicknesses should be adjusted accordingly to meet compaction requirements.

3.2.3.2 GRANULAR FILL

Imported granular fill consisting of clean, well-graded sand and gravel should be used where structural support or erosion resistance is needed, such as at the slope toe or in drainage features. These materials should contain no more than 5 percent fines (passing No. 200 sieve) and should have a maximum particle size of 1.5 to 3 inches, depending on compaction equipment used. Lift thickness should not exceed 12 inches when using large vibratory rollers, or 8 inches when using smaller plate compactors or hand tampers. These granular materials are especially suitable for wet-weather construction and for buttress fills intended to stabilize the lower portions of the slope.

3.2.3.3 DRAIN ROCK

Drain rock, "capillary break" material, or "free-draining" material should have less than 2 percent passing the No. 200 (75-µm) sieve (washed analysis). Examples of these materials include ¾-inch to ¼-inch or 1½-inch to ¾-inch, or 3-inch to 1-inch crushed rock.

3.2.4 EXCAVATIONS

In Federal Register, Volume 54, No. 209 (October 1989), the United States Department of Labor, Occupational Safety and Health Administration (OSHA) amended its "Construction Standards for Excavations, 29 CFR, part 1926, Subpart P". This document was issued to better ensure the safety of workmen entering trenches or excavations. It is mandated by this federal regulation that excavations, whether they be utility trenches, basement excavation or footing excavations, be constructed in accordance with the new OSHA guidelines. It is our understanding that these regulations are being strictly enforced and if they are not closely followed the owner and the contractor could be liable for substantial penalties.

The contractor is solely responsible for designing and constructing stable excavations and should shore, slope, or bench the sides of the excavations as required to maintain stability. The contractor's "responsible person", as defined in 29 CFR Part 1926, should evaluate the soil exposed in the excavations as part of the contractor's safety procedures. In no case should slope height, slope inclination, or excavation depth, including utility trench excavation depth, exceed those specified in local, state, and federal safety regulations.

We are providing this information solely as a service to our client. PSI does not assume responsibility for construction site safety or other parties' compliance with local, state, and federal safety or other regulations.

3.3 SETTLEMENT DUE TO FILL

Analyses were made to estimate settlements at the center of a large-filled area under various fill loads (areal settlement). The estimated settlements would occur over most of the filled area, while the edge settlements would be approximately one-half (1/2) of the center settlements and would occur only over a limited range near the perimeter.

TABLE 4.1: ESTIMATED AREAL SETTLEMENT DUE TO FIL

Fill Thickness (feet)	Estimated Settlement (inches)
Up to 5	2
5-10	2-3
10-15	3-4
15-20	4-5
20-25	5-7
25-30	6-8

Additional settlements could occur due to lowering of groundwater with improved drainage. The majority of the areal settlement will likely occur relatively in short term in sandy materials. Settlement in the more clayey and silty sands may take longer to develop. Detailed soil properties to determine time-rate of settlement were not developed. However, based on the materials encountered, it is estimated that about 60 to 80 percent may occur within the first few months following fill placement. The remaining 20 to 40 percent would occur on the order of a few years. In any event, the fill should be placed as soon as possible to induce some of the settlement in the early stage of construction.

The long-term settlement due to fill should also be considered in design due to the fact that some areas of the site will receive significant fill, while other areas will require cut. Additionally, it should be noted that considering the extensive cut required to bring the existing stockpile located on the southwestern area of the site to grade, some minor rebound (about ½ inch) should be expected in this area following the cut operations. This rebound should occur relatively quickly, and progressively as the material is removed.

Differential settlement is also anticipated where fill thickness varies or where underlying soils transition between loose and dense conditions. These movements could affect finished grades and infrastructure and should be addressed during earthwork design. To minimize such effects, fill should be placed in uniform lifts and compacted appropriately, and areas with highly variable subsurface conditions may warrant preloading or subgrade improvement.

It should also be noted that some areas of the site, particularly the southwestern area where existing stockpiles will be removed, may experience minor rebound on the order of ½ inch following excavation. This rebound is expected to occur quickly as material is removed and load is released.

Where practical, early fill placement is recommended to allow a portion of settlement to occur prior to final construction.

3.4 SETTLEMENT WITHIN THE FILL

Section 3.3 addresses settlement of the existing subgrade due to the proposed fill. However, some settlement will also occur within the fill itself, due to compression under its own weight.

Typically, granular fill materials are expected to settle about 1 to 2 percent of their total height under their own weight over time. For example:

- A 10-foot thick fill could undergo 1.2 to 2.4 inches of internal settlement.

- A 30-foot thick fill could settle 3.6 to 7.2 inches if not properly compacted.

This self-weight settlement will depend on the fill's placement moisture content, density, and gradation. Proper compaction is essential to limit this effect. This component of total settlement should be included in final design considerations, especially in areas sensitive to differential movement, such as near building pads, utilities, or retaining structures.

3.5 DRAINAGE CONSIDERATIONS

Effective drainage is critical to maintaining long-term stability of the eastern slope at the Fort Pointe site. The site's native dune sands are susceptible to both erosion and loss of shear strength when saturated, and the subsurface investigations indicate the presence of shallow groundwater within the slope vicinity. Therefore, all surface and subsurface water must be carefully managed to avoid concentration of flow into or beneath the slope, which could result in slope softening, instability, or liquefaction-related deformation during seismic events.

During construction and following site development, all graded areas near the slope crest must be shaped to direct runoff away from the slope face. A minimum surface gradient of two percent should be maintained to route water away from the edge and toward designated stormwater facilities. For areas near the crest, a shallow diversion swale or berm should be installed parallel to the slope to intercept and redirect surface flows. This feature should convey stormwater toward a stable outlet or a constructed drainage channel that discharges at the base of the slope or into approved drainage infrastructure.

Stormwater from impervious surfaces such as roads, rooftops, and parking lots must not be allowed to sheet flow directly onto the slope. Instead, these flows should be collected and conveyed through closed piping systems or lined channels to avoid surface erosion. Any discharge at or near the toe of the slope must include energy dissipation measures, such as rock pads, to prevent scour and undermining.

Subsurface drainage should also be considered where groundwater seepage is observed during excavation or grading. A gravel trench drain installed along the toe of the slope, consisting of free-draining rock and a perforated pipe wrapped in geotextile, can be used to intercept shallow groundwater and lower pore pressure in the slope base. This type of toe drain is particularly effective in reducing the risk of slope instability during periods of heavy rainfall or elevated groundwater levels.

All drainage features must be protected during construction and inspected regularly for clogging or damage. Final landscaping and slope treatments should reinforce drainage control by incorporating vegetated surfaces that limit runoff velocity and enhance infiltration in safe areas away from the slope. Any revisions to drainage design during final development must be reviewed for their potential impact on the slope and incorporated into the overall geotechnical performance strategy.

4 GEOTECHNICAL RISK AND REPORT LIMITATIONS

The concept of risk is an important aspect of the geotechnical evaluation. The primary reason for this is that the analytical methods used to develop geotechnical recommendations do not comprise an exact science. The analytical tools which geotechnical engineers use are generally empirical and must be used in conjunction with engineering judgment and experience. Therefore, the solutions and recommendations presented in the geotechnical evaluation should not be considered risk-free and, more importantly, are not a guarantee that the interaction between the soils and the proposed structure will perform as planned. The engineering recommendations presented in the preceding sections constitute PSI's professional estimate of those measures that are necessary for the proposed structure to perform according to the proposed design based on the information generated and referenced during this evaluation, and PSI's experience in working with these conditions.

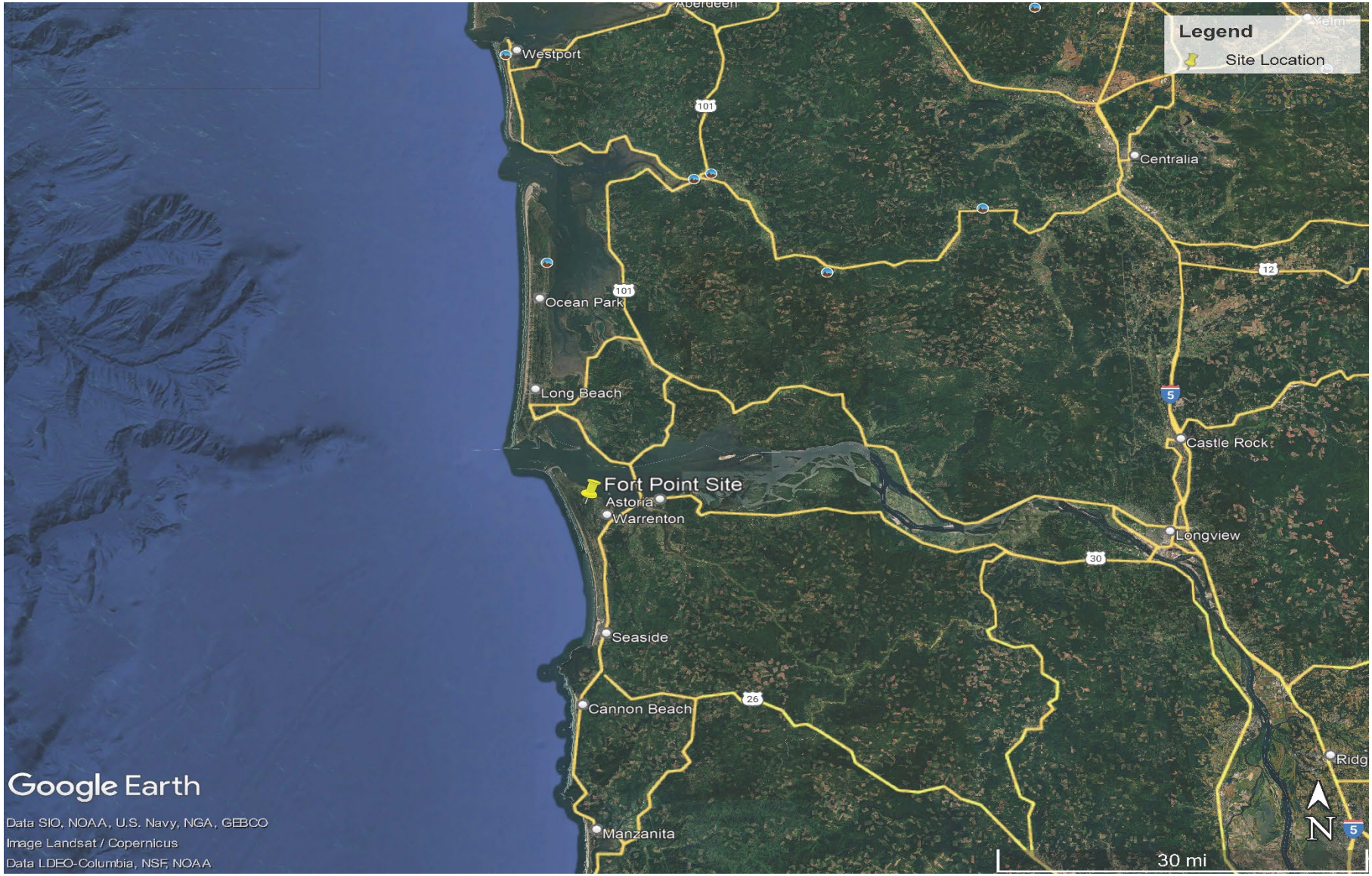
Services performed by PSI for this project have been conducted with that level of care and skill ordinarily exercised by members of the profession currently practicing in this area. No warranty, expressed or implied, is made.

The recommendations submitted are based on the available subsurface information obtained by PSI, and information provided by the client, client's representative and client's design consultants. If there are any revisions to the plans for this project or if deviations from the subsurface conditions noted in this report are encountered during construction, PSI should be notified immediately to determine if changes in the foundation and/or other recommendations are required. If PSI is not retained to perform these functions, PSI cannot be responsible for the impact of those conditions on the performance of the project.

The Geotechnical Engineer should be retained and provided the opportunity to review the final design plans and specifications to check that our engineering recommendations have been properly incorporated into the design documents. At that time, it may be necessary to submit supplementary recommendations.

This report has been prepared for the exclusive use of Client and their design consultants, for the aforementioned project parameters.

FIGURES



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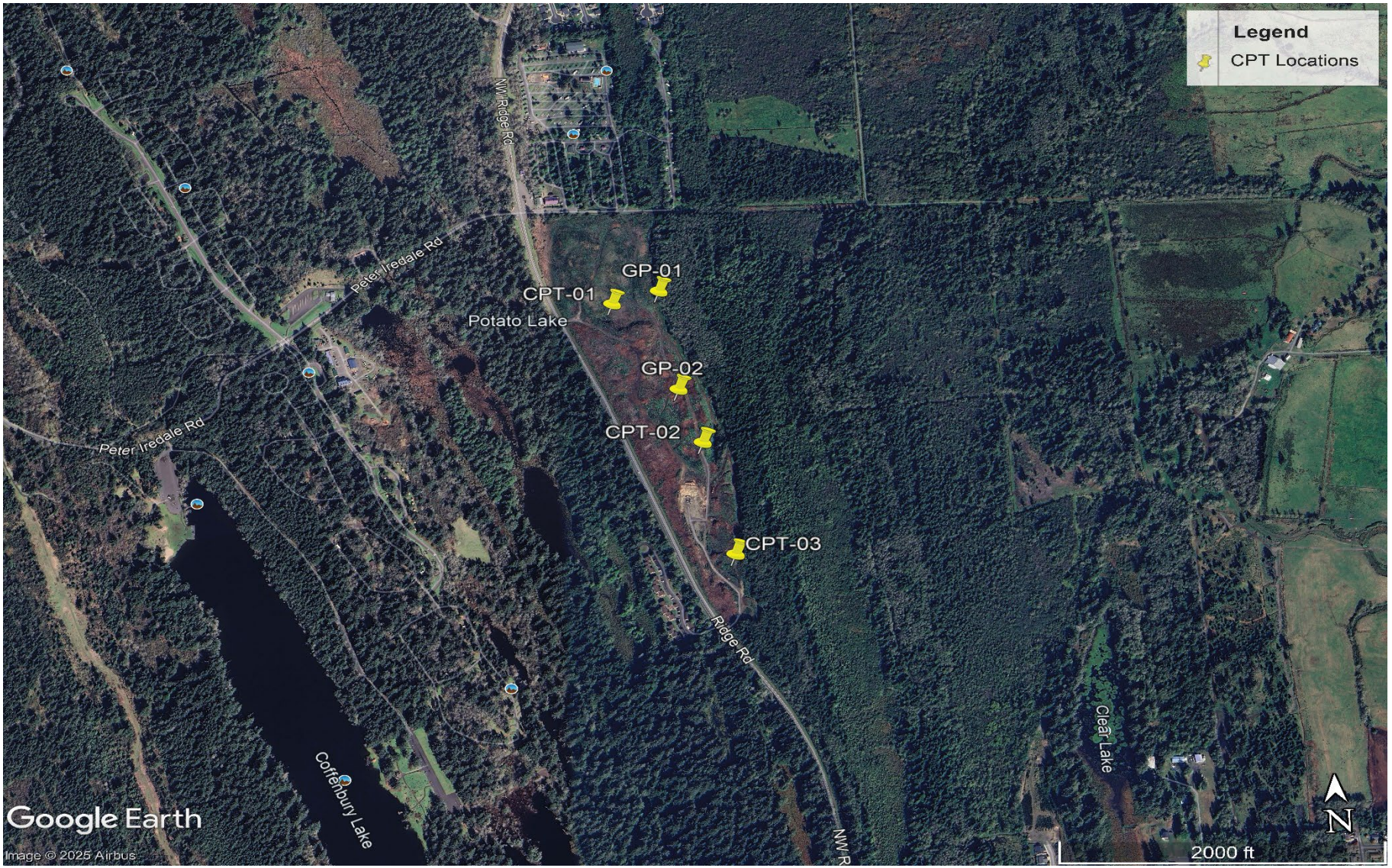
Site Vicinity Map
Figure 1
PSI Project No. 07041568

Fort Pointe
46.180417°, -123.953311
Warrenton, Oregon



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CPT Location Plan
Figure 2
PSI Project No. 07041568

Fort Pointe
46.180417°, -123.953311
Warrenton, Oregon

Intertek-PSI
2779 South 600 West
Salt Lake City, Utah 84115
intertek.com/building

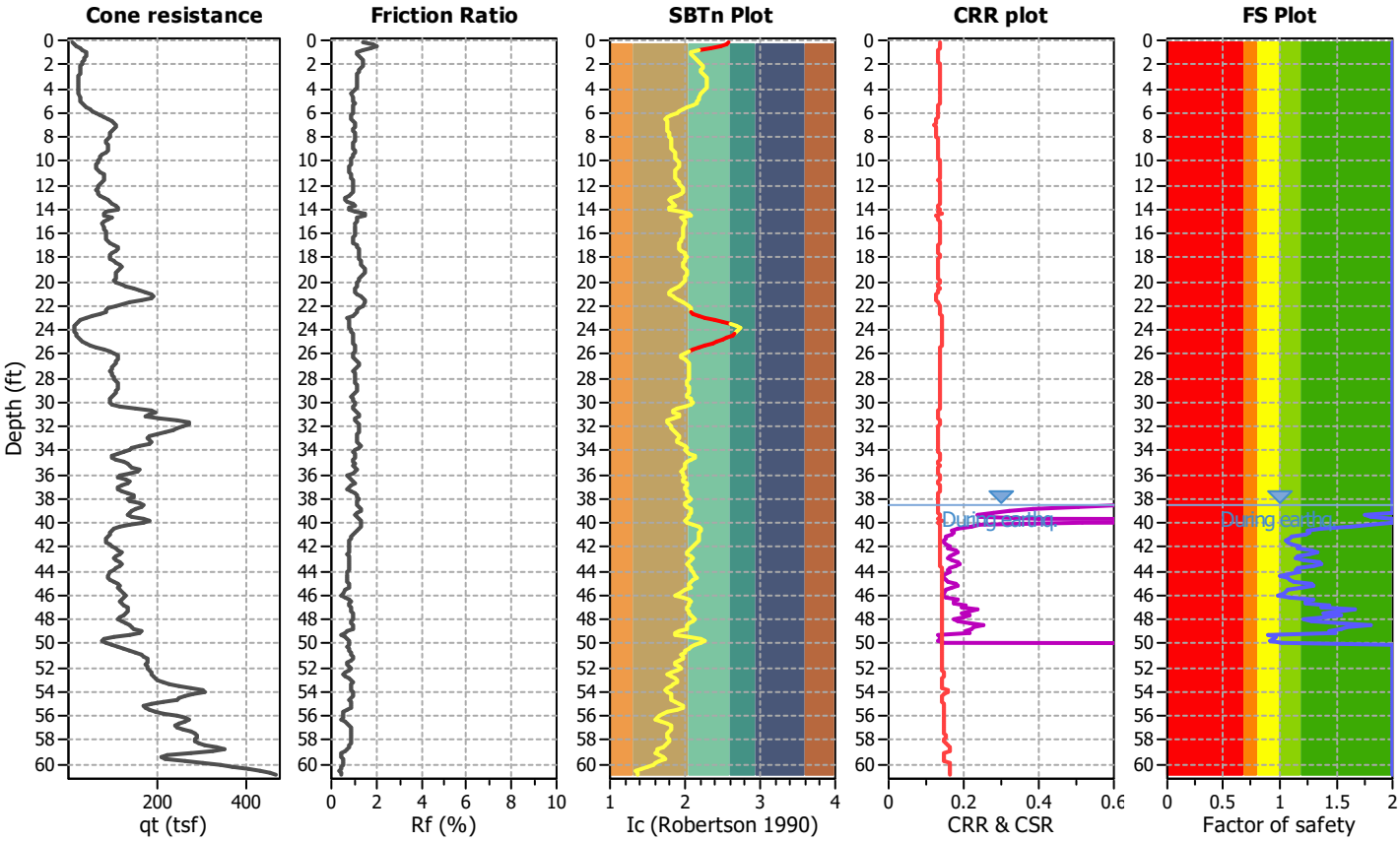
LIQUEFACTION ANALYSIS REPORT

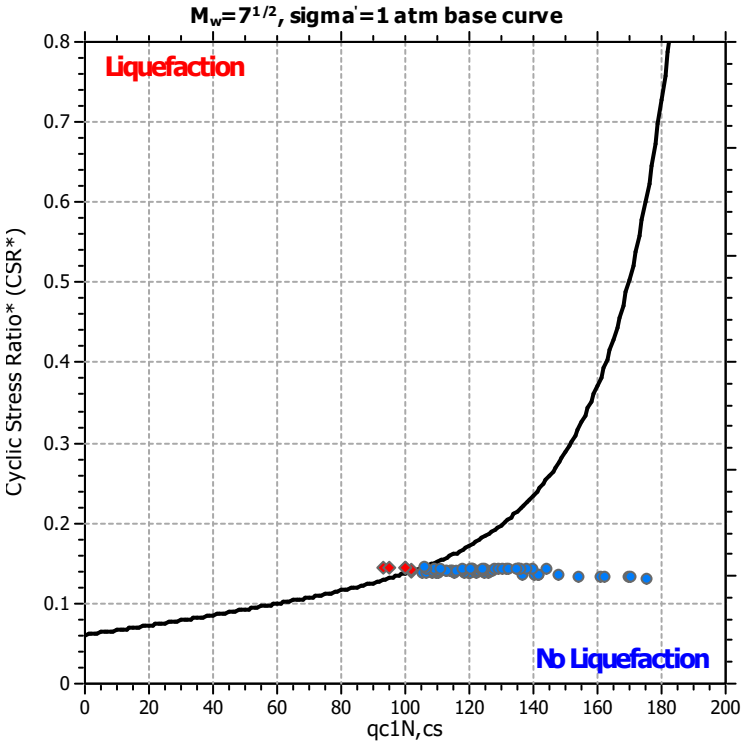
Project title : Fort Pointe Residential Development **Location : Warrenton, Oregon**

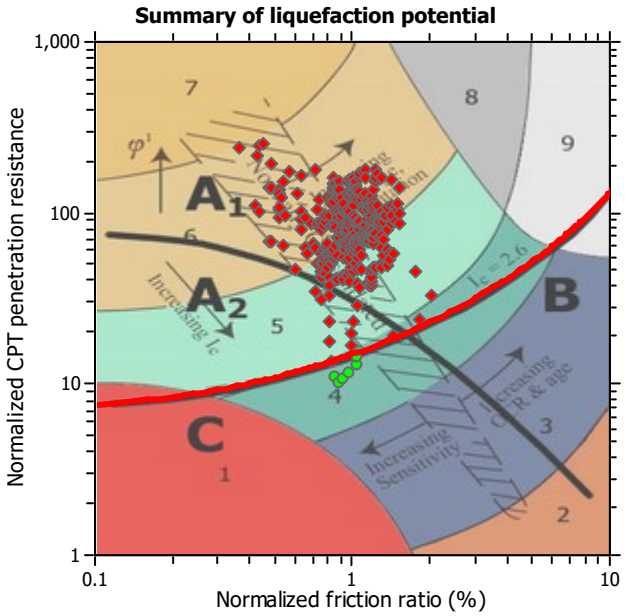
CPT file : 25035 CPT-2 Text File

Input parameters and analysis data

Analysis method:	B&I (2014)	G.W.T. (in-situ):	38.47 ft	Use fill:	No	Clay like behavior applied:	Sand & Clay
Fines correction method:	B&I (2014)	G.W.T. (earthq.):	38.47 ft	Fill height:	N/A	Limit depth applied:	Yes
Points to test:	Based on Ic value	Average results interval:	3	Fill weight:	N/A	Limit depth:	50.00 ft
Earthquake magnitude M_w:	7.00	Ic cut-off value:	2.60	Trans. detect. applied:	Yes	MSF method:	Method based
Peak ground acceleration:	0.24	Unit weight calculation:	Based on SBT	K_σ applied:	Yes		







Zone A_1: Cyclic liquefaction likely depending on size and duration of cyclic loading
Zone A_2: Cyclic liquefaction and strength loss likely depending on loading and ground geometry
Zone B: Liquefaction and post-earthquake strength loss unlikely, check cyclic softening
Zone C: Cyclic liquefaction and strength loss possible depending on soil plasticity, brittleness/sensitivity, strain to peak undrained strength and ground geometry

APPENDIX A

FIELD EXPLORATIONS AND LABORATORY TESTING

FIELD EXPLORATION PROGRAM

PSI explored subsurface conditions on February 27, 2025. The field exploration consisted of advancing three CPTu at the site.

Approximate exploration locations are shown on Figure 2, Boring Location Map. PSI notified the Oregon Utility Notification Center to indicate the approximate location of underground utilities in the vicinity of the proposed exploration locations prior to commencing field activities.

A representative from PSI's office observed the drilling and prepared borings logs of the conditions encountered. During field activities, the encountered subsurface conditions were observed, logged, and visually classified (in general accordance with ASTM D2488/D2487). Field notes were maintained to summarize soil types and descriptions, water levels, changes in subsurface conditions, and drilling conditions.

It should be noted that the subsurface conditions presented on the boring logs are representative of the conditions at the specific locations drilled. Variations may occur and should be expected across the site. The soil morphology represents the approximate boundary between subsurface materials and the transitions may be gradual and indistinct.

Boring Location Selection and Staking

The boring plan was prepared by PSI. The boring plan was superimposed onto Google Earth™ Imagery and the latitude and longitude were recorded. The boring locations were also superimposed onto The National Map developed by USGS, which uses the North American Vertical Datum of 1988 (NAVD88), and the elevations of the boring locations were recorded. The location of the borings in the field were established by hand-held GPS using the coordinates from Google Earth™. The latitude, longitude and elevation are noted on each boring log with the perceived accuracy unknown. If accurate locations and elevations are needed, PSI recommends the client/owner have boring locations and elevations determined by survey methods.

Cone Penetration Test

The SCPTu is an in-situ testing method used to determine the geotechnical engineering properties of soils and delineating soil lithology. The test method consists of advancing an instrumented cone tip, mechanical or electric, through several rods and at a constant rate of 2 cm/sec. The resistance needed to penetrate the ground is measured continuously. The total force acting on the cone is called the cone resistance (qc). Measurements with an electric cone, equipped with a friction sleeve, provide the local sleeve friction (fs) which can be related to the undrained shear strength of fine-grained soils and the friction resistance of cohesion less soils. The dimensionless ratio of the friction sleeve to point bearing capacity provides an indicator of the type of soil penetrated. Measurements of pore water pressure and rates of dissipation are also made with a piezometer fitted between the cone and the sleeve. SCPTu probe testing does not allow for visual classification of the subsurface soils, but instead classifies the soil based on a correlation between tip resistance and side friction obtained in real-time during the testing. Cone penetration test logs and data are provided in this Appendix

Downhole Shear wave Velocity Measurements. Down hole shear wave velocity measurements were made while advancing each of the probes. This test consists of generating a shear wave by striking a hammer equipped with a trigger on a source beam located on the ground surface under the outrigger of the cone rig. The seismic cone consists of a piezocone unit with a receiver above it. The seismic cone penetrometer is pushed into the ground and penetration is stopped at 1-meter intervals. During the pause in penetration, a shear wave is generated at the ground surface and the time required for the shear wave to reach the seismometer in the cone penetrometer is recorded. The shear wave velocity measurements are used with elastic theory to estimate the mass density of the soil layers

Pore Pressure Dissipation Tests. Pore Pressure Dissipation Tests (PPDT's) conducted at various intervals measured hydrostatic water pressures and determined the approximate depth of the ground water table. A PPDT is conducted when the cone is halted at specific intervals determined by the field representative. The variation of the penetration pore pressure (u) with time is measured behind the tip of the cone and recorded by a computer system.

Pore pressure dissipation data can be interpreted to provide estimates of:

- Equilibrium piezometric pressure
- Phreatic Surface
- In situ horizontal coefficient of consolidation (ch)
- In situ horizontal coefficient of permeability (kh)

In order to correctly interpret the equilibrium piezometric pressure and/or the phreatic surface, the pore pressure must be monitored until such time as there is no variation in pore pressure with time. This time is commonly referred to as t_{100}, the point at which 100% of the excess pore pressure has dissipated.

The estimated Groundwater Depth at the site based on the pore pressure dissipation tests is between 33.27 and 38.47 feet below the ground surface.

Field Classification

Soil samples were initially classified visually in the field. Consistency, color, relative moisture, degree of plasticity, and other distinguishing characteristics of the soil samples were noted. The terminology used in the soil classifications and other modifiers are depicted in the General Notes and Soil Classification Chart.

BORING GP-01

DATE STARTED:	2/27/25	**DRILL COMPANY:**	OGE
DATE COMPLETED:	2/27/25	**DRILLER:** Danny Y	**LOGGED BY:** SKB
COMPLETION DEPTH	45.0 ft	**DRILL RIG:**	Geoprobe 6622CPT
BENCHMARK:	N/A	**DRILLING METHOD:**	Push Probe
ELEVATION:	62 ft	**SAMPLING METHOD:**	
LATITUDE:	46.1820504°	**HAMMER TYPE:**	N/A
LONGITUDE:	-123.9532286°	**EFFICIENCY**	N/A
STATION: N/A	**OFFSET:** N/A	**REVIEWED BY:**	NM

Water While Drilling 35 feet

BORING LOCATION:

REMARKS:

Elevation (feet)	Depth, (feet)	Sample No.	Recovery (inches)	MATERIAL DESCRIPTION	USCS Classification	Moisture, %	Additional Remarks
62	0			Topsoil: some Vegetations	Topsoil		
60	0	1	24	Poorly Graded Sand with Silt, brown, moist		13	Non-Plastic Fines=4.5%
	5					13	
55		2	21				
	10					14	
50		3	15				
	15					14	
45		4	15				
	20					11	Non-Plastic Fines=10.6%
40		5	19		SP-SM		
	25					8	
35		6	26				
	30					21	Non-Plastic Fines=8.0%
30		7	36				
	35					15	
25		8	58				
	40					23	
20		9	2				
	45			Refusal due to sand heave @ 45 ft			

STANDARD PENETRATION TEST DATA
N in blows/ft ◎
Moisture ◪ PL ✚ LL
0 25 50
STRENGTH, tsf
▲ Qu ✳ Qp
0 2.0 4.0

intertek psi

Professional Service Industries, Inc.
6032 N. Cutter Circle, Suite 480
Portland, OR 97219
Telephone: (503) 289-1778

PROJECT NO.: 07041568
PROJECT: Fort Pointe Residential Development
LOCATION: NW Ridge Road and NW 11th Street
Warrenton, Oregon 97146

The stratification lines represent approximate boundaries. The transition may be gradual.

BORING GP-02

DATE STARTED:	2/27/25	**DRILL COMPANY:**	OGE		
DATE COMPLETED:	2/27/25	**DRILLER:**	Danny Y	**LOGGED BY:**	SKB
COMPLETION DEPTH	35.0 ft	**DRILL RIG:**	Geoprobe 6622CPT		
BENCHMARK:	N/A	**DRILLING METHOD:**	Push Probe		
ELEVATION:	63 ft	**SAMPLING METHOD:**			
LATITUDE:	46.1797833°	**HAMMER TYPE:**	N/A		
LONGITUDE:	-123.9528585°	**EFFICIENCY**	N/A		
STATION:	N/A	**OFFSET:**	N/A	**REVIEWED BY:**	NM

REMARKS:

Water ▽ While Drilling — water not encountered until terimination depth feet

BORING LOCATION:

Elevation (feet)	Depth, (feet)	Graphic Log	Sample Type	Sample No.	Recovery (inches)	MATERIAL DESCRIPTION	USCS Classification	Moisture, %	STANDARD PENETRATION TEST DATA N in blows/ft ◎	Additional Remarks
63	0					Topsoil: some Vegetations	Topsoil			
						Poorly Graded Sand with Silt, brown, moist				
60	5			1	22			14		
								13		Non-Plastic Fines=5.0%
55	10			2	36			16		
50	15			3	25			13		Non-Plastic Fines=4.9%
45	20			4	32		SP-SM	8		
40	25			5	47			11		Non-Plastic Fines=5.8%
35	30			6	38			9		
30	35			7	43					
						Refusal due to sand heave @ 35 ft				

STANDARD PENETRATION TEST DATA — N in blows/ft ◎ — Moisture × — PL ◪ — LL ✚ — 0 — 25 — 50

STRENGTH, tsf — Qu ▲ — Qp ✳ — 0 — 2.0 — 4.0

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GENERAL NOTES

SAMPLE IDENTIFICATION

The Unified Soil Classification System (USCS), AASHTO 1988 and ASTM designations D2487 and D-2488 are used to identify the encountered materials unless otherwise noted. Coarse-grained soils are defined as having more than 50% of their dry weight retained on a #200 sieve (0.075mm); they are described as: boulders, cobbles, gravel or sand. Fine-grained soils have less than 50% of their dry weight retained on a #200 sieve; they are defined as silts or clay depending on their Atterberg Limit attributes. Major constituents may be added as modifiers and minor constituents may be added according to the relative proportions based on grain size.

DRILLING AND SAMPLING SYMBOLS

SFA: Solid Flight Auger - typically 4" diameter flights, except where noted.
HSA: Hollow Stem Auger - typically 3¼" or 4¼ I.D. openings, except where noted.
M.R.: Mud Rotary - Uses a rotary head with Bentonite or Polymer Slurry
R.C.: Diamond Bit Core Sampler
H.A.: Hand Auger
P.A.: Power Auger - Handheld motorized auger

SS: Split-Spoon - 1 3/8" I.D., 2" O.D., except where noted.
ST: Shelby Tube - 3" O.D., except where noted.
RC: Rock Core
TC: Texas Cone
BS: Bulk Sample
PM: Pressuremeter
CPT-U: Cone Penetrometer Testing with Pore-Pressure Readings

SOIL PROPERTY SYMBOLS

N: Standard "N" penetration: Blows per foot of a 140 pound hammer falling 30 inches on a 2-inch O.D. Split-Spoon.
N_{60}: A "N" penetration value corrected to an equivalent 60% hammer energy transfer efficiency (ETR)
Q_u: Unconfined compressive strength, TSF
Q_p: Pocket penetrometer value, unconfined compressive strength, TSF
w%: Moisture/water content, %
LL: Liquid Limit, %
PL: Plastic Limit, %
PI: Plasticity Index = (LL-PL),%
DD: Dry unit weight, pcf
▼,▽,⧩ Apparent groundwater level at time noted

RELATIVE DENSITY OF COARSE-GRAINED SOILS

Relative Density	N - Blows/foot
Very Loose	0 - 4
Loose	4 - 10
Medium Dense	10 - 30
Dense	30 - 50
Very Dense	50 - 80
Extremely Dense	80+

ANGULARITY OF COARSE-GRAINED PARTICLES

Description	Criteria
Angular:	Particles have sharp edges and relatively plane sides with unpolished surfaces
Subangular:	Particles are similar to angular description, but have rounded edges
Subrounded:	Particles have nearly plane sides, but have well-rounded corners and edges
Rounded:	Particles have smoothly curved sides and no edges

GRAIN-SIZE TERMINOLOGY

Component	Size Range
Boulders:	Over 300 mm (>12 in.)
Cobbles:	75 mm to 300 mm (3 in. to 12 in.)
Coarse-Grained Gravel:	19 mm to 75 mm (¾ in. to 3 in.)
Fine-Grained Gravel:	4.75 mm to 19 mm (No.4 to ¾ in.)
Coarse-Grained Sand:	2 mm to 4.75 mm (No.10 to No.4)
Medium-Grained Sand:	0.42 mm to 2 mm (No.40 to No.10)
Fine-Grained Sand:	0.075 mm to 0.42 mm (No. 200 to No.40)
Silt:	0.005 mm to 0.075 mm
Clay:	<0.005 mm

PARTICLE SHAPE

Description	Criteria
Flat:	Particles with width/thickness ratio > 3
Elongated:	Particles with length/width ratio > 3
Flat & Elongated:	Particles meet criteria for both flat and elongated

RELATIVE PROPORTIONS OF FINES

Descriptive Term	% Dry Weight
Trace:	< 5%
With:	5% to 12%
Modifier:	>12%

GENERAL NOTES

(Continued)

CONSISTENCY OF FINE-GRAINED SOILS

Q_U - TSF	N - Blows/foot	Consistency
0 - 0.25	0 - 2	Very Soft
0.25 - 0.50	2 - 4	Soft
0.50 - 1.00	4 - 8	Firm (Medium Stiff)
1.00 - 2.00	8 - 15	Stiff
2.00 - 4.00	15 - 30	Very Stiff
4.00 - 8.00	30 - 50	Hard
8.00+	50+	Very Hard

MOISTURE CONDITION DESCRIPTION

Description	Criteria
Dry:	Absence of moisture, dusty, dry to the touch
Moist:	Damp but no visible water
Wet:	Visible free water, usually soil is below water table

RELATIVE PROPORTIONS OF SAND AND GRAVEL

Descriptive Term	% Dry Weight
Trace:	< 15%
With:	15% to 30%
Modifier:	>30%

STRUCTURE DESCRIPTION

Description	Criteria
Stratified:	Alternating layers of varying material or color with layers at least ¼-inch (6 mm) thick
Laminated:	Alternating layers of varying material or color with layers less than ¼-inch (6 mm) thick
Fissured:	Breaks along definite planes of fracture with little resistance to fracturing
Slickensided:	Fracture planes appear polished or glossy, sometimes striated
Blocky:	Cohesive soil that can be broken down into small angular lumps which resist further breakdown
Lensed:	Inclusion of small pockets of different soils
Layer:	Inclusion greater than 3 inches thick (75 mm)
Seam:	Inclusion 1/8-inch to 3 inches (3 to 75 mm) thick extending through the sample
Parting:	Inclusion less than 1/8-inch (3 mm) thick

SCALE OF RELATIVE ROCK HARDNESS

Q_U - TSF	Consistency
2.5 - 10	Extremely Soft
10 - 50	Very Soft
50 - 250	Soft
250 - 525	Medium Hard
525 - 1,050	Moderately Hard
1,050 - 2,600	Hard
>2,600	Very Hard

ROCK BEDDING THICKNESSES

Description	Criteria
Very Thick Bedded	Greater than 3-foot (>1.0 m)
Thick Bedded	1-foot to 3-foot (0.3 m to 1.0 m)
Medium Bedded	4-inch to 1-foot (0.1 m to 0.3 m)
Thin Bedded	1¼-inch to 4-inch (30 mm to 100 mm)
Very Thin Bedded	½-inch to 1¼-inch (10 mm to 30 mm)
Thickly Laminated	1/8-inch to ½-inch (3 mm to 10 mm)
Thinly Laminated	1/8-inch or less "paper thin" (<3 mm)

ROCK VOIDS

Voids	Void Diameter
Pit	<6 mm (<0.25 in)
Vug	6 mm to 50 mm (0.25 in to 2 in)
Cavity	50 mm to 600 mm (2 in to 24 in)
Cave	>600 mm (>24 in)

GRAIN-SIZED TERMINOLOGY

(Typically Sedimentary Rock)

Component	Size Range
Very Coarse Grained	>4.76 mm
Coarse Grained	2.0 mm - 4.76 mm
Medium Grained	0.42 mm - 2.0 mm
Fine Grained	0.075 mm - 0.42 mm
Very Fine Grained	<0.075 mm

ROCK QUALITY DESCRIPTION

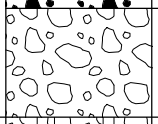
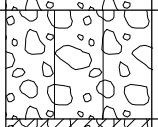
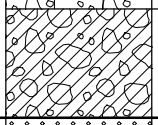
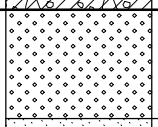
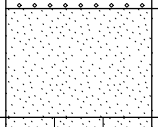
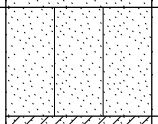
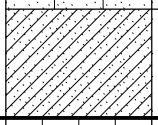
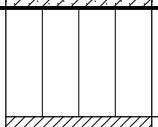
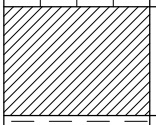
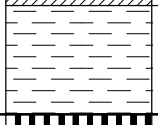
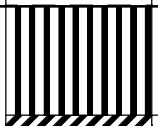
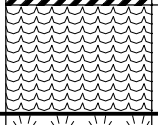
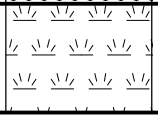
Rock Mass Description	RQD Value
Excellent	90 -100
Good	75 - 90
Fair	50 - 75
Poor	25 -50
Very Poor	Less than 25

DEGREE OF WEATHERING

Slightly Weathered:	Rock generally fresh, joints stained and discoloration extends into rock up to 25 mm (1 in), open joints may contain clay, core rings under hammer impact.
Weathered:	Rock mass is decomposed 50% or less, significant portions of the rock show discoloration and weathering effects, cores cannot be broken by hand or scraped by knife.
Highly Weathered:	Rock mass is more than 50% decomposed, complete discoloration of rock fabric, core may be extremely broken and gives clunk sound when struck by hammer, may be shaved with a knife.

SOIL CLASSIFICATION CHART

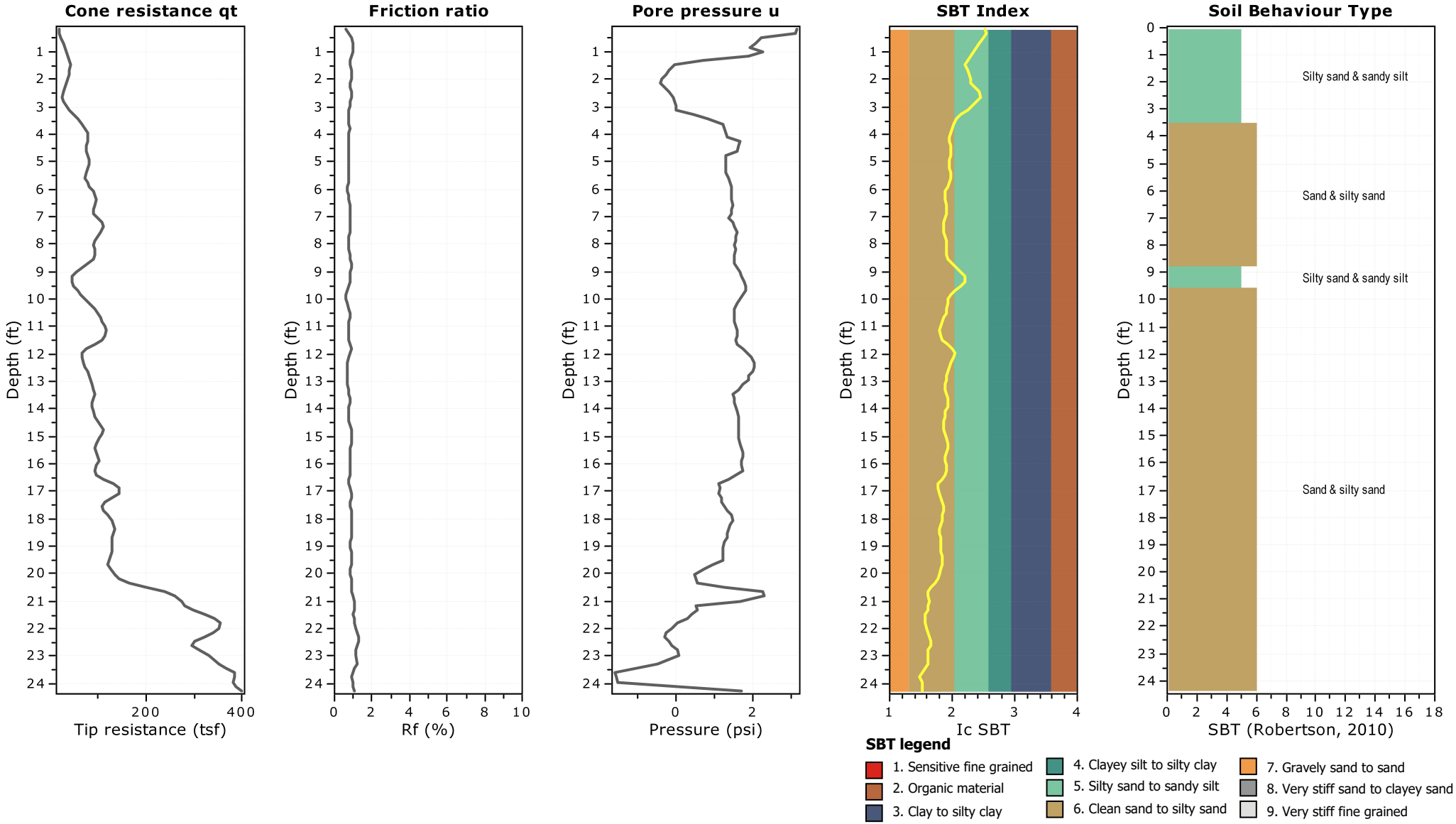
NOTE: DUAL SYMBOLS ARE USED TO INDICATE BORDERLINE SOIL CLASSIFICATIONS

MAJOR DIVISIONS			SYMBOLS		TYPICAL DESCRIPTIONS
			GRAPH	LETTER	
COARSE GRAINED SOILS MORE THAN 50% OF MATERIAL IS LARGER THAN NO. 200 SIEVE SIZE	GRAVEL AND GRAVELLY SOILS MORE THAN 50% OF COARSE FRACTION RETAINED ON NO. 4 SIEVE	CLEAN GRAVELS (LITTLE OR NO FINES)		GW	WELL-GRADED GRAVELS, GRAVEL - SAND MIXTURES, LITTLE OR NO FINES
				GP	POORLY-GRADED GRAVELS, GRAVEL - SAND MIXTURES, LITTLE OR NO FINES
		GRAVELS WITH FINES (APPRECIABLE AMOUNT OF FINES)		GM	SILTY GRAVELS, GRAVEL - SAND - SILT MIXTURES
				GC	CLAYEY GRAVELS, GRAVEL - SAND - CLAY MIXTURES
	SAND AND SANDY SOILS MORE THAN 50% OF COARSE FRACTION PASSING ON NO. 4 SIEVE	CLEAN SANDS (LITTLE OR NO FINES)		SW	WELL-GRADED SANDS, GRAVELLY SANDS, LITTLE OR NO FINES
				SP	POORLY-GRADED SANDS, GRAVELLY SAND, LITTLE OR NO FINES
		SANDS WITH FINES (APPRECIABLE AMOUNT OF FINES)		SM	SILTY SANDS, SAND - SILT MIXTURES
				SC	CLAYEY SANDS, SAND - CLAY MIXTURES
FINE GRAINED SOILS MORE THAN 50% OF MATERIAL IS SMALLER THAN NO. 200 SIEVE SIZE	SILTS AND CLAYS	LIQUID LIMIT LESS THAN 50		ML	INORGANIC SILTS AND VERY FINE SANDS, ROCK FLOUR, SILTY OR CLAYEY FINE SANDS OR CLAYEY SILTS WITH SLIGHT PLASTICITY
				CL	INORGANIC CLAYS OF LOW TO MEDIUM PLASTICITY, GRAVELLY CLAYS, SANDY CLAYS, SILTY CLAYS, LEAN CLAYS
				OL	ORGANIC SILTS AND ORGANIC SILTY CLAYS OF LOW PLASTICITY
	SILTS AND CLAYS	LIQUID LIMIT GREATER THAN 50		MH	INORGANIC SILTS, MICACEOUS OR DIATOMACEOUS FINE SAND OR SILTY SOILS
				CH	INORGANIC CLAYS OF HIGH PLASTICITY
				OH	ORGANIC CLAYS OF MEDIUM TO HIGH PLASTICITY, ORGANIC SILTS
HIGHLY ORGANIC SOILS				PT	PEAT, HUMUS, SWAMP SOILS WITH HIGH ORGANIC CONTENTS

Intertek-PSI
2779 South 600 West
Salt Lake City, Utah 84115
intertek.com/building

Project: **Fort Pointe Residential Development**
Location: **Warrenton, Oregon**

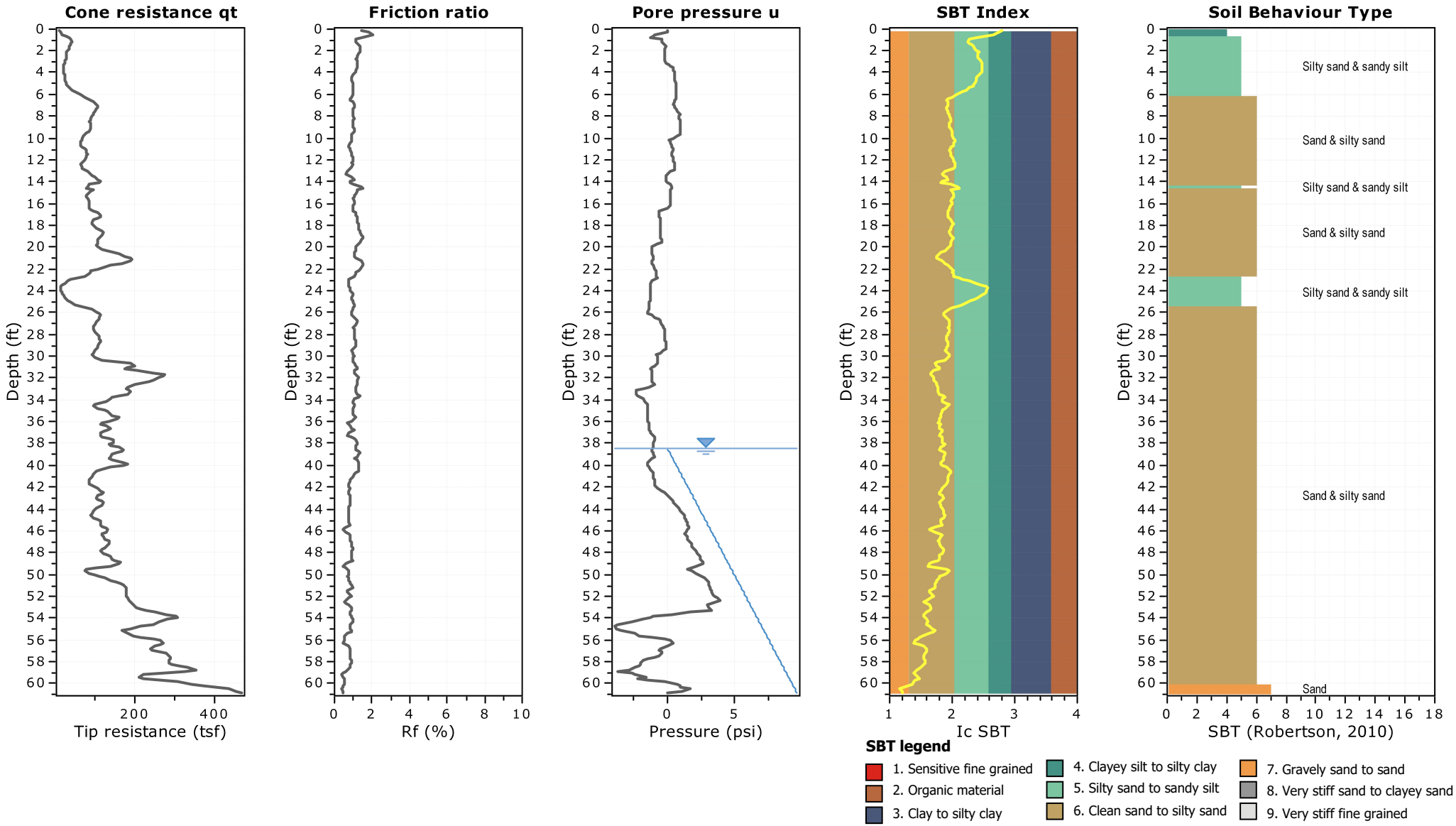
CPT: CPT-1
Total depth: 24.28 ft, Date: 3/25/2025
Surface Elevation: 56.00 ft
Coords: X: 46.181798, Y:-123.954457
Cone Type:
Cone Operator:



Intertek-PSI
2779 South 600 West
Salt Lake City, Utah 84115
intertek.com/building

Project: **Fort Pointe Residential Development**
Location: **Warrenton, Oregon**

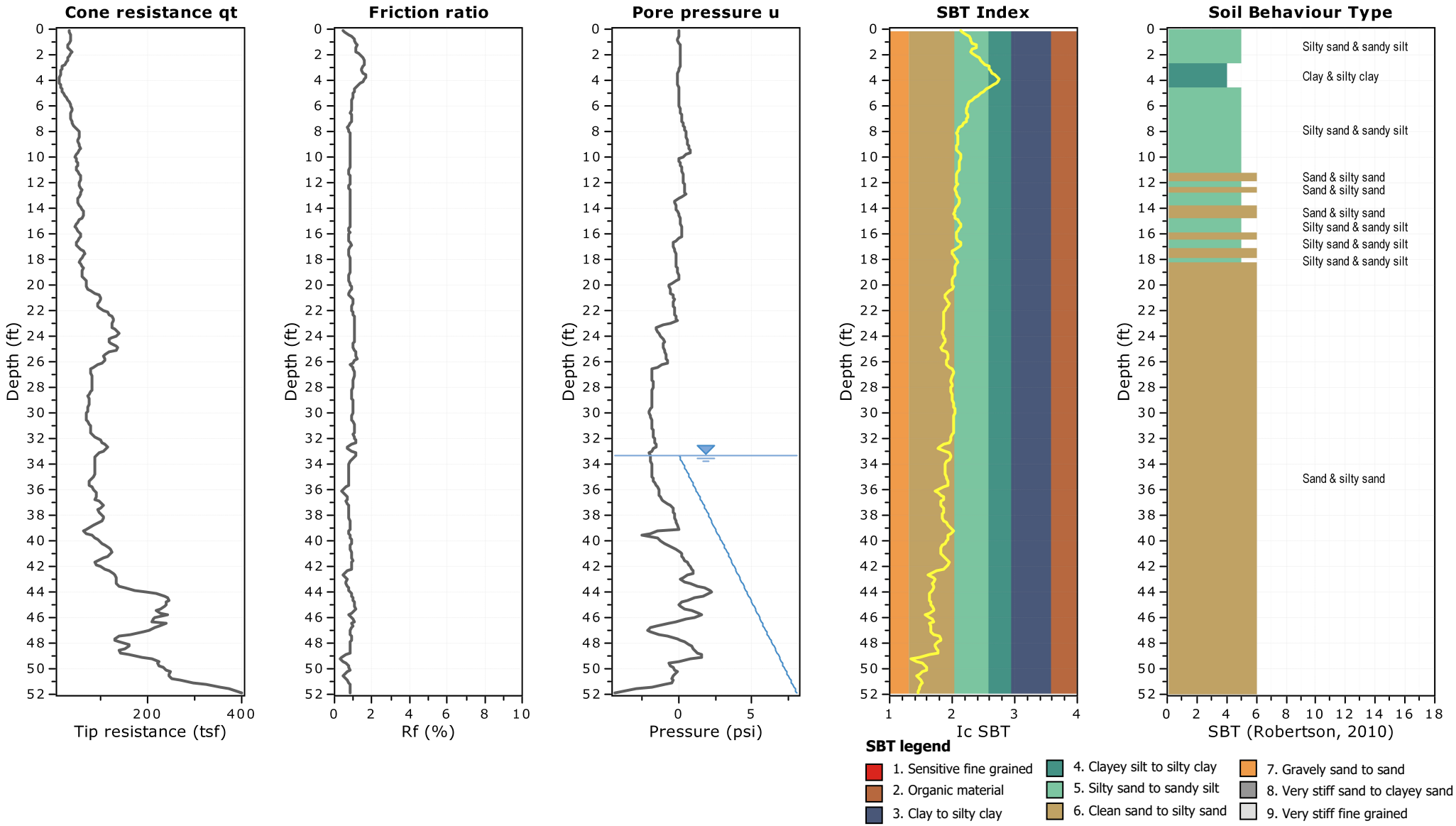
CPT: 25035 CPT-2 Text File
Total depth: 60.86 ft, Date: 3/25/2025
Surface Elevation: 68.00 ft
Coords: X: 46.178573, Y:-123.952322
Cone Type:
Cone Operator:



Intertek-PSI
2779 South 600 West
Salt Lake City, Utah 84115
intertek.com/building

CPT: 25035 CPT-3 Text File
Total depth: 51.84 ft, Date: 3/25/2025
Surface Elevation: 51.00 ft
Coords: X: 46.176111, Y:-123.951667
Cone Type:
Cone Operator:

Project: **Fort Pointe Residential Development**
Location: **Warrenton, Oregon**



LABORATORY TESTING PROGRAM AND PROCEDURES

Soil samples obtained during the field explorations were examined in our laboratory. The physical characteristics of the samples were noted, and the field classifications were modified, where necessary. Representative samples were selected during the course of the examination for further testing.

- **Moisture Content**

Natural moisture content determinations were made on selected soil samples in general accordance with ASTM D2216. The natural moisture content is defined as the ratio of the weight of water to the dry weight of soil, expressed as a percentage. Results are shown on the exploration logs.

- **Visual-Manual Classification**

The soil samples were classified in general accordance with guidelines presented in ASTM D2487. Certain terminology incorporating current local engineering practice, as provided in the Soil Classification Chart, is included with, or in lieu of, ASTM terminology. The term which best described the major portion of the sample was used in determining the soil type (i.e., gravel, sand, silt or clay). Results are shown on the exploration logs.

- **Sieve Analysis**

The determination of the amount of material finer than the U.S. Standard No. 200 (75-µm) sieve was made on selected soil sample in general accordance with ASTM D1140. In general, the sample was dried in an oven and then washed with water over the No. 200 sieve. The mass retained on the No. 200 sieve was dried in an oven, and the dry weight recorded. Results from this test procedure assist in determining the fraction, by weight, of coarse-grained and fine-grained soils in the sample. Results are shown on the exploration logs.
The determination of the gradation curve of the coarse-grained material was made on selected soil samples in general accordance with ASTM D6913. In general, the oven dried mass retained on the No. 200 sieve is passed over progressively smaller sieve openings, by agitating the sieves by hand or by a mechanical apparatus. The mass retained on each sieve is recorded as a fraction of the total sample, including the percent passing the No. 200 sieve. Results are shown on the Grain Size Analyses below.

- **Atterberg Limits**

The Atterberg Limits are defined by the liquid limit (LL) and plastic limit (PL) states of a given soil. These tests are performed in general accordance with ASTM D4318. These limits are used to determine the moisture content limits where the soil characteristics change from behaving more like a fluid on the liquid limit end to where the soil behaves more like individual soil particles on the plastic limit end. The plasticity index (PI) is the difference between the liquid limit and the plastic limit. The plasticity index is used in conjunction with the liquid limit to assess if the material will behave like a silt or clay.

- **Compaction Testing**

These tests are performed in general accordance with ASTM D698. The soil sample at a selected molding water content is placed in three layers into a mold of given dimensions, with each layer compacted by 25 blows of a 5.50-lbf rammer dropped from a distance of 12.00 in. The resulting dry unit weight is determined. The procedure is repeated for a sufficient number of molding water contents to establish a relationship between the dry unit weight and the molding water content for the soil. This data, when plotted, represents a curvilinear relationship known as the compaction curve. The values of optimum water content and standard maximum dry unit weight are determined from the compaction curve.

- **Fines Content**

Fines content testing is performed in general accordance with guidelines presented in ASTM D1140, Standard Test Methods for Determining the Amount of Material Finer than 75-μ m (No. 200) Sieve in Soils by Washing. The fines content is the fraction of soil that passes the U.S. Standard Number 200 Sieve. This sieve differentiates fines (silt and clay) from fine sand. Soil material that remains on the 200 sieve is sand. Material that passes the sieve is fines. The test is used to refine soil type

Professional Service Industries, Inc.
6032 N. Cutter Circle, Suite 480
Portland, OR 97217
CCB No. 176269
Phone: (503) 289-1778
Fax: (503) 289-1918

Report No: MAT:07041568-1-S1

Material Test Report

Client: MISSION DEVELOPMENT GROUP, LLC **CC:**
454 SOLEDAD, SUITE 200
SAN ANTONIO, TX 78205

Project: FORT POINTE RESIDENTIAL DEVELO
WARRENTON, OR

Sample Details

Sample ID:	07041568-1-S1	**Feature:**	
Client Sample ID:		**Contractor:**	
Date Sampled:	02/06/25		
Sampled By:			
Specification:			
Supplier:	Native		
Source:	Native		
Material:	sand		
Sampling Method:			
General Location:	sand pit		
Location:			
Lift:			

Other Test Results

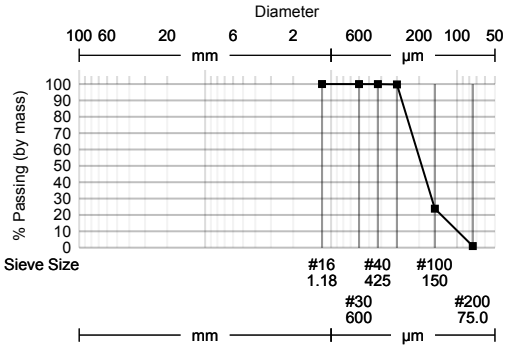
Description	Method	Result	Limits
Cu	ASTM D2487	2.12	
Cc		1.22	
Procedure	ASTM C117	A	
Mod. Maximum Dry Unit Weight (lbf/ft³)	ASTM D1557	101.8	
Mod. Optimum Water Content (%)		16.9	
Retained on No.4 Sieve (%)		0	
Passing No.4 Sieve (%)		100	
Method		A	
Preparation Method		Moist	
Rammer Type		Automatic	
Test Portion Specific Gravity	Estimated ASTM D1557	2.30	
Tested By		Evans Lineweaver	
Date Tested		3/6/2025	

Particle Size Distribution

Method: ASTM C136
Drying By: Oven
Date Tested: 3/10/2025
Tested By: Evans Lineweaver

Sieve Size	% Passing	Limits
No.16 (1.18mm)	100	
No.30 (600µm)	100	
No.40 (425µm)	100	
No.50 (300µm)	100	
No.100 (150µm)	24	
No.200 (75µm)	1.0	

Chart



Comments

N/A

Professional Service Industries, Inc.
6032 N. Cutter Circle, Suite 480
Portland, OR 97217
CCB No. 176269
Phone: (503) 289-1778
Fax: (503) 289-1918

Report No: PTR:07041568-1-S1

Proctor Report

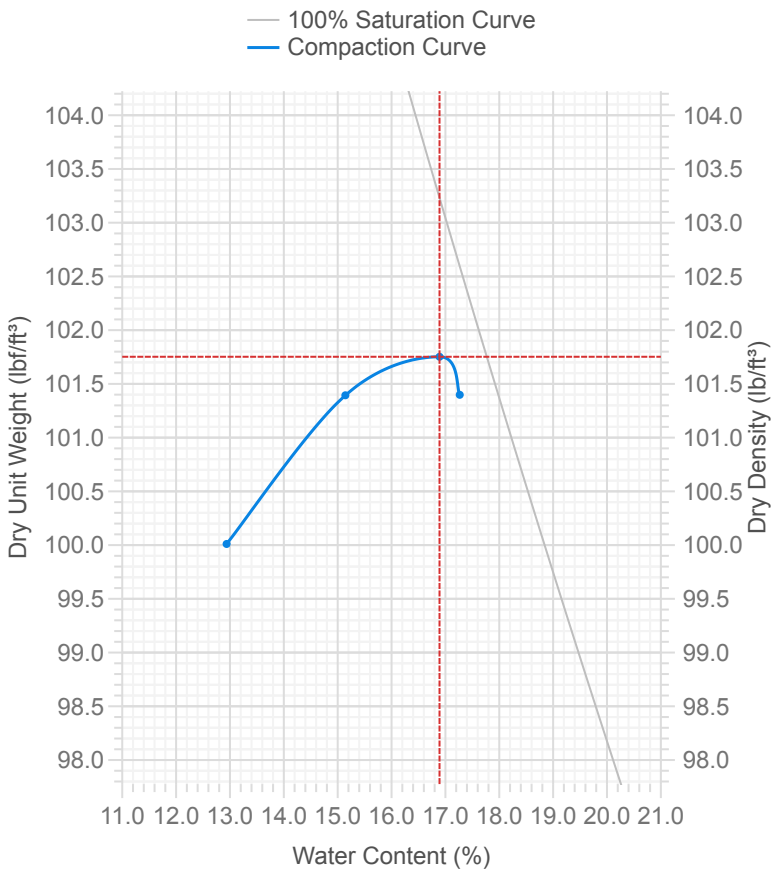
Client: MISSION DEVELOPMENT GROUP, LLC **CC:**
454 SOLEDAD, SUITE 200
SAN ANTONIO, TX 78205

Project: FORT POINTE RESIDENTIAL DEVELO
WARRENTON, OR

Sample Details

Sample ID:	07041568-1-S1	**Date Sampled:**	2/6/2025
Sampled By:		**Specification:**	
Supplier:	Native	**Source:**	Native
Material:	sand	**Sampling Method:**	
General Location:	sand pit	**Location:**	
Tested By:	Evans Lineweaver	**Date Tested:**	3/6/2025

Dry Unit Weight - Water Content Relationship



Test Results

ASTM D1557

Mod. Maximum Dry Unit Weight (lbf/ft³):	**101.8**
Mod. Optimum Water Content (%):	**16.9**
Retained on No.4 Sieve (%):	0
Passing No.4 Sieve (%):	100
Method:	A
Preparation Method:	Moist
Rammer Type:	Automatic
Test Portion Specific Gravity:	2.30
Determined By:	Estimated
Tested By:	Evans Lineweaver
Date Tested:	3/6/2025

Comments

Professional Service Industries, Inc.
6032 N. Cutter Circle, Suite 480
Portland, OR 97217
CCB No. 176269
Phone: (503) 289-1778
Fax: (503) 289-1918

Report No: MAT:07041568-1-S2

Material Test Report

Client: MISSION DEVELOPMENT GROUP, LLC **CC:**
454 SOLEDAD, SUITE 200
SAN ANTONIO, TX 78205

Project: FORT POINTE RESIDENTIAL DEVELO
WARRENTON, OR

Sample Details

Sample ID:	07041568-1-S2	**Feature:**	
Client Sample ID:		**Contractor:**	
Date Sampled:			
Sampled By:			
Specification:			
Supplier:	Native		
Source:	Native		
Material:	native soil		
Sampling Method:			
General Location:	Onsite Bulk		
Location:			
Lift:			

Other Test Results

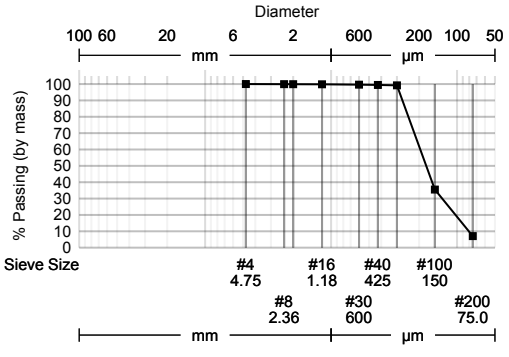
Description	Method	Result	Limits
Cu	ASTM D2487	2.43	
Cc		1.09	
Procedure	ASTM C117	A	
Mod. Maximum Dry Unit Weight (lbf/ft³)	ASTM D1557	104.2	
Mod. Optimum Water Content (%)		16.4	
Retained on No.4 Sieve (%)		0	
Passing No.4 Sieve (%)		100	
Method		A	
Preparation Method		Moist	
Rammer Type		Automatic	
Test Portion Specific Gravity	Estimated ASTM D1557	2.40	
Tested By		Evans Lineweaver	
Date Tested		3/7/2025	

Particle Size Distribution

Method: ASTM C136
Drying By: Oven
Date Tested: 3/10/2025
Tested By: Evans Lineweaver

Sieve Size	% Passing	Limits
No.4 (4.75mm)	100	
No.8 (2.36mm)	100	
No.10 (2.0mm)	100	
No.16 (1.18mm)	100	
No.30 (600µm)	100	
No.40 (425µm)	99	
No.50 (300µm)	99	
No.100 (150µm)	36	
No.200 (75µm)	7.1	

Chart



Comments

N/A

Professional Service Industries, Inc.
6032 N. Cutter Circle, Suite 480
Portland, OR 97217
CCB No. 176269
Phone: (503) 289-1778
Fax: (503) 289-1918

Report No: PTR:07041568-1-S2

Proctor Report

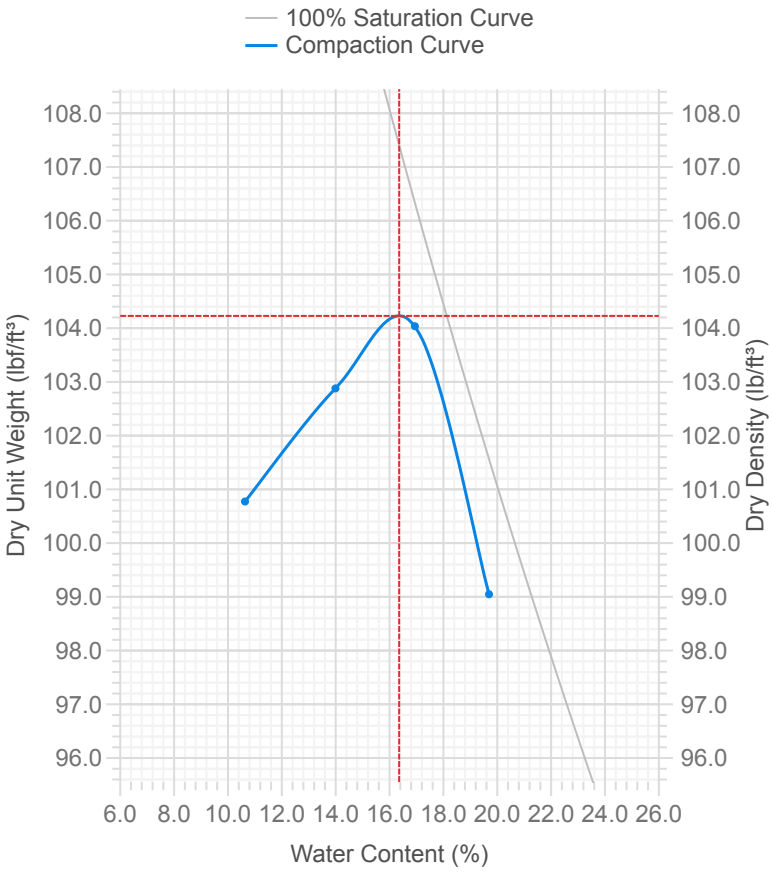
Client: MISSION DEVELOPMENT GROUP, LLC **CC:**
454 SOLEDAD, SUITE 200
SAN ANTONIO, TX 78205

Project: FORT POINTE RESIDENTIAL DEVELO
WARRENTON, OR

Sample Details

Sample ID:	07041568-1-S2	**Date Sampled:**	
Sampled By:		**Specification:**	
Supplier:	Native	**Source:**	Native
Material:	native soil	**Sampling Method:**	
General Location:	Onsite Bulk	**Location:**	
Tested By:	Evans Lineweaver	**Date Tested:**	3/7/2025

Dry Unit Weight - Water Content Relationship

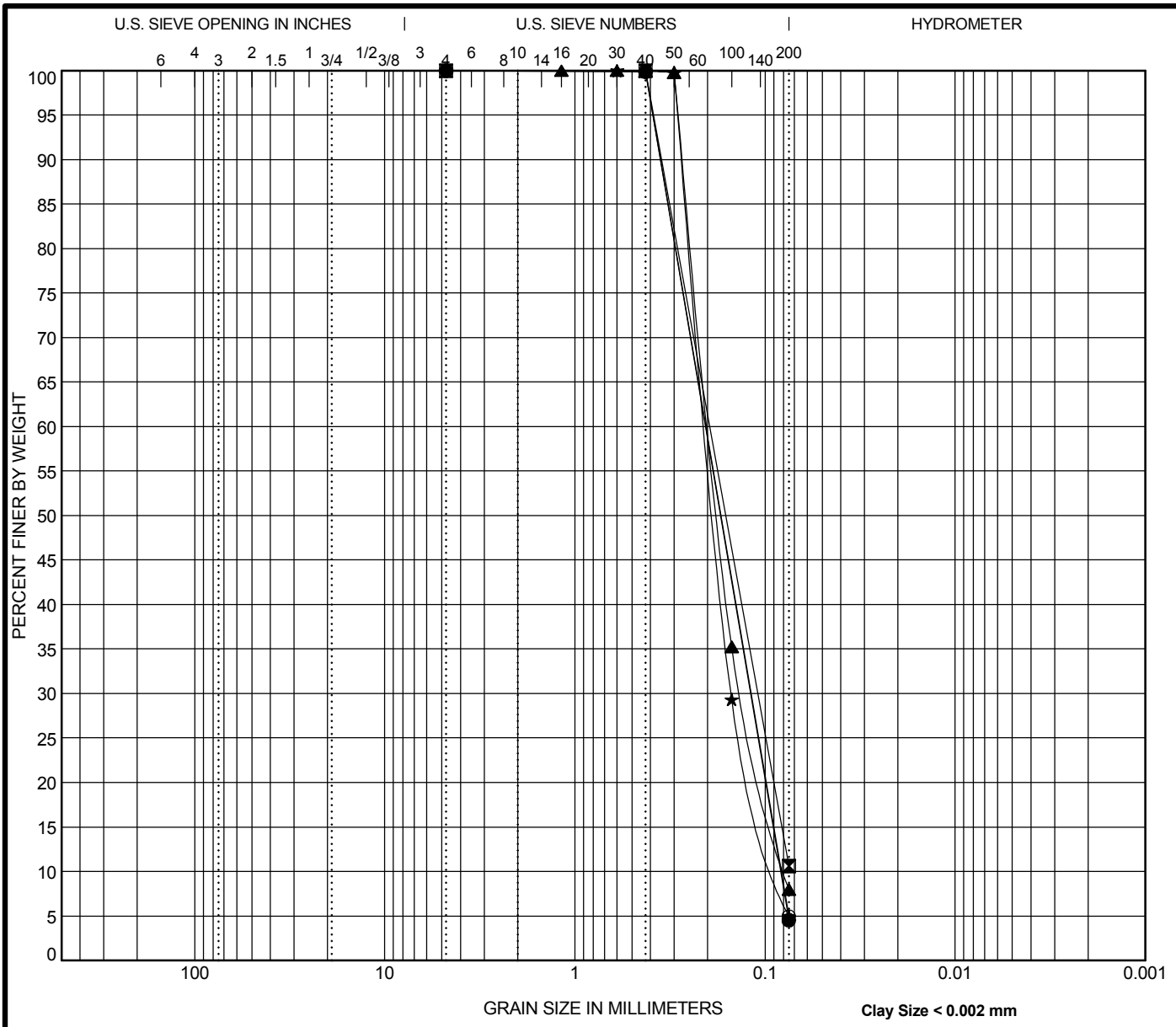


Test Results

ASTM D1557

Mod. Maximum Dry Unit Weight (lbf/ft³):	**104.2**
Mod. Optimum Water Content (%):	**16.4**
Retained on No.4 Sieve (%):	0
Passing No.4 Sieve (%):	100
Method:	A
Preparation Method:	Moist
Rammer Type:	Automatic
Test Portion Specific Gravity:	2.40
Determined By:	Estimated
Tested By:	Evans Lineweaver
Date Tested:	3/7/2025

Comments



COBBLES	GRAVEL		SAND			SILT OR CLAY
	coarse	fine	coarse	medium	fine	

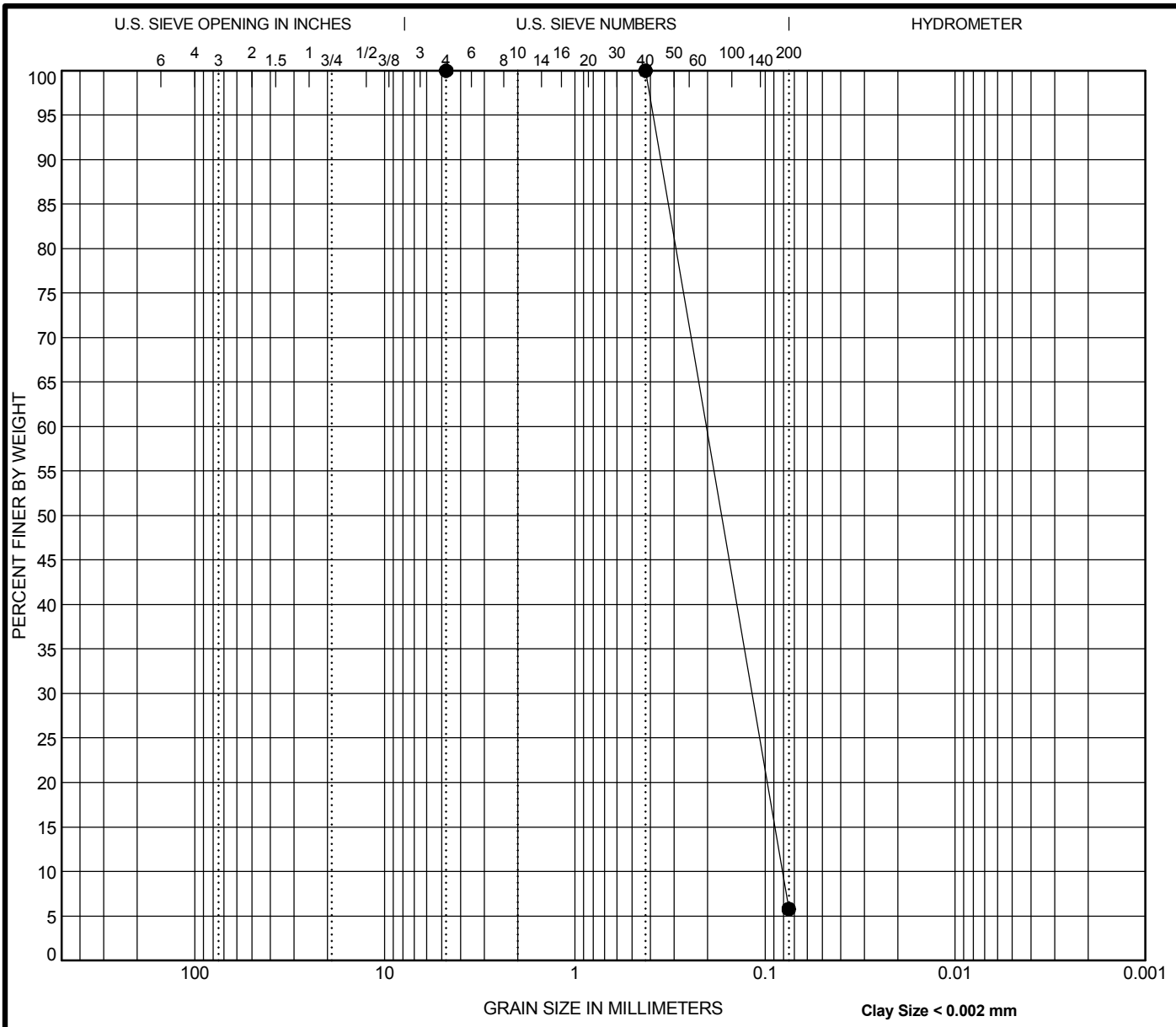
	Specimen Identification		Classification	LL	PL	PI	Cc	Cu
●	GP-01	0.0		NP	NP	NP	0.83	2.48
⊠	GP-01	20.0		NP	NP	NP	0.82	2.64
▲	GP-01	30.0		NP	NP	NP	1.12	2.48
★	GP-02	5.0		NP	NP	NP	1.30	2.34
⊙	GP-02	15.0		NP	NP	NP	0.83	2.49

	Specimen Identification		D100	D60	D30	D10	%Gravel	%Sand	%Silt	%Clay
●	GP-01	0.0	4.75	0.206	0.119	0.083	0.0	95.5	4.5	
⊠	GP-01	20.0	4.75	0.196	0.109		0.0	89.4	10.6	
▲	GP-01	30.0	1.18	0.196	0.131	0.079	0.0	92.0	8.0	
★	GP-02	5.0	0.6	0.203	0.151	0.087	0.0	95.0	5.0	
⊙	GP-02	15.0	4.75	0.205	0.119	0.082	0.0	95.1	4.9	

intertek psi
Professional Service Industries, Inc.
6032 N. Cutter Circle, Suite 480
Portland, OR 97219
Telephone: (503) 289-1778
Fax: (503) 289-1918

GRAIN SIZE DISTRIBUTION

Project: Fort Pointe Residential Development
PSI Job No.: 07041568
Location: NW Ridge Road and NW 11th Street
Warrenton, Oregon 97146



COBBLES	GRAVEL		SAND			SILT OR CLAY
	coarse	fine	coarse	medium	fine	

	Specimen Identification		Classification	LL	PL	PI	Cc	Cu
●	**GP-02**	**25.0**		**NP**	**NP**	**NP**	**0.83**	**2.51**

	Specimen Identification		D100	D60	D30	D10	%Gravel	%Sand	%Silt	%Clay
●	**GP-02**	**25.0**	**4.75**	**0.204**	**0.117**	**0.081**	**0.0**	**94.2**	**5.8**	

intertek psi
Professional Service Industries, Inc.
6032 N. Cutter Circle, Suite 480
Portland, OR 97219
Telephone: (503) 289-1778
Fax: (503) 289-1918

GRAIN SIZE DISTRIBUTION

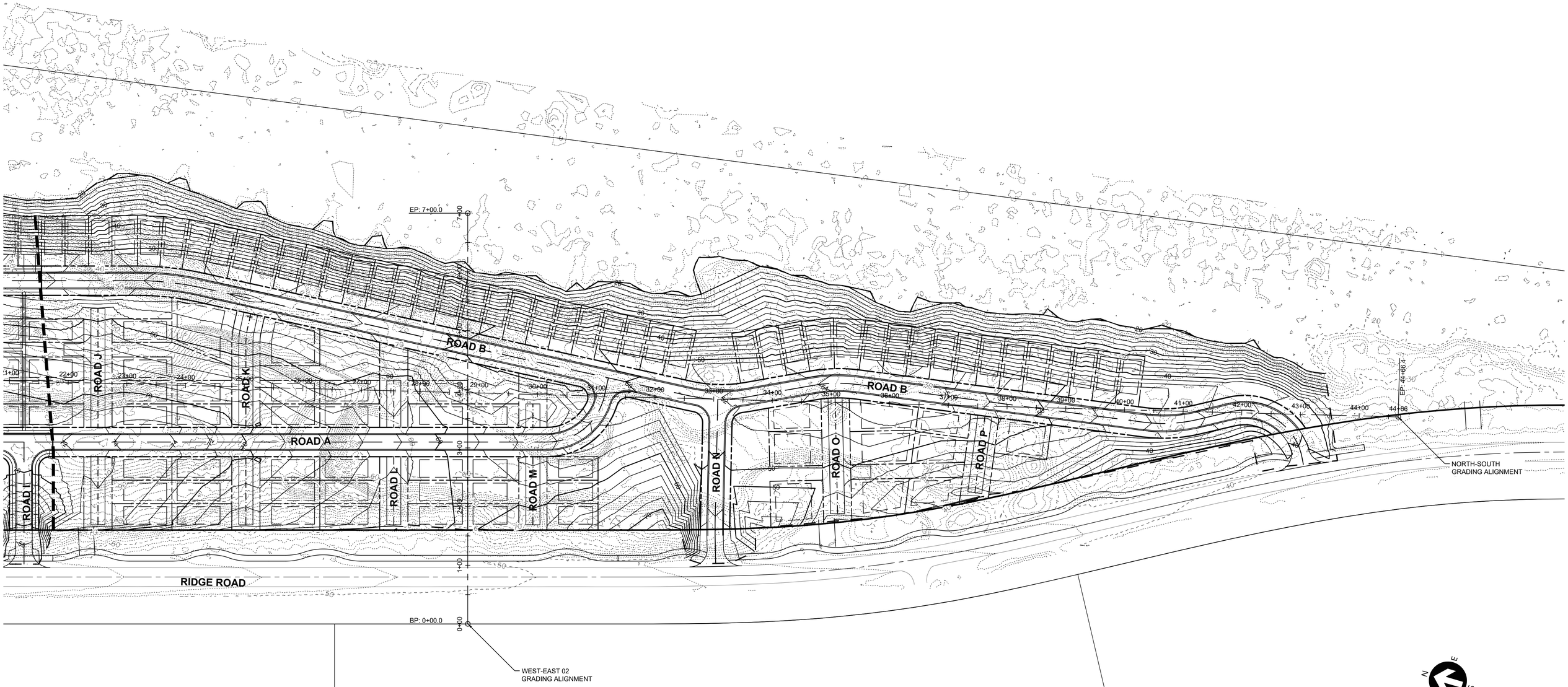
Project: Fort Pointe Residential Development
PSI Job No.: 07041568
Location: NW Ridge Road and NW 11th Street
Warrenton, Oregon 97146

APPENDIX B

GRADING PLAN AND PROFILE WEST-EAST 1&2

LEGEND

- EXISTING BOUNDARY
- EXISTING RIGHT OF WAY
- EXISTING CENTERLINE
- PROPOSED LOT LINE
- PROPOSED SETBACK LINE
- PROPOSED BUILDING LINE
- PROPOSED CENTERLINE
- PROPOSED CURB FACE
- PROPOSED CURB BACK
- PROPOSED LIP OF GUTTER
- 110 EXISTING MAJOR CONTOUR
- 108 EXISTING MINOR CONTOUR
- **110** PROPOSED MAJOR CONTOUR
- **108** PROPOSED MINOR CONTOUR
- PROPOSED CONCRETE
- PROPOSED ASPHALT
- PROPOSED STRIPING
- PHASE LINE
- GRADE BREAK - RIDGE
- GRADE BREAK - VALLEY
- PROPOSED LIMITS OF DISTURBANCE



N W E S

SCALE: 1" = 80'

0 80 160 FT

03/20/2025

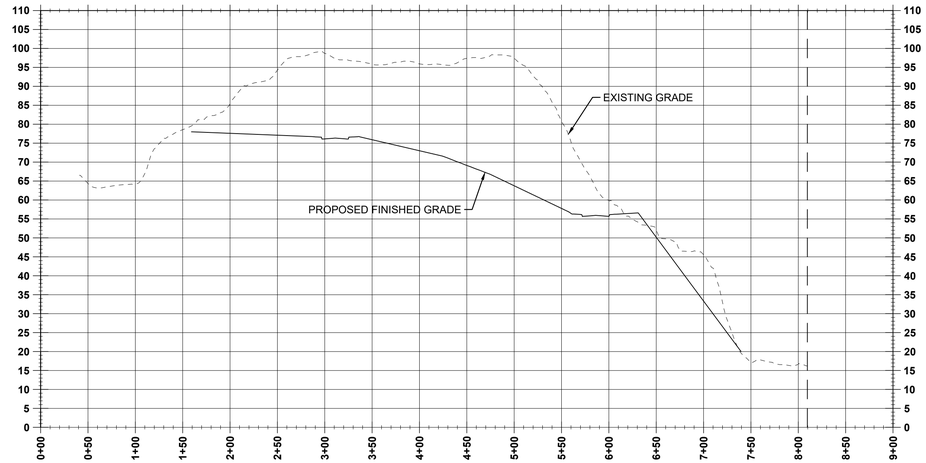
FORT POINT MIXED USE

FORT POINT LAND PARTNERS, LLC

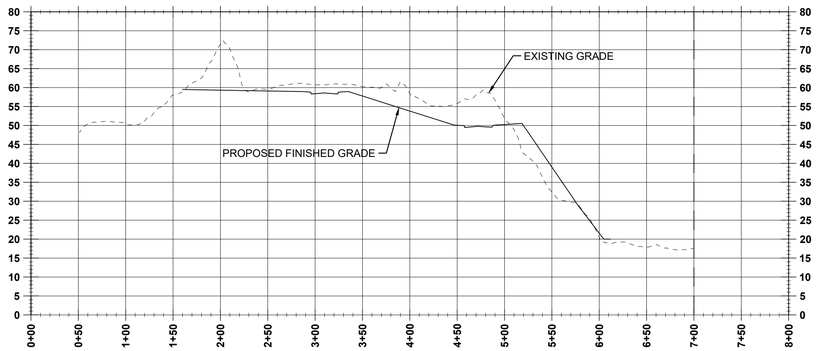
PHASE 1 & 2 - PRELIMINARY GRADING PLAN II

3J CONSULTING

CIVIL ENGINEERING | WATER RESOURCES | LAND USE PLANNING



Section W-E 01 PROFILE
(STA: 0+00 - STA: 9+00)
SCALE: 1" = 80' H; 1" = 20' V



Section W-E 02 PROFILE
(STA: 0+00 - STA: 8+00)
SCALE: 1" = 80' H; 1" = 20' V

FORT POINT MIXED USE

FORT POINT LAND PARTNERS, LLC

SCALE: 1" = 80'
0 80 160 FT

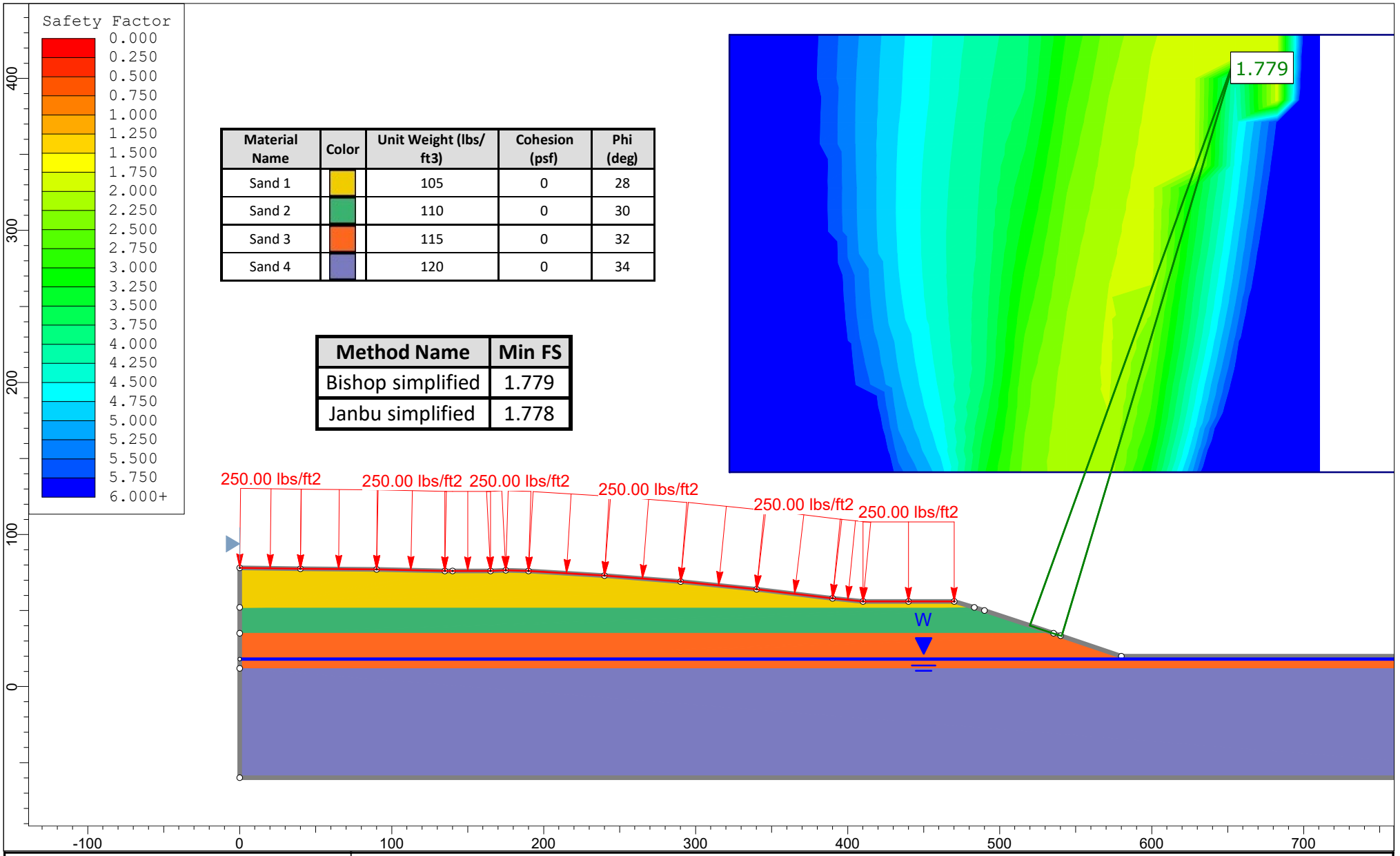
03/20/2025

PROFILES
WEST-EAST 01 & WEST-EAST 02
GRADING ALIGNMENTS

3J CONSULTING
CIVIL ENGINEERING | WATER RESOURCES | LAND USE PLANNING

APPENDIX C

SLOPE STABILITY CROSS SECTION

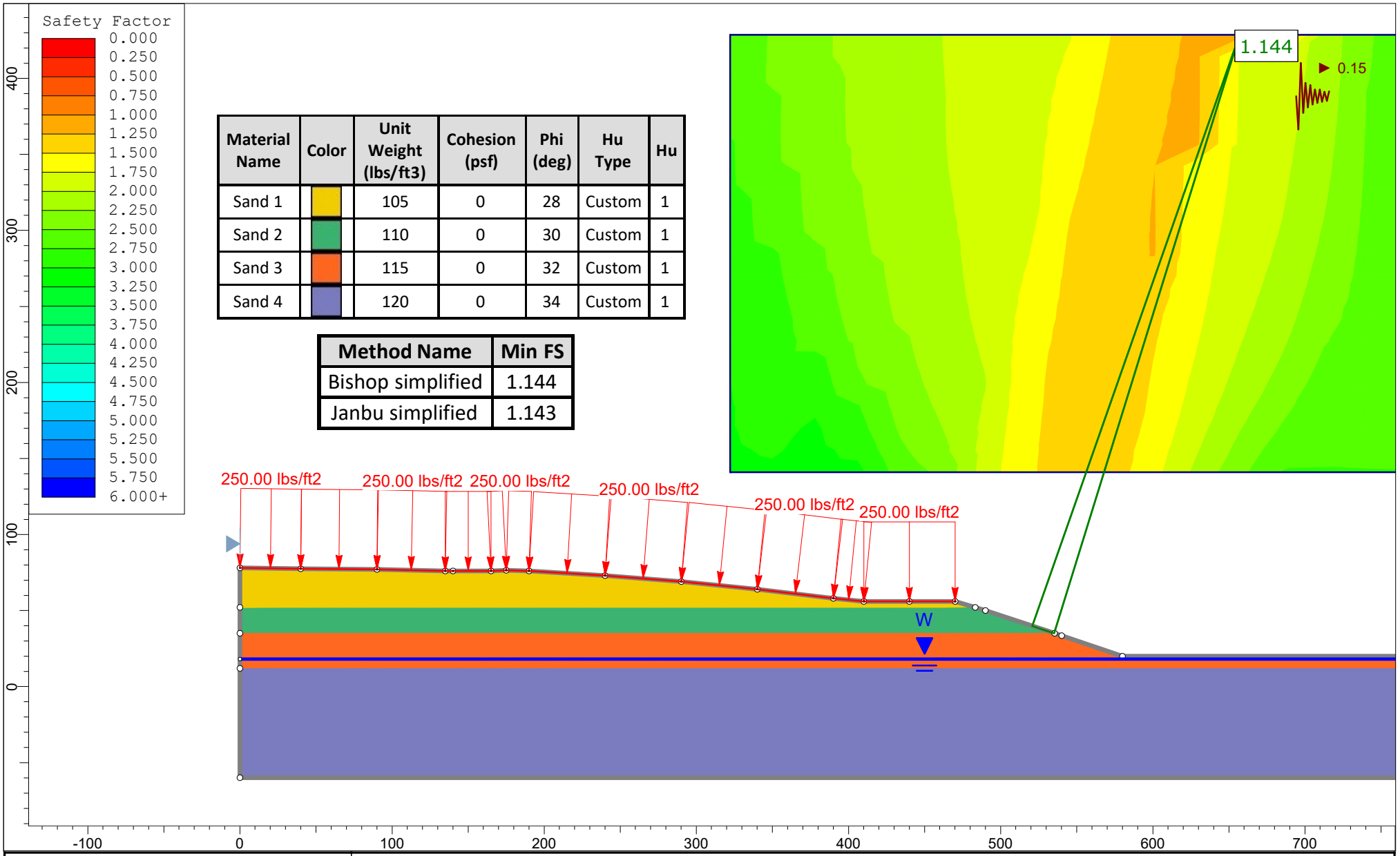


Material Name	Color	Unit Weight (lbs/ ft3)	Cohesion (psf)	Phi (deg)
Sand 1		105	0	28
Sand 2		110	0	30
Sand 3		115	0	32
Sand 4		120	0	34

Method Name	Min FS
Bishop simplified	1.779
Janbu simplified	1.778

intertek psi

Project	07041568- Fort Pointe Residential Development Warrenton		
Group	West-East-01	Scenario	ST and LT
Drawn By	NP	Company	Intertek PSI
Date		File Name	WEST-EAST 01.slmd

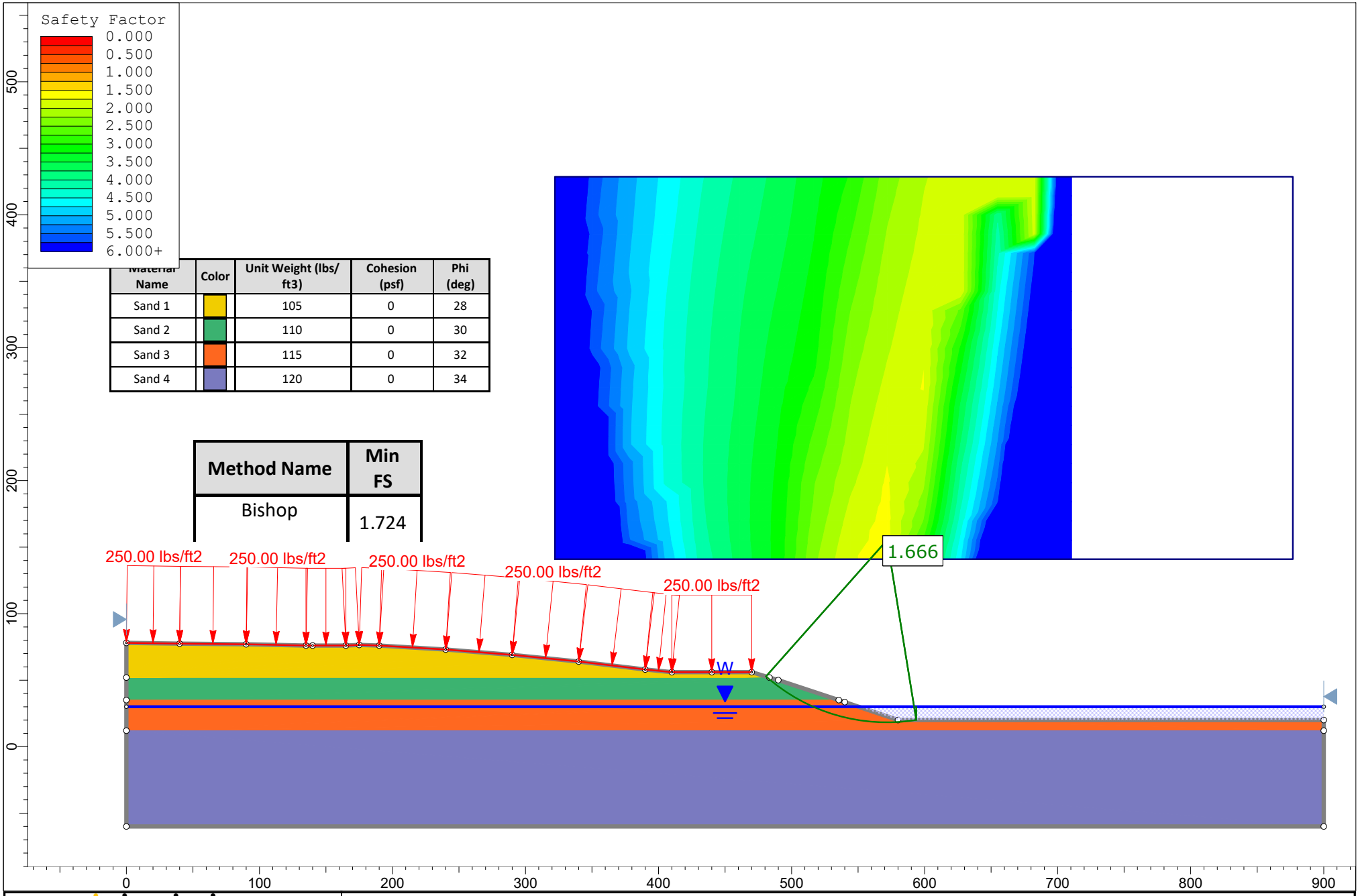


Material Name	Color	Unit Weight (lbs/ft3)	Cohesion (psf)	Phi (deg)	Hu Type	Hu
Sand 1		105	0	28	Custom	1
Sand 2		110	0	30	Custom	1
Sand 3		115	0	32	Custom	1
Sand 4		120	0	34	Custom	1

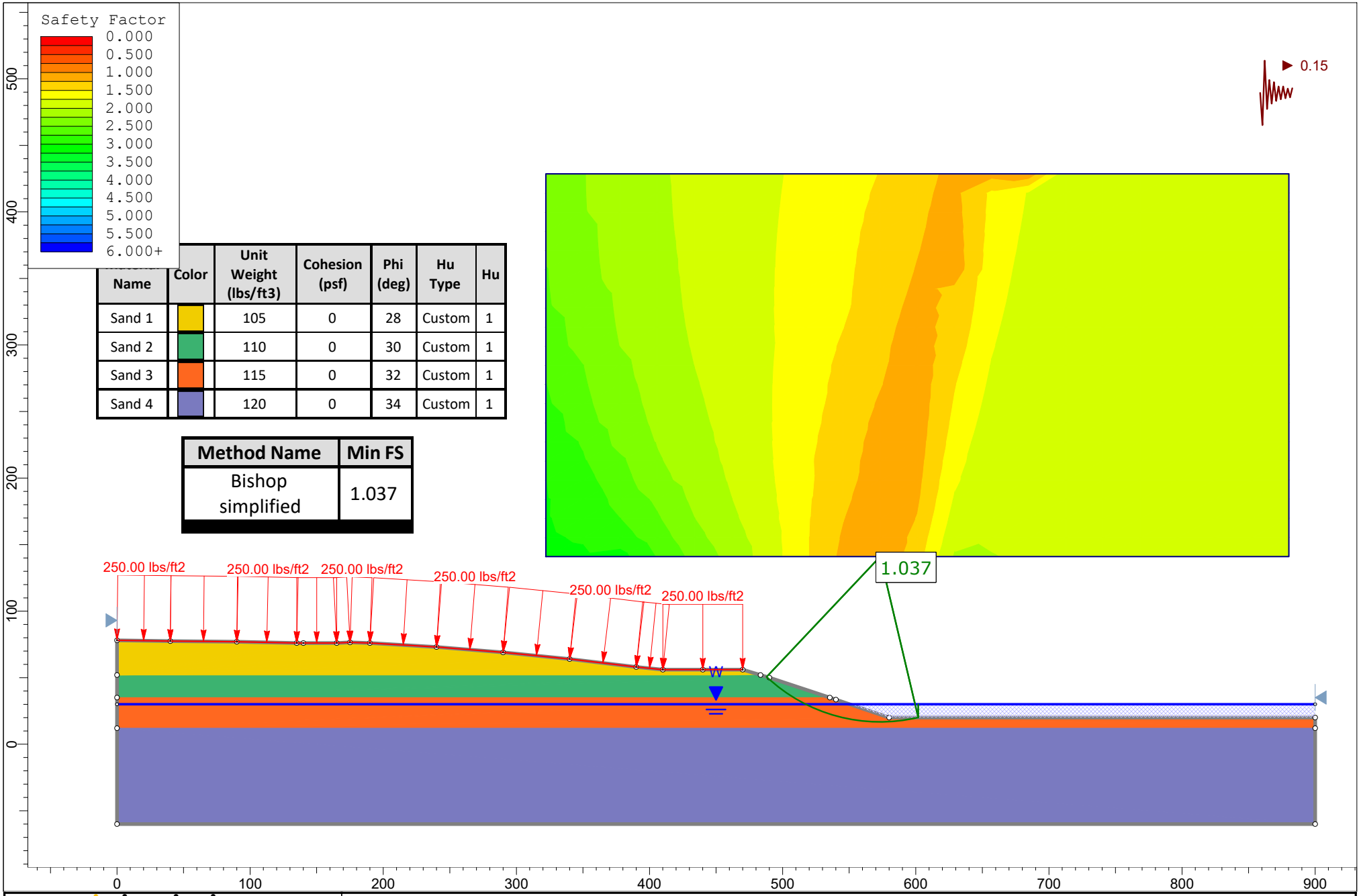
Method Name	Min FS
Bishop simplified	1.144
Janbu simplified	1.143

intertek psi

Project	07041568- Fort Pointe Residential Development Warrenton		
Group	West-East-01	Scenario	Pseudo Static
Drawn By	NP	Company	Intertek PSI
Date		File Name	WEST-EAST 01.slmd



intertek psi	07041568- Fort Pointe Residential Development Warrenton
	Slope Stability for Ground Water Elevation +30 feet
NP	



Name	Color	Unit Weight (lbs/ft3)	Cohesion (psf)	Phi (deg)	Hu Type	Hu
Sand 1		105	0	28	Custom	1
Sand 2		110	0	30	Custom	1
Sand 3		115	0	32	Custom	1
Sand 4		120	0	34	Custom	1

Method Name	Min FS
Bishop simplified	1.037

intertek psi

07041568- Fort Pointe Residential Development Warrenton

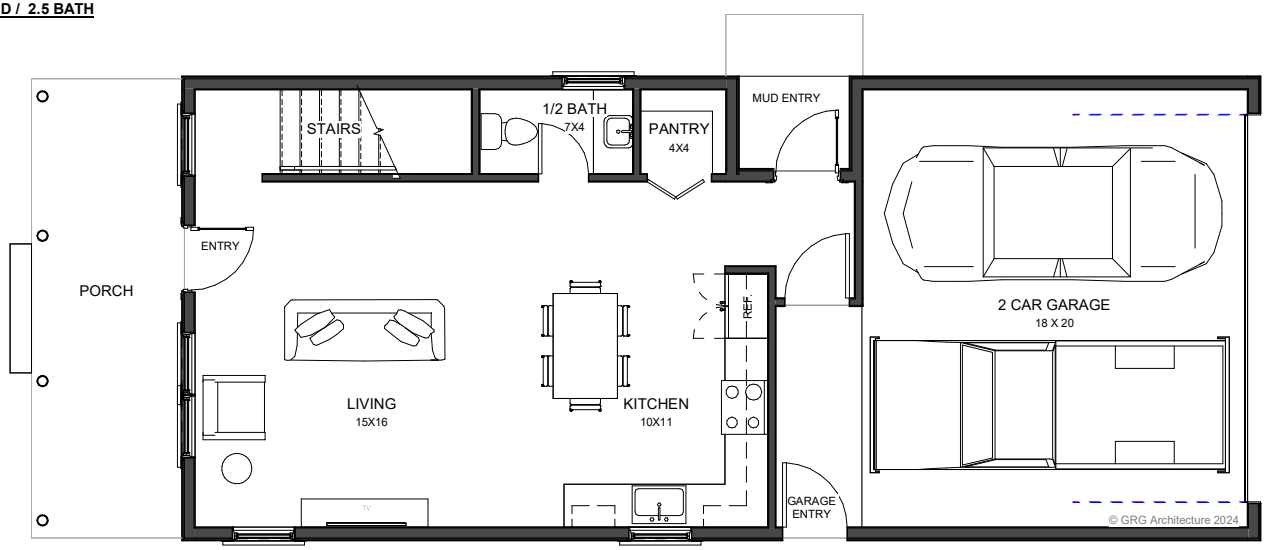
Slope Stability for Ground Water Elevation +30 feet

NP

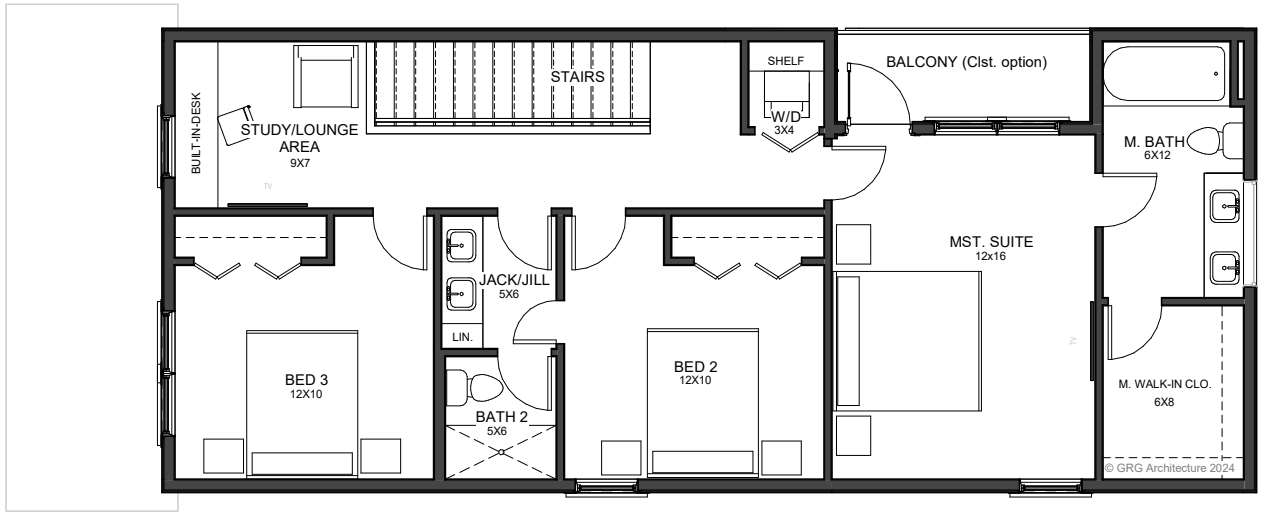
26 SEPT. 2024

REV 03 - UNIT A - 3 BED / 2.5 BATH
TOTAL SF - 1,586

FORT POINTE - BTR
Warrenton, Oregon



1 3 BED - Level 1 (605 SF)
NOT TO SCALE



2 3 BED - Level 2 (981 SF)
NOT TO SCALE

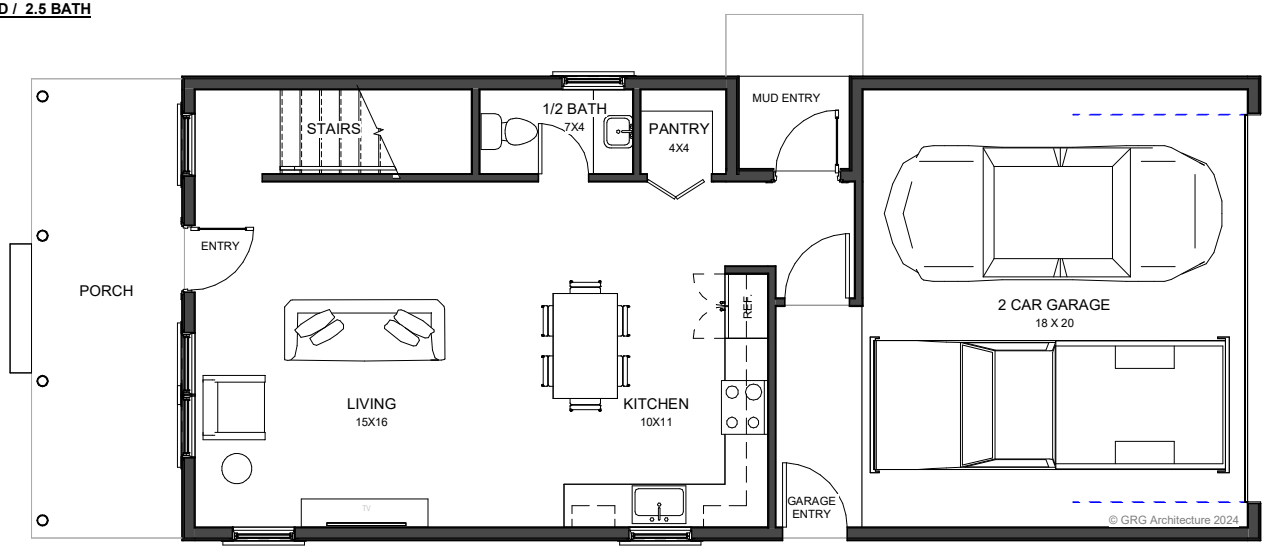
EDWARD A. GARZA, NCARB, AIA, LEED AP.
TX REG. #15906
SEPT. 26, 2024
NOT FOR REGULATORY APPROVAL, PERMITTING, OR CONSTRUCTION

GRG architecture

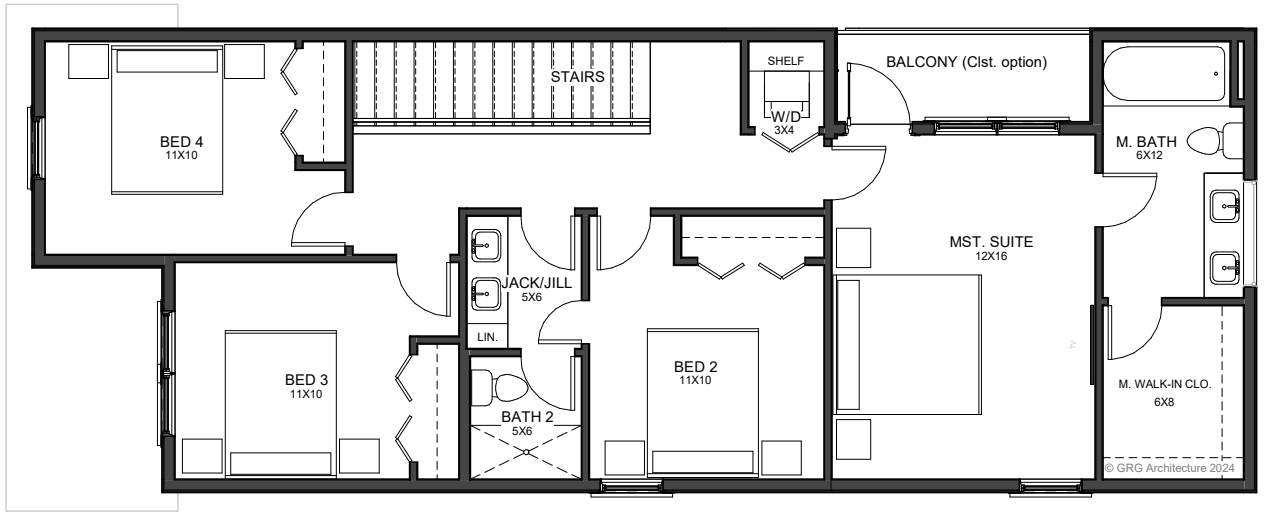
26 SEPT. 2024

Rev 03 - UNIT B - 4 BED / 2.5 BATH
TOTAL SF - 1,631

FORT POINTE - BTR
Warrenton, Oregon



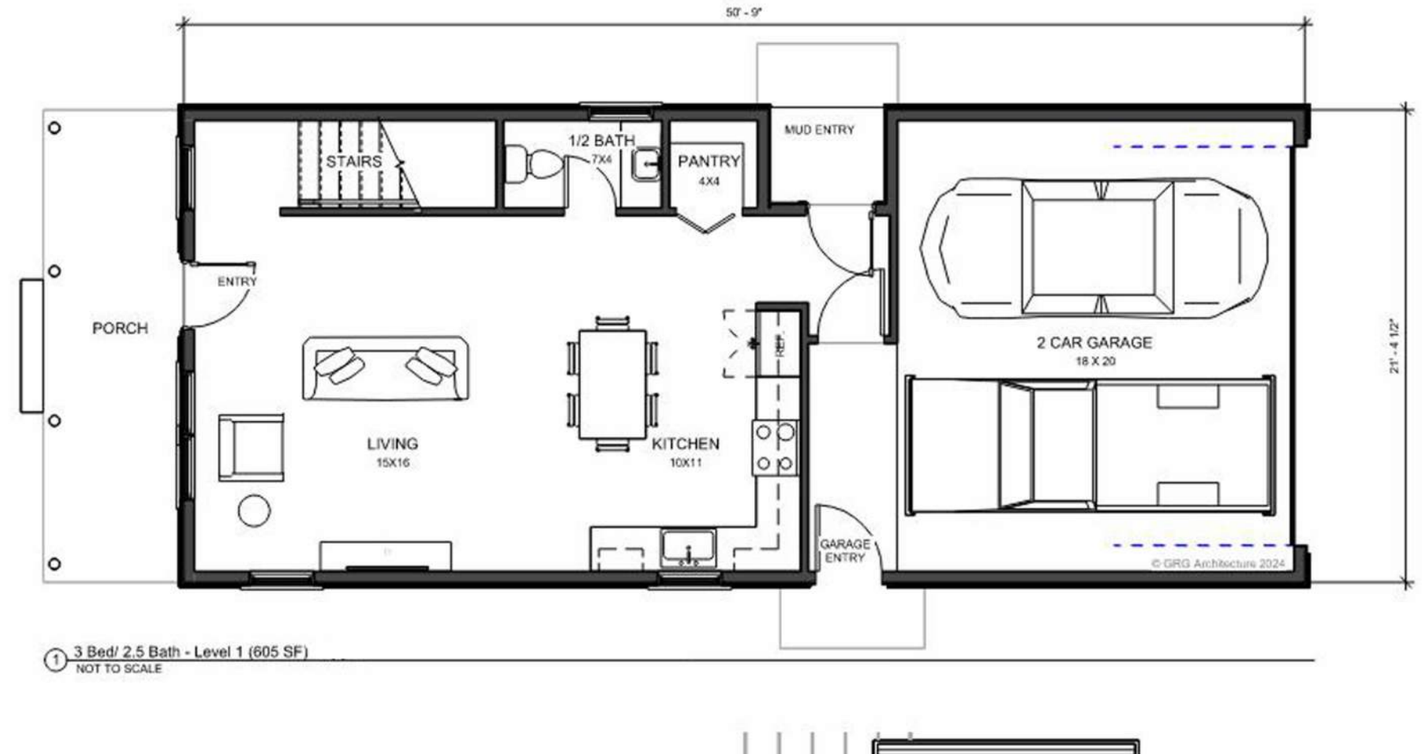
1 4 BED - Level 1 (605 SF)
NOT TO SCALE



2 4 BED - Level 2 (1,026 SF)
NOT TO SCALE

EDWARD A. GARZA, NCARB, AIA, LEED AP.
TX REG. #15906
SEPT. 26, 2024
NOT FOR REGULATORY APPROVAL, PERMITTING, OR CONSTRUCTION

GRG architecture



1 3 Bed/ 2.5 Bath - Level 1 (605 SF)
NOT TO SCALE

2 3 Bed / 2.5 Bath - Level 2 (1,026 SF)
NOT TO SCALE

BTR - 3 Bedroom / 2.5 Bath

Fort Pointe - Warrenton, OR.

30 Sept. 2024

GRG architecture

Common Green Space - View 1

Common Green Space - View 2

BTR - 3 Bedroom / 2.5 Bath

Fort Pointe - Warrenton, OR.

30 Sept. 2024

GRG architecture

Common Drive - View 3

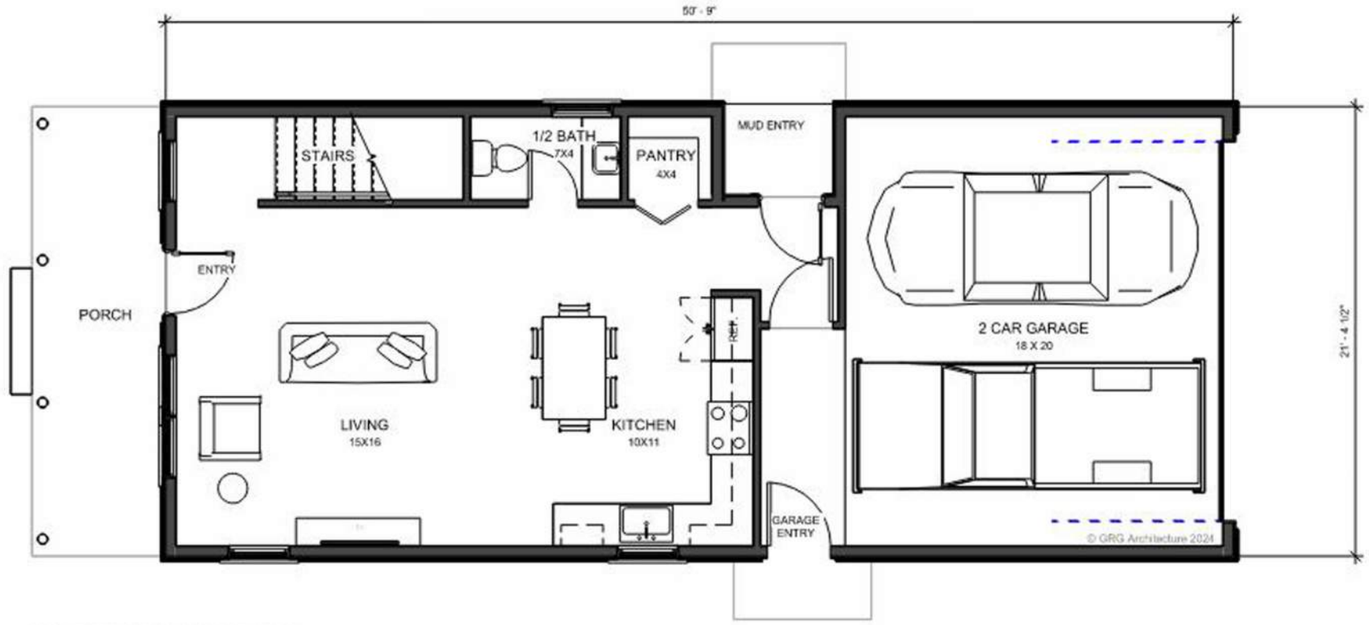
Common Drive - View 4

BTR - 3 Bedroom / 2.5 Bath

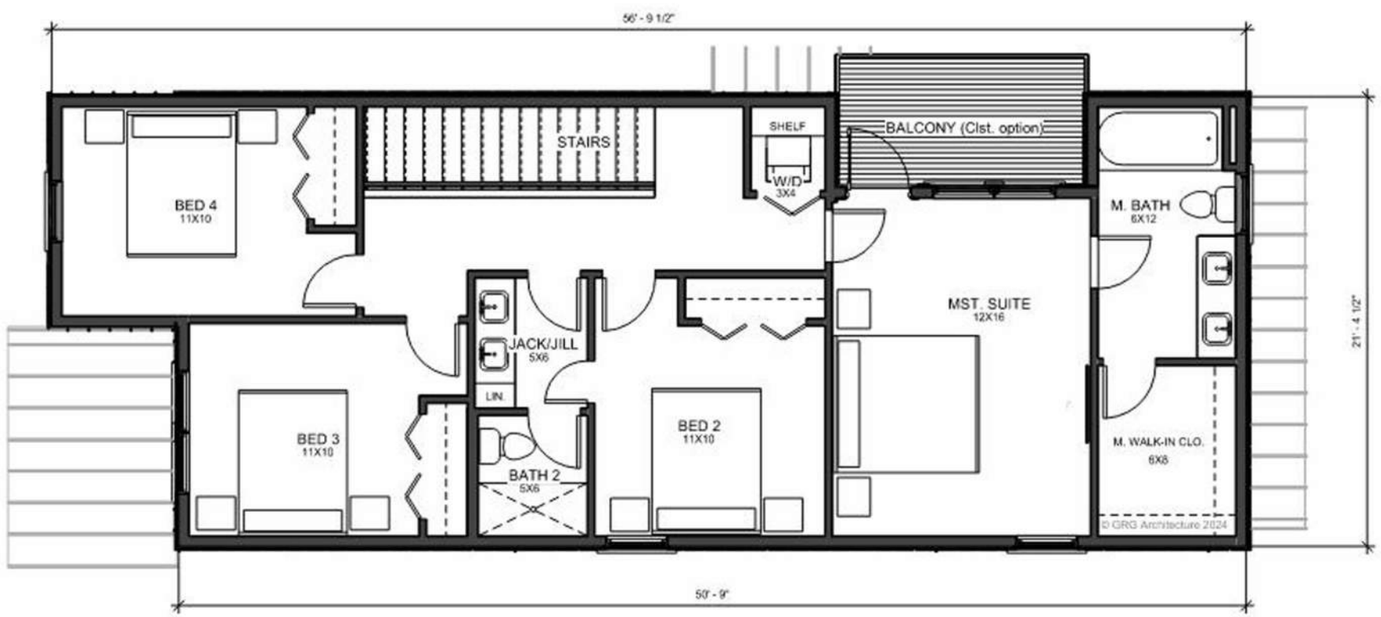
Fort Pointe - Warrenton, OR.

30 Sept. 2024

GRG architecture



1 4 Bed / 2.5 Bath - Level 1 (605 SF)
NOT TO SCALE



2 4 Bed / 2.5 Bath - Level 2 (1,026 SF)
NOT TO SCALE

BTR - 3 Bedroom / 2.5 Bath

Fort Pointe - Warrenton, OR.

30 Sept. 2024

GRG architecture

Common Green Space - View 1

Common Green Space - View 2

BTR - 4 Bedroom / 2.5 Bath

Fort Pointe - Warrenton, OR.

30 Sept. 2024

GRG architecture

Common Drive - View 3

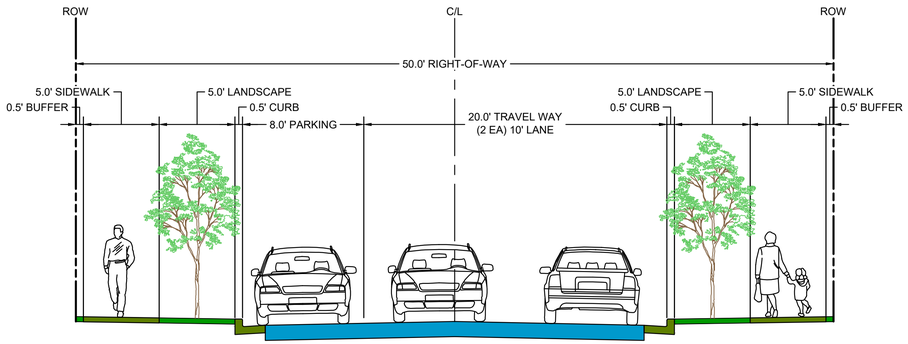
Common Drive - View 4

BTR - 4 Bedroom / 2.5 Bath

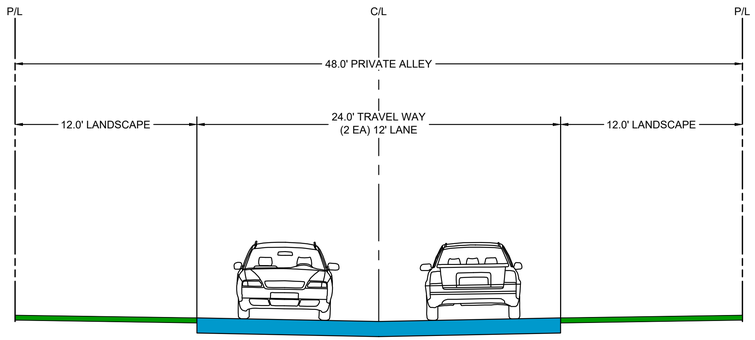
Fort Pointe - Warrenton, OR.

30 Sept. 2024

GRG architecture



PUBLIC ROAD
(LOCAL ROAD - ALTERNATIVE MINIMUM)



PRIVATE ALLEY

BUILDING SETBACKS	
FRONT (GARAGE)	15 FT
FRONT	20 FT
REAR	9 FT
SIDE	5 FT
SIDE (ABUTTING RIDGE RD)	10 FT

LEGEND

- EXISTING BOUNDARY
- EXISTING RIGHT OF WAY
- EXISTING CENTERLINE
- PROPOSED LOT LINE
- PROPOSED SETBACK LINE
- PROPOSED BUILDING LINE
- PROPOSED CENTERLINE
- PROPOSED CURB FACE
- PROPOSED CURB BACK
- PROPOSED LIP OF GUTTER
- PROPOSED CONCRETE
- PROPOSED ASPHALT
- PROPOSED STRIPING
- PROPOSED TOE OF SLOPE
- PHASE LINE

KOA CAMPGROUND
1100 NW RIDGE ROAD
TAX LOT 01301
MAP 8-10-17

EMERGENCY ACCESS

NW 11TH STREET

ROAD C

ROAD B

ROAD A

ROAD I

PRIVATE ALLEY D

PRIVATE ALLEY E

PRIVATE ALLEY F

PRIVATE ALLEY G

PRIVATE ALLEY H

PRIVATE ALLEY J

PHASE 1

PHASE 2

PROPOSED CROSSWALK

PROPOSED MULTI-USE PATH

RIDGE ROAD

N E S W

SCALE: 1" = 80'

0 80 160 FT

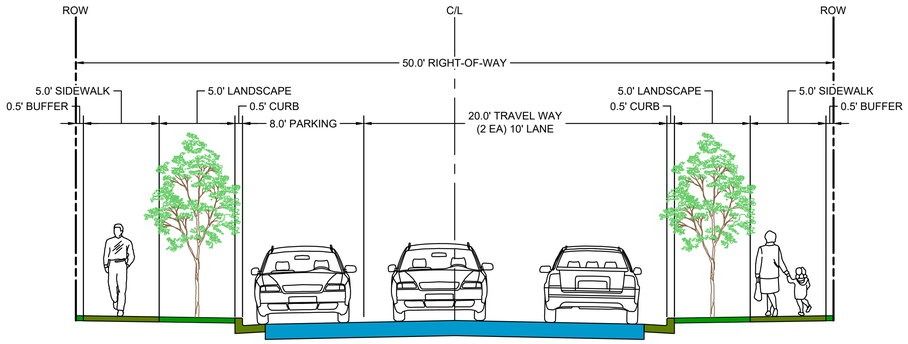
03/31/2025

FORT POINT MIXED USE

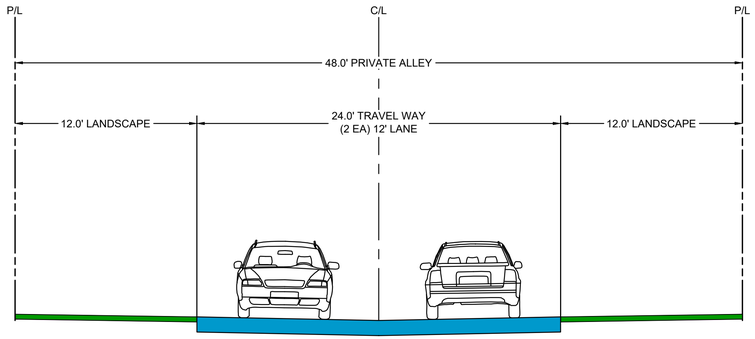
FORT POINT LAND PARTNERS, LLC

PHASE 1 & 2 - PRELIMINARY SITE PLAN I

3J CONSULTING
CIVIL ENGINEERING | WATER RESOURCES | LAND USE PLANNING



PUBLIC ROAD
(LOCAL ROAD - ALTERNATIVE MINIMUM)



PRIVATE ALLEY

BUILDING SETBACKS	
FRONT (GARAGE)	15 FT
FRONT	20 FT
REAR	9 FT
SIDE	5 FT
SIDE (ABUTTING RIDGE RD)	10 FT

LEGEND

- EXISTING BOUNDARY
- EXISTING RIGHT OF WAY
- EXISTING CENTERLINE
- PROPOSED LOT LINE
- PROPOSED SETBACK LINE
- PROPOSED BUILDING LINE
- PROPOSED CENTERLINE
- PROPOSED CURB FACE
- PROPOSED CURB BACK
- PROPOSED LIP OF GUTTER
- PROPOSED CONCRETE
- PROPOSED ASPHALT
- PROPOSED STRIPING
- PROPOSED TOE OF SLOPE
- PHASE LINE

PHASE 1
PHASE 2
PRIVATE ALLEY J
PRIVATE ALLEY K
ROAD B
ROAD A
ROAD I
PRIVATE ALLEY L
PRIVATE ALLEY M
ROAD N
ROAD B
PRIVATE ALLEY O
PRIVATE ALLEY P
PROPOSED MULTI-USE PATH
RIDGE ROAD

N E S W

SCALE: 1" = 80'
0 80 160 FT

03/31/2025

FORT POINT MIXED USE

FORT POINT LAND PARTNERS, LLC

PHASE 1 & 2 - PRELIMINARY SITE PLAN II

3J CONSULTING
CIVIL ENGINEERING | WATER RESOURCES | LAND USE PLANNING

LEGEND

EXISTING BOUNDARY	EXISTING MAJOR CONTOUR
EXISTING RIGHT OF WAY	EXISTING MINOR CONTOUR
EXISTING CENTERLINE	PROPOSED MAJOR CONTOUR
PROPOSED LOT LINE	PROPOSED MINOR CONTOUR
PROPOSED SETBACK LINE	PROPOSED CONCRETE
PROPOSED BUILDING LINE	PROPOSED ASPHALT
PROPOSED CENTERLINE	PROPOSED STRIPING
PROPOSED CURB FACE	PHASE LINE
PROPOSED CURB BACK	GRADE BREAK - RIDGE
PROPOSED LIP OF GUTTER	GRADE BREAK - VALLEY
SLOPE STABILITY SPECIAL CONSIDERATIONS NECESSARY	PROPOSED LIMITS OF DISTURBANCE

FOUNDATIONS PLACED NEAR THE EASTERN SLOPE CREST MUST BE DESIGNED WITH SPECIAL CONSIDERATION TO AVOID COMPROMISING SLOPE STABILITY. REFER TO LIMITED GEOTECHNICAL ENGINEERING REPORT R1 FROM INTERTEK PSI, DATED MARCH 28, 2025

KOA CAMPGROUND
1100 NW RIDGE ROAD
TAX LOT 01301
MAP 8-10-17

NW 11TH STREET

EMERGENCY ACCESS

ROAD C

ROAD B

ROAD A

ROAD I

PRIVATE ALLEY D

PRIVATE ALLEY E

PRIVATE ALLEY F

PRIVATE ALLEY G

PRIVATE ALLEY H

PRIVATE ALLEY J

PHASE 1

PHASE 2

RIDGE ROAD

N E S W

SCALE: 1" = 80'

0 80 160 FT

03/31/2025

FORT POINT MIXED USE

FORT POINT LAND PARTNERS, LLC

PHASE 1 & 2 - PRELIMINARY GRADING PLAN I

3J CONSULTING
CIVIL ENGINEERING | WATER RESOURCES | LAND USE PLANNING

LEGEND

EXISTING BOUNDARY	110 EXISTING MAJOR CONTOUR
EXISTING RIGHT OF WAY	108 EXISTING MINOR CONTOUR
EXISTING CENTERLINE	**110** PROPOSED MAJOR CONTOUR
PROPOSED LOT LINE	**108** PROPOSED MINOR CONTOUR
PROPOSED SETBACK LINE	PROPOSED CONCRETE
PROPOSED BUILDING LINE	PROPOSED ASPHALT
PROPOSED CENTERLINE	PROPOSED STRIPING
PROPOSED CURB FACE	PHASE LINE
PROPOSED CURB BACK	GRADE BREAK - RIDGE
PROPOSED LIP OF GUTTER	GRADE BREAK - VALLEY
SLOPE STABILITY SPECIAL CONSIDERATIONS NECESSARY	PROPOSED LIMITS OF DISTURBANCE

FOUNDATIONS PLACED NEAR THE EASTERN SLOPE CREST MUST BE DESIGNED WITH SPECIAL CONSIDERATION TO AVOID COMPROMISING SLOPE STABILITY. REFER TO LIMITED GEOTECHNICAL ENGINEERING REPORT R1 FROM INTERTEK PSI, DATED MARCH 28, 2025

PHASE 1
PHASE 2
PRIVATE ALLEY J
PRIVATE ALLEY K
ROAD B
ROAD A
PRIVATE ALLEY L
PRIVATE ALLEY M
ROAD N
PRIVATE ALLEY O
PRIVATE ALLEY P
ROAD I
RIDGE ROAD

N E S W

SCALE: 1" = 80'
0 80 160 FT

03/31/2025

FORT POINT MIXED USE

FORT POINT LAND PARTNERS, LLC

PHASE 1 & 2 - PRELIMINARY GRADING PLAN II

3J CONSULTING
CIVIL ENGINEERING | WATER RESOURCES | LAND USE PLANNING

LEGEND

- EXISTING BOUNDARY
- EXISTING RIGHT OF WAY
- EXISTING CENTERLINE
- EXISTING STORM PIPE
- EXISTING SANITARY PIPE
- EXISTING WATER MAIN
- PROPOSED LOT LINE
- PROPOSED SETBACK LINE
- PROPOSED BUILDING LINE
- PROPOSED CENTERLINE
- PROPOSED CURB FACE
- PROPOSED CURB BACK
- PROPOSED LIP OF GUTTER
- PROPOSED CONCRETE
- PROPOSED ASPHALT
- PROPOSED STRIPING
- PROPOSED TOE OF SLOPE
- PHASE LINE
- PROPOSED STORM PIPE
- PROPOSED SANITARY PIPE
- PROPOSED WATER MAIN
- PROPOSED STORM INLET
- PROPOSED STORM MANHOLE
- PROPOSED SEWER METER
- PROPOSED WATER METER
- PROPOSED HYDRANT
- PROPOSED BLOWOFF
- PROPOSED AIR RELEASE VALVE
- PROPOSED VALVE
- PROPOSED TEE

KOA CAMPGROUND
1100 NW RIDGE ROAD
TAX LOT 01301
MAP 8-10-17

NW 11TH STREET

EMERGENCY ACCESS

ROAD C

ROAD B

ROAD A

ROAD I

PRIVATE ALLEY D

PRIVATE ALLEY E

PRIVATE ALLEY F

PRIVATE ALLEY G

PRIVATE ALLEY H

PRIVATE ALLEY J

PHASE 1

PHASE 2

RIDGE ROAD

SCALE: 1" = 80'

0 80 160 FT

03/31/2025

FORT POINT MIXED USE

FORT POINT LAND PARTNERS, LLC

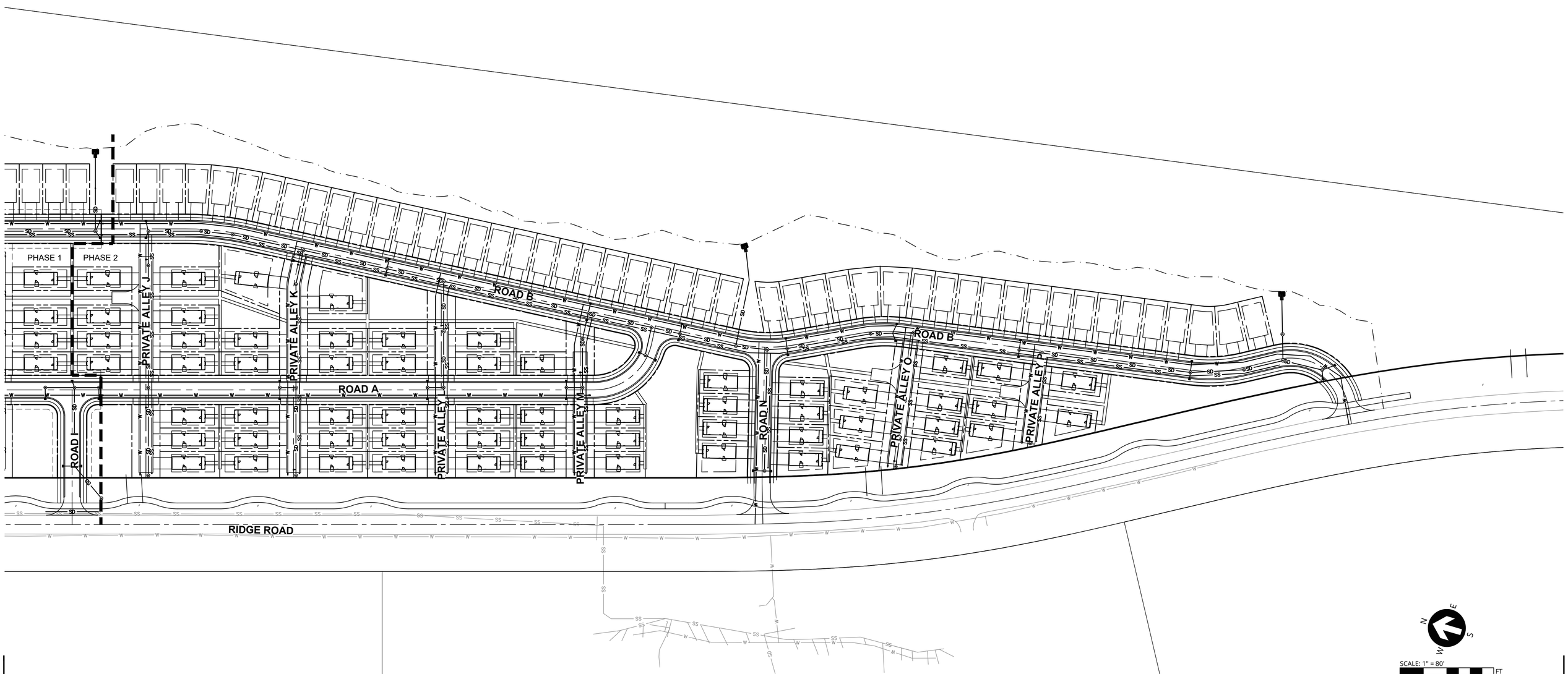
PHASE 1 & 2 - PRELIMINARY COMPOSITE UTILITY PLAN I

3J CONSULTING

CIVIL ENGINEERING | WATER RESOURCES | LAND USE PLANNING

LEGEND

EXISTING BOUNDARY	PROPOSED TOE OF SLOPE
EXISTING RIGHT OF WAY	PHASE LINE
EXISTING CENTERLINE	PROPOSED STORM PIPE
EXISTING STORM PIPE	PROPOSED SANITARY PIPE
EXISTING SANITARY PIPE	PROPOSED WATER MAIN
EXISTING WATER MAIN	PROPOSED STORM INLET
PROPOSED LOT LINE	PROPOSED STORM MANHOLE
PROPOSED SETBACK LINE	PROPOSED SEWER METER
PROPOSED BUILDING LINE	PROPOSED WATER METER
PROPOSED CENTERLINE	PROPOSED HYDRANT
PROPOSED CURB FACE	PROPOSED BLOWOFF
PROPOSED CURB BACK	PROPOSED AIR RELEASE VALVE
PROPOSED LIP OF GUTTER	PROPOSED VALVE
PROPOSED CONCRETE	PROPOSED TEE
PROPOSED ASPHALT	
PROPOSED STRIPING	



SCALE: 1" = 80'

0 80 160 FT

03/31/2025

FORT POINT MIXED USE

FORT POINT LAND PARTNERS, LLC

PHASE 1 & 2 - PRELIMINARY COMPOSITE UTILITY PLAN II

3J CONSULTING

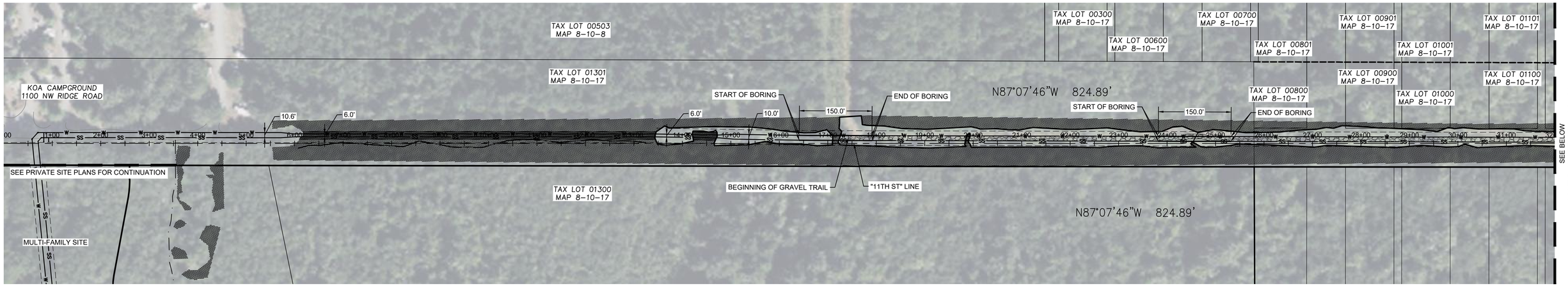
CIVIL ENGINEERING | WATER RESOURCES | LAND USE PLANNING

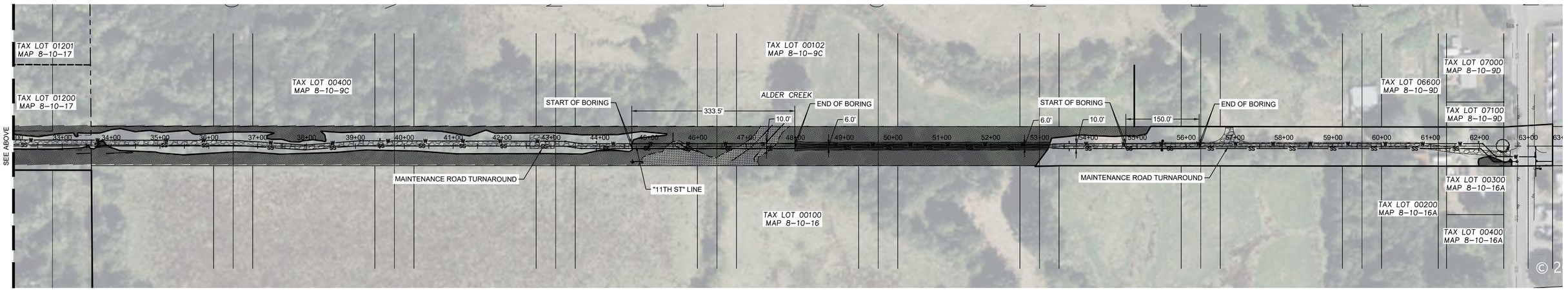
LOGISTICS

HATCH	16' CORRIDOR	PROJECT TOTAL
	BORING	783.5 LF x 2 EA = 1,567 LF
	TEMPORARY WETLAND IMPACTS	21,225 SQFT
	PERMANENT WETLAND IMPACTS	375 SQFT

LEGEND

- EXISTING BOUNDARY
- EXISTING RIGHT OF WAY
- EXISTING CENTERLINE
- EXISTING MAJOR CONTOUR (110)
- EXISTING MINOR CONTOUR (108)
- EXISTING STORM PIPE (SD)
- EXISTING SANITARY PIPE (SS)
- EXISTING WATER MAIN (W)
- EXISTING EDGE OF WATER (EW)
- EXISTING CULVERT
- EXISTING STREAM
- EXISTING WETLANDS
- PROPOSED TEMPORARY WETLAND IMPACTS
- PROPOSED PERMANENT WETLAND IMPACTS
- PROPOSED GRAVEL
- PROPOSED UTILITY EASEMENT
- PROPOSED BORING
- PROPOSED SANITARY PIPE (SS)
- PROPOSED WATER MAIN (W)
- PROPOSED PIPE BEND
- PROPOSED AIR RELEASE VALVE
- PROPOSED VALVE
- PROPOSED TEE
- PROPOSED SEWER MANHOLE





N
W E
S

SCALE: 1" = 100'
0 100 200 FT

03/31/2025

FORT POINT MIXED USE

FORT POINT LAND PARTNERS, LLC

11TH STREET COMPOSITE UTILITY PLAN

3J CONSULTING
CIVIL ENGINEERING | WATER RESOURCES | LAND USE PLANNING

PLANT LIST

SYMBOL	BOTANICAL NAME	COMMON NAME	QUANTITY (PHASE 1)	SIZE	HEIGHT	SPREAD
	ZELKOVA SERRATA 'VILLAGE GREEN'	'VILLAGE GREEN' ZELKOVA	174	2 ½" CAL	50'	40'
	GLEDITSIA TRIACANTHOS 'CHRISTIE'	'HALKA' HONEYLOCUST	173	2 ½" CAL	55'	40'
	CAREX MORROWII 'ICE DANCE'	'ICE DANCE' JAPANESE SEDGE	368	1 GAL	1.5'	2'
	SPIRAEA BUMALDA 'GOLD FLAME'	'GOLD FLAME' SPIREA	86	2 GAL	4'	4'
	RIBES SANGUINEUM	RED FLOWERING CURRANT	74	2 GAL	6'	5'
	PIERIS JAPONICA 'MOUNTAIN FIRE'	'MOUNTAIN FIRE' ANDROMEDA	74	3 GAL	5'	5'

LEGEND

- EXISTING BOUNDARY
- EXISTING RIGHT OF WAY
- EXISTING CENTERLINE
- PROPOSED LOT LINE
- PROPOSED SETBACK LINE
- PROPOSED BUILDING LINE
- PROPOSED CENTERLINE
- PROPOSED CURB FACE
- PROPOSED CURB BACK
- PROPOSED LIP OF GUTTER
- PROPOSED CONCRETE
- PROPOSED ASPHALT
- PROPOSED STRIPING
- PROPOSED TOE OF SLOPE
- PHASE LINE
- PROPOSED SILT FENCE
- PROPOSED VEGETATION

KOA CAMPGROUND
1100 NW RIDGE ROAD
TAX LOT 01301
MAP 8-10-17

NW 11TH STREET

EMERGENCY ACCESS

ROAD C

ROAD B

ROAD A

ROAD I

PRIVATE ALLEY D

PRIVATE ALLEY E

PRIVATE ALLEY F

PRIVATE ALLEY G

PRIVATE ALLEY H

PRIVATE ALLEY J

PHASE 1

PHASE 2

RIDGE ROAD

N E S W

SCALE: 1" = 80'

0 80 160 FT

03/31/2025

FORT POINT MIXED USE

FORT POINT LAND PARTNERS, LLC

PHASE 1 & 2 - PRELIMINARY LANDSCAPE PLAN I

3J CONSULTING

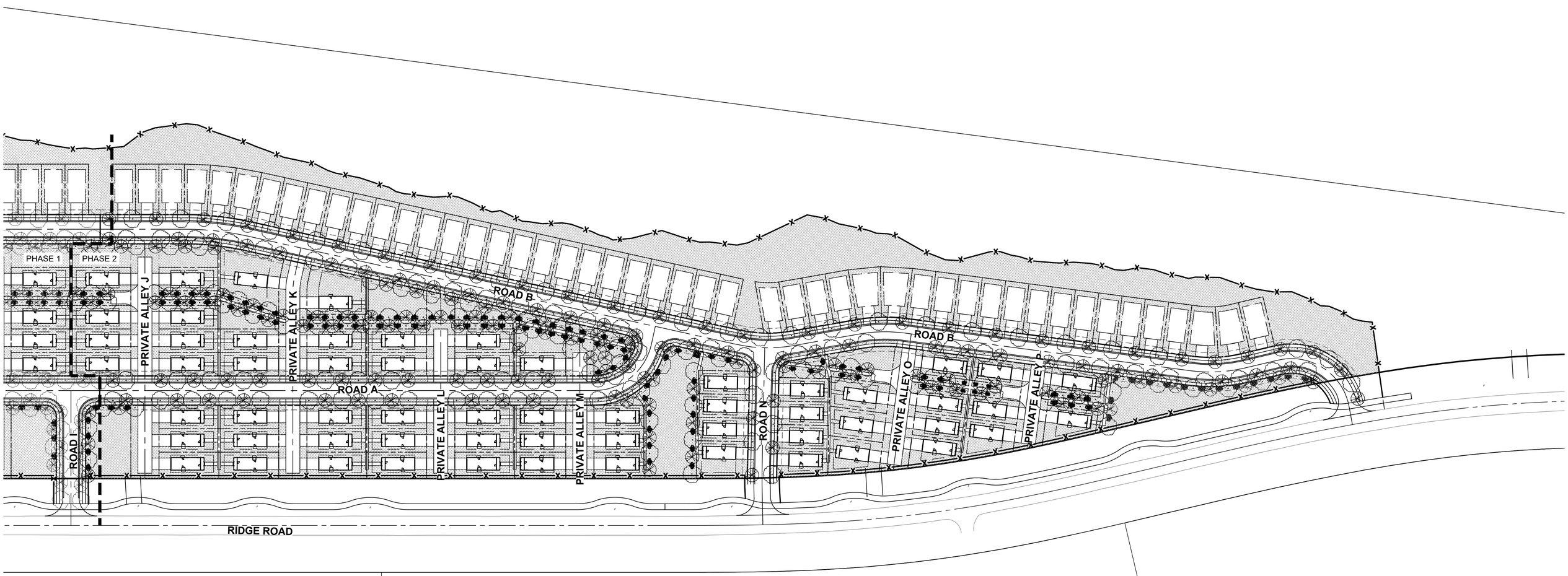
CIVIL ENGINEERING | WATER RESOURCES | LAND USE PLANNING

PLANT LIST

SYMBOL	BOTANICAL NAME	COMMON NAME	QUANTITY (PHASE 2)	SIZE	HEIGHT	SPREAD
	ZELKOVA SERRATA 'VILLAGE GREEN'	'VILLAGE GREEN' ZELKOVA	180	2 ½" CAL	50'	40'
	GLEDITSIA TRIACANTHOS 'CHRISTIE'	'HALKA' HONEYLOCUST	175	2 ½" CAL	55'	40'
	CAREX MORROWII 'ICE DANCE'	'ICE DANCE' JAPANESE SEDGE	575	1 GAL	1.5'	2'
	SPIRAEA BUMALDA 'GOLD FLAME'	'GOLD FLAME' SPIREA	128	2 GAL	4'	4'
	RIBES SANGUINEUM	RED FLOWERING CURRANT	116	2 GAL	6'	5'
	PIERIS JAPONICA 'MOUNTAIN FIRE'	'MOUNTAIN FIRE' ANDROMEDA	115	3 GAL	5'	5'

LEGEND

- EXISTING BOUNDARY
- EXISTING RIGHT OF WAY
- EXISTING CENTERLINE
- PROPOSED LOT LINE
- PROPOSED SETBACK LINE
- PROPOSED BUILDING LINE
- PROPOSED CENTERLINE
- PROPOSED CURB FACE
- PROPOSED CURB BACK
- PROPOSED LIP OF GUTTER
- PROPOSED CONCRETE
- PROPOSED ASPHALT
- PROPOSED STRIPING
- PROPOSED TOE OF SLOPE
- PHASE LINE
- PROPOSED SILT FENCE
- PROPOSED VEGETATION



N E S W

SCALE: 1" = 80'

0 80 160 FT

03/31/2025

FORT POINT MIXED USE

FORT POINT LAND PARTNERS, LLC

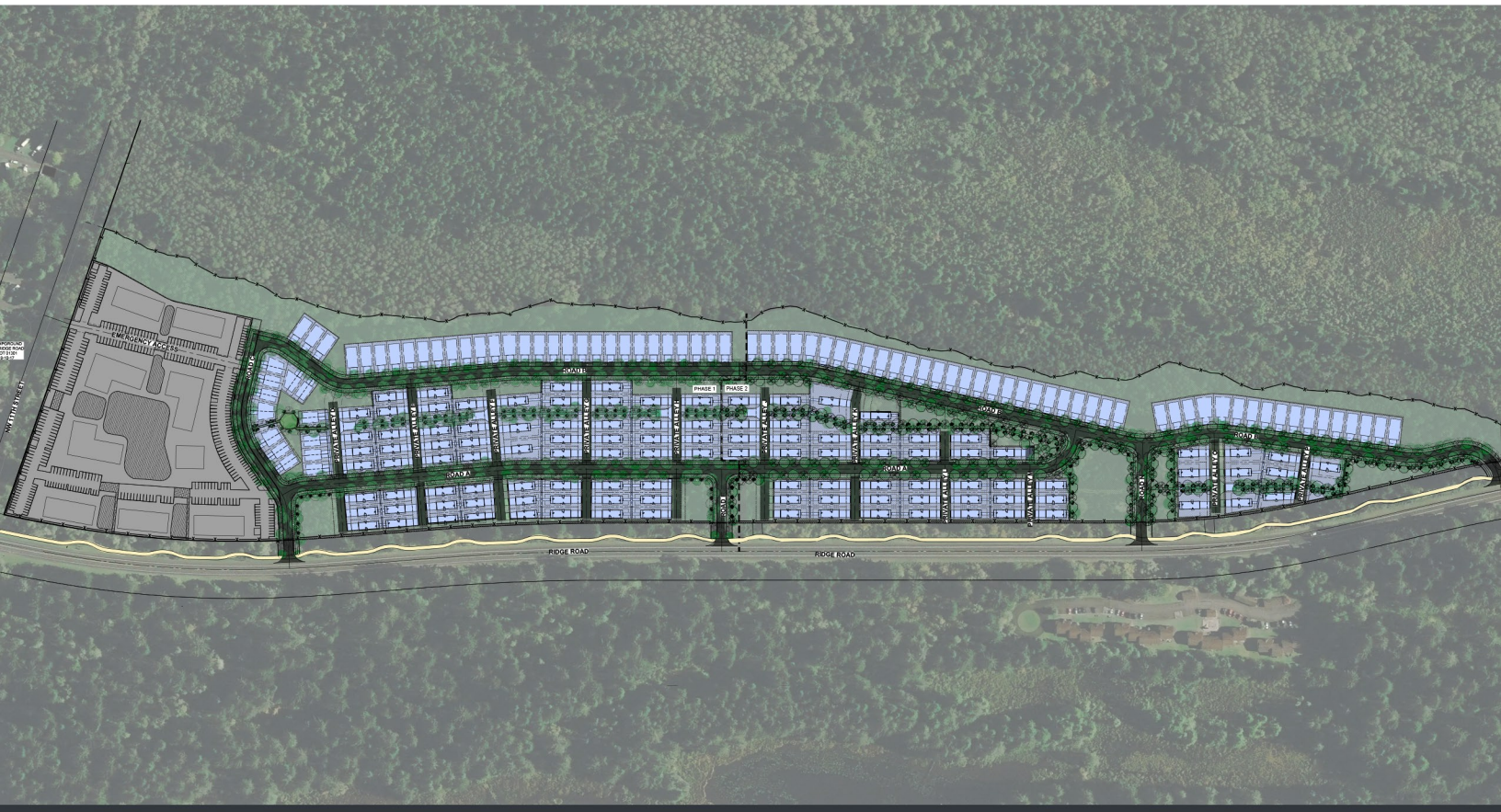
PHASE 1 & 2 - PRELIMINARY LANDSCAPE PLAN II

3J CONSULTING

CIVIL ENGINEERING | WATER RESOURCES | LAND USE PLANNING

3J CONSULTING

CIVIL ENGINEERING | WATER RESOURCES | COMMUNITY PLANNING



FORT POINT FINAL DEVELOPMENT PLAN

WARRENTON, OREGON

APPLICANT

FORT POINT LAND PARTNERS, LLC
1309 COFFEEN AVENUE, SUITE 7846
SHERIDAN, WY 82081

APPLICANT'S REPRESENTATIVE

3J CONSULTING, INC.
9600 NW NIMBUS AVENUE, SUITE 100
BEAVERTON, OR 97008
CONTACT: SAM HUCK, AICP
PHONE: (503) 946-9365 x251

APPLICATION TYPE

FINAL DEVELOPMENT PLAN

SUBMITTAL DATE

MARCH 31, 2025

Table of Contents

Appendices

GENERAL INFORMATION

Property Owner and Applicant:	**Fort Point Land Partners, LLC** 1309 Coffeen Avenue, Suite 7846 Sheridan, WY 82081 Contact: Josh Materne Phone: 469-275-8028 Email: josh@ideologymfo.com
Planning Consultant:	**3J Consulting, Inc.** 9600 SW Nimbus Avenue, Suite 100 Beaverton, OR 97008 Contact: Sam Huck, AICP Phone: 503-946-9365 x251 Email: sam.huck@3j-consulting.com

SITE INFORMATION

Parcel Number:	810170001300
Address:	No Situs Address
Gross Site Area:	76.8 acres
Zoning Designation:	Low Density Residential Zone (R-40), Intermediate Density Residential Zone (R-10), and Residential Growth Management Zone (RGM).
Existing Use:	Vacant
Surrounding Zoning:	The properties to the north and south are zoned Intermediate Density Residential Zone (R-10). The properties to the east are zoned Low Density Residential Zone (R-40), and Medium Density Residential (RM). The properties to the west are zoned Intermediate Density Residential Zone (R-10), and Open Space Institutional (OSI).
Street Classification:	Ridge Road is classified as a collector street.

INTRODUCTION

APPLICANT'S REQUEST

Fort Point Land Partners, LLC ("the Applicant") proposes a residential subdivision and seeks approval of a Final Development Plan Application. This narrative has been prepared to describe the proposed development and to document compliance with the relevant sections of City of Warrenton's Development Code Chapters 16.208 and 16.224.

Final Development Plans are evaluated under the Type III decision process. The City of Warrenton Planning Commission will render the Type III decision after a public hearing on the application is held.

SITE DESCRIPTION/SURROUNDING LAND USE

The Fort Point Planned Unit Development (PUD) is proposed on a site east of NW Ridge Road and south of Peter Iredale Road in Warrenton, Oregon, specifically identified as tax lot 810170001300. An approved land partition divided the site into three parcels. Development will occur on two portions of the parent parcel, totaling 76.8 acres. Approximately 200 acres, comprising the majority of the parent parcel, is located east of the proposed development area and will remain undeveloped. The development area has frontage on and will take access from Ridge Road, which is classified as a collector road. The site features varying topography, which will be graded to slope west to east across the development area. Surrounding zoning primarily consists of residential and open space designations. Fort Stevens State Park is located directly west of the subject property.

PROPOSAL

The Applicant is proposing a Final Development Plan in accordance with the approved Preliminary Development Plan, as modified by files MC-23-3 and LP-24-3. Tax lot 810170001300 was approved for a three-lot partition under LP-24-3, which divided the parent parcel into three separate legal parcels. Final plats for these parcels will be submitted and approved in accordance with the conditions of approval outlined in MC-23-3 and LP-24-3.

The portion of land not proposed for development is identified as Parcel 1. The portion of land proposed for ownership and build-to-rent (BTR) homes is identified as Parcel 2. The portion of land proposed for multifamily development is identified as Parcel 3. The multifamily developer will submit a Site Design Review application and follow a separate development schedule from the ownership and build-to-rent portion. The ownership and build-to-rent homes will be constructed in phases over approximately 10 years.

This Final Development Plan application applies to the entire development area on Parcels 2 and 3 and addresses all conditions of approval for files MC-23-3 and LP-24-3, as outlined in this narrative and the attached appendices.

APPLICABLE CRITERIA

The following sections of the City of Warrenton Development Code have been extracted as they have been deemed to be applicable to the proposal. Following each **bold** applicable criteria or design standard, the Applicant has provided a series of draft findings. The intent of providing code and detailed responses and findings is to document, with absolute certainty, that the proposed development has satisfied the approval criteria for a Final Development Plan application.

Chapter 16.224. PLANNED UNIT DEVELOPMENTS
16.224.060 Procedure-Final Development Plan.

A. Within one year after preliminary approval or modified approval of a preliminary development plan or an IMP, the applicant shall, at the next regularly scheduled meeting, file with the Planning Commission a final plan for the entire development or, when submission in stages has been authorized, for the first unit of the development. The final plan shall conform in all major respects with the approved preliminary development plan or an IMP. The final plan shall include all information included in the preliminary plan, plus the following:

Finding: The Warrenton Planning Commission approved the preliminary subdivision and planned unit development plan for the Fort Point development (SUB-20-2) on January 14, 2021. The approval has been modified three times, first by MC-22-2, final and effective on February 14, 2023, second by MC-23-3, final and effective on October 11, 2023, and third by MC-24-3, final and effective on October 8, 2024. This application is being submitted within one year from the most recent modification. This standard is met.

1. Contour map of the site showing at least two-foot contour intervals.

Finding: The Preliminary Grading Plan showing contour intervals is submitted with this narrative in Appendix C. This criterion is met.

2. Grading plan for the site showing future contours if existing grade is to be changed more than two feet.

Finding: The Preliminary Grading Plan showing future contours is submitted with this narrative in Appendix C. This criterion is met.

3. Existing and proposed utility lines (storm and sanitary sewer, gas, etc.).

Finding: The existing and proposed utility lines are demonstrated on the Preliminary Utility Plan provided in Appendix C. This criterion is met.

4. Preliminary subdivision plat meeting the requirements of Section 16.216.040 if property is to be subdivided.

Finding: The preliminary subdivision plat is submitted with this application on the Preliminary Site Plan provided in Appendix C. This criterion is met.

5. **Location and dimensions of pedestrian ways, roads, malls, common open spaces, recreation areas and parks.**

Finding: The location and dimensions of pedestrian ways, roads, common open spaces, and recreation areas is submitted with this application on the Preliminary Site Plan provided in Appendix C. This criterion is met.

6. **Location, dimensions and arrangement of automobile off-street parking spaces including width of aisles, spaces and other design criteria.**

Finding: The location, dimensions and arrangement of automobile off-street parking spaces including width of aisles, spaces and other design criteria is submitted with this application on the Preliminary Site Plan provided in Appendix C. This criterion is met.

7. **Preliminary architectural plans and elevations of typical structures.**

Finding: Preliminary architectural plans and elevations of typical structures have been submitted with this application for the ownership and build-to-rent (BTR) portions of this development. The multifamily portion of the development will be reviewed through a Site Design Review application separate from this land use application, where architectural plans and elevations will be submitted for review of that portion. This standard is met.

8. **Preliminary planting and landscaping plan for the site.**

Finding: Preliminary planting and landscaping plans have been submitted with this application for the ownership and build-to-rent (BTR) portions of this development. The multifamily portion of the development will be reviewed through a Site Design Review application separate from this land use application, where landscaping plans will be submitted for review of that portion. This standard is met.

9. **The applicant shall also submit drafts of appropriate deed restrictions or protective covenants to provide for the maintenance of common areas and to assure that the objectives of the planned unit development shall be followed.**

Finding: Final plans are submitted with this application that contain all restrictions and covenants as required in the conditions of approval for files MC-23-3 and LP-24-3. The draft bylaws, guidelines, and covenants are provided with this application in Appendix B. This criterion is met.

B. Upon receipt of the final development plan, the Planning Commission shall examine such plan and determine whether it conforms to all applicable criteria and standards, and whether it conforms in all substantial respects to the previously-approved preliminary development plan or IMP; or the Commission shall require such changes in the proposed development or impose such conditions of approval as are in its judgment necessary to insure conformity to the applicable criteria and standards. In so doing, the Planning Commission may permit the applicant to revise the plan and resubmit it as a final development plan within 60 days.

Finding: The Applicant has submitted to the Planning Commission the development plans, a conditions of approval response memorandum, this narrative, and supporting appendices to demonstrate compliance with the previously-approved preliminary development plan. The Applicant understands and acknowledges that the Planning Commission will examine the plans to determine conformance with the preliminary approval and compliance with the conditions of approval. This criterion is met.

C. After final development plan approval by the Planning Commission, the planned development application will be sent to the City Commission for consideration and final approval. A Type III review procedure shall be used. If the PUD is a residential subdivision or institutional use allowed in the base zone, with no commercial, RV, or campground amenities, review by the City Commission is not required; however, final subdivision plat approval in accordance with Section 16.216.070 is required.

Finding: This application is for a residential subdivision that is allowed in the Low Density Residential Zone (R-40) and Intermediate Density Residential Zone (R-10) districts, therefore a review by the City Commission is not required. The Applicant understands and acknowledges that the final subdivision plat will need to be approved by the Warrenton Community Development Director prior to recording with Clatsop County, in accordance with Section 16.216.070. This standard is met.

16.224.070 Adherence to Approved Plan and Modification Thereof.

A. Grading permits and building permits in a planned unit development shall be issued only on the basis of the approved final development plan. Any changes in the approved plan shall be submitted to the Planning Commission for processing in accordance with Chapter 16.228. However, the Community Development Director may approve a grading and utility plan for the entire institutional site consistent with an approved institutional master plan.

Finding: The Applicant understands and acknowledges that grading and building permits required for development of the property will not be issued until this Final Development Plan application is approved. The Applicant understands that changes in the approved plan shall be submitted to the Planning Commission.

B. A performance bond may be required, in an amount to be determined by the Planning Commission, to ensure that a development proposal is completed as approved and within the agreed-upon time limits.

Finding: The Applicant understands and acknowledges that a performance bond may be required to ensure that the development proposal is completed as approved upon final subdivision plans and within the agreed-upon time limits.

C. An applicant is entitled to rely on land use regulations in effect on the date its preliminary development plan or IMP was initially submitted, pursuant to ORS 227.178(3), when seeking approval of a final development plan so long as the applicable preliminary development plan or IMP is in effect when the final development plan is submitted. At its option, an applicant may request that a final development plan be subject to the land use regulations in effect on the date its final development plan is initially submitted.

Finding: The Applicant understands and acknowledges that the land use regulations in effect on the date of the submitted preliminary development plan will be adhered to for this Final Development Plan application.

Chapter 16.208. TYPES OF APPLICATIONS AND REVIEW PROCEDURES
16.208.050. Type III Procedure (Quasi-Judicial).
[section text omitted for brevity]

Finding: The Applicant has satisfied all submittal requirements and understands and acknowledges the procedural requirements for this Final Development Plan application, which will be processed under the City of Warrenton's Type III procedures. These criteria are met.

SUMMARY AND CONCLUSION

Based upon the materials submitted herein, the Applicant respectfully requests approval from the City of Warrenton Planning Commission for this Final Development Plan application.

City Of Warrenton
Planning Department
Subdivision
WMC 16.216

OFFICE USE	
	FEE See Fee Schedule
	File# SUB -_____ - _____
	Date Received _____
	Receipt#_____

Subdivisions are plats which divide land into four or more parcels within a calendar year. A property owner or designated representative may initiate a request for a subdivision by filing an application with the Planning Department. In addition, the applicant shall provide any related plans, drawings, and/or information needed to provide background for the request.

Property

Address: No Situs Address

Tax Lot (s): 810170001300

Zone: R10 / R40 / RGM Flood Zone: X Wetlands: Yes

Phased Development: Yes / No Planned Unit Development (PUD): (Yes) / No

Applicant

Name (s): 3J Consulting, Inc. C/O Sam Huck

Phone: 503-946-9365 x251 E-Mail Address: sam.huck@3j-consulting.com

Mailing Address: 9600 SW Nimbus Ave. Suite 100, Beaverton, OR 97008

Applicant Signature(s): _____ Date: 4/1/25

Property Owner (if different from applicant)

Name (s): Fort Point Land Partners, LLC

Phone: Contact Applicant E-mail Address: Contact Applicant

Mailing Address: 1309 Coffeen Ave. Suite 1200, Sheridan, WY 82801

Owner's Signature: _____ Date: 4/1/25

I am a record owner of property (person(s) whose name is on the most recently-recorded deed), or contract purchaser with written permission from the record owner and am providing my signature as written authorization for the applicant to submit this application.

Project Description

Current Tax Lot Size: 76.8 acres (Parcel 2 and 3)

Proposed Lot Sizes:

Number of lots: 227 (excluding multifamily parcel)
Average lot size: 3,583 square feet (excluding multifamily parcel)
Smallest lot size: 1,500 square feet
Largest lot size: 7,393 square feet (excluding multifamily parcel)

Subdivision Criteria

Please provide written responses to each of the criteria below that clearly explain how your proposal meets each item. Attach a separate piece of paper if needed. Be as specific as possible. "Yes" and "No" responses are not sufficient.

WMC 16.216.050

1. The proposed preliminary plat complies with all of the applicable Development Code sections and other applicable City ordinances and regulations. At a minimum, the provisions of this chapter, and the applicable sections of Division 2 (Land Use Districts) and Division 3 (Design Standards) shall apply. Where a variance is necessary to receive preliminary plat approval, the application shall also comply with the relevant sections of Chapter 16.272, Variances.

The submitted narrative addresses the applicable Development Code sections for the Final Development Plan (Final PUD).

2. Housing Density. The subdivision meets the City's housing density standards of the applicable zoning district (Division 2).

The application is for a Final Development Plan. A preliminary subdivision and PUD plan, with the housing density determined, was approved for the Fort Point development by file #SUB-20-2 on January 14, 2021. The approval has been modified three times, by MC-22-2, MC-23-3, and MC-24-3. The proposed Final Development Plan is in accordance with the preliminary PUD approval.

3. The proposed plat name is not already recorded for another subdivision and satisfies the provisions of ORS Chapter 92.

The proposed plat name is not already recorded for another subdivision, and the final plat documents will be prepared in accordance with the requirements for plats as dictated by ORS Chapter 92.

4. The proposed streets, roads, sidewalks, bicycle lanes, pathways, utilities, and surface water management facilities meet City design standards and are laid out so as to conform or transition to the plats of subdivisions and maps of major partitions already approved for adjoining property as to width, general direction and in all other respects. A statement that

all proposed public improvements will be built to City construction standards and proposed dedications are identified on the preliminary plat.

The design of the subdivision is in conformance with the City standards, or a design exception will been requested and submitted to the city for review.

The multifamily portion of the development will be submitted and reviewed for compliance with this standard with a site design review application.

5. All proposed private common areas and improvements are identified on the preliminary plat.

All proposed common areas for the build-to-rent and ownership portions of the property are shown on the preliminary plans submitted with this applicaiton.

The common areas for the multifamily portion of the development will be submitted and reviewed with a site design review application.

6. All lots shall comply with the lot area, setback (existing structures), and dimensional requirements of the applicable land use district (Division 2), and the standards of Figure 16.120.020.J, Street Connectivity and Formation of Blocks.

Proposed lots and the dimensional requirements are included in the submittal materials as required by the preliminary PUD approval.

The multifamily portion of the development will be submitted and reviewed for compliance with this standard with a site design review application.

7. Each lot shall conform to the standards of Chapter 16.120, Access and Circulation.

Proposed lots meet the access and circulation requirements approved in the preliminary PUD.

The multifamily portion of the development will be submitted and reviewed for compliance with this standard with a site design review application.

8. Landscape or other screening may be required to maintain privacy for abutting uses. Applies only in commercial and industrial zoning districts.

Landscaping is shown in the preliminary plans provided with this application.

The multifamily portion of the development will be submitted and reviewed for compliance with this standard with a site design review application.

9. In conformance with the Uniform Fire Code, as amended, a minimum 20-foot width fire apparatus access drive shall be provided to serve all portions of a building that are located more than 150 feet from a public right-of-way or approved access drive.

Access to each lot is shown in the preliminary plans provided with this application.

The multifamily portion of the development will be submitted and reviewed for compliance with this standard with a site design review application.

10. Where a common drive is to be provided to serve more than one lot, a reciprocal easement which will ensure access and maintenance rights shall be recorded with the approved subdivision or partition plat.

Covenants establishing an HOA for the ownership portion of the property will ensure access and maintenance rights are kept, and an assigned corporation for the build-to-rent portion of the development will ensure access and maintenance rights are kept. The multifamily portion will ensure all access and maintenance is kept.

Preliminary Plat Submittal Checklist

Applicants shall submit all of the following items on a site plan along with the application form. The site plan shall contain the following information:

☐ Date, north arrow, and scale of drawing.

☐ Location of the development sufficient to define its location in the City, boundaries, and a legal description of the site.

☐ Names, addresses and telephone numbers of the owners, designer, and engineer or surveyor if any, and the date of the survey

☐ Identify the drawing as a preliminary plat.

☐ 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.

☐ Easements. Width, location and purpose of all existing easements of record on and abutting the site.

☐ 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.

☐ 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.

☐ The location and elevation of the closest benchmark(s) within or adjacent to the site (i.e., for surveying purposes).

☐ Potential natural hazard areas, including floodplain, landslide areas, and areas having a high erosion potential.

☐ 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.

☐ Site features, including existing structures, pavement, drainage ways, canals and ditches.

☐ Designated historic and cultural resources on the site and adjacent parcels or lots.

☐ North arrow, scale, name and address of owner.

☐ Name and address of surveyor or engineer.

☐ 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.

☐ 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.

☐ Easements. Location, width and purpose of all easements.

☐ 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.

☐ 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.

☐ 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.).

☐ The proposed source of domestic water.

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

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

☐ 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).

☐ 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.

☐ 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.

☐ Evidence of contact with Oregon Department of Transportation (ODOT) for any development requiring access to a highway under the state's jurisdiction.

☐ 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.

This application will not be officially accepted until department staff have determined that the application is completely filled out, signed, the application fee has been paid, and the submittal requirements have been met.

DEVELOPMENT AGREEMENT FOR SEWER LINE IMROVEMENTS

THIS DEVELOPMENT AGREEMENT FOR SEWER LINE IMPROVEMENTS is made and entered into by and among (**i**) the **CITY OF WARRENTON**, an Oregon municipal corporation (the "***City***"); (**ii**) **FORT POINT LAND PARTNERS**, a Wyoming limited liability company ("***Developer***"); and (**iii**) **3PO Networks LLC,** an Oregon limited liability company (the "***Operator***"; and together with the City and the Developer, sometimes referred to collectively herein as the "***Parties***"; and/or each individually as a "***Party***"), effective as of March 11, 2025 (the "***Effective Date***").

RECITALS:

WHEREAS, Developer proposed to construct a sewer line along 11th Street between Ridge Road and NW Warrenton Drive (the "***Project***"), as described in the attached **EXHIBIT "A"** (the "***Improvements***");

WHEREAS, as part of the Project, Developer will construct the Improvements on property within the City, the location and nature of which is further described in the attached **EXHIBIT "B"** ("***Property***");

WHEREAS, upon construction and acceptance thereof, the Improvements will become subject to the control and ownership of Operator and must therefore conform to the City's public improvement standards consistent with the City's current Public Works Design Standards;

WHEREAS, the Developer has agreed to upsize the sewer line to a 10" line per agreement and City has agreed to provide additional funding of $250,000 in recognition of this contribution; and

WHEREAS, Developer, Operator and City wish to establish an agreement setting forth the terms under which the Improvements will be constructed, the funding mechanisms, ownership and chain of conveyance of the same.

NOW THEREFORE, the Developer, the Operator, and the City agree to the following conditions for completion of this Project and acknowledge that the recitals are incorporated by reference herein.

AGREEMENT:

1. **Permit to Construct**. Developer shall request that City issue Developer any permits necessary to allow Developer to construct the Improvements subject to this Agreement's terms and conditions and any other applicable laws and regulations (together, collectively, the "***Permits***"). City shall review the permit application(s) and issue the Permit(s) if the application complies with the foregoing. The permit(s) shall specify the Improvements' type and extent and the period within which said Improvements shall be completed. Developer agrees to comply with all permit requirements in addition to the terms and obligations described in this Agreement and all Exhibits incorporated by reference in this Agreement.

2. **Cost**.

a. The total cost to complete the Improvements is estimated to be $1,200,000.00, as detailed in the improvement cost budget attached as **EXHIBIT "C"** incorporated herein by reference. This total Improvement budget is intended to guide efforts and discussions between the Developer and the City in managing and controlling overall Improvement Costs (defined below).

b. The City will reimburse Developer for all agreed to and approved costs, up to a maximum of $250,000.00, associated with planning, designing, and constructing the Improvements, to include but not be limited to, land use planning, surveying, engineering, landscape architecture, geotechnical, construction inspection, environmental, arborist, jurisdictional fees, bonding, and construction costs (collectively, the "***Improvement Costs***"), and make a one-time lump-sum payment of two hundred and fifty thousand dollars ($250,000.00) (the "***City Payment***"). Any costs incurred by the Developer in excess of the dollar value identified in this Section will be the responsibility of the Developer and shall be paid by the Developer. The City Payment will be made upon receipt of invoice from Developer.

c. If the City requests changes to the Improvements that increase the construction costs, or if the Developer and the City mutually agree on change orders that increase the construction costs, **EXHIBIT "C"** and Section 2b shall be adjusted and increased accordingly.

3. **Improvements; Ownership**. The Parties agree that the ownership of the Improvements shall be effected and conveyed as follows:

a. Upon the Developer's completion of the Improvements, the City shall inspect and, upon finding the Improvements to be in compliance with applicable laws, rules, and regulations, approve the same by issuing any and all final Permits required for the operation of the Improvements (the date on which such final Permit(s) is issued is the "***Initial Completion Date***").

b. Upon the Initial Completion Date, Developer shall transfer, sell, and convey the Improvements to Operator by virtue of a Bill of Sale or other written instrument, who shall thereafter own such Improvements for a period not to exceed three (3) years (such three (3) year period, the "***Operator Ownership Period***").

c. Upon the expiration of the Operator Ownership Period, the City will re-review and inspect the Improvements to ensure they still meet City standards, and upon approval by the City, the Improvements shall be transferred, sold, and conveyed to the City and thereafter will be subject to the control and ownership of the City. The Improvements will be delivered by Operator to the City free of any and all liens and encumbrances. Operator shall timely execute and record any deeds or other documents and take any other steps necessary to effectuate the intent of this Section 3. Until such time as the City owns the Improvements, the Improvements will be privately owned by the Operator and the only required connection to the Improvements will be for the Fort Point Development located on Ridge Road. Before City ownership of the Improvements, all maintenance and testing for the Improvements will be the responsibility of

the Developer.

4. **Timeframe**. Developer agrees that it shall complete, or cause to be completed, all Improvements within 18 months from the date on which all necessary Permits are issued by the City ("Expiration Date") sufficient for Developer to commence construction of the Improvements. However, upon written request of the Developer provided to the City prior to the Expiration Date, this Agreement may be extended for a period not to exceed an additional 12 months, in City's sole discretion.

5. **Sewer Line – Connection & Use**. Notwithstanding the foregoing, during the Operator Ownership Period, the Operator shall not connect any sewer collection system other than the permitted Fort Point Community. Furthermore, the Operator shall not generate or collect any revenue from the ownership or operation of the Improvements. By their execution of this Agreement, the Parties hereto acknowledge that the Project is ultimately intended to benefit a multi-unit residential development currently contemplated as being constructed by Developer on portions of that certain parcel of real property located adjacent to the Project's location and bearing Clatsop County Tax Assessor's identification number 810170001300 (collectively, and together with any and all (**i**) buildings, units, improvements, or other structures located thereon; and (**ii**) residents, occupants, tenants of the same, (the "***Fort Point Community***"), within which such Fort Point Community, Developer shall construct a privately-owned sanitary sewer collection network to service the buildings and units to be constructed thereon, and the occupants and residents thereof (collectively, the "***Private Sewer Network***"). The Project is therefore ultimately intended and required to: [**x**] collect any and all effluence, discharge, and other sanitary or wastewater products produced by or originating from the units, structures, residents, or dwellings located within the Fort Point Community (collectively, the "***Effluence***") via the Private Sewer Network; [**y**] transport such Effluence via the sewer line constructed as part of the Project to a connection point between the same and the City's existing sewer main and processing system (collectively, the "***City Network***") in the general area where 11th Street meets NW Warrenton Drive; and [**z**] permit the City to process, treat, and/or dispose of the Effluence upon the transportation thereof to the City Network (such processing, treatment and/or disposal, collectively, the "***City Processing Obligation***"). Upon the Initial Completion Date and continuing in perpetuity thereafter, the City agrees to comply with the City Processing Obligation, regardless of the ownership of the Private Sewer Network or of the Project, such that the Private Sewer Network shall at all times after the Initial Completion Date be serviced via the Improvements that are connected to the City Network, all components of which shall be capable of processing any and all Effluence requiring discharge from the Fort Point Community. The City hereby acknowledges and agrees that the Private Sewer Network shall remain privately-owned by either Developer or Operator (*or their permitted successors or assigns*), and shall not be subject to any future transfer, conveyance, or reversion of the same to the City at any time; provided, however, that despite the City's lack of such ownership of the Private Sewer Network, it will continue at all times to comply with the City Processing Obligation from and after the Initial Completion Date. In no event shall the City cease, delay, or limit the performance of the City Processing Obligation or otherwise undertake any actions that would result in the Fort Point Community and/or the Private Project Sewer Network not being fully operational and collecting all Effluence from the Fort Point Community and processing, treating, or disposing of the same as outlined above.

6. **Survey and Design**.

a. All surveying, engineering design and construction staking for the Improvements shall be performed under the supervision of a registered professional engineer and/or professional surveyor (as applicable) experienced with the type of construction involved in the Improvements. All expenses and fees incurred for such professional services shall be the responsibility of and be paid by Developer.

b. The designs for all Improvements shall incorporate all required elements of the then current Public Works Design Standards, development code, and applicable provisions of the City Design and Construction Standards. Improvements design shall conform to current approved policies, standard drawings and specifications as adopted and/or referenced by City. All plans and specifications submitted by or on behalf of Developer shall be subject to review by the City Engineer prior to construction of any element of the Improvements.

c. If an Improvement or any portion thereof lies within an area subject to the control of the state, county, railroad, utility and/or other agency (public or private), Developer must obtain appropriate plan approvals and written Permits from such agencies prior to commencement of any construction within those areas. Developer will obtain written acceptance from all such affected agencies prior to receipt of City's acceptance of the Improvement(s).

d. Design grades and alignment of proposed Improvements shall be extended to accurately show connections or potential connection to existing public facilities.

e. Developer's engineering, geotechnical, and/or environmental consultants shall furnish detailed reports and calculations pertinent to the design of the Improvements upon request by the City Engineer.

f. Prior to final acceptance of the Improvements, all lot and street monuments shall be set by an Oregon licensed surveyor. The City Engineer shall designate type and location of monuments to be set within public rights-of-way. Monuments at street intersections shall be set in recessed monument boxes. All work associated with survey monumentation shall be completed at Developer's expense. Likewise, all plats, easements and record of surveys must be recorded prior to final acceptance of the Improvements.

7. Construction Inspection.

a. City Engineer or a duly appointed representative shall perform an inspection for construction of the Improvements. The City will perform project inspection/observation, at a level deemed necessary by the City Engineer. All costs attributed to such services will be paid by Developer.

b. All inspection (engineering) costs including required testing of materials and systems shall be borne by and paid by Developer. Such engineering costs shall be representative of current prevailing professional fee schedules.

c. City will be provided the opportunity to inspect each segment of the Improvements as constructed as the City Engineer shall deem necessary so as to ensure that the Improvements meet City standards.

d. Developer shall give City Engineer 24 hours advance written or oral notice of completion of the various phases of the Improvements to allow the City the ability to timely inspect each completed phase. The City shall begin all necessary inspections within the standard inspection time frame of the city after said notice.

e. City Engineer or designee shall be permitted to observe the work-in-progress of the Improvements on behalf of the City and shall have the authority to stop work when, in the exercise of his/her reasonable opinion, such action is necessary to ensure the public's interest in the safety or viability of the Improvements. The City Engineer shall have the authority to reject any work and/or materials which, in his/her reasonable opinion fail to conform to approved plans and specifications, regardless of whether City exercises all of its rights to perform inspections and observations under this Section.

f. City Engineer has the authority to require Developer to replace or repair any unsatisfactory or faulty items resulting from defects in materials or workmanship both during construction and during assurance periods specified in Section 9. All repairs and/or replacements shall be made at the sole cost and expense of Developer.

g. Developer shall pay all costs associated with construction inspection (observation), including contracted professional services (i.e., materials testing) furnished by City.

h. City will be provided the opportunity to observe/inspect the following minimum activities, as applicable and as determined by City:

i. Examine/review and approve all aggregate, concrete, A.C. and other materials, for use on the Improvements, to ensure their compliance with City standards.

ii. Review all plan or specification change requests, and approve in writing.

iii. Observe, monitor and inspect construction activities sufficient to ensure end products meet City specifications.

iv. Perform or have performed material, composition and other tests required to ensure City specifications are met.

v. Observe/inspect (as appropriate) all phases of construction activity, erosion and sedimentation control, and traffic control.

8. **Insurance**. Prior to commencement of any work on the Improvements, Developer shall furnish City with proof of liability insurance for the term covered by this Agreement in amounts of not less than $2,000,000 for injury to any person and not less than $2,000,000 for any occurrence together with insurance for property damage of not less than $2,000,000. City of Warrenton, its elected and appointed officials, its officers, agents, employees and volunteers shall be named as additional insured. Developer's insurer shall be required to give City at least 30 days prior written notice before canceling any of the required insurance coverage. Developer's insurer will add others, as named additional insureds, if so directed by City.

9. **Performance Security**.

a. Prior to commencing construction of the Improvements, Developer shall execute and deliver a Performance Bond to the City issued by a surety company authorized to do business in Oregon in an amount of not less than one hundred ten percent (110%) of the estimated cost to complete construction of the Improvements as described in Section 2(a) above.

b. Upon completion of the Improvements and prior to final acceptance by City after three (3) years, Developer shall submit to City, in a form acceptable to City, a one-year (post-construction) maintenance bond issued by a surety company authorized to do business in Oregon in an amount equal to forty percent (40%) of the actual construction cost of the Improvements or $25,000, whichever is greater. There will also be a certificate showing full testing of the sewer line meeting City requirements (no leaks, loss of pressure or other maintenance failures) by the Developer at time of final acceptance by City.

10. Warranties and Maintenance.

a. All components of the Improvements shall have a warranty for a period of not less than one (1) year against defects of material and workmanship. The warranty period for the applicable components of the Improvements shall not commence until the Improvements are accepted by the City (three (3) years after completion) and the maintenance bond is provided to the City.

b. During such warranty period, Developer shall make, at its own expense, all repairs or replacements to the Improvements as determined by the City Engineer. All subsequent repair or replacement work (performed after the original acceptance) shall be further guaranteed for a minimum one-year period from the acceptance date of any such repair or replacement.

c. City shall notify the surety company of any repairs or replacements. All subsequent repair or replacement work (performed after the original project acceptance) shall be further guaranteed for at least one (1) year from acceptance date of any such repair.

d. Developer shall make all repairs and replacements promptly upon receipt of written orders from City Engineer. If Developer fails to make the repairs and replacements promptly, the City may do the work and Developer and/or Developer's surety shall be liable for the cost thereof.

e. Developer shall obtain all necessary approvals for work in the City right of way.

11. Indemnification and Legal Standards.

a. Developer shall defend, indemnify, and hold harmless the City, its elected and appointed officials, employees, and agents from and against any and all claims, demands, suits, actions, proceedings, judgments, losses, damages, injuries, penalties, costs, expenses (including attorney's fees) and liabilities to the extent they are directly or indirectly resulting from the acts or omissions of Developer, or any of Developer's subcontractors, suppliers, employees, agents, or independent contractors in connection with the performance of this Agreement. The obligations of this indemnification shall survive the termination or expiration of this Agreement.

b. Developer's contractor(s) shall comply with U.S. Department of Labor Safety and Health Regulations for construction promulgated under the Occupational Safety and Health Act of 1970 (Public Law 91-596 and all subsequent amendments) and under Section 107 of the Contract Work Hours and Safety Standards Act (Public Law 91-54 and all subsequent amendments).

12. Obligations of Developer.

a. Developer's contractor and all subcontractors must be registered with the Oregon Construction

Contractors Board (consistent with ORS Chapter 701) and/or the Landscape Contractors Board (consistent with ORS Chapter 671) prior to commencing any work on the Improvements and Stormwater Pond. A copy of each registration shall be supplied to City upon request.

b. Developer shall comply with all applicable project conditions, requirements, rules, regulations and laws of the government of the United States, the State of Oregon, Marion County, City of Silverton, and/or other jurisdictional agencies having authority over the Improvements and Stormwater Pond.

c. Without limiting the foregoing, Developer and its contractor shall take all necessary precautions for the safety of employees on the project and shall comply with all applicable provisions of safety laws to prevent accidents from occurring or injury being sustained to workmen or others.

d. Developer shall provide and pay for all materials, labor, water, tools, equipment, lights, power, transportation and other facilities necessary for the execution and completion of the Improvements. All materials shall be of good quality and no materials shall be purchased subject to any financing statement filed pursuant to the Uniform Commercial Code or subject to a conditional sales contract or other agreement under which the seller retains an interest in the material.

e. Developer shall, upon completion of the Improvements, warrant good title to all materials used in the work, free from all liens, claims or encumbrances, and further, that there are no liens or encumbrances upon any of the Improvements of any nature. Such warranty shall be in the form of a written affidavit, signed by the Developer and provided to the City Engineer prior to accepting the Improvements.

f. Any and all Permits and licenses necessary for the prosecution of the work on the Improvements shall be obtained by and at the expense of the Developer. The Developer acknowledges that approval of the construction drawings by the City Engineer or Public Works for issuance of a construction permit does not relieve the Developer from obtaining any and all reviews and Permits required under the building, plumbing, or electrical codes, and any state or federal law.

13. <u>City Acceptance</u>.

a. As a part of the application for City acceptance of the Improvements, Developer shall furnish City original reproducible "as-built" plans/drawings of all Improvements and Stormwater Pond. As-built plans shall be submitted using City approved, electronically-stored format (ACAD and PDF).

b. As a part of the application for City acceptance of the Improvements, Developer shall submit to City an affidavit in a form satisfactory to City stating that all accounts for material, labor and other expenses incurred in connection with the construction of the Improvements have been paid in full. If City has reason to believe that any such account remains unpaid, it may require from Developer a lien waiver signed by a material-man, contractor or laborer.

c. If, after issuance of a Final Certificate of Acceptance by City, any sum remains unpaid which Developer has stated has been paid, then Developer shall pay to City all monies incurred by City in compelling payment of such account or the discharge of any lien, including all costs

including reasonable attorney's fees incurred in connection with such claim.

d. Developer shall submit application for completion to City Engineer, in writing. Upon receiving such application City Engineer shall, within 15 days, notify Developer of any work yet to be performed. When the Improvements have been completed to the satisfaction of City Engineer, Developer shall be issued a written Initial Certificate of Completion of the completed work. Three years from the date of the Initial Certificate of Completion, the City shall inspect the Improvements and upon satisfaction of the City Engineer, Developer shall be issued a Final Certificate of Acceptance. Thereafter, the Performance Bond may be released upon receipt from Developer of a one-year maintenance bond per Section 9b of this Agreement. The one-year maintenance period shall not terminate prior to (1) the assigned date shown on the Final Certificate of Acceptance and (2) release, in writing from City, certifying that an inspection of the Improvements, as applicable, has been made and that labor and materials supplied to the project have successfully endured throughout the one-year warranty period.

14. Default.

a. A Developer default shall occur if:

i. Developer breaches any material provision of this Agreement and such breach continues and is not remedied within thirty (30) calendar days after Developer receives written notice from City that specifies the breach.

ii. Developer makes any assignment for the benefit of creditors, or is adjudicated as bankrupt, or has a receiver, trustee, or creditor's committee appointed over it that is not removed within one hundred and eighty (180) days after appointment.

b. A City default shall occur if City breaches any material provision of this Agreement, whether by action or inaction, and such breach continues and is not remedied within thirty (30) calendar days after City receives written notice from Developer that specifies the breach.

c. In the event of a default by Developer under this Agreement, the City shall have the right to demand specific performance of this Agreement, to recover amounts paid by the City under this Agreement for the Improvements and any other remedy provided at equity or law.

d. Neither City nor Developer shall be considered in breach of or in default with respect to any obligation created hereunder or progress in respect thereto if the delay in performance of such obligations arises from unforeseeable event that is outside of the Party's reasonable control, and did not result from the fault or negligence of the Party ("***Unavoidable Delay***"). Unavoidable Delays include acts of public enemy, fires, floods, earthquakes, epidemics, quarantine restrictions, strikes, freight embargoes, or unusually severe weather. The claiming Party must take reasonable precautions to prevent further delays owing to such causes. If an Unavoidable Delay occurs, the time or times for performance of the obligations of City or Developer, as the case may be, shall be extended for the period of the Unavoidable Delay, provided, however, that the Party seeking the extension of time shall notify the other Party within three (3) calendar days after the Party becomes aware of the causes of any such Unavoidable Delay and the estimated time for correction, and shall use best efforts to resume performance as soon as the Unavoidable Delay is complete.

15. Miscellaneous.

a. Any notice or communication under this Agreement by either Party to another shall be deemed given and delivered (**a**) forty-eight hours after being dispatched by registered or certified U.S. mail, postage prepaid, return receipt requested, or (**b**) when received if personally delivered. Notice or communication to the Parties shall be addressed as follows:

If to the City:
CITY OF WARRENTON
City Manager, Esther Moberg
PO Box 250
Warrenton, OR 97146
971-286-2017
citymanager@warrentonoregon.us

If to the Developer:
FORT POINT LAND PARTNERS, LLC
Josh Materne, Manager
1309 Coffeen Ave., Ste 7846
Sheridan, WY 82081
Mailing Address:
8150 Central Expy, FL 10
Dallas, TX 95203
469-275-8028
josh@ideologymfo.com

If to the Operator:

3PO NETWORKS, LLC
Alex Gamota, CEO & Co-Founder
950 SE Oak Ave.
Roseburg, OR 97470
617-515-0721
alex@3ponetworks.com

b. The City's obligations under this Agreement are expressly made subject to the discretion of the Warrenton City Council to allocate funds for such activities consistent with local budget law (ORS 294.205 to 294.565).

c. Developer is an independent contractor and shall not be construed in any manner as an agent of City, nor shall Developer represent itself as being an agent of the City by actions, written or oral representations made to third persons.

d. This Agreement may be terminated by either Developer or City upon 90 days written notice to the other Party. In the event of termination by Developer, any Improvements installed or partially installed at the time of termination but not yet accepted by the City shall be deemed abandoned and become City property and the City may file a claim against the bond described in Section 9 of this Agreement in an amount the City in its sole discretion deems necessary to complete the Improvements; provided, however, that upon any such termination, Operator shall first have a ninety (90) day period within which to complete the construction of the Improvements itself before the City files any such claim against the bond.

e. All of the terms and provisions of this Agreement are fully set forth herein, and no prior understanding or obligation not expressly set forth in this Agreement shall be binding upon the Parties and no subsequent modification of this Agreement shall be binding upon the Parties unless it is in writing and executed with the same formalities as this Agreement. No waiver by either Party of any breach of any obligation of the other Party shall operate or be considered as a waiver of any other or subsequent breach. Developer shall not assign any rights or

obligations arising from this Agreement without the written consent of City. Any person to whom Developer assigns this Agreement must have development qualifications and financial capacity equal or superior to those of Developer as determined by the City in its reasonable discretion.

f. This Agreement shall be in full force and effect until the Improvements are complete and final acceptance in writing is given by the City, along with any final Permits required for the operation thereof.

g. If a dispute over the terms and conditions arises between City and Developer, City and Developer agree to meet regarding the dispute in an effort to negotiate a resolution thereof. If the City and Developer cannot negotiate a resolution of settlement of the dispute, the City and Developer are then free to resolve the matter(s) judicially by way of a trial to the court without a jury. The City and Developer will be responsible for payment of their own fees and costs including attorney and other professional fees.

h. This Agreement is not entered into pursuant to ORS 94.504. City hereby confirms that this Agreement does not constitute or concern the adoption, amendment, or application of the Statewide Planning Goals, comprehensive plan provisions, or land use regulations. All land use approvals required to develop the Project are to be obtained separately from this Agreement in due course in accordance with all applicable laws and regulations.

[***Remainder of this page is intentionally left blank; signature page(s) follow(s)***]

IN WITNESS WHEREOF, the City has caused this Agreement to be signed by its City Manager in acknowledgement:

Acknowledged and accepted by:

Witnesses:

By: _____
Print Name: _____

By: _____
Print Name: _____

CITY:

THE CITY OF WARRENTON, OREGON

By: Esther Moberg
Print Name: Esther Moberg
Title: City Manager

STATE OF OREGON)
) ss.
County of Clatsop)

This instrument was acknowledged before me on March 12, 2025, by Esther Moberg, as City Manager of the CITY OF WARRENTON, OREGON, who is personally known to me ~~or has produced _____ as identification~~.

_____
(Signature)
{SEAL}

Notary Public for Oregon
My Commission Expires: Oct 4, 2026

OFFICIAL STAMP
DAWNE RENEE SHAW
NOTARY PUBLIC-OREGON
COMMISSION NO. 1029068
MY COMMISSION EXPIRES OCTOBER 04, 2026

IN WITNESS WHEREOF, Developer has caused this Agreement to be signed, sealed and notarized, with the Agreement to be effective as of the Effective Date.

Acknowledged and accepted by:

Witnesses:

By: Mary L McGaffey
Print Name: Marylu McGaffey

By: Diana R. Gallegos
Print Name: Diana R. Gallegos

DEVELOPER:

FORT POINT LAND PARTNERS, LLC,
a Wyoming limited liability company

By:
Print Name: Josh Materne
Title: manager

STATE OF ~~OREGON~~ Texas)
) ss.
County of ~~Clatsop~~ Dallas)

This instrument was acknowledged before me on March 14, 2025, by Josh Materne, as Manager of FORT POINT LAND PARTNERS, LLC, a Wyoming limited liability company

Erica M. Wooldridge
(Signature)

Notary Public for ~~Oregon~~ Texas

{SEAL}

My Commission Expires: 1/19/2026

ERICA M WOOLDRIDGE
Notary Public
State of Texas
ID # 13141667-1
My Comm. Expires 01-19-2026

IN WITNESS WHEREOF, Operator has caused this Agreement to be signed, sealed and notarized, with the Agreement to be effective as of the Effective Date.

Acknowledged and accepted by:

Witnesses:

By: XXXXX
Print Name:

By: XXXXX
Print Name:

OPERATOR:

3PO NETWORKS LLC,
an Oregon limited liability company

By: Alexander Gamota
Print Name: Alexander Gamota
Title: CEO

STATE OF OREGON)
) ss.
County of ~~Clatsop~~ GB Washington)

This instrument was acknowledged before me on March 17, 2025, by Alexander Gamota, as CEO of 3PO NETWORKS, LLC, an Oregon limited liability company

Joshua Bavaro
(Signature)

Notarized online using audio-video communication

{SEAL}

OFFICIAL STAMP
JOSHUA BAVARO
NOTARY PUBLIC - OREGON
COMMISSION NO. 1041904
MY COMMISSION EXPIRES OCTOBER 23, 2027

Notary Public for Oregon

My Commission Expires: 10/23/2027

EXHIBIT "A"

Description of Improvements

The following list details the Improvements comprising the components of the 10" sewer line located along 11th Street, extending between Ridge Road and NW Warrenton Drive.

- Connection fitting at the private sewer meter from Fort Pointe at the Southwest end of the project.
- 10" diameter, AWWA C-900 PVC Sewer Pipe
- Ductile Iron Fitting, CL 52
- Air Release Valve Assembly
- 48" Standard Manhole intercepting existing sewer main and connecting new 10" line.

Sewer lines and connections shall be so constructed as to conform with provisions of the City of Warrenton, Oregon State Plumbing Code, and DEQ requirements. Lines will be made of polyvinyl chloride with "O" ring rubber gasket joints. Joints shall be tight and waterproof. The physical connection to existing City sewer main shall be made only by a licensed plumber of the State of Oregon or an individual approved by the City of Warrenton as competent to make sewer hookups.

The list of items is a general list, the exact construction material, product type, length, and style will be submitted to the City of Warrenton through the standard permitting process for city review and approval.

EXHIBIT "B"

Property Description/Location of Project

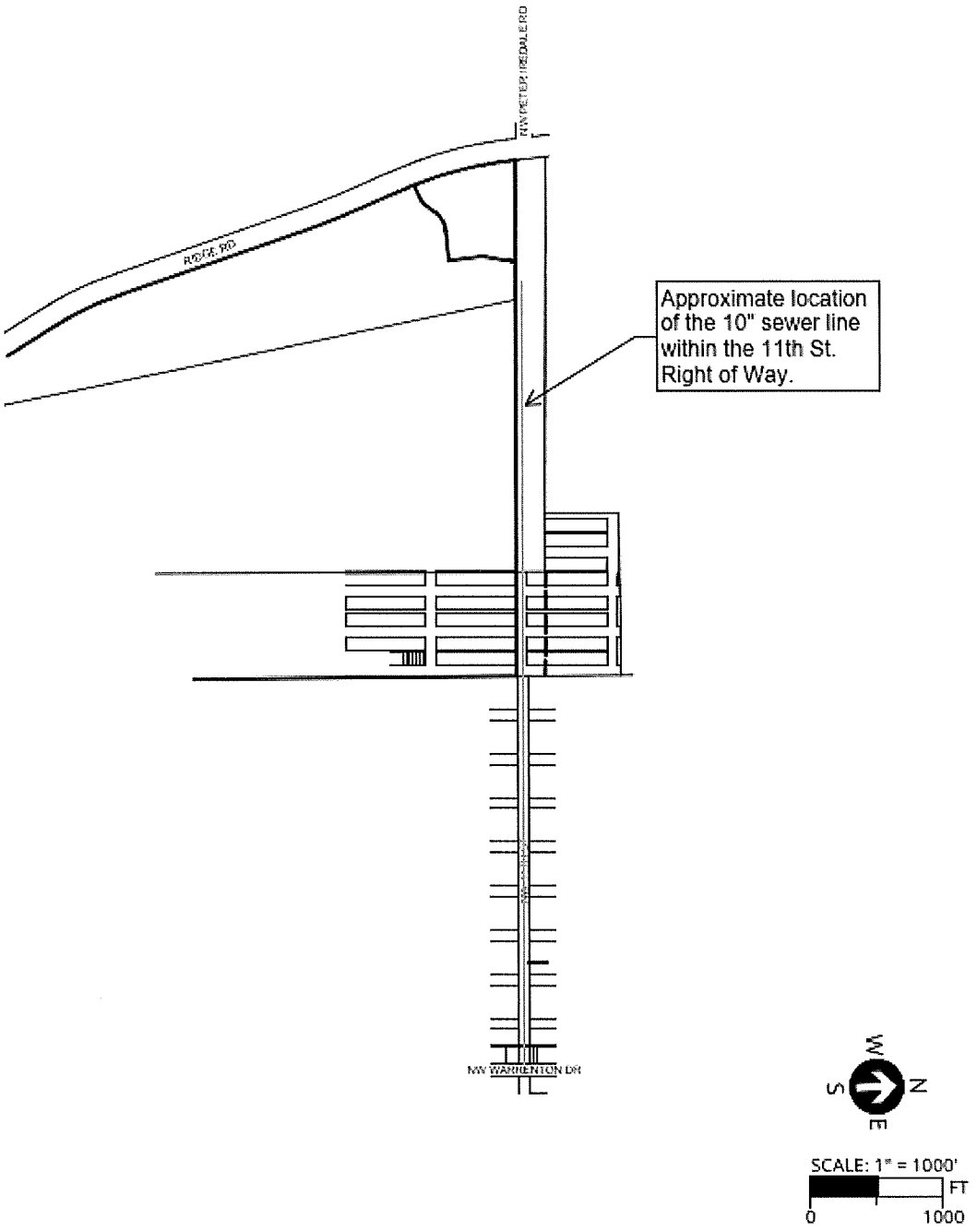


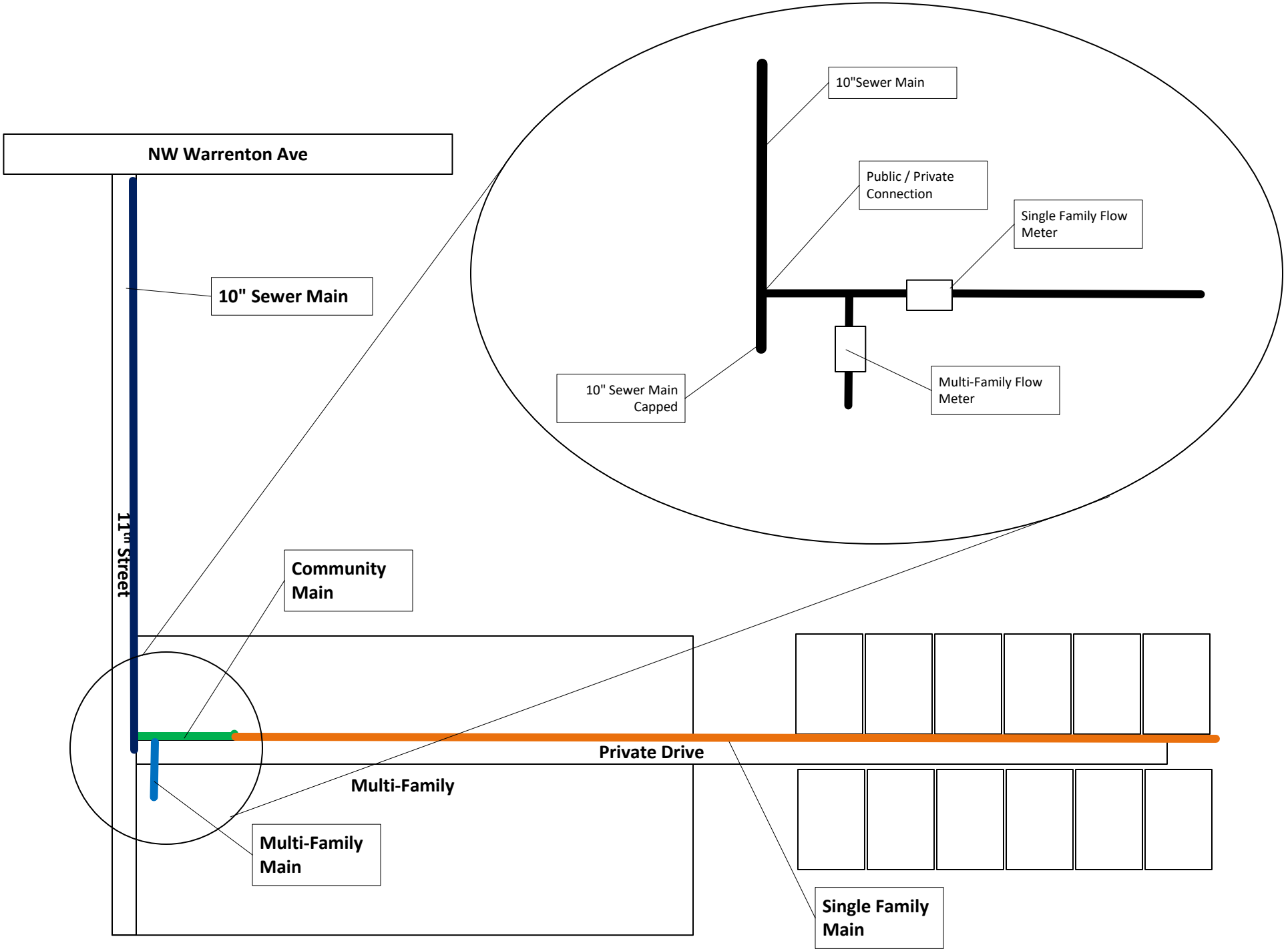
EXHIBIT "C"

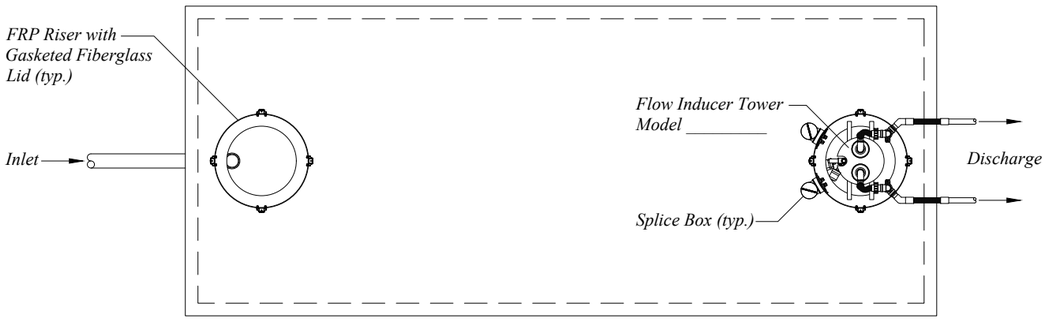
Improvement Cost Breakdown

Improvements are estimated to be $1,200,000, City's total contribution will be $250,000.

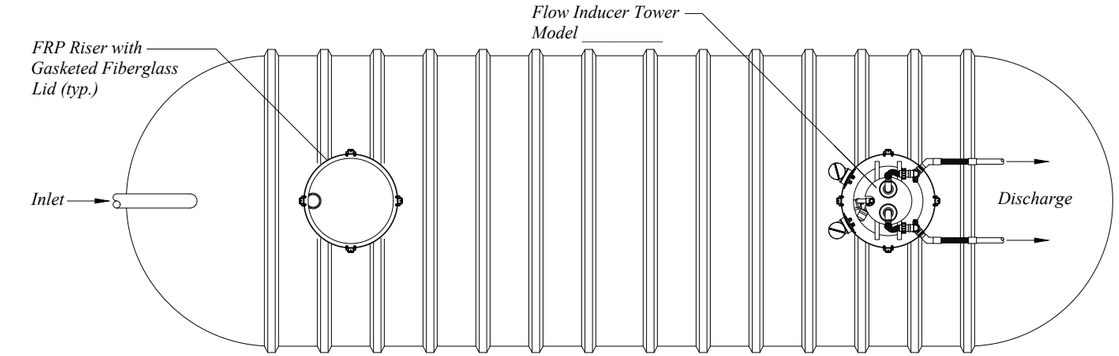
11th Street Improvement Cost Breakdown

Category		Cost Est.
Water	$	600,000.00
Sewer	$	600,000.00
Total Cost	$	1,200,000.00
City Reimbursment	$	250,000.00
Developer Cost	$	950,000.00

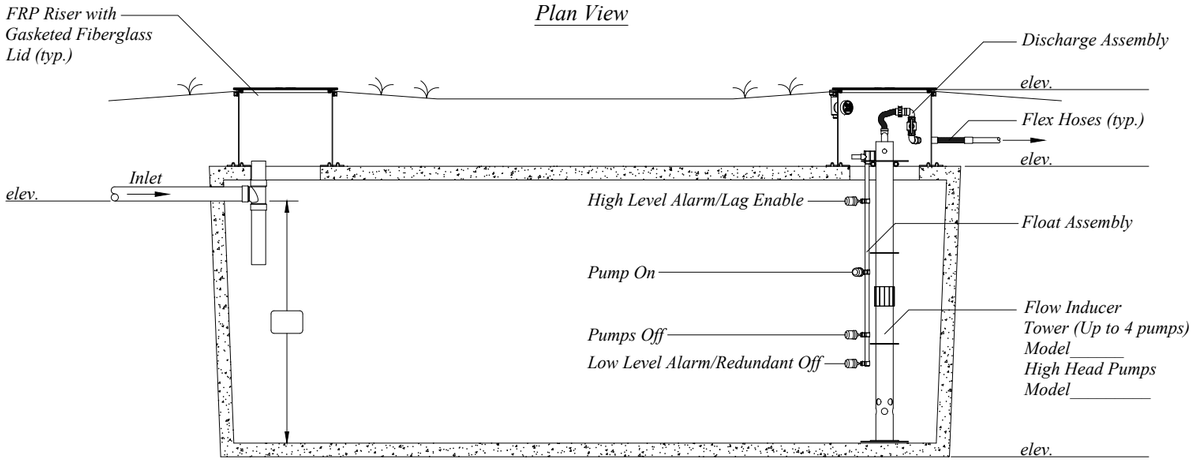

NW Warrenton Ave
10" Sewer Main
11th Street
Community Main
Multi-Family
Multi-Family Main
Private Drive
Single Family Main
10"Sewer Main
Public / Private Connection
Single Family Flow Meter
10" Sewer Main Capped
Multi-Family Flow Meter



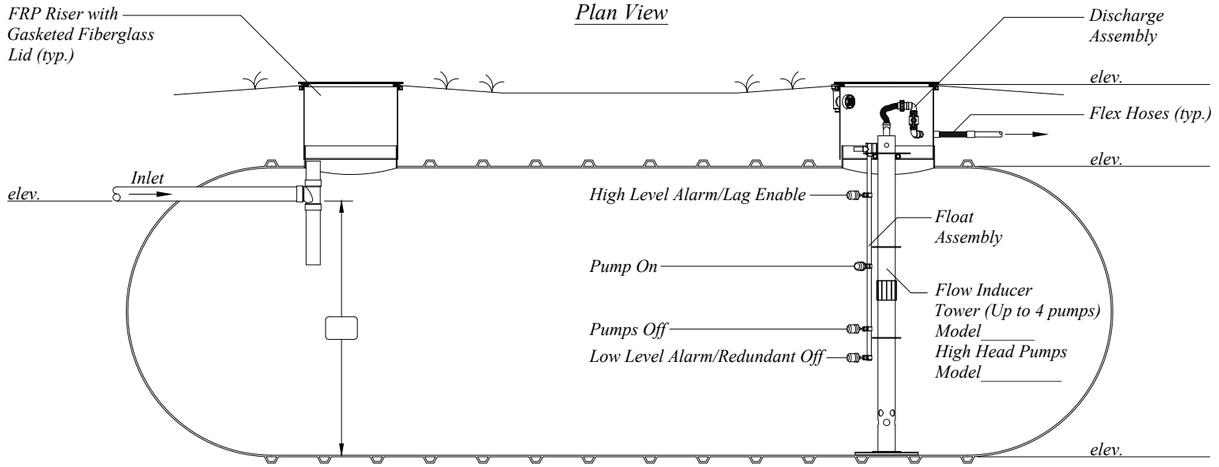
Concrete Tank
Plan View



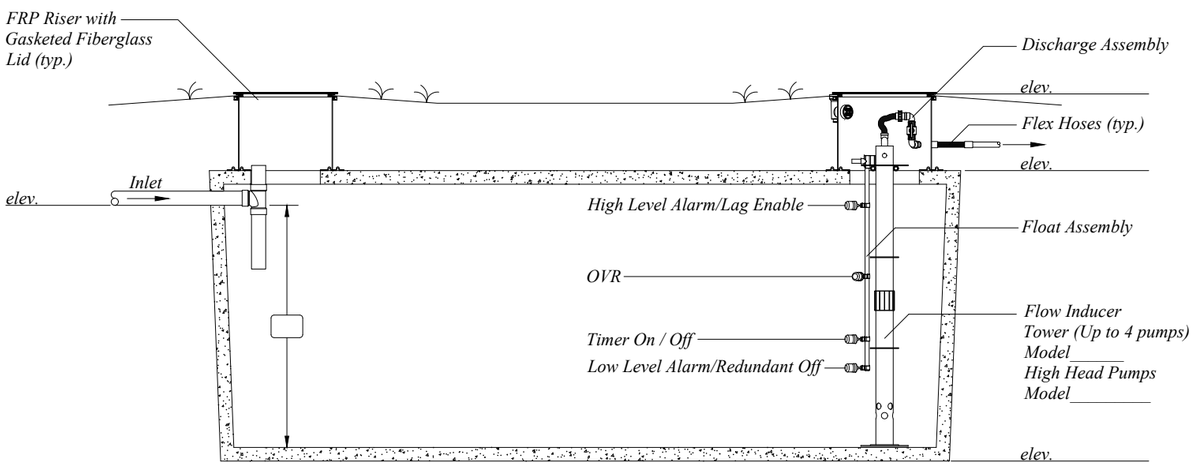
Fiberglass Tank
Plan View



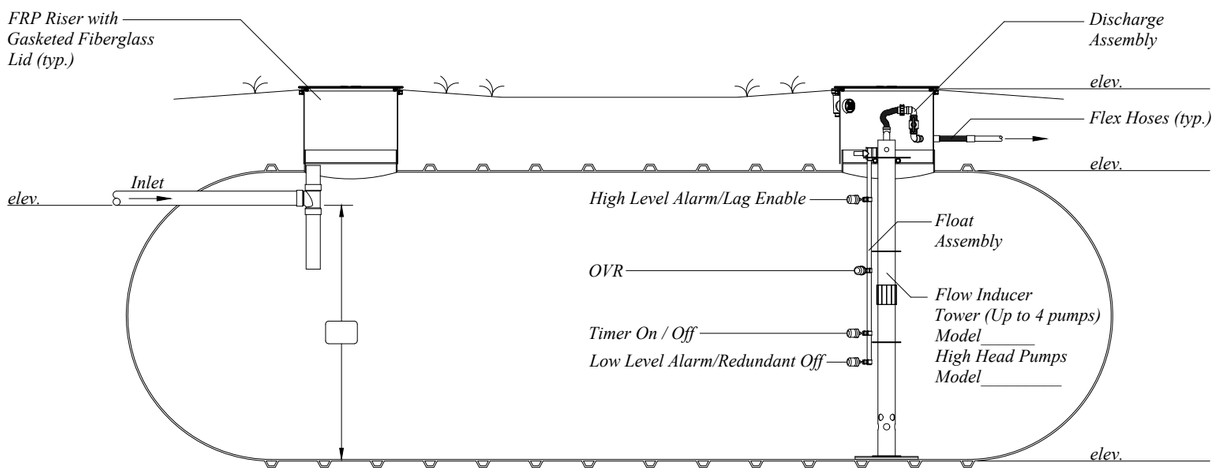
Concrete Tank (On Demand)
Profile View



Fiberglass Tank (On Demand)
Profile View



Concrete Tank (Timed Dose)
Profile View



Fiberglass Tank (Timed Dose)
Profile View

Orenco SYSTEMS

Disclaimer: This Proposed System Configuration Drawing is provided solely as a design aid and illustrates one possible configuration of a system that would comply with Orenco's design criteria for the requirements and/or specifications that have been communicated to Orenco (based on third-party standards testing protocols and performance reports, as applicable). Design decisions, including the actual layout and configuration of the system and its viability for the project, are at the sole discretion of the systems's designer.

Pump or Dose Tank with Flow Inducer Tower Details

Design Aid

Drawn By:	BAS	Scale:	NOT TO SCALE
Reviewed By:	GLE	Sheet:	1 OF 1
File Name:	COMM PUMP TANK FIT.DWG	Rev: 2.0	Date: 4/28/2022