



NOTICE OF DECISION AND ORDER Modification of Conditions MC-23-03

APPLICANT: Seth Hague, MAG-AMB Development
Mark Tolley, Mission Development Group, LLC

PROPERTY OWNER: Fort Pointe Partners, LLC

SUBJECT OF REVIEW: Modification of Conditions of Approval for the Fort Pointe Preliminary Planned Unit Development Plan. The subject property is located at 11XX Ridge Road, Warrenton, OR 97102 on Parcel Number 810170001300.

APPLICATION DATE: June 19, 2023

APPLICATION COMPLETE: June 30, 2023

120-DAY DEADLINE: October 28, 2023

HEARING AND RECORD: The Warrenton Planning Commission conducted an on-site inspection of the subject property on July 27, 2023 and opened the public hearing for the above-referenced request. At the special meeting on July 27, 2023, the request was continued to the September 14, 2023 meeting. At the September 14, 2023 meeting, the Warrenton Planning Commission approved the Modifications of Conditions of Approval MC 23-03 establishing new conditions of approval replacing previous approvals of SUB 17-01 and SUB 20-02 and Lot Partition 20-02. The approval is based on the submittals from the applicant, findings of fact related to the proposed development in the staff review memos and presentations, and testimony heard at the public hearing on July 27, 2023 and September 14, 2023. The approval is subject to the following conditions of approval:

CONDITIONS OF APPROVAL:

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.

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.
3. The final construction plans shall include a minimum of two (2) off-street parking sites per 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.
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.
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.
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.
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.
8. The developer will submit an updated geo-technical report for the development areas that addresses any special construction requirements due to soils conditions prior to final plat approval.
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.
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.

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.
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.
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.
14. Deviations in residential design standards, setbacks shall be addressed in the development agreement.
15. The developer will financially participate with Clatsop County on the construction of appropriate turn lanes, deceleration lanes and pedestrian crosswalks adjacent to the proposed development.
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.
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.
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.

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.
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.
21. The developer or assigned corporation will construct and maintain all private recreation facilities within the development. Each phase of the development will provide open space per the final development plans.
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.
23. 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.
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.
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.
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.
27. 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.

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.
29. 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
 - 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
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.
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.
33. The final plat application for the duplex development shall be submitted within three (3) years of Preliminary Plat approval.
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.

Copies of all submittals and related documents are available for review on the City of Warrenton website or by contacting the City of Warrenton:

https://www.ci.warrenton.or.us/sites/default/files/fileattachments/planning_commission/meeting/packets/7050/planning_commission_packet.09.14_0.pdf

Type III decisions are final and effective one day after the appeal period expires. The appeal period is September 26, 2023 to 5:00pm October 10, 2023. **This decision is final and effective October 11, 2023.** Failure of any person to receive mailed notice shall not invalidate the decision, provided that a good faith attempt was made to mail the notice.

RIGHT TO APPEAL:

In accordance with Warrenton Municipal Code 16.208.050 2A any person with standing to appeal may appeal the Planning Commission's Decision by filing a Notice of Appeal according to the following procedures.

1. Time for filing. A Notice of Appeal shall be filed with the Community Development Director within 14 days of the date the notice of decisions was mailed.
2. Content of Notice of Appeal: The notice of appeal shall contain:
 - A. An identification of the decision being appealed, including the date of the decision.
 - B. A statement demonstrating the person filing the notice of appeal has standing to appeal.
 - C. A statement explaining the specific issues raised on appeal.
- D. If the appellant is not the applicant, a statement demonstrating that the appeal issues were raised during the comment period.
 - E. Filing fee.
3. Scope of Appeal. The appeal of a Type III quasi-judicial decision shall be limited to the specific issues raised during the written comment period or at the public hearing, as provided under Subsection 2D above, unless the City Commission allows additional evidence or testimony concerning any other relevant issue. The City Commission may allow such additional evidence if it determines that such evidence is necessary to resolve the case. Written or oral comments received during the comment period or public hearing will usually limit the scope of issues on appeal. Only in extraordinary circumstances should new issues be considered by the City Commission on appeal of a Type III Quasi-Judicial Decision.

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For questions, please contact Jay Blake, Planning Director, City of Warrenton at (503) 861-2233 or jblake@ci.warrenton.or.us



Chris Hayward, Chair
Warrenton Planning Commission

9/25/2023
Date