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To: "Skip Urling" <skip@urlingplanning.com>
Cc: "eh@firwooddesign.com" <eh@firwooddesign.com>, "gilandanngramson@charter.net" <gilandanngramson@charter.net>
Date: Thursday February 14 2019 4:43:24PM

RE: Clear Lake narrative revised

Completeness letter for your records.

From: Skip Urling <skip@urlingplanning.com>
Sent: Thursday, February 14, 2019 1:44 PM
To: Kevin Cronin <cityplanner@ci.warrenton.or.us>
Cc: eh@firwooddesign.com; gilandanngramson@charter.net
Subject: Clear Lake narrative revised

Attached is the Clear Lake preliminary plat narrative without the track changes. Gil will deliver 3 hard copies tomorrow. Erik deleted the old file from the dropbox and will upload this file. Also attached is a spreadsheet with the density calculations, which I summarized in the narrative.

We also revised the narrative to address the trail requirement from the cul-de-sac to the northern property boundary. WMC 16.120.030.A.4.e provides an exception to the requirement for the trail when certain physical characteristics of the property make it impracticable. We believe the site meets those criteria.

Please call me if you feel the need to discuss.

Thanks

Skip Urling
Urling Planning Associates
360.431.5117

Clear Lake Subdivision Preliminary Plat
Application Narrative and Suggested Findings

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

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

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

- *16.112.030 Growth Management Standards.*

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

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

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

The proposal satisfies these growth management standards.

- 16.112.050 Land Divisions.

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

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

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

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

The preliminary plat satisfies these criteria.

- 16.112.060 Cost Allocation.

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

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

- 16.112.080 Public Improvement Guarantee.

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

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

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

- 16.28.020 Permitted Uses.

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

- A. *Single-family detached dwelling.*

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

- 16.28.040 Development Standards.

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

A. Density Provisions.

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

B. Setback Requirements.

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

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

• **16.28.050 Other Applicable Standards.**

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

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

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

- *16.120.030 Pedestrian Access and Circulation.*

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

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

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

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

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

- 16.136.020 Transportation Standards.

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

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

- b. *Due to the developed condition of adjacent properties it is unlikely that street improvements would be extended in the foreseeable future and the improvement associated with the project under review does not, by itself, provide increased street safety or capacity, or improved pedestrian circulation,*
- c. *The improvement would be in conflict with an adopted capital improvement plan, or*
- d. *The improvement is associated with an approved land partition on property zoned residential and the proposed land partition does not create any new streets.*

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

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

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

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

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

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

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

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

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

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

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

Table 16.136.010

City of Warrenton Street Design Standards

<i>Type of Street</i>	<i>Average Daily Trips (ADT)</i>	<i>Right-of-Way Width</i>	<i>Curb-to-Curb Pavement Width</i>	<i>Motor Vehicle Travel Lanes⁴</i>	<i>Median/Flex Lane⁵</i>	<i>Bike Lanes or On-Street Parking (both sides)</i>	<i>Curb</i>	<i>Planting Strip⁶</i>	<i>Sidewalks</i>
Arterial Roads									
4-Lane Arterial	<i>Varies</i>	<i>80 - 102 ft.</i>	<i>64 - 78 ft.</i>	<i>12 ft.⁴</i>	<i>14 ft.</i>	<i>8 ft.</i>	<i>Yes</i>	<i>6 ft.</i>	<i>6 ft.</i>
2-Lane Arterial	<i>Varies</i>	<i>80 ft.</i>	<i>40 - 54 ft.</i>	<i>12 ft.⁴</i>	<i>14 ft.</i>	<i>8 ft.</i>	<i>Yes</i>	<i>6 ft.</i>	<i>6 ft.</i>
Collector Roads									
Collector Road	<i>Varies</i>	<i>60 - 64 ft.</i>	<i>36 - 40 ft.</i>	<i>12 ft.⁴</i>	<i>None</i>	<i>6-8 ft.</i>	<i>Yes</i>	<i>6 ft.</i>	<i>6 ft.</i>

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

Notes:

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

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

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

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

← *Significant topographical or environmental constraints are present.*

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

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

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

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

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

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

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

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

H. Future Street Plan and Extension of Streets.

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

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

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

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

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

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

I. *Street Alignment and Connections.*

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

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

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

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

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

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

This section does not apply.

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

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

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

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

No intersections are proposed.

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

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

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

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

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

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

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

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

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

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

The street design adheres to these standards.

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

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

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

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

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

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

There are no railroads or arterial streets in the vicinity.

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

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

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

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

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

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

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

Acknowledged.

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

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

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

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

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

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

16.136.030 Public Use Areas.

A. Dedication Requirements.

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

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

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

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

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

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

- *16.136.040 Sanitary Sewer and Water Service Improvements.*

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

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

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

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

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

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

- 16.136.050 Storm Drainage Improvements.

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

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

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

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

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

The application satisfies these criteria.

- 16.136.060 Utilities.

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

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

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

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

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

The application meets these criteria.

- 16.136.070 Easements.

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

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

- 16.136.080 Construction Plan Approval and Assurances.

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

The applicant acknowledges this administrative requirement and will comply.

- 16.136.090 Installation.

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

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

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

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

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

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

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

The applicant acknowledges these administrative requirements and will comply.

• 16.140.010 Natural Drainage System Maintained to Extent Feasible.

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

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

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

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

- 16.140.020 Developments Must Drain Properly.

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

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

- 16.140.030 Surface Water Management.

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

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

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

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

- 16.140.040 Erosion and Sediment Control.

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

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

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

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

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

- 16.140.050 Stormwater System Design.

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

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

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

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

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

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

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

- 16.140.060 Illegal Discharge of Materials Into the Stormwater System.

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

The applicant acknowledges this illegal discharge prohibition.

- 16.152.030 Permits Required.

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

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

- 16.152.060 Grading Permit Requirements.

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

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

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

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

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

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

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

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

F. Issuance.

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

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

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

- *16.152.100 Cuts.*

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

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

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

- *16.152.110 Fills.*

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

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

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

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

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

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

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

- 16.152.120 Setbacks.

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

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

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

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

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

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

• 16.152.130 Drainage and Terracing.

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

B. Terraces.

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

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

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

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

No swales or ditches are proposed.

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

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

D. Disposal.

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

The proposed stormwater system and outfall protection meets this requirement

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

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

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

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

• **16.152.140 Erosion Control.**

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

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

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

- *16.152.150 Completion of Work.*

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

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

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

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

These requirements are noted and will be complied with.

- *16.156.030 Wetland Area Development Standards.*

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

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

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

- *16.156.040 Significant Wetland Area Development Standards.*

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

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

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

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

- *16.156.080 Hardship Variance Procedure and Criteria.*

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

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

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

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

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

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

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

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

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

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

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

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

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

The Comprehensive Plan states:

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

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

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

- *16.216.020 General Requirements.*

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

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

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

The applicant understands this process.

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

- 1. Potential future lot division(s) in conformance with the housing and density standards of Division 2.*
- 2. Potential street right-of-way alignments to serve future development of the property and connect to adjacent properties, including existing or planned rights-of-way.*
- 3. A disclaimer that the plan is a conceptual plan intended to show potential future development. It shall not be binding on the City or property owners, except as may be required through conditions of land division approval. For example, dedication and improvement of rights-of-way within the future plan area may be required to provide needed secondary access and circulation.*

This section is not applicable.

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

Lot size averaging is not being used.

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

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

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

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

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

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

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

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

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

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

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

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

J. Street Names.

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

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

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

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

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

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

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

iii. *To strengthen neighborhood identity; or*

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

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

c. *Names to Avoid.*

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

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

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

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

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

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

- *16.216.040 Preliminary Plat Submission Requirements.*

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

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

1. *General Information.*

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

- k. *Name and address of surveyor or engineer; and*
- l. *Other information, as deemed appropriate by the Community Development Director. The City may require studies or exhibits prepared by qualified professionals to address specific site features and code requirements.*
3. *Proposed Improvements.*
- a. *Public and private streets, tracts, driveways, open space and park land; location, names, right-of-way dimensions, approximate radius of street curves; and approximate finished street center line grades. All streets and tracts which are being held for private use and all reservations and restrictions relating to such private tracts shall be identified;*
- b. *Easements.* *Location, width and purpose of all easements;*
- c. *Lots and private tracts (e.g., private open space, common area, or street): approximate dimensions, area calculation (e.g., in square feet), and identification numbers for all lots and tracts;*
- d. *Proposed uses of the property, including all areas proposed to be dedicated to the public or reserved as open space for the purpose of surface water management, recreation, or other use;*
- e. *Proposed improvements, as required by Division 3 (Design Standards), and timing of improvements (e.g., in the case of streets, sidewalks, street trees, utilities, etc.);*
- f. *The proposed source of domestic water;*
- g. *The proposed method of sewage disposal and method of surface water drainage (shall comply with Chapter 16.140). Water quality treatment areas, if required;*
- h. *The approximate location and identity of other utilities, including the locations of street lighting fixtures;*
- i. *Proposed railroad crossing or modifications to an existing crossing, if any, and evidence of contact with Oregon Department of Transportation related to proposed railroad crossing(s);*
- j. *Changes to navigable streams, shorelines or other water courses. Provision or closure of public access to these areas shall be shown on the preliminary plat, as applicable;*
- k. *Identification of the base flood elevation. Evidence of contact with the Federal Emergency Management Agency to initiate a floodplain map amendment shall be required when development is proposed to modify a designated 100-year flood plain;*

l. Evidence of contact with Oregon Department of Transportation (ODOT) for any development requiring access to a highway under the state's jurisdiction; and

m. For proposals that would alter land within 25 feet of a mapped wetland, a jurisdictional delineation of the wetland boundary concurred with by the appropriate resource agency with jurisdiction.

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

- 16.272 VARIANCES
- 16.272.020 Criteria.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Clear Lake Subdvision

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

