

March 7, 2019 (Addendum: April 4, 2019)

To: Warrenton Planning Commission

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

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

Background

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

Existing Conditions & Previous Applications

Staff conducted a site visit on March 5 to verify site conditions and photo document. The site is bordered by wetlands on three sides with Clear Lake to the south, Fort Pointe to the north, and a gravel access road leading to Ridge Road to the west. The geology is mostly sandy and a small, thin layer of top soil with invasive plants as the dominant vegetation. Mature, native trees, such as Stika Spruce, surround the site along with ubiquitous, non-native Scotch Broom.

Unfortunately, significant clearing and grading of the site occurred last year prior to any approvals for such activity. The property owner/applicant was warned and notified of the violation and the activity ceased until the applicant's engineer worked on a grading permit for review. In lieu of a solitary grading permit, the applicant has submitted a full subdivision application with a grading plan. Staff has actively worked with North Coast Land Conservancy (NCLC) on a limited access plan to the Clear Lake property which has been preserved for open

space and wildlife habitat. A “pilot” wildlife fence is being explored to allow deer and other wildlife to pass, migrate, and graze unharmed.

Previous applications for subdivision include:

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

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

Type 3 Application Timeline & Process

A pre-application conference was held on January 23, 2019. Pre-application notes were provided to the applicant the following week with a request for responses. The full application was submitted on February 7 and deemed complete on February 14, 2019. Public notice to adjacent property owners was mailed on February 14, 2019. No comments have been received to date. Notice of the public hearing on March 14, 2019 was published in *The Columbia Press* on February 22, 2019. The applicant requested a continuance to April 11, 2019.

Staff also provided notice to affected agencies on February 14. Based on these facts, the application meets the Type 3 notice requirements per WMC 16.208.50. Comments were submitted by the NCLC, Port of Astoria, Fire Chief, and City Engineer, and are attached. One public comment from Rod Gramson was received on April 2 and is enclosed.

Applicable Codes

Applicable portions of the Warrenton Municipal Code are:

Chapter 16.112	Growth Management Zone Standards
Chapter 16.120	Access & Circulation
Chapter 16.124	Design Standards For Landscaping, Street Trees, Fences, & Walls,
Chapter 16.136	Public Facilities Standards
Chapter 16.140	Stormwater and Surface Water Management
Chapter 16.144	Signs
Chapter 16.152	Grading, Excavating, & Erosion Control Plans
Chapter 16.156	Wetlands and Riparian Corridor Development Standards
Chapter 16.272	Variances
Chapter 16.192	Large Scale Developments

Chapter 16.216 Land Divisions and Lot Line Adjustments
Section 16.208.050 Type III Procedure (Quasi-Judicial)

The City Commission recently approved a new Transportation System Plan (TSP) and changes to the Development Code to implement new policies. The application was submitted (February 7) prior to the effective date (February 22) of these Code changes therefore, previous Codes still apply.

Findings of Fact

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

Chapter 16.112 GROWTH MANAGEMENT (GM) ZONE STANDARDS

16.112.010 Purpose.

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

Applicant Response: See enclosed density table

Staff Finding: Staff requested a density calculation as part of the submittal. The enclosed table illustrates the lots, lot sizes, and open space tracts. Based on the net buildable land (344,946 – 126,481 SF = 218,465 SF) and the minimum four units per acre cited above, the minimum density is 20 units per acre. (218,465 X 4 units/43,560 SF = 20 units per acre). The applicant has proposed only 15 lots. See condition of approval to meet the minimum density required for this zone.

16.112.030 Growth Management Standards.

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

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

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

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

16.112.050 Land Divisions.

- A. *All land divisions which would create a parcel under five acres in size shall be subject to approval under the appropriate procedures in this Code (Chapter 16.216). Land divisions which would create a parcel under five acres in size in growth management areas shall be approved only if:*
 - 1. *The lots created are at R-10 urban densities;*
 - 2. *Primary and secondary urban services are supplied in accordance with Section 16.28.050;*
 - 3. *An exception is approved as provided in Section 16.112.040.*

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

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

16.28.020 Permitted Uses.

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

- A. *Single-family detached dwelling.*

16.28.040 Development Standards.

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

A. Density Provisions.

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

B. Setback Requirements.

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

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

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

16.120.020 Vehicular Access and Circulation.

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

1. Option 1. Access is from an existing or proposed alley or mid-block lane. If a property has access to an alley or lane, direct access to a public street is not permitted.

2. Option 2. Access is from a private street or driveway connected to an adjoining property that has direct access to a public street (i.e., “shared driveway”). A public access easement covering the driveway shall be recorded in this case to assure access to the closest public street for all users of the private street/drive.

3. Option 3. Access is from a public street adjacent to the development parcel. If practicable, the owner/developer may be required to close or consolidate an existing access point as a condition of approving a new access. Street accesses shall comply with the access spacing standards in subsection G of this section, and require an access permit in accordance with subsection C of this section.

Applicant Response: No response

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

6. Important Cross-References to Other Code Sections. Divisions 2 and 3 may require buildings placed at or near the front property line and driveways and parking areas oriented to the side or rear yard. The City may require the dedication of public right-of-way and construction of a street (e.g., frontage road, alley or other street) when the development impact is proportionate to the need for such a street, and the street is identified by the Comprehensive Plan or Transportation System Plan. (Please refer to Chapter 16.136, Public Facilities Standards.)

Applicant Response: No response.

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

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

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

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

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

Applicant Response: No response

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

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

Applicant Response: No response

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

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

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

accordance with the fire department access requirements of the Uniform Fire Code, as amended.

2. *Dimensions.* *Fire apparatus roads shall have an unobstructed width of not less than 20 feet and unobstructed vertical clearance of not less than 13 feet 6 inches. Fire apparatus roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with a surface so as to provide all-weather driving capabilities.*

3. *Turnaround Required.* *Dead-end fire apparatus roads in excess of 150 feet shall be provided with approved provisions for the turning around of fire apparatus. See Table 16.136.010 for minimum standards.*

4. *Grade.* *The gradient for a fire apparatus access road shall not exceed 12% except that isolated segments no longer than 250 feet may have grades up to 15% upon approval by the Warrenton Fire Chief. Non-fire apparatus access roads (driveways and private streets) shall maintain a maximum grade of 15% unless otherwise approved by the Warrenton City-appointed engineer. See Table 16.136.010 for other applicable standards.*

5. *Parking Areas.* *Parking areas shall provide adequate aisles or turn-around areas for service and delivery vehicles so that all vehicles may enter the street in a forward manner. See also Chapter 16.136, Public Facilities Standards.*

Applicant Response: No response.

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

16.120.030 Pedestrian Access and Circulation.

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

1. Continuous Pathways. *The pathway system shall extend throughout the development site, and connect to all future phases of development, adjacent trails, public parks and open space areas whenever possible. The developer may also be required to connect or stub pathway(s) to adjacent streets and private property, in accordance with the provisions of Section 16.120.020, Vehicular Access and Circulation, and Chapter 16.136, Public Facilities Standards.*

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

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

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

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

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

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

4. Pathway Surface. Pathway surfaces shall be concrete, asphalt, brick/masonry pavers, or other durable surface, at least six feet wide, and shall conform to ADA requirements. Multi-use paths (i.e., for bicycles and pedestrians) shall be the same materials, at least six feet wide. (See also Chapter 16.136, Public Facilities Standards, for public multi-use pathway standards.)

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

Applicant Response: No response

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

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

16.124.060 Landscape Conservation.

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

B. Significant Vegetation. "Significant vegetation" means:

1. Significant Trees and Shrubs. Individual trees located within a mapped wetland area as depicted on the 1" = 400' maps entitled City of Warrenton Wetland Conservation Plan Inventory dated October 17, 1997 with a trunk diameter of 18 inches or greater, as measured four feet above the ground (DBH), and all plants within the drip line of such trees and shrubs, shall be protected. Other trees may be deemed significant, when nominated by the property owner and designated by the City Commission as "Heritage Trees" (i.e., by virtue of site, rarity, historical significance, etc.).

2. Exceptions. Protection shall not be required for (a) plants listed as non-native, invasive plants by the Oregon State University Extension Service in the applicable OSU bulletins for

Clatsop County, or (b) as otherwise excepted by Chapter 16.156, Wetland and Riparian Corridor Development Standards.

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

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

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

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

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

Applicant Response: No response

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

16.124.050 Fences and Walls.

B. Dimensions.

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

3. *A building permit is required for walls exceeding four feet in height and fences exceeding six feet in height, in conformance with the Uniform Building Code.*
4. *The height of fences and walls within a required front yard setback area for residential uses shall not exceed four feet (except decorative arbors, gates, etc.), as measured from the grade closest to the street right-of-way. Walls may exceed this height in accordance with paragraph 1 of this subsection. Chain-link fences and other open-style fences with at least 50% transparency or open space are allowed a maximum height of six feet within a required front yard setback area.*
5. *Walls and fences to be built for required buffers shall comply with Section 16.124.030.*
6. *Fences and walls shall comply with the vision clearance standards of Section 16.120.020.*

Applicant Response: No response

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

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

1. *Legal description (e.g., assessor parcel number, copy of warranty deed, etc.) for the subject property;*
2. *Property lines with the location and general description (height and type of material) of existing and proposed fences and other buffering or screening materials;*
3. *The location of existing and proposed terraces or retaining walls;*
4. *The location of existing and proposed plant materials;*

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

Applicant Response: No response

Staff finding: A landscape plan was not submitted. There are significant existing trees on site that can be preserved that are outside of the building envelope. See conditions of approval.

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

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

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

Applicant Response: No response

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

16.124.080 Street Trees.

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

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

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

Applicant Response: No response.

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

CHAPTER 16.136 PUBLIC FACILITIES STANDARDS

16.136.020 Transportation Standards.

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

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

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

Staff finding: As mentioned above, the preexisting standards will apply to the street standards which includes 36 feet wide curb to curb pavement unless findings can be made to support a local alternative road standard. The proposed street is 32 feet wide with 5 foot sidewalks on both sides. A planting strip is not proposed. See findings below.

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

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

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

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

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

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

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

- 1. Street classification in the Transportation System Plan or Comprehensive Plan;*
- 2. Anticipated traffic generation;*
- 3. On-street parking needs;*

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

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

Staff finding: See findings below.

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

Staff Finding: As discussed above, the minimum density is 20 units, just above the 18 or fewer standard. The proposal does meet the ADT standard. The presence of wetlands does not materially affect the location of the proposed roadway, but additional right-of-way dedication does impact the size of the lots. If an additional pedestrian path can be located, and a secondary access stubbed within the existing gravel road, then the connectivity standard can be met. The Fire Chief and City Engineer have commented as well. Standard is not met. See conditions of approval.

H. Future Street Plan and Extension of Streets.

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

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

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

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

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

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

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

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

Applicant Response: This section does not apply.

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

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

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

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

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

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

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

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

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

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

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

Applicant Response: The street design adheres to these standards.

Staff finding: Staff concurs.

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

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

Staff finding: Agreed

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

Applicant Response: Acknowledged

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

16.136.030 Public Use Areas.

A. Dedication Requirements.

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

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

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

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

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

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

Staff Finding: Staff concurs.

16.136.040 Sanitary Sewer and Water Service Improvements.

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

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

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

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

16.136.050 Storm Drainage Improvements.

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

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

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

16.136.060 Utilities.

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

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

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

Applicant Response: All utilities will be placed underground.

Staff finding: The application meets this requirement.

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

Applicant Response: The applicant will provide easements as necessary.

Staff finding: Easements are shown on the preliminary plat.

16.136.070 Easements.

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

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

Staff finding: Noted.

CHAPTER 16.140 STORMWATER AND SURFACE WATER MANAGEMENT

16.140.010 Natural Drainage System Maintained to Extent Feasible.

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

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

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

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

16.140.020 Developments Must Drain Properly.

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

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

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

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

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

16.140.030 Surface Water Management.

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

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

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

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

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

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

16.140.040 Erosion and Sediment Control.

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

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

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

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

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

16.140.050 Stormwater System Design.

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

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

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

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

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

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

CHAPTER 16.152 GRADING, EXCAVATING, AND EROSION CONTROL PLANS

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

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

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

16.152.100 Cuts.

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

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

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

16.152.110 Fills.

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

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

Staff finding: Noted.

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

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

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

16.152.140 Erosion Control.

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

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

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

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

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

16.152.150 Completion of Work.

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

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

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

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

accordance with the approved soils engineering report and applicable provisions of this chapter.

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

Wetland Hardship Variance Criteria WMC 16.156.080

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

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

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

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

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

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

Staff finding: Staff agrees with the applicant's assessment of the Code. This project already has Oregon DSL Wetland Removal-Fill Authorization. The approval of this hardship variance is required at the local level to allow development to continue and in this case for residential use

which is a reasonably expected use in similarly zoned parcels based on the scope of the impact relative to the size of the property and the existing uses located in the neighborhood.

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

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

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

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

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

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

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

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

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

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

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

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

Variances - Criteria WMC 16.272.020

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

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

Applicant Response: The subject property is abutted on the west, north, and partially the east by wetlands deemed significant by the city's wetland inventory. Where the wetlands terminate on the east, the topography is such that building a road is not practicable. this is

further complicated by the NCLC ownership of the parcel to the east and its goal preserving the Clear Lake tract from development. The applicant did not create the hardship.

Staff Finding: Staff concurs.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Chapter 16.192 - Large Scale Developments

The proposed development triggers the above standard due to its extension of sewer and water mains. The criteria includes the review of a stormwater report, school impact report, soils report, and utility plan, all of which was submitted. The City Engineer has reviewed the development and has provided comments.

Staff Finding: Standard is met.

In addition, the Warrenton School District responded to the school impact criteria. The projected number of households and students expected can be serviced by the school district.

Staff Finding: Standard is met.

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

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

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

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

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

Applicant Response: The applicant understands this process.

Staff Finding: Concur

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

Applicant Response: Lot size averaging is not being used.

Staff Finding: Agreed

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

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

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

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

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

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

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

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

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

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

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

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

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

Staff Finding: There is no active recreation proposed outside of a pedestrian path. Wetlands do provide open space but no opportunities for active recreation. There is a clear lack of park space in this part of Warrenton. However, secondary access would allow direct connection to a playground recently constructed at the LCYSA Soccer Complex. Standard is met subject to the secondary access requirement.

J. Street Names.

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

Staff Finding: Agreed.

16.216.040 Preliminary Plat Submission Requirements.

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

B. Preliminary Plat Information. In addition to the general information described in subsection A of this section, the preliminary plat application shall consist of drawings and

supplementary written material (i.e., on forms and/or in a written narrative) adequate to provide the following information:

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

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

Conclusion & Recommendations

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

1. The Commission must determine if the density standard has been met, and if not, how it can be met. The proposal is 5 lots or units shy of the minimum required. Staff recommends requiring accessory dwelling units be built over the garages of five units to meet the minimum thereby meeting the standard without creating new lots. The developer can identify and select which lots can meet this standard.
2. A pedestrian path shall be built to WMC 16.120.030 Pedestrian Access and Circulation design and construction standards between Lots 1 & 2. A secondary pedestrian access shall be considered for Lots 14 & 15. Design shall be submitted as part of engineering review. Construction shall be inspected and approved prior to a certificate of occupancy for the first single family detached unit.
3. Address all comments from Fire Chief Tim Demers herein referenced by letter dated March 5, 2019.
4. A landscape plan designed to WMC 16.124.070 shall be submitted as part of the engineering review phase. No grading permits will be issued until a landscape plan is reviewed and approved by the Community Development Director. Landscape plan shall indicate conservation areas, protection areas and best practices to preserve significant trees, restoration of existing wetlands to remove invasive species, and new native plantings in Tract A & B consistent with Department of State Lands best practices and WMC 16.156.040 Significant Wetland Area Development Standards. Conservation areas

shall be clearly marked with orange fencing and other protective measures for the duration of construction activities.

5. Two street trees shall be installed per each issued single family permit on individual lots in the front yard in lieu of a planting strip. A certificate of occupancy shall not be issued until the trees are properly installed. A two year maintenance agreement with a local landscaping company shall be required prior to final plat or recorded with each lot.
6. All retaining walls shall be reviewed and approved by the City Engineer and Building Official. Developer shall work with NCLC on a design for a wildlife fence to the adjacent Clear Lake property. Said fence shall be installed prior to final plat acceptance.
7. An alternative road standard of 50 ft right-of-way, 32 feet curb to curb, 5 foot sidewalks both sides; is approved subject to the alternative street tree plan cited above.
8. Address all comments in City Engineer's letter herein referenced and dated April 4, 2019.
9. Developer shall submit a DEQ 1200C permit for stormwater management and erosion control.
10. Prior to a final plat, all public improvements shall be installed to the specifications of the City Engineer and Public Works Department. For any improvements not completed prior to final plat, a performance bond shall be required and approved.
11. A construction and/or sales trailer can be permitted under a Type 2 temporary use permit. The applicant shall submit an application for review prior to any placement.
12. A final plat for review by the Community Development Director shall be submitted for review and approval and recorded with the County.
13. The developer shall establish a homeowner's association and submit and record with the County Codes, Covenants, & Restrictions that will be deeded to each lot. The HOA or another entity will be required to maintain the private stormwater facility.
14. A secondary access at the existing gravel road shall be stubbed for future connection. This can replace Condition No. 2 for the first of two pedestrian paths.

Recommended Motion: Based on the findings and conclusions of the March 7, 2019 staff report and Addendum dated April 4, the application, the applicant's narrative and findings, evidence in the record, and the applicant's testimony, I move to approve application SUB 19-1, VAR 19-1, and WHV 19-1 submitted by Gil Gramson for a 15-lot subdivision, subject to the conditions of approval.

Alternative Motion: Based on the public interest and need for more evidence and testimony from the applicant, I move to continue the hearing until May 9, 2019.

Attachments

- Application

- Narrative
- Preliminary Plat & Supporting Documents
- Comments from Tim Demers, Fire Chief – March 5, 2019
- Comments from Rob Vanderzanden, HHPR (City Engineer) – April 4, 2019
- Comments from Gary Kobes, Port of Astoria – February 15, 2019
- Comments from Jon Wickersham, NCLC – February 15, 2019
- Public Comment from Rod Gramson – April 2, 2019

Job No.: WTN-01-006

Date: April 4, 2019 (rev)

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

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



Harper
Houf Peterson
Righellis Inc.

ENGINEERS ♦ PLANNERS
LANDSCAPE ARCHITECTS ♦ SURVEYORS

Project/Subject: Clear Lake Subdivision – Preliminary Plat Submittal: File SUB 19-1

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

This memo constitutes the review of the preliminary plat application and recommendations for development conditions for the plat of Clear Lake Subdivision. This review was for conditioning of a preliminary plat and does not constitute a construction drawing comment review. The following documents were reviewed in conjunction with the municipal code and development standards:

Clear Lake Subdivision Land Use Submittal Drawing (Preliminary Plat) including preliminary civil design drawings. Submittal set includes a total of 9 sheets prepared by Firwood Design Group and dated February 5, 2019.

Preliminary plat narrative including application for variances, length of dead end street – 41 pages, undated.

Comments and Recommended Conditions:

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

of sediment onto public streets and address the migration of site soils into drainage ways.

9. Street lighting shall be installed for all public streets in accordance with the criteria contained in the City of Warrenton development standards.
10. To address the need for future street extensions and to promote circulation, a stub street shall be constructed to the west property boundary. The street shall be at the location of the existing informal access road which connects the property to NW Ridge Road at the vicinity of proposed Lot 2. The street extension should meet Alternative Local Road standards with not less than 50 feet of right of way width and not less than 20 feet of paved travel surface.
11. The project contractor shall secure a permit for work in the public right of way in accordance with Warrenton Municipal Code.
12. Applicant shall provide as-built drawings and certification by a registered engineer in accordance with adopted criteria for all improvements, prior to acceptance by the City.