

**NOTICE OF DECISION & ORDER**  
**Clear Lake Subdivision SUB 19-1**

Applicant: Gil Gramson | Sandridge Construction

Application: Preliminary Plat | Variance | Wetland Hardship Variance

Location: SW Kalmia Ave & Clear Lake

Application Date: February 7, 2019

Application Complete: February 14, 2019

120 Day Deadline: June 14, 2019

Criteria: Warrenton Municipal Code Chapters

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
Chapter 16.208.050	Type III Procedure (Quasi-Judicial)

Hearing & Record: The Planning Commission held a public hearing April 11, 2019 after which it continued the hearing until April 25, where it reached a decision to approve the preliminary plat for 15 single family dwelling lots (16 dwelling units) subject to the following conditions from the April 4, 2019 staff report addendum, and as revised at the public hearing:

1. The Commission determined the density standard has been met with the addition of one (1) accessory dwelling unit. The developer can identify and select which lot and how it can be built to 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. 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 and reviewed and approved by the Community development Director prior to signature of a final plat. An interim grading permit on the upland portion of the property can be granted subject to engineering review and a protection plan for existing trees. Landscape plan shall indicate conservation areas, protection areas and best practices to preserve significant trees 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 and verified in the purchase and sale agreement (PSA) for each lot. Developer shall furnish a PSA template to verify the condition.
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 a copy of the Covenants, Conditions, & Restrictions that will be deeded to each lot. The HOA or another legal 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 to Ridge Road. A 20 foot wide section of pavement shall be installed up to the property line for emergency turnaround. A non-remonstrance agreement shall be recorded for each lot to allow the formation of a local improvement district to finance the connection of a city street to TSP standards.

Any appeal of this decision shall be pursuant to Warrenton Municipal Code 16.208.050 H. **The deadline for an appeal of this decision is 5:00 p.m., May 9, 2019.**

Notice of appeal. Any person with standing to appeal may appeal a Planning Commission Decision by filing a Notice of Appeal according to the following procedure:

1. Time for filing. A notice of appeal shall be filed with the Community Development Director within 14 days of the date the Notice of Decision was mailed. **A notice of appeal must be received in the Warrenton Planning Department by 5:00 p.m. May 9, 2019.**
2. Content of notice of appeal. The notice of appeal shall contain:
  - a. an identification of the decision being appealed, including the date of the decision;
  - b. a statement demonstrating the person filing the notice of appeal has standing to appeal;
  - c. a statement explaining the specific issues raised on appeal;
  - d. if the appellant is not the applicant, a statement demonstrating that the appeal issues were raised during the comment period; and
  - e. filing fee.
3. Scope of Appeal. The appeal of a Type III quasi-judicial decision shall be limited to the specific issues raised during the written comment period or at the public hearing, as provided under Subsection ii.D above, unless the City Commission allows additional evidence or testimony concerning any other relevant issue. The City Commission may allow such additional evidence if it determines that such evidence is necessary to resolve the case. Written or oral comments received during the comment period or public hearing will usually limit the scope of issues on appeal. Only in extraordinary circumstances should new issues be considered by the City Commission on appeal of a Type III Quasi-Judicial Decision.
4. Appeal Procedures. Type III notice as provided in this section and hearing procedures as provided by Section 16.208.060 shall be used for all Type III quasi-judicial decision appeals.

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Paul Mitchell, Chair, Planning Commission

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Date

Distribution: Applicant