

**Warrenton Planning Commission
Agenda
May 10, 2018
6 PM**

1. Attendance
2. Flag Salute
3. Public Hearing: Continued from April 12, 2018. Adam Crites Wetland Hardship Variance (V 15-4) - 204-240 NW Cedar Ave

Action Item

4. Approval of minutes of March 12, 2018

Action Item

5. Staff Announcements & Project Updates
6. Next Meeting: June 14, 2018
 - a. Public Hearing: Spur 104 Zone Change
7. Adjourn to Work Session on Transportation System Plan

Kevin Cronin

From: Adam Crites <adamcrites@gmail.com>
Sent: Tuesday, April 3, 2018 10:57 AM
To: Kevin Cronin
Subject: Re: Impact Study / Crites

Hi Kevin,
I acquired the property in April of 2015. I have a Title Insurance Policy .

I have inquired with Tigor Title to obtain an electronic version that I can forward to you. They said 24 hour turn around.

Is there a specific question or concern that you have regarding this? Maybe I can provide some clarification if you provide some more information for the question.

I will send you the file as I get it. I am the recorded owner of the property.

Thanks,
Adam

On Tue, Apr 3, 2018 at 11:59 AM, Kevin Cronin <cityplanner@ci.warrenton.or.us> wrote:

I'm finalizing the staff report for Thursday distribution.

One last question: When did you gain title to the property?

If you have a title report available, please send along.

Thanks - Kevin

From: Adam Crites <adamcrites@gmail.com>
Sent: Wednesday, March 28, 2018 9:51 AM
To: Kevin Cronin <cityplanner@ci.warrenton.or.us>
Subject: Re: Impact Study / Crites

Kevin,

Thanks for the email. Please find more extensive response to Hardship Variance Criteria 4-6.

"Making a difference through excellence of service"



CITY OF WARRENTON

April 5, 2018

To: Warrenton Planning Commission
From: Kevin A. Cronin, AICP, Interim Community Development Director
Re: Wetland Hardship Variance Application V15-4, Adam Crites
Address: 204-240 NW Cedar Avenue

Background: Adam Crites, the property owner, purchased the subject property in 2015. He has applied for a wetland hardship variance pursuant to Warrenton Municipal Code 16.156.080, Hardship Variance Procedure and Criteria. The application is to allow construction of new duplexes on individual lots. The subject property is 1.83 acres (Lots 1-12), located in the Medium Density Residential Zone (R-M), and the proposed impact to the wetlands is .49 acres (26%). The Oregon Department of State Lands is ready to issue a removal/fill permit for the project and a 404 permit is pending from the Corps of Engineers.

Application Timeline & Public Notice: Original application was submitted in 2015. The application was not deemed complete until March 13, 2018. Staff sent notice of the public hearing to adjacent property owners on March 23 and notice was published in the *Columbia Press* on March 23, 2018. At this time, no public comments have been received.

Existing Conditions & Previous Land Use Applications: Staff conducted a site visit on March 29, 2018 to verify site conditions. The property has a City-maintained, tidal influenced, drainage swale along NW Cedar Avenue, mature Douglas Fir and Sitka Spruce, dense vegetation including native and invasive species. NW Cedar Ave dead ends and will require an extension to service and provide frontage for each legal lot. A turnaround is requested by the Fire Department among other requirements (See attachment). Staff did not locate any prior land use applications in the address file. The Local Wetland Inventory ((LWI) identifies the wetland as P-16 21-1. A screenshot of the subject wetland is attached.

The application is reviewed against the criteria of WMC 16.156.080 as a Type III Quasi-Judicial Public Hearing process spelled out in WMC 16.205.050.

FINDINGS

Presented below are the review criteria followed by the applicant's response and staff findings.

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.*

The applicant has obtained all relevant state wetland approvals needed to go forward with this project; however, without the City's approval of this variance, the project cannot proceed. The City should find that the site is not buildable without approval of the proposed hardship variance for the reasons herein.

Staff finding: Staff does not concur. The hardship variance for the subject property is for a smaller portion of the property and would still be developable, whether for a duplex, single family home or any other use allowed for the zone. The request is not necessary to use the property for its intended zoning and does not warrant the variance. In addition, the property was purchased in 2015 well after the adoption of the City's Local Wetland Inventory (LWI) in 2004. The property owner was aware of the condition prior to purchase.

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

Applicant's response. The proposed development of residential duplexes represents a legal and reasonable use of the lots considering the zoning of RM 2 zoning designation from the City of Warrenton.

Staff finding: Staff concurs. The Medium Density Residential Zone allows duplexes outright so this is a reasonable and legal use of the property. 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's response: Strict adherence to the LSW overlay of the City of Warrenton determined by OFWAM would effectively preclude use of the parcels that could be reasonably expected to occur in similarly zoned parcels.

Staff finding: Staff does not agree with the applicant's assessment of the Code. As noted above, this project already has Oregon DSL Wetland Removal-Fill Authorization, but the approval of this

hardship variance does not preclude the use of this parcel for residential use as reasonably expected in similarly zoned parcels based on the scope of the impact relative to the size of the property.

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's response: The property owner would be precluded substantial property rights enjoyed by the majority of the landowners in the vicinity. The parcel would persist as undeveloped green space by default and would remain undeveloped with little to no value unless permitted for development full potential as designated by RM 2 zoning by the City of Warrenton, Oregon.

Staff finding: Staff does not concur. The neighborhood has been developed with other residential units. Duplexes 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. However, a majority of the property is developable and was purchased in 2015 with knowledge of the existing conditions. A "bundle of rights" does not transfer to a new owner (2015) after a regulation is enacted (2004).

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

Applicant's response: The variance requested is the minimum necessary to retain use of the property under the RM 2 zone. The applicant was required by the US Corp of Army Corps Engineers and Oregon Department of State Lands to consider alternative designs and locations resulting in the determination of least environmentally impactful alternative. The proposed use was accepted by both the state and federal agencies and was subject to rigorous avoidance and minimization standards prior to gaining their approval. The proposed hardship variance is the minimum necessary to allow an economically feasible development of the property.

Staff finding: Staff does not concur. The application includes a delineation report from a wetland consultant and responses from DSL. However, the variance is not necessary for development to continue on most of the property. The applicant has not submitted any findings, such as a "pro forma" or construction estimates to support the assertion that the project is not economically feasible. In addition, a site plan indicates the impact to the wetlands can be avoided

if the footprint of the proposed duplexes can be moved closer to NW Cedar. This design change may require a setback variance depending on the final design. For reference, the front yard setback standard for the RM Zone is 15 feet. The applicant has not demonstrated the feasibility of an alternative design. Therefore, the standard is not 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's response: Granting of the variance would be materially detrimental to public welfare or injurious to property improvements in the neighborhood or improvements. There is no factual evidence that the granting of the variance would be detrimental to "public welfare" or be injurious to property or improvements in the neighborhood or premises. The proposed project has either avoided, minimized or will mitigate as required by the DSL and USACE review process and permit issuance. Issues concerning emergency vehicle turn around and storm water that were submitted in public response periods have been addressed in preliminary design drawings and Impact Studies conducted by engineering professionals. An emergency vehicle turnaround has been incorporated into the design. All other safety and health concerns related to adjacent properties owners are addressed by the building, electrical, plumbing and fire safety requirements codes.

A stormwater plan has been designed and approved by the Oregon Department of Environmental Quality 401 water quality certificate. The stormwater plan and the impact study submitted to the City of Warrenton illustrate that impacts to adjacent or downstream property has been avoided or does not exist. (see Impact Study). All environmental impacts will be fully mitigated as required by the DSL and USACE permits. The proposed project will supply 8 new units of affordable housing to meet the lack of housing in the Warrenton area. The public facilities and services of water, sewer, police, fire and street exist directly in front of the proposed project.

The proposed variance and project will not be injurious to property or improvements in the neighborhood or premises.

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.

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's response: The variance will be in harmony with the intent and purpose of the Chapter and will not adversely affect any officially adopted Comprehensive Plan policy. The subject property is zoned RM by the city of Warrenton and exists geographically in area surrounded on all side by residential zoning and development.

The granting of the variance will be in harmony with the intent and purpose of this chapter and will adversely affect any officially adopted plan policy.

Staff finding: Staff agrees.

CONCLUSION & RECOMMENDATION

Staff believes the application does NOT satisfy all of the wetland hardship variance criteria. Although the State is ready to issue its wetland removal/fill permit, the local critiera has not been met. Until such time the applicant presents additional evidence and testimony to the contrary, staff recommends the Planning Commission deny the application

Suggested motion: *Based on the findings and conclusions contained in the April 5, 2018 staff report, I move to deny Wetland Hardship Variance Application V15-4 by Adam Crites.*

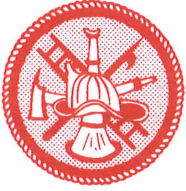
Alternative motion: *Based on the findings and conclusions contained in the April 5, 2018 staff report, and the staff recommendation, I move to continue the hearing until May 10 to allow the applicant to respond to the concerns raised in the staff report.*

Attachments

- Application Packet
- Local Wetland Inventory Map – Subject Property
- Fire Department Comments: Tim Demers, Fire Chief, April 3, 2018

Crites: 204-240 NW Cedar






Warrenton Fire Department

P.O. Box 250 Warrenton, OR 97146-0250 503/861-2494 Fax 503/861-2351

MEMORANDUM

To: Kevin Cronin, Interim Community Development Director
Date: April 3, 2018
From: Tim Demers, Fire Chief 
Re: Adam Crites 200 block NW Cedar Ave hardship variance

ACCESS:

The access off NW Cedar Avenue appears to narrow from a standard street size to a single lane. This access width must be a minimum of 20 feet wide, an all-weather surface capable of holding 60,000 lbs. It must bring all sections of the proposed homes within 150 feet of the apparatus. Home #12 does not appear to satisfy this requirement as the road appears to stop before the far property line. Both sides of the 20 foot street must be signed on both sides "No Parking Fire Lane".

In addition, the road is a dead end over 150 feet in length, and will require a 90 foot turn around at the end.

WATER SUPPLY:

A one or two family dwelling of less than 3,600 sq. ft. requires a minimum flow of 1,000 gpm. It appears the water supply from the existing hydrant on the corner of NW 1st Street and NW Cedar Court may be capable of that flow. Verification of the flow will need to be made with the Fire Department and Public Works present. An engineering calculation will have to be made based on the new proposed hydrant and location verifying the 1,000 gpm minimum. If that flow cannot be achieved, a reduction of 50% may be offered with qualifying sprinkler systems in each residence.

The hydrant proposed shall be a Mueller 2500 Centurion with 2 each, 2.5 inch, and one each 4.5 inch discharge ports. A 4.5 inch to 5 inch Storz connection will be provided by the developer for the hydrant. Final fire hydrant location shall be approved prior to installation by the Fire Department.

CITY OF WARRENTON
PLANNING AND BUILDING DEPARTMENT
Telephone: 503-861-0920 / Fax: 503-861-2351

HARDSHIP VARIANCE APPLICATION
Warrenton Development Code - Section 16.156.080

Application fee (non-refundable): \$900.00

City File No.: V- 15-4

NOTE: The applicant must complete sections I, II, and III below and submit the required application fee before staff can accept the application.

I. APPLICATION / OWNER INFORMATION:

Applicant: Adam Crites Phone: 208-440-5040

Mailing Address: PO Box 2127 Salt Lake City, Utah 84110

Applicant Signature: Adam Crites Date: 12-7-15

Owner: Adam Crites Phone: 208-440-5040

Mailing Address: PO Box 2127 SLC, UT 84110

Owner Signature (if different than applicant): _____

Signed written authorization by the property owner of record may be substituted here.

II. PROPERTY INFORMATION:

Address: 204-240 NW Cedar Ave. Nearest Cross Street: NW. 1st St.

Assessor Parcel No.: Twp 8N, Rng 10W, Section 16 DD, Tax Lot 81016DD1700

Legal Description: lots 9,10,11,12 Block 101 second extension of warrenton

Lot Size: 200' X 100' Date Current Owner Took Ownership: clatsop county OR April 6, 2015

Current Use of Property: Undeveloped vacant land

III. VARIANCE INFORMATION:

Describe the Requested Variance (i.e., what is the proposed use and why does the proposal require impacts to wetlands):

see Attachment A and B

Written Responses to the Six Hardship Variance Criteria of Warrenton Municipal Code Section 16.156.080B (see below) are necessary.

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

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

1. The proposed development represents a reasonable and legal use of the lot or parcel, considering the zoning.
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.
3. The property owner would be precluded a substantial property right enjoyed by the majority of landowners in the vicinity.
4. The variance is the minimum necessary to retain use of the property.
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.
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.

Is a Site plan* Attached? () Yes () No

**A site plan is required and must be drawn to scale, contain a north pointing arrow, show wetland boundaries (as scaled from the City's Local Wetland Inventory (LWI) map, or as professionally delineated), and show all setback distances from existing and proposed structures and roads to wetlands and property lines.*

Has a State/ Federal Wetland Removal Fill Permit Application been made for this project?

Yes () No: If yes, what is the status? Final Review due 12-17-15
Additional Information: see attachments

Do not write below this line

Date Paid / Receipt# _____ Received by: _____

Date applicant was provided written notification of additional information needed: _____

Date additional information was received: _____

Comments: _____

Date application was deemed complete: _____

1. The proposed development of residential duplexes represents a legal and reasonable use of the lots considering the zoning of RM 2 zoning designation from the City of Warrenton.
2. Strict adherence to the LSW overlay of the City of Warrenton determined by OFWAM would effectively preclude use of the parcels that could be reasonably expected to occur in similarly zoned parcels.
3. The property owner would be precluded substantial property rights enjoyed by the majority of landowners in the vicinity. The parcel would persist as undeveloped green space by default and would remain undeveloped with little to no value unless permitted for development to full potential as designated by RM 2 zoning by the City of Warrenton, Oregon.
4. The variance requested is the minimum necessary to retain use of the property under the RM 2 zone.
5. Granting of the variance would not be materially detrimental to public welfare or injurious to property improvements in the neighborhood or improvements.
6. The variance will be in harmony with the intent and purpose of this Chapter and will not adversely affect any officially adopted Comprehensive Plan Policy.

7. **Additional Notes** – A State Wetland Removal and Fill Permit for this project has been submitted to the DSL and is under Final Review with an expected conclusion Date of no later than December 17, 2015.

Proposed Site Plan is attached

Assessment of LSW as it pertains to the property using ORWAP by a qualified Wetland consultant is enclosed as Attachment B.

Attachment 1A p.1 of 6

The project purpose –

Construction of four residential duplexes on lots in the City of Warrenton, Oregon RM zone to meet the documented rental demand for the workforce moderate income range of \$35,000 to \$50,000, \$1200.00/month targeted rents per unit. Warrenton serves as the major commercial hub for the North Coast region.

See Attachment 1A – Residential Need and Demand

The project Need -

Removal and fill on Lots 9,10,11,12 of block 101 considered in conjunction with surrounding/contiguous lots 1 thru 8 of block 101 Warrenton Meadow in the RM zone of Warrenton , Oregon where community services and adequate access are available. Residential rental demand in income range of \$35,000 to \$50,000 within the City of Warrenton is in high demand and will continue as more commercial activity is approved and concentrated within the City of Warrenton.

See Attachment 1A – Residential Need and Demand

Attachment 1A – Residential Housing Needs

Section 3.220 Population Projections

The 2006 population of Warrenton was estimated to be 4,505 based on coordinated county/ city population projections and adjusted slightly to account for a very small number of housing units and people between the city limits and urban growth boundary. This compares to a population of 3,292 in 1990. Warrenton's population is expected to increase by approximately 1.8% per year over the next 20 years, generally consistent with growth rates during the last 15 years.

Table 3 summarizes historical and projected future population, assuming an updated current (2006 population estimate) and the future growth rate assumed in the coordinated county city forecasts. It also accounts for population within the entire UGB as described above

Table 3. Historical and Future Population Data and Forecasts

	1990	2000*	2006	2017	2027
Population	3,292	4,096	4,503	5,449	6,481

- Includes only population within City Limits. Estimates for years include population estimated within the entire UG

Source :Warrenton Comprehensive Plan

Attachment 1A – Residential Housing Needs

Section 3.240 Housing Cost, Housing Incomes and Housing Affordability

Warrenton, Comprehensive Plan.pdf - Adobe Reader

Table 7. Comparison of Housing Incomes and Costs, Warrenton, 2006

Income	Households	Affordable Monthly Housing Costs	Supply			Surplus/ -Gap
			Owner housing	Rental housing	Total	
Less than \$15,000	299	Less than \$325	94	55	149	-150
\$15,000 to \$24,999	262	\$325-\$624	47	252	299	37
\$25,000 to \$34,999	190	\$625-\$874	114	155	269	79
\$35,000 to \$49,999	331	\$875-\$1249	211	63	274	-57
\$50,000 to \$74,999	389	\$1250-\$1874	378	19	397	8
\$75,000 to \$99,999	212	\$1875-\$2499	233	0	233	21
\$100,000 to \$149,999	115	\$2500-\$3749	77	0	77	-38
\$150,000 to \$199,999	30	\$3750-\$4999	38	0	38	8
\$200,000 and more	32	\$5000 or more	11	0	11	-21

This analysis indicates a need for more units in the very lowest price ranges as well as more units affordable to households with moderate incomes (just above and below Warrenton's median household income).

Source :Warrenton Comprehensive Plan

Attachment 1A – Residential Housing Needs

Section 2.270 Future Land Needs

The following table summarizes the difference between the supply of buildable land and the amount of land needed in each zone to meet these future land needs. There appears to be an overall surplus of residential land of over 277 acres. A portion of this land will be used for commercial purposes. However, even after taking most of the commercially zoned land out of the inventory, there still would be an overall surplus of land available for residential development.

□□ The following table identifies current and projected percentages and numbers of homes by housing type in Warrenton.

	Supply	Need	Gap
R-40	61.5	37.6	23.9
R-10	167.2	65.8	101.4
R-M	21.7	52.3	-30.6
R-H	83.3	26.8	56.5
RGM	58.1		58.1
C-1	73.3	3.7	69.5
C-MU	0.3	2.0	-1.8
<i>Total</i>	<i>465.3</i>	<i>188.3</i>	<i>277.0</i>

Source: Cogan Owens Cogan

Project advisory committee members noted that some areas currently designated as wetlands would not necessarily meet the definition of wetlands if an official wetland delineation of those properties were undertaken. Approximately 1,130 acres of land designated for residential use in the city are covered by significant wetlands. If there were fewer areas with wetlands in Warrenton the surplus of buildable lands would be even larger. For example, if 20% of the lands currently designated as wetlands were in fact considered buildable, approximately 225 additional acres of land would be available for residential development. After deducting for land needed for roads and other public facilities, this would result in about 180 net acres of land, or almost double the surplus currently calculated.

Source :Warrenton Comprehensive Plan

Attachment 1A – Residential Housing Needs

Section 3.260 Future Needed Housing Types

The following trends are expected to affect the need for different types of housing:

- Increasing cost of land and housing in coastal and other communities throughout Oregon.

- Relatively modest increases in wages, consistent with trends during the last ten years.

- Continued need for relatively low cost housing for households and families with lower incomes, including workers in the retail / tourism sector.

- Continued expansion of the second home market in coastal communities such as Warrenton but with a lower seasonal occupancy rate than other coastal communities.

- Continued need for some manufactured housing as a potential supply of low-cost, workforce housing, although with a decreasing supply of this type of housing consistent with recent trends and a concurrent increase in the share of other relatively affordable housing types (see below).

- Potential increase in need and market for multi-family and single-family attached housing as a potential supply of low and moderate cost housing.

These factors and conditions are expected to have the following impacts on the need for different types of housing in Warrenton:

- Continued need for some manufactured housing as a potential supply of low-cost, workforce housing.

- Increased need for multi-family and single-family attached housing as a potential supply of low and moderate cost housing.

- Decreasing size of lots in comparison to recent trends as land and housing prices rise

Source: Warrenton Comprehensive Plan

Attachment 1A – Residential Housing Needs

Section 3.280 Conclusions

Following is a brief summary of conclusions.

□ The analysis indicates a significant surplus of land overall within Warrenton's UGB and the ability to accommodate growth during a 20-year period within expanding the city's UGB or relying on land within adjacent cities urban areas to accommodate needs projected in Warrenton.

□ The analysis shows a surplus in most individual plan designations, with the exception of RM and C-MU zones. This could be remedied by rezoning some C-1 land to C-MU and by zoning land in any of a number of residential zones (e.g., R-10, RGM or R-40) to RM. Or more land in one of these other zones could be assumed to be developed for single family detached housing (and less land in the RM zone).

□ The needs analysis generally identifies a significant gap between incomes and housing prices with a shortage of housing for households with very low incomes (under \$15,000) and a moderate gap for those in the \$35,000 to \$50,000 household income range. There also is a smaller gap in some of the upper income categories, while there is a surplus of housing affordable to households in other income ranges.

□ There is a need for additional multi-family units and some other types of units that are potentially more affordable to those with lower or moderate incomes, including duplexes, tri-plexes and single family detached homes (i.e., townhouses). The land needs analysis incorporates this finding.

□ The housing market cannot be expected to meet the projected housing needs of Warrenton residents alone, particularly for people with very low incomes. A variety of strategies can be implemented by the City in partnership with non-profit and for-profit developers and others to encourage the development of housing in price ranges and types that would be affordable to a wider range of residents. Many of those strategies are identified in the following *Proposed Housing Policies* section.

Source: Warrenton Comprehensive Plan

Attachment

Carex Consulting
Wetland Ecology, Watershed Restoration
P.O. Box 441
Seaside, Oregon 97138
(503-738-8710

Dear Sirs,

Based upon my field observation and studies conducted in the course of a wetland delineation report completed for Adam Crites for DSL application requirements including ORWAP, the intent and purpose to construct residential Duplexes on Tax Lot # #81016DD01700.

I have concluded the wetlands contained within the boundaries do not meet the requirements of the Department of State Lands for Locally Significant Wetlands determination. The requirements have been provided below.

Procedures for Identifying Locally Significant Wetlands

- (1) LSW criteria are applied by the local government.
- (2) The following base information is required prior to applying the LSW criteria:
 - (a) An approved Local Wetlands Inventory (OAR 141-086-0110 through 141-086-0240) covering the plan area; and
 - (b) A function and quality assessment of all inventoried wetlands using the Oregon Freshwater Wetland Assessment Methodology (OFWAM; Oregon Division of State Lands, 1996). Functional assessment descriptors from OFWAM appear in quotation marks in section 146-086-0350 of these rules. An equivalent functional assessment methodology may be used, or adjustments may be made, upon written approval by the Director. If a different assessment methodology is approved, then equivalent terminology will be set out in the Division's letter of approval.
 - (c) The wetland contains one or more rare plant communities, as defined in this rule.
 - (d) The wetland is inhabited by any species listed by the federal government as threatened or endangered, or listed by the state as sensitive, threatened or endangered, unless the appropriate

state or federal agency indicates that the wetland is not important for the maintenance of the species.

(A) The use of the site by listed species must be documented, not anecdotal. Acceptable sources of documentation may include but are not limited to: field observations at the wetland sites during the local wetlands inventory and functional assessments, and existing information on rare species occurrences at agencies such as the Oregon Natural Heritage Program, Oregon Department of Fish and Wildlife, Oregon Department of Agriculture and the U.S. Fish and Wildlife Service.

(B) Input originating from other locally knowledgeable sources constitutes "documentation" if verified by one of the above agencies or a university or college reference collection.

(e) The wetland has a direct surface water connection to a stream segment mapped by the Oregon Department of Fish and Wildlife as habitat for indigenous anadromous salmonids, and the wetland is determined to have "intact" or "impacted or degraded" fish habitat function using OFWAM.

(3) Optional LSW Criteria. At the discretion of the local government, wetlands that meet one or more of the following criteria may be identified as locally significant wetlands:

(a) The wetland represents a locally unique native plant community: wetland is or contains the only representative of a particular native wetland plant community in the UGB/UUC, which is only applicable if the entire UGB/UUC is inventoried. To be identified as a LSW, such a wetland must also have been assessed to perform at least one of the following functions at the levels indicated below using OFWAM:

(A) Its wildlife habitat descriptor is either "provides diverse habitat", or "provides habitat for some wildlife species"; or

(B) Its fish habitat descriptor is either "intact", or "impacted or degraded"; or

(C) Its water quality function descriptor is either "intact", or "impacted or degraded"; or

(D) Its hydrologic control function descriptor is either "intact", or "impacted or degraded".

(b) The wetland is publicly owned and determined to "have educational uses" using OFWAM, and such use by a school or organization is documented for that site.

Stat. Auth.: .360

Stats. Implemented: .299

Hist.: LB 7-1996, f. 12-13-96, cert. ef. 1-1-97

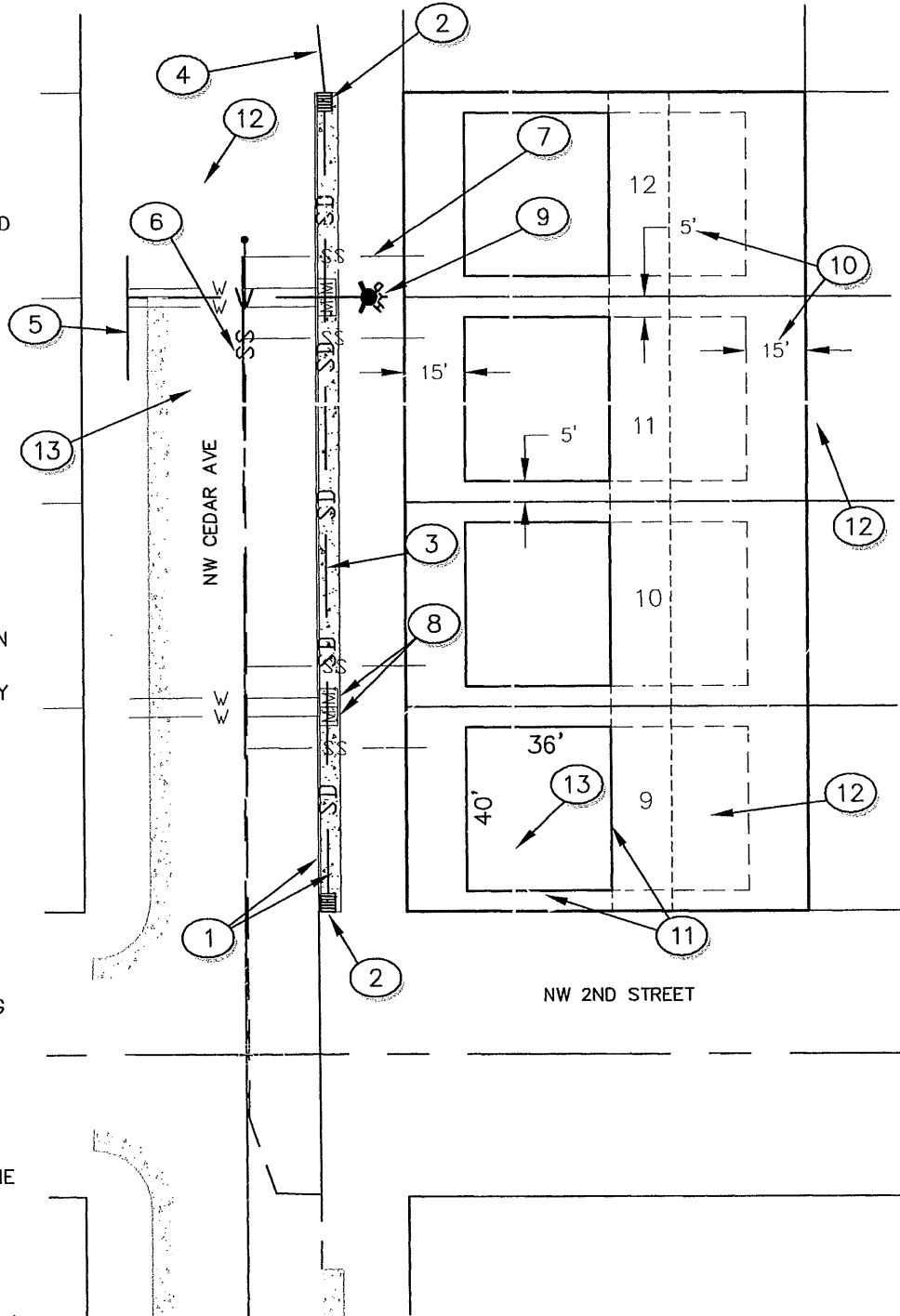
The study area wetlands do not meet any of the criteria listed above. The wetlands are typical of Warrenton with some disturbance from historic fill and impacts of dewatering from nearby drainage ditches. Its wetland functions are limited as evaluated using ORWAP. Please feel free to contact me if you have any questions.

SITE PLAN

TAX LOT 1700 IN SECTION 16DD, T8N, R10W, W.M.
 CITY OF WARRENTON, CLATSOP COUNTY, OREGON
 DATE: NOVEMBER, 2015 SCALE: 1" = 40'

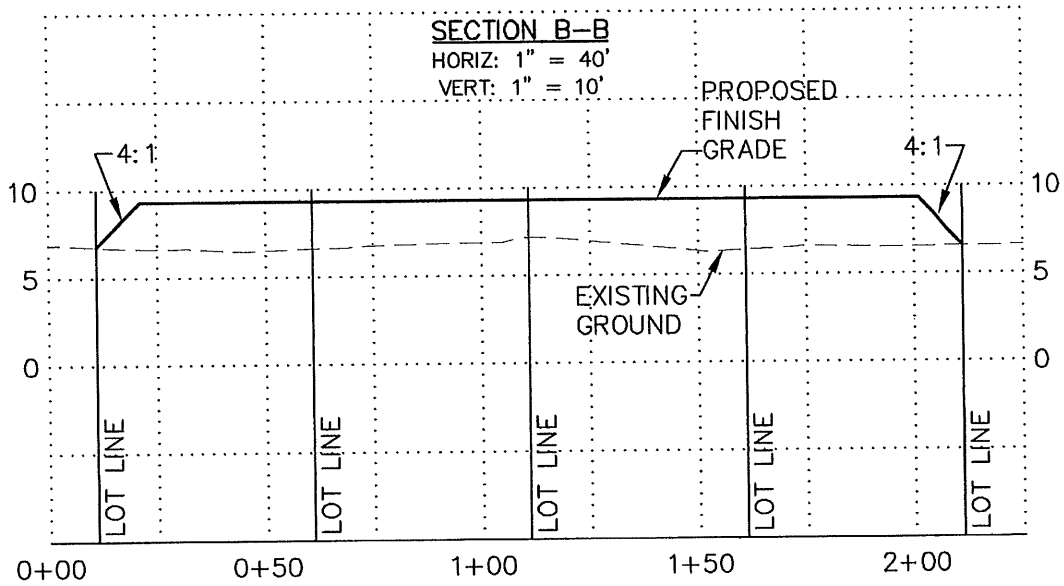
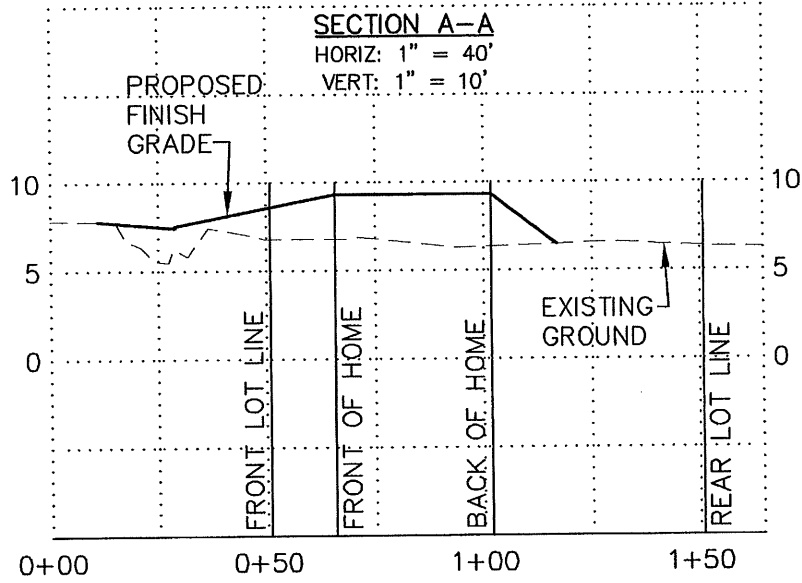
NOTES

- ① PROPOSED CURB AND SIDEWALK
- ② PROPOSED STORM CURB INLET
- ③ PROPOSED PUBLIC STORM EXTENSION
- ④ PROPOSED OUTFALL TO DITCH
- ⑤ PROPOSED PUBLIC WATER EXTENSION
- ⑥ PROPOSED PUBLIC SANITARY EXTENSION
- ⑦ PROPOSED SANITARY LATERAL (TYP)
- ⑧ PROPOSED WATER METERS (TYP)
- ⑨ PROPOSED FIRE HYDRANT
- ⑩ BUILDING SETBACKS (TYPICAL)
- ⑪ PROPOSED BUILDING (TYPICAL)
- ⑫ EXISTING WETLAND LINE
- ⑬ CROSS SECTION LINE



CROSS SECTIONS

TAX LOT 1700 IN SECTION 16DD, T8N, R10W, W.M.
CITY OF WARRENTON, CLATSOP COUNTY, OREGON
DATE: NOVEMBER, 2015 SCALE: 1" = 40'



S. E. 1/4 OF SECTION 16, T8N, R10W, W. M.

WETLAND DELINEATED BY DOUG RAY AND AUSTIN TOMLINSON ON 4/17/2015. WETLAND TIED BY KARL F. FOESTE, PLS 849, DN 4/22/2015.

SURVEY FOR: ADAM CRITES

SURVEY BY: KARL F. FOESTE, 361 S. W. MAIN CT. WARRENTON, OR 97146

DATE: 4/22/2015

SCALE: 1" = 40'

LEGEND:

⊕ DENOTES TEST PLOT.

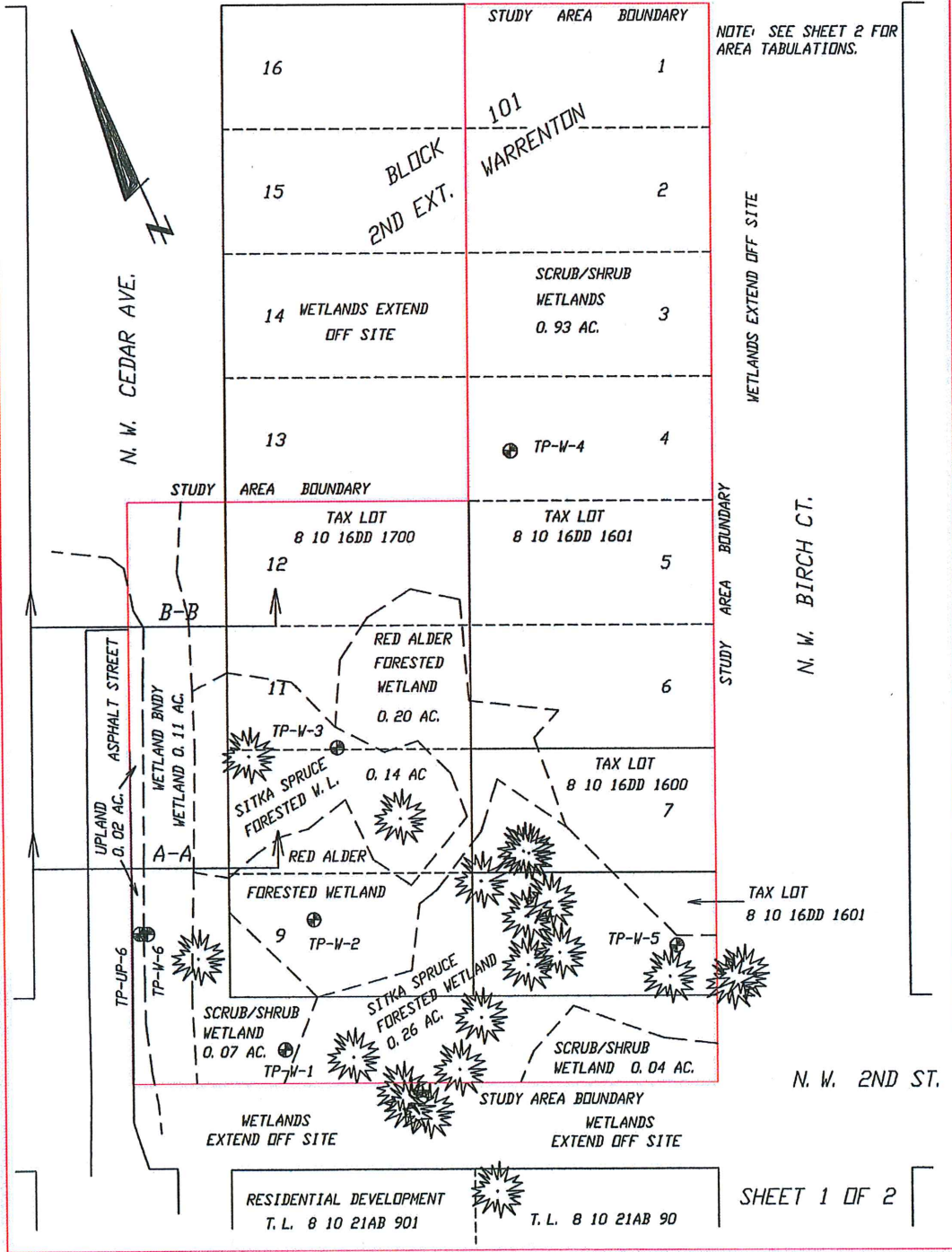
☼ DENOTES CONIFER TREE.



N. W. 3RD ST.

WETLANDS EXTEND OFF SITE

NOTE: SEE SHEET 2 FOR AREA TABULATIONS.



RESIDENTIAL DEVELOPMENT
T. L. 8 10 21AB 901

T. L. 8 10 21AB 90



PO Box 2699 Gearhart, OR 97138

Ph: 503 738 4320

Fax: 503 738 7854

IMPACT STUDY FOR 4 PLATTED LOTS ON NW CEDAR AVENUE

T.8N,R.10W,Section 16DD, Tax Lot 1700

The following is an impact study to assess the effects of the proposed development on public facilities and services.

Transportation System

The transportation system for the proposed project consists of an existing partially developed public street. The existing public street runs the length of the proposed project and is partially developed (1/2 street lengthwise). The street will be upgraded to meet public including an emergency vehicle turn around ("hammerhead").

This section of NW Cedar Avenue currently consists of 11 Single Family Residences. The proposed construction of 4 duplex Residences on Lots 9,10,11,12 will add 8 Dwelling units to NW Cedar Avenue. The ADT of NW Cedar Avenue upon build out of the proposed development is as follows. For the existing homes = 11×9.55 ADT = 105.05 ADT. For the proposed development (4 duplexes) = $8 \times 9.55 = 76.4$ ADT for a total of 181.45 ADT for that portion of Cedar. This is below the maximum of 250 ADT for the alternative local road standard.

Drainage System

The current public drainage system consists of a City maintained ditch running adjacent to the proposed project. A 4" corrugated pipe feeds into the start of the ditch at the corner of NW 2nd St and NW Cedar Ave. The proposal is to leave the existing ditch and install culverts for the driveways. All improvements will be to City of Warrenton public standards. All engineering will be submitted to The City of Warrenton for review and approval. In looking at the stormwater runoff for the 10 year, 24 hour storm, the volume of runoff from the proposed development only results in a 15% increase of the storm runoff for this development footprint area. If an analysis was done on the entire basin we would anticipate that this would be less than a 1% increase. As stated in the City code the City may require detention facilities if there are or are anticipated to be downstream deficiencies. It does not appear that there are downstream deficiencies but a detention system could be designed very easily for such a small project.

Parks System

The proposed project consists of existing platted lots within the RM zone. No impacts to Warrenton parks are anticipated with the project.

Water System

The site is served by an existing 4" water main in NW Cedar Ave. The water system for the project will consist of the extension of the 4" main to reach lots 10 and 11, as well as new water services. The project will also include a new fire hydrant. The proposed project will consist of 4 duplexes that will include one meter service per side. Using the Uniform Plumbing code for a typical 3 bed, 2.5 bath would result in 28.5 fixture units. Multiply this by 10 (8 duplexes plus the existing homes) results in 285 fixture units. Using Chart A-2 in Appendix A of the plumbing code yields a flow rate of 85 gpm. Assuming a maximum velocity of 5 ft/sec on a 4" water main the maximum flow rate is 200 gpm which is well above the 85 gpm that would be required. The 4" water main is sufficient to serve the proposed development.

Sewer System

There is an existing sanitary main on NW Cedar Ave. The sewer main will be extended to accommodate the new sanitary laterals to serve all of the lots within the project. The proposed project will have minimal impact on the existing system.



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, PORTLAND DISTRICT
P.O. BOX 2946
PORTLAND, OREGON 97208-2946

February 16, 2018

REPLY TO:
ATTENTION OF:

Operations Division
Regulatory Branch
Corps No. NWP-2016-128

Adam Crites
P.O. Box 2127
Salt Lake City, Utah
Email: adamcrites@gmail.com

Dear Mr. Crites:

The U.S. Army Corps of Engineers (Corps) completed the review of the permit application you submitted to provide residential duplexes in the City of Warrenton, Oregon area. The project is identified as Corps No. NWP-2016-128. Please refer to this number in all correspondence.

Although the Corps is prepared to issue a permit, by Federal law a Department of the Army (DA) permit cannot be issued until State 401 Water Quality Certification (WQC) and State Coastal Zone Management (CZM) Certification have been issued or waived. The Oregon Department of Environmental Quality (DEQ), which is responsible for WQC and Oregon Department of Land Conservation and Development (DLCD), which is responsible for CZM certification, have not issued the prerequisite certification. For your convenience, a copy of the DA permit is enclosed.

Upon receipt of DEQ's and DLCD's approval or waiver, the DA permit will be issued, providing the DEQ and DLCD approvals or waivers are furnished within one year of the date of this letter, and there have been no significant changes in the Corps evaluation policies during that period nor any significant project modifications.

You must notify us in writing when you receive WQC and CZM Certification and enclose a copy of the certification as well as any revised drawings illustrating project modifications. You must notify this office of any changes to the project when you submit copies of the certification. Conditions of the WQC and CZM Certification will become conditions of the final DA permit. Should DEQ's and DLCD's action on the required certification permit a project different from that shown on the current permit application, a modification to the application will be required. You must notify this office of any changes to the project when you submit copies of the certification/permit. Substantial changes may require a new permit evaluation process, including issuing a new public

notice. If DEQ and DLCD deny the required WQC and CZM Certification, the DA permit is denied without prejudice.

You are cautioned that commencement of the proposed work prior to actual DA authorization would constitute a violation of Federal laws and subject you to possible enforcement action. Receipt of a permit from the Oregon Department of State Lands (DSL) does not obviate the requirement for obtaining a Department of the Army permit prior to commencing the proposed work.

If you have any questions about your permit application, please contact me at the letterhead address, by telephone at (503) 808-4368, or email at danielle.h.erb@usace.army.mil.

Sincerely,

ERB.DANIELLE.HA
RPER.1379534674

Digitally signed by
ERB.DANIELLE.HARPER.1379534674
DN: c=US, o=U.S. Government, ou=DoD, ou=PKI,
ou=USA, cn=ERB.DANIELLE.HARPER.1379534674
Date: 2018.02.16 12:38:06 -08'00'

Danielle Erb
Project Manager, Regulatory Branch

Enclosure

cc:

Oregon Department of State Lands (dan.cary@state.or.us)
Oregon Department of Environmental Quality (Simpson.Amy@deq.state.or.us)
Oregon Department of Land Conservation and Development (patty.snow@state.or.us;
elizabeth.j.ruther@state.or.us)

Kevin Cronin

From: Adam Crites <adamcrites@gmail.com>
Sent: Wednesday, March 28, 2018 9:51 AM
To: Kevin Cronin
Subject: Re: Impact Study / Crites

Kevin,

Thanks for the email. Please find more extensive response to Hardship Variance Criteria 4-6.

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

The applicant was required by the US Corp of Army Corps Engineers and Oregon Department of State Lands to consider alternative designs and locations resulting in the determination of least environmentally impactful alternative. The proposed use was accepted by both the state and federal agencies and was subject to rigorous avoidance and minimization standards prior to gaining their approval. The proposed hardship variance is the minimum necessary to allow an economically feasible development of the property.

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

There is no factual evidence that the granting of the variance would be detrimental to "pubic welfare" or be injurious to property or improvements in the neighborhood or premises. The proposed project has either avoided , minimized or will mitigate as required by the DSL and USACE review process and permit issuance.

Issues concerning emergency vehicle turn around and storm water that were submitted in public response periods have been addressed in preliminary design drawings and Impact Studies conducted by engineering professionals.

A emergency vehicle turn around has been incorporated into the design.

All other safety and health concerns related to adjacent properties owners are addressed by the building, electrical , plumbing and fire safety requirements codes.

A storm water plan has been designed and approved by the Oregon Department of Environmental Quality 401 water quality certificate. The storm water plan and the impact study submitted to the City of Warrenton illustrate that impacts to adjacent or downstream property has been avoided or does not exist. (see Impact Study)

All environmental impacts will be fully mitigated as required by the DSL and USACE permits.

The proposed project will supply 8 new units of affordable housing to meet the lack of housing in the Warrenton area.

The public facilities and services of water, sewer, police, fire and street exist directly in front of the proposed project.

The proposed variance and project will not be injurious to property or improvements in the neighborhood or premises.

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

The subject property is zoned RM by the city of Warrenton and exists geographically in area surrounded on all side by residential zoning and development.

The granting of the variance will be in harmony with the intent and purpose of this chapter and will adversely affect any officially adopted plan policy.

Also, the Impact is for 0.49 acres of 1.83 acres total for the entire project lots 1-12.

Please let me know if you need anything else.

Thanks for your time and consideration,
Adam Crites
208-440-5040

On Tue, Mar 27, 2018 at 4:25 PM, Kevin Cronin <cityplanner@ci.warrenton.or.us> wrote:

Adam:

I am making substantial progress on your application. Notice has been published and mailed to adjacent property owners.

In reviewing your findings in response to the criteria, the responses are very light.

Please provide more information in response to Criterion 4-6. Email response is adequate.

I also need the amount of impacted removal/fill relative to the overall size of the property as well.

Please provide at your earliest convenience so we can make the April 5 staff report deadline.

CITY OF WARRENTON
Pre-application Conference
Warrenton Development Code - Chapter 16.208.070.C

FEE \$150.00

File# PRE16-3

Date Received 2/24/16

Receipt# 8680319

Subject Property Address: NW CEDAR AVE

Township 8 range 10, section 16 DD, Tax Lot (s) 81016 DD 01700

Lot Square Footage 200X 100 Zone _____

Property Owner Adam Crites Phone number 208-440-5040

Mailing Address PO Box 2127 Salt Lake City, UT 84110

Applicant (if not owner) _____ Phone number _____

Mailing Address _____

DESCRIBE PROPOSAL: Please see previously
Submitted Hardship Variance
Application

1. **Participants.** When a pre-application conference is required, the applicant shall meet with the Community Development Director or his/her designee(s). **Please submit a preliminary site design showing the vicinity of the project and project design.**
2. **Information Provided.** At such conference, the Community Development Director shall:
 - a. Cite the Comprehensive plan policies and map designations applicable to the proposal;
 - b. Cite the ordinance provisions, including the substantive and procedural requirements applicable to the proposal;
 - c. Provide available technical data and assistance, which will aid the applicant;
 - d. Identify other governmental policies and regulations that relate to the application; and
 - e. Reasonably identify other opportunities or constraints concerning the application.
3. **Disclaimer.** Failure of the Community Development Director or his/her designee to provide any of the Information required by this subsection C shall not constitute a waiver of any of the standards, criteria or requirements for the application.
4. **Changes in the Law.** Due to possible changes in federal, state, regional, and local law, the applicant is responsible for ensuring that the application complies with all applicable laws on the day the application is deemed complete.

April 10, 2018

Dear Commissioners,

My name is Terry Ager and I own the property to the west of Mr. Crites on the 200 block of N.W. Cedar Ave. I retired from the City of Warrenton Public Works Department Water Quality Technician July 31, 2017 after 33 years of service with the City. My position provided expertise with water distribution and treatment, wastewater treatment and collection, storm water and drainage as well as streets, parks and sanitation. I am opposed to the development of the Crites property for several reasons.

- The property, itself is a locally significant wetland with an abundance of trees that drink up the water stored on this land. It is also identified on the National Wetlands Inventory for 2016. A copy of this map from Clatsop County is attached. The map shows the locally significant wetlands off N.W. Cedar Ave. in bright green and the dotted overlay is the National Wetland Inventory 2016 identifier.
- The drainage ditch west of the property is tidal activated and drains both sides of N.W. Cedar Ave.
- Filling this property would aggravate an already existing storage and drainage problem on NW 2nd St., NW Cedar Ave and my property.
- Flooding occurs during heavy rain events illustrating the need for wetland protection in the neighborhood. Please refer to the photographs enclosed with this letter. The 4" drain pipe that crosses N.W. Cedar Ave at N.W. 2nd Street is undersized for the conveyance of rainwater. The flooding problem was addressed in a 2016 memorandum from City Engineer, R. Collin Stelzig to Skip Urling, Community Development Director, which states concerns about flooding at N.W. 2nd Street. There is simply no way to install culverts or one culvert that will not restrict flows.
- The east side of N.W. Cedar Ave. south of N.W. 2nd Street drains the opposite direction.
- In a conversation with ODFW about the Crites Property and the drainage issues, a discussion about the impacts on the diverse wildlife occupying this ecosystem. Comments from Robert W. Bradley, District Fish Biologist, Oregon Department of Fish and Wildlife, North Coast Watershed District in an email from Joy R Vaughan referencing P/N NWP-2016-128, Adam Crites, Alder Creek, Warrenton, Clatsop (46.17061,-123.92782) were as follows:
 - "Danielle, We reviewed this notice and offer the following comments: There are some impacts to wetland/terrestrial habitats associated with this project. Therefore, ODFW recommends retaining all green (living) trees on site. We also recommend that all habitat mitigation be in proximity to the proposed development."
 - The original request for comment was from the Portland Regulatory Division of the U.S. Army Corps of Engineers, Danielle Erb, Project Manager, Regulatory Branch.
- Mr. Crites has received a letter from the Operations Division Regulatory Branch for Corps No. NWP-2016-128 indicating their willingness to issue the permit conditional upon the following:
 - Issuance of a State 401 Water Quality Certification (WQZ) from the Oregon Department of Environmental Quality (DEQ) or a waiver
 - Issuance of a State Coastal Management (CZM) from the Oregon Department of Land Conservation and Development (DLCD) certification or a waiver
 - Revised drawings, if any, illustrating changes to the project.

RECEIVED
APR 12 2018

BY: _____
CITY OF WARRENTON

- Mr. Crites proposes to have a variance allowing his development a lesser setback instead of the designated 15'. This variance would not allow off street parking for his tenants which will be necessary with a no parking fire lane posting on the entire 200 block of the street.
- I object to the variance.
- Mr. Crites should provide the minimum required parking spaces for his development per the City Development Code.
- A variance may not be needed if Mr. Crites were to submit a proposal for 3 duplexes instead of four.
- He has not provided any proof of financial hardship related to a reduction in structures.
- The lack of sufficient Public Utilities (water, sewer and storm water) for this proposed development
 - The 4" water main on N.W. Cedar Ave is undersized for delivery of the 850gpm required for the development. It is also a dead end line. This development would require an 8" water main. Connecting an 8" main on N.W. Cedar Ave to his development from the 10" main on N.W. 1st Street would provide the necessary flow. These concerns are also addressed in the memorandum from the City Engineer which is enclosed. The information provided by the developer from Fire Extinguisher Service Center about the hydrant flow testing is incorrect. Aside from the fact that the hydrant is a Pacific States and not an Iowa as described by the tester, the flows are impossible for a 4" main with a 4" hydrant with 2 ½" ports. As another note, Pacific States hydrants have not been manufactured since the late 1970's.
 - The existing sewer main has been reported to be 4' in depth at N.W. 2nd and N.W. Cedar Ave., but in actuality the manhole at N.W. 2nd and N.W. Cedar Ave. is 3' deep at the invert which is the bottom of the channel. This is not low enough to facilitate connection without obstructing the drainage ditch.
 - The street on the 200 block of N.W. Cedar Ave consists of a 17' width of asphalt not 20' as described by the developer, Mr. Crites. A recent survey conducted for Public Works by Pavement Management Services has identified N.W. Cedar Ave as a street in the poorest of condition. The pavement actually stops at my driveway. A cul-de-sac is required for emergency and utility vehicles. This cul-de-sac will need to be installed beyond the additional lots owned by myself and my ex-wife so as not to landlock our properties.
 - The fire department proposes there be no parking fire lane signs posted on both sides of the street in front of the proposed development. This will eliminate visitor parking in front of my property and present a new hardship. This new development should provide its own off-street parking.
 - The Traffic Impact Study considers only one vehicle per residence. This is not practical nor accurate. Of the 11 existing homes on N.W. Cedar Ave 100 and 200 blocks, only one of the homes has only one vehicle. The others have two or more. If the new proposed duplexes are 2 bedroom or larger, there is a strong likelihood there will be more than one vehicle per unit. The ADT would be more accurately described as 350 ADT or more using current realities and 2 vehicles per unit in each duplex.

- The Drainage System Impact Study contains inaccuracies about directional flow and fails to take into account that the street in the 200 block floods during extended rain events with high tides.

- The City has Engineering Standards, a Development Code, Water and Sewer Ordinances, a Wetlands Inventory and Designation, a Storm Water Master Plan, and a Transportation System Plan for responses to new developments. This proposed development should be held to these standards especially when this proposed development will impact existing homeowners with parking, drainage, street, fire safety, water, sewer and travel issues. I believe these standards were adopted to protect the environment and adjacent properties. I am giving the City notice of my concerns should this development be approved as proposed and my property suffers any loss related to the concerns I have outlined. I will have no choice, but to hold the City responsible for damages.





Back



Hide original message

Archive Move Delete Spam

Danielle,

We reviewed this notice and offer the following comments:

There are some impacts to wetland/terrestrial habitats associated with this project. Therefore, ODFW recommends retaining all (living) trees on site. We also recommend that all habitat mitigation be in proximity to the proposed development.

Robert

Robert W. Bradley
District Fish Biologist
Oregon Department of Fish and Wildlife
North Coast Watershed District
4907 Third St
Tillamook, OR 97141
503-842-2741 x253 (w)
503-842-8385 (fax)

-----Original Message-----

From: Joy R Vaughan [mailto:joy.r.vaughan@state.or.us]
Sent: Thursday, July 14, 2016 9:19 AM
To: Robert Bradley <robert.bradley@state.or.us>
Subject: FW: Correction: P/N NWP-2016-128, Adam Crites, Alder Creek, Warrenton, Clatsop, Oregon, (46.17061, -123.02782)

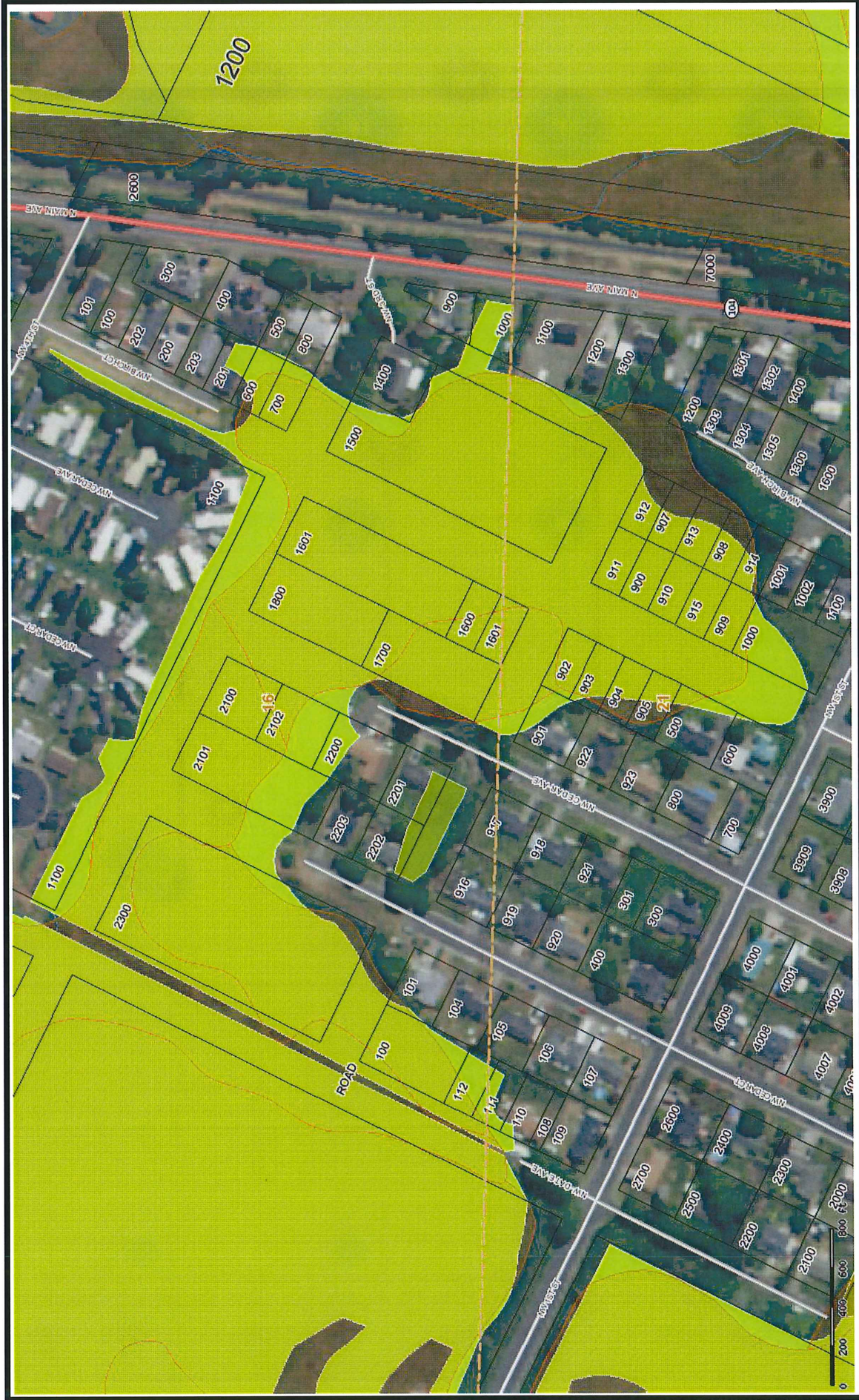
FYI, Corps permit application.

-----Original Message-----

From: PortlandRegulatory [mailto:PortlandRegulatory@usace.army.mil]



Map



Clatsop County Webmaps

Disclaimer: This map was produced using Clatsop County GIS data. The GIS data is maintained by the County to support its governmental activities. This map should not be used for survey or engineering purposes. The County is not responsible for map errors, omissions, misuse or misinterpretation. Photos may not align with taxlots.



"Making a difference through excellence of service"



CITY OF WARRENTON

Engineering

Pre-Application Memorandum

To: Skip Urling, Community Development Director
From: Collin Stelzig, City Engineer
Cc: Ed Wagner, Public Works Director
Date: March 9, 2016
Re: Crites Wetland Hardship Variance

Stormwater

1. Possible flooding at intersection of NW Cedar Avenue and NW Second.
2. Will need equal volume and flow capacity of existing ditch.

Water/Sewer

1. Possible 4" Water NW Cedar Avenue, will possibly need to be upsized

Transportation

1. Will need a hammerhead or turnaround for fire and refuse truck.
2. Hammerhead may need to be moved north to allow refuse trucks to turnaround.
3. What is the proposed road width?

"Making a difference through excellence of service"



CITY OF WARRENTON

May 3, 2018

To: Warrenton Planning Commission
From: Kevin A. Cronin, AICP, Interim Community Development Director
Re: Wetland Hardship Variance Application V15-4, Adam Crites, Amended Findings & Recommendation
Address: 204-240 NW Cedar Avenue

Background: Adam Crites, the property owner, purchased the subject property in 2015. He has applied for a wetland hardship variance pursuant to Warrenton Municipal Code 16.156.080, Hardship Variance Procedure and Criteria. The application is to allow construction of new duplexes on individual lots. The subject property is 1.83 acres (Lots 1-12), located in the Medium Density Residential Zone (R-M), and the proposed impact to the wetlands is .49 acres (26%). The Oregon Department of State Lands is ready to issue a removal/fill permit for the project and a 404 permit is pending from the Corps of Engineers.

Application Timeline & Public Notice: Original application was submitted in 2015. The application was not deemed complete until March 13, 2018. Staff sent notice of the public hearing to adjacent property owners on March 23 and notice was published in the *Columbia Press* on March 23, 2018. One public comment was received through written and oral testimony at the April 12 public hearing. The hearing was continued to May 10 to allow additional testimony and revised findings based on new evidence submitted by the applicant.

Existing Conditions & Previous Land Use Applications: Staff conducted a site visit on March 29, 2018 to verify site conditions. The property has a City-maintained, tidal influenced, drainage swale along NW Cedar Avenue, mature Douglas Fir and Sitka Spruce, dense vegetation including native and invasive species. NW Cedar Ave dead ends and will require an extension to service and provide frontage for each legal lot. A turnaround is requested by the Fire Department among other requirements (See attachment). Staff did not locate any prior land use applications in the address file. The Local Wetland Inventory ((LWI) identifies the wetland as P-16 21-1. A screenshot of the subject wetland is attached.

The application is reviewed against the criteria of WMC 16.156.080 as a Type III Quasi-Judicial Public Hearing process spelled out in WMC 16.205.050.

FINDINGS

Presented below are the review criteria followed by the applicant's response and staff findings.

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.*

The applicant has obtained all relevant state wetland approvals needed to go forward with this project; however, without the City's approval of this variance, the project cannot proceed. The City should find that the site is not buildable without approval of the proposed hardship variance for the reasons herein.

Staff finding: Staff concurs. The hardship variance for the subject property is for a smaller portion of the property. The variance is necessary to make the portion developable, whether for a duplex, single family home or any other use allowed for the zone. The request is necessary to use the property since the entire property is designated as a wetland for its intended zoning and warrants the variance. The relief would come in the form of a smaller buildable portion that would be filled with the remainder of the property deeded as open space. The property owner purchased the property in 2015 and is not precluded from applying for a wetland hardship variance based on the criteria.

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

Applicant's response. The proposed development of residential duplexes represents a legal and reasonable use of the lots considering the zoning of RM 2 zoning designation from the City of Warrenton.

Staff finding: Staff concurs. The Medium Density Residential Zone allows duplexes outright so this is a reasonable and legal use of the property. 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's response: Strict adherence to the LSW overlay of the City of Warrenton determined by OFWAM would effectively preclude use of the parcels that could be reasonably expected to occur in similarly zoned parcels.

Staff finding: Staff agrees with the applicant's assessment of the Code. As noted above, 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's response: The property owner would be precluded substantial property rights enjoyed by the majority of the landowners in the vicinity. The parcel would persist as undeveloped green space by default and would remain undeveloped with little to no value unless permitted for development full potential as designated by RM 2 zoning by the City of Warrenton, Oregon.

Staff finding: Staff concurs. The neighborhood has been developed with other residential units. Duplexes 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. 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's response: The variance requested is the minimum necessary to retain use of the property under the RM 2 zone. The applicant was required by the US Corp of Army Corps Engineers and Oregon Department of State Lands to consider alternative designs and locations resulting in the determination of least environmentally impactful alternative. The proposed use was accepted by both the state and federal agencies and was subject to rigorous avoidance and

minimization standards prior to gaining their approval. The proposed hardship variance is the minimum necessary to allow an economically feasible development of the property.

Staff finding: Staff concurs. The application includes a delineation report from a wetland consultant and responses from DSL. The variance is necessary for development to continue on any portion of the property. The applicant submitted a site plan illustrating the proposed development of duplexes 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's response: Granting of the variance would be materially detrimental to public welfare or injurious to property improvements in the neighborhood or improvements. There is no factual evidence that the granting of the variance would be detrimental to "public welfare" or be injurious to property or improvements in the neighborhood or premises. The proposed project has either avoided, minimized or will mitigate as required by the DSL and USACE review process and permit issuance. Issues concerning emergency vehicle turn around and storm water that were submitted in public response periods have been addressed in preliminary design drawings and Impact Studies conducted by engineering professionals. An emergency vehicle turnaround has been incorporated into the design. All other safety and health concerns related to adjacent properties owners are addressed by the building, electrical, plumbing and fire safety requirements codes.

A stormwater plan has been designed and approved by the Oregon Department of Environmental Quality 401 water quality certificate. The stormwater plan and the impact study submitted to the City of Warrenton illustrate that impacts to adjacent or downstream property has been avoided or does not exist. (see Impact Study). All environmental impacts will be fully mitigated as required by the DSL and USACE permits. The proposed project will supply 8 new units of affordable housing to meet the lack of housing in the Warrenton area. The public facilities and services of water, sewer, police, fire and street exist directly in front of the proposed project. The proposed variance and project will not be injurious to property or improvements in the neighborhood or premises.

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 Public Works

Department will require an engineered stormwater water plan to address the existing drainage capacity issues and address the open swale that runs along NW Cedar Ave.

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's response: The variance will be in harmony with the intent and purpose of the Chapter and will not adversely affect any officially adopted Comprehensive Plan policy. The subject property is zoned RM by the city of Warrenton and exists geographically in area surrounded on all side by residential zoning and development.

The granting of the variance will be in harmony with the intent and purpose of this chapter and will adversely affect any officially adopted plan policy.

Staff finding: Staff agrees.

CONCLUSION & RECOMMENDATION

Based on the new evidence submitted by the applicant, staff believes the application satisfies all of the wetland hardship variance criteria. Staff recommends the Planning Commission approve the application with the following conditions:

1. Prior to submittal of any building permits, the applicant shall provide:
 - a. Documentation from the Department of State Lands that the wetland delineation has been approved and mitigation credits issued.
 - b. A stormwater report by a licensed engineer that meets City standards. The ODOT Hydraulic Manual, City of Portland Stormwater Management Manual, or an equivalent guide shall be referenced in this report. This report will analyze the existing conveyance system for the 2,10,25, and 100-year storm events during our extensive wet season (high groundwater). This analysis will also determine the pre-development and post-development stormwater elevations of the adjacent drainage systems.
 - c. A grading and fill permit is to be submitted for all work above 50 cubic yards.
 - d. A street and utility plan designed to City standards, stamped by a registered engineer, and reviewed and approved by the City of designee.
 - e. A conservation landscape plan that meets Chapter 16.124.060 that identifies all existing trees above 18 caliper inches and a preservation plan for native trees

and mature vegetation and removal of all non-native invasive species. In addition, a new landscape plan that meets Chapter 16.124.070.

- f. Copy of deed restriction on portion of property that will be preserved as open space and recorded with Clatsop County.
- g. The subject property is in the Airport Overlay zone (Chapter 16.92). A landowner shall sign and record in the deed and mortgage records of Clatsop County a hold harmless agreement and aviation and hazard easement and submits them to the Port of Astoria and to the Warrenton Planning Department.

Suggested motion: *Based on the findings and conclusions contained in the May 3, 2018 staff report, and the evidence in the record, I move to approve Wetland Hardship Variance Application V15-4 by Adam Crites.*

Attachments

- Application Packet, including New Evidence Submitted by Adam Crites on April 12.
- Local Wetland Inventory Map – Subject Property
- Fire Department Comments: Tim Demers, Fire Chief, April 3, 2018

May 3, 2018

To: Warrenton Planning Commission
From: Kevin A. Cronin, AICP, Interim Community Development Director
Re: Wetland Hardship Variance Application V15-4, Adam Crites, Amended Findings & Recommendation
Address: 204-240 NW Cedar Avenue

Background: Adam Crites, the property owner, purchased the subject property in 2015. He has applied for a wetland hardship variance pursuant to Warrenton Municipal Code 16.156.080, Hardship Variance Procedure and Criteria. The application is to allow construction of new duplexes on individual lots. The subject property is 1.83 acres (Lots 1-12), located in the Medium Density Residential Zone (R-M), and the proposed impact to the wetlands is .49 acres (26%). The Oregon Department of State Lands is ready to issue a removal/fill permit for the project and a 404 permit is pending from the Corps of Engineers.

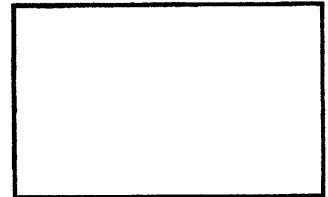
Application Timeline & Public Notice: Original application was submitted in 2015. The application was not deemed complete until March 13, 2018. Staff sent notice of the public hearing to adjacent property owners on March 23 and notice was published in the *Columbia Press* on March 23, 2018. One public comment was received through written and oral testimony at the April 12 public hearing. The hearing was continued to May 10 to allow additional testimony and revised findings based on new evidence submitted by the applicant.


Existing Conditions & Previous Land Use Applications: Staff conducted a site visit on March 29, 2018 to verify site conditions. The property has a City-maintained, tidal influenced, drainage swale along NW Cedar Avenue, mature Douglas Fir and Sitka Spruce, dense vegetation including native and invasive species. NW Cedar Ave dead ends and will require an extension to service and provide frontage for each legal lot. A turnaround is requested by the Fire Department among other requirements (See attachment). Staff did not locate any prior land use applications in the address file. The Local Wetland Inventory ((LWI) identifies the wetland as P-16 21-1. A screenshot of the subject wetland is attached.

The application is reviewed against the criteria of WMC 16.156.080 as a Type III Quasi-Judicial Public Hearing process spelled out in WMC 16.205.050.

Joint Permit Application

This is a joint application, and must be sent to both agencies, who administer separate permit programs. Alternative forms of permit applications may be acceptable; contact the Corps and DSL for more information.



U.S. Army Corps of Engineers Portland District		Oregon Department of State Lands
Corps Action ID Number	DSL Number	

(1) APPLICANT AND LANDOWNER CONTACT INFORMATION

	Applicant	Property Owner (if different)	Authorized Agent (if applicable) <input type="checkbox"/> Consultant <input type="checkbox"/> Contractor
Contact Name	Adam Crites		
Business Name			
Mailing Address 1	P.O. Box 2127		
Mailing Address 2			
City, State, Zip	Salt Lake City, Utah 84110		
Business Phone	208-440-5040		
Cell Phone	208-440-5040		
Fax			
Email			

(2) PROJECT INFORMATION

A. Provide the project location.

Project Name	Tax Lot #81016DD01700, #81016DD01600, #81016DD01601	46.170611, -123.927819	
Warrenton Meadows			
Project Address / Location	City (nearest)	County	
NW Cedar Ave	Warrenton	Clatsop	
Township	Range	Section	Quarter/Quarter
T8N	R10W	16DD	WM

Brief Directions to the Site
101 to E. Harbor to Warrenton 4 way stop. Right on N. Main left on NW 1st St Right on NW Cedar Avenue to end of street. Property is on the right hand side of the dead end street.

B. What types of waterbodies or wetlands are present in your project area? (Check all that apply.)

<input type="checkbox"/> River / Stream	<input checked="" type="checkbox"/> Non-Tidal Wetland	<input type="checkbox"/> Lake / Reservoir / Pond
<input type="checkbox"/> Estuary or Tidal Wetland	<input type="checkbox"/> Other	<input type="checkbox"/> Pacific Ocean

Waterbody or Wetland Name**	River Mile		
Warrenton Meadows			

C. Indicate the project category. (Check all that apply.)

<input type="checkbox"/> Commercial Development	<input type="checkbox"/> Industrial Development	<input checked="" type="checkbox"/> Residential Development
<input type="checkbox"/> Institutional Development	<input type="checkbox"/> Agricultural	<input type="checkbox"/> Recreational
<input type="checkbox"/> Transportation	<input type="checkbox"/> Restoration	<input type="checkbox"/> Bank Stabilization
<input type="checkbox"/> Dredging	<input type="checkbox"/> Utility lines	<input type="checkbox"/> Survey or Sampling

(2) PROJECT INFORMATION

In- or Over-Water Structure Maintenance Other:

* In decimal format (e.g., 44.9399, -123.0283)

** If there is no official name for the wetland or waterway, create a unique name (such as "Wetland 1" or "Tributary A").

(3) PROJECT PURPOSE AND NEED

Provide a statement of the purpose and need for the overall project.

The project **purpose** –

Construction of four residential duplexes on lots in the City of Warrenton, Oregon RM zone to meet the documented rental demand for the workforce moderate income range of \$35,000 to \$50,000, \$1200.00/month targeted rents per unit. Warrenton serves as the major commercial hub for the North Coast region.

See Attachment 1A – Residential Need and Demand

The project **Need** -

Removal and fill on Lots 9,10,11,12 of block 101 considered in conjunction with surrounding/contiguous lots 1 thru 8 of block 101 Warrenton Meadow in the RM zone of Warrenton , Oregon where community services and adequate access are available. Residential rental demand in income range of \$35,000 to \$50,000 within the City of Warrenton is in high demand and will continue as more commercial activity is approved and concentrated within the City of Warrenton.

See Attachment 1A – Residential Need and Demand

(4) DESCRIPTION OF RESOURCES IN PROJECT AREA

A. Describe the existing physical and biological characteristics of each wetland or waterway. Reference the wetland and waters delineation report if one is available. Include the list of items provided in the instructions.

The site consists of a historic estuarine terrace with the general topography being flat. The study area consists of two distinct wetland types, a forested and scrub-shrub wetland. The forested wetland consists of large Sitka spruce trees and a patch of small alders.

A palustrine forested (PFO) and scrub-shrub (PSS) wetland, was delineated throughout the study area. The wetland extends to the north, east and south of the study area. A drainage ditch runs along the edge of NW Cedar Ave and was included within the study area boundary; it's classified as palustrine emergent (PEM) wetland. The main hydrology source is rainfall and ground water influence from rainfall.

See Attached -Wetland Delineation and ORWAP study.

B. Describe the existing navigation, fishing and recreational use of the waterway or wetland.
None – Vacant Wetlands(NWI) zoned RM

(5) PROJECT SPECIFIC CRITERIA AND ALTERNATIVES ANALYSIS

Describe project-specific criteria necessary to achieve the project purpose. Describe alternative sites and project designs that were considered to avoid or minimize impacts to the waterway or wetland.

(5) PROJECT SPECIFIC CRITERIA AND ALTERNATIVES ANALYSIS

See Attachment 2A - Project Screening Criteria and Alternative Site Analysis
See Attachment 4A - Alternate Site Plan Layout and Configuration Analysis

(6) PROJECT DESCRIPTION

A. Briefly summarize the overall project including work in areas both in and outside of waters or wetlands.

Inside of Wetlands -Removal and fill for the foundations to Construct four residential Duplexes within the noted wetlands on lots 9, 10, 11, 12 of block 101. A emergency vehicle turn around will be constructed as noted on the site plan within the planned area of impact detailed and accounted for in the volume and area calculations provided in the application. The emergency vehicle turn around will be constructed by the owner.

Outside of Wetlands -Construction of public works improvements needed to meet the City of Warrenton guidelines including improvements to street, ditch, sidewalk, curb, gutter and extension of existing and readily accessible utilities to the duplexes including sewer, water and power.

B. Describe work within waters and wetlands.

Tree and shrub clearing, excavation and removal/fill and material staging required for foundation of four duplexes as outlined on the site plan. Standard excavation and construction equipment will be used and limited to within the scope of the attached preliminary site plan.

C. Construction Methods. Describe how the removal and/or fill activities will be accomplished to minimize impacts to waters and wetlands.

March 2014

(6) PROJECT DESCRIPTION

The RM zone allows for a potential of two homes to be constructed on each proposed lot base on the individual lot square footage of 5000 square feet.

The proposed Duplex development allows for one shared driveway entrance, one combined footprint utilizing two stories, allowing the total square feet for two residential dwelling of footprint to be reduced and placed on front setbacks minimizing the total footprint per lot and lessens the impacted portion of each individual lot. The selection of the two story duplex plan is the least impactful alternative to achieve the highest and best use allowed by the zone and of the proposed sites specifically versus two separate single family dwelling allowed by the zone.

*All building and yard footprints foot prints will be forced to the N.W. Cedar Street ROW (outlined on site plan) thus minimizing impacts to the extent practical. Some PFO wetland will be impacted but it is anticipated that mostly PSS wetland type being impacted. This is the least impactful alternative and harmonious site layout in consideration of the zoning allowances, site feasibility and least possible wetland impact.

This construction approach allows for the rear 25% of the proposed individual lots to remain as non-impacted wetlands left in their natural state with minimal disturbance if any.

This approach allows for a large portion, 25% of total Lot Square footage of 1,250 of existing wetland on each proposed lot to be developed lot to be left undisturbed and remain incorporated as an undisturbed wetland buffer connected with lots 1,2,3,4,5,6,7,8.

The remaining lots 1,2,3,4,5,6,7,8 totaling .803 acres will be undisturbed/ undeveloped thus minimizing wetland impact and preserving a large contiguous wetland buffer amenity surrounding the proposed lots for development. The lots 1,2,3,4,5,6,7,8 will be Deed Restricted and remain under ownership of the applicant. (see Deed Restriction)

Standard excavation and construction equipment will be used and will avoid the buffered rear 25% of non-impacted lot portions as feasible. All staging of materials will be located towards the front of the developed lots as to avoid the rear non impacted areas.

The staging area is depicted in the revised Site Plan and a "written statement of Impacts to waters of the United States(attachment 5) has been included with this application as to the proposed staging area temporary impacts, permanent impacts, volume and area.

Erosion control will be implemented to avoid any undue debris runoff into wetland areas or ditches. Sediment and control devices (such as silt fences and straw bales) will be implemented prior to and during the course of removal, grading and during the construction phase.

See Attached written statement regarding proposed staging areas regarding temporary and permanent Impacts to waters of the united States. The Staging area is depicted on the Site plan.

D. Describe source of fill material and disposal locations if known.
To be determined.

Is any of the work underway or planned?
If yes, describe.

F. Fill Volumes and Dimensions (if more than 4 impact sites, include a summary table as an attachment)

Wetland / Waterbody Name *	Fill Dimensions					Duration of Impact**	Material***
	Length (ft.)	Width (ft.)	Depth (ft.)	Area (sq.ft. or ac.)	Volume (c.y.)		
Cedar Meadows	200	66	2	.37 ac.	928-1400	Permanent	Sand/Gravel
Cedar Meadows Ditch	200	15	3	.09 ac.	50-275	Permanent	Sand/Gravel

G. Total Fill Volumes and Dimensions

	Length (ft.)	Area (sq. ft or ac.)	Volume (c.y.)
Fill Impacts to Waters		.46	1291-1926
Total Fill to Wetlands			
Total Fill Below Ordinary High Water			
Total Fill Below			
Total Fill Below			
Total Fill Below			

H. Removal Volumes and Dimensions (if more than 4 impact sites, include a summary table as an attachment)

Wetland / Waterbody Name*	Removal Dimensions					Duration of Impact**	Material***
	Length (ft.)	Width (ft.)	Depth (ft.)	Area (sq. ft. or ac.)	Volume (c.y.)		
Cedar Meadows	200	66	2	.36 ac.	928-1400	Permanent	Organic Soil/Duff
Cedar Meadows Ditch	200	15	3	.09 ac.	50-275	Permanent	Organic Waste

I. Total Removal Volumes and Dimensions

	Length (ft.)	Area (sq. ft or ac.)	Volume (c.y.)
Removal Impacts to Waters		.46	978-1675
Total Removal to Wetlands			
Total Removal Below Ordinary High Water			
Total Removal Below			
Total Removal Below			
Total Removal Below			

* If there is no official name for the wetland or waterway, create a unique name (such as "Wetland 1" or "Tributary A").
 ** Indicate the days, months or years the fill or removal will remain. Enter "permanent" if applicable. For DSL, permanent removal or fill is defined as being in place for 24 months or longer.
 *** Example: soil, gravel, wood, concrete, pilings, rock etc.

(7) ADDITIONAL INFORMATION

Are there any or listed species on the project site? Yes No Unknown
 NO
 Is the project site within designated or proposed critical habitat? Yes No Unknown
 NO
 Is the project site within a national ? Yes No Unknown
 NO
 Is the project site within the ? Yes No Unknown
 YES ZONE X "minimal"
 * If yes to any of the above, explain in Block 4 and describe measures to minimize adverse effects to these resources in Block 5.

Is the project site within the ?NO Yes No Unknown
 * If yes, attach TSP review as a separate document for DSL.

Is the project site within a designated ?NO Yes No Unknown
 * If yes, certain additional DSL restrictions will apply.

Will the overall project involve construction dewatering or ground disturbance of one acre or more?NO Yes No Unknown
 * If yes, you may need a 1200-C permit from the Oregon Department of Environmental Quality (DEQ).

Is the fill or dredged material a carrier of contaminants from on-site or off- site spills?NO Yes No Unknown
 Has the fill or dredged material been physically and/or chemically tested?NO Yes No Unknown
 *If yes, explain in Block 4 and provide references to any physical/chemical testing report(s).

Has a cultural resource (archaeological) survey been performed on the project area?NO Yes No Unknown
 * If yes, provide a copy of the survey with this application. Do not describe any resources in this document.

Identify any other federal agency that is funding, authorizing or implementing the project.

Agency Name	Contact Name	Phone Number	Most Recent Date of Contact
-------------	--------------	--------------	-----------------------------

List other certificates or approvals/denials required or received from other federal, state or local agencies for work described in this application. For example, certain activities that require a Corps permit also require from Oregon DEQ.

Approving Agency	Certificate/ approval / denial description	Date Applied
------------------	--	--------------

Other DSL and/or Corps Actions Associated with this Site (Check all that apply.)

Work proposed on or over lands owned by or leased from the Corps

State owned waterway DSL Waterway Lease #

Other Corps or DSL Permits Corps # DSL #

Violation for Unauthorized Activity Corps # DSL #

Wetland and Waters Delineation Corps # DSL #

(7) ADDITIONAL INFORMATION

- A wetland / waters delineation has been completed (if so, provide a copy with the application)
- The Corps has approved the wetland / waters delineation within the last 5 years
- DSL has approved the wetland / waters delineation within the last 5 years

(8) IMPACTS, RESTORATION/REHABILITATION, COMPENSATORY MITIGATION

A. Describe unavoidable environmental impacts that are likely to result from the proposed project. Include permanent, temporary, direct, and indirect impacts.

A total of 2 large Sitka Spruce trees will be removed from lot 9 & 10 of the proposed removal and fill area. A total of 1 Sitka Spruce will be removed from the ROW. A total of 9 large Sitka Spruce will remain on lots 7 & 8 as provided as a minimizing step included in the buffering lots included in the proposed project as a whole. In addition 8 Sitka Spruce will be remain in ROW on N.W. 2nd Street as outlined on the Delineation Survey.

The following amounts of Impact will be permanent as a result of the proposed development.

Sitka Spruce forested Wetlands - .11 acres

Red Alder forested Wetlands - .010 acres

Scrub/Shrub Wetlands- .16 acres

Other Wetland - .09

Item F
←

(See attachment 6 – Table of Impact to wetlands by Type, Volume and Acres)

B. For temporary removal or fill or disturbance of vegetation in waterways, wetlands or riparian (i.e., streamside) areas, discuss how the site will be restored after construction.

N/A – Permanent removal and Fill

Compensatory Mitigation

C. Proposed mitigation approach. Check all that apply:

Permittee-
 responsible Onsite
Mitigation

Permittee-
 responsible Offsite
mitigation

Mitigation Bank or
 in-lieu fee program

Payment to Provide
 (not approved for use
with Corps permits)

Item K
←

D. Provide a brief description of mitigation approach and the rationale for choosing that approach. If you believe mitigation should not be required, explain why.

Purchase credits from mitigation bank (Lower Columbia ILF) .46 credits have been confirmed as reserved with expiration date 8/29/16. Credits will be purchased upon application and credit determination by the US Corps.

Description of how CWM Principle Objectives OAR 141-085-0680 are met.

The principal objectives of CWM are to:

(a) Replace functions and values lost at the removal-fill site;

The Credits purchased from Lower Columbia ILF Mitigation bank replace the same functions and values lost at removal site.

(b) Provide local replacement for locally important functions and values, where appropriate;

The Lower Columbia ILF Mitigation Bank is a local bank replacing locally important functions.

(c) Enhance, restore, create or preserve wetlands or tidal areas that are self-sustaining and minimize long-term maintenance needs;

The Lower Columbia ILF established Mitigation Bank fulfills this objective.

item C ↓

(8) IMPACTS, RESTORATION/REHABILITATION, COMPENSATORY MITIGATION

The Deed Restriction of Lots 1,2,3,4,5,6,7,8 are provided for the purpose of minimizing impacts and additional contribution to mitigate for the loss of higher value Sitka Spruce Forested Wetlands proposed in the application .Deed Restriction draft is included with this application. The lots are not to be developed and will be preserved per the Deed Restriction content.

(d) Ensure the siting of CWM in ecologically suitable locations considering: local watershed needs and priorities; appropriate landscape position for the wetland types, functions and values sought; connectivity to other habitats and protected resources; and the absence of contaminants or conflicting adjacent land uses that would compromise wetland functions; and

The Lower Columbia ILF mitigation bank was approved and exists because it meets these objectives within the local service area.

Mitigation Bank / In-Lieu Fee Information:

Name of mitigation bank or in-lieu fee project:

Lower Columbia ILF

Type of credits to be purchased:

If you are proposing permittee-responsible mitigation, have you prepared a compensatory mitigation plan?

- Yes. Submit the plan with this application and complete the remainder of this section.
- No. A mitigation plan will need to be submitted (for DSL, this plan is required for a complete application).

Mitigation Location Information (Fill out only if permittee-responsible mitigation is proposed)

Mitigation Site Name/Legal Description		Mitigation Site Address	Tax Lot #
County		City	Latitude & Longitude (in DD.DDDD format)
Township	Range	Section	Quarter/Quarter

(9) ADJACENT PROPERTY OWNERS FOR PROJECT AND MITIGATION SITE

Pre-printed mailing labels <input checked="" type="checkbox"/> of adjacent property owners attached	Project Site Adjacent Property Owners	Mitigation Site Adjacent Property Owners
--	--	---

**Terry Ager
237 NW Cedar Avenue
Warrenton, Oregon 97146**

**Gwen Regier (225 NW
Cedar Ave.)
P.O. Box 1004
Warrenton, Oregon 97146**

**Chris Rutherford
(189 NW Cedar Avenue.
Warrenton, Oregon))
91303- Highway 202
Astoria, Oregon 97103**

**Dustin Kelly
192 NW Cedar Avenue
Warrenton, Oregon 97146**

**Warner Trust
Warner Marian – Agent
19840 Castleberry Loop
Oregon City, OR 97045-
7954**

**(10) CITY/COUNTY PLANNING DEPARTMENT LAND USE AFFIDAVIT
(TO BE COMPLETED BY LOCAL PLANNING OFFICIAL)**

I have reviewed the project described in this application and have determined that:

This project is not regulated by the comprehensive plan and land use regulations.

This project is consistent with the comprehensive plan and land use regulations.

This project will be consistent with the comprehensive plan and land use regulations when the following local approval(s) are obtained:

Conditional Use Approval

Development Permit

Other Permit (see comment section)

This project is not consistent with the comprehensive plan. Consistency requires:

Plan Amendment

Zone Change

Other Approval or Review (see comment section)

An application has has not been filed for local approvals checked above.

Local planning official name (print) Skip Urling	Title Community Development Director	<input checked="" type="radio"/> City <input type="radio"/> County (circle one) City of Warrenton
---	---	--

Signature <i>Skip Urling</i>	Date 9/28/15
---------------------------------	-----------------

Comments:
Wetland Hardship Variance is required; application has not yet ~~been~~ been submitted.

(11) COASTAL ZONE CERTIFICATION

If the proposed activity described in your permit application is within the Oregon coastal zone, the following certification is required before your application can be processed. A public notice will be issued with the certification statement, which will be forwarded to the Oregon Department of Land Conservation and Development (DLCD) for its concurrence or objection. For additional information on the Oregon Coastal Zone Management Program, contact DLCD at 635 Capitol Street NE, Suite 150, Salem, Oregon 97301 or call 503-373-0050.

CERTIFICATION STATEMENT

I certify that, to the best of my knowledge and belief, the proposed activity described in this application complies with the approved Oregon Coastal Zone Management Program and will be completed in a manner consistent with the program.

Print /Type Name Adam Crites	Title Owner/Applicant
---------------------------------	--------------------------

Signature <i>Adam Crites</i>	Date 11-15-15
---------------------------------	------------------


(12) SIGNATURES

Application is hereby made for the activities described herein. I certify that I am familiar with the information contained in the application, and, to the best of my knowledge and belief, this information is true, complete and accurate. I further certify that I possess the authority to undertake the proposed activities. By signing this application I consent to allow Corps or DSL staff to enter into the above-described property to inspect the project location and to determine compliance with an authorization, if granted. I hereby authorize the person identified in the authorized agent block below to act in my behalf as my agent in the processing of this application and to furnish supplemental information in support of this permit application. I understand that the granting of other permits by local, county, state or federal agencies does not release me from the requirement of obtaining the permits requested before commencing the project. I understand that payment of the required state processing does not guarantee permit issuance. To be considered complete, the fee must accompany the application to DSL. The fee is not required for submittal of an application to the Corps.

Fee Amount Enclosed	\$
----------------------------	----

Applicant Signature

Print Name Adam Crites	Title Owner
---------------------------	----------------

Signature 	Date 5-11-16
--	-----------------

Authorized Agent Signature

Print Name	Title
------------	-------

Signature	Date
-----------	------

Landowner Signature(s)**Landowner of the Project Site (if different from applicant)**

Print Name	Title
------------	-------

Signature	Date
-----------	------

Landowner of the Mitigation Site (if different from applicant)

Print Name	Title
------------	-------

Signature	Date
-----------	------

Department of State Lands, Property Manager (to be completed by DSL)

If the project is located on _____, DSL staff will obtain a signature from the Land Management Division of DSL. A signature by DSL for activities proposed on state-owned submerged/submersible lands only grants the applicant consent to apply for a removal-fill permit. A signature for activities on state-owned submerged and submersible lands grants no other authority, express or implied and a separate proprietary authorization may be required.

Print Name	Title
------------	-------

Signature	Date
-----------	------

(13) ATTACHMENTS

- Drawings (items in bold are required)
- Location map with roads identified
 - U.S.G.S topographic map
 - Tax lot map
 - Site plan(s)
 - Cross section drawing(s)
 - Recent aerial photo
 - Project photos
 - Erosion and Pollution Control Plan(s), if applicable
 - DSL/Corps Wetland Concurrence letter and map, if approved and applicable
- Pre-printed labels for adjacent property owners (Required if more than 5)
- Restoration plan or rehabilitation plan for temporary impacts
- Mitigation plan
- Wetland functional assessment and/or stream functional assessment
- Alternatives analysis
- Biological assessment (if requested by Corps project manager during pre-application coordination.)
- Stormwater management plan (may be required by the Corps or DEQ)
- Other:
- -

Send Completed form to:

U.S. Army Corps of Engineers
ATTN: CENWP-OD-GP
PO Box 2946
Portland, OR 97208-2946
Phone: 503-808-4373

Counties:
Baker, Clackamas,
Clatsop, Columbia,
Gilliam, Grant, Hood
River, Jefferson, Lincoln,
Malheur, Marion, Morrow,
Multnomah, Polk,
Sherman, Tillamook,
Umatilla, Union,
Wallowa, Wasco,
Washington, Wheeler,
Yamhill

OR

U.S. Army Corps of Engineers
ATTN: CENWP-OD-GE
211 E. 7th AVE, Suite 105
Eugene, OR 97401-2722
Phone: 541-465-6868

Counties:
Benton, Coos, Crook,
Curry, Deschutes,
Douglas Jackson,
Josephine, Harney,
Klamath, Lake, Lane,
Linn

Send Completed form to:

DSL - West of the Cascades:

Department of State Lands
775 Summer Street NE, Suite 100
Salem, OR 97301-1279
Phone: 503-986-5200

OR

DSL - East of the Cascades:

Department of State Lands
1645 NE Forbes Road, Suite 112
Bend, Oregon 97701
Phone: 541-388-6112

Send all Fees to:

Department of State Lands
775 Summer Street NE, Suite 100
Salem, OR 97301-1279
Pay by Credit Card by Calling 503-986-5253

Attachment 1A – Residential Housing Needs

Section 3.220 Population Projections

The 2006 population of Warrenton was estimated to be 4,505 based on coordinated county/ city population projections and adjusted slightly to account for a very small number of housing units and people between the city limits and urban growth boundary. This compares to a population of 3,292 in 1990. Warrenton's population is expected to increase by approximately 1.8% per year over the next 20 years, generally consistent with growth rates during the last 15 years.

Table 3 summarizes historical and projected future population, assuming an updated current (2006 population estimate) and the future growth rate assumed in the coordinated county city forecasts. It also accounts for population within the entire UGB as described above

Table 3. Historical and Future Population Data and Forecasts

	1990	2000*	2006	2017	2027
Population	3,292	4,096	4,503	5,449	6,481

- Includes only population within City Limits. Estimates for years include population estimated within the entire UG

Source :Warrenton Comprehensive Plan

Attachment 1A – Residential Housing Needs

Section 3.240 Housing Cost, Housing Incomes and Housing Affordability

Warrenton_ComprehensivePlan.pdf - Adobe Reader

Tools File & Sign Comment

Table 7. Comparison of Housing Incomes and Costs, Warrenton, 2006

Income	Households	Affordable Monthly Housing Costs	Supply			Surplus/ -Gap
			Owner housing	Rental housing	Total	
Less than \$15,000	299	Less than \$325	94	55	149	-150
\$15,000 to \$24,999	262	\$325-\$624	47	252	299	37
\$25,000 to \$34,999	190	\$625-\$874	114	155	269	79
\$35,000 to \$49,999	331	\$875-\$1249	211	63	274	-57
\$50,000 to \$74,999	389	\$1250-\$1874	378	19	397	8
\$75,000 to \$99,999	212	\$1875-\$2499	233	0	233	21
\$100,000 to \$149,999	115	\$2500-\$3749	77	0	77	-38
\$150,000 to \$199,999	30	\$3750-\$4999	38	0	38	8
\$200,000 and more	32	\$5000 or more	11	0	11	-21

This analysis indicates a need for more units in the very lowest price ranges as well as more units affordable to households with **moderate incomes** (just above and below Warrenton's median household income).

Source :Warrenton Comprehensive Plan

Attachment 1A – Residential Housing Needs

Section 2.270 Future Land Needs

The following table summarizes the difference between the supply of buildable land and the amount of land needed in each zone to meet these future land needs. There appears to be an overall surplus of residential land of over 277 acres. A portion of this land will be used for commercial purposes. However, even after taking most of the commercially zoned land out of the inventory, there still would be an overall surplus of land available for residential development.

□□ The following table identifies current and projected percentages and numbers of homes by housing type in Warrenton.

Table 14. Comparison Between Land Supply and Need by Zoning Designation, 2027

	Supply	Need	Gap
R-40	61.5	37.6	23.9
R-10	167.2	65.8	101.4
R-M	21.7	52.3	-30.6
R-H	83.3	26.8	56.5
RGM	58.1		58.1
C-1	73.3	3.7	69.5
C-MU	0.3	2.0	-1.8
<i>Total</i>	<i>465.3</i>	<i>188.3</i>	<i>277.0</i>

Source: Cogan Owens Cogan

Project advisory committee members noted that some areas currently designated as wetlands would not necessarily meet the definition of wetlands if an official wetland delineation of those properties were undertaken. Approximately 1,130 acres of land designated for residential use in the city are covered by significant wetlands. If there were fewer areas with wetlands in Warrenton the surplus of buildable lands would be even larger. For example, if 20% of the lands currently designated as wetlands were in fact considered buildable, approximately 225 additional acres of land would be available for residential development. After deducting for land needed for roads and other public facilities, this would result in about 180 net acres of land, or almost double the surplus currently calculated.

Source :Warrenton Comprehensive Plan

Attachment 1A – Residential Housing Needs

Section 3.260 Future Needed Housing Types

The following trends are expected to affect the need for different types of housing:

- Increasing cost of land and housing in coastal and other communities throughout Oregon.

- Relatively modest increases in wages, consistent with trends during the last ten years.

- Continued need for relatively low cost housing for households and families with lower incomes, including workers in the retail / tourism sector.

- Continued expansion of the second home market in coastal communities such as Warrenton but with a lower seasonal occupancy rate than other coastal communities.

- Continued need for some manufactured housing as a potential supply of low-cost, workforce housing, although with a decreasing supply of this type of housing consistent with recent trends and a concurrent increase in the share of other relatively affordable housing types (see below).

- Potential increase in need and market for multi-family and single-family attached housing as a potential supply of low and moderate cost housing.

These factors and conditions are expected to have the following impacts on the need for different types of housing in Warrenton:

- Continued need for some manufactured housing as a potential supply of low-cost, workforce housing.

- Increased need for multi-family and single-family attached housing as a potential supply of low and moderate cost housing.

- Decreasing size of lots in comparison to recent trends as land and housing prices rise

Source: Warrenton Comprehensive Plan

Attachment 1A – Residential Housing Needs

Section 3.280 Conclusions

Following is a brief summary of conclusions.

□ The analysis indicates a significant surplus of land overall within Warrenton's UGB and the ability to accommodate growth during a 20-year period within expanding the city's UGB or relying on land within adjacent cities urban areas to accommodate needs projected in Warrenton.

□ The analysis shows a surplus in most individual plan designations, with the exception of RM and C-MU zones. This could be remedied by rezoning some C-1 land to C-MU and by zoning land in any of a number of residential zones (e.g., R-10, RGM or R-40) to RM. Or more land in one of these other zones could be assumed to be developed for single family detached housing (and less land in the RM zone).

□ The needs analysis generally identifies a significant gap between incomes and housing prices with a shortage of housing for households with very low incomes (under \$15,000) and a moderate gap for those in the \$35,000 to \$50,000 household income range. There also is a smaller gap in some of the upper income categories, while there is a surplus of housing affordable to households in other income ranges.

□ There is a need for additional multi-family units and some other types of units that are potentially more affordable to those with lower or moderate incomes, [REDACTED], tri-plexes and single family detached homes (i.e., townhouses). The land needs analysis incorporates this finding.

□ The housing market cannot be expected to meet the projected housing needs of Warrenton residents alone, particularly for people with very low incomes. A variety of strategies can be implemented by the City in partnership with non-profit and for-profit developers and others to encourage the development of housing in price ranges and types that would be affordable to a wider range of residents. Many of those strategies are identified in the following *Proposed Housing Policies* section.

Source: Warrenton Comprehensive Plan

Attachment 2A – Alternative Site Analysis

All of the sites included in the alternative site analysis were considered during the search period from July through October of 2014. The alternative sites included in the analysis and search included properties spanning from between Seaside in the South and Astoria in the North. The Seaside area is located at the southern extreme and Astoria at the North. It was determined that the city of Warrenton was located within a very desirable central business core where healthy big box retail, Home Depot, Costco, Car dealerships and various retail strip centers are present and constitute a central business corridor. Although the City of Warrenton was desirable due to central location and the proximity to the rental demand income range targeted all sites were given equal consideration based on the defined list of criteria outlined in the Site Analysis Criteria. It should be noted that no property was placed into contract until considering all of the available alternatives against the criteria.

Alternative Site Analysis Criteria

1. Concentrated area of well integrated established housing consistent with local land use.
2. Close proximity to established infrastructure with major roads, transportation and utilities readily available.
3. Minimal Geo-Technical and environmental constraints
4. Close proximity to major commercial hub and US Coast Guard installations where a moderate income rental housing demand pool exists.
5. Available for purchase. Only properties marketed for sale and reasonably attained at the time of the search and site evaluation were considered due to economic feasibility of searching properties not currently available for purchase.
6. Sufficient size to accommodate multiple dwellings to facilitate economies of scale in site development and construction

Attachment 2A – Alternative Site Analysis

Table 1 - Site Analysis Summary

Specific Criteria	Proposed Site	Alt 1	Alt 2	Alt 3		
Criteria 1	Yes	Yes	No	No		
Criteria 2	Yes	Yes	Yes	No		
Criteria 3	Yes	Yes	Yes	No		
Criteria 4	Yes	Yes	No	No		
Criteria 5	Yes	Yes	Yes	Yes		
Criteria 6	Yes	No	No	Yes		

Site Analysis Detailed Summary

Proposed Site *Lots 9, 10, 11, 12, Block 101, 2nd Ext. Warrenton, Clatsop County*

1. Meets the criteria. The site is located in an integrated and established residential neighborhood zoned RM. The site is within close proximity to the downtown Warrenton area and major commercial business.
2. Meets the criteria. The site is located on a developed street with infrastructure directly available in front of the site. The site has an existing partially paved and maintained road serving the property. The extension of utilities would be minimal with existing utilities already serving a portion of the subject lots and or within close and feasible distance for extension. The site exists in an area of concentrated residential housing and thus has major roads, transportation.
3. Meets the criteria. The site requires no Geo tech or engineering per the City based on the estimated removal and fill. The site also has been determined not to be LSW per the criteria of the DSL upon study by Carex consulting.
4. Meets criteria. The site is in close proximity to the Warrenton downtown core, central business hub, major big box retail, concentration of Auto dealerships and other commercial businesses. The site is located in an identified area of Demand for rental housing due to its proximity to existing commercial business and planned development of major Business Parks by the County. The site also located within close proximity to the local US Coast Guard installation which is constantly in demand of rental housing.
5. Meets the Criteria.
6. Meets the criteria. The site consists of 12 lots zoned RM. The site provides sufficient size for multiple duplex units in addition to land offset, minimization and buffering for thoughtful and successful wetland mitigation.

Attachment 2A - Alternative Site Analysis

Item 4

Alternate 1 (Alder Court) Geo Lat. 46.166452 Geo Long. -123.927523

1. Meets the criteria the site is located in an integrated and established housing pattern consistent with local land use
2. Meets the criteria the site is located in close proximity to established infrastructure with major roads, transportation and utilities readily available.
- 3 Meets the criteria- The site has minimal Geo-Technical constraints. The site is located in the NWI and would require mitigation. This site has been eliminated due to its capacity to provide a substantial amount of avoidance and minimization
4. Meets the criteria- The is located within close proximity to major commercial hub and US Coast Guard installations where a moderate income rental housing demand pool exists
5. Meets the Criteria - The property was available for purchase at the time of a potential development site search.
6. Fails to meet Criteria - The site consists of .11 acres allowing for 1 unit based on the zoning requirements and does not fulfill the scope of the project purpose. Although several sites of similarity might be acquired cumulatively to accomplish the purpose the approach is limited by several economic factors. These include lack of availability, existence of similar sites which meet the established criteria, diminished economic feasibility due to diminished economies of scale as a result of separate and individual development sites.

Attachment 2A - Alternative Site Analysis

Alternate 2 (Sea Breeze) Geo Lat. 46.171339 Geo Long.-123.1678601

1. Fails to Meet Criteria - The site is located in a gated subdivision consisting of large acre lots, large single family homes, restrictive CC&R's that prohibit the development of duplexes.
2. Meets the Criteria - Meets the criteria the site is located Close proximity to established infrastructure with major roads, transportation and utilities readily available. The site would require septic installation but was still considered to meet the criteria.
3. Meets the Criteria - The site has minimal Geo-Technical and environmental constraints
4. Fails to meet the Criteria - The site is located between seaside and Warrenton and is towards the southern extreme of the targeted rental demand pool.
5. Meets the Criteria - The property was available for purchase at the time of a potential development site search.
6. Fails to meet the Criteria - Although the site size could physically accommodate the defined purpose the existence of the restrictive CC&R's prohibit the intended scope of the development and Duplexes.

Attachment 2A – Alternative Site Analysis

Item L

Alternate 3 (Burnside Loop) Geo Lat 46.171339 Geo Long. -123.678601

1. Fails to Meet. The site is located in a predominant with large spread out parcels of single family homes. The planning zone is RA1 (Residential Agriculture. The zone limitations will not allow for the intended purpose of multiple unit residential development and is not consistent with the scope and intention for the project purpose.

2 Fails to meet the Criteria. Utilities were available but would require drain fields, septic and substantial limitations due to the topography and overall remoteness of the location. Given the location of the lot on a steep hillside and lack of established residential arterial streets the site failed to meet the criteria.

3. Fails to meets the Criteria. The site is has no known documented Geo Technical characteristic. However the site topography consist of extremely steep hillsides classified as Canopy Forest and is within close proximity to a known Eagle Sanctuary. Given these characteristics the site was deemed not feasible as it pertains to this criteria.

4. Fails to meet the Criteria. . The sites is located north of the town of Astoria. The site is in close proximity to Astoria (within 10 minutes) but was deemed to be in the extreme North in distance and proximity to transportation and normal everyday services and a central business district desired for multiple residential housing units

5. Meets the criteria. The property was available for purchase at the time of a potential development site search.

6. Meets the Criteria. The site is of sufficient size to accommodate multiple dwellings to facilitate economies of scale in site development and construction.

Attachment 4A Alternate Site Layout and Configuration Analysis

Alternate Site Plan Layout & Configuration Analysis

Purpose: To Identify the Interior Site Layout/Configuration with the most practicable alternative that will have the least impact on the environment and wetlands measured against a specific set of criteria.

Project Specific Layout /Configuration Criteria

- I. Reduced Number of Lots
- II. Reduced House Footprints and Parking Area
- III. Explore Alternative site layout /configurations and their Total Impact area in ROW required for Utility and Road extensions required by The City of Warrenton.
- IV. Identify additional environmental impacts relevant to the explored alternatives. Specifically considering Highest Functioning Wetland Values and impact to Sitka Spruce tree counts existing in the ROW and Lot interiors.

The following grid 1A exhibits the summary of environmental/ wetland impact which are required to provide utility and transportation improvements needed to serve the development.

Alternate Site Layout/Configuration Analysis
--

Alternative Site Layout/Configuration	Total House Footprint	Total Lots Impacted	Total Sitka Spruce tree count (proposed lots & ROW)	Impact within Lots	*Impact within ROW	Total Impact
Site Layout Plan A (Lots 9,10,11,12)	2392	4 of 12	3	0.37	0.09	0.46 acres
Site Layout Plan B (Lots 5,6,7,8)	2392	4 of 12	15	0.303	0.768	1.071 acres
Site Layout Plan C (Lots 1,2,3,4)	2392	4 of 12	3	0.303	1.414	1.717 acres

* Impact within ROW includes dimensions to allow for emergency vehicle turn around

Item 4

Site Plan A - Lots 9,10,11,12, Block 101, 2nd Ext. of Warrenton, Clatsop County, Oregon - Analysis and Rationale - CHOSEN PLAN

- I. **Reduced number of Lots** – Alternative Site Plan A proposes a total of 1/3 of all owned lots for development. The total of 4 of 12 lots total are proposed. The economic feasibility requires that 4 lots be proposed in the plan considering the costs of acquisition, time investment, consulting, lot clearing, utility improvements, fill, engineering, permitting fees and construction costs and mitigation.
- II. **Reduced House Footprint and Parking Area**- The house plan and footprint consisting of two stories with 2392 sq. feet with incorporated garages for parking that is planned is the least impactful that allows for the highest and best use within the RM zone allowing for a Duplex structure. The two story structure significantly minimizes the total footprint from the allowed coverage of two single family residences permitted in the RM zone on lots of the square footage contained in the lot dimension total, 50' x 100'. It should also be noted that this proposed plan also incorporates 2 attached garages per structure thus minimizing the total area impacted for required parking by the municipal code versus a plan no attached garages.
- III. **Impact to ROW required for Utility extensions & Transportation Access.** . Three alternate road configurations and utility realignments and their total Wetland Impact were taken into consideration in the process of analyzing the least impactful alternative to construct the improvements needed to bring service and access to the proposed development. Site Plan A consists of an existing partially developed street (½ of street is paved upland) running the length of lots 9,10 and 11 and is designated Upland. Sewer and water are present within 50 feet of the proposed lots and electrical service existing in the ROW. The presence of the improved street and utilities in close proximity minimizes the need for impact to the ROW to serve the development. The proximity of available utilities and the total acres requiring impact make this Plan the most practicable alternative with the least Wetland Impact. **Visual Examples are provided in the attached Alternate Site Plan A layouts attached and are summarized in the table above.**
- IV. **Identify environmental impacts relevant to the explored alternatives. Specifically Highest Functioning Wetland Values as well as impact to Sitka Spruce tree counts existing in the ROW and Lot interiors.** The Site Plan A contains a mixture of scrub shrub and forested wetlands. Approximately ¾ of the lot area proposed in Plan A is forested with the remainder being scrub shrub.

Although Site Plan A contains the most total area of forested wetland in comparison Alternate Site Plan B and C the proposed Impact of these Higher Functioning portions is less impactful to total wetland acreage by 4.6 times (Plan C) and 2.88 times (Plan B). This plan has been chosen because the required use of the higher functioning portions significantly outweighs the alternatives in terms of total acres of Wetland Impact. Plan A allows for the

Attachment 4A Alternate Site Layout and Configuration Analysis

least total loss of wetland function.

The site consists of 2 large Sitka Spruce that would require removal to accommodate the house foot prints and for safety concerns. The site consists of 1 Sitka Spruce in the ROW that would require removal for improvements to be constructed. The removal of 3 total Sitka spruce is equal in Spruce removal to Site Plan C and less than Site Plan B. Although an alternative of equal impact is available when considered in conjunction with the Wetland Acres Impacted of all alternate plans, Plan A is determined to be the most practicable and least environmentally impactful alternative. . **Visual Examples of tree location are provided in wetland delineation survey and are summarized in the table above.**

Item L
←

Site Plan B – Lots 5,6,7,8, Block 101, 2nd ext. of Warrenton, Clatsop County, Oregon Analysis and Rationale – Not Chosen

- I. **Reduced number of Lots** – Alternatives Site Plan B allows for a total of 1/3 of all owned lots for development. The total of 4 of 12 lots total are proposed. The economic feasibility requires that 4 lots be proposed in the plan considering the costs of acquisition, time investment, consulting, lot clearing, utility improvements, fill, engineering, permitting fees and construction costs and mitigation costs.
- II. **Reduced House Footprint and Parking Area**– The house plan and footprint consisting of two stories with 2392 sq. feet with incorporated garages for parking that is planned is the least impactful that allows for the highest and best use within the RM zone allowing for a Duplex structure. The two story structure significantly minimizes the total footprint from the allowed coverage of two single family residences permitted in the RM zone on lots of the square footage contained in the lot dimension total, 50' x 100'. It should also be noted that this proposed plan also incorporates 2 attached garages per structure thus minimizing the total area impacted for required parking by the municipal code versus a plan without garages attached.
- III. **Impact to ROW required for Utility extensions & Transportation Access.** Three alternate road configurations and utility realignment and their total Wetland Impact were taken into consideration in the process of analyzing the least impactful alternative to construct the improvements needed to bring service and access to the proposed development. Site Plan B consists of an undeveloped ROW entering on N.W 2nd Street from the corner of N.W. Cedar and N.W. 2nd street proceeding to a left turn onto N.W. birch Court running the length of lots 5,6,7,8 and allows for the emergency vehicle turn around at the end of N.W. birch adjacent lots 3 & 4. The nearest Sewer and water and electrical connection are present within 500 feet of the proposed lots. The entire Wetland are required for Impact is 1.071 acres due to the lack of developed street and utility infrastructure in close proximity to serve lots 5,6,7,8. This alternate Plan B is not chosen due to the total acres requiring impact are greater than Plan A by 2.88 times. **Visual Examples are provided in the attached Site Plan B visual layouts attached and are summarized in the table above.**
- IV. **Identify environmental impacts relevant to the explored alternatives. Specifically Highest Functioning Wetland values as well as impact to Sitka Spruce tree counts existing in the ROW and Lot interiors.**

Alternate Plan B contains a mixture of approximately 1/3 forested and the remainder scrub shrub.

Alternate Site Plan B was not chosen due the required total wetland acreage impacted within ROW and lots. The Plan B requires 2.88 times impact in terms of total acreage. The

Attachment 4A Alternate Site Layout and Configuration Analysis

total Impacted acres required of 2.88 times greater than Plan A make this the least impactful alternative and outweighs any value gained by the slightly lesser amount of forested wetland contained in this plan versus Plan A.

Site Plan B consists of 12 Sitka Spruce that would require possible removal to accommodate the house foot prints and for safety concerns. The site consists of 3 Sitka Spruce in the ROW that would require removal for improvements to be constructed. The removal of 15 total Sitka Spruce is the least of the practicable and environmentally impactful alternatives. **Visual Examples of tree location are provided in wetland delineation survey and are summarized in table 1A**

Handwritten mark: "Hcm" with an arrow pointing to the right and a checkmark.

Site Plan C – Lots 1,2,3,4, Block 101, 2nd Ext. of Warrenton, Clatsop County, Oregon
Analysis and Rationale – Not Chosen

- I. **Reduced number of Lots** – Alternatives Site Plan C allows for a total of 1/3 of all owned lots for development. The total of 4 of 12 lots total are proposed. The economic feasibility requires that 4 lots be proposed in the plan considering the costs of acquisition, time investment, consulting, lot clearing, utility improvements, fill, engineering, permitting fees and construction costs.

- II. **Reduced House Footprint and Parking Area**- The house plan and footprint consisting of two stories with 2392 sq. feet with incorporated garages for parking that is planned is the least impactful that allows for the highest and best use within the RM zone allowing for a Duplex structure. The two story structure significantly minimizes the total footprint from the allowed coverage of two single family residences permitted in the RM zone on lots of the square footage contained in the lot dimension total, 50' x 100'. It should also be noted that this proposed plan also incorporates 2 attached garages per structure thus minimizing the total area impacted for required parking by the municipal code versus a plan without garages attached.

- III. **Impact to ROW required for Utility extensions & Transportation Access.** . Three alternate road configurations and utility realignment and their total Wetland Impact were taken into consideration in the process of analyzing the least impactful alternative to construct the improvements needed to bring service and access to the proposed development. Site Plan C consists of an undeveloped ROW entering on N.W 1st Street from the corner of N.W. Birch Court and N.W. 1st street proceeding the length of N.W. birch Court running the length of undeveloped N.W. Birch St. ending at lots 1,2,3,4 and allows for the emergency vehicle turn around at the intersection of N.W. Birch Court and undeveloped N.W. 3rd St.. The nearest Sewer and water and electrical connection are present within 900 feet of the proposed lots. The entire Wetland area required for Impact is 1.717 acres due to the lack of developed street and utility infrastructure in close proximity to serve lots 1,2,3,4. These facts and the total acres requiring impact make this Plan the least of the practicable alternative with the least Wetland Impact. **Visual Examples are attached and are summarized in the table 1A.**

- IV. **Identify additional environmental impacts relevant to the explored alternatives. Specifically Highest Functioning Wetland values as well as impact to Sitka Spruce tree counts existing in the ROW and Lot interiors.**

Alternate Site Plan C consists entirely of scrub shrub wetland. Although Alternate plan C contains the lowest functioning total area in the lot interiors it requires the

greatest total impact in acreage due to the distance of utilities and the required wetland impact within the ROW that would be required. The plan contains the highest percentage of lowest functioning wetland type but also requires 4.6 times the total wetland impact than Plan A. Plan C was not chosen due to the weight of the total acres required compared to wetland type to be impacted.

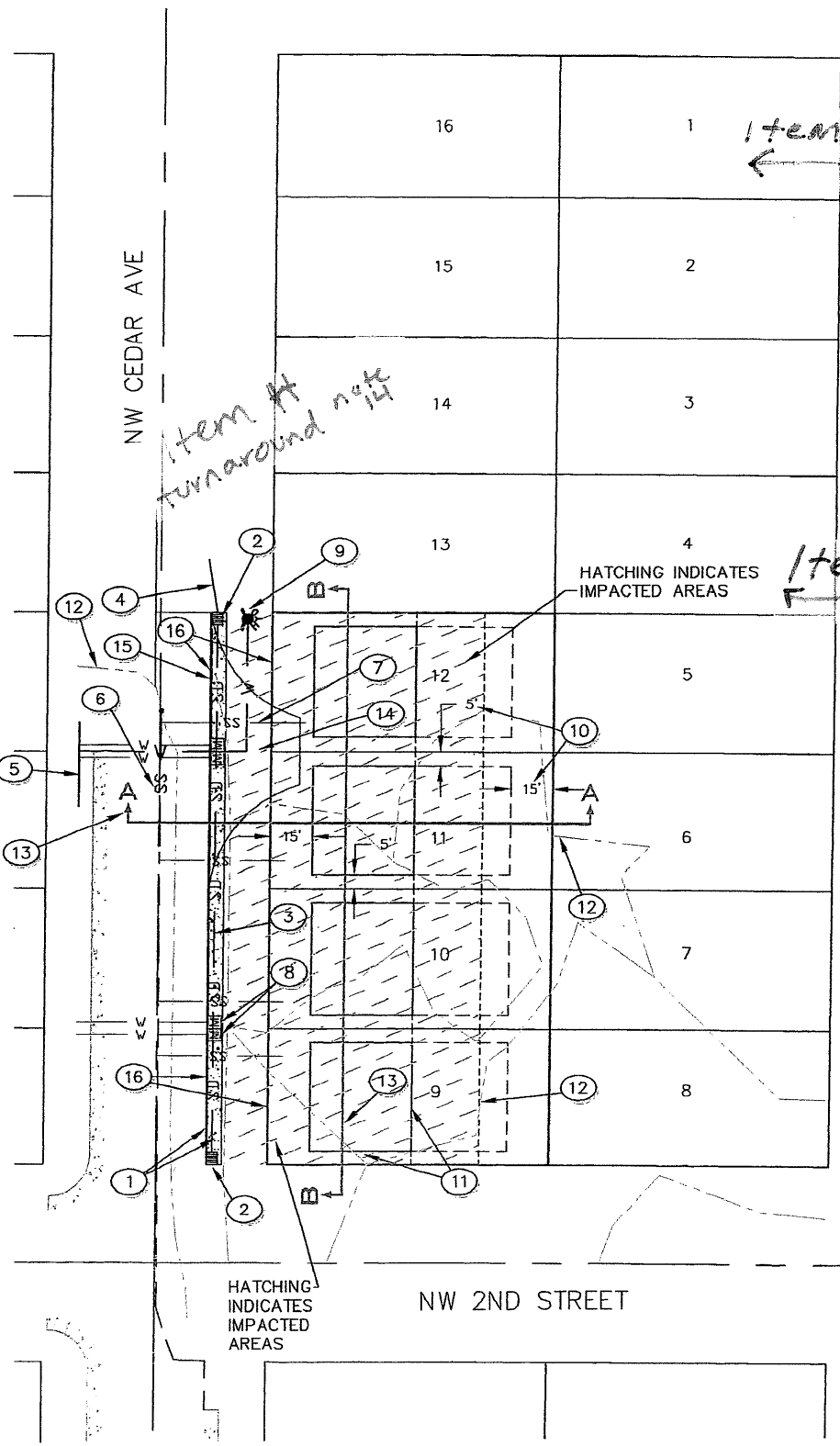
Site Plan C consists of 0 Sitka Spruce in lot interiors that would require removal to accommodate the house foot prints and for safety concerns. The site consists of 3 Sitka Spruce in the N.W. Birch Ct. ROW that would require removal for improvements to be constructed. The removal of 3 total Sitka Spruce in the ROW is equal to the total spruce removal included in alternate Site Plan A. Given the equal amount of spruce tree removal and the significantly greater area of total wetland Impact being 4.6 times greater this Site Plan C was not chosen. **Visual Examples of tree location are provided in wetland delineation survey and are summarized in table 1A.**

SITE PLAN

LOT 1700 IN SECTION 1600, T11N, R10W, W1W
 CITY OF WARRENTON, CLATSOP COUNTY, OREGON
 DATE: NOVEMBER, 2015 SCALE: 1" = 40'

NOTES

- ① PROPOSED CURB AND SIDEWALK
- ② PROPOSED STORM CURB INLET
- ③ PROPOSED PUBLIC STORM EXTENSION
- ④ PROPOSED OUTFALL TO DITCH
- ⑤ PROPOSED PUBLIC WATER EXTENSION
- ⑥ PROPOSED PUBLIC SANITARY EXTENSION
- ⑦ PROPOSED SANITARY LATERAL (TYP)
- ⑧ PROPOSED WATER METERS (TYP)
- ⑨ PROPOSED FIRE HYDRANT
- ⑩ BUILDING SETBACKS (TYPICAL)
- ⑪ PROPOSED BUILDING (TYPICAL)
- ⑫ EXISTING WETLAND LINE
- ⑬ CROSS SECTION LINE
- ⑭ FIRE APPARATUS TURNAROUND
- ⑮ MOUNTABLE CURB IN TURNAROUND AREA
- ⑯ STAGING AREA TO BE LOCATED BETWEEN PROPOSED FACE OF CURB AND RIGHT OF WAY LINE FOR THE FRONTAGE OF THE PROJECT



*Item 9
"staging area"*

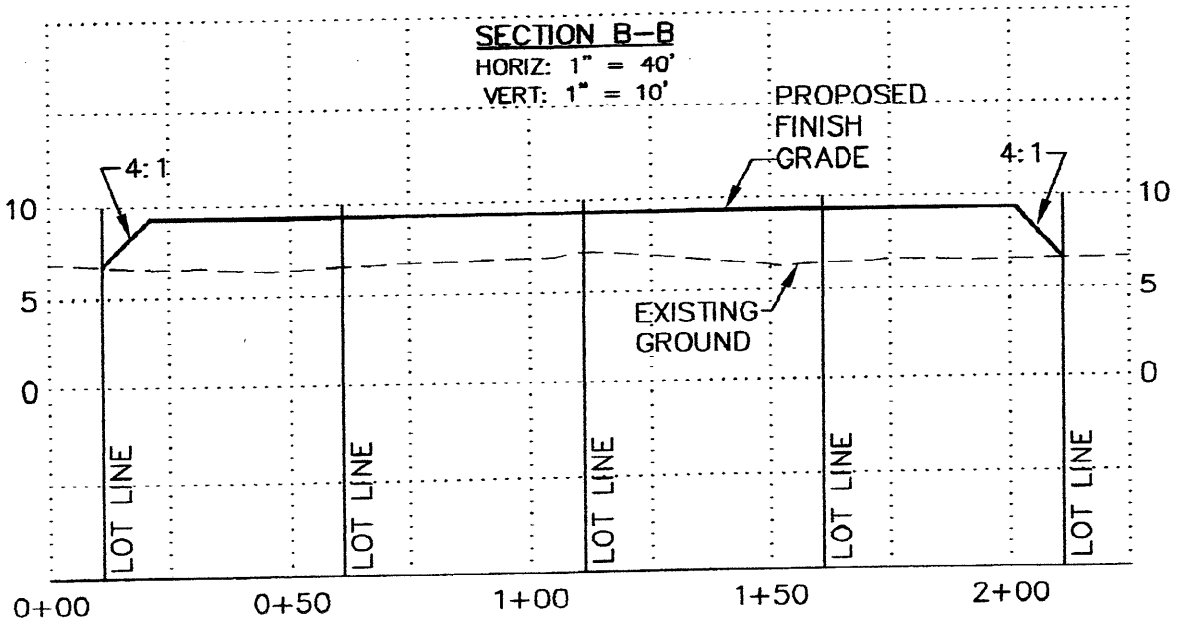
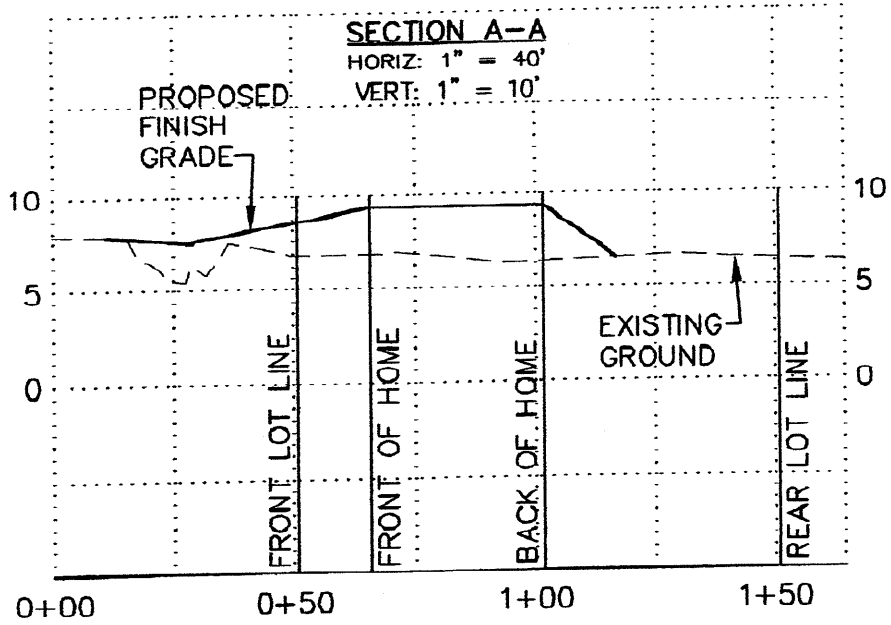


SCALE: 1" = 40'



CROSS SECTIONS

TAX LOT 1700 IN SECTION 16DD, T8N, R10W, W.M.
CITY OF WARRENTON, CLATSOP COUNTY, OREGON
DATE: NOVEMBER, 2015 SCALE: 1" = 40'



SITE PLAN - ALTERNATE B

TAX LOT 1700 IN SECTION 16DD, T8N, R10W, W.M.
CITY OF WARRENTON, CLATSOP COUNTY, OREGON
DATE: NOVEMBER, 2015 SCALE: 1" = 40'

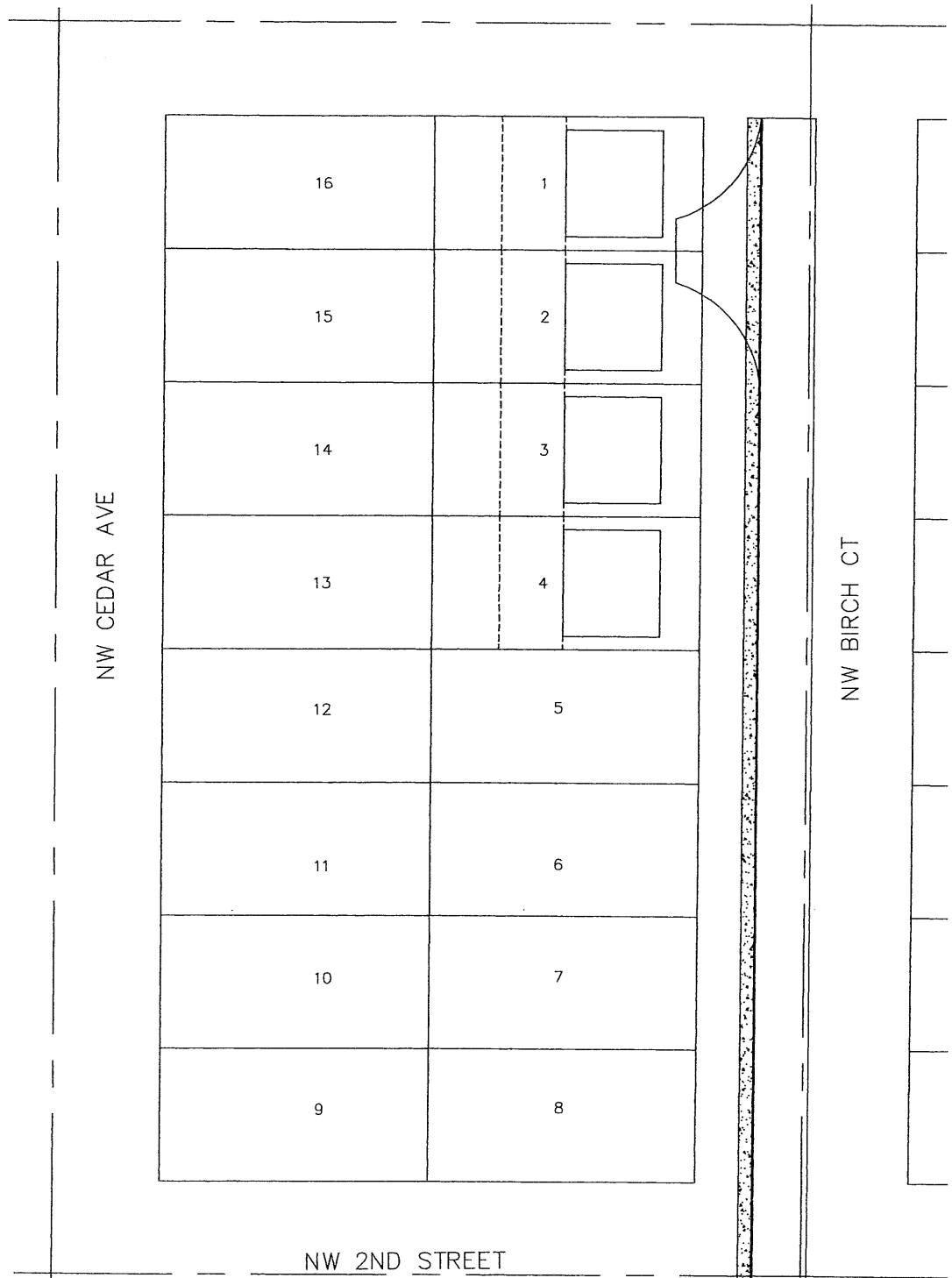
item M



SITE PLAN - ALTERNATE C

TAX LOT 1700 IN SECTION 16DD, T8N, R10W, W.M.
CITY OF WARRENTON, CLATSOP COUNTY, OREGON
DATE: NOVEMBER, 2015 SCALE: 1" = 40'

Item M



SCALE: 1" = 40'

IMPROVEMENTS
EXTEND 250'
FURTHER SOUTH

S. E. 1/4 OF SECTION 16, T8N, R10W, W. M.

WETLAND DELINEATED BY DOUG RAY AND AUSTIN TOMLINSON ON 4/17/2015. WETLAND TIED BY KARL F. FOESTE, PLS 849, ON 4/22/2015.

SURVEY FOR: ADAM CRITES

SURVEY BY: KARL F. FOESTE, 361 S. W. MAIN CT. WARRENTON, OR 97146

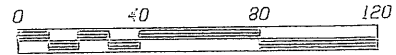
DATE: 4/22/2015

SCALE: 1" = 40'

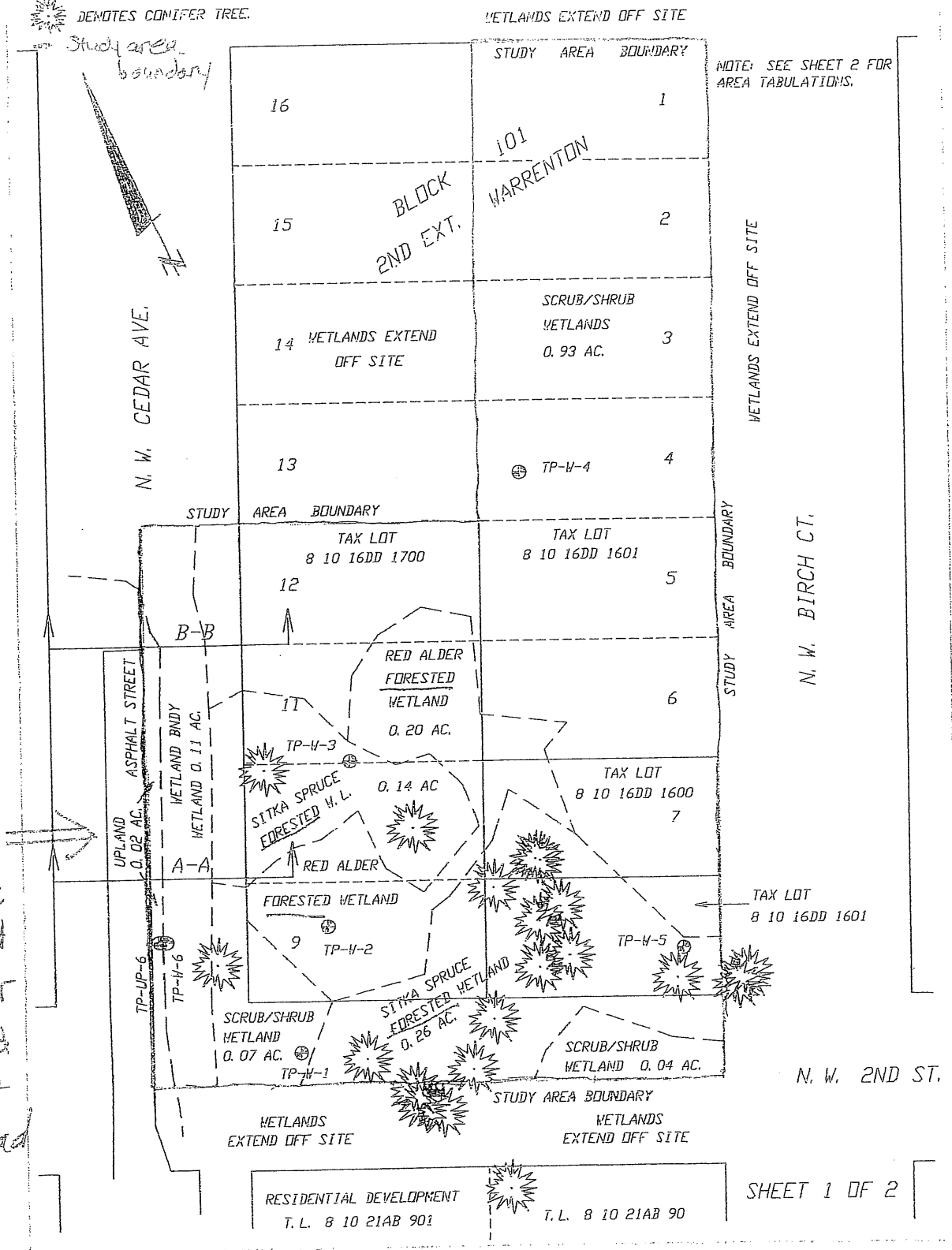
LEGEND:

⊕ DEMOTES TEST PLOT.

☼ DEMOTES CONIFER TREE.



N. W. 3RD ST.



DSL WD # 2015-0310
 Approval Issued 9-17-15
 Approval Expires 9-17-20

Note:
 mine site
 is wetland
 except for
 0.02 upland
 rip next
 the road

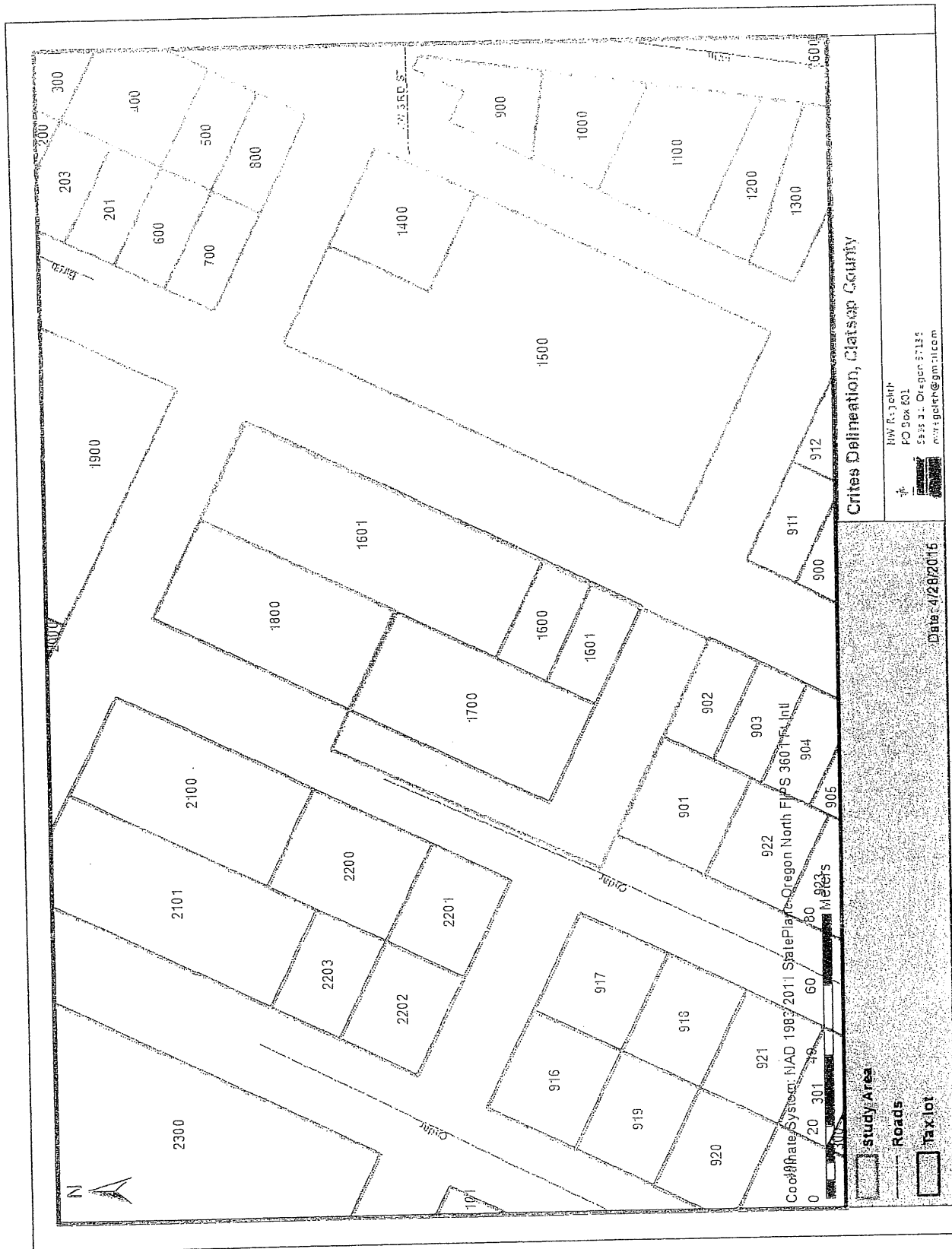


Figure 2. Tax lot Map

WVAP SCORES SHEET		Version 2.0.2 May 2012	
Investigator Name:		Austin Tomlinson, Doug Ray	
Date of Field Assessment:		April 18th, 2015	
Latitude (decimal degrees):		Longitude (decimal degrees):	-123.928

Specific Functions:	Relative Effectiveness of the Function	Relative Values of the Function
Water Storage & Delay (WS)	0.67	2.50
Sediment Retention & Stabilization (SR)	9.38	4.11
Phosphorus Retention (PR)	4.67	5.08
Nitrate Removal & Retention (NR)	4.33	2.50
Thermoregulation (T)	0.00	0.00
Carbon Sequestration (CS)	5.58	
Organic Matter Export (OE)	0.00	
Aquatic Invertebrate Habitat (INV)	4.26	6.00
Adromous Fish Habitat (FA)	0.00	4.15
Non-anadromous Fish Habitat (FR)	1.67	2.07
Amphibian & Reptile Habitat (AM)	3.75	4.00
Waterbird Feeding Habitat (WBF)	4.15	4.00
Waterbird Nesting Habitat (WBN)	0.00	3.00
Wingbird, Raptor, & Mammal Habitat (SBM)	3.34	4.00
Pollinator Habitat (POL)	4.13	3.06
Native Plant Diversity (PD)	4.09	6.00

GROUPED FUNCTIONS	Group Scores (functions)	Group Scores (values)	
Hydrologic Function (WS)	0.67	2.50	(identical to Water Storage and Delay function and value scores)
Water Quality Group (WQ)	9.38	5.08	(maximum of scores for SR, PR, NR, and T)
Carbon Sequestration (CS)	5.58		(identical to Carbon Sequestration score above)
Fish Support Group (FISH)	1.67	4.15	(maximum of scores for FA and FR)
Aquatic Support Group (AQ)	4.26	6.00	(maximum of scores for OE, AM, INV, WBF, and WBN)
Terrestrial Support Group (TERR)	4.13	6.00	(maximum of scores for PD, POL, and SBM)
Public Use & Recognition (PU)		1.67	(click on this cell to see this attribute defined)
Provisioning Services (PS)		0.00	(click on this cell to see this attribute defined)

OTHER ATTRIBUTES		
Wetland Ecological Condition (CQ)		4.13
Wetland Stressors (STR)		3.88
Wetland Sensitivity (SEN)		8.33

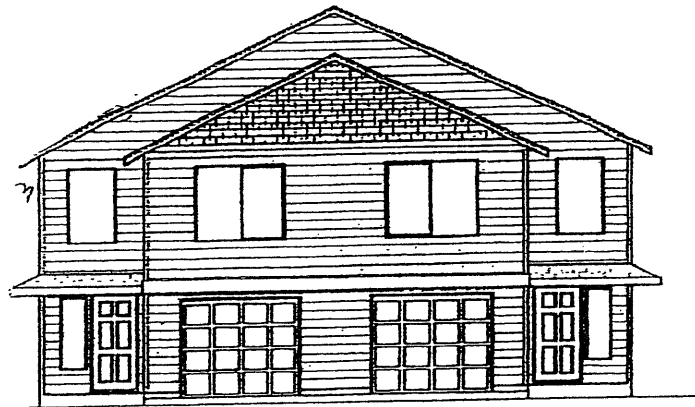
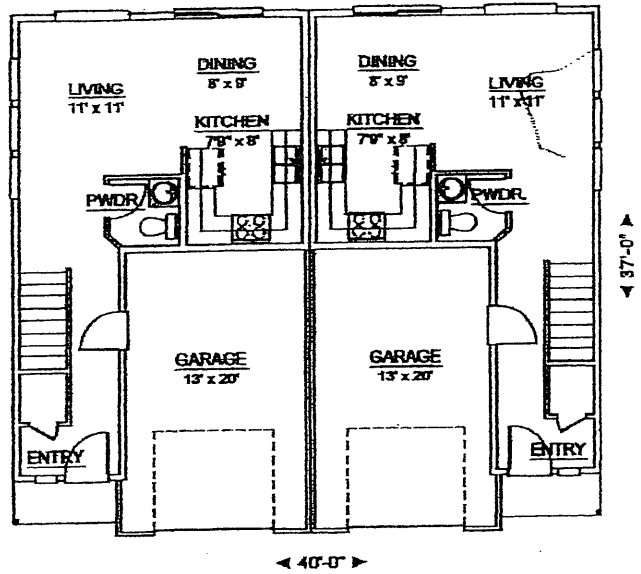
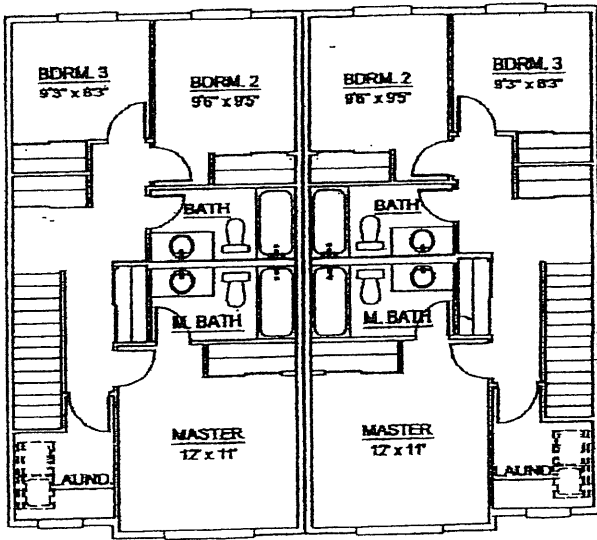
IGM Class - Relative Probabilities (select max)	
Estuarine	0.00
Riverine	0.00
Lake	2.50
Shoal	6.25
Flat	0.00
Depressional	0.00
Terrestrial	0.00

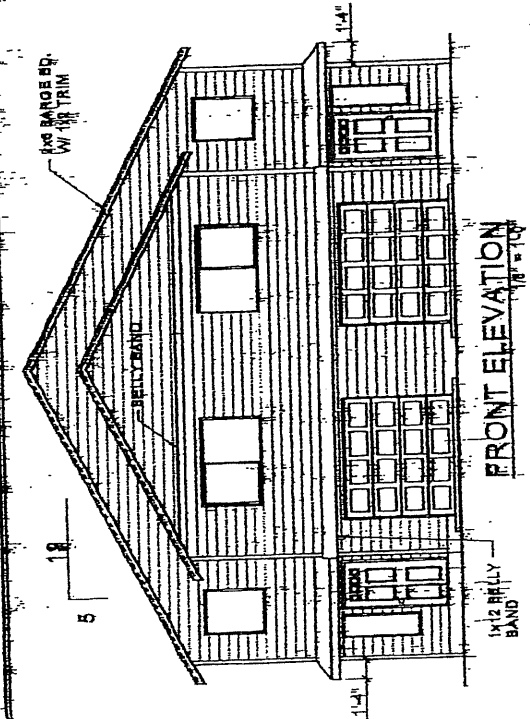
CoverPg: Basic Description of Assessment		2012
Site Name:		Crites Parcel
Investigator Name:		Austin Tomlinson, Doug Ray
Date of Field Assessment:		April 18th, 2015
County:		Clatsop
Nearest Town:		Warrenton
Latitude (decimal degrees):		46.1710
Longitude (decimal degrees):		-123.9280
TRS, quarter/quarter section and tax lot(s)		T8NR10WS16DD; 1700,1600, 1601
Approximate size of the Assessment Area (AA, in acres)		1.77
AA as percent of entire wetland (approx.)		100%
If delineated, DSL file number (WD #) if known		
Soil Map Units within the AA (list these in approx. rank order by area, from WSS web site or published county survey; see manual)		Coquille-Clatsop Complex Coquille variant silt loam
Soil Map Units surrounding and contiguous to the AA (list all present in approx. rank order by area; see manual)		See above
Cowardin Systems & Classes (indicate all present, based on field visit and/or aerial imagery): Systems: Palustrine =P, Riverine =R, Lacustrine =L, Estuarine =E Classes: Emergent =EM, Scrub-Shrub =SS, Forested =FO, Aquatic Bed (incl. SAV) =AB, Open Water =OW, Unconsolidated Bottom =UB, Unconsolidated Shore =US		PEM, PSS, PFO
HGM Class (Scores worksheet will suggest a class; see manual section 2.4.2)		Ground water
If tidal, the tidal phase during most of visit:		1
What percent (approx.) of the wetland were you able to visit?		1
What percent (approx.) of the AA were you able to visit?		Apr-14
Have you attended an ORWAP training session? If so, indicate approximate month & year.		1
How many wetlands have you assessed previously using ORWAP (approx.)?		1
Comments about the site or this ORWAP assessment (attach extra page if desired):		

2392 Sq. Ft. Duplex

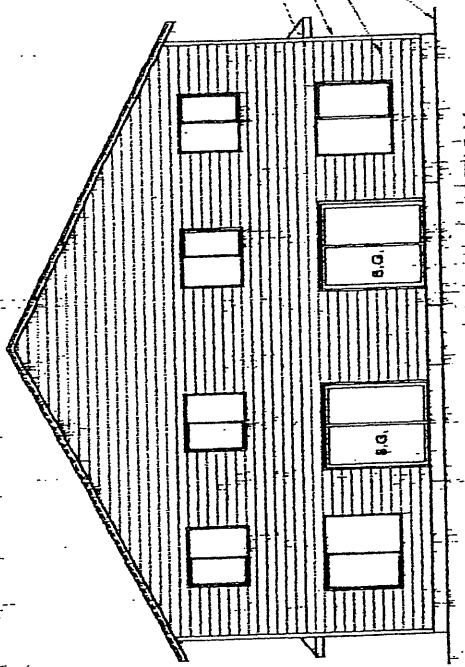
1196 Sq. Ft.
each side

507 S. ROOSEVELT DR., SEASIDE, OR 97138 (503) 738-4102





FRONT ELEVATION
1/8" = 1'-0"

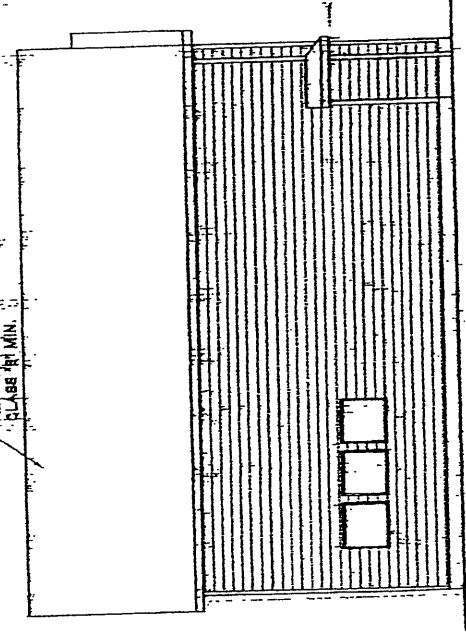


REAR ELEVATION
1/8" = 1'-0"

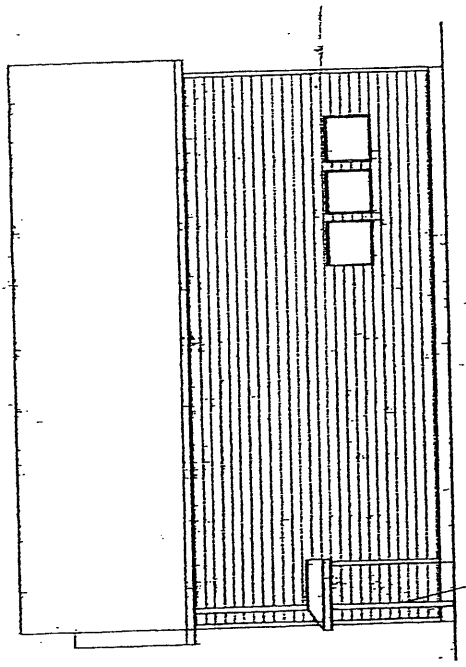
NOTE: ADDRESS MUST BE LOCATED ON THE HOUSE WHERE IT IS EASILY SEEN FROM THE MAIN ACCESS ROAD (OWNER RESPONSIBILITY)

NOTE: ADDRESS: ~~XXXXXXXXXX~~

FIBERGLASS COMP. SHINGLES
1/4" SLABE 1/4" MIN.



LEFT ELEVATION
1/8" = 1'-0"



RIGHT ELEVATION
1/8" = 1'-0"

After recording, return to:

*Adam Crites
PO Box 2127
Salt Lake City, Utah 84110*

**DECLARATION OF COVENANTS AND RESTRICTIONS AND
ACCESS EASEMENT
FOR PORTIONS OF
2ND EXT. OF WARRENTON**

THIS DECLARATION is made this _____ day of _____, 2016 by Adam Crites (“Declarant”).

RECITALS

1. Declarant is the owner of the real property described in Exhibit “A,” attached hereto and by this reference incorporated herein (the “Property”), and has designated the Property as a compensatory mitigation site in accordance with Removal-Fill Permit (as defined below) approved by the Oregon Department of State Lands (“Department”).
2. Declarant desires and intends to provide for the perpetual protection and conservation of the wetland and waterway functions and values of the Property and for the management of the Property and improvements thereon, and to this end desires to subject the Property to the covenants, restrictions, easements and other encumbrances hereinafter set forth, each and all of which is and are for the benefit of the Property.
3. The Department has accepted the mitigation plan for the Property under ORS 196.800 et seq.

ARTICLE 1
DEFINITIONS

1.1 “Declaration” shall mean the covenants, restrictions, easement, and all other provisions set forth in the Declaration of Covenants and Restrictions.

1.2 “Declarant” shall mean and refer to Adam Crites, and his successors, and assigns.

1.3 “Removal-Fill Permit” shall mean the final Removal-Fill Permit # 585802 approved by the Department that formally establishes the mitigation site and stipulates the terms and conditions of its construction, operation and long-term management. A copy of the Removal-Fill Permit may be obtained at the Department of State Lands, 775 Summer St. NE, Salem, OR 97301; phone 503-986-5200.

1.5 “Property” shall mean and refer to all real property subject to this Declaration, as more particularly set forth in Exhibit “A.”

ARTICLE 2
PROPERTY SUBJECT TO THIS DECLARATION

The Property which is and shall be held, transferred, sold, conveyed and occupied subject to this Declaration is located in Clatsop County, Oregon and is particularly described in Exhibit “A”.

ARTICLE 3
DECLARANT REPRESENTATIONS

Declarant represents and warrants that after reasonable investigation, and to the best of its knowledge that no hazardous materials or contaminants are present that conflict with the conservation purposes intended; the Property is in compliance with all federal state, and local laws, regulations, and permits and there is no pending litigation affecting, involving, or relating to the Property that would conflict with the intended conservation use. Declarant that the Property is free and clear of any and all liens, claims, restrictions, easements and encumbrances that would interfere with the ability to protect and conserve the Property.

ARTICLE 4
GENERAL DECLARATION

Declarant, in order to discharge in part Declarant's obligations under the Removal-Fill Permit declares that the Property shall be held, transferred, sold, conveyed and occupied subject to the covenants, restrictions, easements and other encumbrances hereinafter set forth in this Declaration, in order that the Property shall remain substantially in its restored, enhanced, preserved, open and natural condition, in perpetuity. The terms and conditions of this Declaration shall be both implicitly and explicitly included in any subsequent transfer, conveyance, or encumbrance affecting all or any part of the Property. These restrictions cannot be released nor modified unless authorized in writing by the Department. Any amendments shall be signed by the Department and shall be recorded in the official records of the county in which the Property is located.

ARTICLE 5
USE RESTRICTIONS, MANAGEMENT RESPONSIBILITIES,
AND RESERVED RIGHTS

Declarant and all users of the Property are subject to any and all easements, covenants and restrictions of record affecting the Property.

A. USE RESTRICTIONS. Except as necessary to conduct, remediate or maintain the Property consistent with the Removal-Fill Permit or as otherwise authorized in the Removal-Fill Permit, the actions prohibited by this covenant include:

1. There shall be no removal, destruction, cutting, trimming, mowing, alteration or spraying with biocides of any native vegetation in the Property, nor any disturbance or change in the natural habitat of the Property unless it is consistent with the approved permit or promotes the mitigation goals and objectives established for the Property. Hazard trees that pose a specific threat to structures including fences or pedestrian trails may be felled and left on site. Dry grass only may be mowed after July 1 to abate fire hazard.
2. There shall be no agricultural, commercial, or industrial activity undertaken or allowed in the Property; nor shall any right of passage across or upon the Property be

allowed or granted if that right of passage is used in conjunction with agricultural, commercial or industrial activity.

3. No domestic animals shall be allowed to graze or dwell on the Property; provided, however, this provision shall not prevent any animals from grazing or dwelling on any adjacent real property regardless of whether or not the adjacent property is part of the same parcel or parcels as the Property.
4. There shall be no filling, excavating, dredging, mining or drilling; no removal of topsoil, sand, gravel, rock minerals or other materials, nor any storage nor dumping of ashes, trash, garbage, or of any other material, and no changing of the topography of the land of the Property in any manner once the wetlands are constructed unless provided for in the Removal-Fill Permit or otherwise approved in writing by the Department.
5. There shall be no construction or placing of buildings, mobile homes, advertising signs, billboards or other advertising material, vehicles or other structures on the Property.
6. There shall be no legal or de facto division, subdivision or partitioning of the protected Property in the event that such action is prohibited by the Removal-Fill Permit.
7. Use of motorized off-road vehicles is prohibited except on existing roadways.

B. MANAGEMENT RESPONSIBILITIES. Declarant, or in the event the Declarant no longer owns any of the Property, the Declarants successors and assigns, shall take reasonable action to prevent the unlawful entry and trespass by persons whose activities are likely to degrade or harm the mitigation purposes of the Property or that are otherwise inconsistent with this Declaration.

C. RESERVED RIGHTS. Declarant reserves all other rights accruing from Declarant's ownership of the Property including but not limited to the exclusive possession of the Property, the right to transfer or assign all or any portion of Declarant's interest in the same; the right and any obligation to take action necessary to prevent erosion on the Property, to protect the Property from losing its wetland or waterway functions and values, or to protect public health or safety; and the right to use the Property in any manner not prohibited by this Declaration and which would not defeat or diminish the conservation purpose of this Declaration.

In addition to all other rights reserved by the Declarant, Declarant reserves the right, on Declarant's own behalf and on behalf of Declarant's heirs, successors and assigns to use the Property for all of the following to the extent that the reserved rights are not expressly prohibited by the Removal-Fill Permit:

1. To hunt, fish, and trap, in a manner consistent with all applicable state and federal laws and regulations.

2. Access to the Property for ingress, egress, hiking by foot, non-motorized vehicles or horseback and installation of reasonable signage related to the same. In the event of range fires, Declarant may access the Property by motor vehicle and suppress the fire by all reasonable methods or means, including mechanical means or methods, and the construction of the fire breaks.

ARTICLE 6
EASEMENT (RIGHT OF ENTRY)

Declarant hereby grants to the Department an easement and right of entry on the Property for the purpose of physically accessing the Property at all reasonable times to inspect the Property in order to monitor and to ascertain whether there has been compliance with this Declaration and the Removal Fill-Permit (the "Easement"). In the event that the Property lacks access via a public road or other common area, Declarant grants to the Department, as part of the Easement, access over and across any other adjacent property of Declarant, if any, the use of which is necessary to access the property.

ARTICLE 7
GENERAL PROVISIONS

A. NOTICE. The Department shall be provided with a 60-day advance written notice of any legal action concerning this Declaration, or of any action to extinguish, void or modify this Declaration, in whole or in part. This Declaration is intended to survive foreclosure, tax sales, bankruptcy proceedings, zoning changes, adverse possession, abandonment, condemnation and similar doctrines or judgments affecting the Property. A copy of this recorded Declaration shall accompany said notice.

B. VALIDITY. If any provision of this Declaration, or the application thereof to any person or circumstance, is found to be invalid, the remainder of the provisions of this Declaration, or the application of such provisions to persons or circumstances other than those as to which it is found to be invalid, as the case may be, shall not be affected thereby.

IN WITNESS WHEREOF, the undersigned being Declarant herein, has executed this instrument this _____ day of _____, 20____.

By: Adam Crites

STATE OF UTAH)
) ss:
County of _____)

The foregoing instrument was acknowledged before me this (date) by (person acknowledging, title or representative capacity, if any).

(Signature of Person Taking Acknowledgment)

(Title)
My commission expires: _____
Residing at: _____

GRANTEE: The State of Oregon, Department of State Lands, approves Declarant's conveyance of an easement in favor of the Department.

By _____
Title: _____
Date: _____

Attachment:
Exhibit A, legal description and labeled map of the Property

ATTACHMENT "A" SHOWING NON-IMPACTED AREAS OF LOTS 1 THRU 8, INCLUSIVE, AND THE EAST 25 FT. OF LOTS 9 THRU 12, INCLUSIVE, BLOCK 101, 2ND EXT. OF WARRENTON, CLATSOP COUNTY, OREGON

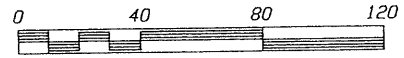
LEGEND:

- DENOTES TEST PLOT.
- ☼ DENOTES CONIFER TREE.
- BOUNDARY OF NON-IMPACTED AREA

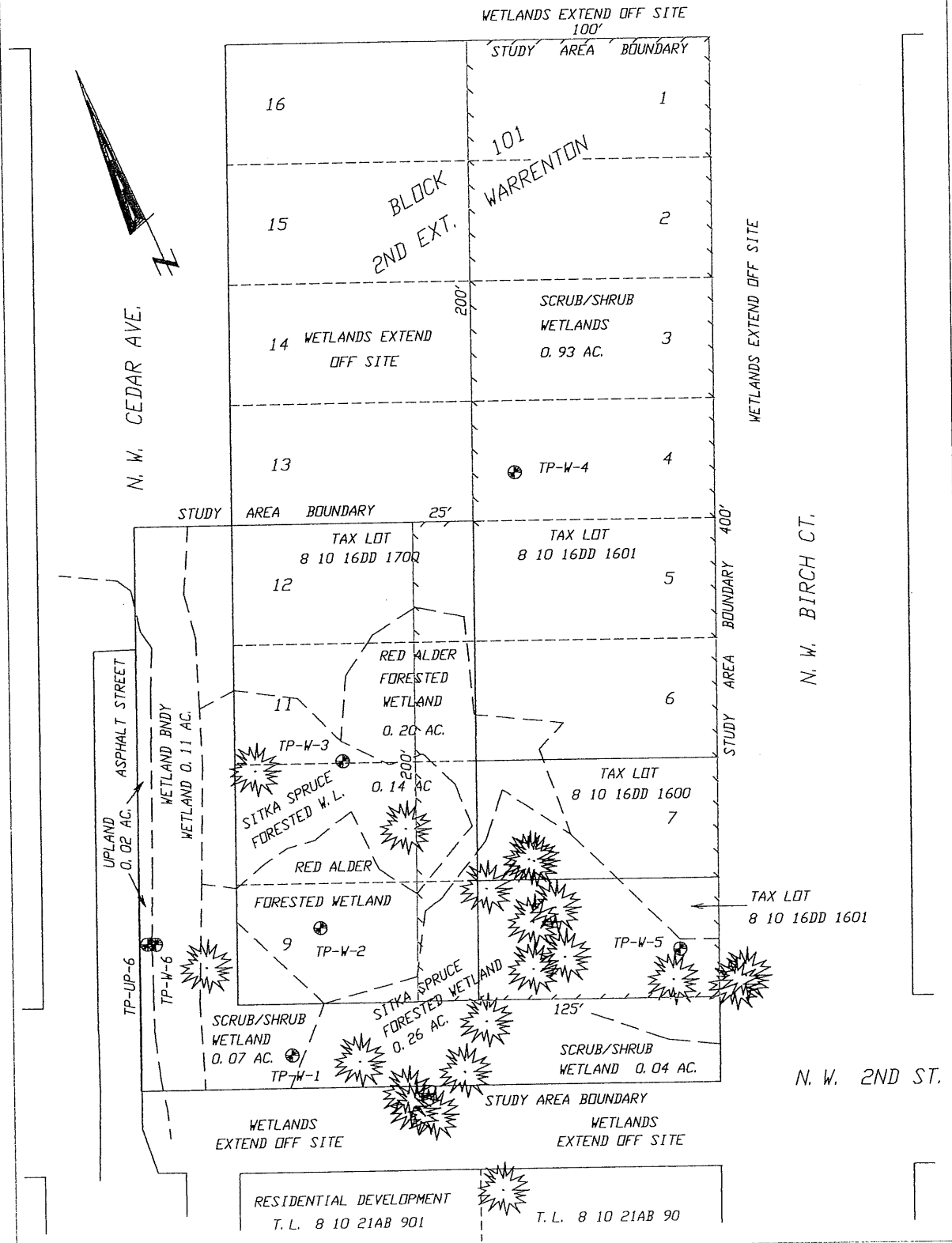
OWNER: ADAM CRITES

DATE: 4/11/2016

SCALE: 1" = 40'



N. W. 3RD ST.



Harry Ager
7 NW Cedar Ave
Warrenton, OR 97146

Wen Regier
P.O. Box 1004
Warrenton, OR 97146

Chris Rutherford
1303- Hwy 202
Astoria, OR 97103

Justin Kelly
92 NW Cedar Ave
Warrenton, OR 97146

Varner Trust
Varner Marian – Agent
9840 Castleberry Loop
Oregon City, OR 97045-7954

3/14/2016

Response : Oregon DSL Letter January 25, 2016 – 30-day public review period comments - Dan Cary, Aquatic Resource Coordinator

Dear Richard.

I appreciate opportunity to address the comments and concerns relevant to your permit-decision making process.

I have enclosed copies of the response to the public comments that were requested to be addressed in your letter dated January 25, 2016. These response letters have been mailed to Dustin and Sarah Kelly, Terry Ager and Mimi Sneer.

In response to the DSL item numbers 3 and 4 I have provided response to each item below as well as a complete revised DSL Removal and Fill Permit including the revisions pertinent to these items where applicable.

I met with Skip Uhrling, City of Warrenton Planner, Tim Demers, Fire Chief, Ed Wegner, Interim Public Works Director, Richard Stelzig, City Engineer on March 9, 2016 for a Hardship Variance Pre-Application Meeting.

I reviewed the preliminary Site Plan and Proposed House Plans and explained that this consisted of 2 covered garages and 2 off street parking pads included within the Property Lines. Skip reviewed the parking code in confirmed that the proposed plans exceeded the parking requirements in the code. A total of 3.5 parking spaces is required for each duplex. The parking that is provided in the proposed plans total 4 spaces.

The results of this determination requires no additional impact or major redesign affecting the area impacted that was submitted for in the original JPA.

A lengthy discussion between Tim Demers, Fire Chief, Skip Uhrling was had regarding the requirements, specifications and location of the emergency vehicle turn around. Alternatives were discussed in relation to Wetland Impact and it was agreed that the hammerhead would be located at the end of the street parallel to the Northern section of Lot 11. **The results of this determination requires no additional impact than was originally submitted for in the original JPA.**

I have enclosed a revision to the application which provides the Alternative Site plan layout and

configuration analysis including visual illustrations . I believe that this analysis illustrates that the chosen alternative is the least impactful Site Layout that is available while considering and taking into account the impact to highest functioning wetland portions. The Alternative Site layout Analysis provides discussion of the needed use of some components of the highest functioning wetlands present within the total site. The rationale for this use in the context of the total acres requiring Impact that would be needed with the available alternatives is described within the analysis.

I appreciate the opportunity to address the items 1 through 4 outlined in your letter dated January 25, 2016.

I look forward to you determination of my application.

Sincerely,

Adam Crites

P.O. Box 2127

Salt Lake City , Utah 84110

3/14/2016

Response : Oregon DSL Letter January 25, 2016 – PRP comments from Dustin and Sarah Kelly regarding Parking and turn around at Dead End Street

Dear Dustin and Sarah Kelly,

In response to your public comments regarding the proposed development of block 1700 , Lots 9,10,11,12 on N.W. Cedar Avenue in the City of Warrenton. The opportunity for you as a neighbor to review and comment on this proposed development and the application for Removal and Fill in process with the Oregon Department of State Lands is much appreciated.

In specific response to your comments and concerns regarding this development I would like to provide the following response to assist in answering your concerns.

I am proposing to build four residential duplexes at the end of N.W. Cedar Avenue on four residentially platted lots zoned RM. These units are approximately 2392 sq. feet total, two stories, and will have two attached garages per duplex.

The parking and emergency vehicle turn around at the dead in street was addressed with the City of Warrenton during a Pre Application meeting on March 9, 2016.

The parking plans for the proposed development were discussed and the proposed parking consisting of 2 covered parking stalls and 2 additional parking stalls per Duplex will fulfill the requirements of the Parking design defined in the City of Warrenton Municipal Code Title 16 Chapter 16.128.030. This improvement is expected to have no adverse impact to the existing transportation system of N.W. Cedar Avenue

The street engineering which is in the development phase will provide for emergency vehicle turn around at the end of N.W. Cedar Avenue. The construction of this emergency vehicle turn around will greatly improve the fire access and safety of N.W. Cedar Avenue. All plans will be submitted to the City of Warrenton for review and approval.

Thank you for the opportunity to address this concern through the process provided by the Oregon Department of State Lands. Please feel free to contact me should you have further questions.

Sincerely,

Adam Crites

208-440-5040

3/14/2016

Response : Oregon DSL Letter January 25, 2016 Terry Ager and Mimi Sneer, PRP comments – Storm drainage, water main size and extension, parking and emergency vehicle turn around, street widening, alternate location on property.

In response to your public comments regarding the proposed development of block 1700, Lots 9,10,11,12 on N.W. Cedar Avenue in the City of Warrenton. The opportunity for you as a neighbor to review and comment on this proposed development and the application for Removal and Fill in process with the Oregon Department of State Lands is much appreciated.

In specific response to your comments and concerns regarding this development I would like to provide the following response to assist in answering your concerns.

I am proposing to build four residential duplexes at the end of N.W. Cedar Avenue on four residentially platted lots zoned RM. These units are approximately 2392 sq. feet total, two stories, and will have two attached garages per duplex.

The utility extensions, main sizing, street design requirements, storm water drainage, parking and emergency vehicle turn around at the dead in street were addressed with the City of Warrenton during a Pre Application meeting on March 9, 2016.

The parking plans for the proposed development were discussed and the proposed parking consisting of 2 covered parking stalls and 2 additional parking stalls per Duplex and will fulfill the requirements of the Parking design defined in the City of Warrenton Municipal Code Title 16 Chapter 16.128.030. This improvement is expected to have no adverse impact to the existing transportation system of N.W. Cedar Avenue

The street engineering which is in the development phase will provide for emergency vehicle turn around at the end of N.W. Cedar Avenue. The construction of this emergency vehicle turn around will greatly improve the fire access and safety of N.W. Cedar Avenue. All plans will be submitted to the City of Warrenton for review and approval.

The utilities exist within the ROW in close proximity to the proposed development. All utility, street and storm water drainage improvements will be engineered and in accordance with the design requirements and standards set forth by the City of Warrenton Municipal Code and City of Warrenton Public Works Department. No existing obstacles or issues were identified that would prohibit the engineering of required improvements to street, storm system and utilities. The engineered plans will be submitted to the City of Warrenton for review and approval.

3/14/2016

Response : Oregon DSL Letter January 25, 2016 Terry Ager and Mimi Sneer, PRP comments – Storm drainage, water main size and extension, parking and emergency vehicle turn around, street widening, alternate location on property.

In response to your public comments regarding the proposed development of block 1700, Lots 9,10,11,12 on N.W. Cedar Avenue in the City of Warrenton. The opportunity for you as a neighbor to review and comment on this proposed development and the application for Removal and Fill in process with the Oregon Department of State Lands is much appreciated.

In specific response to your comments and concerns regarding this development I would like to provide the following response to assist in answering your concerns.

I am proposing to build four residential duplexes at the end of N.W. Cedar Avenue on four residentially platted lots zoned RM. These units are approximately 2392 sq. feet total, two stories, and will have two attached garages per duplex.

The utility extensions, main sizing, street design requirements, storm water drainage, parking and emergency vehicle turn around at the dead in street were addressed with the City of Warrenton during a Pre Application meeting on March 9, 2016.

The parking plans for the proposed development were discussed and the proposed parking consisting of 2 covered parking stalls and 2 additional parking stalls per Duplex and will fulfill the requirements of the Parking design defined in the City of Warrenton Municipal Code Title 16 Chapter 16.128.030. This improvement is expected to have no adverse impact to the existing transportation system of N.W. Cedar Avenue

The street engineering which is in the development phase will provide for emergency vehicle turn around at the end of N.W. Cedar Avenue. The construction of this emergency vehicle turn around will greatly improve the fire access and safety of N.W. Cedar Avenue. All plans will be submitted to the City of Warrenton for review and approval.

The utilities exist within the ROW in close proximity to the proposed development. All utility, street and storm water drainage improvements will be engineered and in accordance with the design requirements and standards set forth by the City of Warrenton Municipal Code and City of Warrenton Public Works Department. No existing obstacles or issues were identified that would prohibit the engineering of required improvements to street, storm system and utilities. The engineered plans will be submitted to the City of Warrenton for review and approval.

An Alternative Site Plan Analysis was conducted prior to the acquisition of the subject lots and the N.W. Cedar site was deemed the least impactful and feasible alternative prior to the purchase of the property. As well, an alternate site plan layout analysis has been conducted and submitted to the Oregon DSL demonstrating that the proposed plan is the least impactful alternative for development within the 12 lots that are owned. All alternatives were carefully considered and the proposed plan that has been chosen provides the least Total Impact to the Wetlands.

Thank you for the opportunity to address this concern through the process provided by the Oregon Department of State Lands. Please feel free to contact me should you have further questions.

Sincerely,

Adam Crites

208-440-5040

greatest total impact in acreage due to the distance of utilities and the required wetland impact within the ROW that would be required. The plan contains the highest percentage of lowest functioning wetland type but also requires 4.6 times the total wetland impact than Plan A. Plan C was not chosen due to the weight of the total acres required compared to wetland type to be impacted.

Site Plan C consists of 0 Sitka Spruce in lot interiors that would require removal to accommodate the house foot prints and for safety concerns. The site consists of 3 Sitka Spruce in the N.W. Birch Ct. ROW that would require removal for improvements to be constructed. The removal of 3 total Sitka Spruce in the ROW is equal to the total spruce removal included in alternate Site Plan A. Given the equal amount of spruce tree removal and the significantly greater area of total wetland Impact being 4.6 times greater this Site Plan C was not chosen. **Visual Examples of tree location are provided in wetland delineation survey and are summarized in table 1A.**

Item F
←

Attachment 6
Impacts to Wetlands by Type, Volume and Acres

Wetland Type	Volume of Fill (C.Y.)	sq. feet	Acres of Impact
Spruce Forested	425	4763	0.11
Scrub / Shrub	600	7103	0.16
Red Alder Forested	375	4432	0.1
Other Wetland(Partially developed street and ditch planted with grass)	200	4093	0.09
Totals	1600	20391	0.46

Preferred Alternative – Lots 9,10,11,12 Block 101, 2nd Extension Warrenton, Clatsop County

1. **Meets the Criteria-** The site is within the City of Warrenton UGB. The site is in close proximity to the Warrenton downtown core, central business hub, major big box retail, public transportation and other commercial businesses. The site is located in an identified area of Demand for rental housing due to its proximity to existing commercial business and planned development of major Business Parks by the County. The site is also located within close proximity to the local US Coast Guard installation, which is constantly in demand of rental housing.
2. **Meets the Criteria-**Property available for development.
3. **Meets the Criteria-** The site is located on a developed street with infrastructure directly available in front of the site. The site has an existing partially paved and maintained road serving the property. The extension of utilities would be minimal with existing utilities already serving a portion of the subject lots and or within close and feasible distance for extension. The site is not located within the 100-year floodplain and will not require extensive engineering or post and pile construction.
4. **Meets the Criteria-** The site is located on a 60,000 square foot lot, zoned RM. The site consists of 12 lots zoned residential multifamily (RM) allowing for four duplex units. The site provides sufficient size for multiple duplex units in addition to land available for avoidance, minimization and buffering for thoughtful and successful wetland conservation.

Alternative 1 – Lots 900, 901, 903, 904, 1100, 1300, 1700, 1800 and 2000 between SW 1st Street and West Harbor Street and SW Birch Ave. and SW Alder. (46.166328, -123.926825)

Collective Summary Alternative Analysis of Lots 900, 901, 903, 904, 1100, 1300, 1700, 1800, 2000

1. **Meets the Criteria** - The site is within the City of Warrenton UGB. The site is in close proximity to the Warrenton downtown core, central business hub, major big box retail, public transportation and other commercial businesses. The site is located in an identified area of demand for rental housing due to its proximity to existing commercial business and planned development of major business parks by the County. The site is also located within close proximity to the local US Coast Guard installation, which is constantly in demand of rental housing.
2. **Fails to Meet the Criteria** - - The properties are not available for purchase at the time of this analysis. A certified and trackable inquiry was sent to the property to the individual owners of Lots

900, 901, 903, 904, 1100, 1300, 1700, 1800 and 2000 addresses of record per the county tax records. The properties outlined by USACE as alternative are owned by five separate individual owners. No properties in this collective group were determined to be available for sale.

3. **Meets the Criteria** - - The site is located on a partially developed street with infrastructure available in close proximity of the site. The extension of utilities would be reasonably feasible given the assumption that approval is potentially possible by the City of Warrenton with existing utilities already serving a portion of the subject lots, specifically lots 901, 1100 and 2000 and or within close and feasible distance for extension. The site is not located within the 100-year floodplain and will not require extensive engineering or post and pile construction.

4. **Meets the Criteria** - The site consists of nine lots zoned RH totaling 35,000 square feet. The exclusion of the lots that already have an existing single family structure (901, 1100 and 2000) allow sufficient size for four duplex units (22,500 square feet remaining). However, this criterion's passage is possible only if lots 1300, 1700, 1800 and 900 in conjunction with either adjacent lot 903 or 904 are available. The combination of all of these lots together would be required for the criterion to be met.

Lots 900, 901, 903, 100, 1300, 1700, and 1800 are within an LWI-mapped palustrine forested wetland. The development of most of these lots would have significant adverse aquatic impact.

Individual Alternative Analysis of Lots 900, 901, 903, 904, 1100, 1300, 1700, 1800, 2000

Table 2 – Alternative 1 Individual Lot Analysis Summary

	Lot 900	Lot 901	Lot 903	Lot 904	Lot 1100	Lot 1300	Lot 1700	Lot 1800	Lot 2000
Site Selection Criteria									
Criteria I- Geographic Area	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Criteria II- Availability	No	No	No	No	No	No	No	No	No
Criteria III- Infrastructure	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Criteria IV-Size	No	No	No	No	No	No	No	No	No

Alternate 1- Lot 900

- Meets the Criteria** - The site is within the City of Warrenton UGB. The site is in close proximity to the Warrenton downtown core, central business hub, major big box retail, public transportation and other commercial businesses. The site is located in an identified area of demand for rental housing due to its proximity to existing commercial business and planned development of major business parks by the County. The site is also located within close proximity to the local US Coast Guard installation, which is constantly in demand of rental housing.
- Fails to Meet the Criteria** – The property is not available for sale at the time of this analysis. The trackable inquiry as to availability for sale was sent to the owner of record, Rawhl Properties, LLC, on January 19, 2107. No response was received from the recipient in regards to the inquiry.
- Meets the Criteria** – A partially developed street exists in front of the property and has a major water main and sewer lateral in close proximity. The site is not located within the 100-year floodplain and will not require extensive engineering or post and pile construction.
- Fails to Meet the Criteria** – The site is zoned RH (High Density Residential) and occupies 2,500 square feet, well short of the 20,000 square foot definition.

In addition, the majority of Lot 900 is located within a mapped LWI PFO wetland and would not incur less wetland impact than the Preferred Alternative.

Alternate 1- Lot 901

1. **Meets the Criteria** - The site is within the City of Warrenton UGB. The site is in close proximity to the Warrenton downtown core, central business hub, major big box retail, public transportation and other commercial businesses. The site is located in an identified area of demand for rental housing due to its proximity to existing commercial business and planned development of major business parks by the County. The site is also located within close proximity to the local US Coast Guard installation, which is constantly in demand of rental housing.
2. **Fails to Meet the criteria** - The property is not available for sale at the time of this analysis. The trackable inquiry as to availability for sale was sent to the owner of record, Mrs. and Mr. Hale. A call was received from Mrs. Hale on January 19, 2017. She stated that the current property has a single-family dwelling that covers both lots that she owns (lots 901 and 1100) and are not for sale. She also stated that the property is very wet and pools at the rear of the property during high tides.
3. **Meets the Criteria** - The site is located on a partially developed street with infrastructure available in close proximity of the site. The water and sewer infrastructure is currently connected to the single family home. The site is not located within the 100-year floodplain and will not require extensive engineering or post and pile construction.
4. **Fails to Meet the Criteria** - The 2,500 square foot lot is fully developed with a single family home on Lot 901 and Lot 1100. The size of the property with a structure in existence is not feasible for the scope of the intended purpose of the project.

In addition, a portion of Lot 901 is located within a mapped LWI PFO wetland and would incur wetland impacts similar to the Preferred Alternative.

Alternate 1- Lot 903

1. **Meets the Criteria** - The site is within the City of Warrenton UGB. The site is in close proximity to the Warrenton downtown core, central business hub, major big box retail, public transportation and other commercial businesses. The site is located in an identified area of demand for rental housing due to its proximity to existing commercial business and planned development of major business parks by the County. The site is also located within close proximity to the local US Coast Guard installation, which is constantly in demand of rental housing.
2. **Fails to Meet the Criteria** - The property is not available for sale at the time of this analysis. The trackable inquiry as to availability for sale was sent to the owner of record, Doris Warren. The inquiry was received by the recipient on January 17, 2017. No response was received from the recipient in regards to the inquiry.

3. **Meets the Criteria-** The site is located on a partially developed street with infrastructure available in close proximity of the site. The water and sewer infrastructure is currently connected to the single family home. The site is not located within the 100-year floodplain and will not require extensive engineering or post and pile construction.
4. **Fails to Meet the Criteria-** – The site is zoned RH (High Density Residential) and occupies 2,500 square feet, well short of the 20,000 square foot definition.

In addition, the entirety of Lot 903 is located within a mapped Local Wetland Inventory (LWI) palustrine forested (PFO) wetland and would not incur less wetland impact than the Preferred Alternative.

Alternate 1- Lot 904

1. **Meets the Criteria** - The site is within the City of Warrenton UGB. The site is in close proximity to the Warrenton downtown core, central business hub, major big box retail, public transportation and other commercial businesses. The site is located in an identified area of demand for rental housing due to its proximity to existing commercial business and planned development of major business parks by the County. The site is also located within close proximity to the local US Coast Guard installation, which is constantly in demand of rental housing.
2. **Fails to Meet the Criteria-** The property is not available for sale at the time of this analysis. The trackable inquiry as to availability for sale was sent to the owner of record, Rawhl Properties, LLC, on January 19, 2017. No response was received from the recipient in regards to the inquiry.
3. **Meets the Criteria-** The site is located on a partially developed street with infrastructure available in close proximity of the site. The water and sewer infrastructure is currently connected to the single family home. The site is not located within the 100-year floodplain and will not require extensive engineering or post and pile construction.
4. **Fails to Meet the Criteria-** The site is zoned RH (High Density Residential) and occupies 2,500 square feet, well short of the 20,000 square foot definition.

Alternate 1- Lot 1100

1. **Meets the Criteria** - The site is within the City of Warrenton UGB. The site is in close proximity to the Warrenton downtown core, central business hub, major big box retail, public transportation and other commercial businesses. The site is located in an identified area of demand for rental housing due to its proximity to existing commercial business and planned development of major business parks by the County. The site is also located within close proximity to the local US Coast Guard installation, which is constantly in demand of rental housing.

2. **Fails to Meet the Criteria** - The property is not available for sale at the time of this analysis. The trackable inquiry as to availability for sale was sent to the owner of record, Mrs. and Mr. Hale. A call was received from Mrs. Hale on January 19, 2017. She stated that the current property has a single-family dwelling that covers both lots that she owns, lots 901 and 1100 and are not for sale. She also stated that the property is very wet and pools at the rear of the property during high tides.
3. **Meets the Criteria** - The site is located on a partially developed street with infrastructure available in close proximity of the site. The water and sewer infrastructure is currently connected to the single family home. The site is not located within the 100-year floodplain and will not require extensive engineering or post and pile construction.
4. **Fails to Meet the Criteria** - The site is fully developed with a single family home on Lot 1100. The size of the property with a structure in existence is not feasible for the scope of the intended purpose of the project.

In addition, the entirety of Lot 1100 is located within a mapped Local Wetland Inventory (LWI) palustrine forested (PFO) wetland and would not incur less wetland impact than the Preferred Alternative.

Alternate 1- Lot 1300

1. **Meets the Criteria** - The site is within the City of Warrenton UGB. The site is in close proximity to the Warrenton downtown core, central business hub, major big box retail, public transportation and other commercial businesses. The site is located in an identified area of demand for rental housing due to its proximity to existing commercial business and planned development of major business parks by the County. The site is also located within close proximity to the local US Coast Guard installation, which is constantly in demand of rental housing.
2. **Fails to Meet the Criteria** - The property is not available for sale at the time of this analysis. The trackable inquiry as to availability for sale was sent to the owner of record, America Land Investment. The inquiry was returned on February 13, 2017 after a month of US Postal Service attempts to deliver the letter.
3. **Meets the Criteria** - The site is located on an undeveloped right-of-way. Sewer, water main, and developed roads do exist within reasonable distance (300 feet). The site is not located within the 100-year floodplain and will not require extensive engineering or post and pile construction.
4. **Meets the Criteria** - The site is zoned RH (High Density Residential) and occupies 5,000 square feet, well short of the 20,000 square foot definition.

In addition, the majority of Lot 1300 is located within a mapped Local Wetland Inventory (LWI) palustrine forested (PFO) wetland and would not incur less wetland impact than the Preferred Alternative. The site has a major water channel that runs through the middle of the property and is fed by several city maintained ditches on the street. There is significant aquatic impact expected with the removal and fill that would be required for the development of this site. A city maintained ditch system also exist directly in front of the property located in the street, which discharges onto the property.

Alternate 1 -Lot 1700

1. **Meets the Criteria** - The site is within the City of Warrenton UGB. The site is in close proximity to the Warrenton downtown core, central business hub, major big box retail, public transportation and other commercial businesses. The site is located in an identified area of demand for rental housing due to its proximity to existing commercial business and planned development of major business parks by the County. The site is also located within close proximity to the local US Coast Guard installation, which is constantly in demand of rental housing.
2. **Fails to Meet the Criteria** - The property is not available for sale at the time of this analysis. The trackable inquiry as to availability for sale was sent to the owner of record, America Land Investment. The inquiry was returned on February 13, 2017 after a month of US Postal Service attempts to deliver the letter.
3. **Meets the Criteria** - The site is located on an undeveloped right-of-way. Sewer, water main, and developed roads do exist within reasonable distance (300 feet). The site is not located within the 100-year floodplain and will not require extensive engineering or post and pile construction.
4. **Meets the Criteria** - The site is zoned RH (High Density Residential) and occupies 5,000 square feet, well short of the 20,000 square foot definition.

In addition, a portion of Lot 1700 is located within a mapped LWI PFO wetland and would not incur less wetland impact than the Preferred Alternative. The site has a major water channel that runs through the middle of the property and is fed by several city maintained ditches on the street. There is significant aquatic impact expected with the removal and fill that would be required for the development of this site. A city maintained ditch system also exist directly in front of the property located in the street, which discharges onto the property.

Alternate 1- Lot 1800

1. **Meets the Criteria** - The site is within the City of Warrenton UGB. The site is in close proximity to the Warrenton downtown core, central business hub, major big box retail, public transportation and other commercial businesses. The site is located in an identified area of demand for rental housing due to its proximity to existing commercial business and planned development of major business parks by the County. The site is also located within close proximity to the local US Coast Guard installation, which is constantly in demand of rental housing.
2. **Fails to Meet the Criteria** - The property is not available for sale at the time of this analysis. The trackable inquiry as to availability for sale was sent to the owner of record, America Land Investment. The inquiry was returned on February 13, 2017 after a month of US Postal Service attempts to deliver the letter.
3. **Meets the Criteria** - The site is located on an undeveloped right-of-way. Sewer, water main, and developed roads do exist within reasonable distance (300 feet). The site is not located within the 100-year floodplain and will not require extensive engineering or post and pile construction.
4. **Meets the Criteria**-- The site is zoned RH (High Density Residential) and occupies 5,000 square feet, well short of the 20,000 square foot definition.

In addition, a portion of Lot 1800 is located within a mapped Local Wetland Inventory (LWI) palustrine forested (PFO) wetland and would not incur less wetland impact than the Preferred Alternative. The site has a major water channel that runs through the middle of the property and is fed by several city maintained ditches on the street. There is significant aquatic impact expected with the removal and fill that would be required for the development of this site. A city maintained ditch system also exist directly in front of the property located in the street, which discharges onto the property.

Alternate 1 -Lot 2000

1. **Meets the Criteria** - The site is within the City of Warrenton UGB. The site is in close proximity to the Warrenton downtown core, central business hub, major big box retail, public transportation and other commercial businesses. The site is located in an identified area of demand for rental housing due to its proximity to existing commercial business and planned development of major business parks by the County. The site is also located within close proximity to the local US Coast Guard installation, which is constantly in demand of rental housing.
2. **Fails to Meet the Criteria** - The property is not available for sale at the time of this analysis. The trackable inquiry as to availability was sent to the owner of record, Leonard Mattson. The inquiry

was returned on February 10, 2017 after a month of US Postal Service attempts to deliver the letter.

3. **Meets the Criteria** - The site is located on a partially developed street with infrastructure available in close proximity of the site. The water and sewer infrastructure is currently connected to the single family home. The site is not located within the 100-year floodplain and will not require extensive engineering or post and pile construction.
4. **Fails to Meet the Criteria** - The site is zoned RH (High Density Residential) and occupies 5,000 square feet, well short of the 20,000 square foot definition.

Alternate 2 – Lot 6200 (46.165402,-123.926953) between SW Alder Ct. and SW Alder Ave. at SW 1st St in Warrenton.

1. **Meets the Criteria** - The site is within the City of Warrenton UGB. The site is in close proximity to the Warrenton downtown core, central business hub, major big box retail, public transportation and other commercial businesses. The site is located in an identified area of demand for rental housing due to its proximity to existing commercial business and planned development of major business parks by the County.
2. **Fails to Meet the Criteria** - The property is not available for sale at the time of this analysis. The trackable inquiry as to availability for sale was sent to the owner of record, Gladys Dyer, on January 18, 2017. No response was received from the recipient in regards to the inquiry.
3. **Meets the Criteria** – The site is located on a developed street with infrastructure directly available in front of the site. The extension of utilities would be minimal with existing utilities already serving a portion of the subject lots and or within close and feasible distance for extension. The site is not located within the 100-year floodplain and will not require extensive engineering or post and pile construction.
4. **Fails to Meet the Criteria** – The site consist of four individually platted lots (lots 1,2,15 and 16) that total 20,000 square feet, at the 20,000 square foot requirement. The site currently has a single-family home constructed on the site that covers all four lots. The current location of the home precludes use of the entire 20,000 square feet, causing the failure of this alternative.

Alternate 3 - (Jeffers Garden) Lot 6300 (46.145842, -123.859562) Located at 7th Clover Lane, Clatsop County, Oregon

1. **Fails to Meet the Criteria** - The property is not located in the Warrenton UGB. The property is located in unincorporated Clatsop County in the Jeffers Garden area. The Jeffers Garden area is a mixed rural residential and commercial zone located at the eastern edge of the Young's Bay. Jeffers Garden is located 4 miles from the City of Warrenton where public transportation and services exist.
2. **Meets the Criteria** – The property is available for sale.
3. **Fails to Meet the Criteria**- The site is located on a developed street and has water and sewer available through the Young's River & Lewis and Clark water and sewer district. However, industry standard construction and engineering services would be needed to meet the FEMA 100 year flood zone requirements. The property would require post and piling construction with significant and prohibitive associated costs that would deem the proposed development economically unfeasible.
4. **Meets the Criteria** – The site consists of 6.19 acres (270,000 square feet). The property is zoned RCR (Rural Community Residential) and is bordered by zoning of MI (Marine Industrial) and RCC (Rural Community Commercial). The maximum density per 7,500 square feet allows for one single family dwelling in RCR. Although it is the position of USACE that zoning is not a consideration due to possibility of zoning changes in the future, it should be noted that a denser zone does not exist within the Jeffers Garden area of Clatsop County. Furthermore, information provided by Bart at Clatsop County Zoning and Planning noted that recent individual request for zoning changes at a nearby location planned for multi-unit residential development located in proximity to Lewis in Clark School was denied and subsequently withdrawn. There are no plans for zoning changes by Clatsop County at this time.

In addition, the site is located almost entirely in a mapped palustrine emergent NWI wetland, is located in close proximity (630 feet) to Young's Bay, and would have a significant aquatic impact.

**Alternate 4 – Lots 3700 & 3800 adjacent to 713 SE 13th Place in Warrenton.
(46.15111, -123.916315)**

1. **Meets the Criteria** - The site is within the City of Warrenton UGB. The site is in close proximity to the Warrenton downtown core, central business hub, major big box retail, public transportation and other commercial businesses. The site is located in an identified area of demand for rental housing due to its proximity to existing commercial business and planned development of major business parks by the County.
2. **Meets the Criteria** - The property is available for purchase at the time of this analysis.
3. **Meets the Criteria** - The site is located on a partially developed street with infrastructure directly available in front of the site. The extension of utilities would be minimal with existing utilities already serving a portion of the subject lots and or within close and feasible distance for extension. The site is not located within the 100-year floodplain and will not require extensive engineering or post and pile construction.
4. **Fails to Meet the Criteria** - The property is approximately 8,276 square feet, far less than the 20,000 square feet required to construct four duplexes. In addition, the property is currently zoned R-10 (intermediate density residential), which does not allow for duplex structures as a use. If a zoning change were achieved to R-M (Medium Density Residential, the next dense housing zone) in the future, the property would be allowed one duplex housing unit. Even if a zoning change to RH (the densest housing zone) were to occur, the lot dimensions and setback requirements of the RH zone would only allow a buildable footprint of 3,716 square feet. This would only allow one duplex to be developed.

References:

City of Warrenton. 2017. Warrenton Municipal Code. 16.36.040 Development Code. Available:
<http://qcode.us/codes/warrenton/>.

The Oregon Historical Society. 2017. The Oregon Encyclopedia: Urban Growth Boundary. Available:
https://oregonencyclopedia.org/articles/urban_growth_boundary/#.WLBklm8r13A

Staley, Samuel, et. al., October 1999. A Line in the Land: Urban-growth Boundaries, Smart Growth, and Housing Affordability. Reason Public Policy Institute Policy Brief No. 11. Available:
<http://reason.org/files/65590101cc82afbe097e264f97deb13b.pdf>

Attachment 4A Alternate Site Layout and Configuration Analysis

Alternate Site Plan Layout & Configuration Analysis

Purpose: To Identify the Interior Site Layout/Configuration with the most practicable alternative that will have the least impact on the environment and wetlands measured against a specific set of criteria.

Project Specific Layout /Configuration Criteria

- I. Geographic area : Within the Warrenton, OR area
- II. Availability: An available site is one that could reasonably be obtained, utilized, expanded or managed to meet the project purpose.
- III. Infrastructure: Sites with sufficient infrastructure for residential facilities (e.g., roads, utilities, etc.) or capable of being added and /or connected to existing infrastructure (e.g., electricity, sewer, water).
- IV. Size: Sites of sufficient size to accommodate multiple dwellings.

The following grid 1A exhibits the summary of environmental/ wetland impact which are required to provide utility and transportation improvements needed to serve the development.

Alternate Site Layout/Configuration Analysis

Alternative Site Layout/Configuration	Total House Footprint	Total Lots Impacted	Total Sitka Spruce tree count (proposed lots & ROW)	Impact within Lots	*Impact within ROW	Total Impact
Site Layout Plan A (Lots 9,10,11,12)	2392	4 of 12	3	0.37	0.09	0.46 acres
Site Layout Plan B (Lots 5,6,7,8)	2392	4 of 12	15	0.303	0.768	1.071 acres
Site Layout Plan C (Lots 1,2,3,4)	2392	4 of 12	3	0.303	1.414	1.717 acres

* Impact within ROW includes dimensions to allow for emergency vehicle turn around

Site Plan A - Analysis and Rationale - CHOSEN PLAN

- I. **Geographic area** – The site exists within the Warrenton, Oregon area.
- II. **Availability** -The site is one that can be reasonably obtained, utilized, expanded or managed to meet the project purpose.

III. **Infrastructure-**

Site plan A has sufficient infrastructure for residential facilities in close proximity and requires the least amount of impact to bring service to the development.

Three alternate road configurations and utility realignments and their total Wetland Impact were taken into consideration in the process of analyzing the least impactful alternative to construct the improvements needed to bring service and access to the proposed development. Site Plan A consists of an existing partially developed street (½ of street is paved upland) running the length of lots 9, 10 and 11 and is designated Upland. Sewer and water are present within 50 feet of the proposed lots and electrical service existing in the ROW. The presence of the improved street and utilities in close proximity minimizes the need for impact to the ROW to serve the development. The proximity of available utilities and the total acres requiring impact make this Plan the most practicable alternative with the least Wetland Impact. **Visual Examples are provided in the attached Alternate Site Plan A layouts attached and are summarized in the table above.**

- IV. **Size:** The site is of sufficient size to accommodate multiple dwellings.

Site Plan B Analysis and Rationale – Not Chosen

- I. **Geographic area** – The site exists within the Warrenton, Oregon area.
- II. **Availability** -The site is one that can be reasonably obtained, utilized, expanded or managed to meet the project purpose.
- III. **Infrastructure-**

Site plan B has sufficient infrastructure for residential facilities in close proximity and requires the second largest total amount of impact to bring service to the development.

Site Plan B requires .76 acres of Impact to bring infrastructure to the development. This Alternative requires 8.5 times the Impact for infrastructure than that required in the preferred Site Plan A.

Three alternate road configurations and utility realignment and their total Wetland Impact were taken into consideration in the process of analyzing the least impactful alternative to construct the improvements needed to bring service and access to the proposed development. Site Plan B consists of an undeveloped ROW entering on N.W 2nd Street from the corner of N.W. Cedar and N.W. 2nd street proceeding to a left turn onto N.W. birch Court running the length of lots 5,6,7,8 and allows for the emergency vehicle turn around at the end of N.W. birch adjacent lots 3 & 4. The nearest Sewer and water and electrical connection are present within 500 feet of the proposed lots. The entire Wetland are required for Impact is 1.071 acres due to the lack of developed street and utility infrastructure in close proximity to serve lots 5,6,7,8. This alternate Plan B is not chosen due to the total acres requiring impact are greater than Plan A by 2.88 times. **Visual Examples are provided in the attached Site Plan B visual layouts attached and are summarized in the table above.**

- IV. **Size –**

The site is of sufficient size to accommodate multiple dwellings.

Site Plan C Analysis and Rationale – Not Chosen

- I. **Geographic area** – The site exists within the Warrenton, Oregon area.
- II. **Availability** -The site is one that can be reasonably obtained, utilized, expanded or managed to meet the project purpose.
- III. **Infrastructure-**

Site Plan C has sufficient infrastructure for residential facilities in reasonable proximity. However this option requires the largest total amount of impact to bring service to the development.

Site Plan C requires 1.414 acres of Impact to bring infrastructure to the development. This Alternative requires over 15.5 times the Impact for infrastructure required in the preferred site plan A.

Three alternate road configurations and utility realignment and their total Wetland Impact were taken into consideration in the process of analyzing the least impactful alternative to construct the improvements needed to bring service and access to the proposed development. Site Plan C consists of an undeveloped ROW entering on N.W 1st Street from the corner of N.W. Birch Court and N.W. 1st street proceeding the length of N.W. birch Court running the length of undeveloped N.W. Birch St. ending at lots 1,2,3,4 and allows for the emergency vehicle turn around at the intersection of N.W. Birch Court and undeveloped N.W. 3rd St.. The nearest Sewer and water and electrical connection are present within 900 feet of the proposed lots. The entire Wetland are required for Impact is 1.717 acres due to the lack of developed street and utility infrastructure in close proximity to serve lots 1,2,3,4. These facts and the total acres requiring impact make this Plan the least of the practicable alternative with the least Wetland Impact. **Visual Examples are attached and are summarized in the table 1A.**

- IV. **Size –**

The site is of sufficient size to accommodate multiple dwellings.

Mason, Bruce & Girard, Inc.
707 S.W. Washington Street, Suite 1300
Portland, OR 97205-3530

MEMORANDUM

DATE: August 16, 2016

TO: Adam Crites, Owner, Warrenton Meadows

FROM: Kristen Currens, PWS

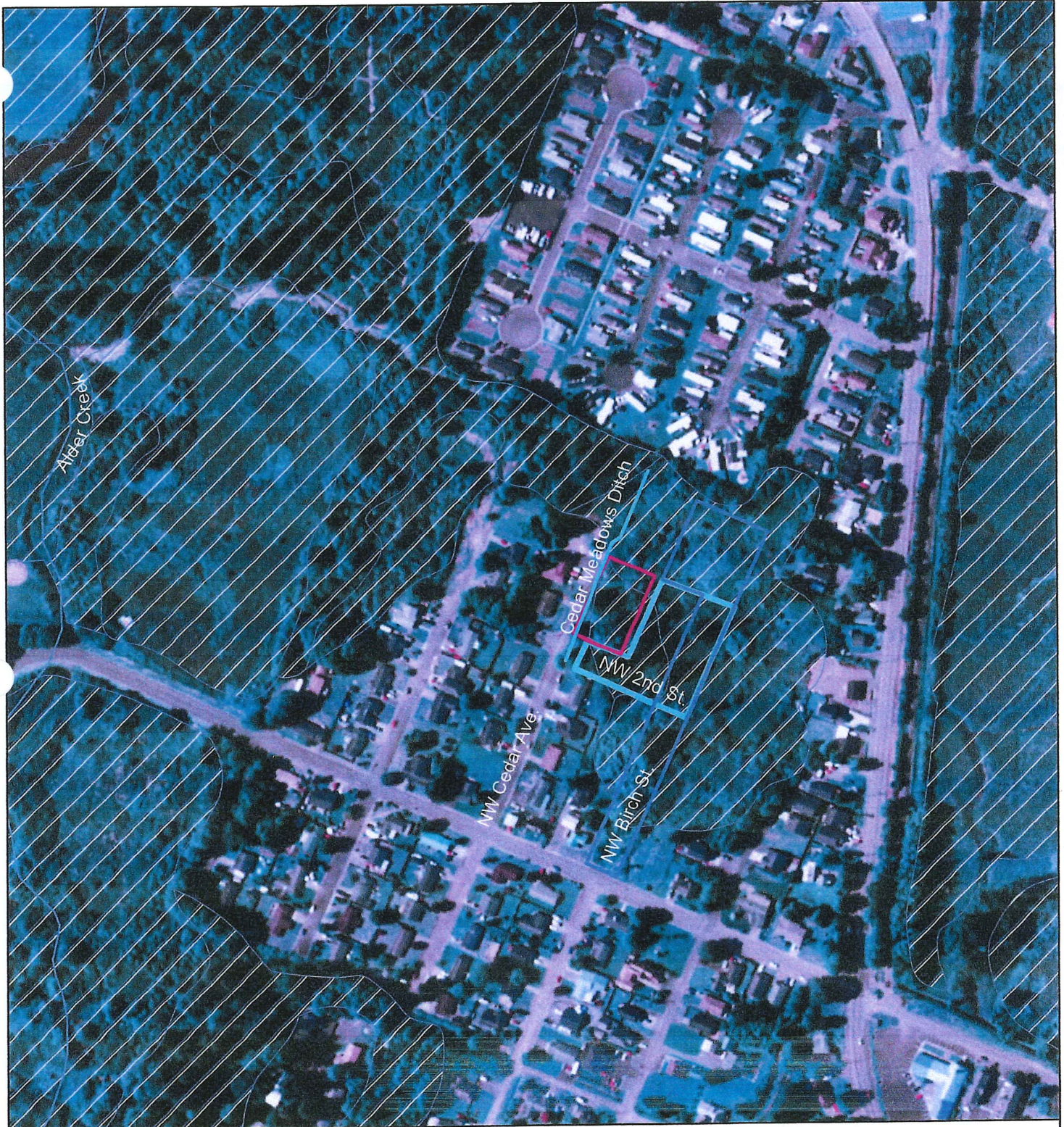
SUBJECT: Warrenton Meadows US Army Corps of Engineers Clean Water Act Section 404 Alternatives Analysis Review

Upon request from Adam Crites (Owner), owner of the proposed Warrenton Meadows development, Mason, Bruce & Girard, Inc. (MB&G) reviewed the previously-submitted Joint Permit Application (JPA) and supporting attachments to assess the three previously-proposed on-site alternatives (preferred alternative, Alternative B, and Alternative C) and an additional fourth alternative. The development would consist of four duplexes. This memorandum summarizes MB&G's assessment of the four project alternatives.

The undeveloped Warrenton Meadows site (site) consists of 12 lots and three designated right-of-ways (ROWs) for NW Cedar Ave., NW Birch Ct., and NW 2nd St in Warrenton, Oregon (Figure 1). Of the three ROWs, only the southern portion of NW Cedar Ave. has been previously developed. The wetland areas are hydrologically connected to Alder Creek to the northwest of the site; Alder Creek is a tributary of the Columbia River. According a previous 2015 wetland delineation report, "*Historical photos suggest that some alterations have occurred on site and to the adjacent properties but no major land use changes appear to have occurred on the property*" (NW Regolith 2015a).

The northern two-thirds of the site is dominated by palustrine scrub/shrub (PSS) wetland (dominated by salmonberry [*Rubus spectabilis* FAC] and reed canary grass [*Phalaris arundinacea* FACW]); the southern third is dominated by palustrine forested (PFO) wetland (dominated by Sitka spruce [*Picea sitchensis* FAC] and red alder [*Alnus rubra* FAC]) in the upper story and salmonberry in the understory) (NW Regolith 2015). This PFO wetland is classified as a Sitka spruce/salmonberry vegetation association according to the Classification of Native Vegetation of Oregon (Kagan et. al 2004). This association is ranked G3/G4 (G3 = Either very rare and local throughout its range or found locally in a restricted range; uncommon, with 21-100 occurrences; G4 = Apparently secure, though it may be quite rare in parts of its range, especially at the periphery; many occurrences). Although several Sitka spruce wetland vegetation associations in Oregon are ranked G1 or G2 (highest rarity/imperilment on a scale of 1-5), the PFO vegetation association on the site is slightly more common.

The preferred alternative for the development would be sited in the southwest quadrant of the site. Approximately three-quarters of the footprint of this alternative is located within the PFO wetland, and three mature Sitka spruce and numerous red alder would be removed during construction. The remaining one-quarter of the preferred alternative would be sited within the



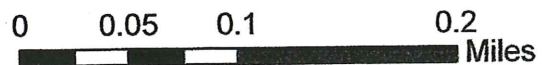
Warrenton Meadows Alternatives

- Preferred Alternative 0.461 Acres Impact
- Alternative B 1.071 Acres Impact
- Alternative C 1.717 Acres Impact
- NWI Wetland

MB&G



Imagery from ESRI. Alternatives from MB&G. Reproduced for information purposes and may not be suitable for legal, engineering or surveying purposes. Conclusions drawn are the responsibility of the user. Alternatives.mxd 8/12/16



PSS wetland. This alternative would incur the smallest wetland impact (0.371 acre) compared to the Alternatives B and C, and it would also impact a small portion of the Cedar Meadows Ditch (0.09 acre), for a total of 0.461 acre of impact to waters of the US and State. The preferred alternative is located in a corner of the overall, large wetland and is immediately adjacent to an existing development. This alternative will require improvements to the existing NW Cedar Ave., as well as an approximately 70-foot extension of this street into the PSS wetland. Since the impacts for this alternative are being proposed for the southwestern corner of the overall wetland, the project is not expected to significantly impact hydrology of the remaining wetland area.

Alternative B would be sited in the southeast quadrant of the site. Approximately one-third of the footprint of this alternative is located within PFO wetland, and approximately 11 mature Sitka spruce and numerous red alder would be removed. The remaining two-thirds of the alternative is located within PSS wetland. This alternative would incur 1.071 acres of wetland impacts. This alternative is located in the center of the overall, larger wetland. This alternative's footprint would be compacted and approximately 5 feet of fill would be placed on the top of the wetland, including along approximately 340-feet of NW 2nd St. and NW Birch Ct. to construct the new roadway. The compaction and fill are expected to impact the hydrology of the remaining wetland, potentially lowering the groundwater level of portions of the wetland to the west and north of this alternative and increasing the groundwater level to the south and east.

Alternative C would be sited in the northeast quadrant of the site. Approximately one-sixth of the footprint of this alternative is located within PFO wetland, and approximately three mature Sitka spruce and numerous red alder would be removed. The remaining five-sixths of the alternative is located within PSS wetland. This alternative would incur a total of 1.717 acres of wetland impacts, and this alternative is located in the center of the overall, larger wetland. The footprint of the alternative would be compacted and approximately 5 feet of fill would be placed on the top of the wetland, including along approximately 1,260-feet of NW Birch Ct. to construct the new roadway. The compaction and fill are expected to impact the hydrology of the remaining wetland, potentially lowering the groundwater level of portions of the wetland to the west of the alternative and increasing the groundwater level to the east.

Although not originally described in the JPA, an additional alternative, located in the northwest quadrant of the site, was assessed by MB&G. This alternative would incur impacts almost entirely within the PSS wetland and would require the removal of approximately one Sitka spruce. However, this alternative would almost entirely disconnect the overall, larger wetland into eastern and western segments and is expected to severely restrict hydrology movement. Because of the hydrologic impacts, this alternative is not assessed further in this memorandum.

MB&G ranked the overall impacts of each alternative in Table 1, on the following page. A rank of 1 indicates the least impacts, a rank of 3 indicates the most impacts.

Table 1. Summary of Expected Impacts per Alternative

	Preferred Alternative (Rank)	Alternative B (Rank)	Alternative C (Rank)
Acres of Wetland Impact	0.461 (1)	1.071 (2)	1.717 (3)
Number of Mature Sitka Spruce Removed	3 (1)	11 (3)	3 (1)
Acres of PFO Impact (approximate)	0.345 (2)	0.353 (3)	0.286 (1)
Feet of Road Improvement (approximate)	70 (1)	340 (2)	1,260 (3)
Anticipated Indirect Wetland Hydrology Impacts	No (1)	Yes (2)	Yes (2)
Overall Rank*	6	12	10

*Overall rank is a summation of the above ranks in parentheses.

This site presents a large number of environmental challenges in designing on-site alternatives. MB&G utilized the overall wetland/waters acreage impacts, approximate impact to PFO wetland, expected additional indirect hydrology impacts, and impacts to mature Sitka spruce individuals to assess the appropriateness of each alternative. Although the preferred alternative impacts a large, intact area of PFO wetland, it has the lowest acreage of wetland impact, shortest length of required road improvements, least amount of indirect hydrologic impact, and is tied with Alternative C for the lowest number of Sitka spruce proposed for removal. The preferred alternative also has the second smallest area of PFO impact. Taking all of these factors into consideration, it is our judgment that the preferred alternative provides the greatest overall avoidance and minimization of wetland impacts possible on-site.

References

- Kagan et. al. 2004. Classification of Native Vegetation of Oregon. Oregon Natural Heritage Information Center. Accessed August 12, 2016.
http://oregonexplorer.info/data_files/OE_topic/wetlands/documents/pclist_2004.pdf
- Oregon Department of State Lands (DSL), 2010. Guidance for Using the Oregon Rapid Wetland Assessment Protocol (ORWAP) in the State and Federal Permit Programs. 15pp. + appendices.
- NW Regolith, August 2015a. Crites Parcel Wetland Delineation Report; T8N, R10W, Section 16DD; Tax Lots 81016DD01700, 8106DD01601, 81016DD1600; Clatsop County, Oregon. 7 pp + appendices.
- NW Regolith April 18, 2015b. ORWAP Calculator Prepared for the Warrenton Meadows Development.



PO Box 2699 Gearhart, OR 97138
Ph: 503 738 4320 Fax: 503 738 7854

IMPACT STUDY FOR 4 PLATTED LOTS ON NW CEDAR AVENUE

T.8N,R.10W,Section 16DD, Tax Lot 1700

The following is an impact study to assess the effects of the proposed development on public facilities and services.

Transportation System

The transportation system for the proposed project consists of an existing partially developed public street. The existing public street runs the length of the proposed project and is partially developed (1/2 street lengthwise). The street will be upgraded to meet public including an emergency vehicle turn around ("hammerhead").

This section of NW Cedar Avenue currently consists of 11 Single Family Residences. The proposed construction of 4 duplex Residences on Lots 9,10,11,12 will add 8 Dwelling units to NW Cedar Avenue. The ADT of NW Cedar Avenue upon build out of the proposed development is as follows. For the existing homes = 11×9.55 ADT = 105.05 ADT. For the proposed development (4 duplexes) = $8 \times 9.55 = 76.4$ ADT for a total of 181.45 ADT for that portion of Cedar. This is below the maximum of 250 ADT for the alternative local road standard.

Drainage System

The current public drainage system consists of a City maintained ditch running adjacent to the proposed project. A 4" corrugated pipe feeds into the start of the ditch at the corner of NW 2nd St and NW Cedar Ave. The proposal is to leave the existing ditch and install culverts for the driveways. All improvements will be to City of Warrenton public standards. All engineering will be submitted to The City of Warrenton for review and approval. In looking at the stormwater runoff for the 10 year, 24 hour storm, the volume of runoff from the proposed development only results in a 15% increase of the storm runoff for this development footprint area. If an analysis was done on the entire basin we would anticipate that this would be less than a 1% increase. As stated in the City code the City may require detention facilities if there are or are anticipated to be downstream deficiencies. It does not appear that there are downstream deficiencies but a detention system could be designed very easily for such a small project.

Parks System

The proposed project consists of existing platted lots within the RM zone. No impacts to Warrenton parks are anticipated with the project.

Water System

The site is served by an existing 4" water main in NW Cedar Ave. The water system for the project will consist of the extension of the 4" main to reach lots 10 and 11, as well as new water services. The project will also include a new fire hydrant. The proposed project will consist of 4 duplexes that will include one meter service per side. Using the Uniform Plumbing code for a typical 3 bed, 2.5 bath would result in 28.5 fixture units. Multiply this by 10 (8 duplexes plus the existing homes) results in 285 fixture units. Using Chart A-2 in Appendix A of the plumbing code yields a flow rate of 85 gpm. Assuming a maximum velocity of 5 ft/sec on a 4" water main the maximum flow rate is 200 gpm which is well above the 85 gpm that would be required. The 4" water main is sufficient to serve the proposed development.

Sewer System

There is an existing sanitary main on NW Cedar Ave. The sewer main will be extended to accommodate the new sanitary laterals to serve all of the lots within the project. The proposed project will have minimal impact on the existing system.



MORGAN CIVIL ENGINEERING, INC.

PO Box 358, Manzanita, OR 97130

ph: 503-801-6016

www.morgancivil.com

February 8, 2018

Adam Crites

PO Box 2127

Salt Lake City, UT 84110

adamcrites@gmail.com

**Re: Impact Statement for Development at Lots 9-12, Block 101 of 2ND EXT. WARRENTON,
Tax Lot 1700, Map 8N 10W 16DD, NW Cedar Avenue, City of Warrenton, Clatsop
County, Oregon
#17-04-Cri**

Dear Mr. Crites:

At your request, I have reviewed your property, referenced above, and the surrounding topography. The purpose of the review was to determine the impact of construction on the site on the surrounding areas, particularly with regards to flooding. LiDAR topography from the Oregon Department of Mineral and Geologic Industries (DOGAMI) was used to analyze the area. The LiDAR data was acquired by a DOGAMI project between 2007 and 2010 and uses the NAVD88 datum, which is the same as the local flood map.

According to the FEMA National Flood Insurance Program Map Number 410033 0216 F, the property is located in the Zone X flood zone and outside of the Zone AE (elevation 8 feet). However, the property, the surrounding area and portions of NW Cedar Ave are located below an elevation of 8 feet. Therefore, under flood conditions, the site is not expected to be flooded from the rivers, but water below an elevation of 8 feet will not drain from the site.

Impact Statement

Tax Lot 1700, Map 8N 10W 16DD

City of Warrenton



Map 1: FEMA Flood Map

Since Warrenton has very high groundwater in winter periods, the water will not infiltrate into the ground. The run-off coefficient for native ground is considered 1.0, with all water running off the site. Therefore, all water on the surface will eventually pool in low areas or be conveyed to the drainage channels. The area is mapped as a wetland.

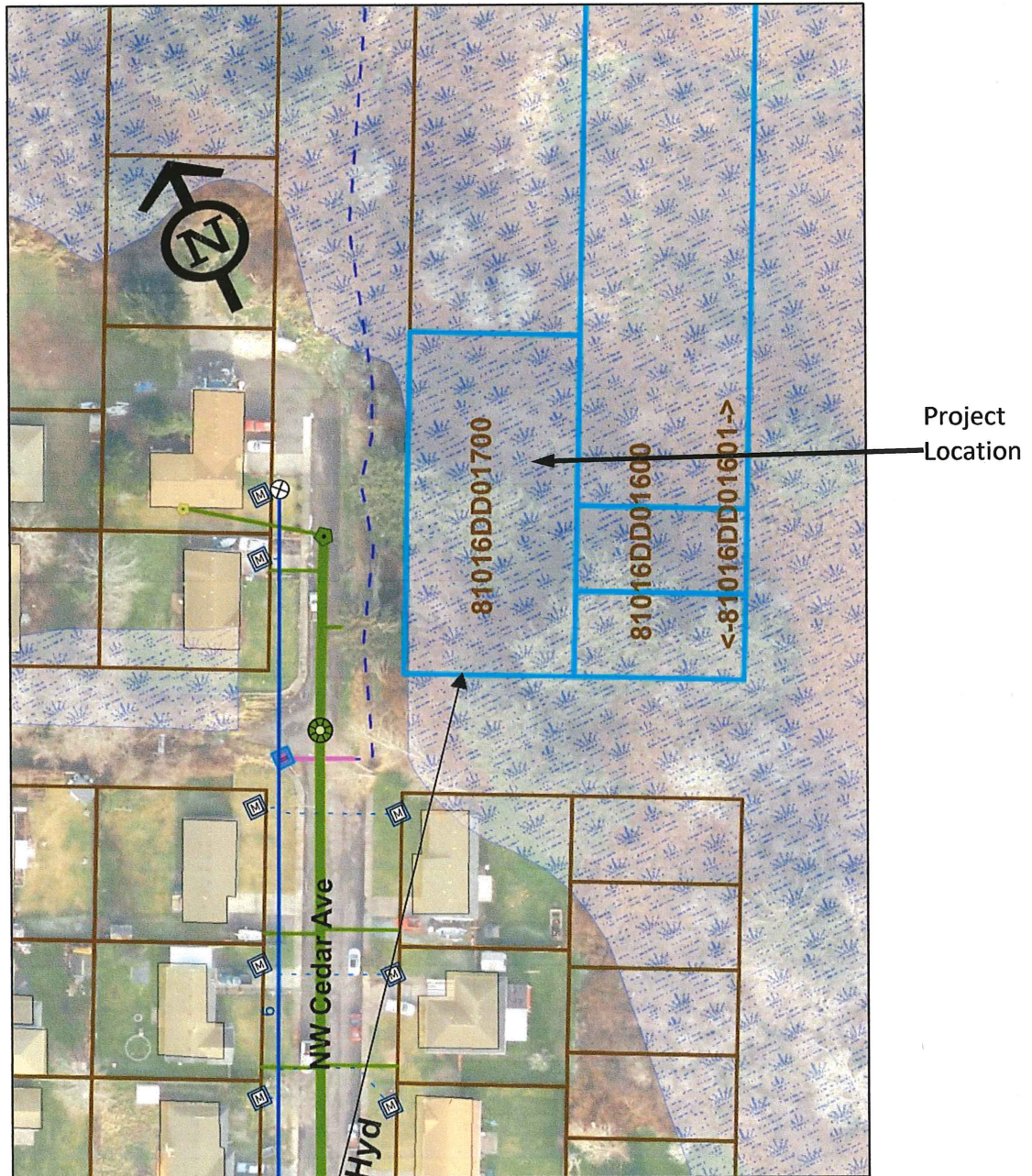
The travel distance of water run-off through the low areas and existing flow channels is about 1200 feet to the nearest Flood Zone, located to the northwest. Based on topography, the water will run northeast to the Third Street right-of-way, and then northwest to the flooded area and Alder Creek.

However, there is virtually no slope to convey the water away from the property. The slopes in this area are very low, not rising above 1 percent. The water will pool and spread in the existing wetlands area between Cedar Ave and Birch Court and between Second and Third Street, with a little spreading in other directions.

Impact Statement

Tax Lot 1700, Map 8N 10W 16DD

City of Warrenton



Map 2: Wetland Map

All of the water storage will be below the 100-year flood elevation. The entire property and neighboring areas to the north and east are below the flood elevation, though not in the flood zone.

*Impact Statement**Tax Lot 1700, Map 8N 10W 16DD**City of Warrenton*

There are a few areas where water would initially pool that are slightly lower than the rest of the property, but they are not large enough to be noteworthy. These lower areas include the roadside ditch at the front of the property and an isolated area near the northeastern corner of the property. The ditch currently collects run-off from the roadway and directs it northward in the right-of-way. After the lowest areas on the site fill with water, the water will widely spread throughout the low areas to eventually reach North Third. Under flood conditions, the water will be trapped and pond in the area below an elevation of 8 feet until the flood water recedes.

Even without flood conditions, run-off is very slow due to the lack of slope. The surface water will eventually flow to the northwest on Third Street.

Building Run-off

Since the run-off coefficient for the native ground is 1.0, the construction of homes on the site will not directly change the run-off from the site. However, the elevated surfaces of the building roofs will result in concentration of the water elsewhere on the property.

With the use of the proposed planter boxes constructed above ground level, the water run-off from the site would be unchanged due to construction. The water would infiltrate through the boxes before reaching the native surface level, essentially detaining the water. Therefore, after construction, the water run-off from the new buildings would not leave the properties any faster than it currently does. With this design, the pre and post run-off volumes are the same.

Building Fill

All new buildings should be constructed with the horizontal structural components above an elevation of 8 feet. Structural slabs will be constructed below the ground level, with the building above the flood zone elevation. No fill should be used for the buildings. Therefore, the pre- and post- flood storage volume will not vary.

It is my opinion that the proposed development, with the use of on-site detention, and flow-through foundation, will not have an impact on the neighboring properties.

ADAM CRITES

February 8, 2018

MORGAN CIVIL ENGINEERING, INC.

Impact Statement

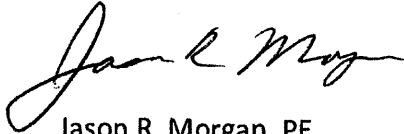
Tax Lot 1700, Map 8N 10W 16DD

City of Warrenton

Please contact me if me have any questions or need additional information.

Sincerely,

MORGAN CIVIL ENGINEERING, INC.



Jason R. Morgan, PE
Professional Engineer



RENEWAL DATE: DECEMBER 31, 2018

JRM/st

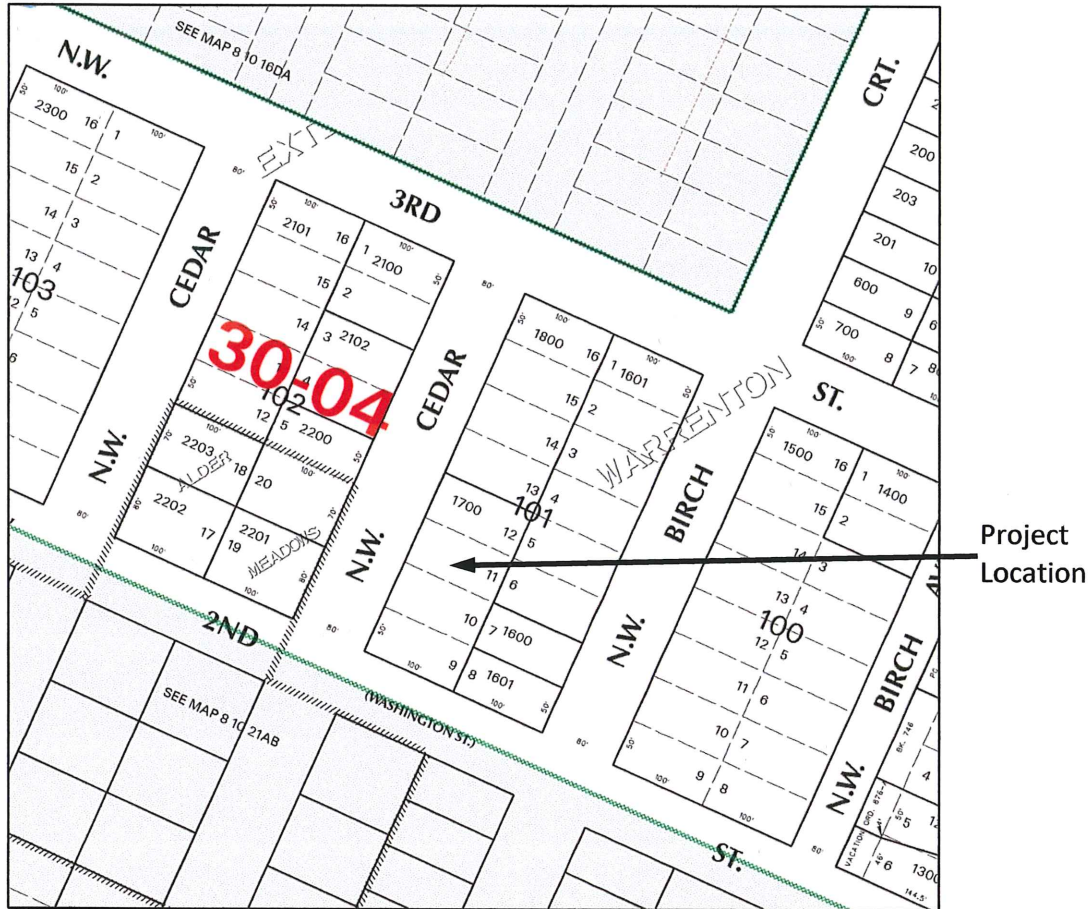
cc: Project File #17-04-Cri

<V:\17-04-Cri\Reports\Crites impact statement.docx>

Impact Statement

Tax Lot 1700, Map 8N 10W 16DD

City of Warrenton

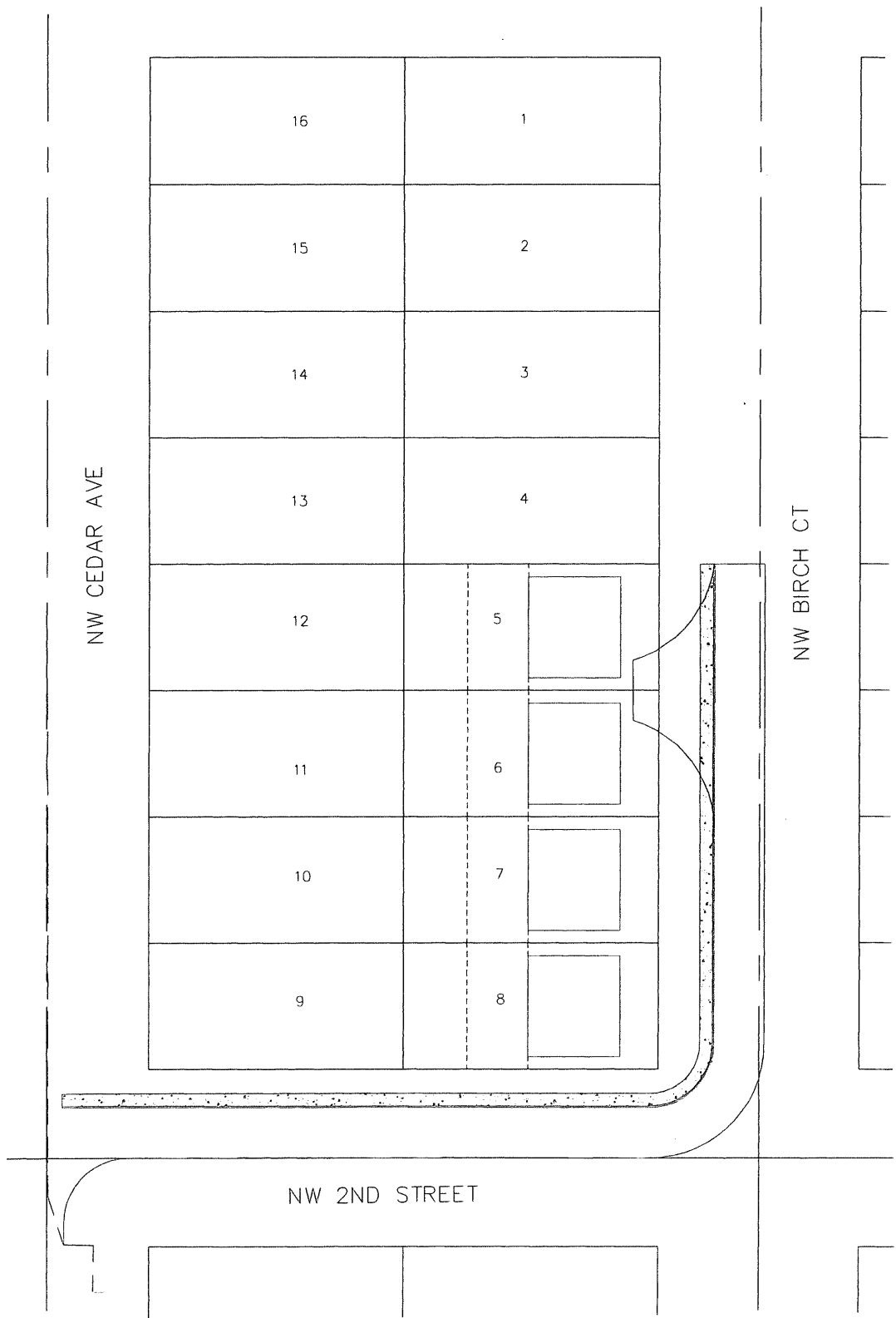


Lots 9-12, Block 101 of 2ND EXT. WARRENTON
Tax Lot 1700, Map 8N 10W 16DD
NW Cedar Avenue
City of Warrenton, Clatsop County, Oregon

SITE PLAN - ALTERNATE B

TAX LOT 1700 IN SECTION 16DD, T8N, R10W, W.M.
CITY OF WARRENTON, CLATSOP COUNTY, OREGON
DATE: NOVEMBER, 2015 SCALE: 1" = 40'

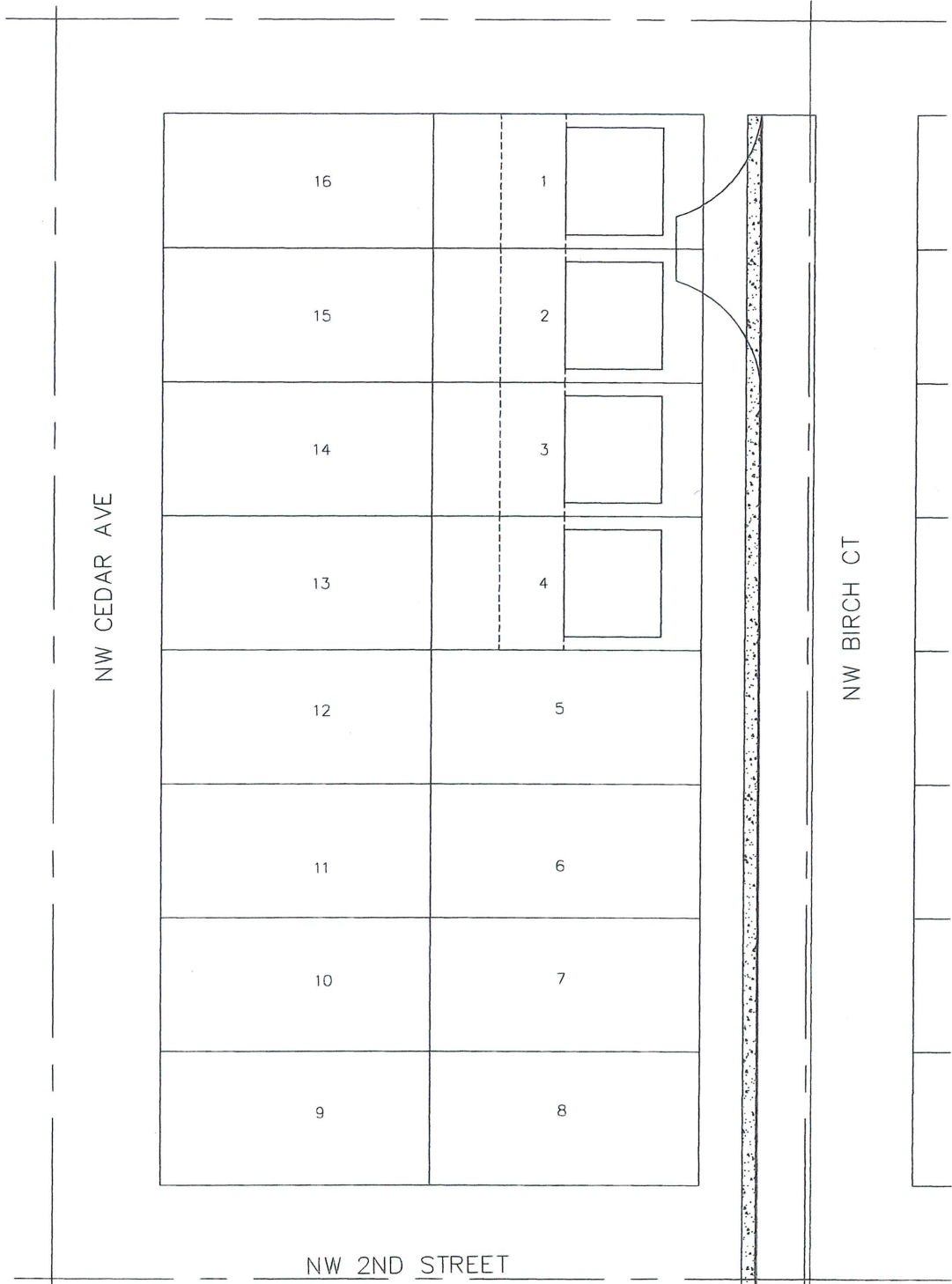
item M



SITE PLAN - ALTERNATE C

TAX LOT 1700 IN SECTION 16DD, T8N, R10W, W.M.
CITY OF WARRENTON, CLATSOP COUNTY, OREGON
DATE: NOVEMBER, 2015 SCALE: 1" = 40'

Item M

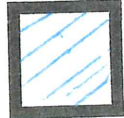
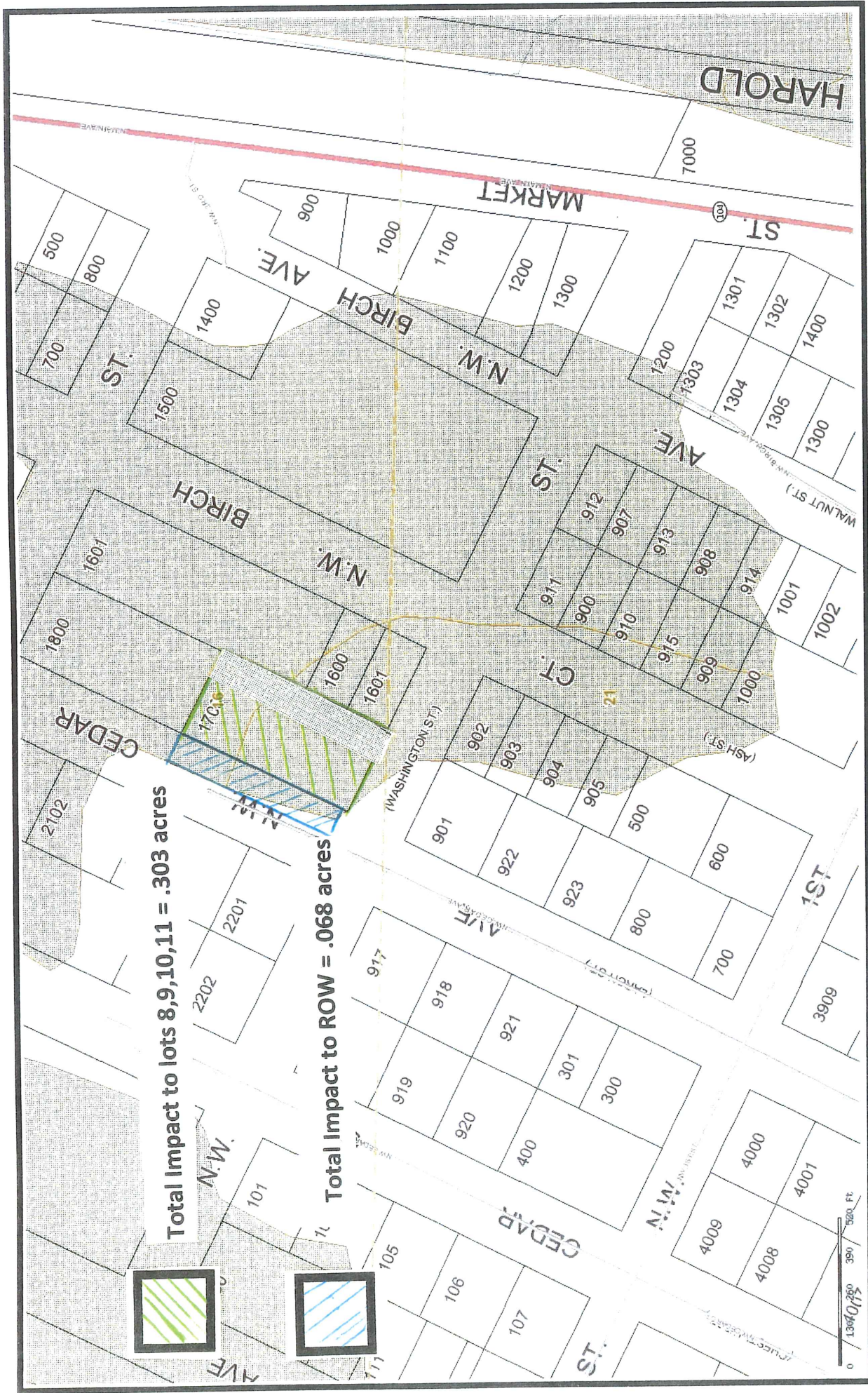


SCALE: 1" = 40'

IMPROVEMENTS
EXTEND 250'
FURTHER SOUTH

Alternate Site Layout A

Total Impact = . . . acres



Total Impact to lots 8,9,10,11 = .303 acres

Total Impact to ROW = .068 acres



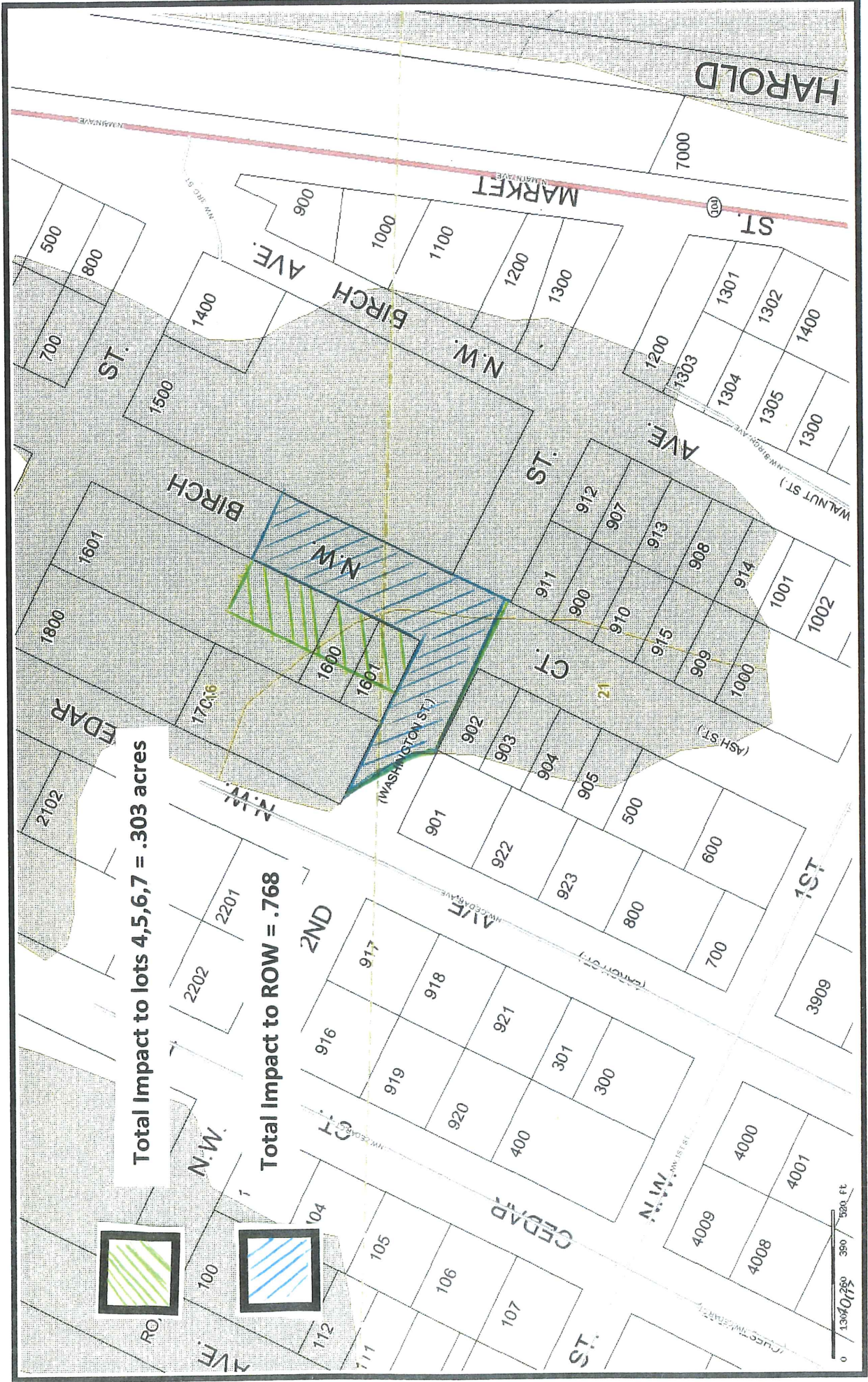
Clatsop County Webmaps

Disclaimer: This map was produced using Clatsop County GIS data. The GIS data is maintained by the County to support its governmental activities. This map should not be used for survey or engineering purposes. The County is not responsible for map errors, omissions, misuse or misinterpretation. Photos may not align with taxlots.



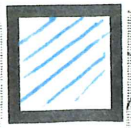
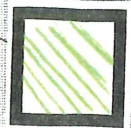
Alternative Site Layout B

Total Impact: 0.071 acres



Total Impact to lots 4,5,6,7 = .303 acres

Total Impact to ROW = .768



Clatsop County Webmaps

Disclaimer: This map was produced using Clatsop County GIS data. The GIS data is maintained by the County to support its governmental activities. This map should not be used for survey or engineering purposes. The County is not responsible for map errors, omissions, misuse or misinterpretation. Photos may not align with taxlots.





DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, PORTLAND DISTRICT
P.O. BOX 2946
PORTLAND, OREGON 97208-2946

February 16, 2018

REPLY TO:

ATTENTION OF:

Operations Division
Regulatory Branch
Corps No. NWP-2016-128

Adam Crites
P.O. Box 2127
Salt Lake City, Utah
Email: adamcrites@gmail.com

Dear Mr. Crites:

The U.S. Army Corps of Engineers (Corps) completed the review of the permit application you submitted to provide residential duplexes in the City of Warrenton, Oregon area. The project is identified as Corps No. NWP-2016-128. Please refer to this number in all correspondence.

Although the Corps is prepared to issue a permit, by Federal law a Department of the Army (DA) permit cannot be issued until State 401 Water Quality Certification (WQC) and State Coastal Zone Management (CZM) Certification have been issued or waived. The Oregon Department of Environmental Quality (DEQ), which is responsible for WQC and Oregon Department of Land Conservation and Development (DLCD), which is responsible for CZM certification, have not issued the prerequisite certification. For your convenience, a copy of the DA permit is enclosed.

Upon receipt of DEQ's and DLCD's approval or waiver, the DA permit will be issued, providing the DEQ and DLCD approvals or waivers are furnished within one year of the date of this letter, and there have been no significant changes in the Corps evaluation policies during that period nor any significant project modifications.

You must notify us in writing when you receive WQC and CZM Certification and enclose a copy of the certification as well as any revised drawings illustrating project modifications. You must notify this office of any changes to the project when you submit copies of the certification. Conditions of the WQC and CZM Certification will become conditions of the final DA permit. Should DEQ's and DLCD's action on the required certification permit a project different from that shown on the current permit application, a modification to the application will be required. You must notify this office of any changes to the project when you submit copies of the certification/permit. Substantial changes may require a new permit evaluation process, including issuing a new public

notice. If DEQ and DLCD deny the required WQC and CZM Certification, the DA permit is denied without prejudice.

You are cautioned that commencement of the proposed work prior to actual DA authorization would constitute a violation of Federal laws and subject you to possible enforcement action. Receipt of a permit from the Oregon Department of State Lands (DSL) does not obviate the requirement for obtaining a Department of the Army permit prior to commencing the proposed work.

If you have any questions about your permit application, please contact me at the letterhead address, by telephone at (503) 808-4368, or email at danielle.h.erb@usace.army.mil.

Sincerely,

ERB.DANIELLE.HA
RPER.1379534674

Digitally signed by
ERB.DANIELLE.HARPER.1379534674
DN: c=US, o=U.S. Government, ou=DoD, ou=PKI,
ou=USA, cn=ERB.DANIELLE.HARPER.1379534674
Date: 2018.02.16 12:38:06 -08'00'

Danielle Erb
Project Manager, Regulatory Branch

Enclosure

cc:

Oregon Department of State Lands (dan.cary@state.or.us)
Oregon Department of Environmental Quality (Simpson.Amy@deq.state.or.us)
Oregon Department of Land Conservation and Development (patty.snow@state.or.us;
elizabeth.j.ruther@state.or.us)

Applicant Testimony to City of Warrenton Planning Commission April 12, 2018

in Response to Staff Report dated April 5, 2018

Wetland Hardship Variance Application V15-4, Adam Crites

Address: 204-240 NW Cedar Avenue

Applicant Testimony

Background

The project was purchased by the applicant in April of 2017. The applicant met with the City Planner, Skip Urling, and consulted with the Oregon Department of State Lands, Aquatic Resources Manager, Dan Cary. These meetings were conducted as a course of Due Diligence to discover the regulatory jurisdictions, processes, standards and requirements that were required and available to land owners for the development of Wetlands and Locally Significant Wetlands. A Land Use Compliance Signature was obtained from the City of Warrenton Planning Director and a Pre -Application Meeting was conducted with City Staff on March 9, 2016.

Impact Studies were submitted with requested revisions by the Planned Director on

During this due diligence and discussion with the City of Warrenton Planning Director, the Hardship Variance process was discussed and explained that development of Significant Wetlands is allowed with per 16.156.040(7) City of Warrenton Hardship Variance in conjunction with a valid State of Oregon Removal and Fill Authorization. To date the approval for Permits of this NWP 2016-128 have been obtained by the following agencies.

1. DSL Removal and Fill Permit Approved 1/25/2017 (attached)
2. US Corps of Army Engineers Letter of Intent issued 2/16/18 (attached)
3. Dept. of Environmental Quality 401 Certification issuance pending payment.

The approval of the Hardship Variance by the City of Warrenton is the final approval needed for the project to proceed.

Project Description

The project involves placement of removal and fill material to construct 4 duplexes on 4 individually platted lots (9-12) of a total of 12 lots and the widening of the existing half width (single lane Street that exists directly in front of the subject lots. Lots 1-8 are proposed for Deed Restriction to fulfill the requirements of avoidance and minimization and will remain undeveloped in the future per the Deed Restriction. The lots are zoned RM by the City of Warrenton. The entire project, lots 1-12 and the ROW are included in national Wetland Inventories and Locally Significant Wetland.

4. A Complete Removal and Fill application that has been submitted to the DSL and US Corps of Army Engineers has been provided to Kevin Cronin on X. Summarized excerpts from the application process have been provided for clarification in response to Staff Findings, specifically staff concerns regarding Alternative Site Analysis.
5. Applicant Testimony is provided below in response to Staff Finding not concurred.

Wetland Description

The proposed impacts of 0.49 acres of 1.83 acres of wetlands total have been approved by the DSL and USACE. A wetland inventory map is provided in the section of Visual Illustration attached herein.

Wetland Mitigation

As compensatory mitigation for the proposed impacts to .49 acres of wetland the applicant proposes a combination of wetland mitigation credits from Clear Lake ILF and Claremont Road per the final negotiated agreement with the US Corps of Army Engineers. The wetland credits at these banks have permanently created and protected wetland in overall ratios that range from 4:1 to 14:1. The US Corps of Army engineer's mitigation requirements are in the final stage of negation and once concluded with credits purchased a stamped permit will be issued.

A Copy of the Mitigation Proposal has been attached in this enclosure.

Index of Enclosures

1. Visuals

- a. Site Location
- b. Wetland Inventory Map Overlay (NWI and LSW)
- c. Wetland Impact Map
- d. Wetland Impact Map with Wetland Types "called Out"
- e. Map of Project Area to be Deed Restricted
- f. Utility Map of existing Infrastructure
- g. Site Plan Including Emergency Vehicle Turn Around.

2. Communications from the City of Warrenton.

3. Alternatives Analysis excerpted from USACE and DSL permit applications

- a. Initial Geographic Alternatives Analysis
- b. Second Revised Geographic Alternatives Analysis
- c. Interior On- Site Layout Alternatives Analysis
- d. Consultant Report of Interior On- Site Alternatives Analysis

4.. Impact Studies

- a. CKI Engineering
- b. Morgan Civil Engineering

5 Jurisdictional Approvals

- h. Oregon Department of State Lands (1/25/2017)
- i. US Corps of Army Engineers (2/16/2018)
- j. Dept of Environmental Quality

6. Removal and Fill Application (Copy provided to City Clerk Only)

Provided below are the excerpted Staff Findings to Applicants Initial Response to the Criteria for approval of a Hardship Variance in WDC section 16.156.080

The Applicants responses to the Staff Finding highlighted in yellow will be presented to the Planning Commission today in rebuttal, clarification and an attempt to address all concerns needing resolution to obtain the Hardship Variance Approval.

Existing Conditions & Previous Land Use Applications: Staff conducted a site visit on March 29, 2018 to verify site conditions. The property has a City-maintained, tidal influenced, drainage swale along NW Cedar Avenue, mature Douglas Fir and Sitka Spruce, dense vegetation including native and invasive species. NW Cedar Ave dead ends and will require an extension to service and provide frontage for each legal lot. A turnaround is requested by the Fire Department among other requirements (See attachment). Staff did not locate any prior land use applications in the address file.

Applicant Testimony:

The proposed Site Plan for the development does not require an extension of the road beyond lots 9-12. A partially developed and city-maintained street exists that is paved to approximately 1/2 width. The widening of the road to service the lots 9-12 is provided for in the removal and fill permits approved by DSL and USACE. No further extension is planned or needed to meet the city code requirements. Please see Site Plan for depiction of road and turnaround.

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.*

Applicants Response: The applicant has obtained all relevant state wetland approvals needed to go forward with this project; however, without the City's approval of this variance, the project cannot proceed. The City should find that the site is not buildable without approval of the proposed hardship variance for the reasons herein.

Staff finding: Staff does not concur. The hardship variance for the subject property is for a smaller portion of the property and would still be developable, whether for a duplex, single family home or any other use allowed for the zone. The request is not necessary to use the property for its intended zoning and does not warrant the variance. In addition, the property was purchased in 2015 well after the adoption of the City's Local Wetland Inventory (LWI) in 2004. The property owner was aware of the condition prior to purchase.

Applicant Testimony:

The Staff Finding is confusing and contradicts Chapter 16.156.030 Wetland Area Development Standards. The entire property and project lots 1-12 are inventoried as NWI and LSW. Per 16.156.040 Significant Wetland Area Development Standards a building permit will not be issued without a Hardship Variance approval. Comments in the Staff finding are also in conflict with the standards and criteria of the Hardship Variance Criteria. This project should not be disallowed or precluded from the variance process due to an acquisition date or the intent to remove and fill the property through the processes afforded Federal, State and City application processes. Other property owners have been authorized or are currently in the process of removal and fill authorizations and activity. These include commercial and residential projects including Walmart, North Coast Business Park, North River Homes and others in the past 10 years. The preclusion from the hardship Hardship Variance due to acquisition dates and intent to develop is discrimination and is not legal. Previous Hardship Variances approved by the City have included projects that were in knowledge of and aware of existing Wetland constraints to the development of their projects prior to land acquisitions needed for project completions.

Furthermore, two Geographic Alternatives Analysis were completed to meet the standards of the US Corps of Army Engineers and Oregon Department of State Land., the two regulatory agencies with jurisdiction over removal and fill activity. These analyses were reviewed and ultimately accepted in the process approving my removal and fill permit. These Alternatives Analysis are included as Enclosures herein.

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's response: Strict adherence to the LSW overlay of the City of Warrenton determined by OFWAM would effectively preclude use of the parcels that could be reasonably expected to occur in similarly zoned parcels.

Staff finding: Staff does not agree with the applicant's assessment of the Code. As noted above, this project already has Oregon DSL Wetland Removal-Fill Authorization, but the approval of this Warrenton hardship variance does not preclude the use of this parcel for residential use as reasonably expected in similarly zoned parcels based on the scope of the impact relative to the size of the property.

Applicant Testimony: B. Applicant does not agree.

Strict adherence to the provision of this chapter prohibiting fill in significant wetlands prevents development of this parcel unless this hardship variance is approved.

The WDC section 16.156.040, (B)(7) reads as follows: *Alteration of a significant wetland or portion of a significant wetland by grading, excavating, placement of fill including structures, and removal of vegetation, shall be prohibited, except for the following uses, upon demonstration that the uses are designed and constructed to minimize intrusion into the wetland area:7. Uses authorized by an approved City of Warrenton hardship variance in conjunction with a valid State of Oregon Wetland Removal-Fill Authorization*

As of the date of this submission the approvals have been granted by the DSL and USACE. These agencies have the regulatory oversight of Removal and Fill permits to Wetlands. The standards that are required by these agencies regarding avoidance and minimization have been illustrated and approved during the application process with both agencies. The Interior / On-Site layout and Configuration Analysis and Consultant Memorandum for Mason Bruce & Girard detail and prove sufficient minimization that was ultimately approved by both the DSL and USACE.

The project cannot proceed until the Hardship Variance is approved per WDC section 16.156.040. The applicant is requesting the reasonable use expected to occur in similarly zoned parcels that would be precluded with strict adherence to this chapter.

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's response: The property owner would be precluded substantial property rights enjoyed by the majority of the landowners in the vicinity. The parcel would persist as undeveloped green space by default and would remain undeveloped with little to no value unless permitted for development full potential as designated by RM 2 zoning by the City of Warrenton, Oregon.

Staff finding: Staff does not concur. The neighborhood has been developed with other residential units. Duplexes 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. However, a majority of the property is developable and was purchased in 2015 with knowledge of the existing conditions. A "bundle of rights" does not transfer to a new owner (2015) after a regulation is enacted (2004).

Applicant Testimony: Applicant does not agree with staff finding.

The Property is not developable without the Hardship Variance. The entire property Lots 1-12 are listed inventory in the NWI and the LSW.

Historically and currently other property owners within Clatsop County and the City of Warrenton have benefited from the ability to remove and fill to create full use of their properties allowed under the code. The applicant requests that these same rights be afforded to this project.

Some of these recent projects include development projects by Clatsop County of Industrial and Commercial Business Park, Street extension and access associated with these projects. Private for profit residential development and commercial activity by North River Homes and other residential projects approved within the last several years.

Furthermore, this is private property and is not owned by the City of Warrenton or the adjacent residential neighbors. The statements by Staff Report implies that there is a right of value afforded to the public for the use of my property. The applicant does not agree with this assessment and finds it in contradiction to property rights. The intentions for the use of my property are made very clear by the City Zoning of RM as it is applied to lots 1-12.

I do not understand what "bundle of rights" that I am allegedly not entitled to.

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

Applicant's response: The variance requested is the minimum necessary to retain use of the property under the RM 2 zone. The applicant was required by the US Corp of Army Corps Engineers and Oregon Department of State Lands to consider alternative designs and locations resulting in the determination of least environmentally impactful alternative. The proposed use was accepted by both the state and federal agencies and was subject to rigorous avoidance and minimization standards prior to gaining their approval. The proposed hardship variance is the minimum necessary to allow an economically feasible development of the property.

Staff finding: Staff does not concur. The application includes a delineation report from a wetland consultant and responses from DSL. However, the variance is not necessary for development to continue on most of the property. The applicant has not submitted any findings, such as a "pro forma" or construction estimates to support the assertion that the project is not economically feasible. In addition, a site plan indicates the impact to the wetlands can be avoided Warrenton Planning if the footprint of the proposed duplexes can be moved closer to NW Cedar. This design change may require a setback variance depending on the final design. For reference, the front yard setback standard for the RM Zone is 15 feet. The applicant has not demonstrated the feasibility of an alternative design. Therefore, the standard is not met.

Applicant Testimony:

I have attached exhibit A that excerpts and summarizes the Alternative Analysis that were completed and ultimately approved by the DSL and USACE. The process of proving avoidance, minimization and reaching the approval of the least environmentally practicable alternative with the US Corps of Army Engineers is a very extensive and exhaustive process. The attached exhibit includes the Geographic and Interior Site Plan analysis that were included in the decision process with the US Corps of Army Engineers. The DSL and the US Corps have regulatory jurisdiction over removal and fill activity. The impacts that I have received approval for from the DSL and Corps will not be revised by the applicant as final approval for the impacts applied for have already been approved. The application process with both the DSL and USACE has taken over two years to complete with substantial amounts of time and money invested. No revision to my removal and fill application in its current approved status will be made.

It should be noted that all 12 lots could have been potentially applied for in the application and that the location of the development has been deemed the least environmentally impactful and that the only 4 of 12 lots were applied for purposes of minimizing total impacts. The remaining lots 1-8 will be deed restricted from future development per the requirements as noted in the removal and fill authorization.

During Pre-Application meeting with the City of Warrenton on 9, 2016 no mention or suggestion of setback variance was discussed or recommended. Should a setback variance be imposed by the City it would be out of character with the existing neighborhood and in conflict with public comments received during the public response period of the DSL.

The removal and fill and the criteria relating to avoidance and minimization are regulated under the jurisdiction of the DSL and the USACE. The City of Warrenton should not be involved in regulating the feasibility of impacts to wetlands that have already been reviewed through the afforded processes at the DSL and USACE.

1

2

3

4

5

Map



Clatsop County Webmaps

Disclaimer: This map was produced using Clatsop County GIS data. The GIS data is maintained by the County to support its governmental activities. This map should not be used for survey or engineering purposes. The County is not responsible for map errors, omissions, misinterpretation. Photos may not align with taxlots.



Wetland Impact Map

S. E. 1/4 OF SECTION 16, T8N, R10W, W. M.



WETLAND DELINEATED BY DOUG RAY AND AUSTIN TOMLINSON ON 4/17/2015. WETLAND TIED BY KARL F. FOESTE, PLS 849, ON 4/22/2015.

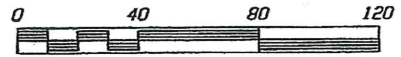
SURVEY FOR: ADAM CRITES
 SURVEY BY: KARL F. FOESTE, 361 S. W. MAIN CT. WARRENTON, OR 97146

DATE: 4/22/2015

SCALE: 1" = 40'

LEGEND:

-  DENOTES TEST PLOT.
-  DENOTES CONIFER TREE.



N. W. 3RD ST.

WETLANDS EXTEND OFF SITE



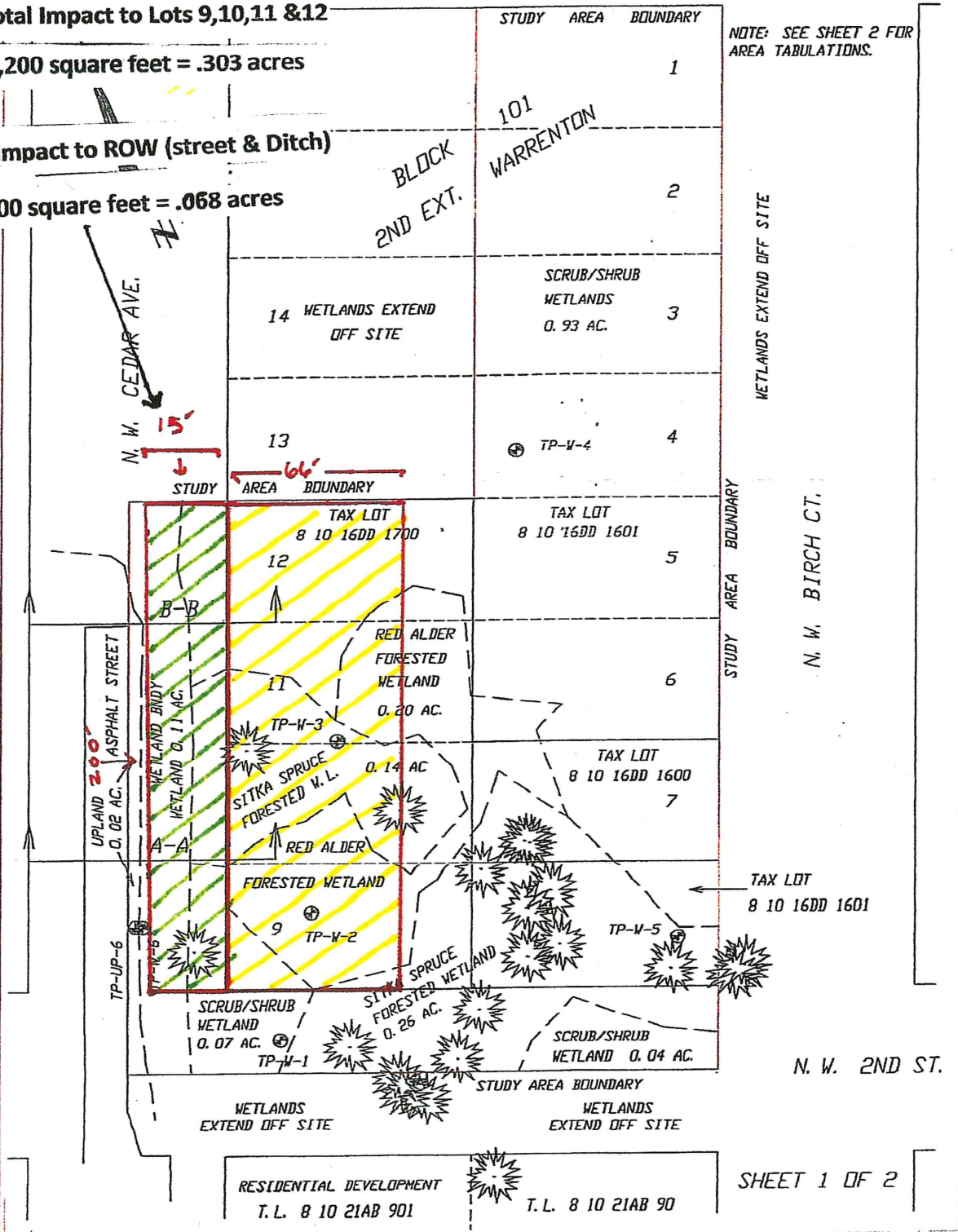
Total Impact to Lots 9,10,11 & 12

= 13,200 square feet = .303 acres



Total Impact to ROW (street & Ditch)

= 3,000 square feet = .068 acres



RESIDENTIAL DEVELOPMENT
 T.L. 8 10 21AB 901 T.L. 8 10 21AB 90

S. E. 1/4 OF SECTION 16, T8N, R10W, W. M.

WETLAND DELINEATED BY DOUG RAY AND AUSTIN TOMLINSON ON 4/17/2015. WETLAND TIED BY KARL F. FOESTE, PLS 849, ON 4/22/2015.

SURVEY FOR: ADAM CRITES

SURVEY BY: KARL F. FOESTE, 361 S. W. MAIN CT. WARRENTON, OR 97146

DATE: 4/22/2015

SCALE: 1" = 40'

LEGEND:

- ⊕ DENOTES TEST PLOT.
- ☼ DENOTES CONIFER TREE.

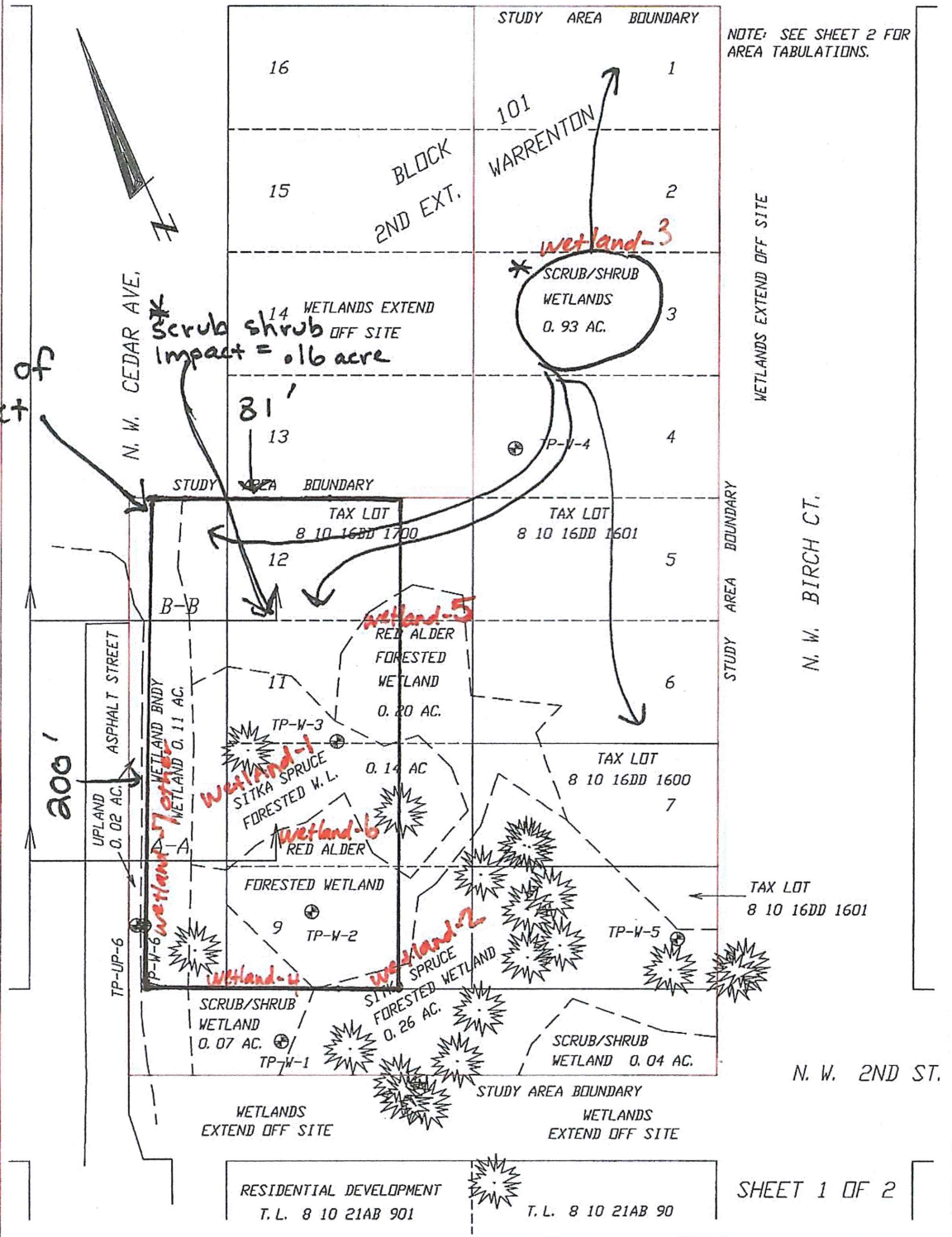


N. W. 3RD ST.

WETLANDS EXTEND OFF SITE

NOTE: SEE SHEET 2 FOR AREA TABULATIONS.

Area of Impact



RESIDENTIAL DEVELOPMENT
T. L. 8 10 21AB 901

T. L. 8 10 21AB 90

SHEET 1 OF 2

Attachment A Wetland Restriction Area Dimensions
 Lots 1, 2, 3, 4, 5, 6, 7, 8 Rear 25ft of lots 9, 10, 11, 12

S. E. 1/4 OF SECTION 16, T8N, R10W, W. M.

WETLAND DELINEATED BY DOUG RAY AND AUSTIN TOMLINSON ON 4/17/2015. WETLAND TIED BY KARL F. FOESTE, PLS 849, ON 4/22/2015.

SURVEY FOR: ADAM CRITES
 SURVEY BY: KARL F. FOESTE, 361 S. W. MAIN CT. WARRENTON, OR 97146

DATE: 4/22/2015

SCALE: 1" = 40'

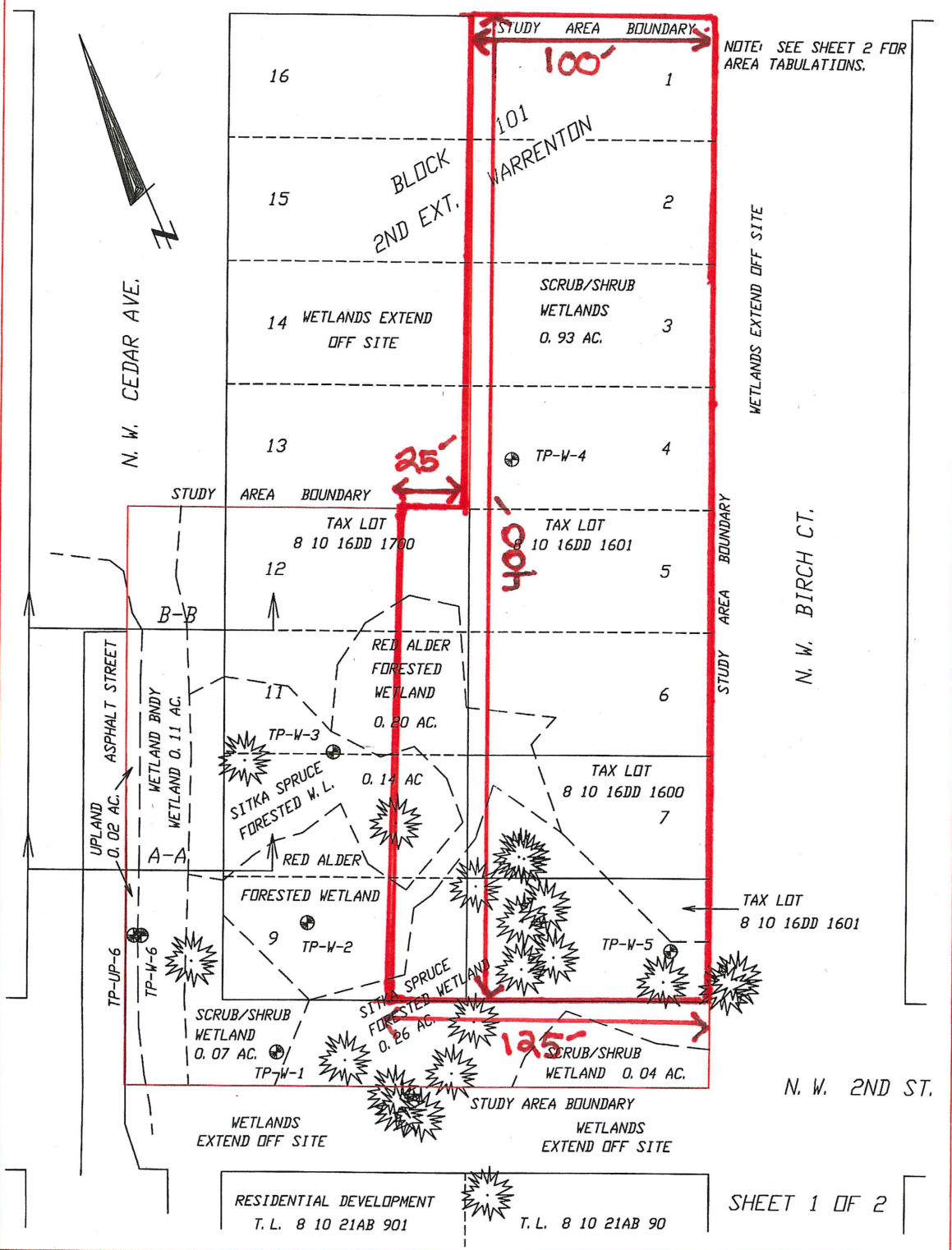
LEGEND:

- ⊕ DENOTES TEST PLOT.
- ☼ DENOTES CONIFER TREE.

N. W. 3RD ST.



WETLANDS EXTEND OFF SITE

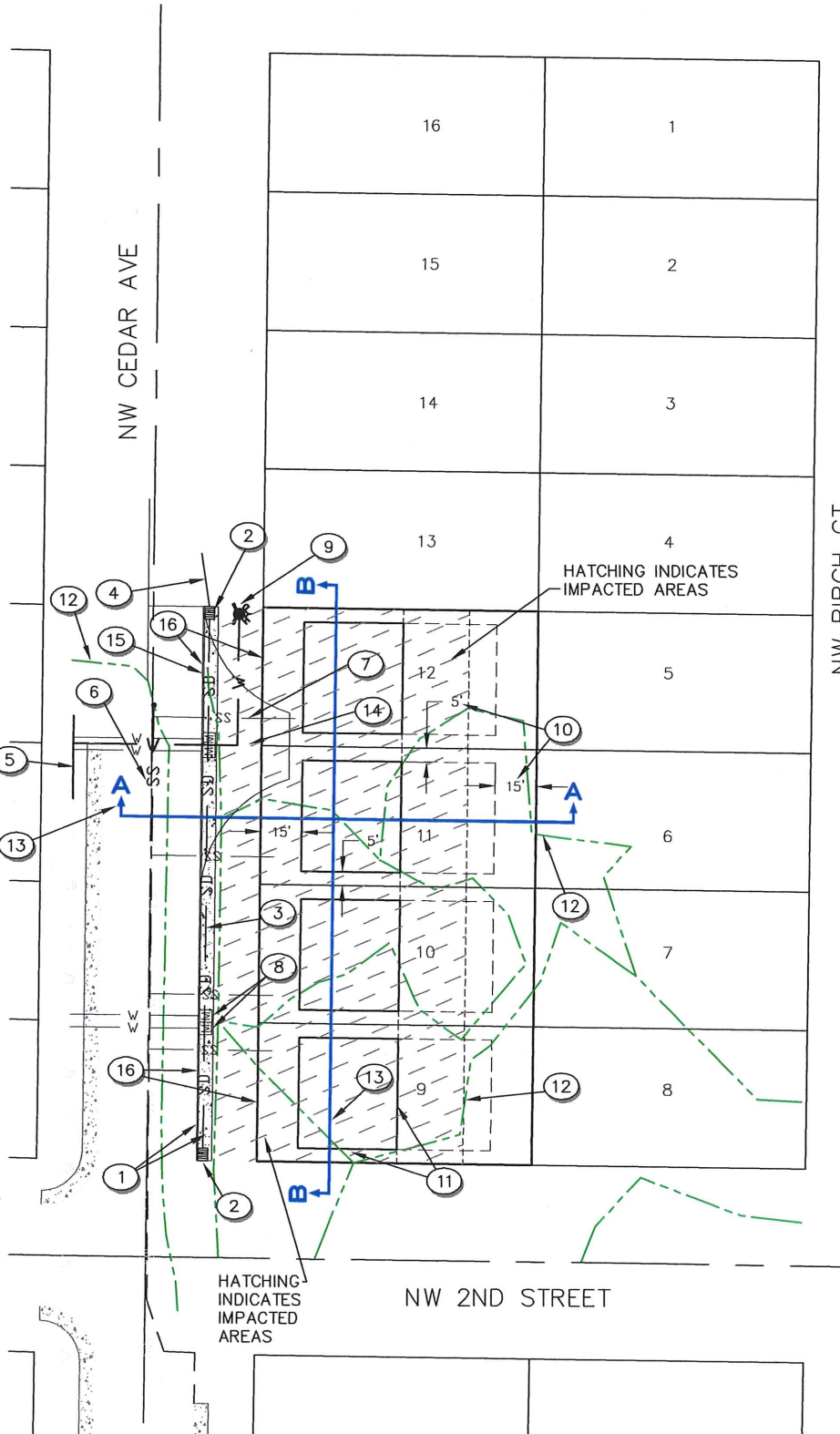


SITE PLAN

TAX LOT 1700 IN SECTION 16DD, T8N, R10W, W.M.
CITY OF WARRENTON, CLATSOP COUNTY, OREGON
DATE: NOVEMBER, 2015 SCALE: 1" = 40'

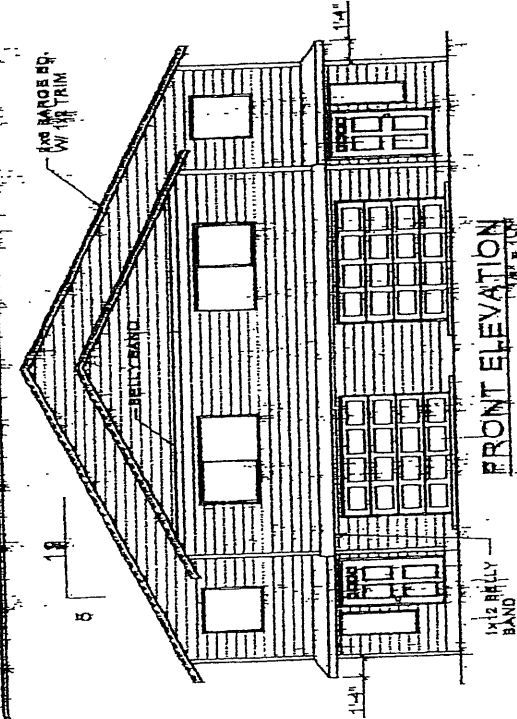
NOTES

- ① PROPOSED CURB AND SIDEWALK
- ② PROPOSED STORM CURB INLET
- ③ PROPOSED PUBLIC STORM EXTENSION
- ④ PROPOSED OUTFALL TO DITCH
- ⑤ PROPOSED PUBLIC WATER EXTENSION
- ⑥ PROPOSED PUBLIC SANITARY EXTENSION
- ⑦ PROPOSED SANITARY LATERAL (TYP)
- ⑧ PROPOSED WATER METERS (TYP)
- ⑨ PROPOSED FIRE HYDRANT
- ⑩ BUILDING SETBACKS (TYPICAL)
- ⑪ PROPOSED BUILDING (TYPICAL)
- ⑫ EXISTING WETLAND LINE
- ⑬ CROSS SECTION LINE
- ⑭ FIRE APPARATUS TURNAROUND
- ⑮ MOUNTABLE CURB IN TURNAROUND AREA
- ⑯ STAGING AREA TO BE LOCATED BETWEEN PROPOSED FACE OF CURB AND RIGHT OF WAY LINE FOR THE FRONTAGE OF THE PROJECT

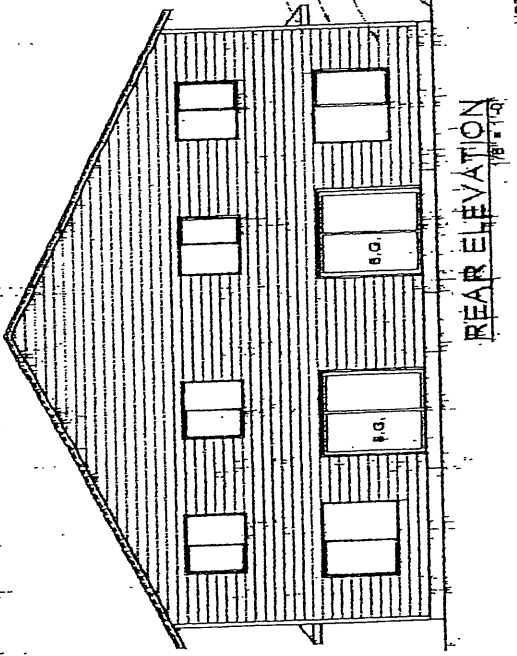


SCALE: 1" = 40'





FRONT ELEVATION
1/8" = 1'-0"

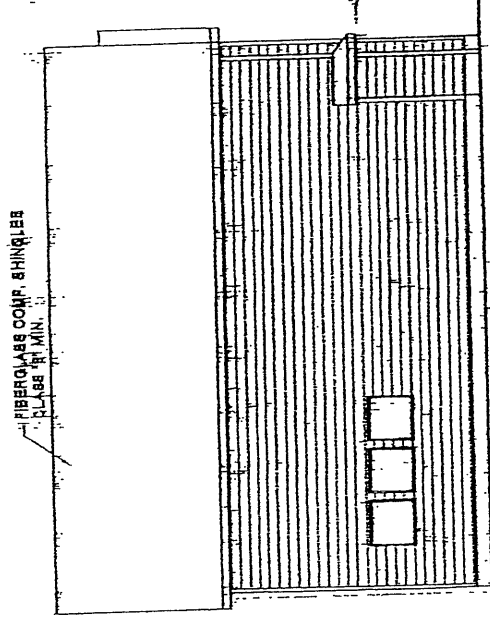


REAR ELEVATION
1/8" = 1'-0"

8 1/4" x 8" FASCIA BD.
1" x 3" CORNER TRIM
HORIZONTAL SIDING
FINISHED GRADE BY
OWNER SHALL SLOPE
AWAY FROM BUILDING 6"
IN 10'-0" MIN.

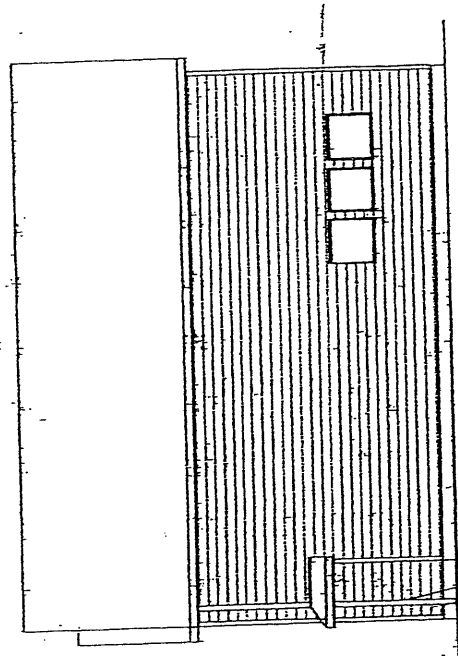
NOTE:
ADDRESS MUST BE LOCATED
ON THE HOUSE WHERE IT IS EASILY
SEEN FROM THE MAIN ACCESS
ROAD (OWNER RESPONSIBILITY)

SITE ADDRESS:
[REDACTED]



LEFT ELEVATION
1/8" = 1'-0"

FIBERGLASS COMP. SHINGLES
CLASS 1 MIN.



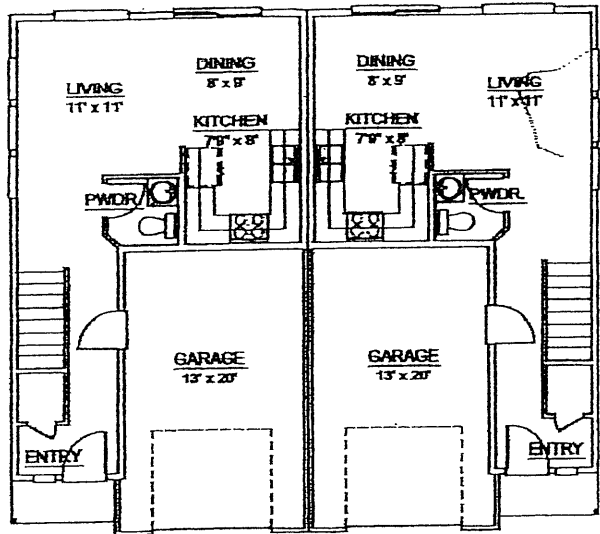
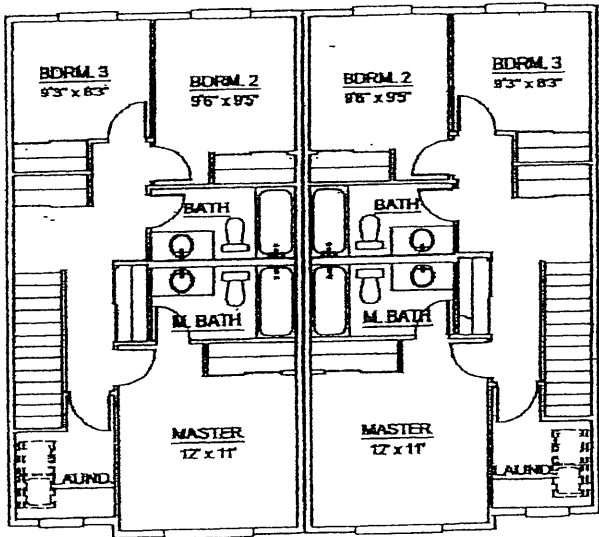
RIGHT ELEVATION
1/8" = 1'-0"

4x4 POST

2392 Sq. Ft. Duplex

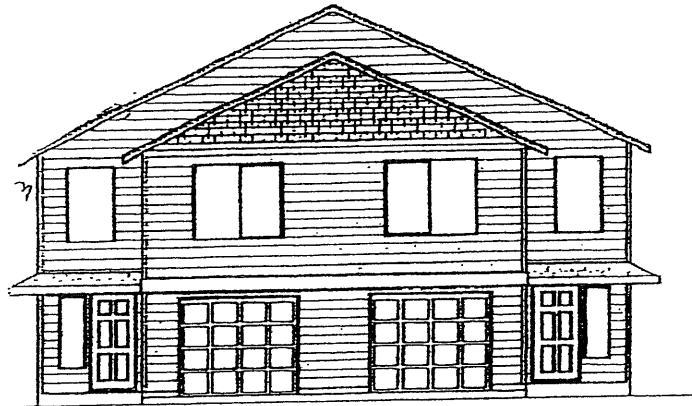
1196 Sq. Ft.
each side

507 S. ROOSEVELT DR., SEASIDE, OR 97138 • (503) 738-4102



← 40'-0" →

▲ 37'-0" ▼



"Making a difference through excellence of service"



CITY OF WARRENTON

March 9, 2016

To: Adam Crites

From: Skip Urling, Community Development Director

Re: Wetland Hardship Variance Application Tax Lot 81016DD01700

You have applied for a wetland hardship variance to fill a locally significant wetland and build four duplex structures on the tax lot identified above. The city will review the application through a Type III process described in WMC 16.208.050 culminating with a public hearing before the planning commission. The substantive review criteria for the application are found in WMC 16.156.080.

WMC 16.208.050.B.2.e requires an impact study quantifying/assessing the effect on the development on public facilities and services. Your original variance application did not include an impact study and was deemed incomplete. You subsequently provided the study and other items requested. However, the submitted study does not include any data or quantification of the existing stormwater drainage system or the potable water system, which will be critical for the city to review and assess your application and development proposal.

I note your proposal includes plans for half street improvements to NW Cedar Avenue, including curb, gutter and sidewalk. Note that some type of emergency vehicle/refuse collection truck turnaround will also be required.

Comments from other city departments will be provided under separate cover.



Adam Crites <adamcrites@gmail.com>

Impact Study / Crites

Skip Urling <cityplanner@ci.warrenton.or.us>
To: Adam Crites <adamcrites@gmail.com>

Tue, Mar 13, 2018 at 4:59 PM

Looks to me like impact analysis makes the application complete. We'll now start a substantive analysis. Provided there is no need for additional information from you, your application should be on the April 12 PC meeting agenda.

From: Adam Crites <adamcrites@gmail.com>
Sent: Tuesday, March 13, 2018 7:15 AM
To: Skip Urling <cityplanner@ci.warrenton.or.us>
Subject: Fwd: Impact Study / Crites

Skip,

[Quoted text hidden]

**(10) CITY/COUNTY PLANNING DEPARTMENT LAND USE AFFIDAVIT
(TO BE COMPLETED BY LOCAL PLANNING OFFICIAL)**

I have reviewed the project described in this application and have determined that:

- This project is not regulated by the comprehensive plan and land use regulations.
- This project is consistent with the comprehensive plan and land use regulations.

This project will be consistent with the comprehensive plan and land use regulations when the following local approval(s) are obtained:

- Conditional Use Approval
- Development Permit
- Other Permit (see comment section)
- This project is not consistent with the comprehensive plan. Consistency requires:
 - Plan Amendment
 - Zone Change
 - Other Approval or Review (see comment section)

An application has has not been filed for local approvals checked above.

Local planning official name (print) Skip Urling	Title Community Development Director	City / County (circle one) City of Warrenton
---	---	---

Signature <i>Skip Urling</i>	Date <i>9/28/15</i>
---------------------------------	------------------------

Comments:
Wetland Hardship Variance is required; application has not yet ~~been~~ been submitted.

(11) COASTAL ZONE CERTIFICATION

If the proposed activity described in your permit application is within the [Oregon coastal zone](#), the following certification is required before your application can be processed. A public notice will be issued with the certification statement, which will be forwarded to the Oregon Department of Land Conservation and Development (DLCD) for its concurrence or objection. For additional information on the Oregon Coastal Zone Management Program, contact DLCD at 635 Capitol Street NE, Suite 150, Salem, Oregon 97301 or call 503-373-0050.

CERTIFICATION STATEMENT

I certify that, to the best of my knowledge and belief, the proposed activity described in this application complies with the approved Oregon Coastal Zone Management Program and will be completed in a manner consistent with the program.

Print /Type Name Adam Crites	Title Owner/Applicant
---------------------------------	--------------------------

Signature	Date
-----------	------

Attachment 2A – Alternative Site Analysis

All of the sites included in the alternative site analysis were considered during the search period from July through October of 2014. The alternative sites included in the analysis and search included properties spanning from between Seaside in the South and Astoria in the North. The Seaside area is located at the southern extreme and Astoria at the North. It was determined that the city of Warrenton was located within a very desirable central business core where healthy big box retail, Home Depot, Costco, Car dealerships and various retail strip centers are present and constitute a central business corridor. Although the City of Warrenton was desirable due to central location and the proximity to the rental demand income range targeted all sites were given equal consideration based on the defined list of criteria outlined in the Site Analysis Criteria. It should be noted that no property was placed into contract until considering all of the available alternatives against the criteria.

Alternative Site Analysis Criteria

- I. Geographic area : Within the Warrenton, OR area
- II. Availability: An available site is one that could reasonably be obtained, utilized, expanded or managed to meet the project purpose.
- III. Infrastructure: Sites with sufficient infrastructure for residential facilities (e.g., roads, utilities, etc.) or capable of being added and /or connected to existing infrastructure (e.g., electricity, sewer, water).
- IV. Size: Sites of sufficient size to accommodate multiple dwellings.

Attachment 2A – Alternative Site Analysis

Table 1 - Site Analysis Summary

	Preferred Alternative	Alt 1	Alt 2	Alt 3
Site Selection Criteria				
Criteria I	Yes	Yes	No	No
Criteria II	Yes	Yes	Yes	Yes
Criteria III	Yes	Yes	Yes	No
Criteria IV	Yes	No	No	No

Site Analysis Detailed Summary

Proposed Site – Lots 9,10,11,12 Block 101, 2nd Extension Warrenton, Clatsop County

I. **Meets criteria-** The site is in close proximity to the Warrenton downtown core, central business hub, major big box retail, concentration of Auto dealerships and other commercial businesses. The site is located in an identified area of Demand for rental housing due to its proximity to existing commercial business and planned development of major Business Parks by the County. The site is also located within close proximity to the local US Coast Guard installation which is constantly in demand of rental housing.

II. **Meets the Criteria-** Only properties marketed for sale and reasonably attained at the time of the search and site evaluation were considered due to economic feasibility of searching properties not currently available for purchase. . The site is located in an integrated and established residential neighborhood zoned RM. The site is within close proximity to the downtown Warrenton area and major commercial business.

III. **Meets the criteria-** The site is located on a developed street with infrastructure directly available in in front of the site. The site has an existing partially paved and maintained road serving the property. The extension of utilities would be minimal with existing utilities already serving a portion of the subject lots and or within close and feasible distance for extension .The site exists in an area of concentrated residential housing and thus has major roads, transportation.

IV **.Meets the criteria-**The site consists of 12 lots zoned RM allowing for duplex units. The site provides sufficient size for multiple duplex units in addition to land available for avoidance, minimization and buffering for thoughtful and successful wetland mitigation.

Attachment 2A – Alternative Site Analysis

Alternate 1 (Alder Court) Geo Lat. 46.166452 Geo Long. -123.927523

I. **Meets the criteria**- The is located in Warrenton, OR within close proximity to major commercial hub and US Coast Guard installations where a moderate income rental housing demand pool exists

II. **Meets the Criteria** – The property was available for purchase at the time of the potential development site search. Only properties marketed for sale and reasonably attained at the time of the search and site evaluation were considered due to economic feasibility of searching properties not currently available for purchase. The site is located in an integrated and established housing pattern consistent with local land use.

III. **Meets the criteria**- the site is located in close proximity to established infrastructure with major roads, transportation and utilities readily available.

IV. **Fails to meet Criteria** – The site consists of .11 acres allowing for 1 unit based on the zoning requirements and does not fulfill the scope of the project purpose. Although several sites of similarity might be acquired cumulatively to accomplish the purpose the approach is limited by several economic factors. These include lack of availability, existence of similar sites within reasonable proximity which meet the established criteria, diminished economic feasibility due to diminished economies of scale as a result of separate and individual development sites. . The site is located in the NWI and would require mitigation. This site has limited capacity to provide a substantial amount of avoidance and minimization

Attachment 2A – Alternative Site Analysis

Alternate 2 (Sea Breeze) Geo Lat. 46.171339 Geo Long.-123.1678601

I. **Fails to meet the Criteria** – The site is located between seaside and Warrenton and is towards the southern extreme of the targeted rental demand pool.

II. **Meets the Criteria** - The property was available for purchase at the time of a potential development site search. Only properties marketed for sale and reasonably attained at the time of the search and site evaluation were considered due to economic feasibility of searching properties not currently available for purchase. The site is located in a gated subdivision consisting of large acre lots, large single family homes, restrictive CC&R's that prohibit the development of duplexes.

III. **Meets the Criteria** – Meets the criteria the site is located Close proximity to established infrastructure with major roads, transportation and utilities readily available. The site would require septic installation but was still considered to meet the criteria.

IV. **Fails to meet the Criteria** – Although the site size could physically accommodate the defined purpose the existence of the restrictive CC&R's prohibit the intended scope of the development and does not allow Duplexes.

Attachment 2A – Alternative Site Analysis

Alternate 3 (Burnside Loop) Geo Lat. 46.171339 Geo Long. -123.678601

I. **Fails to meet the Criteria.** . The sites is located north of the town of Astoria. The site is in close proximity to Astoria (within 10 minutes) but was deemed to be in the extreme North in distance and proximity to transportation and normal everyday services and a central business district desired for multiple residential housing units.

II. **Meets the criteria.** The property was available for purchase at the time of a potential development site search.

III. **Fails to meet the Criteria.** Utilities were available but would require drain fields, septic and substantial limitations due to the topography and overall remoteness of the location. Given the location of the lot on a steep hillside and lack of established residential arterial streets the site failed to meet the criteria. In addition, the site topography consist of extremely steep hillsides classified as Canopy Forest and is within close proximity to a known Eagle Sanctuary. Given these characteristics the site was deemed not feasible as it pertains to this criteria.

IV. **Fails to Meets the Criteria**-The site is of sufficient size to accommodate multiple dwellings to facilitate economies of scale in site development and construction. . The site is located in a predominant with large spread out parcels of single family homes. The planning zone is RA1 (Residential Agriculture. The zone limitations will not allow for the intended purpose of multiple unit residential development and is not consistent with the scope and intention for the project purpose.

This revised alternatives analysis is provided in response to the U.S. Army Corps of Engineers (USACE) December 22, 2016 Request for Information (RFI) regarding the off-site alternatives analysis for NWP-2016-128.

Attachment 2A – Alternative Site Analysis

February 27, 2017

Alternative Site Analysis Criteria

1. Geographic area: Within the Warrenton, OR area.

The Warrenton, OR area is defined as the City of Warrenton and the associated Urban Growth Boundary (UGB) adopted by the City. This boundary is provided in Enclosure 1. In general, UGBs are intended to place “a limit on land development beyond a politically designated area—to curb sprawl, protect open space, or encourage the redevelopment of inner-city neighborhoods” (Staley 1999). The UGB system in Oregon is intended “to make development choices intentional and public rather than piecemeal and driven by private interests and profits” (The Oregon Historical Society 2017). In addition, beyond the city boundary and UGB, density of available public transportation, entertainment, food and other services (a driving factor of housing choice for the target housing population) is not adequate to support the available housing market.

2. Availability: An available site is one that could reasonably be obtained, utilized, expanded or managed to meet the project purpose.

Availability is defined as those lots, identified by the USACE in their December 2016 RFI, 1) that are were publically posted for sale as of January 1, 2017 or 2) whose owners responded with lot availability for purchase within four weeks of a claimed certified and trackable inquiry sent to addresses of record per the county tax records. A summary of the inquiry responses is included in Enclosure 2.

3. Infrastructure: Sites with sufficient infrastructure for residential facilities (e.g., roads, utilities, etc.) or capable of being added and /or connected to existing infrastructure (e.g., electricity, sewer, water).

Infrastructure availability is defined as a minimum of a partially developed street, a major water main, and sewer lateral within 300 feet of the site. Logistical issues, such a location within the 100-year floodplain that would require extensive engineering and post and piling construction are cost prohibitive and do not meet the definition of infrastructure availability. A floodplain map is included in Enclosure 3.

4. Size: Sites of sufficient size to accommodate multiple dwellings.

A minimum of 20,000 square feet within one site to develop at least four duplexes is required. This square footage is based on City zoning minimum lot requirements at the most dense (smallest lot size) land use zoning allowable (residential high density [RH]) (5,000 sq ft per duplex) (City of

Warrenton 2017). A size analysis is included in Enclosure 4.

The preferred alternative and Alternatives 1-4 were analyzed based on the criteria described above. These alternatives are discussed in the following narrative. A summary of the results is provided in Table 1 and the alternatives are shown in Figure 1.

Table 1 - Site Analysis Summary

	Preferred Alternative	Alt 1- Lots 900,901,903,904,1100,1300,1700,1800,2000	Alt 2 - Lot 6200	Alt 3- Lot 6300 Jeffers Garden	Alt 4 - Lots 3700, 3800
Site Selection Criteria					
Criteria 1 -Geographic Area	Yes	Yes	Yes	No	Yes
Criteria 2- Availability	Yes	No	No	Yes	Yes
Criteria 3- Infrastructure	Yes	Yes	Yes	No	Yes
Criteria 4 - Size	Yes	Yes	No	Yes	No

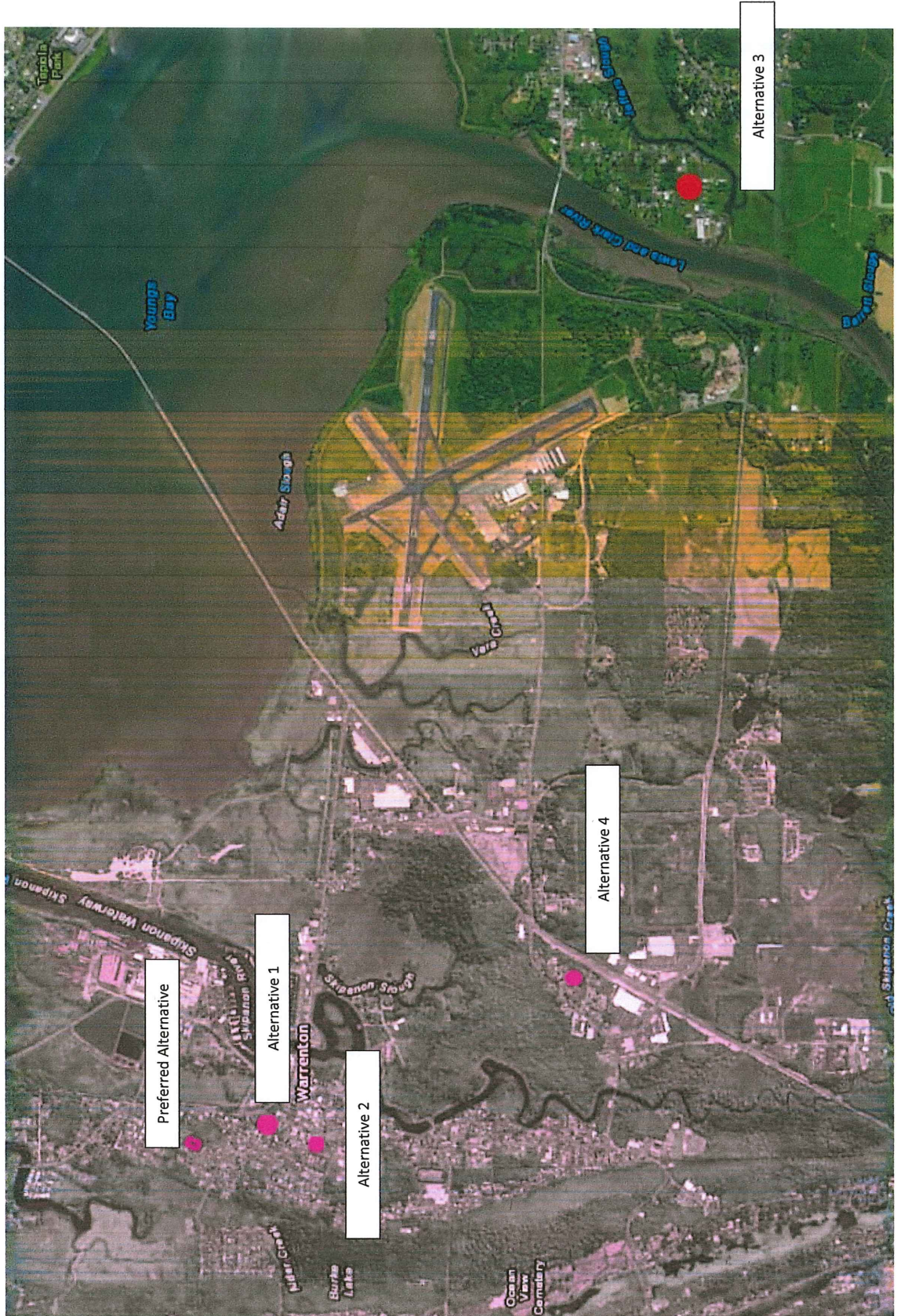


Figure 1. Alternatives