



Type I – Floodplain Review
Type II – Site Design Review
Type III – Conditional Use Review:
Drive-up use

For Atlas Youngs Bay LLC

Parcel 81023CB 00800
103 US 101, Warrenton, OR 97146

Submitted to:
City of Warrenton
Planning and Building Department
P.O. Box 250
225 S. Main Street
Warrenton OR 97146

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I. Exhibits

Within Narrative

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Separate From Narrative

1. Application Form: Site Design
2. Application Form: Conditional Use
3. Checklist
4. Title Report (forthcoming as part of completeness)
5. Mailing Label List
6. Mailing Label Map
7. Traffic Impact Analysis
8. Pre-construction Elevation Certificate
9. Drainage Report
10. Door Flood Shield (example) Cut Sheet
11. Existing Elevations
 - Plans:
 - a. A101 Architectural Site Plan
 - b. A102 Site Details
 - c. Civil
 - C0.1 General Notes
 - C0.2 Existing Conditions
 - C0.3 Demolition Plan
 - C1.0 Site Plan
 - C2.0 Grading Plan-North
 - C2.1 Grading Plan-South
 - C3.0 Utility Plan
 - C4.0 Details
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 - d. Landscape
 - L1.0 Landscape Plan
 - L2.0 Landscape Details
 - e. Architectural Floor Plans, Elevations and Materials Board
 - A111 Floor Plan - Remodel
 - A112 Floor Plan - Pad
 - A201 Exterior Elevations - Remodel
 - A202 Exterior Elevations - Pad
 - Renderings & Materials board
12. Addressed Envelopes for Mailed Notice

II. Project Team

Architect: Baysinger Partners Architecture
1006 SE Grand Ave #300
Portland, OR 97214
Contact: William M. Ruecker, AIA
503.546.1614 (direct)
billr@baysingerpartners.com

Planner: Baysinger Partners Architecture
1006 SE Grand Ave #300
Portland, OR 97214
Contact: Jennifer L. Rinkus
503.546.1623 (direct)
jenniferr@baysingerpartners.com

Property Owner: Atlas Youngs Bay LLC
808 SW Alder St #200
Portland, OR 97205
Contact: Gary Gilbert
503.241.9312 (phone)
ggilbert@atlasinv.com

Civil Consultant: AAI Engineering
4875 SW Griffith Dr, Ste 300
Beaverton, OR 97005
Contact: Craig Harris
503.352.7678 (phone)
craigh@aaieng.com

Landscape Architect: AAI Engineering
4875 SW Griffith Dr, Ste 300
Beaverton, OR 97005
Contact: Teresa Long
503.352.7685 (phone)
teresal@aaieng.com

III. Site Data

Site Location: 103 US Hwy 101, Warrenton, OR 97146;
Tax Assessors #: 55568
Tax Map and Lot #: 81023CB 00800

Site Size: 7.34 acres

Zoning Designation: C-1 – General Commercial



Figure 1: Site Vicinity Map

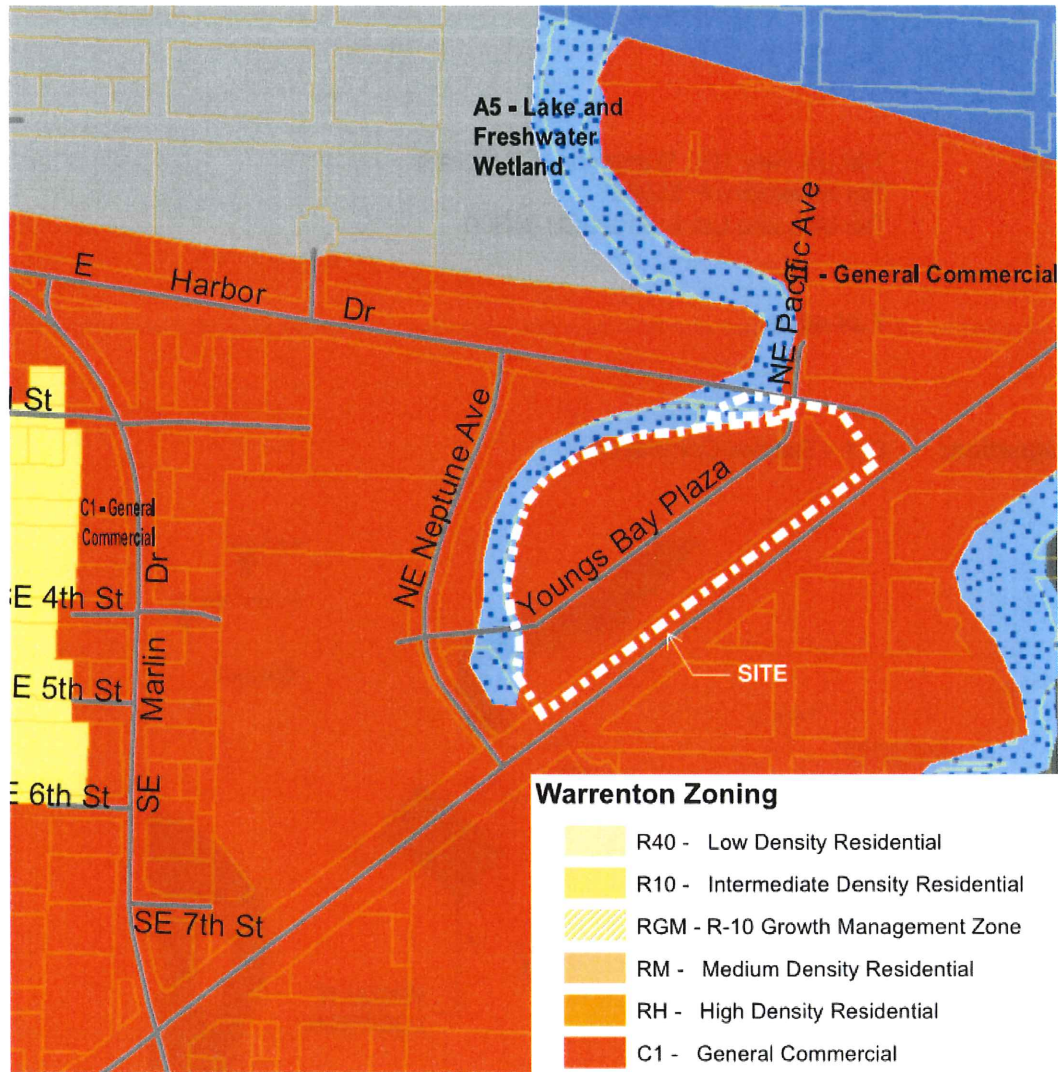


Figure 2: Site Zoning

IV. Site/Project History

- The following meetings with City staff regarding this project have occurred:
 - Preapplication Meeting – October 16, 2019

V. Proposed Project Summary

The proposed project is for the construction of a new restaurant pad building, approximately 2,325 square feet in area, with a pick-up only window. This new model of store utilizes the latest in quick service restaurant convenience. Orders are placed and paid for online or through the store’s mobile app and picked up at the window at a designated time. Orders cannot be placed from within the pick-up window queue like a standard drive-through. This new model of quick service restaurant reduces queue lines and time within the queue over traditional drive-throughs order lanes. Orders may also be

placed by parking and ordering inside the building like a typical quick service restaurant.

The project also includes the remodel of the adjacent existing restaurant pad building formerly occupied by Doogar's Seafood Restaurant. The remodel will be comprised of exterior work, demising of the space into two (2) tenant spaces and construction of a new shared refuse/recycling enclosure to serve both buildings. Tenant Improvements to the newly created spaces will be permitted by the tenants at a future date.

The exterior remodel of the building includes removing a portion of the south façade reducing the floor area and bringing the building into compliance with the required minimum 50 feet Highway setback.

Site work includes re-striping the existing stalls along the southwest façade of the Doogar's building and adding stalls to the southeast façade as well as striping north of the building. The overall parking total onsite will be reduced by 17 stalls. The site will remain compliant with parking as the site is adjacent to existing transit. New sidewalks will be placed to connect the buildings of this project as well as connect them to the right-of-way. A walkway will be installed along the south side of the existing driveway access to East Harbor Drive. A walkway will be installed along the southeast side of East Harbor Drive from the site driveway to the Highway 101 intersection. The project also includes tentative plans to install decorative landscaping in the existing right-of-way triangle adjacent to the Highway 101 and East Harbor Drive intersection. The project would connect to this park-like area via a pedestrian pathway south of the new building.

VI. Preapplication Meeting Notes Response

Planning

General Comments

To complete the land use review we need sufficient detail to ascertain compliance.

- The subject property is zoned C-1 General Commercial, and the use is permitted outright. There are no setback requirements. An existing pad was established by the developer of the shopping center, which includes sidewalks.

RESPONSE: Per Warrenton Municipal Code Chapter 16.40.050B, a minimum 50-foot setback is required along the Highway 101 frontage. The existing building does not comply with this setback as it is 39.80 feet from the right-of-way. This project includes pulling the south façade back so that the building moves into compliance with the 50-foot minimum Highway 101 setback.

The proposed new pad building has been located approximately 56.67 feet from the Highway 101 frontage.

This criterion is met as both buildings will comply with the standard at project completion.

- A site plan shall have calculations for building area, landscaped area, and parking to streamline the review process. A notes section was missing some data on common open space on the site plan. Please include a vicinity map showing adjacent properties and land uses.

RESPONSE: This included Site Plan, Sheet A101, contains data for existing and proposed building areas, landscape areas and parking. A vicinity map and zoning map have been included within this narrative that illustrate the adjacent properties and land uses.

- Exterior materials should be designed to withstand harsh, coastal climate. EIFS is strongly discouraged.

RESPONSE: The remodel and new pad building will utilize concrete and metal as primary materials. Neither building will use EIFS for any of the materials.

This criterion is met as all materials proposed are durable in the coastal climate and EIFS is not proposed.

- If the construction team would like to place a "job shack" on site then a temporary use permit will be required but can be processed concurrently with site design review.

RESPONSE: The contractor, once selected, will apply for a temporary use permit as required if a job shack is needed. This land use submittal does not include a temporary use application.

- According to the FEMA FIRM map, the property is located in a floodplain – 12-foot BFE. A preconstruction elevation certificate is required. A floodplain development permit can be issued based on the elevation certificate and a finished floor elevation has been verified by a professional land surveyor. CREST conducts all floodplain development review for the City. A post construction elevation certificate is required and is used to determine and verify NFIP flood insurance on federally backed mortgages.

RESPONSE: The submitted materials include a preconstruction elevation certificate. This narrative and the application materials respond to floodplain standards and floodplain development review. The project will floodproof both building, as allowed by Chapter 16.88, to meet the requirements of the Flood Hazard Overlay. A post construction elevation certificate will be provided as required.

Applicable site design standards include:

- WMC 16.256.040 Traffic Impact Study Requirements: A full traffic impact study is required for the drive thru. It is assumed the number of trips generated for the new uses at the former Doogers is comparable. Please have a consultant work with DKS Traffic Engineering and ODOT on scoping phase. The intersection of E Harbor Drive and the access to the Shilo Inn is problematic. Potential solutions, including a right in/right out, shall be included in said study.

RESPONSE: A full TIA prepared by licensed traffic engineers with Lancaster Mobley has been provided with the submittal package. This criterion is therefore met.

- WMC 16.120 Vehicular Access & Circulation. Address pedestrian circulation with a clearly designated crosswalks in high traffic pedestrian areas and main entrances using color, contrasting materials or a combination thereof to distinguish from drive thru aisle material. Thermoplastic is a minimum standard. A sidewalk or path shall be created for the drive thru along E Harbor Drive.

RESPONSE: Both buildings associated with this project include pedestrian walkways around the buildings (except along the pick-window portion of Pad 2). Pedestrian crossings are provided between the two buildings as well as between Pad 1 and the main mall building for connectivity throughout the center. A new pedestrian pathway will also be installed along the south side of the existing driveway to E. Harbor Drive. Where pathways cross drive aisles within the development area, they will be painted with thermoplastic striping.

- WMC 16.124 Landscaping, Street Trees, Fences & Walls – For “commercial districts” 15% of the site shall be landscaped. This can be counted towards the 20% open space standard. Hardscape features (shelter) open to the public can count towards up to 50% of the required landscaping. Parking overhang is not prohibited. However, separation between parking and the building is required with the use of wheel stops, bollards, or similar installments. Landscaping standards do not specify species but requires 1 deciduous tree per 5 parking spaces. Native landscaping is required and all invasive species shall be removed. A noxious weeds list was provided in a handout. Flowering species of shrubs and other perennial plant materials is strongly encouraged. Conservation of existing landscaping can count towards the required 15%.

RESPONSE: The site totals 7.34 acres in area requiring 47,959.56 square feet (15%) landscaping. The existing site provides approximately 64,364 square feet of landscape (20.13%). The proposed project will increase the total landscape to approximately 65,183 square feet (20.38%) without inclusion of any hardscaped areas. If the proposed outdoor eating areas are included the total landscape area would increase further.

The site is deficient in interior parking lot landscaping and trees per parking stalls; however, the project will install several new landscape islands and trees, moving the site toward compliance.

This criterion is met as the total landscape onsite exceeds the minimum required.

- WMC 16.128 Vehicle & Bicycle Parking: Preliminary site plan shows adequate parking spaces based on existing parking lot for the shopping center. Up to 40% can be compact spaces. Bicycle parking, 2 spaces (1 racks) will be required for short term and should be located under shelter. Creative designs are strongly encouraged. Parking space dimensions are 9-feet by 20-feet. The drive aisle must be 24 feet wide.

RESPONSE: The site will provide a total of 366 parking stalls at project completion. All stalls are existing onsite prior to the project (the project will reduce total parking by 17 stalls). There are eight (8) compact stalls in the work area. It is unknown if any compact stalls exist elsewhere onsite; however, none of those stalls will be modified as part of this project.

- Site plan needs to show enclosure for solid waste and recycling facilities. Coordinate with Public Works on design standards for location and backing movements.

RESPONSE: The project includes two (2) new refuse and recycling enclosures along the north façade of the Pad 1 building. In the Preapplication Meeting, it was indicated that the enclosure originally proposed for Pad 2 was too close to the driveway intersection with E. Harbor Drive; thus, it was moved the north side of Pad 1. The two (2) proposed enclosures will be for use by both pad buildings associated with this application. Pad 2 is served with a pedestrian walkway that provides direct access to the north side of Pad 1 and the refuse/recycling area. This criterion is met as enclosures for solid waste and recycling are provided.

- If a sign is requested, a permit is required and issued separately. Building permits are also required.

RESPONSE: Sign permits will be requested separately from this application.

- Engineering and Public Works issues are identified in a separate memo and herein referenced. An impact study is also required to demonstrate availability of public facilities. In such cases there are deficiencies, the applicant shall recommend solutions to correct the deficiency such as the aforementioned sewer capacity.

RESPONSE: A stormwater memo has been included with the submittal materials.

- Building Department comments, if any, are identified in a separate memo and herein referenced.

RESPONSE: No Building Department comments were provided at the time of Preapp. They indicated that insufficient information was submitted upon which to comment.

Engineering

Public Works understands that a new commercial development is proposed on Tax Lot 81023CB00800. With this information, public works staff has provided the following items that will need to be addressed in your planning documents and design documents:

1. The developer is required to follow the City of Warrenton Development Standards. These standards can be found in Title 16 of the Warrenton Municipal Code. Please provide documentation showing how this development will meet that standards set forth in the development code. Below is a link to the Development Code <http://qcode.us/codes/warrenton/view.php?topic=16&frames=on>

RESPONSE: The project complies with the Standards of Title 16 of the Warrenton Municipal Code as demonstrated in the following narrative and included plans.

2. The developer must follow the City's Water and Sewer Regulations. These regulations are included under Title 13 of the Warrenton Municipal Code. Please provide documentation showing how this development will meet that standards set forth in the development code. Below is a link to the Title 13 of our Code: <http://qcode.us/codes/warrenton/view.php?topic=13&frames=on>

RESPONSE: The submittal materials include this narrative and associated drawings which demonstrate that the development meets the standards set for in Title 13 of the Warrenton Municipal Code.

3. The developer is required to follow the Engineering Standards & Design Criteria Manual. Please provide documentation showing how the development meets the standards set forth in this manual. This manual can be found at the <http://www.ci.warrenton.or.us/publicworks/page/engineering-specifications-design-guide>

RESPONSE: The submittal materials include this narrative and associated drawings which demonstrate that the development meets the standards set for in Title 13 of the Warrenton Municipal Code.

4. Sewer services for commercial projects shall be a minimum of 6" diameter. In addition, all sources of extraneous flows (Inflow and Infiltration) shall be repaired.

RESPONSE: All sewer services are a minimum of 6" in diameter. This criterion is therefore met.

5. Grease interceptor sizing and installation shall conform to the current edition of the UPC.
 - a. All drains and fixtures in the establishment that may receive FOG shall drain through the interceptor. No drains from toilets, showers or other domestic discharges shall connect to the interceptor.
 - b. Temperatures in excess of 140 degrees shall not be Discharged to the interceptor. Dishwashers shall not drain to the grease interceptor unless the volume/temperature (in

combinations with any detergents or soaps) will not interfere with the operation of the interceptor.

- c. A device shall be installed to control the rate of flow through the interceptor so that the rate of flow will not exceed the manufactures rate capacity based on gallons per minute.

RESPONSE: A grease interceptor is being provided. Refer to the included utility plan.

7. Water meter(s), the kind or make of said meter(s) to be approved or designated by the Public Works Department and service connections will be installed by the owner/contractor. Long water services to water meters will not be allowed. Water meters and backflow devises shall be installed as close to the existing water main as possible.

RESPONSE: There is an existing meter serving Pad Building1 which will remain. A new water meter will be installed by the contractor for Pad 2. The water meters and backflow devices have been located and will be installed as close to the existing main as possible. This criterion is therefore met.

8. All commercial property shall have a backflow device at the meter for premise isolation.

RESPONSE: This criterion is met as both buildings will have a backflow device at the meter.

9. Streetlights are required for all new developments. Show proposed streetlight locations.

RESPONSE: Streetlights will be provided as required.

10. Please work with the Fire Chief to determine appropriate Fire hydrant spacing for this development.

RESPONSE: Work is being coordinated with the Fire Chief.

11. All on-site driveways, parking areas, aisles and turn-a-rounds shall have on-site collection or infiltration of surface waters to eliminate sheet flow of such waters onto public rights-of-way and abutting property. Surface water facility plans shall be prepared by a qualified person and constructed in accordance with City standards.

RESPONSE: The site is fully developed and has been designed for collection of stormwater onsite and into the existing stormwater system. The new proposed work has been designed by a registered civil engineer to ensure that it maintains grades and flow so that surface waters does not sheet flow onto public rights-of-way and abutting properties. Refer to the included civil drawings for detailing grading information. This criterion is therefore met.

12. The dumpster locations are not acceptable. Consideration of the Garbage truck routing is required.

RESPONSE: Pad Building 1 has an existing garbage area along the north façade which has no screening. It will be improved with a sight obscuring enclosure with gates. The proposed refuse/recycling area for Pad Building 2 has been moved in response to this comment. It will be located next to the enclosure along the north side of Pad 1. The garbage trucks have direct accesses to these enclosures from the main drive aisle and were servicing this exact location when Pad Building 1 operated as

Dooger's Restaurant. This criterion is met as the dumpster location has been moved next to an area already serviced by the garbage trucks, demonstrating that it is accessible and routing for the garbage truck has been considered.

13. A traffic Impact Analysis is required for land use review. This analysis will look at the intersections of E Harbor Drive and the access to this development and Hwy 101. We strongly suggest a right-in/right-out only intersection.

RESPONSE: A full TIA prepared by licensed traffic engineers with Lancaster Mobley has been submitted for this application. The report was prepared after scoping input from both City and ODOT. Refer to the included TIA for detailed information regarding warranted right-of-way and access modifications. This criterion is met as a full TIA has been provided.

14. It appears that a portion of NE Pacific Avenue will need to be vacated.

RESPONSE: Per City Ordinance Number 569-A (12/20/71), Pacific Avenue is vacated.

15. Please provide utility layout and design with planning submittal documents.

RESPONSE: Included Sheets C0.2 and C3.0 show existing and proposed utility layout design.

16. There is an existing sewer pump station adjacent to the empty bank unit. We access this pump station with large equipment on a regular basis. Any plans must consider the need to get equipment to this pump station. Current design is not acceptable.

RESPONSE: The modified proposed design includes new striping at this location which will not impede truck access.

17. There is currently issues with ponding on the property near the pump station. These stormwater issues will need to be resolved in the design documents.

RESPONSE: Refer to the included grading plan. The grade adjacent the curb of the pump station will be raised slightly to eliminate ponding.

18. Sidewalks will be required on E Harbor Drive with ADA ramps at the access to E Harbor Drive.

RESPONSE: A sidewalk is planned along the southern edge of the East Harbor Drive right-of-way with an ADA ramp at the site access and Highway 101 intersection.

19. Existing ground elevation is approximately 10.5' and the Base Flood Elevation is 12.0'

RESPONSE: The proposed buildings will be designed to be floodproofed as allowed by Chapter 16.88 to account for the difference in existing ground elevation (which cannot be changed as this is an existing fully developed center) and the base flood elevation.

VII. Project Narrative

Chapter 16.40 General Commercial (C-1) District

16.40.020 Permitted Uses.

The following uses and their accessory uses are permitted in the C-1 zone if the uses conform to the standards in Sections 16.40.040 through 16.40.060, Chapters 16.124, 16.212 and other applicable Development Code standards, and other City laws:

- A. Only the following uses and their accessory uses are permitted along Highway 101, SE Marlin, SE Ensign Drive, SE Discovery Lane, and SE Dolphin Avenues and shall comply with the above noted sections as well as Chapter 16.132:
 - 7. Eating and drinking establishment.

RESPONSE: The anticipated use of the proposed building, quick service restaurant, is an allowed use. The order pick-up window portion of the facility is a Conditional Use per 16.40.030.A.6 below.

The remodel of the former Doogar's Seafood Restaurant Pad building within the Youngs Bay Plaza Shopping Center is for exterior improvements and demising of the single occupancy restaurant into two (2) Quick Service Restaurant tenants.

This criterion is met as all uses, eating and drinking, are permitted in the C-1 zone.

16.40.030 Conditional Uses.

The following uses and their accessory use may be permitted in the C-1 zone when approved under Chapter 16.220 and shall comply with Sections 16.40.040 through 16.40.060 and Chapters 16.124 (Landscaping) and 16.212 (Site Design Review):

- A. Only the following uses and their accessory uses are permitted along Highway 101, SE Marlin and SW Dolphin Avenues, and shall comply with the above noted sections and Chapter 16.132:
 - 6. New drive-through/drive-up facility or substantially improved as defined by 25% of assessed value.

RESPONSE: The proposed quick service restaurant includes a pick-up window where orders that are placed online can be picked up. The building does not include a traditional drive-through where orders are placed once inside the drive-through queue lane. Chapter 16.220 has been included in this narrative addressing the conditions and standards associated with a Conditional Use.

16.40.040 Development Standards.

The following development standards are applicable in the C-1 zone:

- A. Density Provisions.
 - 1. Minimum lot size, commercial uses: none.
 - 2. Minimum lot width, commercial uses: none.
 - 3. Minimum lot depth, commercial uses: none.

- 4. Maximum building height: 45 feet.

RESPONSE: The maximum height of pad building 1 is 22 feet. The maximum height of proposed pad building 2 is 20 feet. The maximum heights are less than the 45 feet allowed; therefore, this criterion is met.

- 5. Commercial uses, maximum lot coverage: none.
- B. Setback Requirements.
 - 1. Minimum front yard setback, commercial uses: none except where adjoining a residential zone, in which case it shall be 15 feet. See Section 16.40.050 for maximum front yard setback for commercial uses.

RESPONSE: Per Warrenton Municipal Code Chapter 16.40.050.B a minimum 50-foot setback along Highway 101 is required. The existing building does not comply with this standard as it is 39.80 feet from the Highway. This project removes part of the existing south façade and will bring the building into compliance with the minimum setback, placing the building approximately 58 feet from the right-of-way.

The new pad building is located approximately 56.5 feet from the Highway 101 right-of-way. This criterion and the ODOT requirement are therefore met.

- 2. Minimum side and rear yard setbacks, commercial uses: none except where adjoining a residential zone in which case there shall be a visual buffer strip of at least 10 feet wide to provide a dense evergreen landscape buffer which attains a mature height of at least eight feet. Such buffers must conform to the standards in Chapter 16.124, Landscaping, Street Trees, Fences and Walls.

RESPONSE: The site does not adjoin a residentially zoned lot; therefore, the side and rear setbacks are zero. The project therefore meets these setbacks.

- C. Landscaping requirements shall comply with Chapter 16.124 of the Development Code.

RESPONSE: The project complies with the landscaping requirements of Chapter 16.124. Refer to the included narrative section, Chapter 16.124 for detailed information. This criterion is therefore met.

16.40.050 Design Standards.

The following design standards are applicable in the C-1 zone:

- A. Any commercial development shall comply with Chapter 16.116 of the Development Code.

RESPONSE: The project complies with the standards of Chapter 16.116. Refer to the included narrative section for detailed information. This criterion is therefore met.

- B. Lots fronting onto U.S. Highway 101 shall have a setback of at least 50 feet between any part of the proposed building and the nearest right-of-way line of U.S. Highway 101.

RESPONSE: The existing building is 39.80 feet from the U.S. Highway 101 right-of-way. The proposed project will demo part of the south façade and the new south façade will

be approximately 58 feet from the highway, moving the building into compliance with the standard.

The new pad building has been located 56.5 feet from the U.S. Highway 101 right-of-way. This criterion is met as both buildings will be 50 feet from the Highway 101 right-of-way.

16.40.060 Other Applicable Standards.

- A. Outside sales and service areas shall be approved by the Warrenton Planning Commission if not enclosed by suitable vegetation, fencing or walls.

RESPONSE: The project does not include any outside sales or service areas. This criterion does not apply.

- B. Outside storage areas shall be enclosed by suitable vegetation, fencing or walls, in conformance with Chapter 16.124.

RESPONSE: The project does not include any outside sales or service areas. This criterion does not apply.

- C. All uses shall comply with access and parking standards in Chapters 16.116 and 16.128 except as may be permitted by conditional use or variance.

RESPONSE: The project complies with the standards of Chapters 16.166 and 16.128. Refer to the corresponding narrative sections for detailed information. This criterion is therefore met.

- D. Signs shall comply with standards in Chapter 16.144.

RESPONSE: Per the preapplication notes, signs are required a separate permit. All signs will be submitted separately and are not included in this application. All signs will comply with Chapter 16.144 when submitted for permit.

- E. All development shall comply with the wetland and riparian area protection standards of Chapter 16.156.

RESPONSE: Per Riparian Corridor Unit 12(b): Holbrook Slough – Youngs Bay Plaza, within Chapter 16.156, “Riparian vegetation on the Youngs Bay Plaza (east side of the slough) side of the slough is in poor condition: dominated by invasive plants, subject to regular mowing, and adjoins a busy commercial area. The east side of the slough has existing riparian vegetation in a strip of varying width between the pavement and the high-water line of Holbrook Slough. On this side of the slough, riparian vegetation should be protected only between the edge of the exiting pavement, as it currently existing (2006), and the slough shoreline for a 50-foot riparian setback to protect the remaining natural vegetation within the corridor.”

The proposed project is not within the vicinity of Holbrook Slough or the riparian setback as all work will occur south of the existing shopping center building. The

requirements of Chapter 16.156 therefore do not apply and have not been included in this narrative.

F. All other applicable Development Code requirements shall also be satisfied.

RESPONSE: All applicable Development Code requirements have been met as demonstrated in the following narrative and included plans and reports. This criterion is therefore met.

Chapter 16.88 Flood Hazard Overlay (FHO) District

16.88.020 General Provisions.

A. Areas Affected by FH Overlay District. This district shall apply to all areas of special flood hazards within the jurisdiction of Warrenton. Since the FH overlay district is an overlay zone, one or more other zoning districts will also regulate the use of land in areas of special flood hazards.

RESPONSE: The project site is located within the AE Flood Zone of the FEMA Flood Map (41007C0217E) and is therefore within the Warrenton FH Overlay District.

D. Prohibited Uses. In an FH overlay district it shall be unlawful to erect, alter, maintain or establish, in an FH overlay district, any building, use, or occupancy not permitted by the provisions of this or any other applicable zoning district except existing nonconforming uses and structures, which may continue as specified in Chapter 16.276.

RESPONSE: The existing building associated with this application is nonconforming with the base flood elevation (BFE) of 12 feet as the existing finished floor of the building is at ?? feet. The majority (if not all) existing development of this center is nonconforming with the BFE. The work associated with this project will upgrade the structure to be compliant with Chapter 16.88.040.A, B and G, Floodproofing. The new pad building will also be floodproofed per Chapter 16.88. As the uses proposed, restaurant, are allowed and the buildings will be in compliance with Chapter 16.88 the uses are not prohibited, and this criterion does not apply.

E. Warning and Disclaimer of Liability. The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the City of Warrenton, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.

RESPONSE: This criterion is understood.

F. Penalties for Noncompliance. No structure or land shall hereafter be constructed, located, extended,

converted, or altered without full compliance with the terms of this chapter and other applicable regulations. Violations of the provisions of this chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$1,000.00 for each violation and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the Community Development Director from taking such other lawful action as is necessary to prevent or remedy any violation.

RESPONSE: Both buildings will be floodproofed as part of the proposed work and will be in full compliance with the requirements of this chapter. This criterion is therefore met.

- F. Abrogation and Greater Restrictions. This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another ordinance, state building codes, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

RESPONSE: This criterion is understood.

- I. Encroachments. The cumulative effect of any proposed development, where combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than one foot at any point.

RESPONSE: The project will not significantly alter existing site grades. The project will remove approximately 1,044 square feet of existing building area and construct 2,325 square feet for a total increase in square footage of 1,281 square feet. These minor changes to the site will not increase the water surface elevation of the base flood more than one (1) foot at any point; therefore, this criterion is met.

16.88.030 Administration.

- A. Establishment of Floodplain Development Permit. A floodplain development permit, in addition to any regular building permit and/or grading permit that may be required, shall be obtained before construction or development begins in any area of special flood hazard established in Section 16.88.010. The permit shall be for all structures including manufactured homes, as set forth in the "definitions," and for all development including fill and other activities.

RESPONSE: This application seeks approval of a floodplain development permit in addition to the required Design Review approval.

- B. Application for a development permit shall be made on forms furnished by the Planning and Building Department and may include but not be limited to plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:
1. Description of proposed development.
 2. Size and location of proposed development (site plan required).
 3. Base flood elevation at the site.
 4. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures.

5. Elevation to which floodproofing has occurred (if any).
6. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Section 16.88.040.
7. Elevation in relation to mean sea level of floodproofing in any structure.
8. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
9. FEMA/NFIP elevation certificate completed by a land surveyor, engineer, or architect who is authorized by law to certify elevation information (for all new structures and substantial improvements unless otherwise exempt from this requirement by state or federal law).

RESPONSE: The included narrative provides a description of the proposed development including size and location of the development. A preconstruction flood certificate has been provided that states the base flood elevation and elevation of the existing building floor. The proposed project will not alter or relocate any watercourse. These criteria are therefore met.

H. Variance Procedures.

1. Variances shall be issued or denied in accordance with this section.

RESPONSE: This project does not seek a variance as both the existing building and new building will be floodproof according to the following sections and requirements and be in full compliance with Chapter 16.88 at project completion.

16.88.040 Standards for Flood Hazard Reduction.

In all areas of special Flood Hazard Overlay Zone (FHO zone), the following standards are required:

A. Anchoring.

1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.

RESPONSE: The existing and new buildings will be anchored to ensure flotation, collapse or lateral movement of the structures do not occur. The anchoring will be designed by a registered structural engineer and details will be provided at permitting. This criterion will therefore be met.

2. All manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top and frame ties to ground anchors. (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques.)

RESPONSE: This criterion does not apply as the project does not include manufactured homes.

3. A certificate signed by a registered architect or engineer which certifies that the anchoring system is in conformance with FEMA regulations shall be submitted prior to final inspection approval.

RESPONSE: All required certificates will be provided; therefore, this criterion will be met.

B. Construction Materials and Methods.

1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

RESPONSE: The proposed projects will be constructed of concrete and metal and designed per this chapter to be floodproof. This criterion is therefore met.

2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

RESPONSE: All work associated with this application has been designed and will be constructed using methods and practices that minimize flood damage as specified in this chapter. This criterion is therefore met.

3. Electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

RESPONSE: All electrical, heating, ventilation, plumbing and air conditioning equipment have been located one (1) foot above the base flood elevation to prevent water from entering or accumulating within the components. This criterion is therefore met.

C. Utilities.

1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;

RESPONSE: All new and replacement water supply systems have been designed to minimize or eliminate infiltration of floodwaters into the system. Refer to the included civil utility drawings. This criterion is therefore met.

2. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters; and

RESPONSE: All new and replacement sanitary sewerage systems have been designed to minimize or eliminate infiltration of floodwaters into the system. Refer to the included civil utility drawings. This criterion is therefore met.

3. On-site waste disposal systems shall be located to avoid impairment of them or contamination from them during flooding consistent with the Oregon Department of Environmental Quality (DEQ).

RESPONSE: All waste disposal systems have been located to avoid impairment or contamination during flooding. This criterion is therefore met.

- G. Specific Standards, Residential and Nonresidential Construction. In all areas of special flood hazards (FH overlay district) where base flood elevation data has been provided as set forth in Section 16.88.020, the following provisions shall apply unless a variance is granted in accordance with

Section 16.88.030 and Chapter 16.272.

2. Nonresidential Construction.

- a. New construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall either have the lowest floor, including basement, elevated to a minimum of one foot above the base flood elevation; or, together with attendant utility and sanitary facilities, shall:
 - i. Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;

RESPONSE: The existing finished floor of the former Doogar's building is 10.25 feet. There is an existing concrete stem wall (except at door openings) approximately 36 inches in height around the building's perimeter walls. The existing concrete stem wall will remain and in areas of modification a new concrete stem wall will be installed. At door openings a door flood shield will be utilized to ensure the structure is watertight. Refer to the include cut sheet for more information.

The new pad building will utilize a similar design with a finished floor height of approximately 10.25 feet and a concrete stem wall in all locations except door openings. The door openings will be equipped with flood dams to ensure that the new pad building is watertight below the 12-foot flood base elevation.

- ii. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

RESPONSE: A structural engineer is designing all components of the existing and new building work to resist hydrostatic and hydrodynamic loads and the effects of buoyancy. This criterion is therefore met.

- iii. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specification and plans. Such certifications shall be provided to the building official as set forth in Chapter 16.244;

RESPONSE: Permit drawings will include both the signature of a registered architect and a registered structural engineer. This criterion will therefore be met.

- iv. Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in this section;

RESPONSE: Both the existing and new buildings will not be elevated and will instead be floodproofed. This criterion therefore does not apply.

- v. Applicants floodproofing nonresidential buildings shall be notified that the flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g., a building floodproofed to the base flood level will be rated as one foot below).

RESPONSE: It is understood that flood insurance rates will be based on rates that are one foot below the floodproofed level.

- b. Critical Facility. Construction of new critical facilities shall be, to the extent possible, located outside the limits of the Special Flood Hazard Area (SFHA) (100-year floodplain). Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated three feet above BFE or to the height of the 500-year flood, whichever is higher. Access to and from the critical facility should also be protected to the height utilized above. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible.

RESPONSE: This criterion does not apply as the project does not include the construction of any critical facilities.

Chapter 16.116 Design Standards

16.116.030 Design Standards.

The City's development design standards are for the commercial district along Highway 101, SW Dolphin and SE Marlin Avenues.

- A. Orientation of Buildings. Building(s) shall be located on the property with the principal building entrance oriented toward the primary focal point of the property/development.

RESPONSE: The site, as a fully developed shopping center with multiple buildings has multiple focal points. Among those focal points are the pad buildings themselves and the adjacent highway. Both buildings associated with this application orient to each other and/or the highway. Pad Building 1 has entrances face the highway as well as the proposed Pad Building 2 and toward the existing Starbucks building. Pad Building 2 has entries that face the existing Pad 1 Building. This criterion is met as both buildings have entries that orient toward one of the primary focal points onsite.

- B. Natural Features. The property owner/developer is encouraged to protect and incorporate areas of special interests and other natural features such as grade, trees, vegetation and waterways, into the overall site plan. These areas may be calculated as part of the landscaping requirement if healthy and not damaged during construction.

RESPONSE: The proposed project site is within a fully developed shopping center; therefore, natural features are limited. The site abuts Holbrook Slough. This feature is north of the main mall building and outside area of work; therefore, it will be preserved. The project will remove several trees that would be negatively impacted by the development; however, the project will also plant 14 new trees. This criterion is

met as the majority of existing natural features will be preserved.

C. Building Requirements.

1. Customer Entrances. The customer entrance(s) shall be clearly defined and highly visible by using features such as canopies, porticos, overhangs, recesses/projections, raised corniced parapets over the door, arcades, arches, wing walls, and integral planters are highly encouraged.

RESPONSE: All customer entrances are defined by canopies; therefore, this criterion is met.

2. Roof Design. Roofs should be designed to reduce the apparent exterior mass of a building, add visual interest and be appropriate to the architectural style of the building. Variations within one architectural style are highly encouraged. Visible roof lines and roofs that project over the exterior wall of a building enough to cast a shadow on the ground are highly encouraged. Architectural methods shall be used to conceal flat roof tops. Overhanging eaves, sloped roofs and multiple roof elements are highly encouraged. Mansard style roofs shall not be allowed.

RESPONSE: Both buildings have been designed with flat roofs and articulated parapets to reduce the mass of the buildings and add visual interest. Canopies are used throughout both buildings to provide pedestrian weather protection and accentuate building entries. This criterion is therefore met.

3. Materials.

- a. The predominant exterior building materials shall be of high-quality materials, including, but not limited to brick, sandstone, wood, native stone and tinted/textured concrete masonry units and/or glass products. Simulated material may be substituted for any of the aforementioned building materials.

RESPONSE: The buildings will be clad in various forms of metal siding with a concrete base. These materials are high-quality, durable and easy to maintain. This criterion is therefore met.

- b. At least three different building materials shall be used for 100% construction of a building.

RESPONSE: The buildings will be constructed of concrete, metal, glass, tile and cement fiber board. This criterion is met as more than three (3) materials are provided.

- c. Exterior building materials shall not include smooth-faced concrete block, tilt-up concrete panels, or T 1-11. Prefabricated steel panels are excluded unless the design and material meets the City's design standards.

RESPONSE: The project does not include any smooth-faced concrete block, tilt-up concrete panels, T1-11 siding or prefabricated steel panels. This criterion is therefore met.

- d. Metal roof may be allowed if compatible with the overall architectural design of the building.

RESPONSE: The project does not include metal roof except at the canopies. This criterion is therefore met.

4. Architectural Features. Architectural features include, but are not limited to, the following: recesses, projections, wall insets, arcades, window display areas, awnings, balconies, window projections, landscape structures or other features that complement the design intent of the structure and are acceptable to the Community Development Director.

RESPONSE: Both buildings include recesses and projections, ample windows and canopies. This criterion is met as both buildings utilize ample architectural features to provide visual interest and break up the mass of the buildings.

5. Building Colors. Exterior colors shall be of low reflectance, subtle, neutral or muted earth tone colors. The use of high intensity colors such as black, neon, metallic or fluorescent colors for the facade and/or roof of the building are prohibited except as approved for building trim.

RESPONSE: All colors proposed are low reflectance, muted earth toned. Pad Building 2 includes small areas of red as an accent color. This criterion is met as the project does not include any high intensity color such as black, neon, metallic or fluorescent.

6. Mechanical Equipment, Outdoor Storage and Service Areas. The location of loading docks, outdoor storage yards and all other service areas shall be located to the sides and/or rear of a building, except when a site abuts Highway 101, in which case the said areas shall be located to the sides of the building that do not face Highway 101.
- a. All outdoor storage yards, loading docks, service areas and mechanical equipment or vents larger than eight inches in diameter shall be concealed by screens at least as high as the equipment they hide, of a color and material matching or compatible with the dominant colors and materials found on the facades of the principal building. Chain link or cyclone fencing (with or without slats) shall not be used to satisfy this requirement.

RESPONSE: The project includes a new trash enclosure. The enclosure will be constructed of solid sight obscuring materials and high enough to ensure the containers inside are concealed. The adjacent transformer will be screening with landscaping. This criterion is met as all mechanical and storage/service areas are screened.

- b. Equipment that would remain visible despite the screening, due to differences in topography (i.e., a site that is at a lower grade than surrounding roadways) shall be completely enclosed except for vents needed for air flow, in which event such vents shall occupy no more than 25% of the enclosure façade.

RESPONSE: Any equipment not fully screened due to topography will be enclosed as required. This criterion will therefore be met.

- c. The architectural design of the buildings shall incorporate design features which screen, contain and conceal all heating, ventilation, air conditioning units, trash enclosures, dumpsters, loading docks and service yards.

RESPONSE: The buildings have been designed to provide screening of rooftop mechanical by the building parapets. The trash area will be screened by a new enclosure. This

criterion is therefore met.

- D. Community Amenities. Each building shall contribute to the establishment or enhancement of the community and public spaces by providing at least two community amenities such as: a patio/seating area, water feature, art work or sculpture, clock tower, pedestrian plaza with park benches, open spaces, or other features, such as a park acceptable to the review authority.

RESPONSE: Pad Building 1 includes two (2) outdoor seating/patio areas. Pad Building 2 provides a large outdoor seating area and includes a connection to the adjacent proposed park improvement. This criterion is met as both buildings include two (2) community amenities.

- E. Outdoor Lighting. The lighting for residential, commercial and industrial zones shall be shielded and directed down into the site and shall not shine or glare onto adjacent property or streets. Light poles, light fixtures and flag poles shall not exceed 25 feet in height. Installation cost shall be borne by the developer.

RESPONSE: The project does not include any new site lighting. Existing lighting will remain without change.

- F. Parking (Pods) Areas. Parking (pods) areas shall be divided by a six-foot pathway placed between the two rows of head-on parking stalls, which shall extend the full length of each parking pod. There shall be parking spaces provided for travelers in RVs and travel trailers. This section shall be in compliance with the requirements in Section 16.120.030 and Chapter 16.128 (Vehicle and Bicycle Parking).

RESPONSE: No head-on parking rows are being created; therefore, this criterion does not apply.

- G. Pathways/Walkways from Parking Area to Building Entrance(s). Internal pedestrian walkways shall be developed for persons who need access to the building(s) from the parking pods (areas). The walkways shall be located within the pods and shall be designed to provide access from the pods to the entrances of the building(s). The walkways shall be designed to separate people from moving vehicles as much as possible. These walkways shall have a minimum width of five feet with no car overhang or other obstruction. The walkways must also be designed for disabled access according to the International Building Code. This may require the walkways to be widened or modified. The walkways shall be distinguished from the parking and driving areas by use of any of the following materials: special pavers, bricks, raised elevation or scored concrete. Other materials may be used if they are appropriate to the overall design of the site and building and acceptable to the review authority; and shall meet the requirements in Section 16.120.030 (Pedestrian Access and Circulation).

RESPONSE: Both buildings associated with this project have walkways along the building frontage adjacent to the parking. All walkways are a minimum five (5) feet wide. This criterion is met as walkways are provided which allow access between the parking and buildings.

- H. Landscaping. Landscaping shall meet the requirements in Chapter 16.124 (Landscaping, Street

Trees, Fences and Walls).

RESPONSE: Landscaping meets the requirements of Chapter 16.124; refer to the corresponding narrative section and landscape drawings for detail information on landscaping. This criterion is therefore met.

Chapter 16.120 Access and Circulation

16.120.020 Vehicular Access and Circulation.

- C. Access Permit Required. Access to a street requires an access permit in accordance with the following procedures:
1. Permits for access to state highways shall be subject to review and approval by Oregon Department of Transportation (ODOT), except when ODOT has delegated this responsibility to the City or Clatsop County. In that case, the City or County shall determine whether access is granted based on its adopted standards.
 2. Permits for access to county highways shall be subject to review and approval by Clatsop County, except where the County has delegated this responsibility to the City, in which case the City shall determine whether access is granted based on adopted City standards.

RESPONSE: The site has an existing access. The project does not include any new accesses or modifications to the existing access.

- D. Traffic Study Requirements. The City or other agency with access jurisdiction may require a traffic study prepared by a qualified professional to determine access, circulation and other transportation requirements. (See also Chapter 16.136, Public Facilities Standards, and Chapter 16.256, Traffic Impact Study.)

RESPONSE: A full TIA prepared by licensed traffic engineers with Lancaster Mobley has been included with the submittal package. Scoping for the TIA was conducted with input from City and ODOT. This criterion is therefore met.

- E. Conditions of Approval. The City or other agency with access permit jurisdiction may require the closing or consolidation of existing curb cuts or other vehicle access points, recording of reciprocal access easements (i.e., for shared driveways), development of a frontage street, installation of traffic control devices, and/or other mitigation as a condition of granting an access permit, to ensure the safe and efficient operation of the street and highway system. Access to and from off-street parking areas (other than driveways that serve single-family, two-family, or three-family dwellings) shall not permit backing onto a public street.

RESPONSE: The site has one existing curb cut to E Harbor Drive. The included TIA analyzed that access and found the access functions without detriment to the site or abutting roadways; refer to the included TIA for detailed information.

- F. Access Options. When vehicle access is required for development (i.e., for off-street parking,

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

1. Option 1. Access is from an existing or proposed alley or mid-block lane. If a property has access to an alley or lane, direct access to a public street is not permitted.
2. Option 2. Access is from a private street or driveway connected to an adjoining property that has direct access to a public street (i.e., “shared driveway”). A public access easement covering the driveway shall be recorded in this case to assure access to the closest public street for all users of the private street/drive.
3. Option 3. Access is from a public street adjacent to the development parcel. If practicable, the owner/developer may be required to close or consolidate an existing access point as a condition of approving a new access. Street accesses shall comply with the access spacing standards in subsection G of this section, and require an access permit in accordance with subsection C of this section.
5. Double-Frontage Lots. When a lot has frontage onto two or more streets, access shall be provided first from the street with the lowest classification. For example, access shall be provided from a local street before a collector or arterial street. Except for corner lots, the creation of new double-frontage lots shall be prohibited in all residential districts, unless topographic or physical constraints require the formation of such lots. When double-frontage lots are permitted in a residential district, a landscape buffer with trees and/or shrubs and groundcover not less than 10 feet wide shall be provided between the back yard fence/wall and the sidewalk or street; maintenance shall be assured by the owner (i.e., through homeowner’s association, etc.).
6. Important Cross-References to Other Code Sections. Divisions 2 and 3 may require buildings placed at or near the front property line and driveways and parking areas oriented to the side or rear yard. The City may require the dedication of public right-of-way and construction of a street (e.g., frontage road, alley or other street) when the development impact is proportionate to the need for such a street, and the street is identified by the Comprehensive Plan or Transportation System Plan. (Please refer to Chapter 16.136, Public Facilities Standards.)

RESPONSE: The project site is part of a fully developed center that has frontage on U.S. Highway 101 and E. Harbor Drive. The site has an existing full turn access to E. Harbor Drive and access across Holbrook Slough to SE Neptune Drive (to west) via the city owned bridge.

- G. Access Spacing. Driveway accesses shall be separated from other driveways and street intersections in accordance with the following standards and procedures:
2. Arterial and Collector Streets. Unless directed otherwise by this Development Code or by the Warrenton Comprehensive Plan/TSP, access spacing on City collector and arterial streets and at controlled intersections (i.e., with four-way stop sign or traffic signal) in the City of Warrenton shall be determined based on the policies and standards contained in the Warrenton Transportation System Plan, Manual for Uniform Traffic Control Devices, or other applicable documents adopted by the City.

RESPONSE: The site has existing accesses. The project does not propose any new accesses. The included Traffic Analysis demonstrates that there are no safety hazards at the site intersection and no changes to the intersection are required except signage to indicate cars are not to block the intersection.

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

RESPONSE: The site has one access to E. Harbor Drive. They also have a cross property access through the abutting western parcel for indirect access to SE Neptune Drive. The proposed does not propose any new accesses.

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

RESPONSE: The existing access meets required spacing. There are no new accesses proposed.

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

RESPONSE: The site has one access to E. Harbor Drive. They also have a cross property access through the abutting western parcel for indirect access to SE Neptune Drive. The proposed does not propose any new accesses. The number of accesses is the minimum for efficient access to and from the site. This criterion is met.

- I. **Shared Driveways.** The number of driveway and private street intersections with public streets shall be minimized by the use of shared driveways with adjoining lots where feasible. The City shall require shared driveways as a condition of land division, development review, or site design review, as applicable, for traffic safety and access management purposes in accordance with the following standards:
 1. Shared driveways and frontage streets may be required to consolidate access onto a collector or arterial street. When shared driveways or frontage streets are required, they shall be stubbed to adjacent developable parcels to indicate future extension. "Stub" means that a driveway or street temporarily ends at the property line, but may be extended in the future as the adjacent parcel develops. "Developable" means that a parcel is either vacant or it is likely to receive

- additional development (i.e., due to infill or redevelopment potential).
2. Access easements (i.e., for the benefit of affected properties) shall be recorded for all shared driveways, including pathways, at the time of final plat approval (Chapter 16.216) or as a condition of development review or site development approval (Chapter 16.212).
 3. Exception. Shared driveways are not required when existing development patterns or physical constraints (e.g., topography, parcel configuration, and similar conditions) prevent consolidation of access points to public streets.
 4. Cross Access. Cross access is encouraged, and may be required, between contiguous sites in commercial (C-1, C-MU, C-2 & R-C) and industrial (I-1 & I-2) districts and for multifamily housing developments in the High Density Residential District in order to provide more direct circulation between sites and uses for pedestrians, bicyclists, and drivers.

RESPONSE: The site has an existing shared driveway to East Harbor Drive. There are no additional abutting properties to share access with and no new shared accesses proposed.

- K. Driveway Openings and Widths. Driveway openings (or curb cuts) shall be the minimum width necessary to provide the required number of vehicle travel lanes (10 feet for each travel lane). The following standards (i.e., as measured where the front property line meets the sidewalk or right-of-way) are required to provide adequate site access, minimize surface water runoff, and avoid conflicts between vehicles and pedestrians:
4. Access widths for all other uses shall be based on 10 feet of width for every travel lane, except that driveways providing direct access to parking spaces shall conform to the parking area standards in Chapter 16.128.

RESPONSE: The site has an existing shared driveway to East Harbor Drive. There are no additional abutting properties to share access with and no new shared accesses proposed.

5. Setback Required. A minimum five-foot setback from the edge of driveway to any property line is required. The setback area shall be kept free of impervious surfaces at all times and shall be vegetated to minimize surface water runoff to adjoining properties. These requirements may be increased if the Community Development Director, building official, City-appointed engineer, or Planning Commission determines that topography, soil conditions, or other circumstances dictate the need for additional protection measures.

RESPONSE: The existing driveway is not adjacent to any property lines. This criterion does not apply.

6. Driveway Aprons. Driveway aprons shall meet City construction standards and be installed between the street right-of-way and the private drive, as shown in Figure 16.120.020.K. Driveway aprons shall conform to ADA standards for sidewalks and pathways, which require a continuous route of travel that is a minimum of three feet in width, with a cross slope not exceeding two percent.

RESPONSE: The aprons of the existing driveway will be reconstructed as needed to meet current city standards. This criterion will therefore be met.

7. Driveway Approaches. Driveway approaches should be designed and located to provide an existing vehicle with an unobstructed view. Construction of driveways along acceleration or deceleration lanes or tapers should be avoided due to potential for vehicle conflicts.

RESPONSE: The site has an existing shared driveway to East Harbor Drive. There are no additional abutting properties to share access with and no new shared accesses proposed. The included TIA demonstrates that adequate sight distance exists for this access. This criterion is therefore met.

8. Loading Area Design. The design of driveways and on-site maneuvering and loading areas for commercial and industrial developments shall consider the anticipated storage length for entering and exiting vehicles, in order to prevent vehicles from backing into the flow of traffic on the public street or causing unsafe conflicts with on-site circulation.

RESPONSE: The pad buildings associated with this project and their intended tenants, small quick service restaurants, will not receive deliveries via large trucks. At this time dedicated loading berths are not required for these buildings and have not been included in the proposed plan. All deliveries can be accommodated with the proposed parking and maneuvering as shown. This criterion is therefore met as driveway and maneuvering areas have been designed to accommodate the needs of anticipated vehicles.

- L. Fire Access and Circulation. The City of Warrenton adopts the Uniform Fire Code, as amended, including administrative sections and all appendices and all the State of Oregon revisions. All development in the City of Warrenton is required to meet these minimum adopted standards.
 1. Required Access. A fire equipment access drive that meets City construction standards shall be provided for any portion of an exterior wall of the first story of a building that is located more than 150 feet from an improved public street or approved fire equipment access drive. Plans for fire apparatus access roads shall be submitted to the Warrenton Fire Department and Warrenton City-appointed engineer for review and approval prior to issuance of building permits, grading permits, or start of construction. When fire apparatus access road(s) are required, the road(s) shall be installed and made serviceable prior to and during time of construction. Fire department access roads shall be provided and maintained in accordance with the fire department access requirements of the Uniform Fire Code, as amended.

RESPONSE: Fire access is provided throughout the site currently and is maintained with the provided plan. Both buildings are directly accessible by fire trucks. This criterion is therefore met.

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

RESPONSE: All vehicular aisles within the center are a minimum 20 feet wide and accessible to fire trucks. This criterion is therefore met.

3. Turnaround Required. Dead-end fire apparatus roads in excess of 150 feet shall be provided

with approved provisions for the turning around of fire apparatus. See Table 16.136.010 for minimum standards.

RESPONSE: This criterion does not apply as there are no dead-end fire apparatus roads included in this site or project.

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

RESPONSE: This criterion is met as no accesses or aisles have a grade greater than 12%.

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

RESPONSE: All aisles meet city standards and provide adequate maneuvering area for trucks. This criterion is therefore met.

- M. Vertical Clearances. Driveways, private streets, aisles, turn-around areas and ramps shall have a minimum vertical clearance of 13 feet 6 inches for their entire length and width.

RESPONSE: All driveways and aisles provide a minimum vertical clearance of 13.5 feet for their entire length and width. This criterion is therefore met.

- N. Vision Clearance. No signs, structures or vegetation in excess of three feet in height shall be placed in vision clearance areas, as shown in Figure 16.120.020.N. The minimum vision clearance area may be increased by the Community Development Director, City-appointed engineer, or Planning Commission upon finding that more sight distance is required (i.e., due to traffic speeds, roadway alignment, etc.). See also Chapter 16.132 for additional requirements.

RESPONSE: The proposed project does not include any signage or new vegetation within clear vision areas.

- O. Construction. The following development and maintenance standards shall apply to all driveways, parking areas, and private streets in the City of Warrenton:
 1. Surface Options. All driveways, parking areas, aisles, and turn-a-rounds in the City of Warrenton shall be paved with asphalt, concrete, or other comparable surfacing. A durable non-paving material may be used for driveways and private streets that serve three or fewer residential dwelling units and in other instances where the need to reduce surface water runoff and protect water quality can be demonstrated through adequate findings of fact submitted by the applicant and/or property owner as part of the development proposal. All paving and non-paving surfaces shall meet City construction standards and shall be subject to review and approval by the Community Development Director, City-appointed engineer, and/or Planning Commission.

RESPONSE: All parking area are paved with asphalt and will remain asphalt. This criterion will

continue to be met.

2. Surface Water Management. All driveways, parking areas, aisles and turn-a-rounds shall have on-site collection or infiltration of surface waters to eliminate sheet flow of such waters onto public rights-of-way and abutting property. Surface water facility plans shall be prepared by a qualified person and constructed in conformance with City standards. Such plans shall attempt to follow the principle that water falling on a given site should be absorbed or retained on-site to the extent that the quantity and rate of water leaving the site after the development would not be significantly different than if the site had remained undeveloped.

RESPONSE: The site has an existing stormwater management system that will be retained and modified as needed to accommodate the new building. Refer to the included civil plans which detail the modifications of that system. This criterion is met as all driveways, parking areas, and aisles have an on-site collection system for surface waters that prevents the sheet flow of waters onto public rights-of-way and abutting property.

3. Driveway Aprons. When driveway approaches or “aprons” are required to connect driveways to the public right-of-way, they shall be paved with concrete surfacing and meet City construction standards. (Ord. 1225 § 5, 2019)

RESPONSE: The exiting apron is paved and will remain so. This criterion is therefore met.

16.120.030 Pedestrian Access and Circulation.

- A. Pedestrian Access and Circulation. To ensure safe, direct and convenient pedestrian circulation, all developments, except single-family detached housing, duplexes, or triplexes on individual lots, shall provide a continuous pedestrian and/or multi-use pathway system. (Pathways only provide for pedestrian circulation. Multi-use pathways accommodate pedestrians and bicycles.) The system of pathways shall be designed based on the standards in paragraphs 1 through 3 of this subsection:
 1. Continuous Pathways. The pathway system shall extend throughout the development site, and connect to all future phases of development, adjacent trails, public parks and open space areas whenever possible. The developer may also be required to connect or stub pathway(s) to adjacent streets and private property, in accordance with the provisions of Section 16.120.020, Vehicular Access and Circulation, and Chapter 16.136, Public Facilities Standards.

RESPONSE: There is an existing walkway along the façade of the main building and connects to the existing Pad Building 1. The proposed project will maintain the connection and enhance it with adequate width striping. A new connection between Pad Building 1 and the new pad building will be provided. The walkway to Pad Building 1 will also connect to the pedestrian pathway planned along the south side of the driveway to E. Harbor Drive. This criterion is met as continuous paths are provided.

2. Safe, Direct, and Convenient Pathways. Pathways within developments shall provide safe, reasonably direct and convenient connections between primary building entrances and all adjacent streets and existing or planned transit stops, based on the following definitions:
 - a. Reasonably Direct. A route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for likely users.

RESPONSE: All new pathways are as reasonably direct as allowed by grades and existing development. This criterion is therefore met.

- b. Safe and Convenient. Bicycle and pedestrian routes that are reasonably free from hazards and provide a reasonably direct route of travel between destinations.

RESPONSE: All pedestrian and bicycle routes are free from hazards and provide a reasonably direct route of travel. This criterion is therefore met.

- c. For commercial, industrial, mixed use, public, and institutional buildings, the “primary entrance” is the main public entrance to the building. In the case where no public entrance exists, street connections shall be provided to the main employee entrance.

RESPONSE: All main entrances to the buildings are accessible by pedestrian pathways.

- 3. Connections Within Development. For all developments subject to site design review, pathways shall connect all building entrances to one another. In addition, pathways shall connect all parking areas, storage areas, recreational facilities and common areas (as applicable), and adjacent developments to the site, as applicable.

RESPONSE: As noted in prior narrative sections, the main mall building has an existing pedestrian pathway and a connection to the existing Pad 1 building. This project will enhance that connection with striping of adequate width. Pad Building 1 has a walkway that encircles the building providing access to both tenant entries, parking and outdoor eating areas. This walkway also connects to Pad Building 2 which has pedestrian accessibility on all sides except the pick-up window façade. This criterion is met as all building entrances are connected and accessible by pedestrian pathways.

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

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

RESPONSE: All pedestrian pathways will be raised except at drive aisle crossings. All crossings include ADA compliant curb ramps. This criterion is therefore met.

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

RESPONSE: All pedestrian crossings of drive aisles will be delineated by painted thermoplastic

striping. This criterion is therefore met.

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

RESPONSE: All pathways will be constructed of concrete. This criterion is therefore met.

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

RESPONSE: All pathways associated with this project have been designed and will be installed to meet the Americans with Disabilities Act. This criterion is therefore met.

Chapter 16.124 Landscaping, Street Trees, Fences and Walls

16.124.060 Landscape Conservation.

- A. Applicability. All development sites containing significant vegetation, as defined below, shall comply with the standards of this section. The purpose of this section is to incorporate significant native vegetation into the landscapes of development. The use of mature, native vegetation within developments is a preferred alternative to removal of vegetation and re-planting. Mature landscaping provides summer shade and wind breaks, and allows for water conservation due to larger plants having established root systems.
- B. Significant Vegetation. "Significant vegetation" means:
 - 1. Significant Trees and Shrubs. Individual trees located within a mapped wetland area as depicted on the 1" = 400' maps entitled City of Warrenton Wetland Conservation Plan Inventory dated October 17, 1997 with a trunk diameter of 18 inches or greater, as measured four feet above the ground (DBH), and all plants within the drip line of such trees and shrubs, shall be protected. Other trees may be deemed significant, when nominated by the property owner and designated by the City Commission as "Heritage Trees" (i.e., by virtue of site, rarity, historical significance, etc.).

RESPONSE: The proposed project does not impact any significant trees.

16.124.070 New Landscaping.

- B. Landscaping Plan Required. For every new development in the City of Warrenton requiring a City permit, a landscape plan is required. All landscape plans shall include the following minimum required details (see Section 16.212.040 for additional landscape plan requirements for projects requiring site design review):
 - 1. Legal description (e.g., assessor parcel number, copy of warranty deed, etc.) for the subject property;
 - 2. Property lines with the location and general description (height and type of material) of existing and proposed fences and other buffering or screening materials;
 - 3. The location of existing and proposed terraces or retaining walls;

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

RESPONSE: A Landscape Plan, Sheet L1.0, has been provided with the submitted materials. Some of the above items, like items #1 and 8, can be found on the included civil and site plans. All of the above items have been provided on the included drawings and a landscape plan has been provided. This criterion is therefore met.

- C. Landscape Area Standards. The minimum percentage of required landscaping equals:
2. Commercial districts: 15% of the site shall be landscaped according to the requirements of this section.

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

RESPONSE: The total area of the development is approximately 7.34 acres (319,730 square feet) and is required 47,960 square feet (15%) landscaping. The proposed project will provide 64,114 square feet of landscape area 20 %. This criterion is met as the landscape area will exceed the minimum required.

- D. Landscape Materials. Landscape materials include trees, shrubs, groundcover plants, turf grasses (e.g. grass sod or seed), and outdoor hardscape features, as described below:
1. Natural Vegetation. Natural vegetation shall be preserved or planted where practicable.

RESPONSE: There is minimal natural vegetation within the project area. There are large expanses of grass and some shrubs adjacent to the existing building. There project will remove the following existing trees: four (4) trees along the northwest existing building elevation, three (3) trees southwest of the existing building and four (4) trees adjacent to the pylon sign at the driveway/East Harbor Drive intersection. These trees are required to be removed due to impacts of construction. The project will plant 14 new trees.

2. Plant Selection. A combination of deciduous and evergreen trees, shrubs, turf grasses, and groundcovers shall be used for all planted areas, the selection of which shall be based on local climate, exposure, water availability, and drainage conditions. As necessary, soils shall be amended to allow for healthy plant growth.

RESPONSE: A combination of deciduous and evergreen trees, shrubs, grasses and groundcover has been provided. Refer to the included landscape plan. The plant materials have been selected to be compatible with the local climate, exposure, water availability and drainage conditions. Soils will be amended as needed to allow for healthy plant growth. This criterion is therefore met.

3. "Non-native, invasive" plants, as per Section 16.124.020, shall be prohibited.

RESPONSE: The proposed landscape plan does not include any invasive plants. This criterion is therefore met.

4. Hardscape features (i.e., patios, decks, plazas, etc.) may cover up to 50% of the required landscape area. Swimming pools, sports courts and similar active recreation facilities may not be counted toward fulfilling the landscape requirement.

RESPONSE: The 64,114 square feet of landscape provided does not include any hardscape features. With hardscape features included the provided landscape area is significantly higher.

5. Non-plant Groundcovers. Bark dust, chips, aggregate or other non-plant groundcovers may be used, but shall cover no more than 50% of the area to be landscaped. "Coverage" is measured based on the size of plants at maturity or after five years of growth, whichever comes sooner.

RESPONSE: The project does not include more than 50% non-plan ground cover. This criterion is therefore met.

6. Tree Size. Trees shall have a minimum caliper size of one and one-half inches or greater (two inches for required street trees) at time of planting.

RESPONSE: All trees planted onsite have been specified at a minimum 1.5 inches. The project does not include any street trees. Refer to Sheet L1.0 for plant specification information. This criterion is therefore met.

7. Shrub Size. Shrubs shall be balled and burlapped and sized to fit in multi-gallon containers.

RESPONSE: All shrubs will be balled and burlapped and sized in multi-gallon containers. This criterion will therefore be met.

8. Groundcover Size. Groundcover plants shall be sized and spaced so that they grow together to cover a minimum of 30% of the underlying soil within two years.

RESPONSE: All groundcover has been specified at sizes and spacing that will ensure they grow together to cover a minimum 30% of the underlying soil within two (2) years. Refer to Sheet L1.0. This criterion is therefore met.

9. Significant Vegetation. Significant vegetation preserved in accordance with Section 16.124.020 may be credited toward meeting the minimum landscape area standards. Credit shall be granted on a per square foot basis. The street tree standards of Section 16.124.040 may be waived when trees preserved within the front yard provide the same or better shading and visual quality as would otherwise be provided by street trees.

RESPONSE: The project site does not include any significant vegetation. This criterion does not apply.

10. Stormwater Facilities. Stormwater facilities (e.g., detention/retention ponds and swales) shall be

landscaped with water tolerant, native plants.

RESPONSE: The site does not include any detention/retention ponds or swales. This criterion does not apply.

E. Landscape Design Standards. All yards, parking lots and required street tree planter strips shall be landscaped in accordance with the provisions of Sections 16.124.010 through 16.124.050. Landscaping shall be installed with development to provide erosion control, visual interest, buffering, privacy, open space and pathway identification, shading and wind buffering, and to help control surface water drainage and improvement of water quality, based on the following standards:

1. Yard Setback Landscaping. Landscaping shall satisfy the following criteria:
 - a. Provide visual screening and privacy within side and rear yards while leaving front yards and building entrances mostly visible for security purposes.

RESPONSE: The side yard includes a shrub hedge to visual screening. The front yard has been left as is to visibility. This criterion is therefore met.

- b. Use shrubs and trees as wind breaks, as appropriate.

RESPONSE: The proposed trees and shrubs will reduce wind impacts onsite. This criterion is therefore met.

- c. Retain natural vegetation, as practicable.

RESPONSE: Existing vegetation has been retained to the extent practicable with only that vegetation negatively impacted by development proposed for removal. This criterion is therefore met.

- d. Define pedestrian pathways and open space areas with landscape materials.

RESPONSE: Trees and shrubs have been proposed along all pedestrian pathways to define them. This criterion is therefore met.

- e. Provide focal points within a development, such as signature trees (i.e., large or unique trees), hedges and flowering plants.

RESPONSE: Hedges and landscaping flanking the building entries provide focal points within the development. The project also includes tentative landscape improvements to the right-of-way triangle between the site and Highway 101/East Harbor Drive intersection. This not within the site's property lines its proximity to the site implies it association with the site. The landscape improvements here would be a major focal point. This criterion is therefore met.

- f. Use trees to provide summer shading within common open space areas, and within front yards when street trees cannot be provided.

RESPONSE: Trees have been placed to provide shade along the proposed outdoor seating areas and within the parking area. This criterion is therefore met.

- g. Use a combination of plants for year-long color and interest.

RESPONSE: The proposed landscape plan includes a mix of trees, shrubs and groundcover as well as evergreen and deciduous plants to ensure year-round color and interest. This criterion is therefore met.

- h. Use landscaping to screen outdoor storage and mechanical equipment areas, and to enhance graded areas such as berms, swales and detention/retention ponds.

RESPONSE: The new refuse and recycling area is screened by an enclosure and the existing transformer adjacent to the existing pad building will be screened with landscaping. This criterion is met as outdoor storage area and mechanical equipment areas are screened.

2. Parking Areas. A minimum of eight percent of the combined area of all parking areas, as measured around the perimeter of all parking spaces and maneuvering areas, shall be landscaped. Such landscaping shall consist of an evenly distributed mix of shade trees with shrubs and/or groundcover plants. "Evenly distributed" means that the trees and other plants are distributed around the parking lot perimeter and between parking bays to provide a partial canopy. At a minimum, one tree per five parking spaces total shall be planted to create a partial tree canopy over and around the parking area. All parking areas with more than 20 spaces shall include landscape islands with trees to break up the parking area into rows of not more than 12 contiguous parking spaces. All landscaped areas shall have minimum dimensions of four feet by four feet to ensure adequate soil, water, and space for healthy plant growth.

RESPONSE: The existing development contains 226,215 square feet of combined parking area and provides approximately 10,654 square feet (4.7%) of landscape. The proposed project will reduce the total parking area to 215,799 square feet and maintain the existing interior landscape percentage of 4.7% with approximately 10,320 square feet interior landscaping. All landscape planter islands inside the work area include trees.

3. Buffering and Screening Required. Buffering and screening are required under the following conditions:
 - a. Parking/Maneuvering Area Adjacent to Streets and Drives. Where a parking or maneuvering area is adjacent and parallel to a street or driveway, a decorative wall (masonry or similar quality material), arcade, trellis, evergreen hedge, or similar screen shall be established parallel to the street or driveway. The required wall or screening shall provide breaks, as necessary, to allow for access to the site and sidewalk by pedestrians via pathways. The design of the wall or screening shall also allow for visual surveillance of the site for security. Evergreen hedges used to comply with this standard shall be a minimum of 36 inches in height at maturity, and shall be of such species, number and spacing to provide the required screening within one year after planting. Any areas between the wall/hedge and the street/driveway line shall be landscaped with plants or other groundcover. All walls shall be maintained in good condition, or otherwise replaced by the owner.

RESPONSE: The proposed landscape plan includes a hedge along the east side of the order

pick-up window lane of the new building. This criterion is therefore met.

- b. Parking/Maneuvering Area Adjacent to Building. Where a parking or maneuvering area, or driveway, is adjacent to a building (other than a single-family, two-family, or three-family dwelling), the area shall be separated from the building by a raised pathway, plaza, or landscaped buffer not less than four feet in width. Raised curbs, bollards, wheel stops, or other design features shall be used to protect buildings from being damaged by vehicles. When parking areas are located adjacent to residential ground-floor living space (except for a single-family residence, duplex, and triplex), a landscape buffer is required to fulfill this requirement.

RESPONSE: In all areas where parking and maneuvering areas are adjacent to a building it is separated from the building by either a sidewalk or landscaped area. This criterion is therefore met.

- c. Screening of Mechanical Equipment, Outdoor Storage, Service and Delivery Areas, and Automobile-Oriented Uses. All mechanical equipment, outdoor storage and manufacturing, and service and delivery areas, shall be screened from view from all public streets and residential districts. Screening shall be provided by one or more the following: decorative wall (i.e., masonry or similar quality material), evergreen hedge, non-see-through fence, or a similar feature that provides a non-see-through barrier. Walls, fences, and hedges shall comply with the vision clearance requirements and provide for pedestrian circulation, in accordance with Chapter 16.120, Access and Circulation. (See Section 16.124.050 for standards related to fences and walls.)

RESPONSE: The new refuse and recycling area is screened by an enclosure. The existing transformer adjacent to the existing pad building will be screened with landscaping. And, the order pick-up queue lane is screened with an evergreen hedge. This criterion is met as mechanical equipment, service area and automobile-oriented use areas are appropriately screened.

- F. Maintenance and Irrigation. The use of drought-tolerant plant species is encouraged, and may be required when irrigation is not available. Irrigation shall be provided for plants that are not drought-tolerant. If the plantings fail to survive, the property owner shall replace them with healthy plantings of shrubs, flowering plants and/or trees. All other landscape features required by this Code shall be maintained in good condition, or otherwise replaced by the owner.

RESPONSE: The existing site is irrigated and the proposed minor changes to landscaping will be tied into the existing irrigation system. This criterion is therefore met.

16.124.080 Street Trees.

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

- A. Growth Characteristics. Trees shall be selected based on growth characteristics and site conditions, including available space, overhead clearance, soil conditions, exposure, and desired color and

appearance. The following should guide tree selection:

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

RESPONSE: At this time the only right-of-way work included with the project is a walkway along East Harbor Drive to the Highway 101 intersection. The preapp notes did not indicate that street trees were required for this project.

Chapter 16.128 Vehicle and Bicycle Parking

16.128.030 Vehicle Parking Standards.

At the time a structure is erected or enlarged, or the use of a structure or parcel of land is changed within any zone in the City, off-street parking spaces shall be provided in accordance with requirements in this section, chapter, and Code, unless greater requirements are otherwise established. The minimum number of required off-street vehicle parking spaces (i.e., parking that is located in parking lots and garages and not in the street right-of-way) shall be determined based on the standards in Table 16.128.030.A.

A. General Provisions.

1. Groups of four or more off-street parking spaces shall be served by a driveway or aisle so that no backing movements or other maneuvering within a street or right-of-way, other than an alley, will be required. Section 16.120.020 contains driveway opening and width standards.

RESPONSE: All parking is served with an aisle and driveway. There is no parking provided that requires backing movements or other maneuvering within a street or right-of-way. This criterion is therefore met.

2. Service drives or aisles to off-street parking areas shall be designed and constructed to facilitate the flow of traffic and to provide maximum safety to pedestrian, bicycle, and vehicular traffic on the site.

RESPONSE: The project is within an existing center with an established parking layout and drive aisles. The project will remain the drive aisles established and provide new pedestrian walkways to ensure maximum safety. Additionally, the queue lane for the pick-up window has been designed to ensure that neither the entrance or exit interferes with onsite vehicular traffic by placing it along the boundary of the site an maximizing its distance to the main entrance as is practicable.

3. Service drives or aisles shall be clearly and permanently marked and defined through the use of bumper rails, fences, buildings, walls, painting, or other appropriate markers.

RESPONSE: All vehicular areas are defined by permanently painted markings, landscaping with curbs, raised walkways and buildings. This criterion is therefore met.

4. Fractional space requirements shall be counted as a whole space.

RESPONSE: All fractions have been counted as a whole. This criterion is therefore met.

5. All parking lots shall be designed and constructed to meet the City standards of Section 16.120.020, this chapter, Chapter 16.136, and this Code.

RESPONSE: The site is fully developed. The proposed project includes only minor changes to the existing parking located in the northeast corner of the site. All changes have been designed to be compliant with Sections 16.120.020 and 16.136. This criterion is therefore met.

6. Uses not specifically listed above shall furnish parking as required by the Community Development Director, who shall consider uses similar to those listed in Table 16.128.030.A and the Institute of Traffic Engineers Parking Generation as guides for determining requirements for other uses.

RESPONSE: All uses provided are listed in Table 16.128.030.A. This criterion does not apply.

7. Parking spaces and parking areas may be used for transit related uses such as transit stops and park-and-ride/rideshare areas, provided minimum parking space requirements can still be met.

RESPONSE: The proposed project does not include parking spaces for transit related uses. This criterion does not apply.

8. Parking areas that have designated employee parking and more than 20 automobile parking spaces shall provide at least 10% of the employee parking spaces (minimum two spaces) as preferential carpool and vanpool parking spaces. Preferential carpool and vanpool parking spaces shall be closer to the employee entrance of the building than other parking spaces, with the exception of ADA accessible parking spaces.

RESPONSE: The site does not have designated employee parking; therefore, this criterion does not apply.

9. Sites that are adjacent to existing or planned transit stops or are in the General Commercial (C-1) and Commercial Mixed Use (C-MU) districts are subject to maximum off-street vehicle parking requirements. The maximum number of off-street vehicle parking spaces allowed per site shall be equal to the minimum number of required spaces, pursuant to Table 16.128.030.A, multiplied by a factor of:
- 1.2 spaces for uses fronting a street with adjacent on-street parking spaces; or
 - 1.5 spaces, for uses not fronting a street with adjacent on-street parking; or

- c. A factor determined according to a parking analysis prepared by a qualified professional/registered engineer and submitted by the applicant.

RESPONSE: Per Table 16.128.030.A, the site, at completion will have 104,284 square feet of building area requiring a minimum of 311 vehicular parking spaces after application of Section 16.128.030.10(a), reduction for adjacency to transit. The site is allowed 466 parking stalls maximum. The site will provide 366 total parking spaces. This criterion is therefore met.

10. The applicant may propose a parking space standard that is different than the standard in Table 16.128.030.A, for review and action by the Community Development Director through a variance procedure, pursuant to Chapter 16.272. The applicant's proposal shall consist of a written request and a parking analysis prepared by a qualified professional/registered engineer. The parking analysis, at a minimum, shall assess the average parking demand and available supply for existing and proposed uses on the subject site; opportunities for shared parking with other uses in the vicinity; existing public parking in the vicinity; transportation options existing or planned near the site, such as frequent transit service, carpools, or private shuttles; and other relevant factors.

The Community Development Director may reduce or waive the off-street parking standards for sites with one or more of the following features:

- a. Site has a transit stop with existing or planned frequent transit service (30-minute headway or less) located adjacent to it, and the site's frontage is improved with a transit stop shelter, consistent with the standards of the applicable transit service provider: Allow up to a 20% reduction to the standard number of automobile parking spaces;
- b. Site has dedicated parking spaces for carpool/vanpool vehicles: Allow up to a 10% reduction to the standard number of automobile parking spaces;
- c. Site has dedicated parking spaces for motorcycle and/or scooter or electric carts: Allow reductions to the standard dimensions for parking spaces and the ratio of standard to compact parking spaces;
- d. Available on-street parking spaces adjacent to the subject site in amounts equal to the proposed reductions to the standard number of parking spaces.
- e. Site has more than the minimum number of required bicycle parking spaces: Allow up to 10% reduction to the number of automobile parking spaces.
- f. The property is located in the downtown area as defined by the intersection of E Harbor Drive, S Main Avenue and 4th Street.

RESPONSE: The site provides a total of 366 parking stalls. Per Table 16.128.030.A, the required number of parking spaces is 388.

The site is adjacent to the existing transit stop located along SE Neptune Drive and the site has a shared access to SE Neptune that is adjacent to the stop. As discussed with Kevin at a meeting on January 2, 2019, the site, due to its proximity to existing transit may utilize Sub Item (a) above for a 6% reduction in parking.

**Table 16.128.030.A
Off-Street Parking Requirements**

Commercial Uses	Parking Spaces Required
General retail or personal services businesses including banks, salons, and markets	1 space per 350 sq. ft. of gross floor area
Restaurants, bars, cafés, ice cream parlors, and similar uses	1 space per 4 seats or 1 space per 100 sq. ft. of gross leasable floor area, whichever is less

B. Parking Location and Shared Parking.

1. Location. Vehicle parking is allowed only on approved parking shoulders (streets), within garages, carports and other structures, or on driveways or parking lots that have been developed in conformance with this Code. Parking and loading areas shall not be located in required yards adjacent to a street unless otherwise specifically permitted in this ordinance. Side and rear yards that are not adjacent to a street may be used for such areas when developed and maintained as required in this chapter. See also Chapter 16.120, Access and Circulation.

RESPONSE: All parking is provided onsite and outside of required yards adjacent to streets. This criterion is therefore met.

2. Off-Site Parking. Except for single-family, two-family, and three-family dwellings, the vehicle parking spaces required by this chapter may be located on another parcel of land, provided the parcel is within 200 feet or a reasonable walking distance of the use it serves. The distance from the parking area to the use shall be measured from the nearest parking space to a building entrance, following a sidewalk or other pedestrian route. The right to use the off-site parking must be evidenced by a recorded deed, lease, easement, or similar written instrument.

RESPONSE: All parking is located onsite. This criterion does not apply.

3. Mixed Uses. If more than one type of land use occupies a single structure or parcel of land, the total requirements for off-street automobile parking shall be the sum of the requirements for all uses, unless it can be shown that the peak parking demands are actually less (i.e., the uses operate on different days or at different times of the day). In that case, the total requirements shall be reduced accordingly.

RESPONSE: All uses fall under the “shopping center” category and have been calculated as such.

4. Shared Parking. Required parking facilities for two or more uses, structures, or parcels of land may be satisfied by the same parking facilities used jointly, to the extent that the owners or operators show that the need for parking facilities does not materially overlap (e.g., uses primarily of a daytime versus nighttime nature), and provided that the right of joint use is evidenced by a recorded deed, lease, contract, or similar written instrument establishing the joint use.

RESPONSE: The shopping center includes the main mall building, three (3) pad buildings and a small kiosk. All buildings and uses onsite share parking. Parking has been calculated and is provided based on the total square footage onsite. Parking is not shared; therefore, this criterion does not apply.

- 5. Availability of Facilities. Owners of off-street parking facilities may post a sign indicating that all parking on the site is available only for residents, customers and/or employees, as applicable. Signs shall conform to the standards of Chapter 16.144.

RESPONSE: All required signage will be posted. This criterion will therefore be met.

- C. Parking Stall Standard Dimensions and Compact Car Parking. All off-street parking stalls shall be improved to conform to City standards for surfacing, stormwater management, and striping. See Section 16.120.020 for parking lot construction standards. Up to 40% of the required spaces may be sized to accommodate compact cars. Standard parking spaces shall conform to the dimensions in Figure 16.128.030.C. Disabled person parking spaces shall conform to the standards (and dimensions) in this section.

RESPONSE: All parking provided within the project work area meet the standard size requirements of Figure 16.128.030.C. Full size stalls are a minimum nine (9) feet wide and 19 feet long and the eight (8) compact stalls provided are nine (9) feet wide by 15 feet long.

**Figure 16.128.030.C
Parking Stall Dimensions
(See Section 16.128.030(D) for Disabled Parking)**

Minimum Parking Space and Aisle Dimensions						
Angle (A)	Type	Width (B)	Curb Length (C)	1 Way Aisle Width (D)	2 Way Aisle Width (D)	Stall Depth (E)
0° (Parallel)	Standard	8 ft.	22 ft. 6 in.	12 ft.	24 ft.	8 ft.
	Compact	7 ft. 6 in.	19 ft. 6 in.	12 ft.	24 ft.	7 ft. 6 in.
	Disabled					
30°	Standard	9 ft.	18 ft.	12 ft.	24 ft.	17 ft.
	Compact	7 ft. 6 in.	15 ft.	12 ft.	24 ft.	14 ft.
	Disabled					
45°	Standard	9 ft.	12 ft. 6 in.	12 ft.	24 ft.	19 ft.
	Compact	7 ft. 6 in.	10 ft. 6 in.	12 ft.	24 ft.	16 ft.
	Disabled					
60°	Standard	9 ft.	10 ft. 6 in.	18 ft.	24 ft.	20 ft.
	Compact	7 ft. 6 in.	8 ft. 6 in.	15 ft.	24 ft.	16 ft. 6 in.
	Disabled					
90°	Standard	9 ft.	9 ft.	24 ft.	24 ft.	19 ft.
	Compact	7 ft. 6 in.	7 ft. 6 in.	22 ft.	24 ft.	15 ft.
	Disabled					

- D. Disabled Person Parking Spaces. The following parking shall be provided for disabled persons, in conformance with the Americans With Disabilities Act. Disabled parking is included in the minimum number of required parking spaces in this subsection.

RESPONSE: The site has 366 total parking spaces requiring eight (8) ADA compliant stalls of which one (1) needs to be van accessible. The site provides 10 ADA stall, all of which van accessible.

Figure 16.128.030.D: Disabled Person Parking Requirements: Minimum Number of Accessible Parking Spaces; ADA Standards for Accessible Design

Total Number of Parking Spaces Provided (per lot)	Total Minimum Number of Accessible Parking Spaces (60" & 96" aisles)	Van Accessible Parking Spaces with Minimum 96" Wide Access Aisle	Accessible Parking Spaces with Minimum 60" Wide Access Aisle
	Column A		
101 to 150	5	1	4
151 to 200	6	1	5
201 to 300	7	1	6
301 to 400	8	1	7

* 1 out of every 8 accessible spaces.

** 7 out of every 8 accessible parking spaces.

16.128.040 Bicycle Parking Requirements.

- A. All uses shall provide bicycle parking in conformance with the following standards which are evaluated during development review or site design review.
- B. Number of Bicycle Parking Spaces. The minimum number of bicycle parking spaces required for uses is provided in Table 16.128.040.A.

Where an application is subject to Conditional Use Permit approval or the applicant has requested a reduction to the vehicle parking standard, pursuant to 16.128.030(A)(10), the City may require bicycle parking spaces in addition to those in Table 16.128.040.A.

RESPONSE: The existing building’s square footage will be reduced to approximately 4,850 square feet in area and the new pad building is approximately 2,325 square feet in area requiring 72 vehicular stalls. In term, Per Table 16.128.040.A, the proposed project requires 1 stall per every 5 vehicle stalls for commercial use. The proposed project is therefore required 14 total bicycle parking stalls, with four (4) long term and 10 short term required. The project will provide 14 racks, 10 covered and four (4) uncovered.

Table 16.128.040.A Bicycle Parking Requirements

Minimum Required Bicycle Parking Spaces		Long and Short Term Bicycle Parking
Use	Minimum Number of Spaces	(As % of Minimum Required Bicycle Parking Spaces)

Commercial	2 spaces per primary use or 1 per 5 vehicle spaces, whichever is greater. Maximum of 28 spaces per commercial lot.	25% long term 75% short term
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C. Design and Location.

1. All bicycle parking shall be securely anchored to the ground or to a structure.

RESPONSE: All bicycle racks will be securely anchored to the ground. This criterion will therefore be met.

2. All bicycle parking shall be lighted for theft protection, personal security and accident prevention.

RESPONSE: All bicycle parking areas are adequately lit by building and site lighting. This criterion is therefore met.

3. All bicycle parking shall be designed so that bicycles may be secured to them without undue inconvenience, including being accessible without removing another bicycle. Bicycle parking spaces shall be at least six feet long and two-and-one-half feet wide, and overhead clearance in covered spaces should be a minimum of seven feet. A five foot aisle for bicycle maneuvering should be provided and maintained beside or between each row/rack of bicycle parking.

RESPONSE: All bicycle spaces have been provided an area 2.5 feet wide and six (6) feet long. All spaces have a minimum overhead clearance of seven (7) feet and a five (5) foot aisle. This criterion is therefore met.

4. Bicycle parking racks shall accommodate locking the frame and both wheels using either a cable or U-shaped lock.

RESPONSE: All racks allow for locking of the frame and both wheels with either a cable or U-shaped lock. This criterion is therefore met.

5. Direct access from the bicycle parking area to the public right-of-way shall be provided at-grade or by ramp access, and pedestrian access shall be provided from the bicycle parking area to the building entrance.

RESPONSE: All bike parking has been located adjacent to the buildings, near the tenant entries. All parking is located at grade on concrete patios or walkways. This criterion is therefore met.

6. Bicycle parking shall not impede or create a hazard to pedestrians or vehicles and shall not conflict with the vision clearance standards of Chapter 16.132.

RESPONSE: Bicycle parking has been located to be convenient without blocking or impeding pedestrian and vehicular traffic. The bicycle parking is compliant with the vision clearance standards of Chapter 16.132. This criterion is therefore met.

7. All bicycle parking should be integrated with other elements in the planter strip when in the

public right-of-way.

RESPONSE: There is no bicycle parking proposed in the public right-of-way. This criterion therefore does not apply.

8. Short-term bicycle parking.
 - a. Short-term bicycle parking shall consist of a stationary rack or other approved structure to which the bicycle can be locked securely.
 - b. If more than 10 short-term bicycle parking spaces are required, at least 50% of the spaces must be sheltered. Sheltered short-term parking consists of a minimum 7-foot overhead clearance and sufficient area to completely cover all bicycle parking and bicycles that are parked correctly.
 - c. Short-term bicycle parking shall be located within 50 feet of the main building entrance or one of several main entrances, and no further from an entrance than the closest automobile parking space.

RESPONSE: All bicycle parking spaces are provided by a stationary rack that provides a secure structure to lock a bicycle to. All short-term parking is located within 50 feet of the new main entrances of the pad building. The project is required a total of 10 short term bike parking stalls so the project provides five of those under cover.

9. Long-term bicycle parking. Long-term bicycle parking shall consist of a lockable enclosure, a secure room in a building onsite, monitored parking, or another form of sheltered and secure parking.

RESPONSE: All long-term parking is rack located under cover adjacent to the entries. The racks allow for secure parking and the locations allows for surveillance. This criterion is therefore met.

- E. Hazards. Bicycle parking shall not impede or create a hazard to pedestrians or vehicles and shall be located so as to not conflict with the vision clearance standards of Chapter 16.132.

RESPONSE: Bicycle parking has been located to be convenient without blocking or impeding pedestrian and vehicular traffic. The bicycle parking is compliant with the vision clearance standards of Chapter 16.132. This criterion is therefore met.

Chapter 16.132 Clear Vision Areas

16.132.010 Clear Vision Areas.

See also Section 16.120.020 and Figure 16.120.020.N.

- A. A clear vision area shall be maintained on the corner of property adjacent to the intersection of two streets, or adjacent to the intersection of a street and a railroad.
- B. A clear-vision area shall consist of a triangular area. Two sides of the triangle are lot lines measured from the corner intersection of the street lot lines for a distance specified in this section or, where the lot lines have rounded corners, the lot lines extended in a straight line to a point of intersection and

so measured. The triangle's third side is a line across the corner of the lot joining the non-intersecting ends of the other two sides.

- C. A clear-vision area shall contain no planting, fence, wall, structure, or temporary or permanent obstruction exceeding 36 inches in height measured from the top of the curb or, where no curb exists, from the established street centerline grade, except:
1. Trees exceeding this height may be located in this area provided all branches and foliage are removed to a height of eight feet above the grade;
 2. Open-wire fencing that does not obscure sight more than 10% may be a maximum of 48 inches high.
- D. The following dimensional requirements govern clear vision areas:
1. The minimum length of street sides of the clear vision triangle shall be 15 feet. See Figure 16.132.010.
 2. The minimum vision clearance area may be increased by the Community Development Director, City-appointed engineer, or Planning Commission upon finding that more sight distance is required (i.e., due to traffic speeds, roadway alignment, etc.).

RESPONSE: The existing clear vision area at the driveway intersection is maintained. This criterion is therefore met.

Chapter 16.136 Public Facilities Standards

16.136.020 Transportation Standards.

- A. Development Standards. No development shall occur unless the lot or parcel abuts a public or private street, other than an alley, for at least 25 feet and is in conformance with the provisions of Chapter 16.120, Access and Circulation, and the following standards are met:
1. Streets within or adjacent to a development shall be improved in accordance with the Comprehensive Plan, Transportation System Plan, and the provisions of this chapter;

RESPONSE: Per the Preapplication Meeting and notes, East Harbor Drive must be improved with a sidewalk to the Highway 101 intersection. The proposed project includes a pedestrian walkway along Highway 101. This criterion is therefore met.

2. Development of new streets (public or private), and additional street width or improvements planned as a portion of an existing street, shall be improved in accordance with this section, and public streets shall be dedicated to the applicable City, County or State jurisdiction;

RESPONSE: The project does not include any new streets. This criterion does not apply.

3. New streets and drives connected to a City collector or arterial street shall be paved; and

RESPONSE: This criterion does not apply as there are no new streets or drives proposed.

- J. Sidewalks, Planter Strips, Bicycle Lanes. Sidewalks, planter strips, and bicycle lanes shall be installed in conformance with the standards in Table 16.136.010, applicable provisions of the Transportation System Plan, the Comprehensive Plan, and adopted street plans. Maintenance of

sidewalks, curbs, and planter strips is the continuing obligation of the adjacent property owner.

RESPONSE: Per the Preapplication Meeting and notes the south frontage of East Harbor Drive is required to have a pedestrian pathway installed. The proposed project includes a pedestrian pathway along the south frontage of East Harbor Drive; refer to the included site plan and civil plans. This criterion is therefore met.

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

RESPONSE: All curbs, curb cuts, ramps and driveway approaches have been designed and will be constructed in accordance with standards of Chapter 16.120. This criterion is therefore met.

- Q. Development Adjoining Arterial Streets. Where a development adjoins or is crossed by an existing or proposed arterial street, the development design shall separate residential access and through traffic, and shall minimize traffic conflicts. The design shall include one or more of the following:
1. A parallel access street along the arterial with a landscape buffer separating the two streets;
 2. Deep lots abutting the arterial or major collector to provide adequate buffering with frontage along another street. Double-frontage lots shall conform to the buffering standards in Chapter 16.164;
 3. Screen planting at the rear or side property line to be contained in a non-access reservation (e.g., public easement or tract) along the arterial; or
 4. Other treatment suitable to meet the objectives of this subsection;
 5. If a lot has access to two streets with different classifications, primary access shall be from the lower classification street, in conformance with Section 16.120.020.

RESPONSE: There is no residential development. This criterion does not apply.

- U. Survey Monuments. Upon completion of a street improvement and prior to acceptance by the City, it shall be the responsibility of the developer's registered professional land surveyor to provide certification to the City that all boundary and interior monuments shall be reestablished and protected.

RESPONSE: All survey monuments will be reestablished and/or protected and all required certifications of this will be provided. This criterion will therefore be met.

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

RESPONSE: Streetlights will be installed as required. This criterion will therefore be met.

- Y. Street Cross-Sections. The final lift of asphalt or concrete pavement shall be placed on all new constructed public roadways prior to final City acceptance of the roadway and within one year of the conditional acceptance of the roadway unless otherwise approved by the City appointed engineer.
1. Sub-base and leveling course shall be of select crushed rock;
 2. Surface material shall be of Class C or B asphaltic concrete;
 3. The final lift shall be Class C asphaltic concrete as defined by O.D.O.T/A.P.W.A. standard

- specifications;
4. No lift shall be less than one and one-half inches in thickness; and
 5. All streets shall be developed in accordance with City of Warrenton construction standards.

RESPONSE: The project does not include new public roadways; therefore, this criterion does not apply.

16.136.040 Sanitary Sewer and Water Service Improvements.

- A. Sewers and Water Mains Required. Sanitary sewers and water mains shall be installed to serve each new development and to connect developments to existing mains in accordance with the City's construction specifications and the applicable Comprehensive Plan policies. Where City sanitary sewers are not physically or legally available to service the site, the applicant must demonstrate provisions for a suitable on-site disposal system permitted by DEQ prior to issuance of City permits. All development within a growth management (GM) zone, as identified on the official Warrenton Zoning Map, shall comply with the growth management zone standards of Chapter 16.112.
- B. Sewer and Water Plan Approval. Development permits for sewer and water improvements shall not be issued until the City-appointed engineer has approved all sanitary sewer and water plans in conformance with City standards.
- C. Over-sizing. Proposed improvements to the City sewer and water systems shall be sized to accommodate additional development within the area as projected by the Comprehensive Plan, Water System Master Plan, and/or Sanitary Sewer Master Plan. The developer shall be entitled to system development charge credits for the over-sizing.
- D. Permits Denied. Development permits may be restricted by the City where a deficiency exists in the existing water or sewer system which cannot be rectified by the development and which if not rectified will result in a threat to public health or safety, surcharging of existing mains, or violations of state or federal standards pertaining to operation of domestic water and sewerage treatment systems. Building moratoriums shall conform to the criteria and procedures contained in ORS 197.505.

RESPONSE: The proposed project is part of an existing fully developed center that is served by public utilities. The project will connect the new building to the existing utilities onsite. All required permits will be secured prior to initiation of work. All new utilities will be undergrounded and designed and installed according to all applicable City standards. This criterion will therefore be met.

16.136.050 Storm Drainage Improvements.

- A. General Provisions. The City shall issue a development permit only where adequate provisions for stormwater and floodwater runoff have been made in conformance with Chapter 16.140, Stormwater and Surface Water Management.
- B. Accommodation of Upstream Drainage. Culverts and other drainage facilities shall be large enough to accommodate potential runoff from the entire upstream drainage area, whether inside or outside the development. Such facilities shall be subject to review and approval by the City-appointed engineer.
- C. Effect on Downstream Drainage. Where it is anticipated by the City-appointed engineer that the additional runoff resulting from the development will overload an existing drainage facility, the City shall withhold approval of the development until provisions have been made for improvement of the potential condition or until provisions have been made for storage of additional runoff caused by the

development in accordance with City standards.

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

RESPONSE: The proposed project is part of an existing fully developed center that is served by existing storm system. The project will connect the new work to the existing system onsite. All required permits will be secured prior to initiation of work. All new utilities will be undergrounded and designed and installed according to all applicable City standards. This criterion will therefore be met.

16.136.060 Utilities.

- A. Underground Utilities. All utility lines including, but not limited to, those required for electric, communication, lighting and cable television services and related facilities shall be placed underground, except for surface mounted transformers, surface mounted connection boxes and meter cabinets which may be placed above ground, temporary utility service facilities during construction, and high capacity electric lines operating at 50,000 volts or above. The following additional standards apply to all new land divisions, in order to facilitate underground placement of utilities:
1. The developer shall make all necessary arrangements with the serving utility to provide the underground services. Care shall be taken to ensure that all above ground equipment does not obstruct circulation and access aisles or impede vision clearance areas for vehicular traffic (Chapters 16.120 and 16.132);
 2. The City reserves the right to approve the location of all surface mounted facilities;
 3. All underground utilities, including sanitary sewers and storm drains installed in streets by the developer, shall be constructed prior to the surfacing of the streets; and
 4. Stubs for service connections shall be long enough to avoid disturbing the street improvements when service connections are made.
- B. Easements. Easements shall be provided for all underground utility facilities.
- C. Exception to Undergrounding Requirement. The standard applies only to proposed land divisions and large-scale developments. An exception to the undergrounding requirement may be granted due to physical constraints, such as steep topography or existing development conditions.

RESPONSE: The proposed project is part of an existing fully developed center that is served by public utilities. The project will connect the new building to the existing utilities onsite. All required permits will be secured prior to initiation of work. All new utilities will be undergrounded and designed and installed according to all applicable City standards. This criterion will therefore be met.

16.136.070 Easements.

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

City's standard width for public main line utility easements shall be 20 feet unless otherwise specified by the utility company, applicable district, or City-appointed engineer.

RESPONSE: Easements will be provided as required. This criterion will therefore be met.

16.136.080 Construction Plan Approval and Assurances.

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

RESPONSE: No work will begin prior to permit issues. All bonds or other guarantees will be provided as required. These criteria will therefore be met.

16.136.090 Installation.

- A. Conformance Required. Improvements installed by the developer either as a requirement of these regulations or at his/her own option, shall conform to the requirements of this chapter, approved construction plans, and to improvement standards and specifications adopted by the City.
- B. Adopted Installation Standards. The Oregon Standard Specifications for Construction (combined APWA/ODOT standards) shall be a part of the City's adopted installation standard(s); other standards may also be required upon recommendation of the City-appointed engineer.
- C. Commencement. Work shall not begin until the City has been notified in advance and all required permits have been issued.
- D. Resumption. If work is discontinued for more than one month, it shall not be resumed until the City is notified.
- E. City Inspection. Improvements shall be constructed under the inspection and to the satisfaction of the City. The City may require minor changes in typical sections and details if unusual conditions arising during construction warrant such changes in the public interest. Modifications requested by the developer shall be subject to land use review under Chapter 16.228, Modifications to Approved Plans and Conditions of Approval. Any monuments that are disturbed before all improvements are completed by the subdivider shall be replaced prior to final acceptance of the improvements.
- F. Engineer's Certification and As-Built Plans. A registered civil engineer shall provide written certification in a form required by the City that all improvements, workmanship and materials are in accord with current and standard engineering and construction practices, conform to approved plans and conditions of approval, and are of high grade, prior to City acceptance of the public improvements, or any portion thereof, for operation and maintenance. The developer's engineer shall also provide four set(s) of "as-built" plans, in conformance with the City-appointed engineer's specifications, for permanent filing with the City.

RESPONSE: The proposed project is part of an existing fully developed center that is served by public utilities. All required permits will be secured prior to initiation of work. All new utilities will be undergrounded and designed and installed according to all applicable standards. This criterion will therefore be met.

Chapter 16.140 Stormwater and Surface Water Management**16.140.010 Natural Drainage System Maintained to Extent Feasible.**

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

RESPONSE: The proposed work will maintain the existing drainage pattern of the established center. This criterion is therefore met.

16.140.020 Developments Must Drain Properly.

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

RESPONSE: The proposed project is part of an existing fully developed center that is served by an existing drainage system. The project will connect the new work to the existing drainage system onsite. This criterion will therefore be met.

16.140.030 Surface Water Management.

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

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

made drainage ways is obstructed. Bridges and culverts constructed to allow the flow of water through a development must be designed to pass flow during a 100-year storm event.

RESPONSE: The proposed project is part of an existing fully developed center that is served by an existing drainage system. The project will connect the new work to the existing drainage system onsite. The proposed work will not negatively impact the existing system. This criterion will therefore be met.

16.140.040 Erosion and Sediment Control.

- A. For projects that disturb over one acre, applicants must apply to Oregon Department of Environmental Quality (DEQ) for a National Pollutant Discharge Elimination Control System (NPDES) 1200(C) permit.
- B. Erosion and sediment control plans are required by the City as a component of the site plan for all plats and all projects which require site plan review. Erosion control plans must be designed to the specifications as outlined in this chapter.
- C. Development of the land may not begin (and no building permits may be issued) until the City-appointed engineer approves the erosion control plan.
- D. For purposes of this section, "disturb" means any use of the land by any person in any development, and/or road construction and maintenance that results in a change in the natural cover or topography that may cause or contribute to sedimentation. Sedimentation occurs whenever solid particulate matter, mineral or organic, is transported by water, air, gravity or ice from the site of its origin.

RESPONSE: The project will apply for and receive all required permits prior to initiation of any work. This criterion will therefore be met.

16.140.050 Stormwater System Design.

- A. Storm sewers constructed within the street will be sized by the developer's engineer and will consider all potential runoff requirements within the site and upstream of the site.
 - 1. The storm sewer will be sized for a 100-year design recurrence criteria for storm drainage facilities.
 - 2. The minimum size of storm sewers is eight inches in diameter.
 - 3. Spacing of catch basins along the street must conform to published engineering recommendations, which consider profile of the street and street width.
- B. On-site detention shall be required for new development where downstream deficiencies exist or are anticipated to exist. The square footage considers the total development of the property including the future potential impervious surface. Required design recurrence criteria for a commercial or residential storm drainage detention facility is a 10-year interval. Development that has less than 5,000 square feet of impervious surface is exempt from detention requirements.
- C. Pervious pavement, and pavement and roofs that drain to an infiltration facility will not be counted when sizing a detention facility to handle the stormwater design.

RESPONSE: The proposed project is part of an existing fully developed center that is served by an existing stormwater system. The project will connect the new work to the existing system onsite. The proposed work will not negatively impact the existing system. This criterion will therefore be met.

16.140.060 Illegal Discharge of Materials Into the Stormwater System.

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

RESPONSE: The project will not discharge any materials other than stormwater into the stormwater system. This criterion will therefore be met.

Chapter 16.152 Grading, Excavating, and Erosion Control Plans**16.152.060 Grading Permit Requirements.**

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

RESPONSE: The project will apply for and receive all required permits prior to initiation of any work. This criterion will therefore be met.

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

RESPONSE: The permit submittal will contain all required information. This criterion will therefore be met.

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

RESPONSE: The project does not include grading in excess of 5,000 cubic yards.

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

RESPONSE: The project does not include grading in excess of 5,000 cubic yards

- E. Regular Grading Requirements. Each application for a grading permit shall be accompanied by a plan in sufficient clarity to indicate the nature and extent of the work. The plans shall give the location of the work, the name of the owner, and the name of the person who prepared the plan. The plan shall include the following information:
1. General vicinity of the proposed site.
 2. Limiting dimensions and depth of cut and fill.
 3. Location of any buildings or structures where work is to be performed, and the location of any buildings or structures within 15 feet of the proposed grading.

RESPONSE: The permit submittal will contain all required information. This criterion will therefore be met.

- F. Issuance.
1. The application, plans, specifications, computations, and other data filed by an applicant for a grading permit shall be reviewed by the building official. Such plans may be reviewed by other City departments to verify compliance with any applicable laws of the City. The building official may require that grading operations and project designs be modified if delays occur which incur weather generated problems not considered at the time the permit was issued. The provisions of UBC Section 106.4 are applicable to grading permits.
 2. The building official may require professional inspection and testing by the soils engineer. When the building official has cause to believe that geologic factors may be involved, the grading will be required to conform to engineered grading.

RESPONSE: All required inspections and testing will be conducted as required. This criterion will therefore be met.

16.152.070 Grading Inspection.

- A. General. Grading operations for which a permit is required shall be subject to inspection by the building official. Professional inspection of grading operations shall be provided by the civil engineer, soils engineer, and the engineering geologist retained to provide such services in accordance with this section for engineered grading and as required by the building official for regular grading.

RESPONSE: All required inspections and testing will be conducted as required. This criterion will therefore be met.

- B. Civil Engineer. The civil engineer shall provide professional inspection within such engineer's area of technical specialty, which shall consist of observation and review as to the establishment of line, grade, and surface drainage of the development area. If revised plans are required during the course of the work they shall be prepared by the civil engineer.

RESPONSE: The project team includes registered civil engineers with AAI Engineering. This

criterion is therefore met.

- C. Soils Engineer. The soils engineer shall provide professional inspection within such engineer's area of technical specialty, which shall include observation during grading and testing for required compaction. The soils engineer shall provide sufficient observation during preparation of the natural ground and placement and compaction of the fill to verify that such work is being performed in accordance with the conditions of the approved plan and the appropriate requirements of this chapter. Revised recommendations relating to conditions differing from the approved soils engineering and engineering geology reports shall be submitted to the permittee, building official, and the civil engineer.

RESPONSE: All required inspections and testing will be conducted as required. This criterion will therefore be met.

- D. Engineering Geologist. The engineering geologist shall provide professional inspection within such engineer's area of technical specialty, which shall include professional inspection of the bedrock excavation to determine if conditions encountered are in conformance with the approved report. Revised recommendations relating to conditions differing from the approved engineering geology report shall be submitted to the soils engineer.

RESPONSE: All required inspections and testing will be conducted as required. This criterion will therefore be met.

16.152.090 Bonds.

The building official may require bonds in such form and amounts as may be deemed necessary to assure that the work, if not completed in accordance with the approved plans and specifications, will be corrected to eliminate hazardous conditions. In lieu of a surety bond, the applicant may file a cash bond or instrument of credit with the building official in an amount equal to that which would be required in the surety bond.

RESPONSE: All bond and guarantees will be provided as required. This criterion will therefore be met.

16.152.100 Cuts.

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

RESPONSE: Any proposed cuts are minimal as this work occurs in an existing fully developed center. All slopes will remain safe. This criterion is therefore met.

16.152.110 Fills.

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

RESPONSE: Any proposed fill is minimal as this work occurs in an existing fully developed center.

16.152.130 Drainage and Terracing.

- A. General. Unless otherwise indicated on the approved grading plan, drainage facilities and terracing shall conform to the provisions of this section for cut or fill slopes steeper than one unit vertical in three units horizontal (33.3% slope).
- C. Subsurface Drainage. Cut and fill slopes shall be provided with subsurface drainage as necessary for stability.
- D. Disposal
1. All drainage facilities shall be designed to carry waters to the nearest practicable drainage way approved by the building official or other appropriate jurisdiction as a safe place to deposit such waters. Erosion of ground in the area of discharge shall be prevented by installation of non-erosive down-drains or other devices.
 2. Building pads shall have a drainage gradient of two percent toward approved drainage facilities unless waived by the building official. The gradient from the building pad may be one percent if all of the following conditions exist throughout the permit area: (a) no proposed fills are greater than 10 feet in maximum depth; (b) no proposed finish cut or fill slope faces a vertical height in excess of 10 feet; and (c) no existing slope faces, which have a slope face steeper than one unit vertical in 10 units horizontal, have a vertical height in excess of 10 feet.
- E. Interceptor Drains. Paved interceptor drains shall be installed along the top of all cut slopes where the tributary drainage area above slopes toward the cut and has a drainage path greater than 40 feet measure horizontally. Interceptor drains shall be paved with a minimum of three inches of concrete or gunite and reinforced. They shall have a minimum depth of 12 inches and a minimum paved width of 30 inches measured horizontally across the drain. The slope of the drain shall be approved by the building official.

RESPONSE: The proposed work is within an existing fully developed center. The work proposed will tie into the existing drainage system onsite. The drainage facility will continue to comply with all applicable City standards. The criterion of this section will therefore be met.

16.152.140 Erosion Control.

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

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

RESPONSE: Erosion control in accordance with all applicable City standards will be provided. This criterion will therefore be met.

16.152.150 Completion of Work.

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

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

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

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

RESPONSE: All plans and reports will be provided as required. These criteria will therefore be met.

Chapter 16.212 Site Design Review

16.212.020 Applicability.

- A. Site design review shall be required for all new developments and modifications of existing developments, except for regular maintenance, repair and replacement of materials (e.g., roof, siding, awnings, etc.), parking resurfacing, and similar maintenance and repair shall be exempt. This applies to all development within the city limits of Warrenton. Site design review ensures compliance with the basic development standards of the land use district (building setbacks, lot coverage, maximum building height, etc.), as well as the more detailed design standards and public improvement requirements in Divisions 2 and 3.
- B. Site design review shall be conducted by the Community Development Director with public notice (Type II); or the Planning Commission with a public notice and hearing (Type III). (See Chapter 16.208 for review procedure.)

RESPONSE: The proposed project is for the construction of a new pad building within a fully developed shopping center. This narrative and supplemental materials have been submitted for a Type III Site Design Review per the requirements of Chapter 16.212.040 below.

16.212.040 Site Design Review.

A. Application Review Procedure.

1. Site Design Review—Determination of Type II and Type III Applications. Applications for site design review shall be subject to Type II or Type III review, based on the following criteria:
 - b. Commercial, industrial, public/semi-public, and institutional buildings (including building additions) with:
 - i. Up to 10,000 square feet of gross floor area and developing less than two acres of land shall be reviewed as a Type II application.

RESPONSE: The proposed project is for the construction of a new restaurant pad building approximately 2,325 square feet in area and remodel of an existing 5,887 square foot building whose area will be reduced to approximately 4,850 square feet. The project therefore qualifies for a Type II Site Design Review.

B. Application Submission Requirements. All of the following information (subsections (B)(1) through (7) of this section) is required for site design review application submittal:

1. Proposed Site Plan. The site plan shall contain the following information:
 - a. The proposed development site, including boundaries, dimensions, and gross area.
 - b. Natural land features identified which are proposed to be removed or modified by the development, including modifications to existing drainage patterns.
 - c. The location and dimensions of all proposed public and private streets, drives, rights-of-way, and easements.
 - d. The location and dimensions of all existing and proposed structures, utilities, pavement and other improvements on the site. Setback dimensions for all existing and proposed buildings shall be provided on the site plan.
 - e. The location and dimensions of entrances and exits to the site for vehicular, pedestrian, and bicycle access.
 - f. The location and dimensions of all parking and vehicle circulation areas (show striping for parking stalls and wheel stops, as applicable), and proposed paving materials.
 - g. Pedestrian and bicycle circulation areas, including sidewalks, internal pathways, pathway connections to adjacent properties, and any bicycle lanes or trails.
 - h. Loading and service areas for waste disposal, loading and delivery.
 - i. Outdoor recreation spaces, common areas, plazas, outdoor seating, street furniture, and similar improvements.
 - j. Location, type, and height of outdoor lighting.
 - k. Location of mail boxes, if known.
 - l. Locations, sizes, and types of signs (shall comply with Chapter 16.144).
 - m. The Community Development Director may require studies or exhibits prepared by qualified professionals to address specific site features (e.g., traffic, noise, environmental features, site drainage, natural hazards, etc.).
 - n. The applicant's entire tax lot and the surrounding property to a distance sufficient to

determine the location of the development in the City, and the relationship between the proposed development site and adjacent property and development. The property boundaries, dimensions and gross area shall be identified.

- o. Identification of slopes greater than 10%.
- p. The location, condition (paved, gravel unimproved, etc.) and width of all public and private streets, drives, sidewalks, pathways, rights-of-way, and easements on the site and adjoining the site.
- q. Any areas identified as located in a designated floodplain and/or floodway.
- r. Depict any wetland and riparian areas, streams and/or wildlife habitat areas.
- s. Site features such as pavement, areas having unique views, and drainage ways, canals and ditches.
- t. Any designated historic and cultural resources areas on the site and/or adjacent parcels or lots.
- u. The location, size and type of trees and other vegetation on the property.
- v. North arrow, scale, names and addresses of all property owners.
- w. Name and address of applicant, project designer, engineer, architect, surveyor, and/or planner, if applicable.

RESPONSE: All of the above information can be found on the included site plan and civil drawings. Item M is satisfied by the provided TIA, Drainage Report and Elevation Certificate. This criterion is therefore met.

2. Architectural Drawings. Architectural drawings shall be submitted showing the following information from subparagraphs a through c of this paragraph 2, and shall comply with Division 3:
 - a. Building elevations with building height and width dimensions.
 - b. Building materials, color and type.
 - c. The name of the architect or designer.

RESPONSE: Refer to the included Architectural Elevations, Renderings and Materials Board which show the existing and proposed building elevations, materials, colors, heights and information for the architect of record. This criterion is therefore met.

3. Preliminary Grading Plan. A preliminary grading plan prepared by a registered engineer shall be required for developments which would result in the grading (cut or fill) of 1,000 cubic yards or greater. The preliminary grading plan shall show the location and extent to which grading will take place, indicating general changes to contour lines, slope ratios, slope stabilization proposals, and location and height of retaining walls, if proposed. Surface water detention and treatment plans may also be required, in accordance with Chapter 16.140.

RESPONSE: A Grading Plan, Sheets C2.0 and 2.1, have been provided with the submittal materials. This criterion is therefore met.

4. Landscape Plan. A landscape plan is required and shall comply with Chapter 16.124.

RESPONSE: A Landscape Plan, Sheet L1.0, has been provided with the submittal materials. This criterion is therefore met.

5. Proposed sign(s) shall be required in conformance with the City's Sign Code (Chapter 16.144).

RESPONSE: All signage will be in accordance with the City's Sign Code, chapter 16.144. This criterion will therefore be met.

6. Copies of all existing and proposed restrictions or covenants.

RESPONSE: Refer to the included deed/title report for all existing and proposed restrictions and covenants. Note that while the tax map shows a portion of Pacific Avenue projecting into the site, this street was vacated per Ordinance No 569-A, 12/20/71.

7. Letter or narrative report documenting compliance with the applicable approval criteria contained in subsection C of this section.

RESPONSE: The prior and following pages of this document serve as the narrative report responding to compliance with applicable criteria and standards of the Warrenton Municipal Code. This criterion is therefore met.

C. Review Criteria. The Community Development Director shall make written findings with respect to all of the following criteria when approving, approving with conditions, or denying an application:

1. The application is complete, as determined in accordance with Chapter 16.208 and subsection B of this section.

RESPONSE: All applicable materials requested in Chapter 16.208 and subsection B of this section have been provided as documented in the corresponding narrative sections and with the supplemental plans and reports accompanying this narrative. The project is therefore complete, and this criterion is met.

2. The application complies with all of the applicable provisions of the underlying land use district (Division 2), including building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other special standards as may be required for certain land uses.

RESPONSE: The project complies will all applicable provisions of the underlying land use district as demonstrated in this narrative. This criterion is therefore met.

3. The applicant shall be required to upgrade any existing development that does not comply with the applicable land use district standards, in conformance with Chapter 16.276, Nonconforming Uses and Development.

RESPONSE: The project does not move the site out of compliance with any standard and moves the site into compliance with the required highway setback. This criterion is therefore met.

4. The application complies with the applicable design standards contained in Division 3.

RESPONSE: As demonstrated in this narrative, the proposed project complies with all applicable design standards of Division 3.

16.212.050 Bonding and Assurances.

- A. Performance Bonds for Public Improvements. On all projects where public improvements are required, the City shall require a bond in an amount not greater than 100% or other adequate assurances as a condition of site development approval in order to guarantee the public improvements.
- B. Release of Performance Bonds. The bond or assurance shall be released when the City engineer finds the completed project conforms to the site development approval, including all conditions of approval.
- C. Completion of Landscape Installation. Landscaping shall be installed prior to final building inspections and issuance of occupancy permits, unless security equal to the cost of the landscaping as determined by the Community Development Director, City Engineer, Planning Commission, or a qualified landscape architect is filed with the City Recorder assuring such installation within six months after occupancy. If the installation of the landscaping is not completed within the six-month period, the security may be used by the City to complete the installation.
- D. Business License Filing. The applicant shall ensure that all contractors and sub-contractors, and business occupants of the completed project, whether permanent or temporary, apply for and receive a City business license prior to initiating work on the site or conducting business from the site.

RESPONSE: All bonds and guarantees will be provided as required. These criteria will therefore be met.

16.212.060 Development in Accordance with Permit Approval.

Development shall not commence until the applicant has received all of the appropriate land use and development approvals (i.e., site design review approval) and building permits. Construction of public improvements shall not commence until the City has approved all required public improvement plans (e.g., utilities, streets, public land dedication, etc.). The City may require the applicant to enter into a development agreement (e.g., for phased developments and developments with required off-site public improvements), and may require bonding or other assurances for improvements, in accordance with Section 16.212.050.

RESPONSE: Work onsite will not commence until all required land use and development approval and permits have been secured. All agreements, bonds and/or guarantees will be provided as required. This criterion will therefore be met.

Chapter 16.220 Conditional Use Permits**16.220.020 Authorization to Grant or Deny Conditional Uses.**

- A. A new, enlarged or otherwise altered development listed in this Code as a conditional use shall be approved or denied by the Planning Commission under the procedure in this chapter. The Planning Commission shall base its decision on whether the use complies with:
 1. Applicable policies of the Comprehensive Plan.

RESPONSE: Section 3.320, Commercial Lands, of the Comprehensive Plan states in subsection (1), "it is the City's policy to promote convenient and attractive commercial areas

that along with other commercial facilities in the County, provide an adequate lever of trade and services for local citizens other County residents and tourists.”

The proposed project is within an existing shopping center. The main building of the center was recently revitalized, and this project will continue that revitalization. The existing building will be remodeled to be compatible with the main mall building. Additionally, the project will allow for the existing building to be leased to two (2) new commercial tenants and provide a new tenant space. The project is therefore in compliance with subsection (1) of the Commercial Lands Comprehensive Plan as it provides services for residents and tourists and promotes convenient and attractive commercial areas.

More specifically, subsection 1(c) states, *“the purpose of the General Commercial zone is to allow a broad range of commercial uses provided products and services in the downtown area, the Hammond business district and along the highway 101 corridor.”* This project is in full compliance with this as the site resides along the Highway 101 corridor and is intended to provide new food use services within the center and corridor.

Subsection (2) of the Commercial Lands section states, *“precautions will be taken to minimize traffic congestion associated with nearby commercial uses, particularly on U.S. Highway 101,... Groupings of businesses, common access points and other appropriate techniques will be encouraged. Sufficient parking on either jointly-used lots or individual business sites will be required for new commercial development.”* The proposed project is within an existing shopping center that has limited access points and shared parking between multiple businesses, all of which minimize traffic congestion on Highway 101. The project has conducted a full traffic analysis and demonstrates that the proposed project will not negatively impact U.S. Highway 101.

It should also be noted that subsection (5) of the Comprehensive Plans Commercial Lands section states, *“the City supports the efforts to develop a regional shopping district adjacent to U.S. Highway 101. The City finds that such a development would strengthen the local economy, attract new businesses to Warrenton and increase the diversity of retail commercial uses available to Clatsop County residents.”* The proposed project is within an existing shopping center along U.S. Highway 101. The project will rejuvenate an existing vacant single tenant building making it attractive to a up to two (2) new tenants. The new pad building, for which the conditional use is requested, will provide space for a new modern use. The intended tenant is a quick service restaurant that uses online and mobile ordering with a pick-up window. This pick-up window is not a drive-through use but a new method of operation. Orders are not taken at the window they must be placed prior via the internet or mobile app and are only picked up at the window. This project meets subsection (5) as it enhances an existing shopping center along Highway 101 and will attract new businesses and increase diversity within the existing center and along the Highway 101.

The proposed conditional use will also be in compliance with Section 4.320, Flood Hazards, as it will be floodproofed in accordance with Zoning Code Section 16.88 (in compliance with subsection 1 and 3 of the Comprehensive Plan Section 4.320)

and a flood permit has been applied for with the conditional use (subsection 2 of Comprehensive Plan Section 4.320)

This criterion is therefore met as the project meets the applicable criterion of the Comprehensive Plan.

2. Applicable Columbia River Estuary Aquatic and Shoreland Development Standards, Chapter 16.160.

RESPONSE: The standards of Chapter 16.160 do not apply to this project as the project does not include aquaculture or fishery activities; deep-water navigation, port or industrial development; or dredging or diking.

3. For certain uses in Columbia River Estuary aquatic areas, whether the use or activity meets the resource capability and purpose of the zone in which it is proposed when such a determination is required in accordance with Chapter 16.164.

RESPONSE: The proposed project does will not impact or alter a estuarine ecosystem and is not one of the listed uses or activities of 16.164.020; therefore, this criterion does not apply

4. For certain activities in Columbia River Estuary aquatic areas, the findings of an impact assessment where required by Chapter 16.164.

RESPONSE: The proposed project does will not impact or alter a estuarine ecosystem and is not one of the listed uses or activities of 16.164.020; therefore, this criterion does not apply

5. Development standards of the applicable zone.

RESPONSE: This narrative includes responses to all zone-specific development standards and how the proposed project is compliant with those standards. This criterion is therefore met.

6. Basic conditional use standards of this section.

RESPONSE: This narrative includes responses to all basic conditional use standards and how the proposed project is compliant with those standards. This criterion is therefore met.

7. Appropriate conditional use standards of this section.

RESPONSE: This narrative includes responses to all appropriate conditional use standards and how the proposed project is compliant with those standards. This criterion is therefore met.

- B. In permitting a conditional use or the modification of an existing conditional use that involves a housing type (e.g. multifamily structure, manufactured dwelling park), the Planning Commission may

impose in addition to those standards and requirements expressly specified in the ordinance, conditions which it considers necessary to protect the best interest of the surrounding property or the City as a whole. These additional conditions may include, but are not limited to:

1. Controlling the location and number of vehicle access points.
2. Increasing the required street width.
3. Limiting the number, size, location and lighting of signs.
4. Requiring diking, fencing, screening, landscaping, berms, or other items to protect adjacent areas.
5. Designating sites for open space.
6. Specifying the types of materials to be used.

RESPONSE: This criterion does not apply as the proposed project does not include any housing.

- C. In permitting a conditional use or the modification of a conditional use for a use other than a housing type, the Planning Commission may impose in addition to those standards and requirements expressly specified for that use other conditions which are necessary to protect the adjacent property, an identified resource, or the City as a whole. These conditions may include the provisions of paragraphs (B)(1) through (6) of this section. For conditional uses other than a housing type, additional conditions may include, but are not limited to:
1. Increasing the required lot size or yard dimensions.
 2. Reducing the required height and size of buildings.
 3. Specifying the time of year the activity may occur.
 4. Completion of a monitoring program.

RESPONSE: It is understood that in permitting a conditional use the Planning Commission may impose standards, requirements and conditions of approval,

- D. In the case of a use existing prior to its present classification as a conditional use, any change in use or in lot area or any alteration of a structure will conform with the requirements dealing with conditional uses.

RESPONSE: This criterion does not apply as the proposed project is not for an existing use or building.

- E. The Planning Commission may require that the applicant for a conditional use furnish to the City a performance bond up to, and not to exceed, the value of the cost of the required improvements in order to assure that the conditions imposed are completed in accordance with the plans and specifications as approved by the Planning Commission and that the standards established in granting the conditional use are observed.

RESPONSE: All bonds and guarantees will be provided as required. This criterion will therefore be met.

16.220.030 Review Criteria.

- A. Before a conditional use is approved findings will be made that the use will comply with the following standards:
1. The proposed use is in conformance with the Comprehensive Plan.

RESPONSE: Refer to Section 16.220.020.A(1) of this narrative for demonstration of how this project meets all applicable section. This criterion is therefore met as it has been demonstrated the project is in conformance with the Comprehensive Plan.

2. The location, size, design and operating characteristics of the proposed use are such that the development will be compatible with, and have a minimal impact on, surrounding properties.

RESPONSE: The proposed project is within an existing shopping center. The work will increase the total square footage onsite by approximately 1,281 square feet as the work will remove a portion of the existing pad building (approximately 1,044 sf) in addition to constructing a new pad building (2,325 sf). The work will not alter onsite circulation or access to or from the abutting rights-of-way. The work adds commercial use square footage to an existing shopping center that is adjacent to other commercial shopping center uses. This criterion is therefore met.

3. The use will not generate excessive traffic, when compared to traffic generated by uses permitted outright, and adjacent streets have the capacity to accommodate the traffic generated.

RESPONSE: The use will generate minimal peak hour trips with a maximum of 43 during the peak morning hour and the included TIS demonstrates that the use will not negatively impact adjacent streets. Refer to the included TIS for detailed information. This criterion is therefore met.

4. Public facilities and services are adequate to accommodate the proposed use.

RESPONSE: The proposed project is within an existing shopping center which is served with public facilities. The new building will be served using these existing services which are adequate to accommodate the small 2,325 square feet building. This criterion is therefore met.

5. The site's physical characteristics, in terms of topography, soils and other pertinent considerations, are appropriate for the use.

RESPONSE: The site is already fully developed with a shopping center with multiple buildings and tenants. The proposed project site therefore has physical characteristics that are appropriate for the proposed use.

6. The site has an adequate area to accommodate the proposed use. The site layout has been designed to provide for appropriate access points, on-site drives, public areas, loading areas, storage facilities, setbacks and buffers, utilities or other facilities which are required by City ordinances or desired by the applicant.

RESPONSE: The site is already fully developed. The proposed project will not alter existing site access points and will utilize existing utilities and facilities. The project will only make minor modifications to existing onsite circulation. The project will provide new trash and recycling facilities. It will also move the existing building into

compliance with the required setback for the Highway. The site has adequate area to accommodate the proposed 2,325 square feet building; therefore, this criterion is met.

C. Drive-Up/Drive-Through Facility.

1. Purpose. Where drive-up or drive-through uses and facilities are allowed, they shall conform to all of the following standards, which are intended to calm traffic, provide for adequate vehicle queuing space, prevent automobile turning movement conflicts, and provide for pedestrian comfort and safety.
2. Standards. Drive-up and drive-through facilities (i.e., driveway queuing areas, customer service windows, teller machines, kiosks, drop-boxes, or similar facilities) shall meet all of the following standards:
 - a. The drive-up or drive-through facility shall orient to and receive access from a driveway that is internal to the development and not a street, as generally illustrated.

RESPONSE: The proposed queue lane for the online order pick-up window originates and ends within an internal aisle and not the main access to the site or an adjacent street. This criterion is therefore met.

- b. The drive-up or drive-through facility shall not be oriented to street corner.

RESPONSE: The main entrances of the pad building are on the south and north facades facing the interior parking area and East Harbor Drive. The order pick-up window is also on the north façade facing East Harbor Drive. This criterion is therefore met as the online order pick-up use is not oriented to the street corner.

- c. The drive-up or drive-through facility shall not be located within 20 feet of a street right-of-way.

RESPONSE: The pick-up window is located approximately 87.5 feet from the property line abutting Highway 101 and approximately 106.75 feet from the right-of-way itself. The pick-up window is approximately 23.5 feet from property line abutting the East Harbor Drive right-of-way and approximately 78 feet from the right-of-way itself. This criterion is met as the pick-up windows is well over 20 feet from any right-of-way.

- d. Drive-up and drive-through queuing areas shall be designed so that vehicles will not obstruct any street, fire lane, walkway, bike lane, or sidewalk.

RESPONSE: The proposed queue lane for the online order pick-up window originates and ends within an internal aisle and not the main site access to the site or an adjacent street. Vehicles will not obstruct any street, fire lane, walkway, sidewalk or bike lane. This criterion is therefore met.

- e. Along Highway 101, between SE Marlin and SE Dolphin Avenues, no new drive-up or drive-through facility is allowed within 400 linear feet of another drive-up or drive-through facility, where the existing drive-up or drive-through facility lawfully existed as of the date of an application for a new drive-up or drive-through facility.

RESPONSE: This criterion does not apply as while the project is located along Highway 101, it is not located between SE Marlin and SE Dolphin Avenues.

Chapter 16.256 Traffic Impact Study

16.256.020 Typical Average Daily Trips.

Average daily vehicle trips shall be calculated using the rates and methodology in the most recent addition of the Institute of Transportation Engineers Trip Generation Manual.

RESPONSE: The provided Traffic Impact Study (TIS) uses the approved rates and methodology. This criterion is met.

16.256.030 When Required.

A traffic impact study will be required to be submitted to the City with a land use application, when the following conditions apply:

- A. The development application involves a change in zoning or a plan amendment designation; or
- B. The development shall cause one or more of the following effects, which can be determined by field counts, site observation, traffic impact analysis or study, field measurements, crash history, Institute of Transportation Engineers Trip Generation Manual; and information and studies provided by the local reviewing jurisdiction and/or ODOT:
 - 1. An increase in site traffic volume generation by 300 average daily trips (ADT) or more; or
 - 2. An increase in ADT hour volume of a particular movement to and from the state highway by 20% or more; or
 - 3. An increase in use of adjacent streets by vehicles exceeding the 20,000 pound gross vehicle weights by 10 vehicles or more per day; or
 - 4. The location of the access driveway does not meet minimum sight distance requirements, or is located where vehicles entering or leaving the property are restricted, or such vehicles queue or hesitate on the state highway, creating a safety hazard; or
 - 5. A change in internal traffic patterns that may cause safety problems, such as back up onto the highway or traffic crashes in the approach area.

RESPONSE: The site will generate more than 300 average daily trips, subsection B1; therefore, a TIS is required. The submitted materials include a full TIS. This criterion is therefore met.

16.256.040 Traffic Impact Study Requirements.

- A. Preparation. A traffic impact study shall be prepared by a professional engineer registered in the State of Oregon. The study scope and content shall be determined in coordination with the City Public Works Director or designee. Traffic impact analyses required by Clatsop County or ODOT shall be prepared in accordance with the requirements of those road authorities. Preparation of the study report is the responsibility of the land owner or applicant.

B. Transportation Planning Rule compliance, Section 16.232.060.

RESPONSE: The TIS was conducted by registered traffic engineers with Lancaster Mobley. This criterion is therefore met.

16.256.050 Approval Criteria.

The traffic impact study report shall be reviewed according to the following criteria:

A. The study complies with the content requirements set forth by the City and/or other road authorities as appropriate;

RESPONSE: As indicated in the TIS it is based on “correspondence with City of Warrenton and Oregon Department of Transportation staff”. This criterion is therefore met.

B. The study demonstrates that adequate transportation facilities exist to serve the proposed land use action or identifies mitigation measures that resolve identified traffic safety problems in a manner that is satisfactory to the road authority;

RESPONSE: The included TIS demonstrates that the abutting transportation facilities are adequate to serve; refer to the include TIS for detailed information. This criterion is therefore met.

C. For affected City facilities, the study demonstrates that the project meets mobility and other applicable performance standards established in the adopted transportation system plan, and includes identification of multi-modal solutions used to meet these standards, as needed; and

RESPONSE: The included TIS analyses the adjacent City facilities and demonstrates that the project meets the mobility and other applicable performance standards. Refer to the included TIS for detailed information. This criterion is therefore met.

D. Proposed design and construction of transportation improvements are in accordance with the design standards and the access spacing standards specified in the transportation system plan.

RESPONSE: This criterion does not apply as the report did not find any required improvements warranted.

Chapter 16.276 Nonconforming Uses and Development

16.276.010 Nonconforming Uses or Structures.

A nonconforming use or structure was a lawful existing structure or use at the time this Code became effective, but which does not conform to some or all of the requirements of this Code.

A. Continuation. A nonconforming use or structure may be continued.

RESPONSE: The former Doogar’s building is nonconforming with the highway setback and

floodplain elevation/floodproofing requirements. However, per this section, it can continue operations.

- B. Expansion or Extension. In case of practical difficulty and unnecessary hardship, the Planning Commission may grant a variance for the enlargement or expansion of a nonconforming use up to 25% in floor or 10% in land area as was existing on the effective date of the ordinance codified in this chapter. For nonconforming industrial uses or structures, the Planning Commission may grant a variance for enlargement or expansion up to a size approved by the Planning Commission. The extension of a nonconforming use to a portion of a structure which was arranged or designed for the nonconforming use at the time of passage of the ordinance codified in this chapter is not an enlargement or expansion of a nonconforming use.

RESPONSE: The project will reduce the size of the nonconforming structure; therefore, this criterion does not apply.

- C. Alteration. A nonconforming structure that conforms with respect to use may be altered or extended if the alteration or extension does not cause the structure to deviate further from the standards of this Code.

RESPONSE: The nonconforming existing building was not and will not be nonconforming with use as the prior use was restaurant and the intended use is restaurant, a use which is allowed outright. The alterations of the structure associated with this project included bringing the building into compliance with Chapter 16.40.050.B which requires a minimum 50-foot setback from the Highway 101 right-of-way. The façade of the building will be moved to provide 58 feet of setback from the highway at project completion. Additionally, as part of this project the building will be floodproofed per the allowances and standards of Chapter 16.88. The building will be brought into full compliance and is therefore allowed to be altered.

- D. Discontinuance. If a nonconforming use is discontinued for a period of 12 months, further use of the property shall conform to this Code.

RESPONSE: The project does not include a nonconforming use; therefore, this criterion does not apply.

- E. Replacement. If a nonconforming use involving a structure is replaced by another use, the new use shall conform to this Code unless the Planning Commission determines that such structure is suitable only for another nonconforming use no more detrimental to surrounding properties than the one to be replaced.

RESPONSE: This criterion does not apply as the project was not associated with a nonconforming use.

