

**BEFORE THE PLANNING COMMISSION
OF THE CITY OF GEARHART**

IN THE MATTER OF A PERMIT)	FINAL FINDINGS
FOR A PRELIMINARY PARTITION PLAN)	AND ORDER
CITY FILE #21-04P)	

APPROVAL of an application for a Tentative Land Partition to divide one parcel into three, on a parcel located on Cutler Lane in a Medium Density Residential R-2 zone.

Applicant: Ben Johnson, Heritage Home Building Inc.
P.O. Box 727
Warrenton, Oregon 97103

Property Owner: Same as above

Location: Tax Lot 904 Map 6 10 3CD
Lot size: 22,648 square feet (.52) acres)

Gearhart Zoning Code & Subdivision Ordinance Review Criteria:

- GZO Section 3.2 Medium Density Residential R-2 Zone
- GZO Section 3.14 Tsunami Hazard Overlay Zone
- GZO Article 4 Transportation Improvements & Access Management
- GZO Article 13 Administrative Application, Notice & Hearing Procedure
- Gearhart Subdivision Ordinance

Public comments: Roni Parham
Debbie Cutler
Bryan Evans

New Exhibits:

2005 Cutler Application and City Decision Notice for the Cutler Lane Land Division
8-2-22 email from ODOT requiring an ODOT permit for work done on highway right-of-way
Title Report received 8-4-22

I. Background

- A. **Site information:** The existing parcel at the end of Cutler Lane is vacant. The partition segregates the parcel into three homesites. Street access from Hwy 101 to the site is by a

25' wide road and utility easement across two parcels owned by EPI Properties LLC including a business on the highway and a dwelling behind the business. The easement was recorded by a partition in 2005 and extends to the northwest corner of the parcel.

The 25-footwide gravel road from the highway crosses the parking lot of EPI LLC, curves sharply north across the rear yard, also an entry and a driveway of a residence on a separate parcel, then completes the S-curve east along the property line to the existing parcel. The easement ends at a tall dune hillside up to the railroad bed, rising from 24 feet to 40 feet on proposed Parcel 3.

There are an estimated 25 large mature evergreen trees mostly on Parcel 3. See the applicant's Partition Plan which identifies the trees with a circle for each. Twenty of the existing trees were planned to be removed including four of the five on Parcel 2 and 16 of the 19 trees on Parcel 3. The dune will be graded at a 2:1 slope. There is no designated W2 wetland identified by the state wetland inventory. The parcel grade of Parcel 3 may create significant puddling from rain following dune modification.

The applicant must obtain Clatsop County Health approval to install three new septic systems. On 4-12-22 the department indicated a septic system should be installed at least 10-feet from a street.

Water service: There are two proposed options, one from the existing line in the existing road access and utility easement, and another from the tax lot to the north located at 1321 Park Lane by a private legal easement.

Fire access and safety: The nearest hydrant is from 550 - 650 feet from the site. Due to the distance the homes must be sprinklered. There is concern about future fire access to the rear of a dwelling on Parcel 3.

- B. Agency Coordination: The proposal was referred to city departments and a few concerns were raised. If approved, a final partition plan will be prepared for Planning Commission approval, followed by county recording.

II. Gearhart Zoning Code (GZO) Provisions

- A. GZO Article 13 Administrative Provisions: The application for a Land Partition is a quasi-judicial decision of the Planning Commission. The applicant has submitted the required forms and materials. The public hearing was advertised at least 20-days before the hearing and notices were mailed to properties within 200 feet of the subject parcel. This report was made available no less than seven days before the hearing. The public

hearing will be conducted in accordance with Section 13.050. A party to the decision by the Planning Commission may appeal the decision to the City Council.

B. GZO Section 3.14 Tsunami Hazard Overlay Zone (THO)

The purpose of this section of the code is to increase community resilience from a Cascadia Subduction Zone tsunami by establishing standards, requirements, incentives, and other measures applied in the review and authorization of land use and development activities impacted by the XXL magnitude source tsunami event, which covers all of Gearhart.

FINDINGS: The proposed new parcels result in three new single-family dwellings on .52 acre, far less than the maximum of 10 dwellings per acre restriction of the overlay zone. The proposal for single-family dwellings does not conflict with the THO overlay zone.

- C. Oregon Fire Code (OFC): The land division is required to meet the Oregon Fire Code. The 25' wide road should be signed for "No Parking" across the three parcels including the hammerhead turnaround. Revise the final plat to denote the turnaround depth as 70' N/S. Identify drainage issues and solutions at the base of the modified dune.

III. FINDINGS FOR APPLICABLE ZONE AND SUBDIVISION STANDARDS

A. GZO Section 3.2 Low Density Residential R-2 Zone

Plan & Zone designations: The site is zoned Medium Density Residential R2. The minimum lot size is 7,500 square feet (SF). The R2 Zone setbacks are 15 feet from the front and rear lines and 5 feet/9 feet from the side lines. Maximum building height is 30 feet. Maximum lot coverage by buildings is 35%.

FINDINGS: Parcel 1 is 7,648 SF; Parcel 2 is 7,500 SF and Parcel 3 is 7,500. The partition configures each lot with a building envelope so that each parcel complies with the R2 zone lot size, setback requirements and maximum coverage.

B. GZO Section 3.1380 Development Standards in the Freshwater Wetlands FW Zone:

1. Development, construction, or alteration within the FW Zone or within 25 feet of the FW zone boundary requires approval of a development permit from the City. The application for development permit shall include a site plan drawn to a measurable scale and a narrative describing the proposed site work. A wetland determination or delineation by a qualified professional wetland scientist shall be required by the City

if the wetland boundary cannot be determined.

FINDINGS: The Local Wetland Inventory (LWI) on the city GIS illustrates no wetlands (W2) on the site

C. GZO Article 4 Transportation Improvements and Access Requirements

1. Section 4.040 General Requirements.

- a. Purpose. The standards of this chapter implement the transportation policies of the City of Gearhart Transportation System Plan and Subdivision Ordinance.
- b. Applicability. The following types of development are required to construct transportation improvements in accordance with the standards and procedures of this chapter.
 - (1) New single-family dwelling or duplex, if the development fronts a street segment that is planned for a sidewalk or trail in the Transportation System Plan.
 - (2) New multi-family dwelling.
 - (3) New commercial development.
 - (4) Major expansion of a commercial development defined by an increase in the gross floor area of the use by at least 25 percent.
 - (5) All developments in the Residential Commercial Planned Development (RCPD) zone, and subdivisions or partitions are required to construct improvements in accordance with the Gearhart Subdivision Ordinance.
- c. Street, Shared-use Path, and Evacuation Route Design Standards. All transportation improvements, whether required as a condition of development or provided voluntarily, shall conform to the standards adopted within the City of Gearhart Transportation System Plan. *See Section 38 (11)*
- d. ***Public Improvement Requirement. No building permit may be issued until all required street improvements are in place and approved by the City Manager or designee, or otherwise bonded, in conformance with the provisions of this Code. Improvements required as a condition of development approval, when not voluntarily provided by the applicant, shall be roughly proportional to the impact of the development on public facilities. Findings in the development approval shall indicate how the required improvements directly relate to and are roughly proportional with the impact of development.***

FINDINGS: The Planning Commission finds 4.040 1. General Requirements subsections b. (5) and d. above are applicable because the proposal is to partition the land into three new single-family parcels with street access and must comply with the Subdivision Ordinance.

- Applicability. A land partition is required to construct improvements in accordance with the Gearhart Subdivision Ordinance, addressed in section III. D. of this report.

FINDING: The 2005 City partition approval allowed the 25' road easement and conditioned that if the parcel was divided again in the future "the applicant shall

provide sufficient right-of-way width to improve Cutler Lane to public street standards and shall improve Cutler Lane consistent with city standards.”

In 2005 the Cutler’s application proposed a deed restriction on the subject parcel but the City has no evidence it was recorded on the property title. See attached title report. The application letter said:

The applicant proposes a deed restriction on the proposed parcels to prevent further division of the parcels prior to development of a 50-foot-wide road into these properties. By means of these deed restrictions the applicant will comply with the provisions of Section 23 Minimum Standards paragraph 2 under the Section Land Partitioning of the Gearhart Subdivision dated June 1994... The applicant proposes to create one additional home site on this property”

In response to the code reference above, the City finds as follows:

Subdivision Ordinance Section 23 Minimum Standards #2: The tract in which the street is to be dedicated in a partition under single ownership either of not over one (1) acre or of such size and characteristics as to make it impossible to develop building sites for more than three (3) dwellings.

It appears the Cutler’s did intend to restrict the total number of parcels on this tract in 2005. But then City staff informed the parties and Commission it could be divided again in the future subject to additional street improvements to all of Cutler Lane. But now there are two owners of the land, no longer in “single ownership”, and the deed restriction was not recorded. Without notice be deed to a buyer the street improvement deferral cannot now be forced on another property owner.

- Section 4.040 d. Public Improvement Requirement. The Planning Commission finds no building permit may be issued until all required street improvements are in place and approved by the City Administrator or otherwise bonded for.

FINDING: The 2005 decision to create Cutler Lane required street improvements to meet city standards if the two rear parcels were further divided in the future. The Planning Commission finds street improvements can only be required on the lot owned by the applicant.

The partition to create two new homesites for a total of three on the subject parcel will create an estimated 19 new trips per day on Cutler Lane, based on the International Transportation Engineering (ITE) Manual that a single-family home generates 9.43 vehicle trips per day on the road. The applicant proposes to pave the road easement adjoining only the three parcels and under his ownership. But the Planning Commission finds the impact or burden created by two new homes

generating 19 daily trips is not proportional to the expense of widening and paving the estimated 660 feet of street across two intervening parcels.

2. Section 4040 Section 2 New Streets. All new streets shall conform to the standards of the Gearhart Subdivision Ordinance.

FINDING: The Planning Commission finds Cutler Lane is not a new street. The 2005 partition was required to provide a gravel surface, an estimated 20' wide within a 25' road & utility easement for the three-lot partition. The applicant is paving the easement within their property.

3. Section 4.040 Section 3 Improvements to Existing Streets.

a. Applicability. Except as provided by subsection 4, below, existing substandard streets within or abutting a proposed development shall be improved in accordance with the standards of this chapter as a condition of development approval. The City Manager or designee may waive or modify this requirement where the applicant demonstrates that the condition of existing streets to serve the development meet city standards and are in satisfactory condition to handle projected traffic loads.

FINDINGS: The Planning Commission finds the applicant meets the requirement to improve Cutler Lane within or abutting the development of the parcel that he owns.

4. Waivers and Deferrals.

The City Manager or designee may waive or allow deferral of standard street improvements, including sidewalk, roadway, bicycle lane, undergrounding of utilities, and landscaping, as applicable, where one or more of the following conditions in (A) through (D) is met. Deferrals of sidewalk improvements are not permitted when there is an existing curb along the frontage of the site, or the site is abutting an existing curb or sidewalk. Where the City Manager or designee agrees to defer a street improvement, it shall do so only where the property owner agrees not to remonstrate against the formation of a local improvement district in the future.

- a. The standard improvements conflict with an adopted capital improvement plan.
- b. The standard improvements would create a safety hazard.
- c. The improvement is not likely to be extended during the planning horizon of the adopted TSP due to topography or committed development on adjacent property, and the improvement under consideration does not by itself significantly improve transportation operations or safety.
- d. The improvement can be accomplished as a part of a future, larger project on the subject site.

FINDINGS: The Planning Commission finds the entirety of Cutler Lane cannot be required to be improved as conditioned in the 2005 Cutler Lane Partition decision or the Gearhart Subdivision Ordinance because the applicant is not authorized to dedicate and pave land he does not own. The applicant proposes to pave that portion of the street he owns which includes a turnaround for fire and delivery access to the dead-end street.

5. Fee-in-Lieu Option.

In lieu of the transportation improvement requirements identified in Section 4.040, the City Manager or designee may elect to accept from the applicant monies to be placed in a fund dedicated to the future public construction of the improvements.

- The amount of monies deposited with the city shall be at least 100 percent of the estimated cost of the required street improvements and may include more than 100 percent of the cost as required for inflation. Cost estimates shall be based on a preliminary design of the reconstructed street provided by the applicant's engineer and shall be approved by the city engineer or designee.

b. If the City Manager or designee elects to accept these monies in lieu of the street improvements, the applicant shall also record against all lots or parcels a "construction deferral agreement and waiver of rights to remonstrance for street and storm drainage improvements" approved by the city attorney. The agreement should be worded such that the subject properties are responsible for paying the full cost of required street improvements along their unimproved street frontages. The agreement shall also state that the city has the right to collect money owed for the actual construction costs, if actual costs exceed the amount deposited, and that the city will reimburse the property owner(s) if the actual costs are less than anticipated.

FINDINGS: The Planning Commission finds the addition of two new lots does not result in a traffic impact that warrants paying to pave the portion of Cutler Lane he does not own.

Gearhart Subdivision Ordinance November 2017

D. Subdivision Ordinance Sections 23 – 36 Land Partitioning: Describes technical partition plat requirements, review procedures and final plat filing requirements.

FINDINGS: The Planning Commission finds that the relevant data has been provided on the tentative plat and final platting requirements are a condition of approval for this request.

E. Subdivision Ordinance Sections 37-46 General Regulation and Design Standards

A land division either by a subdivision, creation of a street, or a partitioning, shall conform to any development plans, shall take into consideration any preliminary plans made in anticipation thereof, and shall conform to the design standards established by this ordinance.

1. Section 38 - Streets: A land partition shall conform to the relevant city street design standards described below.

(2) General: The location, width and grade of streets shall be considered in relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed use of the land to be served by the street.

FINDINGS: The Planning Commission finds Cutler Lane is on a flat grade and designed to serve a limited area. The street is not planned to be extended east of the subject parcel due to topographic and wetland constraints.

(5) Future Street Extension: “Where necessary to give access to, or to permit a satisfactory future division of adjoining land, streets shall extend to the boundary of the subdivision or partition, and the resulting dead-end streets may be approved without a turnaround.”

FINDINGS: The Planning Commission finds Cutler Lane was designed with a turnaround to serve the existing lots and the subject parcel. The applicant is adjusting the location of the existing easement to serve the lots and is paving it for fire access and turnaround. Each dwelling has a garage and driveway located outside the easement area. The easement shall prohibit parking to assure on-going fire access.

(7) Existing Streets: Whenever existing streets adjacent to or within a tract are of inadequate width, additional right-of-way shall be provided at the time of a land division.

FINDINGS: The Planning Commission finds the existing 25’ road easement meets the minimum 25’ width standard for a private road. The street is a dead end due to topographic conditions that cannot be extended any further. The applicant does not own the land needed to widen the easement to the highway to create a city street to full street standards.

The City Attorney said on 7/4/22 “the existing recorded easement is a road and utility easement”; then on 6/21/22 he said that it “doesn’t preclude further land division but seems like they will need to build the street up to code”, and on 7/7/22 said, “I don’t see a deed restriction and the plat clearly shows a road easement.” **On 7/19/22 Peter said, “I believe that we can require paving in front of the 3 parcels that are part of the partition application, but there is no hook that would allow us to require paving and dedication on the Non-Applicant owners property.”**

The applicant’s surveyor said on 6/14/22 he “has never seen an easement with an intent for future use, and that a deed restriction would have done that but because we don’t have one, I think we have to go with what the zoning allows”. **On July**

20 the surveyor said, “the partition basically removes the old easement and replaces it with a new one.”

(16) Private Streets: “The design and improvement of any private street shall be subject to all requirements prescribed by this ordinance for public streets. The land divider shall provide for the permanent maintenance of any street required for access to property in a private street subdivision or a major subdivision.”

FINDINGS: The Planning Commission finds the private street was permitted and built in 2005 not in accordance with subject to public street standards. The public street standard is that the street be 25’ wide. The existing street was not required to provide a maintenance agreement in the 2005 land division. A maintenance agreement is encouraged for all parcels that access Cutler Lane ??? and is required for the proposed three parcels.

?????History of Cutler Lane creation in 2005 initial partition: In the original 2005 partition request the City approved the replat of the Cutler’s original single parcel on Highway 101 creating three parcels, adding a 568’ x 25’ foot-wide portion of land from an adjoining parcel to the north to provide the “Road and Utility easement” for access to the two new parcels.

Although it may have not been the Cutler’s intent, at that hearing on 4/13/05 city staff said in the staff report, “the R-2 zone permits 2-3 more lots on Parcel 1 and 2”. In fact, that is what the current applicant is proposing now on the rear lot, which could also be done on the middle lot occupied by a residence. Further, in 2005, the City Administrator Mr. McNally said in his comments that “the 25-foot access easement would be sufficient access for two parcels and if additional development were to occur the access would need to be dedicated as a public road and paved to city standards.” See the City staff report and 4/13/05 Planning Commission minutes.

Today, the applicant requests two new lots compliant with the R-2 zone lot standards. Based on additional traffic that will be using the gravel easement for access the road should be dedicated as a city street and paved to city street standards, as described to the Cutler’s in 2005. The City finds this condition of approval today will assure compliance with city street standards required by Section 38.

(11) Shared-use paths

The Planning Commission, in approving a land use application with conditions shall require a developer to provide non-motorized access where a public shared-use path is needed to connect to the RR Ave path ROW for bicyclists, pedestrians and emergency evacuation. The path shall be not less than 10 feet wide and shall contain a

minimum eight-foot-wide paved surface or other all-weather surface approved by the Planning Commission. Shared-use paths shall be contained within a public right-of-way or public access easement, as required by the City.

FINDINGS: The City finds the TSP Figure 7 Planned TSP Investments does not identify the planned RR Ave. non-motorized shared use path improvement on the subject parcel.

(17) Pedestrian Access and Circulation

In addition to the access and connectivity standards required by subsection (9) Cul-de-sac and (10) Shared-use Paths, any individual site in the subdivision or partition shall meet the pedestrian access and circulation standards of Section 4.080 Transportation Improvements of the Gearhart Zoning Ordinance.

FINDINGS: The City finds this section of the Subdivision Ordinance also implements the pedestrian access and connectivity policies of the TSP at the time of a proposed partition to provide for safe, reasonably direct bike/ped/evacuation access to the planned RR Ave./Tressel Dr. public path.

Staff recommends the proposed Parcel 3 include a 5'-wide trail access easement for Cutler Lane property owners to access the future recreation and evacuation path.

G. Section 39 - Recreation and Utility Easements:

FINDINGS: The City finds the planned TSP RR Av. Tressel Dr pedestrian trail is planned on the adjoining parcel to the east. When improved, access to that trail would provide a safe recreational benefit to the Cutler Lane residents who could use the trail as an evacuation route and as an alternative to the highway that will eventually connect to other cross streets.

- F. Section 40 - Building Sites: Each lot shall be appropriate for the location, environmental features and for the type of development proposed. Each lot shall abut a street for a width of at least 25 feet. Through lots shall be avoided. Lot lines shall run at right angles to the street.

Land which the Commission finds unsuitable for partitioning for reasons including flooding, improper drainage, wetlands, or other concerns shall be set aside for a use which does not pose a danger or a negative impact.

FINDINGS: The Planning Commission finds the proposed partition provides 25' feet of frontage to each of the subject three lots by extending the easement from its current terminus to the new parcels. They also find the proposed parcels are appropriately sized and shaped to satisfy the basic street access and the R-2 minimum lot size, shape and setback standards. The City Building Inspector finds impacts by the required site alteration, tree removal and grading necessary to accommodate a flat building site for a dwelling on Parcel 3 can provide for adequate drainage and dune destabilization.

REMOVE????Ms. Germaine, attorney for Mr. Evans (EPI) states “the partition will not allow for all three lots to abut a street and that the City Staff Report dated June 2, 2022, does not address how this partition satisfies this condition.” Although the first 2005 partition did not meet city standards, she says, “the City incorrectly platting this area in the past is not an allowable, or documented, exemption to the requirement that each lot and parcel shall abut upon a street. The Commission must deny this Partition based on the failure to meet criteria Section 40.2.”

H. Section 43 – Water Courses: The land divider shall dedicate a right-of-way for storm drainage purposes, conforming to the lines of any natural water course or channel, stream or creek that traverses the partition, or find an alternative method to dispose of storm water.

FINDINGS: The applicant indicates on the Tentative Plan notes that stormwater runoff is to be directed southerly as it currently flows. Drainage control will be required at the time of a building permit request based on the specifics of the building proposed.

I. Section 46 – Wetlands and Areas Subject to Inundation: The Planning Commission may prohibit the partition of any portion of property which lies within the floodplain or wetlands of any stream or drainage course. These areas shall be preserved from damage or destruction resulting from clearing, grading, or dumping of materials.

FINDINGS: The City finds that the official 2011 Gearhart Local Wetland Inventory LWI map illustrates no wetlands are designated on the site.

J. Subdivision Ordinance Sections 47 – 50 Improvements

The following four subsections apply to land division improvement standards, approval and construction requirements.

Section 47 Improvement Standards and Approval

- 1) Improvements shall not be commenced until plans have been approved by the city. Some plans may be required prior to approval by the Planning Commission.
- 2) Improvement work shall not be commenced until the City has been notified.
- 3) All required improvements shall be constructed under the inspection and to the satisfaction of the City.
- 4) All underground utilities shall be constructed prior to surfacing of the streets.
- 5) A map showing all public improvements as built shall be filed with the Building Official upon completion of the improvements.

FINDINGS: The Planning Commission finds the applicant indicates on the Tentative Partition plan there are two possible water sources to the three parcels. Option 1 is a waterline from Park Lane to the north through an easement on the Alisha Smith Parcel 1321 Park Lane that adjoins the existing road easement. Option 2 is a water line from Hwy 101 in the existing road and utility easement. Utility installations, access and culvert improvements are required to be constructed and approved by the Building Inspector per City specifications of Section 47 (1 – 5) above.

Section 48 Improvement Requirements:

- 1) Public streets shall be improved.
- 2) Structures necessary for drainage, access and public safety shall be installed.
- 3) Storm water facilities or ground water recharge facilities shall be installed per city specifications. There is a “Stop” sign at highway 101.
- 4) Water mains and fire hydrants shall be installed per city specifications.
- 5) Underground utilities shall be installed.
- 6) Street lighting per city specifications shall be installed.
- 7) Street signs shall be installed per city specifications.
- 8) If necessary, a drainage easement shall be installed for the safety of the adjoining property.
- 9) Damage to public streets related to the development shall be restored to existing conditions before the damage.

FINDINGS: The Planning Commission finds there are no public streets to be improved. Drainage of storm water will be directed to the south, determined at the time of a building permit. Water lines and underground utilities are to be installed per code. There is a “Stop” sign at Highway 101. City streetlights are not installed on a private road easement. The City finds the above private utilities shall be installed prior to or in conjunction with any building permits in accordance with city public works and building official approvals.

Section 49 – Monuments: Surveyed monuments shall be set according to ORS 92.060 and city specifications outlined in Section 49 - Monuments

FINDINGS: The monumentation requirement should be a condition of final plat approval.

Section 50 – Survey Requirements: The surveyed plat shall be set according to ORS 92 and city specifications outlined in Section 50 – Survey Requirements.

FINDINGS: The above requirement should be a condition of approval.

IV. DECISION

Based on the findings herein, the City Staff Report's dated June 2 and July 7, 2022, and testimony at the June 9, July 14th and August 11 public hearings, the Planning Commission **APPROVED** the Heritage Home Building proposal for a Tentative Land Partition subject to the following revised conditions of approval:

1. Within one year of this tentative approval the Final Partition Plat shall be submitted to the City for Planning Commission approval. If necessary, the applicant may request a one-year extension of the approval.
2. For fire access and safety, the final partition plat drawing shall be modified to indicate that the depth of the hammerhead is at least 70'. Due to the distance of the nearest fire hydrant, the proposed homes must be sprinklered. **Prior to occupancy install "No Parking" signage within the hammerhead turnaround area only. Before final plat submittal, determine if the existing hydrant on the highway is within the road easement where it intersects with the highway. If so, relocate the hydrant per City Fire Chief approval.**
3. The existing Road and Utility Easement shall be rewritten to service the new properties.
4. **For safe highway entry and exit, and with the owner's agreement, construct an estimated 25' x 20' paved road approach apron at the intersection of Cutler Lane and Highway 101. On the subject parcel enact a shared Road Maintenance Agreement between the three new parcels who access the new improvement. In addition, enter into a Maintenance Agreement for the Cutler Land Road and Utility Easement with the existing owner of the two existing parcels between the subject site and the highway.**

5. The east end of the Parcel 3 will need to be leveled and graded to accommodate a dwelling and a septic drain field. **Preserve two existing trees on Parcel 2 identified as tree #2 & 5.** Assure there will be adequate fire access on the east side of the dwelling on Parcel 3 and that there will be no dune sloughing or destabilization, as determined by the City Building Official before final plat submittal.
6. All septic systems shall be installed at least 10-feet from a street. The applicant must obtain Clatsop County Health/DEQ approval to install the new septic systems.
7. Water is available from either Hwy 101 or Park Lane. The owner is responsible for any extra costs of line installation as determined by the Gearhart Public Works Department.
8. The final plat shall illustrate a 5'-wide recreation trail access easement **either** on the north property line of Parcel 3, **or an alternative location as agreed upon by the applicant and the City** for Cutler Lane property owners to access the future recreation and evacuation path to be located on the railroad bed to the east.
9. Utility improvements: No building permit may be issued until all required improvements are in place and approved by the City Manager or designee, or otherwise bonded, in conformance with the provisions of the Subdivision Ordinance.
 - a. Improvements shall not be commenced until plans have been approved by the city. Some plans may be required prior to approval by the Planning Commission.
 - b. Improvement work shall not be commenced until the City has been notified.
 - c. All required improvements shall be constructed under the inspection and to the satisfaction of the City.
 - d. All underground utilities shall be constructed prior to surfacing of the streets.
 - e. A map showing all public improvements as built shall be filed with the Building Official upon completion of the improvements.
 - f. Damage to public streets related to the development shall be restored to existing conditions before the damage.
10. Surveyed monuments shall be set according to ORS 92.060 and city specifications outlined in Section 49 – Monuments. The surveyed plat of the partition shall be set according to ORS 92.060 and city specifications outlined in Section 50 – Survey Requirements.
11. As applicable, the following Subdivision Ordinance Section 48 standards shall be met:

- a. Structures necessary for drainage at the base of the dune, for vehicle and fire access and public safety shall be installed per City Building Inspector approval. If necessary, a drainage easement shall be installed for the safety of an adjoining property.
- b. Storm water facilities or ground water recharge facilities shall be installed per city specifications approved by the Building Inspector.
- c. Water mains and fire hydrants shall be installed per city specifications.
- d. Underground utilities and private easements shall be installed.
- e. Street lighting per city specifications shall be installed.
- f. In conjunction with the dedication and improvement of Cutler Lane to city street specifications, if needed “No Parking”, red curbing and any other street signage shall be installed per city specifications.