

CITY OF GEARHART PLANNING COMMISSION

City Staff Report

From: Carole Connell, AICP - City Planner

Re: Request for a Land Partition approval

August 4, 2022

City File: #22-06P

Application Purpose: An application for approval of a Minor Land Partition to divide one parcel into two, with a private driveway access located on a dune uphill from the east terminus of Park Lane, a city street, in a Medium Residential R-2 zone.

Public Hearing Date: August 11, 2022

Applicant: Chris Pounds & Alisha Smith
1321 Park Lane
Gearhart, OR 97138

Property Owner: Same as above

Wetland Determination: None identified on City GIS Wetland 2011 Wetland map

Location: Tax Lot 03705 Map 6 10 03 CD
Lot size: 24,043 square feet

Procedures: Application received: 06-16-22

Completeness: 07-08-22

Notice Mailed: 07-21-22

Notice Published: 07-21-22

120-day deadline: 11-04-22

City Staff Comments:

- Gearhart Fire Chief, Chief has conflict as a neighbor. Chris Dugan State Fire Marshall comments by phone 7-27-22:
 1. Existing hydrant at the highway intersection. A new fire hydrant is required at the end of Park Lane to serve the new dwellings. This will improve fire safety for all homes on the street in the event of a wildland fire. This alleviates the need for sprinklers on the dwellings.
 2. A turnaround is not required for 2 new homes.
 3. A minimum 14' wide access road to two dwellings is adequate. Must be improved per fire code with rock & boulder reinforcement at the time of a building permit.

4. The top of the dune is ready to build on. Sand is heavy and small. It can be manipulated and is immediately compacted. Water and slope can create unstable sand, but not a reason to deny the request.
- Gearhart Building Inspector, Leonard Brogden comments 7-27-22 email
1. Install fire hydrant at base of driveway required to avoid turnaround and sprinkler requirements, per State Fire Marshall requirements.
 2. Where a 1:1 slope is created must install 6" GEO mats & plantings for sand stabilization.
 3. Create an easement for a dry well for City access at the end of Park Lane on applicant's existing parcel.
 4. To control water runoff from the two new homes, a dry well is required on each lot. The recent dry well constructed on the applicant's adjoining parcel has helped with flooding.
 5. The driveway is required to be moved 8' south of the existing alignment.
- Gearhart Police Chief, If fire access is adequate, the police department will have access, 8-1-22 email. There are no recorded crashes at the intersection of Highway 101 and Park Lane, 8-2-22 email.
 - Gearhart Public Works, Water is available from a 4" line at the end of Park Lane. The applicant must run two lines down the driveway and meters would be placed at the south side of Park Lane at the end. Owner is responsible for parts and labor to tap the main with two ¾" lines, and is responsible for patching the street, 8-1-22 email
 - Gearhart City Administrator, "the prior Building Official allowed tree removal, so the applicant had permission. Tree cutting was premature. Don't know the total number of trees cut or their location." 7-27-22 email. Past dune-top construction has been approved for homes on Kerschel Circle and Pine Ridge Drive.

Public Comments:

- Roni Parham, May 29, 2022, two emails. Concerned about environmental impacts on her property and Skoocum Creek in the event of septic system failures caused by elk trampling on dune, dune destabilization and erosion, loss of privacy, CC&R violations, water runoff. Ms. Parham provided a copy of the Park Place CC&R's. The CC&R's for Park Place apply to Lots 1-4 at the west end of the street. The copy received does not appear to apply to Park Place No. 2 at the east end of Park Lane, the applicant's tax lot 905 on the south side of Park Lane, or the applicant's subject tax lots on the dune.

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

I. Background

- A. Site information: The existing parcel is an estimated 120' feet from the end of Park Lane. The partition segregates the existing parcel (24,043 SF) into two parcels for two homesites (estimated 30' wide homes). Parcel 1 is 12,165 SF and parcel 2 is 11,878 SF. Street access to Park Lane will be by a private driveway for the two dwellings, beginning at the terminus of Park Lane then uphill at a 1:1 slope to access one lot to the north and the other to the south.

Soil stability: According to the Building Official, compacted sand is more stable than soil. It will be reinforced by 6" GEO mat and plantings. The west side is less stable and if a home is built closer than 10' to the dune edge a retaining wall is required.

Trees: There are no trees on the homesites or the planned driveway. There is no designated W2 wetland identified on the site due to the railroad bed. On the east side the slope is 2:1 with a gentle benching down to the wetlands and the city-owned railroad right-of-way.

Water runoff: Drainage in the area has been poor due to past elevation of existing lots north and east of Park Lane several years ago. But the applicant recently leveled those lots to reduce the flooding problem. He also dug a dry well on his adjoining parcel and filled it with gravel to catch water runoff from Park Lane and existing parcels that tends to flow east and south. The applicant will be demolishing his existing house on the south side of Park Lane to improve drainage.

Utilities: The applicant has obtained Clatsop County/DEQ Health approval to install one new septic systems. If the partition is approved and recorded a second septic system approval will be applied for.

Water service: There is an existing 4" city water line in Park Lane with capacity to provide connection to the two planned homesites.

Fire access and safety: There is an existing hydrant on the west end of Park Lane near the highway. Because Park Lane was approved and built without a turnaround, in this case the Fire Dept. requires the applicant to add a new hydrant at the east end of Park Lane to access the two planned homes as well as improve fire protection to existing homes at the end of the lane.

- B. Agency Coordination: The proposal was referred to and comments were provided from city departments and the State Fire Marshall. If approved, a final partition plan will be

prepared for Planning Commission approval, followed by county recording, building plans, water and septic approvals.

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 two new single-family dwellings on .55 acres, 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): A land division is required to meet the Oregon Fire Code. The State Fire Marshall has reviewed the partition and has several improvement requirements if the two lots are recorded, and homes are proposed to be built.

III. FINDINGS FOR APPLICABLE ZONE AND SUBDIVISION STANDARDS

A. GZO Section 3.2 Medium- 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 12,165 SF and Parcel 2 is 11,878 SF. The partition configures each lot with a building envelope so that each parcel can comply with the R2 zone lot

size, setback requirements and maximum coverage. A 10-foot setback from the west property will be required to maintain grade stability unless a retaining wall is built.

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.
- 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 this section is not applicable because the proposal is to partition the land for two single-family dwellings accessed by a minimum 14-foot-wide private driveway and utility easement, not a public right-of-way. Park Lane is a 20-foot paved city street in a 50' ROW with no curb or sidewalk and permits parking on the street. There is no TSP plan for sidewalk improvements on this short dead-end street. Note: The Park Place CC&Rs require each home to construct a sidewalk on its frontage but was not enforced for the existing homes on the street.

A trail/shared use path in the TSP is planned connecting north to south in the general vicinity of the RR ROW or Railroad Avenue. On the east side of the subject parcel there is a 60-wide city-owned parcel portion of the RR Ave. ROW. Depending on the topography in this area a pedestrian/bike path is required on the east side of the site or in the RR ROW. Further topographic investigation is necessary to make that determination. If possible, it is preferable the trail alignment be located in the RR ROW adjoining the east property line.

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

FINDINGS: The Planning Commission finds a new street is not proposed, but rather a private driveway is planned similar to that of a flag lot. The City will continue to maintain Park Lane. The applicant will be required to provide a road and utility easement maintenance agreement for the driveway up to the two planned parcels, to include the applicant's tax lot 905 where the driveway begins.

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.

- (1) Single-Family Dwellings and Duplexes. All single-family dwellings and duplexes that front an existing street segment that is planned for a sidewalk improvement may include but are not limited to sidewalks, trails, curbs, gutters, and planter strips.
- (2) Multi-Family Dwellings and Commercial Development. All multi-family dwelling and commercial development shall construct a minimum of half-street improvements to all existing streets adjacent to, within, or necessary to serve the development in accordance with the standards of the Gearhart Transportation System Plan. Where a development has frontage on both sides of an existing street, full street improvements shall be required.

FINDINGS: Park Lane is an asphalted city street maintained by the city. The two planned parcels do not front the public street and are not required to improve the street. The gravel access road is considered a driveway to two dwellings.

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 public street improvements to the existing Park Lane to meet city street standards are not required.

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 a fee-in-lieu of or a Waiver of Remonstrance requiring improvements to Park Lane is not applicable.

Gearhart Subdivision Ordinance amended 2017 per TSP

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

FINDINGS: The City 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.

FINDINGS: The Planning Commission finds there are no prior or anticipated development plans that affect the site. The Gearhart TSP does not identify additional improvements to Park Lane. The TSP identifies a ped bike shared use path on the adjoining railroad bed. The Commission finds the site adjoins the planned RR ROW shared path plan in the Gearhart TSP

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

- 1) 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 partition is not subject to public right-of-way road improvements to Park Lane. The applicant should be required to include a Road Maintenance Agreement for the three parcels adjoining or accessing the proposed private driveway.

- 2) 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 Planning Commission finds the TSP Figure 7 Planned TSP Investments identifies the planned RR Ave. non-motorized shared use path improvement on or adjoining the subject parcel. But the trail alignment has not been mapped from north to south and depends on accessibility of the adjoining 60-foot-wide Railroad Ave. On the east side of parcels 1 and 2 there is a gradual benching downhill into wetland. The future trail should be located in the existing city owned right-of-way adjoining the east side of the subject parcels. However, access to the future trail from Park Lane is blocked by the subject two private parcels.

It appears there is an unidentified sliver of land adjoining the south side of proposed Parcel 2, which also adjoins the Heritage Homes site at the end of Cutler Lane. A site inspection is needed to determine if the gap may provide future access to the trail in the city owned RR right-of-way, for access from Cutler Land and Park Lane. See attached sketch.

3) 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 Planning Commission finds the Park Lane is a local street with no sidewalks, like most neighborhood streets in Gearhart. Although it appears the owners of lots in Park Place phase 1 were required by the CC&R's to install a sidewalk with each new home construction. The proposal for two lots cannot be required to install sidewalks on the existing street. Residents will walk down the planned driveway to access Park Lane.

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.

As the City has required in past developments that adjoin or are near the planned ped/bike route, Staff recommends the proposed Access and Utility easement include include a 10'-wide trail access easement to the east property line for access to the future recreation and evacuation path in the city owned right-of-way, unless an alternative route is identified.

G. Section 39 - Recreation and Utility Easements:

FINDINGS: The City finds the planned TSP RR Av. Tressel Dr pedestrian trail is likely planned to be on the adjoining City parcel to the east. When improved, access to that trail would provide a safe recreational benefit to Park Lane residents who could use the trail as an evacuation route and as a pedestrian/bicycle alternative to the highway that eventually connecting to other cross streets in the area. Prior to final plat submittal the City and the applicant shall identify the optimal connecting trail route to the city owned right-of-way.

- 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 parcels are appropriately sized, being more than 3,000 SF larger than the 7,500 SF R-2 zone standard for a single-family dwelling. The zone setbacks and 35% lot coverage maximum shall be met when a building plan permit is requested. Each lot abuts a proposed 25-foot-wide Road and Utility Access Easement across the applicant's tax lot 905 to Park Lane, similar to a flag lot.

The Planning Commission finds the impacts of prior site alteration, tree removal and dune grading necessary to accommodate two flat building sites were previously approved by the state Fire Marshall and the Gearhart Building Inspector. Significant drainage puddling at the base of the dune have been recently remedied by the applicant with the construction of a dry well, also approved by the Building Inspector. Additional drainage management for each of the two homesites is required to avoid downhill runoff. Drainage will be considered again by the Building Official for each building permit proposal.

- 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 from the dwelling roofs and pavement is to be directed easterly into City RR right-of-way towards Skoocum Creek. Flooding on adjoining lots has been a recent problem as a result of the dune modification. The applicant has since reduced the dune grade and built the drainage drywell on his property to remedy the flooding at the base of the dune. The applicant indicates the dry well will be enlarged and the two new homesites will each have a drainage dry well. The Planning Commission finds thorough analysis and review of water runoff from the two homesites is required coincident with the building plans for the two homesites.

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 Planning Commission finds that the official 2011 Gearhart Local Wetland Inventory LWI map illustrates no wetlands are designated on the subject parcel. However, wetlands do exist on the east side of the subject parcel. Water runoff from roofs and asphalt should be treated prior to emptying into the creek/wetlands to the east.

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 applicant indicates water service to the two new parcels can be connected to the existing public water line in Park Lane. 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 at the time of a building permit.

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.
- 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 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. CONCLUSION

Based on the findings in this report, subject to additional information provided at the public hearing, Staff recommends approval of the Heritage Home Building proposal for a Tentative Land Partition subject to the following conditions of approval, as may be modified by the Commission:

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. On the final plat the applicant is required to include a 25-foot-wide road and utility easement across owner's tax lot 905 from Park Lane to the two homesites and to record a Road and Utility Maintenance Agreement between tax lots 905 and the two new tax lots.
3. A 10-foot setback from the west property will be required to maintain grade stability unless a retaining wall is built to protect dune stability. The minimum R-2 zone building setbacks and maximum 35% lot coverage are required.
4. A trail/shared use path is planned connecting north to south in the general vicinity of Railroad Avenue right-of-way on the east side of the subject parcel. Depending on the topography in this area a pedestrian/bike path is required on the east side of the site or in the RR ROW.

Prior to final plat submittal, the City and the applicant shall identify the optimal connection to the future trail route, possibly through the Road Access and Utility Easement description by adding a 10'-wide public trail access easement to the east property line for access, or to the north or south depending on topography and ownership constraints.

5. City water is available at the east terminus of Park Lane. The applicant must run two lines down the driveway and the meters will be placed on the south side of Park Lane. The owner is responsible for parts and labor to tap the main line with two ¾" lines and is also responsible for patching the street.
6. The Planning Commission finds thorough analysis of water runoff from the two homesites is required coincident with the building plans for the two homesites. At a minimum, unless engineering identifies a preferred method, the applicant is required to enlarge the existing dry well at the base of the dune and construct individual dry wells on the two new homesite lots in accordance with building and engineering inspection approval.

In addition, Water runoff from roofs and asphalt should be treated prior to emptying into the creek/wetlands to the east.

7. Prior to occupancy of a dwellings, comply with the following requirements of the Gearhart Building Inspector & State Fire Marshall:
 - Install fire hydrant at base of driveway required to avoid a turnaround. requirement and sprinklers, per State Fire Marshall approval.
 - Wherever a 1:1 slope is created the owner must install 6" GEO matts & plantings for sand stabilization.
 - Create an easement for a dry well with City access at the end of Park Lane on applicant's existing parcel TL 905.
 - To control water runoff from the two new homes, a dry well is required on each lot to control flooding.
 - Obtain Clatsop County Health/DEQ septic system approval. A road may not be located closer than 10 feet from a septic drain field on the applicant's tax lot 905 or the proposed parcels on the dune.
 - A minimum 14' wide access road is adequate. The road is required to be moved 8 feet south of the current alignment. The road must be improved per fire code with rock and boulder reinforcement, plans to be provided at the time of a building permit request.
8. Prior to any work within ODOT highway right-of-way obtain a permit based on plans approved by ODOT. Contact ODOT District 1 Maintenance Permits Office Richard Kerns 503-325-6490.
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, access and public safety shall be installed.
 - b. Storm water facilities or ground water recharge facilities shall be installed per city specifications.
 - c. Water mains and fire hydrants shall be installed per city specifications.
 - d. Underground utilities shall be installed.
 - e. Street lighting per city specifications shall be installed.
 - f. “No Parking” and any other street signs shall be installed per city specifications.
 - g. If necessary, a drainage easement shall be installed for the safety of an adjoining property.
 - h. Damage to Cutler Lane related to the development should be restored to existing conditions before the damage, which should be denoted on the building permit.

V. DECISION OPTIONS

The Planning Commission has the following motion options:

1. Based on the Findings in the staff report, I move we approve the proposed Cutler Lane Tentative Partition Plat (File # 22-04P) subject to the conditions of approval as presented and/or as modified by the Planning Commission; or
2. I move that we continue the public hearing for the Tentative Partition Plat to the next regular meeting; or,
3. Based on the testimony received and revised findings as directed by the Commission, I move that we deny the Tentative Partition Plat.

This picture that Angoleana took of the east edge of the parcel shows the approximate location of the property line. It's also a good representation of the slope of the hill to the east. The property east of this line is the Railroad right-of-way.







