



**NEDONNA WAVE  
PLANNED UNIT DEVELOPMENT  
PHASE 2**



# WHY ARE WE HERE?

In 2008, the Rockaway Beach City Council approved the Nedonna Wave Planned Unit Development (PUD), a 28-lot, phased development. The Applicant is now seeking to make modifications to previously approved PUD, and is seeking tentative plan approval for these modifications.

The City's role is to ensure that both public and private development are aligned with the standards set out in the City's guiding documents, such as the Comprehensive Plan, Zoning Ordinance and Subdivision Ordinance. The City provides a forum for public hearings and guidance to property owners to ensure compliance with City standards.





# PLANNING COMMISSION'S ROLE

The City of Rockaway Beach Planning Commission plays the role of the state-required committee for citizen involvement. As a committee, they are tasked with monitoring and encouraging public participation in planning. This committee conducts quasi-judicial and legislative public hearings on certain land use applications, such as this one.

As the decision-making body, the Planning Commission, must base its review and decision of the criteria established within the City's Ordinances. They may not ignore applicable criteria or make decisions based on factors or arguments not related to the applicable criteria.



# CASE FILE #PUD-24-1

APPLICANT:  
Nedonna Development LLC (c/o Anna Song)

AGENT FOR APPLICANT:  
Dean N. Alterman





**PROPERTY LOCATION:** The subject property is located on Kittiwake Drive north of Riley Street and south Song Street in Nedonna Beach. The property is identified as on Tillamook County Assessor's Map 2N1020AB as Tax Lots 10200, 10400, and 10500.

**LOT SIZE:** approximately 2.56 acres

**ZONING DESIGNATION:** R1 (Single Family Residential) and SA (Special Area Wetlands)

**SURROUNDING LAND USE:** Adjacent to the north is the existing Nedonna Wave Planned Unit Development Phase 1. To the east is undeveloped private land zoned R-1 (Single Family Residential Zone) and Highway 101. To the south is undeveloped private land zoned R-1 (Single Family Residential) and SA (Special Area Wetlands). To the west is White Dove Estates neighborhood, which is zoned R-1 (Single Family Residential).

**EXISTING STRUCTURES:** 1. None, except for utilities installed by the Applicant during the construction of Phase 1, for Phase 2.

**UTILITIES:** The following utilities are proposed to serve the subject property:

- Sewer: City of Rockaway Beach
- Water: City of Rockaway Beach
- Electricity: Tillamook P.U.D.



**DEVELOPMENT CONSTRAINTS:** The property contains wetlands that were delineated by a professional wetlands consultant prior to the 2008 approval. As wetlands are not stagnant, according to the Department of State Lands (DSL), the former delineation is no longer valid and expired after a period of five years. At the time of the 2008 approval, the Applicant provided a joint permit from the DSL and the U.S. Army Corps of Engineers. These permits have now expired and will need to be renewed before any disturbance or impacts to the wetlands takes place. If the request is approved, the Applicant will be required to obtain and provide copies of necessary permits from these agencies prior to initiating construction.

In addition, a portion of the subject property is located within the 100-year floodplain as identified on the Flood Insurance Rate Map Panel Number 41057C0218F.



**GENERAL DESCRIPTION OF THE PROPOSAL:** The Applicant is requesting a modification to the Nedonna Wave Planned Unit Development that was approved by the City of Rockaway Beach in 2008. The Applicant seeks the following modifications to Phase 2 of the 2008 approval:

(1) To develop Phase 2 in two sub-phases, instead of one phase;

(2) To create two lots instead of one lot at the north end of Jackson Street (identified as lot 24 on the 2008 approved plan), identified as lots 21 and 22 on the plans submitted with the Application;

(3) To create four lots instead of three lots at the northeast corner of Kittiwake Drive and Riley Street (identified as Lots 14, 15, and 16 on the 2008 approved plan), identified as lots 13, 14, 15 and 16 on the plan submitted with the Application; and

(4) Provide that when the owner of the land to the south extends Jackson Street south into that property, the City will vacate the east stub of Riley Street, so that Riley Street will terminate in a T intersection with Jackson Street, and the vacated stub can be combined with Tract E to form an additional building lot.



**BACKGROUND:** In 2008, the Applicant submitted Planned Unit Development Application #SPUD-07-19 for the creation of a phased, 28-lot development, with PUD overlay.

In addition to the PUD approval, the Applicant was also granted variances, allowing for some of the homes within the PUD to be constructed over the height maximum for this area and to allow the development to be constructed without sidewalks.





Section 10.060 of the RBZO requires the applicant to file a “final plan for the entire development or, when submission in stages has been authorized, for the first unit of the PUD” within one year after the city approves a preliminary development plan. The code does not set any time limit on when the applicant must apply for subsequent units or stages of the PUD.

In this case, the city approved the preliminary development plan in early 2008. The Applicant applied for and received final approval for the first unit of the PUD within one year after it received final approval of the preliminary plan.

The Applicant recorded the plat of Nedonna Wave Phase 1 on February 2, 2009 as Plat C-573, Tillamook County Plat Records. The plat included dedications of Kittiwake Drive, Song Street, Duke Street, Riley Street, and Jackson Street. In addition to the eight numbered lots, the plat included common area as Tracts A, B, and D, and areas for potential future development as Tracts C, E, F, and G.



The Applicant suspended the project during the recession, before Nedonna Development was ready to build Phase 2, though it had constructed many of the public improvements for Phase 2 in accordance with plans that the city engineer approved on July 22, 2008.

The Applicant is now ready to plat Phase 2.

The Applicant is requesting to modify the approved final plan - to plat Phase 2 in two separate pieces.

Phase 2 would consist of the 11-lots east of Kittiwake Drive, numbered from 9 to 19 and would be taken from what is now Tract F.

Phase 3 would be the 9-lots west of Kittiwake Drive, numbered from 20 to 28. The number and location of the lots would conform to the final plan approval that the city issued in 2008.

The Applicant requests three modifications to the PUD approval as part of the Phase 2 request:

- To create two lots instead of one lot at the north end of Jackson Street (identified as lot 24 on the 2008 approved plan), identified as lots 21 and 22 on the plans submitted with the Application;
- To create four lots instead of three lots at the northeast corner of Kittiwake Drive and Riley Street (identified as Lots 14, 15, and 16 on the 2008 approved plan), identified as lots 13, 14, 15 and 16 on the plan submitted with the Application; and
- Provide that when the owner of the land to the south extends Jackson Street south into that property, the City will vacate the east stub of Riley Street, so that Riley Street will terminate in a T intersection with Jackson Street, and the vacated stub can be combined with Tract E to form an additional building lot.



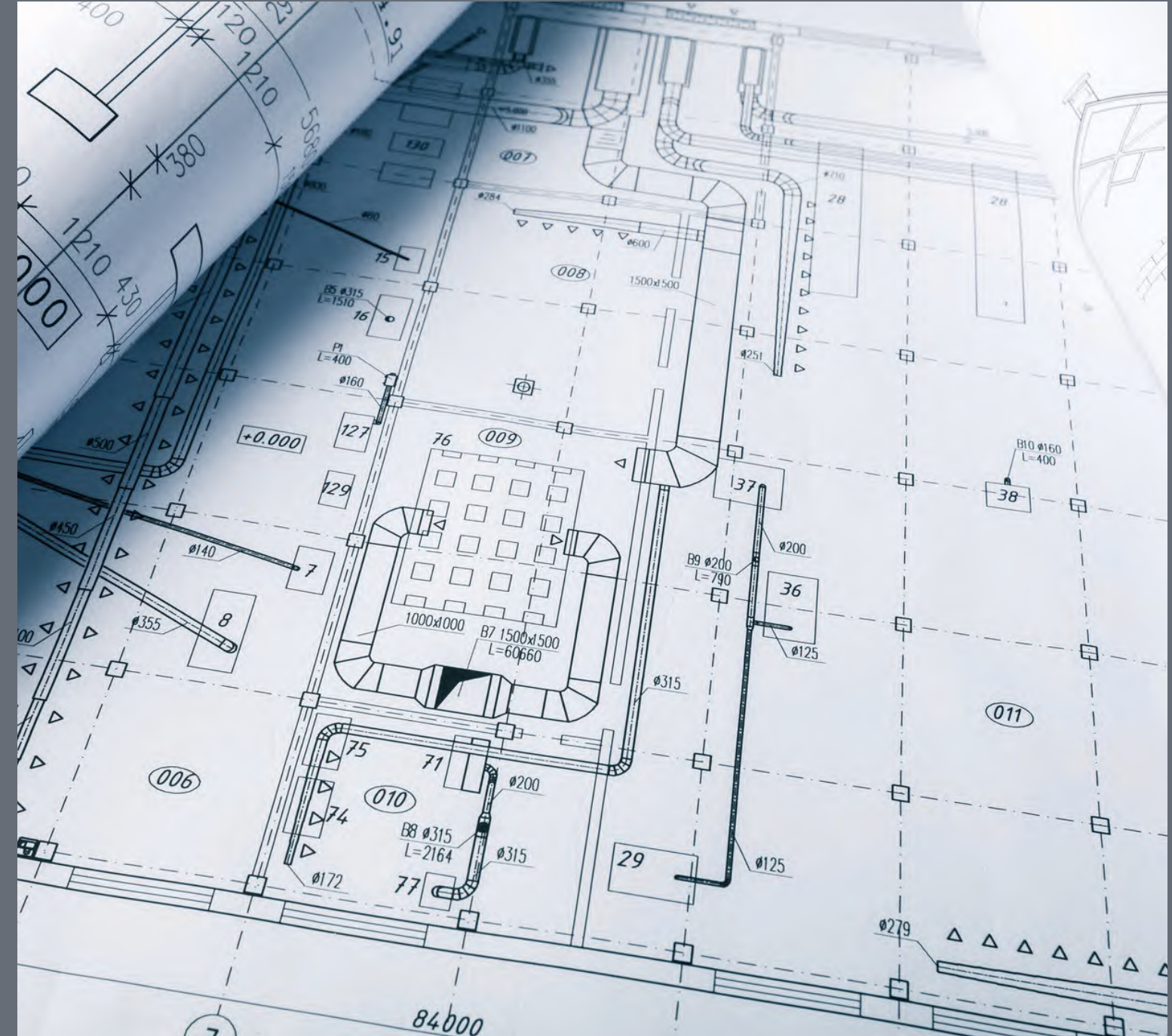
If the City grants the three modification requests, then the total number of lots in Nedonna Wave would increase above the 28-lots originally approved, but not above the 33-lot density limit that the City identified as applicable in the 2008 PUD approval.

Since the city already issued its final approval of the final development plan under Section 10.060 and has approved the entire project as a 28-lot PUD, the only current questions are:

- Will the City allow the Applicant to plat the remaining lots in two phases instead of in one?
- Will the City allow an increase in the number of lots in Nedonna Wave from 28-lots, to 30-lots?

## AGENCY COMMENTS:

- City of Rockaway Beach Engineer: HBH Engineering provided a letter which identifies issues that will need to be addressed through the more formal engineering review if this request is approved.
- Department of State Lands: DSL provided a response to the Wetland Use Notification which identifies additional reporting and permitting that will need to be completed and obtained prior to any disturbance of the wetland areas.





## AGENCY COMMENTS:

- Department of Fish and Wildlife: ODFW provided comments on the application that all stream crossings are to comply with fish passage requirements and ODFW approval. Additional comments were received supporting the City's requirement for a 15' riparian setback for McMillan Creek and offered coordinating support to develop a plan to mitigate impacts.
- Oregon Department of Transportation: ODOT was contacted for comment on the application concerning the potential need for a second connection to Highway 101. ODOT was unable to provide comment without a traffic study.

## PUBLIC TESTIMONY:

- Paul Thompson
- Karl Nulton
- Mary and Dan Enwert
- Tom Heckenberg
- Delta Holderness
- Donna Locke
- Gary Corbin
- Darrel & Diane Delong
- Danny Wihelmi
- Josh Parkinson
- Charyl Looper
- Catherine & Frank Imbrie
- Susan Sharpe
- Nedonna Beach Neighborhood Association
- Kathy Tysinger
- Lydia Anderson





# ORDINANCE STANDARDS

- Rockaway Beach Zoning Ordinance - Section 3.010 - Single Family Residential Zone (R1)
- Rockaway Beach Zoning Ordinance - Section 3.080 - Special Area Wetlands (SA)
- Rockaway Beach Zoning Ordinance - Section 3.092 - Flood Hazard Overlay Zone (FHO)
- Rockaway Beach Zoning Ordinance - Section 3.132 - Wetland Notification Overlay Zone (WO)
- Rockaway Beach Zoning Ordinance - Section 3.140(6) - Tsunami Hazard Overlay Zone (TH)
- Rockaway Beach Zoning Ordinance - Article 10 - Planned Unit Development (PUD)
- Rockaway Beach Subdivision Ordinance - Article 13





# ROCKAWAY BEACH ZONING ORDINANCE - SECTION 3.010 - SINGLE FAMILY RESIDENTIAL ZONE (R1)

*Section 3.010 outlines the standards for the R1 Zone*

- a. **MINIMUM LOTS SIZE** - The Applicant was approved for a PUD overlay in 2008, allowing for a development of lots lesser than the minimum lot size requirement for the R1 zone. The Applicant is seeking to create two additional lots not included in the 2008 approved plan, which are lesser than the minimum lot size requirement of the R1 zone.
- b. **DENSITY** - The Applicant intends to construct single-family dwellings, therefore this standard is not applicable, as it applies only to duplexes.
- c. **MINIMUM LOT WIDTH** - The Applicant was approved for a PUD overlay in 2008, allowing for the development of lots lesser than the minimum depth requirement for the R-1 zone. The additional lots the Applicant seeks to add to through this modification are also lesser than the minimum width requirement.



# ROCKAWAY BEACH ZONING ORDINANCE - SECTION 3.010 - SINGLE FAMILY RESIDENTIAL ZONE (R1)

*Section 3.010 outlines the standards for the R1 Zone*

- d. MINIMUM LOT DEPTH - The Applicant was approved for a PUD overlay in 2008, allowing for the development of lots lesser than the minimum depth requirement for the R-1 zone. The additional lots the Applicant seeks to add to through this modification are also lesser than the minimum depth requirement.
- e. MINIMUM FRONT YARD SETBACK - This standard is typically reviewed for conformance and applied at the time a building permit is requested. (not applicable at this time)
- f. MINIMUM SIDE YARD SETBACK - This standard is typically reviewed for conformance and applied at the time a building permit is requested (not applicable at this time)
- g. MINIMUM SIDE REAR SETBACK - This standard is typically reviewed for conformance and applied at the time a building permit is requested (not applicable at this time)
- h. LOT SETBACK EXCEPTIONS - This standard is typically reviewed for conformance and applied at the time a building permit is requested (not applicable at this time).



# ROCKAWAY BEACH ZONING ORDINANCE - SECTION 3.010 - SINGLE FAMILY RESIDENTIAL ZONE (R1)

*Section 3.010 outlines the standards for the R1 Zone*

- i. MAXIMUM BUILDING HEIGHT - This standard is typically reviewed for conformance and applied at the time a building permit is requested (not applicable at this time). **However, it should be noted that the Applicant was granted height variances in 2008, which carry with the PUD approval.**
- j. MINIMUM LOT VEGETATION - This standard is typically reviewed for conformance and applied at the time a building permit is requested (not applicable at this time)



# ROCKAWAY BEACH ZONING ORDINANCE - SECTION 3.080 - SPECIAL AREA WETLANDS (SA)

*Section 3.080 outlines the purpose and permitted uses in the SA zone*

- a. DSL & COE PERMITS - The Application was been provided to DSL for review. The DSL responded, outlining additional reporting and permitting necessary for this Application.
- b. SHORELAND SITTING CRITERIA - The Shoreland Siting Criteria applies to developments taking place within 50 feet of the shore of any lake, therefore this criteria does not apply.
- c. DOCKS - No docks are proposed in this Application, therefore this criteria does not apply.
- d. ACCESS THROUGH WETLANDS - The Application does not propose any access to the water areas, therefore this criteria is not applicable.
- e. AQUATIC VEGETATION REMOVAL - The subject property does not provide angler access, therefore this criteria is not applicable.



# ROCKAWAY BEACH ZONING ORDINANCE - SECTION 3.080 - SPECIAL AREA WETLANDS (SA)

*Section 3.080 outlines the purpose and permitted uses in the SA zone*

f - h. DREDGING - Dredging is not proposed as part of this Application, therefore this criteria is not applicable.

i. PILING INSTALLATION - Piling installation is not proposed as part of this Application, therefore this criteria is not applicable.

j. SHORELINE STABILIZATION - Shoreline stabilization is not proposed as part of this Application, therefore this criteria is not applicable.

k - m. FILL - Fill is not proposed as part of this Application, therefore this criteria is not applicable.

n. ZONE BOUNDARY DETERMINATION - **The Application has been provided to DSL for review. The DSL responded, outlining the requirement for an updated site investigation to be conducted by a qualified agent to determine the exact location of the zone boundary.**



# ROCKAWAY BEACH ZONING ORDINANCE - SECTION 3.092 - FLOOD HAZARD OVERLAY ZONE (FHO)

*Section 3.092 outlines the purpose and objectives of the FHO zone*

- a. ENGINEERED PLANS TO MINIMIZE FLOOD DAMAGE - The City Engineers have outlined all public improvements be constructed within the public right of way. The public right of way is located outside of the flood zone and therefore are consistent with the requirements of minimizing flood damage.
- b. UTILITIES CONSTRUCTED TO MINIMIZE FLOOD DAMAGE - The City Engineers outlined all public improvements be constructed within the public right of way. The public right of way is located outside of the flood zone and therefore are consistent with the requirements of minimizing flood damage.
- c. DRAINAGE TO REDUCE FLOOD DAMAGE - The City Engineers recommend directing the Applicant to submit an acceptable storm drainage report prior to the final design of the storm drainage system.
- d. BASE FLOOD ELEVATION - The Application is less than 50 lots and 5 acres, therefore this criteria is not applicable.



# ROCKAWAY BEACH ZONING ORDINANCE - SECTION 3.132 - WETLAND NOTIFICATION ZONE (WO)

*Section 3.132 outlines the purpose and objectives of the WO zone*

1. **SITE PREPARATION** - The Applicant has not taken any site preparation action, with the exception of the approved site preparation completed during Phase 1.
2. **NOTIFICATION** - The Applicant has not yet applied for any site preparation work with this Application.
- 3 - 5. **DSL & COE REVIEW & PERMITTING** - *As noted in the response from the DSL, additional permitting and review are necessary prior to site preparation work.*
6. **DSL & COE JURISDICTION** - Based upon the response received from DSL on the initial review of the Application, the DSL has determined that it does have jurisdiction, therefore this standard does not apply.



# ROCKAWAY BEACH ZONING ORDINANCE - SECTION 3.140(6) - TSUNAMI HAZARD OVERLAY ZONE (TH)

*Section 3.140(6) outlines the purpose and objectives of the TH zone*

Evacuation Route Improvement Requirements. Except single family dwellings on existing lots and parcels, all new development, substantial improvements and land divisions in the Tsunami Hazard Overlay Zone shall incorporate evacuation measures and improvements, including necessary vegetation management, which are consistent with and conform to the adopted Tsunami Evacuation Facilities Improvement Plan. Such measures may include:

a. **ON-SITE IMPROVEMENTS** - The Application does not address on-site evacuation route improvements. The current tsunami evacuation route is located at the termination of Riley Street, past Jackson Street. The Applicant has request the City vacate the eastern portion of Riley Street to allow for the future development of an additional lot, which would block the current evacuation route.



# ROCKAWAY BEACH ZONING ORDINANCE - SECTION 3.140(6) - TSUNAMI HAZARD OVERLAY ZONE (TH)

*Section 3.140(6) outlines the purpose and objectives of the TH zone*

b. OFF-SITE IMPROVEMENTS - The Application does not address off-site evacuation route improvements. The current tsunami evacuation route is located at the termination of Riley Street, past Jackson Street. The Applicant has request the City vacate the eastern portion of Riley Street to allow for the future development of an additional lot, which would block the current evacuation route.

c. EVACUATION ROUTE SIGNAGE - The Application does not address tsunami evacuation route signage.

d. EVACUATION ROUTE IMPROVEMENTS - The Application does not provide for evacuation route improvements.



# ROCKAWAY BEACH ZONING ORDINANCE - ARTICLE 10 PLANNED UNIT DEVELOPMENT (PUD)

1. **MINIMUM LOT SIZE** - In the 2008 approval of the Nedonna Wave Planned Unit Development, the Planning Commission allowed for the creation of minimum lot sizes which were lesser than the parent R-1 zone.
2. **OPEN SPACE** - The Application provides for the required open space, most of which is maintained wetlands and public roadways.
3. **DENSITY** - As noted in the Applicant's Memorandum, the with the addition of the proposed two additional lots, the density requirement is still met.
4. **SUBDIVISION LOT SIZES** - The minimum area, width, depth and frontage requirements are lesser than the parent R-1 zone. Density is in conformance with the R-1 zone.



# ROCKAWAY BEACH ZONING ORDINANCE - ARTICLE 10 PLANNED UNIT DEVELOPMENT (PUD)

5. OFF-STREET PARKING - This standard is typically reviewed for conformance and applied at the time a building permit is required.
6. SIGNS - The Applicant submitted sign approval with the original PUD application. The Applicant is not seeking modification to these signs.
7. HEIGHT GUIDELINES - The Applicant had previously sought and been approved for variances for height for the PUD. Copies of the Variance request are included in the original application materials.
8. STREETS & ROADS - The City Engineer comments attached to this application direct the Applicant to construct all streets to meet or exceed the City of Rockaway Beach Design Standards and Technical Specifications.
- 9a. RECREATION FACILITIES - No recreation facilities are proposed in the Application.



# ROCKAWAY BEACH ZONING ORDINANCE - ARTICLE 10 PLANNED UNIT DEVELOPMENT (PUD)

9b. COMMON AREA - The Applicant has provided common open space and CC&Rs included in the Application for the Planning Commission to consider.

9c. EASEMENTS - The comments provided by the City Engineer direct all public improvements to be constructed within the existing public right of way or right of way to be dedicated to the City as part of the development.



# STAFF SUMMARY

The Applicant has requested approval of modifications to the Nedonna Wave Planned Unit Development that was approved by the City of Rockaway Beach in 2008. The requested modifications would allow the Applicant to develop Phase 2 in two sub-phases and to create two additional lots. In addition to these modifications, the Applicant has also requested the City vacate the east stub of Riley Street to form an additional future building lot.

Staff have solicited comments from other affected agencies and stakeholders, and those comments have been included in the record. Most notably, the City Engineer has identified several necessary improvements to existing City facilities including water and sewer services, stressing the importance of providing adequate water supply to meet fire flow requirements.

In general, necessary public infrastructure improvements that are triggered by a proposed development must be provided by the developer of the project. If approved, conditions of approval related to infrastructure improvements can be attached, which must be met prior to final plat approval.

Staff have identified the substantive criteria for review of the request by the Planning Commission, and included the criteria in this report, along with comments where appropriate. However, at the public hearing any party may provide testimony addressing these criteria or other criteria the party believes is applicable to the request.



# CONCLUSION

The Planning Commission should carefully consider the request, including all oral and written testimony on record and presented at the public hearing, including comments from the City Engineer, government agencies, and other interested parties. After considering testimony as it relates to this applicable criteria, the Planning Commission will need to make a decision on the request.

If the Commission determines that the modifications to the Nedonna Wave Planned Unit Development meet the standards of the Rockaway Beach Zoning Ordinances, it can make a motion to approve the request, including a statement that generally reflects the facts and rationale relied upon to reach the decision. The motion should also direct staff to prepare findings, conclusions, and a final order to implement the decision.

A motion to deny the request should set forth the general facts and rationale for the decision and direct staff to prepare the final order.

A decision to approve or deny the request will be subject to a 15-day appeal period that will begin after written findings to support the decision have been signed by the Planning Commission Chair.



# STAFF RECOMMENDATION

Approval of the Applicants requests to (1) develop Phase 2 in two sub-phases, instead of one phase, (2) create two lots instead of one lot at the north end of Jackson Street, numbered as lots 21 and 22 on the plans submitted with this application, and to (3) create four lots instead of three lots out of the lots numbered as 13, 14, 15, and 16 on the plans submitted with this application, with conditions as identified below; and

Denial of the Applicants request to vacate the east stub of Riley Street at Jackson Street.

In the event of an approval, staff offer the following conditions for the Commissioner's consideration:

- Approval is based upon the submitted plan. Any substantial change in the approved plan shall be submitted to the City of Rockaway Beach as a new application for a PUD amendment.
- The Applicant shall submit drafts of appropriate deed restrictions or protective covenants to provide for the maintenance of common areas and to assure that the objectives of the PUD shall be followed.
- The Applicant shall record a deed restriction or other covenant applicable to each lot in the subdivision, in a form acceptable to the State of Oregon Fish and Wildlife Department, that indemnifies ODFW for any damage or inconvenience to persons, real property, or personal property caused by big game and furbearing animals.



# STAFF RECOMMENDATION

- The Applicant shall submit evidence that all required improvements of Section 44 of the Rockaway Beach Subdivision Ordinance have been met.
- The Applicant shall submit evidence that the requirements for monuments and survey as identified in Section 45 and 46 of the Rockaway Beach Subdivision Ordinance have been met.
- Within one year the Applicant shall submit a final portion plat in conformance with the approved plan and Sections 30 and 31 of the Rockaway Beach Subdivision Ordinance. The Planning Commission, upon written request by the Applicant, may grant an extension of the tentative plan approval for a period of one year. Failure to obtain a time extension or final plat approval prior to expiration of the tentative plan shall render the tentative plan approval void. Such yearly time extensions will be necessary until all phases of the development have been granted final plat approval.
- Any utilities serving the development shall be installed underground.
- All public underground utilities including, but not limited to, water, gravity sanitary sewer, sanitary sewer force main, and storm drainage, installed on Phase 2 or for future use by Phase 2 or have not been used since constructed, shall be tested at the expense of the Applicant and accepted by the City Engineer.



# STAFF RECOMMENDATION

- All stream crossings, including utilities, are to comply with fish passage requirements. The Oregon Department of Fish and Wildlife shall approve in advance any stream crossing.
- The development shall avoid entering City designated riparian setback of 15' for McMillan Creek. If site constrains will not allow for this, the Applicant coordinate with Oregon Department of Fish and Wildlife to develop a plan to mitigate for these impacts and shall provide evidence of approval. Any development within these areas which could result in a loss of fish and wildlife habitat would require that the impact be mitigated consist with current habitat mitigation standards.
- The Applicant shall construct all public improvements, not limited to sewer, water, storm and street design, and construction shall meet or exceed the City of Rockaway Beach Design Standards and Technical Specifications. The cost for plan review by the City Engineer shall be the responsibility of the Applicant/Developer.
- The Applicant shall submit an acceptable storm drainage report prior to final design of the storm drainage system, including basin map and flow rates, for review by the City Engineer.
- The Applicant shall provide evidence that a 1200C Permit has been obtained from the Oregon Department of Environmental Quality for erosion control prior to grading and construction of the development.



# STAFF RECOMMENDATION

- The Applicant shall provide evidence that all sanitary sewer designs have received written approval from the Department of Environmental Quality, including a pre-design report for the new regional pump station to serve the development.
- The Applicant shall provide the following off-site improvements:
  - Regional sanitary sewer pump station and related infrastructure including, but not limited to the following: three-phase submersible duplex pump station with controls, davit crane, on-site generator, telemetry, lighting, and fencing. The tract on which the pump station is to be located is to be dedicated to the City.
  - Sanitary sewer force main from the regional pump station to the existing White Dove pump station.
  - Extend the White Dove sanitary sewer force main from NW 23rd Avenue to the pump station at NW 17th Avenue.
  - All public improvements shall be constructed within the existing public right-of-way or right-of-way that will be dedicated to the City as part of this development



# STAFF RECOMMENDATION

- The Applicant shall provide a traffic study for the development, including peak season and emergency evacuation needs, as well as the intersection of US Highway 101 and Beach Street.
- The Applicant shall complete a wetland delineation to be reviewed and approved by the Department of State Lands to determine if there is a change in the wetland boundaries and if a wetland removal-fill permit is required. This delineation shall be sufficiently sized to include both Phases 2 and 3. The approval from Department of States Lands must be current (no more than 2 years old).
- The Applicant shall submit evidence that all necessary permits and approval from the U.S. Army Corps of Engineers and Oregon Department of State Lands have been obtained for impacts to wetlands in accordance with the approval plan.
- The Applicant shall submit evidence of approval from the State Fire Marshall for all fire hydrant locations, street widths, and applicable Fire Code requirements.
- Prior to final plat approval, the Applicant shall be responsible for providing and installing all improvements including sewer, water, street, stormwater management facilities, street lights, street name signs, and street trees in accordance with Subdivision Ordinance Section 44 entitled Improvements Required, and in accordance with the City Engineer approved plans.



# STAFF RECOMMENDATION

- The Applicant shall be responsible for all costs necessary for off-site public infrastructure improvements that are triggered by the proposed development.
- The Applicant shall establish a homeowner's association for the development, and all open space within the development shall be owned and maintained by the homeowner's association. The required homeowner's association shall be responsible for any and all necessary stormwater maintenance facilities that serve the development. The required homeowner's association shall be responsible for maintaining the storm water quality tracts.