

Verification on Oath or Affirmation for Mailed Land-Use Decision Notices

(WMC 16.208.040.E.2)

State of OREGON

County of CLATSOP

Signed and affirmed before me on May 21, 2024 by Matthew Ellis that  
on May 21, 2024, a notice of decision was mailed to the persons who must receive notice as  
required by the Warrenton Municipal Code.

Matthew Ellis

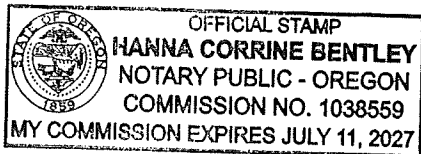
Matthew Ellis, AICP, Planning Director

Hanna Bentley

Hanna Bentley

Notary Public – State of Oregon

Official Stamp



Document Description

This certificate is attached to a Notice of Decision, dated May 21, 2024.



# City of Warrenton

## Planning Department

225 S Main Avenue ■ P.O. Box 250 ■ Warrenton, OR 97146

Phone: 503.861.0920 Fax: 503.861.2351

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## NOTICE OF DECISION AND ORDER

### Temporary Use TU-24-1

APPLICANT: Marty Gleeson

PROPERTY OWNERS: Fred Meyer Stores Inc

SUBJECT OF REVIEW: To provide a temporary area for contractor's trailer and laydown of materials in connection with remodel of store

DATE: May 21, 2024

APPEAL PERIOD ENDS: June 5, 2024

### BACKGROUND

The Planning Department received a temporary use permit application on January 24, 2024, and was deemed complete on April 30, 2024. The application is to permit a contractor's trailer and laydown of materials during a minor interior remodel of Fred Meyer.

### PUBLIC PROCESS, PROCEDURES & PUBLIC NOTICE

Applicable Warrenton Municipal Code (WMC) chapters for this modification include:

- WMC 16.208.040 Type II Procedure (Administrative).
- WMC 16.240.010 Temporary Use Permits.

Public notice letters were sent to property owners within 100 feet on April 29, 2024, and published in The Astorian on May 7, 2024. No public comments were received.

### CODE PROVISIONS, APPLICANT RESPONSES, AND FINDINGS

Only the applicable standards are addressed below. Portions that do not apply have been omitted.

#### Chapter 16.208 TYPES OF APPLICATIONS AND REVIEW PROCEDURES

*"Making a difference through excellence of service"*

**16.208.040 Type II Procedure (Administrative).**

**APPLICANT RESPONSE:** None.

**STAFF FINDING:** The application was submitted with the required materials. **This criterion is met.**

**Chapter 16.240 TYPES OF APPLICATIONS AND REVIEW PROCEDURES**  
**16.240.010 Temporary Use Permits.**

C. *Temporary Building. Using a Type II procedure, as governed by Section 16.208.040, the City may approve, approve with conditions or deny an application for a temporary trailer or prefabricated building for use on any real commercial or industrial property within the City as a temporary commercial or industrial office or space associated with the primary use on the property, but for no other purpose, based on following criteria:*

**APPLICANT RESPONSE:** [The purpose of the temporary building is] to provide a temporary area for Contractors trailer and laydown area of materials for storage while undertaking a minor interior remodel of the store.

**STAFF FINDING:** The proposed temporary building is associated with the primary use of the property. **This criterion is met.**

1. *The temporary trailer or building shall be located within the boundaries of the parcel of land on which it is located;*

**APPLICANT RESPONSE:** All temporary trailers and storage units are located within the property boundaries and do not intend to accommodate any area outside of the parcel of land it is located on.

**STAFF FINDING:** The proposed building and laydown area are contained on the site to which they are related. **This criterion is met.**

2. *The primary use on the property to be used for a temporary trailer is already developed;*

**APPLICANT RESPONSE:** The primary use of the property is to remain unchanged.

**STAFF FINDING:** The Fred Meyer store is already developed, and the primary use of the property will not change. **This criterion is met.**

3. *Ingress and egress are safe and adequate when combined with the other uses of the property; as required by Section 16.120.020, Vehicular Access and Circulation;*

**APPLICANT RESPONSE:** All ingress and egress paths shall be maintained. Areas that are proposed to be accommodated by the temporary trailer and storage areas are considered to be the lowest traffic parking stalls/spaces.

**STAFF FINDING:** Ingress and egress methods will not be modified by the proposal and have already been met on the site. **This criterion is met.**

4. *There is adequate parking for the customers or users of the temporary use as required by Chapter 16.128, Bicycle and Vehicle Parking;*

**APPLICANT RESPONSE:** There is adequate parking for the users of the temporary areas on the site.

**STAFF FINDING:** The site is currently overparked based on parking requirements. There is adequate parking even with the contractor's trailer and laydown area. **This criterion is met.**

5. *The use will not result in vehicular congestion on streets;*

**APPLICANT RESPONSE:** The use will not affect any vehicular congestion due to the location of the proposed temporary locations. No major parking aisles will be impeded.

**STAFF FINDING:** The proposed temporary use will not increase vehicular congestion as the use stays away from significant entrances and will not create a substantial increase in trips to the site. **This criterion is met.**

6. *The use will pose no hazard to pedestrians in the area of the use;*

**APPLICANT RESPONSE:** The temporary areas will pose no hazard to pedestrians as they are located in low site pedestrian use areas.

**STAFF FINDING:** The impact to pedestrians is mitigated by the location of the temporary building and laydown area. Pedestrian safety will not be affected by the proposed use. **This criterion is met.**

7. *The use does not create adverse off-site impacts including vehicle traffic, noise, odors, vibrations, glare or lights that affect an adjoining use in a manner which other uses allowed outright in the district do not affect the adjoining use;*

**APPLICANT RESPONSE:** There will be no effects of any of the temporary trailers or storage containers to any of the above-listed criteria.

**STAFF FINDING:** The temporary use will not create adverse off-site impacts as work on the building will be done interior to the structure. **This criterion is met.**

8. *The building complies with applicable building codes;*

**APPLICANT RESPONSE:** The proposed temporary Contractor trailer will comply with building regulations and applicable codes.

**STAFF FINDING:** The building will be required to comply with all building regulations. See condition of approval #2. **This criterion is met.**

9. *The use can be adequately served by sewer or septic system and water, if applicable (the applicant shall be responsible for obtaining any related permits); and*

**APPLICANT RESPONSE:** No Sewer connection will be required. A temporary water connection may be needed.

**STAFF FINDING:** Not applicable. There is no request for utility services at this time. If a water connection is needed, the applicant shall apply for that separately with the Warrenton Building Department. The site is adequately served by fire hydrants. **This criterion is met.**

10. *The length of time that the temporary building will be used does not exceed six months. When a temporary building exceeds this time frame, the applicant shall be required to remove the building, or renew the temporary use permit.*

**APPLICANT RESPONSE:** The proposed Construction period is January 27th, 2025 through June 27, 2025. If the temporary structure is not removed prior to the 6 month temporary use permit time frame, a submittal to renew the permit will be applied for to the planning department prior to the previous permit's expiration date.

**STAFF FINDING:** The permit will be valid from January 27, 2025 to July 27, 2025. An extension will require a new permit. See condition of approval #1. **This criterion is met.**

**DECISION:** (  ) Approved (  ) Approved with Conditions (attached) (  ) Denied

Matthew Ellis  
Matthew Ellis, AICP, Planning Director

5/21/24  
Date

## CONDITIONS OF APPROVAL

1. The temporary use permit is valid from January 27, 2025 to July 27, 2025. An extension will require a new permit.
2. The proposed temporary contractor trailer shall comply with building regulations and applicable codes prior to occupancy.

Copies of all submittals, related documents, and this notice of decision are available for review on the City of Warrenton website or by contacting the City of Warrenton:

<https://www.warrentonoregon.us/ced/page/applications-pending-approval>

## EFFECTIVE DATE

Unless appealed, Type II decisions are final and effective one day after the appeal period expires. The appeal period is May 22, 2024 – June 5, 2024. **This decision is final and effective June 6, 2024.** If an appeal is filed, the decision is effective on the day after the



appeal is decided. All persons entitled to notice or who are otherwise adversely affected or aggrieved by the decision may appeal the decision in accordance with Warrenton Municipal Code Section 16.208.040(G).

## **RIGHT TO APPEAL**

A Type II administrative decision may be appealed to the Planning Commission by the applicant, any person who was mailed a written notice of the Type II administrative decision, or any other person who submitted written comments.

A notice of appeal shall be filed with the Planning Director within fourteen (14) days of the date the notice of decision was mailed. The notice of appeal shall contain:

- (A) An identification of the decision being appealed, including the date of the decision.
- (B) A statement demonstrating the person filing the notice of appeal has standing to appeal.
- (C) A statement explaining the specific issues raised on appeal.
- (D) If the appellant is not the applicant, a statement demonstrating that the appeal issues were raised during the comment period.
- (E) Filing fee.

The appeal of a Type II administrative decision by a person with standing shall be limited to the specific issues raised during the written comment period. Unless the appellant is the applicant, the hearing on the appeal shall be limited to the specific issues identified in the written comments submitted during the comment period.

For further information or questions, please contact the Warrenton Planning Department at (503) 861-0920 or [planning@warrentonoregon.us](mailto:planning@warrentonoregon.us).