

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 June 6, 2024 by Matthew Ellis that on June 6, 2024, a notice of decision was mailed to the persons who must receive notice as required by the Warrenton Municipal Code.

Matthew Ellis

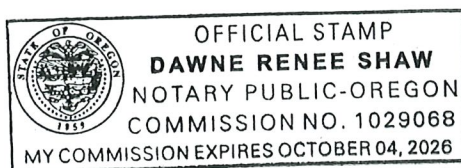
Matthew Ellis, AICP, Planning Director

D Shaw

Dawne Shaw, CMC, City Recorder

Notary Public – State of Oregon

Official Stamp



Document Description

This certificate is attached to a Notice of Decision, dated June 6, 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

NOTICE OF DECISION AND ORDER

Temporary Use TU-24-2

APPLICANT: Kevin Byers, Anchor Baptist Church

PROPERTY OWNER: Patricia Cardinaletti and Richard Newton

SUBJECT OF REVIEW: Temporary Use for Gospel Tent Meeting

DATE: June 6, 2024

APPEAL PERIOD ENDS: June 21, 2024

BACKGROUND

The Planning Department received a temporary use permit application on April 25, 2024, and was deemed complete on April 30, 2024. The application is to host an old-fashioned gospel tent meeting at 115 SW First Street. A special event on private property requires a temporary use permit to occur. The property owner has signed the application, indicating their approval of the use.

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. One public comment was received from David Manion.

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
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.

A. *Seasonal and Special Events. These types of uses occur only once in a calendar year and for no longer a period than 30 days. Using a Type II procedure under Section 16.208.040, the City shall approve, approve with conditions, or deny a temporary use permit based on findings that all of the following criteria are satisfied:*

APPLICANT RESPONSE: Services scheduled for July 9-13 7 PM-9:30 PM each evening. The tent will be up from July 6th to 14th.

STAFF FINDING: The proposed temporary use will occur once in a calendar year and for not longer than 30 days. **This criterion is met.**

1. *The use is permitted in the underlying land use district and does not violate any conditions of approval for the property (e.g., prior development permit approval);*

APPLICANT RESPONSE: To my knowledge, the temporary tent and community event we are planning do not violate any condition of approval for the property we are using.

STAFF FINDING: The Warrenton Municipal Code does not restrict public assemblies on private property, and the development standards are met for the proposed use. **This criterion is met.**

2. *The applicant has proof of the property owner's permission to place the use on his/her property;*

APPLICANT RESPONSE: We have submitted a written approval of the property owner with our permit.

STAFF FINDING: The property owner signed the application indicating their permission to use their property for this event. **This criterion is met.**

3. *No parking will be utilized by customers and employees of the temporary use which is needed by the property owner to meet their minimum parking requirement under Chapter 16.128, Vehicle and Bicycle Parking;*

APPLICANT RESPONSE: There is ample public parking around the city parks and city center to accommodate our event. We will monitor parking and ask visitors to comply

with parking laws. One 16ft utility trailer will be parked on the site to be used to store equipment and for security.

STAFF FINDING: The property is currently vacant, and as such, does not have a minimum parking requirement. The Police Department has submitted concerns about using the 100 block of SW 1st Street for parking. Per Condition of Approval #1, attendees shall not park along the 100 block of SW 1st Street. Per Condition of Approval #2, attendees shall not block any driveways. **This criterion is met.**

4. *The use provides adequate vision clearance, as required by Chapter 16.120, and shall not obstruct pedestrian access on public streets;*

APPLICANT RESPONSE: We will not obstruct pedestrian access on public streets and the use of the property.

STAFF FINDING: Per the submitted site plan, they meet the vision clearance requirements and are not planning on blocking any required pedestrian access on public streets. **This criterion is met.**

5. *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: We will not obstruct pedestrian access on public streets and the use of the property.

STAFF FINDING: The applicant has indicated attendees will walk to and from other publicly available parking areas near the property. However, Public Works has spoken with Planning staff, indicating a gap in the sidewalk along the property. As the applicant has indicated their plan for attendees to park elsewhere and walk to the site, staff is concerned with maintaining safe and adequate ingress and egress relying on an incomplete pedestrian network. See Condition of Approval #3. **This criterion is met.**

6. *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; and*

APPLICANT RESPONSE: Our event will increase traffic flow and noise but not to an adverse level. The event will be held from 7 PM to 9:30 PM for one week.

STAFF FINDING: The event will increase traffic flow, but not unduly so. This use is permitted by the Warrenton Municipal Code. Public parking shall remain usable by the general public. See Condition of Approval #4. The application speaks to the use of amplified noise. See Condition of Approval #5. Light shall not project to neighboring properties in violation of the Warrenton Municipal Code. **This criterion is met.**

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

APPLICANT RESPONSE: Two portable toilets will be on-site and provide ample service for our event.

STAFF FINDING: Not applicable. There is no request for utility services. The sites are adequately served by fire hydrants. Portable toilets shall be provided as indicated by the submitted site plan. **This criterion is met.**

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

Matthew Ellis

Matthew Ellis, AICP, Planning Director

6/6/24

Date

CONDITIONS OF APPROVAL

- Attendees of the special event shall not park along the 100 block of SW 1st Street.
- Attendees of the special event shall not block any driveways for any amount of time for any reason.
- Prior to the special event, the property owner shall complete the pedestrian network around the property in accordance with the Warrenton Municipal Code. In no case shall the temporary use be allowed without the Public Works Director notifying the Planning Director that the missing segment of sidewalk has been completed.
- The applicant shall not block off or reserve publicly available parking including street parking and parking at City facilities.
- Amplified noise shall not be allowed unless permission has been given by the Warrenton City Commission. Such permission shall place reasonable restrictions on the use and timing of amplified noise. If amplified noise is used in violation of the conditions placed by the City Commission, this Temporary Use Permit shall be voided.
- The temporary use permit shall be valid from July 6th to July 15th.

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 June 7, 2024 – June 21, 2024. **This decision is final and effective June 24, 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.