

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

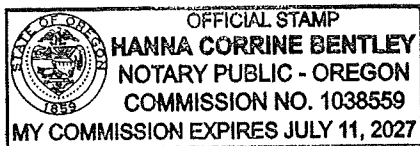
Matthew Ellis, AICP, Planning Director

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

NOTICE OF DECISION AND ORDER

Temporary Use TU-24-3

APPLICANT: Shanee A. Sabater, TNT Fireworks

PROPERTY OWNERS: Fred Meyer Stores Inc, Wal-Mart Real Estate Business Trust

SUBJECT OF REVIEW: 4th of July fireworks sales at Fred Meyer and Walmart

DATE: May 21, 2024

APPEAL PERIOD ENDS: June 5, 2024

BACKGROUND

The Planning Department received a temporary use permit application on April 29, 2024, and was deemed complete on April 30, 2024. The application is to operate two fireworks stands for the upcoming 4th of July holiday. A seasonal display requires a temporary use permit to operate on a short-term basis on areas of a property that were previously approved for other uses. Letters of permission have been submitted from the property owners of the two proposed locations.

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
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: This seasonal event will run from June 23, 2024 through July 6, 2024, every day. One of the framed tent size will be 20' x 40' placed on Fred Meyer's parking lot, which is located at 695 Hwy 101, Warrenton, OR 97146. The other framed tent size will be 30' x 30' placed on Walmart's parking lot, which is located at 1791 SE Ensign Lane, Warrenton, OR 97146.

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: The tents are permitted to be located on the Fred Meyer and Walmart property by the property owner.

STAFF FINDING: Amusement enterprises are a permitted use in C-1 General Commercial and are only proposed accessory to previously established retail uses on-site. **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 a permission letter from both of the property owner's to place the tents on their property (please see the attached permission agreements).

STAFF FINDING: Letters from Fred Meyer and Wal-Mart are attached in the application packet. **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 will be no parking within 20' of the tent, which a rope will be used as the perimeter around the tent. Approximately 12 parking spaces will be occupied by the tent located on 695 Hwy 101 and about 10 parking spaces will be occupied by the tent located on 1791 SE Ensign Lane.

STAFF FINDING: Both parking lots exceed the minimum requirements for parking spaces. The temporary decrease in parking at both sites has occurred annually for several years and has not had an adverse effect on available vehicle or bicycle parking. **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: The tent will be placed on the property's parking lot away from any pedestrian access and public streets, which will be 20ft or more from the tent.

STAFF FINDING: Both locations are situated within a private parking lot and will not obstruct a public sidewalk or transit access. The public access and vision clearance standards shall be met. See condition of approval #1. **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: The tent will not block any entrances or exits Fred Meyer and Walmart.

STAFF FINDING: Both locations offer immediate emergency access and are located a safe distance from the main structures. Both are located in excess parking areas. In addition, according to the application, entry and exits are clearly marked. The Fred Meyer location proposes to block a portion of a travel lane. There were no concerns from the Police Chief or Fire Chief on this change as it is not a primary means of ingress or egress to the site. **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: The tent will not create any off-site impacts like vehicle traffic, noise, odors, vibrations, glare or lights that affect an adjoining use. Though the tents will occupy some parking spaces, there should not be any problems for vehicles to cause traffic around the tents.

STAFF FINDING: Other commercial uses are nearby in each shopping center. If lighting is requested, it shall be downcast and not shine on adjacent areas. The traffic impacts will be minimal and are not expected to generate new trips but mostly dispersed trips from existing customers. Fireworks display typically does not include odor or noise assuming the detonation of fireworks is prohibited. See conditions of approval. **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: The tents will not use any sewer or septic system and water since it will only be up for 14 days to sell consumer fireworks for the Fourth of July.

STAFF FINDING: Not applicable. There is no request for utility services. The sites are adequately served by fire hydrants. **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. City staff will verify vision clearance and public access standard after installation of the tents. The Fire Chief shall conduct a safety inspection prior to first day of operation. Applicant shall schedule the inspection with the Warrenton Fire Department.
- 2. The temporary use permit is valid for 30 days. An extension will require a new permit.
- 3. A sign permit is required for any signage on site. Offsite signage is prohibited by WMC 16.144.
- 4. The detonation or ignition of fireworks, for any purpose, is strictly prohibited by employees or customers. Any such activity will result in enforcement action and potential citations and fines.

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.