



City of Warrenton

Planning Department

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NOTICE OF DECISION AND ORDER LP-24-1 Van Sant Land Partition

APPLICANT: Rainwater Properties, LLC
PROPERTY OWNER: Rainwater Properties, LLC
SUBJECT OF REVIEW: Land Partition application for 577 Gray Street
DATE: May 1, 2024
APPEAL PERIOD ENDS: May 15, 2024

BACKGROUND:

The Planning Department received a land partition application on February 28, 2024, and after submitting supplemental materials, it was deemed complete on March 3, 2024. The application is to divide a single-family residential lot into two single-family residential lots.

PUBLIC PROCESS, PROCEDURES & PUBLIC NOTICE:

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

- WMC 16.36.040 Development Standards
- WMC 16.208.040 Type II Procedure (Administrative)
- WMC 16.216.050 Approval Criteria – Preliminary Plat

Public notice letters were sent to property owners within 100 feet on April 9, 2024, and published in The Astorian on April 20, 2024. One public comment was received by Daron Ray at 699 Pacific Drive.

CODE PROVISIONS, APPLICANT RESPONSES, AND FINDINGS:

16.36.040 Development Standards.

- A. *Density Provisions.*
 1. *Minimum lot area for a single-family detached dwelling: 4,500 square feet. Minimum density is 20 units per acre.*

2. *Minimum lot area duplex, townhome, rowhouse: 2,500 square feet per unit.*
3. *Minimum lot area for a triplex: 7,500 square feet.*
7. *Minimum lot width at the front building line for single-family detached dwelling or multifamily dwelling: 50 feet.*
8. *Minimum lot width at the front building line for duplex, townhome, rowhouse: 25 feet per unit.*
9. *Minimum lot depth: 70 feet.*

STAFF FINDING: Based on the minimum density required in the zoning district, the created lot would be required to have three dwelling units. However, the created lot does not have enough square footage for this to be allowed. Allowing the land partition to move forward would create an unbuildable lot based on the current development standards. Minimum lot width and depth are met on both lots. **This criterion is not met.**

16.208.040 Type II Procedure (Administrative).

B. Application Requirements.

1. *Application Forms. Type II applications shall be made on forms provided by the City of Warrenton.*
2. *Submittal Information. The application shall:*
 - a. *Include the information requested on the application form.*
 - b. *Be filed with three copies of a narrative statement that explains how the application satisfies each and all of the relevant criteria and standards in sufficient detail for review and decision-making*
 - c. *Be accompanied by the required fee.*
 - d. *Include one set of pre-stamped and pre-addressed envelopes for all real property owners of record who will receive a notice of the application as required in Section 16.208.040. The records of the Clatsop County Department of Assessment and Taxation are the official records for determining ownership. The applicant shall demonstrate that the most current assessment records have been used to produce the notice list. Alternatively, the applicant may pay a fee for the City to prepare the public notice mailing.*
 - e. *Include an impact study for all land division applications. The impact study shall quantify/assess the effect of the development on public facilities and services. The study shall address, at a minimum, the transportation system, including pedestrian ways and bikeways, the drainage system, the parks system, the water system, the sewer system, and the noise impacts of the development. For each public facility system and type of impact, the study shall propose improvements necessary to meet City standards and to minimize the impact of the development on the public at large, public facilities systems, and affected private*

property users. In situations where this Code requires the dedication of real property to the City, the applicant shall either specifically agree to the dedication requirement, or provide evidence that shows that the real property dedication requirement is not roughly proportional to the projected impacts of the development.

STAFF FINDING: The application was submitted with almost all the required materials. The applicant failed to include any consideration of impacts on the surrounding area, including the effect on public facilities. These impacts, however, will be addressed at the building permit stage. **This criterion is met.**

16.216.050 Approval Criteria – Preliminary Plat.

A. *General Approval Criteria. The City may approve, approve with conditions or deny a preliminary plat based on the following approval criteria:*

1. *Partition and Subdivision.*

a. *The proposed preliminary plat complies with all of the applicable Development Code sections and other applicable City ordinances and regulations. At a minimum, the provisions of this chapter, and the applicable sections of Division 2 (Land Use Districts) and Division 3 (Design Standards) shall apply. Where a variance is necessary to receive preliminary plat approval, the application shall also comply with the relevant sections of Chapter 16.272, Variances.*

b. *Housing Density. The subdivision meets the City's housing density standards of the applicable zoning district (Division 2).*

STAFF FINDING: The proposed subdivision does not comply with Section 16.36.040 of the Warrenton Municipal Code as identified above. The proposed subdivision also does not meet the City's housing density standards. **This criterion is not met.**

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

Matthew Ellis

Matthew Ellis, AICP, Planning Director

5/1/2024

Date

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 2, 2024 – May 15, 2024. **This decision is final and effective May 16, 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.