

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 October 9, 2024 by Matthew Ellis that on October 9, 2024, a notice of decision was mailed to the persons who must receive notice as required by the Warrenton Municipal Code.

Matthew Ellis

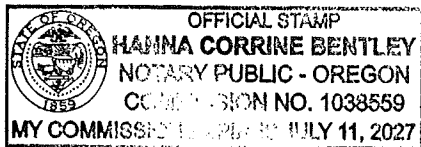
Matthew Ellis, AICP, Planning Director

Hanna Bentley

Hanna Bentley, Deputy City Recorder

Notary Public – State of Oregon

Official Stamp



Document Description

This certificate is attached to a Notice of Decision, dated October 9, 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

Home Occupation HOC-24-2

APPLICANT: Stephanie Blaylock
PROPERTY OWNER: Todd Wimmer and Denise Adamic
SUBJECT OF REVIEW: Establish a state-licensed childcare center at 1740 Pacific Ridge Lane
DATE: October 9, 2024
APPEAL PERIOD ENDS: October 22, 2024

BACKGROUND

The Planning Department received a home occupation permit application on September 11, 2024, and was deemed complete on September 13, 2024. The application is to establish a state-licensed childcare center as a home occupation at 1740 Pacific Ridge Lane.

PUBLIC PROCESS, PROCEDURES & PUBLIC NOTICE

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

- WMC 16.28.020 Permitted Uses.
- WMC 16.208.040 Type II Procedure (Administrative).
- WMC 16.240.020 Home Occupation Permits.

Public notice letters were sent to property owners within 100 feet on September 18, 2024, and published in The Astorian on September 26, 2024. Six 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 16.28 INTERMEDIATE DENSITY RESIDENTIAL (R-10) DISTRICT
16.28.020 Permitted Uses.

APPLICANT RESPONSE: None.

STAFF FINDING: Home occupations are a permitted use in the R-10 Intermediate Density Residential zoning district. **This criterion is met.**

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
16.240.020 Home Occupation Permits.

A. Appearance of Residence.

1. The home occupation shall be restricted to lawfully-built enclosed structures and be conducted in such a manner as not to give an outward appearance of a business.

APPLICANT RESPONSE: The home will not show signs of a business outside of the home. It will continue to be a family residence.

STAFF FINDING: The home occupation shall continuously meet the requirements of Section 16.240.020 of the Warrenton Municipal Code. **This criterion is met.**

2. The home occupation shall not result in any structural alterations or additions to a structure that will change its primary use or building code occupancy classification.

APPLICANT RESPONSE: Nothing structurally will be changed.

STAFF FINDING: The home occupation shall continuously meet the requirements of Section 16.240.020 of the Warrenton Municipal Code. **This criterion is met.**

3. The home occupation shall not violate any conditions of development approval (i.e., prior development permit approval).

APPLICANT RESPONSE: The home will not violate any conditions of development approval.

STAFF FINDING: The home occupation shall continuously meet the requirements of Section 16.240.020 of the Warrenton Municipal Code. **This criterion is met.**

4. No products and or equipment produced or used by the home occupation may be displayed to be visible from outside any structure.

APPLICANT RESPONSE: The outside of the home will continue to be used as normal.
STAFF FINDING: The home occupation shall continuously meet the requirements of Section 16.240.020 of the Warrenton Municipal Code. **This criterion is met.**

B. Storage.

1. Outside storage, visible from the public right-of-way or adjacent properties, is prohibited.

APPLICANT RESPONSE: There will be no outside storage for the business in the home.

STAFF FINDING: The home occupation shall continuously meet the requirements of Section 16.240.020 of the Warrenton Municipal Code. **This criterion is met.**

2. On-site storage of hazardous materials (including toxic, explosive, noxious, combustible, or flammable) beyond those normally incidental to residential use is prohibited.

APPLICANT RESPONSE: There will be no storage of hazardous materials.

STAFF FINDING: The home occupation shall continuously meet the requirements of Section 16.240.020 of the Warrenton Municipal Code. **This criterion is met.**

3. Storage of inventory or products and all other equipment, fixtures, and activities associated with the home occupation shall be allowed in any structure.

APPLICANT RESPONSE: This is correct.

STAFF FINDING: The home occupation shall continuously meet the requirements of Section 16.240.020 of the Warrenton Municipal Code. **This criterion is met.**

C. Employees.

1. There shall be no outside paid employees.

APPLICANT RESPONSE: There will be no outside employees.

STAFF FINDING: The home occupation shall continuously meet the requirements of Section 16.240.020 of the Warrenton Municipal Code. **This criterion is met.**

2. Additional individuals may be employed by or associated with the home occupation, so long as they do not report to work or pick up/deliver at the home.

APPLICANT RESPONSE: No one other than myself will be working in the home.

STAFF FINDING: The home occupation shall continuously meet the requirements of Section 16.240.020 of the Warrenton Municipal Code. **This criterion is met.**

3. The home occupation site shall not be used as a headquarters for the assembly of employees for instruction or other purposes, including dispatch to other locations.

APPLICANT RESPONSE: The home will not be used as a headquarters.

STAFF FINDING: The home occupation shall continuously meet the requirements of Section 16.240.020 of the Warrenton Municipal Code. **This criterion is met.**

- D. Advertising and Signs. Signs shall comply with Chapter 16.144. In no case shall a sign exceed the residential district standard of four square feet.

APPLICANT RESPONSE: There will be no signs that exceed the residential standard of four square feet.

STAFF FINDING: The home occupation shall continuously meet the requirements of Section 16.240.020 of the Warrenton Municipal Code. **This criterion is met.**

- E. Vehicles, Parking and Traffic.

1. One commercially-licensed vehicle associated with the home occupation is allowed at the home occupation site. It shall be of a size that would not overhang into the public right-of-way when parked in the driveway or other location on the home occupation site.

APPLICANT RESPONSE: There will be no commercially-licensed vehicles.

STAFF FINDING: The home occupation shall continuously meet the requirements of Section 16.240.020 of the Warrenton Municipal Code. **This criterion is met.**

2. There shall be no more than three commercial vehicle deliveries to or from the home occupation site daily. There shall be no commercial vehicle deliveries during the hours of 9:00 p.m. to 7:00 a.m.

APPLICANT RESPONSE: There will be no more than three commercial vehicles delivering to the home daily.

STAFF FINDING: The home occupation shall continuously meet the requirements of Section 16.240.020 of the Warrenton Municipal Code. **This criterion is met.**

3. There shall be no more than one client's or customer's vehicle at any one time and no more than eight per day at the home occupation site.

APPLICANT RESPONSE: Customer vehicles will comply.

STAFF FINDING: The home occupation shall continuously meet the requirements of Section 16.240.020 of the Warrenton Municipal Code. **This criterion is met.**

- F. Business Hours. There shall be no restriction on business hours, except that clients or customers are permitted at the home occupation from 7:00 a.m. to 9:00 p.m. only, subject to subsections A and E of this section.

APPLICANT RESPONSE: Customer vehicles will comply.

STAFF FINDING: The home occupation shall continuously meet the requirements of Section 16.240.020 of the Warrenton Municipal Code. **This criterion is met.**

G. Prohibited Home Occupation Uses.

1. Any activity that produces radio or TV interference, noise, glare, vibration, smoke, or odor beyond allowable levels as determined by local, state, or federal standards, or that can be detected beyond the property line is prohibited.

APPLICANT RESPONSE: There will be no activities of the nature.

STAFF FINDING: The home occupation shall continuously meet the requirements of Section 16.240.020 of the Warrenton Municipal Code. **This criterion is met.**

2. Any activity involving on-site retail sales is prohibited, except that the sale of items that are incidental to a permitted home occupation is allowed. For example, the sale of lesson books or sheet music from music teachers, art or craft supplies from arts or crafts instructors, computer software from computer consultants, and similar incidental items for sale by home businesses are allowed subject to subsections A through F of this section.

APPLICANT RESPONSE: There will be no on-site retail sales.

STAFF FINDING: The home occupation shall continuously meet the requirements of Section 16.240.020 of the Warrenton Municipal Code. **This criterion is met.**

3. Any uses described in this section or uses with similar objectionable impacts because of motor vehicle traffic, noise, glare, odor, dust, smoke, or vibration, such as:
 - a. Ambulance service.
 - b. Animal hospital, veterinary services, kennels, or animal boarding.
 - c. Auto and other vehicle repair, including auto painting.
 - d. Repair, reconditioning, or storage of motorized vehicles, boats, recreational vehicles, airplanes, or large equipment on-site.

APPLICANT RESPONSE: The business will comply.

STAFF FINDING: The home occupation shall continuously meet the requirements of Section 16.240.020 of the Warrenton Municipal Code. **This criterion is met.**

- H. Enforcement. The Community Development Director or designee may visit and inspect the site of home occupations in accordance with this chapter periodically to ensure compliance with all applicable regulations, during normal business hours, and with reasonable notice. Code violations shall be processed in accordance with Chapter 16.16, Enforcement.

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

Matthew Ellis
Matthew Ellis, AICP, CFM, Planning Director

10/9/24
Date

CONDITIONS OF APPROVAL

1. The home occupation shall maintain compliance with Section 16.240.020 of the Warrenton Municipal Code. Violations of this section may result in the suspension or revocation of the Home Occupation Permit.
2. Per ORS 329A, the applicant shall maintain an active license with the State of Oregon under program number RF539575. Voluntary or involuntary inactivation of the State of Oregon Family Child Care Home license shall result in the immediate revocation of this Home Occupation Permit.
3. Per the Oregon Department of Early Learning and Care license capacity, the applicant shall maintain a capacity of no more than 10 children in their care at any one time.

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 October 9, 2024 – October 22, 2024. **This decision is final and effective October 23, 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.