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## CITY OF WARRENTON

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**Minutes  
Warrenton Planning Commission  
April 25, 2019  
Continuation of Gil Gramson 15 Lot Subdivision  
SUB-19-1 / VAR-19-1 / WHV-19-1**

**Commissioners Present:** Chair Paul Mitchell, Commissioners; Ryan Lampi, Mike Moha, Christine Bridgens. Excused absences; Chris Hayward, Ken Yuill, Tommy Small

**Staff Present:** Community Planning Director Kevin Cronin; Building Clerk Janice Weese

### **Flag Salute**

Continuance from the April 11, 2019 Clear Water Subdivision to allow additional testimony

Mr. Cronin stated that the applicant agreed on most of the points except the secondary access and the wildlife fence. The rest has fallen into place.

### **Representative for the Applicant**

Skip Urling – Urling Planning Associates  
2366 West Hills Dr.  
Longview, WA 98632

Just a few things to change on the conditions of approval. One is condition number six regarding the fence along the eastern property line. Thinks that there is enough barrier between the street and the property east of the North Coast Land Conservancy property. By the private property three houses will be built. By the filtration swale that is north of those three lots of the project, people will not be able to trespass through private property to get on to the North Coast Land Conservancy property. There is not a code or a design practice for it. The Land Conservancy does a lot of good things but does not give them any right as the property owner that any other property owner doesn't have. If you want to put a fence up on your property to keep people out it is your responsibility to do that, it can't be forced on a neighboring development to put one up. It's tuff terrain to put one up. It's on top of a hill and would have to go through wetlands.

The other item is condition number fourteen that a secondary access road at the existing gravel road shall be stubbed for future connection to Ridge Road and a 20foot wide section of pavement shall be installed for emergency vehicle turn arounds. Included in the application there was a proposal to build a turnaround between lots one and two and to grant a 20foot easement to the city for a future pedestrian path and utilities if necessary. There is around 250ft from where the proposed road would go to the back of Mr. Gramsons property line. Does not make sense to build a turnaround that is 250ft long because you are not going to have emergency vehicles driving all the way to the end of the road and then backing up 250ft to be able to turn the vehicles around.

Mr. Mitchell expressed concerns about the 250ft length of the street and how people would get out in an emergency.

Mr. Urling stated that they are not going to use rolled curbs they will be straight to eliminate people parking on the sidewalk. The road would be 32ft wide and not 28ft wide as the development to the south is. There is no parking on the east side of that development. In the fire chief's comment, he is ok with 32ft without restricted parking because that gives enough room to park on both sides as well as 2, twelve foot, lanes down the street.

Ms. Bridgens brought up the traffic study that was recently done regarding avoiding traffic issues, congestion and access for emergency vehicles. Thinks that the second access is important for those reasons.

Mr. Urling stated that he does not disagree with that. Is suggesting that it is not time to build the portion on Mr. Gramsons property now because it would be a road to nowhere due to the undeveloped property to the west. Doesn't think it's appropriate to build a road to the edge of the property line and then let it sit for years. It will happen when the approval is given to the property owners to the west to build their road eastward so the road will be built in both direction at the same time.

Ms. Bridgens expressed that no one knows when that time would be so the project with the 15 homes would be built without that emergency access.

Mr. Urling replied that it doesn't provide any access because it is a dead-end road that is only 250ft long.

Ms. Bridgens said she was talking about the rock road that is there now that is owned by Frank James and Fort Pointe.

Mr. Urling expressed that Mr. Gramson should not have to build a road on someone else's property nor does he think that the city can make Mr. Gramson build improvements on someone else's property.

There is an easement following that rock road that is between Mr. Gramsons and those property owners; no one else has the right to use that legally.

### **Representative for the Applicant**

Erik Hoovestol, Civil Engineer for project  
Firwood Design Group  
Troutdale, OR 97060

The access road and the terrain out there is not flat. Connecting to the stub road would not be an easy thing to do. Very engineering challenged. Not an easy connection for anyone to do. From the back of the property you would have to drop down, have a lot of fill and fill a lot of wetlands to do it. It would also have to go across two properties. Willing to make conceptions that if the chance the rest is developed, then the subdivision would be responsible to put it in at that time. Doesn't want to spend a lot of money to build something out to the edge of the property now with the likelihood it may never have anything to connect to.

Mr. Hoovestol addressed the safety concerns that was brought up. Stated that they are providing pedestrian and waterline easements through there. In case no one can get down the road, people would have to trespass through private property, but they could use that access road to hike out over to Ridge Road in an emergency if needed. They would not have to swim through wetlands. The subdivision was presented with a dead-end road with a cul-de-sac at the end and was approved by the fire chief. After the chief approved this, they provided a courtesy turn around halfway up from the start of Kalmia to the end. Thinks they more than adequately addressed the safety issues.

Terry Fergerson  
354 Pacific Dr.  
Hammond, OR 91746

Have done most of the work in the whole subdivision including Juniper. Is pretty crowded out there right now due to all the work being done. Once it is built there will be plenty of room to get through. People were looking at the new houses being built there and had no trouble getting in and out. The road there is wider than any part of that subdivision. The road goes back into a 90foot cul-de-sac which is plenty big enough to turn around. On Juniper there is no cul-de-sac at the end of the road to turn around; you have to back up.

### **Testimony in Opposition**

Rod Gramson  
755 W Juniper Avenue  
Warrenton, OR 97146

Subdivision should never have been allowed to get this far along. There is no back access and the place is too crowded. There is no extra parking with all the extra traffic with all the new houses and apartments. No children's play area. The planning commission is not here just to give approvals; they are here to enforce the codes and the rules. The applicant didn't consider the fill that was needed or the wetland. According to the city, that area has important wetlands. Thinks that a game fence is necessary to keep people's dogs from running back where the wetland and wildlife areas are.

Will Caplinger  
1566 Irving Ave. #10  
Astoria, OR 97103

A couple of new things. At the last meeting Ms. Bridgens asked what his definition was on local significant wetlands. That is the city's adoption. The city has applied that to most of the property in that area. What is important about that is it is not just a jurisdictional wetland. You cannot just go out there and fill with a wetland fill authorization from the Department of State Lands; it does require a wetland hardship variance also. The applicant does have a wetland fill authorization but that does not mean they can move forward without variance approval. You cannot grade vegetation next to a local wetland without variance approval. Mentioned from the Development Code it says for any lands demonstrated to have been rendered not buildable, the property owner may apply for a hardship variance for relief. Not just hardship; but rendered not buildable. Without granting a variance, the property would be unbuildable.

The fire chief's approval of the subdivision, the cul-de-sac and road is not the same as land use approval. The city's code says a dead-end street cannot serve more than 200 foot of road.

There is already more than a quarter of a mile of a dead-end street.

There should also be a discussion with the Department Fish and Wildlife regarding the fence.

### **Applicant Rebuttal**

Mr. Urling

Talked about most of these issues. Each lot will have a least two parking places and will have a two car garage and parking in driveways. The subdivision is below the requirement of a park which is twenty dwellings and they are at fifteen. The area is not too crowded when the lots are approximately ten thousand square feet; that is approximately  $\frac{1}{4}$  of an acre. The development is

not too expensive to do. The occurring expensive of the alternative access road going to nowhere is the expensive until a time where there is a real need for it.

There is a market for housing in Warrenton and the west coast. This project will be filling a small need for people looking for nice homes.

Does not have a fill permit at this time. The application is with the Department of State Lands.

Not asking for a grading permit to fill the significant wetlands, asking for a preliminary to do the rough grading in the uplands where there won't be environmental traumas. The rest of the grading will wait for DSL to act on the application.

A hardship variance permit for the wetlands that will be filled has been submitted under the DSL permit; so, this should be granted.

## **Public Testimony Closed**

### **Questions for Staff**

There was discussion with staff on what the difference is between a LID versus Advanced Financing. Creating an Advanced Financing District is when the developer would put in the infrastructure that is over and above what is needed for that development. In this project that would mean going past the 250ft and had permission from the property owners to be able to extend the road past that. As the other properties come on board, they would pay back the developer with interest.

The LID is shared by all the property owners. A loan is taken out of what the infrastructure costs are. It then gets assessed to the property owners within that district.

Staff is not suggesting full street infrastructure for this project. Is suggesting 20ft of pavement up to the property line.

The threshold to meet open space or a park is 20 lots and this project is under that. There was conversation on where parks are located around this development.

Mr. Mitchell spoke up and stated that they cannot make Mr. Gramson pave past his property line; but because of this there is now an issue with the length of the dead-end street.

In an emergency all the people in the new development will have to get out the same way as the Juniper Ridge people have to get out. This is a risk and safety issue for the families.

Ms. Bridgens voiced her concerns that if Mr. Gramson doesn't have to have a secondary access for emergencies then it isn't a good idea to give the variance or this should not be developed. Feels that there is a need to build the road right now and not wait until later when there is a real need for one.

Mr. Cronin chimed in and added that if there was an emergency response that was needed than a secondary road would be great, but the area is not development ready.

Mr. Lampi feels that this is a variance on top of a previous variance for this area. Is in favor for development and it is needed; but there is only so much you can sacrifice.

Feels the comment on the fence should stay as a condition.

Regarding the hammerhead between lots 1 and 2 would like to stay with the original staff recommendation knowing that it is not a fully developed street that it is just asphalt to that point.

Realizes that in order to have a through road you would have to develop on someone else's property which maybe unfair to the developer in this case. If the road was there, would be all for it. It's a lot of money to put it in.

Mr. Cronin suggested to get an easement from the neighboring property owner as a condition of approval. It would solve the issue of allowing people to get to Ridge Road.

After a brief recess, Mr. Cronin added a new clause under condition number 14 to read in addition; the developer shall secure a public access easement to Ridge Road.

Ms. Bridgens spoke up and stated that The Warrenton Transportation Systems Plan does not want a gravel road for any type of access to Ridge Road.

Discussion was made on what kind of road would it be past Mr. Gramson's property line. What was mentioned was a compacted drivable surface or some other kind; or only be restricted to emergency vehicles.

Mr. Mitchell spoke up and stated how far can we stretch the property owner who isn't even involved in any of this and pave through their property. He agrees with the impacted gravel and the 20ft paved road to Mr. Gramson's property line but is pushing this on beyond what is reasonable when talking about paved roads. When and if the other property gets developed then the roads will be brought up to where they need to be.

Mr. Moha spoke up and said that he didn't think it should be public through access until it does get developed.

### **Motion by Commissioners**

Ms. Bridgens motioned on the findings and conclusions of the March 7<sup>th</sup>, 2019 staff report and addendum dated April 4<sup>th</sup> 2019 moved to deny the application SUB 19-1, Variance VAR 19-1 and Wetland Hardship Variance WHV 19-1 submitted by Gil Gramson for a 15 lot subdivision subject to the conditions of approval.

There was no second motion. The motion was not passed.

Motion to approve with conditions.

Ms. Bridgens made another motion based on the findings and conclusions of the March 7<sup>th</sup> 2019 staff report and addendum dated April 4<sup>th</sup> 2019 moved to approve the application of SUB 19-1, Variance VAR19-1 and Wetland Hardship Variance WHV 19-1 submitted by Gil Gramson for a 15 lot subdivision subject to the conditions of approval with the addition that the access road to Ridge Road be up to local street standards from Mr. Gramson's property to Ridge Road. There was no second motion.

Mr. Mitchell made a motion based on the findings and conclusions of the March 7<sup>th</sup> 2019 staff report an addendum dated April 4<sup>th</sup> 2019 moved to approve the application SUB 19-1, Variance VAR 19-1 and Wetland Hardship Variance WHV 19-1 submitted by Gil Gramson for a 15 lot subdivision subject to the condition of the following that a 20ft compacted emergency only access road be built to Ridge Road. Mr. Moha seconded. Mr. Lampi, aye. Opposed Ms. Bridgens. Motion passed.

Submitted and attested by

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Janice Weese, Building Clerk

Approved by

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Paul Mitchell, Planning Commission Chair

Meeting Adjourned