



**Minutes
Warrenton Planning Commission
September 12, 2019**

Spur 104 Master Plan CP 19-1, RZ 19-1, & DCR 19-1
Housing Policy & Code Update CP 19-2 DCR 19-2
Warrenton School District Campus Master Plan DCR 19-3

Planning Commissioners Present: Chair Paul Mitchell; Planning Commissioners Chris Hayward, Mike Moha, Ryan Lampi, Tommy Smith, Christine Bridgens, Ken Yuill

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

Flag Salute

Approval of August 15, 2019 minutes: Ms. Bridgens motioned to accept the August 15, 2019 minutes as presented and amended. Mr. Smith seconded. All in favor.

Public comments on non-agenda items: No one spoke

Public Hearing Open

Any Commissioners have any conflicts on this proposal: Mr. Yuill spoke up and stated that he lives in the Spur 104 area. He recused himself from voting but will participate in the discussions. Mr. Moha spoke up and stated that he works for the Warrenton School District and recused himself from voting but will participate in the discussions.

Mr. Lampi spoke up and stated that his mother lives in the Spur 104 area and but feels he can make unbiased decisions.

Subject of Review: PUD Amendment for Institutional Master Plans (DCR-19-3)

Staff Report: Mr. Cronin proceeded with his staff report.

The school district has a bond measure and they are working hard towards creating a campus master plan for the middle school, high school and grade school. The city is working closely with the school district to try to make that a reality. One of the issues was that they did not have a legislative way to create a master plan, so they are trying to go through the PUD process. This is not a process that is used very often.

Ms. Bridgens asked what is the difference between the Institutional Master Plan and the Spur 104 Master Plan. Mr. Cronin replied that the Spur 104 is focused on a residential neighborhood with some commercial mixed uses and has many different ownerships. Institutional is mostly property that is owned by one single property owner like the school district, Port of Astoria and Providence Memorial Hospital.

It was brought up that once PUD is part of the code, then other people can use it. This will change the Development Code so anyone can come in and use this to do a master plan.

Public Testimony:

Representative for the Warrenton School District
Greg Winterowd from Winterbrook Planning
610 SW Alder Ct. Suite 810
Portland, OR 97205

Author of the draft PUD Amendments. The question he has heard from a couple of people is why they are purposing to amend the City's Planned Unit Development Ordinance. He said that something needed to be in the code that would allow them to apply for a master plan for three schools that would be built over a ten to fifteen year period. The existing code does not provide that. It allows for a Conditional Use, but it does not talk about phased conditional uses. It allows for phasing over time, but only refers to residential planned developments that can have some commercial; but nothing about institutions. Needed to make sure that the draft PUD Amendments was broad enough so it would cover all potential institutions in the future. Have written these kinds of ordinances throughout Oregon. Modeled the draft PUD amendments after Oregon City and the City of Seaside on institutional zones. Made a number of technical amendments that would allow them to apply to the city for an approved master plan.

Mr. Winterowd proceeded to explain what they are recommending in the code to be amended.

Section 16.224.010, to also allow for institutional master plan

Section 16.224.015, explains what an institutional master plan is

One of the most important addition that they are putting in is a specific standard that clarifies what impacts you have to address.

16.224.040M, based on a parking study, because they have three different buildings; elementary, middle, and high school; there will be some ability to have shared parking. This would take the place of having to do a variance for more or less parking if needed.

What is important about a PUD is you can vary from certain development standards. It would give you more flexibility. This is for institutional and not commercial.

16.224.050B, is important for the district but also for anyone applying for a PUD. Want to address all the impacts and improvements all at once even though the project is in phases.

Mr. Yuill brought up that if you are looking ahead on a ten year span, traffic might be different than it is today; would another traffic study have to be done.

Mr. Winterowd replied that the traffic study would include their best estimates in the ten year span using state approved standards and city standards.

Also Mr. Winterowd added a provision that stated if a ten year master plan is approved, then in phase two the applicant has a choice of using the regulations in affect when originally approved or go with new regulations the city has adopted.

Mr. Winterowd also mentioned that design standards and continuity be in place so nothing comes up that is radical in design.

16.224.040H1, Mr. Winterowd wants to include as an amendment that DLC would like to see and Staff agrees with, is the Planning Commission may approve institutional buildings of up to fifty feet in height, provided that any portion of a structure that exceeds the base height of the zone must be set back a proportional distance, one foot in height and in setback for each additional foot above the maximum height allowed in the base zone.

Mr. Nathan Watson
34025 Texas Street SW
Albany, OR 97330

Owner of Tiny Smart House and the American Tiny House Oregon Chapter League. Was here at the meeting to discuss DCR-19-2 regarding cottage clusters and ADU's. He has seen a lot of cottage houses and tiny homes coming up in Oregon. Feels that there is opportunity that these types of homes would be a part of the solution to the house crisis. He highly recommends that the Planning Commission adopt DCR-19-2.

Public Hearing Closed

Discussion Among Commissioners

Was clarified in the discussion that this is not just for the applicant but for the whole city to use in terms of the Development Code. Other institution users can use this new provision. The applicant can but does not have to use this new implementation.

Motion by Commissioners

Based on the findings and conclusions in the September 5th 2019 staff report, Mr. Yuill moved to recommend the changes as described in DCR-19-3 and to forward to the City Commission for their proposed public hearing on October 8th to recommend to adopt. Also, to include the amendment to approve the one to one foot setback. Mr. Lampi seconded. All in favor.

Subject of Review: Housing Code Amendment (CPA-19-2, DCR-19-2)

Staff Report: Mr. Cronin preceded with his staff report.

DLCD provided a grant to hire consultants to do a housing needs assessment that was completed in June of this year. There is a Comprehensive Plan Amendment that has basic policy language that the consultants identified and had recommendations for. Also, the Development Code Amendments that followed the recommendations of the report and the work session that was done on August 15. Some of the major things that were included were the medium density clarification and definitions. Changes of minimum lot sizes, ADU code, and provision for new courtyard and cottage housing. There has been a lot of new bills coming out of the legislature. Did a house keeping grant when he first started with the city and improved the ADU code. Since then they need to look at how it needs to apply to state law. They can no longer require owner occupancy as part of the state law, nor do they have to be relatives to live in the ADU's. Anyone can rent the ADU's. It is not up for debate; it gets taken out of the Development Code. Also, the state law discourages them from setting sizes of ADU's.

Ms. Bridgens spoke up and thinks that the current code regarding this is adequate and serves the community better than if they were to allow rentals; it would change the character of Warrenton. She would not want to look an accessory dwelling rental unit looking out her backyard window. Also thinks property values would go down. Doesn't want to add this just to increase the density. Also does not want to require that they can be rentals. This type of change would not be good for Warrenton. Clarification was made that you can either rent to an open market or you can rent to a family member, or no rent at all. The question was brought up that if the neighbors in your neighborhood got together and created CC&Rs can this be restricted so this is not allowed. Mr. Cronin stated that CC&Rs are not what he enforces. Mr. Mitchell spoke up and replied that CC&Rs and HOA's would take precedence because of the people who live there would vote amongst

themselves whether or not they would differ from the CC&Rs that they created. It was brought up that in Warrenton there are neighborhoods that are on big residential properties where people are expecting a certain quality of life; this would drastically change it. Ms. Bridgens referred to the current language in the code that states accessory dwellings are never suited for rental dwellings and use of an accessory dwelling as a rental for income producing. Feels that there is a good reason for strictly prohibiting the use of ADU's as rentals.

Mr. Cronin reiterated that the new state law has taken that away and must be available for rentals. They cannot have an owner occupy provision anymore. If you are going to build an ADU it has to be to the open market for anyone or you can choose just to rent it to family members or not to rent it at all. If you sell your home with an ADU on it, the next owner can do anything they want with it because they bought that property. Our current standard is not within the state law any longer so it has to be changed to amend it.

Ms. Bridgens made mention of the ADU that was allowed to be placed in Warrenton. Expressed that she felt that it did not meet the current code standard of the ADU regulations on matching color, roof design, texture etc. and was not very attractive. Asked Mr. Cronin if there will be any changes on that. Mr. Cronin replied that he is not proposing any changes on what the current code standard states. For the record he has not received any complaints on the ADU since it has been in place. On a code standpoint the ADU had met the standard and all the conditions of approval.

In the future Mr. Cronin suggested that they need to do more work in the work session and ask questions ahead of time so they can be addressed before it gets to the hearing stage.

Also reiterated that in the House Keeping Amendment, ADU's were made to be an outright use in all residential zones.

Clarified that an Accessory Dwelling Unit is not allowed by itself. It is an accessory to the main dwelling that is tied into the home that is there.

Stated also that on a detached garage the space above it needs to be structurally ready for an ADU. Staff is also proposing to make it a permitted use to have an apartment above a commercial space instead of having to go through a Conditional Use Permit.

It was suggested that in the future that the items that are being changed are in bold so you would not have to cross reference what is current and what is new.

Mentioned that for a room being rented out in your home or long term rentals are not regulated.

Mr. Cronin stated that Warrenton is the community that has all the land for subdivisions and wants to approach the problem of housing needs in a sufficient way. It is his job to purpose policies on behalf of the Planning Commission and City Commission.

A lively discussion was made on affordable housing, having garages ADU ready on subdivisions of 10 lots or more and the cost to do that. A change from a minimum lot size from 5,000sf to 4,500sf in the RH zone was discussed also.

Material that is used on the outside of homes like EIFS, vinyl, and T-111 was suggested not to be used anymore due to breaking down in our climate.

Short term rentals are regulated through public safety now. At some point there should be a policy in place to regulate short term rentals on a land use viewpoint. The City of Warrenton has around twelve now. It was brought up that a set figure of how many short term rentals the city should have before the city starts to regulate them. Mr. Cronin offered to add a note to the recommendation to give to the City Commission to discuss how many.

Discussion Among Commissioners

Mr. Mitchell spoke up and said that he does not necessarily agree that accessory dwellings are an important housing option as stated in recommendation number 16. Understands that this is a new law now. Mr. Cronin chimed in and said that you cannot discriminate between general renters and

relatives. Also said that this is a general policy in support of existing code language as purposed code language.

The language of subdivisions of 10 lots or more shall include ADU ready units brought up concern to the commissioners. Prices on homes right now are very difficult for families to purchase. Feels that the cost of the houses will go up too high.

Mr. Cronin replied that there is significant cash flow on subdivisions. Less than 1% of the total project cost for a house. Will bring the spreadsheet back as evidence in the record to show the commissioners.

Mr. Mitchell stated that it might not be a big expensive to the home builder but to the person who buys the house will be paying more per square footage.

Mr. Hayward stated that the things that he would support is; C. Accessory Dwelling Units, and 16 and 17.

Mr. Lampi agrees on the ADU's and the intent. Feels that it is more complex then it seems.

Mr. Yuill can see that it being an option for the builder but not to be mandatory to have.

Mr. Cronin stated that if you don't require ADU's then it won't happen. If you don't want more ADU's then you can strike it from the proposal.

Mr. Yuill brought up the fact that if the next subdivision came in and after the ADU's were taken out of this proposal, and the builder wants to add ADU's, he would have the approval to do so but it would not be mandatory. Doesn't want to regulate it to the point of where they have to.

Mr. Lampi feels that if you maintain and provide upkeep on the type of different siding that you put on your home, you can make it last and look nice. Doesn't want to regulate what type of siding is put on. Mentioned that his house has one of the siding materials that the proposal wants to remove.

Mr. Cronin stated that there are a number of derelict structures around town with degrading siding on it. The city does not have a grant program to replace the siding of these buildings. The owners are not doing it and are not maintaining them. Trying to prevent any more cases.

A clause was suggested to be put in regarding repair of siding of existing homes verses new.

Mr. Cronin asked the commissioners if they wanted to bring back a revised proposal to the next meeting since there was a lot of stuff that was talked about. It was also decided amongst themselves that they would close the meeting and deliberate at the next meeting.

Subject of Review: Spur 104 Master Plan

Staff Report: Mr. Cronin proceeded with his staff report.

A three day charette was held downtown to help get as many people involved as possible for feedback. The number one recommendation was to fix the traffic issue and don't create anymore traffic. There are three distinct pieces; The Comprehensive Plan, The Development Code Revision which is a new section to the Development Code, and Zoning Map. All meets the criteria based on his staff report. Met with Mr. Yuill as a property owner. Have not heard on anyone else on record.

Mr. Yuill spoke up and asked if the code for commercial mixed use at the time of the application was deemed complete, was the code for the zone changed also.

Mr. Cronin replied that when the city commission approved the zone change back in March, the CMU zone was approved.

When looking at the concepts of the master plans, Mr. Yuill did not see any commercial space other than the commercial space underneath an apartment. Going back to the code that was in place when the application was deemed complete, there were no restrictions on the amount of commercial compared to residential.

Mr. Cronin replied that under the over-layer which is in the development code revision, staff suggested to limit the amount of commercial space because that was a recommendation. Traffic

was also a concern from the public. General Commercial spaces generate more traffic than residential.

Mr. Yuill stated that the CMU that was in place did not have any restrictions on the amount of commercial. The commercial space had 15.2 acres of usable land. On the concepts there is a maximum of 35,000sf.

Mr. Yuill expressed concern that everything is so general. He also stated that he would like the city attorney to be present on this.

Mr. Cronin said that whatever they come up with tonight, he would run it by Spencer, The City Attorney, and have him provide comments before their next meeting.

Mr. Hayward spoke up and thought that a lot of prime commercial property on Spur 104 is now turning into a neighborhood of housing. There is a need for housing, but commercial property is needed also. Traffic Engineers should be able to address the traffic issue.

Mr. Yuill feels that they are creating an economic hardship for all the property owners in the Spur 104 area. System Development Charges should pay for all the new units going in for the needed improvements which was approved in the TSP.

Stated that they are superseding the code that was in place when the application was deemed complete with the overlay. When applications come in front of them, they have to go by the code that is in place when the application is deemed complete not later when they want to add things. Does not understand this part. He wanted the attorney to explain the legalities of this. He feels that the people in the Spur 104 area are being restricted from doing what they wanted to do in the first place.

Ms. Bridgens asked if there was any calculations done for the 104 master plan since there are many owners and what might be their responsibilities to support the plan since it might be quite expensive to develop.

Mr. Yuill replied that two and half years ago there was a cost estimate produced on what it would cost. The biggest water lines on the streets are two inches. It is not big enough for fire. This is been one of the problems throughout all the years. The sewer is pretty much in place. The paved streets, sidewalks and traffic lights were all requested thru Urban Renewal; but they just wanted to recommend a zone change. The City Commission went further and paid for a charrette.

Mr. Yuill went through the code and did not find a clause in the CMU for a master plan.

Mr. Cronin stated that they are making new policy by purposing a new policy through this to allow master plans in addition to what is allow through PUD's.

Mr. Yuill asked that in regards to this issue right now, and before a new policy is set, should the old policy not cover this zoning.

Mr. Cronin said this is the policy that they are trying to figure out. You can either move forward and let developers follow all of the existing codes or propose ways to implement this through the overlay. The traffic issue is what they are trying to reduce.

The SDC funds were brought up to pay for what was needed.

Mr. Cronin suggested that if they wanted to make a recommendation to the City Commission to attach to this legislative package, he would convey this to The City Commission to create an SDC Shed to apply to planned improvements.

After discussion it was agreed that the conceptual plans were not it stone; things could be moved around.

Mr. Lampi spoke up and asked if someone was to be the first to develop and had to punch in a road to get access, would that person have to bear the cost. Mr. Cronin replied that he would have to create a proportionality of what the impact of his proposal is to what he can require for that street connection. At a minimum it would be half street improvement for the frontage on whatever street he is building on.

Traffic impact was brought up in the discussion. Mr. Lampi suggested that Ensign and 104 by Lum's and Home Depot should be at three way stop or round about. Also, by Ocean Crest should be a

roundabout but prefers a light. Knows there are Traffic Engineers for this but is giving his thoughts and input. Dolphin and the 104 intersection gets backed up but is not because of Wendy's. The infrastructure is there to ease the traffic; it's getting ODOT pro-active to help us.

Mr. Lampi suggested to table and revisit this at the next meeting.

Mr. Yuill spoke up and asked that when this is voted on and if someone would want the SDC charge main units going into the traffic fund, would that be one line item.

Mr. Cronin stated that this is not a land use recommendation, it's more of a general policy recommendation. He could present it to the City Commission.

All agreed to table this discussion and bring it back next month.

Meeting Closed

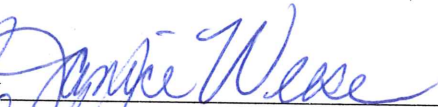
Staff Announcements: Wants everyone to sign up to the Wire, the city's new newsletter.

Forty-eight nuisance cases have been closed;

Very happy to get Resers Family Foundation Grant which is \$10,000 a year for the next four years for Spruce Up Warrenton.

Meeting Adjourned

Attest and submitted by



Approved

