



**Minutes
Warrenton Planning Commission
November 14, 2019**

**Clatsop County Comprehensive Plan Update Presentation
Pacific Seafoods Conditional Use: Continuance of Public Hearing from October 10
Spur 104 Master Plan Implementation / Housing Policy & Code Update**

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

Staff Present: Community Planning Director Kevin Cronin; Building Clerk Janice Weese;
City of Warrenton Attorney Spencer Parsons

Flag Salute

Approval of October 10, 2019 Minutes: Ms. Bridgens motioned to approve the October 10, 2019 minutes as presented. Mr. Yuill seconded. All in favor

Public Comments on Non-agenda Items:

Chuck Bergerson
679 E Harbor Dr.
Warrenton, OR 9746

Mr. Bergerson spoke up and said that he had built around ten tiny houses forty-five years ago and they are still looking good and are holding up very well. He would like to start building more. Complimented the Building Department on helping him with the process and plans. He has built one already and is in the process of building a second one. Does not want to build up stair bedrooms where you have to climb up on a ladder. Mr. Bergerson spoke of T-1 siding that was used on the previous tiny homes that he built, and they still are in great shape as long as oil based paint was used. Mentioned that he would like to keep the conversation going about tiny homes in the future.

Public Hearing Open

Commissioners having any conflicts on this proposal: No one spoke

Presentation: Clatsop County Comprehensive Plan Update

Community Development Director for Clatsop County Gail Henrikson and Ian Sisson presented the Comprehensive Plan update. The plan was originally adopted in 1980 and is forty years old now. The Comprehensive Plan is over two thousand pages long and is in five volumes. There is a lot of outdated information that does not need to be in there. They have committees that are looking at plans goal by goal. Statewide there are nineteen planning goals; one of them does not apply to this area because it is focused on the Willamette Valley so there are eighteen plans in the Comprehensive Plan. They are looking a goal four right now which is Forest Lands. This goal is not easy to go through because there is a lot of different opinions regarding forest lands. They are trying to do this all inhouse and not hire any consultants. They are working with two other staff members. They received fifteen thousand dollars in outside funding to work with Crest to make updates to the maps that they originally did back in 1983. Also got a four thousand dollar grant from The Department of Land Conservation that can be used for planning purposes. The funding that they are looking at over the next four fiscal years is just under one hundred thousand dollars. This funding will allow for them to rent meeting spaces if needed, food and beverages at some of the events, workshops and a lot of it will be used for printing costs. The funding is coming out of the County's Special Project Fund. The discussion shifted to Ian who spoke of the Community Engagement Plan that they have put together. Working with Advisory Committees to show them what plans have already been made and are in place now, and how to integrate them into the new update. How far into the future are they planning to grow and how long projects will take to complete and if they are duplicating or conflicting with other work that is already being done. Brought this presentation as part of their outreach program to the Planning Commission meeting to introduce the project and invite anyone who wants to get involved. There are a lot of public meetings where people can come and listen and participate in discussions. Having childcare at these meetings were brought up and Gail addressed the issue by saying that at one of Urban House meetings they advertised them as family friendly. They made projects that kids could do while they were there; only one child showed up. A suggestion was brought up to send out random questionnaires to people throughout the county to get input on what people have to say. Gail thought that was a good suggestion. Ian is currently working with their GIS people to put up a survey on the County's website.

Subject of Review: Continuance of Pacific Seafoods Conditional Use

Staff Report: Mr. Cronin spoke briefly on what transpired since the original hearing in October. There were two public comments that were dropped off for the record. Also, the applicant provided the commission supporting documentation as part of the record. Staff still recommends approval for this project. Has been working with them for a long time and feels that they have gone way above and beyond to meet the code. Mr. Yuill spoke up and asked for clarification on questions that come before them as commissioners and how that affects their decision making if the answers are not in the Development Code. Mr. Parsons, The City Attorney, replied that the planning commission is to apply the standards that exist in the development code and not apply standards that are not codified within the code. The job of the commissioners is to determine whether or not all the standard has been satisfied. It's a set of standards that they are evaluating against the application and the materials presented. It is not the Planning Commissions job

to either invent the facts in the application and not their job to impose standards that do not exist in the city's land use standards.

Testimony for Applicant:

Mike Robinson Land Use Attorney
1211 SW 5th Avenue Suite 1900
Portland, OR 97204

Asked the commissioners if anyone of them had received any testimony that is not in the records. The commissioners all nodded no.

Stated that he respects the neighbor's opinions and will continue to talk with them. They mailed out the Good Neighbor Agreement to the neighbors but still have not received any comments back. They are trying to resolve the housing issue so bussing the employees from as far away as Long View would not have to happen.

Mentioned that they have worked hard with the Building Official, Fire Department and Planning to come up with evidence to satisfy the criteria.

Feels they have met all the approval criteria and their application should be approved. They agree with the thirty conditions of approval in the staff recommendations with one exception; Public Works had requested a Traffic Study which they feel is too late for them to provide. Would like approval without that condition.

Agreed to do a variance for the landscaping buffer if the neighbors still want to move forward with that. If this is approved, the company will consider coming back and ask for a variance as long as they know before they come back that the neighbors will not oppose the variance.

There are two sets of approval criteria in the Development Code. One is specialized conditions for dormitories in the I-2 zone and the other is the I-2 development standards. In their application it is explained how they meet them for approval. Also mentioned that there has not been any real evidence that the dormitory will be a problem. This will be a place where the employees will mostly eat and sleep.

More discussion was brought up about the possible revision of the landscaping plan in the development code that would alleviate obstructions of landscaping buffers.

It was suggested that they delay the variance for this project for up to one year; that would allow them time to apply for the variance if it is actually needed.

Mr. Robinson spoke up and said that they have some time to satisfy the conditions but will come back for a variance for no landscaping or less landscaping if necessary.

It was reiterated that there was not a third party review of the traffic study; only the applicant did one.

Testimony in Opposition

Scott Widdicombe
27 NW 17th Place
Warrenton, OR 97146

Lives right next door to Pacific Seafood and feels he will be impacted by this project. Feels that Pacific Seafood addressed his concern of having his view blocked. Bought his house nine years ago without any knowledge that it was possible that someone else could develop their property that would obstruct his view of the river. Appreciates that they are working with them. Would like for Pacific Seafood would look again at the gate on the northwest corner of the property. It's approximately ninety feet from the back door of where the dormitory is going to be. Would like for them to put in a set of stairs where the people could walk right out of the dormitory and onto the trail. Feels that the public does not know how to defend themselves when there are major decisions that the city makes. They have to trust that the system will work itself out, so they are not unfairly taken advantage of. Feels he is not being taken advantage of but not secure until the deal is all done.

Tess Chesney
27 NW 17th Place
Warrenton, OR 97146

Thought that this was the proper place to be talking about the landscaping problem of blocking their view. She didn't know she should have been talking about this six months ago. When the time comes, she would like Pacific Seafoods to follow through with the variance because that's what she and the neighbors want.

Gil Gramson
15 NW 17th Place
Warrenton, OR 97146

Has lived in his home for eleven years now. Expressed concern about the access gate. Would like to see stairs going up on the dike and to the dike trail for easy access. Thinks this is a poor location for a bunkhouse. Understands the need for housing. Would have preferred to have this on the Skipanon River adjacent to the processing facility. Spoke of the partition that was signed by all the neighbors regarding the landscaping. Asked if the city has the authority to modify the standards of the conditions on the landscaping plans regarding the height and density of buffers. The city attorney responded by saying that the city has the authority to modify the standards, but the planning commission does not. You cannot change the city's standards based on a single application. Mr. Cronin chimed in and said that the city has a very specific need for landscaping standards because its adjacency to residential. It's very restrictive and specific.

Ann Marie Gramson
15 NW 17th Place
Warrenton, Or 97146

There is really nothing to discuss because Pacific Seafood has met the approval criteria. Questioned who had established the criteria. This is the wrong place for this facility and there should have been higher standards. This is a bunkhouse not a dormitory. The living area that the residences have will be very minimal because the manager will have his place, and there will be a cooking and eating facility. There is no room for any personal

belongings either. This is not a standard facility and will not be pleasant in their neighborhood. In the newspaper the building looks large. The dormitory will be located in the smaller end of the building. There were other options where this could have been built. They could have built a multi-story dormitory on their property next to the facility. The owner of Pacific Coast Seafoods does not want to invest for appropriate housing for his employees. Is very disappointed that they were not involved in the criteria to establish this.

Applicant Rebuttal

Mr. Robinson spoke of the landscaping standard that is in the City of Warrenton's Development Code. This project is located in the I-2 zone. There is no requirement for a landscaping buffer except where joining a residential zone in which case one is required. They had no choice except to meet that standard. If they had not met the standard's then the application could be denied. They did not hear until the October 10 meeting that this was an issue. The applicant is prepared to submit a variance if necessary. Thinks that it should be the fastest and easiest way to address the landscaping issue. There were five hearings that led to the adoption of the text amendment to allow employee dormitories in the I-2 zone. One was in front of the Planning Commission and four in the City Commission. Mr. Widdicombe and Mr. Gramson were among many that participated in those hearings. That is where the city commission decided whether they wanted to allow the use and what criteria would be allowed. All the documents are in the record. Land Use can be complicated but feels this has been very transparent. The mayor had gone out of the way to make sure people had an option to talk with the city commissioners before the city commission adopted this.

This property is zoned I-2 and is strictly controlled by the state. You cannot build a new structure to accommodate a non-water dependent use. The applicant had to use an existing building to have a dormitory. A portion of the building that they are using has been vacant for a very long time and that is where the dormitory is going. The state sat in the commission meetings and did not appeal it because they were doing what the state had established and required in the I-2 zone. The state rule and what is in the Warrenton Development Code does not allow a new building to be built in the non-water dependent use.

This is an area that is permitted by the state and local law for the use of this purpose and is close to the plant.

Feels that this is in an appropriate location in an unused portion of the building that is vacant.

The Building Official, Bob Johnston, said that they meet building code standards for the building itself and for the amount of space per person. They also meet OSHA standards. The stairs going to the dike and trail will not be addressed yet because it is not apart of the approval criteria. However, they will consider it.

This will be safe, clean affordable housing.

Public Hearing Closed

Discussion Among Commissioners

Discussion was made that in the past, landscaping had never been an issue there before and if it could be grandfathered in.

Mr. Cronin replied that since this is a brand new application, all of today's standards and codes have to apply to the building.

Mr. Mitchell spoke up and thought that the applicant could have found a better location for this project. He understands how the homeowners feel.

The building has always been there even when people bought their homes.

Expressed concerns about the living conditions.

Doesn't think that there is any criteria that was presented that they can say no to.

Mr. Hayward spoke up and said that the length the applicant has gone through and the process is pretty amazing. It is zoned properly and meets the criteria.

Feels the applicant has done their due diligence.

Mr. Lampi chimed in and said that this is above and beyond of what they typically see. It's hard to please everyone and understands their concerns.

Mr. Smith spoke up and said that there would always be a conflict no matter where this was going to be. Thinks it's a great solution for the housing shortage.

Motion by Commissioners: Commissioner Yuill moved to approve, based on the findings and facts in the records and staff report, Conditional Use Application, CUP-19-2 and Site Design Review SDR-19-3 with striking item eleven from the Public Works Directors memo. Commissioner Lampi seconded. All in favor

Subject of Review: Housing Policy Code Update

Mr. Cronin stated that if there was anything that the commissioners wanted to remove, they would have to do a separate motion to do so. Once it is at a place for approval, then you can do another motion to approve it for consideration by the city commission.

Wants to do a work session on December 10.

Mr. Yuill spoke up and said he feels that they should recommend and not restrict on the type of exterior materials people want to use.

Does not agree with making it mandatory to have ADU's on subdivisions over twenty homes because of the cost factor.

It was reiterated that if someone builds an ADU in a subdivision they are not required to lease it or rent it out. It can be for their own personal use, or they don't have to do anything with it.

Mr. Yuill spoke up about the cottage clusters that are going to be outright use in R10, RM and RH. Asked if someone had property in a different zone would that wind up being a Conditional Use.

Mr. Cronin replied that he is only proposing the three residential zones, R10, RM, and RH for tonight. The CMU refers to the RH. Technically the CMU zone can have cottage clusters. It was discussed that putting in a truss package, whether the space for an ADU is finished or not, would save a lot of time and money for the homeowner of having to replace the truss package down the road.

Mr. Lampi commented that just having a truss package is not the only issue. You would have to build up above the garage to get clearance.

Ms. Bridgens brought up her concerns about off street parking. Stated that no off street parking is required if the lot already contains at least two off street parking spaces. Mr. Cronin thinks that the goal is to produce more ADU's and not more parking spaces. By not requiring additional parking spaces they will be reducing the burden on the applicant to build an ADU. The impacts of having one additional car from an ADU is very minimal.

Motion by Commissioners: Commissioner Yuill motioned to delete two restrictions. 1. The exterior materials shall not include T-1 Vinyl Siding, and EIFS on new construction. 2. Subdivisions of twenty lots or more shall include ADU ready units that are structurally compliant in either detached or attached accessories.

Commissioner Hayward seconded. All in favor.

Commissioner Yuill moved to recommend approval to the City Commission, The Housing Update File CP-19-2 & DCR-19-2. Commissioner Smith seconded. All in favor.

Subject of Review: Spur 104 Master Plan

Mr. Cronin stated that he has no updates.

Mr. Yuill had questions for Mr. Parsons so he recused himself and stepped down into the audience.

Mr. Ken Yuill
580 Hwy 101 Alt.
Warrenton, OR 97146

Mr. Yuill asked the city's attorney if he wrote the Master Plan. Mr. Parsons reply was no. Mr. Yuill also asked if he had reviewed it before it came before the Planning Commission. Mr. Parsons said yes and that he had received the packet from Mr. Cronin and was asked to review it in preparation for the meeting.

Mr. Yuill asked for clarification from Mr. Parsons; that if the information is not in the Development Code in the area that they are looking into then they must deny it because it is not written in the Development Code.

Mr. Parsons explained that there might be some inconsistency between a purposed Master Plan and an underling zone and zone requirements. The intent for a Master Plan, as a tool in The Development Code, is to codify the opportunity for flexibility to those applicable standards.

There are a set of standards that apply for the zone but there is also an allowance for adopting master plan areas that allow for flexibility and deviations from what otherwise apply to the zone if it is adopted and approved.

Mr. Parsons went on to say that you can adopt a Master Plan as long as you are following the requirements of the adoption for a Master Plan anywhere in the city. It is just going to be restricted by whatever restrictions are imposed in the code when it is adopted in the code.

Went on to explain that if they recommend to the Legislative body that these Legislative changes be made and if they are not made, and the Planning Commission recommends denial, and The City Commission agrees with the Planning Commissions recommendation, then the purposed Master Plan Standards never goes into effect. Then, what is on the

books today continues to apply and if someone came in with a proposal based on the unapproved Master Plan Standard it would have to be denied.

Mr. Cronin stated that Warrenton has numerous overlays. This is the first time to do a neighborhood master plan.

Ms. Bridgens spoke up and expressed concerns over the overlay and prefers to keep the area as CMU. Doesn't think it is an advantage to the landowners to have a Master Plan with so many restrictions. It might make sense if there were only a few landowners but there are too many landowners in that area. The CMU is very flexible, and you can do what you want with it. She would like a denial of the overlay.

Mr. Hayward stated that it doesn't make sense for the overlay because it doesn't fit for this property. There were no landowners that came together and wanted this. Doesn't feel that this is the time to do it.

Mr. Lampi spoke up and said that it would be hard to get commitment from so many property owners for the overlay. If the area was bare land, he would be ok with it. He likes the CMU code that is in place now.

Also said that we are seeing this proposal because of the traffic issues. There is nothing purposed to fix the traffic. There has been two traffic studies and that will sort itself out and dictate development in that area.

Motion by Commissioners: Commissioner Moya motioned to deny Master Plan DCR-19-1 & RZ-19-1. Commissioner Bridgens seconded. All in favor.

Meeting Closed

Mr. Mitchell spoke up and would like to see food cards on the December schedule. Ms. Bridgens had brought some information on them that they would like to discuss.

Staff Announcements: Mr. Cronin brought up that on Tuesday night there was approval to bring in a second food cart for two days a week.

Paving of the parking lot will be done next year where these food carts will be located.

On next months agenda the County Jail renovation application will be heard.

City Manager, Linda Engbretson, will be representing him while he is on vacation in January.

Meeting Adjourned

Attest and submitted by: _____

Approved: _____