

## Janice Weese

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**From:** Mark Barnes  
**Sent:** Friday, September 25, 2020 3:36 PM  
**To:** Spencer Parsons; Linda Engbretson; Janice Weese  
**Subject:** Fw: Application by Pacific Seafood to Extend Two Land Use Permits for an Additional One Year Period; Request for Continuance of Warrenton Planning Commission Hearing from October 8, 2020 to November 12, 2020

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Here's Pacific Seafoods' request to delay the 10/8 PC hearing to 11/12. The hearing is already advertised. I'll ask the Planning Commission to open the 10/8 hearing, consider Pacific Seafoods' request, and continue the hearing to 11/12. I'll include this letter with the packet, so the Planning Commission will have time to think about it, and to notify Scott Widdicombe about the possibility of a delay.

Janice: Please print Mike Robinson's email and put it in the file. Thanks.

Mark Barnes  
Interim City Planner  
503 861 0920

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**From:** Robinson, Michael C. <MRobinson@SCHWABE.com>  
**Sent:** Friday, September 25, 2020 2:02 PM  
**To:** Mark Barnes <cityplanner@ci.warrenton.or.us>  
**Cc:** Spencer Parsons <spencer@gov-law.com>; Kristen Ketchel-Bain <kristen@gov-law.com>; Michael Miliucci <MMiliucci@pacseafood.com>  
**Subject:** Application by Pacific Seafood to Extend Two Land Use Permits for an Additional One Year Period; Request for Continuance of Warrenton Planning Commission Hearing from October 8, 2020 to November 12, 2020

Dear Mr. Barnes, this law firm represents the applicant, Pacific Seafood. The applicant has authorized me to send this letter.

The applicant respectfully requests that the Planning Commission open the initial evidentiary hearing scheduled for October 8, 2020 at 6:00pm and immediately continue the public hearing to the date and time certain of November 12, 2020 at 6:00pm without taking public testimony. The applicant hereby extends the 120-day period in ORS 227.178(1) for a final decision by 35 days, the period of the continuance.

Finally, I have spoken with City Attorney Spencer Parson about confirming that the land use permits do not expire if the final decision by the City does not occur until after the expiration date.

Mr. Parsons agreed with because the applications were submitted, made complete and the public hearing on the applications opened before the expiration date so that the land use permits remain valid while awaiting the final City decision on the extension request.

Please let me know if you have any questions.

October 8, 2020

**Michael C. Robinson**

Admitted in Oregon

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**VIA E-MAIL**

Mr. Paul Mitchell, Chair  
City of Warrenton Planning Commission  
City of Warrenton City Hall  
225 S. Main Avenue  
PO Box 250  
Warrenton, OR 97146

RE: City of Warrenton File No. APP-20-01; Appeal of Director's Approval of Request by Pacific Seafood (the "Applicant") for One-Year Extension of City of Warrenton File Numbers SDR-19-06 and CUP-19-02 (the "Applications") for Property Located at 1815 NW Warrenton Drive

Dear Chair Mitchell and Members of the Warrenton Planning Commission:

This office represents the Applicant.

The Applicant agrees with the Director's Decision (the "Decision") approving the two extension Applications and with the September 30, 2020 Staff Report (the "Staff Report") to the Warrenton Planning Commission (the "Planning Commission"). The Director's Staff Report correctly points out that the Application satisfies the approval criteria for a one-year extension that is needed because of the delay and business disruptions caused by the COVID-19 pandemic. There cannot be any dispute that the pandemic has disrupted almost everyone's business plans and is a valid basis on which to approve the two extension requests. The Director's analysis of the two Applications is found at Decision Pages 2-4.

The Staff Report recommends denial of the Appeal. The Staff Report correctly points out that the Appellant's appeal fails to address the extension approval criteria for the Conditional Use Permit ("CUP") in Warrenton Zoning Ordinance ("WZO") 16.220.070 and the Site Design Review ("SDR") in WZO 16.212.060(C)(1)-(3). Further, the Staff report correctly points out that the Appeal is not an opportunity to reevaluate the merits of the underlying land use approvals because the extension approval criteria do not consider the merits of the underlying approvals. The Appellant's arguments were raised and rejected by the Planning Commission when it approved the CUP and SDR Applications in 2019.

Finally, the Applicant respectfully requests that the Planning Commission open and continue tonight's public hearing to the date and time certain of November 12, 2020 at 6:00 p.m. without taking oral testimony. The Applicant has agreed to extend the 120-day period in ORS 227.178(1) by 35 days, the period of the hearing continuance.

Mr. Paul Mitchell, Chair  
October 8, 2020  
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Thank you for your consideration of the Applicant's request.

Very truly yours,



Michael C. Robinson

MCR:jmhi

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Cc Mr. Michael Miliucci (*via email*)  
Mr. Mark Barnes (*via email*)  
Mr. Chris Crean (*via email*)