

Warrenton Planning Commission Agenda October 13, 2016 7:00 pm

- 1. Greetings and Roll Call
- 2. Flag Salute
- 3. Public Hearing—Variance Application V-16-2—Ron Dyer

Action Item

4. Vacation Rental Dwellings

Discussion Item—written materials to be distributed at the meeting

- 5. Other business
- 6. Adjourn



October 6, 2016

To: Warrenton Planning Commission

From: Skip Urling, Community Development Director

Re: Application V 16-2—Dyer

On behalf of the property owners, Ron and Linda Dyer, Jennifer Bunch has submitted a variance application to exceed the 1,200 square foot maximum size standard for an accessory building found in Warrenton Municipal Code 16.36.020.K. The subject property is addressed as 66 SE 13th Street and further identified as Tax Lot 81028AB02700. It is located in the RH High Density Residential zoning district.

Application was submitted September 15, 2016 and deemed complete September 22, 2016. Notice of the public hearing was issued September 23, 2016. The application package is attached

Variances are guided by WMC Chapter 16.272. Please note the purpose statement of this chapter, below:

16.272.010 Purpose.

The purpose of a variance is to provide relief when a strict application of the zoning requirements would impose unnecessary hardships resulting from the size, shape, or dimensions of a site or the location of existing structures thereon; or from geographic, topographic, or other factors listed below. Reasonable conditions may be imposed in connection with a variance as deemed necessary to protect the best interests of the surrounding property or neighborhood, and otherwise secure the purpose and requirements of this chapter. Guarantees and evidence may be required that such conditions will be met.

Findings

WMC 16.272.020 includes six criteria for granting variances; all of the criteria must be satisfied. Below are the criteria, the applicant's responses, and staff findings.

1. The hardship was not created by the person requesting the variance. Please explain.

Warrenton Planning Commission Variance Application V-16-2 October 6, 2016 Page 2

Applicant's Response: Mr. Dyer has identified the hardship the wet weather conditions and salt air of the coastal area as affecting and reducing the value of his personal property and construction material for the new dwelling. The area's climate is certainly not of his making but does have an effect on the property of those living in Warrenton and elsewhere on the North Coast.

Staff Finding: Wet weather and salt air are ubiquitous throughout Warrenton and the north coast, and certainly are not created by the applicant. Still, staff does not agree that such conditions create a hardship. If they did, all other construction in the city would also suffer and bring the growth and development the city has experienced for the last several years to a crawl. Additionally, the climate has no effect on the ability of builders to meet the code standard for accessory building size.

2. The request is necessary to make reasonable use of the property. There will be an unreasonable economic impact upon the person requesting the variance if the request is denied.

Applicant's Response: Having retired the Dyers wish to utilize some of their time traveling in an RV. Recreational vehicles are a major investment not unlike a home and the cost can easily run upward of \$75,000. It is certainly reasonable to want to protect such an investment from the depreciation that weather wear and tear can cause.

The garage will also be utilized to store and protect other personal property and construction materials for the replacement dwelling. Permits for both the dwelling and garage will be obtained simultaneously but the garage would be constructed first. The garage has been designed to protect contents from the wet and windy coastal weather by limiting access and windows to the north and east sides of the structure. No openings or access will occur on the west and south sides which will take the brunt of the coastal weather.

Staff Finding: Mr. Dyer proposes to build a house and an accessory structure for storing vehicles, personal items and building materials. Meeting the size standard for accessory buildings may not provide all the convenience Mr. Dyer wants, but together with the house would certainly provide a reasonable use of the property and not create an unreasonable economic impact.

3. The request will not be substantially injurious to the neighborhood in which the property is located. The variance will not result in physical impacts, such as visual, noise, traffic or increased potential for drainage, erosion and landslide hazards, beyond those impacts that would typically occur with development in the subject zone.

Warrenton Planning Commission Variance Application V-16-2 October 6, 2016 Page 3

Applicant's Response: The proposed garage would have no greater visual impact than the four or five new homes that could be constructed on the property. The structure will have two-foot stem walls and 14-foot walls, bringing the height of the structure well under 40-foot height limit for the zone. As demonstrated in the photos attached as Exhibit 4 no views of the Skipanon River will be blocked. No excessive traffic, noise, etc., will generated by the use of the garage. Storm water and gutter run-off will be directed toward the drainage ditch on the property.

Staff Finding: Staff concurs.

4. The request is not in conflict with the Comprehensive Plan. Please explain.

Applicant Response: The City of Warrenton Comprehensive Plan does not contain any policies that directly apply to this request. The general policies of the Comprehensive Plan are implemented by the development code. This proposal, other than the relief sought by the Applicant, will comply with the all of the applicable standards of the development code.

Staff Finding: Staff concurs.

5. The request is not in conflict with the Development Code. No variance may be granted which will result in a use not permitted in the applicable zone or which will increase the allowable residential density in any zone with the exception of individual lot size reduction. Please explain.

Applicant Response: The use is allowed in the HR zone [16.36.020.K] and except for the relief requested, all proposed development will comply with the Development Code.

Staff Finding: Staff concurs.

6. Physical circumstance(s) related to the property involved preclude conformance with the standard to be varied. Please explain.

Applicant Response: The Warrenton area receives upward of 70-inches of rain per year and the subject property's proximity to the ocean it is understandable to want to protect personal property from the damage that the rain and salt air can cause. The loss of value of property that is stored in the open and damaged by the weather can be too great.

Staff Finding: The purpose statement for WMC Chapter 16.272 (above) focuses on "hardship resulting from the size, shape, or dimensions of a site or the location of existing structures thereon; or from geographic, topographic" or other factor identified in the six variance criteria.

Warrenton Planning Commission Variance Application V-16-2 October 6, 2016 Page 4

There is no hardship caused by the tax lot configuration or size, or from geographic, topographic or other physical characteristics of the property.

Conclusion and Recommendation

As stated above, for a variance to be granted the applicant must demonstrate compliance with all six of the criteria above. The focus of the applicant's argument is on the weather and the effect on building materials for the two proposed structures stored on site in the elements. Building materials are commonly stored in the elements during construction along the north coast, otherwise buildings could not be constructed from mid fall to mid spring. If the materials are damaged while being stored, they would also be damaged by the weather during construction until sheathing and siding is applied and the roof materials are added. Further materials are delivered as they are needed; all materials for a structure are not delivered at the beginning of the project. The claimed hardship related to the weather does not hold water. And clearly the applicant does not even mention hardship caused by the shape or size of the property or some other physical characteristic, as discussed in the purpose statement.

The argument that the oversized building is necessary to protect building materials and personal items because they would be damaged by the weather and cause unreasonable economic impact or is the only choice for achieving reasonable use of the property also falls short. Use of the property as a residence with an accessory building that adheres to the size standard would indeed be a reasonable use.

The application fails to satisfy criteria WMC 16.272.020.B and F. Based on the findings and conclusions above, staff recommends the Planning Commission deny Variance Application V 16-2.

Recommended motion: Based on the findings and conclusions of the October 6, 2016 staff report, I move to deny Application V-16-2 submitted on behalf of Ron Dyer.

Skip Urling

From:

Tim Demers

Sent:

Monday, September 26, 2016 4:37 PM

To: Cc: Skip Urling Tim Demers

Subject:

RE: Dyer Variance Application

Hi Skip,

The Fire Department has the following concerns:

- 1. The driveway to the garage must be 20 feet wide, passable by an engine, all weather surface and capable of holding 60,000 lbs. It must have a clear vertical height of 13' 6". It must be maintained as such.
- 2. The driveway must get the Fire Apparatus to a point that it can reach all sides of the structure with 150' of hose.
- 3. If the driveway is over 150' long a turn-around must be provided.
- 4. The driveway must not be used for parking or impeding apparatus in any way.
- 5. The structure must be within 250' of a fire hydrant since it is a dead end.

Thanks,

Tim Demers, Fire Chief City of Warrenton Fire Department 503.861.2494

"This message may contain confidential and/or proprietary information, and is intended for the person/entity to which it was originally addressed. If you have received this email by error, please contact the City and then shred the original document. Any use by others is strictly prohibited."

From: Skip Urling

Sent: Friday, September 23, 2016 10:56 AM

To: James Dunn; Richard Stelzig; Tim Demers; Mathew Workman

Subject: Dyer Variance Application

Please review the attached variance application and return hour comments to me by October 3. thanks

Skip Urling Community Development Director City of Warrenton 503.861.0920

Introduction

The Applicants, Ron and Linda Dyer are requesting variance to the 1,200 square foot size limit for accessory structures identified in the City of Warrenton Development Code, sections 16.36.020.K and 16.180.010.A. The Applicants wish to construct a detached garage with dimensions of 44-feet by 60-feet for a total of 2,640 square feet, 1,440 square feet larger than what is allowed by code.

The subject property has been in Mr. Dyer's family for approximately 80 years. Now retired, the Dyers wish to return to the area and build a new dwelling to replace the recently demolished house on the property. Prior to the construction of the replacement dwelling a separate, detached garage is needed to store personal property and construction materials.

The garage will be utilized to store and protect construction materials for the replacement dwelling, a recreational vehicle and other personal property. Permits for both the dwelling and garage will be obtained simultaneously but the garage would be constructed first. As demonstrated in Exhibit 3 the garage has been designed to protect contents from the wet and windy coastal weather by limiting access and windows to the north and east sides of the structure. No openings or access will occur on the west and south sides which will take the brunt of the coastal weather.

Area and Property Conditions

Until recently the property was improved with a single family dwelling but it was recently demolished and only the foundation remains. The Clatsop County Assessor's records indicate the property is 0.85 acres in size with approximately 0.2 acres of the parcel within the Skipanon River.

The subject property is split zoned RH (Residential, High Density) and A2 (Aquatic Conservation). The property is bounded on the north by SE 13th Street, to the east by the Skipanon River and an adjacent parcel, to the south by a single family dwelling owned by the applicant, and the west by dwellings.

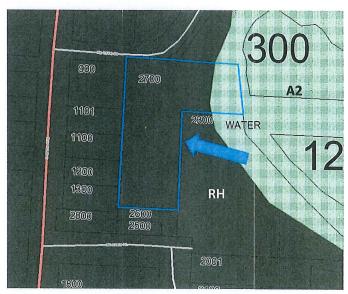


Figure 1: Zoning, Clatsop County WebMaps

Natural Features

As stated earlier the property is adjacent to the Skipanon River and is in Riparian Corridor Unit #7, *Upper Skipanon River*, according to section 16.156.050 Riparian Corridor Inventory, and requires a 50-foot setback to the river. According the City of Warrenton Local Wetland Inventory no mapped wetlands exist on the property.

Natural Hazards

The 2010 FEMA Flood Insurance Rate Maps indicate the area of the property where the garage and future dwelling will be constructed area are in Zone X, an area of minimal flood hazard and outside the 500-year flood zone.

CITY OF WARRENTON

PLANNING AND BUILDING DEPARTMENT

Telephone: 503-861-0920

VARIANCE APPLICATION

FILE # 1/-16-2 FEE \$ 900. ZONING DISTRICT To be accompanied by a Site Plan, copy of property deed RECEIPT #8699099 and Letter of Authorization, if applicable.

The Variance application process is a method for assuring compliance with the City of Warrenton Comprehensive Plan and Development Code, and to ensure wise utilization of natural resources, and the proper integration of land uses utilizing appropriate landscaping or screening measures. Please answer the questions as completely as possible. Legal Description of the Subject Property: Township 3, Range 10, Section(s) 28ABProperty street address 66 SE 13TH Street, Warrenton, DR 97146 I/we, the undersigned applicant(s) or authorized agent, affirm by my/our signature(s) that the information contained in the foregoing application and associated submissions is true and correct. **APPLICANT:** Printed Name: KoNALD Dyer Signature: Address: 20398 SW 71st Phone: 503-502-2925

City/State/Zip: Tualatin, OR 97062 Fax: PROPERTY OWNER (if different from Applicant): **Printed Name:** Signature: Date: 9-5-16
Address: Phone: City/State/Zip:______Fax:_____

This application will not be officially accepted until department staff has determined that the application is completed, the site plan map requirements are met, and a copy of the deed is included.

NARRATIVE: Please describe the variance request:			
Please see attached.			
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Standard	Required	Proposed	
Front Yard Setback			
Rear Yard Setback			
Side Yard Setback			
Lot Dimension			
Height			
Landscaping			
Parking			
Accessory Structure	≤ 1200 sq. ft.	2,640 sq. ft.	

SIX VARIANCE CRITERIA 1. The hardship was not created by the person requesting the variance	e. Please explain.
Please See attached	
2. The request is necessary to make reasonable use of the property. economic impact upon the person requesting the variance if the reque	
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6. Physical circumstance(s) related to the property involved preclude to be varied. Please explain.	e conformance with the standard
Return Application To: City of Warrenton	
Planning and Building Department PO Box 250, 225 S. Main Street Warrenton, Oregon 97146	

SIX VARIANCE CRITERIA

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Mr. Dyer has identified the hardship the wet weather conditions and salt air of the coastal area as affecting and reducing the value of his personal property and construction material for the new dwelling. The area's climate is certainly not of his making but does have an effect on the property of those living in Warrenton and elsewhere on the North Coast.

Based on this analysis, the criterion has been met.

2. The request is necessary to make reasonable use of the property. There will be an unreasonable economic impact upon the person requesting the variance if the request is denied.

Having retired the Dyers wish to utilize some of their time traveling in an RV. Recreational vehicles are a major investment not unlike a home and the cost can easily run upward of \$75,000. It is certainly reasonable to want to protect such an investment from the depreciation that weather wear and tear can cause.

The garage will also be utilized to store and protect other personal property and construction materials for the replacement dwelling. Permits for both the dwelling and garage will be obtained simultaneously but the garage would be constructed first. The garage has been designed to protect contents from the wet and windy coastal weather by limiting access and windows to the north and east sides of the structure. No openings or access will occur on the west and south sides which will take the brunt of the coastal weather.

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4. The request is not in conflict with the Comprehensive Plan. Please explain.

The City of Warrenton Comprehensive Plan does not contain any policies that directly apply to this request. The general policies of the Comprehensive Plan are implemented by the

development code. This proposal, other than the relief sought by the Applicant, will comply with the all of the applicable standards of the development code.

Based on this analysis, the criterion has been met.

5. The request is not in conflict with the Development Code. No variance may be granted which will result in a use not permitted in the applicable zone or which will increase the allowable residential density in any zone with the exception of individual lot size reduction. Please explain.

The use is allowed in the HR zone [16.36.020.K] and except for the relief requested, all proposed development will comply with the Development Code.

Based on this analysis this criterion is met.

6. Physical circumstance(s) related to the property involved preclude conformance with the standard to be varied. Please explain.

The Warrenton area receives upward of 70-inches of rain per year and the subject property's proximity to the ocean it is understandable to want to protect personal property from the damage that the rain and salt air can cause. The loss of value of property that is stored in the open and damaged by the weather can be too great.

Based on this analysis, the criterion has been met.

Conclusion

The Applicants have demonstrated that a hardship exist and the need for a structure larger than the 1,200 square foot limitation imposed by the development code. It is reasonable to want to protect investments such as recreational vehicles, building supplies and the equipment used to maintain a residential property.

EXHIBITS:

- 1 Site Plan
- 2 Aerial Photo
- 3 Proposed Garage Elevations
- 4 Site Photos

Dyer Site Plan

36 SE 13th Street Warrenton, OR 97146

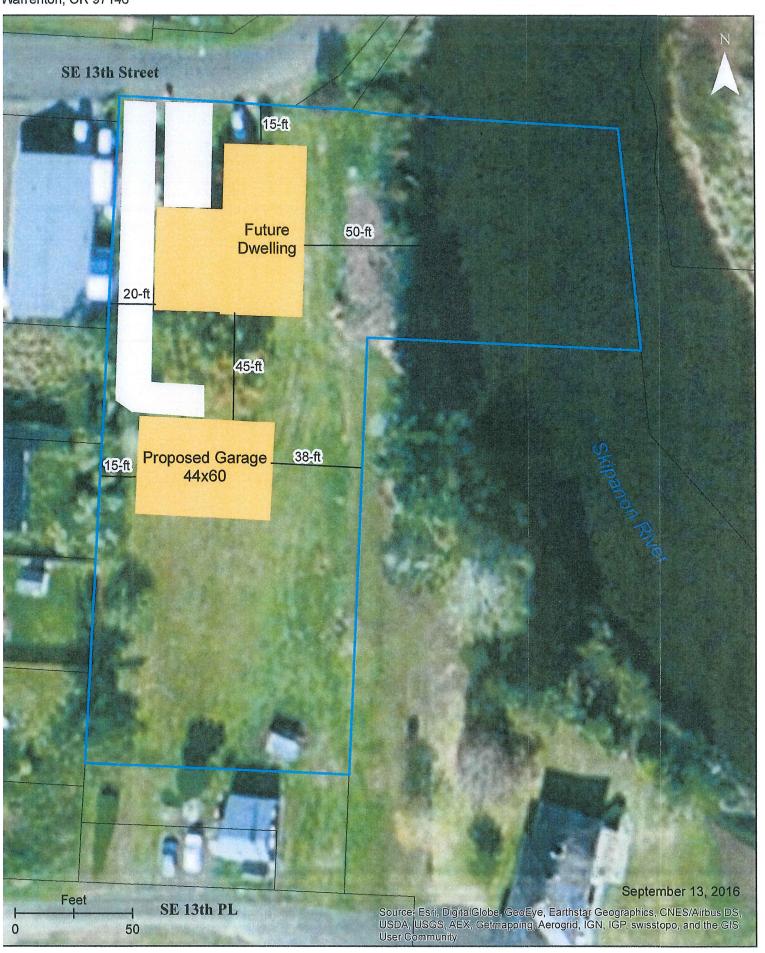


Exhibit 2 Aerial Photo



Photo 1: Aerial view of the subject property with approximate property lines. The dwelling on the north end of the property has been demolished.

Exhibit 3 Proposed Garage Elevations

Exhibit 4 Site Photos



Photo 2: Looking west at the rear of dwellings along S.Main. The garage will be sited where the trees are located.



Photo 3: Looking east toward the Skipanon River which is located over the berm. The garage will be sited where the trees are located.

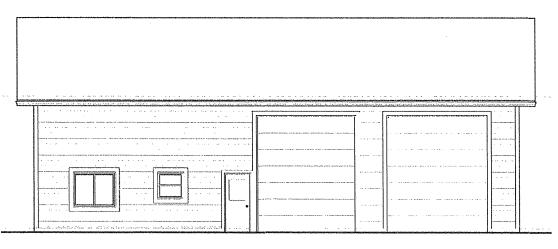


Photo 4: The foundation of the demolished dwelling. The new dwelling will be at this location.

VARIANCE APPLICATION

for 66 13th Street Warrenton, OR 97146

Request for variance to the 1,200 square foot size limit for accessory structures.



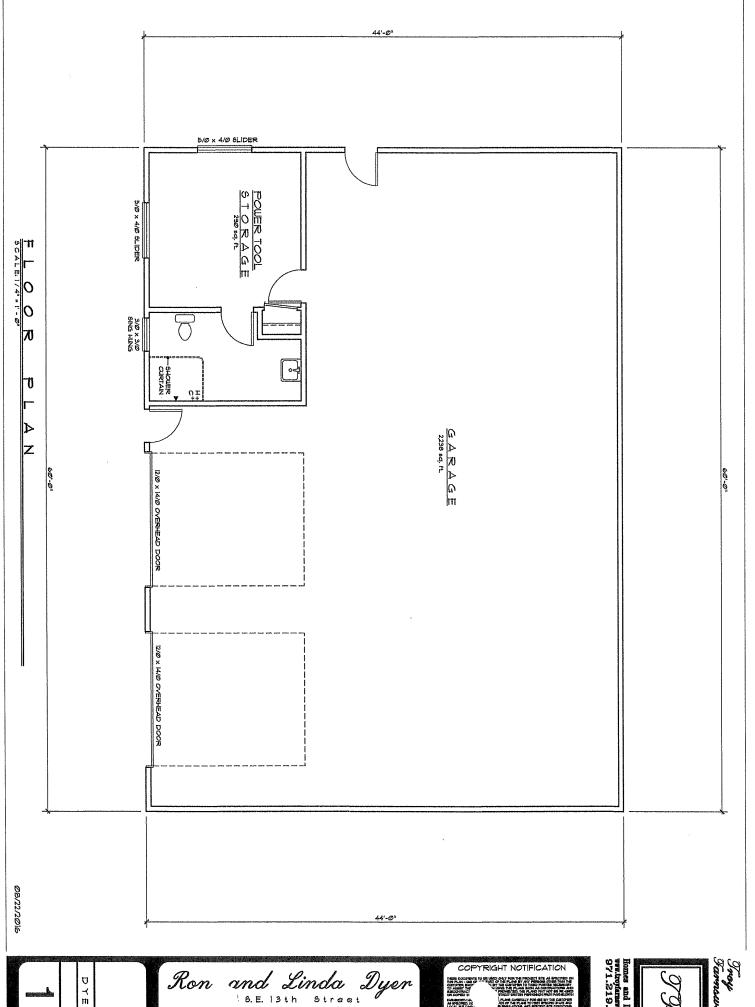
NORTH ELEVATION

Owner/Applicant

Ron & Linda Dyer 20398 SW 71st Street Tualatin, OR 97062

Consultant

Jennifer Bunch, CFM Wickuip Consulting LLC PO Box 1455 Astoria, OR 97103

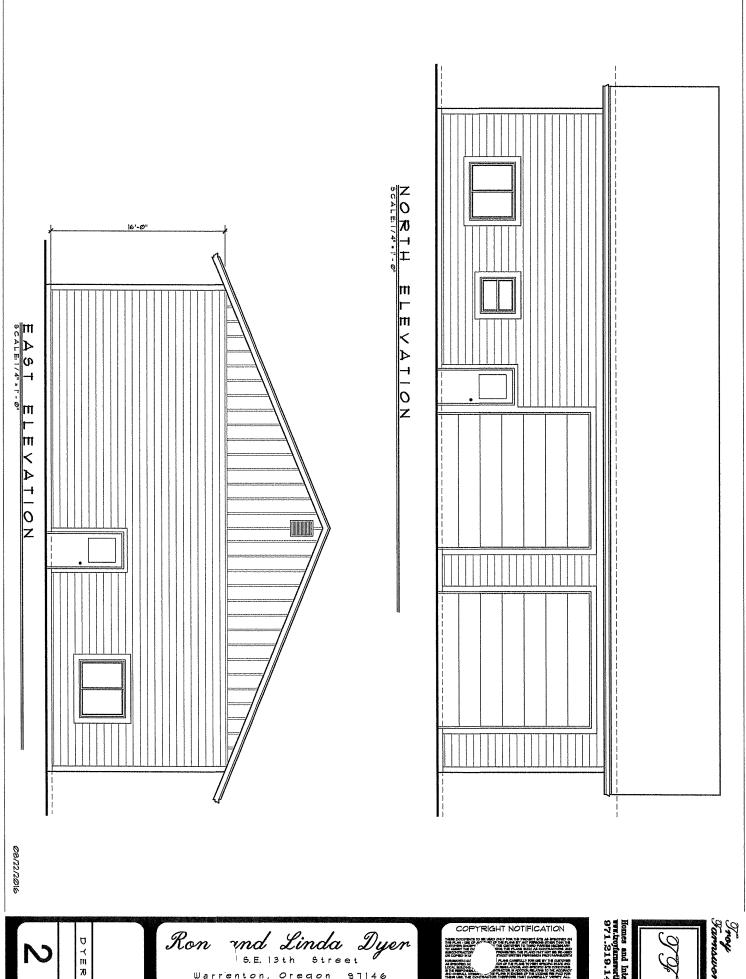


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97146 Warrenton, Oregon



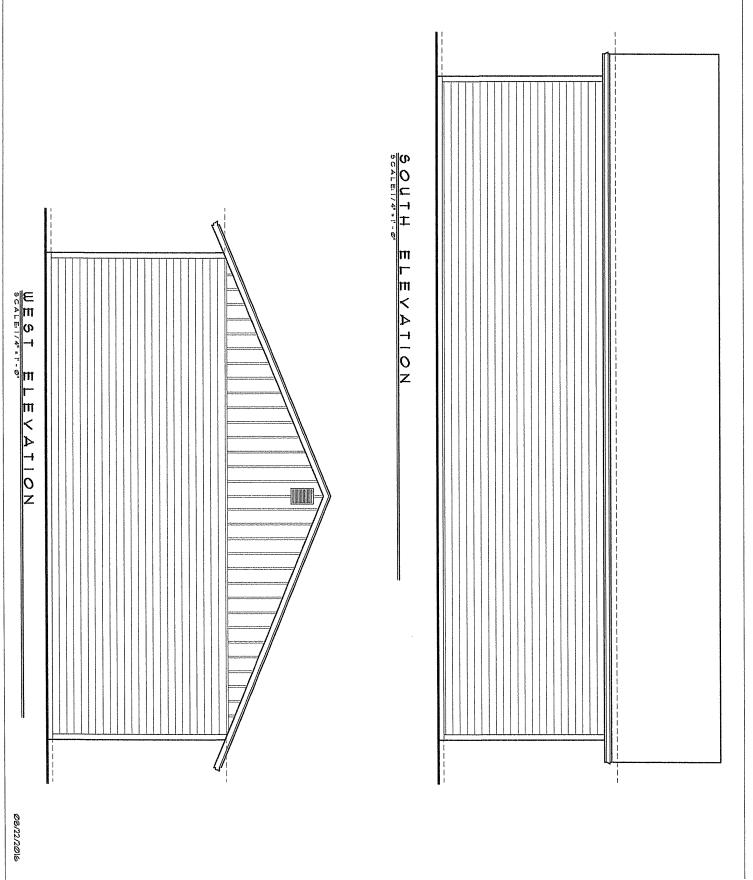




and Linda Dyer Warrenton, Oregon 97146







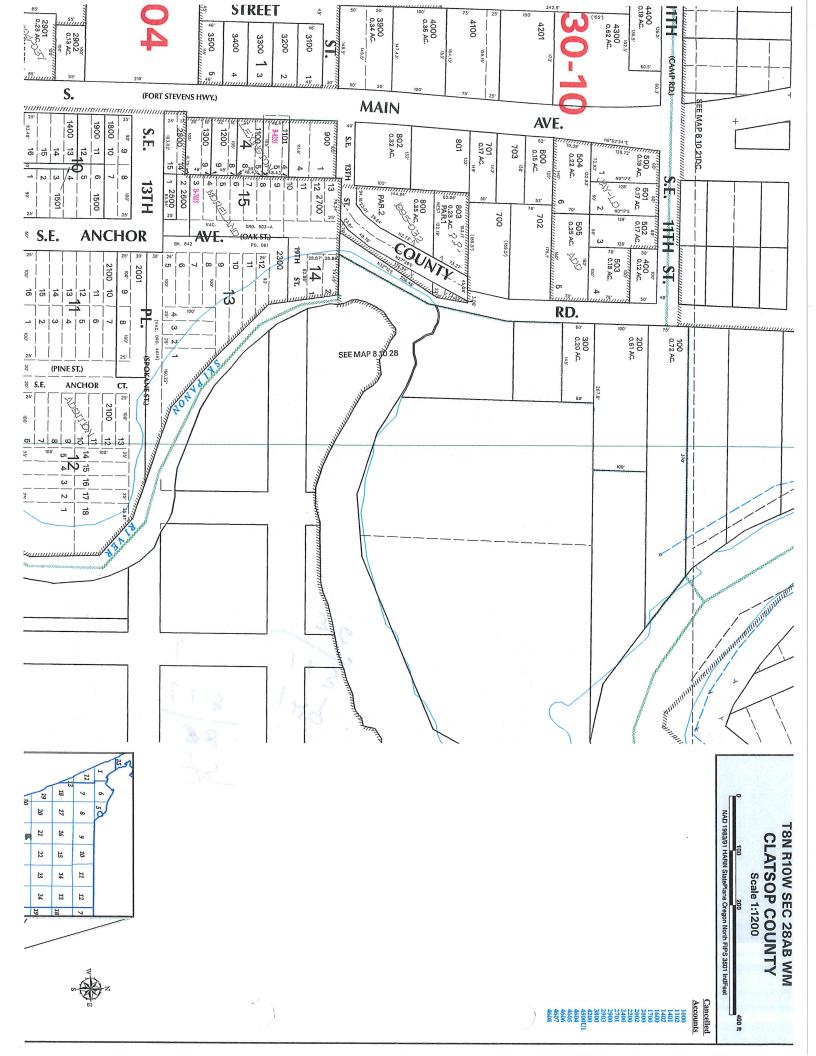
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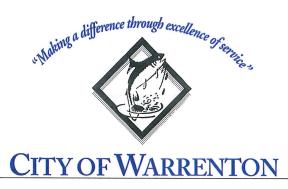
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Ron and Linda Dyen
18.E. 13th Street
Warrenton, Oregon 97146



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MINUTES Warrenton Planning Commission Regular Meeting September 8, 2016

Fisherman's Storage Conditional Use Application & Site Design Application

Commissioners Present: Commissioners Ryan Lampi, Mike Moha, Christina Bridgens,

Ken Yuill, Vice-Chair Paul Mitchell.

Excused absence: Chair Chris Hayward, Commissioner Vince Williams

Staff present: Community Development Director, Skip Urling; Building Clerk, Janice

Weese

Pledge of Allegiance

Public Hearing Open

Disclosures by Planning Commissioners: Commissioners answered no to all questions or conflicts.

Approval of Minutes: Commissioner Ken Yuill motioned to approve the August 11, 2016 meeting minutes of Gramson duplexes SDR 16-4 and VAR 16-1. Commissioner Christine Bridgens seconded. The motion passed unanimously.

Staff report: Paul Leitch submitted an application for a commercial site design and conditional use permit to develop a mini-storage facility on East Harbor. Half of them will be accessed from internal man doors and the other half through roll up doors. Additional filling had to be done due to the flood plain regulations. The property is zoned as C-1 General Commercial. The purposed mini-storage is permitted under a Conditional Use. There were issues regarding the storm water and drainage with flooding to the east and west properties. There will be requirements to manage the storm water that is generated by the site. Application meets criteria. Will not generate a lot of traffic. The Fire Chief has access for his truck. Would be consistent with the codes and can be approved if they meet the three conditions of approval that was recommended.

Commissioner Ken Yuell spoke up and asked if it was the responsibility of the business owners or the city to keep the ditch in the front cleaned and maintained that was mentioned in the City Engineers report. Skip replied that ditch belonged to ODOT and was also listed as a condition.

Ken asked if there would be access for the fire department to run a hose through or will they have to go all the way around. Skip replied that there were two openings on both edges so the fire fighters can get to the interior on foot. There is also a hydrant on the property.

Testimony from Applicant:

Paul Leitch 880 8th Avenue Hammond, OR 97121

He has his Engineer present if there are any concerns regarding the project. Would like to move forward because they have been at this for a long time.

Applicant's Representative:

Mark Ellingson 4242 Silverfalls Drive Silverton, OR 97381

Does not have a problem with any of the stipulations. We have discussed and gone over them. In agreement with bonding of the road. Statement of the roads ability to sustain traffic is a reasonable request. Has a difference of opinion in the storm drainage plan but feels it could be worked out with the City's Engineer. A maintenance program regarding the ditch is a reasonable request.

Testimony in Opposition:

Henry Willener 19645 NW Sauvie Island Portland, OR 97231

The first staff report was in January and was denied, this staff report recommends approval. Henry read on page 2 of the staff report that the comprehensive plan map designation is Urban Development Other Shorelines which contemplates a variety of urban land uses, but does not specifically allow mini-storage. When you drive into any other town in this area, you do not have mini-storage's on the main road. This is a residential area and no-one wants to see this. Just starting into FEMA where you have to be 6 feet above your neighbor. Common law trumps all these codes. You owe your neighbor lateral support, you cannot do things to your property that affects your neighbor.

Went to the white board and demonstrated where his house is and his neighbors. Drew where the ditch and culvert are and stated that even if they clean out the ditch the water will not be going anywhere except on his property. The Comprehensive Plan doesn't mention a mini-storage as a conditional use. Conditional uses are generally things that are necessary to have but may not meet the code. Does not understand why there are only 4 parking places on one corner when on the earlier plans showed 13 and 11. Thinks there will be problems down the road. How could one person decide if the storm water

plan is good or bad. Thinks it should come back to the Planning Department to see if it makes any sense because it affects everyone on the left, right and across the road.

Paul Leitch spoke up and said that he agrees with Henry about the height of the fill. Did not want to raise it to that height because the neighbors and developments will be underwater but this is what he had to do. Will not make the project look bad, it will look good.

Mark Ellingson spoke up and wanted to address the issues that Henry did ask that have to do with the project and the storm water. They have calculated that there will be 378 gallons per day of excess water generated by the building being put there. A standard garden hose in a residence on city water produces 250 gallons an hour. We are going to produce 378 gallons a day. The water will easily be dispersed. FEMA maps dictates the elevation that you have to set the buildings. It is dictated by the elevation or floodplain in the area. The floodplain in this area is not because of the rivers, it is because of the tidal flow. The elevation is set by the national tidal flow. At that point, that area will generate 250,000,000 gallons.

The parking has to be addressed based on what the use of the building is and the projected number of people using the building. There will be no employees; that's what generated the 4 parking spaces.

Public Testimony Closed

Community Development Director Skip Urling commented that Henry Willener raised some good questions on how the storm water will be dealt with; that was the reason for condition number 3 in the staff report. Skip went to the white board and showed how the water will be diverted from the project and onto city owned property, which is identified as tax lot 81022BD02600 that drains to the river. Before the fill permit was issued, the wetlands map was looked and it was not identified as one. The additional fill that will be brought to the site will be placed on top of what is already there. The sand will have to be pulled back from the neighboring properties to allow for the retaining wall which will have to be engineered.

Discussion Among Commissioners

It was suggested by Vince-Chair Paul Mitchell to bring back to the Planning Commission the storm water plan to have the Planning Commissioners look over and to make sure that there will be no flooding onto the neighboring properties before they make the decision to move forward. Both sides are trying to do the right thing.

Planning Commissioner Chris Bridgens clarified through discussion that the sand that was in the ditch will be removed and cleared by the applicant. Asked if it was the applicant's responsibility to continue to keep it cleared. Mark Ellingson replied that the retaining wall should stabilize that issue. After that, it's ODOT's ditch.

Commissioner Ken Yuill mentioned that this has been an on growing problem for the area. Because of the rules and regulations of FEMA, when someone buys property, they have to lift it up. Understanding how the drainage system is going to work for that property. Would also like to see storm water plan before he makes a decision.

Chris also brought up the low growth landscaping for the project. Considers this the front door to Warrenton and would like to see something more acceptable like mature, higher growth evergreen trees.

Motion by Commissioners

Commissioner Ken Yuill motioned to continue the hearing to November 10, 2016. Commissioner Christine Bridgens seconded. The motion massed unanimously. A resubmittal request of the landscaping was also granted to be included in the November 10th Planning Commission meeting.

Discussion of methods to facilitate housing development

Planning Director Skip Urling had a discussion on availability and affordability of housing on the Northcoast. A few months ago he had brought up to the Planning Commission that the building community had made a suggestion of making multi family housing a Conditional Use in portions of the C1 General Commercial zoning district. In the residential zoning, it allows in the higher density districts; lower density development. Something that could be done would be to discontinue that so high density residential zoning would be limited to high density residential development; that way you are not using up a lot of land with single family homes on very large lots. Will be researching and looking at other methods. This suggestion is only for high density residential. Crest has offered to help, there will be 15 hours of time from them. Will contact Patrick Wingard to see what can be done also.

Henry Willener expressed concern over Patrick Wingard and Crest being involved in this. Housing to accommodate wages that is affordable is very important to our community.

Skip brought up that John Morgan from the Chinook Institute is putting on a workshop of Oregon planning procedures and laws September 16^{th} and 17^{th} in Cannon Beach. Any of the Planning Commissioners were invited to attend.

Christine also mentioned that there will be an Oregonians in Action meeting on September 15^{th} in Tigard that deals with flood plains and housing that would be beneficial to attend to.

Attest and submitted by: Janice Weese, Building Clerk Approved: