



## **AGENDA**

WARRENTON PLANNING COMMISSION  
Regular Meeting | March 9, 2023 | 6:00pm  
Warrenton City Hall Commission Chambers | 225 S Main Avenue, Warrenton, OR 97146

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**\*\*\*The meeting will be broadcast via Zoom at the following link\*\*\***

<https://us02web.zoom.us/j/89594092173?pwd=VG5sMFFTVExqTWI1dXVXSTBFbWw2UT09>

**Meeting ID: 851 4280 5492 | Passcode: 12345 | Dial in number: 253-215-8782**

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**1. CALL TO ORDER & PLEDGE OF ALLEGIANCE**

**2. ATTENDANCE**

**3. APPROVAL OF MINUTES**

- A. Planning Commission Regular Minutes – 1.12.23

**4. PUBLIC COMMENT**

At this time, anyone wishing to address the Planning Commission concerning items of interest may do so. The person addressing the Planning Commission must complete a Public Comment Card and submit it to the Secretary prior to the meeting. All comments will be addressed to the whole Planning Commission and limited to 3 minutes per person. Public Comments may also be submitted by email to the Secretary, [rsprengeler@ci.warrenton.or.us](mailto:rsprengeler@ci.warrenton.or.us), no later than 4:00 p.m. the day of the meeting. The Planning Commission reserves the right to delay any action, if required, until such time as they are fully informed on a matter.

**5. PUBLIC HEARING - None**

**6. BUSINESS ITEMS - None**

**7. DISCUSSION ITEMS**

- A. Home Occupation Code Amendment
- B. Ministorage Policies Code Amendment
- C. Grading Permit Code Amendment
- D. Shipping Container Code Amendment

**8. GOOD OF THE ORDER**

- A. Commissioner Sollaccio – Sign Code Suggestion

**9. ADJOURNMENT**

**Next Regular Meeting: April 13, 2023**

Warrenton City Hall is accessible to the disabled. An interpreter for the hearing impaired may be requested under the terms of ORS 192.630 by contacting Dawne Shaw, City Recorder, at 503-861-0823 at least 48 hours in advance of the meeting so appropriate assistance can be provided.

MINUTES  
Warrenton Planning Commission  
January 12, 2023  
6:00 p.m.  
Warrenton City Hall - Commission Chambers  
225 S. Main  
Warrenton, OR 97146

Chair Hayward called the meeting to order at 5:59 p.m. Commissioner Bridgens lead the public in the Pledge of Allegiance.

Commissioners Present: Kevin Swanson, Christine Bridgens, Chris Hayward, Mike Moha, Jessica Sollaccio, and Karin Hopper

Commissioners Excused: Lylla Gaebel

Staff Present: Planning Director Jay Blake and Planning Technician Rebecca Sprengeler.

### 3. 2023 VICE CHAIR ELECTION

Commissioner Bridgens was selected as vice chair for the 2023 calendar year.

### 4. OATH OF OFFICE

Planning Technician Rebecca Sprengeler administered the oath of office to Jessica Sollaccio for Planning Commissioner Position No. 5. Planning Director Jay Blake said the oath of office is to reaffirm that the commissioners have rules, responsibilities, and requirements as a body with regulatory authority.

### 5. APPROVAL OF MINUTES

#### A. Planning Commission Meeting Minutes – 12.08.22

Commissioner Swanson had technical trouble while trying to join the last meeting.

**Commissioner Moha made the motion to accept the minutes. Motion was seconded and passed unanimously.**

**Swanson–aye; Bridgens–aye; Hayward–aye; Moha–aye; Sollaccio–aye; Hopper–aye**

### 6. PUBLIC COMMENT ON NON-AGENDA ITEMS - None

### 7. PUBLIC HEARINGS

#### **A. Continuation: SDR-22-2 for a new 23,292 square foot commercial building with associated parking lot and frontage improvements.**

Chair Hayward opened the public hearing. He read the public hearing script outlining the hearing procedure and applicable criteria. Commissioners Sollaccio and Hopper visited the site but felt they could make impartial decisions. Mr. Blake presented the staff report. He outlined the timeline for the application. The hearing was originally scheduled for December 10. Not all comments had been received, so staff requested the item be continued to January. The development review committee met with the applicant's representative to discuss the review comments before the hearing. The 120-day deadline is March 9. The application from L & D Race Tech is for a new commercial building on SE Marlin Avenue. The zoning is C-1 General Commercial. The City's GIS maps indicate wetlands present on the property. A wetland delineation determined no wetlands will be directly impacted by the development. No wetland permits will be required. The drainage ditch on the South side of the property will need to be maintained. A geotechnical report was submitted with a recommendation for foundation design. A preliminary stormwater management plan was submitted and will be reviewed by the consulting engineer. The site is within the flood zone, but the proposal will meet the 13' requirement. He reviewed the findings of fact and recommended conditions of approval on pages 12-15 of the meeting packet. He also gave a brief presentation on the maps and plans related to the project. Staff recommend approval subject to 10 conditions.

There was brief continued discussion about the approximate GIS wetland data. Commissioner Hopper was concerned about the lack of crosswalks for the expanded location. Mr. Blake suggested a recommendation that the applicant contact ODOT for a study.

Heather Austin of 3J Consulting agreed with the staff findings and recommended conditions. She gave a short history of L & D Race Tech's business. The business will move to the new location. The proposed building will be just over 22,000 square feet. The water quality facility will be just South of the site. Sidewalks will connect from Marlin to 10<sup>th</sup>. The parking lot will be surrounded by landscaping. The rear exterior storage area will be of an adequate surfacing material as determined by the engineering review. The garbage and recycling enclosure design will also be resolved then.

Commissioner Hopper asked the applicant about crosswalks. Ms. Austin noted the old facility will not be used. L & D Race Tech General Manager Lindsay Duarte confirmed they will move the whole business to the new facility. Use for the old facility has not been determined. There will not be foot traffic proposed between the two buildings. If required, it would be addressed in the future. Commissioner Swanson asked about future business projections. Ms. Duarte confirmed she and Donald Hall are confident in their financial projections. Mr. Blake reassured the Commission that the building is not specialized and could support a different use if the business did change. Commissioner Bridgens asked about a color palette and landscape plan. Ms. Duarte noted this information will be determined in the future.

There was no public testimony in support, opposition, or from a neutral position.

Commissioner Moha appreciated the comments and interactions between staff and the applicant. Mr. Blake noted the addition of a pre-hearing meeting to discuss the staff review comments in advance. Mr. Moha asked about the vacation of the 11<sup>th</sup> street right-of-way. Staff support the

street vacation. If it cannot be done, staff recommend a maintenance agreement between the applicant and the City. It was noted one property owner has been unwilling to sign the petition. Mr. Hall will purchase that property soon to complete the street vacation.

**Commissioner Bridgens made the motion to approve the Site Plans for the expansion of L and D Race Tech on property in Section 22 of the City of Warrenton. The approval is based on the submittals from the applicant, findings of fact related to the proposed development in the staff review memo, and testimony heard at the public hearing on January 10, 2023. The approval is subject to the 10 conditions of approval. Motion was seconded and passed unanimously.**

**Swanson–aye; Bridgens–aye; Hayward–aye; Moha–aye; Sollaccio–aye; Hopper–aye**

BUSINESS ITEMS – None

## 9. DISCUSSION ITEMS

### **A. Lisa Lamping Communication**

Mr. Blake gave a history of the ministorage code changes and corridor aesthetics from 2020. The current code does not allow ministorage facilities within 100' of Harbor. Four developers recently questioned this, arguing ministorage would generate a quick profit and meet a community need. Mr. Blake explained this discussion is larger than just one proposal. He introduced Lisa Lamping's proposal for ministorage on Harbor as an example. Her original project for the site was delayed. She recently inquired about ministorage instead, but the new restrictions would not allow the use. Mr. Blake wanted to gauge the Planning Commission's thoughts on the issue and give Ms. Lamping the opportunity to ask questions. Chair Hayward gave a background on the code changes from his experience. A history of under-regulation led to a storage facility on Main and Harbor. There are two strongly opposed groups on the issue. There was an opportunity for people to voice their concerns during the process. Mr. Blake asked if the Commission would like him to revisit the code. Chair Hayward felt the code is in place and they should not oppose it. Commissioner Moha agreed. He had reviewed the past minutes related to the ordinance change; three current Planning Commissioners were on the task force and four of the current City Commissioners were in office when the ordinance was approved. He does not feel the City Commission would make any changes if the discussion was reopened.

Commissioner Sollaccio asked for clarification if Commissioner Moha disagreed with some of the restrictions related to ministorage. He confirmed, but stated he ultimately voted yes.

Commissioner Swanson noted several local business owners do not enjoy the aesthetics of ministorage in downtown. There has been a desire to mitigate the public view of storage units. Commissioner Bridgens agreed ministorage is not aesthetically acceptable for the entrance to Warrenton. When she was on the task force, they felt strongly that there should be no ministorage on Harbor. Commissioner Sollaccio asked how ministorage aligns with the vision for the community, what value it provides to taxpayers, and how it affects the sustainability of the City's budget. Chair Hayward participated in the creation of the visioning plan and noted it was never fully codified. Commissioner Hopper feels ministorage is useful but closed off. Chair Hayward noted the task force, community, and City Commission already made a decision on

this. Commissioner Moha noted this was a very recent and public process. Mr. Blake noted he will not lead code changes but will react to questions from the community and get direction from the Planning Commission. Commissioner Hopper noted there may be alternative uses for the property. Mr. Blake summarized the consensus from the Planning Commission: it is too soon after the decision was made to open the discussion back up. Lisa Lamping spoke about her property on Harbor. She noted her draft vision for a ministorage facility. She discussed the ministorage on Main and Harbor, noting it is not ideal for downtown. She discussed her plans for a tiny house motel on her property. She felt there is a shortage of ministorage. She attempted to build ministorage with previous staff and was not able to move forward, then the code changed. She requested the Planning Commission reconsider. Commissioner Bridgens noted direction was given to the Planning Director at the time by the Planning Commission to not allow more ministorage. Commissioner Swanson noted the need for a strong identity for Warrenton like Leavenworth, Washington and Sisters, Oregon. Ms. Lamping responded there was a nautical theme. Commissioner Swanson would like to revisit a theme for new development and renovations. Commissioner Bridgens noted this has been tried before. Chair Hayward thanked Ms. Lamping for her comments. Mr. Blake restated the consensus that the current Planning Commission did not see the need to open up this discussion again. He will work with Ms. Lamping to develop the property in another way. Brief discussion followed with Ms. Lamping about her tiny motel project site.

#### **B. Warrenton Development Code Audit – Request for Proposals (RFP)**

The City Commission requested Mr. Blake develop an RFP for a code review. He asked the Commissioners to review the handout and prioritize areas to focus on. He suggested the addition of graphics in the code. The review will start this fall and will take 1-1.5 years to complete. The goal is to make it easier for the public to understand.

#### **C. Sign Code**

Mr. Blake noted the Mayor issued a task force directive to update the sign code. Several issues with the current code include lack of criteria, conflicts, and different interpretations that lead to excess signage on sites in Warrenton. He noted the members of the task force. Commissioner Bridgens asked about general enforcement. Mr. Blake noted it could be Planning, Building, or Police. There is consideration of creating a code enforcement officer position.

There being no further business, Chair Hayward adjourned the meeting at 7:25 p.m.

APPROVED:

ATTEST:

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Chris Hayward, Chair

\_\_\_\_\_  
Rebecca Sprengeler, Secretary



## City of Warrenton

### Planning Department

225 S Main Avenue ■ P.O. Box 250 ■ Warrenton, OR 97146

Phone: 503.861.0920 Fax: 503.861.2351

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## STAFF REPORT

TO: The Warrenton Planning Commission  
 FROM: Rebecca Sprengeler, Planning Technician  
 DATE: March 9, 2023  
 SUBJ: Home Occupation Code Amendment

### BACKGROUND:

Since the start of the COVID-19 pandemic, many employees and businesses learned to be flexible and adapt to virtual commerce and embraced a shift to work-from-home culture. Since 2001, the Warrenton Planning Department has tracked the issuance of 12 Home Occupation permits and an unknown number of Home Office permits. Both permits are considered “Miscellaneous Permits” under WMC 16.240 and reviewed under a Type II Administrative process with public notice and opportunity to appeal to the Planning Commission. The code has not been updated since 2013 with Ordinance 1175-A to add a definition. Staff have recently encountered some difficulty addressing enforcement concerns related to home occupations and had questions about consistent interpretation. In addition, staff would like to clearly delineate when a Home Occupation permit is required versus a Home Office permit, which does not require a review or application fee.

- Maximum number of vehicles associated with the business
- Parking location
- Size of vehicles
- Logging trucks
- Allowed in apartments?
- How do we address residents that work for a company and bring a commercially licensed work vehicle home?
- Permitted in all residential zones, but what about non-conforming houses in commercial zones

### Current Code

- Home Occupations are a Type II review that is triggered by the business license review with a follow up phone call and potential site inspection.
- Public notice to neighbors with 100’ and The Astorian

- \$350 application fee
- Appeal to the Planning Commission

**Home Occupations** are defined as “Any lawful business, profession, occupation, or trade conducted for gain or support entirely within a dwelling unit (or a structural accessory thereto) by its inhabitants only, which use is accessory, incidental, and secondary to the use of the building for dwelling purposes and does not change the essential residential character or appearance of such building. Home occupations are permitted in all residential zones when authorized by the Community Development Director and determined to be consistent with the provisions of Section 16.240.020. Not included in this definition is “Home Office.””

#### **16.240.020 Home Occupation Permits.**

The purpose of this section is to encourage those who are engaged in small commercial ventures which could not necessarily be sustained if it were necessary to lease commercial quarters or which, by the nature of the venture, are appropriate in scale and impact to be operated within a residence. Home occupations are encouraged for their contribution in reducing the number of vehicle trips often generated by conventional businesses. They are permitted in all residential units (dwellings) located in residential zones, subject to Section 16.208.040 Type II Procedures (Administrative) and the standards of subsections A through H.

##### **A. Appearance of Residence.**

1. The home occupation shall be restricted to lawfully-built enclosed structures and be conducted in such a manner as not to give an outward appearance of a business.
2. The home occupation shall not result in any structural alterations or additions to a structure that will change its primary use or building code occupancy classification.
3. The home occupation shall not violate any conditions of development approval (i.e., prior development permit approval).
4. No products and or equipment produced or used by the home occupation may be displayed to be visible from outside any structure.

##### **B. Storage.**

1. Outside storage, visible from the public right-of-way or adjacent properties, is prohibited.
2. On-site storage of hazardous materials (including toxic, explosive, noxious, combustible or flammable) beyond those normally incidental to residential use is prohibited.
3. Storage of inventory or products and all other equipment, fixtures, and activities associated with the home occupation shall be allowed in any structure.

##### **C. Employees.**

1. There shall be no outside paid employees.
2. Additional individuals may be employed by or associated with the home occupation, so long as they do not report to work or pick up/deliver at the home.
3. The home occupation site shall not be used as a headquarters for the assembly of employees for instruction or other purposes, including dispatch to other locations.

##### **D. Advertising and Signs. Signs shall comply with Chapter 16.144. In no case shall a sign exceed the residential district standard of four square feet.**

E. Vehicles, Parking and Traffic.

1. One commercially-licensed vehicle associated with the home occupation is allowed at the home occupation site. It shall be of a size that would not overhang into the public right-of-way when parked in the driveway or other location on the home occupation site.
2. There shall be no more than three commercial vehicle deliveries to or from the home occupation site daily. There shall be no commercial vehicle deliveries during the hours of 9:00 p.m. to 7:00 a.m.
3. There shall be no more than one client's or customer's vehicle at any one time and no more than eight per day at the home occupation site.

F. Business Hours. There shall be no restriction on business hours, except that clients or customers are permitted at the home occupation from 7:00 a.m. to 9:00 p.m. only, subject to subsections A and E of this section.

G. Prohibited Home Occupation Uses.

1. Any activity that produces radio or TV interference, noise, glare, vibration, smoke or odor beyond allowable levels as determined by local, state or federal standards, or that can be detected beyond the property line is prohibited.
2. Any activity involving on-site retail sales is prohibited, except that the sale of items that are incidental to a permitted home occupation is allowed. For example, the sale of lesson books or sheet music from music teachers, art or craft supplies from arts or crafts instructors, computer software from computer consultants, and similar incidental items for sale by home business are allowed subject to subsections A through F of this section.
3. Any uses described in this section or uses with similar objectionable impacts because of motor vehicle traffic, noise, glare, odor, dust, smoke or vibration, such as:
  - a. Ambulance service.
  - b. Animal hospital, veterinary services, kennels or animal boarding.
  - c. Auto and other vehicle repair, including auto painting.
  - d. Repair, reconditioning or storage of motorized vehicles, boats, recreational vehicles, airplanes or large equipment on-site.

H. Enforcement. The Community Development Director or designee may visit and inspect the site of home occupations in accordance with this chapter periodically to insure compliance with all applicable regulations, during normal business hours, and with reasonable notice. Code violations shall be processed in accordance with Chapter 16.16, Enforcement. (Ord. 1175-A § 23, 2013)

## **RECOMMENDATION**

We would request initial feedback from the Planning Commission in preparation for a code amendment to guide clarification of the code.

## **ATTACHMENTS**

1. Local Jurisdiction Home Occupation Code Comparison



***Orange are areas that our code does not currently address or that need clarification					
	City of Warrenton	City of Astoria		City of Gearhart	City of Seaside
		Class A	Class B		
<b>Defintions</b>	<b>Allowed?</b>				
	Any lawful business, profession, occupation, or trade conducted for gain or support entirely within a dwelling unit (or a structural accessory thereto) by its inhabitants only, which use is accessory, incidental, and secondary to the use of the building for dwelling purposes and does not change the essential residential character or appearance of such building. Home occupations are permitted in all residential zones when authorized by the Community Development Director and determined to be consistent with the provisions of Section 16.240.020. Not included in this definition is "Home Office."	An occupation carried on by a resident of a dwelling as an accessory use within the same dwelling or in an adjacent structure.	A Class B home occupation is one where one of the following factors occur: a. Customers come to the home more than twice per week; or b. One non-resident associated with the business would come to the site; additionalnon-resident persons associated with the business may be allowed if they do notcome to the site; or c. The home occupation is conducted in an adjacent structure. Examples include counseling, hair styling, woodworking, and contract construction.	A small-scale occupation conducted in a dwelling unit.	A lawful occupation or profession carried on by a resident of a dwelling as an accessory use within the same dwelling, and where the activity is conducted in such a manner as not to give the appearance of a business or infringe upon the right of neighboring residents to enjoy peaceful occupancy of their homes. An occupation or profession which has no customers or client coming to the home, and which complies with the listed home occupation standards, is not considered a home occupation for zoning purposes.
Permitted in all residential zones	Yes	Yes	Yes	Yes	
Maximum Number of Home Occupations per site	Not Addressed	Not restricted	One	Not addressed	Not addressed
<b>Appearance</b>					
Business restricted to enclosed strucutre	Yes	Yes		Yes	Yes
Allowed in accessory structure	Yes	No	Yes	No	Yes
Stuctural alterations	No	Cannot make dwelling appear less residential		Not addressed	Cannot indicate for a use other than residential
Change of use allowed	No	Not addressed		Not addressed	Must retain character of residence, cannot destroy character of neighborhood
Shall not violate development approval	Yes	Not addressed		Not addressed	Not addressed
Products or equipment displayed or visible from outside	No	No		No	No
<b>Storage</b>					
Outside storage (visible from ROW)	No	No		No	No
Hazardous materials storage	No	Prohibited, except at consumer level		Not addressed	Not addressed
Storage of inventory, products, equipment, fixtures, activities in a strucutre	Yes	Yes		Not addressed	Not addressed
Outdoor storage of solid waste	Not addressed	100sf + screening		Not addressed	Not addressed
Plant materials stored outside	Not addressed	Not addressed	Not addressed	Not addressed	Allowed
<b>Employees</b>					
Inhabitants only	Yes	Yes	No	Yes	Yes
Outside paid employees	No	No	1 may visit	No	No
Additional employees	Yes	No	Cannot come to site	No	No
Employees report to work, pick up, deliver at site	No	No	Not addressed	No	No
Employee headquarters, assembly for instruction or dispatching	No	Prohibited		No	No

	City of Warrenton	City of Astoria		City of Gearhart	City of Seaside
		Class A	Class B		
<b>Advertising and Signs</b>					
Maximum Size	4 sf	2 sf		determined by zone	1 sf
Maximum Number	None	1		Not addressed	1
<b>Vehicles, Park and Traffic</b>					
Maximum number of vehicles associated with business	1	1		Not addressed, cannot be greater than existing in residential zones	Should not generate excessive traffic
Type of vehicle associated with business	Commercially licensed	Truck		Not addressed	Should not generate excessive traffic
Parking location	Not clearly addressed	Off-street		Off-street, not in yard	No monopoly of on-street parking
Vehicle size	Cannot overhang when parked in driveway	One-ton truck		Not addressed	Should not generate excessive traffic
Prolonged idling, maintenance, or repair on street	Not addressed	Prohibited		Not addressed	Not addressed
<b>Deliveries</b>					
Maximum per day	3	Not addressed		Not addressed	Should not have frequent deliveries/pickups by motor freight
Delivery hours	7am - 9pm	7am-6pm		Not addressed	Should not have frequent deliveries/pickups by motor freight
Delivery vehicle weight limit	Not addressed	20,000 lbs		Not addressed	Should not have frequent deliveries/pickups by motor freight
<b>Customer vehicles</b>					
Mximum at one time	1	Not addressed		Not addressed	Should not generate excessive traffic
Maximum per day	8	Not addressed		Not addressed	Should not generate excessive traffic
Maximum per week	Undefined, but 56	2	3+	Not addressed	Should not generate excessive traffic
<b>Business Hours</b>					
Operation Hours	None	Not addressed		Not addressed	Can be established by Planning Commission if ther is a complaint
Clients at the site	7am-9pm	7am-6pm	7am-6pm	Not addressed	Not addressed

	City of Warrenton	City of Astoria		City of Gearhart	City of Seaside
		Class A	Class B		
<b>Prohibited Uses</b>					
Radio or TV interference	Prohibited	Not addressed		Not addressed	Not addressed
Noise	Prohibited	Contained on site		Prohibited	Complaint Criteria
Glare	Prohibited	Contained on site		Not addressed	Not addressed
Vibration	Prohibited	Not addressed		Not addressed	Not addressed
Smoke	Prohibited	Not addressed		Prohibited	Complaint Criteria
Fumes	Not addressed	Not addressed		Not addressed	Complaint Criteria
Odor	Prohibited	Contained on site		Not addressed	Complaint Criteria
Dust	Not addressed	Contained on site		Prohibited	Not addressed
Gas	Not Addressed	Not addressed		Prohibited	Not addressed
Other offensive activities not in harmony with a residential neighborhood.	Not addressed	Not addressed		Not addressed	Complaint Criteria
"Other nuisances"	Not addressed	Contained on site		Prohibited	Not addressed
On-site retail sales	Prohibited **unless incidental to business	Must be accessory to services provided		Prohibited	Not addressed
Ambulance service	Prohibited	Not addressed		Not addressed	Not addressed
Animal hospital	Prohibited	Not addressed		Not addressed	Not addressed
Veterinary services	Prohibited	Not addressed		Not addressed	Not addressed
Kennels	Prohibited	Not addressed		Not addressed	Not addressed
Animal boarding	Prohibited	Not addressed		Not addressed	Not addressed
Auto and other vehicle repair	Prohibited	Prohibited		Not addressed	Not addressed
Auto painting	Prohibited	Not addressed		Not addressed	Not addressed
Repair, reconditioning, or storage of motorized vehicles, boats, RV's, airplanes, or large equipment	Prohibited	Prohibited		Not addressed	Not addressed
Daycares	Not addressed	Not addressed		Not addressed	13 children, plus family maximum
<b>Enforcement</b>					
Inspections allowed	Yes			Not addressed	
Timeframe	During business hours			Not addressed	
Reasonable Notice	Yes			Not addressed	
Process to address violations	Public Hearing			Public Hearing	
Revocation process	Yes			Not addressed	



## City of Warrenton

### Planning Department

225 S Main Avenue ■ P.O. Box 250 ■ Warrenton, OR 97146  
 Phone: 503.861.0920 Fax: 503.861.2351

## STAFF REPORT

TO: The Warrenton Planning Commission  
 FROM: Jay Blake, Planning Director *Jay Blake*  
 DATE: March 9, 2023  
 SUBJ: Additional Discussion related to Mini-storage Complexes

### BACKGROUND:

The Planning Department was asked by the City Manager to continue a dialog regarding the current and proposed regulation for mini-storage complexes within the city. The issue stems from the number of mini-storage complexes we have within Warrenton and the tax efficiency of these uses.

The city of Warrenton currently allows mini-storage facilities by conditional use permit in the I-1 General Industrial zoning district and by conditional use permit in some of the C-1 zones. Additional restrictions on the construction standards, material and limits on location were established in 2020 with the addition of the following language:

The **Highlighted** sections below apply to all mini-storage units constructed after 2020

- A. Orientation of Buildings. Building(s) shall be located on the property with the principal building entrance oriented toward the primary focal point of the property/development. With the exception of US Hwy 101, all buildings located on a public street shall have the main entrance front onto said street.
- B. Natural Features. The property owner/developer is encouraged to protect and incorporate areas of special interests and other natural features such as grade, trees, vegetation and waterways, into the overall site plan. These areas may be calculated as part of the landscaping requirement if healthy and not damaged during construction.
- C. Building Requirements.
  1. Customer Entrances. The customer entrance(s) shall be clearly defined and highly visible by using features such as canopies, porticos, overhangs,

recesses/projections, raised corniced parapets, decorative awnings over the door, arcades, arches, wing walls, and integral planters are required. A combination of two features shall be incorporated at a minimum. Mixed use buildings that require two or more entrances are allowed but shall meet the standard.

2. Roof Design. Roofs should be designed to reduce the apparent exterior mass of a building, add visual interest and be appropriate to the architectural style of the building. Variations within one architectural style are highly encouraged. Visible roof lines and roofs that project over the exterior wall of a building enough to cast a shadow on the ground are highly encouraged. Architectural methods shall be used to conceal flat roof tops. Overhanging eaves, sloped roofs and multiple roof elements are highly encouraged. Mansard style roofs shall not be allowed.

3. Materials.

a. The predominant exterior building materials shall be of high-quality materials, including, but not limited to, brick, sandstone, wood, native stone and cultured stone as accents to distinguish specific architectural features, rusticated metal cladding, tinted/textured concrete masonry units and/or glass products. Simulated material may be substituted for any of the aforementioned building materials.

b. At least three different building materials shall be used for 100% construction of a building. The main entrance does not count towards this standard.

c. Exterior building materials shall not include smooth-faced concrete block, tilt-up concrete panels, EIFS, stucco, or T 1-11. Prefabricated steel panels are excluded unless the design and material meets the City's design standards.

d. Metal roof may be allowed if compatible with the overall architectural design of the building.

4. Architectural Vernacular and Features. Architectural features shall include, but are not limited to, the following: recesses, projections, wall insets, arcades, window display areas, awnings, balconies, window projections, landscape structures or other features that complement the design intent of the structure and are acceptable to the Community Development Director. Vernacular architecture referred to as "Northwest Regional" or "Arts & Crafts" design shall be required. This could include the combination of materials, form, and style. Wood in the form of timber, glulam, cross laminated timber, and other natural features are predominant on the exterior and main entrance.

5. Building Colors. Exterior colors shall be of low reflectance, subtle, neutral or muted earth tone colors. The use of high intensity colors such as black, neon,

metallic or fluorescent colors for the façade and/or roof of the building are prohibited except as approved for building trim.

6. Mechanical Equipment, Outdoor Storage and Service Areas. The location of loading docks, outdoor storage yards and all other service areas shall be located to the sides and/or rear of a building, except when a site abuts Highway 101, in which case the said areas shall be located to the sides of the building that do not face Highway 101.

a. All outdoor storage yards, loading docks, service areas and mechanical equipment or vents larger than eight inches in diameter shall be concealed by screens at least as high as the equipment they hide, of a color and material matching or compatible with the dominant colors and materials found on the façades of the principal building. Chain link or cyclone fencing (with or without slats) shall not be used to satisfy this requirement.

b. Equipment that would remain visible despite the screening, due to differences in topography (i.e., a site that is at a lower grade than surrounding roadways) shall be completely enclosed except for vents needed for air flow, in which event such vents shall occupy no more than 25% of the enclosure façade.

c. The architectural design of the buildings shall incorporate design features which screen, contain and conceal all heating, ventilation, air conditioning units, trash enclosures, dumpsters, loading docks and service yards.

7. Building Mass. Building mass shall be limited to 150 feet in length. If any portion of the building exceeds this length, a recess or variation in height shall be required.

D. Community Amenities. Each building shall contribute to the establishment or enhancement of the community and public spaces by providing at least two community amenities such as: a patio/seating area, water feature, art work or sculpture, pedestrian plaza with park benches and landscaping, usable green spaces, or other features, such as a dedicated public park acceptable to the Parks Advisory Board and City Commission.

E. Outdoor Lighting. The lighting for mixed use, residential, commercial and industrial zones shall be shielded and directed down into the site and shall not shine or glare onto adjacent property or streets. Light poles, light fixtures and flag poles shall not exceed 25 feet in height and shall be pedestrian scaled. Installation cost shall be borne by the developer. Decorative exterior lighting is required on the front elevation and at the main entrance. Decorative is defined as "gooseneck" or similar design that is pedestrian oriented.

The following additional restriction was added to protect the integrity of the east Harbor Drive entrance into downtown Warrenton.

**Setbacks.** New storage unit facilities shall be constructed no closer than 100 feet from the East Harbor Drive right-of-way line. This setback area shall be used for landscaping, open space, public or private amenities, off-street parking, other businesses allowed in the zone; or a combination thereof.

Staff updated research that was initially conducted in 2020. There are ten (10) mini-storage sites within the community. This is higher than any other city in Clatsop County and higher than the rural county area. See Graphic #1. Warrenton currently has almost as many as the rest of Clatsop County combined. In terms of per capita storage units/ capita we have nearly twice as many sites as any other city in the area.

Graphic 1.

Mini-storage Complexes Analysis			
City	2020 Population	Number of Sites	Number of Sites/Capita
Astoria	10239	1	10239.0
Cannon Beach	1522	1	1522.0
Gearhart/Seaside	8897	7	1271.0
Rural Clatsop	12790	4	3197.5
Warrenton	6252	10	625.2

No new mini-storage complexes have been approved since the new requirements were adopted.

Why analyze this use so much?

There are three primary reasons these uses receive as much attention as they do. First, these uses with traditional designs/layouts utilize a large amount of land relative to the number of people employed. There may be one or two local employees associated with the maintenance and renting of the units. Six of the ten sites are owned by groups from

outside of Clatsop County. Only one site has a Warrenton/Hammond ownership address.

Since these uses are currently restricted to the C-1 and I-1 zones, it seems incongruous that we reserve land with little local employment for areas that should be employment and tax base-focused.

The second concern stems from using land that we plan for industrial and commercial uses and where municipal sanitary and water service is provided to a facility that uses so little of the capacity of the lines. We often design roadways in industrial areas to function in a way that supports industrial and commercial traffic levels. These uses would seem to be better suited for areas with lower traffic capacity, and on-site sewer systems. They do not need to be located on major thoroughfares.

A third concern arises in the tax revenue that is provided by mini-storage units. Staff suspected that because of the quality of the construction, the assessed valuation would be lower than on other commercial/industrial sites. Staff analyzed the ten current mini-storage sites and a similar amount of commercial or industrial sites in both number and area. See Graphic 2.

Graphic 2

### Mini Storage Tax Analysis

Site	Acreage	Description	* 2020 Taxes	Zoning
1983 SE Dolphin Avenue	2.28	Mini Storage	\$ 13,547.00	I-1
605 SE Alt 101	2.00	Mini Storage	\$ 8,611.00	I-1
1805 South Main	0.70	Enclosed Mini-Storage	\$ 7,318.00	C-1
1240 SE Jetty Avenue	0.99	Mini Storage	\$ 4,385.00	C-1
51 NE Harbor Ct	0.85	Mini Storage	\$ 11,139.00	C-1
Leitch Lease	2.98	Leased Mini Storage	\$ 353.00	I-2/RC
Gronmark	3.14	Mini Storage	\$ 25,913.00	C-1
King Fish, LLC	1.45	Boat Storage	\$ 18,574.00	I-1
1211 Pacific Drive	0.23	Mini Storage	\$ 1,473.00	RH
2385 SE Dolphin	0.67	Portable Mini Storage	\$ 24.00	I-1
Warrenton Mini Storage	2.27	Mini Storage	\$ 28,027.00	I-1
	17.56		\$ 119,364.00	



Mini-storage

Average Taxes per Acre				
\$		6,797.49		
Site	Acreage	Description	2020 Taxes	Zoning
2320 SE Dolphin Avenue	2.00	LULU LLC	\$ 25,744.00	I-1
1479 SE Discovery Lane	2.39	TJ Maxx	\$ 44,432.00	C-1
595 SE Alt. 101	2.18	Restaurant Supply	\$ 14,042.00	I-1
1630 SE Ensign	0.99	Alexandroff Dental	\$ 16,398.00	C-1
1167 SE Marlin Avenue	1.31	Les Schwabe	\$ 15,911.00	C-1
630 SE Marlin Avenue	0.76	Columbia Bank	\$ 15,531.00	C-1
1649 SE Ensign Lane	0.69	O'Reilly Auto Parts	\$ 14,768.00	C-1
1123 Alt. Highway 101	2.71	Tractor Supply	\$ 25,457.00	C-1
1771 SE Ensign Lane	1.12	Fibre Fed Credit Union	\$ 16,521.00	C-1
1609 East Harbor Drive	1.15	Shilo Inn	\$ 54,913.00	C-1
1625 East Harbor	1.02	Walgreens	\$ 17,192.00	C-1
	16.32		\$ 260,909.00	
Heavy Industrial Use				
Hampton Lumber	47.30		\$ 852,635.00	I-2

\* 2020 Total Taxes Paid (All Districts)

Other C/I Uses

Average Taxes per Acre		
\$		15,987.07

Heavy Industrial Use

Average Taxes per Acre		
\$		18,026.11

On a per/acre basis, the mini-storage units pay 42% of the taxes of other comparably sized commercial and industrial uses and 37% of the taxes of heavy industrial uses. This

is concerning in that I-1 Industrial lands are valuable assets with great employment potential.

In looking at the total tax bill in more detail, the City of Warrenton receives a smaller percentage of the taxes than you might expect. Between the Tax Increment Financing and General levy, the City receives about 19% of the total tax bill for these units.

MAP: 81028CA03300  
 TAX CODE: 3010  
 ACRES: 0.70  
 PROP CLASS: 201  
 SITUS: 1805 S MAIN AVE

STORAGE GUYS LLC  
 18033 W DESERT LN  
 SURPRISE, AZ 85388-1661

VALUES:	Last Year	This Year
Real Market (RMV) Land:	186,816	222,311
Structures:	466,746	485,422
Total RMV:	653,562	707,733
Assessed (AV) Total AV:	529,502	545,386
<b>NET TAXABLE:</b>	<b>529,502</b>	<b>545,386</b>

*This is the only statement you will receive on this account*

**Last Year's Tax:** 7,209.19

**This Year's Tax**  
 See back for explanation of taxes marked with (\*)

TAX BY DISTRICT	
COMM COLLEGE	372.66
NW ESD	73.63
SCHOOL 30	2196.05
<b>School Total</b>	<b>2,642.34</b>
U/R WARRENTON	617.70
WARRENTON	799.43
LO WARRENTON	332.69
4H & EXT SVC	25.58
CLATSOP CO	734.20
LO CLATSOP CO	38.18
PORT ASTORIA	60.16
CARE CENTER	84.43
LO CARE CENTER	125.44
SUNSET TRANS	77.55
<b>Government Total</b>	<b>2,895.36</b>
CLATSOP CO	87.43
COMM COLLEGE	75.54
SCHOOL 30	1240.37
WARRENTON	377.68
<b>Bonds - Other Total</b>	<b>1,781.02</b>
<b>Total 2022 Tax</b>	<b>7,318.72</b>

The City Manager has identified this as a potential future finance shortfall for the community. In determining future tax revenues, it is important that we are efficient with the uses that are selected for our industrial and commercial lands. Planning staff believes that lands reserved for commercial and industrial uses should promote the goals of these districts. In general terms those goals include maximizing employment and tax base where possible.

How does Warrenton regulate these uses?

The City requires that a conditional use permit be issued for all new mini-storage complexes. The conditional use permit criteria so not give the Planning Commission much leeway in analyzing these uses.

## 16.220.030 Review Criteria.

A. Before a conditional use is approved findings will be made that the use will comply with the following standards:

1. The proposed use is in conformance with the Comprehensive Plan.
2. The location, size, design and operating characteristics of the proposed use are such that the development will be compatible with, and have a minimal impact on, surrounding properties.
3. The use will not generate excessive traffic, when compared to traffic generated by uses permitted outright, and adjacent streets have the capacity to accommodate the traffic generated.
4. Public facilities and services are adequate to accommodate the proposed use.
5. The site's physical characteristics, in terms of topography, soils and other pertinent considerations, are appropriate for the use.
6. The site has an adequate area to accommodate the proposed use. The site layout has been designed to provide for appropriate access points, on-site drives, public areas, loading areas, storage facilities, setbacks and buffers, utilities or other facilities which are required by City ordinances or desired by the applicant.
7. The use is appropriate at the proposed location. Several factors which should be considered in determining whether or not the use is appropriate include: accessibility for users (such as customers and employees); availability of similar existing uses; availability of other appropriately zoned sites; and the desirability of other suitably zoned sites for the intended use.

These uses do not generate significant noise, traffic or other potential concerns as outlined in sections 2-6. The Commission could look at criteria 1 and 7 in reviewing the economic impacts of min-storage complexes.

The Comprehensive Plan states the following:

### Section 9.200 Goal

- (1) Retain, strengthen and expand the City's economic development activities to ensure that adequate land, capital, infrastructure, and services are available to meet the needs for jobs and industry.

### Section 9.300 Policies

Section 9.310 City Economy

- (1) Ensure sufficient land is zoned for business development, expanding public facilities and services, carrying out various economic growth projects, obtaining adequate funding for activities to achieve economic gains, and undertaking other appropriate economic development actions.
- (2) Encourage and support local industrial development in order to diversify beyond the City's three predominant industrial sectors (wood processing, seafood processing, and commercial fishing), while maintaining strong support for these sectors. These traded sectors could include metal fabrication, fermentation, and small-scale consumer product manufacturing.
- (3) Work closely with individuals and organizations to increase desired industrial, general commercial and tourist commercial activities in Warrenton. Tourist-oriented establishments shall be encouraged to locate in Warrenton and Hammond to support a thriving and lively downtown.
- (4) Encourage present employers to expand their operations and aid them in doing what is necessary to maintain an economic base for employment within the City.
- (5) Work with the local business community and community partners to strengthen the downtown commercial area as an important tourist and commercial center.
- (6) Maintain an adequate supply of vacant commercial, industrial and waterfront development property to provide for the economic growth of the community.
- (7) Work with economic development organizations, such as Clatsop Economic Development Resources (CEDR) and other related non-profits and agencies and to strengthen Warrenton's economy.
- (8) Encourage residents, businesses and civic organizations to shop locally.
- (9) Encourage successful home-based businesses through sensible regulations that protect neighborhoods while encouraging cottage industries.
- (10) Ensure public facilities and services are available to serve existing and prospective new businesses.
- (11) Work with the Port of Astoria, community groups, and local businesses to identify an effective economic development strategies to support the airport business park and other Port of Astoria owned property.
- (12) Maintain and enhance all public infrastructure to create a pleasant and convenient business environment (from signage and pocket parks to sidewalks and parking lots).
- (13) Concentrate/encourage small business and infill development in the core and not on the edges of the community.



We regularly receive request to bring in temporary roll-off type storage units in all zoning districts. We have turned away many of the residential requests because we require detached accessory structure to be similar in style as the principal structure.

The City authorized a mini-storage unit project on SE Dolphin Avenue. This site has a series of adjoining roll-offs rented as mini storage units. The site is .67 acres of high and dry industrial land that is fully utilized, creating no employment and paying only \$23.31 in annual taxes.





## City of Warrenton

### Planning Department

225 S Main Avenue ■ P.O. Box 250 ■ Warrenton, OR 97146

Phone: 503.861.0920 Fax: 503.861.2351

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## STAFF REPORT

TO: The Warrenton Planning Commission  
FROM: Jay Blake, Planning Director   
DATE: March 9, 2023  
SUBJ: Review of Grading Permit Requirements in Warrenton City Code

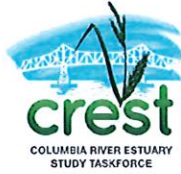
### BACKGROUND:

In 2022, the City of Warrenton contracted with the Columbia River Estuary Study Taskforce (CREST) to review our current code requirements for grading and filling. We received recommendations for changes to the code that are attached for your review. In 2021, the City Commission and Planning Commission met in a joint meeting to review a number of topics, including grading requirements.

The report will be the basis for a code amendment to be presented in April. Staff reviewed it and concurs with the findings.

We are seeking your input and comments prior to the development of a draft code amendment.

This is not an action item at this time.



818 Commercial Street, Room 203, Astoria, Oregon 97103, Phone: (503) 325-0435, Fax: (503) 325-0459  
Website: [www.columbiaestuary.org](http://www.columbiaestuary.org)

TO: Jay Blake, City of Warrenton Community Development Director

FROM: Columbia River Estuary Study Taskforce, Garrett Phillips, Senior Coastal Planner

DATE: December 27, 2022

RE: Review of Warrenton Development Code Chapter 16.152 Grading Excavating and Erosion Control Plans

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### Introduction

The purpose of [Warrenton Development Code](#) (WDC) Chapter 16.152 Grading Excavating and Erosion Control Plans is to safeguard life, limb, property, and the public welfare by controlling activities that lead to soil erosion and sedimentation into watercourses, wetlands, riparian areas, public and private roadways caused by development activities, including clearing, grading, stripping, excavating, and filling of land.

This memorandum reviews Chapter 16.152 Grading Excavating and Erosion Control Plans and identifies potential amendments. The review is based on the following three goals.

**Goal 1) Administration.** Improve the delegation of permit review responsibilities among the Building Official, Community Development Director, and City Engineer.

**Goal 2) Clarity and Certainty.** Clarify undefined terms that are obstacles to code administration and enforcement and improve certainty and objectivity in interpreting requirements.

**Goal 3) Consistency.** Identify potential conflicts between Chapter 16.152, its administration, and the City code sections that implement State Land Use Planning Goals 5, 6, 7, 16, 17, and 18.

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**Goal 1) Administration.** Improve the delegation of permit review responsibilities among the Building Official, Community Development Director, and City Engineer.

§16.152.060.F describes the grading permit review process, delegating permit review responsibility to the Building Official<sup>1</sup>, while indicating that other departments may also review the plans.

#### §16.152.060.F.

1. The application, plans, specifications, computations, and other data filed by an applicant for a grading permit shall be reviewed by the building official. Such plans may be reviewed by other City departments to verify compliance with any applicable laws of the City...
2. The building official may require professional inspection and testing by the soils engineer. When the building official has cause to believe that geologic factors may be involved, the grading will be required to conform to engineered grading. (Ord. 1238 § 1, 2020; Ord. 1175-A § 14, 2013)

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<sup>1</sup> Chapter §16.152 includes 32 references to the Building Official in delegating responsibility and authority, and no references to the Community Development Director or City Engineer.



Grading permit reviews commonly require engineering and planning judgement. For example, an applicant grading 4,000 cubic yards of material could impact neighboring properties or future development of the subject property in ways that an engineer is most suited to understand. However, the City does not require its own engineer to review grading permits, and it does not require applicants grading less than 5,000 cubic yards to submit plans prepared by an engineer. All permit applications should either be prepared by the applicant’s licensed civil engineer or reviewed by the City’s licensed civil engineer.

In the case of planning judgement, proposed grading may be in a location where other City regulations are in effect, such as a wetland or areas with estuarine resource protections. Given that most of the City is considered a coastal shoreland, estuarine shoreland, or wetland, the Community Development Department should play a lead role in customer service and permit administration for grading and excavation activities. City of Warrenton should consider delegating overall grading permit review authority to the Community Development Director. The Director would be the City official responsible for approving permits, delegating reviews to the Building Official and the Engineer, and responding to initial customer inquiries regarding prospective grading projects.

Development codes in Astoria, Cannon Beach and Seaside have grading and erosion control chapters with purposes and standards that are similar to each other and to those in the City of Warrenton, but each cities’ delegation of responsibility for grading permit review is different. Each city may be supplementing its development code with some combination of administrative policies, procedures, and informal customs to have grading permit applications reviewed by the appropriate qualified staff.

The [City of Astoria Development Code 3.305](#) requires some applications to be prepared by a civil engineer and delegates grading permit review to the City Engineer, and states that all applications shall be reviewed by the Community Development Director. [City of Cannon Beach 17.62](#) also requires some applications to be prepared by a civil engineer but does not refer to review by a City engineer. Instead, Cannon Beach delegates grading permit review to the Building Official and/or the Community Development Director depending on whether the permit application is classified Type I or greater<sup>2</sup>. [The City of Seaside Section 4200](#) does not appear to require any grading plans to be prepared by an engineer or to be reviewed by an engineer or a planner.

The Building Official would still have a critical role to play in reviewing grading projects that are intended to or likely to support the development of structures.

*Table 1: Grading permit review delegation in neighboring cities' development codes*

Development Code Requirement or Authorization	Warrenton	Astoria	Cannon Beach	Seaside
Applicant’s engineer prepares grading plans	In some cases	In some cases	In some cases	No requirement
City engineer reviews grading plans	No requirement	Required	No requirement	No requirement
City planner reviews grading plans	No requirement	Required	Required	No requirement

<sup>2</sup> See [City of Cannon Beach 17.62](#) and [City of Cannon Beach 17.92](#)

### Goal 1 Recommendations

- 1) Require that all grading permit applications are approved by the Community Development Director or their designee, instead of by the Building Official.
  - 2) Require that all grading applications shall be either prepared by the applicant's engineer or reviewed by the City Engineer.
  - 3) Require that all grading applications made in preparation for building structures shall be reviewed by the Building Official.
  - 4) Establish an internal policy or procedure that responses to all inquiries regarding prospective grading projects should be coordinated between the Building Official, Community Development Director, and City Engineer.<sup>3</sup>
- 

### **2) Clarity and Certainty.** Clarify undefined terms that are obstacles to code administration and enforcement and improve certainty and objectivity in interpreting requirements.

Chapter 16.152 includes important undefined words, and it gives substantial discretion to the Building Official to exercise judgement on permit requirements on a case-by-case basis, creating regular opportunities for applicants and the City to disagree on requirements. These subjective judgement calls include decisions on whether to exempt projects from permitting requirements, and decisions on what kinds of engineering investigations and oversight the applicant must obtain to support their project.

#### **Remove the Term "Stockpiling"**

The term "stockpiling," has complicated staff's efforts to achieve the purpose of Chapter 16. "Stockpiling" appears in the following statement, which is part of a list of activities exempt from permitting.

"16.152.040.F. Mining, quarrying, processing, stockpiling of rock, sand, gravel, aggregate, or clay where established and provided for by law, provided such operations do not affect the lateral support or increase the stresses in or pressure upon any adjacent or contiguous property."

Prospective applicants have stated that activities that would be regulated as grading and fill under a reasonable interpretation of the City's code or under a clear interpretation of neighboring communities' codes are instead exempt "stockpiling."

The City should consider removing the word stockpiling from the chapter. If the term was included to support an exemption for quarry and aggregate resource businesses permitted by the State of Oregon, it is not necessary. If the term was included to exempt applicants from having to describe the temporary configuration of stockpiled materials between the initiation and completion of grading activities on a site, it may similarly consider removing the term stockpiling from §16.152. 040.F.

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<sup>3</sup> This does not involve an amendment to Chapter 16.152.

Other North Coast cities' development codes do not define stockpiling and do not refer to stockpiling in their lists of exempt activities. Neither do any of the cities refer to aggregate resource operations, mining, quarrying etc. or temporary grading conditions in their list of exempt activities.

### Define Grading and Excavation

The terms "grading" and "excavation" are not defined in the City's code. The City may consider using a definitions from the Oregon Structural Specialty Code Appendix J, which are similar to those found in neighboring North Coast communities. The definitions are provided below in Table 2 to illustrate examples of how the City may define "grading" and related terms.

Table 2: Common Definitions in North Coast Cities

	<a href="#">Warrenton</a>	<a href="#">Astoria</a>	<a href="#">Cannon Beach</a>	<a href="#">Seaside</a>	<a href="#">Oregon Structural Specialty Code Appendix J</a>
<b>Grading</b>	Not defined.	Any combination of excavation and/or fill activities.	Excavation or fill, or any combination thereof, including the conditions resulting from any excavation or fill.	Excavation or fill or any combination thereof, including the conditions resulting from any excavation or fill.	An excavation or fill or combination thereof.
<b>Excavation</b>	Not defined.	Removal of topsoil, gravel, sand, rock or any other type of soil material.	The mechanical removal of earth material.	Any act by which organic matter, earth, sand, gravel, rock, or any other material are cut into, dug, uncovered, removed, displaced, relocated, or bulldozed.	The removal of earth material by artificial means, also referred to as a cut.
<b>Fill</b>	The placement by man of sand, sediment, or other material to create new uplands or raise the elevation of land.	The placement by man of sand, sediment, or other material, to create new land or to raise the elevation of land.  Placement of topsoil, gravel, sand, rock or any other type of soil material.	The deposit of earth material placed by artificial means.	Any act which earth, sand, gravel, rock, or any other material are deposited, placed, replaced, pushed, dumped, pulled, transported or moved by man to a new location, including the conditions resulting therefrom.	The deposition of earth material by artificial means.
<b>Regulated activities</b>	Not defined.	The clearing, grading, excavation, filling, or stripping of land, and post construction activities.	The clearing, grading, excavation, or filling of land.	Not defined.	Not defined.
<b>Clearing</b>	Not defined.	Any activity that removes vegetative cover while leaving the root system intact.	Any activity that removes vegetative cover.	Any activity that removes vegetative ground cover.	Not defined.

### **Remove Discretionary Exemptions**

16.152.040.A includes the following exemption: “When approved by the building official, grading in an isolated, self-contained area if there is no danger to private or public property.” This exemption provides substantial discretion to the Building Official to determine whether a grading project is safe, and then to decide whether the grading project should be exempt from permit requirements. Chapter 16 includes quantitative standards for determining whether a permit is required and whether the plans need to be prepared by an engineer. Other quantitative standards determine maximum slopes and other characteristics of grading projects. All of these processes and standards contribute to ensuring that grading projects are safe and to ensuring that applicants are responsible for executing projects as they are described to the City in application materials.

Providing a general discretionary exemption undermines those objective standards and the purpose of Chapter 16, introduces opportunities for applicants to have disagreements with the Building Official about whether they should receive the exemption described here, and incentivizes applicants to downplay the scope, risks, or uncertainties associated with their projects before submitting any official plans, in order to receive an exemption.

### **Remove Depth, Slope, and Volume Based Exemptions**

The following two exemptions include many scenarios that can cause sedimentation or damage to waterways, wetlands, riparian areas, or neighboring properties.

- H. An excavation which: (1) is less than two feet in depth; or (2) which does not create a cut slope greater than five feet in height and steeper than one unit vertical in one and one-half units horizontal (66.7% slope).
- I. A fill less than one foot in depth and placed on natural terrain with a slope flatter than one unit vertical in five units horizontal (20% slope), or less than three feet in depth, not intended to support structures, that does not exceed 50 cubic yards on any one lot and does not obstruct a drainage course.

The City should consider removing these exemptions, and instead allowing these projects to qualify for a grading permit not prepared by a licensed engineer.

### **Other Miscellaneous Exemptions**

Each North Coast City reviewed for this report has its own unique list of exemptions, and the exempted activities for the most part do not appear to be related to unique attributes of each city. Table 3 illustrates some of the miscellaneous exemptions unique to each city and includes a longer list of Warrenton’s exemptions that do not have a comparable exemption in the other cities. City of Warrenton may wish to consider removing some of its miscellaneous exemptions if they create opportunities for conflicting interpretations with applicants or unpermitted impacts to the community or natural resources or if they are simply unnecessary. These changes will make Chapter 16.152 easier to read and use.

Table 3: Miscellaneous Exemptions in North Coast Cities

	Warrenton	Astoria	Cannon Beach	Seaside
Small residential landscaping and gardening	x	Exempt	Exempt	x
Aggregate resource, quarry, mining	Exempt	x	x	x
Forest practices	x	Exempt	Exempt	x
Emergencies	x	Exempt	x	Exempt
Public works maintenance	Exempt	x	x	Exempt
Cemetery graves	Exempt	x	x	x
Refuse disposal sites	Exempt	x	x	x
Exploratory excavations under the direction of soil engineers or engineering geologists.	Exempt	x	x	x
Excavations for wells, tunnels, or utilities.	Exempt	x	x	x

**Remove Redundant Statements**

The City may consider removing redundant statements. These include at least the following statement, found in both §16.152. 030 and §16.152. 060: “Except as provided in §16.152. 040 of this chapter, no person shall do any grading work without first having attained a grading permit from the building official.”

**Goal 2 Recommendations:**

- 1) Define the terms “Grading” and “Excavation,” following the common definitions found in peer cities and the Oregon Structural Specialty Code Appendix J.
- 2) Remove the term “stockpiling” from the list of exempted activities.
- 3) Remove the general discretionary exemption found in §16.152. 040.A.
- 4) Remove depth, slope, volume-based exemptions.
- 5) Remove other miscellaneous exemptions that do not have a unique relationship to Warrenton’s landscape, culture, or economy.
- 6) Remove redundant statements.

**Goal 3) Consistency.** Identify potential inconsistencies between Chapter 16.152, its administration, and the City code sections that implement State Land Use Planning Goals 5, 6, 7, 16, 17, and 18.

Several Warrenton Development Code chapters implementing State Land Use Planning Goals 5, 6, 7, 16, 17, and 18 also regulate grading, and it is typical among cities for there to be a development code

chapter about grading, and other chapters that also regulate grading in each of the special areas that they deal with, such as wetlands, hazard areas, beaches and dunes, etc.

The City of Warrenton is typical in not cross-referencing these code sections and not reproducing portions of each in the others. For example, in all of the North Coast cities' codes, the word "wetlands" and "Goal 5" are not found in their chapters on grading and erosion control. This leaves each City with a development code that is relatively concise and not redundant, and simpler to amend without amending cross-referenced sections.

Chapter 16.152 includes a clause ensuring that its exemptions are not explicitly conflicting with other sections. §16.152.040 Exempted Work states "Exemption from the permit requirements of this chapter shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this chapter or any other chapter of this Code, or other laws or ordinances of the City of Warrenton." Other parts of 16.152 that place some responsibility on the applicant and the City to ensure that grading projects comply with all City laws include:

- "Grading Permit Requirements," §16.152.060.B.4
- "Grading Inspection," §16.152.070.E

The following Chapters were reviewed, and found to not have conflicting quantitative standards, such as provisions regulating slope steepness or the slope and height of a cut bank. Neither do they have potentially confusing procedural conflicts, such as similar but different project size thresholds triggering some requirement or another.

- [Chapter 16.88 FLOOD HAZARD OVERLAY \(FHO\) DISTRICT](#)
- [Chapter 16.96 SOILS HAZARD OVERLAY \(SHO\) DISTRICT](#)
- [Chapter 16.100 BEACHES AND DUNES OVERLAY \(BDO\) DISTRICT](#)
- [Chapter 16.104 DREDGED MATERIAL DISPOSAL SITE LOCATIONS \(DMD\)](#)
- [Chapter 16.108 MITIGATION SITE PROTECTION OVERLAY \(MSPO\) DISTRICT](#)
- [Chapter 16.156 WETLAND AND RIPARIAN CORRIDOR DEVELOPMENT STANDARDS](#)
- [Chapter 16.160 COLUMBIA RIVER ESTUARY SHORELAND AND AQUATIC AREA DEVELOPMENT STANDARDS](#)
- [Chapter 16.164 IMPACT ASSESSMENT AND RESOURCE CAPABILITY DETERMINATION](#)

A substantial portion of the City overlaps the resource and hazard areas described above. For example, just considering estuarine and beach and dune areas, Figure 1 illustrates that in most of the City, a prospective grading permit applicant needs to at least consider these resources when planning and reviewing a grading project. Despite the lack of explicit conflict between Chapter 16.152 and the other reviewed sections, and despite Chapter 16.152's general statements requiring exempt and permitted grading projects to comply with other laws, the City's exemptions for grading may inadvertently allow grading projects to occur in violation of these other laws. When a grading project is exempt from a grading permit, there is no formal process for ensuring that it complies with other City laws. Furthermore, even if city officials consult all of the relevant City laws and regulatory maps before acknowledging to a grading project proponent that a project is exempt from the grading permit, the project then has no oversight through the grading permit process to ensure that it does not change or expand beyond the original scope that the exemption was based on. Implementing recommendations from the report to reduce the number of exemptions and provide the Community Development Director with the primary authority to approve grading permits will minimize opportunities for grading projects to conflict with other City laws.

The City may also further ensure that grading projects comply with all of its laws by requiring applicants to identify natural resource and hazard areas on the plans submitted with grading applications pursuant to §16.152. 060.B. The City may go further by requiring that all grading projects within some distance of these areas obtain a grading permit.

Chapter 16.152 includes minimal standards for erosion control. These mirror the brief requirements of the Oregon Structural Specialty Code Appendix J. Chapter 16.152's purpose is broader than that of the Oregon Structural Specialty Code, and the City is interested in ensuring that grading projects comply with all of the City's laws, including those intended to protect natural resources and safeguard against natural hazards. The City may consider strengthening the basic erosion control requirements of Chapter 16.152 to fulfill the purpose of the Chapter. The Clatsop County Erosion Control Guidance may serve as a the basis for enhanced erosion control standards.

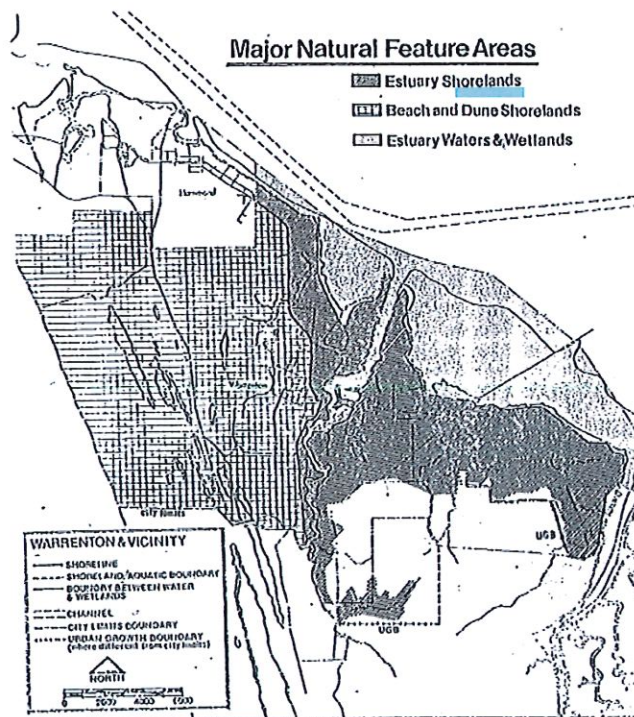


Figure 1: City of Warrenton Comprehensive Plan, Major Natural Features

**Goal 3 Recommendation:**

- 1) Delegate permit review responsibility to the Community Development Director and reduce the number of projects exempt from obtaining grading and erosion control permits, following the recommendations to address Goals 1 and 2 in the prior pages.
- 2) Require applicants to identify natural resource and hazard areas in grading permit applications.
- 3) Consider requiring a grading permit for all grading within some distance of all natural resource and natural hazard areas.
- 4) Consider enhancing the erosion control standards to address the purpose of the chapter.

Table 4: Summary of Recommendations and Primary Related Sections of Chapter 16.152.

	Recommendation	Section
Goal 1	Require that all grading permit applications are approved by the Community Development Director or their designee, instead of by the Building Official.	§16.152.060 and Sections throughout Chapter 16.152 <sup>4</sup>
	Require that all grading applications shall be either prepared by the applicant’s engineer or reviewed by the City Engineer.	§16.152.060
	Require that all grading applications made in preparation for building structures shall be reviewed by the Building Official.	§16.152.060
	Establish an internal policy or procedure that responses to all inquiries regarding prospective grading projects should be coordinated between the Building Official, Community Development Director, and City Engineer.	None
	Remove the term “stockpiling” from the list of exempted activities.	§16.152.040.F.
Goal 2	Remove the general discretionary exemption found in §16.152. 040.A.	§16.152.040.A.
	Remove depth, slope, volume-based exemptions.	§16.152.040.H, §16.152. 040.I
	Remove other miscellaneous exemptions that do not have a unique relationship to Warrenton’s landscape, culture, or economy.	§16.152.040.C, §16.152. 040.D, §16.152. 040.E, §16.152. 040.F
	Remove redundant statements.	§16.152.030
	Require applicants to identify natural resource and hazard areas in grading permit applications.	§16.152.060.B
Goal 3	Consider requiring a grading permit for all grading within some distance of all natural resource and natural hazard areas.	§16.152. 040
	Consider enhancing the erosion control standards to address the purpose of the chapter.	§16.152. 140

<sup>4</sup> Chapter §16.152 includes 32 references to the Building Official in delegating responsibility and authority,





## City of Warrenton

### Planning Department

225 S Main Avenue ■ P.O. Box 250 ■ Warrenton, OR 97146

Phone: 503.861.0920 Fax: 503.861.2351

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## STAFF REPORT

TO: The Warrenton Planning Commission  
FROM: Rebecca Sprengeler, Planning Technician  
DATE: March 9, 2023  
SUBJ: Shipping Container Code Amendment

### BACKGROUND:

There are many shipping / cargo containers throughout Warrenton on both private and commercial properties. The Planning Department has received a handful of requests to utilize shipping containers for commercial storage, short term rental units, and a hydroponic garden. Anecdotally, staff have been told that shipping containers are not allowed in Warrenton and that past staff have had them removed from private property, however the code does not clearly have criteria that applies to shipping containers for any use.

Staff have gathered sample codes from other cities that address various aspects of shipping containers. The Warrenton Planning department request that the Planning Commission consider these code samples and provide feedback on areas such as allowed uses (storage or dwellings), duration (temporary or indefinite, location, design criteria, allowed zones, and maximum number on a single parcel of land.

Based upon the Commission's feedback, staff will prepare a code amendment to create clear criteria to effectively respond to inquiries.

### ATTACHMENTS

1. Cannon Beach, OR – Temporary with restrictions
2. Mill City, OR – Prohibited except temporarily during construction
3. Ferndale, WA – Comprehensive

### **17.54.100 Storage containers—Residential.**

A. Portable storage containers may be placed on property used for single-family or two-family residential purposes upon compliance with all of the following:

1. No more than one portable storage container shall be located on a single lot or parcel of land.
2. No other type of container or shipping container is located on the same lot or parcel of land.
3. Portable storage containers shall not remain on lots or parcels of land longer than sixteen consecutive calendar days and no more than sixteen calendar days per calendar year.

B. The planning director may approve an extension of up to seventy-four days beyond the initial sixteen days by issuing a development permit, upon determining both of the following:

1. That a principal residential structure is damaged or dilapidated; or that the residential structure will undergo renovation, repair, remodeling, or reconstruction during the extension.
2. That a building permit has been issued, if required, and remains valid during the extension.

C. Portable storage containers shall comply with the following setbacks:

1. If a portable storage container is placed in the required front yard, then the portable storage container shall be located only in the area primarily used for vehicular ingress and egress and must have a ten feet setback from the edge of the curb. If no curb exists, the portable storage container shall have a ten feet setback from the edge of the pavement. However, notwithstanding the above setbacks, in no case shall a portable storage container extend into the public right-of-way.
2. If a portable storage container is placed in the required rear or side yard, no setback shall be required except that no portable storage container shall encroach upon adjacent property.
3. The portable storage container shall not conflict with the clear vision area requirements in Section [17.90.040](#). (Ord. 17-3 § 1)

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**Contact:**

## Cannon Beach, Oregon Municipal Code

### Title 17 ZONING

#### Chapter 17.54 ACCESSORY USES GENERALLY

### **17.54.110 Storage containers—Nonresidential and multifamily residential.**

A. Portable storage containers may be placed on property used for multifamily residential or nonresidential purposes upon compliance with all of the following:

1. No more than two portable storage containers shall be located on a single lot or parcel of land.
2. No other type of container or shipping container is located on the same lot or parcel of land.
3. Portable storage containers shall not remain on lots or parcels of land longer than either:
  - a. Sixteen consecutive calendar days and no more than sixteen calendar days per calendar year; or
  - b. If associated with a construction or remodeling project for which a valid building permit is in effect, up to four consecutive calendar months and no more than four calendar months per calendar year.

B. The planning director may approve an extension by issuing a development permit for up to three months beyond the initial period authorized under subsection (A)(3), upon determining all of the following:

1. That a principal structure is damaged or dilapidated; or will undergo renovation, repair or reconstruction during the extension.
2. That a building permit has been issued for the renovation, repair or reconstruction, if required, and remains valid during the extension.

C. Portable storage containers shall comply with the following setbacks:

1. If a portable storage container is placed in the required front yard, then the portable storage container shall be located only in the area primarily used for vehicular ingress and egress and must have a ten feet setback from the edge of the curb. If no curb exists, the portable storage container shall have a ten feet setback from the edge of the pavement. However, notwithstanding the above setbacks, in no case shall a portable storage container extend into the public street right-of-way.
2. If a portable storage container is placed in the required rear or side yard, no setback shall be required except that no portable storage container shall encroach upon adjacent property.

3. The portable storage container shall not conflict with the clear vision area requirements in Section [17.90.040](#). (Ord. 17-3 § 1)

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## Contact:

City Hall: 503-436-8052, Email: [cityhall@ci.cannon-beach.or.us](mailto:cityhall@ci.cannon-beach.or.us)

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## 17.44.020 - Accessory uses.

An accessory use shall comply with all requirements for a principal use except where specifically modified by this chapter.

- A. Garage sales are permitted, provided:
  1. The maximum length of a sale shall be four days;
  2. The maximum number of sales permitted in a calendar year for each family is four;
  3. There shall be a minimum of thirty (30) days between each sale at any single property;
  4. All signs advertising a sale or directing the public to a sale shall be removed within forty-eight (48) hours of the completion of the sale.
- B. A guest house may be maintained accessory to a dwelling provided there are no cooking facilities in the guest house.
- C. Parking or Storage of Motor Vehicles and Recreational Vehicles.
  1. A motor vehicle, boat, trailer, camper, motorized dwelling and similar recreational equipment may be parked or stored on a lot as an accessory to a dwelling in a driveway, designated paved or gravel parking area, rear yard or side yard.
  2. A motor vehicle, boat, trailer, camper, motorized dwelling and similar recreational equipment may not be parked or stored in a front yard or street side yard, unless placed in a driveway or designated paved or gravel parking area.
  3. No person shall store or permit to be stored on a street or other public property any motor vehicle, boat, trailer, camper, motorized dwelling, similar recreational vehicle or personal property, without permission of the council, for a period in excess of twenty-four (24) hours as specified in [Section 10.16.070](#) of the Mill City Municipal Code.
  4. A vehicle stored on a private property shall not violate the city's nuisance code, [Chapter 8.04](#) of the Mill City Municipal Code which prohibits the storage of junk, vehicle parts, and/or an inoperable or unregistered motor vehicle.
- D. **Use of Tractor Trailers, Trailer Boxes or Storage Containers Prohibited. The use of tractor trailer boxes (with or without wheels) and or shipping containers is prohibited in all zones, except as follows:**
  1. The temporary use of not more than one storage container, with a maximum size of two hundred (200) square feet, during construction of a permanent building, subject to the following conditions:
    - a. The storage container shall be placed in the driveway, side or rear yard.
    - b. The storage container must be removed from the property not later than one year from the date of the issuance of the building permit for the permanent building by the Linn County building department.
    - c. If the storage container is not removed by the property owner in a residential zone, then the city may proceed with removal of the storage unit under the city's summary abatement procedures in [Chapter 8.04](#) of this code;
  2. The temporary use of a garbage or recycling container provided by the city's

garbage franchise holder; and/or

3. The on-going use of a recycling container provided by the city's garbage franchise holder to a public or not for profit entity within a public, commercial or industrial zone, subject to approval by the city council.

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## Chapter 18.88 SHIPPING CONTAINERS

Sections:

**18.88.010 Purpose.**

**18.88.020 Applicability.**

**18.88.030 Shipping containers as storage facilities or empty structures.**

**18.88.040 Exceptions for temporary placement of shipping containers in single-family dwelling zones (RS 6, 8 and 10).**

**18.88.050 Exceptions for placement of shipping containers on construction sites in conjunction with an active building permit.**

**18.88.060 Emergency placement of shipping containers – Citywide.**

**18.88.070 Existing violations – Resolution time frame.**

**18.88.080 Conflicts with existing code sections.**

**18.88.090 Shipping containers used as permanent structures.**

**18.88.100 Enforcement person.**

**18.88.110 Enforcement.**

**18.88.010 Purpose.**

This chapter is intended to:

- A. Establish regulations to limit the use of storage containers to avoid unsightly conditions and degradation of community character.
- B. Reduce or eliminate the presence of [shipping containers](#) within residential subdivisions and view from the public right-of-way.
- C. Allow for temporary and/or ongoing use of [shipping containers](#) Citywide, subject to certain design, [screening](#), and placement requirements. (Ord. 2165 § 1 (Att. 1), 2021; Ord. 1937 § 2 (Exh. 2), 2016)

**18.88.020 Applicability.**

[Shipping containers](#) located on any property within the [City](#) of Ferndale [shall](#) comply with the regulations set forth in this chapter. (Ord. 2165 § 1 (Att. 1), 2021; Ord. 1937 § 2 (Exh. 2), 2016)

**18.88.030 Shipping containers as storage facilities or empty structures.**

- A. [Shipping containers](#) as defined in FMC [18.08.1565](#) are permitted within all [zones](#), pursuant to the regulations set forth below.

B. All containers shall:

1. Be used as a storage facility, or placed as an empty structure, appurtenant to the primary use; such primary use being situated in an enclosed adjoining building;
2. Be placed on concrete, asphalt, or level, compacted, hard surface at all times;
3. Be painted so as to blend in with the buildings to which they are associated;
4. Not be visible to the motoring public or from residential neighborhoods adjacent to the property where located unless other measures are employed to mitigate the visual impacts of such containers;
5. *Repealed by Ord. 2165;*
6. Abide by all setback requirements applicable to the zone in which they are located;
7. Be placed only after a permit has first been issued by the Building Official;
8. The shipping container must comply with the site and building design regulations identified in the underlying zone including use of materials, screening, and landscaping; and
9. On a case-by-case basis, the Zoning Administrator may allow for flexibility in site and building design regulations if the underlying design regulations in a zone conflict with the shipping container regulations.

C. Only one shipping container may be permitted per site in the City Center, urban residential, general business, mixed use commercial and the regional retail zone, and may only be permitted as an accessory to a primary use.

D. Shipping containers in the light industrial, manufacturing and public institutional zones have no maximum limit and shall be stacked a maximum of three containers high, subject to subsection (B) of this section. (Ord. 2165 § 1 (Att. 1), 2021; Ord. 1937 § 2 (Exh. 2), 2016; Ord. 1400 § 2, 2006. Formerly 18.88.010)

**18.88.040 Exceptions for temporary placement of shipping containers in single-family dwelling zones (RS 6, 8 and 10).**

A temporary permit for the placement of one shipping container per residential lot may be issued once in a calendar year, temporarily, for a maximum of 90 consecutive days within single-family dwelling zones (RS 6, 8 and 10) only, for the purposes of temporarily storing or shipping personal property in association with moving or property improvement.

A. Temporary shipping containers must be placed on the designated driveway of a residential lot;

B. Temporary shipping containers may not be placed within the public right-of-way, and may not be placed in such a manner as to obstruct or impair the free and full use of the sidewalk or street by the public, or obstruct the view of pedestrians or users of vehicles thereon or interfere with the wires, poles or fixtures lawfully maintained thereon;

C. Temporary shipping containers shall be at least three feet away from the residential structure, and shall allow for at least five feet of clear access on one side or the other between the structure and the property line. (Ord. 2165 § 1 (Att. 1), 2021; Ord. 1937 § 2 (Exh. 2), 2016)



**18.88.050 Exceptions for placement of shipping containers on construction sites in conjunction with an active building permit.**

A temporary permit for the placement of shipping container(s) may be issued in conjunction with an active building permit for a construction site in all zones.

- A. The temporary permit will be valid for a period of one calendar year from the date of issuance, or until the building permit expires or is finalized, but may be extended for an additional 180 days subject to Building Official's determination;
- B. Temporary containers must be removed before the expiration or final of the associated active building permit;
- C. Temporary shipping containers may not be placed within the public right-of-way, and may not be placed in such a manner as to obstruct or impair the free and full use of the sidewalk or street by the public, or obstruct the view of pedestrians or users of vehicles thereon or interfere with the wires, poles or fixtures lawfully maintained thereon;
- D. All temporary shipping containers must be placed on the construction site associated with the active building permit;
- E. All temporary shipping containers must be placed a minimum of five feet away from all adjacent property lines and public rights-of-way;
- F. Temporary shipping containers may not be stacked;
- G. Temporary shipping containers must be secured at nighttime and maintained in good condition. (Ord. 2165 § 1 (Att. 1), 2021; Ord. 1937 § 2 (Exh. 2), 2016)

**18.88.060 Emergency placement of shipping containers – Citywide.**

In the event of a natural hazard, accident, or other emergency or disaster, as defined in FMC 2.07.010, within City limits, a temporary permit for the placement of shipping container(s) may be issued by the City subject to the Community Development Director's discretion. The temporary permit will be valid for a period of one calendar year from the date of issuance, but may be extended for an additional 180 days subject to Building Official's determination. (Ord. 2165 § 1 (Att. 1), 2021; Ord. 1937 § 2 (Exh. 2), 2016)

**18.88.070 Existing violations – Resolution time frame.**

All property owners within the City, who are currently in violation of the regulations set forth in this chapter, shall have 120 calendar days from the effective date of the ordinance codified in this chapter to bring their properties into full compliance with the regulations set forth in this chapter. After this time period, violations of this chapter shall be enforced in conjunction with this section and Chapter 1.12 FMC. (Ord. 2165 § 1 (Att. 1), 2021; Ord. 1937 § 2 (Exh. 2), 2016)

**18.88.080 Conflicts with existing code sections.**

In the occasion a conflict exists between the regulations of this chapter and other code or ordinance sections of the Ferndale Municipal Code, the terms and provisions of this chapter shall take precedence. (Ord. 2165 § 1 (Att. 1), 2021; Ord. 1937 § 2 (Exh. 2), 2016)

**18.88.090 Shipping containers used as permanent structures.**

Nothing in this chapter shall prevent the use of a shipping container or a similar container from being utilized as a permanent structure; provided, that such structure complies with all applicable International

and Uniform Codes, [City](#) regulations, and [City](#) design or [development](#) standards, as applicable. (Ord. 2165 § 1 (Att. 1), 2021; Ord. 1937 § 2 (Exh. 2), 2016)

**18.88.100 Enforcement person.**

Any law enforcement officer, the [City Administrator](#) and the City's Community [Development](#) Director or their designee(s) ("enforcement person") is authorized to enforce this chapter and issue notices, citations, or take abatement procedures, as provided herein. Such enforcement action or actions [may](#) be taken by the enforcement [persons](#) mentioned herein upon observation of the acts or things declared to be a nuisance or upon citizen complaints of the occurrence of such acts or things declared to be a nuisance. (Ord. 2165 § 1 (Att. 1), 2021; Ord. 1937 § 2 (Exh. 2), 2016)

**18.88.110 Enforcement.**

Enforcement procedures and penalties resulting from violations of this chapter [shall](#) be administered pursuant to Chapter [1.12](#) FMC. (Ord. 2165 § 1 (Att. 1), 2021; Ord. 1937 § 2 (Exh. 2), 2016)



The Ferndale Municipal Code is current through Ordinance 2215, passed February 6, 2023.

Disclaimer: The City Clerk's Office has the official version of the Ferndale Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

City Website: <https://www.cityofferndale.org/>

City Telephone: (360) 384-4302

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**From:** [Jessica Sollaccio](#)  
**To:** [Jay Blake](#); [Rebecca Sprengeler](#)  
**Subject:** Sign Code Suggestion  
**Date:** Wednesday, March 1, 2023 1:46:17 PM  
**Attachments:** [Alternative.PNG](#)  
[Alternative1.PNG](#)

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Hi Jay and Rebecca,

Could you add a discussion point for our next meeting around considerations for downtown signage? I would like to specifically discuss the Shell sign. The current Shell sign (images attached) seems completely unnecessary for the space considering the visibility of the corner and speed of travel. I have attached some ideas (Alternative.PNG and Alternative1.PNG) that would be more attractive and improve the aesthetics of the corner. How would the code need to be altered to promote the alternative options vs the current sign?

I recognize the current sign would be grandfathered in with the new code but would like to avoid situations like this in the future, if possible.

Looking forward to hearing your thoughts and feedback from the group!

Warm regards,

Jess



STOP

SEASIDE  
ASTORIA  
HAMMOND

Fort Stevens  
State Park

Shell  
7-Eleven  
Mart  
TacoTime

ALL WAY



Shell logo  
 Regular 2.99  
 S MAIN AV  
 4.39  
 Mart  
 TacoTime

↑ SEASIDE  
 ← ASTORIA  
 HAMMOND  
 Fort Stevens  
 State Park





Regular 3.99

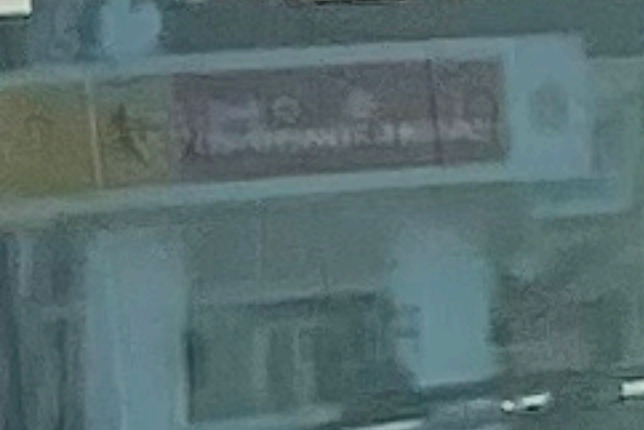
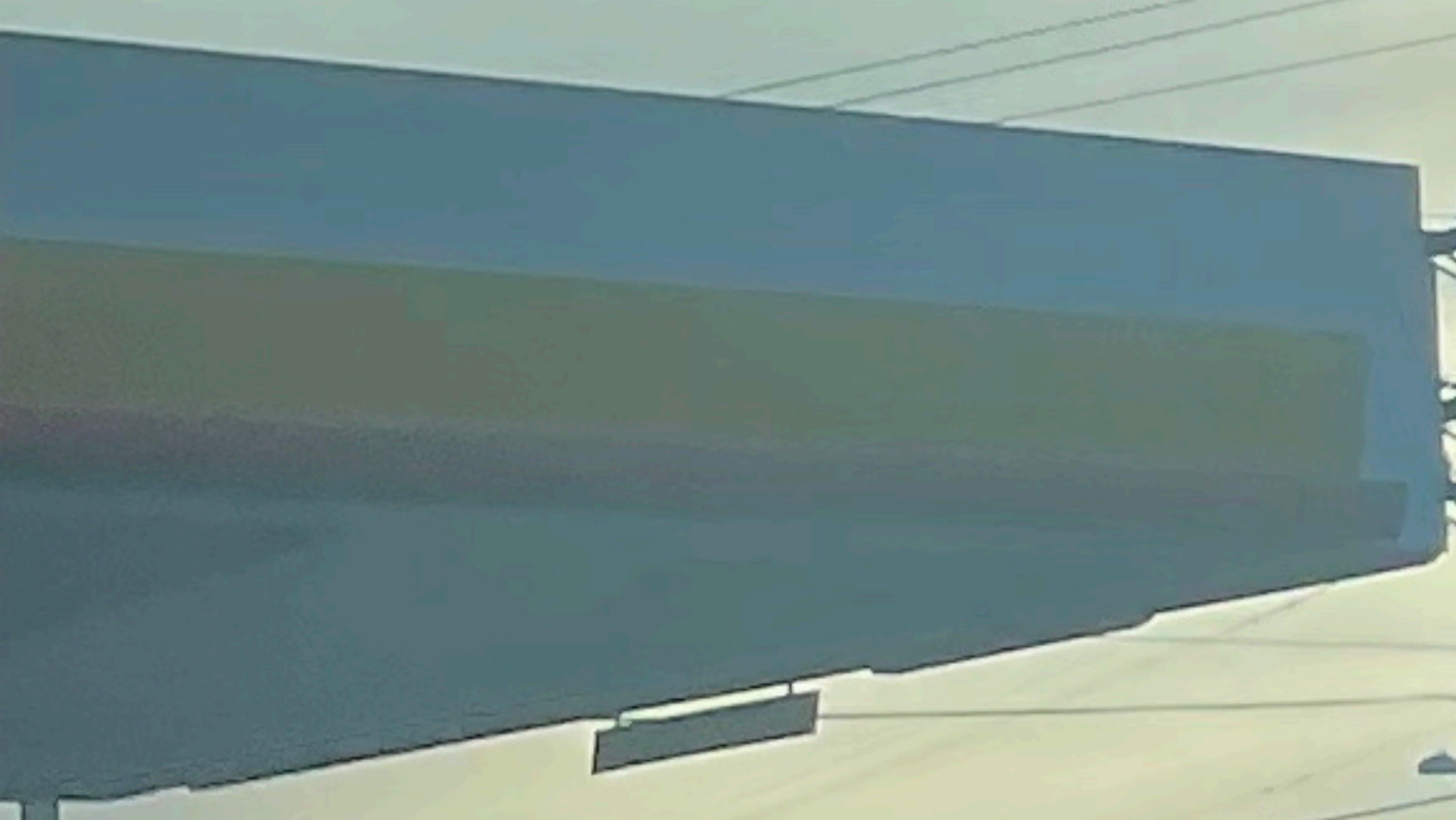
Plus

V-Power 4.39

V-Power

Food Mart

Totaltime





Regular 3.99

Plus

V-Power 4.39

Shell V-Power

Food Mart

TacoTime



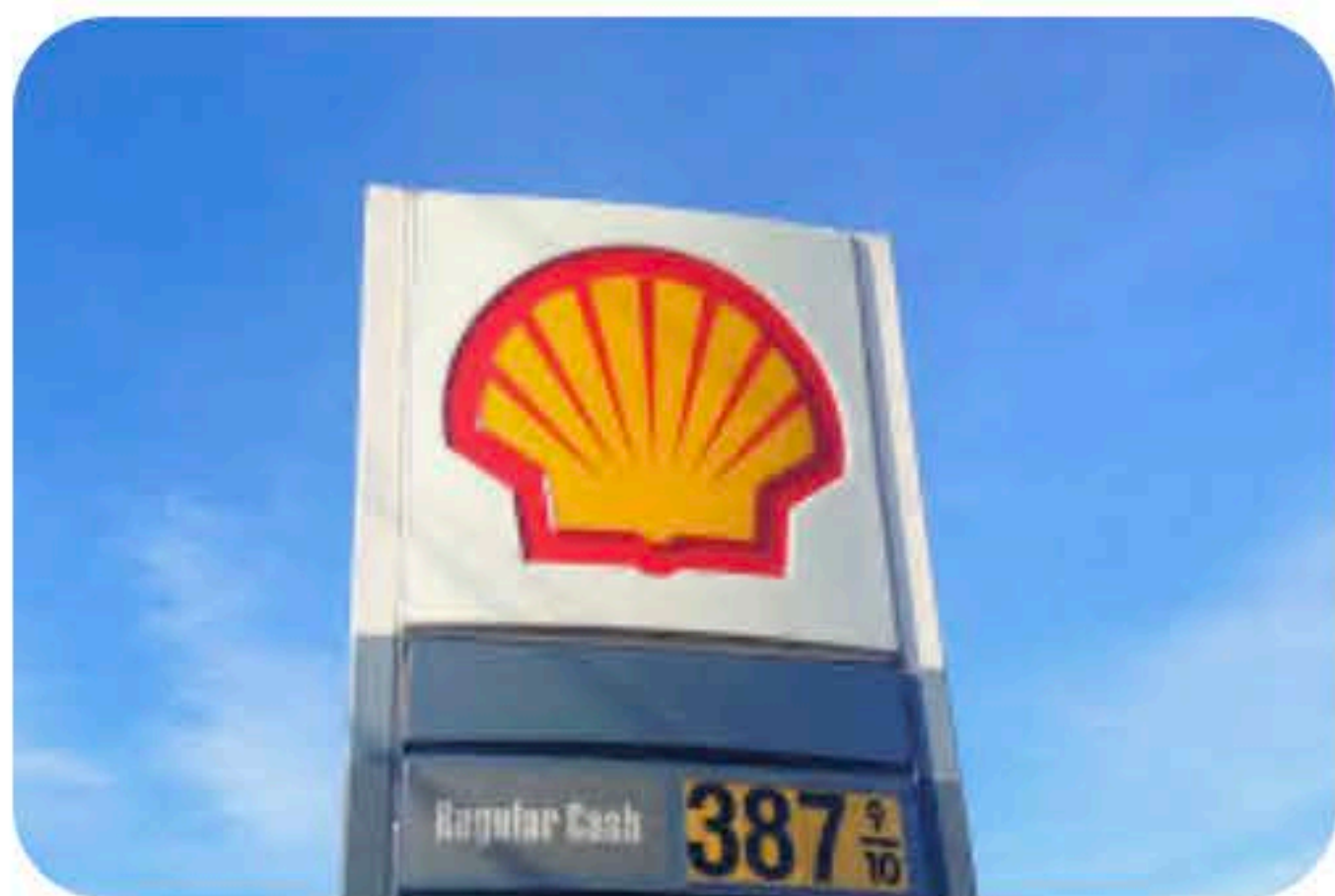


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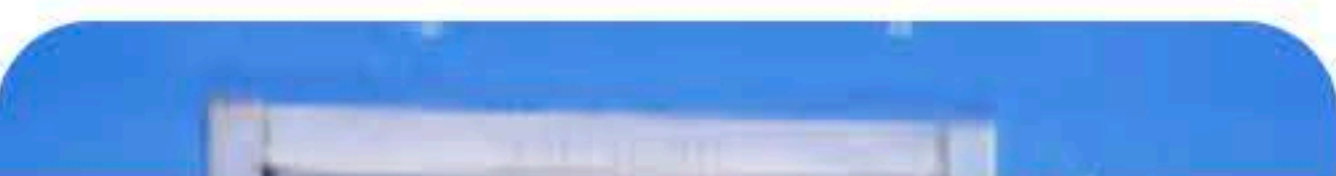
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