



AGENDA

WARRENTON PLANNING COMMISSION
Regular Meeting | May 11, 2023 | 6:00pm
Warrenton City Hall Commission Chambers | 225 S Main Avenue, Warrenton, OR 97146

*****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

1. CALL TO ORDER & PLEDGE OF ALLEGIANCE

2. ATTENDANCE

3. APPROVAL OF MINUTES

- A. Planning Commission Regular Minutes – 4.13.23

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, 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

- A. Wireless Communication Facility in Fort Stevens State Park CUP-23-2
- B. Expansion of Non-Conforming Use V-23-2
- C. Contractors Shop in the CMU zone CUP-23-1 (Postponed until June 8, 2023 Meeting)

6. BUSINESS ITEMS - None

7. DISCUSSION ITEMS

- A. Portland State University Land Buildability Report (Approximate time: 7:00 pm)
- B. Mini Warehouse Development Code Amendment
- C. Shipping Container Draft Ordinance

8. GOOD OF THE ORDER

9. ADJOURNMENT

Next Regular Meeting: June 8, 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
 April 13, 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 led the public in the Pledge of Allegiance.

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

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

3. APPROVAL OF MINUTES

A. Planning Commission Meeting Minutes – 3.11.23

Chair Hayward noted a correction to the minutes. He voted against the mini storage motion. It did not pass unanimously. The correction was made.

Commissioner Gaebel made a motion to approve the minutes as corrected. Motion was seconded and passed unanimously.

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

4. PUBLIC COMMENT ON NON-AGENDA ITEMS – None

5. PUBLIC HEARINGS

Staff requested to switch items 5.B and 5.C. Chair Hayward noted the change.

A. Wetland Hardship Variance V-23-1 at 590 Seventh Ave (tax lot 81008AA05000)

Chair Hayward opened the public hearing. He read the public hearing script outlining the hearing procedure and applicable criteria. There were no ex-parte contacts, biases, or conflicts of interest declared. Commissioners Hayward and Bridgens visited the subject site. Planning Technician Rebecca Sprengeler presented a staff report on the wetland hardship variance. The applicant is Don Peck who wants to develop 590 Seventh Ave with a new single-family dwelling within a portion of a locally significant wetland boundary. The findings were that the application complied with the applicable code. There was concern from public comments received about exceeding the minimum necessary impact on the wetlands based on the garage size being significantly larger than others in the neighborhood. Staff presented a neighborhood analysis comparing average garage and dwelling sizes. The staff report also listed two conditions of

approval. Another concern from the public was the potential for negative impacts on the privately maintained Seventh Court. Staff suggested a third condition of approval to prohibit access to Seventh Court by construction vehicles. Commissioner Moha asked if there was a house on the property before. Ms. Sprengeler confirmed. Commissioner Swanson asked if the dwelling would be a long or short-term rental. Ms. Sprengeler responded that the applicant will clarify but the city could permit either. Commissioner Gaebel asked if the proposed garage square footage is greater than the dwelling. Ms. Sprengeler confirmed and noted the reason for the size is for personal boat storage. Mr. Peck clarified that the garage is at ground level and attached.

Don Peck explained the size of the garage is for indoor boat storage. He would prefer to store the boat inside unlike surrounding properties that have temporary structures for exterior boat storage. Chair Hayward asked for clarification on the layout. Mr. Peck clarified that the total building footprint is 78' x 50'. The first level will have a dwelling space and a garage. He has owned the property for about 6 or 7 months. They have begun the process for a wetland delineation and will continue with State permits depending on city variance approval. Commissioner Bridgens asked about addressing stormwater runoff. The applicant noted the intent is to create a detention ditch to recreate filled wetlands on the South side of the property. There was concern about a lack of maintenance on the drainage ditch along Seventh Ave. The applicant noted the city standards require the property owner to retain the stormwater on-site. The design will be engineered to address the additional impervious surface but will move forward depending on this approval to avoid unnecessary financial investment. Discussion continued about photos submitted showing water ponding on the property. Commissioner Bridgens asked about the material and amount of fill. Mr. Peck clarified that it will be up to the engineer. The highest end of the property is at elevation 50', while the adjacent property is at 51'. Discussion about the garage size being necessary for boat storage continued.

Lisa Halicki spoke in opposition noting concerns about stormwater runoff. She submitted two public comment documents including site photos with standing water. She noted concerns about the size of the garage, noting the staff neighborhood analysis. She would be interested to know the year the original house was built and the laws in place at that time. There was a brief discussion about the Department of State Lands removal-fill permit process.

Mr. Peck responded to Ms. Halicki's comments explaining that he will not be able to develop unless stormwater is retained onsite. This will be designed by an engineer and will be a condition of approval.

There being no further comments, Chair Hayward closed the public hearing.

Commissioner Moha had no issues with the variance; no objection to the size of the garage because it meets the zoning development standards. He feels the proposed condition related to access via tax lot Seventh Court is not necessary. Commissioner Bridges asked for more information about COA #2. Mr. Blake suggested changing the condition to state that "the applicant will provide a stormwater management plan that accomplished no additional runoff onto adjoining properties." Commissioner Swanson asked for clarification about the order of approval from the city to the state. Mr. Blake explained the reason he suggested the applicant get

approval from the city before going to the state is to save funds that would be used for engineering. Commissioner Hopper feels the State will have requirements for feasibility that will need to be addressed; the variance would allow him to work through the next steps of state permits and engineering.

Commissioner Moha made the motion to approve Wetland Hardship Variance V-23-1 at 590 Seventh Ave in Hammond on tax lot 81008AA05000 for the construction of a new single-family dwelling. This approval is subject to findings of fact and conditions of approval in the staff report dated April 13, 2023, and the submittals and testimony at this meeting. Motion was seconded and passed unanimously.

Swanson–aye; Bridgens–aye; Hayward–aye; Moha-aye; Sollaccio–aye; Hopper–aye; Gaebel – aye

C. Annexation ANX-23-1

B. Comprehensive Plan Amendment CP-23-1

Chair Hayward opened the public hearing on ANX-23-1 and CP-23-1. He read the public hearing script outlining the hearing procedure and applicable criteria. There were no ex-parte contacts, biases, or conflicts of interest declared.

Mr. Blake presented a staff report on the annexation proposal. There were some errors made during the Warrenton and Hammond merger. The comprehensive plan merger excluded a portion of land near the Hammond Marina and Seafarer’s Park that was previously inside the city limits and is no longer. This causes challenges for police enforcement. He explained the approval process: Department of Land Conservation and Development, Planning Commission, County Planning Commission, County Board, and finally City Commission. Mr. Blake presented the findings of fact and proposed conditions of approval from the staff report. The proposed zoning for the park portion of the property will be OSI, the other portion would be the same as the rest of the marina, RC.

Mr. Blake also presented a staff report for the urban growth boundary (UGB) comprehensive plan amendment to correct another related error from the merger of the two comprehensive plans. He noted the state is only in favor of urban growth boundary expansion because of the unique situation. A portion of the UGB area is in Fort Stevens. The Town of Hammond proposed this be urbanized camping. There are no immediate plans for development by the State Park. Mr. Blake suggested this land be used for a future transfer of development rights. Mr. Blake reviewed the findings of fact and conditions of approval. He noted Ordinances 1261 and 1262 for consideration. Commissioner Swanson asked about the downside to annexing. Mr. Blake does not see any downsides. Current enforcement in the area adjacent to the Hammond Marina is under the jurisdiction of the County Sheriff’s office. Mr. Blake noted the Warrenton Police Department requested this move forward to allow enforcement of city ordinances.

Chair Hayward asked about correspondence on the application. There has been no written correspondence. There was a phone call from an adjoining property owner. The DLCD did not have any concerns with the application. Chair Hayward called for public testimony. No one

spoke in favor, opposition, or neutral on the proposal. Commissioner Sollaccio asked about the potential for revenue-generating camping on the westerly property. Mr. Blake confirmed that short-term rentals do generate revenue for the city. Commissioner Sollaccio suggested adding an appendix to Ordinance 1262 with the PSU student matrix for transparency. Mr. Blake noted this would be added before it reaches the City Commission. There was a brief discussion about current camping in Seafarer's Park.

There being no further comments, Chair Hayward closed the public hearing.

Commissioner Gaebel moved that based on the findings of fact contained in the staff memo dated April 13, 2023, public testimony, and deliberations by the Warrenton Planning Commission, the Planning Commission recommends approval of the draft Ordinance 1261 annexing approximately 13.1 acres of land to the City of Warrenton and zoning the property Open Space Institutional (OSI) and Recreational Commercial (RC). Motion was seconded and passed unanimously.

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

Commission Gaebel made the motion to amend the previous motion to include the conditions of approval as outlined by staff. Motion was seconded and passed unanimously.

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

Commissioner Gaebel made the motion that based on the findings of fact contained in the staff memo dated April 13, 2023, public testimony, and deliberations by the Warrenton Planning Commission, the Planning Commission recommends approval of the draft Ordinance 1262 amending the City of Warrenton Comprehensive Plan correcting the urban grown boundary and adding related text and recommended zoning districts, subject to the conditions of approval outlined by staff. Motion was seconded and passed unanimously.

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

6. BUSINESS ITEMS – None

7. DISCUSSION ITEMS

A. Draft mini storage ordinance

Mr. Blake presented a draft ordinance to create a cap on the number of mini storage units in the city. This is based on directions from the Planning Commission at the last meeting. He presented an analysis for mini storage units in the whole county. There are more in Warrenton than the rest of the County combined. There is a potential mini storage development coming forward. Mr.

Blake presented a draft ordinance to establish a mini storage unit cap per capita and requested direction from the Planning Commission. The legal staff has reviewed the ordinance; there may be additional changes. He noted this would not impact established facilities. Damage to facilities is something that should be considered. Commissioner Swanson asked about the national average for units per capita. Mr. Blake noted the information is from Clatsop County tax records. The tax revenue per acre for mini storage facilities is about half that of similar parcels developed with other uses. Warrenton is a city that needs to be careful in limiting revenue sources. Mr. Blake continued that mini storage facilities do not require city utilities; they can be on septic and well. There was a question about the need for fire suppression; it was determined that it would not be needed. It was also noted that mini storage facilities do not provide as many jobs as other allowed uses. Mr. Blake discussed the comprehensive plan's emphasis on the creation of jobs and tax base with industrial land. Commissioner Hopper feels this is a time sensitive issue and Warrenton should not be known as the mini storage epicenter. Commissioner Gaebel is for a hearing. Chair Hayward feels a hearing would be good to hear both sides of the argument. He also noted Warrenton has a higher number of apartments than other cities. Commissioner Bridgens feels the best and highest use of the property should be considered. Commissioner Moha suggested the cap be different between commercial and industrial zoning. Commissioner Swanson would like a hearing to get into the details. Commissioner Sollaccio would like to hear from the current owners on their occupancy rate and employment history. Mr. Blake suggested a work session in May with the mini storage owners. Commissioner Sollaccio asked about the current design standards requiring a public amenity. It has been in place since 2019. Any facility built since then could be asked to describe their public amenities.

8. GOOD OF THE ORDER

Mr. Blake provided information about the Build-to-Rent concept that the Fort Pointe development is proposing and provided a status update. He presented information about the importance of "placemaking." A NW Warrenton Dr rezone will come back. In the past, meetings with no agenda items were cancelled, however the Planning Commission is required to meet monthly. Moving forward meetings with minutes-only agendas can be held virtually. Portland State University students will be at the library for public input. Discussion followed about Fort Pointe. There will be more units than previously proposed. Black Diamond, WA suggested an incremental traffic study. There is concern about the lack of open space and recreation opportunities. The developer is required to make sewer and water improvements.

Chair Hayward asked for an update on the restaurant in North Coast Shops. Mr. Blake noted Chipotle and Mod Pizza have their permits and are under construction.

Commissioner Sollaccio asked about incentives to get businesses into Warrenton. Mr. Blake noted the city does not have an economic development arm. Clatsop Economic Development Resources (CEDR) is a useful resource for this. Chair Hayward noted rebuilds or expansions for small businesses are challenging and expensive. Chair Sollaccio noted the need for grants. Mr. Blake explained previous experience with urban renewal and tax incentives. The best way to grow business is from within the city. Mr. Blake noted staff are working to improve the development process. Commissioner Gaebel noted Craft 3 is another resource.

There being no further business, Chair Hayward adjourned the meeting at 8:05 p.m.

APPROVED:

ATTEST:

Chris Hayward, Chair

Rebecca Sprengeler, Secretary

DRAFT



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: Warrenton Planning Commission
 FROM: Jay Blake, Planning Director *Jay Blake*
 DATE: May 11, 2023
 SUBJ: Review of Conditional Use Permit for the Construction of a Wireless Communications Tower
 Application CUP 23-02
 Applicant: New Cingular Wireless (AT&T)
 Subject Property: 421 NW Ridge Road, Hammond (Fort Stevens State Park)
 Parcel Number: 810170003901 (Portion)

Timelines:

- Application Submittal: March 17, 2023
- The application was deemed complete by staff on April 17, 2023.
- Notice of hearing was prepared and mailed on .
- The 120 Day Review period expires on August 15, 2023.

BACKGROUND:

The application is for a conditional use permit allowing the construction of a 150 foot wireless communication facility (WCF) and related maintenance and security improvements on property within Fort Stevens State Park.

The applicant has submitted the following documents in support of the application:

- Application Forms
- Project Narrative
- Statement of Code Compliance for Section 16.148
- Letter of Agreement with Oregon State Parks
- RF Emission Compliance Report
- Phase 1 Environmental Site Assessment
- Design Hazards Report

- FCC License
- Photo Simulations (Visibility Report)
- Site Justification Report
- FAA Non-hazards Report
- Construction Plan Set

Each item is available for public review and on-line at the City of Warrenton Planning Department website. If you want full copies of the documents, please contact the Planning Office.

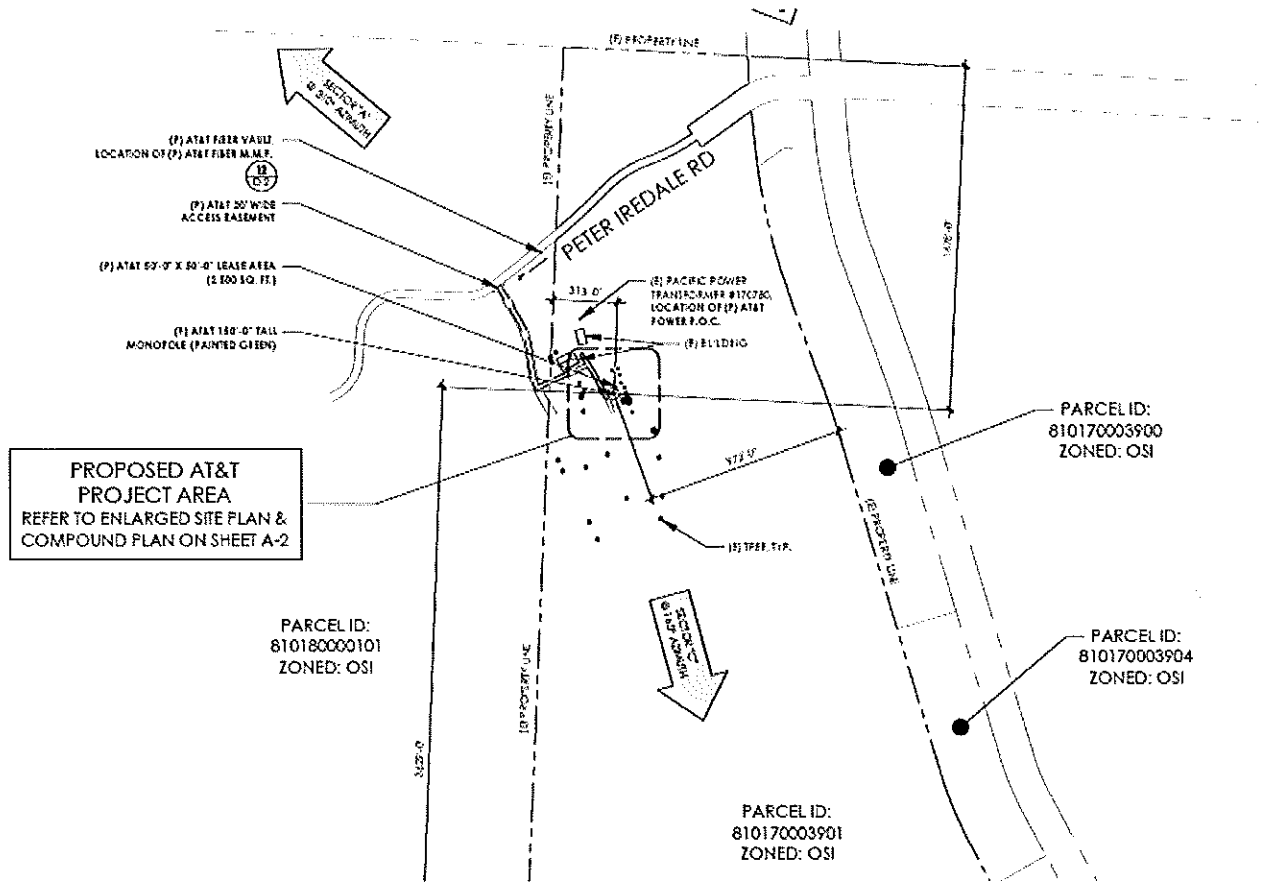
The following sections of the Warrenton Municipal Development Code apply to this application:

- **Section 16.52 Open Space Institutional (OSI) Zoning District**
- **Section 16.148 Wireless Communications Facilities**
- **Section 16.208.050 Type III Procedures (Quasi-Judicial)**
- **Section 16.220 Conditional Use Permits**

Findings Related to the Site:

1. The State of Oregon Parks and Recreation Department owns the land upon which the request is being made. They have signed off on the application.
2. The subject property is currently zoned both Open Space Institutional (OSI) and A-5 (Lake and Freshwater Wetland). The location of the project is on upland areas zoned OSI which allows the proposed use by conditional use permit process. No construction will occur in the A-5 zoning area.
3. The applicant submitted site location reports that justify the location based on a gap in coverage in the vicinity.
4. The applicant is leasing the 50'x50' area for the construction and maintenance of the WCF.
5. Access to the site will be through a private road with access to Peter Iredale Road through the camping areas for Fort Stevens State Park.
6. The location of the tower is approximately 1272 feet from the Ridge Road right-of-way.

- No municipal utilities will serve the proposed tower. A private generator will be located within the fenced lease area



Findings Related to Section 16.52 Open Space Institutional (OSI) Zoning

- The subject parcel is zoned both OSI and A5. However, the exact location of the proposed tower is zoned OSI.
- The OSI zoning district is designed to allow for public and private recreational uses within the community and ancillary uses to support recreation. The property in general will remain recreational in nature. The proposed use is authorized as a conditionally permitted use that requires a Type III review process.
- The project meets lot coverage requirements. WCF towers are exempt from height restrictions. All development standards are met.

Findings Related to Section 16.148 Wireless Communications Facilities:

11. Section 16.148.030 states that WCF are allowed in the OSI zoning district by conditional use permit.
12. The applicant provided documentation that a tower is needed to fill in a gap of coverage.
13. The applicant submitted the required visual study that indicates that the tower is not visible from off-site locations.
14. The WCF is designed for co-location.
15. The WCF meets a public need for consistent communication in the western part of the community.
16. The WCF will meet all design and construction criteria.
17. The WCF meets FAA non-hazard guidelines.
18. Because the facility is not visible from off the subject parcel, no landscaping plan is required by the City. The State of Oregon is not requesting any specific landscaping for around the site.
19. Staff finds that the proposal meets all review criteria outlined in Section 16.148.
20. The applicant submitted all required documentation

Findings Related to Section 16.208.050 Type III Procedures:

21. The applicant submitted all required documentation, application forms and paid the required fees.
22. All public notices were mailed and published pursuant to Section 16.208.050 of the Warrenton Municipal Code.
23. Written and verbal public comments will be added to the record.

Findings Related to Section 16.220 Conditional Use Permits:

The Warrenton Development Code establishes the following criteria for the Planning Commission to use in reviewing CUP requests:

- A. The proposed use is in conformance with the Comprehensive Plan.
- B. 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.
- C. 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.
- D. Public facilities and services are adequate to accommodate the proposed use.
- E. The site's physical characteristics, in terms of topography, soils and other pertinent considerations, are appropriate for the use.
- F. 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.
- G. 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.

24. Staff find that the request is consistent with goals in the Warrenton Comprehensive plan related to public facilities. The proposed use is conditionally permitted and meets the design criteria for WCF projects.
25. The proposed WCF is located away from residential zones/uses and will be generally compatible with the large areas of undeveloped land associated with Fort Steven State Park.
26. The site will generate limited impacts on area traffic and no impacts on municipal utility facilities in the area.
27. The project does not impact any local or jurisdictional wetlands, or other natural features. It will not be visible from off of the subject property.

Other General Findings:

28. Public agencies experience communications gaps in the western portion of the City of Warrenton. There is interest in potentially co-locating a public repeater/antenna in the area.
29. The plans do not currently indicate the extent of any tree clearing on the site. The construction location is in an area with other maintenance buildings.

Recommended Action:

I move approval of the Conditional Use Permit (CUP 23-02) for New Cingular Wireless allowing construction of a 150-foot monopole wireless communication facility tower with a 5-foot light extension on parcel number 810170003901. The approval is based on the application, project submittals, public testimony, and findings of fact included in the May 11, 2023 staff memo.

The approval is subject to the following conditions of approval:

1. *The construction will meet all applicable construction standards as shown on the plan set.*
2. *The applicant will obtain all required permits for the project including, but not limited to electrical permits from Clatsop County.*
3. *The site will be enclosed by a 6-foot security fence with barbed-wire to prevent unauthorized access to the facility.*
4. *Prior to initiating construction, the applicant will present tree clearing plans surrounding the construction zone to the Warrenton Fire Chief to ensure that adequate fire prevention access can occur.*
5. *The Clatsop County and City of Warrenton public safety departments should be offered a co-location opportunity on the facility.*
6. *The Oregon Parks Department will have final authority to approve access road construction and screening of the site.*

City of Warrenton
Planning and Building Department
PO Box 250
Warrenton, Oregon 97146
503-861-0920

OFFICE USE ONLY	
FILE # _____	FEE \$ 1,000 _____
ZONING DISTRICT _____	
RECEIPT # _____	
DATE RECEIVED _____	

Conditional Use Application

I. Property

Address: 1675 Peter Iredale Road (State Park) _____ Cross Street _____

Assessor's Parcel No.: Twp 8N, Rng10W, Section 17 _____ Tax Lot 810970003901 _____

II. Applicant

Applicant: J5IP, on behalf of AT&T (Phillip Kitzes) _____ Phone: 206.227.7445 _____

Mailing Address: 23035 SE 263rd Street, Maple Valley, WA 98038 (remote) _____

E-Mail Address: pkitzes@j5ip.com _____

Applicant's Signature: *Phil Kitzes* _____ Date 3.16.23 _____

III. Owner

Owner: Oregon Parks and Recreation Department _____ Phone: _____

Mailing Address: 725 Summer Street #C, Salem, OR 97301 _____

E-mail Address: justin.parker@opr.oregon.gov _____

Owner's Signature: _____

IV. Describe the Proposed Use

A new wireless facility that includes a 150-foot monopole (collocation for at least 3 other carriers); antennas, radios, GPS, and other ancillary equipment within a 50'x50' secured leased area. There will be a backup generator to be used during emergencies only. (Please see Project Narrative and Statement of Compliance.)

Six Conditional Use Criteria-Provide Written Responses to Each One-Section 16.220

1. The proposed use is in conformance with the Comprehensive Plan.

Please see Attachment 2 - Statement of Compliance.

2. The location, size and 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.

Please see Attachment 2 - Statement of Compliance.

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.

Please see Attachment 2 - Statement of Compliance.

4. Public facilities and services are adequate to accommodate the proposed use.

Please see Attachment 2 - Statement of Compliance.

5. The site’s physical characteristics, in term of topography, soils and other pertinent considerations are, are appropriate for the use.

Please see Attachment 2 - Statement of Compliance.

6. The site has an adequate area to accommodate the proposed use. The site layout has been designed to provide for the building, parking, landscaping, driveway, on-site circulation, public areas, loading areas, storage facilities, setbacks, buffers, and utilities which are required by City ordinances.

Please see Attachment 2 - Statement of Compliance.

This application will not be officially accepted until department staff has determined that the application is completely filled out and the site plan requirements have been completed and a copy of the deed.

TYPE III - CONDITIONAL USE PERMIT
Wireless Communications Facility Project Narrative
(AT&T: CT69 Fort Stevens)

Submitted to the City of Warrenton
Planning & Building Department
Submitted: March 16, 2023

Applicant: New Cingular Wireless PCS, LLC ("AT&T")
19801 SW 72nd Ave. Suite 200
Tualatin, OR 97062

Representative: J5 Infrastructure Partners
23035 SE 263rd Street (Remote)
Maple Valley, WA 98038
Contact: Phillip Kitzes / 206.227.7445
pkitzes@j5ip.com

Property Owner: Oregon Parks & Recreation Department
725 Summer Street, #C
Salem, OR 97301

Project Address: 421 NW Ridge Road
Hammond, OR 97121

Description & Tax Lot: GPS Coordinates: 46.18016, -123.96050
Parcel No. 810170003901

Zoning Classification: Open Space and Institutional (OSI)

J5 Infrastructure is submitting this application on behalf of New Cingular Wireless PCS, LLC ("AT&T").

1. PROJECT OVERVIEW

AT&T is proposing to install a new wireless communications facility ("WCF" or "facility"), CT69 Fort Stevens site, at the abovementioned address. The proposal includes a new 150-foot monopole to meet AT&T's coverage objectives (providing outdoor, in vehicle, and in-building coverage) within a geographic area in high demand.

The facility will include (6) panel antennas, and the overall height will be 150'-0" (plus a 5' lightning rod). All ground equipment will be within a secured fenced 50'x50' (2,500 SF) lease area and there will be an emergency backup generator within the compound. Per the Pre-Application meeting held January 4th, Oregon Parks Department is not requiring landscaping.

AT&T intends for its application of the proposed WCF to include the following documents (collectively, "AT&T's Application"):

- Attachment 1 - Project Narrative (this document)
- Attachment 2 - Statement of Code Compliance
- Attachment 3 - WCF CUP Application (signed)
- Attachment 4 - Owner's Letter of Authorization
- Attachment 5 - NIER Report
- Attachment 6 - Environmental Phase 1
- Attachment 7 - ASCE Hazards Report
- Attachment 8 - FCC License
- Attachment 9 – Photo-Simulations
- Attachment 10 - RF Justification
- Attachment 11 - ATT Compliancy Statement
- Attachment 12 – FAA/ODA Obstruction Evaluation Letter
- Attachment 13 – Land Use Plan Set

As shown in AT&T's Application, AT&T's proposal meets the City of Warrenton's criteria for siting new wireless communications facilities and complies with all other applicable county, state, and federal regulations. AT&T's proposal is also the least intrusive means of meeting AT&T's service objective. Accordingly, AT&T respectfully requests that Walla Walla approve this project as proposed.

Please Note: The responses and information included in this document are intended to support and supplement this application request. All references to "Attachments" in this Project Narrative and the Statement of Code Compliance are in reference to the attachments included as part of AT&T's Application.

2. PROPOSED PROJECT DETAILS

Detailed information regarding the subject property and proposed lease area is included in **Attachment 13, LU Plan Set**.

2.1. Subject property. The subject property of this proposal is located at 421 NW Ridge Road in the City of Warrenton (the "Property") and is owned by the Oregon Parks and Recreation Department. Access will come from a private road system that is directly accessible to Peter Iredale Road. The site is zoned as Open Space & Institutional (OSI) and is a public park. There are several buildings (cabins, yurts, etc.) along with parking areas for public use. Most of the site is undeveloped with small lakes and wetlands with native vegetation (trees, plants, etc.). The land is primarily flat (0-5%) with a ridge traversing in a north and south direction.

2.1.2. Lease Area.

- The lease area is a 50'x50' (1,500 SF) compound (the "Lease Area"). There is native vegetation (grasses and trees) in the westerly portion of the underlying property—where the proposed facility is to be located. Some vegetation is proposed to be removed (grasses, etc.) to install the pole, ground equipment, and utilities.

- The lease area will be surrounded by a 6'-0" chain link fence (privacy slats) with a 1-foot barbed wire on top (security).

2.1.3. Access and Parking.

- Direct access is via the existing private drive from Peter Iredale Road.

2.1.4. Utilities.

- **Power.** Power will be provided by the resident power company—either Pacific Power or Columbia Rural Electric Association. AT&T's GC will install a new meter base and will run conduit from the new meter base to the new equipment. A bridge will be provided from the equipment to the antennas.
- **Fiber.** Fiber to the Facility will be provided via the local fiber purveyor.
- As this is an un-manned wireless communications facility, no water, sewer, or other utilities are required.

2.2. Wireless Facilities and Equipment.

Specifications of the facilities outlined below, including a site plan, can be found in **Attachment 13 - Land Use Plan Set.**

2.2.1. Antennas and accessory equipment. Three (3) sectors on top of the proposed monopole will contain the following AT&T equipment:

- Six (6) panel antennas
- Twelve (12) remote radio head units (RRHs)
- Two (2) suppressors
- One (1) lightning rod
- All other associated and ancillary equipment

2.2.2. Ground equipment.

- Ground equipment includes:
- Two (2) Equipment cabinets
- Generator w/ concrete pad
- One (1) Cable Bridge
- One (1) GPS
- One (1) fiber vault
- All associated and accessory equipment
- 6-foot chain-link fence with privacy slats + 1' of barbed wire (security).

2.3. Additional Details.

2.3.1. Landscaping. Not required.

2.3.2. Lighting. The facility will not be artificially illuminated, and no lighting is required pursuant to state or federal authorities.

3. NETWORK COVERAGE AND SERVICES.

3.1 Overview—AT&T 4G LTE. AT&T is upgrading and expanding its wireless communications network throughout the Pacific Northwest. LTE stands for “Long Term Evolution.” This acronym refers to the ongoing process of improving wireless technology standards with speeds up to ten times faster than 3G. LTE technology is the next step in increasing broadband speeds to meet the demands of uses and the variety of content accessed over mobile networks.

Upon completion of this update, AT&T will operate a state-of-the-art digital network of wireless communications facilities throughout the proposed coverage area as part of its nationwide wireless communications network.

The new Facility will allow for uninterrupted wireless service in the targeted service area with fewer dropped calls, improved call quality, and improved access to additional wireless services that the public now demands. This includes emergency 911 calls within the area.

3.2. Coverage Objectives.

The primary objective of the proposed new Facility is to fill a significant coverage gap in the City of Warrenton area. Wireless demand is growing, and robust wireless networks are essential to businesses and residences throughout Warrenton. (Approximately 70% of all U.S. households are wireless only.¹) Currently, portions in and around Walla Walla East have minimal to no 4G voice service. Please refer to **Attachment 10 – RF Justification**. The proposed new facility will provide coverage to the Warrenton area, including Fort Stevens State Park and surrounding communities. The site for the new facility is in the center of the coverage gap and will provide sufficient continuous and uninterrupted outdoor, in vehicle, and in building wireless service within the Targeted Service Area, resulting in fewer dropped calls, improved call quality, and improved access to additional wireless services the public now demands (this includes emergency 911 calls).

In addition to the coverage gap in the center of the Targeted Service Area, the areas on the outer edges of the Service Area have existing AT&T coverage, which is at or near its capacity. As such, the current coverage in those areas is insufficient for the volume of traffic (i.e. though this area already has AT&T coverage, additional capacity is needed to service the volume of users).

3.3.1 FirstNet

In addition to providing customers with reliable coverage, fast speeds, and excellent quality, the proposed project will include facilities to support the Nationwide Public

¹ Per the National Center for Health Statistics, Wireless Substitution: Early Release of Estimates from the National Health Interview Survey, January-June 2022, Released December 2022

Safety Broadband Network (“**FirstNet**”).² In its partnership with the First Responder Network Authority, AT&T is responsible for building, maintaining, and upgrading the FirstNet network for the next 25 years. In order to support FirstNet, AT&T is upgrading its existing wireless sites and building new wireless facilities throughout Washington and the United States. FirstNet Built with AT&T is designed to be reliable, functional, safe, and secure, and it will provide optimal levels of operational capacity at all times. As of January 1, 2018, FirstNet users have access to FirstNet on all AT&T commercial LTE bands, allowing them to also benefit from AT&T’s overall improvements to its commercial network.

FirstNet’s benefits include:

- Always on, 24x7 **priority and preemption** for First Responders across data and voice communications.
- A physically separate and highly secure network core that is fully dedicated to FirstNet – utilizing end to end encryption and keeping public safety and emergency management traffic separate from commercial traffic; and
- A dedicated fleet of portable network deployable assets to support first responder and emergency manager connectivity for planned events, emergencies, in extremis, and other mission requirements.

4. APPLICABLE LAW

4.1. Local Codes. Pursuant to the Warrenton Municipal Code, new WCF support towers in the OSI zone are subject to a Type III Conditional Use Permit (CUP) Approval and must comply with the criteria in WMC Chapter 16.220. See **Attachment 11 – Statement of Code Compliance** for AT&T’s demonstration of compliance with the applicable code.

4.2. Federal Law. Federal law, primarily found in the Telecommunications Act of 1996 (“Telecom Act”) acknowledges a local jurisdiction’s zoning authority over proposed wireless facilities but limits the exercise of that authority in several important ways.

4.2.1. Local jurisdictions may not materially limit or inhibit. The Telecom Act prohibit a local jurisdiction from taking any action on a wireless siting permit that “prohibit[s] or [has] the effect of prohibiting the provision of personal wireless services.” 47 U.S.C. §332(c)(7)(B)(i)(II). According to the Federal Communications Commission (“FCC”) Order adopted in September 2018³, a local

² <https://www.firstnet.gov>

³ *Accelerating Wireless and Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, Declaratory Ruling and Third Report and Order, WT Docket No. 17-79, WC Docket No. 17-84 (rel. Sept. 27, 2018); 83 Fed. Reg. 51867 (Oct. 15, 2018) (“FCC Order”).

jurisdiction's action has the effect of prohibiting the proviso of wireless service when it "materially limits or inhibits the ability of any competitor or potential competitor to compete in a fair and balanced legal and regulatory environment."⁴ Under the FCC Order, an applicant need not prove it has a significant gap in coverage; it may demonstrate the need for a new wireless facility term of adding capacity, updating to new technologies, and/or maintaining high quality service.⁵

While an applicant is no longer required to show a significant gap in service coverage, in the Ninth Circuit, a local jurisdiction clearly violates section 332(c)(7)(B)(i)(II) when it prevents a wireless carrier from using the least intrusive means to fill a significant gap in service coverage. *T-Mobile U.S.A., Inc. v. City of Anacortes*, 572 F.3d 987, 988 (9th Cir. 2009).

- **Significant Gap.** Reliable in-building coverage is now a necessity and every community's expectation. Consistent with the abandonment of land line telephones and reliance on only wireless communications, federal courts now recognize that a "significant gap" can exist based on inadequate in-building coverage. See, e.g., *T-Mobile Central, LLC v. Unified Government of Wyandotte County/Kansas City*, 528 F. Supp. 2d 1128, 1168-69 (D.Kan. 2007), *affirmed in part*, 546 F.3d 1299 (10th Cir. 2008); *MetroPCS, Inc. v. City and County of San Francisco*, 2006 WL 1699580, *10-11 (N.D. Cal. 2006). **This project will fill a significant gap in coverage.**
- **Least Intrusive Means.** The least intrusive means standard "requires that the provider 'show that the manner in which it proposes to fill the significant gap in service is the least intrusive on the values that the denial sought to serve.'" 572 F.3d at 995, *quoting MetroPCS, Inc. v. City of San Francisco*, 400 F.3d 715, 734 (9th Cir. 2005). These values are reflected by the local code's preferences and siting requirements.

4.2.2. Environmental and health effects prohibited from consideration. Also under the Telecom Act, a jurisdiction is prohibited from considering the environmental effects of RF emissions (including health effects) of the proposed site if the site will operate in compliance with federal regulations. 47 U.S.C. § 332(c)(7)(B)(iv). AT&T has included with this application a statement from its radio frequency engineers demonstrating that the proposed facility will operate in accordance with the Federal Communications Commission's RF emissions regulations. See **Attachment 10 – RF Justification Report.**

⁴ Id. at ¶ 35

⁵ Id. at ¶¶ 34-42.

Accordingly, this issue is preempted under federal law and any testimony or documents introduced relating to the environmental or health effects of the proposed site should be disregarded in this proceeding.

4.2.3. No discrimination amongst providers. Local jurisdiction also may not discriminate amongst providers of functionally equivalent services. 47 U.S.C. § 332(c)(7)(B)(i)(I). A jurisdiction must be able to provide plausible reasons for disparate treatment of different providers' applications for similarly situated facilities.

4.2.4. Shot Clock. Finally, the Telecom Act requires local jurisdictions to act upon applications for wireless communications sites within a "reasonable" period of time. 47 U.S.C. § 332(c)(7)(B)(ii). The FCC has issued a "Shot Clock" rule to establish a deadline for the issuance of land use permits for wireless facilities. 47 C.F.R. § 1.6001, *et seq.* According to the Shot Clock rule, a reasonable period for local government to act on wireless applications is 90 days for a collocation application, with "collocation" defined to include an attachment to any existing structure regardless of whether it already supports wireless, and 150 days for all other applications.

The Shot Clock applies to all authorizations required for siting a wireless facility, including the building permit, and all application notice and administrative appeal periods. Pursuant to federal law, the reasonable time for review of this application is 150 days.

Thank you for your time and consideration in the review of this request. Please feel free to contact me by phone (206.227.7445) or email (pkitzes@j5ip.com) if there are any questions or comments.

J5 INFRASTRUCTURE PARTNERS

Phil Kitzes

PHILLIP KITZES
Project Manager I



Disclaimer: These photographic simulations have been provided to aid in visualizing how the proposed wireless telecommunications facility shown herein would appear if constructed. While these renderings are not an exact science, they have been prepared diligently to accurately reflect dimensions, scale, depth, coloring, texture, and other important elements in the proposed design insofar as the digital medium allows. Taken together with the engineering drawings and other materials submitted with the application, they are fair and reasonable visual depictions of how the proposed site would appear.

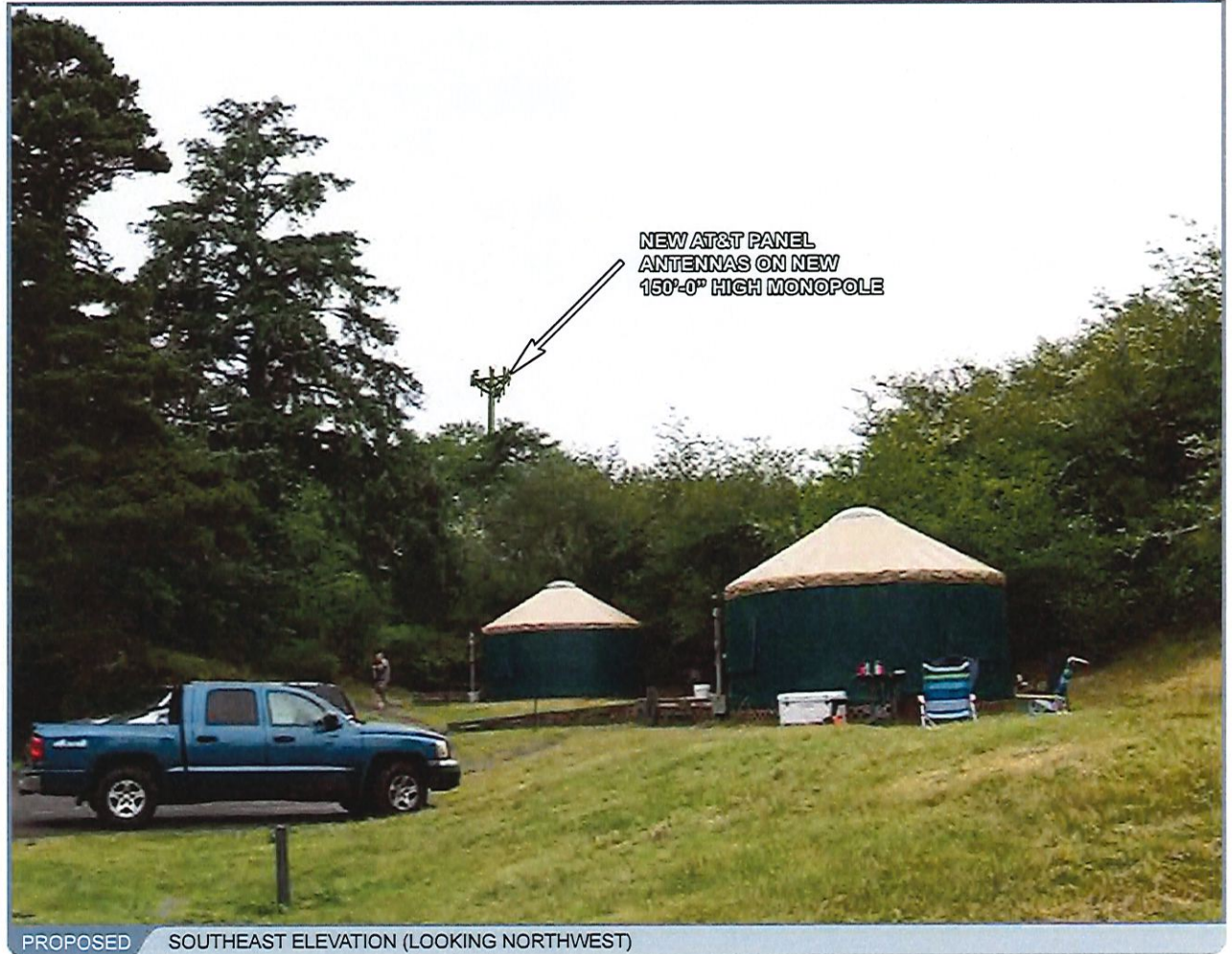


CT69 FORT STEVENS

NEW MONOPOLE
September 22, 2022



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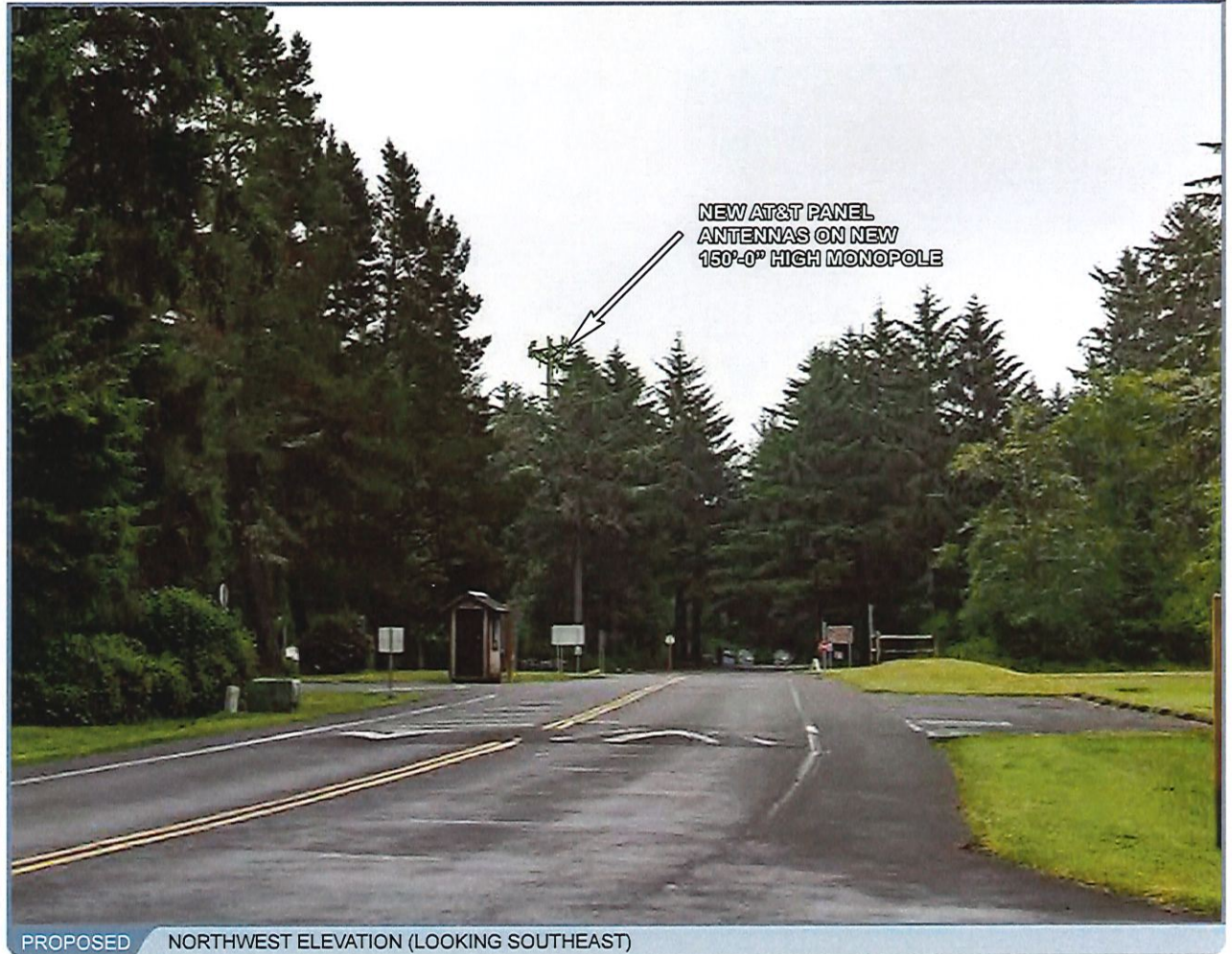


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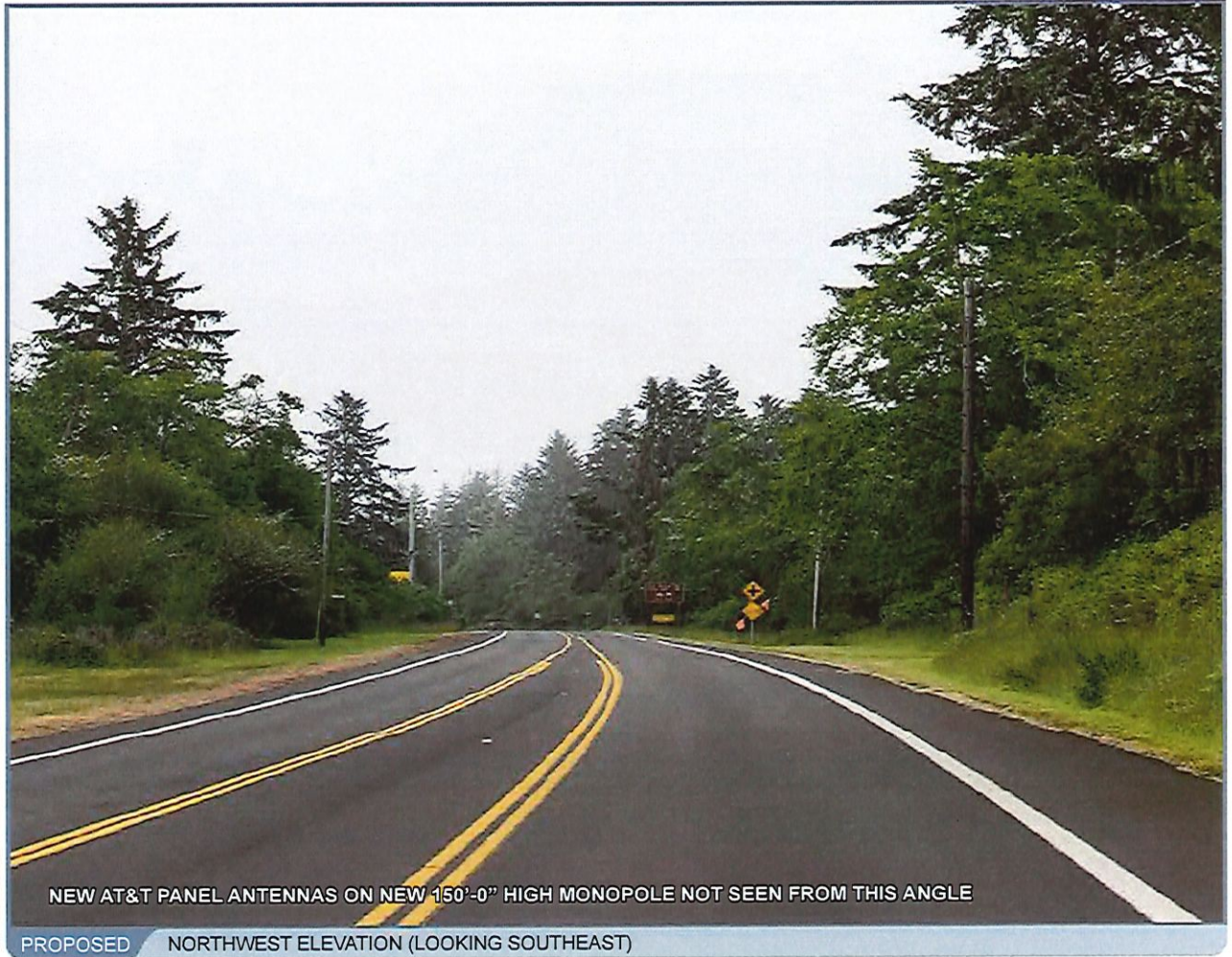


CT69 FORT STEVENS

NEW MONOPOLE
September 22, 2022



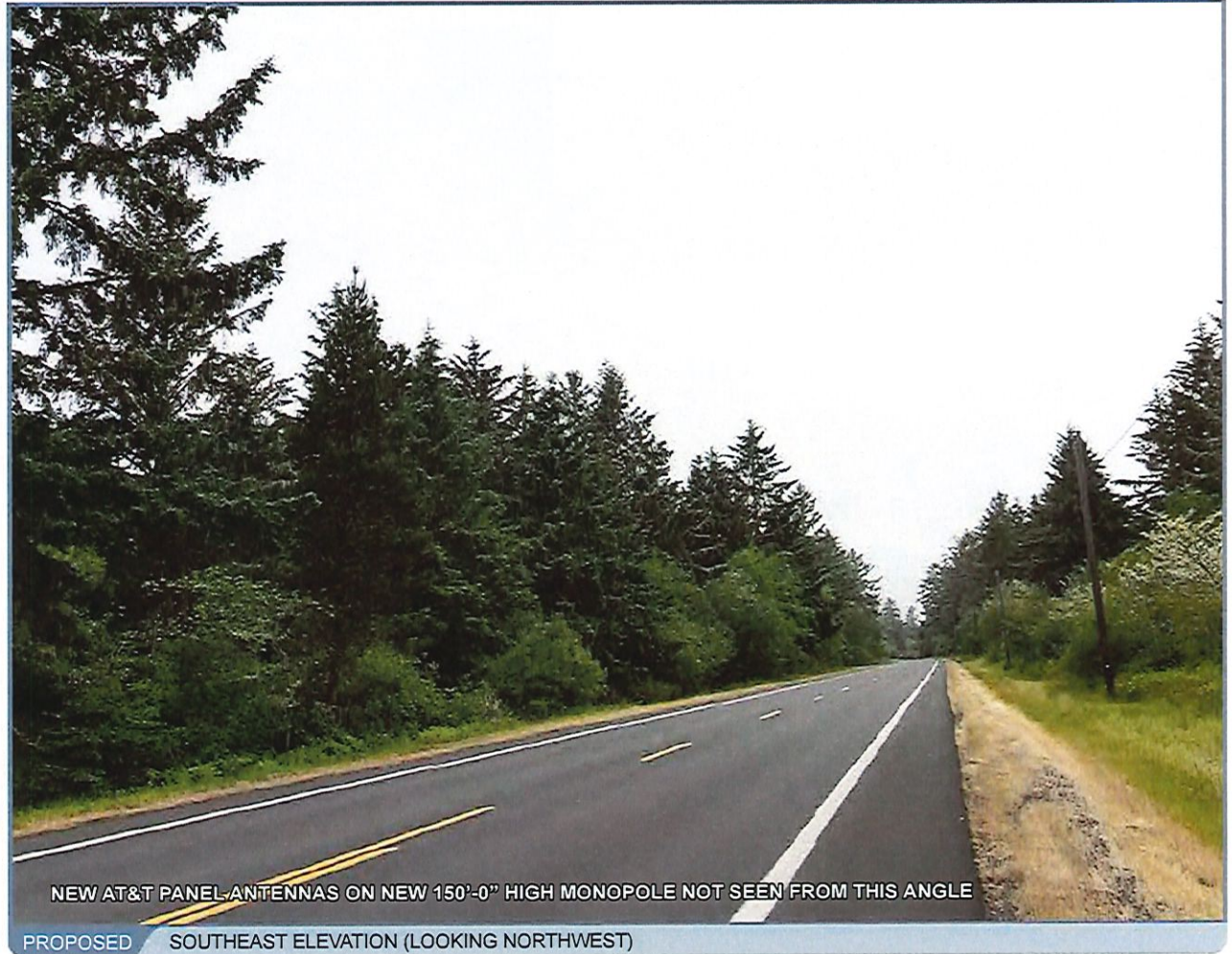
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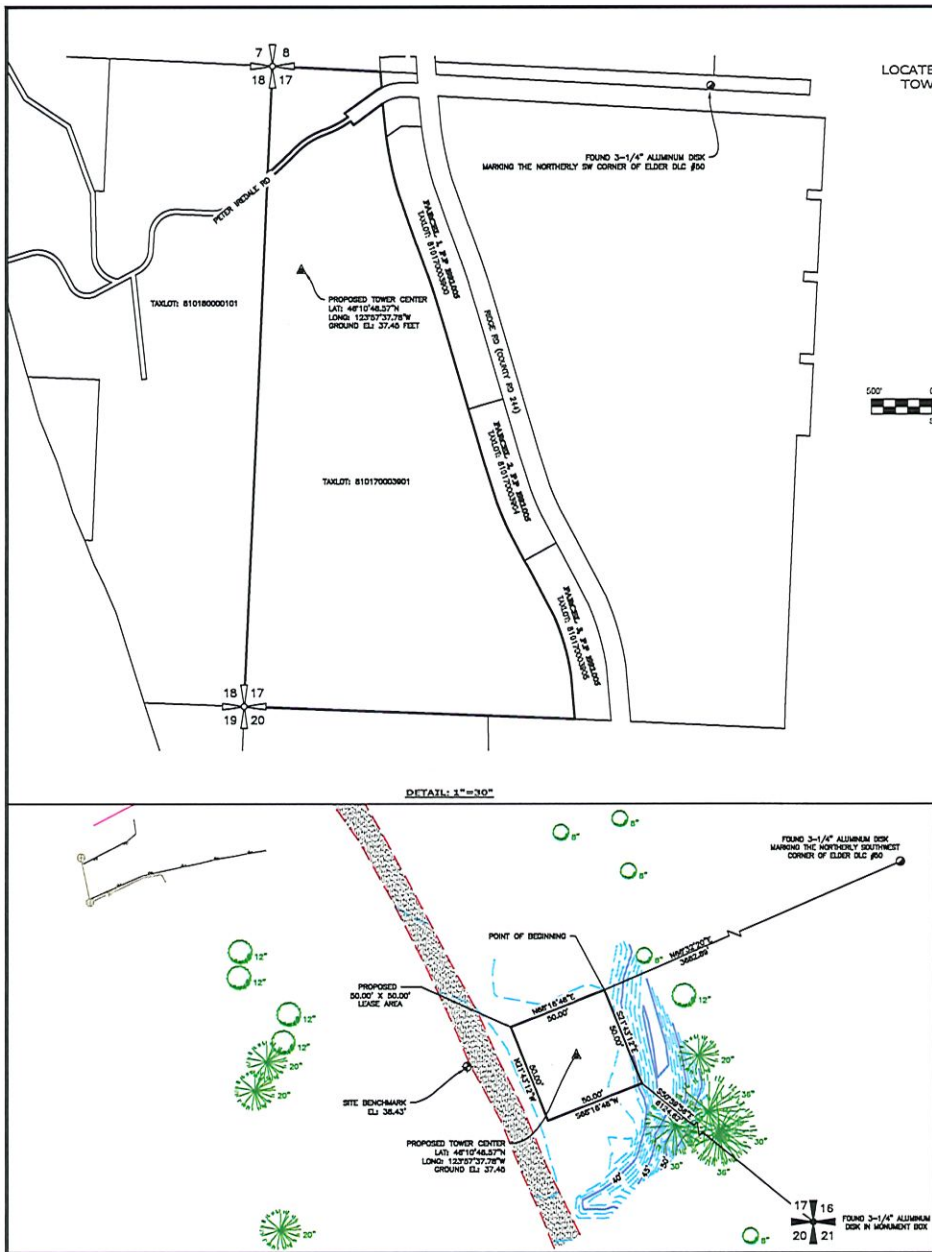
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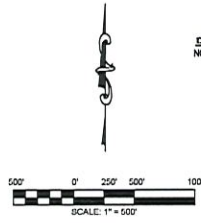


CT69 FORT STEVENS

LOCATED IN THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 SECTION 17,
TOWNSHIP 8 NORTH, RANGE 10 WEST OF THE WILLAMETTE MERIDIAN,
CLATSOP COUNTY OREGON

SITE SURVEY
PROPERTY OWNER: OREGON PARKS AND RECREATION DEPARTMENT
STRUCTURE OWNER: AT&T

DESCRIPTION OF PARENT PARCEL
NO TITLE RESEARCH PROVIDED AT THIS TIME.



TOWER INFORMATION	
PROPOSED TOWER TYPE	PROPOSED TOWER HEIGHT
MONOPOLE	HEIGHT: 150.00'

GEOGRAPHIC COORDINATES		
LATITUDE	LONGITUDE	GROUND ELEVATION
46°10'48.37\"/>		

- LEGEND:**
- BUILDING
 - BOUNDARY LINE
 - EDGE OF GRAVEL
 - EDGE OF PAVEMENT
 - MAJOR CONTOUR
 - MINOR CONTOUR
 - FENCE - BARBED WIRE
 - GRAVEL HATCH
 - BENCHMARK
 - FENCE GATE POST
 - TREE - CONIFER
 - TREE - DECIDUOUS



VICINITY MAP
(NOT TO SCALE)

SITE BENCHMARK
TOP OF A 600 NAIL
ELEVATION = 38.43'

PROPOSED LEASE SITE DESCRIPTION
BEING A PORTION OF THAT PROPERTY WITHIN THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 17, TOWNSHIP 8 NORTH, RANGE 10 WEST, W.M., CLATSOP COUNTY, OREGON, LYING WESTERLY OF PARTITION PLAT 1992-005 MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT FROM WHICH A FOUND 3-1/4" ALUMINUM DISK MARKING THE NORTHERLY SOUTHWEST CORNER OF ELDER D/LC #50, BEARS NORTH 66°32'20" EAST A DISTANCE OF 3682.89 FEET;
THENCE SOUTH 21°43'12" EAST A DISTANCE OF 50.00 FEET TO A POINT FROM WHICH A FOUND 3-1/4" ALUMINUM DISK MARKING THE SOUTHEAST CORNER OF SECTION 17, BEARS SOUTH 50°59'56" EAST A DISTANCE OF 6124.82 FEET;
THENCE SOUTH 66°16'48" WEST A DISTANCE OF 50.00 FEET;
THENCE NORTH 21°43'12" WEST A DISTANCE OF 50.00 FEET;
THENCE NORTH 66°16'48" EAST A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING, CONTAINING 2500 SQUARE FEET, MORE OR LESS.

- GENERAL NOTES**
- THE PROPOSED TOWER LEASE SITE SHOWN HEREON LIES WITHIN ZONE "X", DEFINED AS "AREAS OF MINIMAL FLOOD HAZARD", BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) AS SHOWN ON FIRM PANEL NUMBER 41007C0212F, WITH AN EFFECTIVE DATE OF JUNE 20, 2018.
 - NO TITLE RESEARCH PROVIDED AT THIS TIME.
 - PARENT PARCEL(S) BOUNDARY LINES AND/OR SECTION LINES SHOWN ON THESE DRAWINGS ARE CALCULATED FROM RECORD DOCUMENTS AND MONUMENTS NOTED HEREON, AND DO NOT REPRESENT A FULL SEPARATE BOUNDARY SURVEY FROM THE LEASE TRACT BOUNDARY SURVEY.
 - THIS DRAWING IS NOT INTENDED FOR USE AS A CONSTRUCTION DOCUMENT.

SURVEYOR'S NOTES
BEARINGS BASED ON OREGON STATE PLANE COORDINATE SYSTEM NORTH ZONE NAD 83 2011 (EPOCH 2010.0)

DISTANCES SHOWN HEREON ARE GROUND DISTANCES. INTERNATIONAL FEET TO CONVERT TO GRID DISTANCES MULTIPLY BY THE COMBINED FACTOR OF 1.000002343. ELEVATIONS SHOWN HEREON ARE NAVD 83, GEOID 18, INTERNATIONAL FEET.

UTILITY NOTE
THIS EXHIBIT MAY NOT REFLECT ANY UNDERGROUND UTILITIES, EASEMENTS OF RECORD OR OTHER ENCUMBRANCES THAT AFFECT THE SUBJECT AREA. NO UNDERGROUND UTILITY LOCATION SERVICES OR RECORDS RESEARCH WAS PROVIDED BY S&F LAND SERVICES. IT IS THE CLIENT'S/CONTRACTOR'S RESPONSIBILITY TO VERIFY THE LOCATION OF ALL UTILITIES AND PROTECT SAID UTILITIES FROM DAMAGE. ALWAYS CALL 811 OR 1(800) 424-3535 PRIOR TO EXCAVATING.

REGISTERED PROFESSIONAL LAND SURVEYOR
Matthew J. Faulkner
MAY 16, 2018
MATTHEW J. FAULKNER
PLS # 72618

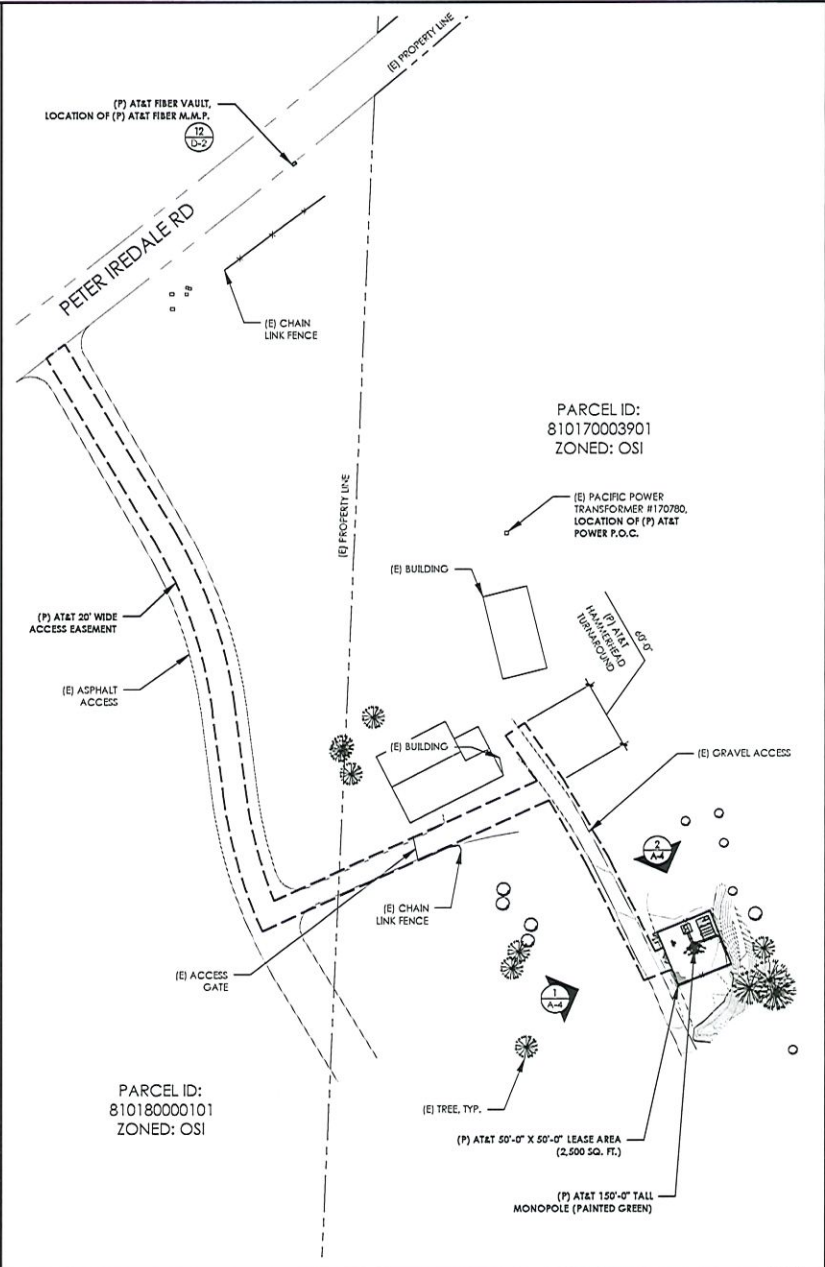
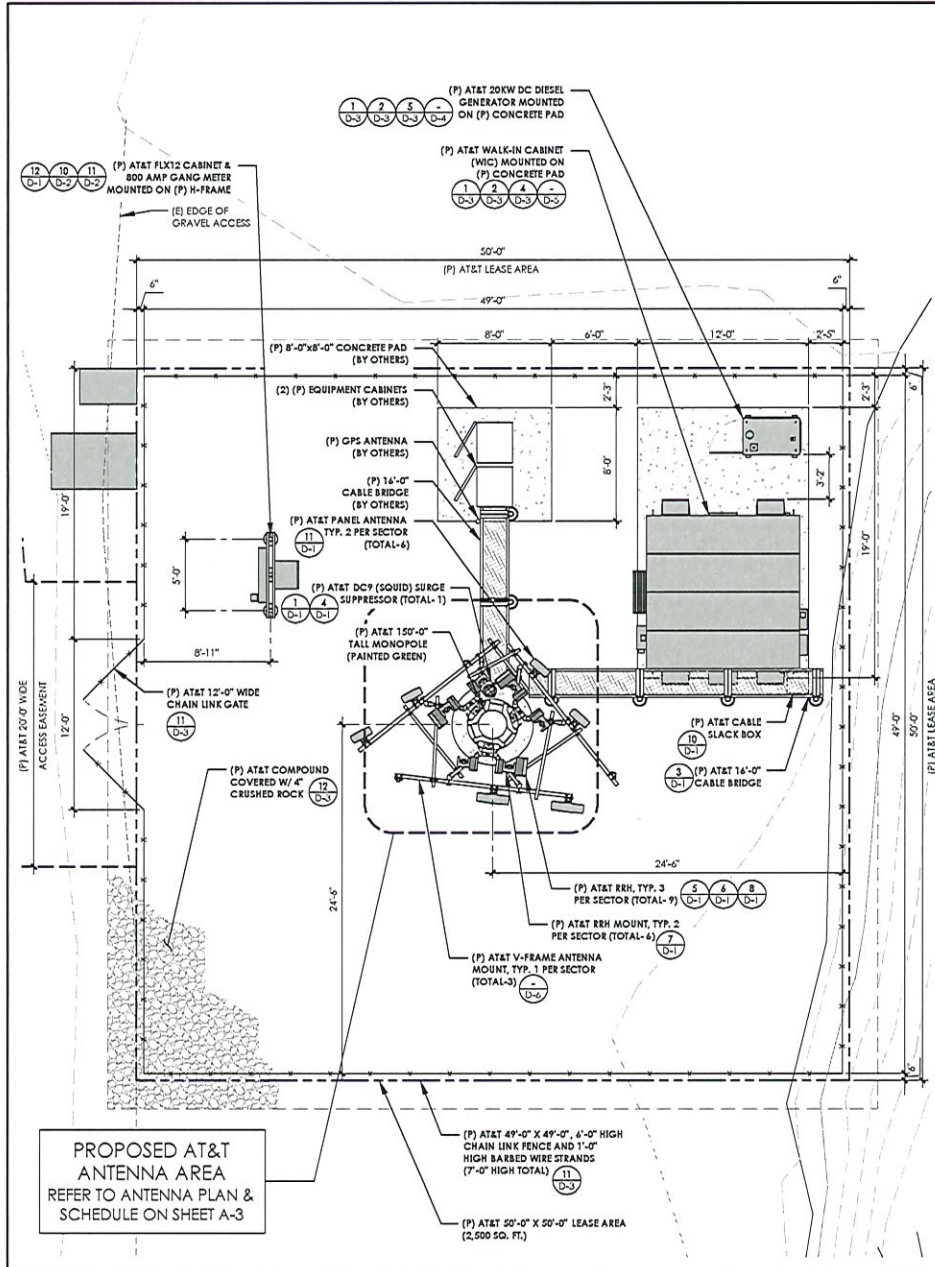
CARRIER:

208 S AVARD STREET
DALLAS, TX 75202

2030 MAIN STREET, SUITE 200
IRVINE, CA 92614
(941) 658-5212

901 NW CARLON AVE, SUITE 3
BEND, OREGON 97703
541-797-0954
www.sandf.com
info@sandf.com

SITE NAME	FORT STEVENS
SITE VISIT DATE	02/25/22
SITE NUMBER	CT69
SITE ADDRESS	1675 PETER IREDALE RD, WARRENTON, OR 97121
SHEET NAME	SITE SURVEY
DRAFTED / CHECKED BY	SGD / MJF
SHEET NUMBER	1 OF 1



PROPOSED AT&T ANTENNA AREA REFER TO ANTENNA PLAN & SCHEDULE ON SHEET A-3

COMPOUND PLAN

24"x36" SCALE: 1/4" = 1'-0"

2 ENLARGED SITE PLAN

24"x36" SCALE: 1" = 50'-0"

PREPARED FOR

NEW CINGULAR WIRELESS PCS, LLC (F&T) 19801 SW 72ND AVE, STE. 200 TUALATIN, OR 97062

VENDOR:

23 MAUCHLY #110 IRVINE, CA 92618
 IS PROJECT #: P046416

ISSUED FOR:

CT69

FORT STEVENS
 1675 PETER IREDALE RD WARRENTON, OR 97121
 PARCEL ID: 810170003901

DRAWN BY: JBE
CHECKED BY: EVR

REV	DATE	DESCRIPTION
0	03/07/23	100% CD

LICENSOR:

LICENSED PROFESSIONAL ENGINEER
 STATE OF OREGON
 EXPIRES: 12/31/23

Sheet Title:

ENLARGED SITE PLAN & COMPOUND PLAN

Sheet Number:

A-2



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: Rebecca Sprengeler, Planning Technician
 DATE: May 11, 2023
 SUBJ: Non-Conforming Use Expansion Variance V-23-2: 40 NE 5th St – Taxlot 81015C000900

BACKGROUND:

Mike Blackwell has submitted a variance request to expand his home beyond the allowed nonconforming use expansion maximum. His home is located at 40 NE 5th St in Warrenton and is in the I-1 General Industrial zone. New residential uses are not allowed in this zone. The current use is nonconforming. Nonconforming uses are allowed to continue, but alterations and expansions are restricted by the code to no more than 25% of the floor area of the structure. The Blackwells were working through plan review in the Building Department to put an addition on the existing structure. However, this was going to be challenging and expensive because of the poor soil in this area. Options that were presented to the Blackwells were to potentially pursue a rezone to be able to demo and rebuild as an allowed use or apply for a hardship variance from the Planning Commission. The time frame for the rezone was significantly longer than would meet the applicant's needs.

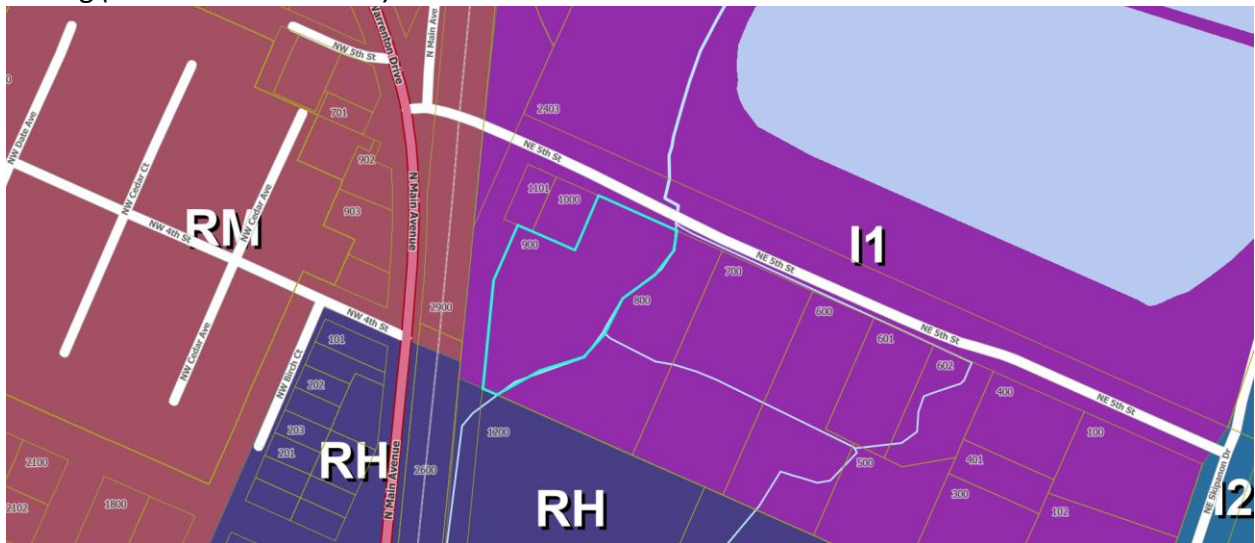
The existing dwelling is a total of 956sf according to County tax records. The applicant proposes an addition to the rear of the home, connected by a breezeway. The addition would be two stories and 2,376sf total. This is about a 150% increase in the square footage of the existing nonconforming use, therefore variance review and approval from the Planning Commission is required.

Surrounding uses include the City of Warrenton Wastewater Treatment Plant to the North, Agricultural land to the East and South, and other single family residences and the Alder Manor Mobile Home Park to the West.

Aerial Photography



Zoning (I-1 General Industrial)



Hydric Soils (*present*)



Wetlands (*Not affected*)



Flood Zone (Zone X, Area of Minimal Flood Hazard)



PUBLIC PROCESS, PROCEDURES & PUBLIC NOTICE:

Applicable Warrenton Municipal Code (WMC) chapters for this modification include:

- [WMC 16.208.050 TYPE III PROCEDURE \(QUASI-JUDICIAL\).](#)
- [WMC 16.60 GENERAL INDUSTRIAL \(I-1\) DISTRICT](#)
- [WMC 16.276 NONCONFORMING USES AND DEVELOPMENT](#)
- [WMC 16.272 VARIANCES](#)

Public notices were mailed to affected property owners on April 21, 2023, and published in The Astorian on April 29, 2023. No public comments were received as of the date of this report.

CODE PROVISIONS, APPLICANT RESPONSES, AND FINDINGS:

WMC 16.60 GENERAL INDUSTRIAL (I-1) DISTRICT

16.60.020 Permitted Uses.

16.60.030 Conditional Uses.

STAFF FINDING: The use of the property and existing structure to be expanded is residential in nature and is not permitted or conditionally allowed in the I-1 General Industrial zone. Because it was built before 1975, the structure qualifies as a non-conforming use under [WMC 16.276.010.](#)

16.60.040 Development Standards.

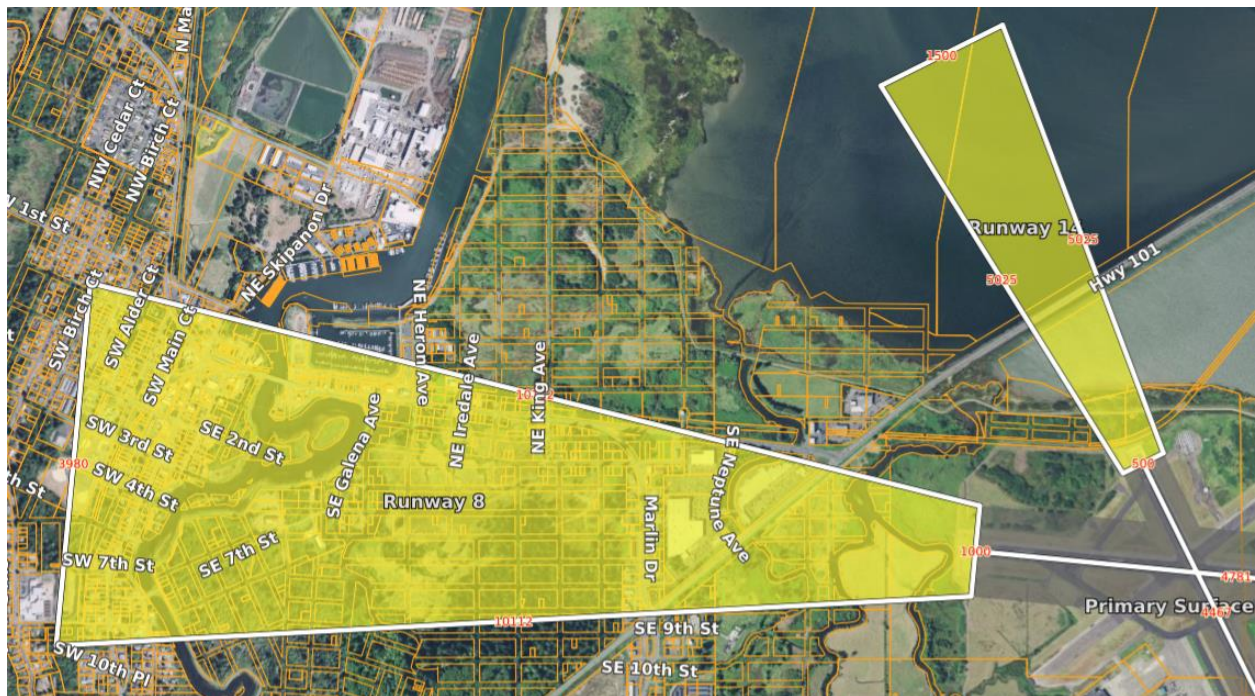
H. Setbacks. The minimum front, side and rear yard setbacks shall be 10 feet. When a property abuts a non-industrial zone, the setback shall be as follows:

- 1. 50 feet for buildings and other structures more than 10 feet in height;*

J. Building Height. The maximum building height shall be 45 feet, except that it may be lower under either of the following circumstances:

1. Within 100 feet of a non-industrial zone, where the maximum building height shall be the same as the maximum building height in that zone.
2. Within the Airport Hazard Overlay Zone, where the maximum building height is described by the Airport Hazard Overlay Zone.

STAFF FINDING: The proposed addition will be 24' 4" high meeting the maximum height standard. The applicant proposes a 68' setback to the East property line and based upon GIS measurements, approximately a 75' setback to the West property line. The property is over 100' from the adjacent residential zones to the West and South. Setbacks for the existing and proposed addition are met. The property is outside the airport aviation overlay zone.



WMC 16.276 NONCONFORMING USES AND DEVELOPMENT

A nonconforming use or structure was a lawful existing structure or use at the time this Code became effective, but which does not conform to some or all of the requirements of this Code.

- A. **Continuation.** A nonconforming use or structure may be continued.

STAFF FINDING: According to County records the structure was built in 1930. The development code was adopted in 1975. The structure was legally existing at the time of the Warrenton Municipal Code adoption and is allowed to continue as a non-conforming use.

- B. **Expansion or Extension.** In case of practical difficulty and unnecessary hardship, the Planning Commission may grant a variance for the enlargement or expansion of a nonconforming use up to 25% in floor or 10% in land area as was existing on the effective date of the ordinance codified in this chapter.

STAFF FINDING: In order to grant an expansion up to 25% in floor area of a non-conforming use, the Planning Commission must make findings that is a case of practical difficulty and unnecessary hardship. Under the non-conforming use code, the Planning Commission can grant

an expansion of up to 239sf. The applicants have been working with the city since 2019 to expand their current dwelling. This has taken a significant amount of time and money due to plan changes and poor soil.

- C. ***Discontinuance.*** *If a nonconforming use is discontinued for a period of 12 months, further use of the property shall conform to this Code.*

STAFF FINDING: This will be made a condition of approval.

- D. ***Damage.*** *If a nonconforming structure, or a structure containing a nonconforming use, is damaged by any cause, it may continue if damage is limited to no more than 75% of its fair market value (as indicated by the County Assessor's records), and if a building permit for repair is issued within one year of the damage event. If these conditions are not met, any subsequent structure or use of the site shall conform to this Code.*

STAFF FINDING: This will be made a condition of approval.

WMC 16.272 VARIANCES

16.272.020 Criteria.

Variances to a quantitative requirement of this Code may be granted only if, on the basis of the written application, investigation, and evidence submitted by the applicant, findings of fact are made by the... Planning Commission (for Class 2 applications) that satisfy the criteria of subsections A through F of this section. Prior variances allowed in the neighborhood shall not be considered by the granting authority in reaching its decision. A determination of whether the standards set forth in this section are satisfied necessarily involves the balancing of competing and conflicting interests. Each request shall be considered on its own merits.

- A. *The hardship was not created by the person requesting the variance;*

APPLICANT RESPONSE: We purchased the property because we liked the two outbuildings, the area and the amount of space around them. We also planned on doing an addition to the existing house. When we started the permitting process each plan and revision met challenges. We have complied with each challenge by changing our house plans, repeatedly and each change has drained our building funds that we had set aside.

STAFF FINDING: The applicant is requesting expansion of the existing dwelling beyond what is allowed by the nonconforming use code. A limiting factor is also the poor soil type not being able to support improvements to the second story. The dwelling was built in 1930 according to County records. The applicant has not indicated the reason for the addition being requested. It has been suggested by staff that it would be easier to demolish the current structure and rebuild, however the code does not allow the complete replacement of nonconforming uses.

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

APPLICANT RESPONSE: We have already put a substantial financial investment in the property. To have to start over with a new property would be financially impossible.

STAFF FINDING: The applicant currently uses the structure as a residence. If denied, the property would be allowed to continue with a nonconforming residential use provided it continued to meet the standards of WMC 16.276.010. The economic impact on the applicant would be related to funds already expended on the previous plan review and design.

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

APPLICANT RESPONSE: There would not be much of a visual impact because the non-attached addition would be between two existing buildings. The traffic would not increase because it is just our driveway. The drainage will be addressed in accordance with the existing stormwater report and guidelines of the geoenvironmental engineer. (That paper work has already been submitted). There is also no danger of landslides or erosion.

STAFF FINDING: The visual change that would be created by granting the variance would be an additional structure on site that would meet the height and setback requirements for the zone. The applicant has not indicated that there would be an increased number of vehicle trips; there are no increases in the number of residents or dwelling units that would typically generate additional vehicle traffic. There would be an increased potential for drainage that would need to meet city standards. This would be addressed during plan review.

D. The request is not in conflict with the Comprehensive Plan;

APPLICANT RESPONSE: There are no changes with the existing zoning in the Comprehensive Plan.

STAFF FINDING: The WMC has regulations for variance requests that have been reviewed by the State for compliance with the Comprehensive Plan. Compliance with the WMC should not result in conflict with the Comprehensive Plan. However, the Comprehensive Plan calls for this area to be zoned as Industrial for the purpose of industrial development. While the code allows for the use to continue, the comp plan ultimately calls for an industrial use of the property.

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

APPLICANT RESPONSE: We are not changing the density in the zone, we are just trying to make our home/residence more habitable.

STAFF FINDING: The request can be approved by findings of fact supporting the non-conforming use code and the variance criteria. The use is not permitted but is allowed to continue. The density of the zone is not a factor here. The lot size is not affected.

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

APPLICANT RESPONSE: The property is unsuited to attach an addition to the existing building. This is directly because the soil type requires an extensive buildup and having a mixed foundation would cause uneven settling and the structure would fail.

STAFF FINDING: The site was visited on April 24, 2023. The weather was partly cloudy. There was no standing water observed on the site, however the ground was marshy. The applicant was previously working with the building department through plan review for a rear addition and second story to the existing structure. The additional weight of a second story would not be supported with the current foundation and poor soil type. However, there were noticeable site characteristics to cause the need for the expansion of the existing structure.



CONCLUSIONS AND RECOMMENDATION

Suggested Conditions of Approval:

1. If this nonconforming use is discontinued for a period of 12 months, further use of the property shall conform to this Code ([WMC 16.276.010.C](#))
2. If a nonconforming structure, or a structure containing a nonconforming use, is damaged by any cause, it may continue if damage is limited to no more than 75% of its fair market value (as indicated by the County Assessor's records), and if a building permit for repair is issued within one year of the damage event. If these conditions are not met, any subsequent structure or use of the site shall conform to this Code. ([WMC 16.276.010.D](#))

Recommended Motion:

"I move to approve variance V-23-2 for expansion of residential nonconforming use at 40 NE 5th St (Tax lot 81015C000900) by up to 150% of the current structure. This approval is subject to findings of fact in the staff report, dated May 11, 2023, testimony, deliberations by the Planning Commission and conditions of approval."

“I move to deny variance V-23-2 for expansion of residential nonconforming use at 40 NE 5th St (Tax lot 81015C000900).”

“I move to continue the public hearing for variance V-23-2 to the next regular Planning Commission meeting on June 8, 2023.”

ATTACHMENTS:

1. Application
2. Plans
3. Public Notices

CITY OF WARRENTON

PLANNING AND BUILDING DEPARTMENT

Telephone: 503-861-0920

VARIANCE APPLICATION

OFFICE USE ONLY

FILE # V-23-2 FEE \$ 1,250

ZONING DISTRICT I-1

RECEIPT # see 917-

To be accompanied by a Site Plan, copy of property deed and Letter of Authorization, if applicable.

The Variance application process is a method for assuring compliance with the City of Warrenton Comprehensive Plan and Development Code, and to ensure wise utilization of natural resources, and the proper integration of land uses utilizing appropriate landscaping or screening measures. Please answer the questions as completely as possible.

Legal Description of the Subject Property: Township 8N, Range 10W, Section(s) SW 1/4 SEC. 15
Tax Lot(s) _____

Property street address: 40 NE 5TH STREET, WARRENTON, OR 97146

I/we, the undersigned applicant(s) or authorized agent, affirm by my/our signature(s) that the information contained in the foregoing application and associated submissions is true and correct.

APPLICANT:

Printed Name: MIKE BLACKWELL

Signature: [Signature] Date: 3-17-2023

Address: 40 NE 5TH ST. Phone: 503-861-8429

City/State/Zip: WARRENTON, OR 97146 Fax: NONE

PROPERTY OWNER (if different from Applicant):

Printed Name: MIKE BLACKWELL

Signature: [Signature] Date: 3-17-2023

Address: 40 NE 5TH ST. Phone: 503-861-8429

City/State/Zip: WARRENTON, OR 97146 Fax: NONE

mike.blackwell79@telus.com
michael.l.blackwell2@gmail.com

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

Variance Application
October 2018

NARRATIVE: Please describe the variance request:

The variance we're requesting put an addition on existing
Scoble family home greater than the 25% max allowed
by the now conforming use code.

Standard	Required	Proposed
Front Yard Setback		
Rear Yard Setback		
Side Yard Setback		
Lot Dimension		
Height		
Landscaping		
Parking		

SIX VARIANCE CRITERIA

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

We purchased the property because we liked the two outbuildings, the area and the amount of space around them. We also planned on doing an addition to the existing house. When we started the permitting process each plan and revision met challenges. We have complied with each challenge by changing our house plans, repeatedly, and each change has drained our building funds that we had set aside.

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

We have already put a substantial financial investment in the property. To have to start over with a new property would be financially impossible.

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

There would not be much of a visual impact because the non-attached addition would be between two existing buildings. The traffic would not increase because it is just our driveway. The drainage will be addressed in accordance with the existing storm water report and guidelines of the geo engineer. (That paperwork has already been submitted.) There is also no danger of landslides or erosion.

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

There are no changes with the existing zoning in the Comprehensive Plan.

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

We are not changing the density in the zone, we are just trying to make our home/residence more habitable.

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

The property is unsuited to attach an addition to the existing building. This is directly because the soil type requires an extensive buildup and having a mixed foundation would cause uneven settling and the structure would fail.

Return Application To: City of Warrenton
Planning and Building Department
PO Box 250, 225 S. Main Street
Warrenton, Oregon 97146

Variance Application
October 2018

Legal Description Map

Borrower	Michael L Blackwell				
Property Address	40 NE 5th St				
City	Warrenton	County	Clatsop	State	OR Zip Code 97146
Lender/Client	Essential Mortgage Loan Service/VA				

Commencing at the Northwest corner of Tract 1 as shown on the Plat of G. CLIFFORD BARLOW ADDITION, recorded as County Survey C-395 and/or Plat Book 9, page 22, Clatsop County Records, said point being located on the East side of Walnut Street as created by the Plat of Second Extension of Warrenton recorded in Plat Book 3, pages 20 and 21, Clatsop County Records;

thence along the North line of said Tract 1, South 66° 07' 00" East a distance of 126.23 feet to the point of beginning;

thence continuing along the North line of said Tract 1, South 66° 07' 00" East a distance of 173.68 feet, more or less, to the centerline of Hayes Slough;

thence along the centerline of Hayes Slough the following courses:

South 09° 51' 17" West a distance of 41.37 feet;

South 37° 56' 23" West a distance of 61.85 feet;

South 53° 46' 04" West a distance of 80.33 feet;

South 27° 28' 53" West a distance of 80.15 feet;

South 42° 20' 41" West a distance of 63.23 feet;

South 73° 06' 21" West a distance of 92.47 feet;

South 60° 54' 56" West a distance of 100.21 feet to a point on the South line of said Tract 1,

thence along the South line of said Tract 1, North 66° 07' 00" West a distance of 30.95 feet, more or less, to a point on the West line of said Tract 1;

thence along the West line of said Tract 1, North 05° 41' 47" East a distance of 219.28 feet to a point;

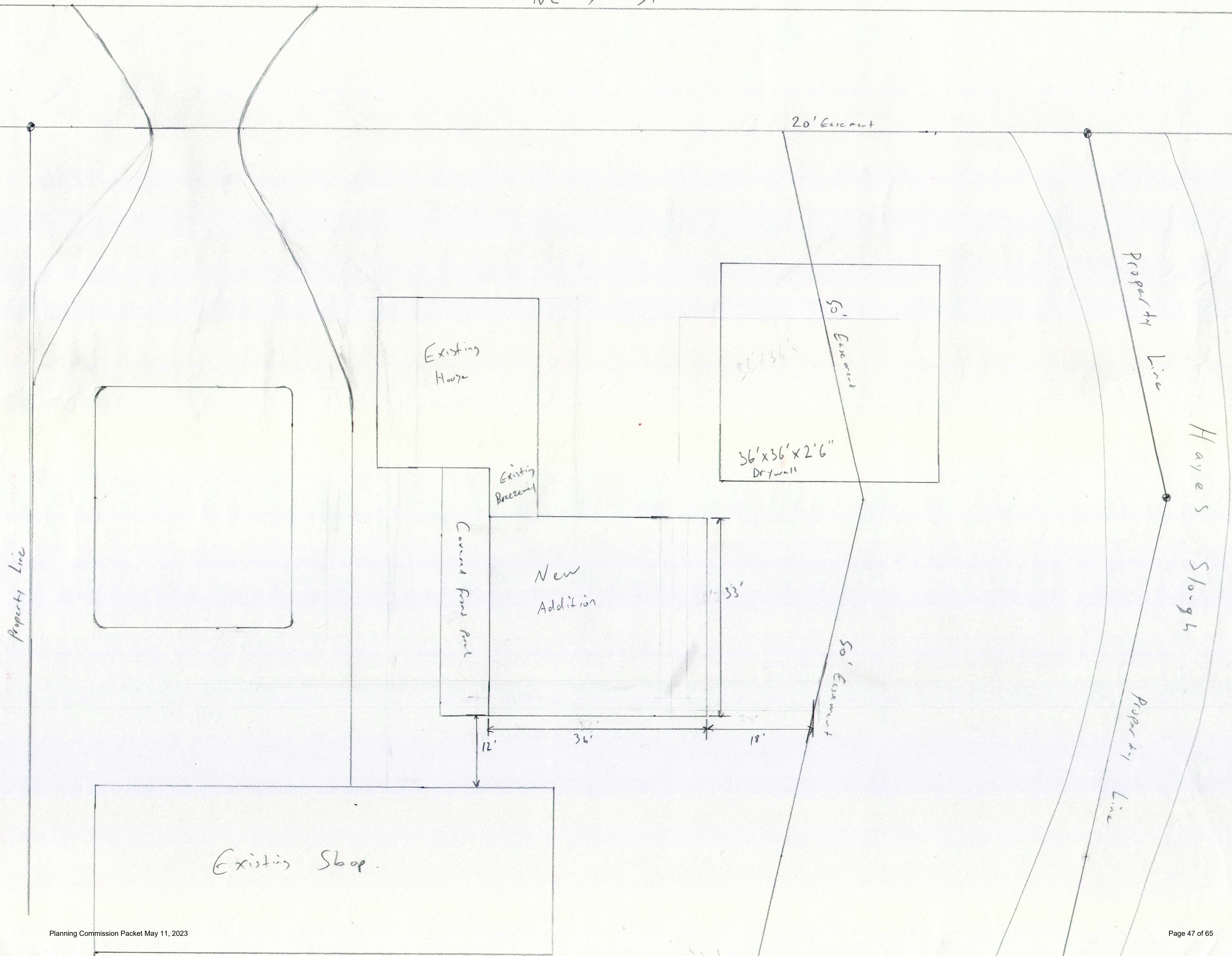
thence continuing along the West line of said Tract 1, North 23° 51' 57" East a distance of 121.69 feet to a point;

thence South 66° 07' 00" East a distance of 126.15 feet to a point;

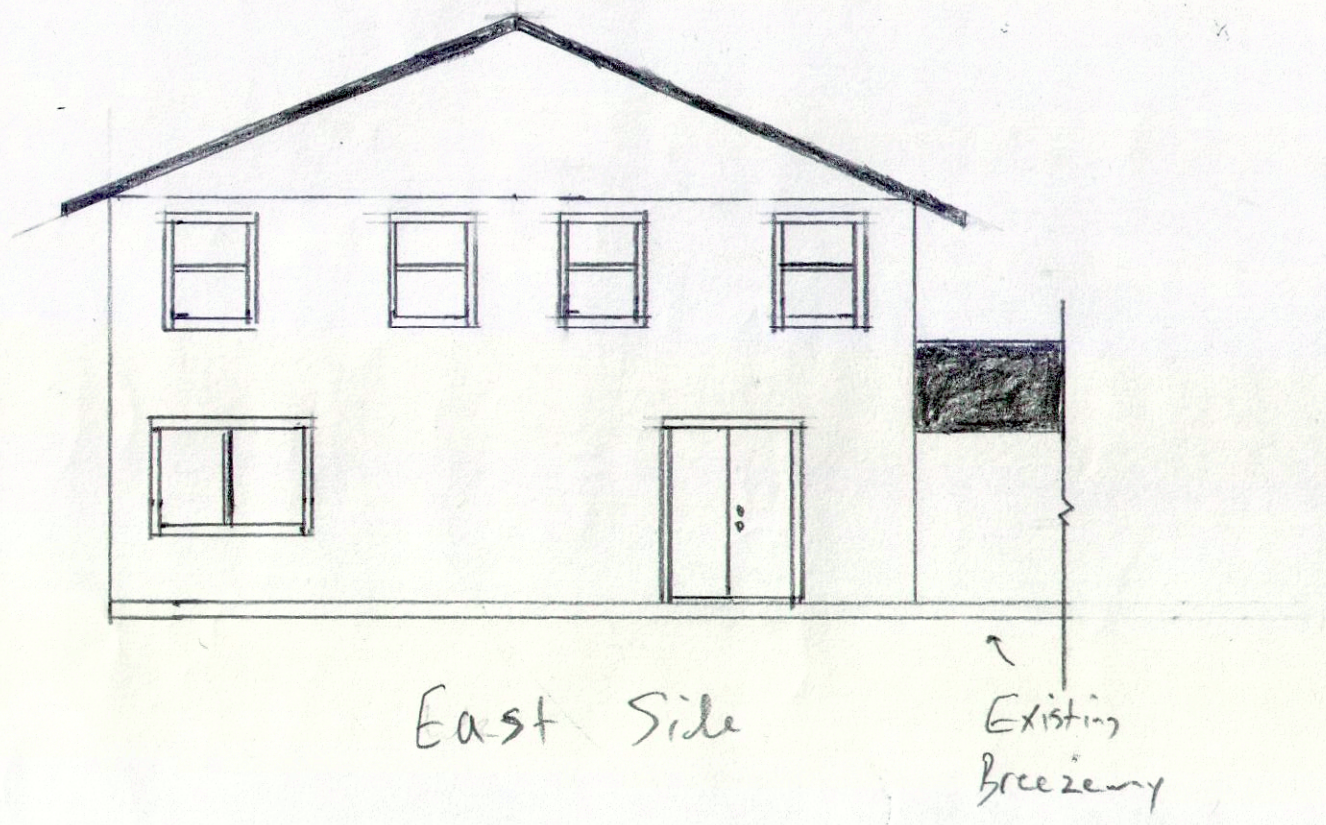
thence North 23° 54' 17" East a distance of 120.14 feet to the point of beginning: being situated in the Southeast quarter of Section 16, Township 8 North, Range 10 West of the Willamette Meridian, in the City of Warrenton, County of Clatsop, State of Oregon.

Blackwell Residence Site Plan
40 NE 5th St Warrington OR
Scale 3/32" = 1'

NE 5th St

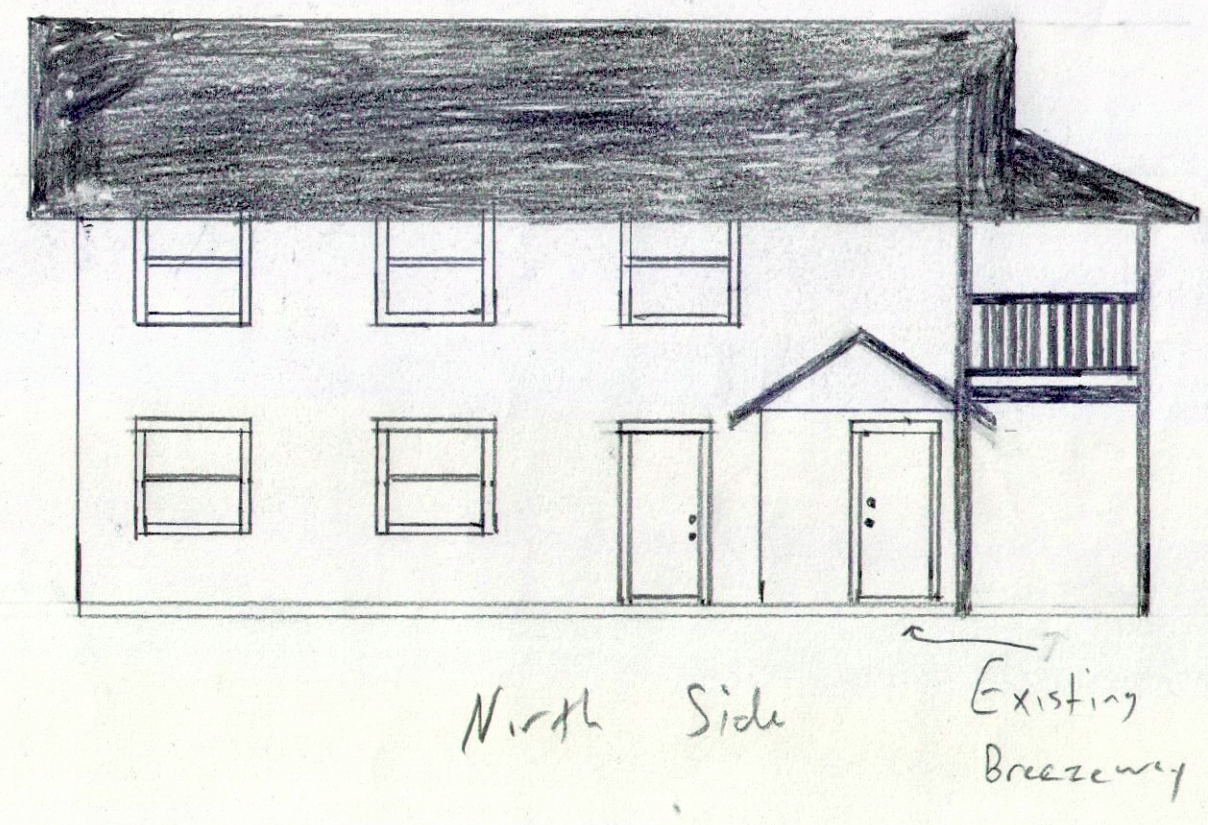


Blackwell Residence Elevations
Scale 1/8" = 1'



East Side

Existing Breezery



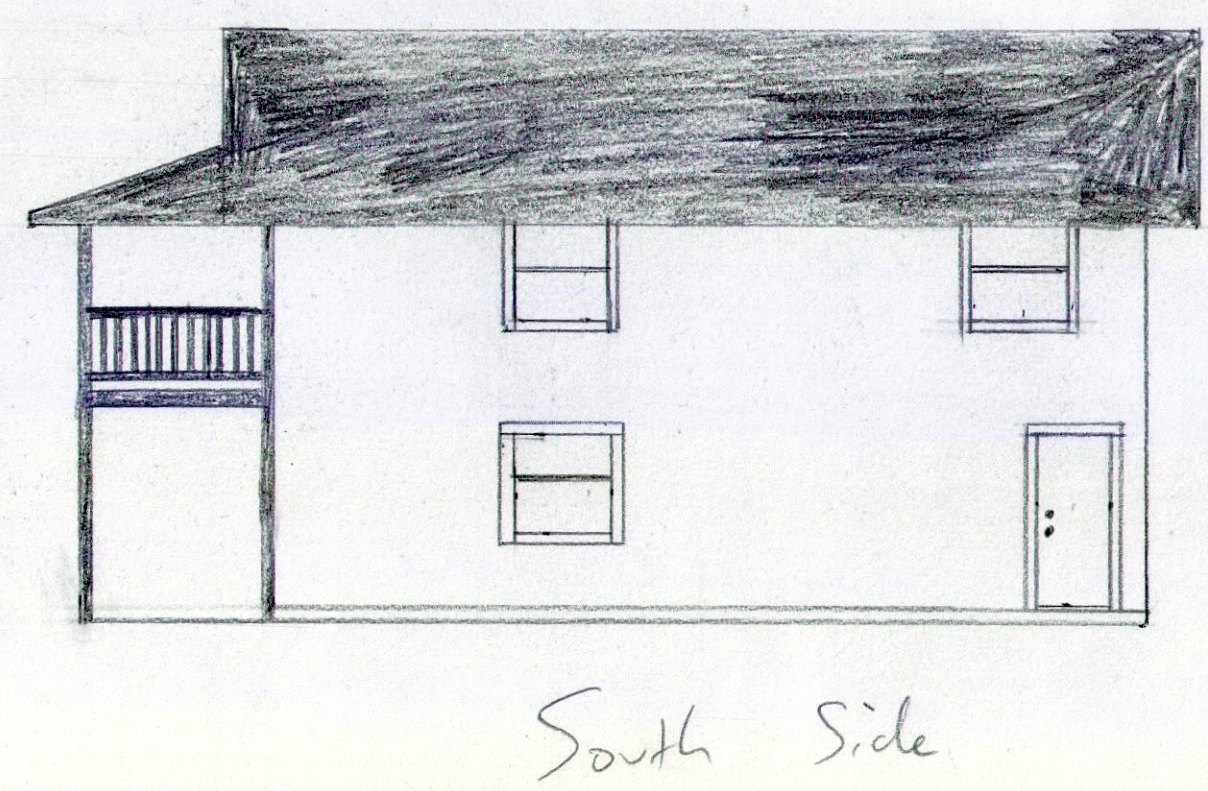
North Side

Existing Breezery



West Side

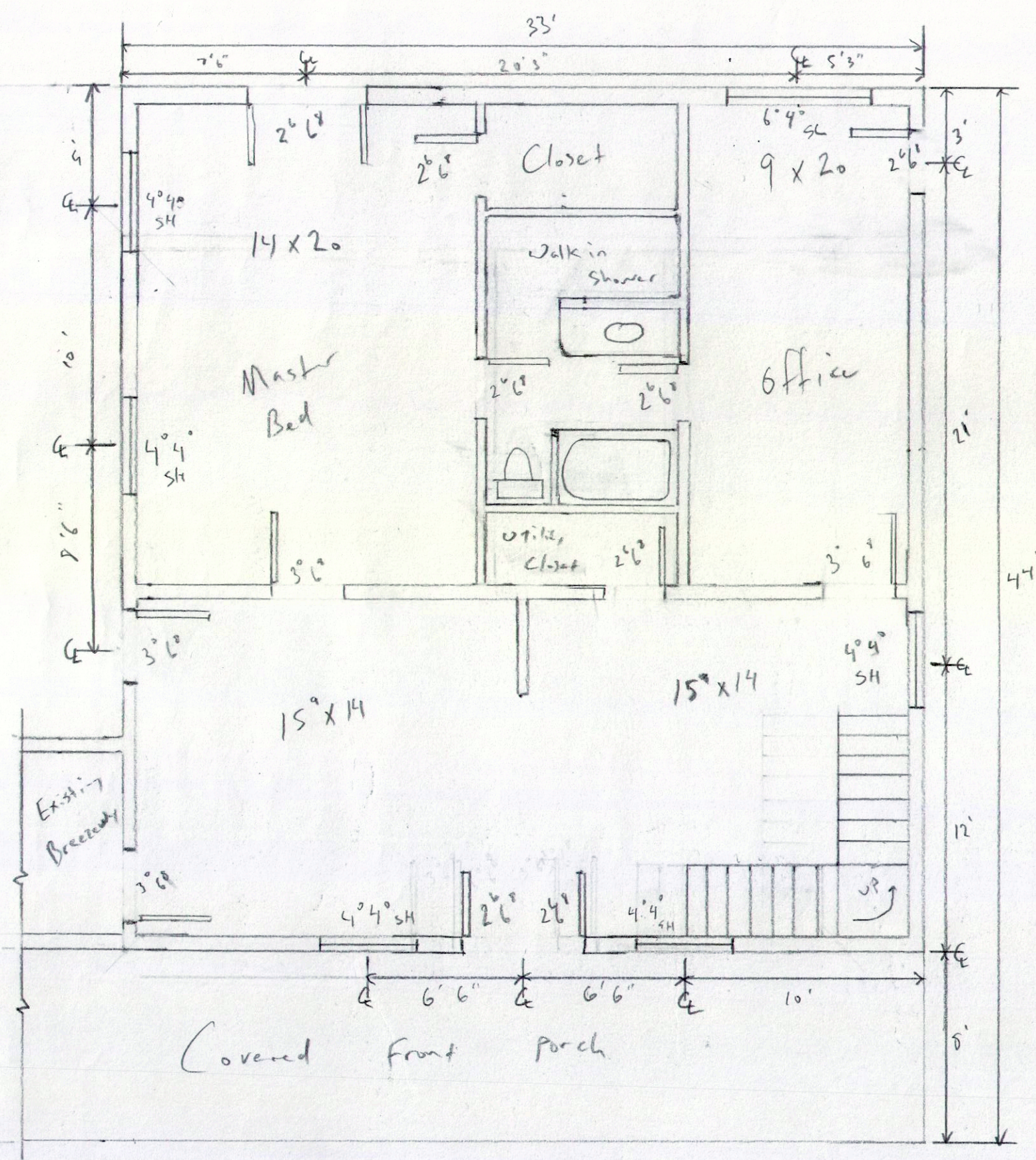
Existing Breezery



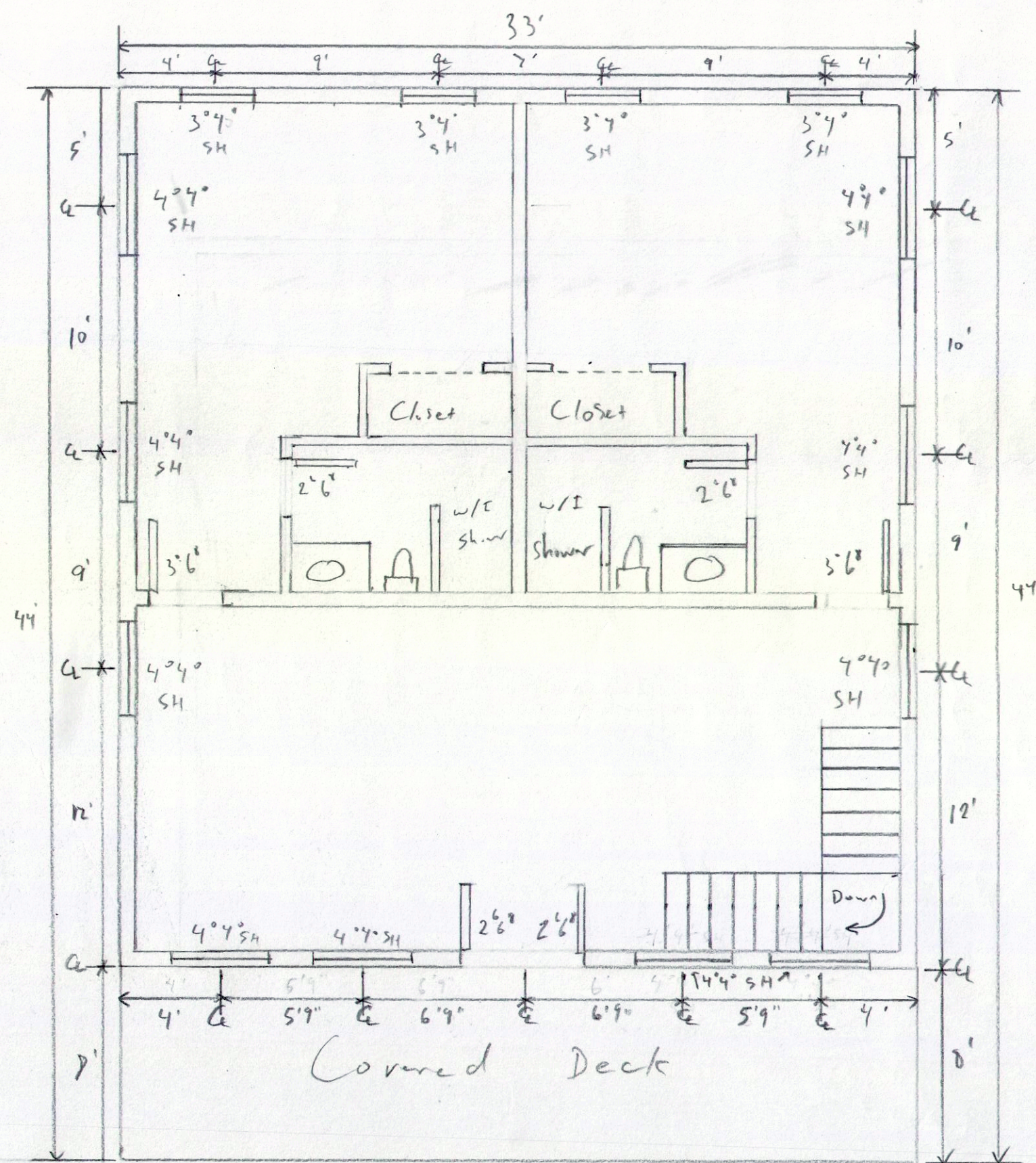
South Side

Blackwell Residence Floor plan
 First and second floor
 Scale 3/16" = 1'

Main Floor



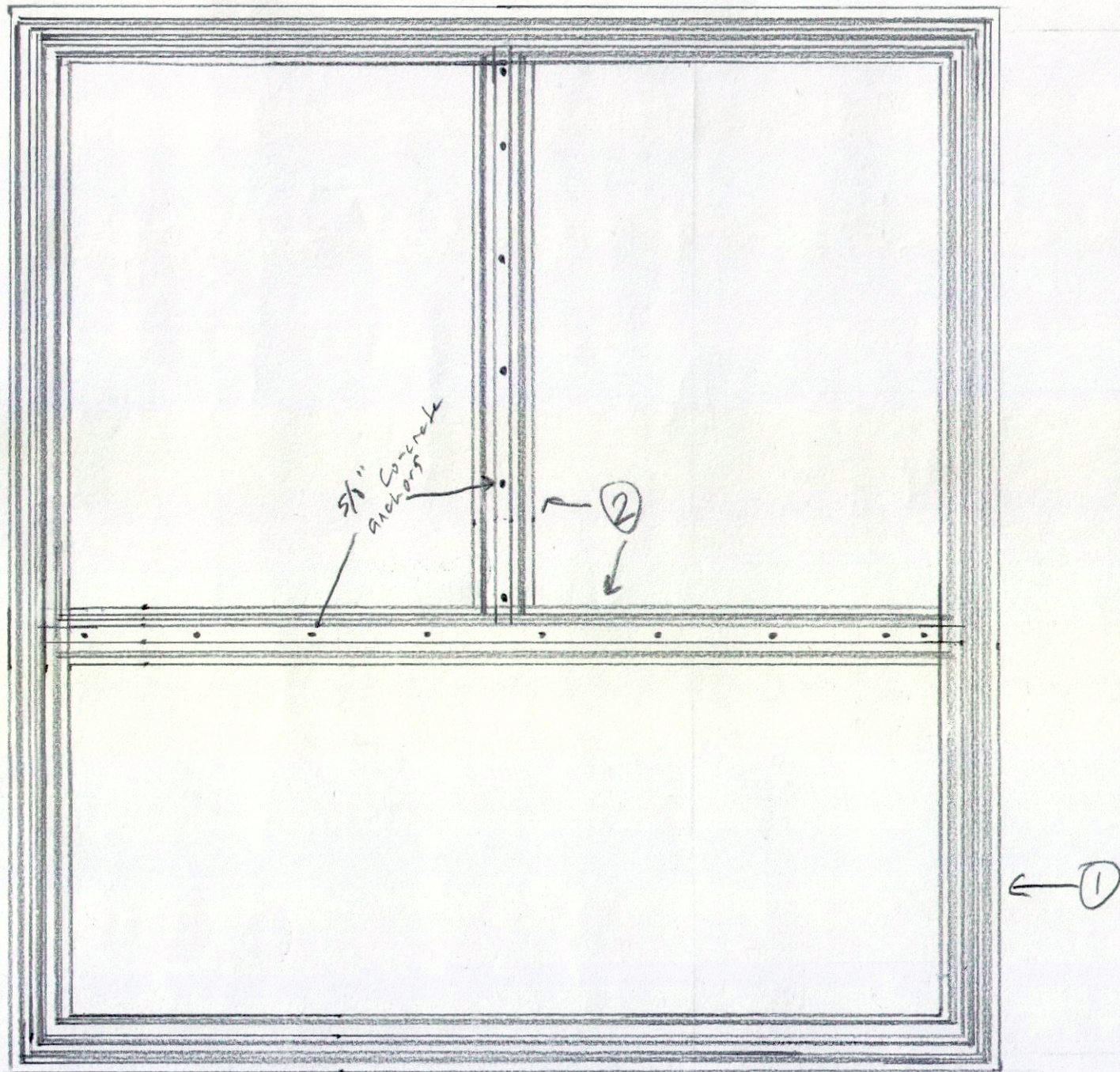
Second floor



Blackwell Residence
Foundation plan

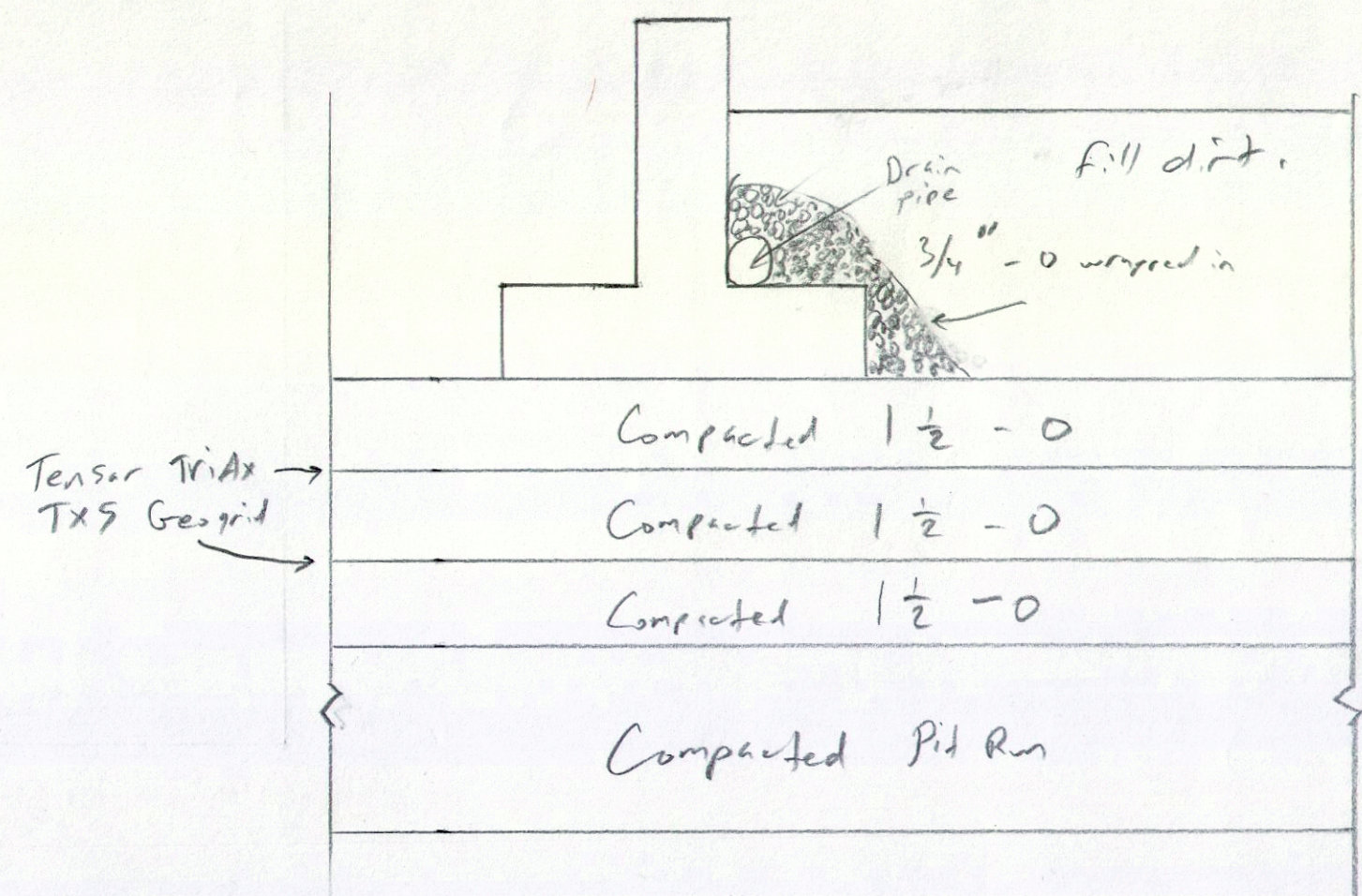
Concrete profile

Scale $3/16" = 1'$

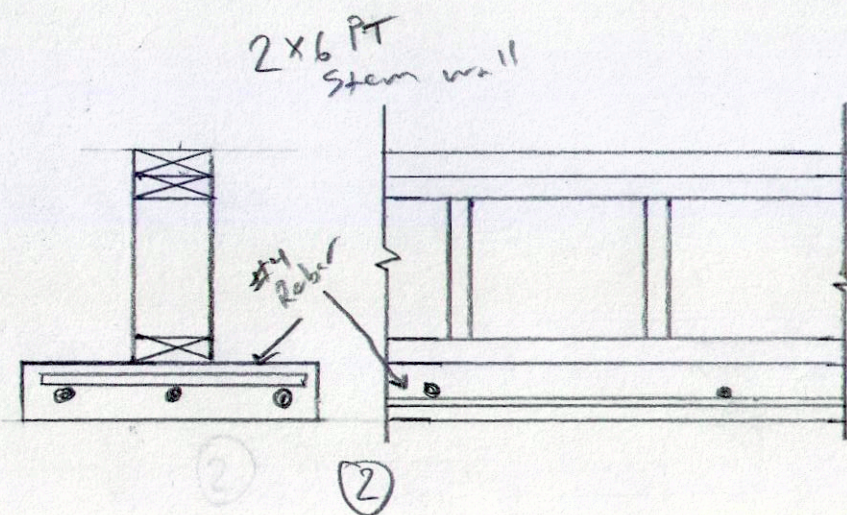
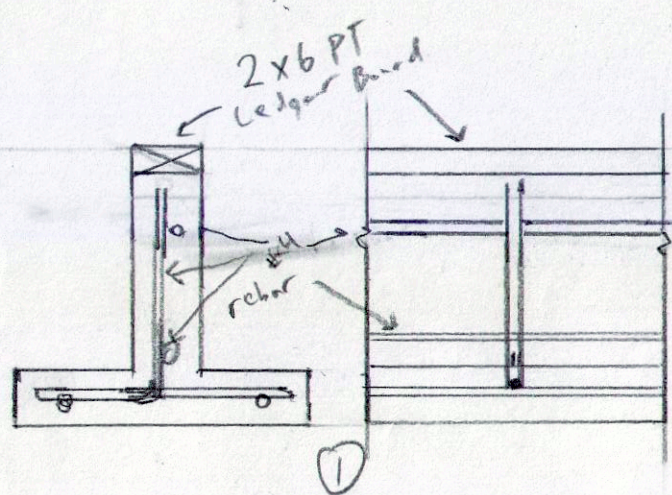


Foundation profile

1" = 1'



Scale $3/4" = 1'$

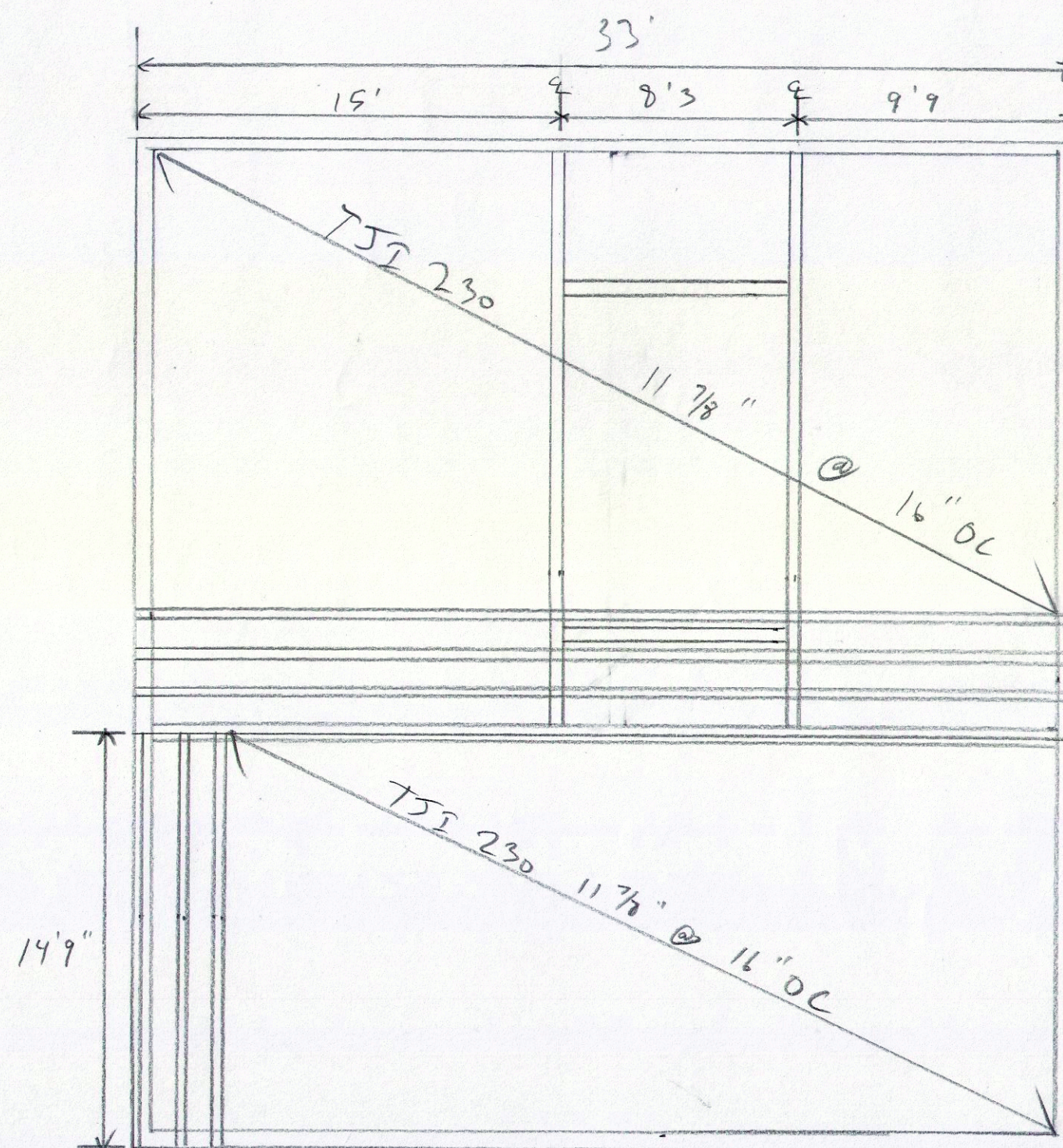
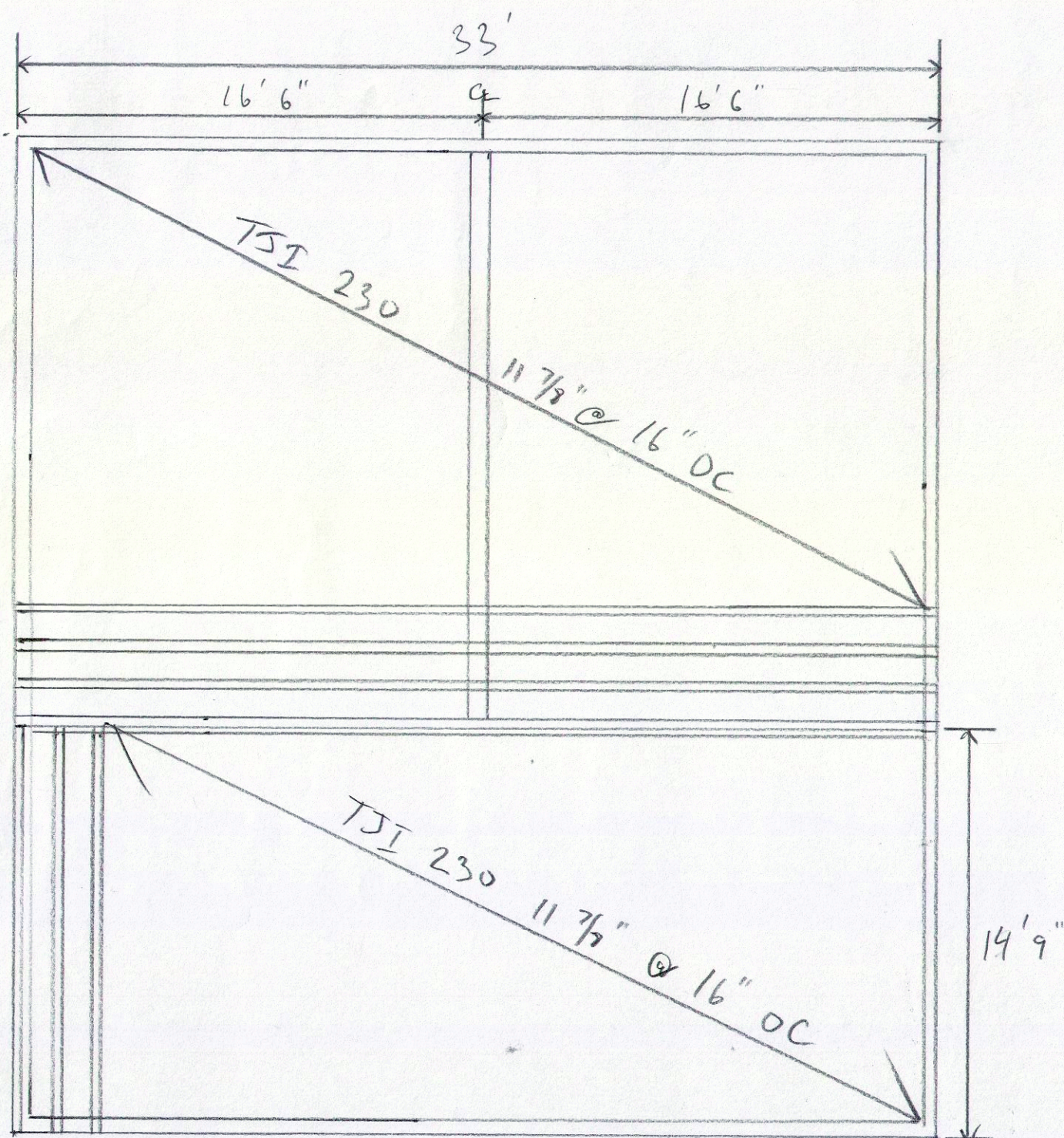


Blackwell Residence Floor Detail

Scale $\frac{3}{16}'' = 1'$

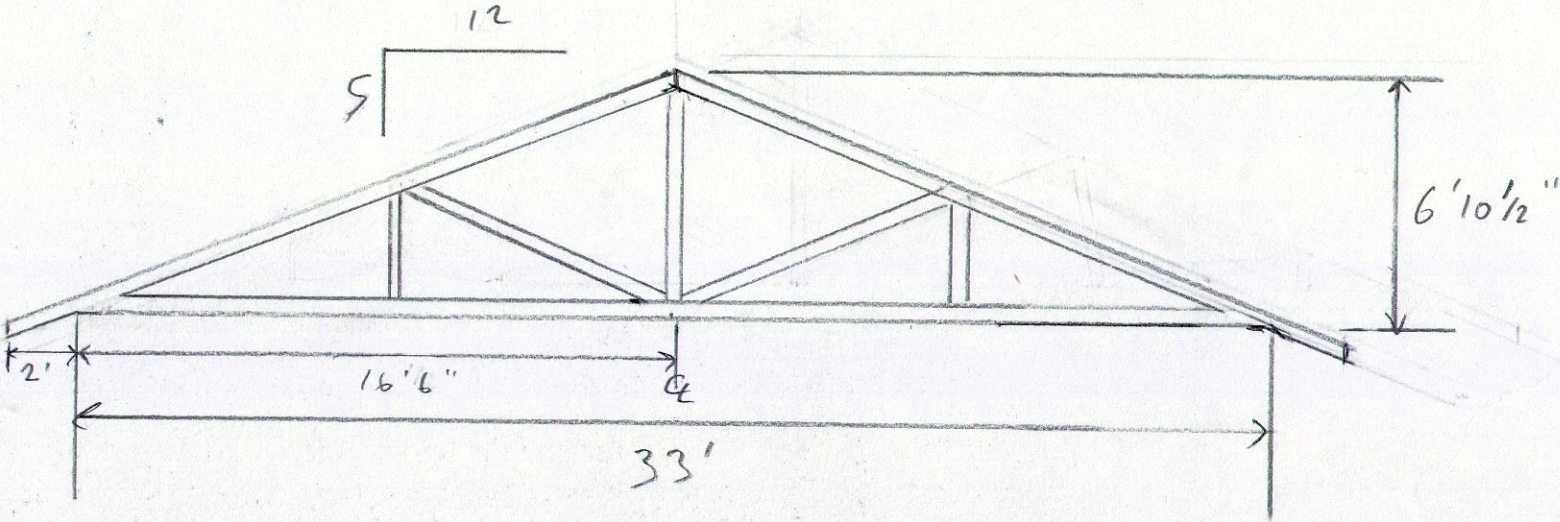
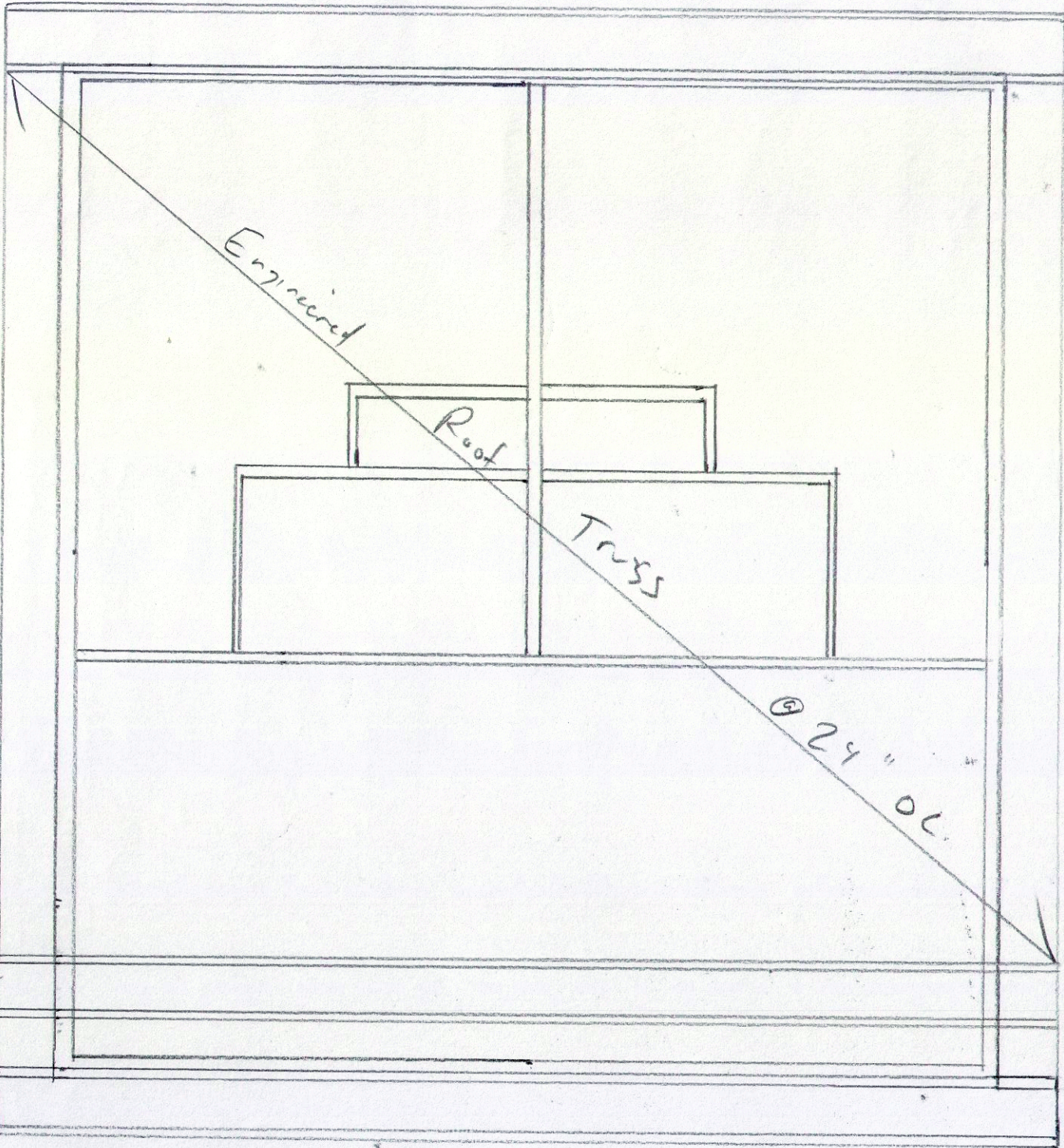
First Floor

Second Floor



Blackwell Residence Roof plan

Scale 3/16" = 1'





**NOTICE OF PUBLIC HEARING
Variance V-23-2**

- APPLICANT:** Mike Blackwell
- PROPERTY OWNER:** Michael L Blackwell & Taffy L Blackwell
- SUBJECT OF REVIEW:** Variance V-23-2 requesting expansion of a non-conforming use and variance to exceed the maximum allowed expansion of a non-conforming use of a residence in the Industrial (I-1) zone.
- LOCATION:** 40 NE 5th St – Tax lot 81015C000900
- APPLICABLE CRITERIA:** [WMC 16.208.050 TYPE III PROCEDURE \(QUASI-JUDICIAL\)](#),
[WMC 16.60 GENERAL INDUSTRIAL \(I-1\) DISTRICT](#)
[WMC 16.276 NONCONFORMING USES AND DEVELOPMENT](#)
[WMC 16.272 VARIANCES](#)
- DIGITAL FILE:** <https://www.ci.warrenton.or.us/ced/page/applications-pending-administrative-decision>
- HEARING DATE:** May 11, 2022, at 6:00 p.m.
Warrenton City Hall, 225 S Main Avenue, Warrenton, OR 97146

HOW TO PARTICIPATE: Interested persons are invited to submit written comments to the Planning Department at Warrenton City Hall, PO Box 250, Warrenton, OR 97146 or by email to planning@ci.warrenton.or.us. In-person testimony can be given signing a comment card at the meeting or sending a message to the meeting host if attending virtually.

Failure to raise an issue in person, or by letter at the hearing, or failure to provide statements or evidence sufficient to afford the decision-maker an opportunity to respond to the issue, means that an appeal based on that issue cannot be filed with the State Land Use Board of Appeals. A copy of the application, all documents and evidence submitted by or for the applicant, and the applicable criteria and standards can be reviewed at Warrenton City Hall at no cost and that copies shall be provided at a reasonable cost. A copy of the City’s staff report and recommendation to the hearings body shall be available for review at no cost at least seven days before the hearing, and that a copy shall be provided on request at a reasonable cost.

NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR, OR SELLER: The City of Warrenton Development Code requires that if you receive this notice it shall be promptly forwarded to the purchaser.

FOR FURTHER INFORMATION: Please contact the Planning Technician Rebecca Sprengeler at 503-861-0920 x103 or rsprengeler@ci.warrenton.or.us.

MAILED: April 21, 2023

OWNER_LINE	OWNER_LL_1	OWNER_LL_2	STREET_ADD	CITY STATE ZIP_CODE
Blackwell Michael L	Blackwell Taffy L		PO Box 515	Warrenton, OR 97146
Gilliam Richard Henry	Gilliam Twyla Kay		390 NW Birch Ct	Warrenton, OR 97146
Glarum Nancy E			PO Box 116	Warrenton, OR 97146
Irvine Eric			380 NW Birch Ct	Warrenton, OR 97146
Parker Darren S			36 NE 5th St	Warrenton, OR 97146
Warren George W	Warren Doris L	Warren Family Living Trust	PO Box 1147	Warrenton, OR 97146

**AB9253
PUBLIC HEARING NOTICE**

A public hearing is scheduled before the Warrenton Planning Commission on May 11, 2023, at 6:00 p.m. at Warrenton City Hall, 225 S Main Avenue Warrenton, OR 97146 regarding the following land use applications:

Conditional Use Permit CUP-23-2 submitted by J5 Infrastructure Partners on behalf of New Cingular Wireless PCS, LLC ("AT&T") to construct a new Wireless Communications Tower in Fort Stevens State Park – Tax lot 810170003901. APPLICABLE CRITERIA: WMC 16.208.050 TYPE III PROCEDURE (QUASI-JUDICIAL), WMC 16.52 OPEN SPACE AND INSTITUTIONAL (OSI) DISTRICT, WMC 16.148 WIRELESS COMMUNICATION FACILITIES, and WMC 16.220 CONDITIONAL USE PERMITS.

Conditional Use Permit CUP-23-1 submitted by Utilities One, Inc. to request the use of 770 SE 13th St, Suite C – Tax lots 81027BA03401 & 81027BA03500 as a contractors shop in the Commercial Mixed Use (CMU) zone. APPLICABLE CRITERIA: WMC 16.208.050 TYPE III PROCEDURE (QUASI-JUDICIAL), WMC 16.44 COMMERCIAL MIXED USE (C-MU) DISTRICT, WMC 16.120.020 VEHICULAR ACCESS AND CIRCULATION, WMC 16.128 VEHICLE AND BICYCLE PARKING, WMC 16.124 LANDSCAPING, STREET TREES, FENCES AND WALLS, and WMC 16.220 CONDITIONAL USE PERMITS.

Variance V-23-2 submitted by Mike Blackwell to requesting expansion of a non-conforming use and variance to exceed the maximum allowed expansion of a non-conforming use of a residence in the Industrial (I-1) zone at 40 NE 5th St – Tax lot 81015C000900. APPLICABLE CRITERIA: WMC 16.208.050 TYPE III PROCEDURE (QUASI-JUDICIAL), WMC 16.60 GENERAL INDUSTRIAL (I-1) DISTRICT, WMC 16.276 NONCONFORMING USES AND DEVELOPMENT, and WMC 16.272 VARIANCES.

Those wishing to testify on this request may attend the public hearing and fill out a comment card prior to the start of the meeting. Written materials must be received by the Warrenton Planning Department no later than 4:00 P.M. on the day of the hearing. Written comments may be mailed to Planning Technician Rebecca Sprengeler P.O. Box 250, Warrenton Oregon, 97146; or emailed to rsprengeler@ci.warrenton.or.us.

At the public hearing, the Planning Commission chairperson will open the public hearing and describe the general conduct and procedure for providing public comment. A staff report will be given, followed by a statement from the applicant, followed by public testimony, discussion among the commissioners, and a decision on, or a continuation of, the request.

Failure to raise an issue in person, or by or by letter at the hearing, or failure to provide statements of evidence sufficient to afford the decision makers an opportunity to respond to the issue, means that an appeal based on that issue cannot be filed with the State Land Use Board of Appeals.

A copy of the application, all documents and evidence submitted by or for the applicant, and the applicable criteria and standards can be reviewed at Warrenton City Hall at no cost and copies shall be provided at a reasonable cost. A digital copy of the application can be reviewed online here: <https://www.ci.warrenton.or.us/ced/page/applications-pending-approval>. A copy of the City staff report and recommendation to the hearing body shall be available for review at least seven days before the hearing, and a copy shall be provided at a reasonable cost. Anyone wishing to review and/or purchase copies of the proposals and/or staff report may do so at Warrenton City Hall, 225 South Main, or may contact the Planning Technician Rebecca Sprengeler with additional questions at 503-861-0920 x120 or rsprengeler@ci.warrenton.or.us.

PUBLISHED: The Astorian, April 29, 2023

ORDINANCE NO. 12XX
Introduced By All Commissioners

**AN ORDINANCE AMENDING WARRENTON MUNICIPAL CODE TITLE 16,
DEVELOPMENT CODE, DIVISION 1 – DEFINITIONS, DIVISION 3 DESIGN
STANDARDS, AND DIVISION 4 APPLICATIONS AND REVIEW PROCEDURES TO
CREATE STANDARDS FOR SHIPPING CONTAINERS IN WARRENTON**

Section 1. Amend the Warrenton Municipal Code Section 16.XX to read as follows:

16.12.010 Definitions

Shipping container. A unit originally used for the transport, shipping, or hauling of materials or goods by land, sea, or air; capable of being moved or mounted by rail, truck, or boat. This definition includes steel sea or oceangoing containers marked with the American Bureau of Shipping's emblem or meeting the International Standard Organization's standards which can be detached from a trailer, chassis or frame, and which were formerly used for transporting sea or oceangoing cargo. This definition includes the terms "portable moving/storage unit/container/pod" and "cargo/oceangoing/transport container." In addition, this definition applies to any structure designed to imitate the look of a shipping container.

16.XX SHIPPING CONTAINERS

16.XX.XXX Purpose.

The purpose of these standards is to establish regulations to limit the use of storage containers to avoid unsightly conditions and degradation of community character. The goal is to reduce or eliminate the presence of shipping containers within residential zones and view from the public right-of-way. This section also allows for temporary and/or ongoing use of shipping containers City-wide, subject to certain design, screening, and placement requirements.

16.XX.XXX Applicability.

Shipping containers located on any property within the City of Warrenton shall comply with the regulations set forth in this chapter.

16.XX.XXX Shipping containers as storage facilities or empty structures.

A. Shipping containers as defined in WMC 16.12.010 are permitted within all zones (except R-40, R-10, R-M, RH), 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. Abide by all setback requirements applicable to the zone in which they are located;
 6. 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
 7. On a case-by-case basis, the Community Development Director 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.
- D. Shipping containers shall not be stacked.

16.XX.XX Exceptions for temporary placement of shipping containers in residential zones

A temporary permit for the placement of one shipping container per residential lot may be issued once in a calendar year, temporarily (see WMC 16.240.010.C) for a maximum of 6 months within residential zones (R-40, R-10, R-M, RH) 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.

16.XX.XXX 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 shipping container permit will be valid until the building permit expires or is finalized;
- B. Temporary shipping containers must be removed before the expiration or final approval 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 shall not be stacked;
- G. Temporary shipping containers must be secured at nighttime and maintained in good condition.

16.XX.XXX 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 16.16 Enforcement.

16.XX.XXX 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 Warrenton Municipal Code, the terms and provisions of this chapter shall take precedence.

16.XX.XXX 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 Building Codes, City regulations, and City design or development standards, as applicable.

16.XX.XXX Enforcement.

Enforcement procedures and penalties resulting from violations of this chapter shall be administered pursuant to Chapter 16.16 Enforcement under the administration of the Community Development Director.



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[Log In \(/login/?next=/planning/2023/spring/mayor-victoria-woodards-is-making-tacoma-a-place-to-come-home-to/\)](#)



MENU

Enter keyword or phrase

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PLANNING MAGAZINE

Mayor Victoria Woodards Is Making Tacoma a Place to Come Home To

How the local leader uses partnerships, missing middle infill, and the Housing Supply Accelerator to put more roofs over more heads.

SHARE THIS ARTICLE

[INNOVATIONS \(/PLANNING/SECTION/INNOVATIONS/\)](#) HOUSING



Mayor Woodards has partnered with APA and the National League of Cities to work together to inspire housing supply change. Photo courtesy of the city of Tacoma.

May 2, 2023

Planning Commission Packet May 11, 2023

Page 60 of 65

By LINDSAY R. NIEMAN

Like many communities across the country, Tacoma, Washington, faces a housing supply challenge.

Less than an hour from Seattle by train, the city expects 127,000-plus new residents by 2040 (<https://www.theurbanist.org/2023/01/31/2023-may-be-the-year-tacomahousing-policy-grows-up/>) — an increase of more than half of its current population, which already feels the acute financial pains of a housing shortage.

"Roughly 40 percent of Tacoma residents are paying more than 30 percent of their income for housing costs, some well over that amount," Mayor Victoria Woodards reported in her 2022 State of the City address (<https://www.kiro7.com/news/south-sound-news/tacoma-mayors-state-city-highlights-housing-crisis-rising-crime-amid-pandemic/PFUURXP6WRGMBF2YDYUS4VQFCL/>). To help lower those costs, her administration is boosting housing production through targeted interventions like Home in Tacoma (<https://www.theurbanist.org/2023/01/31/2023-may-be-the-year-tacomahousing-policy-grows-up/>) and the 27-point Affordable Housing Action Strategy (https://www.cityoftacoma.org/government/city_departments/City_Managers_Office/affordable_housing_action_strategy/), adopted in 2018 to create 6,000 new housing units over 10 years, among other goals.

As president of the National League of Cities (NLC) (<https://www.nlc.org/>), Woodards has also partnered with the American Planning Association ([/blog/9266611/national-experts-join-the-housing-supply-accelerator-to-guide-meaningful-action/](https://blog/9266611/national-experts-join-the-housing-supply-accelerator-to-guide-meaningful-action/)) to launch the Housing Supply Accelerator ([/housing-supply-accelerator/](https://housing-supply-accelerator/)), a national campaign to improve local capacity, identify critical solutions, and speed reforms that enable communities and developers to work together to produce, preserve, and provide a diverse range of quality housing.

"At the end of the day, we all want housing, and we all want the right kind of housing for the people who live in our communities," Woodards says. "We really have to use those relationships to find out what the best practices are across the country if we're going to solve this issue."

Planning sat down with the mayor to learn about Tacoma's strategy to make housing more abundant and affordable, which innovative approaches she's tracking across the country, and where planners can help elected officials build more housing. The following interview has been edited for length and clarity.

The truth is that by investing in housing, the payoff for an elected official is the fact that everyone who works in their city or wants to live in their city has a place to call home.

PLANNING: Why did you decide to make housing so central to your work with the NLC?

WOODARDS: As president, you get to decide what you want to focus on for the year. For me, it was very clear that housing needed to be one of those areas, especially because of what I see happening in my city. As I talked to mayors, council members, and elected leaders across this country, I found that everybody is dealing with some kind of crisis around housing, whether it's affordability, accessibility, or attainability. Housing is a basic need, and when people don't have a place to live, it plays out in so many ways. I look at my own city, at the amount of people facing homelessness — the only way we're truly going to solve some of our communities' issues is through housing.

I was so excited to know that we were already talking with APA about a potential partnership. The idea that we will be able to leverage the expertise of all of our cities (<https://www.nlc.org/initiative/housing-supply-accelerator/>), towns, and villages with the expertise of planners from across America to look at who's doing it well, who needs to have just a few more ideas, who needs to tweak their strategy just a little bit, who can't figure it out at all and needs help. To have all of these experts at the table, all of our partners — who, in some instances and cities, don't necessarily even work together, right? We're not always best friends with our development community, because we're the ones who say how they can build, where they can build. Sometimes, those relationships are strained. But the reality is, we can't solve this issue alone. We need all of our partners, whether that's organizations like APA or rental organizations or development organizations or realtor organizations.

We've all got to be at the table together because, at the end of the day, we all want housing, and we all want the right kind of housing for the people who live in our communities. I believe that's what developers want. I believe that's what realtors want. And I certainly know that as elected officials, that's what we want for the people who call our cities home. I truly believe that when we work more closely together, that's when we're able to make real change.

PLANNING: How is your administration taking steps to address housing gaps locally?

WOODARDS: Five years ago, we launched our [Affordable Housing Action Strategy](https://www.cityoftacoma.org/government/city_departments/City_Managers_Office/affordable_housing_action_strategy) (https://www.cityoftacoma.org/government/city_departments/City_Managers_Office/affordable_housing_action_strategy), which has 27 detailed points about what we can do as a municipality to actually increase housing production and affordability in our community. Part of that strategy is what we're calling [Home in Tacoma](https://www.cityoftacoma.org/cms/one.aspx?pageId=180033) (<https://www.cityoftacoma.org/cms/one.aspx?pageId=180033>). We've just completed phase one, and now we're going into phase two. Phase one took almost two years to present to the council, and we passed it because our planning department engaged not only in innovation and using data to decide where growth makes sense, but because they also did a lot of outreach with people who live in our city, people who build in our city, and people who work in our city.



We made sure that we had everybody's voice at the table to match with the data we have to say, "this is what makes sense for Tacoma." Rather than just rule out single-family-only zoning across the whole city, we looked in areas that could handle density, so that when you're building, it makes sense. Like a corridor where there's access to transportation, where there are already amenities like a grocery store or a bank — the things needed in order to really be a dense community. Phase one was so thorough and really took into account a lot of people's opinions and a lot of data. I'm looking for phase two to do that, and that will come before the council in 2023.

PLANNING: What are some of the most innovative housing solutions you're seeing?

WOODARDS: Tacoma has fully embraced missing middle housing, and we're doing that in a number of ways. Sometimes that means building smaller: duplexes and triplexes and accessory dwelling units. It doesn't change the character of the neighborhood, but it allows for more people to live there. A senior who's having problems affording their basic mortgage every month can build an ADU in the back of their home, and a young person who's

getting out of college, who still wants to stay in the community that they've grown up in, can have an affordable place to live. So it does two things: It gives that young person a place to live, but it also helps that senior stay in their home.

A lot of cities are addressing this too through the American Rescue Plan Act — and the sheer number of dollars that people have spent shows that there's a housing crisis. Cities have spent \$16 billion on over 1,200 projects that will address affordable housing in their community. Boston invested \$9 million as part of a [\\$47 million acquisition \(https://www.boston.com/real-estate/real-estate/2022/10/13/why-the-city-helped-fund-a-47-million-real-estate-deal-in-east-boston/\)](https://www.boston.com/real-estate/real-estate/2022/10/13/why-the-city-helped-fund-a-47-million-real-estate-deal-in-east-boston/) for 36 multifamily buildings in East Boston. In Milwaukee, they budgeted [\\$15 million \(https://www.jsonline.com/story/news/local/milwaukee/2023/04/24/milwaukee-vacant-foreclosed-homes-will-be-renovated-for-sale/70134914007/\)](https://www.jsonline.com/story/news/local/milwaukee/2023/04/24/milwaukee-vacant-foreclosed-homes-will-be-renovated-for-sale/70134914007/) to focus on foreclosed properties. They are actually going to put 150 foreclosed properties back on the tax rolls, which then gives people a place to live. So we're getting creative about how to use the limited funding that we get. But we also have to make sure that we're continuing to tell our stories, so that we get additional funding opportunities to address affordable housing in our communities.

PLANNING: You're heading into an update of the city's comprehensive plan, [One Tacoma \(https://www.cityoftacoma.org/government/city_departments/planning_and_development_services/planning_services/one_tacoma_comprehensive_plan\)](https://www.cityoftacoma.org/government/city_departments/planning_and_development_services/planning_services/one_tacoma_comprehensive_plan). How does that factor into your housing strategy?

WOODARDS: You can't just wake up one day and say, "We want to build more affordable housing." It takes a little bit more than that. The comprehensive plan helps us not just design for today, but also think about how we're designing for tomorrow. It helps us decide the kind of future we want to build, what we want Tacoma to look like and feel like. I think that's really important. None of us knew that something like COVID was going to hit our communities, so you've got to be able to go back and update.

That's the great role of planners: They see the change every day. It's important to make sure that they're leading and guiding us, saying, "Hey, I see this around the corner." That is really the opportunity we have with our planning departments when we empower them. We rely on planners for their information and their innovation because they're the experts, they're on the front lines, and it's because they're engaged that they can share with us when it's time to change.

We rely on planners for their information and their innovation because they're the experts, they're on the front lines, and it's because they're engaged that they can share with us when it's time to change.

PLANNING: When it comes to reforming land use regulations, how can planners help position elected officials for success?

WOODARDS: Number one: engagement. They can invite the community in to make their voices be heard. They have that expertise that allows them to say, "Okay, this might sound really good and look really good, but at the end of the day, is it really feasible?" And they bring the best practices. We're here with planners all in the same room together, learning from one another. That's the greatest thing about some of this work we do: You don't have to be the person who knows it all. You just have to be able to pick up the phone and have other people that you can call on who will help you understand it.

And then there's facilitation. Planners can lead the conversations. There's nothing better than a planner who can speak planning, but then also translate that to the community so that they can understand it. And then comprehensive thinking. You can't just launch a plan or an idea or an initiative and not think about what other plans are on the table. What else have we done? What else have we learned? Being able to have that wide view of all the things that are happening is incredibly important.

PLANNING: What do elected leaders stand to gain by supporting long-term investments in housing and planning?

WOODARDS: The truth is that by investing in housing, the payoff for an elected official is the fact that everyone who works in their city or wants to live in their city has a place to call home. The importance of this conversation for me is making sure that every kid has a roof over their head, that every parent who gets up and goes to work every single day has a place to come home. It's about that police officer or that firefighter or that teacher or that server or that nurse, and that the community that they work in and contribute to cares enough to make sure, at the end of the day, that they have a place to be safe and a place to continue to want to achieve their dreams. So selfishly, for me, that's what it's all about: the people who call our community home or want to call our community home.

It is about climate change. It is about infrastructure. It is about addressing long term inequities. But behind that long list of things, it's about a person who is trying the best they can with all the tools they have to support themselves. A place to call home is a great way to show them that they are truly cared for and that they are wanted and needed.

Lindsay Nieman is APA's senior editor.

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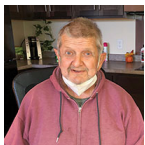
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