



AGENDA

WARRENTON PLANNING COMMISSION
Regular Meeting | June 13, 2024 | 6:00 p.m.
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/85142805492?pwd=bEhjejNHaFJSOHVnT0xOYktVZWx4UT09>

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 – 5.9.24

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 planning@warrentonoregon.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. Appeal AP-24-1 of Plan Modification MC-24-1 Overflow Parking Lot for 1484-1487 SE Snowberry
- B. Appeal AP-24-2 of Land Partition LP-24-1 for 577 Gray Street
- C. Conditional Use Permit CUP-24-7 for 984 Pacific Drive

6. BUSINESS ITEMS

7. DISCUSSION ITEMS

- A. Commercial Industrial zoning district

8. GOOD OF THE ORDER

- A. Applications Approved by Staff - April 1, 2024 through May 31, 2024

9. ADJOURNMENT

Next Regular Meeting: July 11, 2024

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
May 9, 2024
6:00 p.m.
Warrenton City Hall - Commission Chambers
225 S. Main
Warrenton, OR 97146

Chair Hayward called the meeting to order at 6:00 p.m. and led the public in the Pledge of Allegiance.

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

Staff Present: Planning Director Matthew Ellis, Secretary Judith Stich, and Secretary Paige Stump

3. APPROVAL OF MINUTES

A. Planning Commission Meeting Minutes – 4.11.24

Commissioner Swanson asked if the correction to the meeting minutes from the March 14, 2024, Planning Commission Meeting had been made. The secretary confirmed that the correction had been made.

Mr. Swanson made a motion to approve the minutes as presented. Motion was seconded and passed unanimously.

Swanson–aye; Hayward–aye; Sollaccio–aye; Hopper–aye; O’Reilly–aye

4. PUBLIC COMMENT ON NON-AGENDA ITEMS – None

5. PUBLIC HEARINGS

A. SDR-24-1 & CUP-24-1 Mini-Storage Warehouse on Tax lot 810340002301

Chair Hayward opened the hearing for the proposed Mini-Storage Warehouse. Planning Director, Matthew Ellis, went over the Staff Report. It was mentioned by Mr. Ellis that the commission is still considering a cap on mini storage in Warrenton for the future, but that has not gone into effect yet and therefore should not be considered. The applicant has submitted sufficient materials to the Planning Department, and both the Site Design Review requirements and the Conditional Use Permit requirements have been met. Some conditions are being recommended by the Planning Department for approval. Staff feels that this is an appropriate use for the area, and recommends approval based on the recommended conditions.

Mr. Swanson asked about the sewer and water to the site and why the conditional use permit was being used rather than a permanent use. Mr. Ellis responded to the water and sewer by saying that they would be placed alongside the corridor that they are planning to dedicate the road

MINUTES

Warrenton Planning Commission
Regular Meeting – 5.9.24

Page: 1

coming from Warrior Way to the City. Part of the conditions include the applicant asking permission from the School District to access the road in the right of way. Mr. Ellis then spoke to the Commercial Zoning district that the proposed site is to take place in requires a Conditional Use Permit for mini-storage facilities. Mr. Swanson followed up by asking if the applicant owned the access to be able to build the road. Mr. Ellis responded that they owned the majority and that only about 20 feet was not owned by the applicant.

At this point in the hearing, Chair Hayward stopped the hearing to get a bearing on the format of the hearing. Chair Hayward mentioned that he was used to having two separate items and not one hearing for both. Mr. Ellis responded that we would have two separate hearings for the items, to which Chair Hayward responded that the basic rules were the same. Chair Hayward started over and asked if anyone wished to speak to fill out a testimony sign up form. He then asked how many people were there to speak to item 5A, to which only the applicant responded. Chair Hayward asked how many people were there to speak to items 5B through 5E, to which there were a few responses from the attendees. Chair Hayward then reopened the hearing for SDR-24-1 and CUP-24-1.

Chair Hayward asked if there were any conflicts of interest, from the Commissioners present, where the Mini-Storage was concerned. Mr. Swanson answered that he had driven to the site but there were no conflicts of interest. Chair Hayward then brought the hearing back to the Staff Report. The Planning Director then opened for questions from Commissioners regarding item 5A.

Commissioner Hopper stated concern over the age of the liquefaction reports. Mr. Ellis responded that the Building Department would determine if the reports were still valid and if there were any unstable soils; that would have to be amended.

There were no other questions, and the floor was opened for the Applicant to present his case. The Applicant introduced himself as John Nygaard; spoke to working with the city for a better part of a year for this project and that they were also working with the School District for completion of the road to be dedicated once completed. Buildings were designed with the school district and the business on the other side of the property in mind. The Mr. Nygaard proceeded to talk about a greenspace that would create a setback between the Storage Units and the School District. The sidewalk between Warrior Way and Dolphin would be completed in addition to the shared road. The Applicant then asked the Commission if they had any questions.

Commissioner O'Reilly asked Mr. Nygaard if there were any plans for them to fix the bump in the road in the intersection of Warrior Way and Dolphin. Mr. Nygaard raised the questioning if that was something that would be his responsibility, Mr. Ellis broke in and responded that would be a question better directed to the Public Works department. Chair Hayward asked if there were any questions. Mr. Nygaard thanked the Commission for their time and ended his remarks.

Chair Hayward asked if there was anyone there to speak in favor of the application, there was no response. Chair Hayward asked if there was anyone there to speak in opposition of the application, but there was no response. At that point in time, the Public Hearing was closed by the Chair, and discussion was opened.

Mr. Swanson started the discussion by mentioning the amount of Mini Storage there are currently in the city. Chair Hayward brought up that they were there to determine whether the criteria were met for a Conditional Use Permit, and Mr. Swanson mentioned that he was okay with that but was concerned that Warrenton has too many of the Mini Storage Units statistically. Mr. Ellis brought up that the cap on Mini Storage would be revisited in the future and that it was one of the things that was put on his agenda by the previous Planning Director.

Ms. Hopper made a motion to approve SDR-24-1 & CUP-24-1 with conditions. Motion was seconded and passed unanimously.

Swanson-aye; Hayward-aye; Sollaccio-aye; Hopper-aye; O'Reilly-aye

B. CUP-24-3 Short-Term Rental at 976 Fourth Avenue, Hammond

Chair Hayward asked if items B through E would be combined. Mr. Ellis replied that each application warranted its separate hearing. Mr. Ellis wanted to reiterate something that Chair Hayward had mentioned regarding comments or remarks that might be the same and carry throughout the other hearings and to endorse what was said so the hearings can be quickly proceeded. A question was asked by an attending citizen to clarify if their comments were made on the first hearing item, that they would be considered on the subsequent hearing items if they were stated as such. Mr. Ellis confirmed and added that the assumption was the four hearings were similar in nature.

Mr. Ellis then proceeded to present the Staff Report for CUP-24-3 to establish a Short-Term rental at 976 Fourth Avenue, which is the middle unit in a series of three townhomes. Mr. Ellis mentioned that all four of the applications come out of the Jetty Townhome Development. The Development is three buildings of three townhomes in each building. Mr. Ellis stated that the other three hearing items on the agenda were all located in one of the buildings in the development, that Item A was standalone in their application and located in unit 5 out of the 9 townhome units. Mr. Ellis noted that the applicant did not submit response criteria for the use or the Type III procedure, to which they were required to hold pre application conference, but staff does not feel that holding such conference would contribute to the findings in the Staff Report nor would it have changed their application. Mr. Ellis noted that if Items C, D, and E were looked at; the responses are all very similar except for the application from a different owner. Mr. Swanson asked if all the applications were different owners, to which Mr. Ellis replied that one was a separate owner than the other three, but one of the three other applications for the properties was being transacted upon by the applicant. Mr. Ellis spoke to the confusion and remarked that was a reason for taking the applications on an individual basis.

Mr. Ellis continued to speak on the Staff Report, stating that the only internal comments that were received came from the Police Chief, which is included in Condition of Approval Three, they are expected to complete a short term application within the first one hundred and eighty days, the structure must comply with our homestay lodging standards, as well as all tenants being informed that the Warrenton Police Department will be strictly enforcing all code, which will include parking, disturbances and disorderly conduct. Mr. Ellis then concluded his findings and asked if there were any questions from the Commission.

Chair Hayward asked if the applicant owned the units themselves. Mr. Ellis responded that the applicant for this hearing did not currently own the unit, but based off conversations with the applicant they could purchase it. Chair Hayward further asked if the applicant required private parking due to the comments made by the Police Chief regarding the 2 spaces in the garage and two spaces in the driveway. Mr. Ellis responded agreeingly that was a standard for the units. Chair Hayward then proceeded to call the Applicant to speak.

The applicants approached and gave their names as John and Mary Bastin. Mr. Bastin mentioned that they had their final walkthrough today and were expecting to close on the property next week. Chair Hayward then stopped the applicant for them to repeat their name and to state their address for the Commission. Mr. Bastin then proceeded to state the names again and give their address for the record. There was some slight confusion as to what address they needed to state, the one on the application or the one where they received their mail. Mr. Bastin spoke to how they hoped to be good neighbors and that they planned to use the property periodically themselves. Mr. Bastin mentioned that they had been in the long-term rental business for many years, that they had just sold a long-term rental and that they still own a duplex that they maintain themselves. Mr. Bastin talked to looking for management for the property on the application for when they are not in the direct area. The Applicant for the other three properties was mentioned by Mr. Bastin as giving permission for them to submit the application before taking ownership of the property. Then Mr. Bastin brought up the application process and how helpful the department had been in answering questions, that he wanted to be here in person to give a face to the name, and if there were any questions that he could answer them.

Chair Hayward had a question regarding the intended core clientele of the property. Mr. Bastin answered that they were looking to management to create a multi-phase format that would include different vendors like Airbnb, Booking.com and VRBO to market their property and that their price point would be high enough that it would attract only the best renters. Mr. Bastin followed up that they would not be doing single night rentals, that might attract a party crowd, and they were hoping for families that would contribute to the community. Mr. Swanson then asked what the plan would be if the property was to receive visitors of one couple per bedroom and what that would mean for the parking situation. Mr. Bastin responded that he did not anticipate that would happen but if needed, there was additional parking at the end of the street. Ms. Hopper then stated that they had fifteen to twenty cars on occasion at the house right next to hers. To which Mr. Bastin replied that there would be a limit on the number of cars allowed and they would be monitored. Ms. Bastin mentioned that the Hammond Marina had parking available for rent and that they would be speaking with them about a possible parking option.

Mr. Bastin asked if there were any more questions for him, Chair Hayward asked if any of the Commissioners had any other questions, and Ms. Hopper spoke up regarding the parking situation. Ms. Hopper mentioned that during fishing season, the six rentals near her had to have realistic goals about driveways and bringing trailers or campers. Ms. Hopper also mentioned that in her one-bedroom homestay, there had to be parking spaces for two cars, but they would still receive requests for four cars. Mr. Bastin replied that it was written in their bylaws that they were not allowed to have trailers, boats or boat trailers to be parked on the property. Mr. Swanson asked about the front side of the unit that was on a street that had no parking. It was determined

that one side of the street had parking and Mr. Bastin stated that there would still be emergency access available. The emergency lane was mentioned by Mr. Swanson and Mr. Bastin reiterated that it was only there to be used in an emergency and would remain as such. Mr. and Ms. Bastin then thanked the Commission and sat back down.

Chair Hayward asked if there was anyone there to speak in favor of the application. There was no one there to speak in favor so Chair Hayward moved on to those who were in opposition. Sammi Beechan stood to speak in opposition. Ms. Beechan thanked the Commission for hearing her speak and listening to her comments regarding CUP-24-3. Ms. Beechan stated that she was a proud resident of Hammond, that she was on the Parks Advisory Board and that the town was a fantastic place to live but she would like to state her opposition due to how the property has been thus far. Ms. Beechan then clarified that she was there in opposition of and to speak on items B, C, D and E. Ms. Beechan went into detail about the problems that had arose during the construction of the property, siting trash, improper drainage, noise, and dirt as common occurrences. Ms. Beechan then mentioned the people that came to work on the property throughout the project were not good stewards of the property nor of the town and she further mentioned that was something that she would hope for people coming to our town that they are good stewards of the area. Ms. Beechan took a moment to recognize a couple of neighbors that did have short-term rentals that were being good stewards to the neighborhood and highlighted that both properties mentioned had management on site to mitigate any issues that might arise. Ms. Beechan also brought up concern for the properties as they currently remain unsold, and only one has a resident currently living inside. Ms. Beechan then ran out of the three minutes of time but was allowed to continue to speak asking if the approvals from the conditional use permits would transfer to new owners or how the process worked. Ms. Beechan wanted to bring attention to the City's website information on short-term rentals as her last statement.

Mr. Swanson then asked Ms. Beechan about the problems during construction and whether it had subsided since the construction. Ms. Beechan responded that minor construction was ongoing, and due to the shared easement with the properties in this hearing making it an issue; she is still picking up trash that gets blown from an open dumpster and dealing with workers that are not respectful of the property lines.

Ms. Hopper asked about homestay lodging wording, and whether it would apply in this matter with the criteria that were already put forth. Chair Hayward said that that could be talked about later during the Discussion. Commissioner Sollaccio then asked Ms. Beechan what were the properties' other characteristics that made them good stewards. Ms. Beechan mentioned a coffee shop that was put in by one property, stating that it brought more people together. The other property was brought up and mentioned as an owner-occupied duplex. Ms. Beechan confirmed and spoke to the duplex as being owner occupied, the reason why they feel there have been no issues, and that it is concerning that the townhomes would not be owner occupied. Chair Hayward then dismissed Ms. Beechan.

Matthew Higgins spoke in opposition and clarified that he was there to speak against all four motions for the vacation rentals. He mentioned that he agreed with all that Ms. Beechan said and could confirm what she said. Mr. Higgins stated that when the properties were proposed, the assumption was that the properties would be owner-occupied residences. Mr. Higgins is

concerned that he will not be able to develop relationships with short-term renters. Mr. Higgins then turned the microphone back over and Chair Hayward called the next person.

John Carriere approached and spoke in opposition to the proposed vacation rental. Mr. Carriere mentioned that it was not supposed to be a motel. He also spoke to the street and noted that boats would be encumbering. Mr. Carriere worries that people coming into town that do not have a vested interest in the property would not follow the rules. Mr. Carriere mentioned that they felt misled and that they thought they were getting neighbors and not short-term renters. Mr. Carriere was finished, and Chair Hayward called Julie Carriere to speak. She did not approach but stated that she was Mr. Carriere's wife and shared his sentiments.

Chair Hayward asked if the Applicant would like to rebut at this time, to which Mr. Bastin replied that the questions had been answered. Mr. Bastin had been looking for awhile to find a suitable residence that could be used as a short-term rental. He spoke to the concerns of those in opposition, stating that they took no part in the construction and that they planned to hire management that was local; able to respond immediately. Mr. Bastin also mentioned the potential for them to lose their view in the future if anything was ever developed on the property in front of them. Mr. Bastin further mentioned that would be at the property often enough to get to know his neighbors.

Chair Hayward then closed the public hearing portion of Item B and opened it up for discussion among the Commission. Chair Hayward asked to start the discussion with clarification of on-site. Mr. Ellis agreed that there were two different definitions and mentioned that Ms. Hopper was correct regarding homestay lodging. Homestay lodging is where someone is living onsite, and that property is their primary residence. Mr. Ellis clarified that homestay lodging was an outright permitted use in some residential and commercial mixed-use zones. Vacation rentals are defined as not owner occupied and not rented for more than 30 days. Those are typically prohibited in residential zones and do require conditional use permits. Ms. O'Reilly asked if the applicant was to sell the property in the future, if the permit would stay with the property or would another application be needed. Mr. Ellis responded that no, that there would be one more step. Each owner would need permission. Ms. O'Reilly then asked for further clarification regarding the zoning and how many vacation rentals could be allowed within the zone. Mr. Ellis then responded that there was no minimum or maximum density for the use. Ms. O'Reilly mentioned that the Commission would be setting an example for future vacation rentals that would want to come in to Commercial Mixed Use zones. Mr. Ellis responded that all vacation rentals would come to the commission as a conditional use permit and that they would have then have the chance to review them individually and decide on each application. It was then asked if the approval was tied to the applicant or the property to which Mr. Ellis replied that it was tied to the property. Some more discussion ensued regarding the approval and if it was tied to the applicant or the property. An example was used but Mr. Ellis reiterated that the approval remains with the property. Ms. Beechan tried to comment but was told that the Public Hearing had closed. Chair Hayward asked Ms. Beechan if she would the Public Hearing to be reopened to ask a question, and a no response was received. Ms. Sollaccio asked if there was a complaint mechanism for vacation rentals if the neighbors had to complain. Mr. Ellis responded that the process would be the same as any residence in the city, through code violations and police emergency and non-emergency response. More discussion ensued regarding what could be done about violations

from the vacation rentals, if a representative could be owner-appointed to field complaints, and what could be done by the Commission. A clarifying question was asked about items C, D and E.

Commissioner O' Reilly made a motion to approve CUP-24-3 with conditions. Motion was seconded and passed unanimously.

Swanson-aye; Hayward-aye; Sollaccio-aye; Hopper-aye; O'Reilly-aye

Chair Hayward then made a motion to approve conditions that a responsible party could be reached within 12 hours to address any concerns at the property. Motion was seconded and passed unanimously.

Swanson-aye; Hayward-aye; Sollaccio-aye; Hopper-aye; O'Reilly-aye

C. CUP-24-4 Short-Term Rental at 960 Fourth Avenue, Hammond

Chair Hayward opened the Public Hearing for Item C. Mr. Ellis stated that the conditional use permit was not much different than Items B, D, and E. Mr. Ellis stressed that the applicants' answers were different, but the outcome was not different, and therefore staff was recommending approval based on the same factors as Item B.

Chair Hayward then recognized the applicant, who was joining via zoom, to speak. The applicant identified himself as Mark Hansen, owner of the units with his father and a friend. Mr. Hansen mentioned that his intent was to secure these properties as vacation rentals for future owners. Mr. Hansen spoke on the units being a part of an HOA and following those rules along with abiding by the City as well. Mr. Hansen then went in to easing the concerns of those that had commented in opposition to Item B by stating how he would amend those concerns. He detailed the HOA and stated that vacation rental allowances could be revoked for violations of the agreement. He spoke in length about the rules of the HOA bylaws and how they coincide with what the opposition to Item B would like to see. Mr. Hansen then thanked the Commission for allowing him to speak.

Chair Hayward then asked if there were any questions for the Applicant. Mr. Carriere stated that he had a question and Chair Hayward asked him to approach and speak. Mr. Carriere stated his name for the record and asked Mr. Hansen if there was a minimum number of days' stay required for the rentals. Mr. Ellis broke in to say that Mr. Hansen would listen to all the opposition first and then would have the chance to rebut. That was Mr. Hansen's only comment, and he stepped down.

Chair Hayward asked if there were any other questions, and there was a response from the room. Julie Carriere approached and stated her name for the record. Ms. Carriere asked about overflow parking for the units and if it was supposed to go in front of houses. Ms. Carriere then stepped down and Chair Hayward thanked her for her comment. There were no other comments or questions from the public at that time. Chair Hayward gave Mr. Hansen his chance to rebut and answer the questions. Mr. Hansen stated that the minimum stay was governed by the conditional use permit, and he didn't believe it to be a land use issue. Mr. Hansen addressed the parking by stating that there was no parking allowed on the easement and that there were other parking

opportunities in the area. Mr. Ellis spoke up regarding the minimum stay and whether there were requirements. He stated that there was a maximum allowance, which was 30 days, but there was no minimum allowance. Chair Hayward then closed the public hearing on Item C and opened the discussion among the commission. There were no discussion items and Chair Hayward asked if there was a motion.

Commissioner O’ Reilly made a motion to approve CUP-24-4 with conditions. Motion was seconded and passed unanimously.

Swanson–aye; Hayward-aye; Sollaccio–aye; Hopper–aye; O’Reilly-aye

D. CUP-24-5 Short-Term Rental at 964 Fourth Avenue, Hammond

Chair Hayward opened the Public Hearing for Item D. Mr. Ellis stated that the conditional use permit was the same as before. Mr. Ellis stated that the applicant did not go through the pre-application process but that did not hinder the findings of the report.

Mr. Hansen was invited to speak again by Chair Hayward but stated that his previous testimony carried throughout the applications and that the desired outcome was to secure these properties as vacation rentals for future owners adding that future owners would be subject to the HOA. Mr. Hansen finished his comments and Chair Hayward asked if there was anyone present that would like to speak in favor or in opposition of Item D but received no response. Chair Hayward closed the public hearing and opened for discussion. Ms. O’Reilly stated that she felt bad for those opposed but gave reasons as to why the motion should be approved. A short discussion ensued about revenue from vacation rentals. Chair Hayward asked for a motion.

Commissioner O’ Reilly made a motion to approve CUP-24-5 with conditions. Motion was seconded and passed unanimously.

Swanson–aye; Hayward-aye; Sollaccio–aye; Hopper–aye; O’Reilly-aye

E. CUP-24-6 Short-Term Rental at 968 Fourth Avenue, Hammond

Chair Hayward opened the Public Hearing for Item E. Mr. Ellis stated that the conditional use permit was the same as before with the same criteria being met. Mr. Ellis stated that there was not much more to say that hadn’t already been covered with the previous items’ reports.

Mr. Hansen was invited to speak again by Chair Hayward and stated that he would like to reaffirm the testimony made on the previous hearing. Chair Hayward asked if there was anyone present that would like to speak in favor or in opposition of Item E but received no response. Chair Hayward closed the public hearing and opened for discussion. No discussion was made by the Commission and Chair Hayward asked for a motion.

Commissioner O’ Reilly made a motion to approve CUP-24-6 with conditions. Motion was seconded and passed unanimously.

Swanson–aye; Hayward-aye; Sollaccio–aye; Hopper–aye; O’Reilly-aye

6. BUSINESS ITEMS

A. Fee Schedule Assessment

Mr. Ellis brought before the Commission an assessment of the planning fees schedule, something he mentioned that was given to him by Jay Blake. Mr. Ellis mentioned that the assessment investigated the surrounding cities' fees, and that Mr. Ellis had compiled what he had been given with his new research leading to the fees document that the Commission had before them. Mr. Ellis mentioned that the Commission did not need to hear this item, but it was more for awareness and an opportunity to weigh in on the fees. Mr. Ellis asked only for a recommendation on Exhibit A from the Commission. A question about the Poultry Permit was asked and Mr. Ellis replied that the packet had gone out prior to the new development of not moving forward with the permit requirement. There were some questions regarding the price of some of the fees and where they were yearly or for the life of the permit. Mr. Ellis was able to confirm the life of the permits. Some questions were asked about when the new fees would be heard by the City Commission and when they would go into effect. Mr. Ellis stated that the Commission had the power to recommend or not the new fees schedule and that the new fees schedule would take effect in the new fiscal year. The question of the permits for chickens was raised again but Mr. Ellis clarified that it should have been stricken from the record. The fees were discussed again briefly but no recommendation was made.

7. DISCUSSION ITEMS – None

8. GOOD OF THE ORDER

Mr. Ellis spoke to the residential code audit advisory committee that positions were being appointed and if anyone was interested, they needed to speak with the mayor. It would be two additional meetings of about a couple of hours in length. There were no other items spoken of.

There being no further business, Chair Hayward adjourned the meeting at **7:56 p.m.**

APPROVED:

Chris Hayward, Chair

ATTEST:

Judith Stich, Secretary



City of Warrenton

Planning Department

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

Phone: 503.861.0920 Fax: 503.861.2351

STAFF REPORT

TO: The Warrenton Planning Commission
FROM: Matthew Ellis, AICP, Planning Director
DATE: June 13, 2024
SUBJ: Appeal AP-24-1

BACKGROUND

Carl Gomoll is appealing Type II decision MC-24-1, which is attached to this staff report. Mr. Gomoll participated in the public comment period, giving him standing to appeal this decision. The issue presented in the appeal revolves around specific language in the private easement between Krueger Investment Group, LLC and NWSNO, LLC.

At the top of Page 2 of 9 of the easement document, the document reads: No above-ground structures, barriers, fences, buildings, or other improvements of any kind will be installed in the Easement Area or in such close proximity to the Easement Area, that such would interfere with the installation or maintenance thereof or Grantee's rights herein." Directions on how to interpret the phrase, "in such close proximity" is not laid out in the easement document.

Staff have already considered the phrasing of the easement document in the original notice of decision, resulting in Condition of Approval 1, which requires the four parking spaces to be removed. The resubmitted plans meet the criteria laid out in the easement document and will be approved if the appeal is denied.

PUBLIC PROCESS, PROCEDURES & PUBLIC NOTICE

The application was submitted on April 15 and was deemed complete on April 22, 2024. We sent notice of the public hearing to adjacent property owners on May 23 and published notice in The Astorian on May 30, 2024.

CODE PROVISIONS, APPLICANT RESPONSES, AND FINDINGS

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

16.208.040 Type II Procedure (Administrative)

Chapter 16.208 Administration of Land Use and Development Permits

16.208.040 Type II Procedure (Administrative)

APPLICANT RESPONSE: See Notice to Appeal.

STAFF FINDING: The applicant has standing to appeal as provided by this section. The notice included the required information, and the filing fee was paid to the City. **This criterion is met.**

CONCLUSIONS AND RECOMMENDATION

The applicant has met the criteria to apply for an appeal, but the language in question was appropriately interpreted and should not be overturned. Thus, staff recommends denial of this appeal.

RECOMMENDED MOTION

“Based on the findings and conclusions of the June 13, 2024, staff report, I move to deny Appeal AP-24-1.”

ATTACHMENTS

1. Notice to Appeal
2. Notice of Decision MC-24-1
3. Recorded Private Easement
4. Scope of Work with Easement Highlighted



NorthWest Senior & Disability Services

3410 Cherry Avenue NE · Salem, OR 97303
Mailing Address: PO Box 12189 · Salem, OR 97309-0189
Phone: 503.304.3400 · Fax 503.304.3434
www.NWSDS.org

April 15, 2024

Warrenton Planning Department
P.O Box 250
Warrenton, OR 97146

Notice of Appeal to Decision for Minor Modification to Approved Plans and Conditions (MC-24-1)

This appeal is in reference to the Notice of Decision for Minor Modification to Approved Plans and Conditions (MC-24-1) dated April 10, 2024 and mailed to NWSDS on April 11, 2024. The following provides the Planning Commission with a statement demonstrating we have standing to appeal, the specific issues raised to appeal, and they were raised during the comment period.

In review of the Staff Findings I recognize that 4 parking spots over our easement was disapproved.

In addition to these findings, I would like to bring to the attention of the Planning Commission that the easement also allows for no improvements in close proximity to the Easement Area that would interfere with the repair or maintenance of the Easement Area.

Given the Easement requirements, a 5-foot area around its proximity should be designated to not include any future improvements, as NWSDS is obligated to maintain and repair the Easement. When maintenance or repairs are needed there would be a need of heavy machinery and the movement of dirt. Should future improvements be placed too close to the Easement Area the digging could cause a collapse of dirt or damage to any improvements adjacent to the Easement Area. For example, pavement could very well crack and break if it is too close.

The retaining wall as identified in appendix A would still require a drainage system behind it along with a privacy fence along the NWSDS property line. Without proper drainage storm water will cause significant channeling along the retaining wall given the sandy soils.

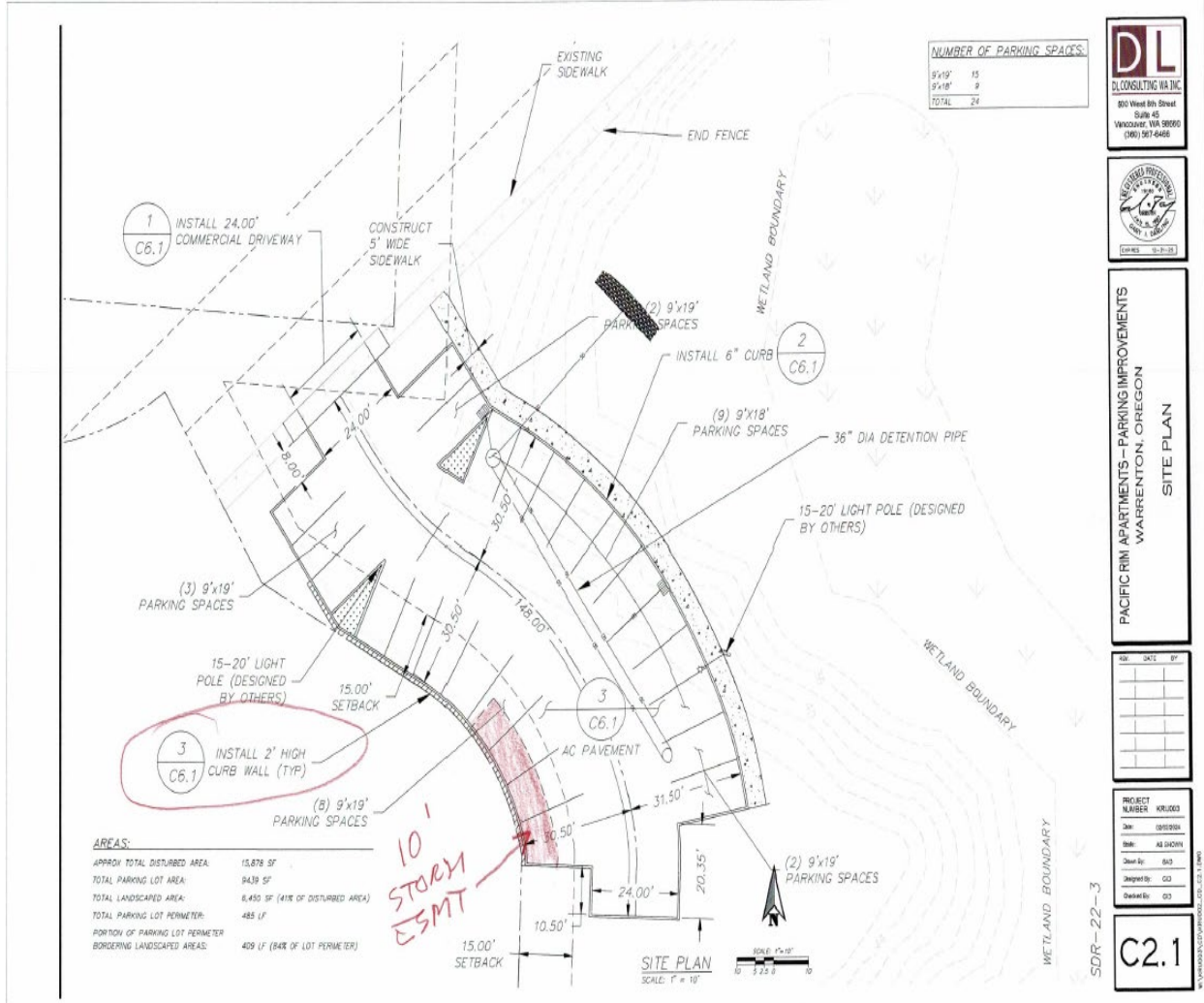
We would have no further concerns with the above modifications.

//signed//
CARL GOMOLL
Operations Manager
carl.gomoll@nwds.org

Date: April 15, 2024

Subject: Notice of Appeal to Decision for Minor Modification to Approved Plans and Conditions (MC-24-1)

Appendix A
Site Plan





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: Gary Darling, DL Consulting WA, Inc.
FROM: Matthew Ellis, AICP, Planning Director
DATE: April 10, 2024
SUBJ: Minor Modification to Approved Plans and Conditions MC-24-1 | Pacific Rim Apartments 1484-1487 SE Snowberry Lane (81027DD00100) SDR-22-3

BACKGROUND:

The Planning Department completed and approved Site Design Review (SDR-22-3) for a new 24-space overflow parking lot for the Pacific Rim Apartments on tax lot 81027DD00100 at 1484-1487 SE Snowberry Lane. The application was approved on March 21, 2023. The applicant has since proposed revisions to the approved plans that include changing the proposed stormwater detention swale with below ground piped detention. The applicant also proposes to remove the retaining wall, protective fence, and swale access.

PUBLIC PROCESS, PROCEDURES & PUBLIC NOTICE:

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

[WMC 16.208.040 Type II Procedure \(Administrative\).](#)

[WMC 16.212.040 Site Design Review.](#)

[WMC 16.228.040 Minor Modifications.](#)

Public Notice letters were sent to affected property owners on March 31, 2023, and published in The Astorian on April 4, 2023. One public comment was received by Carl Gomoll, Operations Manager of NorthWest Senior and Disability Services (attached).

CODE PROVISIONS, APPLICANT RESPONSES, AND FINDINGS:

16.212.040 Site Design Review.

B. Application Submission Requirements. All of the following information (subsections (B)(1) through (7) of this section) is required for site design review application submittal:

1. Proposed Site Plan. The site plan shall contain the following information:

- c. *The location and dimensions of all proposed public and private streets, drives, rights-of-way, and easements.*
- p. *The location, condition (paved, gravel unimproved, etc.) and width of all public and private streets, drives, sidewalks, pathways, rights-of-way, and easements on the site and adjoining the site.*

STAFF FINDING: The proposed modification to the approved Site Design Review proposal, as well as the previously approved proposal, failed to identify a private easement shared between the property owner and NWSNO, LLC. As such, the original proposal, as well as the proposed modification, does not conform to the application submission requirements for Site Design Review. **This criterion is not met.**

16.228.040 Minor Modifications.

B. Minor Modification Request. An application for a minor modification is reviewed using the Type II procedure in Chapter 16.260. A minor modification shall be approved, approved with conditions, or denied by the Community Development Director based on written findings on the following criteria:

- 1. *The proposed development is in compliance with all applicable requirements of the Development Code; and*

STAFF FINDING: With the exception of four of the parking spaces, the proposal is still in compliance with the remainder of the Development Code. **This criterion is met.**

- 2. *The modification is not a major modification as defined in Section 16.228.030.*

STAFF FINDING: The proposed modifications are not a change in the land use, an increase in the number of dwelling units, a change in the access ways, drives, or parking, a change in the floor area, a reduction in the open space, a change in the setbacks or a similar change to those listed. Therefore, this is a minor modification. **This criterion is met.**

CONCLUSIONS AND RECOMMENDATION

DECISION: Approved Approved with Conditions (attached) Denied

Matthew Ellis
Matthew Ellis, AICP, Planning Director

4/10/24
Date

Conditions of Approval:

- 1. Within 180 days of the end of the appeal period, the applicant shall submit a site plan which removes the parking and pavement overlapping the storm easement. Otherwise, the application shall be considered expired.

2. In accordance with OPSC 104.1, the developer shall apply for a plumbing permit within 180 days of the end of the appeal period. Otherwise, the application shall be considered expired.
3. In accordance with OPSC 1101.4.1, all storm sewers shall conform to the applicable standards of the OPSC.
4. In accordance with OPSC 721.2, an easement for the off-site storm sewer improvements shall be recorded prior to the resubmittal of the site plan.

A copy of the staff report and decision can be obtained at City Hall, 225 S. Main Street or online: <https://www.warrentonoregon.us/ced>

EFFECTIVE DATE: Unless appealed, Type II decisions are final and effective one day after the appeal period expires. The appeal period is April 11, 2024 – April 24, 2024. **This decision is final and effective April 25, 2024.** If an appeal is filed, the decision is effective on the day after the appeal is decided. All persons entitled to notice or who are otherwise adversely affected or aggrieved by the decision may appeal the decision.

RIGHT TO APPEAL:

A Type II administrative decision may be appealed to the Planning Commission by the applicant, any person who was mailed a written notice of the Type II administrative decision, or any other person who submitted written comments.

A notice of appeal shall be filed with the Community Development Director or designee within 14 days of the date the notice of decision was mailed. The notice of appeal shall contain:

- (A) An identification of the decision being appealed, including the date of the decision.
- (B) A statement demonstrating the person filing the notice of appeal has standing to appeal.
- (C) A statement explaining the specific issues raised on appeal.
- (D) If the appellant is not the applicant, a statement demonstrating that the appeal issues were raised during the comment period.
- (E) Filing fee.

The appeal of a Type II administrative decision by a person with standing shall be limited to the specific issues raised during the written comment period. Unless the appellant is the applicant, the hearing on the appeal shall be limited to the specific issues identified in the written comments submitted during the comment period.

For further information or questions on the appeal process, please contact Rebecca Sprengeler, Planning Technician at 503-861-0920 or planning@warrentonoregon.us.



Recording Instrument #: 201802270
Recorded By: Clatsop County Clerk
of Pages: 9 Fee: 87.00
Transaction date: 3/27/2018 15:31:47
Deputy: drush

After Recording Return To:
Campbell & Popkin, LLC
1580 N. Roosevelt Drive
Seaside, OR 97138

STORM DRAIN EASEMENT AND MAINTENANCE AGREEMENT

This Storm Drain Easement and Maintenance Agreement ("Agreement") is by and between Krueger Investment Group, LLC, an Oregon limited liability company ("Grantor") and NWSNO, LLC, an Oregon limited liability company ("Grantee"). The foregoing are sometimes referred to as a "Party" or "the Parties".

Recitals

A. Grantor owns fee title to the parcel of land described in Exhibit A ("Grantor's Property"), being Tax Map and Lot No.: 81027DD 00100, Tax Id. No.: 56990. Grantee owns fee title to the parcels of land described in Exhibit B ("Grantee's Property"), being Tax Map and Lot No.: 81027DD 00600, Tax Id. No.: 56995 and Tax Map and Lot No.: 81027DD 00700, Tax Id. No.: 56996.

B. Grantee has requested that Grantor establish an easement for the benefit of Grantee's Property. Such easement is to be a perpetual, exclusive easement for Grantee's benefit. The easement will include such ingress and egress access as is necessary to establish and maintain a storm drain on Grantor's Property for the use and benefit of Grantee's Property and to allow for storm drainage discharge onto the wetlands on Grantor's Property from the storm drain.

Grant

Therefore, in consideration of the premises and other valuable consideration, the receipt and sufficiency of which are acknowledged, Grantor and Grantee agree as follows:

1. **Grant of Easement.** Grantor grants to Grantee, for the benefit of Grantee's Property, a private, perpetual, exclusive easement (the "Easement") to use a portion of Grantor's Property for a storm drain, such Easement to be over, under, and across the strip(s) of land situated across Grantor's Property as described in Exhibit C (the "Easement Area") and visually depicted on Exhibit D. In addition, Grantor grants to Grantee ingress and egress access to Grantor's Property as is minimally necessary to install storm drain infrastructure, maintain the storm drain on the Easement and such additional use as is needed for any discharge from the storm drain onto Grantor's Property through the Easement's southern-most 10' wide line into the wetlands thereon.

Grantee shall use the Easement for the purposes of a storm drain and ingress and egress access on Grantor's Property as is minimally necessary to install and maintain the storm drain. Grantee may use the Easement for such purposes by (i) Grantee, its successors in ownership of Grantee's Property, and the tenants, invitees, agents, and employees of Grantee and such successors, (collectively, a "User" or the "Users"). Neither the owner of Grantor's Property, nor any other person or entity shall make such use of the Easement as would unreasonably interfere with Grantee's permitted uses. The Parties further agree that in no event shall Grantee's non-use of the Easement constitute an abandonment of the Easement.

No above-ground structures, barriers, fences, buildings, or other improvements of any kind will be installed in the Easement Area or in such close proximity to the Easement Area, that such would interfere with the installation or maintenance thereof or Grantee's rights herein.

This Agreement contemplates that Grantee may further subdivide or partition Grantor's Property in the future, and expressly permits such subdivision or partition. All of Grantee's rights and obligations under this Agreement shall burden, each and every parcel created by such subdivision or partition and to the owners of all such parcels ("Future Parcel Owners").

2. **Nature of Easement; Easement Runs with the Land.** The Easement granted herein shall be appurtenant to, and for the benefit of, Grantee's Property. The Easement shall run with Grantee's land, and any conveyance of fee title to Grantee's Property or any portion that is a legal lot within Grantee's Property shall include a conveyance of the Easement regardless of whether the Easement is specifically identified in the instrument of conveyance.

3. **Purchase Price.** The Parties acknowledge that the consideration for the Easement shall be: none.

4. **Maintenance.** Grantee and Grantor agree that the owner of Grantee's Property (the "Owner") will, at its sole cost and expense, repair any damage to the Easement Area caused by any Users. Should the Owner fail to correct any deficiency in its compliance with such repair obligation (an "Uncured Deficiency") prior to the expiration of 30 days after the effective date of notice of such Uncured Deficiency from Grantor, then Grantor, at its option (without any obligation to do so), may correct the Uncured Deficiency for the account of Owner, who will reimburse Grantor for all expenses incurred by Grantor in curing such default. Owner may make repairs and surface improvements to the Easement Area from time to time at its sole risk and expense.

5. **Indemnity; Attorney Fees.** Each party shall indemnify and hold the other party harmless for, from, and against all claims, damages, losses, causes of action, costs, and expenses (including, without limitation, attorney fees), which may be asserted against or incurred by the party as a result of any act or omission of the other Party or its agents, contractors, employees, tenants, or invitees related to the use of the Easement Area. In the event of any litigation or other proceedings brought to enforce or interpret this Easement, the non-prevailing party shall pay to the prevailing party its reasonable attorney fees and other costs incurred by the prevailing party in the proceedings or any appeal therefrom.

6. **Successors.** This Easement will be binding on, and inure to the benefit of, the owners of Grantor's Property and of Grantee's Property and their respective heirs, successors, and assigns.

7. **No Relocation.** Neither Grantor nor Grantee may relocate the Easement. The Easement will remain at its described location as provided in Exhibit C and visually depicted in Exhibit D.

8. **Amendment.** This Agreement may only be amended by written instrument executed by the then current owners of Grantor's Property and Grantee's Property.

9. **No Partnership.** None of the terms or provisions of this Easement shall create a partnership between or among the Parties, nor will it cause the Parties to be considered joint venturers or members of any joint enterprise. The Parties do not intend this Agreement to create any third-party beneficiary rights in any person who is not an owner of Grantee's Property or

Grantor's Property.

10. **Consents.** Whenever the consent or approval of a party is required to be given hereunder, neither Party shall unreasonably withhold, delay, or condition such consent unless the provision in question expressly stipulates another standard of approval.

11. **Notices.** Any notice required or permitted by this Easement must be in writing and given by delivering the same in person to the recipient or by sending the same by registered or certified mail, return receipt requested, with postage prepaid, to the address of the Grantor's Property or of Grantee's Property, as applicable, as shown on the current records of the tax assessor for Clatsop County, Oregon, with respect to the Property in question.

12. **Exhibits.** All Exhibits, as listed below and attached to this Agreement, shall become part of this Agreement and are by this reference incorporated herein:

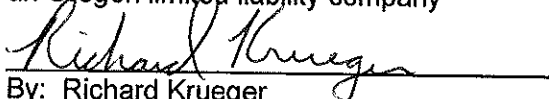
- A Grantor's Property
- B Grantee's Property
- C Easement Area – Legal Description
- D Easement Area – Visual Depiction

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSONS RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Executed to be effective on March 13, 2018.

GRANTOR:

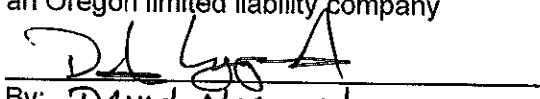
Krueger Investment Group,
an Oregon limited liability company



By: Richard Krueger
Its: Member

GRANTEE:

NWSNO, LLC,
an Oregon limited liability company

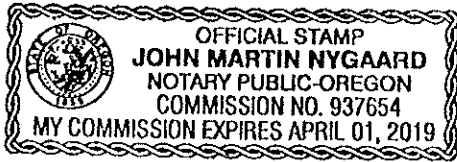


By: David Mygaard
Its: Member Manager

NOTARY ACKNOWLEDGMENTS ON FOLLOWING PAGE

STATE OF OREGON)
) ss.
County of Clatsop)

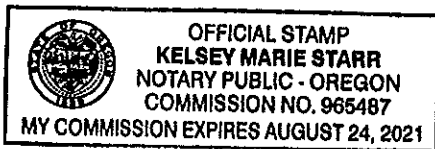
This instrument was acknowledged before me on March 13th, 2018
by David Nygaard (name(s) of person(s)) as Member/Manager (type
of authority, e.g., officer, trustee, etc.) of NWSNO, LLC.



John Nygaard
NOTARY PUBLIC FOR OREGON

STATE OF OREGON)
) ss.
County of Clatsop)

This instrument was acknowledged before me on March 27, 2018 by
Richard Krueger, as Managing Member of Krueger Investment Group, LLC.



Kelsey Starr
NOTARY PUBLIC FOR OREGON

EXHIBIT A (Grantor's Property)

All of Tract A, Plat of Forest Rim and a portion of Lot 8, Plat of Forest Rim, as recorded in Instrument Number 200800052, Clatsop County Clerk's Office, more particularly described as follows;

Beginning at the Northwest corner of Lot 8, Plat of Forest Rim, being the Northwest corner of the parcel herein described;

Thence along the North line of said Lot 8, North 58°08'45" East, a distance of 53.80 feet to a point being the Northeast corner of the parcel herein described;

Thence South 35°12'23" East, a distance of 104.52 feet to a point on the North right-of-way of Willow Drive and being the Southeast corner of the parcel herein described;

Thence along the North right-of-way of Willow Drive, South 54°46'58" West, a distance of 27.46 feet to a point being the Southeast corner of Lot 8, Forest Rim and the Southeast corner of the parcel herein described;

Thence along the West line of Lot 8, Forest Rim, North 48°54'26" West, a distance of 110.83 feet to the Point of Beginning.

EXCEPTING THEREFROM any portion lying within that property conveyed by Instrument No. 200905704 & Instrument No. 200907388, Clatsop County Deed Records.

Tax Map and Lot No.: 81027DD 00100, Tax Id. No.: 56990

EXHIBIT B (Grantee's Property)

Lots 119 and 123, FOREST RIM, City of Warrenton, recorded January 4, 2008, as Instrument No. 200800052, records of Clatsop County, Oregon.

Tax Map and Lot No.: 81027DD 00600, Tax Id. No.: 56995

Tax Map and Lot No.: 81027DD 00700, Tax Id. No.: 56996

Exhibit C- Easement Area

Otak



4253-A Highway 101 N • Seaside, Oregon 97138

503.738-3425 • fax 503.738-7455

www.otak.com

February 20, 2018

**Legal Description
Pacific Rim Apartments
For a Storm Drain Easement
Benefitting NWSNO, LLC**

A portion of that tract of land conveyed to Krueger Investment Group, LLC by Bargain and Sale Deed recorded June 26, 2017 in Instrument Number 201705152, which is a part of Tract 'A' of the plat of the "Forest Rim", recorded in Instrument Number 200800052, Clatsop County Clerk's Records, located in the southeast one-quarter of the southeast one-quarter of Section 27, Township 8 North, Range 10 West of the Willamette Meridian, and located in the City of Warrenton, Clatsop County, Oregon, said portion being described specifically as follows:

Beginning at the southeast corner of Lot 123, which is also the northeast corner of Lot 119, both of said plat of "Forest Rim";

Thence, from said point of beginning, North $02^{\circ}36'50''$ East, along the east line of said Lot 123 a distance of 32.85 feet to a point of curvature of a 50.00 foot radius curve;

Thence, along the east line of said Lot 123, along said curve, concave westerly, through a central angle of $35^{\circ}49'02''$, an arc distance of 31.26 feet, the chord of which bears North $15^{\circ}17'41''$ West, a distance of 30.75 feet;

Thence leaving the east line of said Lot 123, North $56^{\circ}47'48''$ East, radial to the last described course, a distance of 10.00 feet to a point of a 60.00 foot radius curve;

Thence, parallel with the east line of said Lot 123 and non-tangent to the last described course, along said curve, concave westerly, through a central angle of $35^{\circ}49'02''$, an arc distance of 37.51 feet, the chord of which bears South $15^{\circ}17'41''$ East, a distance 36.90 feet to a point of tangency;

Thence, South $02^{\circ}36'50''$ West, parallel with the east lines of said Lot 123 and said Lot 119, a distance of 45.87 feet to a point of curvature of a 110.00 foot radius curve;

Thence, parallel with the east line of said Lot 119, along said curve, concave westerly, through a central angle of $40^{\circ}22'43''$, an arc distance of 77.52 feet, the chord of which bears South $22^{\circ}48'11''$ West, a distance 75.93 feet;

Thence South $12^{\circ}21'26''$ West, non-tangent to the last described course, a distance of 73.76 feet;

Thence North $77^{\circ}38'34''$ West, perpendicular to the last described course, a distance of 10.00 feet;

Thence North $12^{\circ}21'26''$ East, a distance of 76.57 feet to the east line of said Lot 119 and a point on the arc of a 100.00 foot radius curve;

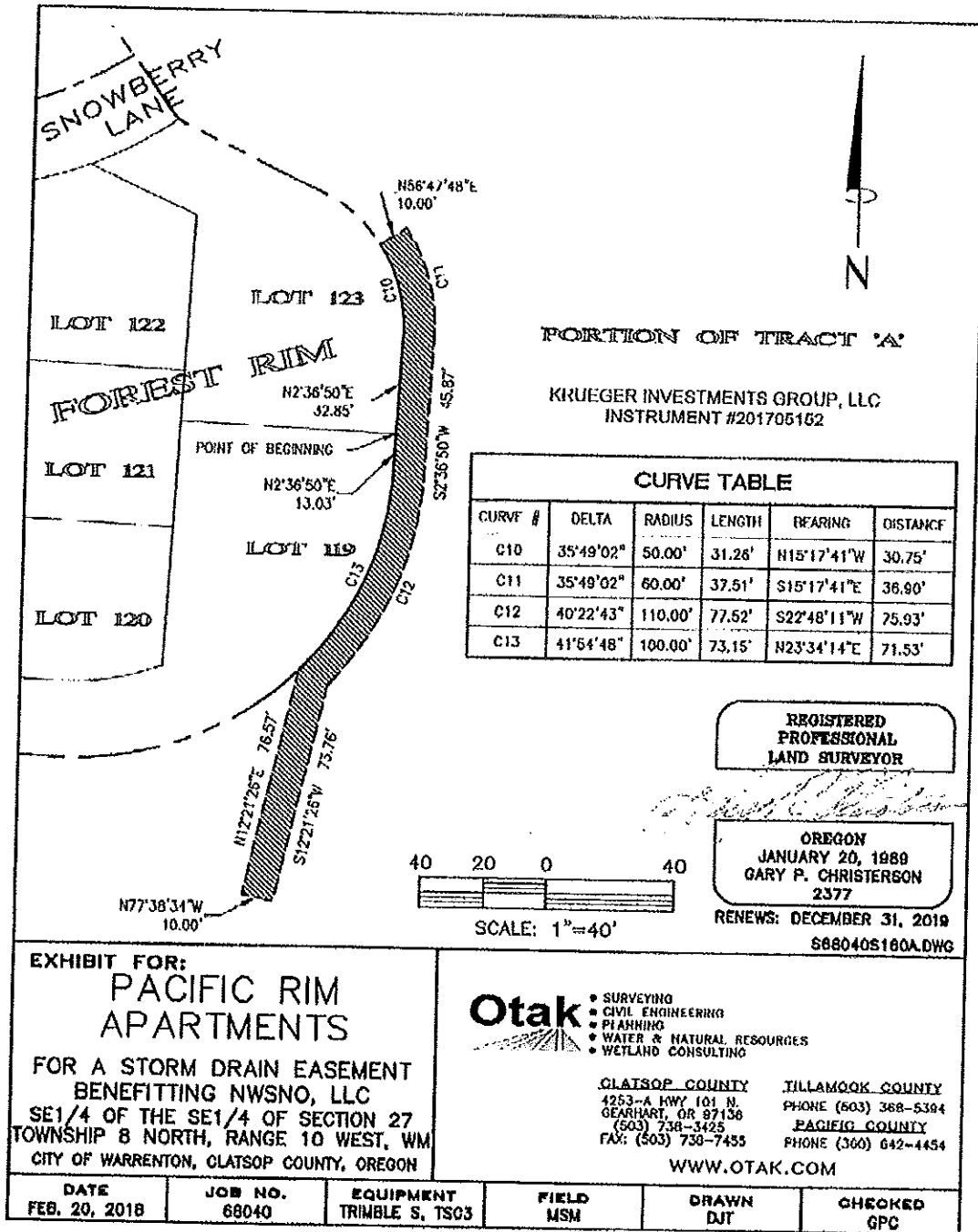
Thence, along the east line of said Lot 119, along said curve, concave westerly, through a central angle of $41^{\circ}54'48''$, an arc distance of 73.15 feet, the chord of which bears North $23^{\circ}34'14''$ East, a distance of 71.53 feet to a point of tangency;

Thence North $02^{\circ}36'50''$ East, along the east line of said Lot 119, a distance of 13.03 feet to the point of beginning.

This easement covers an area of 2,308 square feet more or less.

Bearings are held on the same basis as the plat of "Forest Rim".

Exhibit D- Easement Area



NUMBER OF PARKING SPACES:	
9'x19'	15
9'x18'	9
TOTAL	24

DL
DL CONSULTING WA INC.
500 West 8th Street
Suite 45
Vancouver, WA 98660
(360) 567-6466

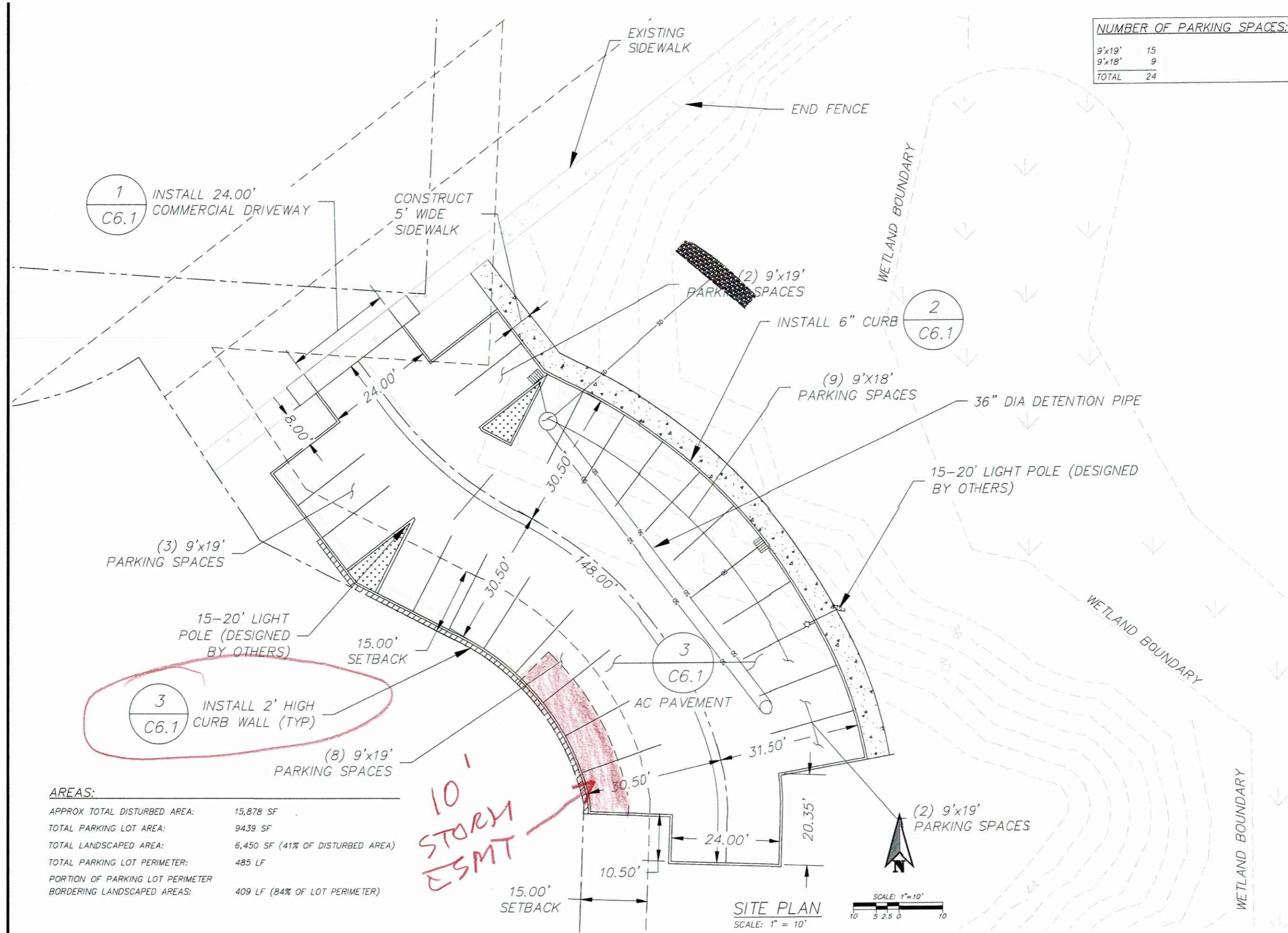
REGISTERED PROFESSIONAL
ENGINEER
19160
OREGON
JULY 15, 1999
GARY I. DARLING
EXPIRES 12-31-25

PACIFIC RIM APARTMENTS - PARKING IMPROVEMENTS
WARRENTON, OREGON
SITE PLAN

REV.	DATE	BY

PROJECT NUMBER	KRU003
Date:	02/02/2024
Scale:	AS SHOWN
Drawn By:	SAD
Designed By:	GID
Checked By:	GID

C2.1



1
C6.1
INSTALL 24.00'
COMMERCIAL DRIVEWAY

CONSTRUCT
5' WIDE
SIDEWALK

EXISTING
SIDEWALK

END FENCE

(2) 9'x19'
PARKING SPACES

2
C6.1
INSTALL 6" CURB

(9) 9'x18'
PARKING SPACES

36" DIA DETENTION PIPE

15-20' LIGHT POLE (DESIGNED
BY OTHERS)

(3) 9'x19'
PARKING SPACES

15-20' LIGHT
POLE (DESIGNED
BY OTHERS)

15.00'
SETBACK

3
C6.1
INSTALL 2' HIGH
CURB WALL (TYP)

(8) 9'x19'
PARKING SPACES

3
C6.1

AC PAVEMENT

(2) 9'x19'
PARKING SPACES

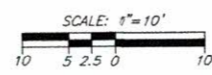
AREAS:

APPROX TOTAL DISTURBED AREA:	15,878 SF
TOTAL PARKING LOT AREA:	9439 SF
TOTAL LANDSCAPED AREA:	6,450 SF (41% OF DISTURBED AREA)
TOTAL PARKING LOT PERIMETER:	485 LF
PORTION OF PARKING LOT PERIMETER BORDERING LANDSCAPED AREAS:	409 LF (84% OF LOT PERIMETER)

10'
STORM
ESMT

15.00'
SETBACK

SITE PLAN
SCALE: 1" = 10'



SDR-22-3

W:\KRU003\CD\KRU002_CD_C2.1.DWG



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: Matthew Ellis, AICP, Planning Director
DATE: June 13, 2024
SUBJ: Appeal AP-24-2

BACKGROUND

Rick Van Sant is appealing Type II decision LP-24-1, which is attached to this staff report. Mr. Van Sant is the original applicant, giving him standing to appeal this decision. The issue presented in the appeal revolves around the interpretation of one provision of WMC 16.36.040.

Staff originally interpreted the ordinance to require a minimum density of 20 units per acre for all product types allowed in the R-H High Density Residential zoning district. However, based on the location of the standard in the zoning district standards, it is unclear whether that provision is meant to apply to all product types or just single-family detached units. Staff intends to clarify this provision in a future update to the code.

PUBLIC PROCESS, PROCEDURES & PUBLIC NOTICE

The application was submitted on May 14 and was deemed complete on May 14, 2024. We sent notice of the public hearing to adjacent property owners on May 23 and published notice in The Astorian on May 30, 2024.

CODE PROVISIONS, APPLICANT RESPONSES, AND FINDINGS

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

16.208.040 Type II Procedure (Administrative)

Chapter 16.208 Administration of Land Use and Development Permits

16.208.040 Type II Procedure (Administrative)

APPLICANT RESPONSE: See Notice to Appeal.

STAFF FINDING: The applicant has standing to appeal as provided by this section. The notice included the required information, and the filing fee was waived by the City as this was an issue of miscommunication with the City Attorney. **This criterion is met.**

CONCLUSIONS AND RECOMMENDATION

Mr. Van Sant's application would have been approved had staff understood the legal interpretation of the ordinance. Thus, staff is recommending approval provided the applicant follows all other provisions of the WMC and at least two dwelling units are developed on the lot.

RECOMMENDED MOTION

"Based on the findings and conclusions of the June 13, 2024, staff report, I move to approve Appeal AP-24-1 with a condition of approval requiring at least two dwelling units to be developed on the new lot."

ATTACHMENTS

1. Notice to Appeal
2. Notice of Decision LP-24-1
3. Preliminary Plat LP-24-1

Appeal process LP-24-1 Van Sant

Rick Van Sant <rickvansant1@gmail.com>

Tue 5/14/2024 1:02 PM

To: Matthew Ellis <mellis@warrentonoregon.us>

Dear Mr Ellis,

I appreciate the information that the city has provided me regarding my land partition. I received a letter with a decision on 05/01/24 that my partition (LP-24-1 Van Sant Partition) has been denied.

I am the land owner in the case of this partition and I would like to start the appeal process regarding this decision. The address on record is 577 Gray Street and it is currently under an LLC owned 100% by myself. I own Rainwater Properties which is my LLC. I currently own 2 other duplexes within walking distance of this property and near the marina.

There are a few issues that I have with the ruling. I was communicating with Rebecca of your office and throughout a number of emails, this issue has never been raised. She assured me that I could build a 1200 SQ FT home if I was able to partition off a lot of at least 5000 SQ FT. During this process of hiring a local professional to do my survey, I had follow up conversations with Rebecca and Jeff (?) the interim planning person and at no time was the density issue raised. The density issue is not clear and I have an issue with this current ruling. For that matter, I wish to appeal the ruling of May 1,2024, which is under my rights as the property owner.

I understand that there may be a fee to appeal. Please contact me if you need any further information or payment to appeal.

I would like to know exactly what is possible once my partition is approved with the city.

Rick Van Sant
Rainwater Properties
503.314.4203



City of Warrenton

Planning Department

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

Phone: 503.861.0920 Fax: 503.861.2351

NOTICE OF DECISION AND ORDER LP-24-1 Van Sant Land Partition

APPLICANT: Rainwater Properties, LLC
PROPERTY OWNER: Rainwater Properties, LLC
SUBJECT OF REVIEW: Land Partition application for 577 Gray Street
DATE: May 1, 2024
APPEAL PERIOD ENDS: May 15, 2024

BACKGROUND:

The Planning Department received a land partition application on February 28, 2024, and after submitting supplemental materials, it was deemed complete on March 3, 2024. The application is to divide a single-family residential lot into two single-family residential lots.

PUBLIC PROCESS, PROCEDURES & PUBLIC NOTICE:

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

- WMC 16.36.040 Development Standards
- WMC 16.208.040 Type II Procedure (Administrative)
- WMC 16.216.050 Approval Criteria – Preliminary Plat

Public notice letters were sent to property owners within 100 feet on April 9, 2024, and published in The Astorian on April 20, 2024. One public comment was received by Daron Ray at 699 Pacific Drive.

CODE PROVISIONS, APPLICANT RESPONSES, AND FINDINGS:

16.36.040 Development Standards.

- A. *Density Provisions.*
 1. *Minimum lot area for a single-family detached dwelling: 4,500 square feet. Minimum density is 20 units per acre.*

2. *Minimum lot area duplex, townhome, rowhouse: 2,500 square feet per unit.*
3. *Minimum lot area for a triplex: 7,500 square feet.*
7. *Minimum lot width at the front building line for single-family detached dwelling or multifamily dwelling: 50 feet.*
8. *Minimum lot width at the front building line for duplex, townhome, rowhouse: 25 feet per unit.*
9. *Minimum lot depth: 70 feet.*

STAFF FINDING: Based on the minimum density required in the zoning district, the created lot would be required to have three dwelling units. However, the created lot does not have enough square footage for this to be allowed. Allowing the land partition to move forward would create an unbuildable lot based on the current development standards. Minimum lot width and depth are met on both lots. **This criterion is not met.**

16.208.040 Type II Procedure (Administrative).

B. Application Requirements.

1. *Application Forms. Type II applications shall be made on forms provided by the City of Warrenton.*
2. *Submittal Information. The application shall:*
 - a. *Include the information requested on the application form.*
 - b. *Be filed with three copies of a narrative statement that explains how the application satisfies each and all of the relevant criteria and standards in sufficient detail for review and decision-making*
 - c. *Be accompanied by the required fee.*
 - d. *Include one set of pre-stamped and pre-addressed envelopes for all real property owners of record who will receive a notice of the application as required in Section 16.208.040. The records of the Clatsop County Department of Assessment and Taxation are the official records for determining ownership. The applicant shall demonstrate that the most current assessment records have been used to produce the notice list. Alternatively, the applicant may pay a fee for the City to prepare the public notice mailing.*
 - e. *Include an impact study for all land division applications. The impact study shall quantify/assess the effect of the development on public facilities and services. The study shall address, at a minimum, the transportation system, including pedestrian ways and bikeways, the drainage system, the parks system, the water system, the sewer system, and the noise impacts of the development. For each public facility system and type of impact, the study shall propose improvements necessary to meet City standards and to minimize the impact of the development on the public at large, public facilities systems, and affected private*

property users. In situations where this Code requires the dedication of real property to the City, the applicant shall either specifically agree to the dedication requirement, or provide evidence that shows that the real property dedication requirement is not roughly proportional to the projected impacts of the development.

STAFF FINDING: The application was submitted with almost all the required materials. The applicant failed to include any consideration of impacts on the surrounding area, including the effect on public facilities. These impacts, however, will be addressed at the building permit stage. **This criterion is met.**

16.216.050 Approval Criteria – Preliminary Plat.

A. *General Approval Criteria. The City may approve, approve with conditions or deny a preliminary plat based on the following approval criteria:*

1. *Partition and Subdivision.*

a. *The proposed preliminary plat complies with all of the applicable Development Code sections and other applicable City ordinances and regulations. At a minimum, the provisions of this chapter, and the applicable sections of Division 2 (Land Use Districts) and Division 3 (Design Standards) shall apply. Where a variance is necessary to receive preliminary plat approval, the application shall also comply with the relevant sections of Chapter 16.272, Variances.*

b. *Housing Density. The subdivision meets the City's housing density standards of the applicable zoning district (Division 2).*

STAFF FINDING: The proposed subdivision does not comply with Section 16.36.040 of the Warrenton Municipal Code as identified above. The proposed subdivision also does not meet the City's housing density standards. **This criterion is not met.**

DECISION: () Approved () Approved with Conditions (attached) () Denied

Matthew Ellis

Matthew Ellis, AICP, Planning Director

5/1/2024

Date

Copies of all submittals, related documents, and this notice of decision are available for review on the City of Warrenton website or by contacting the City of Warrenton:

<https://www.warrentonoregon.us/ced/page/applications-pending-approval>

EFFECTIVE DATE:

Unless appealed, Type II decisions are final and effective one day after the appeal period expires. The appeal period is May 2, 2024 – May 15, 2024. **This decision is final and effective May 16, 2024.** If an appeal is filed, the decision is effective on the day after the appeal is decided. All persons entitled to notice or who are otherwise adversely affected or aggrieved by the decision may appeal the decision in accordance with Warrenton Municipal Code Section 16.208.040(G).

RIGHT TO APPEAL:

A Type II administrative decision may be appealed to the Planning Commission by the applicant, any person who was mailed a written notice of the Type II administrative decision, or any other person who submitted written comments.

A notice of appeal shall be filed with the Planning Director within fourteen (14) days of the date the notice of decision was mailed. The notice of appeal shall contain:

- (A) An identification of the decision being appealed, including the date of the decision.
- (B) A statement demonstrating the person filing the notice of appeal has standing to appeal.
- (C) A statement explaining the specific issues raised on appeal.
- (D) If the appellant is not the applicant, a statement demonstrating that the appeal issues were raised during the comment period.
- (E) Filing fee.

The appeal of a Type II administrative decision by a person with standing shall be limited to the specific issues raised during the written comment period. Unless the appellant is the applicant, the hearing on the appeal shall be limited to the specific issues identified in the written comments submitted during the comment period.

For further information or questions, please contact the Warrenton Planning Department at (503) 861-0920 or planning@warrentonoregon.us.

PARTITION PLAT

A PARTITION OF THAT PROPERTY DESCRIBED IN INSTRUMENT # 201905150, CLATSOP COUNTY DEED RECORDS THE SAME BEING LOT 19 AND A PORTION OF LOT 18 BLOCK 25, NEW ASTORIA TOGETHER WITH A PORTION OF VACATED GRAY STREET SITUATED IN THE SE 1/4, SECTION 5, AND NE 1/4 SECTION 8, T8N, R10W, W.M., CITY OF WARRENTON, CLATSOP COUNTY, OREGON

FEBRUARY 3, 2024 SHEET 3 OF 3

APPROVALS

APPROVED THIS ___ DAY OF ___, 2024

CITY OF WARRENTON

APPROVED THIS ___ DAY OF ___, 2024

CLATSOP COUNTY SURVEYOR

ALL TAXES, FEES, ASSESSMENTS, OR OTHER CHARGES AS PROVIDED BY O.R.S. 92.095 HAVE BEEN PAID AS OF ___, 2024

CLATSOP COUNTY TAX COLLECTOR

DECLARATION

KNOW ALL PEOPLE BY THESE PRESENTS THAT RAINWATER PROPERTIES L.L.C. IS THE OWNER OF THE LAND REPRESENTED ON THE ANNEXED MAP AND MORE PARTICULARLY DESCRIBED IN THE ACCOMPANYING SURVEYOR'S CERTIFICATE AND HAS CAUSED THE SAME TO BE PARTITIONED AND SURVEYED INTO TWO PARCELS AS SHOWN ON THE ANNEXED MAP IN ACCORDANCE WITH THE PROVISIONS OF O.R.S. CHAPTER 92.

AUTHORIZED REPRESENTATIVE

NARRATIVE:

I SEARCHED FOR AND FOUND SEVERAL MONUMENTS SET OR TIED ON KARL FOESTE'S CCSR MAP B-7169. THIS SURVEY WAS A SURVEY COVERING MUCH OF THE DEVELOPED PORTION OF HAMMOND INCLUDING BLOCK 24, NEW ASTORIA 1892 AND OTHER PROPERTIES SOUTH AND WEST OF THE SUBJECT PROPERTY. I HELD THE ABSOLUTE POSITION OF MONUMENT # 421 ON THIS SURVEY AND UTILIZED MONUMENT # 427 & MON # 421 IN MY BASIS OF BEARINGS. I HELD FOESTES COORDINATES FOR THE NW AND SW CORNERS OF BLOCK 24 AFTER VERIFYING THAT SEVERAL MONUMENTS HE SET AND TIED ON THAT SURVEY WERE IN CLOSE PROXIMITY TO THE PREDICTED POSITIONS. I HELD THE BLOCK 9 AND 16 ORIENTATION AND LOT WIDTHS PER CCSR MAPS A-7042, B-11686, AND B-12146 BY KARL FOESTE. I ALSO HELD THE 275' X 600' DIMENSIONS FOR BLOCK 16 INDICATED ON CCSR MAP B-7169 BY FOESTE.

I CHECKED THE MONUMENT LOCATIONS OF SEVERAL FOESTE SURVEYS IN THE VICINITY OF BLOCK 16 & 25 AND FOUND THE CONTROL I CHOSE TO UTILIZE TO BE IN HARMONY WITH THOSE SURVEYS. MONUMENT # 671 SET BY FOESTE ON CCSR MAP A-7042 WAS IN POSITION AS THE SW CORNER OF BLOCK 16. IN HOLDING THE COORDINATES OF MONUMENT # 421, I AM LAYING OUT THE LOT LOCATIONS IN BLOCKS 16, 24, AND 25 FROM THAT POINT.

ACKNOWLEDGEMENT

STATE OF OREGON > >S.S. CLATSOP COUNTY >

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THE ___ DAY OF ___, 2024

BY: AUTHORIZED REPRESENTATIVE

NOTARY PUBLIC

(SIGNATURE)

(PRINT NAME)

COMMISSION NO. _____

MY COMMISSION EXPIRES ___ DAY OF ___, 2024

CERTIFICATE OF COUNTY CLERK

STATE OF OREGON > CLATSOP COUNTY >S.S.

I DO HEREBY CERTIFY THAT THIS PARTITION PLAT WAS RECEIVED FOR RECORD THIS ___ DAY OF ___, 2024

AT ___ O'CLOCK __, M., AND RECORDED AS INSTRUMENT NUMBER ___, CLATSOP COUNTY RECORDS

BY: CLATSOP COUNTY CLERK

SURVEYOR'S CERTIFICATE

I NEIL A. MENDENHALL JR., LS 2001 CERTIFY THAT I HAVE SURVEYED AND MARKED WITH PROPER MONUMENTS THE LAND REPRESENTED ON THE ATTACHED PARTITION MAP IN ACCORDANCE WITH O.R.S. 92.060. THE EXTERIOR BOUNDARY OF WHICH IS DESCRIBED AS FOLLOWS:

COMMENCING AT A 2" IRON PIPE MONUMENTING THE SW CORNER OF BLOCK 21, NEW ASTORIA 1892 SITUATED IN THE SE 1/4 SECTION 5, T8N, R10W, W.M., CITY OF WARRENTON, CLATSOP COUNTY, OREGON; THENCE SOUTH 77 DEGREES 29 MINUTES 30 SECONDS EAST TO THE SOUTHEAST CORNER OF LOT 19, BLOCK 25, NEW ASTORIA 1892 (5/8" REBAR WITH PLASTIC YELLOW CAP STAMPED "K. FOESTE LS 849" N 46°53'21"E 0.05'); SAID POINT BEING THE "INITIAL POINT" OF THE SUBJECT PARTITION; THENCE NORTH 55 DEGREES 47 MINUTES 00 SECONDS WEST, A DISTANCE OF 83.33 FEET, TO A POINT ON THE CENTERLINE OF VACATED GRAY STREET; THENCE N34°13'00"E 100.00 FEET; THENCE N65°47'00"W, A DISTANCE OF 18.00 FEET, TO A 5/8" REBAR WITH A PLASTIC ORANGE CAP STAMPED "MENDENHALL LS 2001"; THENCE N71°42'41"E, A DISTANCE OF 94.16 FEET TO A 5/8" REBAR WITH A PLASTIC YELLOW CAP STAMPED "CKT OR LS2829 WA LS40519"; THENCE S31°26'26"E, A DISTANCE OF 49.02 FEET TO A POINT ON THE EASTERLY BOUNDARY OF LOT 18 BLOCK 25, "NEW ASTORIA 1892"; THENCE, S34°13'00"W, A DISTANCE OF 165.00 FEET, ALONG THE SOUTHEASTERLY BOUNDARY OF LOT 18 AND LOT 19 BLOCK 25, "NEW ASTORIA 1892", A DISTANCE OF 165.00 FEET TO THE INITIAL POINT. THE SUBJECT PROPERTY IS 13,372 SQUARE FEET IN SIZE.

REGISTERED PROFESSIONAL LAND SURVEYOR

NEIL A. MENDENHALL JR. OREGON JULY 16, 1992 NEIL A. MENDENHALL JR. 2001

RENEWAL DATE: 12/31/24

I NEIL A. MENDENHALL JR., DO HEREBY CERTIFY THAT THIS IS A FULL, COMPLETE, AND TRUE COPY OF THE ORIGINAL PLAT REFERENCED ABOVE.

NEIL A. MENDENHALL JR., LS 2001

I DO HEREBY CERTIFY THAT THIS IS A FULL, COMPLETE, AND TRUE COPY OF THE ORIGINAL PLAT REFERENCED ABOVE.

BY: CLATSOP COUNTY CLERK

SURVEY BY: NEIL A. MENDENHALL JR., LS 2001 dba MENDENHALL & ASSOC PO BOX 2025 GEARHART, OR 97138 (503)-738-6363 mendenhall2025@gmail.com file: ftstevensgray.pro

SURVEY FOR: RICK VAN SANT RAINWATER PROPERTIES L.L.C. 1290 SW JAY COURT BEAVERTON, OR 97003 (503) 314-4203

EQUIPMENT: SOKKIA SET530R TOTAL STATION CREW: NAM, DNM BC

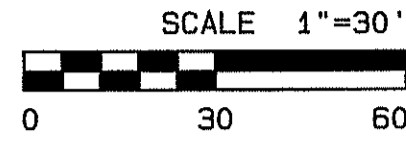
PARTITION PLAT TENTATIVE PLAN

FEBRUARY 3, 2024

SHEET 2 OF 3

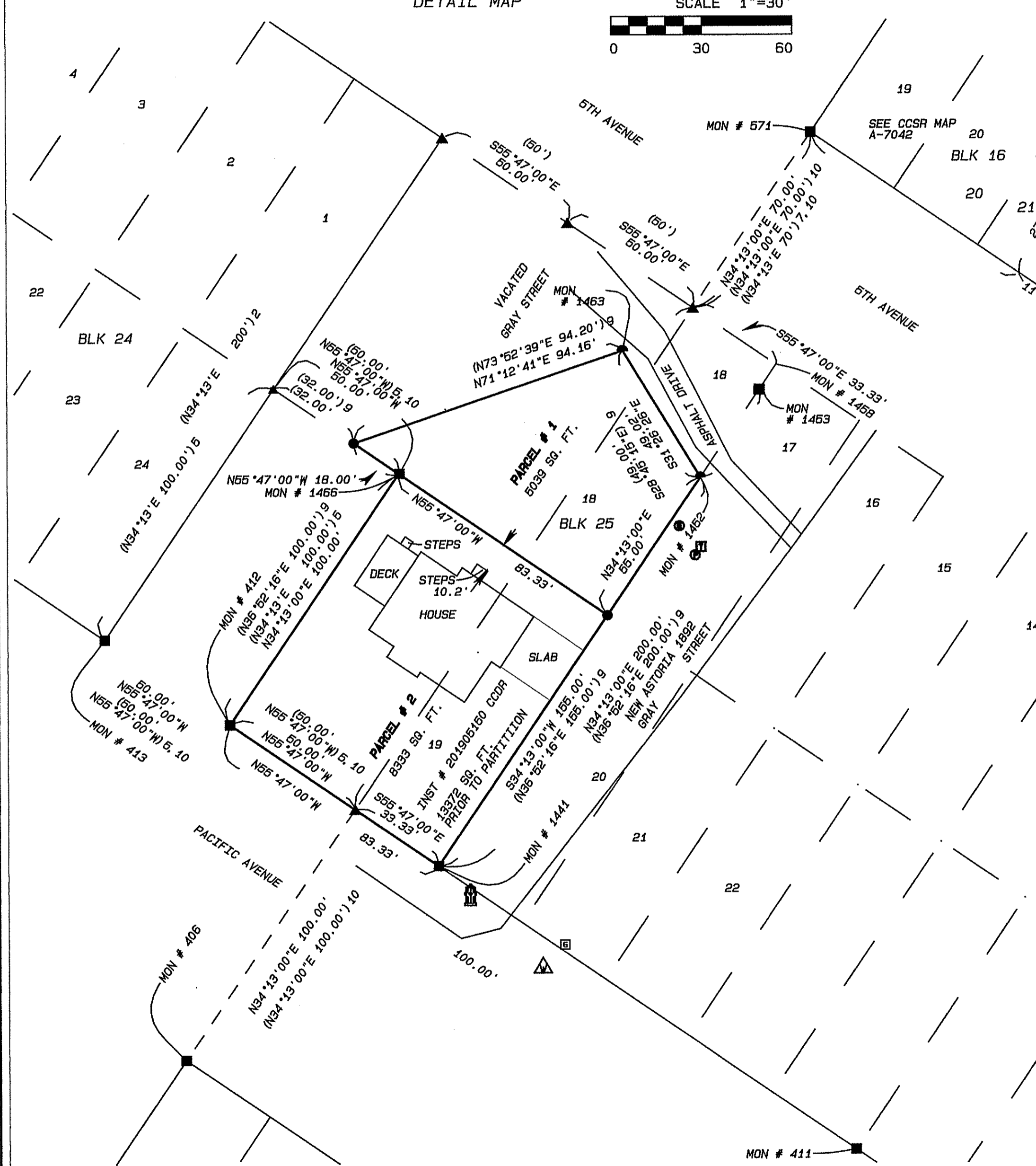
A PARTITION OF THAT PROPERTY DESCRIBED IN INSTRUMENT # 201905150, CLATSOP COUNTY DEED RECORDS
 THE SAME BEING LOT 19 AND A PORTION OF LOT 18 BLOCK 25, NEW ASTORIA TOGETHER WITH A PORTION OF VACATED GRAY STREET
 SITUATED IN THE SE 1/4, SECTION 5, AND NE 1/4 SECTION 8, T8N, R10W, W.M., CITY OF WARRENTON, CLATSOP COUNTY, OREGON

DETAIL MAP



LOT COVERAGE

PARCEL 2	
HOUSE	1462 SQ FT
DECK	243 SQ FT
NW STEPS	8 SQ FT
N STEPS	16 SQ FT
TOTAL	1729 SQ FT
<hr/>	
1729 SQ FT	= 20.7 %
8333 SQ FT	



REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

Neil A. Mendenhall Jr.

OREGON
 JULY 16, 1982
 NEIL A. MENDENHALL JR.
 2001

RENEWAL DATE 12/31/24

I NEIL A. MENDENHALL JR., DO HEREBY CERTIFY THAT THIS IS A FULL, COMPLETE, AND TRUE COPY OF THE ORIGINAL PLAT REFERENCED ABOVE.

NEIL A. MENDENHALL JR., LS 2001

I DO HEREBY CERTIFY THAT THIS IS A FULL, COMPLETE, AND TRUE COPY OF THE ORIGINAL PLAT REFERENCED ABOVE.

BY: CLATSOP COUNTY CLERK

SURVEY BY:
 NEIL A. MENDENHALL JR., LS 2001
 dba MENDENHALL & ASSOC
 PO BOX 2025
 GEARHART, OR 97138
 (503)-738-6363
 mendenhall2025@gmail.com
 file: ftstevensgray.pro

SURVEY FOR:
 RICK VAN SANT
 RAINWATER PROPERTIES L.L.C.
 1290 SW JAY COURT
 BEAVERTON, OR 97003
 (503) 314-4203

EQUIPMENT:
 SOKKIA SET530R
 TOTAL STATION
 CREW: NAM, DNM BC

PARTITION PLAT TENTATIVE PLAN

FEBRUARY 3, 2024

A PARTITION OF THAT PROPERTY DESCRIBED IN INSTRUMENT # 201905150, CLATSOP COUNTY DEED RECORDS THE SAME BEING LOT 19 AND A PORTION OF LOT 18 BLOCK 25, NEW ASTORIA TOGETHER WITH A PORTION OF VACATED GRAY STREET SITUATED IN THE SE 1/4, SECTION 5, AND NE 1/4 SECTION 8, T8N, R10W, W.M., CITY OF WARRENTON, CLATSOP COUNTY, OREGON

SHEET 1 OF 3

BASIS OF BEARINGS

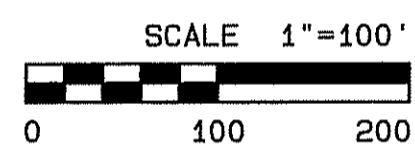
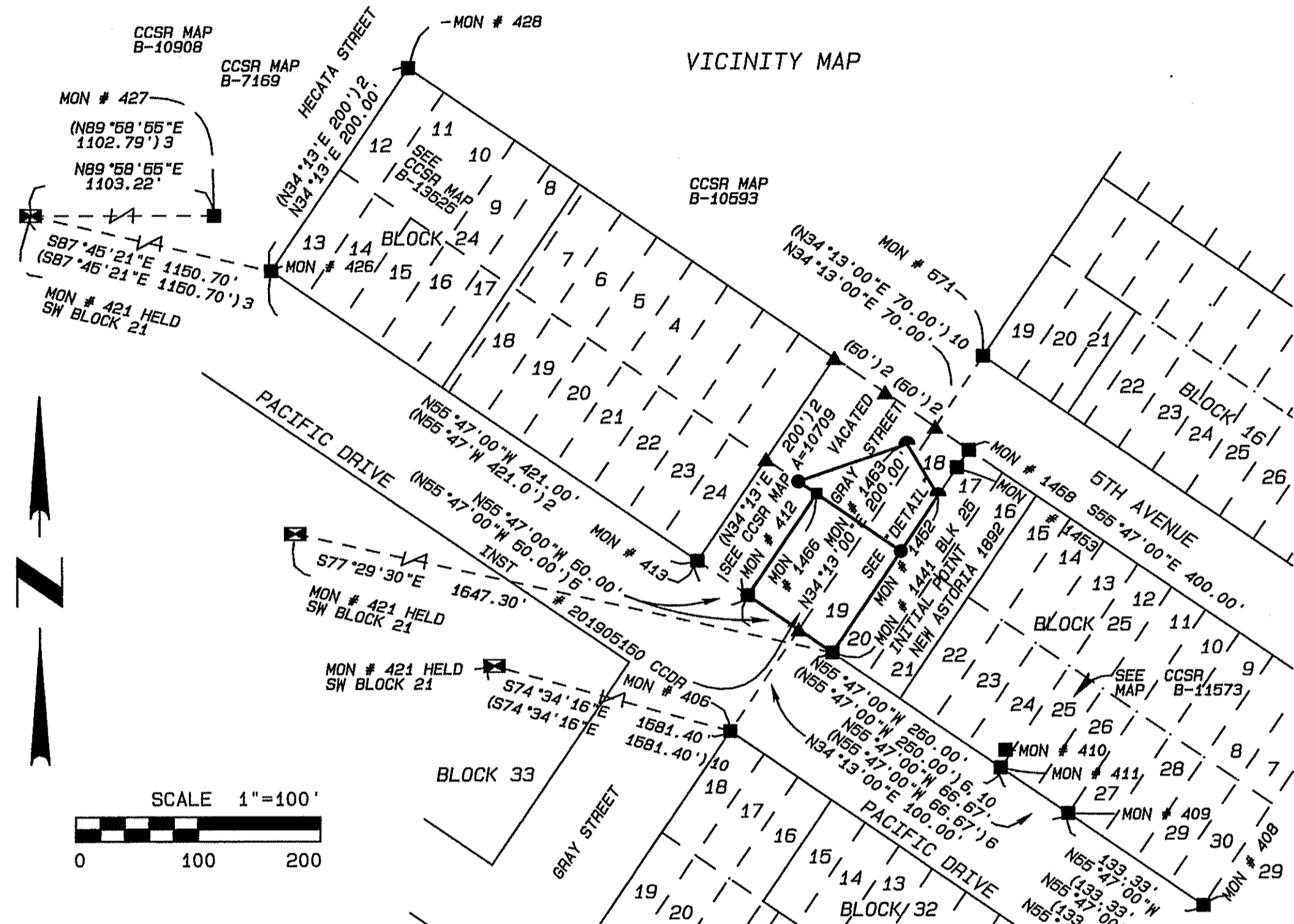
THE BASIS OF BEARINGS FOR THIS SURVEY IS THE CALCULATED BEARING (COORDINATES) FROM MONUMENT # 421 TO MONUMENT # 427 PER CCSR MAP B-7169. THIS SAME BEARING BEING N89°58'55"E.

PURPOSE:

THE PURPOSE OF THIS SURVEY IS TO PARTITION THE SUBJECT PROPERTY INTO TWO PARCELS AND MONUMENT THE EXTERIOR BOUNDARIES OF THE PARCELS.

MONUMENT NOTES

- MON # 406 FOUND 5/8" REBAR WITH PYC STAMPED "LS 849", TOP 0.1' BELOW THE SURFACE, ORIGIN UNCLEAR, SEE B-13115, S74°56'11"E 0.06' FROM PREDICTED POSITION PER THIS SURVEY; N 8298.62, E 7905.70 (CALC)
- MON # 408 FOUND 5/8" REBAR WITH PYC STAMPED "LS 849", TOP 0.5' BELOW THE SURFACE, ORIGIN CCSR MAP B-7043, S67°30'32"E 0.36' FROM PREDICTED POSITION PER THIS SURVEY; N 8166.40, E 8292.68 (CALC)
- MON # 409 FOUND 5/8" REBAR WITH PYC STAMPED "LS 849", TOP 0.6' BELOW THE SURFACE, ORIGIN CCSR MAP B-7043, S54°31'06"E 0.05' FROM PREDICTED POSITION PER THIS SURVEY; N 8231.37, E 8182.42 (CALC)
- MON # 410 FOUND 1/2" REBAR WITH NO CAP, TOP 0.5' BELOW THE SURFACE, ORIGIN CCSR MAP B-8788, N67°08'05"E 0.53' FROM PREDICTED POSITION PER THIS SURVEY; N 8268.86, E 8127.30 (CALC)
- MON # 411 FOUND 5/8" REBAR WITH PYC STAMPED "K FOESTE LS 849", TOP 0.5' BELOW THE SURFACE, ORIGIN CCSR MAP B-11573, S46°07'06"E 0.12' FROM PREDICTED POSITION PER THIS SURVEY; N 8268.86, E 8127.30 (CALC)
- MON # 412 FOUND 5/8" REBAR WITH PYC STAMPED "K FOESTE LS 849", TOP 0.3' ABOVE THE SURFACE, ORIGIN CCSR MAP B-10258, N60°02'42"W 0.01' FROM PREDICTED POSITION PER THIS SURVEY; N 8409.43, E 7920.69 (CALC)
- MON # 413 FOUND 5/8" REBAR WITH PYC STAMPED "K FOESTE LS 849", TOP FLUSH WITH THE SURFACE, ORIGIN CCSR MAP A-10709, N43°29'39"E 0.04' FROM PREDICTED POSITION PER THIS SURVEY; N 8437.54, E 7879.24 (CALC)
- MON # 421 FOUND 2" IRON PIPE, TOP 0.9' BELOW THE SURFACE, ORIGIN UNKNOWN, HELD AS SW CORNER BLOCK 21, HELD ABSOLUTE POSITION; N 8719.34, E 6381.29 (MON) HELD COORD PER CCSR MAP B-7169
- MON # 426 FOUND 1" IRON PIPE, TOP 0.2' BELOW THE SURFACE, ORIGIN CCSR MAP B-7169, S72°13'59"E 0.06' FROM HELD COORDINATES PER CCSR MAP B-7169; N 8674.28, E 7531.11 (HELD) I PREVIOUSLY DROVE A 5/8" X 30" REBAR WITH POC STAMPED "MENDENHALL LS 2001" THROUGH THE PIPE TO PERPETUATE THE POSITION
- MON # 427 FOUND 3/4" IRON PIPE, TOP 0.1' BELOW THE SURFACE, ORIGIN UNKNOWN, TIED CCSR MAP B-7169, USED FOR BASIS OF BEARINGS S89°26'04"E 0.43' FROM EXPECTED POSITION MON # 19 PER CCSR MAP B-7169; N 8719.69, E 7484.51 (MON)
- MON # 428 FOUND 1" IRON PIPE, TOP 0.1' BELOW THE SURFACE, ORIGIN CCSR MAP B-7169, N88°56'41"E 0.11' FROM HELD COORDINATES PER CCSR MAP B-7169; N 8839.66, E 7643.57 (CALC) I PREVIOUSLY DROVE A 5/8" X 30" REBAR WITH POC STAMPED "MENDENHALL LS 2001" THROUGH THE PIPE TO PERPETUATE THE POSITION
- MON # 571 FOUND 5/8" REBAR WITH NO CAP, 0.2' BELOW THE SURFACE, ORIGIN CCSR MAP B-7042, N26°24'28"E 0.02' FROM PREDICTED POSITION SW, BLK 16, PER THIS SURVEY; N 8604.58, E 8113.76 (CALC)



REGISTERED PROFESSIONAL LAND SURVEYOR

NEIL A. MENDENHALL JR.

OREGON JULY 16, 1982

2001

COORDINATES ARE LOCAL - ASSUMED AND ORIGIN PER CCSR MAP B-7169.

RENEWAL DATE 12/3/24

ADDITIONAL MONUMENT NOTES

- MON # 1441 FOUND 5/8" REBAR WITH PYC STAMPED "K FOESTE LS 849", TOP 0.3' BELOW THE SURFACE, ORIGIN CCSR MAP A-10258, N46°53'21"E 0.05' FROM CALC. POSITION PER THIS SURVEY; N 8362.57, E 7989.49 (CALC)
- MON # 1452 FOUND 5/8" REBAR WITH PYC STAMPED "CKI OR LS2829 WA LS40519, TOP FLUSH WITH THE SURFACE, ORIGIN CCSR MAP B-13639, HELD FOR LINE, N30°57'45"W 0.01' FROM CALC POSITION; N 8490.74, E 8076.65 (MON)
- MON # 1453 FOUND 5/8" REBAR WITH PYC STAMPED "K FOESTE LS 849", TOP 0.2' BELOW THE SURFACE, ORIGIN CCSR MAP A-10593, N68°19'33"E 0.04' FROM CALC. POSITION PER THIS SURVEY; N 8519.68, E 8096.34 (CALC)
- MON # 1458 FOUND 5/8" REBAR CAP MISSING, TOP 0.2' BELOW THE SURFACE, BENT SOUTHWEST, ORIGIN CCSR MAP A-10258, S43°13'56"W 0.45' FROM CALC. POSITION PER THIS SURVEY; N 8527.95, E 8101.96 (CALC)
- MON # 1463 FOUND 5/8" REBAR WITH PYC STAMPED "CKI OR LS2829 WA LS40519, TOP FLUSH WITH THE SURFACE, ORIGIN CCSR MAP B-13639, HELD FOUND POSITION; N 8532.57, E 8051.08 (MON)
- MON # 1466 FOUND 5/8" REBAR WITH PYC STAMPED "K FOESTE LS 849", INSIDE ANGLE IN BLOCK WALL, ORIGIN CCSR MAP A-10258, N85°14'26"E 0.23' FROM CALC. POSITION PER THIS SURVEY; N 8492.12, E 7976.82 (CALC)

COORDINATES ARE LOCAL - ASSUMED AND ORIGIN PER CCSR MAP B-7169.

- NO () = MEASURED / CALCULATED PER THIS SURVEY
- () = PER "PLAT OF NEW ASTORIA 1892"
- () = PER CCSR MAP # B-834
- () = PER CCSR MAP # B-7169
- () = PER CCSR MAP # A-7043
- () = PER CCSR MAP # A-10709
- () = PER CCSR MAP # B-11573
- () = PER CCSR MAP # B-13022
- () = PER CCSR MAP B-10258
- () = PER INST # 201905150 CCSR
- () = PER CCSR MAP B-13636

CALC = CALCULATED
 CCSR = CLATSOP COUNTY DEED RECORDS
 CCSR = CLATSOP COUNTY SURVEYOR'S RECORDS
 MON = MONUMENT
 P.O.L. = POINT ON LINE
 PYC = PLASTIC YELLOW CAP

OTHER REFERENCE SURVEYS
 CCSR MAP # B-8788

I NEIL A. MENDENHALL JR., DO HEREBY CERTIFY THAT THIS IS A FULL, COMPLETE, AND TRUE COPY OF THE ORIGINAL PLAT REFERENCED ABOVE.

NEIL A. MENDENHALL JR., LS 2001

I DO HEREBY CERTIFY THAT THIS IS A FULL, COMPLETE, AND TRUE COPY OF THE ORIGINAL PLAT REFERENCED ABOVE.

BY: CLATSOP COUNTY CLERK

SURVEY BY:
 NEIL A. MENDENHALL JR., LS 2001
 dba MENDENHALL & ASSOC
 PO BOX 2025
 GEARHART, OR 97138
 (503)-738-6363
 mendenhall12025@gmail.com
 file: ftstevensgray.pro

SURVEY FOR:
 RICK VAN SANT
 RAINWATER PROPERTIES L.L.C.
 1290 SW JAY COURT
 BEAVERTON, OR 97003
 (503) 314-4203

EQUIPMENT:
 SOKKIA SET530R
 TOTAL STATION
 CREW: NAM, DNM BC



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: Matthew Ellis, AICP, Planning Director
DATE: June 13, 2024
SUBJ: Conditional Use Permit CUP-24-7

BACKGROUND

Andrea Darus of the South Jetty Inn has applied for a Conditional Use Permit to come into compliance with the WMC. Currently, a food cart with a temporary use permit, Elk Stop Coffee, has been operating based on approval from a previous planning director. However, the use was placed there after the ordinance requiring them to be granted a conditional use permit was adopted. They failed to receive their conditional use permit until tonight. Staff has no concerns about how they have been operating but did want to bring them into compliance.

PUBLIC PROCESS, PROCEDURES & PUBLIC NOTICE

The application was submitted on May 9 and was deemed complete on May 9, 2024. We sent notice of the public hearing to adjacent property owners on May 23 and published notice in The Astorian on May 30, 2024.

CODE PROVISIONS, APPLICANT RESPONSES, AND FINDINGS

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

- 16.44.030 Commercial Mixed Use District Conditional Uses
- 16.208.050 Type III Procedure (Quasi-Judicial)
- 16.220 Conditional Use Permits

Chapter 16.44 Commercial Mixed Use (C-MU) District **16.44.030 Conditional Uses**

APPLICANT RESPONSE: None provided.

STAFF FINDING: The proposed use would be allowed if CUP-24-7 is approved. **This criterion is met.**

Chapter 16.208 Administration of Land Use and Development Permits **16.208.050 Type III Procedure (Quasi-Judicial)**

APPLICANT RESPONSE: None provided.

STAFF FINDING: The applicant did not hold a pre-application conference, which is required for all Type III applications, but staff do not feel a pre-application conference would have changed the application substantially. **All other criteria of the section have been met.**

Chapter 16.220 Conditional Use Permits

16.220.030 Review Criteria

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

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

APPLICANT RESPONSE: Yes, the proposed kiosk is in full compliance and has no negative effect on the community. It has only enhanced the community overall.

STAFF FINDING: The Comprehensive Plan speaks of a need for additional commercial options, as well as improvements to the Historic Hammond area. The food cart here will help activate Pacific Drive for pedestrian traffic as well as helping disperse traffic from other coffee shops. **This criterion is met.**

2. The location, size, design, and operating characteristics of the proposed use are such that the development will be compatible with, and have a minimal impact on, surrounding properties.

APPLICANT RESPONSE: The kiosk is located in the Motel parking lot and has no negative impact on surrounding properties.

STAFF FINDING: The operation of the food cart has not created any negative impacts on surrounding property owners and is not expected to do so. **This criterion is met.**

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.

APPLICANT RESPONSE: We have provided a traffic study and there is no negative effects to adjacent roadways.

STAFF FINDING: A food cart will not generate excessive traffic per the ITE trip generation model. **This criterion is met.**

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

APPLICANT RESPONSE: Yes, the kiosk is fully plumbed and electrified. As part of the Motel, we have restrooms and wash facilities.

STAFF FINDING: The food cart is already connected to the system. Additional inspection may be needed by Public Works to verify utilities are separated from each other. **This criterion is met.**

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

APPLICANT RESPONSE: Yes, the kiosk is located on new asphalt parking lot.

STAFF FINDING: The food cart is set up on existing pavement. **This criterion is met.**

6. The site has an adequate area to accommodate the proposed use. The site layout has been designed to provide for appropriate access points, on-site drives, public areas, loading areas, storage facilities, setbacks and buffers, utilities or other facilities which are required by City ordinances or desired by the applicant.

APPLICANT RESPONSE: Yes, as mentioned in the Traffic study, there is plenty of adequate parking and room for through fares as well as seating for customers.

STAFF FINDING: The food cart has been operating without issue and is expected to continue to do so. **This criterion is met.**

7. The use is appropriate at the proposed location. Several factors which should be considered in determining whether or not the use is appropriate include: accessibility for users (such as customers and employees); availability of similar existing uses; availability of other appropriately zoned sites; and the desirability of other suitably zoned sites for the intended use.

APPLICANT RESPONSE: Yes, again, there is suitable access for all customers and employees.

STAFF FINDING: The food cart has been operating without issue and is expected to continue to do so. **This criterion is met.**

CONCLUSIONS AND RECOMMENDATION

The applicant has demonstrated that the proposed food cart satisfies the conditional use permit criteria to be in the C-MU Commercial Mixed Use zoning district.

Accordingly, staff recommends approval of the request.

RECOMMENDED MOTION

“Based on the findings and conclusions of the June 13, 2024, staff report, I move to approve CUP-24-7.”

ATTACHMENTS

1. Application



City Of Warrenton
Planning Department
Conditional Use Permit
WMC 16.220

OFFICE USE	FEE \$1,000
	File# CUP - _____ - _____
	Date Received _____
	Receipt# _____

The purpose of the conditional use process is to allow, when desirable, uses that would not be appropriate throughout a zoning district or without restrictions in that district, but would be beneficial to the City if their number, area, location, design, and relation to the surrounding property are controlled. A property owner or designated representative may initiate a request for a conditional use by filing an application with the Planning Department according to the requirements of Section 16.208.050. In addition, the applicant shall provide any related plans, drawings, and/or information needed to provide background for the request.

Property

Address: _____

Tax Lot (s): _____

Zone: _____ Flood Zone: _____ Wetlands: _____

Applicant

Name (s): _____

Phone: _____ E-Mail Address: _____

Mailing Address: _____

Applicant Signature(s): _____ Date: _____

Property Owner (if different from applicant)

Name (s): _____

Phone: _____ E-mail Address: _____

Mailing Address: _____

Owner's Signature: _____ Date: _____

I am a record owner of property (person(s) whose name is on the most recently-recorded deed), or contract purchaser with written permission from the record owner and am providing my signature as written authorization for the applicant to submit this application.

Description of Proposed Land Use

Conditional Use Permit Review Criteria

Please provide written responses to each of the criteria below that clearly explain how your proposal meets each item. Attach a separate piece of paper if needed. Be as specific as possible. "Yes" and "No" responses are not sufficient.

WMC 16.220.030

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

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.

3. The use will not generate excessive traffic, when compared to traffic generated by uses permitted outright, and adjacent streets have the capacity to accommodate the traffic generated.

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

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

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

7. The use is appropriate at the proposed location. Several factors which should be considered in determining whether or not the use is appropriate include: accessibility for users (such as customers and employees); availability of similar existing uses; availability of other appropriately zoned sites; and the desirability of other suitably zoned sites for the intended use.

Submittal Checklist

Applicants shall submit all of the following items on a site plan along with the application form. The site plan shall contain the following information:

- The proposed development site, including boundaries, dimensions, and gross area drawn to scale.
- Natural land features identified which are proposed to be removed or modified by the development, including modifications to existing drainage patterns, if any.
- The location and dimensions of all proposed public and private streets, drives, rights-of-way, and easements, if any
- The location and dimensions of all existing and proposed structures, utilities, pavement and other improvements on the site. Setback dimensions for all existing and proposed buildings shall be provided on the site plan.
- The location and dimensions of entrances and exits to the site for vehicular, pedestrian, and bicycle access, if being modified by the application.
- The location and dimensions of all parking and vehicle circulation areas (show striping for parking stalls and wheel stops, as applicable), and proposed paving materials.
- Pedestrian and bicycle circulation areas, including sidewalks, internal pathways, pathway connections to adjacent properties, and any bicycle lanes or trails.
- Loading and service areas for waste disposal, loading and delivery, if any
- Outdoor recreation spaces, common areas, plazas, outdoor seating, street furniture, and similar improvements.

- Location, type, and height of outdoor lighting.
- Locations, sizes, and types of signs (shall comply with Chapter 16.144).
- The Planning Department may require studies or exhibits prepared by qualified professionals to address specific site features (e.g., traffic, noise, environmental features, site drainage, natural hazards, etc.).
- The applicant's entire tax lot and the surrounding property to a distance sufficient to determine the location of the development in the City, and the relationship between the proposed development site and adjacent property and development. The property boundaries, dimensions and gross area shall be identified.
- Identification of slopes greater than 10%.
- Any areas identified as located in a designated floodplain and/or floodway, if any
- Depict any wetland and riparian areas, streams and/or wildlife habitat areas, if any.
- Site features such as pavement, areas having unique views, and drainage ways, canals and ditches, if any.
- Any designated historic and cultural resources areas on the site and/or adjacent parcels or lots.
- North arrow, scale, names and addresses of all property owners.
- Name and address of applicant, project designer, engineer, architect, surveyor, and/or planner, if applicable.
- Letter or narrative report documenting compliance with the applicable approval criteria including the conditional use criteria, zoning development standards, and applicable design standards. Please see the Planning Staff for applicable design standards.

This application will not be officially accepted until department staff have determined that the application is completely filled out, signed, the application fee has been paid, and the submittal requirements have been met.



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: Matthew Ellis, AICP, Planning Director
DATE: June 13, 2024
SUBJ: Development Code Revision DCR-24-4 Commercial Industrial District

BACKGROUND

On May 28, 2024, the Warrenton City Commission tasked the Planning Commission and City staff to develop a CI Commercial Industrial zoning district, blending the vision of the two distinct uses into one hybrid zone. This discussion will lay the groundwork for the eventual ordinance and City-initiated rezoning of the property. Further in the memo, I identify specific items of consideration I need direction on.

PURPOSE

City staff proposes the purpose of this zone to be blending the appropriate components of the C-1 and I-1 zoning districts into a single zoning district which would result in larger-scale commercial developments that would not appear discordant with light industrial and wholesale uses interspersed. Uses in this zone should be focused on growth in employment while disallowing some of the residential or institutional uses allowed in C-1.

PERMITTED USES

Permitted uses are those allowed by right, distinct from conditional uses. The C-1 General Commercial zone permits many uses which would make sense in larger development or smaller development. Most of the permitted uses in I-1 would require larger contiguous areas of land. Direction on which permitted uses are appropriate and which should be moved to conditional uses will be asked at the meeting. The proposed list of permitted uses for CI is below:

- A. Airport support structures, including but not limited to hangars, weather stations, fuel terminals, and storage buildings.
- B. Boat and marine equipment sales, service, or repair facilities.
- C. Building material sales yard.
- D. Cabinet, carpenter, woodworking, or metal fabrication shops.
- E. Church, synagogue, or other place of worship.

- F. Contractor shop or equipment storage yard for storage and rental of equipment commonly used by a contractor.
- G. Dredge material disposal (DMD) subject to Chapter 16.104.
- H. Government buildings and uses.
- I. Printing facilities.
- J. Production, processing, assembling, packaging or treatment of articles and products from previously prepared or semi-finished materials, such as paper, wood, rubber, plastics, fibers, and sheet metal.
- K. Production, processing, assembling, packaging, or treatment of such products as food and beverage products, pharmaceutical, hardware, and machine products. Retail of products made on-site is permitted as an accessory use.
- L. Processing uses such as bottling plants, bakeries, and commercial laundries.
- M. Professional, financial, business, and medical offices.
- N. Public utility facilities.
- O. Research and development laboratories and similar uses.
- P. Retail business establishments over 25,000 square feet.
- Q. Storage and distribution services and facilities, including but not limited to truck terminals, warehouses and storage buildings and yards, contractor's establishments, or lumber yards and sales.
- R. Technical, professional, vocational, and business schools.
- S. Tool and equipment rental.
- T. Transportation facilities and improvements subject to the standards of Section 16.20.040.
- U. Vehicle repair, including but not limited to welding, painting, service, and parts facilities.
- V. Veterinary clinic, kennels.
- W. Similar uses as those listed in this section.

CONDITIONAL USES

Conditional uses require additional review by the Warrenton Planning Commission through the application for a Conditional Use Permit. The proposed list of conditional uses for CI is below:

- A. New community or technical college or similar campus-type facilities subject to institutional master plan standards in Chapter 16.224.
- B. New mini-warehouse or similar storage facilities.
- C. Similar uses as those listed in this section.

DEVELOPMENT STANDARDS

The following development standards were developed based on the expected patterns of development and best practices from other communities:

- A. Minimum lot size: none.

- B. Minimum lot width: none.
- C. Minimum lot depth: none.
- D. Maximum building height: 45 feet.
- E. Maximum lot coverage: none.
- F. Minimum front yard setback: none.
- G. Minimum side yard setback: none.
- H. Minimum rear yard setback: none.

OTHER APPLICABLE STANDARDS

The following standards were developed using the impact-based standards in I-1 and adapted based on the allowed uses:

- A. The air quality standards set by the Department of Environmental Quality shall be the guiding standards in this zone, except that open burning is prohibited in any case.
- B. All materials, including wastes, shall be stored and maintained in a manner that will not attract or aid the propagation of insects or rodents or other animals or birds, or otherwise create a health hazard or nuisance.
- C. Fencing will be allowed inside a boundary planting screen and where it is necessary to protect the property of the use concerned or to protect the public from a dangerous condition. Proposed fence locations and design shall be subject to City review.
- D. Where this zone adjoins a residential zone, there shall be a buffer area at least 10 feet wide to provide a dense evergreen landscape buffer that attains a mature height of eight feet, or such other screening measures as may be prescribed by the City in the event differences in elevation or other circumstances should defeat the purpose of this requirement.
- E. No vibration other than that caused by highway vehicles, trains, and aircraft shall be permitted which is discernible without instruments at the property line of the use concerned.
- F. No use shall create electrical or lighting interference with the operations of the Port of Astoria Airport.
- G. Prior to undertaking disposal, the dredging project proponent shall consult with the Army Corps and Oregon Department of State Lands to determine if the disposal site contains wetlands that are regulated under permit programs administered by those agencies. If the site contains regulated wetlands, the dredging project proponent shall either alter the disposal site boundaries to avoid the wetlands and leave an acceptable protective buffer, or obtain the necessary Corps and DSL permits to fill the wetlands.

ATTACHMENTS

1. WMC 16.40 GENERAL COMMERCIAL (C-1) DISTRICT
2. WMC 16.60 GENERAL INDUSTRIAL (I-1) DISTRICT



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: Matthew Ellis, AICP, Planning Director
DATE: June 13, 2024
SUBJ: Applications Approved by Staff – April 1, 2024 through May 31, 2024

APPLICATIONS APPROVED BY STAFF

The following applications were approved by Planning Department staff between April 1, 2024 and May 31, 2024:

File Name	Description	Project Location	Decision
LUCS-24-1	Land Use Compatibility Statement for soil stabilization	Taxlot 810170001302	Approved on April 15, 2024
ZL-24-1	Zoning Verification Letter for personal grow operation	330 SW Jade Place	Approved on April 29, 2024
FP-24-9	Floodplain Development Permit for a door replacement	280 SE Marlin Avenue	Approved on May 14, 2024
FP-24-10	Floodplain Development Permit for a new Ecolab dispenser	1605 E Harbor Drive	Approved on May 14, 2024
GRD-24-1	Grading Permit for Lot 9 of the Roosevelt Subdivision	1110 SE Bugle Avenue	Approved on May 16, 2024
TU-24-1	Temporary Use Permit for a contractor trailer and laydown yard for upcoming improvements to Fred Meyer	695 S Highway 101	Approved on May 21, 2024
HOC-24-1	Home Occupation Permit for an existing quilting business	683 NW 9 th Street	Approved on May 21, 2024

TU-24-3	Temporary Use Permit for fireworks sales at Fred Meyer and Walmart	695 S Highway 101 1791 SE Ensign Lane	Approved on May 21, 2024
LL-24-2	Lot consolidation for single-family attached dwellings	Taxlot 81009D004400	Approved on May 23, 2024
FP-24-11	Floodplain Development Permit for a heater replacement	230 SE Marlin Avenue	Approved on May 31, 2024

PRE-APPLICATION CONFERENCES HELD

The following pre-application conferences were held with City staff between April 1, 2024 and May 31, 2024:

File Name	Description	Project Location
PRE-24-1	Converting existing garages into bedrooms, formalizing a fourplex	1145 S Main Avenue
PRE-24-2	New single-family home	Taxlot 810160000616
PRE-24-3	New nine-unit multifamily complex	719 S Main Avenue
PRE-24-4	Townhouse development in Chelsea Gardens	640 Alternate Highway 101
PRE-24-5	Vacation rental	976 Fourth Avenue