



AGENDA

WARRENTON PLANNING COMMISSION

Regular Meeting | September 12, 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/89424483614?pwd=aQEMoaWvubiH6xmWNVHpQtix5LWv8a.1>

Meeting ID: 894 2448 3614 | **Passcode:** 123456 | **Dial-in number:** 253-215-8782

1. CALL TO ORDER & PLEDGE OF ALLEGIANCE

2. ATTENDANCE

3. APPROVAL OF MINUTES

- A. Planning Commission Regular Minutes – 8.8.24

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. CUP-24-8 & SUB-24-1 Port of Astoria Columbia River Mitigation
- B. CP-24-1 Wetland Significance Determination Amendment for Mike Balensifer
- C. MC-24-3 Modification to Condition of Approval 28 from MC-23-3

6. BUSINESS ITEMS

7. DISCUSSION ITEMS

- A. Residential Code Audit Preliminary Discussion

8. GOOD OF THE ORDER

- A. RZ-24-1 Rezoning of County Business Park from I-1 General Industrial to CI Commercial Industrial, which was advertised for this meeting, will be held for consideration at the October 10 Planning Commission meeting. Additional notification will be provided.
- B. Ordinance 1278 Adding Schools as a Conditional Use in C-1 General Commercial, which was advertised for this meeting, will be held for consideration at the November 14 Planning Commission meeting. Additional notification will be provided.

9. ADJOURNMENT

Next Regular Meeting: October 10, 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
August 8, 2024
6:00 p.m.
Warrenton City Hall - Commission Chambers
225 S. Main
Warrenton, OR 97146

Chair Hayward called the meeting to order at 6:01 p.m. and led the public in the Pledge of Allegiance.

Commissioners Present: Chair Chris Hayward, Tony Faletti, Mike Moha, Christine Bridgens, and Karin Hopper

Commissioners Absent: Cynthia O'Reilly

Staff Present: Planning Director Matthew Ellis, Secretary Judith Stich

3. APPROVAL OF MINUTES

A. Planning Commission Meeting Minutes – 06.13.24

Commissioner Faletti made a motion to approve. Motion was seconded and passed unanimously.

Faletti–aye; Hayward–aye; Moha–aye; Hopper–aye; Bridgens–aye

4. PUBLIC COMMENT ON NON-AGENDA ITEMS

None

5. PUBLIC HEARINGS

A. Ordinance 1277 Commercial Industrial Zone

Chair Hayward called to order the hearing on Ordinance 1277. Planning Director Matthew Ellis gave the staff report and spoke about the rezoning of two districts into one cohesive district that better aligns with the City's vision. Commissioner Bridgens asked what the limits would be for the businesses within the new zone. Mr. Ellis spoke to the types of uses that were kept in and those that were left out. Commissioner Bridgens asked a clarifying question to which Mr. Ellis responded that the types of uses that were referred to would fall under code compliance.

The discussion continued. Chair Hayward asked what this would add that we didn't already have. Mr. Ellis clarified that this was a hybrid vision that was combining uses. Mr. Ellis then gave some examples of how this new zone would look. Chair Hayward then asked a follow-up question about putting the uses into other zones that we currently have. Mr. Ellis explained the reasoning behind creating the new hybrid zone. There was some back-and-forth discussion

between Chair Hayward and Mr. Ellis regarding Chair Haywards questions about creating a new zone. Commissioner Faletti and Commissioner Hopper made comments clarifying the new zone. Chair Hayward made one more comment to which Mr. Ellis responded to close out the discussion.

Chair Hayward asked if there was anyone that wanted to provide testimony more if there were any further questions from the audience. There were none. Chair Hayward, receiving no comments from the public or staff, then closed the Public Hearing and opened for deliberation amongst the Commissioners. There was no further deliberation.

Commissioner Moha made a move to recommend and forward to the City Commission the changes to the development code as described in Ordinance 1277. Motion was seconded and passed by majority.

Faletti–aye; Hayward-aye; Moha–aye; Hopper–aye; Bridgens-aye

B. Ordinance 1274 Grading Permits

Chair Hayward called to order the hearing on Ordinance 1274. Mr. Ellis gave the staff report and spoke about the impacts of fill in the area and changes being made to the grading regulations. Commissioner Faletti asked for clarification on a word definition. Mr. Ellis explained the difference in the definition being used. Commissioner Bridgens inquired if there were any current applications to which Mr. Ellis responded that there was one. Commissioner Bridgens then mentioned a specific lot in the Hammond area that was of concern. Mr. Ellis continued that if the work was not currently being done, then they would not need permits but if work was being done that they would be in violation, and it would need to be reported to the planning department. Commissioner Hopper inquired about the qualifications of staff to sign off on the projects versus engineers. Mr. Ellis responded that we did have staff expertise. Commissioner Faletti asked a clarifying question about drainage. Mr. Ellis responded that the drainage facility was a broad term and that it is usually checked by the experts in Public Works to ensure that things are working properly.

Chair Hayward asked if there was anyone that wanted to provide testimony more if there were any further questions from the audience. There were none. Chair Hayward, receiving no comments from the public or staff, then closed the Public Hearing and opened for deliberation amongst the Commissioners. There was no further deliberation.

Commissioner Faletti made a motion to approve proposal to send to the city commission. Motion was seconded and passed unanimously.

Faletti–aye; Hayward-aye; Sollaccio–aye; Hopper–aye; Bridgens-aye

6. BUSINESS ITEMS

None

7. DISCUSSION ITEMS

MINUTES

Warrenton Planning Commission

Regular Meeting – 6.13.2024

Page: 2 of 3

A. Residential Code Audit Preliminary Discussion

Mr. Ellis went directly into explaining the scope of the audit. He spoke about Commissioner Hopper being on the technical advisory board for the code audit. He mentioned that this was an opportunity to discuss and review the audit. There was no immediate discussion, so Mr. Ellis mentioned that he had questions for the commissioners.

Mr. Ellis inquired about increasing the max size of Additional Dwelling Unit regulations, in conformance of the ORS. Chair Hayward asked if a neighborhood could be developed without allowing ADU's. Mr. Ellis responded that it could not, due to the state laws. Commissioner Hopper asked a clarifying question and Mr. Ellis responded in agreement.

Mr. Ellis took more questions from the Commissioners and there was a lot of back-and-forth discussion regarding ADU's. There was a brief history on Middle Housing by Mr. Ellis to further the discussion between Commissioner Bridgens and himself. Mr. Ellis asked the question of whether the commission wanted to have a broader discussion regarding ADU size. The consensus of the Commission was that the larger size was preferred but it was decided that there was a lot more to discuss. Mr. Ellis had questions for the Commissioners to take into consideration. It was decided that this could be discussed in the September Planning Commission meeting.

8. GOOD OF THE ORDER

Mr. Ellis spoke to new applications forms that are being made for the planning department that are more uniform. He mentioned that the Land Use training was still in the works and that it was slated for early 2025. Lastly, Mr. Ellis stated that the next planning commission meeting was scheduled for September 12.

There being no further business, Chair Hayward adjourned the meeting at 7:05 p.m.

APPROVED:

ATTEST:

Chris Hayward, Chair

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, CFM, Planning Director
DATE: September 12, 2024
SUBJ: Conditional Use Permit CUP-24-8 and Subdivision SUB-24-1

BACKGROUND

Will Caplinger, AICP of Two Branches Consulting has applied for a conditional use permit and a preliminary plat to add approximately 1 acre of open water to the Skipanon channel for estuarine mitigation for the Pier 2 West project in Astoria. The subject properties are located north of E Harbor Drive and west of NE King Avenue and are zoned I-2 Water-Dependent Industrial Shorelands. The subject properties are presently undeveloped and are identified as Tax Lots 81015D000100, 81015D000400, 81015D000500, and 81015D000600.

PUBLIC PROCESS, PROCEDURES & PUBLIC NOTICE

Applications for CUP-24-8 and SUB-24-1 were submitted on July 22 and were deemed complete on July 22 and August 1, 2024, respectively. Notice of the public hearing was sent to adjacent property owners on August 23 and published notice in The Astorian on August 29, 2024.

CODE PROVISIONS, APPLICANT RESPONSES, AND FINDINGS

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

- 16.64 WATER-DEPENDENT INDUSTRIAL SHORELANDS (I-2) DISTRICT
- 16.208 TYPES OF APPLICATIONS AND REVIEW PROCEDURES
- 16.216 LAND DIVISIONS AND LOT LINE ADJUSTMENTS
- 16.220 CONDITIONAL USE PERMITS

Only the applicable standards are addressed below. Portions that do not apply have been omitted.

Chapter 16.64 WATER-DEPENDENT INDUSTRIAL SHORELANDS (I-2) DISTRICT
16.64.030 Conditional Uses.

APPLICANT RESPONSE: The project is permitted under the "mitigation, restoration, creation, and enhancement" use authorized by WMC section 16.64.030(C) and supported by 16.160.120.L.7 & N.1.

STAFF FINDING: Mitigation, restoration, creation, and enhancement is an allowed conditional use in WMC Section 16.64.030. The proposed use would be allowed if CUP-24-8 is approved. **This criterion is met.**

16.64.040 Development Standards.

The following standards are applicable in the I-2 zone:

- A. All uses shall satisfy applicable Columbia River Estuary Shoreland and Aquatic Area Development Standards in Chapter 16.160.

APPLICANT RESPONSE: The project is supported by 16.160.120.L.7 & N.1. The project is a collaborative effort with state and federal approvals pending and is potentially exempt from estuarine mitigation requirements.

STAFF FINDING: WMC Section 16.160.120(L)(7) does not indicate whether a project is supported, but indicates that the project may be exempt from additional mitigation requirements. Thus, staff disagrees with the claim that the project is supported by WMC Section 16.160.120(L)(7). Additionally, WMC Section 16.160.120(N)(1) does not indicate whether the use would satisfy Chapter 16.160, and, indeed, indicates that it might not be considered as mitigation as the project would be wetland conversion as identified on CUP Site Plan Page 5 Figure A Mitigation Plan.

An appropriate section of WMC Chapter 16.160 to consider is WMC Section 16.160.120(Q), which says "Warrenton shall make the determination of whether a development will preclude all or some of the potential use of the site for mitigation purposes." The removal of 1,000 cubic yards of designated water-dependent industrial shorelands will permanently preclude this property from future uses outlined in the Warrenton Municipal Code and Comprehensive Plan.

Another appropriate section of WMC Chapter 16.160 to consider is WMC Section 16.160.120(T), which says, "Shorelands in the Marine Commercial Shorelands Zone, Water-Dependent Industrial Shorelands Zone, or the Skipanon East Bank Mediated Development Shorelands Zone can only be used for mitigation subject to a finding that the use of the site for mitigation will not preclude or conflict with water-dependent uses." As the applicant indicates this project is to be used for estuarine mitigation, and the excavation of these water-dependent industrial shorelands would permanently preclude water-dependent uses in the future, the use of mitigation should not be permitted. **This criterion is not met.**

Chapter 16.208 TYPES OF APPLICATIONS AND REVIEW PROCEDURES
16.208.050 Type III Procedure (Quasi-Judicial).

APPLICANT RESPONSE: None.

STAFF FINDING: A pre-application conference was held on June 13, 2024. The applicant submitted some information and refused to provide other information as is their right under ORS 227.178(2)(b). **This criterion is met.**

Chapter 16.216 LAND DIVISIONS AND LOT LINE ADJUSTMENTS

16.216.040 Preliminary Plat Submission Requirements.

APPLICANT RESPONSE: See Exhibit B Proposed Vacation.

STAFF FINDING: The applicant provided a copy of the original plat with the outline of the vacation identified. This is satisfactory for the preliminary plat, but not the final plat. The final plat should be its own recordable document. Additionally, the wetland delineation has not yet been approved by DSL. A final plat will not be approved until the DSL concurrence is received. **This criterion is 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: The Warrenton Municipal Code adopts, implements, and is consistent with the policies of the Comprehensive Plan. Therefore, the uses authorized by WMC section 16.64.030(C) ("Mitigation, restoration, creation, and enhancement") are subject to conditions that ensure conformance with the Comprehensive Plan.

STAFF FINDING: Appendix I of the Warrenton Comprehensive Plan is partially the result of the 1981 Mediation Panel Agreement – to which, the Port of Astoria was a participant. This agreement is “the product of seven grueling 2-day mediation sessions” to determine “the planning designations and conditions for development” of areas along the Columbia River, including the East Skipanon peninsula, which this project would alter. Additionally, the Subarea Policies adopted by the City of Warrenton require uses of this area to be limited to “large scale water-dependent use requiring about 100 acres or more.” The development designations and policies applicable to this area outside what was agreed to in 1981 should not and likely can not be unilaterally decided by the Warrenton Planning Commission. **This criterion is not 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: Location selection criteria are detailed in the CUP Supplement under "Site Selection." The size was determined by the compensatory mitigation criteria for the Pier 2 West rehabilitation project. The completed project will be passive; no impact to surrounding properties is anticipated.

STAFF FINDING: This project is far from passive. This application in its entirety would take developable land within the City of Warrenton away for no other purpose than to

mitigate for impacts caused by the Pier 2 West Rehabilitation Project in Astoria. Impacts created within a jurisdiction should be mitigated within that jurisdiction. The application would also create compensatory wetlands upland from the excavation site. This is likely to create additional undevelopable property due to wetland development setbacks. **This criterion is not 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: The proposed use does not have any potential to generate excessive traffic. The platted public ROWs in the "Portoria" subdivision are not developed. A dirt road in the NE Heron ROW accesses several small boat berths, continues N, turns E over tax lots 400 & 500, and connects with the [also] undeveloped NE King Ave -which is gated at the south end. The NE Heron and NE King Ave ROWs are on the Property Owner's tracts and are sufficient for project-related traffic.

STAFF FINDING: The removal of land from the banks of the Skipanon River will not create additional traffic, let alone excessive traffic. **This criterion is met.**

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

APPLICANT RESPONSE: The proposed use is passive and requires few if any public facilities or services.

STAFF FINDING: The removal of land from the banks of the Skipanon River will not create an impact on public facilities or services. **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: Evaluation of the site's physical characteristics - and factors that determined the selection of this site - are discussed in the CUP Supplement under 'Site Selection.'

STAFF FINDING: The site's physical characteristics, other than being in the wrong jurisdiction in Staff's opinion, are appropriate for mitigation. However, the underlying land use as designated in the Comprehensive Plan and identified in the Staff Finding to Criterion 1 above makes this site unacceptable for the proposed use. **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: The area of the site is the minimum necessary to achieve the mitigation requirements. Site design and layout fall under the purview of the

jurisdictional permits. The proposed use does not include any infrastructure; thus, design requirements of the type here contemplated are inapplicable.

STAFF FINDING: Staff concurs. Subsequent applications will uncover any additional compliance measures needed to conduct the proposed work if it is approved. **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: Given the proposed use, it is more appropriate for the site to be relatively inaccessible. The site is on remote Port property to which Applicant access will be infrequent and public access will be prohibited. Further, partial vacation of "Portoria" will retain NE King Ave and east-west ROWs to the Skipanon R. The availability and desirability of other sites for the proposed use are discussed in the CUP Supplement.

STAFF FINDING: This use is not appropriate for the proposed location. Based on the staff findings above, the removal of part of the bank of the Skipanon River is a violation of the Warrenton Comprehensive Plan and wholly unacceptable to the City. **This criterion is not met.**

CONCLUSIONS AND RECOMMENDATION

The applicant has not demonstrated that the proposed use satisfies the conditional use permit criteria or the Warrenton Comprehensive Plan. The plat vacation, however, is in conformance with the vision of the property along the Skipanon River. Accordingly, staff recommends denial of CUP-24-8 and approval of SUB-24-1.

RECOMMENDED MOTION

"Based on the findings and conclusions of the September 12, 2024, staff report, I move to deny CUP-24-8."

"Based on the findings and conclusions of the September 12, 2024, staff report, I move to approve SUB-24-1."

ATTACHMENTS

1. CUP-24-8 Application and Supplemental Information
2. SUB-24-1 Application and Supplemental Information



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. **See Site Plan pg. 4**
- Natural land features identified which are proposed to be removed or modified by the development, including modifications to existing drainage patterns, if any. **See Site Plan pg. 5**
- The location and dimensions of all proposed public and private streets, drives, rights-of-way, and easements, if any **See Site Plan pg. 4**
- N/A** 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.
- N/A** The location and dimensions of entrances and exits to the site for vehicular, pedestrian, and bicycle access, if being modified by the application.
- N/A** 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.
- N/A** Pedestrian and bicycle circulation areas, including sidewalks, internal pathways, pathway connections to adjacent properties, and any bicycle lanes or trails.
- N/A** Loading and service areas for waste disposal, loading and delivery, if any
- N/A** Outdoor recreation spaces, common areas, plazas, outdoor seating, street furniture, and similar improvements.

N/A Location, type, and height of outdoor lighting.

N/A 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. **See Site Plan pg. 1**

N/A Identification of slopes greater than 10%.

Any areas identified as located in a designated floodplain and/or floodway, if any **See Site Plan pg. 1**

Depict any wetland and riparian areas, streams and/or wildlife habitat areas, if any. **See Site Plan pg. 5 & 6**

N/A Site features such as pavement, areas having unique views, and drainage ways, canals and ditches, if any.

N/A 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. **See CUP Supplement**

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.

Port of Astoria CUP

Site Plan Pg1

Vicinity



Source: Clatsop County Webmaps, annotated by Two Branches Consulting

- The subject property, the entire east bank of the Skipanon River and the peninsula are in AE-100-yr flood hazard zone.

Port of Astoria CUP

Site Plan Pg2/Mitigation Site Location

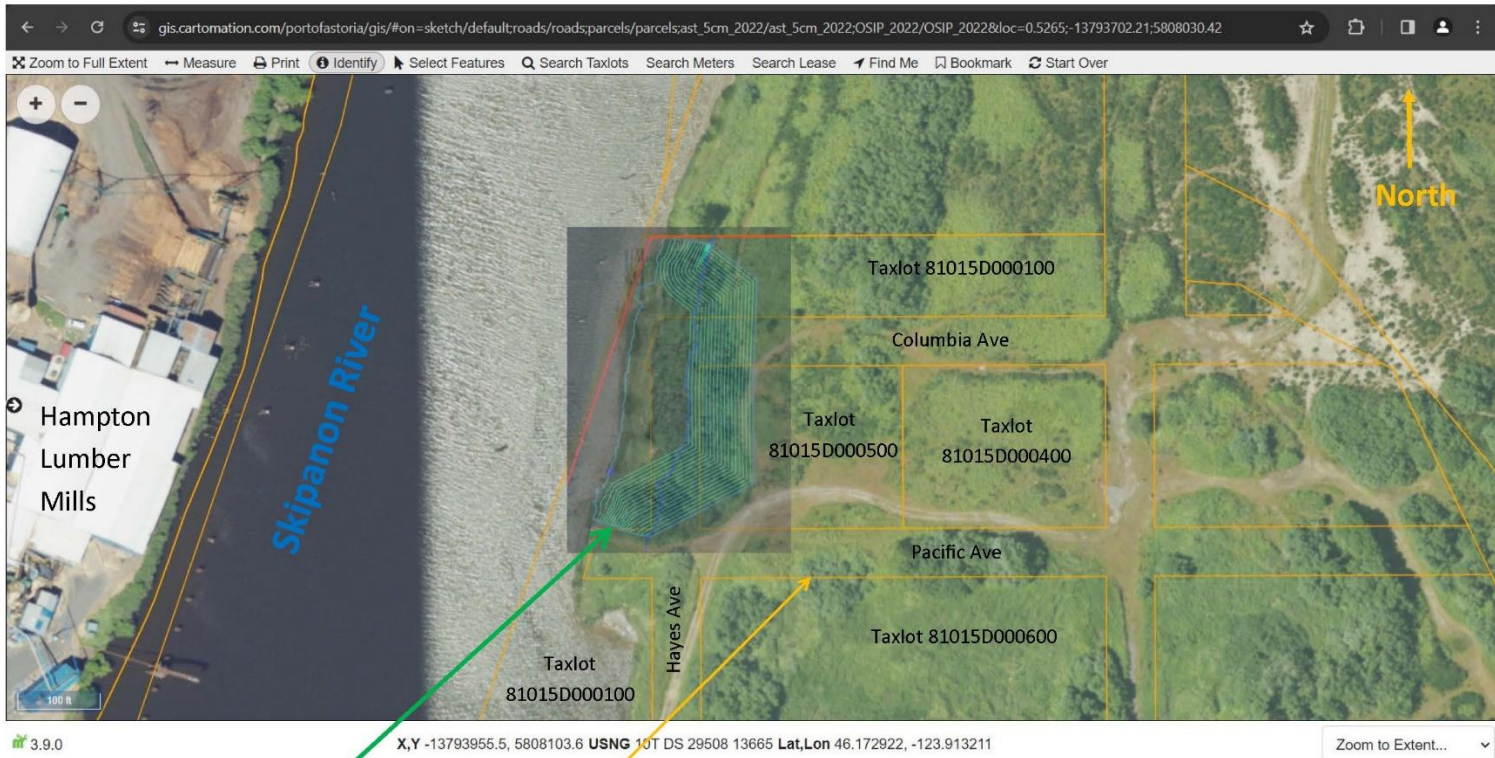


Source: Port of Astoria

Port of Astoria CUP

Site Plan Pg3/Mitigation Site & Tax Lots

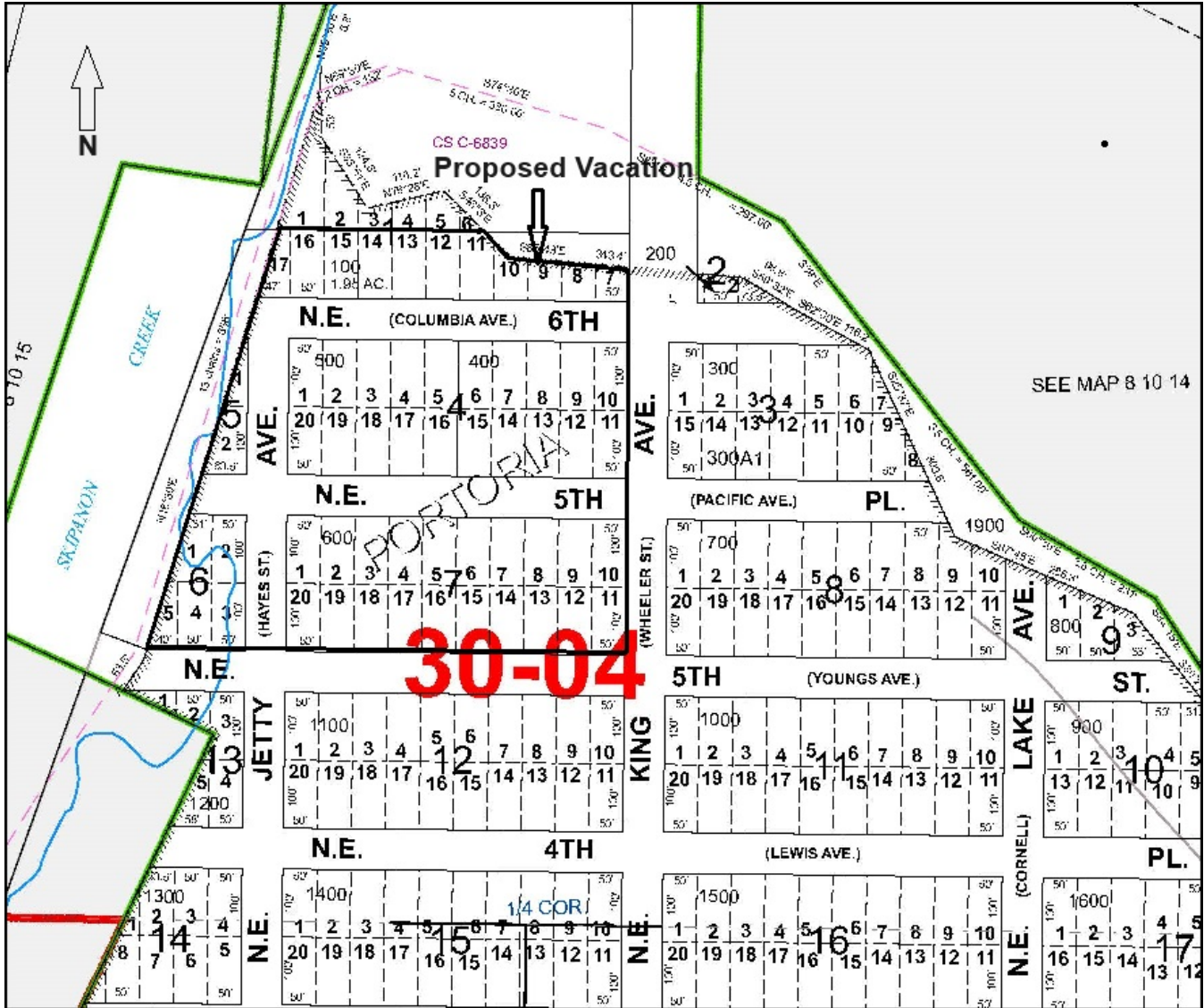
All labeled tax lots in the below diagram are owned by the Port of Astoria; however, as can be seen, the mitigation site will occupy areas currently platted as streets



Approximate Area of Mitigation Site
(parallel green lines)

County Tax Lot Lines

Port of Astoria CUP
 Site Plan Pg4/Tax Map excerpt
 Project Area as Proposed Vacation

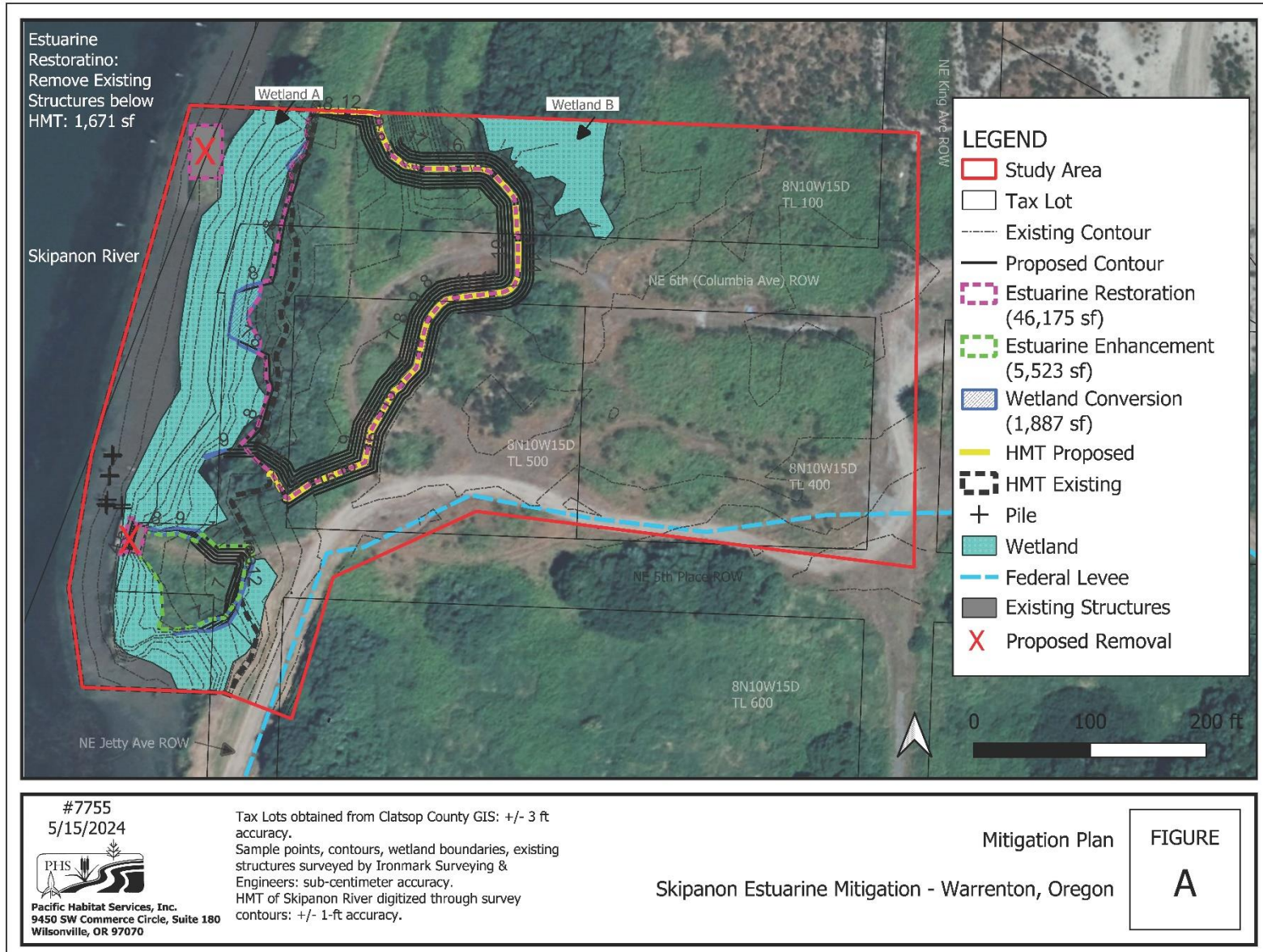


Source: Clatsop County Webmaps

- All tax lots within the Proposed Vacation/Project Area are owned by:
 Port of Astoria
 422 Gateway Ave. Ste 100
 Astoria, OR 97103

Port of Astoria CUP

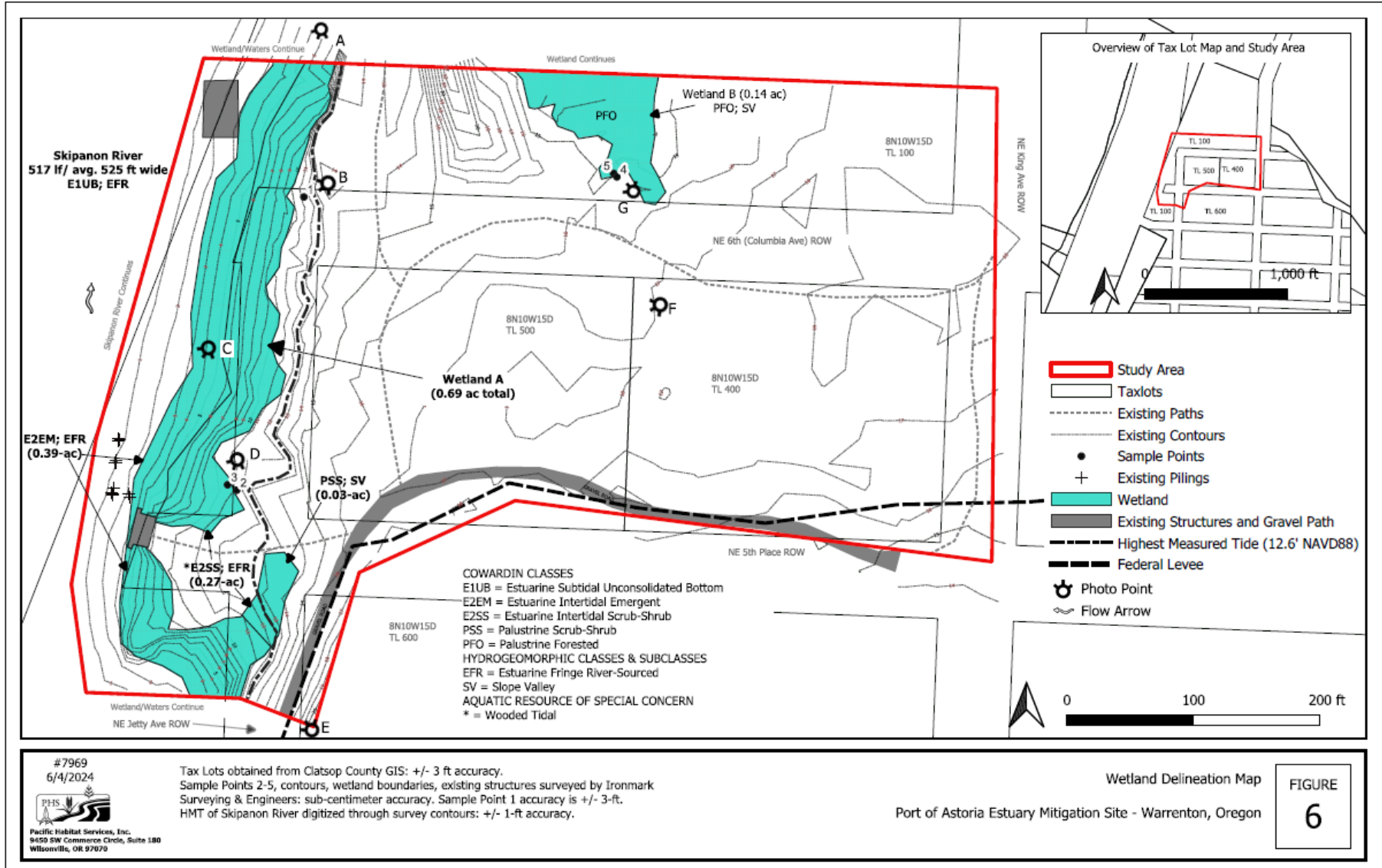
Site Plan Pg5/Mitigation Plan (Fig. A)



Source: Pacific Habitat Services, Inc.

Port of Astoria CUP

Site Plan Pg6/Wetland Delineation



#7969
 6/4/2024

 Pacific Habitat Services, Inc.
 9450 SW Commerce Circle, Suite 100
 Wilsonville, OR 97070

Tax Lots obtained from Clatsop County GIS: +/- 3 ft accuracy.
 Sample Points 2-5, contours, wetland boundaries, existing structures surveyed by Ironmark Surveying & Engineers: sub-centimeter accuracy. Sample Point 1 accuracy is +/- 3-ft.
 HMT of Skipanon River digitized through survey contours: +/- 1-ft accuracy.

Wetland Delineation Map
 Port of Astoria Estuary Mitigation Site - Warrenton, Oregon

FIGURE
6

Source: PHS

Port of Astoria CUP Application/Supplemental Responses

Site selection:

Pacific Habitat Services Inc. (“PHS”) conducted a comprehensive review of all Port of Astoria-owned properties in the Astoria/Warrenton area to search for estuarine mitigation opportunities for the Pier 2 West project. The Pier 2 West project will impact approximately one acre of shallow water habitat within the Columbia River.

PHS first conducted a desktop review of the properties and then a field visit to confirm the findings. PHS prepared maps with LiDAR contours to identify areas below HMT (Highest Measured Tide), as well as mapped hydric soils, wetland overlays from the Local Wetland Inventory and the National Wetland Inventory, and aerial imagery. Most areas along the estuarine fringe of the Port of Astoria-owned properties are below HMT and are functioning intertidal wetlands, which excluded them from further evaluation.

Another evaluation method included areas that would require impacts to existing federal levees to implement estuarine mitigation. Several of these areas are on the landward side of an existing levee and above HMT, which would be ideal for estuary mitigation if a hydrologic connection could be created. A hydrologic connection would require trenching, piping, or removing portions of berm/levee to achieve the appropriate hydrologic connection to tidally influenced areas. These areas were also eliminated as potential mitigation opportunities due to the Section 408 process with the US Army Corps of Engineers, which would preclude alteration of the levees. A complete list of all evaluated sites is available upon request.

Scope & Timeline:

“The proposed estuarine wetland mitigation area will be part of the joint permit application to be submitted to the state and federal agencies. Upon approval of the state and federal permits, the estuarine mitigation area can be excavated.

- Excavation of the wetland mitigation area can occur prior to its physical connection to the Skipanon River; however, the connection to the river must be made between July 1 – September 15
- Planting of the estuarine wetland and the slopes that surround the wetland can occur once the mitigation area has been excavated. Planting above the HMT should occur when there is sufficient rainfall to ensure the new plantings will not dry out. Planting below the HMT can occur as soon as the mitigation area has been excavated and its hydroperiod can be observed (i.e., specific plants will be located where the hydrology of the wetland best suits their growth requirements).”

Source: PHS

Compliance Narrative:

Applicant's narrative is in italicized points following each compliance item;

Comprehensive Plan

Article 3. Land and Water Use

Section 3.300 Policies

Section 3.330 Industrial Lands

(b) Water-Dependent Industrial Shoreland areas have unique characteristics that make them especially suited for water-dependent development. Characteristics that contribute to suitability for water-dependent development include:

- (i) deep water close to shore with supporting land transportation facilities suitable for ship and barge facilities;
- (ii) potential for aquaculture;
- (iii) protected areas subject to scour which would require little dredging for use as marinas;
- (iv) potential for recreational utilization of coastal waters or riparian resources.

Uses of Water-Dependent Industrial Shorelands areas shall maintain the integrity of the estuary and coastal waters. Water-dependent uses receive highest priority, followed by water-related uses. Uses which are not water-dependent or water-related are provided for, but only when they do not foreclose options for future higher priority uses and do not limit the potential for more intensive uses of the area.

-
- This mitigation project does not have the characteristics listed above which, notably, are not criteria, but because the principal work and result are estuarine, the project incidentally fits the definition of a water-dependent use;
 - The upland area of the site will remain developable per its continued zoning. I_8?Water_Dependent.Industrial.Shorelands;...
 - ..

Article 4. Natural Features

Section 4.100. Findings, p. 34:

OAR 660-023-0024 (2) establishes that the requirements of Statewide Planning Goal 16 and 17 supersede the requirements of Statewide Planning Goal 5 for natural resources also subject to and regulated by those goals. As a result, whether and under what circumstances development may impact wetlands and riparian corridors in estuarine and coastal shoreland areas is governed by the policies implementing Goals 16 and 17 rather than the City's adopted Goal 5 implementation program.

Wetlands and riparian corridors are important to the citizens of Warrenton as natural resources. To ensure that this goal is attainable, wetland and riparian corridor mitigation, restoration creation and enhancement shall be allowed in all zoning district where practicable.

- The project is explicitly wetland and riparian corridor mitigation as described and is consistent with the finding;

Goal 5 Natural Resources, Scenic and Historic (Open Space)

- Generally N/A per Article 0 Finding above. See Article 1 below;

Goal 16 Estuarine Resources

- See Article 1 below

Goal 17 Coastal Shorelands

- See Article 1 below

Article 5. Columbia River Estuary and Estuary Shorelands

Section 5.100 Findings

Water-Dependent Development Shoreland areas have unique characteristics that make them especially suited for water-dependent development. Characteristics that contribute to suitability for water-dependent development include:

- (1) Deep water close to shore with supporting land transportation facilities suitable for ship and barge facilities;
 - (2) Potential for aquaculture;
 - (3) Protected areas subject to scour which would require little dredging for use as marinas;
-

(4) Potential for recreational utilization of coastal waters or riparian resources.

These areas are managed for water-dependent recreational, commercial and industrial uses. These areas are in the City's Marine Commercial Zone (C-2), and Water-Dependent Industrial Zone (I-2). An inventory of these sites is included in Section 5.301 (Table 1 and Table 2).

- *The project will not detract from or diminish the potential of the site for water-dependent development as characterized above.*

Section 5.150. Mouth of the Skipanon River Subarea Findings

(1) General Description - This subarea contains filled and diked shorelands north of Harbor Drive and east of Skipanon Drive; the Skipanon River from the Harbor Drive Bridge to its mouth; the East and West Skipanon Peninsulas; and adjacent Columbia River waters out to the navigation channel. Parts of downtown Warrenton are also included.

(2) Aquatic and Shoreland Designations

(c) Development Shoreland:

[includes] The area north of Harbor Drive on the east side of the Skipanon waterway.

- *The finding is locational yet further memorializes the Development Shoreland designation applied to the subject property.*

[continued on next page]

Goal 5.300 Policies

Section 5.301. Deep-Water Navigation, Port and Industrial Development

(6) The following development sites described in the *Economic Evaluation of the Columbia River Estuary* are suitable for development of expansion of marine terminal facilities:

Tansy Point	West Skipanon Peninsula
East Skipanon Peninsula	East Hammond
Port of Astoria	East Astoria
Tongue Point	Bradwood
Driscoll Slough	Wauna.

These sites are in Water-Dependent Development Shorelands, Development Shorelands, and Development Aquatic designations in the *Columbia River Estuary Regional Management Plan*. Development of new marine terminal facilities at any of these sites (except at the Port of Astoria) will trigger a reassessment of whether the remaining undeveloped marine terminal sites are still needed.

Table 1 (below) includes acreage estimates for water-dependent shorelands in Warrenton as required under Statewide Planning Goal 17.

Table 1: Current and Former Water-Dependent Acreage

SITE	CURRENT (acres)	FORMER (acres)	TOTAL (acres)
East Skipanon Peninsula	-	49	49
West Skipanon Peninsula	65	-	65
Warrenton Mooring Basin	18	-	18
Tansy Point	50	-	50
Hammond Mooring Basin	20	-	20
TOTALS	153	49	202

Based on this data, Warrenton needs to protect at least 202 acres as water-dependent development shorelands. Data about these five sites are in the following paragraphs.

East Bank of the Skipanon Peninsula: This 172-acre (approximately) site consists of both shoreland and aquatic areas. The northern 96 acres of the site includes approximately 40 acres of shorelands which were added to the inventory of ESWD Shorelands by an amendment adopted in 2005. The remainder of the northern 96 acres is aquatic area that is zoned A-1. The southern 76 acres are designated Other Shorelands and are in the City's Urban Recreation/Resort zone.

- *The project will not result in the loss of any developable shorelands and is therefore Consistent with The Goal 17 protection of water-dependent development shorelands.*

Section 5.305 Dredging and Dredged Material Disposal

These policies are applicable to all estuarine dredging and dredged material disposal in the Columbia River Estuary, shall be allowed only:

(1) If, allowed by the applicable zone and required for one or more of the following uses and activities:

- (d) Adverse impacts are minimized, avoided, and mitigated; and
- (e) An approved restoration project;

- *The I-2 Zone allows mitigation. Project design and the pending approval of the parallel state/federal project will demonstrate compliance with both (d) and (e) above. The state/federal permit will comply with the permit approval and dredge disposal criteria in subsections (2) through (5).*

(8) When identifying land dredged material disposal sites, emphasis shall be placed on sites where (not in priority order):

- (a) The local designation is Development provided that the disposal does not preclude future development at the site;

- *As previously stated, the local designation is Development and the project will not preclude future development at the site*

Section 5.321 Mitigation and Restoration

These policies apply to estuarine restoration and mitigation projects on Columbia River Estuary aquatic areas and shorelands.

Mitigation Policies for Aquatic Areas and Non-tidal Wetlands

(1) Any fill activities that are permitted in Columbia River Estuary aquatic areas or dredging activities in intertidal and shallow to medium depth subtidal areas shall be mitigated through project design and/ or compensatory mitigation (creation, restoration or enhancement) to ensure that the integrity of the estuary ecosystem is maintained. The Comprehensive Plan shall designate and protect specific sites for mitigation which generally correspond to the types and quantity of aquatic area proposed for dredging or filling.

- *Dredging and fill components will be mitigated by project design in compliance with the state/federal permit conditions. The Comprehensive Plan designations have not been applied to the project site.*

- *Since the mitigation is a component of the Pier 2 West Rehabilitation project, compliance with Subsections (2) through (7) and (9) through (20) are the purview of the state/federal permit.*
- *Subsection (8) states that a buffer from development should be agreed upon between the City and the state/federal agencies; hence, a buffering requirement should be deferred via a condition in the approval.*

Section 5.335. Water-Dependent Development Areas

These policies are applicable only to those Columbia River Estuary Shorelands that are in the Marine Commercial Shorelands Zone or the Water-Dependent Industrial Shorelands Zone. The purpose of these policies and standards is to assure that adequate sites are available for water-dependent uses.

- (1) Shorelands zoned Marine Commercial Shorelands or Water- Dependent Industrial Shorelands shall be protected for water-dependent uses. Temporary uses which involve minimal capital investment and no permanent structures, and uses in conjunction with and incidental to a water-dependent use, may also be permitted in these areas.
- *The project is a temporary use, as described in Subsection (1) above, that may be permitted and will not have long-term effects on the availability of the site for water-dependent uses.*

Section 5.337. Implementation

These policies are intended to assure consistent region-wide implementation of the Columbia River Estuary Regional Management Plan.

- (1) Pre-permit application meetings and site visits shall be encouraged.
- *Applicant requested a pre-application conference, which the City held on June 13, 2024 as PRE-24-6,*

Section 5.339. Federal Consistency

These policies establish procedures for ensuring that federal actions are consistent with this Comprehensive Plan.

- (1) Federally licensed or permitted activities affecting the estuary and shoreland area shall be consistent with the Warrenton Comprehensive Plan. If the activity requires a local permit, the permit review will be used to establish project consistency with the plan.
- *The Compliance Narrative portion of the CUP Supplement is intended to support a decision that the project is consistent with the Comprehensive Plan.*

- (2) Federal activities in the Columbia River Estuary that are most likely to directly affect the coastal zone and require a determination of consistency with the plan include, but are not limited to, the following:
 - (f) mitigation and restoration actions
- (4) An activity shall generally be considered a federal activity when at least 50% of the project design work and 50% of the construction is funded by federal agencies.
 - *The project design work funding does not meet the 50% federal funding threshold; hence the project is not a federal activity.*

ARTICLE 6 BEACH AND DUNE SHORELANDS

SECTION 6.100 FINDINGS

Beach and dune shorelands...are characterized by a series of sand ridges roughly parallel to the ocean shoreline which are separated by low-lying (interdune) areas.

- *The project site is not within or adjacent to Beach and Dune Shorelands area and is not subject to Article 6.*

Warrenton Municipal Code

Chapter 16.64 Water-Dependent Industrial Shorelands (I-2) District

Section 16.64.030.C allows as a conditional use, “mitigation, restoration, creation, and enhancement” in the I2

- The major components of this mitigation project are estuarine restoration and estuarine enhancement as depicted in Site Plan Pg. 1 Mitigation Plan and described in the CUP Supplement; therefore the project is a use consistent with conditional uses described and allowed in the I_8 District.

Section 16.64.040, Development Standards

A. All uses shall satisfy applicable Columbia River Estuary Shoreland and Aquatic Area Development Standards in Chapter **16.160**

C. Uses and activities that are not water-dependent shall not preclude or conflict with existing or probable future water-dependent use on the site or in the vicinity.

- *The project's enhancement will not preclude future water-dependent uses on the site, nor will it conflict with any existing uses on the site or in the vicinity.*

R. Uses that are water-dependent must meet the criteria in Section 16.160.080.
Uses that are water-related must meet the criteria in Section 16.160.080

T. All developments shall comply with the wetland and riparian area protection standards of Chapter 16.156

- *See Chapters 16.156 and 16.160 following in numerical order.*

Chapter 16.152. Grading, Excavating, and Erosion Control Plans

Section 16.152.060. Grading Permit Requirements

Permits Required. Except as exempted in Section 16.152.040, no person shall do any grading without first obtaining a grading permit from the building official. A separate permit shall be obtained for each site, and may cover both excavations and fills.

- *The project will comply with the permit requirements of this chapter.*
- *A cultural resource inventory is being prepared under the state/federal process to ensure that artefacts or cultural sites are preserved.*

Chapter 16.156. Wetland and Riparian Corridor Development Standards

Section 16.156.030

C. Applications to the City of Warrenton for subdivision, partition, planned unit development, conditional use, site design review, variance, or temporary building permits that include designs of altering land within 25 feet of a mapped wetland, or grading permits or building permits that would alter land within 25 feet of a mapped wetland boundary, but not within a mapped wetland area itself, shall contain the following:

1. A delineation of the wetland boundary, approved by the Oregon Division of State Lands.

- *The delineation is provided on Site Plan Pg 6*

Section 16.156.050, Riparian Corridor Inventory.

A. The *City of Warrenton Riparian Corridor Map* dated January 21, 2004, together with the *City of Warrenton Riparian Corridor Inventory and ESEE Analysis* dated January 21, 2004 identify the following riparian corridors map units number:

Lower Skipanon River: 0 feet (non-significant).

6a-1.

Skipanon River Channel East Bank: 50 feet (see map narrative).

- *Locational information for the record.*

Chapter **16.160. Columbia River Estuary Shoreland and Aquatic Area Development Standards**

Section 16.160.050 Dredged Material Disposal Standards

(A) Dredged material disposal shall occur only at designated sites or at new sites which meet the requirements of the dredged material disposal site selection policies.

- *Disposal of dredged material, dike construction, revegetation and slope management as described in subsections (A), (H), (I) and (J) will be addressed in the state/federal permit. and will comply with WMC Section 16 standards.*

Section 16.160.080 Water Dependent Uses

A. Projects affecting endangered, threatened or sensitive species habitat, as identified by the U.S. Fish and Wildlife Service or Oregon Department of Fish and Wildlife, shall be designed to minimize potential adverse impacts. This shall be accomplished by one or more of the following:

1. Soliciting and incorporating agency recommendations into local permit reviews.

B. In-water construction activity in aquatic areas shall follow the recommendations of state and federal fisheries agencies with respect to project timing to avoid unnecessary impacts on migratory fish.

- *Agency recommendations are generally initiated by the City's issuance of a Wetland Land Use Notice (WLUN) to the OR Dept. of State Lands (DSL); however, the state/federal permitting processes have begun. As part of the Type III Conditional Use process, the City will also mail notifications to and solicit comments from any agency with jurisdiction over the project or property.*
- *In-water construction activity will follow the recommendations.*

Section 16.160.120 Mitigation and Restoration

L. Removal and fill actions potentially exempt from estuarine mitigation requirements include:

7. Dredging or filling required as part of an estuarine resource creation, restoration, or enhancement project agreed to by local, state, and federal agencies.

- *The project is a collaborative effort with state and federal approvals pending and is potentially exempt from estuarine mitigation requirements.*

T. Shorelands in the Marine Commercial Shorelands Zone, Water-Dependent Industrial Shorelands Zone, or the Skipanon East Bank Mediated Development Shorelands Zone can only be used for mitigation subject to a finding that the use of the site for mitigation will not preclude or conflict with water-dependent uses.

- *The result of the project is the addition of an acre of open water to the Skipanon channel. The site will remain in I-2 zoning and the use for mitigation will not preclude or conflict with water-dependent uses.*

Section 16.160.130

D. Projects involving subtidal or intertidal aquatic area fill or intertidal aquatic dredging with the potential for adversely affecting aquatic habitat must provide compensatory mitigation, consistent with mitigation and restoration standards (Section **16.160.130**)

- *Section 16.160.120.L.7 referenced above potentially exempts the project from estuarine mitigation requirements. The project is compensatory mitigation yet will include on-site mitigation for erosion control and other project aspects that have the potential for adverse environmental impacts.*

Chapter 16.164, Impact Assessments and Resource Capability Determination

Section 16.164.020. Application of Impact Assessment Requirement.

The following uses and activities, in addition to those so indicated in the aquatic zones, all require an impact assessment at the time a permit is reviewed:

A. New dredging;

- *An Impact Assessment is conducted under the state/federal permitting process and will be provided.*

Chapter 16.216, Land Divisions and Lot Line Adjustments

- *The project will require vacating a portion of the Portoria Subdivision. The associated Subdivision Vacation application will address requirements of Chapter 216.*

Chapter 16.220, Conditional Use Permits

Section 16.220.020. Authorization to Grant or Deny Conditional Uses.

A. A new, enlarged or otherwise altered development listed in this Code as a conditional use shall be approved or denied by the Planning Commission under the procedure in this chapter. The Planning Commission shall base its decision on whether the use complies with:

1. Applicable policies of the Comprehensive Plan.
 2. Applicable Columbia River Estuary Aquatic and Shoreland Development Standards, Chapter 16.160.
 3. For certain uses in Columbia River Estuary aquatic areas, whether the use or activity meets the resource capability and purpose of the zone in which it is proposed when such a determination is required in accordance with Chapter 16.164.
 4. For certain activities in Columbia River Estuary aquatic areas, the findings of an impact assessment where required by Chapter 16.164.
 5. Development standards of the applicable zone.
 6. Basic conditional use standards of this section.
 7. Appropriate conditional use standards of this section.
- *Chapters 16.160 and 16.164 are discussed previously in numerical order.*

Section 16.220.030 Review Criteria.

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

1. The proposed use is in conformance with the Comprehensive Plan.
2. The location, size, design and operating characteristics of the proposed use are such that the development will be compatible with, and have a minimal impact on, surrounding properties.
3. The use will not generate excessive traffic, when compared to traffic generated by uses permitted outright, and adjacent streets have the capacity to accommodate the traffic generated.
4. Public facilities and services are adequate to accommodate the proposed use.
5. The site's physical characteristics, in terms of topography, soils and other pertinent considerations, are appropriate for the use.

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

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

- *[The standards listed above are addressed starting on the second page of the CUP application form under Conditional Use Permit Review Criteria.]*

**CITY OF WARRENTON
PLANNING AND BUILDING DEPARTMENT**

SUBDIVISION APPLICATION

(To be accompanied by a Tentative Map, and copy of property deed, Letter of Authorization, if applicable.)

OFFICE USE ONLY	
FILE # _____	FEE _____
ZONING DISTRICT _____	
RECEIPT # _____	
DATE RECEIVED _____	

Legal Description of the Subject Property:

Township <u> 8N </u>	Range <u> 10W </u>	Section <u> 15D </u>	Tax Lots <u> 100, 400,</u> <u> 500, 600 </u>
---------------------------	-----------------------	-------------------------	---

Street address of the property: N/A, property is undeveloped. _____

I/WE, THE UNDERSIGNED APPLICANT(S) OR AUTHORIZED AGENT, AFFIRM BY MY/OUR SIGNATURE(S) THAT THE INFORMATION CONTAINED IN THE FOREGOING APPLICATION AND ASSOCIATED SUBMISSIONS IS TRUE AND CORRECT.

APPLICANT: _____

Printed Name: Will Caplinger/Two Branches Consulting _____

Signature: William Caplinger Date: 7/17/2024

Address: 24F No7 Ln 15 Zili Rd, Tamsui District Phone: 503.468.1015

City/State/Zip: New Taipei City 251 Taiwan Fax: _____

Email: caplingerwill@gmail.com

Printed Name: _____

Signature: _____ Date: _____

Address: _____ Phone: _____

City/State/Zip: _____ Fax: _____

Email: _____

PROPERTY OWNER (if different from Applicant)

Printed Name: Port of Astoria _____

Signature: Matt McGrath Date: 07/18/2024

Address: 422 Gateway Ave, Ste 100 Phone: (503) 741-3300

City/State/Zip: Astoria, OR 97103 Fax: _____

Email: mmcgrath@portofastoria.com

Is this a Planned Unit Development (PUD)? No Yes _____

IS THIS A "PHASED DEVELOPMENT"? Yes _____ No

- a. Overall development plan, including phase or unit sequence.

Initial development will be the excavation of approximately 1,000 cubic yards of Port-of-Astoria upland to establish the new open water area as depicted in Site Plan Pg 5.

Subsequent earthworks will stabilize the bank, which will then be planted in the following sequence:

Planting of the estuarine wetland and the slopes that surround the wetland can occur once the mitigation area has been excavated. Planting above the HMT should occur when there is sufficient rainfall to ensure the new plantings will not dry out. Planting below the HMT can occur as soon as the mitigation area has been excavated and its hydroperiod can be observed (i.e., specific plants will be located where the hydrology of the wetland best suits their growth requirements)

- b. Projected Timetable for sequence of development

Initial timetable calls for work to commence during the in-water work windows for the years 2025-2026, 2026-2027, and 2027-2028.

- c. Development plans for any common elements or facilities.

The project does not propose any common elements or facilities.

- d. If the proposed subdivision has an unknown impact upon adjacent lands or land within the general vicinity, the Planning Commission may require a potential street development pattern for adjoining lands to be submitted together with the tentative plan as part of the phased development plan for the subject subdivision.

The Portoria plat was recorded in 1914 and has remained undeveloped for the ensuring one hundred years, so that any impacts should be known. The industrial I-2 zoning applied to the property eliminated residential use, and the site has remained undeveloped.

The street pattern of the subdivision will not be significantly disrupted by the vacation, as shown on the attached Exhibit B.

- e. Show compliance with the Comprehensive Plan and applicable sections of the Development Code.

For underlying use:

Comp Plan: SECTION 2.300 POLICIES Section 2.310 Land and Water Use Classification subsection (2) (a) classifies the subject property as Urban Development, ESWD (Especially Suitable for Water- Dependent [uses]) Shorelands, and states, "The ESWD Plan designation is implemented through...the **Development Code: (I-2) Water-dependent Industrial Shorelands Zone**", which allows mitigation as a conditional use in WMC 16.64.030.C. subject to 16.160.120.L.7 and N.1; hence the proposed use is consistent with the Comprehensive Plan.

For proposed partial vacation:

Chapter 16.216.040 in Land Divisions and Lot Line Adjustments contains provisions to submit a preliminary plat, in this case for vacating rather than creating a subdivision. Since more than three lots will be vacated, the preliminary plat contains all of the information required under 16.216.050.

f. Schedule of improvements and completion.

See response under “a” above for a scope of the physical mitigation work. Otherwise, the project does not propose any improvements.

g. Overall transportation and traffic pattern.

There is no public transportation near the site, and traffic is limited to occasional single-vehicle trip in and out via undeveloped NE Heron Ave or NE King Ave.

PRELIMINARY SUBDIVISION PLAT REQUIREMENTS

A "preliminary subdivision plat" shall be submitted with the following information depicted:

1. Proposed name of the subdivision;
2. Names, addresses, and phone numbers of property owner(s) (including mortgage holders if any), surveyor, and applicant if different from property owner, and assumed business name(s) filed or to be filed with the Corporation Commission by the applicant;
3. Proposed subdivision showing the parcel boundaries and dimensions, the area of each parcel, location of any and all easements (and what the easement is), right-of-way widths, existing roads;
4. Date of map preparation, north point, scale, property identification by township, range, section and tax lot numbers;
5. Location of all existing buildings, creeks, canals, ditches, any topographical features (i.e., canyons, bluffs, wetlands, natural springs, floodplain);
6. Location, width, name, curve ratio, and approximate grade of all proposed rights-of-way;
7. Location of any existing features such as section lines, section corners, city and special district boundary lines, and survey monuments;
8. Existing sewer lines, water mains, culverts, and other underground and overhead utilities within and adjacent to the proposed subdivision together with pipe sizes, grades and locations;
9. Contour lines related to some established bench mark or other engineering acceptable datum;
10. Zoning of subject property, and adjacent tax lots to the proposed subdivision;
11. Location, names, width, typical improvements, cross sections, bridges, culverts, approximate grades, curve radii and centerline lengths and reserve strips of all proposed streets, and the relationship to all existing and projected streets;
12. Location, width and purpose of all proposed easements or rights-of-way, and relationship to all existing easements and rights-of-way;
13. Location of at least one temporary bench mark within the proposed subdivision boundary;
14. Location, approximate area and dimensions of each lot, and proposed lot and block numbers;
15. Location, approximate area and dimensions of any lot or area proposed for public use, the type of use proposed, and plans for improvements or development;
16. Proposed use, location, approximate area and dimensions of any lot intended for non-residential use;

- 17. Source, method, and preliminary plans for domestic and other water supplies, sewer lines, and all utilities;
- 18. Description and location of any proposed community facility;
- 19. Storm water and other drainage facility plans;
- 20. Proposed deed restrictions including access restrictions or protective covenants if such are proposed to be utilized for the proposed subdivision;

ADDITIONAL SUBMITTALS

- 21. Statement from each utility company proposed to serve the proposed subdivision stating that each company is able and willing to serve the proposed subdivision as set forth in the tentative plan, and the conditions and estimated costs of each service;
- 22. Proposed Fire protection system for the proposed subdivision and written approval thereof by the fire chief.
- 23. Statement from School District.

REQUIREMENTS

- 1. A vicinity map must be submitted showing the proposed subdivision in relationship to the adjacent properties, roadways, and ownership patterns. This map must include names of all existing roadways.
- 2. Who will supply the water? N/A for a vacation
- 3. Access will be taken from NE Heron Ave. or NE King Ave
- 4. What is the intended use of the parcels being created? Parcels are being vacated to facilitate a mitigation project.

- 5. What is the current use of the parcel? Parcel (Portoria Subdivision) is vacant and undeveloped.

- 6. Proposal is in compliance with the City of Warrenton’s Comprehensive Plan and Development Code. See response under “e.” above.

7. Proposal does not conflict with acquired public access easements within or adjacent to the subdivision. Proposal effects short public ROWs (subdivision streets) in the far northwestern portion of the subdivision, but there are no public easements over the project site.

8. All required public services and facilities are available and adequate or are proposed to be provided by the applicant.
N/A in a vacation.

9. The subdivision contributes to orderly development and land use patterns in the area, and provides for the preservation of natural features and resources such as streams, lakes, natural vegetation, and special terrain features.
N/A in a small vacation, which in itself does not affect land use patterns or the preservation of natural features, resources, or vegetation.

10. The subdivision will not create an excessive demand on public facilities and services required to serve the development.
N/A in a vacation.

11. The preliminary plat for the proposed subdivision meets the requirements of ORS 92.090.
To the extent possible with the 1914 plat suitably as the preliminary plat.

Return Application To: City of Warrenton
Planning and Building Department
PO Box 250
225 SW Main Street
Warrenton, Oregon 97146
Phone: 503-861-0920
Fax: 503-861-2351

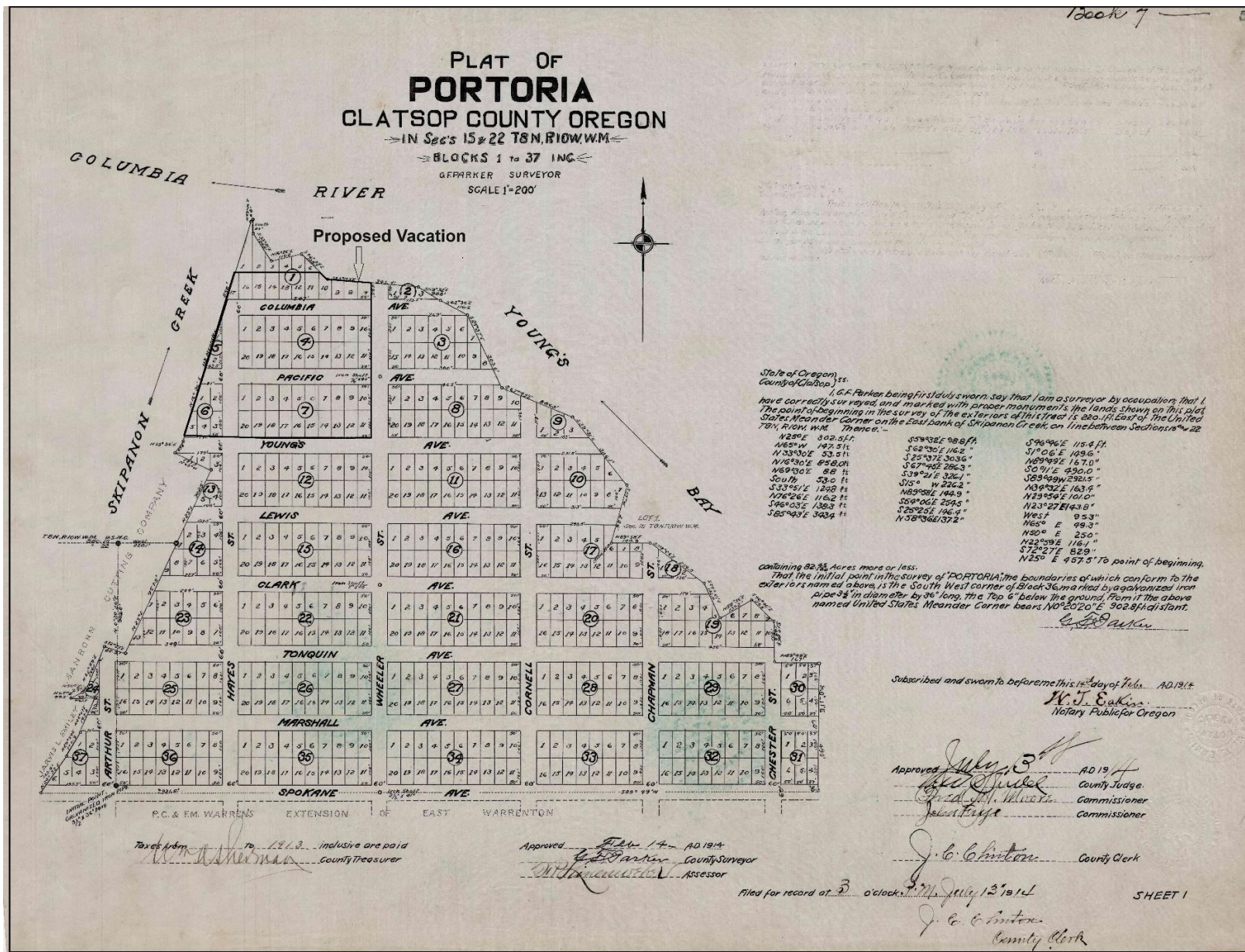
EXHIBIT A Subdivision Vicinity



Source: Clatsop County Webmaps, annotated by Two Branches Consulting

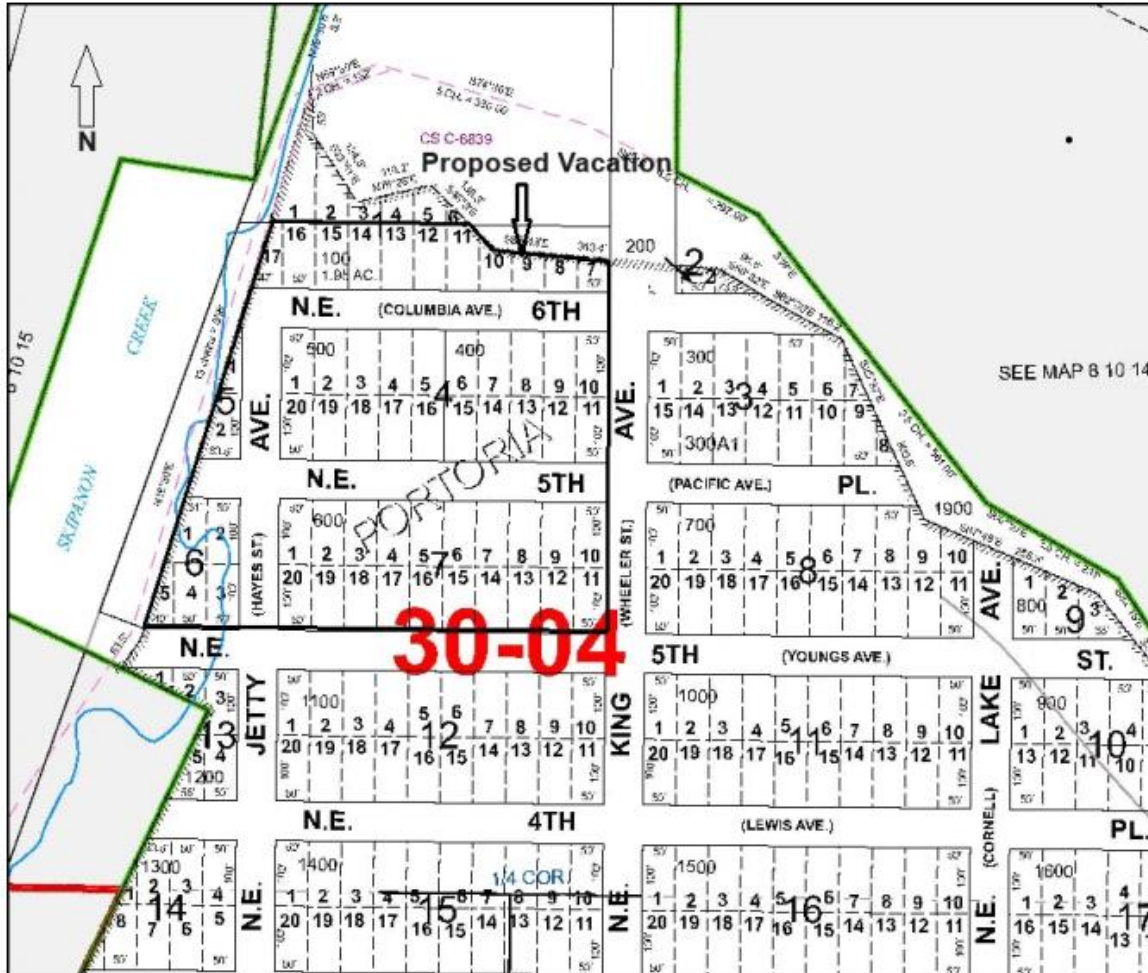
- The subject property, the entire east bank of the Skipanon River and the peninsula are in AE-100-yr flood hazard zone.

EXHIBIT B Proposed Vacation



Source: Portoria Plat Sheet 1, Book 7 page 5.

EXHIBIT C Proposed Vacation Lots



Source: Clatsop County Webmaps

- All tax lots within the Proposed Vacation/Project Area are owned by:
 Port of Astoria
 422 Gateway Ave. Ste 100
 Astoria, OR 97103

Port of Astoria Consolidated Application (Partial Subdivision Vacation and CUP)

Impact Study

WMC 16.216.030 Approval Process: *Include an impact study for all Type III 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.*

1) Transportation System, including pedestrian ways and bikeways.

Subdivision Vacation: The only platted or mapped travel ways of any kind within the project area are the streets in the underlying undeveloped Portoria subdivision. The partial subdivision vacation application will eliminate only those public rights-of-way listed below. The first listings of the street names are current; the street names in parentheses are those on the recorded plat:

- a. NE Jetty Ave (Hayes St) north of the north ROW line of NE 5th St (Youngs Ave)
- b. NE 6th St (Columbia Ave) west of the west ROW line of NE King Ave (Wheeler St)
- c. NE 5th Pl (Pacific Ave) west of the west ROW line of NE King Ave (Wheeler St)

These undeveloped rights-of-way were intended to provide access to lots in a subdivision that has remained undeveloped — and is now undevelopable under the existing industrial zoning. The vacation area is minimal and restricted to a far corner of the Port of Astoria property.

Undeveloped NE King Ave is used only occasionally by the Port of Astoria, OR Dept. of State Lands, and others to access the peninsula. In a previous conference, the City stipulated that the NE King Ave ROW should remain unaffected. The proposed vacation area, therefore, is entirely west of the NE King Ave ROW.

CUP: The mitigation area is along the shoreline and immediate upland. The technical elimination of three ROWs that exist only on paper — and are ~1,700 feet from the nearest road (Warrenton Marina NE parking lot) — will have no effect on the existing transportation system.

- The consolidated applications do not have the potential to affect the Transportation system.
- Improvements necessary to meet City standards and minimize impact of the development: **None**

2) Drainage System

The project area does not contain nor is it near any component of a municipal drainage system; a drainage system is neither proposed nor part of this project. Drainage will be determined by the approved grading, drainage and erosion control plan that will be provided in association with the state/federal permit. All drainage above Waters of the US will occur on the Port of Astoria property.

- The consolidated applications do not have the potential to affect the Drainage system.
- Improvements necessary to meet City standards and minimize impact of the development: **None**

3) Parks System

The nearest city parks or recreational facility is the boat moorage approximately one quarter mile up the Skipanon R. The project itself does not have a recreational component and will not be an area open to the public.

- The consolidated applications do not have the potential to affect the Parks System.
- Improvements necessary to meet City standards and minimize impact of the development: **None**

4) Water System

The project site does not contain any municipal water lines and does not propose the use or extension of any existing water system pipeline or facility; neither does it propose the construction of any new water system infrastructure.

- The consolidated applications do not have the potential to affect the Water System.
- Improvements necessary to meet City standards and minimize impact of the development: **None**

5) Sewer System

The project site does not contain nor is it near any sewer lines or other components or facilities of the Sewer System. The project does not propose any use that would require

waste disposal; neither does it propose the construction of any new sewer system infrastructure.

- The consolidated applications do not have the potential to affect the Sewer System.
- Improvements necessary to meet City standards and minimize impact of the development: **None**

6) Noise & Lighting Impacts

The development phase of the project will produce noise typical of excavation work, but once completed the project will lack any mechanized or artificial source of noise.

The project does not propose any lighting.

- The consolidated applications do not have the potential to cause adverse noise and lighting impacts on adjacent properties.
- Improvements necessary to meet City standards and minimize impact of the development: **None**



City of Warrenton

Planning Department

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

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STAFF REPORT

TO: The Warrenton Planning Commission
FROM: Matthew Ellis, AICP, CFM, Planning Director
DATE: September 12, 2024
SUBJ: Comprehensive Plan Amendment CP-24-1

BACKGROUND

Mike Balensifer has applied for a comprehensive plan amendment to modify the wetland significance determination made on his property at Tax Lot 81021DC06400. The applicant has provided supporting information from Turnstone Environmental, which the City has verified with CREST.

PUBLIC PROCESS, PROCEDURES & PUBLIC NOTICE

Notice was provided to DLCD on August 20, 2024. Public hearing notice was published in The Astorian on August 29, 2024. One public comment was received as of the date of this report.

CODE PROVISIONS, APPLICANT RESPONSES, AND FINDINGS

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

16.156 WETLAND AND RIPARIAN CORRIDOR DEVELOPMENT STANDARDS
16.208 TYPES OF APPLICATIONS AND REVIEW PROCEDURES
16.232 AMENDMENTS TO COMPREHENSIVE PLAN TEXT AND MAP, REZONE,
AND DEVELOPMENT CODE

Only the applicable standards are addressed below. Portions that do not apply have been omitted.

**Chapter 16.156 WETLAND AND RIPARIAN CORRIDOR DEVELOPMENT
STANDARDS**

16.156.100 Wetland Significance Determination Amendment Procedure.

- C. Approval of a quasi-judicial amendment to the LSW Map shall be based on the following criteria:
1. Determination by the City that a functional assessment for a particular wetland inventory unit supports revision of that unit's significance determination.
 - a. The assessment must be completed by a qualified wetland scientist; and
 - b. The assessment must include the entire wetland inventory unit; and
 - c. The assessment must follow the principles of OFWAM (Oregon Freshwater Wetland Assessment Methodology); and
 - d. The assessment must include analyses of those specific criteria in question (i.e., hydrologic control, intact water quality, distance to a Water Quality Limited (WQL) stream [WQL stream determinations are made by the Oregon Department of Environmental Quality (DEQ)], wildlife habitat, etc.).

APPLICANT RESPONSE: See Locally Significant Wetland Assessment for Tax Lot 81021DC06400.

STAFF FINDING: The applicant submitted the required assessment based on the principles of OFWAM. This assessment was then independently reviewed and concurred with by a third-party reviewer. **This criterion is met.**

2. In addition to the notice requirements of Section 16.208.050, the City shall provide notice of the initial evidentiary hearing to DLCD pursuant to ORS 197.610. The City shall provide notice of the initial evidentiary hearing to DSL at the same time.

APPLICANT RESPONSE: None.

STAFF FINDING: The notice of the first evidentiary hearing was provided to DLCD on August 20. **This criterion is met.**

3. The City shall mail a copy of the official staff report, together with the entire application packet, to DLCD and DSL not less than seven days in advance of the initial evidentiary hearing date for the matter.

APPLICANT RESPONSE: None.

STAFF FINDING: The staff report was emailed to DLCD and DSL representatives on September 5. **This criterion is met.**

Chapter 16.208 TYPES OF APPLICATIONS AND REVIEW PROCEDURES
16.208.060 Type IV Procedure (Legislative and Map Amendments).

APPLICANT RESPONSE: None.

STAFF FINDING: The application was submitted with the required materials. Additional permitting fees are due to the City pending the invoice from CREST. See Condition of Approval #1. **This criterion is met.**

Chapter 16.232 AMENDMENTS TO COMPREHENSIVE PLAN TEXT AND MAP, REZONE, AND DEVELOPMENT CODE
16.232.030 Quasi-Judicial Amendments.

B. Criteria for Quasi-Judicial Amendments. A recommendation or a decision to approve, approve with conditions or to deny an application for a quasi-judicial amendment shall be based on all of the following criteria:

1. Demonstration of compliance with all applicable Comprehensive Plan policies and map designations. Where this criterion cannot be met, a Comprehensive Plan amendment shall be a pre-requisite to approval.

APPLICANT RESPONSE: See Locally Significant Wetland Assessment for Tax Lot 81021DC06400.

STAFF FINDING: The application is compliant with the Warrenton Comprehensive Plan. **This criterion is met.**

2. Demonstration of compliance with all applicable standards and criteria of this Code, and other applicable implementing ordinances.

APPLICANT RESPONSE: See Locally Significant Wetland Assessment for Tax Lot 81021DC06400.

STAFF FINDING: The application is compliant with the Warrenton Municipal Code. **This criterion is met.**

3. Evidence of change in the neighborhood, or community, or a mistake or inconsistency in the Comprehensive Plan or land use district map regarding the property which is the subject of the application; and the provisions of Section 16.232.060, as applicable.

APPLICANT RESPONSE: None.

STAFF FINDING: The wetland assessment indicates there is an error in the wetland significance determination made on this property. The provisions of WMC Section 16.232.060 do not apply to this application. **This criterion is met.**

CONCLUSIONS AND RECOMMENDATION

Based on the information provided in the application and supporting materials, staff recommend the Planning Commission recommend approval of Ordinance No. 1280 to the City Commission for final adoption.

RECOMMENDED MOTION

“Based on the findings and conclusions of the September 12, 2024 staff report, I move to recommend and forward to the City Commission the changes to the Comprehensive Plan as described in Ordinance No. 1280.”

ALTERNATIVE MOTION

“I move to continue the hearing to a date certain to allow additional public testimony and reconsider Ordinance No. 1280.”

ATTACHMENTS

1. Ordinance No. 1280
2. Application
3. Supplement
4. Locally Significant Wetland Assessment for Tax Lot 81021DC06400
5. Locally Significant Wetland Concurrence Letter

ORDINANCE NO. 1280
INTRODUCED BY ALL COMMISSIONERS

**AN ORDINANCE AMENDING THE CITY OF WARRENTON WETLAND
CONSERVATION PLAN INVENTORY AND LOCALLY SIGNIFICANT WETLAND
MAP CORRECTING THE WETLAND SIGNIFICANCE DETERMINATION FOR
WETLAND O-21-8**

WHEREAS, the City of Warrenton adopted the Wetland Conservation Plan Inventory and Locally Significant Wetland Map and addended them to the City of Warrenton Comprehensive Plan when it adopted Ordinance No. 1065-A; and

WHEREAS, Mike Balensifer has applied to amend the wetland significance determination at Tax Lot 81021DC06400.; and

WHEREAS, the application meets the criteria outlined in the City of Warrenton Comprehensive Plan and Municipal Code and is eligible for a wetland significance amendment; and

WHEREAS, modifications to addenda of the City of Warrenton Comprehensive Plan require Comprehensive Plan map amendments; and

NOW THEREFORE, the City of Warrenton ordains as follows:

Section 1. The City of Warrenton Wetland Conservation Plan Inventory is amended to modify wetland O-21-8 from Locally Significant to Non-Locally Significant.

Section 2. The City of Warrenton Locally Significant Wetland Map is amended to remove wetland O-21-8.

Section 3. This ordinance shall take full force and effect 30 days after its adoption by the Commission of the City of Warrenton.

First Reading: September 24, 2024

Second Reading:

ADOPTED by the City Commission of the City of Warrenton, Oregon this ____ day of _____, 2024.

APPROVED:

Henry A. Balensifer III, Mayor

ATTEST:

Dawne Shaw, CMC, City Recorder

**CITY OF WARRENTON
PLANNING AND BUILDING DEPARTMENT**

1. **REZONE** (To be accompanied by a map showing the subject property, a copy of property deed and Letter of Authorization, if applicable)
2. **COMPREHENSIVE PLAN TEXT OR MAP AMENDMENT**
3. **DEVELOPMENT CODE TEXT AMENDMENT**

OFFICE USE ONLY	
FILE # _____	
FEE \$2,000	
RECEIPT # _____	
DATE RECEIVED _____	

Legal Description of the Subject Property (if applicable):

Township	Range	Section	Tax Lot
8N	10W	21	81021DC06400

Street address of the property (if applicable): _____

I/WE, THE UNDERSIGNED APPLICANT OR AUTHORIZED AGENT, AFFIRM BY MY/OUR SIGNATURE(S) THAT THE INFORMATION CONTAINED IN THE FOREGOING APPLICATION AND ASSOCIATED SUBMISSIONS IS/ARE TRUE AND CORRECT.

APPLICANT:

Printed Name: Mike Balensifer

Signature: *Mike Balensifer* Date: _____

Address: 947 SE Anchor Ave Phone: 5037410230

City/State/Zip: Warrenton, OR 97146 Fax: _____

PROPERTY OWNER (if different from Applicant)

Printed Name: _____

Signature: _____ Date: _____

Address: _____ Phone: _____

City/State/Zip: _____ Fax: _____

Place an "x" on applicable request(s):

<input type="checkbox"/> Rezone	<input type="checkbox"/> Comprehensive Plan Text amendment
<input checked="" type="checkbox"/> Comprehensive Plan Map amendment	<input type="checkbox"/> Development Code text amendment

REZONE

1. Existing use of site: _____

2. Existing zoning of the subject property: _____

3. Proposed zoning designation of the subject property: _____

4. Zoning designation of surrounding properties:

North: _____
South _____
West: _____
East: _____

5. Does the proposal conform to the applicable Oregon State Statutes? Yes _____ No _____
If yes, please explain _____

If no, please describe why the proposal does not or will not conform to the Oregon State Statutes.

6. Does the proposal conform to Statewide Planning Goals? Yes _____ No _____

If yes, please the list the applicable Statewide Planning Goals and how the proposal conforms to the goals. _____

If no, please describe why the proposal does not or will not conform to the Statewide Planning Goals.

7. Does the proposal conform to Warrenton Comprehensive Plan, and Development Code? Yes _____
No _____

If yes, please explain how this proposal conforms to the Warrenton Comprehensive Plan, and Development Code. _____

If no, please explain _____

8. Is there a change of circumstances or further studies justifying the amendment or mistake in the original zoning. _____

COMPREHENSIVE PLAN TEXT AMENDMENT

1. Which chapter and section of the Warrenton Comprehensive Plan is this request for?
16.156.100, amendments to the Locally Significant Wetland (LSW) designation (Warrenton Local Wetland Inventory

4
5

O-8)

Also Chapter 3 section 3.340

2. Does the proposal conform to the applicable Oregon Revised Statutes? Yes No _____

If yes, please explain Change to Locally Significant Wetland designation constitutes amendment to wetland conservation plan intended to conform to standards outlined in 196.684.

If no, please explain:

3. Does the proposal conform to the Statewide Planning Goals? Yes No

If yes, please list the applicable Statewide Planning Goals and how this proposal conforms to the Goals.

Please see Attached State wide Planning Goals

If no, please describe:

4. Does the proposal conform to Warrenton Comprehensive Plan and Development Code? Yes No

If yes, please explain. Amendments to LSW determinations are outlined in City of Warrenton Code Chapter 16.156.100. The attached document includes sections outlining adherence to the code.

If no, please explain.

5. Is there a change of circumstances or further studies justifying the amendment or mistake in the original zoning. The Warrenton LWI lacks supporting data for the ~~designation~~ ^{determination} of wetlands on tax lot 4600 as LSW features.

Please see Attached Locally Significant Wetland Assessment

DEVELOPMENT CODE TEXT AMENDMENT

1. Which chapter and section of the Warrenton Development Code is this request for?

2. Does the proposal conform to the applicable Oregon State Statutes? Yes _____ No _____

If yes, please explain _____

If no, please explain.

3. Does the proposal conform to the Statewide Planning Goals? Yes _____ No _____

If yes, please list the applicable Statewide Planning Goals and how this proposal conforms to the goals. _____

If no, please describe why the proposal does not or will not conform to the Statewide Planning Goals.

4. Does the proposal conform to the Comprehensive Plan and Development Code? Yes _____ No _____

If yes, please explain. _____

If no, please explain. _____

5. Is there a change of circumstances, or further studies justifying the amendment or mistake in the original zoning. _____

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

Phone: 503-861-0920
Fax: 503-861-2351

Introduction

Oregon's rapid population growth and development during the 1960s and 1970s prompted concern about the effect growth might have on the environment, natural resources, and the livability of communities. In a state where agriculture and timber are two of the largest industries, there was concern that conversion of farm and resource lands for development presented a threat to the state's economy. Sprawling development was also thought to increase the cost of public services, as unplanned cities require more streets, longer sewers, and more police and fire fighters.

These concerns led to the passage of the Land Conservation and Development Act (Senate Bills 100 and 101) in 1973. The legislation established the Land Conservation and Development Commission (LCDC), which was charged with adopting state land use goals, and the Department of Land Conservation and Development (DLCD), charged with assisting the commission and local governments in the implementation of those goals and with coordinating state agencies in land use matters. SB 100 directed local governments to adopt and implement comprehensive plans and revise them periodically in accordance with statewide goals and with the needs and desires of the public.

Statewide Planning Goals

The foundation of Oregon's statewide land use planning program is a set of 19 statewide planning goals. The goals express the state's policies on land use and related topics, such as citizen involvement, housing, and natural resources.

Most of the goals are accompanied by "guidelines," which are suggestions about how a goal may be applied. As noted in Goal 2, guidelines are not mandatory. The goals and guidelines are, however, adopted as administrative rules (Oregon Administrative Rules chapter 660, division 15).

City and County Planning

The statewide planning program does not mandate the adoption of a state plan. Instead, the state's cities and counties are responsible for adopting local comprehensive plans, zoning land to implement the plan, administering land use regulations, and handling land use permits for Oregon's non-federal land. City and county comprehensive plans include statements of issues and problems to be addressed, various inventories and other technical information, the goals and policies for addressing the issues and problems, and implementation measures. Plans must be done in accordance with state standards outlined in statute, statewide planning goals, and administrative rules.

The local comprehensive plans must be consistent with the statewide planning goals. LCDC reviewed plans for goal compliance, and when LCDC approved a local government's plan, the plan was "acknowledged" as consistent with the goals. Upon

Sec 3

acknowledgment, the comprehensive plan becomes the controlling document for land use in the area covered by that plan.

Today, every city and county has a comprehensive land use plan that has been acknowledged by the state as being consistent with the statewide planning goals. Each plan represents years of effort and a consensus by citizens and officials about the future of their community. Oregon's planning laws apply not only to local governments, but also to special districts and state agencies. The laws strongly emphasize coordination—keeping plans and programs consistent with each other, with the goals, and with acknowledged local plans.

While local comprehensive plans must conform with the statewide planning goals, they are not limited to goal compliance – local plans address a variety of other land use issues that are not the subject of state goals. Comprehensive plans are the vehicle for defining land use issues and problems and establishing solutions through local goals and policies. Plans across the state address many similar issues, but there are many problems unique to a locality and there is wide variation in how issues are addressed. The goals provide a framework and obligations for local government planning, but no two plans are alike.

A Partnership

Oregon's planning program is a partnership between the state, local governments, and special districts. State law requires cities and counties to plan, and it sets the standards for such planning. On the other hand, plans and programs carried out by state agencies must comply with local comprehensive plans and zoning. For example, a state agency cannot issue a permit for land use in a location where local zoning prohibits the use.

The state does not write comprehensive plans. It does not zone land or administer permits for local planning actions such as variances and conditional uses. Unlike some other states, Oregon does not generally require environmental assessments or impact statements.

Land Conservation and Development Commission

LCDC establishes the goals and policies for Oregon's statewide planning program. The commission's seven members are unsalaried volunteers, appointed by the governor and confirmed by the state senate. The term of appointment is four years. The commission must have members from various geographic regions around the state, and it must include a sitting elected county official and a current or former elected city official.

The commission sets land use policy for the state through adoption and amendment of the statewide planning goals and administrative rules to implement the goals. LCDC decides whether a local government's comprehensive plan complies with the statewide planning goals through "acknowledgment" of the plan. The commission does not generally review subsequent plan amendments, but certain local land use decisions are review by LCDC to determine whether they comply with the goals.



Prepared for:

Mike Balensifer

947 SE Anchor Avenue
Warrenton, OR 97146

Prepared by:

Turnstone Environmental

8638 N. Lombard St. #5
Portland, OR 97203

July 25, 2024



Locally Significant Wetland Assessment

for
**Tax Lot
81021DC06400**
Warrenton, Clatsop
County, Oregon

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Appendix A: Figures DSL Concurrence Letter WD # 2023-0526

A. INTRODUCTION

This memorandum was prepared by Joe Bettis of Turnstone Environmental Consultants, Inc (Turnstone). at the request of Mike Balensifer of Warrenton, Oregon. Mr. Balensifer is the owner of tax lot 6400 on tax map 81021DC in Warrenton. Tax lot 6400 contains a wetland included in the City of Warrenton Local Wetland Inventory (LWI)¹. The wetland, named within the LWI as "O-8," is mapped across much of tax lot 6400, as well as adjoining portions of tax lot 5600 and overlapping a length of South Main Avenue (State Route 104, Fort Stevens Highway). The total size of the LWI wetland feature, include areas beyond tax lot 6400 is under ½ acre.

During Turnstone's review of the LWI and communication with the City of Warrenton, it was revealed that wetland O-8 is designated as a Locally Significant Wetland (LSW), although assessment sheets or other supporting information justifying the LSW designation are absent from the LWI and were not available upon request from the City of Warrenton. In order to inform potential future uses of the property, Mr. Balensifer has contracted Turnstone to assess wetlands on tax lot 6400 to determine if the wetlands met LSW criteria.

Image 1-Looking northeast towards wetlands in the eastern portion of tax lot 6400.



B. SITE DETAILS & WETLAND DELINEATION

Tax lot 6400 is bound by public roads on two sides: to the west is South Main Ave and to the east is Southeast Main Court. North of tax lot 6400 is the currently vacant tax lot 6100, where structures were recently demolished in May of 2024². South of tax lot 6400 is tax lot 5600 which includes a gravel fill pad utilized as a materials storage area.

¹ SRI/Shapiro, Inc. 1998 Local Wetland Inventory for Warrenton. Report, maps and GIS data.

² https://apps.clatsopcounty.gov/property/photos/81021DC06100_22.jpg.jpg
Tax Lot 81021DC06400 Locally Significant Wetland Assessment

Tax lot 6400 itself is currently vacant and without improvements. The western portion of the parcel includes an area of old fill now vegetated with grasses. Wetlands on the parcel were delineated by Turnstone during October of 2023. The delineation report was approved by Oregon Department of State Lands (DSL) in February of 2024. Wetland maps and the DSL approval letter³ are attached in Appendix A. The wetland delineation determined that 0.19 acres (8,087 sq. ft.) of wetland are present on tax lot 6400. Much of the wetland boundary is formed along areas of historic fill, including structural fill likely to have supported a building or road, as well as old, buried garbage and masonry fragments. While minor portions of wetland extend onto adjoining lots, the overwhelming majority of the wetland is located on tax lot 6400.

The results of the wetland delineation differ from the alignment of Warrenton LWI feature O-8; the delineation determined that wetlands extend further to the east than shown in the LWI, but do not extend as far west as shown in the LWI. As mentioned in Section A, the LWI Report for Warrenton and associated maps do not appear to identify LSW features. The Warrenton LWI Geographic Information System (GIS) data available from Oregon DSL⁴ also does not identify LSWs; the data includes polygons for 254 separate LWI wetlands, all of which are categorized as "unknown" in the LSW column.

Image 2-Looking northeast towards wetlands in the northwest corner of tax lot 6400.



³ DSL File WD # 2023-0526

⁴ <https://www.oregon.gov/dsl/wetlands-waters/pages/inventories-maps.aspx>



C. LSW AMENDMENT CRITERIA

Consultation with the City of Warrenton Planning Department revealed that any revision of a LSW determination would constitute an amendment to the Warrenton Comprehensive Plan and subject to review by the Warrenton Planning Commission and City Commission. Amendments to LSW determinations are outlined in City of Warrenton Code Chapter 16.156.100⁵. The Code outlines that approval of amendments is predicated on the following criteria:

- 16.156.100 C. Approval of a quasi-judicial amendment to the LSW Map shall be based on the following criteria:
 - 1. Determination by the City that a functional assessment for a particular wetland inventory unit supports revision of that unit's significance determination.
 - a. The assessment must be completed by a qualified wetland scientist; and
 - b. The assessment must include the entire wetland inventory unit; and
 - c. The assessment must follow the principles of OFWAM (Oregon Freshwater Wetland Assessment Methodology); and
 - d. The assessment must include analyses of those specific criteria in question (i.e., hydrologic control, intact water quality, distance to a Water Quality Limited (WQL) stream [WQL stream determinations are made by the Oregon Department of Environmental Quality (DEQ)], wildlife habitat, etc.).

D. EVALUATION OF LSW AMENDMENT CRITERIA

LSW amendment criteria from City of Warrenton Code 16.156.100C.1 are evaluated below:

- 16.156.100 C.1.a: The assessment was performed by Joe Bettis, a wetland scientist with over 13 years of experience delineating and assessing wetlands in the Pacific Northwest, including projects in Clatsop County.
- 16.156.100 C.1.b: The entirety of the wetland, including those portions offsite of tax lot 6400 were evaluated.
- 16.156.100 C.1.c: Following approval of the wetland delineation report, Turnstone conducted a functional assessment of wetlands on tax lot 6400 using the Oregon Freshwater Wetland Assessment Methodology⁶ (OFWAM), the current assessment method used in the determination of locally significant wetlands.
- 16.156.100 C.1.d: Each criteria enumerated is addressed in the findings in Section E below.

(SECTION CONTINUES ON NEXT PAGE)

⁵ <https://ecode360.com/44199085#44199213>

⁶ Oregon Freshwater Assessment Methodology. 1996 (Revised Edition). Roth, E.M., R.D. Olsen, P.L. Snow, and R.R. Sumner. Edited by S.G. McCannell. Oregon Division of State Lands. Salem, Oregon.



E. OFWAM RESULTS

OFWAM assessment answer sheets and functional summary sheets are shown in Tables 1 & 2.

Table 1-OFWAM Assessment Answer Summary

Category	Question	Answer	Category	Question	Answer	Category	Question	Answer
Wildlife Habitat	1	A	Sensitivity to Future Impacts	1	A	Aesthetic Quality	1	B
	2	C		2	A		2	C
	3	B		3	B		3	N/A
	4	C		4	A		4	C
	5	B		5	A		5	B
	6	B		6	B		6	B
	7	C						
	8	C						
	9	B						
Assessment Descriptor			Assessment Descriptor			Assessment Descriptor		
Provides habitat for some wildlife species.			Potentially sensitive to future impacts.			Wetland is considered to be moderately pleasing.		
Category	Question	Answer	Category	Question	Answer			
Fish Habitat	1	N/A	Enhancement Potential	1	B			
	2	N/A		2	C			
	3	N/A		3	N/A			
	4	N/A		4	C			
	5	N/A		5	B			
	6	N/A		6	B			
Assessment Descriptor			Assessment Descriptor					
Not present; no aquatic habitat present.			Wetland has little enhancement potential.					
Category	Question	Answer	Category	Question	Answer			
Water Quality	1	B	Education	1	C			
	2	C		2	B			
	3	B		3	B			
	4	C		4	B			
	5	A		5	C			
	6	B		6	B			
Assessment Descriptor			Assessment Descriptor					
Water quality function is impacted/degraded.			Wetland is not appropriate for educational use.					
Category	Question	Answer	Category	Question	Answer			
Hydrologic Control	1	B	Recreation	1	C			
	2	C		2	C (N/A)			
	3	C		3	C			
	4	C		4	B			
	5	B		5	B (N/A)			
	6	A		6	B			
	7	C						
Assessment Descriptor			Assessment Descriptor					
Hydrologic control is lost/not present.			Wetland is not appropriate for recreational use.					

Tax Lot 81021DC06400 Locally Significant Wetland Assessment

Warrenton, Clatsop County, Oregon



Table 2-Wetland Function and Condition Summary Sheet

Function	Assessment Descriptor	Function	Assessment Descriptor
Wildlife Habitat	Provides habitat for some wildlife species.	Fish Habitat	Not present; no aquatic habitat present.
Water Quality	Water quality function is impacted/degraded.	Hydrologic Control	Hydrologic control is lost/not present.
Sensitivity to Future Impacts	Potentially sensitive to future impacts.	Enhancement Potential	Wetland has little enhancement potential.
Education	Wetland is not appropriate for educational use.	Recreation	Wetland is not appropriate for recreational use.
Aesthetic Quality	Wetland is considered to be moderately pleasing.		
Narrative description of overall wetland functions and condition.			
<p>Wetland is small (~0.2 ac.), isolated wetland surrounded by developed properties. Wildlife habitat is limited by lack of complexity of cover, lack of dense cover and lack of native plant diversity. Small size of wetland exhibits high "edge effect" being surrounded by roads and developed properties. Site is open and dominated by grasses, with areas of red alder canopy. Habitats are limited to emergent wetlands (saturated early in growing season) and no open water or other aquatic habitats are present. Water quality function is limited by small catchment size and lack of connection to offsite waters. Hydrologic control function is limited by isolation of wetland and lack of offsite hydrologic inputs; dominant hydrology source is direct precipitation on concave surface. In runoff events, waters from wetland are conveyed into a ditch that runs along the east and north sides of tax lot 6100 until apparently entering a stormwater pipe at the intersection of SE 9th Street and S Main Avenue (State Route 104). Wetland condition appears vulnerable to impacts given relatively small size, zoning and development pressures and ongoing stressors including traffic, pollution from adjoining uses (including roads), and loss of tree cover as red alder canopy appears to be diminishing. Future enhancement options are limited by small size, isolation from other upland or wetland habitats, and cost of mitigating past impacts to the site (historic fill including buried waste present). Educational uses limited by private ownership and limited aesthetic qualities and lack of habitat diversity. The site does not contain imperiled or locally rare habitats (e.g. mature forested wetland, coastal prairie, interdunal wetlands, organic soil wetlands), nor does it harbor habitat for rare or sensitive species.</p>			



F. LSW CRITERIA & EVALUATION

LSW Criteria are drawn from Oregon Administrative Rule (OAR) 141-086-0350⁷. For the purposes for determining whether tax lot 6400 wetlands meet LSW criteria, OAR sections 141-086-0350(2) and 141-086-0350(3) are listed and evaluated below:

LSW Criteria (Text from OAR 141-086-0350(2 & 3))

(2) Mandatory LSW Criteria. A local government shall identify a wetland as locally significant if it meets one or more of the following criteria:

(a) The wetland performs any of the following functions at the levels indicated below using the Oregon Freshwater Wetland Assessment Methodology:

(A) "Diverse" wildlife habitat; or

(B) "Intact" fish habitat; or

(C) "Intact" water quality function; or

(D) "Intact" hydrologic control function.

(b) The wetland or a portion of the wetland occurs within a horizontal distance less than one-fourth mile from a water body listed by the Department of Environmental Quality as a water quality limited water body (303(d) list), and the wetland's water quality function is described as "intact" or "impacted or degraded" using OFWAM. The 303(d) list specifies which parameters (e.g., temperature, pH) do not meet state water quality standards for each water body. A local government may determine that a wetland is not significant under this subsection upon documentation that the wetland does not provide water quality improvements for the specified parameter(s).

(c) The wetland contains one or more rare plant communities, as defined in this rule.

(d) The wetland is inhabited by any species listed by the federal government as threatened or endangered, or listed by the state as sensitive, threatened or endangered, unless the appropriate state or federal agency indicates that the wetland is not important for the maintenance of the species.

(A) The use of the site by listed species must be documented, not anecdotal. Acceptable sources of documentation may include but are not limited to: field observations at the wetland sites during the local wetlands inventory and functional assessments, and existing information on rare species occurrences at agencies such as the Oregon Natural Heritage Program, Oregon Department of Fish and Wildlife, Oregon Department of Agriculture and the U.S. Fish and Wildlife Service.

(B) Input originating from other locally knowledgeable sources constitutes "documentation" if verified by one of the above agencies or a university or college reference collection.

(e) The wetland has a direct surface water connection to a stream segment mapped by the Oregon Department of Fish and Wildlife as habitat for indigenous anadromous salmonids, and the wetland is determined to have "intact" or "impacted or degraded" fish habitat function using OFWAM.

⁷ 141-086-0350 Locally Significant Wetland Criteria <https://secure.sos.state.or.us/oard/viewSingleRule.action?ruleVrsnRsn=15905>
Tax Lot 81021DC06400 Locally Significant Wetland Assessment



(3) *Optional LSW Criteria. At the discretion of the local government, wetlands that meet one or more of the following criteria may be identified as locally significant wetlands:*

(a) *The wetland represents a locally unique native plant community: wetland is or contains the only representative of a particular native wetland plant community in the UGB/UUC, which is only applicable if the entire UGB/UUC is inventoried. To be identified as a LSW, such a wetland must also have been assessed to perform at least one of the following functions at the levels indicated below using OFWAM:*

(A) *Its wildlife habitat descriptor is either "provides diverse habitat," or "provides habitat for some wildlife species"; or*

(B) *Its fish habitat descriptor is either "intact," or "impacted or degraded"; or*

(C) *Its water quality function descriptor is either "intact," or "impacted or degraded"; or*

(D) *Its hydrologic control function descriptor is either "intact," or "impacted or degraded."*

(b) *The wetland is publicly owned and determined to "have educational uses" using OFWAM, and such use by a school or organization is documented for that site.*

LSW Evaluation

Each relevant LSW criteria and evaluation of those criteria pertaining to tax lot 6400 wetlands are listed in Table 3 below. Wetlands on tax lot 6400 do not meet criteria for LSW designation, save for 141-086-0350(2)(b), which is conditionally met. 141-086-0350(2)(b) refers to the distance of evaluated wetlands relevant to the location of a water listed as impaired on the Oregon Department of Environmental Quality (DEQ) (303(d) list. Wetlands are located less than ¼ mile from the Skipanon River, a 303(d) water, which is impaired for low dissolved oxygen, and concentrations of chemicals toxic to aquatic life. The OAR includes a provision that "a local government can determine that wetland is not significant under this subsection upon documentation that the wetland does not provide water quality improvements for the specified parameter(s)".

(SECTION CONTINUES ON NEXT PAGE)



Table 3-Evaluation OAR 141-086-0350(2 & 3) Criteria as Pertaining to Tax Lot 6400 Wetlands

LSW Criteria (*Mandatory Criteria) (**Optional Criteria)	Tax Lot 6400 OFWAM Result (or OAR Qualifier if applicable)	LSW Criteria Met: Yes, No or Conditional
141-086-0350(2)(a)(A) *	Provides habitat for some wildlife species.	No.
141-086-0350(2)(a)(B) *	Fish habitat is not present.	No.
141-086-0350(2)(a)(C) *	Water quality function is impacted/degraded.	No.
141-086-0350(2)(a)(D) *	Hydrologic control is lost/not present.	No.
141-086-0350(2)(b) *	Wetland is located < ¼ mile from Skipanon River ^b & Water quality function is impacted/degraded.	Conditional ⁹
141-086-0350(2)(c) *	Wetland does not contain one or more rare plant communities.	No
141-086-0350(2)(d) *	Wetland is not inhabited by any species listed by the federal government as threatened or endangered, or listed by the state as sensitive, threatened, or endangered.	No
141-086-0350(2)(e) *	Wetland does not have a direct surface water connection to a stream segment mapped by the Oregon Department of Fish and Wildlife as habitat for indigenous anadromous salmonids	No
141-086-0350(3)(a)(A) **	Wetland does not represent a locally unique native plant community.	No
141-086-0350(3)(b) **	Wetland is not publicly owned and is not appropriate for educational use.	No

H. RECOMMENDATIONS

Turnstone recommends that the LSW designation for tax lots 6400 be removed. Per OAR 141-086-0350(2)(b), local governments such as the City of Warrenton can determine that a wetland does not provide water quality improvements for specific water quality impairments. Impairments for the nearby 303(d)-listed Skipanon River are shown in Table 4, along with a narrative rationale for the capacity of tax lot 6400 wetlands to improve impaired water quality in the Skipanon River. Given the isolation of wetlands, it is not likely that tax lot 6400 wetlands have any water quality improvements to address impairment criteria for the nearby Skipanon River. Any capacity to do so would be severely limited by the small size of wetland. Any final determination

(SECTION CONTINUES ON NEXT PAGE)

⁸ Oregon DEQ "Impaired for Fecal Coliform, Dissolved Oxygen- year-round, Dissolved Oxygen- spawn, Alkalinity- Aquatic Life Toxics, Chloride- Aquatic Life Toxics, Iron (total)- Aquatic Life Toxics."

https://www.deq.state.or.us/psc/pdf/AssessmentSummaries/2022_IR_Assessment_Unit_report-OR_SR_1708000602_05_103678.html

⁹ A local government may determine that a wetland is not significant under this subsection upon documentation that the wetland does not provide water quality improvements for the specified parameter(s).



Table 4-Evaluation of Wetland Function as Related to Skipanon River Water Quality Impairments

Impairment ¹⁰	Data Source ¹¹	Discussion ¹²
Alkalinity- Aquatic Life Toxics	Impairment data from Oregon DEQ monitoring station at US 101, Skipanon River mile 1.7, upstream of wetland.	Occasional low pH (<6) is shown in monitoring samples, stemming from runoff from wetland soils or from excessive respiration from an overabundance of aquatic vegetation. Both factors are observable within the basin given the ubiquity of wetlands locally and abundance of aquatic bed vegetation that proliferate in lakes, ponds and low-gradient waterways in the vicinity. Lack of surface and evident groundwater exchange with the Skipanon River limits the ability of wetlands to impact pH impairment.
Fecal Coliform	Impairment data from Oregon DEQ monitoring station at US 101, Skipanon River mile 1.7, upstream of wetland.	Likely sources for fecal coliform bacteria are livestock operations and septic systems upstream of Warrenton. Pets and the density of elk in the Warrenton area may also contribute to fecal coliform pollution. Lack of connectivity to the Skipanon through surface or groundwater interaction, along with local sources of animal waste limit the ability of wetlands to reduce fecal coliform pollution.
Dissolved Oxygen (year- round)	Impairment data from Oregon DEQ monitoring station at US 101, Skipanon River mile 1.7, upstream of wetland.	Dissolved oxygen depletions impact cold water species including migratory salmonids. Local causes of oxygen depletion in the Skipanon include nutrient inputs from livestock and fertilizer application and high water temperatures, particularly during summer and early fall low-water periods. Dissolved oxygen concentrations are inversely correlated with temperature, meaning as water temperatures increase, the amount of dissolved oxygen in the water decreases. Given the isolation from the Skipanon River, it is presumed that the wetland does not possess functions that could contribute to an improvement in dissolved oxygen depletions, such as shading the river that might reduce stream temperatures, or ground water exchange that might attenuate nutrient inputs.
Dissolved Oxygen (spawn)	Impairment data from Oregon DEQ monitoring station at US 101, Skipanon River mile 1.7, upstream of wetland.	
Chloride- Aquatic Life Toxics	Impairment data from Oregon DEQ monitoring station at US 101, Skipanon River mile 1.7, upstream of wetland.	Likely inputs for chloride locally include septic systems and feed lots. Sources for these inputs are concentrated locally upstream from tax lot 6400. Lack of connection to the impaired water limits functional capacity of tax lot 6400 to attenuate chloride pollution.
Iron (total)- Aquatic Life Toxics	Impairment data from Oregon DEQ monitoring station at US 101, Skipanon River mile 1.7, upstream of wetland.	Iron is naturally occurring in basin and since wetlands are not connected to impaired water, it is presumed attenuation of iron concentrations are not part of wetland function on tax lot 6400.

¹⁰ 2022 Integrated Report Assessment Summary for the Skipanon River. Oregon DEQ.

https://www.deq.state.or.us/psc/pdf/AssessmentSummaries/2022_IR_Assessment_Unit_report-OR_SR_1708000602_05_103678.html

¹¹ Oregon DEQ Monitoring Station 10812-ORDEQ.

¹² Select information from Skipanon Watershed Assessment, E&S Environmental Chemistry, Inc. and Skipanon Watershed Council. August 2000.

Tax Lot 81021DC06400 Locally Significant Wetland Assessment



I. DISCLAIMER

This report documents the investigation, best professional judgment, and conclusions of the investigator. This report is correct and complete to the best of our knowledge. Findings should be considered preliminary and used at your own risk unless they have been reviewed and approved in writing by the appropriate agencies.



Appendix A

DSL Concurrence Letter
WD # 2023-0526



Oregon

Tina Kotek, Governor

Department of State Lands

775 Summer Street NE, Suite 100

Salem, OR 97301-1279

(503) 986-5200

FAX (503) 378-4844

www.oregon.gov/dsl

February 8, 2024

State Land Board

Mike Balensifer
947 SE Anchor Avenue
Warrenton, OR 97146

Tina Kotek
Governor

LaVonne Griffin-Valade
Secretary of State

Re: **WD # 2023-0526 Approved**
Wetland Delineation Report for Tax Lot 81021DC06400
Clatsop County; T8N R10W S21DC TL6400

Tobias Read
State Treasurer

Dear Mike Balensifer:

The Department of State Lands has reviewed the wetland delineation report prepared by Turnstone Environmental Consultants, Inc. for the site referenced above. Based upon the information presented in the report, we concur with the wetland boundary as mapped in Figure 6 of the report. Please replace all copies of the preliminary wetland map with this final Department-approved map.

Within the study area, one wetland, totaling approximately 0.19 acres was identified. The wetland is subject to the permit requirements of the state Removal-Fill Law. Under current regulations, a state permit is required for cumulative fill or annual excavation of 50 cubic yards or more in wetlands or below the ordinary high-water line (OHWL) of the waterway (or the 2-year recurrence interval flood elevation if OHWL cannot be determined).

This concurrence is for purposes of the state Removal-Fill Law only. We recommend that you attach a copy of this concurrence letter to any subsequent state permit application to speed application review. Federal, other state agencies or local permit requirements may apply as well. The U.S. Army Corps of Engineers will determine jurisdiction under the Clean Water Act, which may require submittal of a complete Wetland Delineation Report.

Please be advised that state law establishes a preference for avoidance of wetland impacts. Because measures to avoid and minimize wetland impacts may include reconfiguring parcel layout and size or development design, we recommend that you work with Department staff on appropriate site design before completing the city or county land use approval process.

This concurrence is based on information provided to the agency. The jurisdictional determination is valid for five years from the date of this letter unless new information necessitates revision. Circumstances under which the Department may change a determination are found in OAR 141-090-0045 (available on our web site or upon request). In addition, laws enacted by the legislature and/or rules adopted by the Department may result in a change in jurisdiction; individuals and applicants are subject to the regulations that are in effect at the time of the removal-fill activity or complete permit application. The applicant, landowner, or agent may submit a request for reconsideration of this determination in writing within six months of the date of this letter.

Thank you for having the site evaluated. If you have any questions, please contact Chris Stevenson, PWS, the Jurisdiction Coordinator for Clatsop County at (503) 798-7622.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter Ryan", with a stylized flourish at the end.

Peter Ryan, SPWS
Aquatic Resource Specialist

Enclosures

ec: Joe Bettis, Turnstone Environmental Consultants, Inc.
City of Warrenton Planning Department (Maps enclosed for refining LWI)
Megan Biljan, Corps of Engineers
Katie Blauvelt, DSL
Oregon Coastal Management Program

Figure 1:
Overview
Map

Tax Lot 81021DC06400 Mike Balensifer Wetland Delineation



11/3/2023

Warrenton, Clatsop County, Oregon



Legend

Study Area

Notes:

1. Topographic basemap courtesy USGS The National Map, 2023.
2. Native size of map layout is 11"x17".



1:10,000

Figure 2:
Tax Lot
Map

Tax Lot 81021DC06400

Mike Balensifer

Wetland Delineation



11/3/2023

Warrenton, Clatsop County, Oregon



Notes:

1. Tax map and tax lot boundaries provided by Clatsop County, assumed accurate to within 1-meter.
2. Native size of map layout is 11"x17".

Legend

- Road
- Tax Lot
- Study Area
- Tax Map Boundaries



1:1,500

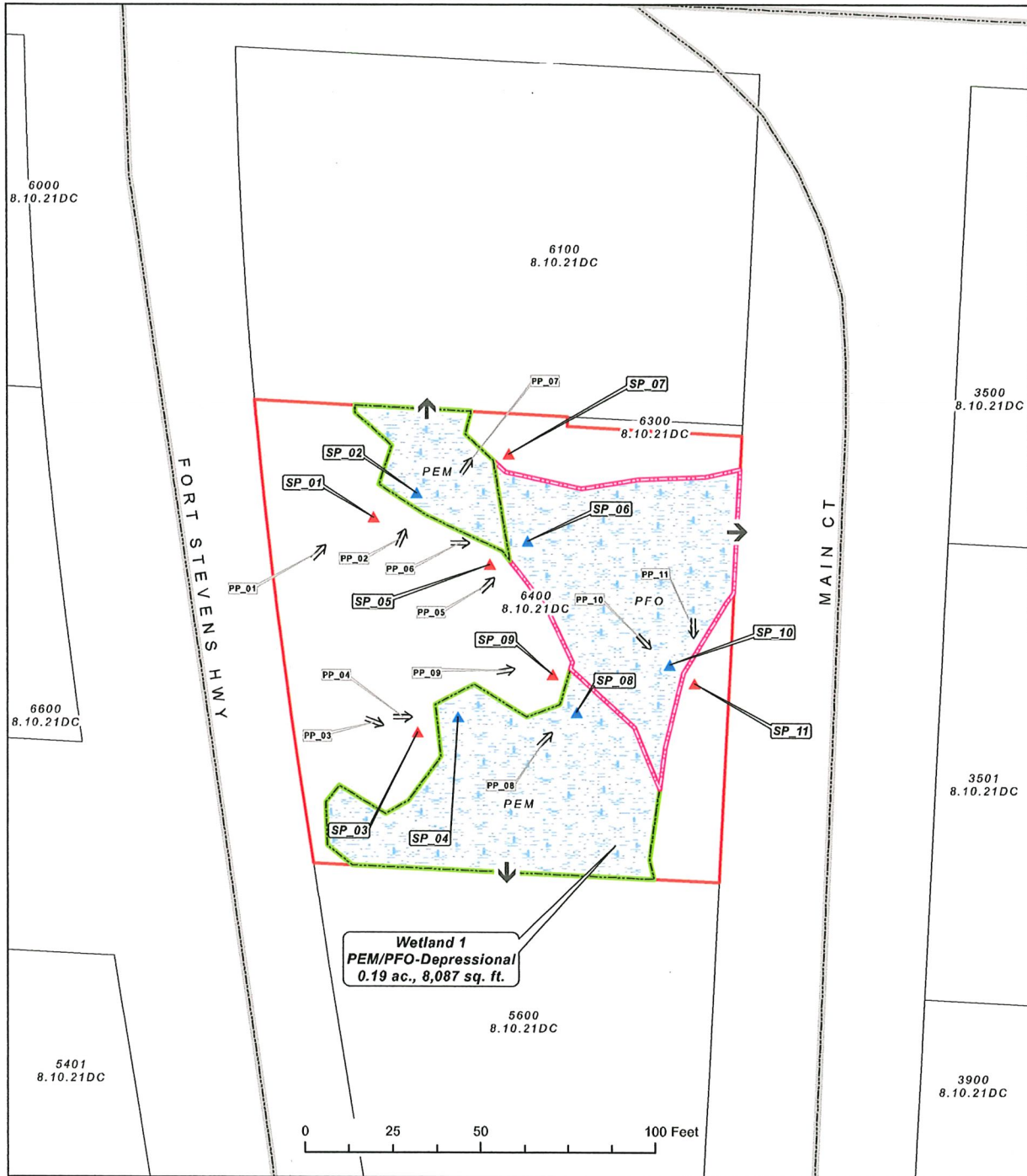
Figure 6:
Wetland
Delineation
Map (1:350)
11/9/2023

Tax Lot 81021DC06400

Mike Balensifer

Wetland Delineation

Warrenton, Clatsop County, Oregon



Wetland 1
PEM/PFO-Depressional
0.19 ac., 8,087 sq. ft.

Legend

- Road
- Tax Lot
- Study Area
- Wetland
- Cowardin Zone**
- PFO
- PEM
- Sample Plot**
- Upland
- Wetland
- Photo Point

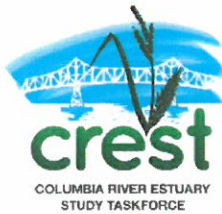
Notes:

1. All wetland points and boundary features were collected with a resource grade GPS and have an horizontal accuracy of 0.5 meter or less.
2. Tax Lot boundaries provided by Clatsop County, spatial accuracy unknown.
3. Native size of map layout is 11"x17".

DSL WD # 2023-0526
Approval Issued 2/8/2024
Approval Expires 2/8/2029



1:350



To: Matthew Ellis, AICP. Planning Director for the City of Warrenton
From: April Silva, Senior Wetland Ecologist with CREST

To whom it may concern,

The City of Warrenton contacted CREST to conduct a review of an application to redesignate a mapped locally significant wetland (LSW) within the City of Warrenton. The wetland in review is located between Main Street and SE Main Ct; tax lot 81021DC06400. To assist the City of Warrenton with their due diligence of the reclassification of a LSW, CREST's Senior Wetland Ecologist reviewed the application materials and conducted a site visit the week of August 5th, 2024.

Literature review included the state approved wetland delineation, all application materials including supplementals and the LSW assessment conducted by Turnstone Environmental. CREST reviewed the OFWAM assessment, reading through each question in the OFWAM manual and comparing it to the value assigned by Turnstone Environmental. The site visit entailed a walkthrough of the lot/wetland in question examining site conditions, plant community and relative health and stated impacts in the report provided by Turnstone Environmental.

CREST concurs with the information and results provided by Turnstone Environmental. The site does not appear to meet the criteria for a LSW. Their assessment seems to follow legal guidelines at both state and city levels, includes a thorough assessment of LSW criteria using the OFWAM, and presents findings in a concise and complete set of tables and narrative.

If you have any questions with this concurrence letter please don't hesitate to contact April Silva with CREST.

Sincerely,

Signature 

Date: 8/6/2024

April Silva, Senior Wetland Ecologist
503.325.0435 x 215
asilva@columbiaestuary.org



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, CFM, Planning Director
DATE: September 12, 2024
SUBJ: Modification to Conditions of Approval MC-24-3

BACKGROUND

The Warrenton Planning Commission approved the preliminary subdivision and planned unit development plan for the Fort Pointe development (SUB-20-2) on January 14, 2021. Since then, the approval was modified twice, the first by MC-22-2, final and effective on February 14, 2023, and the second by MC-23-3, final and effective on October 11, 2023. The applicant is asking to modify one of the conditions of approval from MC-23-3, specifically Condition of Approval 28. Only this condition of approval is up for discussion tonight.

The applicant wishes to have the condition removed in its entirety, and if not, replace the current language:

“The developer shall be authorized to sell the wetland tract to a private entity. The sale shall include a restrictive covenant that prevents further subdivision or development of the wetlands tract in a manner that would cause the PUD to exceed development limitations placed by the Warrenton Planning Commission. The restriction will also limit tree clearing to upland areas as part of an approved Oregon Department of Forestry permit. Wetland areas shall be managed pursuant to Section 16.156.040 of the WDC as of June 19, 2023, and shall be subject to all city, state, and federal regulations regarding wetlands disturbance.”

with the following language:

“The developer shall be authorized to convey the open space tract to a private entity. The transfer shall include a notice that informs the new owner that the wetland areas are subject to city, state, and federal regulations, and that tree removal is subject to Department of Forestry and federal regulations.”

PUBLIC PROCESS, PROCEDURES & PUBLIC NOTICE

The application was submitted on May 23 and was deemed complete on May 23, 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:

WMC 16.208.050 Type III Procedure (Quasi-Judicial).
WMC 16.228.030 Major Modifications.

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 16.228 Modifications to Approved Plans and Conditions of Approval **16.228.030 Major Modifications.**

- A. The Community Development Director may determine that a major modification(s) is required if one or more of the changes listed below are proposed:
1. A change in land use;

APPLICANT RESPONSE: None.

STAFF FINDING: The request is to modify the allowed land use of the wetland track, requiring this application to go to the Warrenton Planning Commission. **This criterion is met.**

CONCLUSIONS AND RECOMMENDATION

The applicant has met the requirements to apply for this modification of conditions of approval and has made some compelling language changes that staff have incorporated below. However, the language the applicant has asked to remove could have substantial ramifications on the built and natural environment for the residents of the Fort Pointe development, and staff does not feel the full restriction should be lifted. The wetland tract is a substantial piece of one of Warrenton's largest locally significant wetlands and City staff would like it to remain that way.

In addition, the applicant raises concerns about the language of the condition, which the applicant suggests "...is not consistent with the statute" ORS 197A.400(3)(c). However,

the 450 permitted housing units were identified by the applicant during the application for MC-23-3 and incorporated into the record by staff during the Notice of Decision for MC-23-3. Additionally, ORS 197A.400(4) explicitly states the “section does not infringe on a local government’s prerogative to impose special conditions upon approval of a specific development proposal” if the provision is clear and objective, relates to density or height, and does not discourage needed housing. As Condition of Approval 28 applies to the wetland tract of the development which housing cannot be developed without severe mitigation measures, the provision is compliant with the ORS.

RECOMMENDED MOTION

“Based on the findings and conclusions of the September 12, 2024, staff report, I move to modify the language of Condition of Approval 28 of MC-23-3 to read as follows: ‘The developer shall be authorized to convey the wetland tract to a private entity. The transfer shall include a restrictive covenant that prevents further subdivision or development of the wetlands tract in a manner that would cause the PUD to exceed development limitations placed by the Warrenton Planning Commission. The restriction will also limit tree clearing to upland areas as part of an approved Oregon Department of Forestry permit. Wetland areas shall be managed pursuant to Section 16.156.040 of the WDC as of September 12, 2024, and shall be subject to all city, state, and federal regulations regarding wetlands disturbance.’”

ATTACHMENTS

1. Application
2. Notice of Decision MC-23-3

**CITY OF WARRENTON
PLANNING AND BUILDING DEPARTMENT**

**MODIFICATIONS TO APPROVED
PLANS AND CONDITIONS OF
APPROVAL APPLICATION**

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

The purpose for this application is to provide an efficient process for modifying land use decisions and approved development plans, in recognition of the cost and complexity of land development. Please answer the questions as completely as possible.

.....

Legal Description of the Subject Property: Township _____, Range _____, Section(s) _____,

Tax Lot(s) 810170001300

Property street address: _____

I/WE, THE UNDERSIGNED APPLICANT(S) OR AUTHORIZED AGENT, AFFIRM BY MY/OUR SIGNATURE(S) THAT THE INFORMATION CONTAINED IN THE FOREGOING APPLICATION AND ASSOCIATED SUBMISSIONS IS TRUE AND CORRECT.

APPLICANT:

Printed Name: Fort Point Land Partners, LLC

Signature:  Date: 05.22.2024

Address: 1309 Coffeen Avenue STE 1200

Phone: (307) 683-0983 E-mail Address: seth.hague@magamb.com

City/State/Zip: Sheridan, Wyoming 82801

Fax: _____

PROPERTY OWNER (if different from Applicant):

Printed Name: _____

Signature: _____ Date: _____

Address: _____

E-mail Address: _____

Phone: _____ Fax: _____

City/State/Zip: _____

1. In detail, please describe the reason(s) for applying for a modification to an approved plan or conditions of approval:

Please reference the document attached with this application "Narrative on Condition 28".

2. Please explain which category your request falls in:

a. Major Modification yes no

i. a change in land use

ii. an increase in the number of dwelling units _____

iii. a change in the type and/or location of access ways, drives or parking areas that affect off-site traffic _____

PLEASE UNDERSTAND THAT THIS APPLICATION WILL NOT BE OFFICIALLY ACCEPTED UNTIL DEPARTMENT STAFF HAS DETERMINED THAT THE APPLICATION IS COMPLETELY FILLED OUT AND THE SITE PLAN MAP REQUIREMENTS HAVE BEEN COMPLETED.

Return Application To:

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

Phone: 503-861-0920
Fax: 503-861-2351

This application requests the removal of Condition 28, because the condition is very onerous and conflicts with the ability to use the tract in accordance with the customary zoning and wetland regulations, as well as for additional housing. That condition states:

28. The developer shall be authorized to sell the wetland tract to a private entity. The sale shall include a restrictive covenant that prevents further subdivision or development of the wetlands tract in a manner that would cause the PUD to exceed development limitations placed by the Warrenton Planning Commission. The restriction will also limit tree clearing to upland areas as part of an approved Oregon Department of Forestry permit. Wetland areas shall be managed pursuant to Section 16.156.040 of the WDC, except that agricultural uses and tree clearing shall be prohibited.

The applicant understands the City has several interests that are being advanced through this condition. These include consideration of the various Fort Stevens uses north and west of the site including the public and private campgrounds, protection of wetlands, and tree preservation.

In addition there is a state law limit that protects the development of housing within the PUD. ORS 197A.400(3)(c) authorizes the city to apply subjective criteria to a PUD for housing, so long as the criteria “authorize a density at or above the density level authorized in the zone[.]” The September 14, 2023 staff report calculates the authorized density on this site as ranging between 1107 and 1309 allowed housing units. Only 450 housing units are proposed. As the PUD criteria were applied in Condition 28, the Planning Commission effectively imposed a strict limit of 450 housing units. Therefore, the condition is not consistent with the statute, and it is incumbent upon the city to approve this application to delete the condition.

Thus the applicant requested that two statements be deleted from Condition 28, because the statements exceed the code requirements for open space in a PUD. Upon further consideration, the applicant requests that Condition 28 be deleted in its entirety, because there are existing provisions in the city code and state law to regulate the wetlands and tree removal. The wetlands are regulated by the city, the US Army Corps of Engineers and the Department of State Lands. Tree removal is regulated by the Oregon Department of Forestry. Compliance with those regulations is required for any future use of the proposed tract, and is the least restrictive means of accomplishing the city’s resource protection goals.

To the extent the city is not willing to delete Condition 28, then we recommend this simplified text for a replacement condition.

“The developer shall be authorized to convey the open space tract to a private entity. The transfer shall include a notice that informs the new owner that the wetland areas are subject to city, state, and federal regulations, and that tree removal is subject to Department of Forestry and federal regulations.”

Thank you for your consideration of this request, and we look forward to the upcoming Planning Commission meeting.



NOTICE OF DECISION AND ORDER Modification of Conditions MC-23-03

APPLICANT: Seth Hague, MAG-AMB Development
Mark Tolley, Mission Development Group, LLC

PROPERTY OWNER: Fort Pointe Partners, LLC

SUBJECT OF REVIEW: Modification of Conditions of Approval for the Fort Pointe Preliminary Planned Unit Development Plan. The subject property is located at 11XX Ridge Road, Warrenton, OR 97102 on Parcel Number 810170001300.

APPLICATION DATE: June 19, 2023

APPLICATION COMPLETE: June 30, 2023

120-DAY DEADLINE: October 28, 2023

HEARING AND RECORD: The Warrenton Planning Commission conducted an on-site inspection of the subject property on July 27, 2023 and opened the public hearing for the above-referenced request. At the special meeting on July 27, 2023, the request was continued to the September 14, 2023 meeting. At the September 14, 2023 meeting, the Warrenton Planning Commission approved the Modifications of Conditions of Approval MC 23-03 establishing new conditions of approval replacing previous approvals of SUB 17-01 and SUB 20-02 and Lot Partition 20-02. The approval is based on the submittals from the applicant, findings of fact related to the proposed development in the staff review memos and presentations, and testimony heard at the public hearing on July 27, 2023 and September 14, 2023. The approval is subject to the following conditions of approval:

CONDITIONS OF APPROVAL:

1. All streets with 28-foot width shall have restricted parking on one side of the street. Streets with 32-foot width shall allow parking on both sides of the street. Any deviation to the prescribed engineering standards shall be approved by the Public Works Director upon recommendation by the city's consulting engineer.

2. Sidewalks shall be provided along all public roads within the development per City Engineering standards, unless a deviation from these standards is approved by the Warrenton Public Works Department upon recommendation by the city's consulting engineer.
3. The final construction plans shall include a minimum of two (2) off-street parking sites per each single family and duplex structure. Off-street parking for the multi-family development and recreation facilities shall meet the requirements of Section 16.128 of the Warrenton Development Code.
4. The developer or assigned corporation shall be responsible for the construction and maintenance of the private parking lots for the multi-family development. Parking areas for housing clusters shall be maintained by either the HOA or the rental management company.
5. No private drives or dead-end alleys shall be longer than 150 feet in length. The Planning Commission authorizes the one extended public road cul-de-sac at the south end of the development including a fire access onto Ridge Road. This recognition is due to the unique shape of the uplands area of the project site.
6. Sanitary sewer and water systems shall be designed to meet the intent of the City Engineering Standards. Any deviation from the standards shall be approved by the City Public Works Director upon recommendation by the City's consulting engineer.
7. The developer's engineer shall prepare a final stormwater management plan that addresses potential impacts on adjoining properties, the Enterprise drainage system and the Tansy Creek drainage system. The plan shall be reviewed and approved by the city's consulting engineer prior to final plat approval for the first phase of the project.
8. The developer will submit an updated geo-technical report for the development areas that addresses any special construction requirements due to soils conditions prior to final plat approval.
9. Final utility plans will meet all requirements of the State Fire Code relating to distance to a hydrant and water flow. The City Fire Chief shall approve plans prior to construction.
10. The developer will obtain any required approval from Clatsop County for the entrance points onto Ridge Road. The development will prohibit direct private access to Ridge Road for individual lots.

11. The City Planning Director or designee shall assign street names and addresses based on the City of Warrenton addressing grid and City Code requirements. All addresses will be clearly posted on each structure.
12. The developer will propose development covenants that establish all building setbacks from other structures, roadways, sidewalks, etc. The design standards shall outline exterior design themes, property maintenance and exterior storage requirements. The covenants shall be recorded with the final plat documents for each phase of development.
13. The developer will reimburse the City of Warrenton for the costs associated with outside engineering, financial review, and planning consulting that is required for the review and construction management for this project. The City will review the scope of the contracts with the developer.
14. Deviations in residential design standards, setbacks shall be addressed in the development agreement.
15. The developer will financially participate with Clatsop County on the construction of appropriate turn lanes, deceleration lanes and pedestrian crosswalks adjacent to the proposed development.
16. In lieu of land dedicated to public open space, the developer shall construct a multi-purpose path along the western side of the project area or immediately adjacent to the right-of-way, the location of which will be approved by Clatsop County Public Works department. The design of the trail shall be reviewed and approved by the Planning Commission as part of the Final PUD approval process.
17. The developer will install a pedestrian crosswalk with pedestrian activated flashing beacons for Ridge Road north of the proposed development at the entrance to Fort Stevens State Park. The crossing design will be approved by Clatsop County Public Works. The installation will occur prior to the issuance of the final certificate of occupancy for the multi-family development.
18. An easement for the Ridge Road to NW Warrenton Drive multi-purpose trail shall be granted along the northerly portion of the project area. The dedications and financial participation outlined in Conditions 15-17 will satisfy the public open space requirements for the PUD.

19. The developer will submit monument sign plans for entrance points to the project area. Plans shall be approved by the Planning Director prior to the issuance of the final certificate of occupancy for the multi-family project.
20. The developer will create and record documents establishing a permanent homeowner's association. The HOA or assigned corporation will be responsible for maintenance of all private open space and private recreational facilities.
21. The developer or assigned corporation will construct and maintain all private recreation facilities within the development. Each phase of the development will provide open space per the final development plans.
22. The City of Warrenton and developer shall establish a construction and maintenance agreement for the trail connection between NW Warrenton Drive and Ridge Road.
23. The overall development capacity shall be capped at 450 residential units. Multi-family units shall not exceed 210 units. The duplex units shall range between 20 and 40 units. The remaining units shall be single-family residential units. Modification to the mix of residential styles shall be approved by the Planning Director. Any change to the overall number of units will be reviewed and approved by the Planning Commission.
24. The single-family ownership units shall be a minimum of 25% of the overall single-family units within the project area. A reduction in the number of ownership units shall be reviewed and approved by the Planning Commission.
25. The developer or assigned corporation shall construct and establish a Build to Rent community (BTR) that is managed by a professional management group with experience with similar projects. Sale of the BTR project can occur and the new development agreement shall delineate the process for the sale. The City shall review the sale of the BTR ownership based on project experience on similar developments and a new development agreement shall be executed.
26. The developer will prepare a BTR operational plan for the City to review and approve prior to final plat approval. It should address construction standards, short-term and long-term rental requirements, and property maintenance.
27. The City of Warrenton, the developer, Clatsop County, Business Oregon, and other potential funding sources shall develop a financing plan for the infrastructure

improvements planned from NW Warrenton Drive to Ridge Road. The developer will be responsible for infrastructure improvements within the proposed Planned Unit Development. Once the infrastructure has been completed and inspected, it shall be dedicated to the public. The City Commission shall approve said agreement prior to final plat approval.

28. The developer shall be authorized to sell the wetland tract to a private entity. The sale shall include a restrictive covenant that prevents further subdivision or development of the wetlands tract in a manner that would cause the PUD to exceed development limitations placed by the Warrenton Planning Commission. The restriction will also limit tree clearing to upland areas as part of an approved Oregon Department of Forestry permit. Wetland areas shall be managed pursuant to Section 16.156.040 of the WDC, except that agricultural uses and tree clearing shall be prohibited.
29. The City of Warrenton will request a speed study for Ridge Road be conducted by Clatsop County.
30. The following items shall be completed prior to final PUD consideration by the Warrenton Planning Commission:
 - a. Preliminary Sewer, Water and Stormwater Engineering Plans
 - b. Proposed Utility Financing Plan (To be approved by the Warrenton City Commission)
 - c. Preliminary Landscaping Plan and Significant Vegetation Protection Plan
 - d. Site design and construction standards for BTR neighborhood
31. The developer will prepare the necessary Preliminary Plat documents for review and approval by the Warrenton Planning Commission within three (3) years of the notice of decision of the preliminary PUD.
32. The final plat for the multi-family development shall be submitted within two (2) years of the approval of the Preliminary Plat for the development. The Planning Commission will approve the Site Design Review as required by Section 16.212.
33. The final plat application for the duplex development shall be submitted within three (3) years of Preliminary Plat approval.
34. The final plat application for the single-family residential portion of the development shall be submitted in phases within ten (10) years of the approval of the Preliminary Plat for the development.

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

https://www.ci.warrenton.or.us/sites/default/files/fileattachments/planning_commission/meeting/packets/7050/planning_commission_packet.09.14_0.pdf

Type III decisions are final and effective one day after the appeal period expires. The appeal period is September 26, 2023 to 5:00pm October 10, 2023. **This decision is final and effective October 11, 2023.** Failure of any person to receive mailed notice shall not invalidate the decision, provided that a good faith attempt was made to mail the notice.

RIGHT TO APPEAL:

In accordance with Warrenton Municipal Code 16.208.050 2A any person with standing to appeal may appeal the Planning Commission's Decision by filing a Notice of Appeal according to the following procedures.

1. Time for filing. A Notice of Appeal shall be filed with the Community Development Director within 14 days of the date the notice of decisions was mailed.
2. Content of Notice of Appeal: 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.
3. Scope of Appeal. The appeal of a Type III quasi-judicial decision shall be limited to the specific issues raised during the written comment period or at the public hearing, as provided under Subsection 2D above, unless the City Commission allows additional evidence or testimony concerning any other relevant issue. The City Commission may allow such additional evidence if it determines that such evidence is necessary to resolve the case. Written or oral comments received during the comment period or public hearing will usually limit the scope of issues on appeal. Only in extraordinary circumstances should new issues be considered by the City Commission on appeal of a Type III Quasi-Judicial Decision.

during the comment period or public hearing will usually limit the scope of issues on appeal. Only in extraordinary circumstances should new issues be considered by the City Commission on appeal of a Type III Quasi-Judicial Decision.

For questions, please contact Jay Blake, Planning Director, City of Warrenton at (503) 861-2233 or jblake@ci.warrenton.or.us



Chris Hayward, Chair
Warrenton Planning Commission

9/25/2023
Date



City of Warrenton

Planning Department

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Phone: 503.861.0920 Fax: 503.861.2351

STAFF REPORT

TO: The Warrenton Planning Commission
FROM: Matthew Ellis, AICP, Planning Director
DATE: August 8, 2024
SUBJ: Residential Code Audit Preliminary Discussion

BACKGROUND

In April 2024, the City began a Residential Code Audit managed by 3J Consulting. Since that time, the consultants and staff have been preparing the attached code audit memo. Staff is presenting these results on behalf of the project team for initial feedback.

The next step after receiving preliminary feedback from the Planning Commission and City Commission is to hold a public meeting asking for feedback and circulating a feedback survey around the community. Following the broad public engagement effort, the project team will deliver a final audit report, with an ordinance to follow.

This discussion is offered to the Planning Commission to share any preliminary thoughts as we move forward in the process.

ATTACHMENTS

1. Warrenton Final Code Audit Memo 2024-05-30



WARRENTON MIDDLE HOUSING CODE AUDIT

The primary objective of this Project is to prepare a package of hearings-ready development code amendments to comply with and exceed housing-related statutes and facilitate housing production, affordability, and choice.

Recommended development code amendments will include allowing duplexes on all single family detached lots in accordance with House Bill 2001. Amendments to Warrenton's Development Code will not focus on multifamily residential but may include recommendations to adjust multifamily standards to align with proposed middle housing updates. Provisions for other middle housing options will also be proposed but not enforced. These provisions will address updates to accessory dwelling units (ADUs), tri/quadplexes, townhomes, and cottage clusters.

This Housing Code Audit was funded through a Technical Assistance Grant from the State of Oregon. The views expressed herein are those of the consultant and do not reflect the views of the State of Oregon. The audit outcomes are intended to identify areas of the city's Development Code that should be updated to ensure middle housing-related regulations are clear and objective, reduce barriers to the provision of housing, and ultimately increase the availability of housing in Warrenton.

This memo includes an audit of the city's current development code provisions and an analysis of standards relative to state residential statutes, including ORS 197A.395 to 197A.430 and related administrative rules. Other statutes addressed within the Code Audit include ORS 197.478 for manufactured home standards. The audit also includes analysis of how the code compares to the state Model Code for Middle Housing: while only the duplex portions of the Model Code are binding for Warrenton, the Model Code provisions for other middle housing types provide best practices as the basis for review with further opportunity for local refinements. The "Analysis" column identifies existing regulations that have the effect, either in themselves or cumulatively, of discouraging housing through unreasonable cost or delay, or that are not compliant with the applicable ORS provisions, and how the city may address these issues.

The code audit evaluated the existing Warrenton development regulations that relate to residential development for both compliance with state regulations and opportunities to enhance clarity and remove barriers to residential feasibility. Specific categories of analysis and overall findings include:

- **ADUs:** ADUs must be permitted with every single-family detached dwelling (ORS 197A.425). Warrenton's code permits ADUs in many residential areas but modifications to specific aspects of ADU regulations such as parking and owner-occupancy requirements and definitions are recommended to align with state regulations.
- **Duplexes:** Duplexes must be permitted on every lot where single-family detached dwellings are permitted (ORS 197A.420(3)). Warrenton code only permits duplexes in some zones and changes to permit duplexes more broadly are recommended.

- **Other middle housing types:** Warrenton has expressed interest in exploring ways to permit triplexes, quadplexes, townhouses and cottage clusters that are required for larger cities but optional for Warrenton (ORS 197A.420(2)). Existing code only allows middle housing in medium and high-density zones. Quadplexes are currently not included in the city’s definition of middle housing and are grouped with ‘multifamily’ options. Quadplexes will need to be grouped with other permitted middle housing options. There are significant opportunities to expand middle housing allowances if desired.
- **Multifamily:** While multifamily residential was not the focus of this code audit, a few items related to multifamily code are flagged for recommended adjustments to align with other residential and middle housing code issues.
- **Compliance:** Additional state regulations relate to a variety of residential topics and related uses in residential zones, such as manufactured homes and residential homes. These regulations have been changing at an increasingly rapid pace, and therefore the Warrenton code is in need of some updates.
- **Clarification:** A final category of audit findings includes areas where additional clarity is recommended, either to comply with state requirements for all residential code standards to be “clear and objective” (ORS 197A.400(1)) or simply for usability and internal consistency.

The following sections of the Warrenton Development Code were reviewed for compliance with applicable state residential statutes, with a focus on middle housing. The development code below has been organized by the order of the code, with each concept category listed below.

Development Code Audit Matrix

Warrenton Development Code		
Section	Current Code Language	Analysis
16.12.010 Definitions		
	<p>Courtyard Cottages. Four or more cottages that are 1,200 square feet or less built or placed around a shared open space and shared side yard parking. Cottages can be on fee simple lots or one lot in common ownership.</p>	<p>The courtyard cottage definition has some similarities with the state definition of cottage clusters but differs on some specifics, such as a 900 vs. [800 to] 1,200 square foot maximum footprint.</p> <p>Staff considered revision to broaden definition but determined that community interests are best met by keeping current definition for courtyard cottages.</p> <p>Note: because Courtyard Cottages have specific design provisions (such as max. footprint of 800 ft, 1,200 with garage), it may add clarity to remove maximum sf from definition but add a reference to compliance with Chapter 16.202.</p> <p>Category: Other middle housing types</p>
	<p>Child Care Center. Provides care and supervision of four or more, not to exceed 12 minor children for periods of less than 24 hours. See also ORS 657A for certification requirements.</p> <p>Day Care. The residence of the day care provider which receives no more than three children for the purpose of providing care (excludes children’s relatives).</p> <p>Family Day Care. See “Child Care Center.”</p>	<p>This is not middle housing but is new state law. Consider a review/update of definitions for day care facility and day care home and recommend updates. Review ORS 329A.440 for definitions and for any other needed edits (or reference this ORS in the code: https://www.oregonlegislature.gov/bills_laws/ors/ors329a.html). Particularly, family child care homes must be permitted in residential zones. Child care facilities must be permitted in commercial zones, but that goes well beyond this project scope.</p>

Warrenton Development Code

Section	Current Code Language	Analysis
		<p>Staff will make this update outside of this project.</p> <p>Category: Compliance</p>
	<p>Duplex. A detached building located on a single legal lot that contains two attached dwelling units designed for occupancy by two families.</p>	<p>Model Code: "Duplex" means two dwelling units on a lot or parcel in any configuration. In instances where a development can meet the definition of a duplex and also meets the definition of a primary dwelling unit with an accessory dwelling unit (ADU), the applicant shall specify at the time of application review whether the development is considered a duplex or a primary dwelling unit with an ADU.</p> <p>Staff preference to maintain duplex definition for two "attached" dwelling units. Recommended update to definition below, with "dwelling". Recommend removing this stand-alone "duplex" definition.</p> <p>Category: Duplex</p>
	<p>Dwelling.</p> <ol style="list-style-type: none"> 1. Accessory. A small, secondary housing unit, usually the size of a studio apartment, located on the same legal lot as a detached single-family residence. The accessory dwelling can be a detached cottage, a unit attached to a garage, or in a portion of an existing house. For purposes of this Code, an accessory dwelling is an accessory structure and shall comply with the accessory structure standards of Chapter 16.180 and more particularly Section 16.180.040, Accessory Dwelling Standards. 2. Multifamily. A building located on a single legal lot designed and used for occupancy by four or more families, all living independently of each other, and having separate housekeeping facilities for each family. 3. Single-Family. An attached or detached building located on a single legal lot designed and used for occupancy by one family. 4. Single-Family Attached (Duplex, Townhome, Triplex, Rowhouse). Two (duplex, townhome) or more (triplex, rowhouse) single-family dwellings with common end walls. See Chapter 16.184, Single-Family Attached, Duplex, and Triplex Design Standards 	<p>Several definitions repeat in the code, which can cause confusion. For example, "accessory dwelling" and "duplex" are defined in the alphabetical definitions, but also defined again under "dwelling units". Current code includes confusing definitions for middle housing. For example, a townhouse on an individual lot would be considered "single-family" and "single-family attached". Consider consolidating and clarifying definitions for residential dwelling types.</p> <p>Recommend separate definitions (without reference to occupancy by families) for the following dwellings:</p> <ul style="list-style-type: none"> -accessory: An interior, attached or detached residential structure that is used in connection with, or that is accessory to, a single-family detached dwelling. For purposes of this Code, an accessory dwelling is an accessory structure and shall comply with the accessory structure standards of Section 16.180.040, Accessory Dwelling Standards. -single-family detached: One dwelling unit located on a lot or parcel. -townhouse (single-family attached/rowhouse): A dwelling unit constructed in a row of two or more attached units, where each dwelling unit is located on an individual lot or parcel and shares at least one common wall with an adjacent unit. -duplex: Two attached dwelling units on a lot or parcel. -triplex: Three dwelling units on a lot or parcel in any configuration. -quadplex: Four dwelling units on a lot or parcel in any configuration. -multifamily: Five or more dwelling units located on a lot or parcel subject to the provisions of Chapter 16.188. <p>*Possibly reference applicable design standards code sections for duplex, triplex, quadplex and townhomes. Right now this section is 16.184.*</p> <p>Consider moving "courtyard cottages" definition to this section because it is a dwelling type.</p>

Warrenton Development Code

Section	Current Code Language	Analysis
		<p>Categories: Clarification; duplex; other middle-housing types</p>
	<p>Multifamily Housing Development. A building or grouping of related buildings that contain four or more dwelling units (total) located on a single legal lot and sharing common walls, floor/ceilings, courtyard, playground, parking area, or other communal amenity. Included in this definition is "condominium." Unless otherwise permitted by this Code (i.e., master planned developments), single-family dwellings are not permitted in multifamily housing developments. See Chapter 16.188 for multifamily housing design standards.</p>	<p>Consider removing this as separate definition (keep definition under "dwelling").</p> <p>Category: Multifamily</p>
	<p>Residential</p> <p><u>1. Care Facility.</u> A facility licensed by or under the authority of the Department of Human Resources under ORS 443.400 to 443.460 which provides residential care alone or in conjunction with training or treatment or a combination thereof for six to 15 individuals who need not be related. Staff persons required to meet Department of Human Resources licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential facility.</p> <p><u>2. Home.</u> A home licensed by or under the authority of the Department of Human Resources under ORS 443.400 to 443.825 which provides residential care alone or in conjunction with training or treatment or a combination thereof for five or fewer individuals who need not be related. Staff persons required to meet Department of Human Resources licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential home.</p>	<p>This is not middle housing but is state law. Consider a review/update of definitions for care facility and residential home and recommend updates. Review ORS 443 for definitions and for any other needed edits. "Care facility" no longer caps the number of residents at 15.</p> <p>Category: Compliance</p>

Warrenton Development Code

Section	Current Code Language	Analysis
16. 25 Low Density Residential District		
16.24.20 Permitted uses	<p>The following uses and their accessory uses are permitted in the R-40 zone if the Community Development Director determines that the uses conform to the standards in Sections 16.24.040 through 16.24.050, applicable Development Code standards, and other City laws:</p> <ul style="list-style-type: none"> A. Single-family detached dwelling. B. Modular home. C. Manufactured home subject to the standards in Chapter 16.168. D. Residential home. E. Residential (care) facility. F. Day care. G. Farming, grazing, truck gardening, orchards and production of nursery stock. H. A temporary dwelling for no more than six months while building a permanent residence. I. Accessory structure, no larger than 1,200 square feet, in conjunction with an existing residence on the same property, and subject to standards of Chapter 16.180. J. Transportation facilities and improvements subject to the standards of Section 16.20.040. K. Similar uses as stated above. L. Community garden(s) (see definitions). M. Incidental sales of firewood, cut flowers, produce grown on the premises, lemonade, and similar items. N. Home occupations. O. Accessory dwelling that complies with Section 16.180.040. P. Homestay lodging subject to the standards in Chapter 8.24. 	<p>Not clear and objective: "if the Community Development Director determines that the uses conform to the standards in Sections 16.24.040 through 16.24.050, applicable Development Code standards, and other City laws". Recommend updating language to remove the above.</p> <p>Add "duplex dwelling" to list of permitted uses.</p> <p>Category: Duplex</p>
16.24.40 Development Standards	<p>A. Density Provisions.</p> <ol style="list-style-type: none"> 1. Minimum lot area for residences with on-site sewage disposal systems: 40,000 square feet. 2. Minimum lot area for residences connected to the City of Warrenton sewer system: 10,000 square feet. 3. Minimum lot width at the front building line: 50 feet. 4. Minimum lot depth: 80 feet. 5. Not more than 35% of lot area shall be covered by buildings or other impervious surfaces, except as may be permitted by conditional use permit or variance. 6. Maximum building height: 30 feet. 7. Maximum building height for agricultural buildings, solar collectors, wind energy systems and radio receivers: 40 feet. <p>B. Setback Requirements.</p> <ol style="list-style-type: none"> 1. Minimum front yard setback: <ol style="list-style-type: none"> a. Lots of 40,000 square feet: 20 feet; b. Lots of 10,000 square feet: 15 feet. 2. Minimum side yard setback: 10 feet. 3. Corner lot minimum street side, side yard setback: 10 feet. 4. Minimum rear yard setback: 10,000 square foot lot, 15 feet; except accessory structures that meet the criteria of Section 16.280.020, may extend to within five feet of the rear property line; and for 40,000 square foot lots the dwelling and any accessory structure must maintain a 15-foot setback. 5. Corner lot minimum rear yard setback: 10 feet. 	<p>Duplexes have to be subject to the same standards as single-family detached dwellings in the same zone, which will occur with no text changes.</p> <p>Consider an increase to minimum lot coverage for lots with an ADU. Staff indicated a willingness to consider but desire to acknowledge that this is a low-density development zone. Consider a modest increase of maximum lot coverage standard from 35% to 40% ONLY when the lot contains an ADU.</p> <p>Category: ADUs</p>

Warrenton Development Code

Section	Current Code Language	Analysis
16.28 Intermediate Density Residential District		
16.28.010 Purpose	<p>The purpose of the Intermediate Density Residential Zone is to provide areas within the City which have the capacity to accommodate single-family dwellings in conventional subdivisions or planned unit developments. These areas are intended for service by municipal utilities and urban type street systems, and, consequently, the residents must be willing to support the costs associated with this density of development. Certain public facilities and other nonresidential uses are permitted when desirable conditions and safeguards are satisfied. This zone includes those areas in Hammond that were in Hammond's Low Density Residential Zone (R-10).</p>	<p>Staff concur with referencing single family and middle housing. "...capacity to accommodate single-family and middle housing dwellings in conventional..."</p> <p>Categories: Clarification; duplex; other middle housing types</p>
16.28.020 Permitted uses	<p>The following uses and their accessory uses are permitted in the R-10 zone if the Community Development Director determines that the uses conform to the standards in Sections 16.28.040 through 16.28.050, applicable Zoning Ordinance standards, and other City laws:</p> <ul style="list-style-type: none"> A. Single-family detached, attached or duplex dwelling. B. Modular home. C. Manufactured home subject to standards in Chapter 16.168. D. Residential home. E. Residential (care) facility. F. Day care. G. Cemetery. H. Farming, grazing, truck gardening, orchards and production of nursery stock. I. A temporary dwelling for no more than six months while building a permanent residence. J. Accessory structure no larger than 1,200 square feet, in conjunction with an existing residence on the same property, and subject to standards of Chapter 16.180. K. Transportation facilities and improvements subject to the standards of Section 16.20.040. L. Similar uses as stated above. M. Community garden(s) (see definitions). N. Incidental sales of firewood, cut flowers, produce grown on the premises, lemonade, and similar items. O. Home occupations. P. Accessory dwelling that complies with Section 16.180.040. Q. Homestay lodging subject to the standards in Chapter 8.24. 	<p>Keep language as this already includes a duplex option that treats duplex the same as single-family detached.</p> <p>Staff considered adding triplex and quadplex as permitted uses within this zone, but would prefer to consider these housing types for the medium density zone only.</p> <p>Staff concurs that cottage clusters are permitted outright in the R-10, RM, and RH zones as addressed in another section of the code and should be included here as well.</p> <p>Category: Other middle housing types</p>

Warrenton Development Code

Section	Current Code Language	Analysis
<p>16.28.040 Development Standards</p>	<p>The following development standards are applicable in the R-10 zone:</p> <p>A. Density Provisions.</p> <ol style="list-style-type: none"> 1. Minimum lot area for residences: 8,000 square feet. Minimum density is five dwelling units per acre. 2. Minimum lot width at the front building line for detached dwelling: 50 feet. 3. Minimum lot area for single-family attached dwelling: 2,500 square feet. 4. Minimum lot width at the front building line for single-family attached dwelling: 25 feet. 5. Minimum lot depth: 70 feet. 6. Not more than 35% of the lot area shall be covered by buildings except as may be permitted by conditional use permit or variance. 	<p>Consider an increase to minimum lot coverage for lots with an ADU. Consider a modest increase of maximum lot coverage standard from 35% to 40% ONLY when the lot contains an ADU.</p> <p>Townhouses currently permitted use in this zone (single-family attached). Model code conflicts with 15' front and rear setbacks (10' max. for townhomes, except for those applicable to garages and carports). Recommend reducing front and rear setback for townhouses to 10'. Minimum lot area of 2,500 sf for townhomes will likely preclude development of this housing type. Consider 1,500 sf min. lot size. It seems like it may be a code oversight that there is no max. building height in this zone. If one is added, the max. height of townhouses cannot be less than 35'. Consider increasing max. lot coverage for townhouses to 75 or 80%.</p> <p>Categories: ADU; other middle housing types</p>
	<p>B. Setback Requirements.</p> <ol style="list-style-type: none"> 1. Minimum front yard setback: 15 feet. 2. Minimum side yard setback: 10 feet. 3. Corner lot minimum street side yard setback: 10 feet. 4. Minimum rear yard setback: 15 feet, except accessory structures that meet the criteria of Section 16.280.020, may extend to within five feet of a rear property line. 5. Corner lot minimum rear yard setback: 10 feet. 	

Warrenton Development Code

Section	Current Code Language	Analysis
16.32 Medium Density Residential District		
16.32.010 Purpose	<p>The Medium Density Residential Zone is intended to accommodate a variety of housing types including single-family dwellings, duplexes and, where appropriate, manufactured dwelling subdivisions and manufactured dwelling parks. This intensity of residential use is envisioned for locations in the City where community services and adequate access are available. Residential densities permitted are somewhat greater than those permitted in an R-10 zone. Certain public facilities and other nonresidential uses are also permitted when desirable conditions and safeguards are satisfied. Those lands in the Hammond area that were in the Hammond R-6 zone have been placed in this zone.</p>	<p>Duplexes are included here and are subject to the same provisions as single-family detached.</p> <p>Staff concurs with adding 'other middle housing options' into this overview as a housing type that is accommodated.</p> <p>Category: Other middle housing types</p>
16.32.020 Permitted Uses	<p>The following uses and their accessory uses are permitted in the R-M Zone if the Community Development Director determines that the uses conform to the standards in Sections 16.32.040 through 16.32.050, and any other applicable Development Code standards, and other City laws:</p> <ul style="list-style-type: none"> A. Single-family detached dwelling. B. Modular home. C. Manufactured home subject to the standards in Chapter 16.168. D. Duplex, townhome, and triplex subject to standards of Chapter 16.184. E. Residential home. F. Residential (care) facility. G. Day care. H. Master planned development with a minimum lot size of three contiguous acres, subject to provisions in Chapter 16.224. I. A temporary dwelling for no more than six months while building a permanent residence. J. Accessory structure no larger than 1,200 square feet, in conjunction with an existing residence on the same property, and subject to standards of Chapter 16.180. K. Transportation facilities and improvements subject to the standards of Section 16.20.040. L. Dredge material disposal (DMD) subject to Section 16.32.050 (Sites 19S and 21S) and Chapter 16.104. M. Similar uses as those stated above. N. Community garden(s) (see definitions). O. Incidental sales of firewood, cut flowers, produce grown on the premises, lemonade, and similar items. P. Home occupations. Q. Accessory dwelling that complies with Section 16.180.040. R. Homestay lodging subject to the standards in Chapter 8.24. 	<p>Duplex treated the same as single-family detached.</p> <p>Staff concurs with adding "quadplex" and "courtyard cottages" as permitted uses.</p> <p>Category: Other middle housing types</p>
16.32.040 Development Standards	<p>The following development standards are applicable in the R-M zone:</p> <ul style="list-style-type: none"> A. Density Provisions. <ul style="list-style-type: none"> 1. Minimum lot area for single-family detached dwelling or duplex: 5,000 square feet. Minimum density is eight dwelling units per acre. 2. Minimum lot area for single-family attached dwelling: 2,500 square feet. 3. Minimum lot width at the front building line for single-family detached dwelling or duplex: 50 feet. 4. Minimum lot width at the front building line for single-family attached dwelling: 25 feet. 5. Minimum lot depth: 70 feet. 6. Not more than 40% of the lot area shall be covered by buildings, except as may be permitted by conditional use permit or variance. 7. Maximum building height: 30 feet. 	<p>Minimum lot area same for duplex and single-family detached.</p> <p>Add triplex and quadplex with single-family detached or duplex for min lot area of 5,000 sf.</p> <p>Consider reducing min. lot area for townhouses from 2,500 sf to 1,500 sf. Model code recommends 1,500 sf based on market analysis of jurisdictions throughout the state. 2,500 sf minimum for townhouses will likely preclude this housing type. Also consider decreasing min lot width at front lot line</p>

Warrenton Development Code

Section	Current Code Language	Analysis
	<p>B. Setback Requirements.</p> <ol style="list-style-type: none"> 1. Minimum front yard setback: 15 feet. 2. Minimum side yard setback: 8 feet. 3. Corner lot minimum street side yard setback: 8 feet. 4. Minimum rear yard setback: 15 feet, except accessory structures that meet the criteria of Section 16.280.020 may extend to within five feet of a rear property line. 5. Corner lot minimum rear yard setback: 10 feet. 	<p>for townhouses from 25' to 20' to reduce barrier to this type of housing being built.</p> <p>Need 0' side setbacks for townhouses. Consider 10' max. front and rear setbacks for townhouses, triplexes and quadplexes.</p> <p>Categories: Clarification; duplexes; other middle housing types</p>

16.36 High Density Residential District

<p>16.36.020 Permitted Uses</p>	<p>The following uses and their accessory uses are permitted in the R-H zone if the Community Development Director determines that the uses conform to the standards in Sections 16.36.040 through 16.36.050, applicable Development Code standards, and other City laws:</p> <ol style="list-style-type: none"> A. Single-family detached dwelling. B. Modular housing. C. Manufactured home. D. Duplex and townhome subject to standards of Chapter 16.184. E. Triplex subject to standards of Chapter 16.184. F. Multifamily housing development subject to standards of Chapter 16.188. G. Residential home. H. Residential (care) facility. I. Day care. J. A temporary dwelling for no more than six months while building a permanent residence. K. Accessory structure no larger than 1,200 square feet, in conjunction with an existing residence on the same property and subject to the additional criteria under Chapter 16.180. L. Master planned development with a minimum lot size of three contiguous acres, subject to the provisions in Chapter 16.224. M. Transportation facilities and improvements subject to the standards of Section 16.20.040. N. Similar uses as stated above. O. Incidental sales of firewood, cut flowers, produce grown on the premises, lemonade, and similar items. P. Home occupations. Q. Accessory dwelling that complies with Section 16.180.040. R. Homestay lodging subject to the standards in Chapter 8.24. 	<p>Consider the broader purpose for this zone and whether single-family detached homes, at varying densities, are consistent with that purpose. Consider whether to prohibit single-family detached homes outright, or to address through revisions to minimum lot size and minimum density below. Staff would like to bring this question for discussion to the TAC.</p> <p>Consider adding 'quadplex' as its own option. Consider clarifying list of permitted uses to list housing types individually. Consider adding "courtyard cottages" to the list of permitted uses.</p> <p>Categories: Clarification; other middle housing types</p>
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<p>16.36.030 Conditional Uses</p>	<p>The following uses and their accessory uses may be permitted when approved under Chapter 16.220:</p> <ol style="list-style-type: none"> A. Boarding, lodging or rooming houses. B. Hospitals, sanitariums, rest homes, nursing or convalescent homes, medical clinic or office in conjunction with a residential facility. C. Churches, synagogues, or other places of worship. D. Parks, playgrounds and community centers. E. Government buildings and uses subject to standards of Sections 16.36.040(C) and 16.36.050. F. Public utility structure. G. School: nursery, primary, elementary, junior or senior high: public or private. H. Child care center. I. Bed and breakfast. J. Accessory dwelling subject to standards of Section 16.180.040. K. Similar uses as stated above. 	<p>Remove accessory dwellings as a conditional use; already permitted outright in the above section, as required</p> <p>https://www.warrentonoregon.us/ced/page/short-term-rentals</p> <p>Question for staff: Should we discuss short term rentals (STRs) and Homestay lodging with the TAC? Should they be conditional? Permitted outright? Permitted with limitations, etc.?</p> <p>Category: Clarification</p>
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Section	Current Code Language	Analysis
16.36.040 Development Standards	<p>A. Density Provisions.</p> <ol style="list-style-type: none"> 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. 4. Minimum lot area for a multifamily dwelling: 10,000 square feet. 5. Maximum density for multifamily structures: one dwelling unit per 1,600 square feet of site area. 6. Lot coverage: not more than 55% of an individual lot area shall be covered by buildings, except as may be permitted by conditional use permit or variance. 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. 10. Maximum building height: 40 feet. 11. The lowest density which will be allowed in new subdivisions and other developments with four or more units that are located on sites without significant natural feature problems is five dwelling units per gross acre. 	<p>Consider the desired scale for single-family detached homes, if continuing to permit in this zone. Minimum lot area of 4,500 sf cannot meet minimum density of 20 units per acre. Min. lot area of 4,500 sf can only achieve a density of 9.68 du/acre. Further conflicts introduced with subsection (11) referencing the lowest density of five units per gross acre, which conflicts with the 20 units per acre minimum listed in subsection (1).</p> <p>Consider permitting duplexes, townhouses, triplexes and quadplexes on lots sized equivalent to the maximum density for multifamily, allowed as one unit per 1,600 SF. E.g., duplexes would be allowed on 3,200-SF lots (or smaller if minimum lot size for single-family detached is lowered), triplex on 4,800-SF lot, etc.</p> <p>Lot coverage of 55% may be low.</p> <p>Review other lot dimensions if minimum lot sizes are adjusted.</p> <p>Categories: Clarification; other middle housing types</p>
	<p>B. Setback Requirements.</p> <ol style="list-style-type: none"> 1. Minimum front yard setback: 15 feet. 2. Minimum side yard setback: eight feet. 3. Corner lot minimum secondary street side yard setback: eight feet. 4. Minimum rear yard setback: 15 feet except accessory structures that meet the criteria of Section 16.280.020 may extend to within five feet of a rear property line. 5. Corner lot minimum rear yard setback: 10 feet. 	<p>Consider differentiating setback standards for larger multifamily sites and for single-family/middle housing sites and include buffering/screening setback requirements if needed for taller buildings. For example, if you require an 8' side yard setback, you may add a buffer of 5-10' if the building will be taller than 2 stories adjacent to a lower density (lower height) residential property. Could consider reducing side yard setbacks for 2 story maximum buildings down to 5'.</p> <p>Need 0' side yard setback for townhouses.</p> <p>Categories: Clarification; other middle housing types</p>

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16.92 Airport Operations Overlay District

<p>16.92.040 Permitted uses</p>	<p>The following uses and activities and their associated facilities are permitted conditionally in the Airport Zone upon demonstration of compliance with the standards of Section 16.92.060, Conditional Use Standards.</p> <p>A. A structure or building accessory to a permitted use.</p> <p>B. Single-family dwellings, manufactured dwellings, duplexes and multifamily dwellings, when authorized in the primary zoning district, provided the landowner signs and records in the deed and mortgage records of Clatsop County a hold harmless agreement and aviation and hazard easement and submits them to the Port of Astoria and to the Warrenton Planning Department.</p> <p>C. Commercial and industrial uses, when authorized in the primary zoning district, provided the use does not result in the following:</p> <ol style="list-style-type: none"> 1. Creating electrical interference with navigational signals or radio communication between the airport and aircraft. 2. Making it difficult for pilots to distinguish between airports lights or others. 3. Impairing visibility. 4. Creating bird strike hazards. 5. Endangering or interfering with the landing, taking off or maneuvering of aircraft intending to use the airport. 6. Attracting large number of people. <p>D. Buildings and uses of a public works, public service or public utility nature.</p> <p>E. Production, processing, assembling, packaging or treatment of such products as food products, pharmaceutical, hardware and machine products.</p> <p>F. 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.</p> <p>G. Research and development laboratories.</p> <p>H. Printing facilities.</p> <p>I. Public utility facilities such as power stations, sewage and water treatment plants.</p> <p>J. Storage and distribution services and facilities (i.e., truck terminals, warehouses and storage buildings and yards, contractor's establishments, lumber yards and sales) or similar uses.</p> <p>K. Vehicle repair (welding, painting and service, and parts facilities).</p> <p>L. Airport support structures: hangars, weather stations, fuel terminals and storage buildings, etc.</p> <p>M. Mini-warehouses or similar storage uses.</p> <p>N. Contractor shop or equipment storage yard for storage and rental of equipment commonly used by a contractor.</p> <p>O. Cabinet, carpenter, woodworking, sheet metal shops or similar establishments.</p> <p>P. Professional, financial or business offices.</p> <p>Q. Public utilities, including structures, pipelines, cables, and utility crossings.</p> <p>R. Government buildings and uses.</p> <p>S. Passive restoration.</p> <p>T. Transportation facilities and improvements subject to the standards of Section 16.20.040.</p> <p>U. Dredge material disposal (DMD) subject to Section 16.60.040 (site 205), and Chapter 16.104.</p> <p>V. Food and/or beverage trucks or carts, or restaurant in connection with the operation of an FBO or terminal facility.</p> <p>W. Military facilities.</p> <p>X. On airport camping by occupants of transient aircraft.</p>	<p>Staff concurs with aligning permitted residential uses in subsection (B) to include any additional middle housing uses like triplexes and quadplexes to be permitted in underlying zones.</p> <p>Category: Other middle housing types</p>
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16.112 Growth Management Standards

<p>16.112.040 Exceptions to growth management standards</p>	<p>Growth management standards shall not apply to the following land use actions: A. Construction of a single-family residence on a buildable lot. B. Exceptions approved by the Community Development Director, or in the case of a conditional use, an exception approved by the Planning Commission. In either case, the following findings must be made to support the exception to growth management standards: 1. That the impact of the proposed development or land partition upon the unacceptable service(s) will be similar to that of a single-family residence; 2. That the approval of the development or land division without the particularly unacceptable service(s) will not impede the orderly, efficient provision of any primary or secondary service to that area; 3. That the public or nearby residents will not be endangered by the granting of the exception; and 4. That it is consistent with the intent and purpose of Statewide Planning Goals 11 and 14, and the purpose of this chapter stated in Section 16.112.010.</p>	<p>Include duplex permitted in addition to single family residence. Category: Duplex</p>
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16.114 Neighborhood Master Plans

<p>16.114.040 Spur 104 Performance Measures & Redevelopment Standards</p>	<p>The following standards shall apply to new development in the Spur 104 Neighborhood Master Plan area. A. Development shall consider either the "Mixed Use Concept" or "Residential Concept" contained herein. At a minimum, streets, parks, open space, and trails shall be adhered to and planned for in future development. B. The total number of housing units for the new neighborhood shall not exceed 350 units. The types of units and minimum density are described in the Commercial Mixed Use (CMU) Zone and High Density Residential Zone (RH) standards. Housing units that existed prior to 2018 shall not be counted towards the cap on the total amount. Adaptive reuse of cultural or historic structures built prior to 1940 is strongly encouraged. C. The total amount of commercial space shall not exceed 50,000 SF. No building footprint shall be larger than 20,000 SF to encourage a mixed use, neighborhood scale, and pedestrian-oriented design. Maximum of building floor area shall be regulated by height standard. The types of uses allowed are described in the Commercial Mixed Use (CMU) Zone. However, drive thrus shall be prohibited to reduce traffic impacts. D. Architectural design shall be governed by Chapter 16.116 Design Standards. In addition, at least three distinct exterior materials shall be used. Glass entries and vestibules shall not be counted towards the required amount of materials. A distinctive entry is required. New parking for commercial uses should be located to the rear or side portion of the lot. E. All new development shall contribute to planned parks and trails identified on the concept plans and Parks Master Plan. F. Zero lot line developments for single family attached are allowed subject to site design review.</p>	<p>Staff noted that they will review why the 350 dwelling unit cap was set outside of this project. Recommend allowing ADUs to not count toward the cap, allowing duplexes to count as one dwelling unit toward the cap, Should triplexes/quadplexes/townhouses be treated as single units? Perhaps a question to discuss with the TAC? Category: Clarification</p>
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16.120 Access and Circulation		
16.120.020 Vehicular Access and Circulation	E. Conditions of Approval. The City or other agency with access permit jurisdiction may require the closing or consolidation of existing curb cuts or other vehicle access points, recording of reciprocal access easements (i.e., for shared driveways), development of a frontage street, installation of traffic control devices, and/or other mitigation as a condition of granting an access permit, to ensure the safe and efficient operation of the street and highway system. Access to and from off-street parking areas (other than driveways that serve single-family, two-family, or three-family dwellings) shall not permit backing onto a public street.	Expand exempted driveways to include quadplexes. Categories: Clarification; other middle housing types
16.120.020 Vehicular Access and Circulation	G. Access Spacing. Driveway accesses shall be separated from other driveways and street intersections in accordance with the following standards and procedures: 1. Local Streets. A minimum of 25 feet separation (as measured from the sides of the driveway/street) shall be required on local streets (i.e., streets not designated as collectors or arterials) for all single-family detached dwellings, except as provided in paragraph 3 of this subsection. A minimum of 20 feet separation shall be required on local streets for all single-family attached dwellings, duplexes, and triplexes, except as provided in paragraph 3 of this subsection. 2. Arterial and Collector Streets. Unless directed otherwise by this Development Code or by the Warrenton Comprehensive Plan/TSP, access spacing on City collector and arterial streets and at controlled intersections (i.e., with four-way stop sign or traffic signal) in the City of Warrenton shall be determined based on the policies and standards contained in the Warrenton Transportation System Plan, Manual for Uniform Traffic Control Devices, or other applicable documents adopted by the City. 3. Special Provisions for All Streets. Direct street access may be restricted for some land uses, in conformance with the provisions of Division 2, Land Use Districts. For example, access consolidation, shared access, and/or access separation greater than that specified by paragraphs 1 and 2 of this subsection, may be required by the City, County or ODOT for the purpose of protecting the function, safety and operation of the street for all users. (See subsection I of this section.) Where no other alternatives exist, the permitting agency may allow construction of an access connection along the property line farthest from an intersection. In such cases, directional connections (i.e., right in/out, right in only, or right out only) may be required. 4. Corner Clearance. The distance from a street intersection to a driveway or other street access shall meet or exceed the minimum spacing requirements for the street classification in the Warrenton TSP.	Consider adding 'quadplexes' to item G1. Consider that 20-ft driveway setback from the corner for narrow townhouse lots can be difficult to achieve in some cases. Category: Other middle housing types
	K. Driveway Openings and Widths. Driveway openings (or curb cuts) shall be the minimum width necessary to provide the required number of vehicle travel lanes (10 feet for each travel lane). The following standards (i.e., as measured where the front property line meets the sidewalk or right-of-way) are required to provide adequate site access, minimize surface water runoff, and avoid conflicts between vehicles and pedestrians: 1. Single-family, two-family, and three-family uses shall have a minimum driveway width of 10 feet, and a maximum width of 24 feet, except that one recreational vehicle pad driveway may be provided in addition to the standard driveway for lots containing at least 5,000 square feet of area. 2. Multiple-family uses with between four and seven dwelling units shall have a minimum driveway width of 20 feet, and a maximum width of 24 feet. 3. Multiple-family uses with eight or more dwelling units shall have a minimum driveway width of 24 feet, and a maximum width of 30 feet. These dimensions may be increased if the Community Development Director, City-appointed engineer, or Planning Commission determines that more than two lanes are required based on the number of trips generated or the need for turning lanes. 4. Access widths for all other uses shall be based on 10 feet of width for every travel lane, except that driveways providing direct access to parking spaces shall conform to the parking area standards in Chapter 16.128.	Consider revising-item K1 to say "duplex" and "triplex" instead of "two-family and three-family" and consider adding "quadplex". Consider changing item K2 to say 'multiple-family uses with between five and seven dwelling units...' Consider adding standards specific to cottage clusters that allow smaller driveway widths, rather than defaulting to multi-family standards. Consider changing standards for triplexes and quadplexes and adopt the Model Code standards to allow greater maximum driveway widths up to 32 feet and multiple driveway openings per lot: Also note the overlap between these standards and the access standards for triplexes and townhouses in Section 16.184.030. Recommend updating in one place with cross-

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	<p>5. Setback Required. A minimum five-foot setback from the edge of driveway to any property line is required. The setback area shall be kept free of impervious surfaces at all times and shall be vegetated to minimize surface water runoff to adjoining properties. These requirements may be increased if the Community Development Director, building official, City-appointed engineer, or Planning Commission determines that topography, soil conditions, or other circumstances dictate the need for additional protection measures.</p>	<p>reference in the other section to eliminate overlap and confusion.</p> <p>Categories: Clarification; other middle housing types</p>
<p>16.120.030 Pedestrian Access and Circulation</p>	<p>A. Pedestrian Access and Circulation. To ensure safe, direct and convenient pedestrian circulation, all developments, except single-family detached housing, duplexes, or triplexes on individual lots, shall provide a continuous pedestrian and/or multi-use pathway system. (Pathways only provide for pedestrian circulation. Multi-use pathways accommodate pedestrians and bicycles.) The system of pathways shall be designed based on the standards in paragraphs 1 through 3 of this subsection:</p> <p>1. Continuous Pathways. The pathway system shall extend throughout the development site, and connect to all future phases of development, adjacent trails, public parks and open space areas whenever possible. The developer may also be required to connect or stub pathway(s) to adjacent streets and private property, in accordance with the provisions of Section 16.120.020, Vehicular Access and Circulation, and Chapter 16.136, Public Facilities Standards.</p> <p>2. Safe, Direct, and Convenient Pathways. Pathways within developments shall provide safe, reasonably direct and convenient connections between primary building entrances and all adjacent streets and existing or planned transit stops, based on the following definitions:</p> <p>Reasonably Direct. A route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for likely users.</p> <p>Safe and Convenient. Bicycle and pedestrian routes that are reasonably free from hazards and provide a reasonably direct route of travel between destinations. For commercial, industrial, mixed use, public, and institutional buildings, the "primary entrance" is the main public entrance to the building. In the case where no public entrance exists, street connections shall be provided to the main employee entrance.</p> <p>For residential buildings the "primary entrance" is the front door (i.e., facing the street). For multifamily buildings in which each unit does not have its own exterior entrance, the "primary entrance" may be a lobby, courtyard or breezeway which serves as a common entrance for more than one dwelling.</p> <p>3. Connections Within Development. For all developments subject to site design review, pathways shall connect all building entrances to one another. In addition, pathways shall connect all parking areas, storage areas, recreational facilities and common areas (as applicable), and adjacent developments to the site, as applicable.</p> <p>4. Street Connectivity. Pathways (for pedestrians and bicycles) shall be provided at or near mid-block where the block length exceeds the length required by Section 16.120.020. Pathways shall also be provided where cul-de-sacs or dead-end streets are planned, to connect the ends of the streets together, to other streets, and/or to other developments, as applicable. Pathways used to comply with these standards shall conform to all of the following criteria:</p>	<p>Staff concurs with making quadplexes exempt from pedestrian circulation requirements.</p> <p>Staff concurs with applying pedestrian access standards here to courtyard cottage.</p> <p>Categories: Clarification; other middle housing types</p>

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	<p>a. Multi-use pathways (i.e., for pedestrians and bicyclists) are no less than six feet wide.</p> <p>b. If the streets within the subdivision or neighborhood are lighted, the pathways shall also be lighted.</p> <p>c. Stairs or switchback paths using a narrower right-of-way/easement may be required in lieu of a multi-use pathway where grades are steep.</p> <p>d. The City may require landscaping within the pathway easement/right-of-way for screening and the privacy of adjoining properties.</p> <p>e. The Planning Commission or Community Development Director may determine, based upon facts in the record, that a pathway is impracticable due to: physical or topographic conditions (e.g., freeways, railroads, extremely steep slopes, sensitive lands, and similar physical constraints); buildings or other existing development on adjacent properties that physically prevent a connection now or in the future, considering the potential for redevelopment; and sites where the provisions of recorded leases, easements, covenants, restrictions, or other agreements recorded as of the effective date of the ordinance codified in this chapter prohibit the pathway connection.</p>	

16.124 Landscaping, street trees, fences and walls

<p>16.124.070 New Landscaping</p>	<p>C. Landscape Area Standards. The minimum percentage of required landscaping equals:</p> <ol style="list-style-type: none"> 1. Residential districts: 20% of the site. 2. Commercial districts: 15% of the site shall be landscaped according to the requirements of this section. 3. General industrial districts: a minimum of 20% of the site shall be landscaped. <p>The use of mature, native vegetation within developments is a preferred alternative to removal of vegetation and re-planting.</p>	<p>The 20% landscaping minimum can be applied equally to both single-family detached and most middle housing.</p> <p>It is uncommon to see landscape standards for single-family detached or middle housing (except cottage clusters). Consider if a lower standard would be more feasible or consider removing requirement for these housing types.</p> <p>Staff stated that TAC should consider landscaping standards for courtyard cottages (update to Chapter 16.202)</p> <p>Category: Other middle housing types</p>
	<p>E2. Parking Areas. A minimum of eight percent of the combined area of all parking areas, as measured around the perimeter of all parking spaces and maneuvering areas, shall be landscaped. Such landscaping shall consist of an evenly distributed mix of shade trees with shrubs and/or groundcover plants. "Evenly distributed" means that the trees and other plants are distributed around the parking lot perimeter and between parking bays to provide a partial canopy. At a minimum, one tree per five parking spaces total shall be planted to create a partial tree canopy over and around the parking area. All parking areas with more than 20 spaces shall include landscape islands with trees to break up the parking area into rows of not more than 12 contiguous parking spaces. All landscaped areas shall have minimum dimensions of four feet by four feet to ensure adequate soil, water, and space for healthy plant growth.</p>	<p>Consider adding courtyard cottage standards for parking areas. In the model code it notes for cottage clusters: Parking clusters must be separated from other spaces by at least four (4) feet of landscaping. Perhaps discuss with TAC?</p> <p>Category: Other middle housing types</p>

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16.128 Vehicle and Bicycle Parking

<p>16.128.030 Vehicle Parking Standards.</p>	<p>Table 16.128.030.A Off-Street Parking Requirements</p> <p>Single-family detached dwelling (including manufactured home on individual lot): 2 spaces Two- and three-family dwelling: 1.5 spaces per dwelling unit <u>Multifamily and single-family attached dwelling:</u> Studio units or 1-bedroom units less than 500 sq. ft.: 1 space per unit 1-bedroom units 500 sq. ft. or larger: 1.5 spaces per unit 2-bedroom units: 1.75 spaces per unit 3-bedroom or greater units: 2 spaces per unit Senior housing; retirement complexes seniors 55+ years: 1 space per unit Rooming and boarding houses; dormitories: 2 spaces per each 3 guest rooms, or 1 space per 3 beds, whichever is greater Bed and breakfast: 1 space per guest bedroom Manufactured home parks: 2 spaces per dwelling unit Accessory dwelling: None if lot already contains at least 2 spaces; otherwise, 1 space is required</p>	<p>Reduce minimum parking for duplexes to one space per unit to comply with state rules. (OAR 660-046-0120)</p> <p>Recommend 1 off-street parking space per dwelling unit for all dwelling types. This reduces the amount of land dedicated to vehicles and increases amount of land available for housing. Staff indicated desire to take this to the TAC.</p> <p>Remove any minimum parking requirements for accessory dwelling units.</p> <p>Categories: Clarification; duplex; other middle housing types</p>
<p>16.128.040 Bicycle parking standards</p>	<p>B2. Off-Site Parking. Except for single-family, two-family, and three-family dwellings, the vehicle parking spaces required by this chapter may be located on another parcel of land, provided the parcel is within 200 feet or a reasonable walking distance of the use it serves. The distance from the parking area to the use shall be measured from the nearest parking space to a building entrance, following a sidewalk or other pedestrian route. The right to use the off-site parking must be evidenced by a recorded deed, lease, easement, or similar written instrument.</p> <p>Exemptions. This section does not apply to single-family and duplex housing, home occupations, and agricultural uses. The City may exempt other uses upon finding that, due to the nature of the use or its location, it is unlikely to have any patrons or employees arriving by bicycle.</p>	<p>Consider adding quadplexes to this list.</p> <p>Consider referencing courtyard cottage standards for off-site parking. Standards are stated in the model code for cottage clusters if not provided in the Courtyard cottage section.</p> <p>Category: Other middle housing types</p> <p>Staff concurs that this exemption should apply to all single- and middle housing types but not multifamily.</p> <p>Categories: Clarification; other middle housing types</p>

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16.168 Manufactured Home Design Standards

<p>16.168.010 Manufactured Home Design Standards</p>	<p>A manufactured home placed on an individual lot, other than a lot in an approved manufactured dwelling park, shall conform to the requirements of the zone in which it is located, applicable state installation standards, and the following additional provisions:</p> <p>A. The manufactured home shall be multi-sectional and enclose a floor space of not less than 1,000 square feet.</p> <p>B. The manufactured home shall be placed on an excavated and/or back-filled foundation and enclosed by skirting at the perimeter such that the manufactured home is located at least 16 inches from mainframe to grade.</p> <p>C. The skirting and perimeter foundation of the manufactured home shall consist of masonry or poured concrete.</p> <p>D. The manufactured home shall have a roof with a minimum pitch of 3:12. The roofing material shall be composition, shake, shingle or tile.</p> <p>E. The manufactured home shall have exterior siding material such as horizontal or vertical wood, vinyl or aluminum lap siding similar to that used in single-family residences constructed to the Uniform Building Code.</p> <p>F. The manufactured home shall not have bare metal siding or roofing.</p> <p>G. The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce levels equivalent to the performance standards required of single-family dwelling constructed under the State Building Code ORS 455.010.</p> <p>H. The manufactured home is required to have an attached or detached garage or carport that complies with Chapter 16.180. A building permit for the associated garage or carport must be issued concurrent with the placement permit for the manufactured home.</p> <p>I. The manufactured home shall have a permanent porch with a minimum size of 24 square feet. No temporary steps will be allowed at the time of occupancy. The Uniform Building Code will determine minimum landing size.</p> <p>J. All porches and decks to be constructed shall be shown on the site/plot plan.</p> <p>K. The manufactured home shall have a meter base and no power pole.</p> <p>L. The manufactured home shall utilize at least two of the following design features:</p> <ol style="list-style-type: none"> 1. Dormer. 2. Recessed entries. 3. Architectural grade roofing. 4. Bay or bow windows. 5. Window shutters or treatments. 6. Off-sets on building face or roof (minimum 12 inches). 7. Gables. 8. Covered porch entry. 9. Pillars or posts. 10. Eaves (minimum six inches). 11. 4:12 pitch roof. <p>M. All load-bearing foundations, supports and enclosures shall be installed in conformance with the Oregon Building Codes Agency regulations and with the manufacturer's installation specifications. Manufactured homes must also be provided with a permanent perimeter enclosure.</p> <p>N. The manufactured home's wheels, axles and hitch mechanism shall be removed. The wheels, axles and hitch mechanisms shall not be left under the manufactured home.</p> <p>O. If a manufactured home is removed from its foundation and not replaced by another manufactured home within 60 days, the owner of the lot shall immediately thereafter remove the foundation, fill all excavations and disconnect and secure all utilities.</p>	<p>Manufactured Home Design Standards must follow ORS 197.478 Siting of manufactured homes and prefabricated structures within urban growth boundaries.</p> <p>To comply with state law referenced above, remove all subsections here with the exception of G. (thermal envelope standards).</p> <p>The City may consider maintaining design standards in subsection L. if they also apply uniformly to single-family detached dwellings (this is common in other cities).</p> <p>https://www.oregonlegislature.gov/bills_laws/ors/ors197.html</p> <p>Category: Compliance</p>
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16.180 Accessory Structure, Accessory Dwelling, Garage, and Carport Standards		
<p>16.180.020 Carport Standards</p>	<p>A. Carports constructed in conjunction with a single-family detached dwelling, manufactured home, or modular home shall:</p> <ol style="list-style-type: none"> 1. Be a minimum size of 240 square feet. 2. Be compatible with accessory structure standards of Section 16.180.010. 3. Be constructed in accordance with the Uniform Building Code Requirements of the State of Oregon. <p>B. Carports constructed in conjunction with a single-family attached dwelling, duplex, or triplex shall:</p> <ol style="list-style-type: none"> 1. Be a minimum size of 240 square feet per unit. 2. Be compatible with accessory structure standards of Section 16.180.010. 3. Be consistent with design standards of Chapter 16.184 and other applicable sections of the Code. 4. Be constructed in accordance with the Uniform Building Code requirements of the State of Oregon. <p>C. Carports constructed in conjunction with multifamily housing shall:</p> <ol style="list-style-type: none"> 1. Be a minimum size of 240 square feet. 2. Be compatible with accessory structure standards of Section 16.180.010. 3. Be consistent with design standards of Chapter 16.188 and other applicable sections of the Code. 4. Be constructed in accordance with the Uniform Building Code requirements of the State of Oregon. 	<p>Revise to apply the same carport and garage standards to single-family detached dwellings and duplexes.</p> <p>Consider whether to limit width of garages and carports to 50% of the width of the lot (standard from model code) to minimize the appearance of garages along street façades.</p>
<p>16.180.030 Garage Standards</p>	<p>A. Garages constructed in conjunction with a single-family detached dwelling, manufactured home, or modular home shall:</p> <ol style="list-style-type: none"> 1. Be a minimum size of 240 square feet. 2. Be compatible with accessory structure standards of Section 16.180.010. 3. Be constructed in accordance with the Uniform Building Code Requirements of the State of Oregon. <p>B. Garages constructed in conjunction with a single-family attached dwelling, duplex, or triplex shall:</p> <ol style="list-style-type: none"> 1. Be a minimum size of 240 square feet per unit. 2. Be compatible with accessory structure standards of Section 16.180.010. 3. Be consistent with design standards of Chapter 16.188 and other applicable sections of this Code. 4. Be constructed in accordance with the Uniform Building Code requirements of the State of Oregon. <p>C. Garages constructed in conjunction with multifamily housing shall:</p> <ol style="list-style-type: none"> 1. Be a minimum size of 240 square feet. 2. Be compatible with accessory structure standards of Section 16.180.010. 3. Be consistent with design standards of Chapter 16.188 and other applicable sections of this Code. 4. Be constructed in accordance with the Uniform Building Code requirements of the State of Oregon. 	<p>For clarity, consider whether the carport and garage standards could be combined; standards appear to be the same aside from the work 'garage' and 'carport.'</p> <p>Categories: Duplex; other middle housing types</p>

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<p>16.180.040 Accessory Dwelling Standards</p>	<p>An accessory dwelling is a small, secondary housing unit located on a legal lot with an established single-family residence. Accessory dwellings are typically the size of a studio apartment. The additional unit can be a detached cottage, a unit attached to a garage, or in a portion of an existing house. Accessory dwellings provide cost-effective and independent living spaces for family members, such as in-laws, retired parents, etc. Accessory dwellings can also provide semi-independent living spaces for physically or mentally disabled family members requiring partial supervision or assistance with activities of daily living. Accessory dwellings may be rented long term as a permitted use. Accessory dwellings may be rented as part of a permitted homestay lodging use so long as the main structure of the property is owner-occupied. The housing density standard of residential zones does not apply to accessory dwellings, due to the small size and low occupancy level of the use. The following standards are intended to control the size and number of accessory dwellings on individual lots, so as to promote compatibility with adjacent land uses. Accessory structures shall comply with the following standards:</p> <p>A. Oregon Structural Specialty Code. The structure shall comply with the Oregon Structural Specialty Code.</p> <p>B. Accessory Structure Standards. The structure shall comply with the accessory structure standards of Section 16.180.010.</p> <p>C. Rental Unit. Accessory dwellings may be rented long-term as a permitted use. Accessory dwellings may be rented as part of a permitted homestay lodging use so long as the main structure of the property is owner-occupied. Accessory dwellings shall not be used as servants' quarters or as lodging (temporary or permanent) for housekeepers, gardeners, etc. Use of an accessory dwelling for purposes other than what is expressly permitted in this section is strictly prohibited and shall be subject to the enforcement and penalty provisions of Chapter 16.16.</p> <p>D. One Unit. A maximum of one accessory dwelling unit is allowed per lot.</p> <p>E. Floor Area. The maximum floor area of the accessory dwelling shall not exceed 600 square feet.</p> <p>F. Building Height. The building height of a detached accessory dwelling (i.e., separate cottage) shall not exceed the height of the primary residence, or 16 feet measured to the apex of the roof, whichever is less.</p> <p>G. Buffering. A minimum six-foot hedge may be required to buffer a detached dwelling from dwellings on adjacent lots, when buffering is necessary for the privacy and enjoyment of yard areas by either the occupants or adjacent residents.</p> <p>H. Off-Street Parking. No additional off-street parking is required if the lot already contains at least two off-street parking spaces.</p>	<p>Remove owner-occupancy requirement for ADUs to comply with ORS 197A.425. Simplify rental restrictions to allow any rental or occupancy, with the exception of vacation rentals (homestay lodging?) that can be subject to additional standards.</p> <p>Remove requirement to meet the OR Structural Specialty Code, which is applicable to commercial and large multifamily structures.</p> <p>Consider expanding the allowed size of ADUs to 800 SF, consistent with best practices and as noted by PC. Consider relative to allowed 1,200-SF size for other accessory structures.</p> <p>Consider increasing maximum height as noted by PC to the same height as the underlying zone for attached ADUs, and to 20-24 ft for detached ADUs to allow two-story structures.</p> <p>Remove all parking requirements to comply with ORS 197A.425.</p> <p>Noted in the city's planning projects listing document: "ADU requirements – PC wants to reconsider size and height restrictions for ADUs. No action taken yet. Currently re restriction to 600 sf and 16 feet high. Most cities allow 800 sf or up to 75% of the size of the main dwelling. Need to clarify the difference between an ADU and a Duplex".</p> <p>Add clarification in 'duplex' and 'ADU' definitions to distinguish between them. Clarifying that a single-family detached home with an ADU does not meet the definition for duplex.</p> <p>Category: ADU</p>

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16.184 Single Family Attached, Duplex, and Triplex Design Standards

16.184.010 Applicability	Single-family attached housing (townhomes on individual lots), duplex, and triplex developments shall comply with the standards of this chapter.	<p>Exempt duplexes from this section; duplexes can only be required to meet the same standards as single-family detached homes.</p> <p>Staff concurs with adding 'quadplex' to this section.</p> <p>Categories: Duplexes, other middle housing types</p>
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16.184.030 Design Standards	<p>A. Building Mass Supplemental Standard. The maximum number and width of consecutively attached townhomes (i.e., with attached walls at property lines) shall not exceed eight units or 200 feet (from end-wall to end-wall) whichever is less.</p> <p>B. Access Standards. Townhomes, duplexes and triplexes receiving access directly from a public or private street (as opposed to alley access) shall comply with the following standards, in order to minimize interruption of adjacent sidewalks by driveway entrances, slow traffic, improve appearance of the streets, and minimize paved surfaces for better stormwater management.</p> <p>1. The maximum allowable driveway width facing the street is 10 to 24 feet per dwelling unit. The maximum combined garage width per unit is 50% of the total building width. For example, a 24-foot wide unit may have one 12-foot wide garage.</p> <p>2. Two adjacent garages shall share one driveway when individual driveways would be separated by less than 20 feet (i.e., the width of one on-street parking space). When a driveway serves more than one lot, the developer shall record an access and maintenance agreement/easement to benefit each lot, prior to building permit issuance.</p> <p>C. Common Areas. Common areas (e.g., landscaping in private tracts, shared driveways, private alleys, and similar uses) shall be maintained by a homeowners association or other legal entity. A homeowners association may also be responsible for exterior building maintenance. A copy of any applicable covenants, restrictions, and conditions shall be recorded and provided to the City prior to building permit approval.</p>	<p>Remove references to duplexes.</p> <p>Model code includes design standards such as entry orientation and unit definition. Is this something the city would like to consider?</p> <p>Link to model code: https://www.oregon.gov/lcd/Commission/Documents/2020_12_Item-2-Attachment%20C_LMCMC_Commission%20Draft_final_120_220.pdf</p> <p>Categories: Duplexes, other middle housing types</p>
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16.188 Multifamily Housing Design Standards

16.188.010 Applicability	<p>Multifamily housing developments shall comply with the standards of this chapter. Multifamily housing means housing that provides four or more dwelling units on a single legal lot and sharing common walls, floor/ceilings, courtyard, playground, parking area, or other communal amenity. Condominiums are considered multifamily housing developments.</p>	<p>Consider changing the definition of multifamily housing to five for more dwelling units.</p> <p>Category: Other middle housing types</p>
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16.202 Courtyard Cottage Cluster Housing

16.202.040 Standards	<p>Cottage cluster developments are subject to the following standards:</p> <p>A. Density. Cottages may be built up to the density established for cottage cluster development in the underlying zone. Cottages are permitted outright in the R-10, RM, and RH zone. Minimum lot size is 15,000 square feet.</p> <p>B. Number of Cottages. A cottage cluster development is composed of four to 20 dwelling units.</p> <p>C. Cottage Design. The cottages in a cottage cluster development are subject to the following standards:</p> <ol style="list-style-type: none"> 1. Maximum Floor Area. The gross floor area of each cottage shall not exceed 1,250 square feet. 2. Maximum Footprint. The footprint of each cottage unit shall not exceed 800 square feet, or 1,200 square feet including a garage. A communal garage or parking structure is permitted and is not subject to the maximum footprint requirements for cottages. 3. Average Size. The average size of all dwellings combined within a cottage cluster <ul style="list-style-type: none"> • development will be less than 1,200 square feet. 4. Maximum Height. The height of each cottage shall be the same as required by the underlying zoning and applicable overlay zoning. 5. Placement. If cottages differ in size, smaller cottages shall be located adjacent to or in closer proximity than larger cottages to the adjacent public street or River Trail to which the development is oriented. 6. Setbacks. The setbacks from adjacent property lines along the perimeter of the cottage cluster development shall be the same as required by the underlying zone. The minimum distance between all structures, including accessory structures, shall be in accordance with building code requirements (at least six feet spacing between buildings). 7. Private Open Space. Each cottage may have private open space for the exclusive use of the cottage residents. Private open space does not count towards the required common open space. 8. Orientation of Cottages. Cottages shall be clustered around the common open space. Each cottage shall have a primary entrance and covered porch oriented to the common open space. All cottages shall be within 10 feet from the common open space, measured from the facade of the cottage to the nearest delineation of the common open space. Lots in a cottage cluster development are not required to abut a public right-of-way, except that the parent parcel shall have frontage on a public right-of-way in accordance with Chapter 16.120. 9. Common Open Space. The design of the common open space shall not use unusable lot area or projections to meet the requirement for common open space. Unusable lot area includes, but is not limited to, foundation landscaping, enlarged or enhanced parking strips or sidewalks, narrow strips of land, wetlands, or small dead zones of the lot. 10. Public Street Facing Façades. Cottages abutting a public right-of-way or Waterfront Trail shall have a secondary entrance or a porch, bay window, or other major architectural feature oriented to the public right-of-way or the River Trail. Garage or carport entrances may not face a public right-of-way unless it is an alley. 11. Porches. Each cottage shall have a covered open porch that shall be oriented toward the common open space and that shall be at least six feet in depth 	<p>The general approach of these standards is consistent with cottage cluster Model Code, but there are opportunities to better support cottage development feasibility through revisions. Also consider any experience the City has had to date applying—or trying to apply—these standards for development. Consider:</p> <p>The single biggest change that could enhance cottage feasibility would be to expand the maximum density to 20-30 units per acre, or to eliminate the maximum density standard. The overall size of cottages, open space and parking area naturally limits density to what fits on the site.</p> <p>Consider scaling minimum lot sizes for each zone and considering smaller lot sizes as low as 7,000-SF as recommended in Model Code.</p> <p>Consider revising cottage sizes to a 900-SF maximum footprint as recommended in Model Code, potentially increasing the 1,250-SF max floor area, and eliminating the average size requirement that can be difficult to administer over time with subsequent renovations, etc.</p> <p>Consider whether to introduce a height limit of 24-25 feet to allow two-story construction while limiting the scale of buildings.</p> <p>Consider specifying a minimum 10-ft perimeter setback or the underlying zone setback, which is LESS, for additional flexibility on site.</p> <p>Consider revising open space requirements to be a per unit standard, rather than the 2,000-SF minimum that could discourage smaller clusters. Model Code uses a minimum of 150 SF per cottage for comparison.</p> <p>Consider removing guest parking requirements in favor of simpler one space per cottage overall requirement, consistent with the Model Code.</p> <p>Other provisions appear substantially similar to the Model Code but could be further reviewed to ensure they are clear and objective, relate to City goals, and support cottage development feasibility. E.g., porches are a nice feature for cottages but may not need to be required if they are not required for any other housing types.</p>
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	<p>measured perpendicular to the abutting building facade and at least 60 square feet in area.</p> <p>D. Community Buildings. Cottage cluster developments may include community buildings that provide space for accessory uses such as community meeting rooms, guest housing, exercise rooms, day care, or community eating areas. They shall have a footprint of no more than 800 square feet unless there is an existing dwelling that is renovated for community building space. Common Open Space. Cottage cluster developments shall have a common open space in order to provide a sense of openness and community of residents. Common open space is subject to the following standards:</p> <ol style="list-style-type: none"> 1. Each cottage cluster development shall contain a minimum 2,000 square feet of common open space regardless of the number of cottages in the cluster, and not less than 200 square feet of common open space per cottage. 2. The common open space shall include at least a single, contiguous, useable piece. 3. Cottages shall abut the common open space on at least two sides of the open space. 4. Parking areas, required yards, private open space, and driveways do not qualify as common open space. <p>F. Parking. Parking for a cottage cluster development is subject to the following standards:</p> <ol style="list-style-type: none"> 1. Minimum Number of parking Spaces. Cottage cluster developments shall have at least one parking space for each unit with a gross floor area of 700 feet or less. 2. Guest Parking. Cottage cluster developments shall have at least one-half additional guest parking spaces for each cottage in the development, rounded up to the nearest whole number. These spaces shall be clearly identified as being reserved for guests. 3. Reduction in Number of Required Parking Spaces. The required number of guest parking spaces may be reduced by the number of on-street parking spaces on public streets adjacent to and immediately abutting the cottage cluster development. 4. Clustering and Parking Structures. Parking areas may be arranged in clusters limited to no more than five contiguous spaces. Clustered parking areas may be covered. Up to two carriage house dwelling units are permitted on the second floor of a parking structure, with a maximum of one carriage house dwelling unit per four cottages (rounded to the nearest whole number). Parking structures may or may not be located on the same lot as the cottage they serve. Parking structures shall not be located within a common open space and are required to be screened from view from common open space areas. 5. Parking Access. Parking areas shall be accessed only by a private driveway or public alley or local street. No parking space may be between a public street and 	<p>Categories: Clarification; other middle housing types</p>

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	<p>cottages that abut a public street.</p> <p>6. Design. The design of garages, carports, and parking structures, including the roof lines, windows, and trim, shall be similar to and compatible with that of the cottages within the cottage cluster development.</p> <p>7. Screening. Landscaping or architectural screening at least three feet tall shall separate parking areas and parking structures from the common area and public streets. Solid fencing (e.g., board, cinder block) shall not be allowed as an architectural screen.</p> <p>8. Location. Parking can be grouped and located on a separate lot within 100 feet of an edge of the cottage cluster development.</p> <p>G. Frontage, Access, and Walkways.</p> <p>1. Frontage. The parent parcel shall have frontage on a public street. If individual lots are created within the cluster development, each lot shall abut the common open space, but is not required to have public street frontage.</p> <p>2. Access. No part of any structure shall be more than 150 feet, as measured by the shortest clear path on the ground, from fire department vehicle access, unless the building has a fire suppression system.</p> <p>3. Walkways. A cottage cluster development shall have sidewalks abutting all public streets. A system of interior walkways shall connect each cottage to the common open space, parking areas, private driveways, any community buildings, the sidewalks abutting any public streets bordering the cottage cluster development, and other pedestrian or shared use facilities such as the Waterfront Trail. Sidewalks abutting public streets shall meet the width requirements established in the Warrenton Engineering Design Standards, and interior walkways shall be at least four feet in width.</p> <p>H. Interior Fences. Fences on the interior of the cottage cluster development shall not exceed three feet in height and shall not consist of solid (e.g., board, cinder block) fencing.</p> <p>I. Existing Structures. On a lot or parcel to be used for a cottage cluster development, an existing detached single-family dwelling that may be nonconforming with respect to the requirements of this section may remain, but the extent of its non-conformity may not be increased. Such dwellings shall count towards the number of cottages allowed in the cottage cluster development unless converted for community building use.</p>	

16.224 Planned Unit Developments

<p>16.224.030 Permitted Building and Uses</p>	<p>The following buildings and uses may be permitted as hereinafter provided. Buildings and uses may be permitted either singly or in combination provided the overall density of the planned development does not exceed the density of the zoning district as provided by Section 16.224.040.</p> <p>A. Single-family detached and attached dwellings.</p> <p>B. Duplexes, triplexes, courtyard cottages and multifamily dwellings.</p> <p>C. Accessory buildings and uses.</p> <p>D. Commercial uses only when supported mainly by the planned development and only when economic feasibility can be shown.</p> <p>E. Buildings or uses listed as permitted outright or conditionally in the zone on which the planned development is located. Drive thrus are prohibited.</p> <p>F. Recreational vehicle (RV) parks when the applicant provides findings of fact that demonstrate consistency with applicable provisions of the Comprehensive Plan and this Code and the location has been approved by the Planning Commission. Where PUD standards differ from standards found elsewhere in this Code, the more stringent requirement shall apply.</p> <p>G. Campgrounds when the applicant provides findings of fact that demonstrate consistency with applicable provision of the Comprehensive Plan and this Code and the location has been approved by the Planning Commission.</p>	<p>Include exemption for ADUs, count duplexes as one unit, and consider changing triplexes, quadplexes, and townhomes as counting as one dwelling unit each.</p> <p>Staff concurs with adding quadplexes as their own permitted building type in PUDs.</p> <p>Category: Other middle housing types</p>
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