



CITY OF WARRENTON

Warrenton Planning Commission

Agenda

May 11, 2017

7:00PM

1. Attendance
2. Flag Salute
3. Public Hearing - Ronald Solomon Variance Application V-17-1

Action Item

4. Public Hearing – Marlin Larsen Conditional Use Application CUP-17-2

Action Item

5. Approval of minutes of March 9, 2017

Action Item

6. Other business

7. Adjourn

"Making a difference through excellence of service"



CITY OF WARRENTON

May 4, 2017

To: Warrenton Planning Commission
From: Skip Urling, Community Development Director
Re: Solomon Street Length Variance V 17-1

Ronald Solomon has applied for a variance to construct a street in the SE 13th Place right-of-way a distance of approximately 315 feet to serve three future building sites. WMC 16.136.020.M limits the length of dead end streets to 200 feet.

Application was submitted April 18, 2017 and deemed complete April 26. We sent notice of the public hearing to adjacent property owners April 21, and published notice in The Columbia Press April 28. We received comments from the City Engineer and Fire Chief, which are attached.

The application is governed by the following municipal code sections:

WMC 16.136.020 Transportation Standards, sub-paragraph M, Cul-de-Sacs
WMC 16.208.050 Type III Procedure (Quasi-Judicial)
WMC 16.272 Variances

FINDINGS

The following criteria are from WMC 16.272.020. For each criterion I have presented the applicant's response followed by staff findings.

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

Applicant response: We have 3 buildable home sites off of 13th Place and in order to legally access them for use we need to build a street that is longer than the allowed non variance length.

Staff finding: The city requires public improvements to be extended to the far end of properties to be served so that owners of property who would further extend the facility(ies) would start at their near property line. The applicant did not create the hardship and this criterion is satisfied.

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

Applicant response. Yes there will be a negative impact on the property owner because they will not be able to develop their property.

Staff finding: Access meeting city standards to the property is essential to the use and development of the property. Lack of access clearly presents an unreasonable economic impact. This criterion is met.

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

Applicant response: No, we are proposing to build a rose that will meet the required guidelines for all physical impacts as well as environmental hazards.

Staff finding: Staff concurs with the applicant's response. Additionally, the new street would provide physical access to adjacent properties. This criterion is satisfied.

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

Applicant response: We are requesting to build a city street in a location where there is already a designated city street (right-of-way). There should not be a conflict with the comprehensive plan.

Staff finding: The comprehensive plan designates the subject property as Urban Development (Other Shorelands) and it is zoned R-10 Intermediate Density Residential. The subject property is also part of the Chelsea subdivision plat. These facts all point to the proposed street and associated residential development being consistent with the comprehensive plan. This criterion is satisfied.

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

Applicant response: If the variance is not granted we would have to get access legally to 2 of the 3 lots and would have to leave the 3rd undeveloped.

Staff finding: The proposed 315 foot street would provide access to three platted lots where the zoning is designated for residential development. With the exception of the length, the proposed street and related residential development is consistent with the code. This criterion is satisfied.

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

Applicant response: The only circumstance related to the property that preclude conformance is the overall length of the street to access the farthest property from Galena Street. Author's note: the proposed street would connect to Hwy 104 Spur, not Galena.

Staff finding: Staff concurs with the applicant's response. This criterion is satisfied.

CONCLUSIONS AND RECOMMENDATION

Based on the findings and analysis above, staff concludes that the application meet all of the six variance criteria and should be granted. Circumstances related to the fire code, however, require that approval be conditional to include "Fire Lane No Parking" signs in the hammerhead turnaround, and that the applicant install a fire hydrant with a flow in excess of 1,000 gallons per minute at a location to be approved by the Fire Chief. Additionally, the applicant will need a right-of-way permit and approval of the construction plans from the Public Works Department prior to starting construction. Depending on the location of the fire hydrant, the applicant may also need approval from ODOT.

Recommended motion:

Based on the findings and conclusions of the May 4, 2017 staff report, I move to approve Variance 17-1 submitted by Ronald Solomon to exceed the 200-foot dead end limit of WMC 16.136.020.M, subject to the following conditions:

- 1. Fire Lane No Parking signs shall be installed in the hammerhead turnaround. The number and location to be approved by the Fire Chief and City Engineer.*
- 2. Prior to starting construction, the applicant shall secure approval of the construction plans by the City Engineer as well as secure a right-of-way permit to perform construction in the city right-of-way.*
- 3. The applicant shall install a fire hydrant capable of flows in excess of 1,000 gallons per minute at a location to be approved by the Fire Chief.*
- 4. Prior to starting construction, the applicant shall secure appropriate permits from the Oregon Department of Transportation for the road access and fire hydrant.*

Attachments

Cc: Ronald Solomon
Tyler Weston

CITY OF WARRENTON
PLANNING AND BUILDING DEPARTMENT
Telephone: 503-861-0920

VARIANCE APPLICATION

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

| |
|---|
| OFFICE USE ONLY |
| FILE # <u>V-17-1</u> FEES <u>\$900.00</u> |
| ZONING DISTRICT _____ |
| RECEIPT # <u>8719404</u> |

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

Legal Description of the Subject Property: Township 8, Range 10, Section(s) 22 27 BB 01201
Tax Lot(s) 2, 3, and 4 and that portion of Lot 1 lying northerly of a straight line
running from the southwest corner to the northeast corner of said Lot 1 Boyer's Subdivision
Property street address Vacant land on SE 13th Place, Warrenton, OR 97146
Tax acct # 3004 810 2788 01201 19# 72823

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: Ronald Solomon

Signature: [Signature] Date: 4-12-17

Address: 1866 SW Spence Ave Phone: 503-665-9746

City/State/Zip: Troutdale, OR 97060 Fax: _____

PROPERTY OWNER (if different from Applicant):

Printed Name: Tyler Weston Beach Construction

503-717-3457 P.O. Box 897, Warrenton OR 97146

Signature: _____ Date: _____

Address: beachconst@yehwa.com Phone: _____

City/State/Zip: _____ Fax: _____

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

NARRATIVE: Please describe the variance request:

We are requesting a variance to access our property off of Galena Street on to S.E. 13th place for access to 3 proposed home sites. The total distance from Galena street to the back property line is 303', therefore we need permission to get our street to the back property line.

Extend new street within SE 13th Pl
ROW westerly from Alt Hwy 101
SEP 4/24/17

| Standard | Required | Proposed |
|--------------------|---------------------------|----------|
| Front Yard Setback | | |
| Rear Yard Setback | | |
| Side Yard Setback | | |
| Lot Dimension | Proposed 3 50x100 lots | → |
| Height | | |
| Landscaping | | |
| Parking | | |
| | | |
| | | |

SIX VARIANCE CRITERIA

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

We have 3 buildable home sites off of 13th place and in order to legally access them for use we need to build a street that is longer than the allowed non variance length.

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

Yes, there will be a negative impact on the property owner because they will not be able to develop their property.

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

No, we are proposing to build a road that will meet the required guidelines for all physical impacts, as well as environmental hazards.

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

We are requesting to build a city street in a location where there is already a designate street. There should not be a conflict with the comprehensive plan.

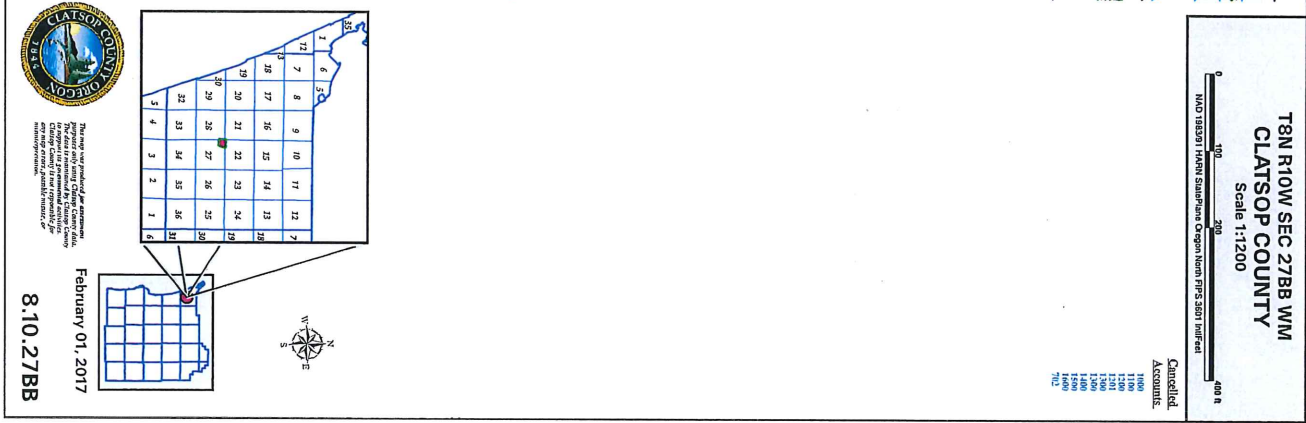
5. The request is not in conflict with the Development Code. No variance may be granted which will result in a use not permitted in the applicable zone or which will increase the allowable residential density in any zone with the exception of individual lot size reduction. Please explain.

If the variance is not granted we would have to get access legally to 2 of the 3 lots and would have to leave the 3rd undeveloped.

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

The only circumstance related to the property that precludes conformance is the overall length of the street to access the farthest property from Galena street.

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



Skip Urling

From: Richard Stelzig
Sent: Tuesday, April 25, 2017 7:47 AM
To: Skip Urling; Tim Demers; James Dunn; Mathew Workman
Subject: RE: Solomon Street Length Variance

Skip,

I don't have an issue with this variance.

Richard "Collin" Stelzig, PE | City Engineer | City of Warrenton
45 SW 2nd St. | P.O. Box 250 | Warrenton, OR 97146
Office: (503) 861-0912 | Fax: (503) 861-9661
rstelzig@ci.warrenton.or.us | www.ci.warrenton.or.us

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From: Skip Urling
Sent: Monday, April 24, 2017 3:13 PM
To: Tim Demers <tdemers@ci.warrenton.or.us>; James Dunn <jdunn@ci.warrenton.or.us>; Richard Stelzig <rstelzig@ci.warrenton.or.us>; Mathew Workman <mworkman@ci.warrenton.or.us>
Subject: Solomon Street Length Variance

Attached is an application for a variance to extend a new street beyond the 200-foot standard of WMC 16.136.020.M. I believe Tyler Weston has talked with all of you about the issues. Please return your comments to me by May 1 so I may get my PC staff report out by May 4. Sorry for the short notice, but this app came in late and it seems fairly simple.

Skip Urling
Community Development Director
City of Warrenton
503.861.0920

Skip Urling

From: Tim Demers
Sent: Friday, April 28, 2017 8:44 AM
To: Skip Urling
Cc: Tim Demers; James Dunn; Richard Stelzig; Mathew Workman; Chuck Goodwin
Subject: RE: Solomon Street Length Variance

Hi Skip,

As we talked about earlier, the street will be required to bring apparatus to within 150 feet of all portions of all the structures.

The turnaround will need signage advising "Fire Lane No Parking" .

The street is full 28 foot width and will allow parking on both sides. As stated below it will be a City Street.

The street length will require a Fire Hydrant capable of flow in excess of 1000 gpm (depending on size and construction of homes), be added. Its location to be determined by the Fire Department. Reduced flows may be allowed with the addition of sprinkler systems in the structures.

The infrastructure will be required to be in place before building, including the added fire hydrant if the dead end street is over 150 deep.

Thanks,

Tim Demers, Fire Chief
City of Warrenton Fire Department
503.861.2494

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From: Skip Urling
Sent: Tuesday, April 25, 2017 9:25 AM
To: Tim Demers
Subject: RE: Solomon Street Length Variance

Affirmative.

From: Tim Demers
Sent: Tuesday, April 25, 2017 8:02 AM
To: Skip Urling
Cc: Tim Demers; James Dunn; Richard Stelzig; Mathew Workman
Subject: RE: Solomon Street Length Variance

Hi Skip,

Just to confirm, the 28 foot City Street comes clear in from Alt 101 to the end of the proposed development. And it will become a City street including the turn around?

Thanks,

Tim Demers, Fire Chief
City of Warrenton Fire Department
503.861.2494

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Skip Urling
Community Development Director
City of Warrenton
503.861.0920



CITY OF WARRENTON

May 4, 2017

To: Warrenton Planning Commission
From: Skip Urling, Community Development Director
Re: Larsen 4-plex Conditional Use Permit 17-2

Marlin Larsen has applied for a conditional use permit to construct a residential 4-plex after demolishing a duplex at 1015 and 1025 Fourth Avenue in Hammond, also identified as Tax Lot 810005CD03300. The subject property is located in the Recreational Commercial zoning district, which identifies multifamily dwellings and multifamily housing developments as conditional uses. Warrenton Municipal Code (WMC) 16.56.030.G.

Application was initially submitted March 2 with supplemental material submitted March 13, 2017. The application was deemed complete March 30. We sent notification of the public hearing to adjacent property owners April 21 and published notice in the Columbia Press April 28. We received comments only from the City Engineer and Fire Chief.

Applicable Standards

WMC 16.56 Recreational Commercial District
WMC 16.128 Vehicle and Bicycle Parking
WMC 16.140 Stormwater and Surface Water management
WMC 16.188 Multifamily Housing Design Standards
WMC 16.208.050 Type III Procedure (Quasi-Judicial)
WMC 16.220 Conditional Use Permits

FINDINGS

The applicable code criteria and standards are presented below together with the applicant's response followed by staff findings. The applicant submitted materials are attached separately.

WMC 16.220.030 [Conditional Use] 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 applicable Comprehensive Plan policies are evaluated below.

ARTICLE 3 LAND AND WATER USE

COMPREHENSIVE PLAN (CP) SECTION 3.300 POLICIES

Section 3.320 Commercial Lands

- (1) It is the City's policy to promote convenient and attractive commercial areas that long with other commercial facilities in the County, provide an adequate level of trade and service for local citizens, other County residents and tourists. Commercial enterprises may be permitted in these three kinds of areas.
 - b. The purpose of the Recreational – Commercial zone is to provide for water-dependent and water-related development along certain shorelands in Warrenton near the Hammond Marina and the Skipanon River marinas. Water-dependent recreational and tourist-related commercial development have the highest priority in the Recreational-Commercial zone. Other uses may be allowed so long as they do not pre-empt water-dependent uses.

APPLICANT RESPONSE: The subject property is zoned Recreational Commercial and has been committed to a residential use (duplex) since 1943. This property is not adjacent to water and the residential use has in no way precluded or interfered with water-dependent or water-related uses within the zone or area. Redevelopment of the property as a multi-family dwelling (four-plex) would provide much needed housing in the area while still preserving the intent of the Recreational Commercial zone.

Staff Finding: The applicant's response fails to recognize the purpose of the R-C zoning district which is to provide for water dependent and water related development near the Hammond Marina. The zone extends from the marina to Fourth Avenue in contemplation of providing the supporting types of use to the marina activities and functions. Although the duplex was built over 70 years ago, the zone was established with an eye to the future evolution of the community. The need for housing is not germane to the question.

CP ARTICLE 5 COLUMBIA RIVER ESTUARY AND ESTUARY SHORELANDS

Section 5.180 Hammond Subarea

- 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.**

APPLICANT RESPONSE: The general area surrounding the subject property are a mixture of commercial and residential uses. As stated earlier the property has been in a residential use since 1943. It has not been proven to be incompatible with surrounding residential and commercial uses. Redevelopment of the property as a multi-family dwelling (four-plex) would provide much needed housing in the area while still preserving the intent of the Recreational Commercial zone.

Staff Finding: Staff agrees that the uses in the vicinity are mixed. However, the development of a four-plex would preclude the future water related commercial development intended for the properties within the RC zoning district.

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: It is generally accepted that each dwelling unit generates approximately 10 trips per day. This would result in an approximate increase of 20 trips per day to the property, far less than any commercial use may generate. It is reasonable to assume that the increase in traffic will not be excessive and the capacity of the streets can accommodate this minimal increase.

Staff finding: Our arithmetic indicates that the proposed development would generate approximately 40 trips per day. Still we agree that development generated traffic will not adversely affect local streets.

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

APPLICANT RESPONSE: The property is currently served by water, sewer, garbage, schools, police and fire services and these services will continue to be available to the proposed four-plex. The pre-application memos from the Fire Chief and Public Works identify requirements from those departments for the development that can be met through the assignment of conditions of approval.

Staff finding: The city engineer and fire chief both identified the inadequacy of the adjacent fire hydrant on Jetty Street and Fourth Avenue, and the regular puddling at the intersection because of the substandard stormwater system in the vicinity. Also, both Fourth Avenue and Jetty Street are far below current standards. Accordingly, if the CUP is approved, the applicant would be required to bring these facilities to standard.

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

APPLICANT RESPONSE: The physical characteristics of the site are those of a long term residential use.

Staff finding: The subject property has adequate physical characteristics to support the proposal.

- 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.**

APPLICANT RESPONSE: A site plan is included in the application materials. Adequate parking, with a minimum of two spaces, for each unit will be provided. All setbacks, buffers, etc. required by the City of Warrenton's development code will be observed.

Staff finding: Staff concurs.

WMC Chapter 16.56 RECREATIONAL-COMMERCIAL (R-C) DISTRICT

16.56.010 Purpose.

The purpose of the Recreational-Commercial Zone is to provide for water-dependent and water-related development along certain shorelands in Warrenton near the Hammond Marina and the Skipanon River marinas. Water-dependent recreational and tourist-related commercial development have the highest priority in the Recreational-Commercial Zone. Other uses may be allowed so long as they do not preempt water-dependent uses. Lands in the Town of Hammond's C-2 zone are in this zone

16.56.030 Conditional Uses.

The following uses and activities and their accessory uses and activities may be permitted in the R-C zone when approved under Chapter 16.220, and subject to the provisions in Section 16.56.040, Development Standards:

- G. Multifamily dwelling and multifamily housing developments subject to standards of Chapter 16.188.

APPLICANT RESPONSE: The proposed use is allowed conditionally in the R-C zone subject to applicable standards.

Staff finding: Staff agrees that the proposal is identified as a conditional use, but notes that in addition to the CUP criteria, the proposal must also satisfy the development standards of WMC 16.56.040.

WMC 16.56.040 Development Standards.

The following standards are applicable in the R-C zone:

- A. No use will be allowed in the R-C zone unless it meets one or more of the following criteria:

1. The use is water-dependent, which means that it can only be carried out on, in, or adjacent to water and the location or access is needed for water-borne transportation, recreation, a source of water, or marine research/education.
2. The use provides goods and/or services directly associated with water-dependent uses; and, if not located near the water, would experience a public loss of quality in the goods and services offered.
3. The use can demonstrate that it provides a needed service for users of the marinas.
4. The use is an accessory use important to the operations of the principal use.
5. The use is a temporary use meeting the requirements of Section 16.240.010.

APPLICANT RESPONSE: As stated in the City of Warrenton Comprehensive Plan Policy 3.320, the purpose of the Recreational-Commercial Zone is to “provide for water-dependent and water-related development along certain shorelands in Warrenton near the Hammond Marina and the Skipanon River marinas.” Highest priority is given to water-dependent recreational and tourist-related commercial development have the highest priority in the zone. However, the policy allows other uses, such as residential, so long as they do not pre-empt water-dependent uses. The subject property has been dedicated to a residential use since 1943 and has not interfered or preempted any water dependent or water related uses during that time. The multi-family housing can provide a needed service for local users of the marina by creating much needed housing units in the marina area. Thus meeting the requirement of 16.56.040.A.3.

Staff finding: Staff disagrees with the applicant’s response. The proposal must satisfy at least one of the five criteria above, not merely refrain from pre-empting water dependent uses. The proposal is not water dependent; it does not provide goods or services directed associated with water dependent uses; it does not provided a needed service of marina users; it is not an accessory use; and it is not a temporary use. Staff recognizes the grandfathered rights of the existing duplex, but those rights to not transfer to new development proposal.

- B. Yards. The minimum yard depth for portions of the property abutting a public right-of-way or non-commercial district is 15 feet.

APPLICANT RESPONSE: The proposed development meets the applicable setbacks.

Staff finding: Staff concurs.

- C. Lot Coverage. Buildings shall cover not more than 75% of the lot area.

APPLICANT RESPONSE: The area covered by buildings will be approximately 4270 square feet or 32% of the lot area (13,333 sq. ft).

Staff finding: Staff concurs.

D. Landscaped Open Area. A minimum of five percent of the total lot area will be maintained as landscaped open area.

APPLICANT RESPONSE: A minimum of five percent open space will be maintained as landscaped area.

Staff finding: Staff agrees this criterion can be satisfied, but the application drawings provide no details of such compliance.

E. Building Heights. No building shall exceed a height of 40 feet above grade.

APPLICANT RESPONSE: The two-story building height will not exceed 40-feet.

Staff finding: Staff concurs.

F. All uses shall satisfy applicable aquatic and shoreland standards in Chapter 16.160. Where the proposal involves several uses the standards applicable to each use shall be satisfied (e.g., dredge, fill, shoreline stabilization, piling installation or other activities in conjunction with an aquaculture facility shall be subject to the respective standards for these activities).

APPLICANT RESPONSE: These standards are addressed later in this application.

Staff finding: Acknowledged.

G. Uses 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.

APPLICANT RESPONSE: As stated elsewhere, the current duplex use has existed since 1943 and has not precluded or conflicted with any water-dependent uses in the area. It is reasonable to assume that the proposed multi-family dwelling, with its two additional dwelling units, will not have a negative effect.

Staff finding: Staff disagrees with the applicant's response. As stated above, the existing building enjoys grandfathered rights to remain, however those rights are not transferrable to new development. Merely constructing the four-plex will indefinitely, if not permanently, remove the site from potential water dependent use in conjunction with adjacent properties.

H. All uses shall comply with access requirements, signs standards, parking and loading standards in Chapter 16.144.

APPLICANT RESPONSE: All applicable standards will be met.

Staff finding: As a residential proposal, it meets the access and parking standards. The other standards do not apply.

I. Conditional uses shall meet the requirements in Chapter 16.220.

APPLICANT RESPONSE: The conditional use requirements are addressed earlier in this application.

Staff finding: Acknowledged.

J. Large-scale developments shall satisfy requirements in Chapter 16.192.

APPLICANT RESPONSE: The proposal does not meet the definition of a Large-scale development.

Staff finding: Staff concurs.

K. Multifamily dwellings and multifamily housing developments shall meet the development standards of Section 16.40.040 and Chapter 16.188.

APPLICANT RESPONSE: These standards are addressed later in this application.

Staff finding: Acknowledged.

L. Attached single-family dwellings shall comply with development standards of Section 16.40.040 and design standards of Chapter 16.184.

APPLICANT RESPONSE: These standards do not apply.

Staff finding: Staff concurs.

M. All development shall comply with the wetland and riparian area protection standards of Chapter 16.156.

APPLICANT RESPONSE: These standards are addressed later in the application.

Staff finding: There are no wetlands on site.

N. All other applicable Code requirements shall be satisfied.

APPLICANT RESPONSE: The proposed development will comply with all applicable code requirements.

Staff finding: Staff disagrees as noted above.

- O. Standards for approval of non-water-dependent uses:
1. Non-water-dependent uses shall be constructed at the same time as or after the water-dependent use of the site is established, and must be carried out together with the water-dependent use.
 2. The ratio of the square footage of ground-level indoor floor space plus outdoor acreage distributed between the non-water-dependent uses and the water-dependent uses at the site shall not exceed one to three (non-water-dependent to water-dependent).
 3. Such non-water-dependent uses shall not interfere with the conduct of the water-dependent use.

APPLICANT RESPONSE: The proposed multi-family dwelling, while not a water dependent or water related use is replacing an existing duplex that has existed since 1943. The multi-family use will in no way interfere or preempt any current or future water dependent uses.

Staff finding: The applicant ignores the criteria of this code section; the proposal does not meet any of the criteria above. As noted above, the existing grandfathered rights are not transferrable to the proposal, and the development of the four-plex on its face would preclude future water dependent use.

P. Standards for Approval of a Temporary Use. Temporary non-water-dependent uses that involve minimal capital investment and no permanent structures may be allowed. The intent of allowing such uses is to avoid posing a significant economic obstacle to attracting water-dependent uses. Tools for implementing this approach include “vacate” clauses in leases on public lands, as well as requiring “vacate” clauses for land use approvals involving leasing of private lands.

Q. The City of Warrenton shall provide the park host RV site, within the Hammond and Warrenton Marinas, connections to utilities (City water and sewer, and electricity). Length

of stay per host shall not exceed six months in a calendar year, and shall be in a State-licensed RV.

R. DMD site shall comply with:

1. Prior to undertaking disposal, the dredging project proponent shall consult with the Army Corps and Oregon DSL to determine if the disposal site contains wetlands that are regulated under permit programs administered by those agencies. If the site contains regulated wetlands, the dredging project proponent shall either alter the disposal site boundaries to avoid the wetlands and leave an acceptable protective buffer, or obtain the necessary Corps and DSL permits to fill the wetlands.
2. The dredging project proponent shall coordinate site preparation and disposal plans with Coast Guard and Fort Stevens State Park representatives.

APPLICANT RESPONSE: Items P, Q, and R are not applicable.

Staff finding: Staff concurs.

WMC Chapter 16.160 COLUMBIA RIVER ESTUARY SHORELAND AND AQUATIC AREA DEVELOPMENT STANDARDS

16.160.150 Residential, Commercial and Industrial Development.

The standards in this section are applicable to construction or expansion of residential, commercial or industrial facilities in shoreland and aquatic areas. Within the context of this section, residential uses include single and multifamily structures, mobile homes, and floating residences (subject to an exception to Oregon Statewide Planning Goal 16). Duck shacks, recreational vehicles, hotels, motels and bed-and-breakfast facilities are not considered residential structures for purposes of this section. Commercial structures and uses include all retail or wholesale storage, service or sales facilities and uses, whether water-dependent, water-related, or non-dependent, non-related. Industrial uses and activities include facilities for fabrication, assembly, and processing, whether water-dependent, water-related or non-dependent, non-related.

APPLICANT RESPONSE: None of the standards included in this chapter apply to the proposed development.

Staff finding: Staff concurs.

WMC Chapter 16.188 MULTIFAMILY HOUSING DESIGN STANDARDS

16.188.030 Design Standards.

- A. Building Mass Supplemental Standard. The maximum width or length of a multiple-family building shall not exceed 200 feet (from end-wall to end-wall).

APPLICANT RESPONSE: The proposed site plan demonstrates that the maximum length of the multi-family structure does not exceed 200 feet.

Staff finding: Staff concurs.

B. Common Open Space Standard. Inclusive of required setback yards, a minimum of 20% of the site area shall be designated and permanently reserved as useable common open space in all multiple-family developments. The site area is defined as the lot or parcel on which the development is planned, after subtracting any required dedication of street right-of-way and other land for public purposes (e.g., public park or school grounds, etc.). Sensitive lands (e.g., wetlands, riparian areas, and riparian setback areas/corridors) and historic buildings or landmarks open to the public and designated by the Comprehensive Plan may be counted towards meeting common open space requirements.

APPLICANT RESPONSE: Aside from driveways and walkways the remainder of the property will remain as common open space for the benefit of the occupants and will exceed 20%.

Staff finding: Staff concurs.

C. Trash Receptacles. Trash receptacles shall be oriented away from adjacent residences and shall be screened with an evergreen hedge or solid fence or wall of not less than six feet.

APPLICANT RESPONSE: The Applicant will comply with this requirement.

Staff finding: This detail is not shown on the site plan.

CONCLUSIONS AND RECOMMENDATION:

A recurring theme in the application narrative is that the existing duplex has been there since 1943 and has not caused any conflicts or problems with the other land uses and developments in the vicinity. Staff does not necessarily disagree, but the fact of the matter is that grandfathered rights associated with the duplex are immaterial to the current application. The current CP policies and development code regulations and criteria are the governing forces in this case. Grandfathered rights do not succeed, are not transferable to or inherited by new development. In other words, the old adage of the National Basketball Association rule of "No harm, no foul" is not in play here.

The application fails the conditional use test on several fronts. First, it is inconsistent with CP Policy 3.320 in its short sightedness regarding future water dependent or related development plainly stated in the 3.320.1.b about the purpose of the RC zoning district, and rests on the grandfathered activity argument. Second, the public facilities in the vicinity are much less than adequate. Ponding stormwater in the intersection of Jetty Avenue and Fourth Street are a chronic problem and the applicant has not demonstrated with other than an architect's statement that the development will not exacerbate the problem. The streets serving the area are notoriously substandard. And, fire flow is documented as being inadequate. That being said, staff recognizes that these issues can be rectified by the applicant making the necessary improvements.

WMC 16.56.040.A.1-5 of the RC development standards are clear in the direction that development has to satisfy at least on these development standards. There is no evidence in the application that it meets any of these criteria. In fact, the application doesn't even try to address development criteria but instead argues that the subject property has been used for residential use for all these year and on that basis, should be allowed to be redeveloped into an even more intensive non-conforming use.

The application also misses compliance with development standards WMC 16.56.040.G and O. Development of the site does indeed have the possibility of preempting future water dependent uses simply by occupying the site. There was no response in the application directed to the non-water dependent development standards, instead, again relying on the "no harm-no foul" argument that the site has historically been used for residential activities and has caused any conflicts, yet.

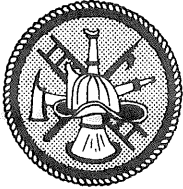
Based on the findings above and these conclusions, staff has no choice but to recommend that the Planning Commission deny Mr. Larsen's conditional use permit application CUP 17-2.

Suggested motion:

Based on the findings and conclusions of the May 4, 2017 staff report, I move to deny the conditional use permit application submitted by Marlin Larsen for a four-plex development in the Recreational Commercial zoning district.

Attachments

Cc: Marlin Larsen
Jennifer Bunch



Warrenton Fire Department

P.O. Box 250 Warrenton, OR 97146-0250 503/861-2494 Fax 503/861-2351

MEMORANDUM

To: Skip Urling, Community Development Director
Date: April 03, 2017
From: Tim Demers, Fire Chief 
Re: Larsen Townhouses Fourth & Jetty in Hammond conditional use

Based on the information provided, the Fire Department has the following comments.

ACCESS:

Access around the structure shall be provided so that all portions of the structure may be accessed with a 150 foot hose line.

Fire access roads shall be of an all-weather surface, capable of holding 60,000 lbs., and have a 20 foot minimum width.

WATER SUPPLY:

Fire flow for the building will need to be demonstrated to be in excess of 1000 GPM for a residential structure. An increased fire flow may be required, depending on the construction of the building. For example in a townhouse configuration, you would be installing fire walls and extending them beyond the roof line to facilitate the zero lot line. A new hydrant will likely be required; location of the hydrant will be pre-approved by the Fire Department.

A Fire sprinkler system may be required to meet fire flow.

The hydrant shall be a Meuller 2500 Centurion with 2 each, 2.5 inch, and one each 4.5 inch discharge ports. A 4.5 inch to 5 inch Storz connection will be provided.

ADDRESSING

The building will be addressed with contrasting color letters placed on the building facing the Fire Department access. The Fire Department will approve the size, color and location of the address numbers.



CITY OF WARRENTON

PUBLIC WORKS

Conditional Use Review Memorandum

To: Skip Urling, Community Development Director
From: Collin Stelzig, City Engineer
Cc: Jim Dunn, Public Works Director
Date: May 2, 2017

Regarding: Harborview Townhouses – 1015-1025 Forth Avenue, Hammond, Oregon
MAP ID: 81005CD03300

The following conditions of approval apply to the Conditional Use Application submittal for Harborview Townhouses:

Conditions of Approval:

1. Required roadway improvements on Jetty Street and Fourth Avenue will include making half street improvements adjacent to this lot. Road improvements shall be engineered and will include; asphalt concrete, curb, sidewalk, and catch basins that drain to the existing drainage system on Lake Drive.
2. Public Works recognizes that the nearest hydrant does not meet the City's minimum fire flow requirement. The developer shall make the necessary water system improvements or coordinate an alternative firefighting solution(s) with the City of Warrenton Fire Department.
3. The City has received many complaints concerning drainage issues at Jetty Street and Fourth Avenue. Per the ESDC's Drainage Design Criteria, a drainage report shall be prepared that shows how this development will not negatively impact adjacent drainages. This report shall be prepared by a licensed engineer and shall reference the design manual used to prepare the report. This drainage report will not be required if storm drainage improvements are directed to the existing storm system on Lake Drive. These improvements shall be made prior to construction of the Harborview Townhouses.



Wickiup Consulting LLC

Planning • Project Management • GIS

Harborview Townhouses Impact Study

Introduction:

As required by Warrenton Municipal Code, Section 16.208.050.B.2.e requirements for all Type III applications, the applicant has prepared this impact study. Many of these items are also discussed in the project narrative responses also provided with this application.

The applicant is proposing to replace an existing duplex and develop a four-unit multi-family dwelling. Access will be provided by driveways off 4th Avenue in Hammond. A site plan is included in the application.

Transportation:

Due to the small number units, this development should have no significant impact on the City's transportation system the total trips per day that will be generated falls significantly below the amount that would trigger a Traffic Study.

Drainage System

A preliminary stormwater drainage plan is included with the application. This plan will be finalized by the applicant and approved by the City of Warrenton Public Works Department prior to the commencement of construction.

Parks:

The proposed development will have negligible impacts, positive or negative, to the City's parks.

Water System:

The City water system is proposed to service the property just as it serves the current duplex. No concerns about impacts to the water system have been raised by City staff. It is assumed that for a small development such as this, that the existing City water system has the capacity needed in terms of flows and storage needs.

Sanitary Sewer System:

The minimal contribution of wastewater flows from the proposed additional 2-units to the City's sewer system is assumed to be insignificant and the capacity is available to serve the development.

Noise Impacts:

Noise impacts are assumed to be negligible. The noise impacts are assumed to be the same as for other residences in the City.

PO Box 1455 • Astoria, OR 97103
503-298-8698
wickiupconsultingllc.com



BY: _____
CITY OF WARRENTON

P1 47

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

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

Conditional Use Application

Application Fee:

City File No.: CUP

I. Property

Address: 1015 & 1025 FOURTH AVE Cross Street Fourth Ave & Jetty St
Hammond, OR 97121
Assessor's Parcel No.: Twp 8N, Rng 10W, Section 5CD Tax Lot 81005CD03300
R 28548

II. Applicant

Applicant: LARSEN, Marlin Phone: 541-953-8383

Mailing Address: See below ↓

Applicant's Signature: Marlin Larsen Date: 2/8/2017

(see attached pre-AP)
III. Owner
Owner: LARSEN, Marlin Phone: 541-953-8383

Mailing Address: 1813 W. Harvard #431, Roseburg OR 97471

Owner's Signature: _____


IV. Describe the Proposed Use

Replace 75 year old multifamily duplex
with a 2 level 4-plex, which has oversized
double garage & high ceilings to facilitate
boat storage on ground floor and rental
apartments on 2nd floor.

RECEIVED
MAR 13 2017

Page 1 of 2

p3 97

| | |
|--|---|
| Until a change, all tax statements are to be sent to: Marlin L. Larsen 1813 West Harvard Avenue, Ste. 431 Roseburg, OR 97471 |  Recording Instrument #: 201603964 Recorded By: Clatsop County Clerk # of Pages: 2 Fee: 52.00 Transaction date: 6/6/2016 10:52:51 Deputy: sholcom |
| After Recording, Return to: Marlin L. Larsen 1813 West Harvard Avenue, Ste. 431 Roseburg, OR 97471 | |

BARGAIN AND SALE DEED

Hammond Harborview, Inc., an Oregon Corporation, Grantor, conveys to Marlin L. Larsen, Grantee, the following described real property: *in Hammond, OREGON:*

MAP# 8105CD03200 5
Tax ID# 28548 Lots 39, 40, 41, and 42, Block 7, First Addition to Kindred Park., *Situs address 1015-1025 4th Ave*
Lots 1-3 MAP# 81005CD02100 Lots 1, 2, 3, 4 and 5, Block 7, First Addition to Kindred Park, *Lots 4 & 5, Tax ID# 28537 Ave*
Tax ID# 28536 *vacant land* *Lots 4 & 5 MAP ID# 81005CD02200; Situs 1030 Third Ave Hammond*
MAP ID# 81005CD03400 Lot 9, Block 8, First Addition to Kindred Park, *situs: vacant land*
Tax ID# 28550 All located in Clatsop County Oregon

OFFICIAL ST
RACHEL M. B.
NOTARY PUBLIC
COMMISSION NI
MY COMMISSION EXPIRE

The true consideration for this conveyance is other than money.

DATED this 3rd day of June, 2016



Hammond Harborview, Inc.

Marlin Larsen

By Marlin L. Larsen, President

The following disclaimer is made pursuant to ORS 93.040(1):

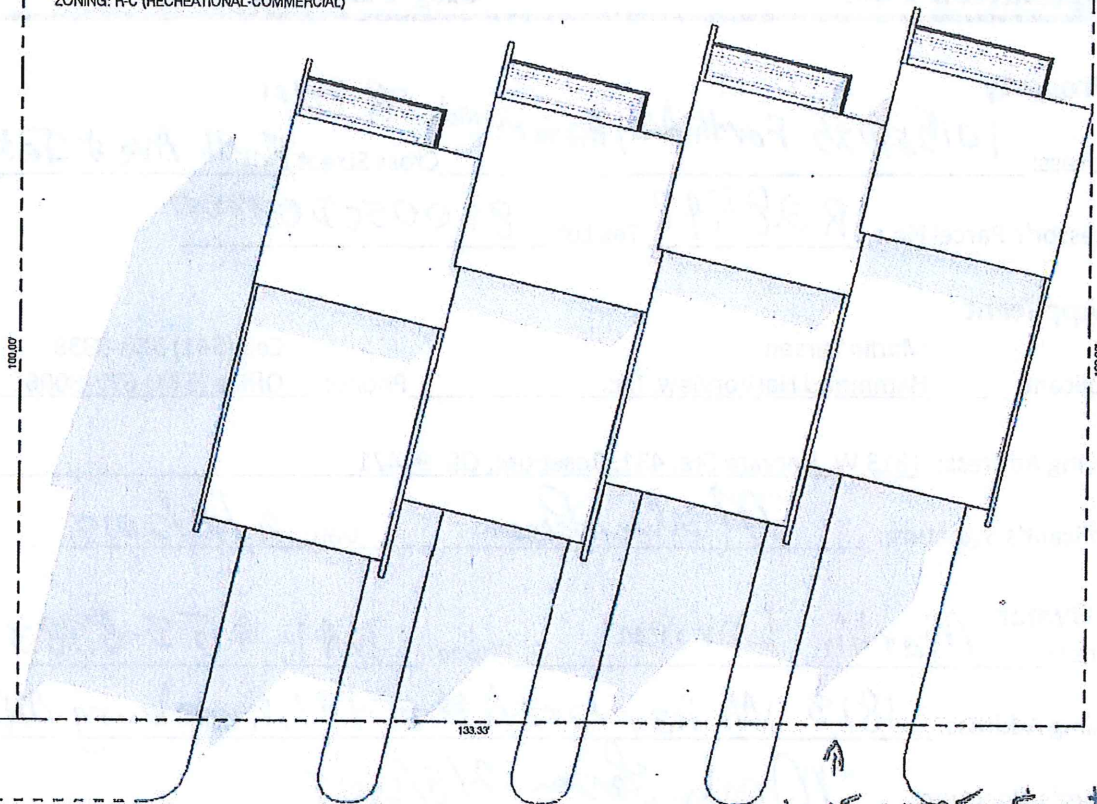
BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 414, OREGON LAWS 2007, SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7,

p5 d7

R

TWP 8 N, Rng 10 W, Sect 5 CD, 81005 CD
03300

TAX LOT 3300
MAP ID: 81005CD03300
LOT SIZE: 0.31 AC
ZONING: R-C (RECREATIONAL-COMMERCIAL)



4th Ave

4TH AVE

↑
1015 & 1025 4th Ave
Hammond

Jetty St.
JETTY ST

01 SITE PLAN
1" = 10'-0"

| | | |
|-------------|--------------------------------------|----------------------------|
| A100 | HARBORVIEW TOWNHOUSES | |
| | 1015-1025 4TH AVE HAMMOND, OR | |
| | SITE PLAN | PROJECT NO. 0201-25 |
| | 1" = 10'-0" 02.09.17 ISSUE: DD | DRW: NL CHK: NL |

P799

P2 Attachment Pre-AP of 2/8/2017

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

Yes - Existing multi-family for 75 years. Rental Residence are Needed in North Coast

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.

Yes - on 4 lots 100' x 33 1/2' or 13,333 sq. ft. There are 3 duplex & one tri-plex being built within 2 blocks of site

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.

True, multi-family low traffic, each unit has 1st level garage, living area 2 Br, 2 Ba on 2nd floor

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

Yes

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

Yes - Successful use as multi-family for 75 years since 1942

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.

Yes, see attached site plan & 3 documents prepared by IE Engineering.

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



809 SE PINE STREET
POST OFFICE BOX 1271
ROSEBURG, OR 97470

(541) 673-0166
FAX: (541) 440-9392

March 8, 2017

TO: Marlin Larsen

RE: Harborview 4-plex Preliminary Storm Drainage Plan

To whom it may concern,

This memo is being written to address the stormwater management for the proposed development at 1015-1025 4th Ave. The existing structure has gutters and downspouts which release stormwater directly onto the site. The proposed structure under consideration in this conditional use application will include gutters and downspouts attached to a drywell system to control stormwater collected on the building. Such an improvement would reduce the impact of runoff to adjacent properties. If stormwater management and the effect on adjacent properties is a consideration as part of this conditional use application, the proposed development would only serve to reduce the impact of runoff to adjacent properties.

Should the planning or public works department require additional information or engineered plans, we believe such work should take place after a determination has been made with regard to the conditional use application under consideration.

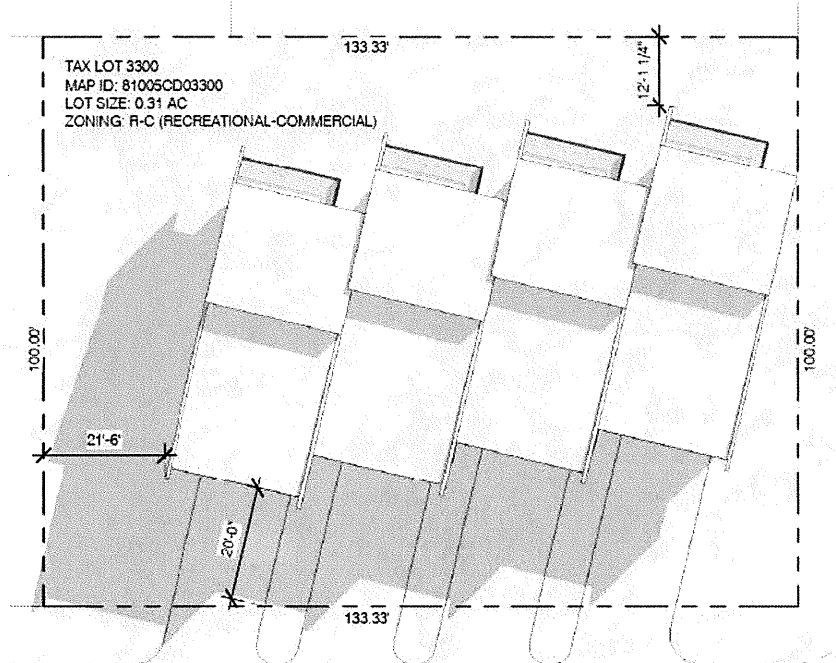
Thank you,

Nick Lovemark, AIA

A handwritten signature in blue ink, appearing to read "Nick Lovemark".

HARBORVIEW TOWNHOUSES

Application for a Conditional Use Permit



Owner/Applicant

Marlin Larsen
1813 West Harvard Ave, #431
Roseburg, OR 97471

Engineering/Design

i.e. Engineering
809 SE Pine Street
Roseburg, OR 97470

Consultant

Wickiup Consulting, LLC
PO Box 1455
Astoria, OR 97103

- b. The purpose of the Recreational – Commercial zone is to provide for water-dependent and water-related development along certain shorelands in Warrenton near the Hammond Marina and the Skipanon River marinas. Water-dependent recreational and tourist-related commercial development have the highest priority in the Recreational-Commercial zone. Other uses may be allowed so long as they do not pre-empt water-dependent uses.

RESPONSE: The subject property is zoned Recreational Commercial and has been committed to a residential use (duplex) since 1943. This property is not adjacent to water and the residential use has in no way precluded or interfered with water-dependent or water-related uses within the zone or area. Redevelopment of the property as a multi-family dwelling (four-plex) would provide much needed housing in the area while still preserving the intent of the Recreational Commercial zone.

ARTICLE 4 NATRUAL FEATURES

SECTION 4.300 POLICIES

Section 4.320 Flood Hazards

ARTICLE 5 COLUMBIA RIVER ESTUARY AND ESTUARY SHORELANDS

Section 5.180 Hammond Subarea

RESPONSE: The subject property is located within the Hammond Subarea; however, no policies apply directly to the proposed development.

- 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.**

RESPONSE: The general area surrounding the subject property are a mixture of commercial and residential uses. As stated earlier the property has been in a residential use since 1943. It has not been proven to be incompatible with surrounding residential and commercial uses. Redevelopment of the property as a multi-family dwelling (four-plex) would provide much needed housing in the area while still preserving the intent of the Recreational Commercial zone.

- 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.**

RESPONSE: It is generally accepted that each dwelling unit generates approximately 10 trips per day. This would result in an approximate increase of 20 trips per day to the property, far less than any commercial use may generate. It is reasonable to assume that the increase in traffic will not be excessive and the capacity of the streets can accommodate this minimal increase.

RESPONSE: The proposed use is allowed conditionally in the R-C zone subject to applicable standards.

16.56.040 Development Standards.

The following standards are applicable in the R-C zone:

- A. No use will be allowed in the R-C zone unless it meets one or more of the following criteria:
1. The use is water-dependent, which means that it can only be carried out on, in, or adjacent to water and the location or access is needed for water-borne transportation, recreation, a source of water, or marine research/education.
 2. The use provides goods and/or services directly associated with water-dependent uses; and, if not located near the water, would experience a public loss of quality in the goods and services offered.
 3. The use can demonstrate that it provides a needed service for users of the marinas.
 4. The use is an accessory use important to the operations of the principal use.
 5. The use is a temporary use meeting the requirements of Section 16.240.010.

RESPONSE: As stated in the City of Warrenton Comprehensive Plan Policy 3.320, the purpose of the Recreational-Commercial Zone is to "provide for water-dependent and water-related development along certain shorelands in Warrenton near the Hammond Marina and the Skipanon River marinas." Highest priority is given to water-dependent recreational and tourist-related commercial development have the highest priority in the zone. However, the policy allows other uses, such as residential, so long as they do not pre-empt water-dependent uses. The subject property has been dedicated to a residential use since 1943 and has not interfered or preempted any water dependent or water related uses during that time. The multi-family housing can provide a needed service for local users of the marina by creating much needed housing units in the marina area. Thus meeting the requirement of 16.56.040.A.3.

- B. Yards. The minimum yard depth for portions of the property abutting a public right-of-way or non-commercial district is 15 feet.

RESPONSE: The proposed development meets the applicable setbacks.

- C. Lot Coverage. Buildings shall cover not more than 75% of the lot area.

RESPONSE: The area covered by buildings will be approximately 4270 square feet or 32% of the lot area (13,333 sq. ft).

- D. Landscaped Open Area. A minimum of five percent of the total lot area will be maintained as landscaped open area.

RESPONSE: A minimum of five percent open space will be maintained as landscaped area.

RESPONSE: These standards do not apply.

M. All development shall comply with the wetland and riparian area protection standards of Chapter 16.156.

RESPONSE: These standards are addressed later in the application.

N. All other applicable Code requirements shall be satisfied.

RESPONSE: The proposed development will comply with all applicable code requirements.

O. Standards for approval of non-water-dependent uses:

1. Non-water-dependent uses shall be constructed at the same time as or after the water-dependent use of the site is established, and must be carried out together with the water-dependent use.
2. The ratio of the square footage of ground-level indoor floor space plus outdoor acreage distributed between the non-water-dependent uses and the water-dependent uses at the site shall not exceed one to three (non-water-dependent to water-dependent).
3. Such non-water-dependent uses shall not interfere with the conduct of the water-dependent use.

RESPONSE: The proposed multi-family dwelling, while not a water dependent or water related use is replacing an existing duplex that has existed since 1943. The multi-family use will in no way interfere or preempt any current or future water dependent uses.

P. Standards for Approval of a Temporary Use. Temporary non-water-dependent uses that involve minimal capital investment and no permanent structures may be allowed. The intent of allowing such uses is to avoid posing a significant economic obstacle to attracting water-dependent uses. Tools for implementing this approach include “vacate” clauses in leases on public lands, as well as requiring “vacate” clauses for land use approvals involving leasing of private lands.

Q. The City of Warrenton shall provide the park host RV site, within the Hammond and Warrenton Marinas, connections to utilities (City water and sewer, and electricity). Length of stay per host shall not exceed six months in a calendar year, and shall be in a State-licensed RV.

R. DMD site shall comply with:

1. Prior to undertaking disposal, the dredging project proponent shall consult with the Army Corps and Oregon DSL to determine if the disposal site contains wetlands that are regulated under permit programs administered by those agencies. If the site contains regulated wetlands, the dredging project proponent shall either alter the

Chapter 16.160 COLUMBIA RIVER ESTUARY SHORELAND AND AQUATIC AREA DEVELOPMENT STANDARDS

16.160.150 Residential, Commercial and Industrial Development.

The standards in this section are applicable to construction or expansion of residential, commercial or industrial facilities in shoreland and aquatic areas. Within the context of this section, residential uses include single and multifamily structures, mobile homes, and floating residences (subject to an exception to Oregon Statewide Planning Goal 16). Duck shacks, recreational vehicles, hotels, motels and bed-and-breakfast facilities are not considered residential structures for purposes of this section. Commercial structures and uses include all retail or wholesale storage, service or sales facilities and uses, whether water-dependent, water-related, or non-dependent, non-related. Industrial uses and activities include facilities for fabrication, assembly, and processing, whether water-dependent, water-related or non-dependent, non-related.

RESPONSE: None of the standards included in this chapter apply to the proposed development.

Chapter 16.188 MULTIFAMILY HOUSING DESIGN STANDARDS

16.188.030 Design Standards.

- A. Building Mass Supplemental Standard. The maximum width or length of a multiple-family building shall not exceed 200 feet (from end-wall to end-wall).

RESPONSE: The proposed site plan demonstrates that the maximum length of the multi-family structure does not exceed 200 feet.

- B. Common Open Space Standard. Inclusive of required setback yards, a minimum of 20% of the site area shall be designated and permanently reserved as useable common open space in all multiple-family developments. The site area is defined as the lot or parcel on which the development is planned, after subtracting any required dedication of street right-of-way and other land for public purposes (e.g., public park or school grounds, etc.). Sensitive lands (e.g., wetlands, riparian areas, and riparian setback areas/corridors) and historic buildings or landmarks open to the public and designated by the Comprehensive Plan may be counted towards meeting common open space requirements.

RESPONSE: Aside from driveways and walkways the remainder of the property will remain as common open space for the benefit of the occupants and will exceed 20%.

- C. Trash Receptacles. Trash receptacles shall be oriented away from adjacent residences and shall be screened with an evergreen hedge or solid fence or wall of not less than six feet.

RESPONSE: The Applicant will comply with this requirement.



CITY OF WARRENTON

MINUTES Warrenton Planning Commission Regular Meeting, March 9, 2017

**Code amendment to allow multifamily developments as a Conditional Use in the C-1 General Commercial zoning district
AP-17-1, Appeal of Site Design review application for tourist accommodations**

Commissioners Present

Chair Chris Hayward, Vice-Chair Paul Mitchell, Commissioners Mike Moha, Ken Yuill, Christine Bridgens. Ryan Lampi and Vince Williams had excused absences.

Staff Present: Community Planning Director Skip Urling; Building Clerk Janice Weese

Pledge of Allegiance

Election of Officers

Christine Bridgens was nominated for Chair to serve the Warrenton Planning Commission. The motion was seconded and passed. Paul Mitchell was nominated for Vice-chair; the motion was seconded and passed.

Approval of Minutes

Commissioner Ken Yuill motioned to approve the February 9, 2017 minutes. Chair Chris Hayward seconded. The motion passed unanimously.

Subject of Review

Proposed code amendment to Warrenton Municipal Code to add Multifamily Housing Development as a Conditional Use in the C-1 General Commercial Zoning District outside the Highway 101 corridor.

Public Hearing Open

Disclosure by the Commissioners: Commissioners answered no to all questions or conflicts.

Staff Report

Proposes an amendment to the C-1 General Commercial zoning district to allow multifamily housing as a conditional use in all areas other than the C-1 territory along the Hwy 101 corridor. The suggestion originally came from the community. The city commission directed the planning commission to give it some consideration due to the shortage of housing along the coast. The proposal meets all the 19 statewide planning goals. Recommends to pass the ordinance to the city commission for adoption.

Testimony in Favor

Larry Bensel from Popkin Real Estate
1427 Lexington
Astoria, OR 97103

Runs across people looking for a place to stay all the time. The shortage and the demand for housing is there. In support of this motion.

No one spoke in opposition

Discussion among Commissioners

Commissioner Chris Hayward thinks it's a great idea. Chair Chris Bridgens asked if there will be a loss of commercial property. Planning Director Skip Urling replied that this is on a case by case bases, but the zoning is not changing. Commissioner Mike Moya stated that nothing negative jumps out on this proposal.

Motion by Commissioners

Commissioner Paul Mitchell motioned to forward the proposal to the city commission to add Multifamily Housing Development as a Conditional Use in the C-1 General Commercial Zoning District. Commissioner Chris Hayward seconded. The motion passed unanimously.

Subject of Review

Hammond Harborview Resort Site Design Review Decision

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

Staff Report

Mr. Larsen has appealed on the site design review for the commercial development on some tourist accommodations in Hammond that he is proposing. The development proposal included some tiny homes, yurts and a tugboat that will be on a trailer. They would be permanent with utilities extended to them. Mr. Larsen had been asked to provide additional information that is required by the code. There were four conditions of approval prior to building permits; 1. Documentation from Mr. Larsen's engineer that the existing gravel driveway on site can support a 60,000 pound fire truck so it will not get stuck. 2. The fire chief wants the driveway to be extended so he can reach the most distant unit, the tug boat, with a 150 foot fire hose and an additional walkway be installed. 3. A report be prepared for the drainage problem on the intersection of 4th and Jetty by an engineer and submitted to and approved by the City Engineer. 4. The solid wastes containers be relocated to a location approved by the Public Works Department. Mr. Larsen is also appealing that there were no addresses to site and that the city didn't vacate 4th avenue.

Applicant or Representative Testimony:

Blair Henningsgaard representing Mr. Larsen
P.O. Box 1030
Astoria, OR 97103

They are appealing the four conditions of approval. The conditions are too depended upon suggestive interpretations of some city staff. Mr. Henningsgaard cited 16.140.20 from our city development code on adequate drainage on the development site. It is not his clients responsibility to fix problems that have been out there for decades. Mr. Larsen will not unreasonably burden other peoples properties with water problems. There are no puddles on his property and drains adequately. He will not have much pavement. He should be required to have some sort of engineered study that would be approved by the public works department at some future time. Mr. Larsen has offered to install an infiltration facility that will deal with some of the water runoff. He should not be required to do anything more than that. He also has moved the waste container to the other side of the road.

Mr. Henningsgaard introduced their proposed conditions to the conditions that were mentioned in the staff report. Condition 1., no change. Condition 2., access acceptable to the fire chief shall be provided, would like to have flexibility to dealing and speaking with the fire chief to come up with something practicable. Condition 3., wants a more appropriate condition to track the language of the city's code. Should not be required to do anything else other than provide a report by a professional engineer documenting a drainage system for the development site. Condition 4., should not be in a planning commission report.

Would like to add a condition 5. Any determination by the Planning Director that these conditions of approval have not been met prior to the issuance of a building permit may be appealed directly to the Planning Commission.

Marlin Larsen

1813 West Harbor
Roseburg, OR 97471

Has owned this property since 1982. The 9 lots are zoned CMU. Have 2 park models on site waiting to get permits. Has been working on this for 569 days. The lack of flexibility to apply exceptions to projects like his has been difficult because his project doesn't fit exactly into the existing code. There is an existing fire hydrant on 5th and Jetty and 4th and Jetty. There is a project to upgrade the waterline from Warrenton to Hammond from an 8 inch to an 18 inch that is due to start in a few months. That would have a favorable impact on the water flow for him. Working to enhance the marina tourist accommodations in Hammond. Commissioner Chris Hayward asked if he had talked to the city engineer to see what would be required for the storm water retention ponds. Planning Director, Skip Urling, spoke up and said that the applicant had submitted the infiltration test data conclusions from the engineer just recently and after he had issued his decision. This is the first that they had seen any data.

Commissioner Ken Yuill asked who built these tiny houses. Marlin replied that they were built in Salem by Hal McClendon. They are on tandem trailer frames and they resemble one room cabins. Ken asked what is the building codes for these. Marlin said that they are under the Department of Motor Vehicles and in the section of Manufactured Dwellings and Park Models. A state inspector inspects it during the process of being built, and then a final inspection is done. A certificate number is put on the unit when complete. The state puts out a 61 page code book on how to install them on site. Ken mentioned that he noticed there were no gutters on the homes. Marlin stated that the larger one is only 160 sq. ft. and has a sloped roof. If needed, Marlin was ok with putting a gutter system on the homes.

Testimony in favor

Doug Munday
215 N Skipanon Dr.
Warrenton, Or 97146

It's nice to see someone putting some dollars into the community and around the marina.

Testimony in opposition

No one spoke

Public Hearing Closed

Discussion among Commissioners

Commissioner Mike Moya is ok with all the conditions. Since the fire chief had no proposal for condition 2, it is accepted what the fire chief said in the first place.

Commissioner Paul Mitchell would like to have this held over and wait for the city's engineer's input on the stormwater and infiltration system report.

Chair Chris Bridgens does not want to delay this project any further and asked if the conclusions be reached before permits are issued.

Commissioner Chris Hayward feels that the conditions can be worked out reasonably with the planner.

Mr. Larsen spoke up and said that if the tug boat cannot be reached by the fire hose, then he would put that on hold and replace it with a picnic table.

Commissioner Chris Hayward motioned to deny the appeal on the conditons of approval. Commissioner Paul Mitchell seconded. The motion passed unanimously.

Attest and submitted by

Janice Weese, Building Clerk

Approved

Chris Bridgens, Planning Commission Chair