

"Making a difference through excellence of service"



CITY OF WARRENTON

Warrenton Planning Commission

Agenda

6:00 P.M March 15, 2018

1. Attendance
2. Flag Salute
3. Public Hearing Continued: McElmurry Conditional Use Permit

Action Item

4. Public Hearing: North River Homes Wetland Hardship Variance

Action Item

5. Public Hearing: Flood Hazard Overlay District Code Amendment

Action Item

6. Approval of Minutes of February 8, 2018 Meeting

Action Item

7. Other business
8. Adjourn

"Making a difference through excellence of service"



CITY OF WARRENTON

March 8, 2018

To: Warrenton Planning Commission
From: Skip Urling, Community Development Director 
Re: McElmurry Accessory Dwelling Conditional Use Permit Application 17-1

At the February 8th meeting, the Planning Commission continued the hearing on this application to allow the applicant to provide a graphic of her proposed tiny home and to answer questions raised at the hearing.

Attached is a photograph of a tiny home model she proposes to site. Also attached is a paint chip photocopy which shows the primary exterior color of the unit which is similar to the paint on the primary residence on the site.

Staff continues to recommend approval with the following conditions:

1. The water meter account shall be in the name of Ms. McElmurry.
2. The applicant shall annually submit affirmation that she continues to reside at the site.
3. The unit shall have its wheel removed and be sited as a typical mobile home.
4. When Ms. McElmurry discontinues residing at the site, the accessory dwelling shall be removed and the sewer service line capped and the water meter removed.

Suggested motion: Based on the findings and conclusions of the February 1, 2018 staff report and supplemental graphic information provided by the applicant at the March 15 hearing, I move to approve Conditional Use Permit application 17-1 for a tiny home as an accessory dwelling unit at 642 Fleet Street in Hammond, subject to the conditions presented in the March 8, 2018 supplemental staff report.

Attachments



W 6732
Organic Green
150-C5

CITY OF WARRENTON
PLANNING AND BUILDING DEPARTMENT
Telephone: 503-861-0920 / Fax: 503-861-2351

RECEIVED
FEB 02 2018
BY: CITY OF WARRENTON

HARDSHIP VARIANCE APPLICATION
Warrenton Development Code - Section 16.156.080

Application fee (non-refundable): \$900.00

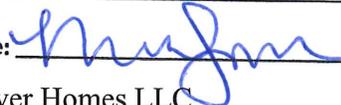
City File No.: V- V-18-1

NOTE: The applicant must complete sections I, II, and III below and submit the required application fee before staff can accept the application.

I. APPLICATION / OWNER INFORMATION:

Applicant: North River Homes LLC Phone: 503 861-3305

Mailing Address: PO Box 100, Warrenton, OR 97146

Applicant Signature:  Date: 1/31/18

Owner: North River Homes LLC Phone: 503 861-3305

Mailing Address: PO Box 100, Warrenton, OR 97146

Owner Signature (if different than applicant): Clatsop County Easement Agreement Attached
Signed written authorization by the property owner of record may be substituted here.

II. PROPERTY INFORMATION:

Address: 1190 SE 19th Street Nearest Cross Street: SE 19th Street

Assessor Parcel No.: Twp 8N, Rng 10W, Section 27D, Tax Lot 206

Legal Description: Proposed Bugle Road South of SE 19th Street

Lot Size: 100' ROW Date Current Owner Took Ownership: Clatsop County to sell

Current Use of Property: Vacant Pending these Approvals

III. VARIANCE INFORMATION:

Describe the Requested Variance (i.e., what is the proposed use and why does the proposal require impacts to wetlands):

Please see attached Letter of Explanation. Request to remove Significant Wetland Designation in connection with Oregon Department of State Lands Removal Fill Permit 58926-RF.

Written Responses to the Six Hardship Variance Criteria of Warrenton Municipal Code Section 16.156.080B (see below) are necessary. Please see attached Letter.

A. For any lands demonstrated to have been rendered not buildable by application of this chapter, the property owner may apply for a hardship variance for relief from the restrictions of this chapter.

B. Hardship variance applications are subject to review in accordance with the standards of Section 16.208.050, Type III procedure (Quasi-Judicial). Granting of a hardship variance requires that:

1. The proposed development represents a reasonable and legal use of the lot or parcel, considering the zoning.
2. Strict adherence to this chapter and other applicable standards would effectively preclude a use of the parcel that could be reasonably expected to occur in similarly zoned parcels.
3. The property owner would be precluded a substantial property right enjoyed by the majority of landowners in the vicinity.
4. The variance is the minimum necessary to retain use of the property.
5. Granting of the variance will not be materially detrimental to the public welfare or be injurious to property or improvements in the neighborhood of the premises.
6. The variance will be in general harmony with the intent and purpose of this chapter, and will not adversely affect any officially adopted Comprehensive Plan policy.

Is a Site plan* Attached? Yes () No

**A site plan is required and must be drawn to scale, contain a north pointing arrow, show wetland boundaries (as scaled from the City's Local Wetland Inventory (LWI) map, or as professionally delineated), and show all setback distances from existing and proposed structures and roads to wetlands and property lines.*

Has a State/ Federal Wetland Removal Fill Permit Application been made for this project?

Yes () No: If yes, what is the status? Oregon DSL Permit Granted July 2017, Attached

Additional Information: _____

Do not write below this line

Date Paid / Receipt# _____ Received by: _____

Date applicant was provided written notification of additional information needed: _____

Date additional information was received: _____

Comments: _____

Date application was deemed complete: _____

Hardship Variance Application
July 2012

"Making a difference through excellence of service"



CITY OF WARRENTON

March 8, 2018

To: Warrenton Planning Commission
From: Skip Urling, Community Development Director 
Re: Wetland Hardship Variance Application V18-1, North River Homes/Warrenton Fiber

North River Homes LLC has applied for a wetland hardship variance pursuant to Warrenton Municipal Code 16.156.080, Hardship Variance Procedure and Criteria. The application is to allow construction of a new road through the Sheriff's office property where Warrenton Fiber has secured an easement. The new road would provide an additional access to the Roosevelt Subdivision for which the Planning Commission granted preliminary plat approval this past January. The road would be 36 feet wide curb to curb, extending from SE 19th Street to the extension of SE Willow Drive in Roosevelt. The Oregon Department of State Lands has issued a removal/fill permit for the project and a 404 permit is pending from the Corps of Engineers.

Application was submitted February 2, 2018. We sent notice of the public hearing to adjacent property owners February 21 and published notice March 2, 2018.

The application is reviewed against the criteria of WMC 16.156.080 as a Type III process spelled out in WMC 16.205.050.

FINDINGS

Presented below are the review criteria followed by the applicant's response and staff findings.

16.156.080(A): *For any lands demonstrated to have been rendered not buildable by application of this chapter, the property owner may apply for a hardship variance for relief from the restrictions of this chapter.*

Applicant's response:

The subject property is not buildable as a result of restrictions imposed by this ordinance.

- The site's General Industrial (I1) zoning, its location in an industrial area, its high assessed valuation (2017 Clatsop County Assessor real market value of land = \$1,051,096), and its highway frontage all suggest that the subject property is not appropriate for a low-intensity use compatible with wetland preservation, such as a wildlife refuge or nature park. Development of a secondary fire access road required for fire safety here will require fill, both for the driving area and a concrete sidewalk.

- This site was selected as being the least amount of impact to wetlands to provide a secondary fire access built to City standards, as other locations in this area for would impact a greater amount of wetlands to provide this access as demonstrated in the permit application.
- Warrenton's development code requires access roads be a certain size to meet Oregon fire code standards, which is 26 feet if parking is allowed on one side, and 32 feet with parking on both sides. The City of Warrenton now has a road standard of 36 feet. In this design, the proposed road is 36 feet, in addition to a concrete sidewalk for non-vehicular access on one side and storm water processing swales. This street and sidewalk size is the least amount of wetland impacts possible to provide the required secondary fire access road to this area while also meeting City of Warrenton standards.

The applicant has obtained all relevant state wetland approvals needed to go forward with this project; however, without the City's approval of this variance, the project cannot proceed. The City should find that the site is not buildable without approval of the proposed hardship variance for the reasons herein.

Staff finding: Staff concurs. Without the hardship variance the subject property would not be developable, whether for a road or any other use. The access road is a necessary component of the Roosevelt subdivision and warrants the variance.

16.156.080(B)(1): *The proposed development represents a reasonable and legal use of the lot or parcel, considering the zoning;*

Applicant's response. The subject property is in the City's General Industrial (I1) zone. This zone allows 22 outright uses, including the proposed use as a road; *Transportation facilities and improvements* (WDC 16.60.020(Q)). The I1 zone allows a wide range of industrial and institutional uses outright. Clatsop County is seeking to develop an Industrial Business Park on the surrounding property, and is proposing transportation improvements to connect the proposed road from this project to other County roads and projects. Because of this, the proposed use is both legal and reasonable.

Staff finding: Staff concurs.

16.156.080(B)(2): *Strict adherence to this chapter and other applicable standards would effectively preclude a use of the parcel that could be reasonably expected to occur in similarly zoned parcels;*

Applicant's response: Strict adherence to the provisions of this chapter prohibiting fill in significant wetlands prevents development of this parcel unless this hardship variance is granted. WDC section 16.156.040(B), (B)(7) reads as follows: *Alteration of a significant wetland or portion of a significant wetland by grading, excavating, placement of fill including structures, and removal of vegetation, shall be prohibited except for the following uses . . . Uses authorized by an approved City of Warrenton hardship variance in conjunction with a valid State of Oregon Wetland Removal-Fill Authorization.*

As noted above, this project already has Oregon DSL Wetland Removal-Fill Authorization, but without approval of this hardship variance, the use of this parcel for an access road as reasonably expected in similarly zoned parcels cannot occur.

Staff finding: Staff agrees with the applicant's assessment of the code.

16.156.080(B)(3): *The property owner would be precluded a substantial property right enjoyed by the majority of landowners in the vicinity.*

Applicant's response: Other property owners in the vicinity have been able to fill and develop roads to improve access to their land. This is demonstrated by existing development nearby by Clatsop County, including a recent expansion of Marlin Avenue, and Clatsop County's proposed extension of Bugle Avenue directly to the north and in line with the road development project being proposed here. Property owners at these sites have benefited from the ability to fill and create access to their property for development, and these same rights should be provided here.

Staff finding: Staff generally concurs. Clatsop County is still in the process of securing wetland permits for development of its North Coast Business Park, including the extension of Bugle Road. Fort George Brewing is in a similar situation for its distribution/tasting room facility. Both entities express confidence that the federal and state permits will be issued. This applicant is a step ahead.

16.156.080(B)(4): *The variance is the minimum necessary to retain use of the property.*

The applicant considered alternative designs and alternative locations that would minimize or eliminate the need for this variance. These alternatives are described in substantial detail in the Oregon DSL removal/fill application, and are summarized here, and in the attachments. Oregon DSL subjected this project to an impact avoidance/minimization standard before granting their approval.

Alternative designs and sites considered by the applicant are described below:

1. Avoid wetlands on the development site. This alternative avoids any wetland impacts, and thus the need for this variance. It was rejected by the applicant because there was not a location within Clatsop County's site area that could provide the necessary size required for a fire access road and City of Warrenton road standards while avoiding all wetland impacts, since wetlands cover most of this property. The selected project site impacts the least amount of wetlands possible.
2. Reduce access road footprint. This alternative reduces wetland impacts, and would still require a hardship variance. This option would not provide a sufficient access road size to safely allow a fire truck to pass while allowing parking on one side and having a concrete sidewalk for non-vehicular access, as City of Warrenton road standards currently require.
3. Configure the access road differently. An alternative design such as a bridge might slightly reduce the wetland impact, but the wetland impacts avoided would be small relative to the total size of access road required at this site. This alternative was also not economically feasible.
4. Alternative site: access road to Dolphin Avenue. An access road to Dolphin Avenue would still involve wetland impacts, and this property was is not available for development to the applicant. This alternative was also not economically feasible. The applicant rejected this alternative site for these reasons.

Alternative sites and designs considered by the applicant do not meet the needs of the project or City of Warrenton road standards, and would impact locally significant wetlands to an extent comparable to the proposal. The proposed hardship variance is the minimum necessary to allow an economically feasible fire access road of the property built to City of Warrenton road standards.

Staff finding: Staff concurs.

3.10.400(B)(5): *Granting of the variance will not be materially detrimental to the public welfare or be injurious to property or improvements in the neighborhood of the premises.*

Applicant's response: "The public welfare" is not defined in the City's planning documents. Presumably the term covers health, safety, financial viability, environmental factors, business climate, labor market, and infrastructure. There is no evidence that the variance will materially degrade public welfare generally, or any component or contributor to public welfare. Measures incorporated into the City's review of this project, into building codes, and into review processes of other agencies with jurisdiction, all address public welfare components, and either avoids impacts that will be materially detrimental, or mitigates unavoidable impacts.

Neither the variance nor the project would be materially detrimental to transportation safety. This secondary access road directly benefits transportation safety as a requirement for the Forest Rim Subdivision to be consistent with City of Warrenton and Oregon Fire Code requirements of having two fire approved accesses a certain distance apart. More detailed traffic impacts was done by Lancaster Engineering and reviewed by the City for the Roosevelt Subdivision, pursuant to WDC chapter 16.244.

Health and safety concerns related to homeowners and tenants at the Forest Rim Subdivision and proposed Roosevelt Subdivision are addressed by building, electrical and plumbing codes; by fire safety requirements; and by workplace safety rules. The proposed variance does nothing to weaken the protection afforded under these existing rules and regulations.

Stormwater runoff from the project site is managed to avoid potential impacts on adjoining and downstream property, and has already been approved for a section 401 water quality certification from Oregon DEQ. Prior to construction this project will be required to obtain a 1200C stormwater permit.

The financial viability of the project is not guaranteed. Risks of failure are entirely in the hands of the developer. The public is not being asked to absorb these risks, or to subsidize the project either directly or indirectly. Since the project is new construction, it will be subject to the City's systems development charges, so it will presumably pay its fair share toward infrastructure development.

Environmental impacts of the project have been extensively analyzed during review by Oregon DSL. Wetland impacts are fully mitigated under Oregon DSL removal/fill permit 58926-RF. This mitigation is summarized on page two of this letter, and spelled out in detail in the approved state permit documents. Potential environmental impacts associated with transportation are addressed by existing emission controls on trucks and motor vehicles. The proposed variance and the project site avoid direct impacts to endangered or threatened species habitat.

Potential economic impacts for access and housing on the local community are often discussed in connection with the overall lack of housing stock in our area, which leads to our community's well-known problems of a lack of affordable housing. The proposed variance is required for this access road to allow construction of 74 residential single family homes in Warrenton. If this project is successful it will increase housing stocks in our area, which is reasonably expected to improve affordable housing problems by having more housing options available to our community given current demands.

There is also employment associated with the construction of the access road and Roosevelt Subdivision. These are positive developments in the labor market from the point of view of potential employees.

The proposed variance and resulting residential development will rely on existing public facilities and services: most significantly, water, sewer, police, fire, and streets. The site is in a location where these services and facilities are readily available. The Roosevelt Subdivision is also proposing a large public park (30,000SF) that will be maintained and operated by a homeowner's association at no cost to the public or City. The proposed variance is not materially detrimental to the public welfare as it is embodied in public facilities and services. The new homes that would be constructed from this project will also add to the property tax base which benefits the City of Warrenton and several other public taxing entities.

Neither the proposed variance nor the proposed development will be injurious to property or improvements in the vicinity of the site. Some plan elements, such as motor vehicle traffic, landscaping, setbacks, and signage, are addressed in the City's final site plan review.

Staff finding: Staff agrees with the applicant's response.

16.156.080(B)(6): The variance will be in general harmony with the intent and purpose of this chapter, and will not adversely affect any officially adopted Comprehensive Plan policy.

The proposed variance is in general harmony with the intent and purpose of the Significant Wetland Area Development Standard requirements (16.156.040), and with the rest of the Warrenton Development Code. The proposed variance will allow development of a wetland consistent with the City's General Industrial zoning designation and Oregon's wetland removal/fill permitting process. Although this wetland is rated as "significant" in the City's LWI, it is seriously degraded into an isolated wetland abutting SE 19th Street, as this location was completely cleared and artificially filled in the 1960s for an aluminum plant that was ultimately not built. The City's intentions with respect to this site are embodied in the industrial zoning designation, City road size standards, and Oregon Fire Code requirements for fire access safety.

Staff finding: Staff agrees.

CONCLUSION AND RECOMMENDATION

Staff believes the application satisfies all the wetland hardship variance criteria. The state has issued its wetland removal/fill permit. We recommend the Planning Commission approve the application.

Suggested motion: *Based on the findings and conclusion so the March 8, 2018 staff report, I move to approve Wetland Hardship Variance Application V18-1 by North River Homes.*

Attachments

Law Office of
John M. Nygaard LLC

389 NW 13th Street
Warrenton, OR 97146

Phone (503) 208-7346
Fax (503) 208-7346

john@oregonlawyerpdx.com

January 31, 2018

City of Warrenton Planning Department
Attn: Skip Urling
PO Box 250
Warrenton, OR 97146

Sent by Personal Delivery

Re: Hardship Variance Application, Warrenton Fiber Company/North River Homes LLC

Skip;

I am writing on behalf of my clients Warrenton Fiber Company (the owner of the easement for this site pending purchase from Clatsop County upon approvals) and North River Homes LLC. This letter and the accompanying application form and supporting documents constitute our application for approval of a hardship variance under section 16.156.040 and 16.156.080 of the Warrenton Development Code (WDC).

Per 16.156.040(7), development of significant wetlands is allowed with a City of Warrenton hardship variance in conjunction with a valid State of Oregon Wetland Removal-Fill Authorization. This project received State of Oregon Wetland Removal-Fill Authorization as Permit No. 58926-RF on July 12, 2017 from Oregon Department of State Lands (DSL), so a hardship variance from the City is needed to proceed.

Project Description

The project involves placement of fill material to construct a secondary fire access road in line with proposed Bugle Avenue south of SE 19th Street in Warrenton. This project's road design was approved by the Warrenton Planning Commission as part of the Roosevelt Subdivision on January 11, 2018.

The project site and the property subject to this hardship variance request is shown on the attached aerial drawing. The purpose of this hardship variance is to allow construction of a secondary fire access road required for Oregon fire safety purposes and built to City of Warrenton road standards on this site to the Forest Rim Subdivision and Roosevelt Subdivision.

Wetland Description

The proposal impacts approximately 0.54 acres of wetlands included in Warrenton's LWI, with approximately 0.35 acres of these wetlands categorized as "locally significant" by the City. A copy of the relevant portion of the City's wetland inventory map is attached.

Background

This project has been before the City for review prior to this variance request. City staff signed the Land Use Compatibility Statement (LUCS) for the U.S. Army Corps of Engineers/Oregon DSL joint wetland fill permit application later numbered 58926-RF. The applicants have obtained the following permits or approvals for this project as of the date of this variance request:

- Oregon DSL Wetland Removal Fill Permit: (7/2017)
- Section 401 Oregon DEQ Water Quality Certification: (6/2017)
- Oregon Department of Forestry logging permit (12/2017)

Copies of these permits and approvals are attached. Remaining permits and reviews for this project are under the City's jurisdiction.

Wetland Mitigation

As compensatory mitigation for the proposed loss of approximately 0.54 wetlands with approximately 0.35 acres of these wetlands categorized as City of Warrenton mapped significant wetlands, the applicant has purchased and applied 0.54 wetland mitigation credits from the Claremont Road Wetland Mitigation Bank to compensate for the wetland impact. These wetland credits permanently created and protected wetlands in an overall ratio that exceeds the impact site by more than 4:1. This mitigation action, already approved by the State of Oregon, is summarized in the attached Oregon DSL permit.

Hardship Variance Approval Criteria

Criteria for approval of a hardship variance are in WDC section 16.156.080. These criteria are excerpted below, followed by proposed findings.

16.156.080(A): *For any lands demonstrated to have been rendered not buildable by application of this chapter, the property owner may apply for a hardship variance for relief from the restrictions of this chapter.*

The subject property is not buildable as a result of restrictions imposed by this ordinance.

- The site's General Industrial (I1) zoning, its location in an industrial area, its high assessed valuation (2017 Clatsop County Assessor real market value of land = \$1,051,096), and its highway frontage all suggest that the subject property is not appropriate for a low-intensity use compatible with wetland preservation, such as a wildlife refuge or nature park. Development of a secondary fire access road required for fire safety here will require fill, both for the driving area and a concrete sidewalk.
- This site was selected as being the least amount of impact to wetlands to provide a secondary fire access built to City standards, as other locations in this area for would impact a greater amount of wetlands to provide this access as demonstrated in the permit application.
- Warrenton's development code requires access roads be a certain size to meet Oregon fire code standards, which is 26 feet if parking is allowed on one side, and 32 feet with parking on both sides. The City of Warrenton now has a road standard of 36 feet. In this design, the proposed road is 36 feet, in addition to a concrete sidewalk for non-vehicular access on one side and storm water processing swales. This street and sidewalk size is the least amount of wetland impacts possible to provide the required secondary fire access road to this area while also meeting City of Warrenton standards.

The applicant has obtained all relevant state wetland approvals needed to go forward with this project; however, without the City's approval of this variance, the project cannot proceed. The City should find that the site is not buildable without approval of the proposed hardship variance for the reasons herein.

16.156.080(B)(1): *The proposed development represents a reasonable and legal use of the lot or parcel, considering the zoning;*

The subject property is in the City's General Industrial (I1) zone. This zone allows 22 outright uses, including the proposed use as a road; *Transportation facilities and improvements* (WDC 16.60.020(Q)). The I1 zone allows a wide range of industrial and institutional uses outright. Clatsop County is seeking to develop an Industrial Business Park on the surrounding property, and is proposing transportation improvements to connect the proposed road from this project to other County roads and projects. Because of this, the proposed use is both legal and reasonable.

16.156.080(B)(2): *Strict adherence to this chapter and other applicable standards would effectively preclude a use of the parcel that could be reasonably expected to occur in similarly zoned parcels;*

Strict adherence to the provisions of this chapter prohibiting fill in significant wetlands prevents development of this parcel unless this hardship variance is granted. WDC section 16.156.040(B), (B)(7) reads as follows: *Alteration of a significant wetland or portion of a significant wetland by grading, excavating, placement of fill including structures, and removal of vegetation, shall be prohibited except for the following uses . . . Uses authorized by an approved City of Warrenton hardship variance in conjunction with a valid State of Oregon Wetland Removal-Fill Authorization.*

As noted above, this project already has Oregon DSL Wetland Removal-Fill Authorization, but without approval of this hardship variance, the use of this parcel for an access road as reasonably expected in similarly zoned parcels cannot occur.

16.156.080(B)(3): *The property owner would be precluded a substantial property right enjoyed by the majority of landowners in the vicinity.*

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16.156.080(B)(4): *The variance is the minimum necessary to retain use of the property.*

The applicant considered alternative designs and alternative locations that would minimize or eliminate the need for this variance. These alternatives are described in substantial detail in the Oregon DSL removal/fill application, and are summarized here, and in the attachments. Oregon DSL subjected this project to an impact avoidance/minimization standard before granting their approval.

Alternative designs and sites considered by the applicant are described below:

1. Avoid wetlands on the development site. This alternative avoids any wetland impacts, and thus the need for this variance. It was rejected by the applicant because there was not a location within Clatsop County's site area that could provide the necessary size required for a fire access road and City of Warrenton road standards while avoiding all wetland impacts, since wetlands cover most of this property. The selected project site impacts the least amount of wetlands possible.

2. Reduce access road footprint. This alternative reduces wetland impacts, and would still require a hardship variance. This option would not provide a sufficient access road size to safely allow a fire truck to pass while allowing parking on one side and having a concrete sidewalk for non-vehicular access, as City of Warrenton road standards currently require.
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4. Alternative site: access road to Dolphin Avenue. An access road to Dolphin Avenue would still involve wetland impacts, and this property was is not available for development to the applicant. This alternative was also not economically feasible. The applicant rejected this alternative site for these reasons.

Alternative sites and designs considered by the applicant do not meet the needs of the project or City of Warrenton road standards, and would impact locally significant wetlands to an extent comparable to the proposal. The proposed hardship variance is the minimum necessary to allow an economically feasible fire access road of the property built to City of Warrenton road standards.

3.10.400(B)(5): *Granting of the variance will not be materially detrimental to the public welfare or be injurious to property or improvements in the neighborhood of the premises.*

“The public welfare” is not defined in the City's planning documents. Presumably the term covers health, safety, financial viability, environmental factors, business climate, labor market, and infrastructure. There is no evidence that the variance will materially degrade public welfare generally, or any component or contributor to public welfare. Measures incorporated into the City's review of this project, into building codes, and into review processes of other agencies with jurisdiction, all address public welfare components, and either avoids impacts that will be materially detrimental, or mitigates unavoidable impacts.

Neither the variance nor the project would be materially detrimental to transportation safety. This secondary access road directly benefits transportation safety as a requirement for the Forest Rim Subdivision to be consistent with City of Warrenton and Oregon Fire Code requirements of having two fire approved accesses a certain distance apart. More detailed traffic impacts was done by Lancaster Engineering and reviewed by the City for the Roosevelt Subdivision, pursuant to WDC chapter 16.244.

Health and safety concerns related to homeowners and tenants at the Forest Rim Subdivision and proposed Roosevelt Subdivision are addressed by building, electrical and plumbing codes; by fire safety requirements; and by workplace safety rules. The proposed variance does nothing to weaken the protection afforded under these existing rules and regulations.

Stormwater runoff from the project site is managed to avoid potential impacts on adjoining and downstream property, and has already been approved for a section 401 water quality certification from Oregon DEQ. Prior to construction this project will be required to obtain a 1200C stormwater permit.

The financial viability of the project is not guaranteed. Risks of failure are entirely in the hands of the developer. The public is not being asked to absorb these risks, or to subsidize the project either directly or indirectly. Since the project is new construction, it will be subject to the City's systems development charges, so it will presumably pay its fair share toward infrastructure development.

Environmental impacts of the project have been extensively analyzed during review by Oregon DSL. Wetland impacts are fully mitigated under Oregon DSL removal/fill permit 58926-RF. This mitigation is summarized on page two of this letter, and spelled out in detail in the approved state permit documents. Potential environmental impacts associated with transportation are addressed by existing emission controls on trucks and motor vehicles. The proposed variance and the project site avoid direct impacts to endangered or threatened species habitat.

Potential economic impacts for access and housing on the local community are often discussed in connection with the overall lack of housing stock in our area, which leads to our community's well-known problems of a lack of affordable housing. The proposed variance is required for this access road to allow construction of 74 residential single family homes in Warrenton. If this project is successful it will increase housing stocks in our area, which is reasonably expected to improve affordable housing problems by having more housing options available to our community given current demands.

There is also employment associated with the construction of the access road and Roosevelt Subdivision. These are positive developments in the labor market from the point of view of potential employees.

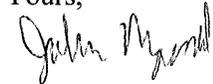
The proposed variance and resulting residential development will rely on existing public facilities and services: most significantly, water, sewer, police, fire, and streets. The site is in a location where these services and facilities are readily available. The Roosevelt Subdivision is also proposing a large public park (30,000SF) that will be maintained and operated by a homeowner's association at no cost to the public or City. The proposed variance is not materially detrimental to the public welfare as it is embodied in public facilities and services. The new homes that would be constructed from this project will also add to the property tax base which benefits the City of Warrenton and several other public taxing entities.

Neither the proposed variance nor the proposed development will be injurious to property or improvements in the vicinity of the site. Some plan elements, such as motor vehicle traffic, landscaping, setbacks, and signage, are addressed in the City's final site plan review.

16.156.080(B)(6): *The variance will be in general harmony with the intent and purpose of this chapter, and will not adversely affect any officially adopted Comprehensive Plan policy.*

The proposed variance is in general harmony with the intent and purpose of the Significant Wetland Area Development Standard requirements (16.156.040), and with the rest of the Warrenton Development Code. The proposed variance will allow development of a wetland consistent with the City's General Industrial zoning designation and Oregon's wetland removal/fill permitting process. Although this wetland is rated as "significant" in the City's LWI, it is seriously degraded into an isolated wetland abutting SE 19th Street, as this location was completely cleared and artificially filled in the 1960s for an aluminum plant that was ultimately not built. The City's intentions with respect to this site are embodied in the industrial zoning designation, City road size standards, and Oregon Fire Code requirements for fire access safety.

Yours,



John M. Nygaard

attachments: Warrenton LWI map
Aerial site photograph
Oregon DEQ 401 water quality certification
Oregon DSL removal/fill permit
Oregon Department of Forestry timber harvest permit
Clatsop County Easement to Warrenton Fiber Company

copy: Warrenton Fiber Company / North River Homes LLC

Department of State Lands
775 Summer Street, Suite 100
Salem, OR 97301-1279
☎ 503-986-5200

Permit No.: 58926-RF
Permit Type: Removal/Fill
Waterway: Wetland
County: Clatsop
Expiration Date: July 12, 2018
2018 Red

NORTH RIVER HOMES LLC

IS AUTHORIZED IN ACCORDANCE WITH ORS 196.800 TO 196.990 TO PERFORM THE OPERATIONS DESCRIBED IN THE ATTACHED COPY OF THE APPLICATION, SUBJECT TO THE SPECIAL CONDITIONS LISTED ON ATTACHMENT A AND TO THE FOLLOWING GENERAL CONDITIONS:

1. This permit does not authorize trespass on the lands of others. The permit holder shall obtain all necessary access permits or rights-of-way before entering lands owned by another. For new linear facility projects, the removal-fill activity cannot occur until the permit holder obtains either the landowner's consent, a right, title or interest with respect to the property that is sufficient to undertake the removal or fill activity, or a court order or judgment authorizing the use of the property.
2. This permit does not authorize any work that is not in compliance with local zoning or other local, state, or federal regulation pertaining to the operations authorized by this permit. The permit holder is responsible for obtaining the necessary approvals and permits before proceeding under this permit.
3. All work done under this permit shall comply with Oregon Administrative Rules, Chapter 340; Standards of Quality for Public Waters of Oregon. Specific water quality provisions for this project are set forth on Attachment A.
4. Violations of the terms and conditions of this permit are subject to administrative and/or legal action, which may result in revocation of the permit or damages. The permit holder is responsible for the activities of all contractors or other operators involved in work done at the site or under this permit.
5. Employees of the Department of State Lands (DSL) and all duly authorized representatives of the Director shall be permitted access to the project area at all reasonable times for the purpose of inspecting work performed under this permit.
6. Any permit holder who objects to the conditions of this permit may request a hearing from the Director, in writing, within twenty-one (21) calendar days of the date this permit was issued.
7. In issuing this permit, DSL of State Lands makes no representation regarding the quality or adequacy of the permitted project design, materials, construction, or maintenance, except to approve the project's design and materials, as set forth in the permit application, as satisfying the resource protection, scenic, safety, recreation, and public access requirements of ORS Chapters 196, 390, and related administrative rules.
8. Permittee shall defend and hold harmless the State of Oregon, and its officers, agents and employees from any claim, suit, or action for property damage or personal injury or death arising out of the design, material, construction, or maintenance of the permitted improvements.
9. Authorization from the U.S. Army Corps of Engineers may also be required.

NOTICE: If removal is from state-owned submerged and submersible land, the permittee shall comply with leasing and royalty provisions of ORS 274.530. If the project involves creation of new lands by filling on state-owned submerged or submersible lands, you shall comply with ORS 274.905 to 274.940 if you want a transfer of title; public rights to such filled lands are not extinguished by issuance of this permit. This permit does not relieve the permittee of an obligation to secure appropriate leases from DSL of State Lands, to conduct activities on state-owned submerged or submersible lands. Failure to comply with these requirements may result in civil or criminal liability. For more information about these requirements, please contact Department of State Lands, 503-986-5200.

Lori Warner-Dickason, Northern Region Manager
Aquatic Resource Management
Oregon Department of State Lands

Lori Warner-Dickason
Authorized Signature

July 12, 2017
Date Issued

ATTACHMENT A

Permit Holder: North River Homes LLC

Project Name: North Coast Business Park Road Project

Special Conditions for Removal/Fill Permit No. 58926-RF

READ AND BECOME FAMILIAR WITH CONDITIONS OF YOUR PERMIT.

The project site may be inspected by the Department of State Lands (DSL) as part of our monitoring program. DSL has the right to stop or modify the project at any time if you are not in compliance with these conditions. A copy of this permit shall be available at the work site whenever authorized operations are being conducted.

1. **Responsible Party:** By signature on the application, Adam Svenson is acting as the representative of North River Homes LLC (Permittee). By proceeding under this permit, Permittee agrees to comply with and fulfill all terms and conditions of this permit, unless the permit is officially transferred to another party as approved by DSL.
2. **Authorization to Conduct Removal and/or Fill:** This permit authorizes the placement of up to 2,135 cubic yards and removal of up to 8 cubic yards of material in T 8N R 10W Section 27D, Tax Lot(s) 207 within wetlands in Clatsop County, as described in the attached permit application, map and drawings, received May 8, 2017. In the event information in the application conflicts with these permit conditions, the permit conditions prevail. See Attachment B for project location(s).
3. **Changes to the Project or Inconsistent Requirements from Other Permits:** It is the permittee's responsibility to ensure that all state, federal and local permits are consistent and compatible with the final approved project plans and the project as executed. Any changes made in project design, implementation and/or operating conditions to comply with conditions imposed by other permits resulting in removal/fill activity must be approved by DSL prior to implementation.
4. **DSL May Halt or Modify:** DSL retains the authority to temporarily halt or modify the project or require rectification in case of unforeseen damage.
5. **DSL May Modify Conditions Upon Permit Renewal:** DSL retains the authority to modify conditions upon renewal, as appropriate, pursuant to the applicable rules in effect at the time of the request for renewal or to protect waters of this state.

Pre-Construction

6. **Local Government Approval Required Before Beginning Work:** Prior to the start of construction, the permittee shall obtain a development permit, a wetland hardship variance, and demonstration of consistency with WMC 16.244 Coastal Zone Consistency Review from the City of Warrenton.
7. **Stormwater Management Approval Required Before Beginning Work:** Prior to the start of construction, the permittee shall obtain a National Pollution Discharge Elimination System (NPDES) permit from the Oregon Department of Environmental Quality (DEQ), if one is required by DEQ.

8. **Pre-construction Resource Area Fencing or Flagging:** Prior to any site grading, the boundaries of the avoided wetlands, waterways, and riparian areas adjacent to the project site must be surrounded by noticeable construction fencing or flagging. The marked areas must be maintained during construction of the project and be removed immediately upon project completion.

General Construction Conditions

9. **Water Quality Certification:** The Department of Environmental Quality (DEQ) may evaluate this project for a Clean Water Act Section 401 Water Quality Certification (WQC). If the evaluation results in issuance of a Section 401 WQC, that turbidity condition will govern any allowable turbidity exceedance and monitoring requirements.
10. **Erosion Control Methods:** The following erosion control measures (and others as appropriate) shall be installed prior to construction and maintained during and after construction as appropriate, to prevent erosion and minimize movement of soil into waters of this state.
- a. All exposed soils shall be stabilized during and after construction in order to prevent erosion and sedimentation.
 - b. Filter bags, sediment fences, sediment traps or catch basins, leave strips or berms, or other measures shall be used to prevent movement of soil into waterways and wetlands.
 - c. To prevent erosion, use of compost berms, impervious materials or other equally effective methods, shall be used to protect soil stockpiled during rain events or when the stockpile site is not moved or reshaped for more than 48 hours.
 - d. Unless part of the authorized permanent fill, all construction access points through, and staging areas in, riparian and wetland areas shall use removable pads or mats to prevent soil compaction. However, in some wetland areas under dry summer conditions, this requirement may be waived upon approval by DSL. At project completion, disturbed areas with soil exposed by construction activities shall be stabilized by mulching and native vegetative plantings/seeding. Sterile grass may be used instead of native vegetation for temporary sediment control. If soils are to remain exposed more than seven days after completion of the work, they shall be covered with erosion control pads, mats or similar erosion control devices until vegetative stabilization is installed.
 - e. Where vegetation is used for erosion control on slopes steeper than 2:1, tackified seed mulch shall be used so the seed does not wash away before germination and rooting.
 - f. Dredged or other excavated material shall be placed on upland areas having stable slopes and shall be prevented from eroding back into waterways and wetlands.
 - g. Erosion control measures shall be inspected and maintained as necessary to ensure their continued effectiveness until soils become stabilized.
 - h. All erosion control structures shall be removed when the project is complete and soils are stabilized and vegetated.
11. **Hazardous, Toxic, and Waste Material Handling:** Petroleum products, chemicals, fresh cement, sandblasted material and chipped paint, wood treated with leachable preservatives or other deleterious waste materials shall not be allowed to enter waters of this state. Machinery refueling is to occur at least 150 feet from waters of this state and confined in a designated area to prevent spillage into waters of this state. Barges shall have containment system to effectively prevent petroleum products or other deleterious material from entering waters of this state. Project-related spills into waters of this state or onto land with a potential to enter waters of this state shall be reported to the Oregon Emergency Response System (OERS) at 1-800-452-0311.

12. **Federally Listed Endangered or Threatened Species:** When listed species are present, the authorization holder shall comply with the Federal Endangered Species Act. If previously unknown listed species are encountered during construction, all construction activity shall immediately cease and the permit holder shall contact DSL.
13. **Archaeological Resources:** If any archaeological resources and/or artifacts are encountered during construction, all construction activity shall immediately cease. The State Historic Preservation Office shall be contacted at 503-986-0674.
14. **Construction Corridor:** There shall be no removal of vegetation or heavy equipment operating or traversing outside the designated construction corridor or footprint (see "Limits of Work" specified on Impacts Map).
15. **Temporary Ground Disturbances:** All temporarily disturbed areas shall be returned to original ground contours at project completion, and planted or seeded with native grass as proposed in the application.
16. **Maintain Natural Drainage:** Culverts shall be installed within the road prism to maintain hydraulic connectivity within the wetland. The project shall be designed and constructed such that the natural flow of water is not impeded. All culverts shall avoid accumulations of sediment or debris that may impair the natural flow of water.

Mitigation Conditions / Monitoring Conditions

Bank Credits

17. **Mitigation Bank Credit Purchase:** Mitigation for the unavoidable loss of 0.54 acres of riverine and slope wetland has been accomplished via purchase of 0.54 credits from the Claremont Road Wetland Mitigation Bank, per the proof of purchase.

Monitoring and Reporting Requirements

18. **Post-Construction Report Required:** A post-construction report demonstrating as-built conditions and discussing any variation from the approved plan shall be provided to DSL within 90 days of completion.

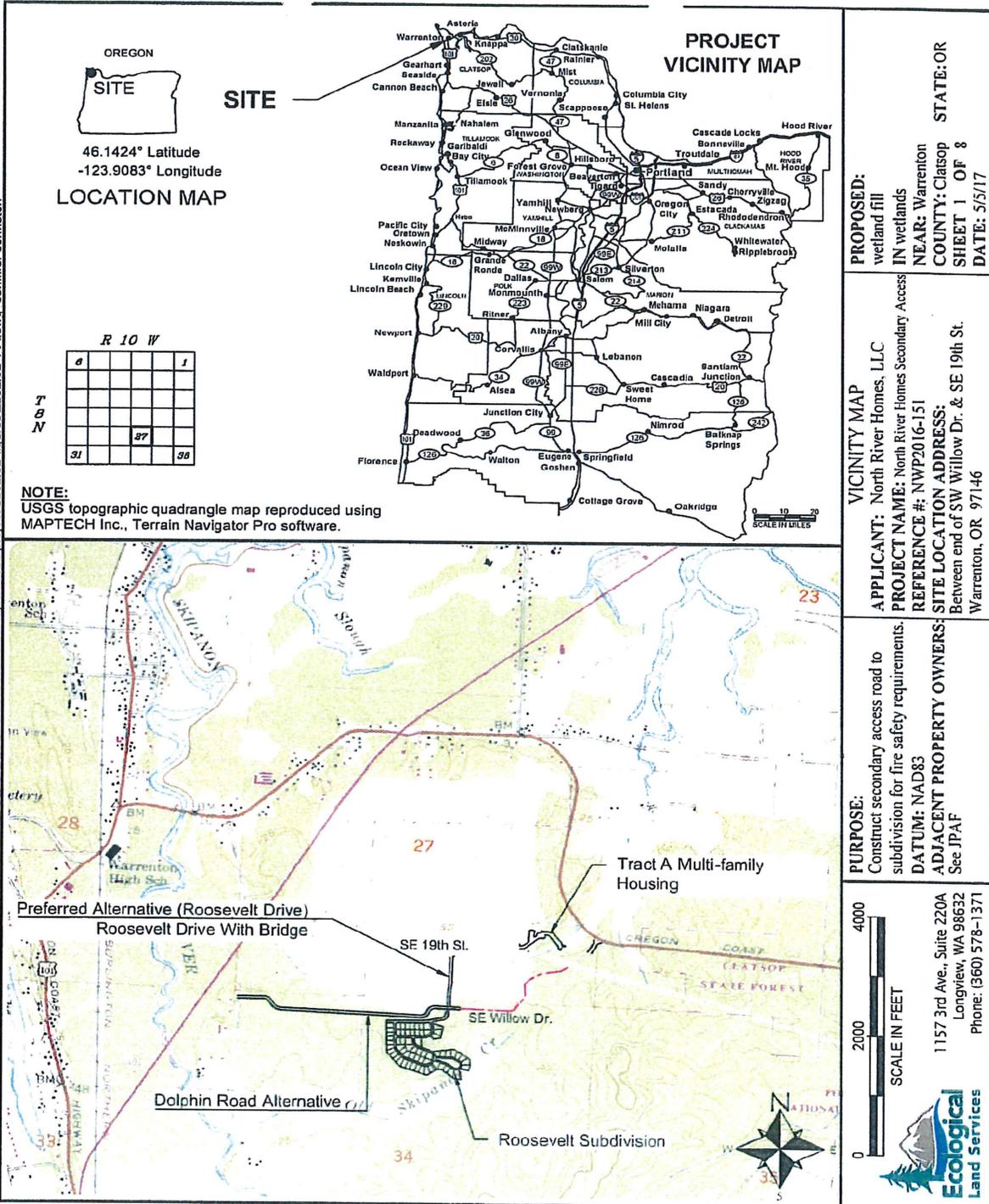
ATTACHMENT B

Permit Holder: North River Homes LLC

Project Name: North Coast Business Park Road Project

Maps and Drawings for Removal/Fill Permit No. 58926-RF

5/5/2017 5:02 PM s:\EL\S\OR\Clatsop\warrenton\2282-02-north coast business park road project\2282-02-figures\2282-02_AA.dwg Jennifer Johnston



OREGON
SITE
46.1424° Latitude
-123.9083° Longitude
LOCATION MAP

R 10 W		
8		1
	27	
31		36

NOTE:
USGS topographic quadrangle map reproduced using
MAPTECH Inc., Terrain Navigator Pro software.

PROJECT VICINITY MAP

PROPOSED:
wetland fill
IN wetlands
NEAR: Warrenton
COUNTY: Clatsop
STATE: OR
SHEET 1 OF 8
DATE: 5/5/17

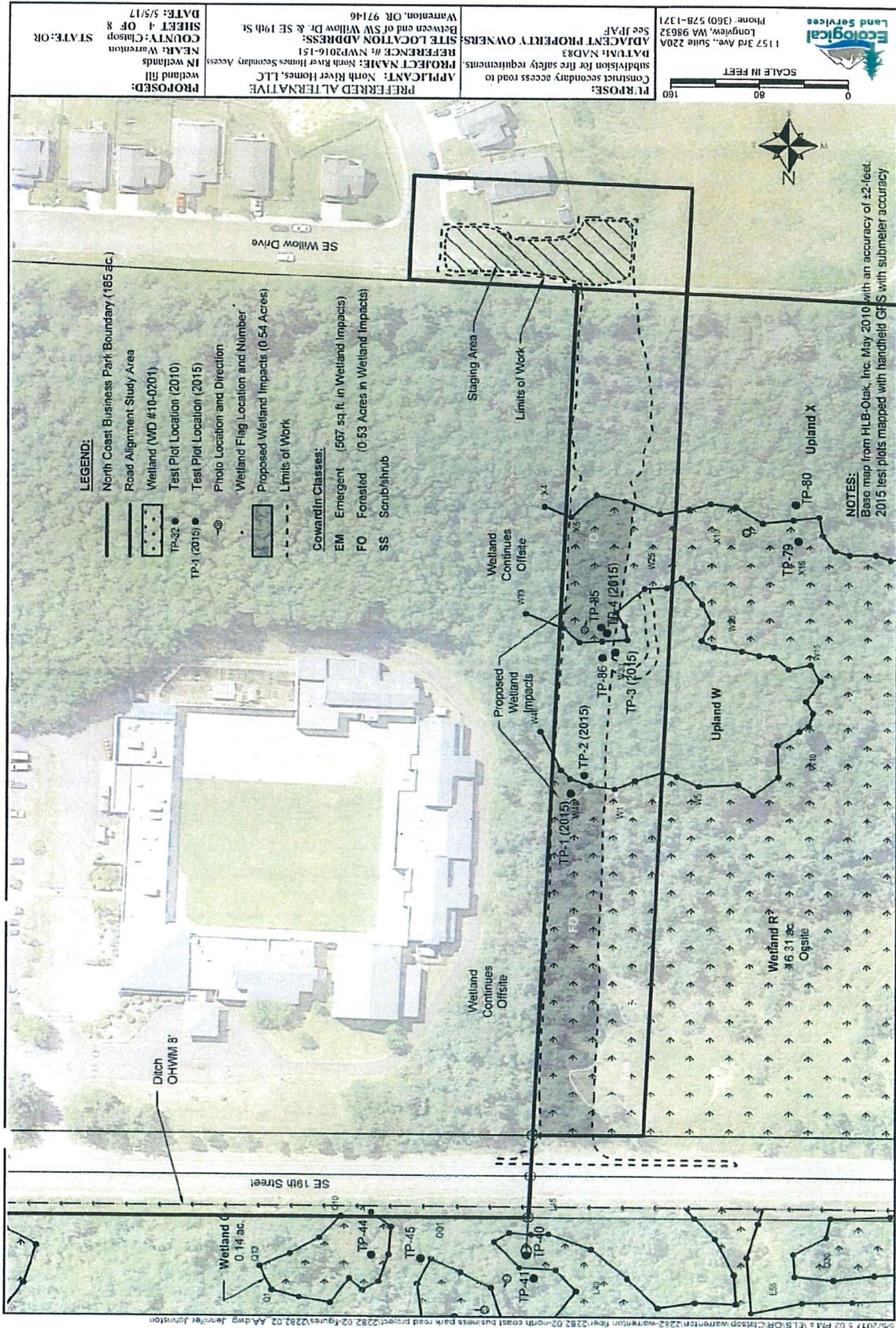
VICINITY MAP

APPLICANT: North River Homes, LLC
PROJECT NAME: North River Homes Secondary Access
REFERENCE #: NWP2016-151
SITE LOCATION ADDRESS:
Between end of SW Willow Dr. & SE 19th St.
Warrenton, OR 97146

PURPOSE:
Construct secondary access road to
subdivision for fire safety requirements.
DATUM: NAD83
ADJACENT PROPERTY OWNERS:
See JPAP

0 2000 4000
SCALE IN FEET

1157 3rd Ave., Suite 220A
Longview, WA 98632
Phone: (360) 578-1371





Oregon

Kate Brown, Governor

Department of Environmental Quality
Northwest Region
700 NE Multnomah Street, Suite 600
Portland, OR 97232
(503) 229-5263
FAX (503) 229-6945
TTY 711

June 8, 2017

Adam Svenson
North River Homes, LLC
PO Box 716
Astoria, OR 97103

RE: 2016-00151; North Coast Business Park Road Project 401 Water Quality Certification

The Department of Environmental Quality (DEQ) has reviewed the U.S. Army Corps of Engineers (USACE) Permit application #2016-00151, pursuant to a request for a Clean Water Act Section 401 Water Quality Certification (WQC) received on September 26, 2016. DEQ's 401 WQC public comment opportunity was circulated with the USACE public notice, and DEQ received no water quality comments.

According to the application, Adam Svenson ("the Applicant") proposes to impact the Skipanon River in order to develop a roadway. The project is located in wetlands tributary to the Skipanon River, in the City of Warrenton, Clatsop County, Oregon (Section 27, T8N/R10W).

Project Description: The project would add a two-lane secondary access road from the Forest Rim subdivision to a public street to meet city code fire safety requirements. The road will extend 840 feet to the south and be 38 feet wide. Approximately 260 feet of SW Willow Drive will be widened to 26 feet wide. Approximately one acre of new impervious surface will be created; the total contributing impervious surface, including contiguous impervious surface, will be 1.42 acres.

Construction of the roadway will fill 0.54 acres of a 1.04-acre wetland onsite, leaving 0.5 acre wetland onsite. Two cross culverts will be installed to maintain the wetland's hydraulic connectivity.

Status of Affected Waters of the State: The Skipanon River is classified as water quality limited under the Federal Clean Water Act. The Skipanon River is on the Section 303(d) list of impaired water bodies for dissolved oxygen, *E. coli*, and fecal coliform.

The above listed parameters impair the following beneficial uses in the Skipanon River: fish & aquatic life and water contact recreation. Other beneficial uses in the Skipanon River include public domestic water supply, private domestic water supply, industrial water supply, irrigation, livestock watering, wildlife & hunting, fishing, boating, water contact recreation, and aesthetic quality.

Certification Decision: Based on the information provided by the Applicant and the USACE, DEQ is reasonably assured that implementation of the project will be consistent with applicable provisions of Sections 301, 302, 303, 306, and 307 of the federal Clean Water Act, state water

quality standards set forth in Oregon Administrative Rules Chapter 340 Division 41, and other appropriate requirements of state law, provided the following conditions are strictly adhered to by the Applicant.

401 WQC GENERAL CONDITIONS

- 1) **Responsible parties:** This 401 WQC applies to the Applicant. The Applicant is responsible for the work of its contractors and sub-contractors, as well as any other entity that performs work related to this WQC.
- 2) **Work Authorized:** Work authorized by this 401 WQC is limited to the work described in the Joint Permit Application signed on March 2, 2016 and additional application materials (hereafter "the permit application materials"), unless otherwise authorized by DEQ. If the project is operated in a manner not consistent with the project description contained in the permit application materials, the Applicant is not in compliance with this 401 WQC and may be subject to enforcement.
- 3) **Duration of Certificate:** This 401 WQC for impacts to waters, including dredge and fill activities, is valid for five years from the date of issuance of the USACE 404 permit. A new or modified 401 WQC must be requested prior to any modification of the USACE 404 permit. Post-construction stormwater facilities must be maintained for the life of the facility.
- 4) A copy of this 401 WQC letter must be kept on the job site and readily available for reference by the Applicant and its contractors, as well as by DEQ, USACE, National Marine Fisheries Service (NMFS), Oregon Department of Fish and Wildlife (ODFW), and other appropriate state and local government inspectors.
- 5) **Modification:** Any approved modifications to this 401 WQC will incur a Tier 1 fee of \$985 at a minimum. Complex modifications may be charged a higher fee.
- 6) The Applicant must notify DEQ of any change in ownership or control of this project and obtain DEQ review and approval before undertaking any change to the project that might affect water quality.
- 7) DEQ may modify or revoke this 401 WQC, in accordance with OAR 340-048-0050, if the project changes or project activities are having an adverse impact on state water quality or beneficial uses, or if the Applicant is otherwise in violation of the conditions of this certification.
- 8) The Applicant and its contractors must allow DEQ access to the project site, staging areas, and mitigation sites to monitor compliance with these 401 WQC conditions, including
 - a. Access to any records, logs, and reports that must be kept under the conditions of this 401 WQC;
 - b. To inspect best management practices (BMPs), monitoring or operational equipment or methods;
 - c. To collect samples or monitor any discharge of pollutants.

- 9) Failure of any person or entity to comply with this Order may result in the issuance of civil penalties or other actions, whether administrative or judicial, to enforce its terms.

CONSTRUCTION SPECIFIC CONDITIONS

- 10) **Erosion Control:** During construction, erosion control measures must be implemented to prevent or control movement of soil into waters of the state. The Applicant is required to develop and implement an effective erosion and sediment control plan. **Any project that disturbs more than one acre is required to obtain an NPDES 1200-C construction stormwater general permit from DEQ.** In addition, the Applicant must do the following, unless otherwise authorized by DEQ in writing:
- a. Maintain an adequate supply of materials necessary to control erosion at the project construction site.
 - b. Deploy compost berms, impervious materials, or other effective methods during rain events or when stockpiles are not moved or reshaped for more than 48 hours. Erosion of stockpiles is prohibited.
 - c. Inspect erosion control measures daily and maintain erosion control measures as often as necessary to ensure the continued effectiveness of measures. Erosion control measures must remain in place until all exposed soil is stabilized.
 - i. If monitoring or inspection shows that the erosion and sediment controls are ineffective, the Applicant must mobilize immediately to make repairs, install replacements, or install additional controls as necessary.
 - ii. If sediment has reached 1/3 of the exposed height of a sediment or erosion control, the Applicant must remove the sediment to its original contour.
 - d. Use removable pads or mats to prevent soil compaction at all construction access points through, and staging areas in, riparian or wetland areas to prevent soil compaction, unless otherwise authorized by DEQ.
 - e. Flag or fence off wetlands not specifically authorized to be impacted to protect from disturbance and/or erosion.
 - f. Place dredged or other excavated material on upland areas with stable slopes to prevent materials from eroding back into waterways or wetlands.
 - g. Place clean aggregate at all construction entrances, and utilize other BMPs, including, but not limited to truck or wheel washes, when earth moving equipment is leaving the site and traveling on paved surfaces. The tracking of sediment off site by vehicles is prohibited.
 - h. This certification *does not* authorize the placement of BMPs into waters of the state unless specifically outlined in the application and authorized by DEQ.
- 11) **Deleterious waste materials:** The Applicant is prohibited from placing biologically harmful materials and construction debris including, but not limited to petroleum products, chemicals, cement cured less than 24 hours, welding slag and grindings, concrete saw cutting by-products, sandblasted materials, chipped paint, tires, wire, steel posts, asphalt and waste concrete where such materials could enter waters of the state, including wetlands (wetlands are waters of the state). The Applicant must do the following:

- a. Cure concrete, cement, or grout for at least 24 hours prior to any contact with flowing waters;
- b. Use only clean fill, free of waste and polluted substances;
- c. Employ all practicable controls to prevent discharges of spills of deleterious materials to surface or ground water;
- d. Maintain at the project construction site, and deploy as necessary, an adequate supply of materials needed to contain deleterious materials during a weather event;
- e. Remove all foreign materials, refuse, and waste from the project area; and
- f. Employ general good housekeeping practices at all times.

12) **Spill Prevention:** The Applicant must fuel, operate, maintain and store vehicles and equipment, and must store construction materials, in areas that will not disturb habitat either directly or result in potential discharges. In addition, the following specific requirements apply:

- a. Vehicle staging, cleaning, maintenance, refueling, and fuel storage must take place in a vehicle staging area placed 150 feet or more from any waters of the state. An exception to this distance may be authorized upon written approval by DEQ if all practicable prevention measures are employed and this distance is not possible because of any of the following site conditions:
 - i. Physical constraints that make this distance not feasible (e.g., steep slopes, rock outcroppings);
 - ii. Natural resource features would be degraded as a result of this setback; or
 - iii. Equal or greater spill containment and effect avoidance is provided even if staging area is less than 150 feet of any waters of the state.
- b. If staging areas are within 150 feet of any waters of the state, as allowed under subsection (a)(iii) of this condition, full containment of potential contaminants must be provided to prevent soil and water contamination, as appropriate.
- c. All vehicles operated within 150 feet of any waters of the state must be inspected daily for fluid leaks before leaving the vehicle staging area. Any leaks detected in the vehicle staging area must be repaired before the vehicle resumes operation.
- d. Before operations begin and as often as necessary during operation, equipment must be steam cleaned (or undergo an approved equivalent cleaning) until all visible external oil, grease, mud, and other visible contaminants are removed if the equipment will be used below the bank of a waterbody.
- e. All stationary power equipment (e.g., generators, cranes, stationary drilling equipment) operated within 150 feet of any waters of the state must be covered by an absorbent mat to prevent leaks, unless other suitable containment is provided to prevent potential spills from entering any waters of the state.
- f. An adequate supply of materials (such as straw matting/bales, geotextiles, booms, diapers, and other absorbent materials) needed to contain spills must be maintained at the project construction site and deployed as necessary.
- g. All equipment operated in state waters must use bio-degradable hydraulic fluid.
- h. A maintenance log documenting equipment maintenance inspections and actions must be kept on-site and available upon request.

13) **Spill & Incident Reporting:**

- a. In the event that petroleum products, chemicals, or any other deleterious materials are discharged into state waters, or onto land with a potential to enter state waters, the Applicant must promptly report the discharge to the Oregon Emergency Response System (OERS, 1-800-452-0311). The Applicant must immediately begin containment and complete cleanup as soon as possible.
- b. If the project operations cause a water quality problem which results in distressed or dying fish, the Applicant must immediately do the following: cease operations; take appropriate corrective measures to prevent further environmental damage; collect fish specimens and water samples; and notify DEQ, ODFW and other appropriate regulatory agencies.

14) Vegetation Protection and Restoration:

- a. The Applicant must protect riparian, wetland, and shoreline vegetation in the authorized project area (as defined in the permit application materials) from disturbance through one or more of the following:
 - i. Minimization of project and impact footprint;
 - ii. Designation of staging areas and access points in open, upland areas;
 - iii. Fencing and other barriers demarcating construction areas; and
 - iv. Use of alternative equipment (e.g., spider hoe or crane).
- b. If authorized work results in vegetative disturbance and the disturbance has not been accounted for in planned mitigation actions, the Applicant must successfully reestablish vegetation to a degree of function equivalent to or better than before the disturbance. The standard for success is 80% cover for native plant species. The vegetation must be reestablished by the completion of authorized work and include the following:
 - i. Restoring damaged streambanks to a natural slope, pattern, and profile suitable for establishment of permanent woody vegetation, unless precluded by pre-project conditions (e.g., a natural rock wall).
 - ii. Replanting or reseeding each area requiring revegetation before the end of the first planting season following construction.
 - iii. Planting disturbed areas with native plants and trees in all cases except where the use of non-native plant materials may be essential for erosion control.
 - iv. Using invasive species to reestablish vegetation is prohibited.
 - v. Herbicides, pesticides and fertilizers must be applied per manufacturer's instructions, and only if necessary for vegetation establishment. If chemical treatment is necessary, the Applicant is responsible for ensuring that pesticide application laws, including with the 2300-A pesticide NPDES general permit are met. Please review the information on the following website for more information:
www.deq.state.or.us/wq/wqpermit/pesticides.htm.

Additionally:

1. Unless otherwise approved in writing by DEQ, applying surface fertilizer within stormwater treatment facilities or within 50 feet of any stream channel is prohibited;
2. Other than spot application to cut stems, no herbicides are allowed within stormwater treatment facilities or within 150 feet of waters of

- the state. Mechanical, hand, or other methods may be used to control weeds and unwanted vegetation within stormwater treatment facilities or within 150 feet of waters of the state; and
3. No pesticides may be used within stormwater treatment facilities or within 150 feet of waters of the state.
 - vi. Install wildlife-friendly fencing as necessary to prevent access to revegetated sites by livestock or unauthorized persons.
 - vii. Minimize soil compaction, especially in areas that are designated to be replanted. If soils are compacted, decompact staging areas and work construction areas prior to replanting. Leave topsoil when possible. Chip materials from clear and grub operation and spread on soil surface, unless cleared areas contained invasive species.
- 15) Provide a minimum 50-foot buffer zone to protect existing riparian areas and wetlands unless authorized in writing by DEQ.
 - 16) **Notification to DEQ:** The Applicant must provide pre-construction notification to DEQ one week prior to the start of construction. Contact information can be found at the end of the certification.

SPECIFIC CONDITIONS FOR POST CONSTRUCTION STORMWATER MANAGEMENT

- 17) **Post Construction Stormwater Management:** The Applicant must implement and comply with the terms of the approved post-construction stormwater management plan, which describes best management practices (BMPs) to prevent or treat pollution in stormwater anticipated to be generated by the project, in order to comply with state water quality standards. The stormwater management plan includes two bioswales for the new roadway and 5-foot wide filter strips on either side of the portion of SE Willow Drive that will be improved.

The Applicant must implement BMPs as proposed in the stormwater management plan, including operation and maintenance, dated October 4, 2016. If proposed stormwater facilities change due to site conditions, the Applicant must notify DEQ, and receive approval in writing.

Within 30 days of project completion, the Applicant must submit a copy of the 'As-Builts' or red-lined construction drawings showing all stormwater management facilities.

- 18) **Stormwater Management & System Maintenance:** The Applicant is required to implement effective operation and maintenance until the City of Warrenton assumes responsibility. Maintenance practices must be performed for the lifetime of the proposed facility. These include but are not limited to
 - a. Maintenance techniques and frequency for each system component must follow appropriate recommendations in accepted manuals.
 - b. Long-term operation and maintenance of stormwater treatment facilities will be the responsibility of the Applicant, unless and until an agreement transferring that responsibility to another entity is submitted to DEQ.

- 19) **Corrective Action May Be Required:** The Department retains the authority to require corrective action in the event the stormwater management facilities are not built or performing as described in the plan.

If the Applicant is dissatisfied with the conditions contained in this certification, a contested case hearing may be requested in accordance with OAR 340-048-0045. Such request must be made in writing to the DEQ Office of Compliance and Enforcement at 811 SW 6th Avenue, Portland Oregon 97204 within 20 days of the mailing of this certification.

The DEQ hereby certifies this project with the above conditions in accordance with the Clean Water Act and state rules. If you have any questions, please contact Amy Simpson at simpson.amy@deq.state.or.us, by phone at 503-229-5051, or at the address on this letterhead.

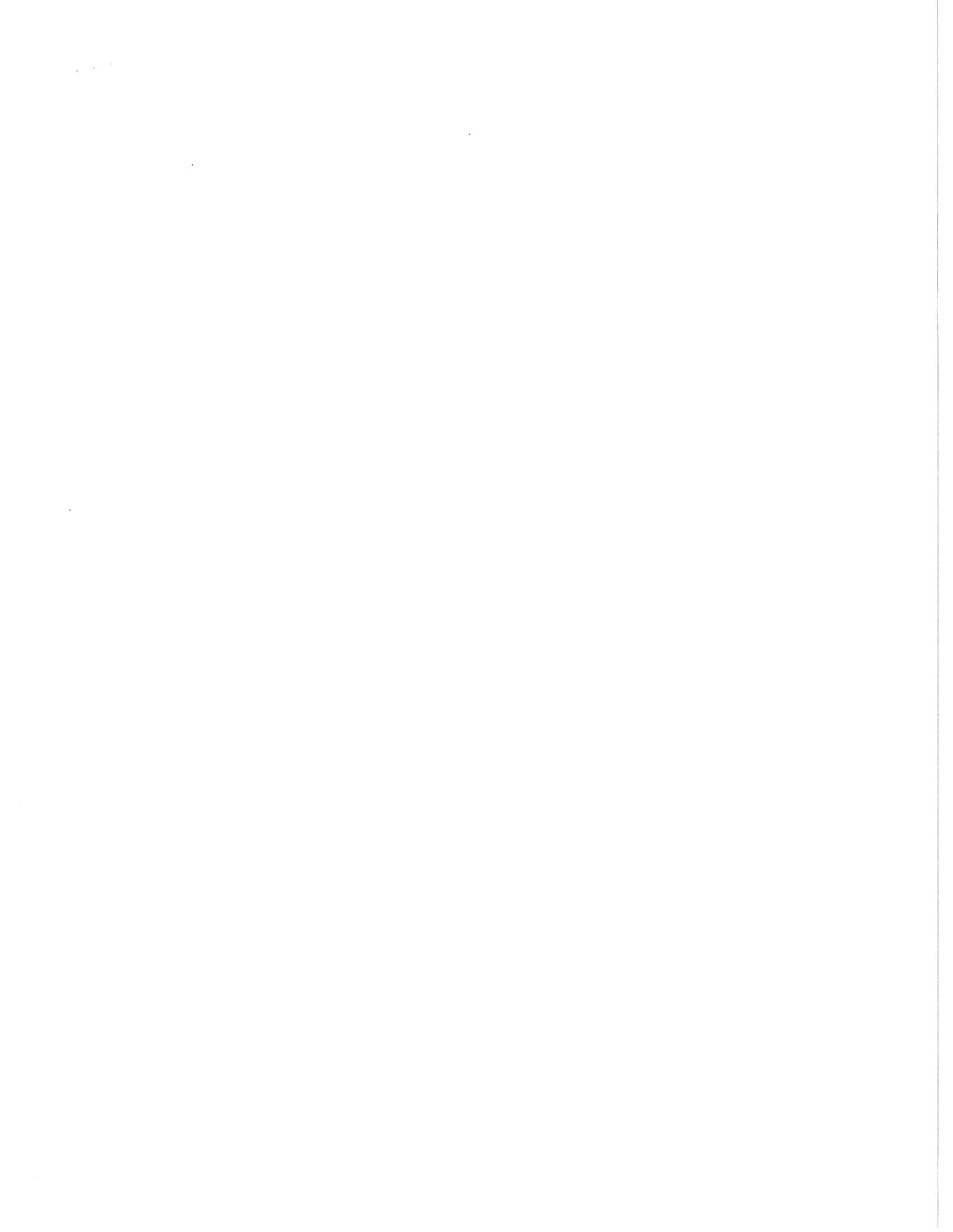
Sincerely,



Steve Mrazik
Water Quality Manager
Northwest Region

2016-00151 401 WQC.docm

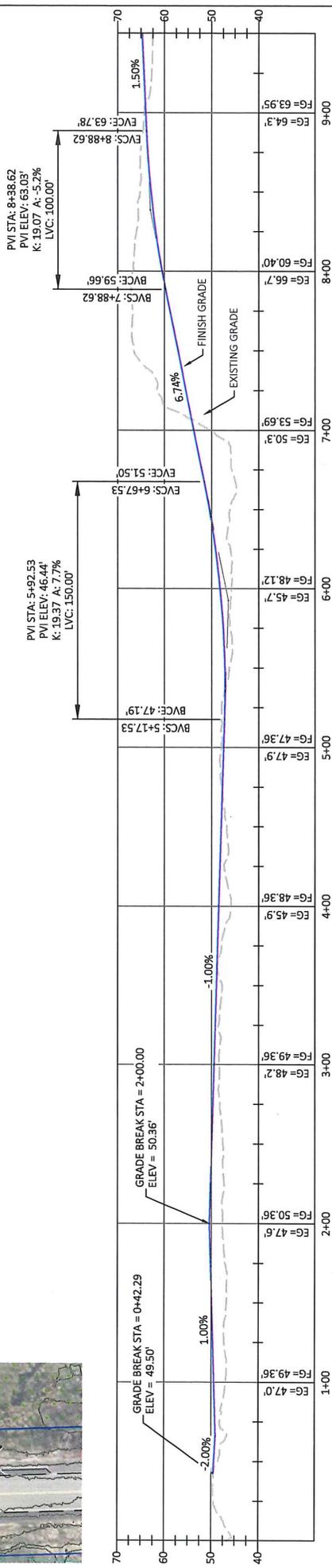
ec: Danielle Erb, USACE
Dan Cary, DSL
Scott Sebring, NOAA Fisheries
Steffanie Taylor, Ecological Land Services





ACCESS ROAD AND WILLOW EXTENSION SITE PLAN

SCALE 1" = 60'



ACCESS ROAD PROFILE

SCALE HORIZONTAL: 1" = 80' VERTICAL: 1" = 20'



DATE	MARK	DESCRIPTION
JUL 22, 2025	RCS	DESIGNED BY
	RCS	CHECKED BY
	RCS	DRAWN BY
	RCS	DATE
		REVISIONS
		MARK
		DATE
		DESCRIPTION
		COUNTY COMMENTS

ACCESS ROAD ALIGNMENT W/PROFILE
EXISTING AND FINISH GRADE CONTOURS

NORTH RIVER HOMES, LLC
DRAWING NUMBER
R1.0

FILE NAME: ACCESS ROAD 10 27 15 B.dwg
REVISIONS: JUNE 30, 2016

AGENCY REVIEW SET 50%

WARRENTON LOCAL WETLAND INVENTORY

As adopted by ordinance from Shippori, 1996

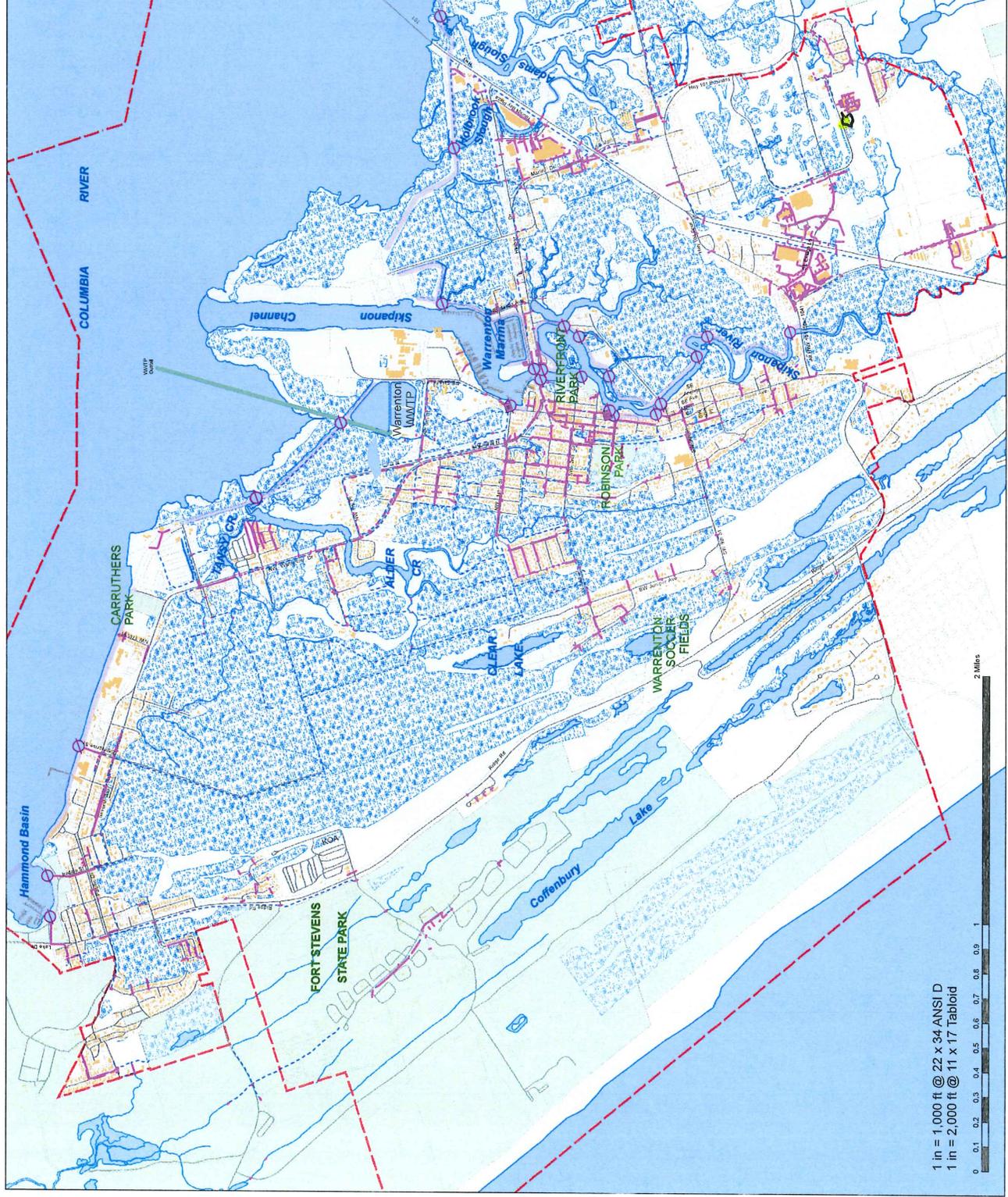
-  Local Wetland Inventory
-  Dikes & Levees
-  Tide Gates
-  Cities
-  Stormwater Drainage
-  Drainage Ditches
-  WWTP Outfall

ROOSEVELT DAMS
GIS

CITY OF WARRENTON



Compiled 2/20/11, Warrenton, Ore., of Public Works Staff, Callan@warrentonoregon.gov, LUCY@warrentonoregon.gov



1 in = 1,000 ft @ 22 x 34 ANSI D
1 in = 2,000 ft @ 11 x 17 Tabloid



0 0.1 0.2 0.3 0.4 0.5 0.6 0.7 0.8 0.9 1 2 Miles



NOTIFICATION OF OPERATIONS/PERMIT TO OPERATE POWER-DRIVEN MACHINERY (NOAP)



Notification Number: 2017-521-13715
Operation Name: Forest Rim Road

This NOAP includes the following for the lands described in the NOAP:

The notifier has given notice to the State Forester that an operation will be conducted.

The Oregon Department of Forestry or local Forest Protective Association has issued a permit to use fire or operate power-driven machinery.

The notifier has given notice to the State Forester and the Department of Revenue of the intent to harvest timber.

Person Submitting the NOAP: Mike O'Bryan
Date NOAP Submitted: November 30, 2017
Report Generated: December 4, 2017

15-Day Waiting Period

You must wait at least 15 days after successful submittal of this NOAP before starting the activities in the NOAP (see OAR 629-605-0150(1)). You may ask the Stewardship Forester to waive this 15-day waiting period, **but you must wait the full 15 days unless the Stewardship Forester notifies you that you may start sooner.**

Oregon Department of Forestry Contact Info

Astoria
92219 Hwy 202
Astoria, Oregon 97103
Phone: (503) 325-5451
Stewardship Forester: Ashley Lertora
Email: ashley.m.lertora@oregon.gov

Operator's Fire Emergency Contact

Contact Name: Mike O'Bryan
Phone: (503) 741-0261

Landowner(s)

Clatsop County Works Clatsop County Public Works
Clatsop County Public Works
1100 Olney Avenue
Astoria, Oregon 97103
(503) 325-8631

Notice to Landowner(s)

Reforestation may be required after timber harvesting. The Oregon Department of Forestry may conduct on-site inspections for compliance with forest practice and fire protection laws. Land use conversion to non-forest use is subject to other state and local regulations, which may affect use or development of a site.

Timber Owner

Mike O'Bryan
Warrenton Fiber Co.
P.O. Box 100
Warrenton, Oregon 97146
(503) 861-3305

Notice to Timber Owner

If timber is harvested, the party owning the timber at the point it is first measured is responsible for payment of Oregon timber taxes.

Written Plans

A Written Plan (in addition to this NOAP) is required before starting activities near the Resources listed under Site Conditions or Units below unless waived in Technical Note #10 Statutory Written Plan Waiver (available [here](#) or at the local Oregon Department of Forestry office). The Stewardship Forester may notify you of other resources or Written Plan requirements. Written Plans have a waiting period separate from the NOAP waiting period. For more information, contact the Stewardship Forester or see [OAR 629-605-0170](#).

Unit 1 of 1: Bugle Road

0.6 acres Clatsop County(s)

T8N R10W Sec27,T8N R10W Regulated Use Area: NW-1
Sec34

Operator:
Mike O'Bryan
Warrenton Fiber Co.
P.O. Box 100
Warrenton, Oregon 97146
(503) 861-3305

Activity: Changing Land Use to a non-forest use
Start: 12/15/2017 **End:** 12/31/2017
Remarks: Building a new street

Method(s): Mechanical
Quantity: 5.00 MBF

Unit Map: Bugle Road



Formal Comments from Oregon Department of Forestry

Ashley Lertora on 12/1/2017

Operator was given Exempt to Reforest form to be completed and returned to ODF with signatures prior to start of operation.

Site Conditions (reported by the Notifier)

Slope of steepest 1/3 area: 15 %.

Notices

Permission from Landowner and Timber Owner Required: Submitting this notification does *not* give permission to enter someone's land or remove forest products. Anyone doing so must first obtain permission from the landowner and timber owner.

Pesticide Use: Pesticide users must follow all pesticide product label requirements, including any that prohibit applications near or into streams or other water bodies! Pesticide users must be sure the label that comes with the pesticide product allows the planned use! Contact the Oregon Department of Agriculture [here](#) or at 503-986-4635 for information on allowed uses of pesticide products.

Operations Near Utility Lines: If you are conducting timber harvesting or road construction within 100 feet of overhead utility lines contact the local utility in accordance with ORS 757.805 - Oregon's Overhead Safety Act and OAR 437-007-0230 - Power Line Safeguards. Identification tags are located on each pole.

Call the Oregon Utility Notification Center at 811 at least 2 business days before starting timber harvesting, road construction, or any other activities involving excavation that may affect an underground utility line. The Center will coordinate with the appropriate utility companies to locate underground utility lines that may be affected by your activities.

Using Water for Pesticides or Slash Burning: If you plan to use on-site water (water from a stream, for example) to mix pesticides or for slash burning, you must provide a copy of this NOAP to the local offices of the Oregon Water Resources Department and the Oregon Department of Fish and Wildlife (see ORS 537.141).

NOAP Changes: The notifier must inform the Oregon Department of Forestry of any changes in a NOAP before the activity takes place. A new NOAP may be required.

Subscribers: There may be subscribers to this Notification, please see Notification Summary page within the e-Notification system or contact ODF for more details.

Map



Clatsop County Webmaps

Disclaimer: This map was produced using Clatsop County GIS data. The GIS data is maintained by the County to support its governmental activities. This map should not be used for survey or engineering purposes. The County is not responsible for map errors, omissions, misuse or misinterpretation. Photos may not align with taxlots.

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CITY OF WARRENTON

March 8, 2018

To: Warrenton Planning Commission
From: Skip Urling, Community Development Director 
Re: Amendment to Warrenton Municipal Code (WMC) 16.88.020 Flood Hazard Overlay (FHO) District, General Provisions

The Federal Emergency Management Agency (FEMA) manages the National Flood Insurance Program (NFIP) in which the City of Warrenton participates to make properties within mapped flood plains eligible for flood insurance. The regulatory flood plain is commonly known as the 100-year floodplain, where there is a 1 percent chance in any given year of flood waters reaching modeled elevations, known as the Base Flood Elevation (BFE). The locations of these floodplains are depicted on Flood Insurance Rate Maps (FIRMS), and locally, are based on the FEMA published *Flood Insurance Study—Clatsop County, Oregon and Incorporated Areas* (FIS). For property owners in the city to be eligible to purchase flood insurance the city must, among other things, adopt the current FIRMS when released by FEMA. FEMA has released a new FIS and associated FIRMS which will become effective June 20, 2018. Proposed Ordinance No. 1218 (attached) would amend WMC 16.88.020 by deleting reference to the 2010 documents and incorporating the new FIS and FIRMS by reference.

The new FIS is a lengthy, technical two-volume document and the FIRMS are oversized and difficult to duplicate; both sets of documents are available for review in the Building and Planning Department. The FIRM are most evident for the panels that cover the Alder Creek drainage. In 2010 FEMA issued updated FIRMS with BFEs increasing from 8 to 12 feet for all flood hazard areas primarily because of the flood protection levees being decertified. Strangely, the geographic area of the Alder Creek floodplain did not change. The 2018 FIRMS for that drainage drop the BFE back to 8 feet, again without altering the geographic area of flood hazard. Changes to the other panels are subtle; flood plains associated with the various lakes are more detailed due to technical advances in measuring topography. The floodplain area and BFEs of other areas of the city protected by levees waiting for recertification have not changed from 2010.

This proposal is being reviewed pursuant to Warrenton Municipal Code Sections 16.208.060 (Type IV Procedure - Legislative and Map Amendments), 16.232 (Land Use District Map and Text Amendments), Comprehensive Plan (CP), Statewide Planning Goals, Oregon Revised Statutes and the Oregon Administrative Rules. We published notice of the Planning Commission public hearing in The Columbia Press March 2, 2018.

FINDINGS

Comprehensive Plan

Comprehensive Plan Section 4.320 Flood Hazards is relevant to this code amendment. Policy (1) states that “Public and private losses due to flood conditions shall be reduced by requiring buildings in flood hazard areas to be properly elevated or flood proofed and by undertaking other measures necessary to avoid hazardous situations. Incorporating the updated FIS and FIRMS into the FHO will ensure accurate decision making on development within those hazard areas.

Compliance with Oregon’s Statewide Planning Goals and Related Rules and Statutes

Goal 1, Citizen Involvement

Goal 1 outlines policies and procedures to be used by local governments to ensure that citizens will be involved “in all phases of the planning process.”

This proposal for a development code amendment is being reviewed in accordance with the acknowledged provisions for citizen involvement in the municipal code. It does not propose any changes to those provisions. This application therefore complies with Goal 1.

Goal 2, Land Use Planning

Goal 2 requires local governments to “establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.”

The proposal and applicable comprehensive land use plan policy is being reviewed by the Planning Commission who will forward a recommendation to the City Commission who will ultimately make a decision on it, which satisfies Goal 2.

Goal 3, Agricultural Lands

Goal 3 deals with conservation of “agricultural lands” as defined in that goal. The goal’s provisions are directed toward counties, not cities (such as Warrenton). The goal states, “Agricultural land does not include land within acknowledged urban growth boundaries....” This goal does not apply.

Goal 4, Forest Lands

Goal 4 deals with conservation of “forest lands” as defined in that goal. Details about such conservation are set forth in related administrative rules: OAR Chapter 660, Division 006. OAR 660-006-0020 states: “Goal 4 does not apply within urban growth boundaries....” This goal does not apply.

Goal 5, Natural Resources, Scenic and Historic Areas, and Open Spaces

The basic aim of Goal 5 is “To protect natural resources and conserve scenic and historic areas and open spaces.” Because no such natural resources, scenic and historic areas and open spaces will be affected, this goal does not apply.

Goal 6, Air, Water and Land Resources

Statewide Planning Goal 6 is “to maintain and improve the quality of the air, water and land resources of the state.” It deals mainly with control of “waste and process discharges from future development.” Because no development is proposed, this goal does not apply.

Goal 7, Areas Subject to Natural Hazards

Statewide Planning Goal 7 is to “to protect people and property from natural hazards.” This proposed code amendment will reference the latest flood hazard areas as determined by FEMA and facilitate the prescribed protection.

Goal 8, Recreational Needs

Goal 8 is “to satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.” This goal does not apply to the proposal.

Goal 10, Housing

Statewide Planning Goal 10 is “to provide for the housing needs of citizens of the state.” The goal requires cities to assess future need for various housing types and to plan and zone sufficient buildable land to meet those projected needs. The proposal satisfies this goal by recognizing and adding protective measures to those flood hazard areas in the buildable lands zoned for residential development.

Goal 11, Public Facilities and Services

Goal 11 is “to plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.” This goal does not apply.

Goal 12, Transportation

Goal 12 is “to provide and encourage a safe, convenient and economic transportation system.” This goal is not applicable.

Goal 13, Energy

Goal 13 is simply “to conserve energy” and does not apply.

Goal 14, Urbanization

Goal 14 is “to provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.” The proposal satisfies this goal by recognizing and adding protective measures to those flood hazard areas in the urban growth boundary.

Goal 15, Willamette River Greenway

Goal 15 deals with lands adjoining the Willamette River and does not apply to this proposal.

Goal 16, Estuarine Resources

Goal 16 is “to recognize and protect the unique environmental, economic, and social values of each estuary and associated wetlands; and to protect, maintain, where appropriate develop, and where appropriate restore the long-term environmental, economic, and social values, diversity and benefits of Oregon's estuaries.” Because the code amendment would not affect any natural estuarine characteristics, this goal does not apply.

Goal 17, Coastal Shorelands

Goal 17 aims “to conserve, protect, where appropriate, develop and where appropriate restore the resources and benefits of all coastal shorelands, recognizing their value for protection and maintenance of water quality, fish and wildlife habitat, water-dependent uses, economic resources and recreation and aesthetics.” This goal does not apply.

Goal 18, Beaches and Dunes

Goal 18 says that “coastal areas subject to this goal shall include beaches, active dune forms, recently stabilized dune forms, older stabilized dune forms and interdune forms.” This goal does not apply.

Goal 19, Ocean Resources

Goal 19 deals with management of resources in Oregon’s territorial sea (the waters bordering the state’s coastline). Goal 19 does not apply to this application.

CONCLUSIONS AND RECOMMENDATION

Adoption of the 2018 flood insurance study and flood insurance rate maps would fulfill the comprehensive plan policy regarding flood protection. The action would also fulfill the applicable state planning goals. Most importantly, incorporating these documents into the Flood Hazard Overlay District code would maintain the eligibility of the city to participate in the national flood insurance program and allow local property owners to purchase flood insurance if their property is within the 100-year flood plain.

Based on these findings and conclusions, staff recommends that the Planning Commission forward draft Ordinance No. 1218 to the City Commission with a recommendation to adopt.

Suggested motion: *Based on the findings and conclusions of the March 8, 2018 staff report, I move to forward Ordinance No. 1218 incorporating the 2018 Flood Insurance Study and Flood Insurance Rate Maps, which become effective June 20, 2018, to the City Commission with a recommendation to adopt.*

ORDINANCE No. 1218

Introduced by All Commissioners

An ordinance amending Warrenton Municipal Code Chapter 16.88 Flood Hazard Overlay District, Section 16.88.020 General Provisions.

WHEREAS, the Federal Emergency Management Agency has issued a revised Flood Insurance Study for Clatsop County, Oregon and Incorporated Areas together with revised Flood Insurance Rate Map panels; and

WHEREAS, the City of Warrenton must incorporate these revised materials into the Warrenton Municipal Code in order to remain eligible to participate in the National Flood Insurance Program.

NOW, THEREFORE, the City of Warrenton ordains as follows:

Section 1. Warrenton Municipal Code Section 16.88.020 General Provisions, is amended as follows:

16.88.020 General Provisions.

- A. Areas Affected by FH Overlay District. This district shall apply to all areas of special flood hazards within the jurisdiction of Warrenton. Since the FH overlay district is an overlay zone, one or more other zoning districts will also regulate the use of land in areas of special flood hazards.
- B. Basis for Establishing the Areas of Special Flood Hazards. The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for Clatsop County, Oregon and Incorporated Areas," dated June 20, 2018, with accompanying flood insurance maps are hereby adopted by reference and declared to be a part of this chapter. The Flood Insurance Study is on file at the Warrenton City Hall. The best available information for flood hazard area identification as outlined in Section 16.88.030(B) shall be the basis for regulation until a new FIRM is issued which incorporates the data utilized under Section 16.88.030(B).
- C. Prohibited Uses. In an FH overlay district it shall be unlawful to erect, alter, maintain or establish, in an FH overlay district, any building, use, or occupancy not permitted by the provisions of this or any other applicable zoning district except existing nonconforming uses and structures, which may continue as specified in Chapter 16.276.
- D. Warning and Disclaimer of Liability. The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the City of Warrenton, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.

E. Penalties for Noncompliance. No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this chapter and other applicable regulations. Violations of the provisions of this chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$1,000.00 for each violation and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the Community Development Director from taking such other lawful action as is necessary to prevent or remedy any violation.

F. Abrogation and Greater Restrictions. This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another ordinance, state building codes, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

G. Severability. If any section, clause, sentence, or phrase of this chapter is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this chapter.

H. Interpretation. In the interpretation and application of this chapter, all provisions shall be:

1. Considered as minimum requirements;
2. Liberally construed in favor of the governing body; and
3. Deemed neither to limit or repeal any other powers granted under state statutes, and rules including state building codes.

I. Encroachments. The cumulative effect of any proposed development, where combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than one foot at any point.

Section 2. This ordinance shall become effective June 20, 2018.

First Reading:

Second Reading:

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

APPROVED

Henry A. Balensifer, Mayor

Attest:

Dawne Shaw, Deputy City Recorder

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CITY OF WARRENTON

Minutes Warrenton Planning Commission Regular meeting February 8, 2018

McElmurry Conditional Use Permit Application 17-2

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

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

Pledge of Allegiance

Approval of Minutes: Commissioner Mitchell motioned to approve the January 11, 2018 minutes. Commissioner Hayward seconded. The motion passed unanimously with corrections at Commissioner Lampi's request.

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

Subject of Review: To place a park model trailer / tiny home as an accessory dwelling at 642 Fleet Street in Hammond.

Public Hearing Open

Staff Report: The property is in high density residential. The park model has 187 square feet of floor space. Finds that the small dwelling is compatible with the adjacent development in the neighborhood and will not generate any extra traffic. They will connect to water and sewer. Will have a metal roof and will match the siding as close as possible to the existing home on the property. Will be expected to comply with the Oregon Structural Specialty Code. The owner of the house cannot rent the dwelling out to anyone; has to stay within the family. Satisfies the Conditional Use standards and move to approve with the condition that the front of the structure be parallel to the front of the existing house.

Mr. Yuill asked if there were any discussion if the mom decided not to live there anymore what would happen to the tiny home. Mr. Urling replied that it would have to go away. Asked if a letter is needed to be submitted every year to make sure who is living there. Mr. Urling voiced that would be a good idea.

Applicant or Representative were not present for testimony

Testimony in Opposition

Billie Routh
628 Pacific Dr.
Hammond, OR 97121

Lives next door to where the park model will be placed and does not want it there; it is also on the main road where everyone would see it. Lived on Fleet Street for ten years where the applicant had another trailer that was parked for 3 months and witnessed people urinating on the yard, garbage everywhere and dogs. Filed a complaint with the city and it was removed two weeks later. Doesn't want the same thing to happen.

Shelby Heck
625 7th Avenue
Hammond, OR 97121

Does not know what the park model will look like and is concerned who will live there. It is a small lot and parking is an issue. Feels if she wanted to sell her home it would depreciate in value significantly. Had concerns if the mother did not live there anymore; other people could move in without anyone knowing.

Mr. Yuill spoke up and agreed with her concerns. Expressed his suggestion about having an annual application or a letter of conditions of approval to keep track of who is living there if this is approved.

Mr. Urling spoke up and suggested to add another condition of approval to have a separate water meter; then there would be a record of who is paying the bill. If the mother did leave, then they would have to change the name on the account and if it wasn't family, they would then have to remove the tiny home.

Public Hearing Closed

Discussion Among Commissioners:

The topic was discussed on how a conditional use is used. Mr. Urling explained that a conditional use is if someone wants to put in a second structure as an accessory dwelling, then there would be an extra layer of discussion for review. Mr. Mitchell stated that it is not about what the neighbors are going to be like or how you keep track of who is living there; it's about if it would be blight on the neighborhood. He is concerned that if this standard is allowed then every home would be allowed to have a tiny home on the property. Does not believe it is compatible with the adjacent neighborhood and does not fit the site design of the neighborhood. Mr. Urling stated that the findings are consistent with the standards and criteria. Also, Conditional Uses are looked at on individual bases. Mr. Hayward brought up that it would be hard to enforce only having family members living there; there are ways to get around that. Would want to have strong conditions if this is approved.

Chair Bridgens would like to see more enforcement on trailers that are parked on property with people living in them that haven't applied to be there. Mr. Lampi agreed with the comments that were brought up and does not want this to be a burden on the city to keep track of.

Would like the applicant to be present to have more discussion and information on what the tiny home looks like.

Motion by Commissioners: Commissioner Hayward motioned to continue this application to the March Planning Commission meeting. Commissioner Yuill seconded.

Commissioners Hayward, Bridgens, Yuill, Lampi yea; Commissioner Mitchell nay.

Meeting adjourned

Attest and submitted by

Janice Weese, Building Clerk

Approved

Chris Bridgens, Planning Commission Chair