



AGENDA

WARRENTON PLANNING COMMISSION
Regular Meeting | January 11, 2024 | 6:00pm
Warrenton City Hall Commission Chambers | 225 S Main Avenue, Warrenton, OR 97146

*****The meeting will be broadcast via Zoom at the following link*****

<https://us02web.zoom.us/j/89594092173?pwd=VG5sMFFTVExqTWI1dXVXSTBFbWw2UT09>

Meeting ID: 851 4280 5492 | **Passcode:** 12345 | **Dial in number:** 253-215-8782

1. CALL TO ORDER & PLEDGE OF ALLEGIANCE

2. ATTENDANCE

3. OATH OF OFFICE

- A. Cynthia O'Reilly, Position No. 7

4. APPROVAL OF MINUTES

- A. Planning Commission Regular Minutes – 12.14.23

5. PUBLIC COMMENT

At this time, anyone wishing to address the Planning Commission concerning items of interest may do so. The person addressing the Planning Commission must complete a Public Comment Card and submit it to the Secretary prior to the meeting. All comments will be addressed to the whole Planning Commission and limited to 3 minutes per person. Public Comments may also be submitted by email to planning@warrentonoregon.us, no later than 4:00 p.m. the day of the meeting. The Planning Commission reserves the right to delay any action, if required, until such time as they are fully informed on a matter.

6. PUBLIC HEARING

- A. Continued: Juniper Avenue Subdivision Preliminary Plat (SUB-23-1) *A 12-lot subdivision on SW Juniper Avenue, submitted by Gilbert Gramson on behalf of Sandridge Construction seeking approval for an expired preliminary plat SUB-20-1*
- B. Shipping Container Design Standards Code Amendment (DCR-23-1)

7. BUSINESS ITEMS

8. DISCUSSION ITEMS

- A. Wastewater Treatment Plant Discussion with City Manager
- B. Fort Pointe Development Update

9. GOOD OF THE ORDER

10. ADJOURNMENT

Next Regular Meeting: February 8, 2024



OATH OF OFFICE

*City of Warrenton Planning Commissioner
Position No. 7*

Term: January 1, 2024 – December 31, 2027

STATE OF OREGON)

:SS

COUNTY OF CLATSOP)

*I, **Cynthia O’Reilly**, do solemnly swear that I will support the Constitution and laws of the United States of America, the State of Oregon, the Ordinances and City Charter of the City of Warrenton. I will respect and support the **Planning Commission** by-laws, policies and procedures, operations, and decisions. I recognize that a commission member has no legal authority as an individual and that decisions can be made only by a majority vote during a public meeting. I will faithfully and honorably perform the duties of **Planning Commissioner Position No. 7**, to which I have been appointed.*

Cynthia O’Reilly

Subscribed and sworn to before me this 11th day of January 2024, by Cynthia O’Reilly.

Scott Fregonese, Interim Planner

ATTEST:

Rebecca Sprengeler, Planning Technician

MINUTES
 Warrenton Planning Commission
 December 14, 2023
 6:00 p.m.
 Warrenton City Hall - Commission Chambers
 225 S. Main
 Warrenton, OR 97146

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

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

Staff Present: Interim Planner Scott Fregonese, City Manager Esther Moberg, and Planning Technician Rebecca Sprengeler

Scott Fregonese, Interim Planner, introduced himself. He has been a planner for almost 24 years as a private consultant. His background is in long-range planning. He was the interim in Rockaway for almost 6 years. He has also worked with Garabaldi, Manzanita, and Seaside.

3. APPROVAL OF MINUTES

A. **Planning Commission Meeting Minutes – 11.9.23**

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

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

4. PUBLIC COMMENT ON NON-AGENDA ITEMS - None

5. PUBLIC HEARINGS

A. **Juniper Avenue Subdivision Preliminary Plat (SUB-23-1)**

Chair Hayward opened the public hearing in the matter of Juniper Avenue Subdivision Preliminary Plat (SUB-23-1) for an application for a 12-lot subdivision on SW Juniper Avenue on tax lot 81021CB01500. He read the public hearing script outlining the hearing procedure and applicable code criteria. No conflicts of interest, bias, or ex parte contacts were disclosed. Commissioners Hayward, Moha, and Bridgens visited the subject site and felt they could still make a fair and impartial decision. No one was present to speak.

Commissioner Gaebel made a motion that the request seeking approval for an expired preliminary plat SUB-20-1 be continued to the January 11, 2024, meeting, leaving the record open. Motion was seconded and passed unanimously.

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

6. BUSINESS ITEMS – None

7. DISCUSSION ITEMS

Commissioner Bridgens noted property on E Harbor with derelict vehicles. Staff provided an update on the property. The City Commission declared the property as a nuisance and a citation was issued. If not addressed within a certain time, it will go to municipal court with additional citations if the property owner does not address the derelict vehicles. The city has the option to clean up but does not prefer this route because it is unlikely the city will recover the cost.

A. Shipping Container Design Standards Code Update

Planning Technician Rebecca Sprengeler presented an update on the shipping container design standards ordinance. The hearing will be in January. After the legal review of the ordinance, the biggest change is that staff cannot use it to remove the existing containers because they would become legally existing non-conforming uses. Enforcement options will need more exploration.

8. GOOD OF THE ORDER

City Manager Esther Moberg gave an update on the Planning Director recruitment. The first round did not receive applicants. They increased the pay and then advertised the position again. There have been some applicants.

Commissioner Gaebel noted this is her last meeting as she did not reapply for the position. She has enjoyed working with the commissioners and hopes they will continue to improve Warrenton. She will miss working with the Planning Commission. The Planning Commission offered their appreciation for Commissioner Gaebel’s service.

There being no further business, Chair Hayward adjourned the meeting at 6:16 p.m.

APPROVED:

Chris Hayward, Chair

ATTEST:

Rebecca Sprengeler, Secretary



City of Warrenton

Planning Department

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

Phone: 503.861.0920 Fax: 503.861.2351

STAFF REPORT

TO: The Warrenton Planning Commission
 FROM: Scott Fregonese, City Planner
 DATE: January 11, 2024
 SUBJ: Design Review SUB-23-1

BACKGROUND:

This Design review is for a previously approved subdivision that had an extension expired on September 16, 2023 (Extension of SUB 20-1). The submittal materials have not been changed since the original submittal of July 30th, 2020 (V20-2&3, SUB20-1, SDR 20-5). All applicable development codes have since remained the same and are addressed below.

Gilbert Gramson proposes a twelve-lot residential subdivision on a vacant three-acre (approximately) site on the east side of SW Juniper Avenue, in the R10/GM zone. The applicant wishes to develop these lots with single-family attached dwellings; that is, with side-by-side duplexes, which are allowed outright in the R10 zone (16.28.020.A). The site location is shown on the aerial photograph on this page. Four applications are before the Planning Commission:

- Site Design Review for a twelve-lot residential subdivision (SDR20-07).
- A variance to the City's street design standards to allow a 46-foot wide instead of a fifty-foot wide access street (V20-03).
- A variance to the City's minimum setbacks from cut and fill slopes (V20-02).
- Preliminary plat approval for a twelve-lot residential subdivision (SUB23-01).

Staff Recommendations

Subdivision preliminary plat: Approval subject to conditions Site Design Review: Approval

Variance: Approval



Development Process & Review Timeline

Application materials were submitted on November 15, 2023 and determined to be complete on November 21, 2023. Nearby property-owner notification was mailed 20 days prior to the December 14 hearing date. Notice was published in the Astorian on December 2, 2023. No comments have been received as of the date of this staff report.

Existing Conditions

The subject property is located on the east side of SW Juniper Avenue. It is currently vacant. The site adjoins vacant property owned by the City to the south; and developed residential land to the north owned by Frank & Jody Orrell.

Applicable Criteria

The proposal is subject to the following Warrenton Development Code zoning and design standards and requirements:

- R10 Zone Development Standards (16.28.040 and 16.28.050)
- GM zone development standards (16.112)
- Design Standards: Access & Circulation (16.120)
- Design Standards: Landscaping, Street Trees, Fences, and Walls (16.124)
- Design Standards: Vehicle & Bicycle Parking (16.128)
- Public Facilities Standards (16.136)
- Stormwater & Surface Water Management Standards (16.140)
- Grading and Excavation Standards (16.152)
- Site Design Review Application & Review Procedures (16.212)
- Subdivision Preliminary Plat Review (16.216)
- Variance criteria (16.272)

These criteria and standards are excerpted below.

R10 Zone Development Standards (16.28.040 and 16.28.050)

A. Density Provisions. (16.28.040.A)

- 1. Minimum lot area for residences: 8,000 square feet. Minimum density is five dwelling units per acre.*
- 2. Minimum lot width at the front building line for detached dwelling: 50 feet.*
- 3. Minimum lot area for single-family attached dwelling: 2,500 square feet.*
- 4. Minimum lot width at the front building line for single-family attached dwelling: 25 feet.*
- 5. Minimum lot depth: 70 feet.*
- 6. Not more than 35% the lot area shall be covered by buildings except as may be permitted by conditional use permit or variance.*

Proposed lot sizes are shown on sheet 3 of the preliminary subdivision layout. The proposed sizes range from 2,713 to 2,843 square feet for lots 1 through 8. This sizing meets or exceeds the 2,500 square foot minimum lot size for single-family attached dwellings in subsection A.3. Proposed lot sizes for lots 9 through 12 range from 13,150 square feet to 33,160 square feet, thus meeting the 8,000 square foot minimum lot size for single family attached dwellings in subsection A.1. The actual buildable area for lots 9 through 12 is substantially constrained by wetlands and slopes, but is still large enough for attached dwellings.

Proposed lot widths are shown on sheet 3 of the preliminary subdivision layout. All proposed lots meet or exceed the 25-foot minimum lot width for single family attached dwellings in subsection A.4.

Proposed lot depths are shown on sheet 3 of the preliminary subdivision layout. All proposed lots meet or exceed the 70-foot minimum lot depth in subsection A.5.

Subsection A.6 establishes a maximum lot coverage standard of 35 percent. The buildable area table on sheet 3 of the preliminary subdivision layout provides this information. For lots 1 through 8, the potentially buildable lot area is between 45 and 46 percent of lot size. This means that these lots are more than large enough to accommodate the maximum 35 percent building envelop without a variance. For lots 9 through 12, potentially buildable areas range from six to fifteen percent of lot size, well below the 35 percent maximum.

B. Setback Requirements. (16.28.040.8)

1. *Minimum front yard setback: 15 feet.*
2. *Minimum side yard setback: 10 feet.*
3. *Corner lot minimum street side yard setback: 10 feet.*
4. *Minimum rear yard setback: 15 feet, except accessory structures that meet the criteria of Section 16.280.020, may extend to within five feet of a rear property line.*
5. *Corner lot minimum rear yard setback: 10 feet.*

Preliminary Subdivision Layout sheet 3 shows setback lines for each lot. These are correctly rendered, and can meet the requirements of subsection S.B.

Based on this, the Planning Commission can find that the proposed lot layout meets the dimensional requirements of the R10 zone in 16.28.040.

GM Zone Development Standards (16.112)

- A. All development shall provide the following primary urban services. water, sanitary sewer facilities connecting to the City sewer system, local streets, fire protection and drainage. An inability to provide an acceptable level of all primary services shall result in the denial of a land use application.*
- B. All development shall be reviewed to ascertain whether an adequate level of the following secondary urban services exists: collector and arterial streets, school, police protection and parks. Where the City determines and supports with findings that an unacceptable level of secondary urban services exist, the City may deny the land-use*

application unless the developer insures the availability of an acceptable level of the services within five years from occupancy.

C. City specifications shall be the standard used as measurement of acceptability of a service.

D. Encourage the development within urban areas before the conversion of urbanizable areas. (16.112.030)

The full array of urban infrastructure is included in the proposal: water, sanitary sewer, storm water facilities, public streets, street lights, and fire hydrants, all of which will be designed and constructed to city standards. Public streets will provide access for emergency service vehicles, a conduit for children to access public schools, more broadly access to City services. Based on this, the Planning Commission can find that the applicable parts of 16.112.030 are met.

16.112.050.A. All land divisions which would create a parcel under five acres in size shall be subject to approval under the appropriate procedures in this Code (Chapter 16.216).

Land divisions which would create a parcel under five acres in size in growth management areas shall be approved only if:

- 1. The lots created are at R-10 urban densities;*
- 2. Primary and secondary urban services are supplied in accordance with Section 16.28.050;*
- 3. An exception is approved as provided in Section 16.112.040.*

The preliminary plat layout is based on R10 zone standards and densities, avoiding wetland disturbance and impacts as called for by WMC 16.156. Both primary urban services (water, City sewer, local streets, fire protection and storm drainage) and secondary urban services (collector and arterial streets, school, police protection and parks) are available at the levels necessary to the accommodate the proposed development.

16.112.080. For the purposes of this section, the word "insure" shall mean a legal and enforceable document, contract or process which guarantees to the City a public improvement will be accomplished. Assurances include, but are not limited to, the following:

- A. Performance bond.*
- B. Cash in escrow, assignment of letter of credit, etc.*
- C. Establishment of an LID (post-remonstrance period).*
- D. Evidence of formal action by other public or private agencies or companies authorizing monies or scheduling of a requisite public improvement.*
- E. The requisite improvement is included in an adopted capital improvement program with funds assured by the City.*
- F. Any other legally binding agreement which assures the improvement will be made.*

This section requires an enforceable mechanism for assuring that the required public improvements are built. The applicant has not objected to this. See recommended condition 1.

Based on this, the Planning Commission can find that the proposal meets or can meet applicable requirements of the GM zone.

Access and Circulation Development Standards (16.120)

16.120.20.F. *Access Options. When vehicle access is required for development (i.e., for off-street parking, delivery, service, drive-through facilities, etc.), access shall be provided by one of the following methods (a minimum of 10 feet per lane is required). These methods are “options” to the developer/subdivider, unless one method is specifically required under Division 2, or through conditions required by the hearings body.*

1. *Option 1. Access is from an existing or proposed alley or mid-block lane. If a property has access to an alley or lane, direct access to a public street is not permitted.*

17 *Option 2. Access is from a private street or driveway connected to an adjoining property that has direct access to a public street (i.e., “shared driveway”). A public access easement covering the driveway shall be recorded in this case to assure access to the closest public street for all users of the private street/drive.*

18 *Option 3. Access is from a public street adjacent to the development parcel. If practicable, the owner/developer may be required to close or consolidate an existing access point as a condition of approving a new access. Street accesses shall comply with the access spacing standards in subsection G of this section, and require an access permit in accordance with subsection C of this section.*

The proposal is most like option 3: the proposed new local street provides access for all twelve proposed lots to SW Juniper Avenue. Even though proposed lots 1 and 5 have direct frontage on SW Juniper, access to these lots will be via the proposed local street: see proposed condition

16.120.020.F.5. Double-Frontage Lots. When a lot has frontage onto two or more streets, access shall be provided first from the street with the lowest classification. For example, access shall be provided from a local street before a collector or arterial street. Except for corner lots, the creation of new double-frontage lots shall be prohibited in all residential districts, unless topographic or physical constraints require the formation of such lots. When double-frontage lots are permitted in a residential district, a landscape buffer with trees and/or shrubs and groundcover not less than 10 feet wide shall be provided between the back yard fence/wall and the sidewalk or street; maintenance shall be assured by the owner (i.e., through homeowner’s association, etc.).

See proposed condition 2.

16.120.020.G. Access Spacing. Driveway accesses shall be separated from other driveways and street intersections in accordance with the following standards and procedures: 1. Local Streets. A minimum of 25 feet separation (as measured from the sides of the driveway/street) shall be required on local streets (i.e., streets not designated as collectors or arterials) for all single-family detached dwellings, except as provided in paragraph 3 of this subsection. A minimum of 20 feet separation shall be required on local streets for all single-family attached dwellings, duplexes, and triplexes, except as provided in paragraph 3 of this subsection.

As designed, the individual access driveways for each dwelling unit abut each other, effectively resulting in attached or shared driveways that meet or exceed the 20-foot spacing standard.

16.120.020.H. Number of Access Points. For single-family (detached and attached), two-family, and three-family housing types, one street access point is permitted per dwelling unit, when alley access or shared driveways cannot otherwise be provided; except that one additional access point may be permitted for one-family, two-family and three-family housing types on corner lots (i.e., no more than one access per street), subject to the access spacing standards in subsection G of this section. The number of street access points for multiple family, commercial, industrial, and public/institutional developments shall be minimized to protect the function, safety and operation of the street(s) and sidewalk(s) for all users. Shared access may be required, in conformance with subsection I of this section, in order to maintain the required access spacing, and minimize the number of access points.

As proposed, there will be one driveway per dwelling unit. As noted above, pairs of driveways will abut, effectively making shared driveways.

New Landscaping (16.124.070)

C. Landscape Area Standards. The minimum percentage of required landscaping equals: (1) Residential districts: 20% the site.

The applicant addresses this in their application materials as follows:

The applicant recognizes the need for landscape plans and standards and threshold of landscaping in residential zoning districts. These plans can be better evaluated by the owners/builders on each of the 12 lots proposed at the building permit application phase when more detail on the buildings and their foot prints are available.

Staff generally concurs with this approach. Additionally, the easterly half of the property consists of locally-significant wetlands that will not be developed, and will remain vegetated. If the Planning Commission agrees with this approach, preliminary plat approval should include proposed condition 3. If not, the Planning Commission should not approve the preliminary plat until the applicant has provided a landscape plan.

16.124.50 Fences and Walls

B.1. The maximum allowable height for fences and walls in the City of Warrenton is six feet, as measured from the lowest grade at the base of the wall or fence, except that retaining walls and terraced walls may exceed six feet when permitted as part of a site development approval, or as necessary to construct streets and sidewalks. Refer to paragraph 4 of this subsection for additional fence standards for residential uses.

B.3. A building permit is required for walls exceeding four feet in height and fences exceeding six feet in height, in conformance with the Uniform Building Code.

B.4. The height of fences and walls within a required front yard setback area for residential uses shall not exceed four feet (except decorative arbors, gates, etc.), as measured from the grade closest to the street right-of-way. Walls may exceed this height in accordance with paragraph 1 of this subsection. Chain-link fences and other open-style fences with at least SOA» transparency or open space are allowed a maximum height of six feet within a required front yard setback area.

No fences are proposed; it is likely that fences will be built as dwellings are built in this subdivision. A retaining wall included in this proposal is potentially subject to the standards excerpted above. The proposed retaining wall is along the south side of lots 5, 6, 7, and 8. The building permit requirement in B.3 can be enforced at the time the retaining wall is constructed.

16.124.060. A. Applicability. *All development sites containing significant vegetation, as defined below, shall comply with the standards of this section. The purpose of this section is to incorporate significant native vegetation into the landscapes of development. The use of mature, native vegetation within developments is a preferred alternative to removal of*

vegetation and re-planting. Mature landscaping provides summer shade and wind breaks, and allows for water conservation due to larger plants having established root systems.

B. Significant Vegetation. "Significant vegetation" means:

- 1. Significant Trees and Shrubs. Individual trees located within a mapped wetland area as depicted on the 1"—400' maps entitled City of Warrenton Wetland Conservation*

Plan Inventory dated October 17, 1997 with a trunk diameter of 18 inches or greater, as measured four feet above the ground (DBH), and all plants within the drip line of such trees and shrubs, shall be protected.

The eastern half of the proposed subdivision is designated "locally significant wetlands" in the City's Wetland Conservation Plan. The applicant did not survey the eastern half of the property for trees larger than 18 inches DBH; however, from aerial photographs it appears likely that at least some of the vegetation in this area is "significant" under 16.124.060.A. See proposed approval condition 4. Based on this, the Planning Commission can find that the proposed preliminary plat meets or can be conditioned to meet the new landscaping requirements in 16.124.080.

Street Trees (16.124.080)

Street trees shall be planted for all developments that are subject to land division or site design review. Requirements for street tree planting strips are provided in Chapter 16.136, Public Facilities Standards. Planting of unimproved streets shall be deferred until the construction of curbs and sidewalks.

The proposed preliminary plat application material does not include any street trees. The applicant addresses this as follows:

"As with other landscaping, the applicant believes plans for the selection of species and spacing of street trees is better addressed at the time the subdivision is substantially constructed but not completed. We believe this would be an appropriate condition of approval."

The Planning Commission can allow the applicant to defer a street tree plan complying with 16.124.080 if the review criteria for the plan are clear and objective. If, on the other hand, the criteria are subjective, discretionary, and require Planning Commission judgement, then this requirement cannot be deferred. Staff believes the criteria in 16.124.080 for evaluating a street tree plan are sufficiently clear and objective to be met with proposed approval condition 5. If

the Planning Commission disagrees with this analysis, the proposed preliminary plat should not be approved until a street tree plan has been approved by the Planning Commission.

Design Standards: Vehicle & Bicycle Parking (16.128)

The City’s Development Code requires two off-street parking spaces per dwelling unit for single-family attached dwellings (16.128.030.A). The proposed residential lots are large enough to accommodate the required off-street parking. The proposed preliminary plat is not subject to the requirement for separate bicycle parking because no multi-family (four or more units) housing is proposed.

Transportation Standards (16.136.020)

The applicable street standard for this proposal is in section 16.136.020. Both a standard requirement and an alternative minimum requirement are provided:

	Standard	Alternative Minimum
Right-of-way width	60 feet	50 feet
Pavement width	36 feet	28 feet
Travel lane width	12 feet	10 feet
On-street parking (both sides)	8 feet	8 feet
Curbs	yes	yes
Planting Strip	5 feet	5 feet
Sidewalk	5 feet	5 feet

The alternative minimum standards may be applied “In constrained areas where providing the standard widths are not practical, alternative minimum design requirements may be applied with approval of the City Engineer.”

The applicant has requested a variance to the street width standard to allow a 46-foot right-of-way; and to the curb-to-curb pavement width standard to allow 34 feet of pavement. The application materials address this as follows: *“Because of the lot width and the applicant’s desire to meet the minimum lot depth and front and rear setback standards, a 46-foot right-of-way is proposed together with a 34-foot wide curb to curb street as an alternative minimum local road. A variance is requested for the right-of-way and the argument regarding the variance criteria of WMC 16.272 is discussed in a separate narrative.”*

WMC 16.136.020.G requires traffic signage at the applicant’s expense. This will likely consist of, minimally, a stop sign where the proposed new subdivision street intersects with SW Juniper Avenue.

WMC 16.136.020.H requires that street plans allow for possible future extension of streets onto adjoining property. The proposed preliminary plat provides for possible extension of the street system to the north and to the south. Extension to the east is not feasible because of wetlands in that direction. The proposed extensions have a 30-foot right-of-way with, meet the alternative minimum local street standard. The extensions also provide a hammer-head turn-around at the east end of the proposed subdivision street.

WMC 16.136.020.J addresses sidewalks. The proposal includes sidewalks meeting the local street standard excerpted above. The applicant has not requested a variance to this standard.

WMC 16.136.020.M addresses dead-end streets:

A dead-end street shall be no more than 200 feet long, shall not provide access to greater than 18 dwelling units, and shall only be used when environmental or topographical constraints, existing development patterns, or compliance with other standards in this Code preclude street extension and through circulation.

The proposed street is less than 200 feet long. It will serve a maximum of twelve dwelling units.

WMC 16.136.020.N addresses grades and curves. The finished road grade will vary from between one and 2.5 percent; well below the maximum grade of twelve percent set in subsection N.

If the Planning Commission approves the requested variances, then they should find that the proposed preliminary plat meets applicable standards in 16.136.020. If, on the other hand, one or both of the variances are denied, the Planning Commission should not approve the preliminary plat until redesigned to meet the standards in 16.136.020.

Water and Sewer Standards (16.136.040)

Proposed water and sewer improvements are under review by the Public Works Department as of the date of this staff report.

Storm Drainage Standards (16.136.050)

Proposed storm drainage improvements are under review by the Public Works Department as of the date of this staff report.

Underground Utilities (16.136.060)

This section of the Development Code requires power, phone and cable TV to be placed underground. The applicant states that they intend to work with these providers prior to final plat approval to design this part of the project.

Stormwater and Surface Water Management (16.140)

The applicant addresses the Development Code's stormwater and surface water management standards as follows:

The owner will install curbs and gutters in the proposed street to contain stormwater runoff from that impervious surface. A catch basin will be installed in the hammerhead to collect the stormwater which will ultimately be conveyed to a City owned 15-inch pipe along the northern property line. Stormwater from this pipe will continue to be discharged to the wetland on-site. Although there is no easement for the city's stormwater pipe presently, the owner will grant an easement to the City. No effect to stormwater flows either up-stream or down-stream properties is anticipated to result from the proposed subdivision and future residential development. A preliminary stormwater report is included in this submittal.

These features are shown on the proposed preliminary plat drawings, and in the preliminary stormwater management plan submitted by the applicant. The proposed stormwater improvements are under review by the Public Works Department as of the date of this staff report.

Grading, Excavation and Erosion Control (16.152)

Engineered grading plans for the site were prepared by the applicant and are under review by the Public Works Department as of the date of this staff report. Sheets 4 and 5 of the preliminary plat plan-set illustrate the proposed final grading plan. Upon preliminary plat approval, the applicant will submit application for the final grading together with engineered construction plans for the public improvements before any construction begins.

Single-Family Attached Design Standards (16.184)

This section sets design standards for attached dwelling units. The proposed preliminary plat design contemplates this housing type, so the design standards are applicable. The block of four

dwelling units making up the eastern building will be about 110 feet long; the remaining two-unit structures will be about 55 feet long. Both are compliant with the standards in 16.184.030.A:

Building Mass Supplemental Standard. The maximum number and width of consecutively attached townhomes (i.e., with attached walls at property lines) shall not exceed eight units or 200 feet (from end-wall to end-wall) whichever is less.

Driveways for the four-unit structure would each be twelve feet wide and abut each other, effectively creating a single drive for each two units. The garages would be 13 feet wide, less than half of the total unit width. Driveways for the two-unit structures would similarly abut each other and combined would be 24 feet wide. The garages would be 14 feet wide, less than half of the individual dwelling total width of 30 feet. Based on this, the design appears to comply with 16.184.030.B.1 and B.2:

- 1. The maximum allowable driveway width facing the street is 10 to 24 feet per dwelling unit. The maximum combined garage width per unit is 50% of the total building width. For example, a 24-foot wide unit may have one 12-foot wide garage.*
- 2. Two adjacent garages shall share one driveway when individual driveways would be separated by less than 20 feet (i.e., the width of one on-street parking space). When a driveway serves more than one lot, the developer shall record an access and maintenance agreement/easement to benefit each lot, prior to building permit issuance.*

Based on this, the Planning Commission can find that the proposed preliminary plat design can be developed in compliance with the attached dwelling standards in 16.184.

Subdivision Preliminary Plat Review (16.216)

WMC 16.216.020 establishes general requirements for land divisions. These are reviewed in the following paragraphs

Subsection A establishes a two-step process for subdivision approval: preliminary plat, and final plat. The current application is for approval of a preliminary plat.

Subsection B requires compliance with ORS Chapter 92. The County Surveyor reviews for ORS Chapter 92 compliance before allowing the final plat to be recorded.

A redevelopment plan is required if there is the potential for future redivision of one or more subdivision lots or tracts. This plan is not required here because the proposed subdivision cannot be redivided under current zoning requirements.

Subsection C allows, but does not require, lot-size averaging, which can be used to create some lots smaller than the minimum lot size normally allowed in the zone. The proposed preliminary plat does not use lot size averaging.

Subsection D allows a temporary sales office in conjunction with a subdivision as a temporary use. The applicant has not requested approval of a temporary sales office at this time.

Subsections E and F require that all subdivisions be designed to minimize the risk of flood damage. The buildable parts of all proposed subdivision lots are out of the regulatory flood plain. A preliminary stormwater plan prepared by the applicant indicates that stormwater can be managed in a way that does not increase flood risk on the subject property or on adjoining property.

Subsection G addresses utilities by referencing the requirements of WMC 16.136 and 16.216. These code requirements are addressed elsewhere in this staff report.

Subsection H addresses drainage by referencing WMC 16.140. The requirements of 16.140 are addressed elsewhere in this staff report.

Open space is addressed in subsection 1. The proposed 12-lot subdivision is below the minimum threshold (20 lots) for providing mandatory dedicated open space (16.216.020.1.1). The wetland portions of proposed lots 9 through 12 provide a substantial area of undeveloped private open space.

Subsection J concerns street names. The proposed preliminary plat does not include a street name. This can be deferred: see proposed approval condition 8.

Subsection K addresses flag lots and mid-block lanes. The proposed preliminary plat includes neither of these features.

Based on this, the Planning Commission should find that the proposed preliminary plat meets or can be conditioned to meet the requirements of 16.216.020.

VARIANCE TO CUT AND FILL SLOPES/SETBACKS (16.272.020)

The applicant requests a variance to the following standard setbacks in 16.152.120.B and C;

B. Top of Cut Slope. The top of cut slopes shall not be made nearer to a site boundary line than one-fifth the vertical height of cut with a minimum of two feet and a maximum of 10 feet. The setback may need to be increased for any required interceptor drains.

C. Toe of fill Slope. The toe of fill slope shall be made not nearer to the site boundary line than one half the height of the slope with a minimum of two feet and a maximum of 20 feet.

The proposed subdivision design includes a cut slope extending up to 17 horizontal feet onto adjoining property; and a fill slope extending up to 16 horizontal feet onto adjoining property. Lots 5 through 8 and the southern arm of the hammerhead turn-around are directly affected by the variance. The adjoining property is owned by the City of Warrenton, to the immediate south of the proposed subdivision. As of the date of this staff report, the applicant has not obtained permission from the City for this encroachment: see proposed approval condition 7.

Criteria for review of a variance are in 16.272.020:

- A. The hardship was not created by the person requesting the variance;*
- B. The request is necessary to make reasonable use of the property. There will be an unreasonable economic impact upon the person requesting the variance if the request is denied;*
- C. The request will not substantially be injurious to the neighborhood in which the property is located. The variance will not result in physical impacts, such as visual, noise, traffic or increased potential for drainage, erosion and landslide hazards, beyond those impacts that would typically occur with development in the subject zone;*
- D. The request is not in conflict with the Comprehensive Plan;*
- E. The request is not in conflict with the Development Code. No variance may be granted which will result in a use not permitted in the applicable zone or which will increase the allowable residential density in any zone with the exception of individual lot size reduction; and*
- F. Physical circumstance(s) related to the property involved preclude conformance with the standard to be varied.*

Criterion A states that the hardship must not have been created by the applicant. “Hardship” is not defined, but is generally understood to be something that prevents reasonable use of the property. The applicant addresses this criterion as follows:

The owner bought the foreclosed property from Clatsop County which identified it as containing 4.18 acres. Upon surveying the property in preparation for submitting application for preliminary plat revealed the property consisted of 3.04 acres and about 50 feet narrower than originally thought and as shown on County tax maps. The decrease in width results in a very tight site layout that simply does not have the spatial room within the parcel to allow for grading slopes.

Without the proposed variance, the subject property would probably yield fewer lots, but with comparable development costs. This might make the project less profitable, or perhaps economically unfeasible. If the Planning Commission finds that the combined effect of these factors constitutes a hardship, then they should conclude that the proposed variance meets criterion A.

Criterion B states that the variance is needed to make reasonable use of the property. Economic considerations are valid. The applicant addresses this criterion as follows:

Due to limited space and existing terrain, without extending the grading offsite would create unmarketable building footprints and unsuitable backyards for lots 5-8. In the vicinity of the south arm of the roadway hammerhead, a very expensive and aesthetically undesirable 10-12-foot tall retaining wall would be needed to support the roadway.

Although the applicant does not cite any estimated costs associated with the no-variance alternative, staff believes this argument is plausible. If the Planning Commission agrees, they should find that the proposed variance meets criterion B.

Criterion C states that the variance must not be “substantially injurious” to the neighborhood. Physical impacts, such as visual, noise, traffic or increased potential for drainage, erosion or landslide hazards are listed in the criterion as potential injuries. The applicant addresses this criterion as follows:

Granting the variance will not result in a substantial injury to the neighborhood; in fact it would increase the aesthetics and safety of the neighborhood with the elimination of tall retaining walls and more functional rear yards for lots 5-8.

Staff generally concurs with the applicant. As of the date of this staff report, there have been no comments from nearby property owners raising concerns about potential injuries. If the Planning Commission agrees, they should find the proposed slope setback variance meets the requirements of criterion C.

Criterion D prohibits variances that conflict with the Comprehensive Plan. The applicant addresses this as follows:

The property is zoned for residential housing and the requested grading variance is needed to facilitate construction of the proposed housing. The requested offsite grading does not conflict with the Comprehensive Plan.

Staff concurs. Additionally, the zoning ordinance's cut and fill slope setbacks implement comprehensive plan policies addressing erosion and slide hazards. There is no evidence that the proposal conflicts with these policy objectives. The applicant's geotechnical engineering report confirms that the proposed cuts and fills can be developed safely. Based on this, the Planning Commission should find that the proposed variance is consistent with criterion D.

Criterion E prohibits use variances; that is, a variance to allow a use that could not otherwise be permitted. This is not the case here, where the proposed uses are allowed in the R10 zone without a variance. The applicant addresses this as follows:

The variance request is simply to request offsite grading to allow the creation of a new subdivision to accommodate the future construction 12 single family attached dwellings. The ultimate use is permitted outright in the RGM zoning district by way of its link to development standards in the Intermediate Residential district.

Based on this, staff recommends that the Planning Commission find the proposal consistent with criterion E.

Criterion F states that the requested variance must be based on the site's physical characteristics. The applicant addresses this at length:

Due to terrain issues and limited space for grading, this variance is needed to provide feasible and marketable housing.

On the south side lots 5-8, Using a 2:1 slope to match existing ground would extend about 24 feet from the south property line into the lot consuming the 15 ft. rear yard setback and into the proposed building footprint.

The applicant has proposed a four-foot retaining wall with slope to the south for the remaining 2-7 feet of vertical needed to match the existing surface. The applicant feels this is a good compromise versus the alternative of a 6-11 foot tall wall in the back yards which would be quite confining, very expensive to design and construct, and possibly pose safety issues such as children falling or climbing the wall.

In the vicinity of the south arm of the roadway hammerhead, a very expensive and aesthetically undesirable 10-12 foot tall retaining wall (fill scenario) would be needed to support the roadway. Allowing fill onto the adjacent property eliminates the need for this retaining wall.

Staff concurs, and recommends that the Planning Commission find the proposal consistent with criterion F.

VARIANCE TO ROAD STANDARDS (16.272.020)

The applicant requests a variance to the minimum local street right-of-way width from 50 feet to 46 feet for a local street alternative minimum for proposed access road serving the planned twelve-lot subdivision. Criteria for review of a variance are in 16.272.020:

- A. The hardship was not created by the person requesting the variance;*
- B. The request is necessary to make reasonable use of the property. There will be an unreasonable economic impact upon the person requesting the variance if the request is denied;*
- C. The request will not substantially be injurious to the neighborhood in which the property is located. The variance will not result in physical impacts, such as visual, noise, traffic or increased potential for drainage, erosion and landslide hazards, beyond those impacts that would typically occur with development in the subject zone;*
- D. The request is not in conflict with the Comprehensive Plan;*
- E. The request is not in conflict with the Development Code. No variance may be granted which will result in a use not permitted in the applicable zone or which will increase the allowable residential density in any zone with the exception of individual lot size reduction; and*
- F. Physical circumstance(s) related to the property involved preclude conformance with the standard to be varied.*

Criterion A states that the hardship must not have been created by the applicant. “Hardship” is not defined, but is generally understood to be something that prevents reasonable use of the property. The applicant addresses this criterion as follows:

The owner bought the foreclosed property from Clatsop County which identified it as containing 4.18 acres. Upon surveying the property in preparation for submitting application for preliminary plat revealed the property consisted for 3.04 acres and narrower than originally thought. There simply is not enough width to accommodate the full right-of-way standard and the minimum lot depths required by the code.

As with the cut/fill setback variance above, staff generally concurs with the applicant’s analysis. The Planning Commission needs to determine whether this constitutes a hardship within the meaning of criterion A.

Criterion B states that the variance is needed to make reasonable use of the property. Economic considerations are valid. The applicant addresses this criterion as follows:

Should the full 50-foot alternative minimum local street right-of-way width be required, it would either necessitate a variance to the lot depths at best, or at worst mandate that there be only lots on one side of the street. Reducing the lot depths would make them

less attractive and marketable. Loading only one side of the street with lots would make the project totally financially infeasible because at least a third of the lots would be lost.

Staff generally concurs with this analysis, and recommends that the Planning Commission find the proposed variance consistent with criterion 8.

Criterion C states that the variance must not be “substantially injurious” to the neighborhood. Physical impacts, such as visual, noise, traffic or increased potential for drainage, erosion or landslide hazards are listed in the criterion as potential injuries. The applicant addresses this criterion as follows:

Granting the variance of four feet would not result in a substantial injury to the neighborhood; in fact, there would be no injury at all. It will not affect visual vistas, increase noise or traffic, affect drainage, erosion or landslide hazards any more than standard development of the site in the Growth Management zone. It is notable that while this request is for a reduced right-of-way, the pavement width exceeds the standard for alternative minimum widths of 28 feet, thereby enhancing traffic flow and parking.

Staff agrees with the applicant’s analysis, and recommends that the Planning Commission find the proposal consistent with criterion C.

Criterion D prohibits variances that conflict with the Comprehensive Plan. The applicant addresses this as follows:

The comprehensive plan coordinates with the most current Transportation System Plan providing guidance for new street design. These standards are also presented in the development code in Chapter 16.136. The proposal is simply to reduce the right-of-way by four feet because of the dimension of the subject property prevent compliance with the right-of-way standard, which is why the code includes provisions for granting relief from the standard when hardships exist. The proposed use of the site is consistent with that called for in the plan.

Staff generally concurs with this analysis and recommends that the Planning Commission find the proposed variance consistent with criterion D.

Criterion E prohibits use variances; that is, a variance allowing a use that could not otherwise be permitted. This is not the case here, where the proposed uses — single-family attached dwellings -- are allowed outright in the R1O zone. The applicant addresses this as follows:

The variance request is simply to the width of an alternative minimum local street right-of-way to allow the creation of a new subdivision to accommodate the future construction 12 single family attached dwellings. The ultimate use is permitted outright

in the RGM zoning district by way of its link to development standards in the Intermediate Residential district.

Staff recommends that the Planning Commission find the proposed right-of-way width variance consistent with criterion E.

Criterion F states that the requested variance must be based on the site's physical characteristics. The applicant addresses this as follows:

It is the limited width of the subject parcel that prevents conformance with the alternative minimum local street right-of-way standard of 50 feet. The 186+ foot lot width is simply not wide enough to allow lots on either side of the proposed street to meet the 70-foot lot depth standard of the I-10 district and accommodate the ROW standard width. We believe that a reduced ROW width, which would be virtually unnoticed by most if not all residents is preferable to reducing the lot depths which would be more apparent.

Staff generally agrees with the applicant's reasoning. Based on this, the Planning Commission should find that the proposal meets the requirements of criterion F.

CONCLUSION & RECOMMENDATION

The proposal appears to meet applicable standards and approval criteria; or can meet them with approval conditions. Staff recommends that the proposed conditional use permit, site plan review, and variances be approved, subject to the following conditions:

1. The applicant will either build all necessary public improvements, both on-site and off-site, required for this development prior to recording the final subdivision plat; or will provide the City with any one of the following assurance methods as approved by the City Commission and the City's attorney:
 - A. Performance bond.
 - B. Cash in escrow, assignment of letter of credit, etc.
 - C. Establishment of an LID (post-remonstrance period).
 - D. Evidence of formal action by other public or private agencies or companies authorizing monies or scheduling of a requisite public improvement.
 - E. The requisite improvement is included in an adopted capital improvement program with funds assured by the City.
 - F. Any other legally binding agreement which assures the improvement will be made.
2. Access to SW Juniper Avenue will be via the proposed local street. Direct driveway access to SW Juniper is not allowed for lots 1 and 5, notwithstanding their direct frontage on SW Juniper Avenue. A landscaped buffer at least ten feet wide shall be maintained on the west side of lots 1 and 5.

3. A landscaping plan meeting the requirements of WMC 16.124 shall be submitted with each application for a residential building permit in this subdivision.
4. Significant trees on the wetland portion of lots 9, 10, 11, and 12, and on Tract A, shall be protected in accordance with WMC 16.124.060.D.
5. A street tree plan meeting all the requirements of WMC 16.124.080 shall be prepared and submitted to the City prior to recording the final plat.
6. Preliminary plat approval shall be effective for a period of two years from the date of approval. The preliminary plat shall lapse if a final plat has not been submitted within a two-year period, unless extended pursuant to WMC 16.216.030.D.
7. Before undertaking any grading, excavation or filling, applicant will obtain permission from the City of Warrenton for any encroachments, temporary or permanent, onto City-owned property.
8. The final plat will include a street name meeting the requirements of WMC 16.216.020.J.



City of Warrenton

Planning Department

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STAFF REPORT

TO: The Warrenton Planning Commission
 FROM: Rebecca Sprengeler, Planning Technician *Rebecca*
 DATE: January 4, 2023
 SUBJ: Development Code Revision (DCR-23-1) Shipping Containers

BACKGROUND:

The Planning Department received several requests for the use of shipping containers both on commercial and residential lots. Addressing these requests has been difficult due to complaints about existing containers and no clear review criteria in the Warrenton Municipal Code. While there are some criteria for accessory structures in WMC 16.180, including siding color, roof pitch, etc., these standards cannot easily be applied to shipping containers. Staff discussed the issue with the Planning Commission in March, August, and November of 2023. Through these discussions, Ordinance No 1266 was created to establish review criteria and process for the use of shipping containers. The goal of the standards is to reduce or eliminate the presence of shipping containers in residential zones and restrict the view of shipping containers from the public right-of-way, while allowing for temporary and/or ongoing use of shipping containers subject to certain design, screening, and placement requirements. The ordinance also allows for permanent uses of shipping containers in compliance with state Building Codes. Such uses could include accessory dwelling units.

PUBLIC PROCESS, PROCEDURES & PUBLIC NOTICE:

The proposed ordinance was reviewed by city legal staff in August 2023. Notice was provided to DLCD on November 13, 2023. Public hearing notice was published in The Astorian December 30, 2023. No public comments were received as of the date of this report.

CODE PROVISIONS, APPLICANT RESPONSES, AND FINDINGS:

CODE PROVISIONS:

WMC 16.208.060 Type IV Procedure
 WMC 16.12.010 Definitions
 WMC 16.180.050 Shipping Containers

CONCLUSIONS AND RECOMMENDATION

Based on previous discussion with the Planning Commission and feedback from legal counsel, and findings, staff recommend the Planning Commission recommend approval of Ordinance No. 1266 to the City Commission for final adoption.

Recommended Motion: *Based on the findings and conclusions of the June 25, 2020 staff report, I move to recommend changes to the Development Code as described in DCR 20-1, draft an ordinance, and forward to the City Commission for a proposed public hearing with a recommendation to adopt.*

Alternative Motion: *I move to continue the hearing to a date certain to allow additional public testimony and reconsider the application.*

ATTACHMENTS:

1. Ordinance No. 1266

ORDINANCE NO. 1266
Introduced By All Commissioners

**AN ORDINANCE AMENDING WARRENTON MUNICIPAL CODE 16.12.010 AND
ADDING 16.180.050 TO ESTABLISH REVIEW CRITERIA FOR SHIPPING
CONTAINERS**

WHEREAS, the City of Warrenton is best served by an efficient and effective development code; and

WHEREAS, the current code does not provide a clear and efficient review or enforcement path for use of shipping containers;

NOW THEREFORE, the City of Warrenton ordains as follows:

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

[new language; ~~deleted language~~]

16.12.010 Definitions

Shipping container. A unit originally designed or currently or previously used for the transport, shipping, or hauling of materials or goods by land, sea, or air, capable of being moved or mounted by rail, truck, or boat, or designed to resemble such a unit. This definition includes sea or oceangoing containers marked with the American Bureau of Shipping's emblem or meeting the International Standard Organization's standards which can be detached from a trailer, chassis, or frame. Shipping containers are also commonly referred to as portable or moving storage unit containers, pod, cargo container, oceangoing container, transport container, and portable moving storage pod.

**Chapter 16.180 ACCESSORY STRUCTURE, ACCESSORY DWELLING, GARAGE,
AND CARPORT, AND SHIPPING CONTAINER DESIGN STANDARDS**

16.180.050 SHIPPING CONTAINERS

The purpose of these standards is to establish regulations to limit the use of shipping containers to avoid unsightly conditions or safety hazards that contribute to degradation of community character. The goal is to reduce or eliminate the presence of shipping containers in residential zones and restrict the view of shipping containers from the public right-of-way, while allowing for temporary and/or ongoing use of shipping containers subject to certain design, screening, and placement requirements. Shipping containers located on any property within the City of Warrenton shall comply with the regulations set forth in this section. A permit is required prior to the placement of any shipping container.

- A. Shipping containers as storage facilities or empty structures. Shipping containers as defined in WMC 16.12.010 are permitted within all zones, except as provided in subsections (2) and (3), pursuant to the regulations set forth below.

1. All shipping containers shall:
 - i. Be used only for storage of materials or goods, or temporarily placed as an empty structure, appurtenant to the primary use of an enclosed adjoining building located on the same lot ;
 - ii. Be placed on concrete, asphalt, or a level, compacted, hard surface at all times;
 - iii. Be no less than 8ft high, 8ft wide, and 10ft long and no more than 10ft high, 8ft wide, and 45ft long with no alterations to their original manufactured physical dimensions (width, length, and height);
 - iv. Be painted a similar color to the building(s) that they are associated with under subsection (i);
 - v. Be protected from rust and corrosion and kept free from holes, breaks, and any other conditions which might admit rain or dampness to the interior portions of the walls;
 - vi. Not be visible from the public right-of-way nor from adjacent properties used for residential purposes, unless the visual impacts of such shipping containers are mitigated by screened fencing or vegetation that meet the standards of WMC 16.124;
 - vii. Abide by all setback requirements applicable to the zone in which they are located;
 - viii. Be constructed of metal; and
 - ix. Not be placed on vacant property, defined for purposes of this subsection as property without any occupied structures.
2. In the CMU zone shipping containers shall be:
 - i. permitted outright on lots where the primary use is commercial, and
 - ii. temporarily allowed on lots where the primary use is residential, in accordance with the conditions of 16.180.050.B.
3. Shipping containers shall not be permitted in R-40, R-10, R-M, and RH zones, except as set forth in 16.180.050.B.
4. Only one shipping container may be permitted per lot unless otherwise approved by conditional use permit by the Planning Commission.

5. Shipping containers shall not be stacked.

B. **Exceptions for temporary placement of shipping containers in residential zones.** A temporary permit for the placement of one shipping container per residential lot may be issued once in a calendar year, for a maximum of 6 months, within residential zones (R-40, R-10, R-M, RH), only for the purposes of temporarily storing or shipping personal property in association with moving or property improvement, subject to the following standards in addition to those standards set forth in subsection (A)(1).

1. Temporary shipping containers must be placed on the designated driveway of a residential lot.
2. Temporary shipping containers may not be placed within the public right-of-way, and may not be placed in such a manner as to obstruct or impair the free and full use of the sidewalk or street by the public, and may not be placed in such a manner as to obstruct the view of pedestrians or users of vehicles within the public right of way, or otherwise interfere with the wires, poles or fixtures lawfully maintained thereon.
3. Temporary shipping containers shall be placed at least three feet away from the residential structure and shall allow for at least five feet of clear access between the shipping container and the property line.

C. **Exceptions for placement of shipping containers on construction sites in conjunction with an active building permit.** A temporary permit for the placement of shipping container(s) may be issued in conjunction with an active building permit for a construction site in all zones, subject to the following standards in addition to those standards set forth in subsection (A)(1):

1. Temporary shipping containers must be removed before the expiration or final approval of the associated active building permit or within 14 days of certificate of occupancy;
2. Temporary shipping containers may not be placed within the public right-of-way, and may not be placed in such a manner as to obstruct or impair the free and full use of the sidewalk or street by the public, and may not be placed in such a manner as to obstruct the view of pedestrians or users of vehicles within the public right of way, or otherwise interfere with the wires, poles or fixtures lawfully maintained thereon;
3. Temporary shipping containers must be placed on the construction site associated with the active building permit;
4. Temporary shipping containers must be placed a minimum of five feet away from all adjacent property lines and public rights-of-way;

- D. **Shipping containers used as permanent structures.** Nothing in this chapter shall prevent the use of a shipping container from being utilized as a permanent structure, provided that such structure complies with all applicable Building Codes, City regulations, and City design or development standards, as applicable.
- E. **Application requirements.** All requests for placement of shipping containers shall be submitted with a site plan, elevations with dimensions of the container, demonstration of compliance with the criteria in this chapter, the proposed use of the shipping container, and any other information deemed necessary by the Planning Director for ensuring compliance with City codes.
- F. **Enforcement.** The Planning Director or designee may periodically visit and inspect the lot on which a shipping container or containers are located to ensure compliance with all applicable regulations, during normal business hours, and with reasonable notice to the owner of such lot. Code violations shall be processed in accordance with Chapter 16.16 Enforcement.

Section 2. This ordinance shall take full force and effect 30 days after its adoption by the Commission of the City of Warrenton.

First Reading:

Second Reading:

ADOPTED by the City Commission of the City of Warrenton, Oregon this ____ day of _____, 2023

Executive Summary

The City of Warrenton (City), Oregon has experienced substantial population growth over the past several years, and that population growth is expected to continue. The City operates a Sequencing Batch Reactor (SBR) wastewater treatment plant (WWTP) that is rapidly nearing capacity due to increased flows associated with population growth. A condition assessment of the wastewater treatment facility revealed that some equipment is nearing the end of its useful life and needs to be replaced. For these reasons, the Warrenton WWTP needs an expansion and upgrade.

The City's wastewater collection system is also in need of upgrades. A condition assessment indicated that several sewer collection pipes have defects such as separated joints, holes, and root intrusion. Some manholes in the collection system also have damage. These defects contribute to inflow and infiltration (I&I) which increases peak flowrates to the WWTP and can negatively affect treatment efficiency. Given the City operates numerous pump stations within the sewer system, maintenance upgrades are ongoing and are recommended as part of this project for two pump stations.

Population projections from Portland State University's (PSU) Population Research Center (PRC) and United States Census data for Warrenton were used to project population through the 2043 plan year. It is estimated that Warrenton's population will increase by 2.32 percent (%) annually. This accounts for potential industrial growth in the service area. The 2043 population projection, flow projections, and loading projections are summarized in Table ES-1 below.

Table ES-1: Warrenton 2043 Population, Flow, and Loading Projections Summary

Population	10,403
Flows in Million Gallons per Day (MGD)	
Annual Average Flow (AAF)	1.48
Peak Daily Average Flow (PDAF ₅)	3.53
Maximum Monthly Wet Weather Flow (MMWWF)	3.53
Maximum Month Dry Weather Flow (MMDWF)	1.90
Peak Instantaneous Flow, or Peak Hourly Flow (PIF ₅)	4.79
Loading in Pounds per Day (PPD)	
Peak Daily BOD ₅	3470
Average Daily BOD ₅	2540
Peak Daily TSS	5210
Average Daily TSS	2460

Using these flow and loading projections, five liquid stream treatment alternatives were developed to address plant capacity, operational challenges and more stringent effluent

disinfection limits. The current plant is nearing capacity. As the flow capacity is exceeded by additional demand on the system, the effluent quality will diminish until the plant can no longer meet National Pollutant Discharge Elimination System (NPDES) permit limits. If the current mass load limits remain the same in future permit renewals, the plant will be required to produce a higher quality effluent to remain in compliance. This level of treatment may not be easily achieved using SBR treatment technology alone. In addition, the current SBR basin configuration leaves it vulnerable to birds foraging, causing suspended solids in the liquid stream, and windblown turbulence that reduces the plant's ability to adequately settle solids under high wind conditions. A higher effluent clarity or transmissivity combined with an ultraviolet (UV) disinfection system upgrade are needed to comply with more stringent fecal coliform and enterococci bacteria limits that the plant currently has difficulty meeting. Thus, the alternatives consider a higher effluent quality achieved through membrane or tertiary filtration technologies that are less susceptible to high wind. The liquid stream alternatives are summarized below:

- Alternative 1: Retrofit existing SBRs. Build two additional SBRs, add tertiary disk filters, and upgrade the UV disinfection system.
- Alternative 2: Convert existing SBR basins into deeper aeration basins and build two secondary clarifiers for a conventional activated sludge treatment facility. Add tertiary disk filters and upgrade UV disinfection system.
- Alternative 3: Convert existing SBR basins to membrane bioreactors (MBRs). Upgrade UV disinfection system.
- Alternative 4: Phased approach to increasing capacity of the existing SBRs. Build one new SBR basin to support 2032 projected flow and load (10-years of capacity) and build a second SBR basin in 2034 to support 2043 projections. Add tertiary disc filters.
- Alternative 5: Decommission the existing treatment facility. Build a new pump station and force main to convey flow to a different municipality's wastewater treatment facility.

These alternatives were compared based on capital cost, 20-year life cycle cost, regulatory compliance/permitting, expandability, operations and maintenance reliability/stability, and community impact. Alternative 3, convert the existing SBRs into MBRs, was found to be the most beneficial alternative by providing the highest quality treated effluent, the highest level of operational reliability to comply with current and future permit requirements. The initial capital cost for Alternative 3 is estimated to be **\$28,600,000** and the 20-year life cycle cost is estimated to be **\$37,800,000**. The capital costs include both costs to upgrade the plant, and improvements to the sewer collection system (pump stations and sewer piping). The 20-year life cycle cost accounts for inflation-adjusted operation and maintenance costs, energy consumption, and chemical costs.

The disadvantages of SBR operation at the Warrenton WWTP include the following:

- Birds foraging in the existing basins and windblown turbulence stir up sediment and cause settling issues in the SBR tanks. The existing tanks need to be covered to be used effectively. There is a significant cost to cover the SBR basins.