

MINUTES
Warrenton Planning Commission
August 12, 2021
6:00 p.m.
Warrenton City Hall - Commission Chambers
225 S. Main
Warrenton, OR 97146

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

Commissioners Present: Chair Paul Mitchell, Christine Bridgens, Mike Moha, Ken Yuill, and Lylla Gaebel (via Zoom)

Excused: Commissioner Chris Hayward and Commissioner Kevin Swanson

Staff Present: Interim City Planner Will Caplinger (via Zoom), Public Works Director Collin Stelzig (via Zoom), and Secretary Rebecca Sprengeler

PUBLIC COMMENT ON NON-AGENDA ITEMS - None

APPROVAL OF MINUTES

A. Planning Commission Meeting Minutes – 5.13.21

Commissioner Yuill made the motion to approve the minutes as written. Motion was seconded and passed unanimously.

Mitchell – aye; Bridgens – aye; Moha – aye; Yuill – aye; Gaebel - aye

PUBLIC HEARING

Open Public Hearing: Chair Mitchell opened the public hearing for the matter of Consolidated Application SUB-21-1/SDR-21-1 for a nine-lot townhome subdivision at 444 Jetty in Hammond. Formalities followed. No conflicts of interest were disclosed. Commissioner Yuill noted he drove by the site but feels it will not affect his decision.

Staff Report: Interim City Planner Will Caplinger briefly introduced the 444 Jetty project. He noted the WMC (Warrenton Municipal Code) requirements for consolidated applications. He discussed differences between his staff report and previous. He noted there are no specific findings for compliance of the comprehensive plan because it is assumed by the application of WMC criteria. He explained the WMC requires consolidated applications to have separate findings and decisions. He noted the findings and applicable criteria are the same for both applications and explained the subdivision has more detail while the site design review refers back to discussion covered by the subdivision application. He also discussed a change to the format of the findings. Mr. Caplinger reviewed and briefly discussed each finding of the SUB-

21-1 section of the staff report. While reviewing 16.136.010 Purpose and Applicability, Mr. Caplinger stated he would like to augment the finding to add a requirement for a waived remonstrance, which is noted as a requirement in the conditions of approval. He also stated it would be required for any new development in the area. He noted the need for public improvements in the Kindred Park area and briefly discussed the Clark vs. City of Albany LUBA (Land Use Board of Appeals) decision. He continued reviewing the staff report. Under 16.136.020.H.2.b of the staff report, he noted the improvement plans do not show a required barricade as listed in the conditions of approval. He noted the hammerhead turnaround, if approved by the Fire Chief, will be a semipermanent condition until Fourth Avenue is improved and extended. Commissioner Yuill asked about drainage. Mr. Caplinger noted the applicant stated drainage will be to the Hammond Boat Basin. Public Works Director Collin Stelzig confirmed stormwater will drain to the west outfall to the Hammond Marina. He discussed the applicant's suggested new stormwater line. It was noted the new line will need to be TV-ed. Mr. Caplinger continued his review of the staff report. Mr. Caplinger reviewed the conditions of approval as written in the staff report. He stated his recommendation is that the Planning Commission approve the subdivision/preliminary plat application subject to the conditions outlined in the staff report.

Questions of Staff: Commissioner Yuill noted pervious condition of approval for this property for water flow. He asked if there should be a condition related to waterflow and pressure. Mr. Stelzig noted a condition in the August 5th planning review comments memo to do a water model and discussed the suggested water improvements. He feels with the improvements and the water model, there should be enough water for the development. Brief discussion followed. Chair Mitchell asked how the maximum number of units before a public space or park is required. Mr. Caplinger stated 20 units. Brief discussion continued. Chair Mitchell asked if garages or carports are included. Commissioner Gaebel asked if the developer plans to build additional units on the "stub." Mr. Caplinger noted that would not be allowed due to density requirements. Commissioner Yuill and Commissioner Moha confirmed the units have two-car garages. There were no further questions.

Applicant Presentation: Mark Hansen of Jetty Street LLC made introductory comments and discussed his work in development. He noted he wants to be a homeowner of one of these units. He discussed several infrastructure improvements that will be made. He noted this will meet the housing need in the area. He noted the units will be managed by an HOA (Homeowner's Association). He briefly discussed access.

Questions of Applicant: Commissioner Yuill asked if there will be a sprinkler system. Mr. Hansen said there will not be sprinklers and noted new fire hydrants. Commissioner Yuill asked if there has been contact with the neighbors losing their view. Mr. Hansen confirmed he has spoken with the neighbors and received no comments in opposition. Commissioner Bridgens asked if the units will be owner-occupied or rented. Mr. Hansen confirmed they will be owner-occupied. He explained the intention is to sell the units as they are built. Chair Mitchell commented on potential for the units to be rented unless restricted by HOA or CC&R (Covenants, Conditions & Restrictions). Brief discussion followed. Chair Mitchell asked about the selling price. Mr. Hansen estimated between \$500,000 - \$600,000. He discussed the details and quality of the units. Commissioner Moha asked if the intention is to begin immediately. Mr.

Hansen responded the intention is to begin as soon as possible.

Public Testimony: Pam Ackley spoke in favor of the development noting it is a start to beautifying the Hammond Marina and bringing in new infrastructure. Gerald Poe also spoke in favor noting his home is near this proposed development. He discussed his support for the development. There were no comments in opposition.

Close Public Hearing: Chair Mitchell closed the public hearing.

Deliberation of Commissioners: Commissioner Gaebel agreed with Ms. Ackley. Chair Mitchell also agreed, noting he wants to ensure developments have long term benefit, not just immediate. He also noted the lack of housing. He noted concerns about HOA's when not set up well. Commissioner Yuill noted his only concerns were about past drainage and waterflow issues. Commissioner Moha made comments in agreement noting he feels the issues were addressed with this development. Commissioner Gaebel asked if the shared walls are fire walls. Chair Mitchell confirmed and briefly discussed fire life safety requirements. Commissioner Bridgens asked if there will be yards.

Re-Open Public Hearing: Chair Mitchell re-opened the public hearing. Mr. Hansen responded that there will be front yards, patios, and exterior balconies. He also noted there will be double car driveways in the rear.

Close Public Hearing: Chair Mitchell closed the public hearing.

Commissioner Yuill made the motion that based on the findings and conclusions of the August 3, 2021 staff report, I move to approve SUB-21-1 Preliminary Plat Application for Jetty View Subdivision subject to the 18 conditions of approval that are included in the staff report. There was brief discussion about the two suggested motions. Commissioner Moha noted the motion made is correct. Mr. Caplinger confirmed there are 18 conditions of approval. Chair Mitchell asked if each condition should be read for the record. Commissioner Yuill noted they do not all need to be read. Commissioner Gaebel asked for clarification about the future street plan condition of approval. Mr. Caplinger noted that it is condition 9. Commissioner Yuill asked if the motion made covers both the SUB and SDR. Mr. Caplinger noted it is only for the SUB application and the SDR will be reviewed separately, noting the requirement for separate decisions and findings. Chair Mitchell stated the motion is going to be restated.

Commissioner Yuill made the motion that based on the findings and conclusions of the August 3, 2021 staff report, I move to approve SDR-21-1 Site Design Review application for Jetty View Subdivision subject to the conditions of approval that were included in the staff report. Motion was seconded. Mr. Caplinger noted that the motion needs to be for SUB-21-1.

Commissioner Yuill made the motion that based on the findings and conclusions of the August 3, 2021 staff report, I move again to approve SUB-21-1 Preliminary Plat Application for Jetty View Subdivision subject to the conditions of approval included in the staff report. Motion was seconded and passed unanimously.

Mitchell – aye; Bridgens – aye; Moha – aye; Yuill – aye; Gaebel - aye

Staff Report: Mr. Caplinger reviewed the staff report and conditions of approval for SDR-21-1. Mr. Caplinger noted the suggested motion for the SDR. Chair Mitchell asked for a motion. Commissioner Yuill asked if the applicant would like to speak. Mr. Caplinger asked about opening the public hearing.

Re-Open Public Hearing: Chair Mitchell opened the public hearing and asked if the applicant would like to make comments. Mr. Hansen noted he has already said what he wanted to. There were no comments in favor or opposition.

Close Public Hearing: Chair Mitchell closed the public hearing.

Commissioner Yuill made the motion that based on the findings and conclusions of the August 3, 2021 staff report, I move to approve SDR-21-1 Site Design Review application for Jetty View Subdivision subject to the conditions of approval included in the staff report. Motion was seconded and passed unanimously.

Mitchell – aye; Bridgens – aye; Moha – aye; Yuill – aye; Gaebel - aye

There was brief discussion about the public hearing script. Secretary Rebecca Sprengeler made a point of order, noting the two scripts are different – the first was only for Jetty and the Roby’s script needs to be read.

Open Public Hearing: Chair Mitchell opened the public hearing in the matter of SDR-21-2, a commercial site design review for a new Roby’s Furniture Store. Formalities followed. No conflicts of interest were disclosed. Commissioner Yuill noted he drove past the property but feels it will not affect his decision. Chair Mitchell disclosed he manages a business directly across the street.

Staff Report: Mr. Caplinger introduced the project, described the format of the staff report, and reviewed each criterion of the staff report for SDR-21-2 for Roby’s Furniture. Mr. Caplinger stated under 16.116.030 Architectural and Site Design Standards staff finding b., the exterior building materials are limited to board & batt siding and lap siding. He stated this criterion is not met and noted an amendment to condition of approval number 6 to add to this criterion to have additional building materials. He continued his review. Commissioner Gaebel noted aesthetic concerns about storage buildings facing Highway 101. Mr. Caplinger noted the trash enclosures are screened, all equipment is enclosed, the loading docks are concealed well. Brief discussion followed. Mr. Caplinger continued reviewing his staff report, referencing attachments in the meeting packet. Mr. Caplinger noted garbage truck maneuvering concerns on page 120 of the staff report that will be subject to the approval of Public Works department. Mr. discussed WMC 16.144 regarding signs. He stated he wants to add a finding that that will be met by a condition of approval. He suggested a modification to condition of approval number 9. He noted the applicant stated that only building-mounted signage is proposed. He noted there is no exemption for building-mounted signs. Under 16.156.030 Mr. Caplinger discussed Department of State Lands (DSL) Wetland Fill Permit No. 38988-FP, noting it expires on August 7, 2021. He noted

John Nygaard confirmed the permit is renewed annually and the plans were submitted prior to expiration. Mr. Caplinger stated under condition of approval number 10, there will need to be an additional comment that the City will need to receive an updated copy of the site plan. He then continued reviewing the staff report. Mr. Caplinger emphasized that the Type III “permit” is not the Site Design Review approval. He stated Site Design review is not a permit, per se, but is the mechanism by which the Community Development Director or the hearings body determines satisfaction of the Code requirements. He noted SRD ensures code compliance but does not permit development and noted the need for a Type I Permitted Use application. He noted this has not been done for previous approvals and that SDR’s are technically subject to a Type I or Type II development review process. He noted this needs to be ensured moving forward then continued reviewing the staff report. He noted the need for an updated impact study. Mr. Caplinger noted a correction that the conditions of approval *will* be met for Development in Accordance with Permit Approval. Mr. Caplinger stated the findings above demonstrate that the proposed design of the Roby’s Furniture Store development is generally consistent with the C-1 zoning district development standards and the design standards of the development code. Staff recommends the Planning Commission approve the site design review application subject to the conditions of approval. He read the conditions of approval as listed in the staff report, noting an addition to condition of approval 9 that the submittal shall include a sign plan and separate sign permit application to comply with section 16.116.030.C.3.b. He also made an addition to condition of approval 10 that the applicant shall also provide a copy of the current wetland fill permit renewal.

Questions of Staff: Chair Mitchell thanked Mr. Caplinger for his thorough review. There was brief discussion about a recommended motion.

Applicant Presentation: Kyle Langeliers, representative of Roby’s Furniture and Appliance, introduced himself and the team: Stricker Engineering, project manager, Big River, and Warrenton Fiber representatives. He thanked staff noting how helpful the pre-application meeting was. He noted excitement to move into a growing community.

Questions of Applicant: Commissioner Yuill complimented the attractiveness of the Roby’s furniture store near Tillamook and asked if the aesthetics will be mimicked in Warrenton. Mr. Langeliers confirmed this development will mimic that store. Commissioner Yuill asked about the display to warehouse ratio of the square footage. Mr. Langeliers stated 5,000 square feet will be warehouse. Brief discussion followed. Chair Mitchell noted concerns with Tractor Supply’s use of materials, noting the goal to keep Highway 101 attractive with the store front facing instead of the rear. He discussed the push during the Walmart development for a wall to conceal the back of the building from Highway 101. He noted the importance of buildings being aesthetically pleasing, stating Warrenton is becoming a place you come to and not drive through. Mr. Langeliers made comments in agreement. Commissioner Gaebel asked if there are sprinklers. It was noted there are interior sprinklers.

Public Testimony: No one spoke in favor or opposition.

Close Public Hearing: There being no further comments, Chair Mitchell closed the public hearing.

Deliberation of Commissioners: Chair Mitchell noted he feels this will be a nice addition noting his excitement. He feels this is the type of business they have been looking to grow and feels they will be good community partners. Commissioner Yuill noted many issues in that area have already been addressed multiple times and noted his appreciation for detail in this application. He stated he feels very comfortable and excited about the project. Commissioner Moha noted his agreement and stated that is what the area was developed for. Commissioner Gaebel noted she would like to ensure the wetland permit comes in. An applicant requested to address the Commissioner Gaebel's concern.

Re-Open Public Hearing: Chair Mitchell reopened the public hearing testimony. Commissioner Gaebel restated her concern about flooding in the wetland area and would like to ensure the permit is in order. Wes Giesbrecht, representative of Warrenton Fiber, noted the wetland has been filled for almost 15 years and is unsure why there is still an active wetland permit and renewal requirement. He asked for clarification from staff. Commissioner Yuill noted wetland on the northeast corner of the property. Mr. Giesbrecht responded that there is a corner that is not owned by Warrenton Fiber or this project that remains unfilled. He noted Warrenton Fiber's property has been filled for many years. Brief discussion followed about the fill permit. Mr. Caplinger responded that if a delineation was done, he does not see the need for the renewal but will defer to the property owner and the Department of State Lands. He stated the statute says if a development is going to impact a wetland, then all of this applies, but if a wetland is no longer there or is authorized as fill, then he does not see that a wetland fill permit would be necessary or applicable. Discussion followed. Mr. Giesbrecht noted he does not prefer this to be a condition of approval on this project. Chair Mitchell noted if this condition is removed, it cannot be added back in. Brief discussion followed. Mr. Caplinger suggested modification to condition of approval 10 provide a copy of current wetland fill permit renewal if applicable and required by Department of State Lands. Chair Mitchell noted emailed public comment in opposition from Kurt and Henry Wilener and responded to each of their concerns about public notice, access, and drainage. Mr. Langeliers responded to the comments noting the water drainage has been addressed.

Close Public Hearing: There being no further comments, Chair Mitchell closed the public hearing. Mr. Caplinger discussed his response to the Wileners' comments via email.

Commissioner Gaebel made the motion to approve SDR-21-2 Site Design Review Application for Roby's Furniture Store subject to the conditions of approval included in the staff report. Motion was seconded and passed unanimously.

Mitchell – aye; Bridgens – aye; Moha – aye; Yuill – aye; Gaebel – aye

Ms. Sprengeler made a point of order to ask Chair Mitchell if the motion should be amended to include the changes made to conditions of approval based on the discussion at this meeting. Discussion followed.

Commissioner Gaebel moved to repeal the motion that just passed. Motion was seconded and passed unanimously.

Mitchell – aye; Bridgens – aye; Moha – aye; Yuill – aye; Gaebel – aye

Commissioner Gaebel made the motion to approve SDR-21-2 Site Design Review Application for Roby’s Furniture Store subject to the conditions of approval included in the staff report and as amended during discussion and added to the record. Motion was seconded and passed unanimously.

Mitchell – aye; Bridgens – aye; Moha – aye; Yuill – aye; Gaebel – aye

STAFF ANNOUNCEMENTS & PROJECT UPDATES

Mr. Caplinger discussed the stop work order for Marissa Lauren’s vacation rental on 1564 SE Honeysuckle Loop. He discussed the grandfathering process and the revocation and violation enforcement processes. He noted if the use does not cease, it will be brought to the September Planning Commission meeting. Brief discussion followed. Chair Mitchell discussed the confusion from homeowners about the grandfathered status of many vacation rentals. Discussion followed. Mr. Caplinger discussed the need for a clear system to address revocation of vacation rentals in residential districts. Commissioner Moha commented on the press coverage on this subject. Commissioner Yuill requested the City Attorney be available to assist the Planning Commission during this process. Mr. Caplinger discussed updates for the Young’s Bay Plaza project, Trillium House, and the Roosevelt subdivision. Commissioner Bridgens noted a concern about public safety with lack of police officers in a continually growing city. Commissioner Gaebel suggested requiring sprinklers for attached dwellings.

There being no further business, Chair Mitchell adjourned the meeting at 8:48 p.m.

Next Meeting: September 9, 2021

APPROVED:



Paul Mitchell, Chair

ATTEST:



Rebecca Sprengeler, Secretary