

**WALDPORT PLANNING COMMISSION  
FEBRUARY 25, 2019  
MEETING NOTICE AND AGENDA**

THE WALDPORT PLANNING COMMISSION WILL MEET ON MONDAY, FEBRUARY 25, 2019 AT 2:00 P.M. IN THE CITY COUNCIL MEETING ROOM, 125 ALSEA HIGHWAY, TO TAKE UP THE FOLLOWING AGENDA:

1. CALL TO ORDER AND ROLL CALL
2. MINUTES: (January 28, 2019)
3. CITIZEN COMMENTS AND CONCERNS
4. CORRESPONDENCE – Training Manual For Planning Commissioners and Other Hearings Body Members
5. PUBLIC HEARING
  - A. Amendment to Case File #1-CU-PC-18 Carl Andry Conditional Use Permit in the Planned Industrial (I-P) Zone.
  - B. Deliberations on Proposed Amendments to Waldport Development Code - Conex and Other Metal Containers
6. DISCUSSION/ACTION ITEMS:
  - A. Planning Report
  - B. Other Issues\*
7. COMMISSION COMMENTS AND CONCERNS
8. ADJOURNMENT

\*Denotes no material in packet

*The Council Chambers are accessible to all individuals. If you will need special accommodations to attend this meeting, please call City Hall at (541)264-7417 during normal business hours.*

Notice given this 19<sup>th</sup> day of February 2019

City of Waldport

**WALDPORT PLANNING COMMISSION  
JANUARY 28, 2019  
MEETING MINUTES**

1. CALL TO ORDER AND ROLL CALL: Chair Woodruff called the meeting to order at 2:00 p.m. Commissioners Stole, Phillips, Woodruff, Kelleher, Schlosser and Barham answered the roll. A quorum was present.

2. MINUTES: The Commission considered the minutes from the December 3, 2018 meeting. Commissioner Barham moved to approve the minutes as presented. Commissioner Phillips seconded, and the motion carried with Commissioner Woodruff abstaining due to not being in attendance.

3. CITIZEN COMMENTS: Hollis Lundeen asked if the public hearing portion of the Code amendments under consideration on the agenda was closed, the response was affirmative. The Commission would be engaging in deliberations from the public hearing held in December.

4. CORRESPONDENCE: City Planner Lewis noted correspondence was included in the packet regarding concerns about a recent administrative approval for a partition (Case File #2-PAR-18). Commissioner Barham indicated he had asked that this be on the agenda. There had been two partitions done in two consecutive years, and the contention was that this had been done to avoid the requirement for a subdivision. Commissioner Barham felt that this had been done according to the Development Code, but that the language could bear reviewing to avoid future issues. Commissioner Stole asked if the time frame was the issue, and Commissioner Barham responded that he had considered this, and also the possibility of a change of ownership, and felt more that it had to do with the size of the property involved. Commissioner Stole noted that bottom line was that the Code was correctly followed, and Commissioner Barham agreed.

5. PUBLIC HEARING: #1-PD-PC-17 Vista View Planned Development (LUBA Remand Hearing). Commissioner Barham requested that the record reflect his comments at the initial hearing on October 23, 2017. There were no additional declarations, and no objections to any member of the Commission participating in the hearing..

City Planner Lewis reviewed the staff report, providing an overview of the process leading to the present hearing. He indicated he had received an email from ODOT which stated that the proposed development should not increase drainage in the right of way. A suggested condition of approval could state that if storm drainage improvements increase drainage in the right of way, the applicant should seek approval from ODOT. He also noted that the appellant had distributed additional written comments at this meeting. The suggested action by the Planning Commission should be to take testimony, then deliberate whether the proposed drainage plan is adequate. If so, then condition 11 of the conclusion should be revised for new time limits due to the hearings delays.

Dennis Bartoldus, representing Vista View, addressed the Commission, noting that

he had just received the opponent's written presentation. He reminded the Commission that the only issue under consideration was with regard to storm water drainage. LUBA had upheld all the other decisions on this land use application but had determined that storm water needed to be addressed in the findings. A stormwater analysis had been included in the Commission's packet to satisfy that requirement. ODOT had been under the impression that the property was adjacent to Highway 101, and though it is not, a finding had been added to address any of ODOT's concerns in that regard. According to the stormwater analysis, as long as the proposed retention pond was included, drainage would not be increased beyond pre-development standards. Mr. Bartoldus indicated that the property is located within a developed area of the City, and the standards for this property owner will be more stringent than those of the surrounding properties. Water will be collected by the stormwater system and directed in the containment area and culverts will control the flow off the property. Riprap and other necessary slope stabilization will be utilized, along with any required filters. He requested that, by reference, all information from the previous public hearings be incorporated into the record.

Hollis Lundeen addressed the Commission, requesting that the Commissioners take some time to review her written testimony, and explaining that she had some publishing issues which delayed the submittal. She explained her background in both forest and civil engineering, noting that she had served as the local zone engineer with the USDA Forest Service, and the facilities operations engineer with NOAA at the Hatfield Marine Science Center. She indicated that she felt there was an existing conflict of interest with the stormwater analysis as the engineer, Brant Thissell, was related to the applicant. She stated that the stormwater considerations were vital, citing potential slope failures and sedimentation issues, and noting that the sewer line was proposed to follow the same channel. There would be substantial removal of vegetation during the road construction, which could speed up erosion and sedimentation, and there was no documentation included to show soil protection, testing, or verification that the ground was stable enough to withstand construction of structures, roads and utilities. Ms. Lundeen stated that she felt the proposed plan did not meet the required goal of proving that the drainage will not have negative impact. Commissioner Woodruff explained that this was only a preliminary plan, and Ms. Lundeen responded that it was unclear whether public input would be allowed anywhere else in the process, and asked if the public would be involved in the final review. Commissioner Barham noted that all of the designs would need to be reviewed and approved by the City's Public Works Director and the City's engineer, and there was nothing to prohibit the applicant from utilizing a family member in a professional capacity.

Mr. Bartoldus pointed out that the remand from LUBA stated that it was not required that the City address every factor in its findings to approve a preliminary plan, but that it had to be reasonably feasible. If the proposed plan didn't work, the plan would of course have to be amended and re-engineered before actual work is done and final approval can be given. He also noted that Mr. Thissell, as a registered engineer, was not being unethical, as it would not behoove him to risk his professional career by providing inadequate calculations or misinformation. He felt that the questions being raised were beyond the scope of review required by LUBA in this preliminary plan approval, and noted that final approval would be given only after the Public Works department and the City's engineer reviewed the actual work and signed off on it.

Chair Woodruff closed the public hearing and opened deliberations. Commissioner Barham noted that the question was whether to deliberate now, or take time to consider the written submittal and then either deliberate at the end of the meeting or reschedule for a later date. Commissioner Woodruff responded that he felt it was important to conclude the issue. Discussion ensued. Commissioner Stole noted that she felt the Commission had met the terms of the LUBA remand by receiving the stormwater report and finding it feasible. Commissioner Barham indicated he felt the report was sufficient for the preliminary approval of the plan. He moved to approve the findings of fact as revised, including the new finding regarding ODOT notification if stormwater impacted the right of way. Commissioner Stole seconded, and the motion carried unanimously. Consensus was to have Mr. Lewis prepare the findings with the revisions for the Chair's signature.

At 3:43 p.m., the Commission took a brief recess. The meeting resumed at 3:57 p.m.

Citizen Comments and Concerns (Continued): Pam Corey addressed the Commission regarding concerns on Fernwood Lane, and thanked Mr. Lewis for answering their questions. She asked about the public comment process and indicated that she felt a 10-day response time for public comments on administrative decisions may be too short.

6. ELECTION OF PLANNING COMMISSION CHAIR AND VICE-CHAIR: Commissioner Woodruff noted that he had chaired the meeting during the public hearing on the LUBA remand, but he now wished to open nominations on a new Chair and Vice-Chair. He then nominated Commissioner Barham for Chair. There were no additional nominations, and the vote for Commissioner Barham was unanimous. Commissioner Kelleher nominated Commissioner Stole for Vice-Chair. There were no additional nominations, and the vote for Commissioner Stole was unanimous.

Commissioner Barham stated that, as Commissioner Woodruff had chaired the previous public hearing, it was appropriate for him to also sign the findings of fact resulting from that hearing. There were no objections.

#### 7. DELIBERATIONS ON PROPOSED AMENDMENTS TO WALDPORT DEVELOPMENT CODE:

Chair Barham opened the deliberations, noting that the options before the Commission were to move the issues to the Council for considerations, make revisions to the language and then move them to the Council, or, if the changes to the language were substantial, to renote the issue for another public hearing before the Commission.

Mobile Vending: There were no additional changes proposed. Commissioner Phillips moved to forward to the Council. Commissioner Kelleher seconded, and the motion carried unanimously.

Conex and Other Metal Containers: Commissioner Kelleher stated she had visited Grampa's Feed and they do have a number of conex's and some good reasons for having them. She felt that they should be allowed in commercial zones for fire prevention and also

for temporary use on construction sites, as had been noted at the public hearing. Commissioner Barham noted the presence of these storage containers in the Public Facilities zone, such as the school and the Fire Hall. Discussion ensued regarding possible uses, whether they should be allowed in additional zones, and a process for temporary permitting. Consensus of the Commission was that there could be substantial enough changes to the language to merit an additional public hearing.

**Appeal Timing and Proceedings:** City Planner Lewis clarified that the reason for the proposed extension has to do with the fact that the City does not have a full-time Planner. This is completely unrelated to the appeal process in general, as it has to do with notification to the Council that an appeal has been filed. Commissioner Barham noted that extending the timeframe for appeals of a decision could have an impact on the required 120-day time limit for a land use application. He also asked if it would be possible to reduce the requested extension from 21 days to 15, and City Planner Lewis confirmed that this would be acceptable. Commissioner Stole moved to forward the recommendation to the Council for a 15-day time period. Commissioner Kelleher seconded, and the motion carried unanimously.

**Livestock:** Commissioner Barham noted that there had been testimony regarding pygmy goats and bottle-fed sheep. A brief discussion ensued. Commissioner Woodruff moved to leave the language as is and forward to the Council for consideration. Commissioner Kelleher seconded. Commissioner Stole noted that under the standards for the keeping of livestock, paragraph D should state "livestock" rather than "birds" at the end of the second sentence. She also questioned whether it was necessary to have two sentences in Section E regarding food and containers. The motion then passed, with Commissioner Schlosser voting "Nay", all others voting "Aye". It was noted that the Council would also have the ability to reword the section to include other requested animals if they so desired.

**Planned Development and Subdivision Time Limits:** Commissioner Kelleher moved to forward the recommended changes to the Council for consideration. Commissioner Stole seconded, and the motion carried unanimously.

**Downtown District, and Notification of Land Use Applications:** It was noted that both of these topics had been deferred to the next public hearing process.

#### 8. DISCUSSION/ACTION ITEMS:

A. **Planning Report:** City Planner Lewis reviewed his written report. Commissioner Woodruff noted rumors had been circulating about the business at 140 Highway 101. Mr. Lewis responded that the City had received a building permit for an ADA compliant bathroom and a business license application for an antique store. The County had issued plumbing and electrical permits. When the building is open for business, any potential code compliance issues can be addressed at that time

B. **Other Issues:** None.

9. COMMISSION COMMENTS AND CONCERNS: Commissioner Phillips mentioned that he was concerned about the street lights in the downtown area, noting that it appeared there were several not working. City Recorder Eckerman responded that Public Works Director Andry had reviewed the situation and determined that the sensors may be responding to the presence of the new high-powered headlights on some vehicles. He is currently researching methods of dealing with the problem.

10. ADJOURNMENT: At 4:57 p.m., there being no further business to come before the Commission, the meeting was adjourned.

Respectfully submitted,

Reda Q Eckerman, City Recorder

APPROVED by the Planning Commission this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

SIGNED by the Chair this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

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Chair

CASE FILE: #1-CU-PC-18  
DATE FILED: May 2, 2018  
ORIGINAL APPROVAL: May 21, 2018  
AMENDED APPLICATION FILED: Feb. 11, 2019  
AMENDED APPLICATION DEEMED COMPLETE: Feb. 11, 2019  
120-DAY COMPLETION DATE: Jun. 11, 2019  
HEARING DATE: Feb. 25, 2019

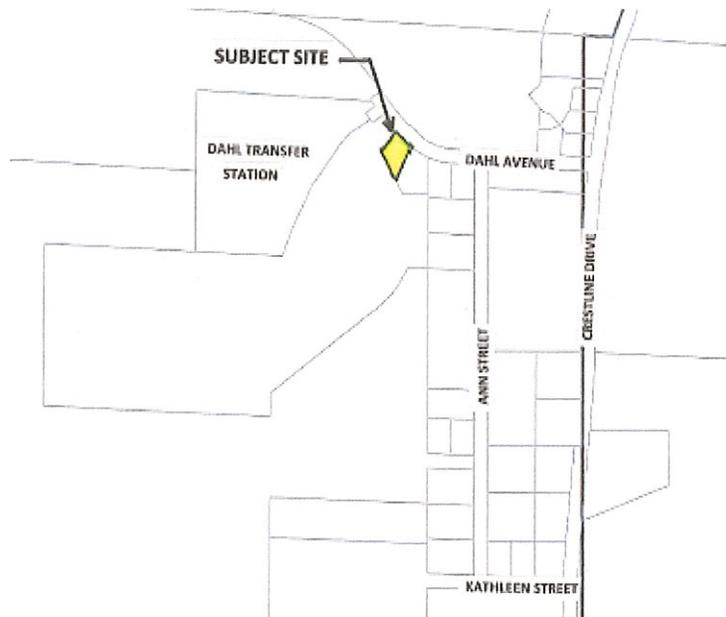
# STAFF REPORT

## Conditional Use Permit Application

APPLICANT: Carl Andry

### A. REPORT OF FACTS

1. **Applicant's Request:** In May 2018, the applicant received approval of a conditional use permit to construct two buildings in the Planned Industrial Zone. One building is proposed to be used as an artisan cabinet shop and for storage. The second building will be constructed at a later date and leased for a use under Waldport Development Code 16.36.020 A. (manufacturing, etc.) and/or D. (automobile storage, repair, etc.). The applicant has provided an updated site plan and requests an amendment to the maximum 6 foot fence height to allow for an 8 foot tall fence (7' of chain link with the top of fence 1' tall with 3 strands of barbed wire) around the perimeter of the property.
2. **Property Location:** The subject property is located in the Industrial Park at 223 Dahl Avenue, west of Ann Street, and further identified on Lincoln County Tax Assessor's Map 13-11-31B as tax lot 403.



3. **Zoning:** Industrial Park I-P
4. **Plan Designation:** Industrial
5. **Lot Size:** The total lot size is 12,122 square feet.

6. **Existing Structures:** None.
7. **Topography and Vegetation:** The site is generally flat and there is no significant vegetation.
8. **Surrounding Land Use & Zoning:** The land north, south, and west of the subject site consists of industrial park related uses and undeveloped industrial park zoned land. The Dahl Transfer Center is located west of the subject site.
9. **Utilities:** The following utilities currently serve the subject property:
  - a. Water: Southwest Lincoln County Water District
  - b. Sewer: On-site waste management, i.e. holding tank
  - c. Electricity: Central Lincoln P.U.D.
10. **Development Constraints:** None identified.

## B. EVALUATION OF REQUEST

### 1. **Relevant Criteria:**

#### **Waldport Municipal Code**

##### **Section 16.36.020 Planned Industrial Zone I-P Conditional uses permitted.**

In an I-P zone, the following uses and their accessory uses may be conditionally permitted, subject to the applicable provisions of Chapters 16.72, 16.76, 16.80, 16.84 and 16.96 of the Waldport Municipal Code. Subsections 'A' and 'D' are relevant to this conditional use application:

- A. A use involving manufacture, research, repair, assembly, processing, fabricating, packing, distribution, warehousing, wholesaling or storage; provided that the use does not create a public nuisance or an unreasonable hazard to health or property because of excessive noise, smoke, odor or dust, or because it constitutes a fire, explosion or other physical hazard;
- D. Automobile, truck or trailer sales, service, storage, rental or repair;

##### **Section 16.36.040 Planned Industrial Zone I-P Standards.**

In addition to standards required in Chapters 16.72, 16.76, 16.80, 16.84 and 16.96 of this title, in the I-P zone the following standards shall apply:

- A. All yards abutting a residential zone shall be a minimum of twenty (20) feet.
- B. All structures shall be located in such a manner that subsurface sewage disposal systems are located at least fifty (50) feet measured horizontally from all points along the elevation of any normal high water line.
- C. No structure shall be located closer than sixty (60) feet from the centerline of any state highway, nor thirty (30) feet from the centerline of any collector or arterial street.
- D. No building in the I-P zone shall exceed a height of forty-five (45) feet.
- E. Outdoor storage abutting or facing a street or highway or a lot in a residential zone shall be screened with a sight-obscuring fence or a buffer strip of vegetation.
- F. Drainage: The drainage requirements applicable in the C-1 zone shall apply in the I-P zone.

**Section 16.028.303 C-1 Standards** (Note: The C-1 drainage standards apply in the I-P zone.)

H. Drainage: A plan shall be submitted showing width, depth, and direction of flow of all drainage on and from the property. In addition, the location, size and type of conduit used in drainage channels and driveway accesses shall be clearly delineated. Water from roof drains and other nonimpervious surfaces shall not be concentrated and directed so as to cause damage to other properties. Pipes draining water from roof drains and other nonimpervious surfaces shall not be allowed to connect to any sanitary sewer facilities.

**Section 16.72.020 Off-street Parking and Off-street Loading Requirements.**

A. Requirements for types of buildings and uses not specifically listed herein shall be determined by the Planning Commission, based upon the requirements of comparable uses listed.

**Section 16.72.040 General Provisions Regarding Accessory Uses.**

B. Fences, hedges and walls limited to six (6) feet in height may be located within required yards, but shall not exceed three and one-half (3 ½) feet in height in any required yard setback which abuts a street other than an alley, and two and one-half (2½) feet in a clear vision area as stipulated in Section 16.72.010 of this chapter. Exceptions to the height limitation or use of electrified, barbed wire, or razor wire for fencing shall have prior approval of the planning commission. The planning commission shall use the authority and procedure for conditional uses as set forth in Chapter 16.84 of this title.

**Section 16.84 Conditional Uses (relevant subsections)**

**16.84.010 Purpose.**

Certain types of uses require special consideration prior to their being permitted in a particular zone. The reasons for such special consideration include, the size of the area required for the full development of such uses, the nature of the traffic problems incidental to operation of the uses, and the effect such uses have on any adjoining land uses and on the growth and development of the city as a whole.

**16.84.020 Authorization to grant or deny conditional use permit.**

A. In taking action on a conditional use permit the Planning Commission may either permit or deny the request. If a request is denied, the action must be based on reasons related to orderly development and best interests of the surrounding area or the city as a whole.

B. In permitting a conditional use, the Planning Commission may impose, in addition to those standards and requirements expressly specified by the code, additional conditions which are considered necessary to protect the best interest of the surrounding area or the city as a whole. These conditions may include, but are not limited to, the following:

1. Increasing the required lot size or yard dimensions;
2. Limiting the height of buildings;
3. Controlling the location and number of vehicle access points;
4. Increasing the street width;
5. Increasing the number of required off-street parking spaces;
6. Limiting the number, size, location, and lighting of signs;
7. Requiring fencing, screening, landscaping, diking, or other facilities to protect adjacent or nearby property;
8. Designating site for open space;
9. Regulating the hours of operation; and
10. Setting a time limit for which the conditional use is approved.

D. Modifications of standards listed for each conditional use may be granted if:

1. The Planning Commission determines that a hardship would result to an applicant from the application of the standards.
2. The modifications will not result in the use being detrimental to properties in the surrounding area or in the City as a whole.
3. The purposes of this code are fulfilled.

**16.84.050 Time limit of a conditional use permit.**

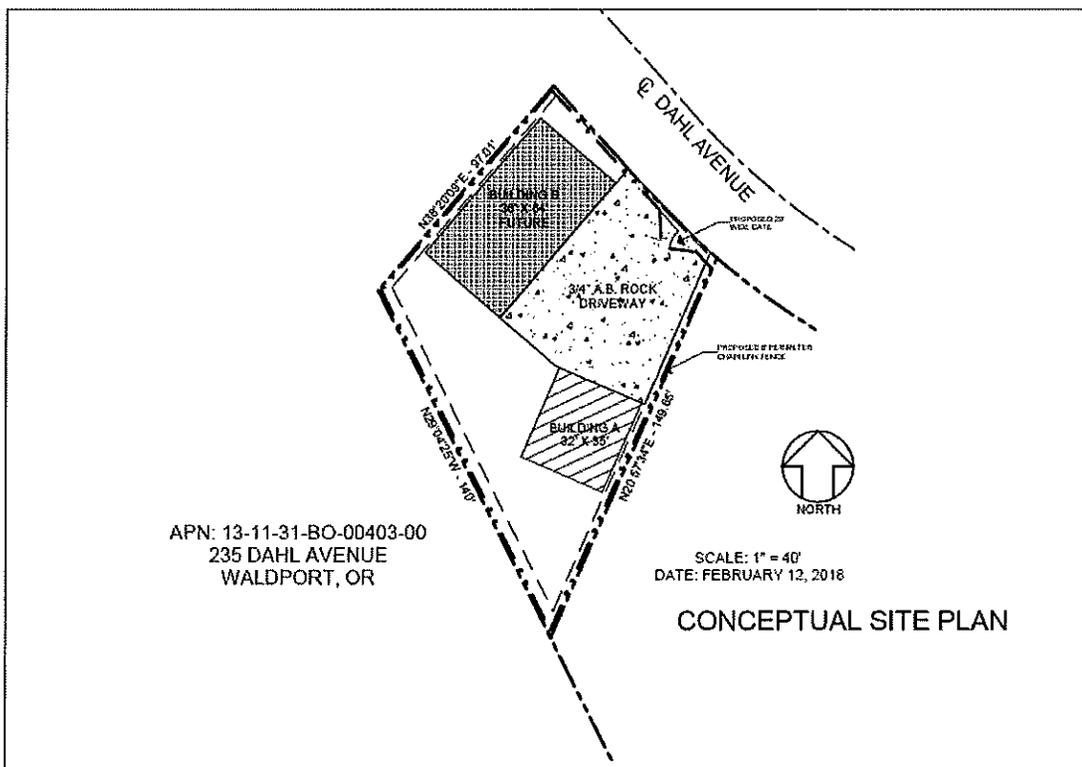
Authorization of a conditional use shall be void after two (2) years or such lesser time as the authorization may specify unless substantial construction pursuant thereto has taken place. However, the planning commission may extend authorization for an additional period not to exceed one (1) year. A maximum of two extensions can be granted.

**16.84.070 Standards and procedures governing conditional uses.**

- A. General Standards. In addition to the other applicable standards of this section, all conditional uses shall comply with the following requirements:
1. The site under consideration is suitable for the proposed use, considering:
    - a. The size, design and operating characteristics of the use;
    - b. The adequacy of transportation access to the site; and
    - c. The natural and physical features of the site such as general topography, natural hazards, natural resource values, and the like.
  2. The proposed use is compatible with the existing and projected uses on surrounding lands, considering the factors of subsection (A)(1), above.

**2. Applicant's Proposal:**

The applicant originally submitted the application form, fee, property owner authorization, narrative describing the proposed development, vicinity map, aerial photograph, and site plan. For this amended conditional use request, the applicant submitted a description and photograph of the requested 8 foot high chain link fence, a vicinity map, and site plan.



3. **Public Testimony:**

No written testimony was received by the City at the time this staff report was prepared.

4. **Public Agency Comment:**

The Waldport Public Works director states that at the time a building permit application is submitted, the Waldport Public Works Director shall review and approve storm drainage plans.

**C. STAFF ANALYSIS**

1. **Conditional Uses Permitted in the Industrial Park Zone.** The applicant is requesting a conditional use permit to construct two buildings in the Planned Industrial Zone. One building, with dimensions of approximately 32' x 35' (1,120 sq. ft.), is proposed to be used for as storage and an artisan cabinet shop. The second building, with approximate dimensions of 36' x 64' (2,304 sq. ft.), will be constructed at a later date and leased for a use under Waldport Development Code 16.36.020 A. (manufacturing, etc.) and/or D. (automobile storage, repair, etc.). Note: The original application proposed two 40' x 40' buildings.

Waldport Development Code Chapter 16.36 Planned Industrial Zone I-P, Section 16.36.020 Conditional Uses Permitted, includes the following subsections relevant to this application:

A. A use involving manufacture, research, repair, assembly, processing, fabricating, packing, distribution, warehousing, wholesaling or storage; provided that the use does not create a public nuisance or an unreasonable hazard to health or property because of excessive noise, smoke, odor or dust, or because it constitutes a fire, explosion or other physical hazard;

D. Automobile, truck or trailer sales, service, storage, rental or repair;

2. **Planned Industrial (I-P) Standards**

The I-P Standards are stated in *italics* and followed by the staff analysis.

A. *All yards abutting a residential zone shall be a minimum of twenty (20) feet.*

The subject site does not border a residential zone.

B. *All structures shall be located in such a manner that subsurface sewage disposal systems are located at least fifty (50) feet measured horizontally from all points along the elevation of any normal high water line.*

The site does not have a subsurface sewage disposal system nor is one proposed.

C. *No structure shall be located closer than sixty (60) feet from the centerline of any state highway, nor thirty (30) feet from the centerline of any collector or arterial street.*

Crestline Drive is a designated collector street therefore no structure shall be closer than 30 feet from the centerline of the street. The proposed development is more than 800 feet from the centerline of Crestline Drive.

D. *No building in the I-P zone shall exceed a height of forty-five (45) feet.*

The two buildings are proposed to have an approximate height of 20 feet.

E. *Outdoor storage abutting or facing a street or highway or a lot in a residential zone shall be screened with a sight-obscuring fence or a buffer strip of vegetation.*

The applicant stated that there is a possibility of outdoor storage in the future. In that case, all outdoor storage will be screened with a sight-obscuring fence and/or vegetation.

*F. Drainage: The drainage requirements applicable in the C-1 zone shall apply in the I-P zone.*  
The Waldport Public Works Director states that upon a conditional use approval and submittal of a building permit(s), the Public Works Director shall review and approve storm drainage plans.

3. **Fence.** The applicant proposes an 8 foot high perimeter fence (7' high chain link with a top 1' high with 3 strands of barbed wire).



**Proposed Perimeter Fence**

Waldport Development Code Section 16.72.040.B limits fences to six (6) feet in height. Exceptions to the height limitation or use of electrified, barbed wire, or razor wire for fencing shall have prior approval of the Planning Commission. The Planning Commission evaluates and makes a decision on the fence height and use of barbed wire through the conditional use process.

The applicant has stated that the purpose of an 8' high fence is for security purposes. He does not believe a 6' high fence provides adequate security.

4. **Parking.** The Code does not specifically identify required number of parking spaces for an artisan cabinetry shop, storage, or manufacturing, etc. therefore the number of parking spaces shall be determined by the Planning Commission. WDC 16.71.020.R.12 states that service or repair shop, retail store handling bulky merchandise such as automobiles and furniture requires one (1) parking space for each six hundred (600) square feet of floor area. This is the standard parking requirement that has been used in the Industrial Park.

The two proposed buildings total 3,424 square feet. One parking space per 600 square feet of floor area requires six (6) parking spaces. The site plan shows the ability to park ten (10) vehicles in front of the buildings. This excludes possible tandem parking and/or inside parking.

**D. CONCLUSIONS**

If the request is denied, the Planning Commission should state the general reasons and facts relied on, and direct staff to prepare findings for adoption at the next meeting. If the request is denied, the action must be based on reasons related to orderly development and best interests of the surrounding area or the city as a whole. If the request is approved, staff offers recommended conditions, which may be added to or amended at the Commission’s discretion:

1. **Proposed Development.** Development shall occur in accordance with the submitted plan. The submitted plan includes two buildings to be used in accordance with WDC Section 16.36.020.A (Manufacturing, etc.) and 16.036.202.D (Automobile repair, storage, etc.).
2. **Fence.** A maximum 8 foot high perimeter fence with 7’ high chain link with top of fence 1’ high with 3 strands of barbed wire is permitted. Any fence exceeding a 6 foot height requires a building permit prior to construction.
3. **Parking.** A minimum 6 off-street parking spaces shall be maintained.
4. **Outdoor Storage.** All outdoor storage shall be screened so it is not visible from a street with a sight-obscuring fence and/or vegetation.
5. **Storm Drainage.** At the time building permits are submitted, the applicant shall include drainage plans for review and approval by the Waldport Public Works Director.
6. **Time Limit.** The conditional use shall be void after two (2) years unless substantial construction pursuant thereto has taken place. Substantial construction is satisfied at the construction of the first building within two years.

Submitted by,

Larry Lewis,  
City Planner

Enclosures: Vicinity Map  
Site Plan  
Description and Photograph of Proposed Chain Link Fence

February 11, 2019

**To: Waldport Planning Commission**

**From: Larry Lewis, City Planner**

**Re: 2018 Waldport Development Code Amendments  
UPDATED DRAFT AMENDMENT FOR  
CONEX OR OTHER METAL CONTAINERS**

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The following draft amendment is based on Planning Commission input discussed at the January 28, 2019 meeting. Revised and/or new draft language is shown in **blue text**.

## **WALDPOR T DEVELOPMENT CODE**

### **16.72 Supplementary Regulations**

#### **16.72.040 General provisions regarding accessory uses.**

An accessory use shall comply with all requirements for a principal use, except as the code specifically allows to the contrary, and shall comply with the following limitations:

- A. An accessory structure not used for human habitation and separated from the main building may be located ~~to~~ within five (5) feet of a rear property line if the structure is no more than fifteen (15) feet in height. Structures over fifteen (15) feet must meet the standard setbacks.

**Conex or other metal cargo containers are permitted outright in the Planned Industrial (I-P) and Public Facilities (P-F) zones; permitted as a conditional use in the Retail Commercial (C-1) and General Commercial (C-2) zones; and prohibited in all other zoning districts. Conex or other metal cargo containers are temporarily allowed in all zones during construction for which a building permit has been issued. The temporary use of a Conex or other metal cargo container shall not exceed a period of six (6) months.**

February 12, 2019

**To: Waldport Planning Commission**

**From: Larry Lewis, City Planner**

**Re: Status of Waldport Development Code Amendments**

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	<b>Code Amendment</b>	<b>Status</b>
A	Mobile Vending Regulations	Forwarded to City Council
B	Livestock Regulations	Forwarded to City Council
C	Appeal Timing and Proceedings	Forwarded to City Council
D	Planned Development and Subdivision Time Limits	Forwarded to City Council
E	Conex or Other Metal Container Regulations	PC continued deliberations 2/25/19
F	Downtown District Zone (D-D)	PC review, draft amendments, proceed w/ public hearing
G	Notification of Land Use Applications	PC proceed w/ review, draft amendments, and public hearing
H	Planned Development Zone P-D – Review and Update	PC proceed w/ review, draft amendments, and public hearing
I	Planned Industrial Zone – Review Standards	PC proceed w/ review, draft amendments, and public hearing
J	Accessory Dwelling Units (ADUs)	PC review at a later date. Research other small city ADU ordinances

**City of Waldport  
2018 LAND USE / BUILDING PERMIT ACTIVITY**

Date	Application/ Activity	Applicant	Zoning	Tax Map/Lot Location	Description	Status
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**For the Period January 22, 2019 through February 11, 2019**

1/23/19	Building Permit	Pioneer Telephone	D-D	13-11-31B/900 4000 Crestline Dr.	Roof replacement	Approved 1/28/19
1/28/19	Building Permit	Delores Hacker	R-1	13-11-19DC/1200 840 Ball Blvd	Addition to single family dwelling	Approved 1/29/19
2/4/19	Joint Army Corps/DSL Permit	Port of Alsea	M-W	13-11-18/2400 365 Port St. #A	Boat ramp replacement	Completed 2/4/19
2/11/19	Conditional Use Permit	Carl Andry	I-P	13-11-31B/403 223 Dahl Avenue Industrial Park	Amended conditional use permit for two new buildings in the Industrial Park	Pending 2/25/19 Planning Commission meeting