

WALDPORT PLANNING COMMISSION
April 25, 2016
MEETING NOTICE AND AGENDA

THE WALDPORT PLANNING COMMISSION WILL MEET ON MONDAY, APRIL 25, 2016 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: (March 4, 2016)
3. CITIZEN COMMENTS AND CONCERNS
4. CORRESPONDENCE – None
5. PUBLIC HEARING
 - A. Case File #1-CU-PC-16
Application for Conditional Use
Applicant: Jyl Wheaton
 - B. Case File #1-ZC-PC-16
Application for Zone Change
Applicant: City of Waldport
 - C. Proposed Amendments to Waldport Development Code
Section 16.28 Retail Commercial Zone C-1
6. DISCUSSION/ACTION ITEMS:
 - A. Planning Report
 - C. 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 18th day of April 2016

City of Waldport

**WALDPORT PLANNING COMMISSION
MARCH 4, 2016
MEETING MINUTES**

1. CALL TO ORDER AND ROLL CALL: Chair Woodruff called the meeting to order at 2:00 p.m. Chair Woodruff and Commissioners Peterson, Stole, Andrew, Quayle, Barham and Yorks answered the roll. A quorum was present.
2. MINUTES: The Commission considered the minutes from the February 22, 2016 meeting. Commissioner Andrew **moved** to approve the minutes as presented, Commissioner Quayle **seconded**, and the motion **carried** unanimously on a voice vote.
3. CITIZEN COMMENTS: None.
4. CORRESPONDENCE: None.
5. DISCUSSION/ACTION ITEMS:
 - A. Crestview Golf Club Planned Development, Phase 1 - Request for Final Approval: City Planner Lewis indicated that this request was slightly unusual, as the streets and utilities would normally be part of the final approval process. However, in this case, the streets and utilities were already installed and approved as part of the original plat, so the only issue was the creation of five tax lots. He noted that the plan had been reviewed to ensure that it was in conformance with the preliminary plan approval, which it was. Commissioner Stole expressed concerns regarding fire safety and the proximity of houses to one another, and Mr. Lewis responded that the plans had been reviewed and approved by both the Fire District and Lincoln County Planning. Additionally, the builder had consulted with the County's building official to ensure compliance. Commissioner Quayle commented favorably on the number and size of the hydrants available, and stated that there was certainly adequate water pressure due to the Crestview Hills School infrastructure. Commissioner Barham noted the emergency exit language in the preliminary application, which was not mentioned in this phase of the development but which may be included in subsequent phases. It was also mentioned that storm drainage would be addressed at the time that building permit applications are submitted, and those plans would be reviewed by the Public Works Department for compliance with water, sewer and storm drainage. Following further discussion Commissioner Peterson **moved** to approve Phase 1. Commissioner Quayle **seconded**, and the motion **carried** unanimously.
 - B. Planning Report: None.
 - C. Other Issues: None.
6. COMMISSIONER COMMENTS & CONCERNS: Commissioner Barham suggested that findings from public hearings be posted on the City's website. Staff will explore the idea.

7. ADJOURNMENT: At 2:38 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 _____, 2016.

SIGNED by the Chair this ____ day of _____, 2016.

Ray Woodruff, Chair

STAFF REPORT

Conditional Use Permit Application

APPLICANT: Jyl Wheaton

A. REPORT OF FACTS

1. **Applicant's Request:** The applicant is requesting a conditional use permit to operate a light manufacturing of medical supplies and wholesale distributing of soft/hard goods in the Planned Industrial Zone.
2. **Property Location:** The subject property is located at 215 SW Dahl Avenue and further identified on Lincoln County Tax Assessor's Map 13-11-31B as tax lot 205.
3. **Zoning:** Industrial Park I-P
4. **Plan Designation:** Industrial
5. **Lot Size:** The lot totals approximately 0.36 acres (15,740 square feet) with average dimensions of 159' x 99'.
6. **Existing Structure:** There is one building on the property.
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 planned industrial zoned land.
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 Industrial Park 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. Subsection 'A' is 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.

Section 16.36.040 Industrial Park 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 16.72.020 Off-street Parking and Off-street Loading Requirements.

- 12. Service or repair shop, retail store handling bulky merchandise such as automobiles and furniture. One (1) space for each six hundred (600) square feet of floor area.
- 13. Bank, office. One (1) space for each six hundred (600) square feet of floor area.

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.

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 submitted the application form, fee, aerial photograph (enclosed), and the following narrative:

Conditional Use Application

TJJT LLC leases space to MGI, a light manufacturer of medical supplies and wholesale distributor of soft/hard goods, located in a 1300 sq ft industrial warehouse at 215 SW Dahl Avenue. Access is from Dahl Ave. The property is in the industrial area and out of tsunami and flood zones. The property is generally flat with light vegetation and ample gravel covered area for parking. There are plans to have a privacy/security fence erected around the perimeter of the property. Wholesale only / not open to the public so there will be no need for signage or parking concern.

This business 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.

Operating Characteristics

What: A manufacturing business (Oregon S corp) located in an Industrial building on Dahl Ave. Building contains areas for light manufacture processes, storage and administrative office/area.

Where: The building and business is located at 215 SW Dahl Ave. MGI a wholesale business with no direct sales to the public. All activity will occur inside the premises on Dahl Ave. Owner and employee will be on site performing various operational duties and activities.

When: General operating hours will be 8 am - 8 pm Monday through Friday and 8 am - 5 pm Saturday and Sunday. Closed to the public.

How: The business is wholesale in nature. Fed Ex and UPS carriers are used for delivery of general supplies to the location. Employee and owner will be on site performing various duties and tasks.

3. Public Testimony:

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

C. STAFF ANALYSIS

1. **Conditional Uses Permitted in the Industrial Park Zone.** The applicant is requesting a conditional use permit to operate a light manufacturing of medical supplies and wholesale distributing of soft/hard goods in the Planned Industrial Zone. The building contains areas for light manufacture processes, storage and administrative office/area.

Waldport Development Code Section 16.36.020 Conditional Uses Permitted, includes subsection 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.

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

The following table identifies the I-P Standards and the proposed development.

Standard	Proposed Development
A. All yards abutting a residential zone shall be a minimum of twenty (20) feet.	The subject site does not abut 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 is not within 50 feet of a 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 property is not within 60' of a state highway, nor within 30' of Crestline Drive (a collector).

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.	The existing building height is approximately 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 property does not abut or face a residential zone. The applicant does plan to have a privacy/security fence erected around the perimeter of the property.
F. Drainage: The drainage requirements applicable in the C-1 zone shall apply in the I-P zone.	Drainage for the site has been previously approved by the City of Waldport.

3. **Operating Characteristics.** The applicant states that business 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. The use is a wholesale business with direct sales to the public. All activity will occur inside the premises. The general operating hours will be 8 am – 8 pm Monday through Friday and 8 am - 5 pm Saturday and Sunday. The business is not open to the public.
4. **Owner/Manager Residence.** The application does not include an owner/manager residence however please note that an owner/manager residence is an outright permitted use in the I-P Zone. In order to have a residence, Lincoln County requires either a public sewer connection or an approved septic system. The industrial park currently does not have public sewer. No septic systems have been approved to date. Developed properties currently have holding tanks for on-site waste management.
5. **Parking.** The existing buildings totals approximately 1,300 square feet. This type of use typically requires one off-street parking space for every 600 square feet of floor area of manufacturing/storage space and one off-street parking space for every 300 square feet of office. The manufacturing/storage area is less than 1,200 square and the office is less than 300 square feet, therefore three (3) off-street parking spaces are required. Although parking is not marked or identified, the site can easily accommodate 3 parking spaces.

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. Development shall occur in accordance with the submitted plan including light manufacturing of medical supplies and wholesale distributing of soft/hard goods. The building contains areas for light manufacture processes, storage and administrative office/area.
2. The business shall 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. The use is a wholesale business with direct sales to the public. All activity

#1-CU-PC-16 Wheaton
April 25, 2016 Planning Commission Meeting

will occur inside the premises. The general operating hours will be 8 am – 8 pm Monday through Friday and 8 am - 5 pm Saturday and Sunday. The business is not open to the public.

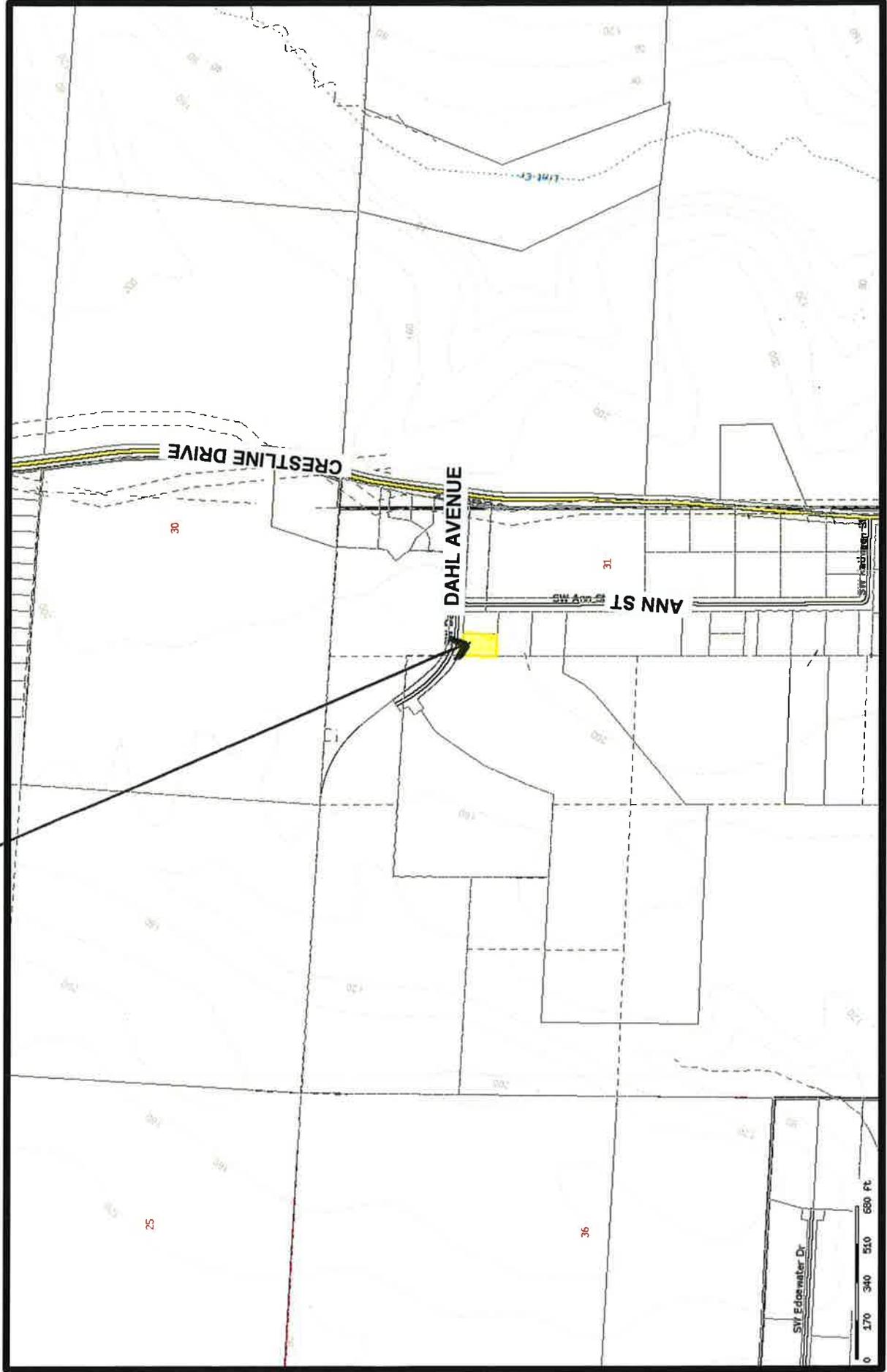
3. An owner/manager residence requires approval from the City of Waldport and Lincoln County.
4. A minimum of 3 off-street parking spaces shall be maintained.

Submitted by,

Larry Lewis,
City Planner

Enclosures: Vicinity Map
Aerial Photograph
Applicant Narrative

215 SW Dahl Avenue



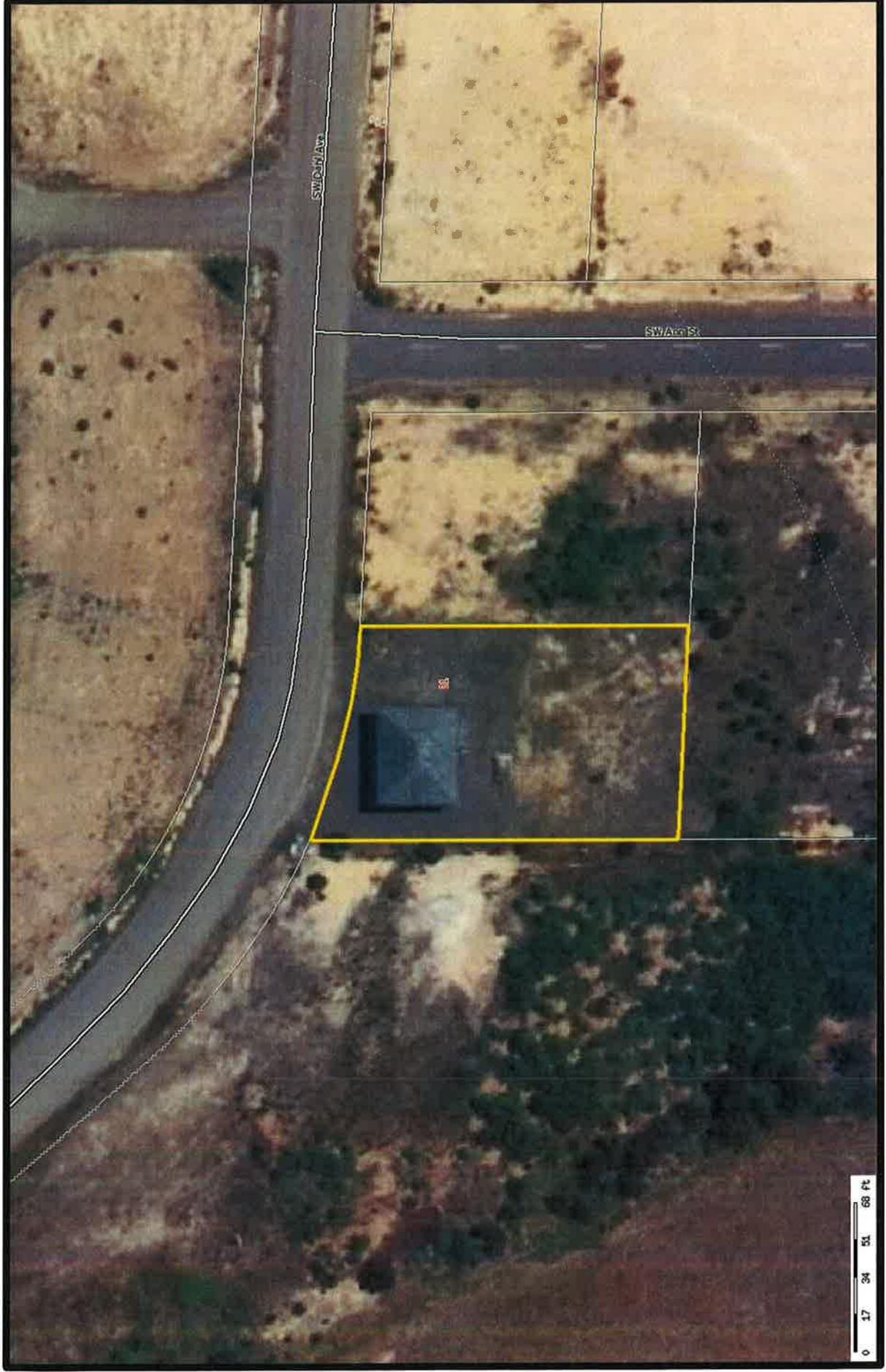
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215 SW Dahl Avenue



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TJJT LLC

Box 943
Waldport, Or 97394
208-610-5364

Conditional Use Application

TJJT LLC leases space to MGI, a light manufacturer of medical supplies and wholesale distributor of soft/hard goods, located in a 1300 sq ft industrial warehouse at 215 SW Dahl Avenue. Access is from Dahl Ave. The property is in the industrial area and out of tsunami and flood zones. The property is generally flat with light vegetation and ample gravel covered area for parking. There are plans to have a privacy/security fence erected around the perimeter of the property. Wholesale only / not open to the public so there will be no need for signage or parking concern.

This business 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.

Operating Characteristics

What: A manufacturing business (Oregon S corp) located in an industrial building on Dahl Ave. Building contains areas for light manufacture processes, storage and administrative office/area.

Where: The building and business is located at 215 SW Dahl Ave. MGI a wholesale business with no direct sales to the public. All activity will occur inside the premises on Dahl Ave. Owner and employee will be on site performing various operational duties and activities.

When: General operating hours will be 8 am - 8 pm Monday through Friday and 8 am - 5 pm Saturday and Sunday. Closed to the public.

How: The business is wholesale in nature. Fed Ex and UPS carriers are used for delivery of general supplies to the location. Employee and owner will be on site performing various duties and tasks.

STAFF REPORT

Zone Change Application

APPLICANT: City of Waldport

REQUEST: This is a request to rezone the subject property from Residential Zone R-1 to General Commercial C-2. The zone change would also result in a Comprehensive Plan Map amendment from 'Open & Public' to 'General Commercial'.

A. REPORT OF FACTS

1. Property Location: The subject property is located at 425 Lint Slough Road, and further identified on Lincoln County Tax Assessor's Map 13-11-19AD as tax lot 801.
2. Zoning: Residential Zone R-1
3. Plan Designation: Open & Public
4. Approximate Lot Size: The lot size totals 0.92 acres (approximately 40,075 square feet).
5. Existing Structures: Two storage buildings are located on the property. This property is the former City of Waldport Public Works facility.
6. Topography and Vegetation: The property is flat with no significant vegetation.
7. Surrounding Zoning & Land Use: The Lint Slough, zoned Marine Waterway (M-W) is located north, east and south of the property. Undeveloped R-1 zoned property is located to the west across Lint Slough Road. The C-1 zoned former high school property is located northwest of the property. The City Wastewater Treatment Plant is located southwest of the property.
8. Utilities: The following utilities are available to serve the subject property:
 - a. Water: City of Waldport
 - b. Sewer: City of Waldport
 - c. Electricity: Central Lincoln P.U.D.
10. Development Constraints: Flood hazard zone AE (El. 14')

B. EVALUATION OF REQUEST

1. Relevant Criteria

Relevant sections of the Waldport Development Code (WMC) are identified below by title only. The complete descriptions of the relevant criteria are enclosed as an attachment.

Chapter 16.12 Residential Zone R-1

Chapter 16.32 General Commercial Zone C-2

Chapter 16.68 Flood Hazard Overlay Zone

Chapter 16.104 Amendments

2. Applicant's Proposal

The applicant submitted the application form, a memorandum summarizing the proposal, an aerial photograph, and maps showing the existing and proposed zoning. The summary of the requested zone change is provided below.

The City of Waldport is interested in rezoning the former public works property located on Lint Slough Road from Residential Zone R-1 to General Commercial (C-2). The R-1 zone is inappropriate for the site. The C-2 zone would provide greater opportunity for future development and use of the property.

One example of a future use for the property was identified in the September 2015 3-day design charrette. The concept plan identified a restaurant and brewery overlooking the Lint Slough with a public kayak launch. That use would require a commercial zoning classification.

3. **Public Testimony**

As of the writing of this staff report, the City had not received any written testimony.

C. STAFF ANALYSIS

1. **Background**

The City of Waldport Public Works Department occupied the site for several years until recently moving to the planned industrial area. The site is located near Lint Slough, Crestline Drive, and the former high school site. In September 2015, a 3-day design charrette was conducted to develop a concept plan for the former high school site and surrounding area. The draft concept plan identified alternative uses for the former public works site including a restaurant, brewery, hostel, and public kayak launch. Those uses would require a commercial zoning classification. No specific uses have been approved for the site.

2. **Existing Zoning and Zone Change Request**

City staff conducted research to determine the existing zoning classification of the subject property. That research resulted in an existing zone classification of Residential R-1 which essentially allows for development of one single family dwelling per lot. It is evident the property has not been used as a single family residence.

The City realizes there is an opportunity for development of this property that will be an economic benefit to the City and to the community while capitalizing on the natural beauty of the nearby Lint Slough and the forthcoming park/open space development at the nearby former high school site. The C-2 zoning provides the greatest flexibility for this type of use.

3. **Surrounding Zoning and Land Use**

Zoning surrounding the subject property is a combination of commercial, residential, public facility, and marine waterway. Surrounding land use consists of open space along Lint Slough, undeveloped residential land, the City's wastewater treatment plant, and the forthcoming park/open space development at the former high school site.

4. **Code Criteria When Considering a Zone Change**

In addition to meeting the minimum standards of the requested zoning district, the Planning Commission must find that one of three circumstances exists in order to grant a zone change. The three circumstances are identified below in *italics* and followed by a staff analysis.

- a. *That there has been a substantial change in the character of the area since zoning was adopted and which warrants changing the zone.*

The R-1 zoning for this property was adopted many years ago. It is evident that the character of the area has changed or the property should have had a different zoning designation. Now that the public works facility has been relocated, there certainly is a change in the character of this specific property which warrants consideration for a zone change.

- b. *That the zoning previously adopted for the area was in error.*

There is an argument that the residential zoning for this property was in error. In all likelihood, this property was placed in context with the adjacent property to the west. However, the adjacent property to the west is at a much higher elevation where the majority of residential development has occurred. The subject property is located on the lowlands and should either have been zoned Public Facilities with the public works facility, or commercial which is similar to the nearby former high school site with direct access from Hwy 34 and Crestline Drive.

- c. *That there is a public need for the change being sought and the subject property is suitable to meet that need and will not impair the actual or legally designated uses of surrounding properties.*

This may be the most compelling circumstances to granting a zone change. This property, when combined with plans for the former high school site, provides an opportunity to create a focal point and amenity that will be an attraction to local residents and visitors. This property has tremendous redevelopment potential while capitalizing upon the natural beauty of Lint Slough and complementing future development of the open space site. The site has direct access from arterial (Hwy 34) and collector (Crestline Drive) streets without impacting any residential areas.

4. Comprehensive Plan Map Amendment

If the zone change is approved, it is also appropriate to amend the comprehensive map designation for this property from 'Open and Public' to 'General Commercial'.

5. Redevelopment of Property

Upon approval of a zone change to C-2, any redevelopment occurring on the property will need to conform to C-2 General Commercial standards, i.e. land use, building standards, access and parking, etc.

6. Flood Hazard Zone

The flood hazard overlay zone criteria is relevant to new or substantially improved structures. No new structure or substantial improvement to the existing structure is proposed at this time. Any new or substantial improvements proposed in the future shall adhere to provisions of the flood hazard overlay zone.

D. CONCLUSIONS

For a zone change request, the Planning Commission makes a recommendation to the City Council. The findings should address surrounding zoning and comprehensive plan map designations and consistency with applicable codes and goals.

#1-ZC-PC-16 City of Waldport Zone Change Application
April 25, 2016 Planning Commission Meeting

If the recommendation is to deny the zone change request, the Planning Commission should state the general reasons and facts relied on, and direct staff to prepare findings to be forwarded to City Council. 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 approved, there should be finding that there either have been changes in the character of the area that warrant the zone change, and/or the property was zoned in error, and/or there is a public need for the zone change.

A recommendation of approval should include 1) a zone change from Residential R-1 to General Commercial C-2; and 2) a comprehensive plan map change from Open and Public to General Commercial. If the recommendation is to approve the zone change and comprehensive plan map amendment the Commission may include conditions, stipulations, or limitations that are necessary to insure the public interest.

Submitted by,

Larry Lewis
City Planner

Enclosures: Vicinity Map
Existing and Proposed Zoning Map
Relevant Waldport Development Code Criteria

425 Lint Slough Road
Tax Lot 801 of Tax Map 13-11-19AD

PROPOSED ZONE MAP CHANGE



EXISTING ZONING



PROPOSED ZONING

425 NE Lint Slough Rd.



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**#1-ZC-PC-16 City of Waldport Lint Slough Property
Relevant Waldport Development Code Criteria**

**#1-ZC-PC-16 City of Waldport
Lint Slough Road Property Zone Change Application
RELEVANT WALDPOR T DEVELOPMENT CODE CRITERIA**

CHAPTER 16.12 RESIDENTIAL ZONE R-1

16.12.010 Uses permitted outright.

In an R-1 zone, the following uses and their accessory uses are permitted outright subject to the applicable provisions of Chapters 16.72, 16.76, 16.80 and 16.96 of this title:

- A. A one-family dwelling built on site;
- B. A factory built dwelling;
- C. A manufactured home, subject to the siting standards of Section 16.72.140 of this title;
- D. Agricultural use of land provided that no livestock shall be raised or kept on the premises and provided further that no commercial structure shall be constructed or maintained on the premises;
- E. A travel trailer or recreation vehicle stored unoccupied on a lot in combination with an approved dwelling (see Chapter 10.12 of this code);
- F. Residential Homes; and
- G. Family Day Care.

16.12.020 Conditional uses permitted.

In an R-1 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 this title:

- A. Cemetery;
- B. Church, non-profit religious or philanthropic institution;
- C. Community Center;
- D. Nursery school, Kindergarten or similar facility;
- E. Governmental structure or use of land for necessary public utility facilities;
- F. Home Occupation, subject to meeting all applicable standards listed in Section 16.84.070 of this title;
- G. Golf course or country club, but not a miniature golf course or similar type of amusement facility;
- H. Private, non-commercial recreation club such as tennis, swimming or archery club, but not commercial amusement or recreation enterprises;
- I. Public park, playground, golf course, swimming pool or similar recreation use;
- J. Public school or private school offering curriculum similar to public school;
- K. Temporary real estate offices offering residential property within a specific subdivision or development for sale, rent or lease;
- L. Residential Day Care Facility as defined in ORS 197.680;

Chapter 16.32 GENERAL COMMERCIAL ZONE C-2

16.32.010 Uses permitted outright.

**#1-ZC-PC-16 City of Waldport Lint Slough Property
Relevant Waldport Development Code Criteria**

In a C-2 zone, the following uses and their accessory uses are permitted outright, subject to the applicable provisions of Chapters 16.72, 16.76, 16.80 and 16.96 of this title:

- A. A use permitted outright in the C-1 zone;
- B. Automobile, truck or trailer sales, service, storage, rental or repair;
- C. Boat or marine equipment sales, service, storage, rental or repair;
- D. Cabinet or similar woodworking shop;
- E. Cold storage or ice processing plant;
- F. Feed or seed store;
- G. Implement, machinery or heavy equipment sales, service, storage or rental;
- H. Laboratory or equipment;
- I. Lumber or building materials sales and storage;
- J. Machine, welding, sheet metal, or similar metal working shop;
- K. Outdoor commercial amusement or recreation establishment such as miniature golf course or drive-in theater, but not including uses such as race track or automobile speedway;
- L. Plumbing, heating, electrical or paint contractors storage, repair or sales shop;
- M. Processing, packing or storage of food or beverage, excluding those products involving distillation, fermentation, rendering of fats or oils, or slaughtering;
- N. Tire retreading or vulcanizing;
- O. Truck terminal, freight depot;
- P. Upholstery shop;
- Q. Warehouse or storage area;
- R. Wholesale establishment; and
- S. Car wash.

16.32.020 Conditional uses permitted.

In a C-2 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 this title:

- A. A use permitted as a conditional use in the R-3 zone, except uses permitted outright in the C-1 zone;
- B. Recreation vehicle park;
- C. Kennel;
- D. Animal hospital;

16.32.030 Standards.

In addition to standards required in this section and in Chapters 16.72, 16.76, 16.80, 16.84 and 16.96 of this title, the standards applicable in the C-1 zone shall apply in the C-2 zone:

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

**#1-ZC-PC-16 City of Waldport Lint Slough Property
Relevant Waldport Development Code Criteria**

- B. Outdoor storage abutting or facing a street or highway or a residential zone shall be screened with either a sight obscuring fence or a buffer strip of vegetation.
- C. Drainage: The drainage requirements applicable in the C-1 zone shall apply in the C-2 zone.

CHAPTER 16.68 FLOOD HAZARD OVERLAY ZONE

The flood hazard overlay zone criteria is relevant to new or substantially improved structures. No new structure or substantial improvement to the existing structure is proposed at this time. Any new or substantial improvements proposed in the future shall adhere to provisions of the flood hazard overlay zone.

CHAPTER 16.104 AMENDMENTS

A quasi-judicial amendment to the comprehensive plan and zoning maps may be authorized provided that the proposal satisfies all applicable requirements of the code and also provided that the applicant, in a quasi-judicial hearing, demonstrates the following:

- 1. That the amendment will be consistent with all other provisions of this code and applicable statutes and regulations and in conformance with the statewide planning goals; and
- 2. That there has been a substantial change in the character of the area since zoning was adopted and which warrants changing the zone; or
- 3. That the zoning previously adopted for the area was in error; or
- 4. That there is a public need for the change being sought and the subject property is suitable to meet that need and will not impair the actual or legally designated uses of surrounding properties.

16.104.040 Intent to rezone, purpose and procedure.

It is the purpose and intent of this section to provide additional procedures for small tract zone map amendments to insure the public interest is considered as certain developments occur. These provisions may be invoked at any time during zone change hearings and appeal process.

- A. Resolution of Intent to Rezone. If, after consideration of the findings and recommendations of the planning commission, the city council determines that the public interest will be best served by this rezoning or any portion thereof, the council may indicate its approval in concept of the rezoning by the adoption of a "resolution of intent to rezone" said property. This resolution may include any conditions, stipulations, or limitations the council feels necessary to insure the public interest.
- B. Resolution of Intent Binding. The adoption of this resolution of intent to rezone by the governing body shall make this as a binding commitment on the city.
- C. Site Development and Operation. Other than for residential development, property proposed to be developed under a resolution of intent to rezone shall be managed to insure compliance with the following conditions:
 - 1. That storage of merchandise and supplies be contained entirely within a building;
 - 2. That the proposed use continuously meets State D.E.Q. standards for air and water quality and noise emissions;
 - 3. That vehicle parking and maneuvering areas be hard surfaced and maintained dust free;
 - 4. That on-site drainage be designated to protect adjoining properties and public rights-of-way from increased storm runoff; and
 - 5. Any other conditions that the Council feels necessary to protect the public interest.

**#1-ZC-PC-16 City of Waldport Lint Slough Property
Relevant Waldport Development Code Criteria**

- D. Site Plan. The council may require under a resolution of intent to rezone a site plan which shall be binding upon the property. Upon approval of the council, property having an approved site plan under these provisions shall be plainly marked as "subject to approved site plan" on the official zoning map of Waldport. Any approved site plan may be amended or a variance therefrom obtained, or the property may be released from the restrictions of such site plan by resolution of the council on recommendation from the planning commission after a public hearing as set forth in Section 16.108.020 of this title. No other changes shall be made constituting a departure from the approved site plan except by amendment or variance as herein provided unless the property has been released from the site plan.
- E. Site Plan Composition. Where a site plan is required pursuant to this section, it shall include:
1. Location of existing property boundaries, existing and proposed buildings, structures, accesses, off-street parking and loading spaces, and landscaping;
 2. Topography, existing and proposed;
 3. Architectural perspective, layout and all elevations drawn without exaggeration, except where noted including locations, area and design of signs and all landscaping.
 4. Mechanical roof-mounted equipment of subject property.
- F. Change of Zone. The fulfillment of all conditions, stipulations and limitations contained in the resolution of intent to rezone on the part of the applicant, shall be required prior to the governing body effecting the ordinance change. Upon completion of compliance action by the applicant, the council shall enact the ordinance changing the zone.
- G. Resolution of Intent Void upon Failure to Comply. The failure of the applicant to substantially meet any or all conditions, stipulations or limitations contained in a resolution of intent to rezone, including the time limit placed in the resolution, shall render said resolution null and void, unless an extension is granted by the council upon recommendation of the planning commission.

March 18, 2016

To: Waldport Planning Commission

From: Larry Lewis, City Planner

Re: Proposed Amendment to the C-1 Retail Commercial Zone

An amendment is proposed to the Chapter 16.28 Retail Commercial Zone C-1 of the Waldport Development Code. Currently, goods offered for retail sales in the C-1 zone are not allowed to be manufactured, fabricated or assembled on the site. The proposed amendment would allow this as long as the manufacturing, fabricating, assembling, and storage does not exceed 50% of the total floor area of the building and provided it occurs within an enclosed building.

The purpose for this proposed change is to expand commercial activity and retail sales. There is an ongoing trend for entrepreneurs and retailers to manufacture, fabricate and assemble goods in the location that retail sales are occurring. One example is brew pubs where the manufacturing of beer is conducted on the site where the retail sales and/or restaurant is located. Another example is the manufacturer of craft items that are sold in the retail store.

This would be a new Use Permitted Outright in the C-1 zone and is proposed to read as follows:

The manufacture, fabrication and/or assembly of those goods offered for sale on the premises that are permitted for sale in the C-1 zone, provided all manufacturing, fabricating, assembling, and storage not exceed 50% of the total floor area of the establishment and provided further that it shall occur within an enclosed building.

This use would also become an allowed use in the C-2 General Commercial Zone since all uses permitted outright in the C-1 zone are also permitted outright in the C-2 zone.

Chapter 16.28

RETAIL COMMERCIAL ZONE C-1

Sections:

- 16.28.010 Uses permitted outright.**
- 16.28.020 Conditional uses permitted.**
- 16.28.030 Standards.**

16.28.010 Uses permitted outright.

In a C-1 zone, the following uses and their accessory uses are permitted outright, subject to the applicable provisions of Chapters 16.72, 16.76, 16.80 and 16.96 of this title:

- A. A use permitted outright in the R-3 zone;
- B. Retail store or shop, such as food store, drug store, apparel store, hardware store, furniture store or similar establishment;
- C. Repair shop for the type of goods offered for sale in retail trade establishments permitted in a C-1 zone, provided all repair and storage shall occur entirely within an enclosed building;
- D. Personal or business service establishments such as barber or beauty shop, tailor shop, laundry or drycleaning establishment, or similar establishment;
- E. *The manufacture, fabrication and/or assembly of those goods offered for sale on the premises that are permitted for sale in the C-1 zone, provided all manufacturing, fabricating, assembling, and storage not exceed 50% of the total floor area of the establishment and provided further that it shall occur within an enclosed building.***
- F. Clinic;
- G. Club, lodge or fraternal organization;
- H. Financial institution;
- I. Hotel, motel or resort;
- J. Indoor commercial amusement or recreation establishment such as bowling alley, theater or pool hall;
- K. Mortuary;
- L. Newspaper office, print shop;
- M. Office;
- N. Private museum, art gallery or similar facility;
- O. Signs, advertising;
- P. Restaurant, bar or tavern;
- Q. Laundromat;
- R. Retail sale of sporting goods or bait;
- S. Gift shop; and

- T. Automobile service station including minor repair, providing it is conducted entirely within an enclosed building.

16.28.020 Conditional uses permitted.

No amendments are proposed to this section however the existing uses permitted are identified for so reviewers can see all uses allowed either outright or conditionally in the C-1 zone.

In a C-1 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 this title:

- A. A use permitted as a conditional use in the R-2 zone;
- B. Recreation vehicle park;
- C. Outdoor commercial amusement or recreation establishment such as miniature golf course or drive-in theater, but not including uses such as race track or automobile speedway;
- D. A use permitted in the C-1 zone with drive-in service facilities such as an automobile service station or a drive-in restaurant;
- E. Boat or marine equipment sales, service, storage, rental or repair;
- F. Cabinet or similar woodworking shop;
- G. Lumber or building materials sales or storage;
- H. Plumbing, heating, electrical, or paint contractors storage, repair or sales shop;
- I. Upholstery shop;
- J. Mini-warehouse;
- K. Processing and packaging of non-explosive chemical materials and non-environmentally hazardous materials;
- L. Car wash;
- M. Auto detail shop;
- N. Convalescent home; and
- O. Mixed commercial and residential use.

16.28.030 Standards.

No amendments are proposed to this section.

**City of Waldport
2015 LAND USE / BUILDING PERMIT ACTIVITY**

Date	Application/ Activity	Applicant	Zoning	Tax Map/Lot Location	Description	Status
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For the Period February 16, 2016 through April 4, 2016

2/18/16	Building Permit	Brad Moore	R-1	13-11-30BB/3600 1565 Ocean Ct	New detached pole building	Approved 2/19/16
3/7/16	On-Site Waste Management	Patrick Murphy	R-3	13-11-29AB/1100 1325 Washington St Peterson Park	Repair septic system	Approved 3/11/16
3/8/16	On-Site Waste Management	Central Coast Builders	C-2	13-12-25AA/900 1205 S Hwy 101 Copeland Lumber	Repair septic system	Approved 3/11/16
3/8/16	On-Site Waste Management	Bob Jacobson	R-3	13-11-29AB/1322 1525 Washington St Peterson Park	Septic tank replacement	Approved 3/11/16
3/21/16	Property Line Adjustment	Michael Frazier	R-2	13-11-30BA/7300 Land & Sea Subdivision	Property line adjustment to convert 3 lots into 2 lots	Approved 3/21/16
3/21/16	Zone Change	City of Waldport	R-1	13-11-19AD/801 425 Lint Slough Rd (former Public Works shop)	Proposed zone change from R-1 Residential to C-2 General Commercial	Pending 4/25/16 Planning Commission meeting
3/21/16	Code Amendment	City of Waldport	C-1	Citywide C-1 Zoning	Amendment to C-1 permitted uses	Pending 4/25/16 Planning Commission meeting
3/29/126	Building Permit	Oregon Property Investment	D-D	13-11-19AC/2600 220 Alsea Hwy	Interior remodel – add wall	Approved 4/1/16
4/1/16	Conditional Use	Jyl Wheaton	I-P	13-11-31B/205 215 Dahl Avenue	Conditional use for manufacturing/storage in the Industrial Park	Pending 4/25/16 Planning Commission meeting