

**WALDPORT PLANNING COMMISSION**  
**May 22, 2017**  
**MEETING NOTICE AND AGENDA**

THE WALDPORT PLANNING COMMISSION WILL MEET ON MONDAY, MAY 22, 2017 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: (October 31, 2016)
3. CITIZEN COMMENTS AND CONCERNS
4. CORRESPONDENCE – None
5. PUBLIC HEARING
  - A. Case File #1-CU-PC-17  
Application for Variance  
Applicant: Mary Olive Matney Trust
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 16<sup>th</sup> day of May 2017

City of Waldport

**WALDPOR PLANNING COMMISSION  
OCTOBER 31, 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, Andrew and Barham answered the roll. Commissioners Quayle and Yorks were excused. A quorum was present.

2. MINUTES: The Commission considered the minutes from the May 23, 2016 meeting. Commissioner Andrew **moved** to approve the minutes as presented. Commissioner Barham **seconded**, and the motion **carried** unanimously.

3. CITIZEN COMMENTS AND CONCERNS: None.

4. CORRESPONDENCE: City Planner Lewis noted receipt of one additional letter of testimony with regard to the public hearing.

5. PUBLIC HEARING: Chair Woodruff opened the public hearing on Case File #2-CU-PC-16. He called for declarations of bias, conflicts of interest and *ex parte* contact. None were announced. There were no objections raised regarding any member of the Planning Commission participating in the hearing.

City Planner Lewis reviewed the staff report, noting that the applicant was requesting a conditional use for firewood processing in the Planned Industrial Zone, which would be permitted under Section 16.36.020(X) "Forestry, including the management, production and harvesting of forest products...". He also distributed copies of the additional testimony which had been submitted, and then reviewed the Code provisions. One comment had been received from the Public Works Department, regarding the necessity for culverts to be installed on the driveway sites, and drainage to be directed to Ann Street. The operation fronts on Ann Street, and Mr. Lewis noted that the applicant was proposing a fence along Ann Street and the north side of the site. The proposed fencing would not be sight-obscuring, so the applicant was requesting a modification to allow for that. Mr. Lewis suggested that a fourth provision be added to the conditional use, to require trucks to use Wakonda Beach Road to access the site, rather than Crestline Drive or Range Drive.

Proponents: Mr. Lewis noted that the three letters of testimony were all in favor of the application.

Applicant Presentation: Mr. Brandel addressed the Commission, noting that he was hoping to be allowed to utilize temporary fencing until they could afford to install the permanent fence. Commissioner Barham asked how long they thought it would be before the permanent fence would be installed, and Mr. Brandel responded that they would be renting the fencing for about six months, and installing the permanent fence section by section. The project should be complete by June of 2017.

Opponents: None.

Chair Woodruff closed the public hearing and opened the meeting for deliberations. Commissioner Peterson **moved** to approve the request with the conditions of parking, drainage, routing of trucks and fencing to be met, and the allowance of temporary fencing

until June of 2017. Commissioner Barham **seconded**, and the motion **carried** unanimously on a voice vote. City Planner Lewis was directed to prepare the findings for distribution to the Commission and signature by the Chair.

6. DISCUSSION/ACTION ITEMS:

A. Planning Report: Mr. Lewis reviewed the report from May through October, noting that there had been a permit for the Port of Alsea to repair their existing debris boom, four new dwellings in the Land and Sea development, two new dwellings in the Golf Course development, some remodeling permits and a couple of Land Use Compatibility Statements completed for marijuana dispensaries.

7. COMMISSIONER COMMENTS AND CONCERNS: None.

City Planner Lewis noted that another planned development application may be coming in soon, so there may be a meeting scheduled in either November or December.

8. ADJOURNMENT: At 2:18 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.

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Ray Woodruff, Chair

# STAFF REPORT

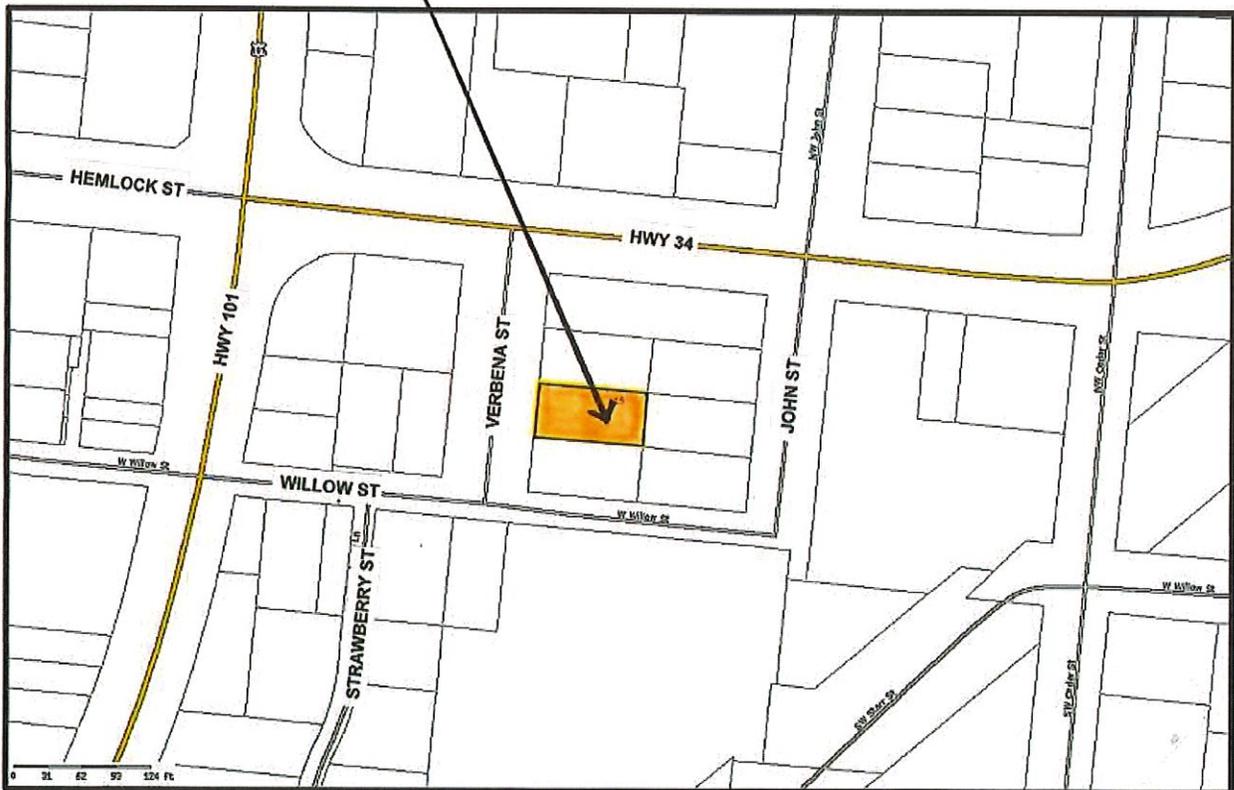
## Variance Application

APPLICANT: Mary Olive Matney Trust

### A. REPORT OF FACTS

1. Applicant's Request: This is a variance request to reduce the width of the building below the minimum standard. In the Downtown District (D-D), a building is required to cover a minimum 75% of the lot width. The applicant requests the building width cover a minimum 60% of the lot width.
2. Property Location: The subject property is located at 145 Verbena Street, and further identified on Lincoln County Tax Assessor's Map 13-11-19BD as tax lot 2900.

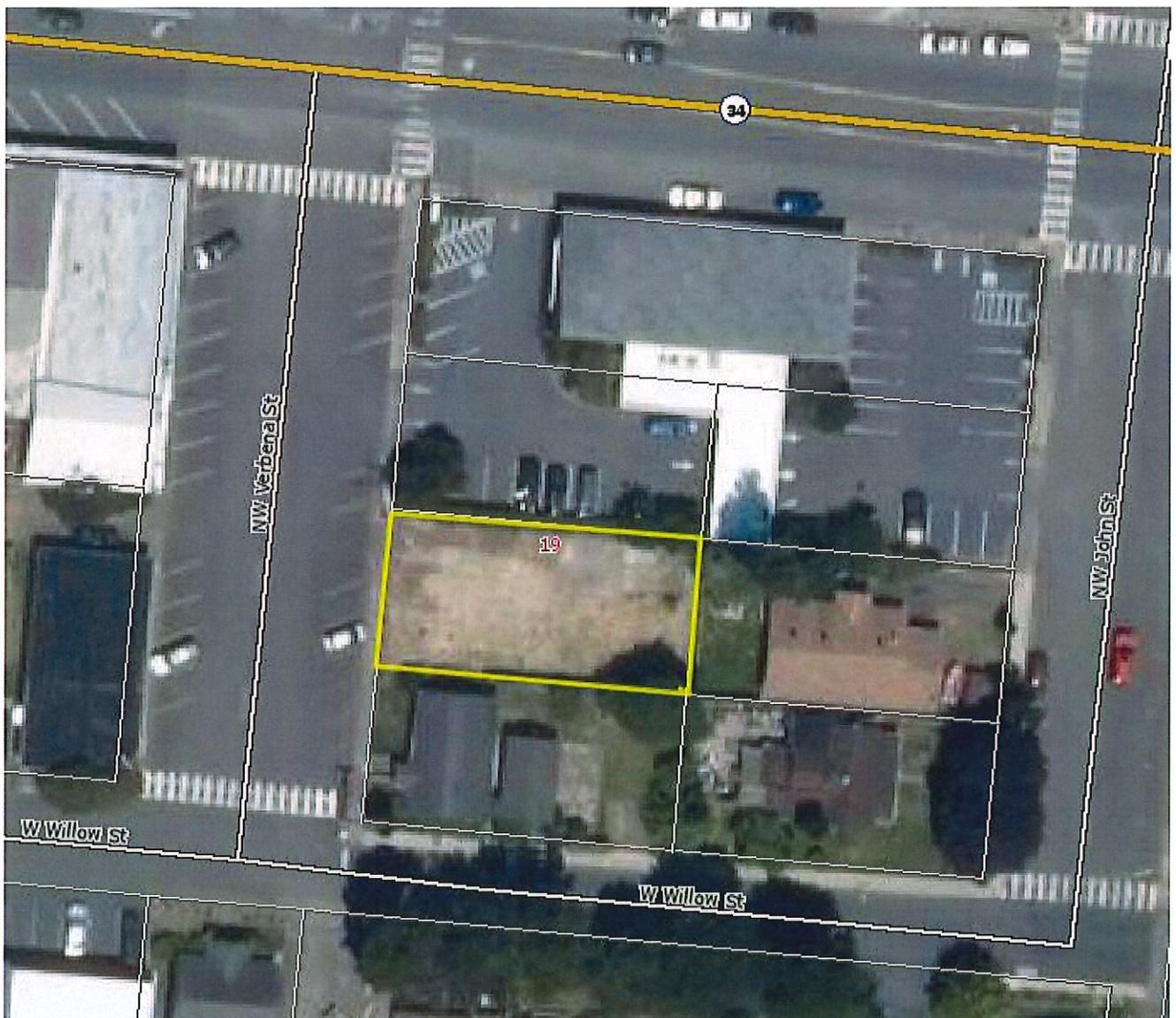
145 Verbena Street



3. Zoning: Downtown District D-D
4. Plan Designation: General Commercial
5. Lot Size and Dimensions: The lot totals 5,000 square feet with dimensions of 50' x 100'.

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6. Existing Structures: None.
7. Topography and Vegetation: The lot is generally flat with no significant vegetation.
8. Surrounding Land Use: Surrounding land uses primarily include commercial uses with some single family and multi-family residential uses. A bank is adjacent on the north side and an insurance company is adjacent on the south side of the subject property.
9. Utilities: The following utilities currently serve the subject property:
  - a. Water: City of Waldport
  - b. Sewer: City of Waldport
  - c. Electricity: Central Lincoln P.U.D.
10. Development Constraints: None identified.



## B. EVALUATION OF REQUEST

### 1. Relevant Waldport Development Code Standards:

#### a. **Chapter 16.30.030 Building Setbacks**

In the Downtown District, buildings are placed close to the street to create a vibrant pedestrian environment, to slow traffic down, provide a storefront character to the street, and encourage walking. The setback standards are flexible to encourage public spaces between sidewalks and building entrances (e.g., extra-wide sidewalks, plazas, squares, outdoor dining areas, and pocket parks). The standards also encourage the formation of solid blocks of commercial and mixed use buildings for a walkable downtown.

The setback standards apply to primary structures as well as accessory structures. The standards may be modified only by approval of a variance in accordance with Chapter 16.92, Variances.

#### A. Front Yard Setbacks.

1. Minimum Setback. There is no minimum front yard setback required.
2. Maximum Setback. The maximum allowable front yard setback is 20 feet. This standard is met when a minimum of 75 percent of the front building elevation (façade) is placed no more than 20 feet back from the front property line. **In any event, a building must be within the required setback and cover a minimum 75% of lot width.**

#### b. **Chapter 16.92 Variances** (applicable to this application)

##### **16.92.010 Authorization to grant or deny variances.**

The Planning Commission may authorize variances from non-procedural requirements of Chapters 16.12 through 16.96 of this title where it can be related to a specific piece of property and strict application of this title would cause undue or unnecessary hardship. No variance shall be granted under the following conditions:

- A. To allow the use of property for a purpose not authorized within the zone in which the proposed use would be located;
- B. To increase building height more than ten (10) percent higher than is otherwise permitted in this title, except to complete a story of which more than half falls within the allowable height limit of that zone, or to allow construction of a structure one story higher than the finished ground elevation of the highest side of the structure. In granting a variance the planning commission may attach conditions which it finds necessary to protect the best interests of the surrounding property or neighborhood and otherwise achieve the purposes of this code.

##### **16.92.020 Circumstances for granting a variance.**

A variance may be granted only in the event that either subsection A or B of this section applies and each of subsections C, D and E of this section applies:

- A. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape, legally existing prior to September 6, 1973; or
- B. The variance is necessary for the preservation of a property right of the applicant substantially the same as owners of other property in the same zone or vicinity possess; and

- C. The variance would not be materially detrimental to the purpose of this title, or to property in the zone or vicinity in which the property is located, or otherwise conflicts with the objectives of any city plan or policy;
- D. The hardship is not self-imposed and the variance requested is the minimum variance which would alleviate the hardship; and
- E. The hardship asserted as a basis for the variance does not arise from a violation of the City code or other regulations.

**16.92.040 Time limit on a variance.**

Authorization of a variance shall be void after one (1) year unless substantial construction pursuant thereto has taken place. The Planning Commission may extend authorization for one additional period not to exceed one (1) year, on request.

**2. Applicant's Proposal**

The applicant submitted the application form and fee, a site plan, and a narrative with a description of the request and addressing the circumstances for granting a variance. The applicant's description is provided below and their response to the circumstances for granting a variance are included in the Staff Analysis.

*The lot in question is 50' x 100' with an existing curb cut of 12.5' which is 4 feet in from north side boundary. Therefore, a variance is necessary for the following requirement:*

*"In any event, a building must be within the required setback and cover a minimum 75% of lot width."*

*The rest of the Downtown District Development Code requirements would be met in accordance to the written standards, including building height for vertical mixed use (commercial with residential above), setbacks, architectural guidelines and standards, pedestrian amenities, parking requirements (there are two pre-existing diagonal parking spaces on the street frontage in addition to two proposed off-street spaces for the owners), and landscaping and underground utilities.*

*To eliminate the use of the curb cut would not be in the best interest of the owner as the plot plan allows for two off-street parking spaces for the owners.*

*Other pertinent information is the vision of the property with a retail building establishment on the ground floor with natural wood siding, large display windows and a double entry. Residential quarters above to the maximum of 45 allowable feet with ingress and egress by stairs in the rear of the building to the second floor. The garage located in the NE corner of the property would house two vehicles and have residential quarters above to the maximum of 45 allowable feet with a side ingress and egress by stairs to the second floor. A courtyard in the SW corner and an un-loading and turn-around space behind the commercial structure would conveniently provide accommodation for the live-in owner(s) of the commercial establishment.*



145 Verbena Street

3. **Public Testimony**

At the time this staff report was prepared the City had not received any written testimony.

**C. STAFF ANALYSIS**

1. **Variance Request**

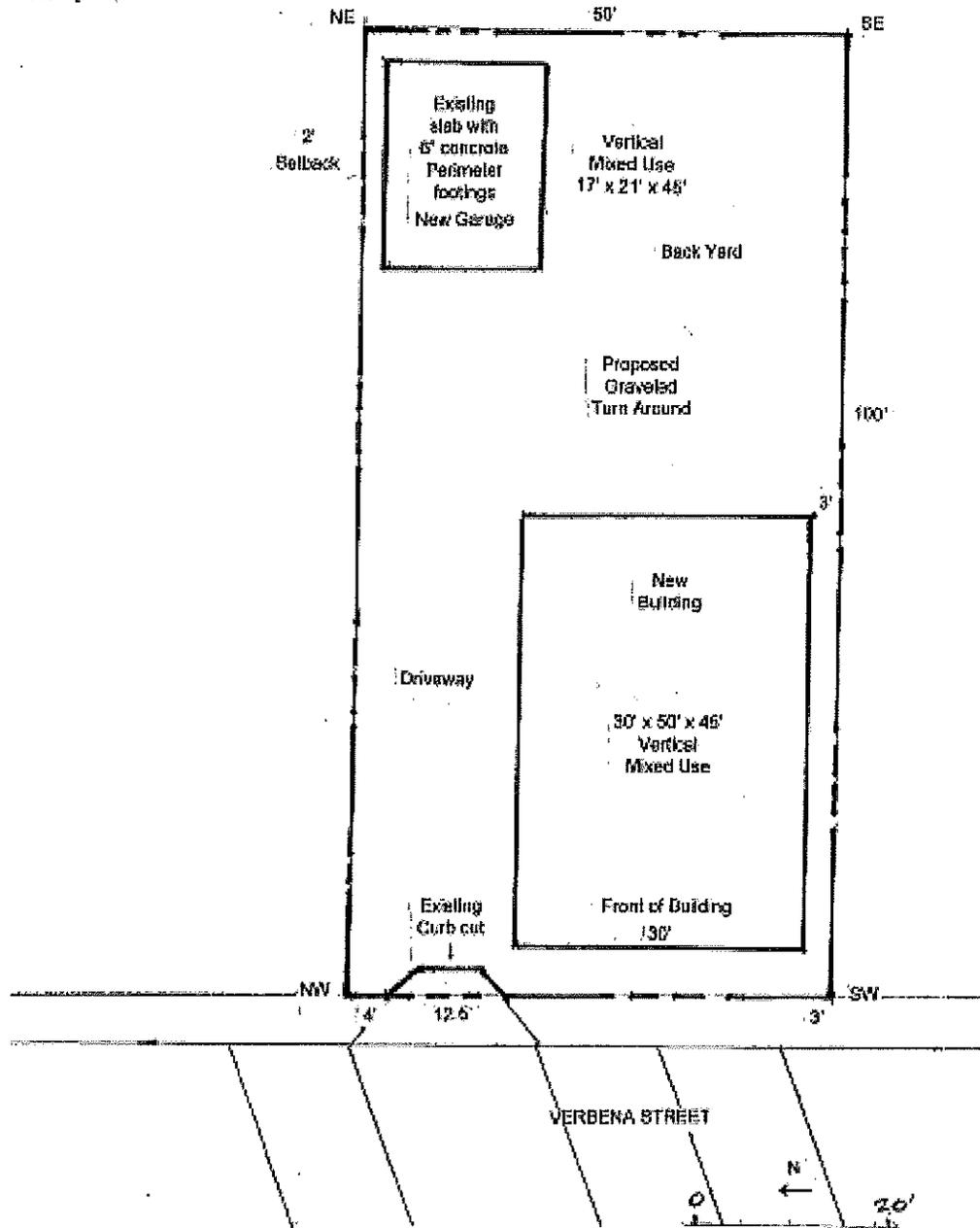
This is a variance request to reduce the width of the building below the minimum standard. In the Downtown District (D-D), a building is required to cover a minimum 75% of the lot width. The applicant requests the building width cover a minimum 60% of the lot width. The primary reason for this request is to utilize an existing 12½ foot wide driveway that is located 4 feet in from the north property line.

The lot width across the Verbena Street frontage is 50 feet. The applicant proposes a 3 foot setback from the south property line and a ½ foot setback from the driveway. That would allow for a building with a 30 foot width. A 30 foot building covers 60% of the 50 foot lot width versus the standard 75% (37½ feet for a 50 foot wide lot) required in the Downtown District.

The applicant also states that maintaining the existing driveway cut allows for a driveway that would go straight back to an existing concrete slab where a new garage could be built with a second story residence.

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 May 22, 2017 Planning Commission Meeting

145 NW Verbena St  
 Waldport, OR 97394



2. **Circumstances for Granting Variances**

A variance may be granted only in the event that either subsection A or B applies and each of subsections C, D and E applies. The Planning Commission determines if the variance criteria have been met based on the information submitted by the applicant. The variance criteria are provided below and followed by the Applicant Response.

- A. *Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape, legally existing prior to September 6, 1973; or*

APPLICANT RESPONSE: The exceptional or extraordinary circumstance that apply to the property which does not apply to most properties in the same zone or vicinity and over which the owner has no control is the requirement that the building frontage be 75% of the front lot dimension. It is a physical impossibility due to a pre-existing curb cut recently painted by the City of Waldport.

*B. The variance is necessary for the preservation of a property right of the applicant substantially the same as owners of other property in the same zone or vicinity possess.*

APPLICANT RESPONSE: The variance is necessary for the preservation of the property right of the owner in order to be able to develop the property as the other owners of property in the zone or vicinity possess.

*C. The variance would not be materially detrimental to the purpose of this title, or to property in the zone or vicinity in which the property is located, or otherwise conflicts with the objectives of any city plan or policy.*

APPLICANT RESPONSE: The variance would not be materially detrimental to other property in the zone or vicinity in which the property is located because it is a slight adjustment of the requirements to meet a pre-existing condition not imposed by the owner.

*D. The hardship is not self-imposed and the variance requested is the minimum variance which would alleviate the hardship.*

APPLICANT RESPONSE: The variance was not self-imposed by the owner. It is the minimum which would alleviate the hardship as it adjusts the requirement to accommodate the building frontage requirement of at least 75% to a workable requirement for a 50 foot lot size with a pre-existing curb cut.

To eliminate the use of the curb cut would not be in the best interest of the owner as the plot plan allows for two off-street parking spaces for the owners.

*E. The hardship asserted as a basis for the variance does not arise from a violation of the City code or other regulations.*

STAFF RESPONSE: City staff verifies there are no existing violations.

### C. CONCLUSIONS

The circumstances for granting a variance are key criteria in making a decision of denial or approval. A variance may be granted only in the event that either above described subsections A or B applies and each of subsections C, D and E applies.

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. 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. This variance is approved in accordance with the submitted application and plan, i.e. a minimum 30 foot building width (60% of lot width). Development shall adhere to all other provisions of the Downtown District (D-D) zone.

**#1-VAR-PC-17 Matney Variance Application  
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2. Authorization of the variance shall be void after one (1) year unless substantial construction pursuant thereto has taken place. The Planning Commission may extend authorization for one additional period not to exceed one (1) year, on request.

Submitted by,

Larry Lewis  
City Planner

Enclosures: - Vicinity Map  
- Site Plan  
- Applicant Narrative

145 Verbena Street

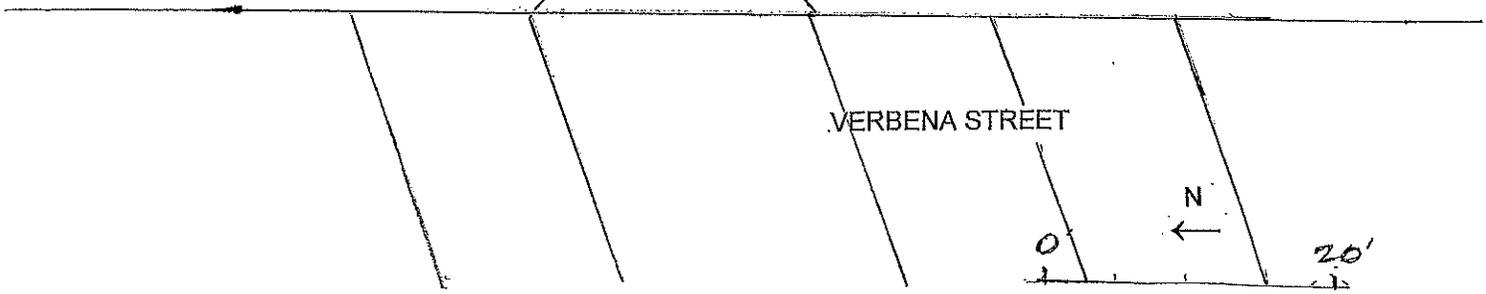
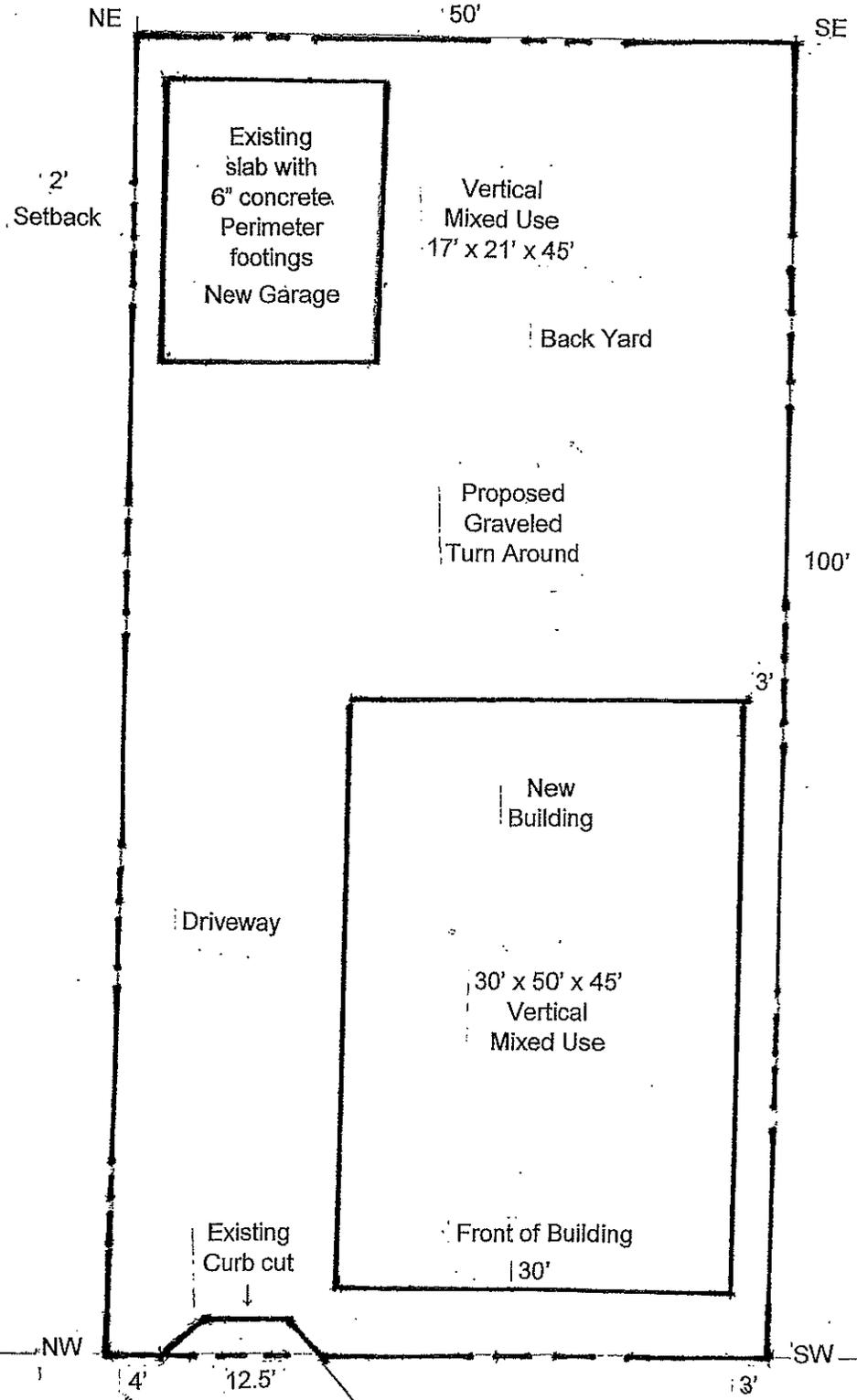


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145 NW Verbena St  
Waldport, OR 97394



## Written Narrative for Application for Variance

Lot 6, Block 5, Keady's Addition, Waldport, OR

R183991

145 NW Verbena St.

Waldport, OR 97394

The lot in question is 50'x 100' with an existing curb cut of 12.5' which is 4 feet in from north side boundary. Therefore, a variance is necessary for the following requirement:

"In any event, a building must be within the required setback and cover a minimum 75% of lot width."

The City of Waldport recently painted the curb cut which was created when there was a dwelling in the SE corner of the lot where the proposed garage with living quarters above is located (see plot plan.)

The rest of the Downtown District Development Code requirements would be met in accordance to the written standards, including building height for vertical mixed use (commercial with residential above), setbacks, architectural guidelines and standards, pedestrian amenities, parking requirements (there are two pre-existing diagonal parking spaces on the street frontage in addition to two proposed off-street spaces for the owners), and landscaping and underground utilities.

The exceptional or extraordinary circumstance that apply to the property which does not apply to most properties in the same zone or vicinity and over which the owner has no control is the requirement that the building frontage be 75% of the front lot dimension. It is a physical impossibility due to a pre-existing curb cut recently painted by the City of Waldport.

The variance is necessary for the preservation of the property right of the owner in order to be able to develop the property as the other owners of property in the zone or vicinity possess.

The variance would not be materially detrimental to other property in the zone or vicinity in which the property is located because it is a slight adjustment of the requirements to meet a pre-existing condition not imposed by the owner.

The variance was not self-imposed by the owner. It is the minimum which would alleviate the hardship as it adjusts the requirement to accommodate the building frontage requirement of at least 75% to a workable requirement for a 50 foot lot size with a pre-existing curb cut.

To eliminate the use of the curb cut would not be in the best interest of the owner as the plot plan allows for two off-street parking spaces for the owners.

Other pertinent information is the vision of the property with a retail building establishment on the ground floor with natural wood siding, large display windows and a double entry. Residential quarters above to the maximum of 45 allowable feet with ingress and egress by stairs in the rear of the building to the second floor. The garage located in the SE corner of the property would house two vehicles and have residential quarters above to the maximum of 45 allowable feet with a side ingress and egress by stairs to the second floor. A courtyard in the SW corner and an un-loading and turn-around space behind the commercial structure would conveniently provide accommodation for the live-in owner(s) of the commercial establishment.

**City of Waldport  
2016 LAND USE / BUILDING PERMIT ACTIVITY**

**For the Period October 25, 2016 through December 31, 2016**

<b>Date</b>	<b>Application/ Activity</b>	<b>Applicant</b>	<b>Zoning</b>	<b>Tax Map/Lot Location</b>	<b>Description</b>	<b>Status</b>
10/25/16	Building Permit	Dahl & Dahl	I-P	13-11-31B/200 150 Dahl Ave	New storage building "D" at Ideal Storage.	Approved 10/28/16 per #3-CU-PC-04 conditions
10/25/16	Building Permit	Dahl & Dahl	I-P	13-11-31B/200 150 Dahl Ave	New storage building "E" at Ideal Storage.	Approved 10/28/16 per #3-CU-PC-04 conditions
10/25/16	Building Permit	Dahl & Dahl	I-P	13-11-31B/200 150 Dahl Ave	New storage building "F" at Ideal Storage.	Approved 10/28/16 per #3-CU-PC-04 conditions
10/25/16	Building Permit	Dahl & Dahl	I-P	13-11-31B/200 150 Dahl Ave	New storage building "G" at Ideal Storage.	Approved 10/28/16 per #3-CU-PC-04 conditions
11/8/16	Building Permit	Cory Comstock CD DG Waldport LLC	D-D	13-11-19AC/3200 350 Hemlock St	New Dollar General store	Pending staff review and approval
12/16/16	Flood Hazard Zone Permit for Development Involving a Structure	Oregon Dept. of Transportation	R-2 and C-2	13-11-20CA/2300 McKinney Slough	Flood hazard permit for replacing the McKinney Slough bridge	Approved 12/16/16
12/16/16	Flood Hazard Zone Permit for Development Not Involving a Structure	Oregon Dept. of Transportation	R-2 and C-2	13-11-19AD/802 Lint Slough	Flood hazard permit for at Lint Slough to mitigate the impact of 0.13 acres of tidal marsh at the McKinney Slough bridge replacement project.	Approved 12/16/16
12/20/16	Building Permit	AI Erikson	C-1	13-11-18DD/2100 1145 Broadway St	2 <sup>nd</sup> story addition and remodel to single family dwelling	Approved 12/23/16
12/20/16	Land Use Compatibility Statement (LUCS)	Cross Development	D-D	13-11-19AC/3200 380 Hemlock St	LUCS for Hwy 34 sidewalk improvements associated with Dollar General development	Completed 12/23/16

**City of Waldport  
2017 LAND USE / BUILDING PERMIT ACTIVITY**

Date	Application/ Activity	Applicant	Zoning	Tax Map/Lot Location	Description	Status
<b>For the Period <u>January 1, 2017</u> through <u>March 31, 2017</u></b>						
1/3/17	Building Permit	Lincoln County School District	P-F	13-11-30/901 3000 Crestline Dr Waldport School Campus	New pole building	Approved 1/3/17
1/24/17	On-site Waste Management Permit	Shonna Ingram	R-3	13-11-29AB/6000 1320 Jefferson St Peterson Park	Septic repair permit	Approved 1/27/17
1/24/17	Building Permit	Donna Hadden	R-2	13-11-20BD/3000 33 Meadowlark Ln	Add solar panels to single family dwelling	Approved 1/27/17
2/7/17	On-site Waste Management Permit	Patrick Murphy	R-3	13-11-29AB/900 2185 Aalsea Way Peterson Park	Site evaluation for new septic system	Approved 2/10/17
2/27/17	OLCC Land Use Compatibility Statement (LUCS)	Daryl Bell	C-2	13-11-19AC/7400 160 E Hwy 101 (former Masonic Temple)	LUCS for marijuana dispensary	LUCS completed 2/27/17
3/14/17	Building Permit	Sandra Blanchard	R-1	13-11-30BB/800 1320 Ocean Terrace	Replace deck	Approved 3/14/17
3/21/17	Building Permit	Ryan Thomas	R-1	13-11-30AB/3100 1230 Rose St	Renovation to single family dwelling	Approved 3/27/17
3/21/17	ODOT Land Use Compatibility Statement (LUCS)	Brandt Thissel	C-1 & R-1	13-12-25/300 & 301 Hwy 101 near Breakers Dr.	LUCS for temporary access to remove timber and debris	LUCS completed 3/27/17
3/30/17	Building Permit	Clint Griffith	R-1	13-11-19AD/903 360 Edgecliff Dr	Foundation underpinning	Approved 3/31/17

**City of Waldport  
2017 LAND USE / BUILDING PERMIT ACTIVITY**

Date	Application/ Activity	Applicant	Zoning	Tax Map/Lot Location	Description	Status
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For the Period April 1, 2017 through May 15, 2017

3/21/17	OLCC Land Use Compatibility Statement (LUCS)	James Panichello	D-D	13-11-19BD/1301 650 Hemlock St NW corner of Hwy 101 and Hemlock	LUCS for marijuana dispensary	LUCS completed 4/7/17
4/25/17	Building Permit	Jan Weeks	R-1	13-11-19AD/902 320 Edgecliff Dr	Foundation repair	Approved 4/28/17
4/25/17	Variance Application	Mary Olive Matney Trust	D-D	13-11-19BD/2800 145 Verbena St	Variance application to reduce width of building.	Pending 5/22/17 Planning Commission meeting
5/4/17	Manufactured Home Placement	Frank & Debbie Howell	C-1	13-11-18DD/800 380 Ruble St	Replace manufactured home with new manufactured home	Approved 5/5/17