

PLANNING COMMISSION MEETING

Thursday, June 16, 2016 6:00 PM

City Council Chambers, 1001 Bridge Street, Vernonia OR 97064

REGULAR MEETING/PUBLIC HEARING

AGENDA

Position #1 - (Exp.2016) - Brian Cole
Position #4 – (Exp. 2018) – Erika Paleck

Position #2 - (Exp. 2017) - VACANT
Position #5 – (Exp. 2018) – Grant Williams
Position #7 – (Exp. 2019) – Jeff Goodman

Position #3 – (Exp. 2017) – VACANT
Position #6 – (Exp. 2019) – Susan Wagner

1. **Call to Order: Susan Wagner, Chair**
2. **Approval or Additions to Agenda**
3. **Approval of Planning Commission minutes from May 19, 2016**
4. **Public Hearing of MLP16-01**
 - a. **Call Hearing to Order**
 - b. **Order of Hearing**
 - c. **Exparte**
 - d. **Conflict of Interest**
 - e. **Challenge**
 - f. **Staff Report-City Planner Ryan Crater**
 - g. **Testimony in Favor**
 - h. **Testimony in Opposition**
 - i. **Neutral Testimony**
 - j. **Final Call for Testimony**
 - k. **Applicant Rebuttal**
 - l. **Extend the Hearing**
 - m. **Close the Hearing**
5. **Commission Deliberation of MLP16-01**
6. **Commission Motion of Decision**
7. **Commissioners Reports**
8. **Chairperson Report**
9. **Correspondence**

Adjournment

AMERICANS WITH DISABILITIES ACT NOTICE

Please contact the City Recorder, Vernonia City Hall, 1001 Bridge Street, Vernonia, OR 97064 (Phone No. 503-429-5291) at least 48 hours prior to the scheduled meeting time if you need an accommodation. TCC users please call Oregon Telecommunications Relay Service at 1-800-735-2900.

PLANNING COMMISSION MEETING

Thursday, May 19, 2016 6:00 PM

City Council Chambers, 1001 Bridge Street, Vernonia OR 97064

WORKSHOP

MINUTES

Call to Order: Susan Wagner, Chair

Chair Wagner called the meeting to order at 6:02 pm

Absent: Commissioner Williams

Approval or Additions to Agenda

Chair Wagner added to the agenda a presentation from Tim Anderson under New Business.

Vice Chair Paleck recommended that we move Old Business after New Business. All Commissioners are in favor.

Vice Chair Paleck made a motion to approve the Agenda with the addition. The motion was seconded by Commissioner Goodman, motion passes.

Topics from the Floor

Consent Agenda

A. Planning Commission Minutes from April 07, 2016

Vice Chair Erika Paleck made a motion to approve the Planning Commission meeting minutes as written. The motion was seconded by Commissioner Goodman, motion passed.

New Business

Tim Anderson presented his proposal for a community information sign to the Planning Commission. He put together this proposal in conjunction with Dean Smith at the Vernonia Fire Department and Aaron Miller with the Vernonia School District. Their hope is that the sign would serve the community by providing a space to post notices of community events and emergency information. The reason for the size and location of the sign is to allow for drivers to read the sign at a considerable distance. The sign would be paid for thru fundraising efforts and then turned over to the City of Vernonia as it would be on city property and maintained by the city.

Commissioner Paleck inquired as to whether or not the suggested height of 10' would elevate the sign enough to avoid flood water. City Administrator Mitchell stated that it would but would need an elevation certificate to verify. The sign would more than likely have to be insured as it would be electrified. Chair Wagner inquired about the number of houses that are in line of sight of where the sign would be placed as it could disturb their sleep. City Administrator Mitchell stated that there are roughly 6 houses in line of sight. The City of Vernonia Sign Code prohibits internally lit signs unless they are inside a building. Movie type signs are strictly prohibited but if the sign displayed slides it may not be as strictly prohibited. Mr. Anderson stated that if the light from the sign became an issue, it could be dimmed or turned off at certain times of night.

Chair Wagner is in favor of the sign as it is in the interest of the community and feels as though it isn't the same as a business having a sign like this. Commissioner Paleck is concerned that while they may be in favor of it now, it may become an issue in the future. City Administrator Mitchell asked what the life span of the sign is. Mr. Anderson stated that he has not seen the projected life span of the sign but suspects it is similar to any other computerized sign. The sign should last longer as it wouldn't be turned on and off all the time. Commissioner Goodman inquired as to whether or not he has looked into the sign

being powered by solar. Mr. Anderson stated that he has but it would be incredibly expensive. Commissioner Goodman is in disagreement as the batteries for the ODOT signs weren't very expensive and last for up to two weeks. He proposes that if the proposed sign is in violation of the sign code, perhaps we could have a simpler sign that would fit the code as well as cost less. Mr. Anderson stated that the reason the batteries for these signs don't last as long is because of the pixilation and complexity of this sign. The sign would be updated by either a direct internet connection or thru a cell phone. City Administrator Mitchell asked if this would be an extra cost. Mr. Anderson stated that it is already included in the \$27,000 bid. The only ongoing cost would be the electricity costs.

City Administrator Mitchell inquired as to how the Parks Committee feels about the sign. Mr. Anderson stated that he hasn't given the formal presentation to the committee but they directed him to the Planning Commission to give the presentation. He was told that the Emergency Preparedness Group may be interested in the sign. He has inquired about when the next meeting will be but has not heard back from the group. City Recorder Borst stated that she will get the information to him on who to contact from the group. City Administrator Mitchell advised that Mr. Anderson should check with ODOT first as the sign would be located on the highway and they would have to approve it as well. Commissioner Goodman stated that he should contact the county as well as they may qualify for funding from homeland security if the sign is used for emergency preparedness. City Administrator Mitchell will get the contact information for Lonnie at Columbia County to Mr. Anderson.

Unfinished Business

- A. Review of Ordinance 851 "An Ordinance of the City of Vernonia, Oregon Enacting Flood Damage Prevention Provisions..."

City Administrator Mitchell explained to the Commissioners that they needed to decide how much fill, if any, would be allowed every year in the flood zone AE. Commissioner Paleck is in favor of 5 yards per calendar year. Commissioner Goodman is in favor of allowing 10 yards. Commissioner Paleck asked for clarification on why requiring a permit for fill is necessary. City Administrator Mitchell stated that the reason for requiring permits is to document that the city is following FEMA rules in order to qualify for the National Flood Insurance Program. If the city regulates heavier than the minimum FEMA requirement they will obtain a greater NFIP rating therefore reducing homeowners flood insurance costs. Chair Wagner added that when the city applies for federal funding they have to pass environmental review which will check that the community is NFIP compliant.

Commissioner Paleck inquired as to how the community would know that they needed to apply for a permit. City Administrator Mitchell stated that when new residents come in to apply for new utility service they are notified of what the regulations are. If Code Enforcement sees any violations while she is out she is notifying them of the restrictions as well and sending them to City Hall. City Staff is also preparing to send seasonal reminders to residents in their utility bills.

Chair Wagner asked how we can ensure this process continues even when the current employees are no longer working at the city. City Administrator stated that this process is part of the building department procedures and staff will always have access to the resources we do now. Currently staff looks the property up on the Vernonia GIS website to review property information to advise customers on requirements. The building permit window signs and property files at City Hall have all been color coded as well to keep zones easily identified.

The Commissioners then returned to discussing what fill, if any, they would like to allow in Flood Zone AE. City Administrator Mitchell stated that staff decided against creating a chart as examples we found were simple in identifying what was allowed and what was not. Staff also discovered that other cities were sticking with FEMA's minimum requirement for 5.1.4 (4) Subdivision Proposals in requiring

flood elevation data for proposals containing 50 lots or 5 acres. She then stated that the only property in town that may fall under this criterion is the Weller property on Weed Avenue. If the owners ever subdivided the property they would have to get approval by the Planning Commission which would require the elevation data anyway. Consensus of the Planning Commission is to prohibit fill in the Flood Way and to allow 5 yards fill in Flood Zone AE with a permit and per calendar year. The Commissioners also approved keeping Section 5.1.4 (4) as is.

City Administrator Mitchell stated that we need to regulate but we also need to balance the regulations to allow people to continue to use their property. Luckily there were enough houses removed after the last flood that it is easier to monitor use. The high water event in December 2015 saw close to the same river height as in 1996 but there was far less damage so clearly there has been improvement.

City Planner's Report

City Recorder Borst gave an update to the Planning Commission on the Weller Partition MLP16-01 that will be coming to them on June 2nd for a public hearing.

City Administrator gave the Planning Commission an update on the Nickerson Loop development. City staff along with Mayor Parrow had a meeting with the lot owners and have not heard from them since. There is an active stop work order on the development until the drainage issues are remedied. Unfortunately, the Lindauer's, whom received a variance to build their shop, can't even build until everything is fixed. All future homes in the development will have to have sprinklers as well due to lack of flow to the fire hydrants. Due to this, the Fire Department has been notified that they will need to bring in water in the case of a fire.

Commissioners Reports

Chairperson Report

Correspondence

Adjournment

Chair Wagner adjourned the meeting at 7:12 pm.



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1001 Bridge Street
Vernonia, OR 97064

EXHIBIT "A"

STAFF REPORT

I. GENERAL INFORMATION

STAFF REPORT DATE: June 13, 2016

REQUESTED ACTION: Partition (Major) - Weller Application MLP16-01

APPLICANT/OWNER: Dennis Weller
2024 Nickerson Loop
Vernonia, OR. 97064

PROPERTY DESCRIPTION: NW ¼ of Section 4, T4N, R4W, W.M., Tax Lot 200

PROPERTY LOCATION: NW Corner of Madison ST. and Shady Lane

PROPERTY SIZE / ZONING: 19.27 Total Acres
(Approximate) Residential Zone (R) – (Total Acres 18.48)
General Residential (GR) – (Total Acres 0.79)

PROPOSED PARCELS SIZES: Parcel 1 (18.75 Acres)
Parcel 2 (0.29 Acres)
Parcel 3 (0.23 Acres)

EXHIBITS: A. Staff Report
B. Major Partition Application
C. Partition Plan
D. Parcel Map

II. APPLICABLE REGULATIONS

The applicable regulations for this land use application are contained in Title 9 – Land Use and Development for the City of Vernonia:

Chapter 9-01.03-10 – Use Zones Residential Zone R

Chapter 9-01.03-20 – General Residential Zone (GR)

Chapter 9-01.04-20 – Access

Chapter 9-01.10-10 – Land Use Permit Applicable Review Procedures



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Chapter 9-01.10-40 – Type III Procedures

Chapter 9-02 – Land division Code for the City of Vernonia

- Chapter 9-02.05 – Approval of Partitions

III. PROJECT INFORMATION

Summary: The applicants are seeking a request for a three (3) lot partition with the creation of a private road for access off of Madison Avenue for Parcels 1 & 2.

Site Location: The subject tax lot is located on the western side of the City in the middle of town bordered by W E Street to the north, Bridge St/Nehalem Hwy to the south, Weed Ave to the west and Rock Creek to the East.

Site Characteristics: The Parent Parcel (Parcel 3) is approximately 19.95 acres in size and is mostly undeveloped with a house, shop, barn and shed with remaining area of the lot maintained as an open field. Rock Creek runs along the eastern boarder of the Parent lot, but does not run through proposed Parcels 1 & 2. Access for Parcels 1 & 2 will be from Madison Avenue / Shady Lane via a private street to be created as an access easement and recorded on each deed, respectively, and indicated on the final plan for approval.

Adjacent Land Uses: Adjacent uses consist of single family development with the Parent Parcel consisting mostly of open space and/or fields with a few buildings in support of a single family residential use.

FINDINGS OF FACT

IV. APPLICATION EVALUATION

A. Chapter 9-01.03-10 Residential Zone (R)

Subsection (C) Dimensional Standards: In an R zone the following dimensional standards shall apply.

C (4) – The minimum lot size shall be five thousand (5,000) square feet for a single family dwelling.

C (5) – the lot width at the front building line shall be a minimum of fifty (50) feet.

C (6) – The lot depth shall be a minimum of one hundred (100) feet.



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Staff Finding: Parcel 3 (Parent Parcel) exceeds the dimensional standards for lot size, width, and depth within the Residential Zone (R).

B. Chapter 9-01.03-20 General Residential Zone (GR)

Subsection (C) Dimensional Standards: In a GR zone the following dimensional standards shall apply.

C (1)(a) – The minimum lot size for a detached dwelling, including manufactured dwelling, shall be five thousand (5,000) square feet.

Staff Finding: Parcel 1 is being proposed as 0.23 acres, which is approximately 10,018 square feet in size. Parcel 1 is consistent with this standard.

Parcel 2 is being proposed as 0.29 acres, which is approximately 12,632 square feet in size. Parcel 2 is consistent with this standard.

C (2)(a) – The minimum lot width shall be fifty (50) feet.

Staff Finding: Parcel 1 is shown on the tentative plan layout as having both the west and east property lines at 48 feet in width. Parcel 1 does not meet the minimum lot width of 50 feet. Staff recommends that the proposed partition layout be adjusted to take 2.5 feet from Parcel 2 east property line and giving it to Parcel 1, thereby making Parcel 1 east lot width 50.5 feet. This will partially address Parcel 1 substandard minimum lot width, but will still not satisfy the 50 foot minimum lot width standard under subsection 9-01.03-20 (C)(2)(a), for the west lot lines 48 foot width. Overall, Parcel 1 is in substantial compliance with the minimum lot size of 5,000 square feet at 10,018 total square feet. Based on the Planning Commissions review, it may be necessary to consider the substandard lot width for Parcel 1 through the Variance procedures found under Chapter 9-02.10-20. Another option to consider is the suggestion above, by taking 2.5 feet from Parcel 2 and adding that onto Parcel 1. Parcel 1 will then have 50.5 feet on the east lot line and 48 feet on the west lot line. Considering the total square footage of the overall parcel size, the lot would meet the intent of the dimensional standards. Staff could support this as long as future applications are given the same consideration.

Parcel 2 is shown on the proposed partition layout as having a west lot width of 48 feet and an east lot width off 52.5 feet. The west lot line width is not in compliance with the dimensional standard found under subsection 9-01.03-20 (C)(2)(a), but the overall square footage standard is in substantial compliance with subsection 9-01.03-20(C)(1)(a). The above suggestion to adjust Parcel 2 east lot line to 50 feet and add 2.5 feet to Parcel 1 east property line will leave the east line in compliance with the 50 foot width standard, but the remaining west line will still be substandard at 48 feet. Again, the overall square footage of the Parcel 2 is in



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substantial compliance and considering this, it appears that the intent of the dimensional standards has been met. Staff could support a decision to approve the proposed partition layout with the suggested changes, provided that future applications are given the same consideration.

Further Findings: Overall, both Parcel 1 & 2 in their current configuration (considering staffs suggested changes) will not present any development problems or the need for future variance requests to support the placement of a single family dwelling on each lot in conformance with building setback standards.

C (2)(b) – The minimum lot depth shall be one hundred (100) feet.

Staff Finding: Both **Parcel 1 & 2** have proposed lot depths greater than 100 feet and are in substantial compliance with this dimensional standard.

C. Chapter 9-01.04-20 Access

Every lot shall abut a street, other than an alley, for at least twenty-five (25) feet.

Planners Finding: **Parcel 1 & 2** will have access via the creation of a private street outside of a subdivision. Specifically, Parcel 1 will have 48 feet of street frontage and Parcel 2 will have 43 feet of street frontage abutting the private street created under the provisions of Chapter 9-02.05-20 of Title 9 (Zoning Code for the City of Vernonia) for this partition. The proposed private street will abut the intersection of Madison Avenue and Shady Lane, which will be the access point for these tax lots from a public street. **Parcel 3** will maintain its current access off Weed Avenue, which will be unaffected by this proposed partition. The proposed partition layout is consistent with regards to this standard.

V. APPROVAL OF PARTITIONS (Chapter 9-02.05)

Chapter 9-02.05-20 [Creation of Private Street Outside a Subdivision]

A street which is created in order to allow the partitioning of land for the purpose of transfer of ownership or building development, whether immediate or future, shall be in the form of a street in a subdivision or as provided in Section 9-02.05-10 of these regulations, except that a private street to be established by deed without full compliance with these regulations shall be approved by the Planning Commission provided it is the only reasonable method by which the rear portion of an unusually deep land parcel of size to warrant partitioning into not over two parcels may be provided with access. A copy of the tentative plan to create the street and partition the tract shall be submitted to the City Planning Commission at least five (5) days prior to the Planning Commission meeting at which consideration is desired. The document and



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such information as may be submitted shall be reviewed by the Planning Commission and, if assurance of the adequate utility and vehicular access is indicated, shall be approved.

Staff Finding: The proposed private street is necessary to allow access to Parcel 1 & 2, which are both unusually deep when considering their current layout and access to Madison Avenue. The private street via the proposed deed restriction is the only reasonable method given the layout of the existing property lines.

The proposed private street will be established by deed and will provide Parcel 1 & 2 with access. No other legal tax lots will be accessed via the private road established by deed restriction in the form of an easement under this proposed land partition application. The deed restriction for the proposed access easement (Private Street) for Parcels 1 & 2, coming off Madison Avenue will be 43 feet wide and 146 feet long and will encompass a total of 6,278 square feet. This area of land within the proposed partition will be dedicated in perpetuity as an access easement only. Parcel 3 shall retain its existing access via Weed Avenue and will not require access from the proposed private street.

Chapter 9-02.05-30 [Partitioning Procedure]

A partition shall be approved under the following procedure:

A. There shall be submitted to the Planning Commission a tracing of fifteen (15) copies of a tentative plan 8 ½ by 11 inches, or 18 by 24 inches in size with the following information:

1. The date, northpoint, scale and sufficient description to define the location and boundaries of the tract to be partitioned and its location;
2. Name and address of the record owner and of the person who prepared the tentative plan;
3. Approximate acreage of the land under a single ownership or, if more than (1) ownership is involved, the total contiguous acreage of the landowners directly involved in the partitioning;
4. For land adjacent to and within the tract to be partitioned, the locations, names and existing widths of street; location, width and purpose of other existing easements; and location and size of sewer and water lines and drainage ways and the location of power poles;
5. Outline and location of existing buildings to remain in place;
6. Parcel layout, showing size and relationship to existing or proposed streets and utility easements;



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7. One (1) copy of the recorded survey of the parcels;

8. Such additional information as required by the Planning Commission;

B. Except as provided for in subsection C below, within forty (40) days from the first regular Planning Commission meeting, filing submission of a tentative plan for a partitioning, and in accordance with the Type III permit provisions, the Planning Commission shall review the plan and the reports of appropriate officials and agencies. The Planning Commission may approve the tentative plan as submitted or as it may be modified. If the Planning Commission does not approve the plan, it shall express its disapproval and its reasons thereof.

C. If the location or type of land is not such as has been defined by the Planning Director as eligible for a Type II approval, or if the proposed partitioning does not appear to comply with the requirements for routine approval, the tentative plan shall be submitted for the Planning Commission review and determination that the proposal will comply with this code. The Planning Commission may require dedication of land and easements and may specify conditions or modification in the tentative plan as necessary. In no event, however, shall the Planning Commission require greater dedications or conditions than could be required if the tract were subdivided;

D. When a tentative plan has been approved, all copies shall be marked with the date and conditions, if any, of approval. When compliance with conditions has been assured, the plan shall be marked approved and then becomes the partition map;

E. The provisions of Section 9-02.03-10 apply to review of a major partition;

F. Partition Approval Criteria: Approval of land partition shall be based on the subdivision approval criteria in Section 9-02.03.20 D.

Staff Comment: The approval of this partition shall be based on Section 9-02.03-20 (D) as follows:

Section 9-02.03-20 (D)

Tentative Plan Approval Criteria. The Planning Commission may approve, approve with conditions or deny a tentative subdivision plan based on the following approval criteria:

1. The proposed tentative plan complies with applicable Development Code sections and all other applicable ordinances and regulations. At a minimum, the provisions of this article and the applicable Chapters of Title 9 shall apply. Where a variance is necessary to receive preliminary approval, the application shall also comply with the relevant variance approval standards;



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2. The proposed plan name is not already recorded for a other subdivision, and satisfies the provisions of ORS Chapter 92;
3. The proposed street, roads, sidewalks, bicycle lanes, pathways, utilities, and surface water management facilities are laid out so as to conform or transition to the plats of subdivisions and maps of major partitions already approved for adjoining property as to width, general direction and in all other respects. All proposed public improvements and dedication are identified on the preliminary plan;
4. All proposed private common areas and improvements (e.g. homeowners associations property) are identified on the tentative plan;
5. Evidence that any required State and federal permits have been obtained, or shall be obtained before approval of the final plan;
6. Evidence that improvements or conditions required by the City, road authority, County, special districts, utilities, and/or other service providers, as applicable to the project, have been or can be met; and
7. If any part of the site is located within a specific Area Pan District, Overlay Zone, or previously approved Master Planned Development, it shall conform to the applicable regulations and/or conditions.

V. RECOMMENDATION

Staff recommends the Planning Commission review this three (3) Lot Major Partition (Creation of Street) against all applicable review criteria. Should the Planning Commission find that changes needed to be made to the tentative plan, that these changes be documented and relayed to the applicant prior to the approval of the final plan. Once the final plan is found to be in full compliance and ready for approval / sign off, Staff will write suggested Findings of Fact and Conclusions of Law for you to review prior to final approval of the proposed partition.

Questions regarding this staff report can be addressed to Ryan E. Crater, (503) 325-0435 ext. 213. or by email at rcrater@columbiaestuary.org.

Ryan E. Crater
Planner – City of Vernonia



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1001 Bridge Street
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EXHIBIT 2 – Major Partition Application



PAID MAY 03 2016

CITY OF VERNONIA
1001 Bridge Street, Vernonia OR 97064
Phone: 503-429-5291 Fax: 503-429-4232

Major Land Partition
Application

Application No. MLP16-01 Submittal Date: 4/18/16 Fee: 400.00

Applicants Name: Dennis Weller

Phone No. (503) 429-2810 Cell Ph. No. (503) 313-9044

E-mail Address: weller1122@msn.com

Title Holder of Property Dennis Weller

Title Holder's Signature [Signature]

PROPERTY DESCRIPTION:

Street Address 1122 Weed Ave

Assessors Map and Tax Lot Number 4N4W04BC / 200

Lot Size .52 ACRES Current Zoning Designation R / GR

Number of Lots Proposed 2 Lot Sizes .23 ACRES / .29 ACRES

Present Use of Property FARM USE

(Insert Narrative Criteria Here)



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EXHIBIT 3 – Partition Plan

PARCEL 3
18.75 ACRES
UNSURVEYED

TAX LOT
200

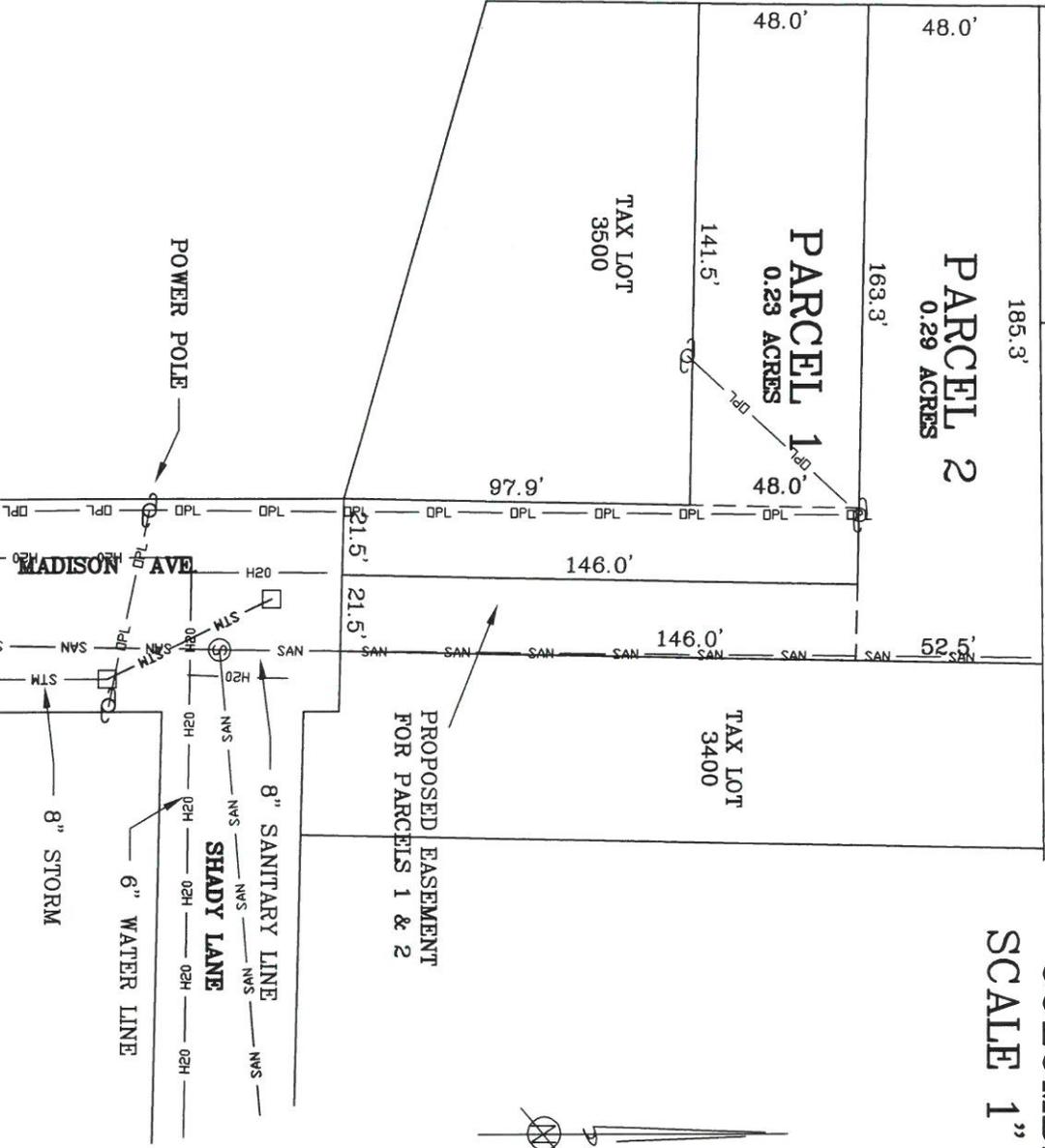
PARCEL 2
0.29 ACRES

PARCEL 1
0.23 ACRES

TAX LOT
3500

TAX LOT
3400

PROPOSED EASEMENT
FOR PARCELS 1 & 2



PROPOSED PARTITION LAYOUT FOR:
DENNIS WELLER
IN THE NW 1/4 OF SECTION 4,
T4N, R4W, W.M., CITY OF VERNONIA,
COLUMBIA COUNTY OREGON
SCALE 1" = 50' JUNE 1, 2016



TAX LOT 200
TAX MAP 4N4W04BC
OWNER: DENNIS AND DIANNE
WELLER
SITE ADDRESS:
1122 WEED AVE.
VERNONIA, OR 97064

K.L.S. SURVEYING INC.
1224 ALDER STREET
VERNONIA, OR 97064
(503)429-6115



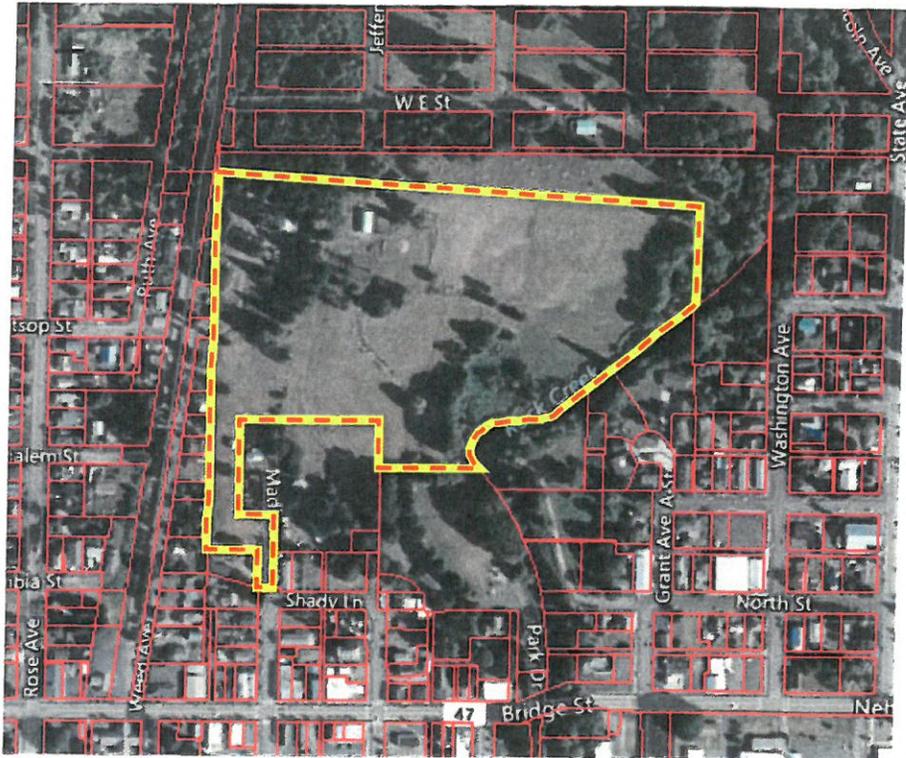
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EXHIBIT 3 – Parcel Map

City of Vernonia Parcel Report

Parcel: 4N4W04BC00200 (1122 WEED AVE)

- City Limits 
- Urban Growth Boundary 
- Parcels 



Owner	WELLER DENNIS & DIANNE & WELLER JOYCE
Tax Account	22811
Land Use Information	
Area	19.95 acres (869132 sq ft)
Public Owned	NO
Zoning	R - RESIDENTIAL
Multiple Zones	YES
Zoning 2	GR - GENERAL RESIDENTIAL
Zoning 3	N/A - N/A
Flood Information	
Flood Restricted	YES
Important: Some portion of the parcel is affected by a flood zone and subject to Chapter 9-05 (http://www.vernonia-or.gov/government/documents/Title9-05.01.pdf) of Vernonia City Ordinances. Restrictions and requirements for development vary significantly based on several factors. Please contact Vernonia's Floodplain Manager for more information on any restrictions.	
*Floodway	YES
*Zone AE	YES
*Zone Shaded X	YES

Flood Buyout NO

Environmental Restrictions

***Wetlands** YES

***Riparian** YES

* A **YES** indicates some portion of the parcel is affected. Official determinations by authorized persons only.

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