

MINUTES
Warrenton City Commission
Regular Meeting – July 24, 2018
6:00 p.m.
Warrenton City Hall - Commission Chambers
225 S. Main
Warrenton, OR 97146

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

Commissioners Present: Mayor Henry Balensifer, Mark Baldwin, Tom Dyer, Pam Ackley, and Rick Newton (arrived at 6:12 pm)

Staff Present: City Manager Linda Engbretson, City Attorney Spencer Parsons, Fire Chief Tim Demers, Community Development Director Kevin Cronin, Public Works Operations Manager Kyle Sharpsteen, and Deputy City Recorder Dawne Shaw

Commissioner Ackley made the motion to approve the consent calendar as presented. Motion was seconded and passed unanimously.

Balensifer – aye; Baldwin – aye; Ackley – aye; Dyer – aye

COMMISSIONER REPORTS – None

PUBLIC COMMENT – None

PUBLIC HEARINGS –

Mayor Balensifer opened the public hearing on the Spur 104 Zone Change (DCA: 18-2). Formalities followed and no conflicts of interest were reported. Community Development Director Kevin Cronin presented his staff report. He stated this is the first of two hearings; and noted this is a city initiated zone change. The change would be from lower density residential to commercial mixed use, which achieves the Commission's goal of creating more work force housing opportunities. He noted the revised map proposal given to the Commission, which outlines the wetlands, owned by ODOT, and is proposing to change it to OSI – Open Space Institutional. He noted this zone change has been discussed among neighbors for some time. Mr. Cronin stated Ken Yuill is a property owner in the area and has been leading the efforts and thanked him for providing him a tour of the site. He noted the need for a revised traffic report and stated it has been provided to the Commission for their review, along with a memo that addresses the Ensign intersection. He stated there was testimony at the Planning Commission hearing regarding concerns of increased traffic at that intersection. Mr. Cronin stated the Planning Commission recommended moving forward; and staff recommends an open hearing, and to continue until August 14th to allow additional testimony and time for consideration. Mike

Morgan, Planning Consultant stated he was hired by the city to review the zone change. He noted it is straight forward; the property is approximately 20 acres, includes mostly low density residential and about 3 acres of light industrial property on the north end. He noted at the Planning Commission hearing, it was suggested to rezone the ODOT wetlands area to open space, (OSI) and the new map reflects that change. Mr. Morgan noted the surrounding area is rapidly developing and this area is an island of underutilized property and is a unique parcel that could develop into high density housing under the CMU zone, which could provide affordable housing for the community. He noted there is no access from Hwy 101, so all access would be from the undeveloped side streets onto Spur 104. Mr. Morgan recommended continuing the hearing to review the revised traffic study, and the Ensign Lane intersection. Mayor Balensifer asked for public comment. (Commissioner Newton arrived at 6:12 pm) Mr. Bob Harn spoke in favor of the zone change and noted the need for affordable homes. He stated this will allow higher density for more housing. Mr. Dave Short spoke in favor of the zone change, noting it is a win/win for the city, the property owners, the public and potential businesses. Mr. Joe Pavelec also spoke in favor of the zone change. No one spoke in opposition. Mayor Balensifer noted the newly received traffic report, and stated no one has had a chance to read it yet. He also stated at the CEDR board meeting, that all municipalities have noticed a problem with increased traffic in Warrenton. He noted two traffic studies have said that development would have no traffic impact; however that is not the reality. He asked what staff had to say about the traffic study. Mr. Cronin stated the findings behind the traffic study are really focused on the Ensign intersection, and explained alternative mobility standards in the draft Transportation System Plan (TSP). He noted in the draft TSP, which would come before the Commission in the fall, there will be an addition of a left turn lane heading from Ocean Crest onto Ensign. There being no further comments, Mayor Balensifer closed the public hearing. He stated since the Commission has just received the traffic study, he is not comfortable voting at this time, and feels traffic needs to be weighed in on this development. Brief discussion followed and the consensus was to postpone the vote until next meeting. Commissioner Newton noted for the record he is friends with one of the affected property owners, Ken Yuill. No conflict of interest was determined.

Commissioner Dyer made motion to table the Spur 104 Zone change until the next Commission meeting. Motion was seconded and passed unanimously.

Balensifer – aye; Newton – aye; Baldwin – aye; Ackley – aye; Dyer – aye

Mayor Balensifer opened the public hearing on the Crites Wetland Hardship Variance Appeal (File No. AP 18-2). Formalities followed and Mayor Balensifer noted he received a phone call from the appellant and he suggested that she provide her comments at the meeting or in writing. There were no objections from the Commission regarding ex parte contact, and no conflicts of interest were reported. Community Development Director Kevin Cronin presented his staff report, noting this is a continuance from the June 26, 2018 appeal hearing. He noted staff has not received any new evidence from the appellant; however there is new evidence from the respondent/original applicant, Mr. Crites in the packet. Mr. Cronin noted the appellant, Mr. Terry Ager is not able to attend due to a family emergency and had asked for a delay of the hearing. The respondent has requested the hearing continue. Staff did receive a waiver of the 120-day rule as requested at the last hearing. Mayor Balensifer noted for the record, per the

public comment card, the appellant's wife is in attendance on his behalf, and there were no objections to move forward. Commissioner Newton asked for clarification on the Planning Commission's seven conditions. Mr. Cronin read the conditions as presented in the June 26, 2018 commission meeting packet. Discussion followed on half-street improvements and wetland hardship variance criteria. Mr. Crites gave a brief presentation and noted the appellant's statement in the notice of appeal. He stated there have been two months of deliberations by the Planning Commission, two Planning Commission hearings, and Planning Commission approval. There have been two recommended denials of this appeal by the Planning Director and there has been a review of the impact study by the city's engineer of record. The Engineer of Record has concurred this project can be designed without impact to the neighbors. He asked the commission if they see specific evidence that proves and supports the statement in the notice of appeal, to state it in the public hearing. He stated he has tried to accommodate the city and will continue to do so. Mr. Crites stated the bottom line is the appellant's picture of flooding is the only evidence; and noted he has provided engineering markup of the street, and stated it would take much larger event than a 100 year event to have an impact. He noted there is no data, no analysis and no details provided by the appellant to back up the picture of flooding in the appellant's testimony. Mayor Balensifer asked for public comment. No one spoke in favor. Curtis Rutherford spoke in opposition, stating flooding happens every year, and noted the need to keep wetlands so there is somewhere for water to go. Ms. Nancy Ager, the appellant's wife presented documents for the record, noting included signatures from property owners in the affected area. Ms. Ager stated flooding has happened in the past and is possible in the future. She stated Morgan Civil Engineering provided Mr. Crites with an impact study, which he elected not to use and got a new impact study. Morgan Civil Engineering suggested that Mr. Crites not fill but build on the lot using an alternate pattern. She noted they support this study and are in favor of not filling, but using other options for construction. Ms. Ager stated the likelihood of flooding is a concern of the local property owners. She stated that if Mr. Crites submits additional information as a rebuttal of the comments from the June 26, 2018 City commission meeting, they would like the city to consider granting additional time for them to review the information. She noted the collected signatures and stated the individual property owners are seeking a no risk certificate from the City Commission if this hardship variance is approved as is; they would like the City Commission to take responsibility and protect them if this should cause property damage if this fill is allowed. Mr. Crites rebutted, noting the statements regarding the engineering reports are inaccurate. He stated he sees no adequate evidence, and requested the Commission deny the appeal. There being no further comments, Mayor Balensifer closed the public hearing. Commissioner Newton asked for clarification on the appeal process. Discussion followed on concerns with building on fill. Mayor Balensifer stated he would be comfortable with denying the appeal with adding conditions - using a construction method without fill. Discussion continued on balanced cut and fill, and elevation changes. Consensus was to deny the appeal and approve the application with Planning Commission conditions, and an additional condition that balanced cut and fill is based upon common elevation in the neighborhood, with zero gain elevation with the surrounding properties.

Commissioner Baldwin made the motion to deny the appeal and approve the application with conditions as stated in the Planning Commission's approval, and add a condition to allow for development of the site, provided there is common elevation within the

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neighborhood that is designated, and that the development does not exceed that common elevation. Motion was seconded and passed unanimously.

Balensifer – aye; Newton – aye; Baldwin – aye; Ackley – aye; Dyer – aye

BUSINESS ITEMS –

City Manager Linda Engbretson stated Mr. Cronin’s contract went on a little longer than intended and has exceeded her signing authority. She noted she is very happy he is now under employment of the City of Warrenton. She is requesting authorization to amend his Professional Services contract in the amount of \$4,063.16.

Commissioner Baldwin made motion to the authorize the amendment to the Professional Services contract with West Coast Cronin Clan, Co., in the amount of \$4,063.16. Motion was seconded and passed unanimously.

Balensifer – aye; Newton – aye; Baldwin – aye; Ackley – aye; Dyer – aye

The Commission discussed the LOC legislative agenda for the 2019 session. Consensus on their top 4 priorities was: 1) PERS Reform; 2) Safe Routes to School Match; 3) City Comparability for Compensation; and 4) Waste Water Technical Assistance Program. City Manager Engbretson stated she will submit the priorities on behalf of the city.

City Manager Engbretson presented two amendments to agreements related to the Pacific Coast Seafood rebuild project; 1) Between City and Oregon Business Development Department (OBDD) – increasing grant amount from \$150,000 to \$650,000; 2) Between City and Pacific Coast Seafood for Disbursement of additional OBDD Grant funds. She stated additional money has been made available from the state to help with their rebuild. The additional \$500,000 requires amendments to these two agreements. Ms. Engbretson noted legal counsel prepared the amendment between the City and Pacific Coast Seafood, and has reviewed the amendment between the City and State. Commissioner Baldwin noted for the record a potential conflict of interest and stated he will abstain from voting on both amendments.

Commissioner Newton made the motion to authorize the Mayor’s signature on Amendment Number 1 of the Intergovernmental Grant Agreement between City and OBDD, Project Number RS1612. Motion was seconded and passed unanimously.

Balensifer – aye; Newton – aye; Ackley – aye; Dyer – aye; Baldwin – abstain

Commissioner Ackley made the motion to authorize the Mayor’s signature on the Amendment for Disbursement of Proceeds from OBDD Grant, between the City and Pacific Coast Seafoods Company. Motion was seconded and passed unanimously.

Balensifer – aye; Newton – aye; Ackley – aye; Dyer – aye; Baldwin – abstain

DISCUSSION ITEMS – None

GOOD OF THE ORDER –

Commissioner Ackley gave an update on Warrenton Hammond Healthy Kids and their backpack program, noting they provided over 6,579 food backpacks this past school year, which included 2 breakfasts, 2 dinners and 4 snacks along with fresh produce in each backpack. She noted the school district has 66 students classified as homeless. They were able to provide the backpacks by donations from the community, and a long standing relationship with the regional food bank, and the recent grant from Walmart of \$5,000. She stated there is a Hammond Marina Task Force next Friday, at 3:00; Commissioner Newton noted he will attend.

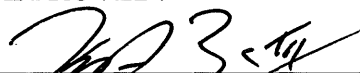
City Manager Engbretson noted the previous concerns about the striping on Neptune, and stated the city has contacted ODOT, and put out a request for bid to get the striping done. She also noted at the next meeting, the Commission will begin to receive a quarterly report from the Community Development Department. She reminded the Commission of the registration deadline for the LOC conference; and suggested moving the task force work session to September. Ms. Engbretson asked for clarification on the August 14th work session with Clatsop Behavioral Health for an update on the Respite Center; Mayor Balensifer asked her to tentatively set it. Ms. Engbretson noted one more item – instead of scheduling a work session on land use fees, she will bring it back as a discussion item at the next meeting.

City Attorney Spencer Parsons noted he is working with Community Development Director Kevin Cronin regarding some of the nuisance issues. He noted he has provided written direction regarding removal of junk vehicles from private property.

Mayor Balensifer mentioned the Economic Vitality Roadmap community meeting August 20th at 5:30, and he encouraged the public to attend. He also noted a discussion item for another meeting – a concept of annexation of more land towards District 11. He stated it would be a great way to take wetlands off of buildable lands inventory and give those property owners wetland credit. Consensus was to add as discussion item for another meeting.

There being no further business, Mayor Balensifer adjourned the regular meeting at 7:54 p.m.

APPROVED:


Henry A. Balensifer III, Mayor

ATTEST:


Dawne Shaw, City Recorder