

MINUTES
Warrenton City Commission
Regular Meeting – August 14, 2018
6:00 p.m.
Warrenton City Hall - Commission Chambers
225 S. Main
Warrenton, OR 97146

Mayor Balensifer called the meeting to order at 6:06 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

Staff Present: City Manager Linda Engbretson, Finance Director April Clark, Police Chief Mathew Workman, Community Development Director Kevin Cronin, Public Works Director Collin Stelzig, Public Works Operations Manager Kyle Sharpsteen, Library Site Manager Nettie-Lee Calog, and 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; Newton - aye

PUBLIC COMMENT – Ken Yuill spoke in regards to the Spur 104 zone change, and requested the Commission approve it and not wait for a traffic study. He noted no development can be done without it coming to the Planning Commission a traffic study can be done at that time. He stated it will delay things 6-8 months if not approved now. Patrick Webber spoke in favor of the Spur 104 zone change, stating he thought it was resolved, and didn't realize it would drag on. He stated he would like to sell his lot so he can move on.

City Manager Engbretson requested to add an item to the agenda – a goods contract for the purchase of Police Department Tahoes, and also noted a discussion item to be added; planning fee schedule. Mayor Balensifer noted the agenda will be amended to add item 7-G, goods contract for purchase of Police Tahoes and item 8-D, discussion on land use fees. There were no objections from the Commission.

PUBLIC HEARINGS –

Mayor Balensifer opened the public hearing on the Development Code Amendment (DCA: 18-3); Ordinance No. 1221. Formalities followed; Mayor Balensifer noted he sits on the Astoria – Warrenton Airport Committee, and no conflicts were determined. Community Development Director Kevin Cronin presented his staff report. He stated this amendment to the Development Code achieves three objectives: 1) addition of two definitions for hotel and homestay lodging, 2) changes to the residential land use districts to allow accessory dwelling units as outright permitted uses to comply with a new State law, and 3) updates the airport hazard overly zone to

improve airport operations. He noted the Planning Commission held a hearing in June and recommended approval. Airport Manager Gary Kobes noted the amendment is a housekeeping measure to update definitions and terminology, and to update the zoning language. Mayor Balensifer asked for public comment. Shawn O'Malley spoke in support of the code change that will allow accessory dwellings. He stated he sees it as an opportunity to open up housing for the community and for family; it's a common sense change. Lisa Lamping spoke in reference to the Airbnb definition, noting she would like to see it tabled and have an open discussion with Airbnb people. She stated there is a need to talk more before making serious decisions. Nancy Ager stated she would like the Commission to give great consideration for all accessory dwelling units (ADU's) to put in additional parking. She also suggested the same for Airbnb; to require off-street parking. Commissioner Ackley asked for clarification on the number of bedrooms in homestay lodging; Mr. Cronin clarified. Discussion continued on vacation rentals, and it was noted that it is something that needs to be addressed in the future. Commissioner Dyer commented about off street parking, noting it is a concern for emergency vehicles and it should be part of the mix. There being no further comments, Mayor Balensifer closed the public hearing. He stated he recalled the Commission had passed a rule on vacation rentals, and they put a lot of effort into it but it never got drawn up. City Manager Engbretson noted that discussion was in early August of 2016, but it did not come back before the Commission. Mayor Balensifer agreed that it needs to be brought up at a separate time. Discussion followed and concerns were noted about making sure we are not taking housing off the market due to short term rental business. Commissioner Newton noted he has concerns with Airbnb's; and stated he wants to be very careful, and wants to put a lot of thought into it. Discussion continued and it was determined a work session would be scheduled at the next meeting for homestay lodging and vacation rentals.

Commissioner Baldwin made the motion to table until the next Commission meeting, the Homestay Lodging definitions under Ordinance No. 1221. Motion was seconded and passed unanimously.

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

Discussed continued on other changes in the ordinance, and parking requirements/enforcement and youth hostel wording.

Commissioner Ackley made the motion, based on the staff report, application, and exhibits presented to the Planning Commission, the record established by the Planning Commission in its review of Application DCA 18-3, and Agenda Summary for August 14, 2018 City Commission public hearing, to approve the first reading of Ordinance No. 1221, by title only, and schedule the second reading for August 28, 2018, with the Youth Hostel provisions being changed to Hostel, removing "Youth"; the Homestay Lodging provisions are tabled until the next meeting and exempt from Ordinance 1221; and that the Clear Surface definition under the Airport Zone is changed to Runway Protection Zone, (RPZ) as well as the noise contour of 55 LND is changed to 65 LDN in accordance with FAA regulations. Motion was seconded and passed unanimously.

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

Mayor Balensifer conducted the first reading of Ordinance No. 1221, by title only; Ordinance No. 1221, an ordinance amending Warrenton Municipal Code Chapter 16.12.010 Definitions, Land Use Districts Section 16.24.020, 16.24.030, 16.28.020, 16.28.030, 16.32.020, 16.32.030, 16.36.020, 16.36.030, and Airport Hazard Overlay District 16.92.

BUSINESS ITEMS –

City Manager Linda Engbretson stated representatives for local CERT, Sylvia Stevens, are in attendance to review a planned Disaster Preparedness Event, scheduled for Saturday, September 29 at the Warrenton Community Center. CERT is requesting sponsorship to cohost the event. She noted CERT is paying the Community Center rental fee, and as a sponsor, the City's insurance will cover the event. She noted this event relates to Commission Goal #4 – Emergency Preparedness. Commissioner Newton noted he is working on this project. Ms. Stevens discussed types of disasters. She noted the last 2 years Gearhart brought the public in to discuss disaster preparedness, and would like Warrenton to do that as well. She noted there will be a series of speakers at the event, to help people prepare for a disaster. The event takes place from 9-4 at the Warrenton Community Center, and would like the City to join in. Commissioner Newton stated his goal to have 400 people come to the event, and noted the need to get the word out and get people there. Mayor Balensifer noted Commissioner Newton's work regarding emergency preparedness.

Commissioner Ackley made motion to authorize that the City of Warrenton be an official sponsor of the Disaster Preparedness Event, scheduled for Saturday, Sept. 29, 2018, at the Warrenton Community Center. Motion was seconded and passed unanimously.

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

City Manager Engbretson stated the City of Warrenton, in partnership with the Seaside Public Library, and Libraries ROCC, applied for a State of Oregon Library LSTA Grant. She noted the grant has been awarded in the amount of \$36,566 for automating the Warrenton Community Library and updating the technology services of the Seaside Library. Eligible expenses are described in Exhibit A. Ms. Engbretson noted the City Commission authorized staff to apply for this grant. An IGA with the City of Seaside will be presented at the next City Commission meeting regarding the shared Integrated Library System. On behalf of the City of Warrenton, Mayor Balensifer thanked Seaside Library Director Esther Moberg for all of her assistance and help with the Warrenton Library. City Manager Engbretson also thanked Olson Asphalt Company for repaving the library parking lot. Mayor Balensifer stated the city should prepare a Certificate of Appreciation to thank them. Brief discussion continued.

Commissioner Ackley made the motion to authorize the Mayor's signature on the LSTA Grant Agreement. Motion was seconded and passed unanimously.

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

City Manager Engbretson stated the City issued a Utility Right of Way License to CoastCom, Inc., for telecommunication services on July 23, 2013, and approved its assignment to Astound Broadband, LLC in 2016. The license expired July 23, 2018. She noted the Utility Right of Way License requirements effectively replaced Franchise Agreements with utility companies, except with the Cable Company where a Franchise Agreement is still required by law. Ms. Engbretson stated the license granted pursuant to Chapter 12.32 of the Municipal Code will remain in effect for a term of five years.

Commissioner Newton made the motion to approve the Utility Right of Way License Application from Astound Broadband, LLC, dba Wave. Motion was seconded and passed unanimously.

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

Community Development Director Kevin Cronin presented for consideration a Determination of Nuisance for 180 SW 2nd Street. He noted photographs of the property, which were included in the agenda packet, of tall grass and weeds, and two unregistered and inoperable vehicles. Mr. Cronin stated staff provided a verbal warning four weeks ago and a yellow tag two weeks ago. He noted there has been some progress; one vehicle has been moved and the lawn has been mowed. He recommended moving forward with the nuisance process. Brief discussion continued.

Commissioner Ackley made the motion to declare that enumerated and unenumerated nuisances exist at 180 SW 2nd Street, and direct staff to commence actions to notify the owner of the property to abate the nuisances within 10 days as prescribed in WMC 8.16.160. Motion was seconded and passed unanimously.

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

Community Development Director Kevin Cronin presented for deliberation, the Spur 104 Zone change. He noted the Commission held a public hearing at the July 24 meeting and received public testimony; and is now in the deliberation phase. He stated there are two clear pathways forward; one is to adopt the zone change and continue with trying to scope and schedule, and implement a traffic light. He noted that is not what he is recommending. He recommended option 2, which is to delay adoption or approval of the zone change until the city can play catch up with fixing the intersection with a left hand turn pocket, which is in the draft TSP. Mr. Cronin noted the draft TSP will be before the Commission in November. He asked Ken Schonkwiler, Senior Planner with ODOT to speak to some of the issues around the TSP and give some context of why this is an important issue. Mr. Schonkwiler stated he had reviewed the transportation impact analysis, and came to conclusion that the analysis does not accurately represent the possible traffic impacts of the zone change. He explained the process used for the traffic study noting the data was inaccurate. Discussion continued on the necessary improvements and how they will be paid for. Mr. Schonkwiler stated there is no funding for ODOT or the State Legislature to put money towards mitigation improvements for development. Mayor Balensifer stated the 104 bridge is a continued concern for residents and the Commission, and asked Mr. Schonkwiler if he knows when the bridge will be redone. Mr. Schonkwiler stated he did not have

that information, but will look into and get back to Mr. Cronin. It was noted there will be new mobility standards for seven intersections in the new TSP. Mr. Cronin suggested the Commission direct staff to come back with a mitigation plan; essentially a list of potentially planned improvements. That way the Commission has a sense of what the cost is for each of those items and can then can choose for staff to scope and schedule over time, and come up with a financing plan. Ms. Engbretson noted this area is in the Urban Renewal District. Discussion continued on the need to wait until the TSP is adopted in November. Mayor Balensifer asked if a PUD has been discussed for the development of Spur 104. Mr. Cronin stated requiring a PUD is one of the conditions of approval the Commission can consider; he noted it is not something that is done here in the coast. He stated they were unsuccessful in getting a grant to be able to pay for that concept plan, but he does recommend the project be well thought out and well planned. Commissioner Newton disclosed a potential conflict in this matter; no conflict was determined.

Commissioner Baldwin made the motion to table the decision and deliberate at such time after the new TSP is adopted, and will reconsider the application and any new evidence in the record at that time. Motion was seconded and passed unanimously.

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

Public Works Director Collin Stelzig presented a letter of support from the US Army Corps of Engineers (USACE), for funding of a study of the Skipanon River that includes modeling with the 8th Street Dam tidegates closed. He stated previous studies developed a HEC-RAS model for the lower Skipanon River that included assessments of flood risk with tide gates at 8th Street removed to represent current conditions. The City of Warrenton, recognizing that the original intent of the tide gates was to manage flood risk, would like to understand flood risk impacts from removal of the tide gates. He stated the USACE will not know if they get the funding for the study until September 30, but the letter of support will help them get the money. Mayor Balensifer asked for clarification on how it will be modelled. Mr. Stelzig stated the main goal of the study is with the tide gates in place. Discussion continued on the importance of the study with the newly required fish friendly tide gates in place.

Commissioner Ackley made the motion to authorize the Mayor’s signature on a Letter of Support to the USACE to develop a model for the lower Skipanon River, that includes assessments of flood risk, tide gates on and off, as well as adding on the fish friendly tide gates, if it was to be required. Motion was seconded and passed unanimously.

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

Police Chief Workman stated the Warrenton Police Department budgeted for two 2019 Chevrolet PPV 4x4 Police Tahoes to replace two 2011 Tahoes which have over 100,000 miles and need to be replaced. He noted Hubbard Chevrolet has a State Contract to sell Chevrolet Police Vehicles but has none in stock, so they need to be ordered from the factory. The current contract price is \$38,408.37 per vehicle plus the new privilege tax of \$192.04 for a total of \$38,600.41 per vehicle or \$77,200.82.

Commissioner Dyer made the motion to approve the Goods and Services contract between Hubbard Chevrolet and the City of Warrenton to purchase two 2019 Chevrolet PPV 4x4 Police Tahoes, and to have the Mayor and City Manager sign the contract. Motion was seconded and passed unanimously.

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

DISCUSSION ITEMS –

Enforcement of Ordinances – Feeding of Wildlife and Camping; Mayor Balensifer noted the ordinances regarding the feeding of wildlife, and the camping ordinance, which were prompted by incidences. Mayor Balensifer noted no tickets have been issued for matters relating to elk, and asked if the law needs tightening. Chief Workman stated it is difficult to enforce; tourists don't know and are interacting with the elk; and people are not calling it in. Discussion continued and consensus was that during danger periods of rut and calving, the City's policy is zero tolerance on the feeding issue. It was noted that hazing needs to be defined better in the ordinance. Mayor Balensifer opened the discussion on illegal camping; Chief Workman noted enforcement is not an issue; they give "tons of citations." Discussion continued and City Manager Engbretson noted perhaps a code enforcement officer will be possible in the next budget cycle. Brief discussion followed on parking problems, with vehicles blocking and constricting the roadway.

Establishing Fines for Failure to Pull Right-of-Way Permit – Discussion ensued on a past issue that took place in Hammond, and caused was damage to the right-of-way. Consensus was to develop &/or amend an ordinance to add fines for failing to pull a right-of-way permit.

Wetlands and Buildable Lands Inventory – Mayor Balensifer noted the idea of creating a legislative concept to take non-buildable lands out of the city urban growth boundary, and the property owner gets wetland credit, or some kind of credit/compensation. He stated if the Commission is interested in that concept, they should bring in Chris Crean from Beery Elsner and Hammond in to start developing the concept. City Manager Engbretson asked for a little more time to brainstorm. Mr. Cronin stated this is a different methodology than what DLCD is used to seeing. He noted there is a new representative at DLCD that he could propose this to; and noted anytime we do a buildable lands inventory, she has to sign off on it, and then it goes to Salem. He suggested diving into it at the administrative level before involving Beery Elsner and Hammond. Consensus was to let staff work on it first. Brief discussion followed and the Commission agreed to let staff work on this issue. Mr. Cronin stated he will report back.

Land Use Fees – City Manager Engbretson noted there were questions when a Fee Resolution was previously brought to the Commission. Mr. Cronin explained the methodology on the fees and land use applications. He noted the fees have not been updated since 2010. The Finance department looked at how much fees were collected last fiscal year; \$22,000 for all planning fees, and there were 109 applications. He noted the missing fees that he added; and stated the turn-around time has drastically increased. Mr. Cronin stated he would like to ask for a half time permit tech position next year. Discussion continued. Consensus was to include CPI for inflation. Mr. Cronin stated he will bring a resolution back.

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GOOD OF THE ORDER –

Commissioner Ackley stated the Hammond Marina task force meeting was productive, and the Commission can expect to have recommendations in September. She also noted she learned that Hillsboro is building 3 new developments; they are expecting 20,000 new residents, and 8,000 new homes in the Hillsboro area; due to the Tech community.

Commissioner Dyer gave a brief update on nuisance properties and noted he plans on getting a group together to have more impact. He also noted the need to give kudos to people that have cleaned up on their own. City Manager Engbretson suggested putting the community volunteer group on the City website's community page.

Commissioner Newton noted the public has told him what a great job the Commission is doing, and commented how they get along. He complimented everyone on doing a great job. He stated he has decided he will run for Commissioner again. He noted he will not be at the September meetings, as he will be in Alaska. He also stated he would like to propose raising the fines for not belonging to the WBA and having a business license from \$100, to \$1,000, but does not want to collect it.

Mayor Balensifer discussed the Pacific Coast Seafoods plant re-opening event, and noted on their emblem it states, "Warrenton Endures." He noted Pac Coast kept 62 employees working in the community, the entire time.

City Manager Engbretson noted there was a derelict vessel that sank this weekend, and Harbormaster Jane Sweet is working on getting them all out of there. She stated the next Community Center Board meeting is October 18 at 4:00, and asked if the Commission wishes it to be a joint meeting. She stated she will send it out, and they can get back to her. She asked if the Commission would like a transient room tax discussion on next agenda. Consensus was to put it on the agenda. Ms. Engbretson stated Sheriff Burgin wants to come to a City Commission meeting in September to discuss the jail. She also noted a couple people have approached the city regarding Peterson property, and would like a future discussion on that and other city property. She reminded everyone of the RDI meeting August 20 at 5:30.

There being no further business, Mayor Balensifer adjourned the regular meeting at 8:56 p.m.

APPROVED:


Henry A. Balensifer III, Mayor

ATTEST:


Dawne Shaw, City Recorder