

MINUTES
Warrenton City Commission
Planning Commission
Joint Work Session – January 18, 2022
5:30 p.m.
Warrenton City Hall - Commission Chambers
225 S. Main
Warrenton, OR 97146

Mayor Balensifer called the meeting to order at 5:32 p.m.

City Commissioners Present: Mayor Henry Balensifer, Gerald Poe (Zoom), Mark Baldwin, Tom Dyer (Zoom), and Rick Newton

Planning Commissioners Present: Chair Paul Mitchell, Kevin Swanson (Zoom), Christine Bridgens, Chris Hayward (Zoom), Mike Moha (Zoom), Ken Yuill, and Lylla Gaebel (Zoom)

Staff Present: City Manager Linda Engbretson, Public Works Director Collin Stelzig, Planning Director Scott Hazelton and Deputy City Recorder Rebecca Sprengeler

DISCUSSION ITEMS

Planning Director Scott Hazelton gave a presentation and outlined the time-consuming process of development code violation enforcement. He suggested amending the code process or hiring a code enforcement officer because of the current burden on staff time. City Manager Linda Engbretson suggested amending the code to give staff authority to address these violations at an earlier stage in the process. Mayor Balensifer clarified the request is to amend the code to allow staff to cite development code violations instead of having to wait a month to go through the current process. It was clarified that amending the code would reduce the staff time required for development code violations. There was concern about ensuring due process. Brief discussion followed about building code violations and stop work orders. Discussion continued. Mayor Balensifer feels neighbors are owed quick remediation of violations. Ms. Engbretson suggested faster remediation for some code violations like signs and longer due process for others. Discussion continued about drafting a policy. It was suggested a code enforcement officer be under contract and funded through application fees. It was also noted a lot still needs to be worked out. Mayor Balensifer discussed nuisance violation properties and suggested expediting clear cut hoarding cases, while other complaints should have more discretion with the Commission. He would like to expedite staff time and hear from the Planning Commission on priorities for addressing quality of life in the City. **There were no objections to staff developing a proposed framework for what they intend to keep under the Planning Commission's purview for development code violations and include examples.** Chair Mitchell agreed code enforcement is needed and wants continuity. Discussion followed about prioritizing enforcement consistently.

Mr. Hazelton gave a brief presentation on variances and setbacks, noting this item is application-driven. He feels variances should be difficult to obtain and outlined the criteria listed in the code. He described recent variance applications to enlarge existing residential structures into the setbacks; he stated these applications do not fit the criteria and discussed the reason related to hardships. He asked if favor should be given to the applicant for Class I variances or if staff should research altering setbacks from 10 feet to 8 feet with consideration of access for emergency services and utilities. Mayor Balensifer asked if shortening setbacks has been injurious to potential need for infrastructure. Public Works Director Collin Stelzig discussed access to utilities and drainage in setbacks noting access is typically need to the backyard, not the side yard. He stated side yard setbacks do not typically cause an issue. Mr. Hazelton noted recent applications have been for both rear and side yard setbacks. Commissioner Swanson would like to have a public comment period or notice to affected property owners. Commissioner Gaebel noted concern about flooding from owners building on all of their property. Commissioner Dyer suggested building be allowed on a case-by-case basis regarding flooding and low-lying properties. It was noted variances are often applied for because people do not do enough research before purchasing property or because applicants know they do not qualify for a variance but apply anyways. Ms. Engbretson feels applications to expand into the setbacks for a larger home or garage should be denied because they do not meet the hardship criteria. She stated this is the question and asked if they should consider reducing setbacks. Discussion followed about fire safety access and requiring sprinklers on a case-by-case basis. Mayor Balensifer suggested encroachments of a couple feet, be reviewed administratively, sent to Fire and Public Works, and their comments become requirements for approval. Discussion continued about sprinklers for new additions on a case-by-case basis. Commissioner Baldwin would like Planning, Public Works, and Fire to work together and only move forward if in agreement. Brief discussion followed about required notices. Commissioner Newton would like a generic list for people to know what a Class I or Class II variance is. Chair Mitchell feels the setbacks should be less restrictive due to a lack of buildable land and housing. Brief discussion followed about new setback legislation. Mr. Hazelton noted the code will need to be updated regarding ADU's and setbacks. Mayor Balensifer discussed concerns about access on narrow streets if setbacks are decreased. He also noted concern about obstructing drainage ditches and would like public comment for neighbors. Discussion followed about injury to other properties. Ms. Engbretson noted the issue is these are not hardships and suggested simplifying the process to determine what needs to go to the Planning Commission on a case-by-case basis. Mayor Balensifer noted there are different setbacks in each zone; he feels it makes sense to have the setbacks match "as built" zoning regardless of actual zoning and explained. Commissioner Baldwin discussed zoning and parking issues near SW Cedar Dr. Mayor Balensifer stated he thinks variances should exist, he thinks they could look at the setback change or look at what a variance process would look like. He is concerned there could be unintended consequences to making changes and there needs to be more consideration. Ms. Engbretson asked if setback variances should continue to be brought forward on a case-by-case basis or at the strict interpretation of the next planner. Commissioner Newton does not like the "hardship" term, noting people that purchased the wrong piece of property and then apply for a variance. There was brief discussion about the appeal process for variance decisions. There was question about what is considered a hardship. Mr. Hazelton discussed government action that cause change in property lines. Discussion continued about hardships. Mayor Balensifer asked if they want to look at reducing setbacks or if

MINUTES

Warrenton City Commission & Planning Commission

Joint Work Session – 1.18.22

Page: 2

they should allow variances for setbacks. Discussion continued about hardships. Mayor Balensifer asked if they should allow setback changes or not. Mitchell – Yes allow setback changes; Yuill – Yes look into setback changes; Baldwin – Yes; Bridgens – No; Newton – Yes he would like to look at it; Hayward – Depends on the area and would need public input; Gaebel – Yes; Dyer – Yes and the neighbors should be part of the discussion; Swanson – Yes on a case-by-case basis; Poe – Yes in favor of reviewing setback variances; Moha – Yes we should take a look. **Mayor Balensifer noted the general consensus was in support of a proposal for setbacks and/or variances for setbacks.** Commissioner Bridgens noted she was not in favor because of public safety, noting lack of police officers. Mayor Balensifer concurred.

Mr. Stelzig explained he would like feedback about how the grading, excavation, and erosion control codes are working for the City and what could be changed. He reviewed WMC 16.152 possible changes to WMC 16.152 Grading, Excavating, and Erosion Control Plans and sections about stormwater. He also reviewed a handout on proposed grading code changes. He noted staff-level conversation about removing some items from “Exempted Work.” He noted the Building Official can require material to be removed. He noted staff has discussed lowering the cubic yard designation that requires an engineer. He reviewed provisions for professional inspection of grading. He noted bonds can be required for grading projects and further noted requirements for storm drainage. He also noted the option to require as-built plans prepared by a civil engineer. He continued reviewing the existing WMC (handout B). He noted recent flooding and suggested looking at this for anything below 14 ft. He reviewed a handout on proposed grading code updates. He noted they reached out to an engineering firm that will interview 10-12 community members to discuss the current the code; this will be completed next week.

Mayor Balensifer noted the fill examples on handout “C.” He explained the City Commission previously discussed a variance process for exempting stormwater reports for properties with no know issues, that are straightforward, and have no known concerns. He stated the majority of the City is low and the majority of the “easy” properties have been built. Commissioner Yuill discussed issues of flooding from new development fill. He noted issues when filling to FEMA regulations and noted the Crites amendment situation. He noted the issue is whether they allow fill on lots with existing drainage issues, that then become higher than surrounding lots. Mr. Stelzig agreed and explained they are trying to address two questions: Is the system capable of providing drainage when drainage is available? He noted the stormwater pumps are not large enough and because of this, there is question where the rest of the water can go. He noted pilings could be one solution to address the issue. He wants to make it clear to developers that the two issues are making sure the pipe systems are large enough and by filling properties, are there impacts to adjacent properties. Commissioner Yuill noted Miles Crossing has been building above the flood plain with garages on the bottom. Mayor Balensifer feels in regard to hardships that just because someone cannot build their dream home does not mean they cannot build a home. Chair Mitchell feels bonds should be a requirement. Mayor Balensifer feels they should not distinguish differences between surcharge, fill, and stockpile. His concern is ensuring neighbors are protected. He explained current issues with surcharge being left for long periods. It was noted that any WMC changes would go before the Planning Commission then to the City Commission. **Mayor Balensifer stated there were no objections to the proposed framework.**

MINUTES

Warrenton City Commission & Planning Commission

Joint Work Session – 1.18.22

Page: 3

Mayor Balensifer discussed the current code and the need to prioritize and budget for a code audit to meet state regulations and check references throughout. Comments of support were made by several commissioners. Ms. Engbretson explained timeline and funding must be considered. Brief discussion followed. Mayor Balensifer suggested Public Works pay for a portion. Mr. Stelzig agreed a code audit is needed and Public Works has parts of the code that would make them part of the cost. It was noted streamlining the code would reduce staff time. **There were no objects/unanimous support for a code audit.**

Mayor Balensifer discussed the need for a planner, planning tech, or code enforcement officer. He suggested spreading the cost of a code enforcement officer across key departments. Ms. Engbretson agreed this is something staff wants to look at, but several departments including Police and Fire are in the general fund. She noted they are looking at pulling from Building and Public Works. Mayor Balensifer discussed a Community Development Director versus a planner's duties. He compared Warrenton's planning services and growth to Astoria's and noted concern about identifying funds to provide a greater level of service in the future. Ms. Engbretson explained it is a matter of priorities; there is only so much money in the general fund. She further noted at one time there was a Planning Director and Planner, but a previous commission eliminated the extra position from the budget. There was brief discussion about past position changes. Discussion followed about Warrenton's low tax base. Commissioner Newton commented on Astoria's tax base compared to Warrenton's; it is cheaper to live in Warrenton, but people expect the same level of services. Chair Mitchell also commented that Warrenton is more affordable to live in. He noted concern going into budget season, that they stay focused on looking outside the box for recreating the budget; he feels the priority should be on things that will create revenue for the City. Ms. Engbretson noted restrictions around certain funds. Commissioner Newton commented on property taxes in Oregon. Mayor Balensifer asked if they think they need another planner and made comments in support of the additional position. Discussion followed about identifying new revenue sources.

Ms. Engbretson discussed staffing needs in the Planning Department. Planning staff have indicated they are busy with development and do not have time for long-range planning. Ms. Engbretson explained Mr. Hazelton will continue working on a contract basis. She recommended budgeting for two full time positions or to try a planning tech position and consult out the long-range projects. She feels the next City Manager should make these decisions. She also noted staff will be proposing fee increases. Mayor Balensifer explained why he does not like SDC fees. Discussion continued about out of the box revenue sources. Discussion followed about whether to hire the next Planning Director before or after the next City Manager.

OTHER

Chair Mitchell requested meeting procedure training for the Planning Commission. Mayor Balensifer noted he would be happy to go over meeting police with the chairs and welcomed other members to attend; a date needs to be determined. Brief discussion followed. Ms. Engbretson noted they will look at other training opportunities. Mayor Balensifer suggested the Planning Commission forward any questions they have in writing to the City Commission.

