



AGENDA

WARRENTON PLANNING COMMISSION
Regular Meeting | February 8, 2024 | 6:00pm
Warrenton City Hall Commission Chambers | 225 S Main Avenue, Warrenton, OR 97146

*****The meeting will be broadcast via Zoom at the following link*****

<https://us02web.zoom.us/j/85142805492?pwd=bEhjejNHaFJSOHVnTOxOYktVZWx4UT09>

Meeting ID: 851 4280 5492 | Passcode: 12345 | Dial-in number: 253-215-8782

1. CALL TO ORDER & PLEDGE OF ALLEGIANCE

2. ATTENDANCE

3. APPROVAL OF MINUTES

- A. Planning Commission Regular Minutes – 1.11.24

4. PUBLIC COMMENT

At this time, anyone wishing to address the Planning Commission concerning items of interest may do so. The person addressing the Planning Commission must complete a Public Comment Card and submit it to the Secretary prior to the meeting. All comments will be addressed to the whole Planning Commission and limited to 3 minutes per person. Public Comments may also be submitted by email to planning@warrentonoregon.us, no later than 4:00 p.m. the day of the meeting. The Planning Commission reserves the right to delay any action, if required, until such time as they are fully informed on a matter.

5. PUBLIC HEARING

- A. Conditional Use Permit (CUP-24-1), Battery 245 brewery at 69 NE Heron Ave

6. BUSINESS ITEMS

7. DISCUSSION ITEMS

- A. Code Amendment, Chickens in City Limits
- B. Code Amendment, Shipping Container Update

8. GOOD OF THE ORDER

9. ADJOURNMENT

Next Regular Meeting: March 14, 2024

Warrenton City Hall is accessible to the disabled. An interpreter for the hearing impaired may be requested under the terms of ORS 192.630 by contacting Dawne Shaw, City Recorder, at 503-861-0823 at least 48 hours in advance of the meeting so appropriate assistance can be provided.

MINUTES
 Warrenton Planning Commission
 January 11, 2024
 6:00 p.m.
 Warrenton City Hall - Commission Chambers
 225 S. Main
 Warrenton, OR 97146

Chair Hayward called the meeting to order at 6:00 p.m. Commissioner Bridgens led the public in the Pledge of Allegiance.

Commissioners Present: Christine Bridgens, Mike Moha, Chris Hayward, Jessica Sollaccio, Karin Hopper, Cynthia O'Reilly

Absent: Kevin Swanson

Staff Present: Interim City Planner Scott Fregonese, City Manager Esther Moberg, and Planning Technician Rebecca Sprengeler

The oath of office was administered to Cynthia O'Reilly, Planning Commissioner Position No. 7.

3. APPROVAL OF MINUTES

A. **Planning Commission Meeting Minutes – 12.14.23**

Commissioner Moha made a motion to approve the minutes. Motion was seconded and passed unanimously.

Swanson–aye; Bridgens-aye; Moha-aye; Hayward-aye; Sollaccio–aye; Hopper–aye; O'Reilly-aye

4. PUBLIC COMMENT ON NON-AGENDA ITEMS

Megan Lampson spoke about the Clatsop Care Health District. They are scouting a location for a new facility to replace their current aging building. A potential property was located until a roadblock came up due to the zoning. She requested the city support a zone change for the new nursing facility in the Industrial zone. A copy of her statement was submitted.

5. PUBLIC HEARINGS

A. **Juniper Avenue Subdivision Preliminary Plat (SUB-23-1)**

Chair Hayward reopened the public hearing in the matter of Juniper Avenue Subdivision Preliminary Plat (SUB-23-1) for an application for a 12-lot subdivision on SW Juniper Avenue on tax lot 81021CB01500.

Interim City Planner Scott Fregonese presented the staff report findings and conditions. He clarified the approval would be for the preliminary plat only. There have been no code changes to the applicable criteria since the original approval.

Commissioner Bridgens asked about a traffic study. The development did not meet the requirement for a traffic study. It was noted the eight conditions are the same as the original approval. Some have already been met. Commissioner Moha noted that the previous approval amended the conditions to remove the requirement for the landscape buffer. This could be stricken as done previously. It was also noted that the retaining wall was never built, so the variance is not necessary. There was a question about the fill material used for the site.

Skip Urling spoke on behalf of the applicant. He noted that they are comfortable with the conditions of approval. The retaining wall on the South side of the property was removed from the plans. Much of the material was removed, due to organics in the soil, and was replaced with sand. He noted the letter submitted by the property owner to the north. Mr. Urling shared photos of the northern property boundary that were taken on Saturday showing the seeded ground with no signs of erosion. Whether or not there would be an exposed foundation here would be determined during the building process. The construction is about 80% complete. Construction of the homes is anticipated in about six months. Commissioner Moha noted the poor state of Juniper Avenue from the construction and requested a more permanent solution. Mr. Urling responded that the road will be paved after the utility inspections. A metal grate or other solution was suggested to help in the interim.

Terry Ferguson spoke on behalf of the applicant. He explained the condition of Juniper Avenue is temporary until utility work is complete, inspected, and approved. Then the road will be paved. They have been maintaining it with gravel and have not received many complaints. He estimated it would be three to four weeks before it could be paved. There was a discussion about the geotechnical report and fill inspection process for the new fill material on the site to verify it can support future structures. There was a question about landscape consistency for each lot. Mr. Ferguson clarified that Mr. Gramson intends to sell the lots, not construct himself. Mr. Fregonese added that each lot will go through a permit review during which the Planning Department can review for compliance with the landscape standards. This is also addressed with condition three.

Eric Hoovestol spoke on behalf of the applicant as the engineer of record. The project is at approximately 80% construction. The waterline was installed and needs to be tested. The sewer was installed and needs to be tested. Street and sidewalk improvements are needed. Regarding the written comment from the adjacent property owner about slope concerns, Mr. Hoovestol noted the plans were reviewed by the City engineer team, and erosion control plans were approved by DEQ. He is not concerned about the slope stabilization. He added there are existing codes that prevent erosion onto adjoining properties, so no action is needed by the Planning Commission. The future builders will determine how to complete the individual lot construction.

Elise Bigelow submitted brief comments in opposition to the application, noting that she had concerns and wanted to testify to reserve her right to appeal.

Chair Hayward closed the public hearing.

Commissioner Moha noted there have been no changes since the original approval. Commissioner Hopper felt it was consistent. Chair Hayward understands the neighbor's concerns and hopes they can reach a mutually acceptable solution. Commissioner O'Reilly asked if there would be a homeowner's association. Mr. Fregonese noted it is not required or proposed at this time, but this would help with landscaping consistency.

Commissioner Moha moved to approve the application based on staff recommendations subject to all the listed conditions 1 through 8, and correction on number two to strike the last sentence on landscape buffer, "At least a 10ft buffer shall be maintained on the West side." Motion was seconded and passed unanimously.

Swanson-aye; Bridgens-aye; Moha-aye; Hayward-aye; Sollaccio-aye; Hopper-aye; O'Reilly-aye

B. Shipping Container Design Standards Code Update

Chair Hayward opened the public hearing in the matter of Development Code Amendment DCR-23-1, shipping container design standards (Ordinance 1266). He read the public hearing script outlining the hearing procedure and applicable code criteria. No conflicts of interest, bias, or ex parte contacts were disclosed.

Ms. Sprengeler presented the staff report and Ordinance No. 1266. The city attorney reviewed the ordinance and recommended changes. No public comments were received.

There was no testimony in favor or opposition.

Commissioner Hopper asked about allowances for container placement in commercial zones on Pacific and Main. Ms. Sprengeler clarified that placement in CMU zoning will be determined by the primary use of the property. Each property is limited to one container, minimum and maximum dimensions were established, and they cannot be altered when being used for storage. Commissioner Sollaccio asked about retroactive enforcement of existing containers. If adopted, the new standards cannot be imposed on the existing containers because they would become legally existing, non-conforming uses. More exploration is needed with legal to find a way to address existing containers. Commissioner Bridgens was concerned with aesthetic compliance and felt they would not enhance the city. It was noted that the enforcement would be through the standard process. Discussion followed about the duration of the placement. Commissioner O'Reilly asked if the permits were non-transferrable upon the sale of the property, like the short-term rental permits. The ordinance could be recommended for approval with this addition after legal review. A brief discussion continued.

Chair Hayward closed the public hearing.

Commissioner Hopper agreed language about non-transferability would be a good addition. Discussion followed.

Commissioner Hopper moved to recommend approval to the City Commission for DCR-23-1 with the addition of language that the permits are not transferable upon sale, subject to legal review. Motion was seconded and passed unanimously.

Swanson-aye; Bridgens-aye; Moha-aye; Hayward-aye; Sollaccio-aye; Hopper-aye; O'Reilly-aye

6. BUSINESS ITEMS – None

7. DISCUSSION ITEMS

Ms. Moberg presented an update on the Wastewater Treatment Plant (WWTP) capacity and plans for a new facility. Planning for increased plant capacity is in anticipation of new development and population growth. The design was approved by the City Commission and is in review with DEQ. There was a question about the current capacity. Ms. Moberg explained smaller improvements that are in progress to increase capacity until the new facility is constructed, but there are no concrete numbers around the capacity. It is currently at 90-95% around peak times of the year. There was a brief discussion about septic systems in city limits. It was noted the current WWTP bond will be paid in December 2026 and the hope is to have a new bond start in January 2027. There is money in reserve for design, once approved by DEQ. The goal is to start site prep at the end of 2026 and construction at the beginning of 2027.

Mr. Fregonese discussed a brief update on the Fort Pointe development. There are 450 units, and the city is encouraging up to 140 units over three years until the new WWTP is online. Discussion followed about which housing style would be constructed first.

8. GOOD OF THE ORDER

Ms. Sprengeler reminded the commissioners of an upcoming committee training on February 3rd. The first round of Planning Director interviews was completed with a second round scheduled for tomorrow with a selection anticipated early next week. There was also a brief update on code enforcement during the past year; 30 cases were closed, 17 cases are active, and there were three nuisance declarations.

There being no further business, Chair Hayward adjourned the meeting at 6:16 p.m.

APPROVED:

Chris Hayward, Chair

ATTEST:

Rebecca Sprengeler, Secretary

The Public Hearing for **Conditional Use Permit (CUP-24-1), Battery 245 Brewery at 69 NE Heron Ave** is being rescheduled to the next regular Planning Commission meeting on Thursday, March 14, 2024 at 6:00pm.

No testimony or presentation will be made regarding the application.

Chapter 6.12 Keeping of Chickens, Ducks, and Fowl

Planning Commission
Meeting

2/8/2024



6.12.010 - Purpose.

Residents of the city living may be allowed to keep chickens, ducks, geese, and fowl, subject to the requirements of this chapter.

6.12.015 – Definitions

Residential Poultry – Small animals kept in a residential setting, limited to chickens, ducks, quail, guinea fowl, and partridges.

6.12.030 - Location requirements.

- A. Residential poultry are only allowed on property that is occupied by a detached single-family dwelling.
- B. Residential poultry are only allowed on property that is the principal residence of the owner of the chickens.
- C. Residential poultry and related enclosures are not to be located in any area between the primary dwelling and the front property line.
- D. Enclosures must be at least ten (10) feet from the property line and at least twenty-five (25) feet from any dwelling unit on an abutting property.

6.12.040 - Ongoing conditions of license.

A. Residential poultry enclosures.

1. 1. Residential poultry must be kept within a secure enclosure at night. During daylight hours, chickens must be kept within a secure enclosure unless under direct supervision within a fenced yard.
2. 2. Allowing residential poultry to enter adjoining properties is prohibited.
3. 3. Enclosures must be kept clean, dry, in good repair and not cause an odor that is unreasonably offensive or annoying to residents within the immediate vicinity.
4. 4. Enclosures must be designed to prevent the entry of rodents and predators and must effectively contain and protect the chickens.
5. 5. Enclosures must be designed so that they are not a breeding place or likely breeding place for rodents, flies or other pests.

B. Residential poultry must be kept for personal, non-commercial use only. No person licensed under this chapter may engage in chicken breeding or fertilizer production for commercial purposes. The roadside sale of eggs is allowed.

Other Procedural Components

6.12.050 - Procedure for obtaining a Residential Poultry Permit

6.12.060 - Penalties.

Topics discussed at the October Planning Commission meeting

- Concern about wild animals
- Criteria for coops
- Preference for the Sherwood Ordinance, except for the 5-chicken limit on large pieces of property
- Support for no roosters
- Concern about rodents

Chapter 6.12 – Keeping of Chickens, Ducks, and Fowl

6.12.010 - Purpose.

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6.12.015 – Definitions

Residential Poultry – Small animals kept in a residential setting, limited to chickens, ducks, quail, guinea fowl, and partridges.

6.12.020 - Number of residential poultry licensed.

- A. Up to two hens are allowed on properties at least five thousand (5,000) square feet in size.
- B. One hen per two thousand (2,000) square feet beyond five thousand (5,000) square feet in size is allowed up to six (6) hens
- C. No roosters are allowed within the city.
- D. Chicks up to twelve (12) weeks old are allowed indoors and are not subject to the limitations of (A) and (B) above.

6.12.030 - Location requirements.

- A. Residential poultry are only allowed on property that is occupied by a detached single-family dwelling.
- B. Residential poultry are only allowed on property that is the principal residence of the owner of the chickens.
- C. Residential poultry and related enclosures are not to be located in any area between the primary dwelling and the front property line.
- D. Enclosures must be at least ten (10) feet from the property line and at least twenty-five (25) feet from any dwelling unit on an abutting property.

6.12.040 - Ongoing conditions of license.

- A. Residential poultry enclosures.
 - 1. Residential poultry must be kept within a secure enclosure at night. During daylight hours, chickens must be kept within a secure enclosure unless under direct supervision within a fenced yard.
 - 2. Allowing residential poultry to enter adjoining properties is prohibited.
 - 3. Enclosures must be kept clean, dry, in good repair and not cause an odor that is unreasonably offensive or annoying to residents within the immediate vicinity.
 - 4. Enclosures must be designed to prevent the entry of rodents and predators and must effectively contain and protect the chickens.
 - 5. Enclosures must be designed so that they are not a breeding place or likely breeding place for rodents, flies or other pests.
- B. Residential poultry must be kept for personal, non-commercial use only. No person licensed under this chapter may engage in chicken breeding or fertilizer production for commercial purposes. The roadside sale of eggs is allowed.

6.12.050 - Procedure for obtaining a Residential Poultry Permit.

- A. In a residential zone, a resident who wants to raise residential poultry per the requirements of this chapter must apply for a permit, demonstrate compliance with the above standards, and pay a processing fee in an amount determined by the City Commission by resolution. The city will issue a permit after determining compliance with this chapter.
- B. Tenants and renters of property are permitted to keep residential poultry only with the written permission of the property owner included with the permit application.
- C. Permits issued under this chapter are issued to a specified individual for the keeping of residential poultry on specified property where the individual resides, are non-transferable, and are valid for a period of five years. Permits may be renewed for successive five-year terms.
- D. Neighbor notice requirements.

1. The city will provide written notice within fourteen (14) calendar days after issuance of a permit by first class mail to all property owners and known residents immediately abutting the permit holder's property.
2. Contents of neighborhood notice.
 - a. Name and address of the license holder.
 - b. A copy of this chapter.
 - c. Contact information for city enforcement of this chapter and the process for filing complaints.
 - d. The current dollar amounts for penalties for violations of this chapter.

6.12.060 - Penalties.

The provisions of this chapter are in addition to and not in lieu of any other requirements imposed under any other code provision, city ordinance, law or regulation having application in the city. If a conflict occurs with another code provision or regulation, the most restrictive provision or regulation shall apply.

- A. Violation of this chapter constitutes a class C violation, except that keeping of residential poultry without a permit is a class A violation.
- B. Each violation of a separate provision of this chapter shall constitute a separate violation, and each day that a violation of this chapter is committed or permitted to continue constitutes a separate violation.
- C. In addition to any other remedy provided by law, a person that commits more than two violations of this chapter within any six-month period may have his or her permit revoked for up to one year. During the period in which a permit is revoked under this subsection, no other resident of a dwelling in which a person whose permit has been revoked resides may be permitted to keep chickens under this chapter.