

"Making a difference through excellence of service"



CITY OF WARRENTON

AGENDA

CITY COMMISSION OF THE CITY OF WARRENTON

REGULAR MEETING

July 24, 2018 – 6:00 P.M.

Warrenton City Commission Chambers – 225 South Main Avenue

Warrenton, OR 97146

1. **CALL TO ORDER**

2. **PLEDGE OF ALLEGIANCE**

3. **CONSENT CALENDAR**

- A. Police Department Monthly Statistics – June 2018
- B. Fire Department Activity Report – June 2018
- C. City Commission Meeting Minutes – 6.12.18
- D. City Commission Meeting Minutes – 6.26.18
- E. Police Dispatch Services Agreement – 2018-2019
- F. Fire Dispatch Services Agreement – 2018-2019

4. **COMMISSIONER REPORTS**

5. **PUBLIC COMMENT**

At this time, anyone wishing to address the City Commission concerning items of interest may do so. The person addressing the Commission must complete a Public Comment Card, and submit to the Deputy City Recorder prior to the meeting. All remarks will be addressed to the whole City Commission and limited to 3 minutes per person. The Commission reserves the right to delay any action, if required, until such time as they are fully informed on a matter.

6. **PUBLIC HEARINGS**

- A. Spur 104 Zone Change (DCA: 18-2)
- B. Crites Wetland Hardship Variance Appeal (File No. AP 18-2)

7. BUSINESS ITEMS

- A. Consideration of Interim Contract Amendment – Kevin Cronin
- B. Consideration of Legislative Priorities 2019
- C. Consideration of Amendments to Pacific Coast Seafoods Agreements

8. DISCUSSION ITEMS

9. GOOD OF THE ORDER

10. EXECUTIVE SESSION

Under the authority of ORS 192.660(2)(h); *to consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.*

11. ADJOURNMENT

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, Deputy City Recorder, at 503-861-2233 at least 48 hours in advance of the meeting so appropriate assistance can be provided.

3-A



WARRENTON POLICE DEPARTMENT

JUNE 2018 STATISTICS

JULY 24, 2018



June Statistics (% changes are compared to 2017)							
Category	2018	2017	%Chg	2016	%Chg	2015	%Chg
Calls for Service	870	666	31%	696	25%	706	23%
Incident Reports	238	181	31%	166	43%	131	82%
Arrests/Citations	174	94	85%	83	110%	77	126%
Traffic Events	266	173	54%	179	49%	114	133%
DUII Calls	2	5	-60%	3	-33%	2	0%
Traffic Accidents	22	15	47%	14	57%	35	-37%
Property Crimes	109	64	70%	92	18%	71	54%
Disturbances	74	72	3%	62	19%	56	32%
Drug/Narcotics Calls	6	8	-25%	4	50%	5	20%
Animal Complaints	32	30	7%	29	10%	34	-6%
Officer O.T.	146	217	-33%	57	156%	183.5	-20%
Reserve Hours	7	0	700%	55.5	-87%	78	-91%

Category	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
Calls for Service	553	517	772	776	921	870			
Incident Reports	177	138	160	185	235	238			
Arrests/Citations	91	49	84	89	137	174			
Traffic Events	152	161	267	247	316	266			
DUII Calls	4	1	4	4	9	2			
Traffic Accidents	13	17	18	27	22	22			
Property Crimes	86	58	59	94	93	109			
Disturbances	50	58	75	73	88	74			
Drug/Narcotics Calls	7	5	7	10	10	6			
Animal Complaints	17	17	25	20	37	32			
Officer O.T.	173	222.75	64.4	88.15	119	146			
Reserve Hours	18.5	24	13	37	21	7			

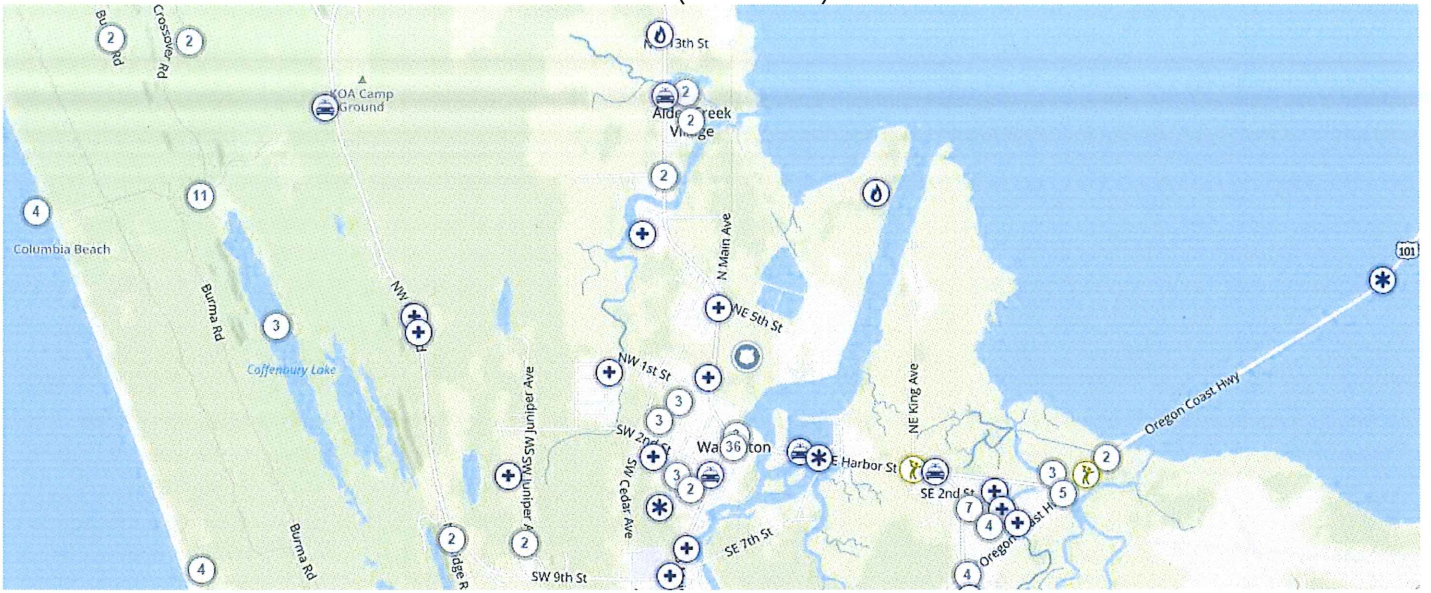
Oct	Nov	Dec	2018 YTD	2018 Estimate	2017	2018 v 2017	2016	2018 v. 2016	2015	2018 v. 2015
			4409	8818	7982	10%	8239	7%	8317	6%
			1133	2266	1739	30%	1749	30%	1515	50%
			624	1248	961	30%	925	35%	994	26%
			1409	2818	2407	17%	2353	20%	2220	27%
			24	48	37	30%	15	220%	14	243%
			119	238	219	9%	291	-18%	408	-42%
			499	998	850	17%	805	24%	1374	-27%
			418	836	855	-2%	781	7%	1359	-38%
			45	90	73	23%	42	114%	80	13%
			148	296	294	1%	311	-5%	318	-7%
			813.3	1626.6	1789	-9%	1249	30%	997.5	63%
			120.5	241	577	-58%	901.75	-73%	804.75	-70%

The following is a graphic representation of statistics for June 2018 using our [CrimeReports.com](https://www.crimereports.com) membership. If you go to the website you can zoom in on each incident for more details.

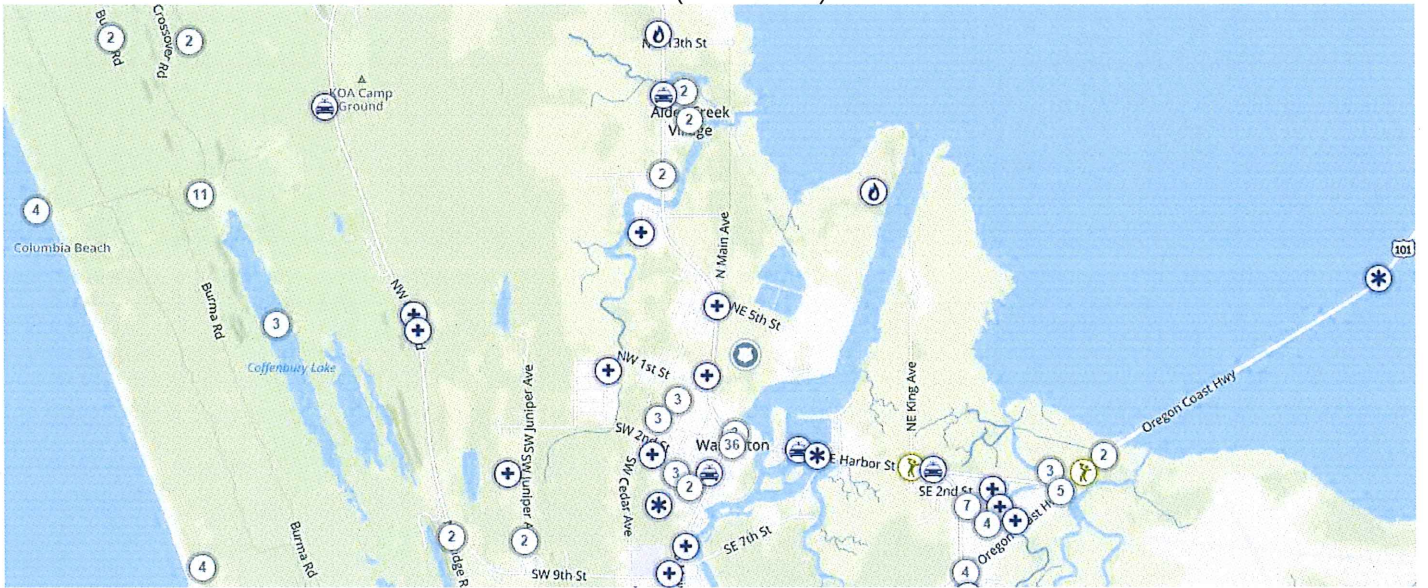
- Violent**
 - Assault
 - Assault with Deadly Weapon
 - Homicide
 - Kidnapping
 - Robbery
 - Other Sexual Offense
 - Sexual Assault
 - Sexual Offense
- Property**
 - Breaking & Entering
 - Property Crime
 - Property Crime Commercial
 - Property Crime Residential
 - Theft
 - Theft from Vehicle
 - Theft of Vehicle
- Quality Of Life**
 - Disorder
 - Quality of Life
 - Drugs
 - Liquor
- 911 & Other**
 - Alarm
 - Arson
 - Death
 - Family Offense
 - Missing Person
 - Other
 - Pedestrian Stop
 - Vehicle Recovery
- Vehicle Stop
- Weapons Offense
- Community Policing
- Proactive Policing
- Emergency
- Fire
- Traffic



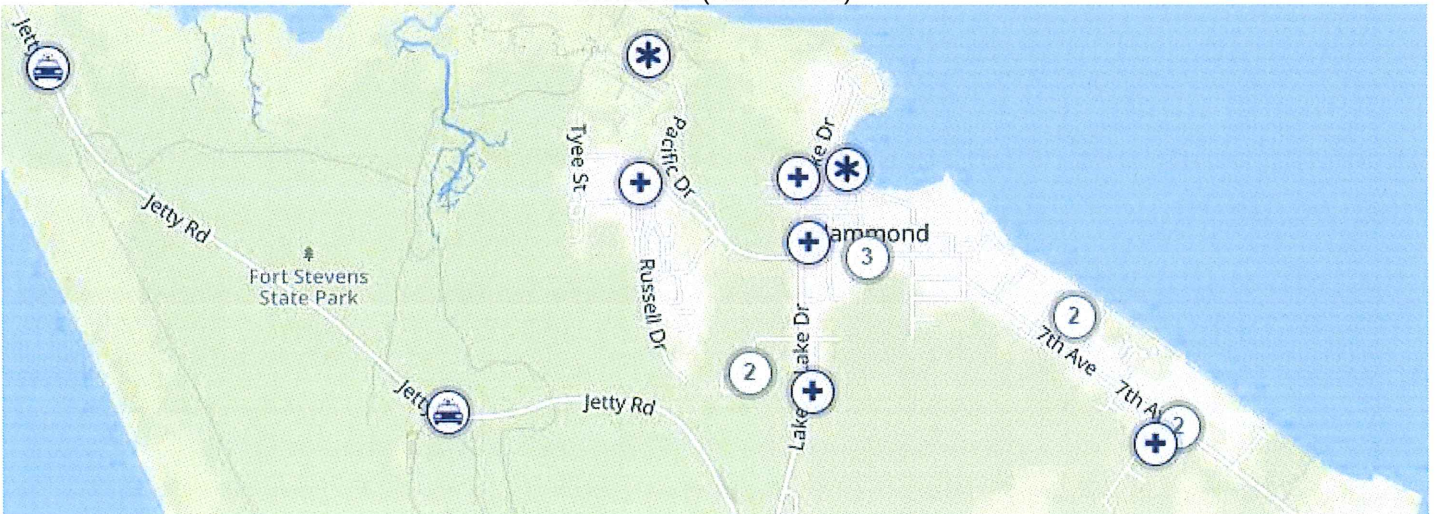
Incidents (Warrenton) #1

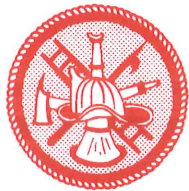


Incidents (Warrenton) #2



Incidents (Hammond)





Warrenton Fire Department

P.O. Box 250 Warrenton, OR 97146-0250 503/861-2494 Fax 503/861-2351

STAFF REPORT

Date: July 24, 2018
To: The Members of the Warrenton City Commission
 Linda Engbretson, City Manager
From: Tim Demers, Fire Chief
Re: Fire Department Activity Report for **June, 2018**

June, 2018 Emergency Response Activity -

The Warrenton Fire Department responded to 124 emergency calls during the month of June, 2018. The department responded to 92 EMS (emergency medical service) calls, 12 motor vehicle crashes, and 13 service calls. There were 7 reportable fires during the month. Service calls include alarm activations with no fire, false alarms, hazardous conditions, good intent calls, public assists, etc. An average of 5 volunteers responded per call throughout the month. During the month of June, 63.7%, or 79 of the calls were during daytime hours between 6:00 a.m. and 6:00 p.m. The other 45 calls, or 36.3%, were during the night, between the hours of 6:00 p.m. and 6:00 a.m.

June, 2018 Training –

The department held 4 regularly scheduled Wednesday evening training sessions during the month of June, with an average attendance of 18 volunteers per drill. The department offered 1 additional training session during the month of June.

6th Live fire training evolutions, 51 NE Skipanon Dr.

Instructors: Capt. Shepherd, Capt. Penno, Capt. Nyberg

13th NFPA Firefighter I - task performance evaluations

Instructor: Capt. Shepherd, FF/Eng. Hansen, FF/Eng. Ely

Aerial ladder fire attack scenarios

Instructors: Capt. Penno, Lt. Alsbury, FF/Eng. Watson

20th NFPA Firefighter I - task performance evaluations

Instructors: Capt. Shepherd, FF/Eng. Hansen, FF/Eng. Ely

Wildland Firefighter - annual refresher training

Instructors: Capt. Penno, FF/Eng. Watson

27th Wildland Firefighter - annual refresher training

Instructors: Capt. Penno, FF/Eng. Watson

Hydrant connection evolutions, hydrant bag sign off

Instructors: Capt. Shepherd

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MINUTES
Warrenton City Commission
Regular Meeting – June 12, 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: Rick Newton, Tom Dyer and Mayor Henry Balensifer

Absent: Pam Ackley, Mark Baldwin

Staff Present: City Manager Linda Engbretson, Public Works Director Collin Stelzig, Harbormaster Jane Sweet, Fire Chief Tim Demers

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

Balensifer – aye; Newton – aye; Dyer – aye

Brief discussion followed on nuisances and the nuisance report included in the consent calendar. Mayor Balensifer introduced the new Building Official Bob Johnston.

COMMISSIONER REPORTS –

Commissioner Newton noted the Downtown & Thoroughfare Aesthetic Task Force will have a report at the June 26, 2018 City Commission meeting.

Commissioner Dyer gave a brief update on the nuisance cleanup on S. Main Avenue. He also noted Commissioner Ackley and Windermere employees recently cleaned up the Library's flower beds.

City Manager Linda Engbretson distributed information from the League of Oregon Cities, stating they are requesting input on legislative priorities. She noted this can be discussed at an upcoming meeting, and the deadline for input is August 3, 2018. Ms. Engbretson also noted staff will attend a Community Planning for Disaster Recovery meeting in Nehalem on the 19th of June.

Mayor Balensifer stated he would like to add a presentation from North Coast Prevention Works as agenda item 7-H, and move it to the beginning of the business items. There were no objections.

PUBLIC COMMENT – None

PUBLIC HEARINGS – None

Pastor Bill Van Nostran from First Presbyterian Church in Astoria stated he volunteers on the North Coast Prevention Works Coalition. He briefly explained the purpose of the coalition and presented a plaque to recognize the City of Warrenton for continued support of substance abuse prevention. Pastor Van Nostran also presented a plaque to recognize Police Chief Matt Workman for his continued involvement. Brief discussion followed.

Carl Peterson, General Manager of Recology introduced himself and Rhonda Green, the Recology Waste Zero Specialist. Mr. Peterson discussed recycling issues and challenges. He stated he would return in a few months to provide an update. Discussion followed.

Mayor Balensifer noted Resolution No. 2524, for recycling rate increases. He noted the increase percentages, as outlined in the resolution.

Commissioner Dyer made the motion to conduct the first reading by title only, of Resolution No. 2524; Adopting and Setting New Rates for Residential Recycling Services, effective July 1, 2018, and Repealing all Resolutions in Conflict. Motion was seconded and passed unanimously.

Balensifer – aye; Newton – aye; Dyer – aye

Mayor Balensifer conducted the first reading, by title only of Resolution No. 2524.

Harbormaster Jane Sweet presented Resolution No. 2523 for the first reading, and outlined the moorage rental rates and fee increases. She noted the last time launch rates were increased was fifteen years ago. She explained the new offensive littering fine, and discussion followed. City Manager Linda Engbretson noted the letter in the agenda packet, from the State Marine Board, which states as a result of the fee increase, the City will no longer be eligible for the Maintenance Assistance Program (MAP) funding, and for any future Boating Facility Grants, the City will now be required to increase the match above 25%. However, Ms. Engbretson noted that by raising the rates the City will come out ahead.

Commissioner Dyer made the motion to conduct the first reading by title only, of Resolution No. 2523; Adopting and Setting Moorage Rental Rates and Fees in the Warrenton and Hammond Municipal Basins, and repeal any other resolutions in conflict. Motion was seconded and passed unanimously.

Balensifer – aye; Newton – aye; Dyer – aye

Mayor Balensifer conducted the first reading, by title only of Resolution No. 2523.

MINUTES

Warrenton City Commission

Regular Meeting – 6.12.18

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Public Works Director Collin Stelzig presented Resolution No. 2521 for the first reading. He noted the budget committee approved a 7% water rate increase for Fiscal Year 2018-2019. He reviewed the rates and fees as outlined in Exhibits A & B. Brief discussion followed.

Commissioner Dyer made the motion to conduct the first reading by title only, of Resolution No. 2521; Adopting Water Department Rates and Fees, Establishing July 1, 2018 as the Effective Date, and Repealing all Resolutions in Conflict. Motion was seconded and passed unanimously.

Balensifer – nay; Newton – aye; Dyer – aye

Mayor Balensifer conducted the first reading, by title only of Resolution No. 2521.

Public Works Director Collin Stelzig presented Resolution No. 2522 for the first reading. He stated the budget committee approved a 5% monthly sewer rate increase for Fiscal Year 2018-2019.

Commissioner Newton made the motion to conduct the first reading by title only, of Resolution No. 2521; Adopting Monthly Sewer Service Rates, Establishing July 1, 2018 as the Effective Date, and Repealing all Resolutions in Conflict. Motion was seconded and passed unanimously.

Balensifer – aye; Newton – aye; Dyer – aye

Mayor Balensifer conducted the first reading, by title only of Resolution No. 2521.

City Manager Linda Engbretson presented Resolution No. 2519 for the first reading. She stated land use application fees have not been increased in eight years. She noted the proposed fee schedule included in the agenda packet. Ms. Engbretson stated with the increase in fees, the City hopes to be able to hire part time planning staff in the future, to help with the processing of land use applications. Brief discussion followed on the proposed increases. Mayor Balensifer stated he is not in opposition to the rate increase; however he would prefer to review the fees with the full Commission and the Community Development Director present to weigh in. Discussion continued and the consensus was to table the agenda item until a future meeting, date to be determined.

Finance Director April Clark presented Resolution No. 2520. She stated the Budget Committee agreed to a 4.4% increase to the current rental rates for the Meeting Room with Kitchen and a 5.7% increase for the Meeting Room Only. The Warrenton Community Center Advisory Board concurs with this recommendation. Brief discussion continued.

Commissioner Dyer made the motion to conduct the first reading by title only, of Resolution No. 2520; Adopting and Setting Rental Rates and Fees for the Warrenton Community Center, Effective July 1, 2018. Motion was seconded and passed unanimously.

Balensifer – aye; Newton – aye; Dyer – aye
Mayor Balensifer conducted the first reading, by title only of Resolution No. 2520.

DISCUSSION ITEMS – None

GOOD OF THE ORDER –

Commissioner Dyer stated the High School graduation was successful, without any bad incidences, and noted his appreciation of the community support.

Mayor Balensifer stated he spent a week in Ohio and Illinois for business, and noted he spent some time on the waterfronts. He took mental notes of ideas the City can incorporate as we move forward on the Waterfront Development plan, and the joint session with the Port. He also noted he will do a live cast with the Oregon Department of Fish and Wildlife, on the elk issue. Discussion followed on signage to warn against feeding the elk. Mayor Balensifer also noted the new Walmart will open on the 13th of June.

City Manager Linda Engbretson said she found it humorous that there is a “For Sale by Owner” sign in front of the high school. She also stated there will not be an executive session this evening, and requested to defer her evaluation until the next meeting. There were no objections.

There being no further business Mayor Balensifer adjourned the meeting at 7:08 p.m.

APPROVED:

Henry A. Balensifer III, Mayor

ATTEST:

Dawne Shaw, Deputy City Recorder

3-D

MINUTES
Warrenton City Commission
Regular Meeting – June 26, 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: Rick Newton, Mark Baldwin, Tom Dyer, Pam Ackley and Mayor Henry Balensifer

Staff Present: City Manager Linda Engbretson, City Attorney Spencer Parsons, Public Works Director Collin Stelzig, Harbormaster Jane Sweet, Fire Chief Tim Demers, Community Development Director Kevin Cronin, Public Works Operations Manager Kyle Sharpsteen, Police Chief Mathew Workman, 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; Newton – aye; Baldwin – aye; Ackley – aye; Dyer – aye

Commissioner Newton asked for clarification on the Police Department Monthly Statistics Report in regards to the reduction in overtime and the increase in activity. Police Chief Workman stated there was a concerted effort to reduce overtime costs, by flexing and schedule adjustments. He also noted the increase in drug crimes and drug related DUII's, stating these numbers spike every year summer.

COMMISSIONER REPORTS –

PUBLIC COMMENT – Mr. Steve Holman spoke in regards to the nuisance on NW Warrenton Drive. He also asked about the ownership and possible subletting of the property. Mayor Balensifer noted the matter will have to be investigated. Mr. Dennis Faletti spoke in regards to Neptune Drive, between E. Harbor and Hwy 101, stating the road needs to be re-stripped. He is worried about accidents and wanted to bring it to the Commission's attention. Mr. Jim Ray also noted concerns in regards to Neptune Drive.

PUBLIC HEARINGS

Mayor Balensifer opened the public hearing on Resolution No. 2526; a Resolution declaring the City of Warrenton's election to received state revenues for fiscal year 2018-2019. Formalities followed and no conflicts of interest were reported. City Manager Linda Engbretson presented

her staff report and noted State Revenue Sharing Law; ORS 221.770 requires cities to pass an ordinance or resolution each year stating they wish to receive state revenue sharing funds. She noted the estimated revenues, as outlined in the agenda item. Mayor Balensifer asked for public comment. No one spoke in favor or opposition. There being no further comments, Mayor Balensifer closed the public hearing. He noted for clarification that even though Warrenton does not have any marijuana establishments, the City does receive Marijuana Tax since they were not outright banned.

Commissioner Ackley made the motion to adopt Resolution No. 2526; A Resolution Declaring the City of Warrenton's Election to Receive State Revenues for Fiscal Year 2018-2019. Motion was seconded and passed unanimously.

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

Mayor Balensifer opened the public hearing on Resolution No. 2525; Adopting the City of Warrenton FY 2018-2019 budget as approved by the Warrenton Budget Committee and levying taxes for municipal purposes of the City of Warrenton for the fiscal year commencing July 1, 2018. City Manager Linda Engbretson presented the staff report on the proposed budget, and outlined the figures as presented. She noted for the record there was an error on the Financial Summary that was published in the Columbia Press contained a Scribner's error on the total contingencies, and outlined the correct numbers as presented in the agenda packet. Ms. Engbretson highlighted the increases in staff for the Police Department and Public Works. Mayor Balensifer asked for public comment. No one spoke in favor or opposition. Mayor Balensifer asked for clarification on when the library bond funds will be received. Ms. Engbretson confirmed the City will not start to see the funds until November 2018. There being no further comments, Mayor Balensifer closed the public hearing.

Commissioner Dyer made the motion to adopt the City of Warrenton FY 2018-2019 budget as approved by the Warrenton Budget Committee as set forth in Resolution No. 2525. 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 no conflicts of interest were reported. Community Development Director Kevin Cronin presented his staff report, noting the Planning Commission approved the application with seven conditions. Mr. Cronin stated an appeal was submitted by Terry & Nancy Ager, as affected property owners. He noted the permits are in hand and the wetland hardship variance is the last step in the process to secure permits for building on property compromised by wetlands. He recommends upholding the Planning Commission's decision and denying the appeal. Commissioner Newton asked for clarification on what constitutes a hardship; Mr. Cronin explained. There was no presentation from the applicant Mr. Adam Crites. Mayor Balensifer asked for public comment. No one spoke in favor. Mr. Terry Ager spoke in opposition of the application. He gave handouts to the Commission of documents that were included in the agenda packet. He stated he lives directly across the street from Mr.

Crites proposed construction site. He stated he has lived there since 1990 and has witnessed great flooding in the area, which is tidal activated. Mr. Ager stated he does not believe it is a good idea to fill, and it is not a good move for the City or the neighborhood. Ms. Sarah Kelly spoke in opposition to the construction. She noted she is worried that construction will cause an overflow onto neighboring properties, and is also concerned about the increase in traffic. She stated she agrees with Mr. Ager. Mr. Curtis Rutherford also spoke in opposition, noting the drainage is already terrible, and the development will decrease his property value. He stated he does not want the increased traffic as there are lots of kids in area. The applicant, Mr. Crites gave a rebuttal, and submitted for the record a complete written transcript of the appellant's oral testimony from April 12, 2018 and May 10, 2018 Planning Commissions meetings as well as a statement and summary of the scope of the appeal from those meetings. He requested comments regarding property value, traffic and rental demands not be taken into consideration as they do not pertain to the scope of issues allowed by code. He also asked that at the conclusion of the hearing he be allowed to submit a final written argument in support of the application. He reiterated the positives of the project and stated the drainage issues will be addressed with engineering and improvements to the street. Mr. Crites noted no new evidence has been provided by the appellants. He requested the Commission deny the appeal, uphold the Planning Commission's decision and preclude any further appeals. There being no further comments, Mayor Balensifer closed the public hearing. Discussion followed on fire access and street width. The Commission continued to discuss and voiced concerns regarding fill, drainage and building on fill. Mr. Crites requested a continuance to submit more materials to alleviate their questions. Mayor Balensifer suggested a continuance and the Commission was in consensus. City Attorney Spencer Parsons requested the applicant submit in writing an extension to the 120-day deadline since he requested an extension. Mr. Crites agreed to waive the 120-day rule and agreed to continue the hearing to the July 24th meeting.

Commissioner Ackley made the motion to continue the hearing to the July 24th meeting to allow additional public testimony, at such time the Commission will reconsider the appeal and any new evidence in the record. Motion was seconded and passed unanimously.

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

BUSINESS ITEMS –

Mary Bosch gave a presentation on the status of the RDI, stating Phase I is near completion. She shared the survey results, noting downtown's appearance is an issue; and Hammond is also a concern. Revitalization and beautification is needed. Ms. Bosch continued reviewing the assessment results. She explained the 3 phase process, and noted the next step would be a community meeting in late July and would need good publicity. Brief discussion followed.

Downtown & Thoroughfare Aesthetic Task Force member Paul Mitchell stated the task force was created to bring forth recommendations to ensure there is a welcoming feel, increased safety, the highest and best use of land on the thoroughfares and downtown. He noted the members of the task force, and discussed the review process. Mr. Mitchell reviewed the recommendations as submitted in the agenda packet, and asked the Commission for a work session within 90 days.

MINUTES

Commissioner Newton noted the importance of revising and adopting the Visioning Plan. He thanked the task force for the work they have done. Mayor Balensifer concurred with a joint work session w/in 90 days, with the Planning Commission, the Downtown & Thoroughfare Aesthetic Task Force, the Hammond Marina Task Force and the Urban Renewal Advisory Committee; the Commission agreed. Mayor Balensifer thanked Commissioner Newton for chairing the task force. Brief discussion followed. Mayor Balensifer requested that staff provide a date for the work session by the last meeting in July.

Commissioner Ackley made the motion to adopt the 2019-2024 Capital Improvement Program as presented. Motion was seconded and passed unanimously.

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

Community Development Director Kevin Cronin gave an update on the nuisances at 228 S. Main Avenue & 925 E. Harbor Drive. He noted staff is requesting direction on the next steps for properties that have not completed the cleanup to a satisfactory status. Mr. Cronin noted there is still tall grass and debris at 925 E. Harbor and at 229 S. Main there are still 5 cars on site. Brief discussion continued and consensus was to continue with the nuisances and code enforcement.

Community Development Director Kevin Cronin stated the house at 719 S. Main Avenue has multiple code violations; inoperable and unlicensed vehicles, trash, scrap metal, and construction materials. He noted all of this material is on the front yard and the concluded that conditions are consistent with and meet the intent of the descriptions of various nuisances, both enumerated and unenumerated. He stated he has been working with the tenant but the progress is not sufficient; and the property owner is proceeding with an eviction notice. Brief discussion followed.

Commissioner Ackley made the motion to declare that enumerated and unenumerated nuisances exist at 719 S. Main Avenue, and direct staff to commence actions to notify the owner of record and person responsible for 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 noted the duplex at 1062 NW Warrenton Drive has multiple code violations. He stated as a result of the yellow tag door hanger the tenant has been cleaning up however there are still vehicles parked adjacent to the right of way. He noted staff concluded that conditions are consistent with and meet the intent of the descriptions of various nuisances, both enumerated and unenumerated. Mr. Cronin stated he has been working with the tenant, Mr. Rice a lot on this one; the cars have not been removed and are in the City right-of-way. Discussion continued.

Commissioner Baldwin made the motion to declare that enumerated and unenumerated nuisances exist at 1062 NW Warrenton Drive, and direct staff to commence actions to notify the owner of record and person responsible for 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

Public Works Director Collin Stelzig stated the Parks Advisory Board recommends the City support the application of Lower Columbia Youth Soccer Association (LCYSA) to Pacific Power for the installation of six streetlights on already existing poles along Ridge Road at the LCYSA soccer complex. He noted there is currently only one light at the complex and additional lighting will enhance safety for players and spectators. Mr. Stelzig stated LCYSA will be responsible for all costs associated with the installation, and the Public Works Department Parks Fund would be assessed the monthly bill of approximately \$28 per light/\$2016 per year. Discussion on whether the lights are LED and it was noted the City Commission prefers LED's. Mr. Stelzig stated he will check with Pacific Power to see if that is an option.

Commissioner Ackley made the motion to approve the Lower Columbia Youth Soccer Association's petition for City support of their efforts to improve safety conditions at the Ridge Road Soccer Complex, provided they use LED lights. Motion was seconded and passed unanimously.

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

Finance Director April Clark presented Resolution No. 2520 for the second reading and adoption. She noted the rate increase will help with maintenance and improvements of the Community Center.

Commissioner Dyer made the motion to adopt Resolution No. 2520; Adopting and Setting Rental Rates and Fees for the Warrenton Community Center, Effective July 1, 2018. Motion was seconded and passed unanimously.

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

Harbormaster Jane Sweet presented Resolution No. 2523 for the second reading and adoption. She noted this increase will help with the pier replacement and dredging in Hammond. Mayor Balensifer noted for the record we have about \$780,000 in the current Hammond Marina reserve fund and it will cost over that amount to dredge. Brief discussion followed.

Commissioner Newton made the motion to adopt Resolution No. 2523; Adopting and Setting Moorage Rental Rates and Fees in the Warrenton and Hammond Municipal Basins, and repeal any other resolutions in conflict. Motion was seconded and passed unanimously.

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

Public Works Director Collin Stelzig presented Resolution No. 2521 for the second reading and adoption. He noted the budget committee approved a 7% water rate increase for Fiscal Year 2018-2019; if approved the new rates would be effective July 1, 2018.

Commissioner Newton made the motion to adopt Resolution No. 2521; Adopting Water Department Rates and Fees, Establishing July 1, 2018 as the Effective Date, and Repealing all Resolutions in Conflict. Motion was seconded and passed unanimously.

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

Public Works Director Collin Stelzig presented Resolution No. 2522 for the second reading and adoption. He stated the budget committee approved a 5% monthly sewer rate increase for Fiscal Year 2018-2019; if approved the new rates would be effective July 1, 2018.

Commissioner Ackley made the motion to adopt Resolution No. 2522; Adopting Monthly Sewer Service Rates, Establishing July 1, 2018 as the Effective Date, and Repealing all Resolutions in Conflict. Motion was seconded and passed unanimously.

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

Public Works Director Collin Stelzig presented Resolution No. 2524 for the second reading and adoption. He noted this resolution sets new rates for residential recycling services effective July 1, 2018.

Commissioner Dyer made the motion to adopt Resolution No. 2524; Adopting and Setting New Rates for Residential Recycling Services, effective July 1, 2018, and Repealing all Resolutions in Conflict. Motion was seconded and passed unanimously.

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

DISCUSSION ITEMS – None

GOOD OF THE ORDER –

Commissioner Newton stated there was a large amount of paperwork to read through on the public hearing appeal agenda item, and he did not mean to downplay the importance of it. He also noted the old Napa building will be cleaned up soon.

Commissioner Dyer noted there has been some success with the nuisance property on S. Main; and briefly discussed getting a group together to help citizens start cleanup before it gets to the nuisance process. He also discussed cleaning up the roadsides in Hammond.

Commissioner Ackley gave a brief update on Way to Wellville activities. She also discussed the Walmart grand opening, and noted Walmart is very proactive in supporting our community.

Commissioner Baldwin noted with all the grief about Walmart coming to Warrenton, the parking lot is full every day. He noted he is glad to see them here.

Mayor Balensifer echoed Commissioner Newton's comments on the wetland hardship variance and stated he is glad the Commission is taking time to consider it. He stated he just received notification that the 142nd Fighter Wing will do a "fly over" with an F-15 Eagle, at the Warrenton 4th of July parade. He stated he sits on the Oregon Workforce Investment Board, and there was a statistic that rated all employment openings in Lincoln, Benton, Tillamook and Clatsop counties, and of those openings there was only a .50 cent difference between a trade skill hourly rate vs. a degree. He also noted they are still working with ODFW on the elk issue. He asked permission from the Commission to appoint Commissioner Dyer as chair of a community action team, to identify and prioritize nuisance properties; there was Commission consensus.

At 8:30 p.m. Mayor Balensifer recessed the regular meeting for 15 minutes. Mayor Balensifer reconvened the regular meeting at 8:42 p.m., and there being no further business Mayor Balensifer adjourned the meeting and announced they will now meet in exec session under the authority of ORS 192.660(2)(i); *to review and evaluate the employment-related performance of the chief executive officer of any public body, a public officer, employee or staff member who does not request an open hearing*; and 192.660(2)(h); *to consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed*; and 192.660(2)(e); *to conduct deliberations with persons designated by the governing body to negotiate real property transactions*. He stated the Commission is not expected to return to regular session to take action on any item considered in the executive session.

APPROVED:

Henry A. Balensifer III, Mayor

ATTEST:

Dawne Shaw, Deputy City Recorder

3-E

"Making a difference through excellence of service"



CITY OF WARRENTON

AGENDA MEMORANDUM

TO: The Warrenton City Commission
FROM: Mathew J. Workman, Chief of Police
DATE: July 10, 2018
SUBJ: 2018-2019 Police Dispatch Services Agreement

SUMMARY

The Warrenton Police Department contracts with the Astoria Police Department for police dispatch services. Each year the City must sign a "Subscriber Agreement" with the City of Astoria to set the terms and conditions to provide these services. These services are budgeted in the FY 2018-2019 City Budget. Historically the agreement is signed by the respective City Mayor and City Manager from each City.

RECOMMENDATION/SUGGESTED MOTION

Approve the 2018-2019 Police Dispatch Services Agreement and have it signed by the Mayor and City Manager.

"I move to approve the Police Dispatch Services Agreement with the City of Astoria for Fiscal Year 2018 – 2019 and to have the Mayor and the City Manager sign the agreement."

ALTERNATIVE

None.

FISCAL IMPACT

The FY 2017-2018 dispatch services will cost the City \$209,856, an increase of \$18,792 (9.8%) from \$191,064 in FY 2016-2017.

ATTACHMENTS:

Two (2) copies of the 2018 – 2019 Police Dispatch Services Agreement.

Approved by City Manager:

All supporting documentation, i.e., maps, exhibits, etc., must be attached to this memorandum.

A G R E E M E N T
POLICE DISPATCH SERVICES

THIS AGREEMENT is entered into on the 1st day of July, 2018 by and between the City of WARRENTON, hereinafter called "Warrenton", and the CITY OF ASTORIA, a municipal corporation and hereinafter called "Astoria," both of Clatsop County, Oregon.

Warrenton and Astoria enter this agreement because the Astoria Police Radio Communications Center, hereinafter called "Dispatch Center", has the staff and facilities to provide emergency radio dispatch service to Warrenton, and Warrenton has the necessary funds to pay Astoria for services performed under this agreement.

Nothing in this agreement shall be interpreted to cause the City of Astoria to violate any rules and regulations set forth by the United States of America Federal Communications Commission.

I.

SERVICES TO BE PROVIDED BY ASTORIA

A. Basic Services

Astoria shall provide Warrenton with twenty-four (24) hour emergency dispatch service. This will include:

1. Answering service for Warrenton police emergency incoming telephone lines;
2. Advising appropriate police agency by means of radio of services requested by the public;
3. Answering police radio calls for service and provide appropriate information to authorized personnel;
4. Maintaining a log of citizen-called-for services;
5. Providing LEADS teletype service to authorized personnel and agencies ORI OD0040400.
6. Provide communications infrastructure maintenance for all equipment licensed by the FCC to Astoria 911 not including end user equipment.

Astoria shall retain control of its Dispatch Center Personnel and their performance of services under this agreement. All such personnel performing services for the City of Astoria pursuant to this agreement shall be Astoria employees.

II.

CONSIDERATION

A. For the service provided by Astoria, Warrenton agrees to a cost of \$209,856 for the period of July 1, 2018 to June 30, 2019.

B. Warrenton shall pay Astoria as follows:

The sum \$209,856, payment due on September 30, 2018

OR

1. For the period from the 1st day of July, 2018 to the 30th day of September, 2019, the sum of \$52,464; payment due on September 30, 2018;
2. For the period from the 1st day of October, 2018 to the 31st day of December, 2018, the sum of \$52,464; payment due on December 31, 2018;

3. For the period from the 1st day of January, 2019 to the 31st day of March, 2019, the sum of \$52,464; payment due on March 31, 2019;
4. For the period from the 1st day of April, 2019 to the 30th day of June, 2019, the sum of \$52,464; payment due on June 30, 2019.

III.

LIABILITY INSURANCE

Each party to this agreement represents to the other that it will have in effect at all times during this agreement liability insurance coverage which covers all sums that each shall be legally obligated to pay as damages for liability under the Oregon Revised Statutes 30.260 to 30.300, the Oregon Tort Claims Act.

IV.

TELEPHONE LINES

Warrenton shall assume all costs for installation, maintenance, repair or rental for all emergency telephone lines originating from Warrenton.

V.

TERM OF CONTRACT

This contract shall be effective from July 1, 2018 to June 30, 2019 and may be modified or renewed upon the consent of both parties. This contract may be terminated at any time by either party provided that the terminating party gives the other party at least ninety (90) days written notice.

VI.

ATTORNEY FEES

In the event suit or action is instituted to enforce any of the terms of this contract, the prevailing party shall be entitled to recover from the other party such sum as the court may adjudge reasonable as attorney's fees at trial or on appeal of such suit or action, in addition to all other sums provided by law.

IN WITNESS WHEREOF, the parties hereto have executed this agreement on the day, month and year first above written.

CITY OF ASTORIA

CITY OF WARRENTON

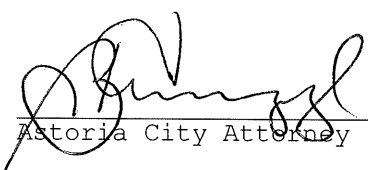
By _____
Arline LaMear, Mayor

By _____

By _____
Brett Estes, City Manager

By _____

APPROVED AS TO FORM


Astoria City Attorney

It is the policy of the City of Astoria that no person shall be denied the benefits of or be subjected to discrimination in any City program, service, or activity on the grounds of age,

disability, race, religion, color, national origin, sex, sexual orientation, gender identity and expression. The City of Astoria also requires its contractors and grantees to comply with this policy.

3-F



Warrenton Fire Department

P.O. Box 250 Warrenton, OR 97146-0250 503/861-2494 Fax 503/861-2351

AGENDA MEMORANDUM

To: The Honorable Mayor and Members of the Warrenton City Commission
Copy: Linda Engbretson, City Manager
From: Tim Demers, Fire Chief
Date: July 10, 2018
Regarding: 2018 - 2019 Fire Dispatch Services Agreement

Summary

The Warrenton Fire Department contracts with the Astoria Police Department for Fire Dispatch Services. Each year the City must sign a "Subscriber Agreement" with the City of Astoria to set the terms and conditions to provide these services. These services are budgeted in the FY 2018-2019 City Budget. Historically the agreement is signed by the respective City Mayor and City Manager from each City.

Recommendation / Suggested Motion

Approve the 2018-2019 Fire Dispatch Services Agreement and have it signed by the Mayor and City Manager.

"I move to approve the Fire Dispatch Services Agreement with the City of Astoria for Fiscal Year 2018 – 2019 and to have the Mayor and the City Manager sign the agreement."

Alternative

None.

Fiscal Impact

The FY 2018-2019 dispatch services will cost the City \$29,887, an increase of \$3,280 (12.33%) from \$26,607 in FY 2017-2018.

Attachments

Two (2) copies of the 2018 – 2019 Fire Dispatch Services Agreement.

Approved by City Manager: _____

All supporting documentation, i.e., maps, exhibits, etc., must be attached to this memorandum.

A G R E E M E N T
FIRE DISPATCH SERVICES

THIS AGREEMENT is entered into on the 1st day of July, 2018 by and between the City of WARRENTON, hereinafter called "WARRENTON", and the CITY OF ASTORIA, a municipal corporation and hereinafter called "Astoria," both of Clatsop County, Oregon.

WARRENTON and Astoria enter into this agreement because the Astoria Police Radio Communications Center, hereinafter called "Dispatch Center", has the staff and facilities to provide emergency radio dispatch service to WARRENTON, and WARRENTON has the necessary funds to pay Astoria for services performed under this agreement.

Nothing in this agreement shall be interpreted to cause the City of Astoria to violate any rules and regulations set forth by the United States of America Federal Communications Commission.

I.

SERVICES TO BE PROVIDED BY ASTORIA

A. Basic Services

Astoria shall provide WARRENTON with twenty-four (24) hour emergency dispatch service. This will include:

1. Answering service for WARRENTON emergency incoming telephone lines;
2. Advising appropriate agency by means of radio of services requested by the public;
3. Answering radio calls for service and provide appropriate information to authorized personnel;
4. Maintaining a log of citizen-called-for services;
5. Providing teletype service to authorized personnel;
6. Provide communications equipment infrastructure maintenance for all equipment licensed by the FCC to Astoria 911 not including end user equipment.
7. Run records checks for backgrounds on volunteers.

Astoria shall retain control of its Dispatch Center Personnel and their performance of services under this agreement. All such personnel performing services for the City of Astoria pursuant to this agreement shall be Astoria employees.

II.

CONSIDERATION

- A. For the service provided by Astoria, WARRENTON agrees to a cost of \$29,887 for the period of July 1, 2018 to June 30, 2019.

The sum \$29,887 payment due on September 30, 2018

OR

1. For the period from the 1st day of July, 2018 to the 30th day of September, 2018, the sum of \$7,471.72; payment due on September 30, 2018;
2. For the period from the 1st day of October, 2018 to the 31st day of December, 2018, the sum of \$7,471.75; payment due on December 31, 2018;
3. For the period from the 1st day of January, 2019 to the 31st day of March, 2019, the sum of \$7,471.75; payment due on March 31, 2019;
4. For the period from the 1st day of April, 2019 to the 30th day of June, 2019, the sum of \$7,471.75; payment due on June 30, 2019.

III.

LIABILITY INSURANCE

Each party to this agreement represents to the other that it will have in effect at all times during this agreement liability insurance coverage which covers all sums that each shall be legally obligated to pay as damages for liability under the Oregon Revised Statutes 30.260 to 30.300, the Oregon Tort Claims Act.

IV.

TELEPHONE LINES

WARRENTON shall assume all costs for installation, maintenance, repair or rental for all emergency telephone lines originating from WARRENTON.

V.

TERM OF CONTRACT

This contract shall be effective from July 1, 2018 to June 30, 2019 and may be modified or renewed upon the consent of both parties. This contract may be terminated at any time by either party provided that the terminating party gives the other party at least ninety (90) days written notice.

VI.

ATTORNEY FEES

In the event suit or action is instituted to enforce any of the terms of this contract, the prevailing party shall be entitled to recover from the other party such sum as the court may adjudge reasonable as attorney's fees at trial or on appeal of such suit or action, in addition to all other sums provided by law.

IN WITNESS WHEREOF, the parties hereto have executed this agreement on the day, month and year first above written.

CITY OF ASTORIA

CITY OF WARRENTON

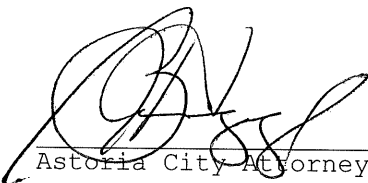
By _____
Arline LaMear, Mayor

By _____

By _____
Brett Estes, City Manager

By _____

APPROVED AS TO FORM


Astoria City Attorney

It is the policy of the City of Astoria that no person shall be denied the benefits of or be subjected to discrimination in any City program, service, or activity on the grounds of age, disability, race, religion, color, national origin, sex, sexual orientation, gender identity and expression. The City of Astoria also requires its contractors and grantees to comply with this policy.

6-A

"Making a difference through excellence of service"



CITY OF WARRENTON

AGENDA MEMORANDUM

TO: The Warrenton City Commission
FROM: Kevin A. Cronin, Community Development Director
DATE: For Agenda of July 24, 2018
SUBJ: **Public Hearing:** Spur 104 Zone Change (DCA: 18-2)

SUMMARY

The Spur 104 Zone Change is a city sponsored, 19-acre zone change of multiple properties bordered by Spur 104 and US 101. The current zoning is a combination of Intermediate Density Residential (R10) and General Industrial (I-1). The proposed zoning is primarily Commercial Mixed Use (CMU). The existing conditions of the neighborhood is characterized by low density residential development adjacent to intense commercial development on Ensign Lane. The area is ripe for redevelopment and is viewed as a workforce housing opportunity in addition to facilitating smaller scale, neighborhood-oriented, vertical mixed use commercial development.

The Planning Commission held a required public hearing on June 14 and recommended approval. Public testimony was in general very supportive. However, the Planning Commission expressed concerns about the impacts of new development at the Ensign Lane intersection. Staff requested an amendment to the traffic impact study to address the concern. A copy is enclosed for reference. In addition, this intersection was identified in the Draft Transportation System Plan (TSP) for a dedicated southbound left turn lane on Spur 104 onto Ensign Ln.

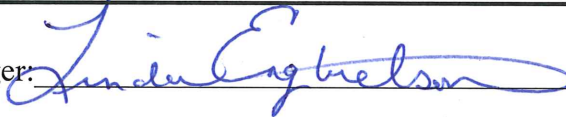
In addition, the Planning Commission considered a planned unit development

Warrenton City Commission Agenda Summary
Spur 104 Zone Change (DCA 18-2)
For Agenda of July 24, 2018

FISCAL IMPACT

Not known at this time. However, new and denser development is typically assessed at a higher level than standalone single family detached. As a result, the City will benefit from higher assessed values and property tax collections.

Approved by City Manager:

A handwritten signature in blue ink, appearing to read "J. Engstrom", is written over a horizontal line.

All supporting documentation, i.e., maps, exhibits, etc., must be attached to this memorandum.

**CITY OF WARRENTON
PLANNING AND BUILDING DEPARTMENT**

1. REZONE (To be accompanied by a map showing the subject property, a copy of property deed and Letter of Authorization, if applicable)

2. COMPREHENSIVE PLAN TEXT OR MAP AMENDMENT

3. DEVELOPMENT CODE TEXT AMENDMENT

OFFICE USE ONLY	
FILE #	<u>DCR 18-2</u>
FEE \$	<u>CITY SPONSORED</u>
RECEIPT #	<u> </u>
DATE RECEIVED	<u>5-21-18</u>

Legal Description of the Subject Property (if applicable):

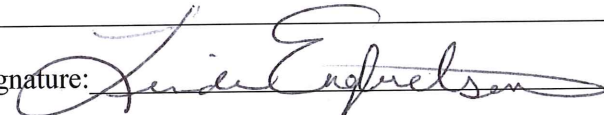
Township	Range	Section	Tax Lot
<u>8</u>	<u>10</u>	<u>27BA & 27BC</u>	<u>Multiple</u>

Street address of the property (if applicable): Highway 104 Spur

I/WE, THE UNDERSIGNED APPLICANT OR AUTHORIZED AGENT, AFFIRM BY MY/OUR SIGNATURE(S) THAT THE INFORMATION CONTAINED IN THE FOREGOING APPLICATION AND ASSOCIATED SUBMISSIONS IS/ARE TRUE AND CORRECT.

APPLICANT:

Printed Name: City of Warrenton

Signature:  Date: 5/21/18

Address: 225 S Main Phone:

City/State/Zip: Warrenton, Oregon 97146

Fax:

PROPERTY OWNER (if different from Applicant)

Printed Name:

Signature: Date:

Address: Phone:

City/State/Zip: Fax:

Place an "x" on applicable request(s):

Rezone Comprehensive Plan Text amendment
 Comprehensive Plan Map amendment Development Code text amendment

REZONE

1. Existing use of site: Residential and Industrial _____

2. Existing zoning of the subject property: I-1 and R-10 _____

3. Proposed zoning designation of the subject property: C-MU
4. Zoning designation of surrounding properties: See attached map.
North: _____
South: _____
West: _____
East: _____

5. Does the proposal conform to the applicable Oregon State Statutes? Yes No
If yes, please explain **See attached findings of fact**

If no, please describe why the proposal does not or will not conform to the Oregon State Statutes.

6. Does the proposal conform to Statewide Planning Goals? Yes No
If yes, please the list the applicable Statewide Planning Goals and how the proposal conforms to the goals.____
See attached findings of fact

If no, please describe why the proposal does not or will not conform to the Statewide Planning Goals.

7. Does the proposal conform to Warrenton Comprehensive Plan, and Development Code? Yes X_____ No _____

If yes, please explain how this proposal conforms to the Warrenton Comprehensive Plan, and Development Code. **See attached findings of fact**

If no, please explain _____

8. Is there a change of circumstances or further studies justifying the amendment or mistake in the original zoning **Yes – see attached findings of fact**

PROPOSED FINDINGS OF FACT
WARRENTON ZONE MAP AMENDMENT
SPUR 104 URBAN RENEWAL AREA

Background

The proposed Warrenton Urban Renewal Zone Change will include the rezoning of multiple properties bounded by Oregon Coast Highway (US-101), Fort Stevens Highway Spur (OR-104S), and SE Ensign Lane in Warrenton, Oregon. Specifically, the proposed zone change will rezone approximately 3.0 acres of *General Industrial* (I-1) and 16.9 acres of *Intermediate Density Residential* (R-10) land to *Commercial Mixed Use* (C-MU). **Of this total (19.9 acres), 14.88 acres are owned by private individuals and could be redeveloped.**

The area contains 42 individual tax lots owned by 23 property owners. The smallest parcel is .11 acres, and the largest holding is 1.69 acres. The area currently contains 22 residences and one industrial use. The area is bounded on the south by a large format commercial use, Home Depot, on the west by a mixture of commercial and residential uses, on the north by a wetlands, and across the spur road, a car dealership. To the east across US 101 is a large undeveloped area to the north, and a major commercial center to the south.

The area contains five minor residential streets which serve clusters of residences. None of these streets meet current City standards. There is a major 12" sewer line that runs along the east side of 104 to SE 13th Street, and a 8" water line along the west side of the road. Most of the water lines that serve the homes are 2". There are 3 fire hydrants in the subject area on the west side of the spur road, but none in the residential area. There is no storm drainage system to any extent, although small wetlands serve this function at the north end near US 101 on property owned by ODOT.

Proposal

The proposal by the City is to amend the zoning map to encourage more development with higher residential densities as well as commercial and light industrial uses such as cabinet or woodworking shops. Heavy industrial uses would be eliminated with the conversion of the I-1 zone to C-MU. Currently the residential density in most of the area is 10,000 square feet or four units per acre, exclusive of the industrial zone where no residential use is permitted other than a caretakers unit. The amendment will increase the density to as much as 27 units per acre, at one dwelling unit per 1,600 square feet. **If all 14.88 acres were to be developed at maximum density in the C-MU zone, over 400 units could be built in the area. If the area developed at the minimum density of 5 units per acre there would be approximately 80-100 units constructed. However, if the zone is changed, it is likely that a variety of housing types and commercial uses would be developed.** The proposal, if adopted, will stimulate more development with a wider variety and more intensive uses. It is estimated that the area could support between 100 and 200 residential units, plus a variety of smaller commercial activities such as offices and retail. It is unlikely that the area would be chosen for large format retailers with the preponderance of small lots and the lack of highway access off of US 101. It is the assumption that the

area is of prime importance for development because of its central location above the flood and tsunami zones, lack of constraints such as wetlands, and presence of good infrastructure.

Statewide Goals and Guidelines:

- Goal 1: Citizen Involvement. The property owners in this area partitioned the City of Warrenton to consider the amendment. A majority of the owners contacted agreed to the proposal. The Urban Renewal Advisory Committee made a recommendation to the Urban Renewal Board to allocate urban renewal funds for the application.
- Goal 2: Land Use Planning: The proposed amendment is consistent with the adopted Comprehensive Plan and Development Code policies and procedures.
- Goals 3&4: There are no agricultural or forest lands present in the area.
- Goal 5: Natural Resources, Scenic and Historic Areas, and Open Space. There is a small area of wetlands in the northern portion of the area that is owned by ODOT and will remain undeveloped. There are no scenic, historic or cultural resources on the site. Open space amenities such as playgrounds would be included as part of a development proposal such as multifamily development in the future.
- Goal 6: Air, Water and Land Resources Quality: The area is sewerred and any development will meet environmental requirements of the DEQ and City.
- Goal 7: Area Subject to Natural Hazards: The area is outside of the tsunami zone and 100 year flood plain.
- Goal 8: Recreational Needs: There are significant recreational facilities within a short distance from the area, including Fort Stevens State Park, Fort Clatsop, the Warrenton School playgrounds, and the Warrenton Soccer Complex, among others.
- Goal 9: Economic Development: The rezoning will assist with economic development by providing more workforce housing and small businesses in the mixed use zone.
- Goal 10: Housing: Multifamily development at a maximum of 27 units per acre will provide affordable housing within walking distance of major commercial development for shopping or employment.
- Goal 11: Public Facilities and Services: The City services available in the Spur 104 road (12" sewer and 8" water) are adequate for the highest level of development on the site. The City has adequate capacity in the facilities to meet the demand of the projected development.
- Goal 12: Transportation: A TIS has been completed and the executive summary is listed below. The projected development will not overburden streets and highways. All access to the site will be off of Spur 104 and not US 101.
- Goal 13: Energy Conservation: Development of the area will enable residents to walk and bicycle to work and shopping in the immediate area, thereby reducing energy consumption.
- Goal 14: Urbanization: The area is within the Urban Growth Boundary and is surrounded by development.
- Goals 16-19: The area is not in the Coastal Shorelands Area.

Comprehensive Plan:

Section 2.320. Urban Development

- (1) Growth Management. Due to the large amount of urbanizable residential land within the City limits, the City will adopt a growth management strategy to insure the orderly conversion of land to urban uses...
 - (a) Make urbanizable land available for conversion to urban uses in stages as public facilities adequate to serve urban development become available.
 - (b) Insure the orderly and economic provision of services.

Finding: The proposed zone map amendment area is surrounded by intensive urban development and is served by essential City services including water, sewer and transportation facilities. Therefore it is ready for more higher density development and mixed uses.

Section 3.110.1 Buildable lands.

According to Table 1, Gross Buildable Land by Zoning Type, there are 226 acres of I1 Industrial land in Warrenton, and 185 acres of R10 land, but only 1.45 acres of CMU land, out of a total of 948 acres.

Finding: The conversion of 3 acres of industrially zoned land and 17 acres of low density residential land will not significantly affect either the Employment or Residential land base. It will likely increase residential land opportunities by increasing density throughout the area, as well as new businesses. There will be 223 acres of I1 lands, primarily in large holdings such as the airport and the North Coast Business Park.

Section 3.310 Residential Lands.

- (1) It is the City's policy to encourage the development of housing needed to accommodate desired growth...
 - (d) The low density residential zone is intended for areas which are physically isolated from the developed portions of the City, and for which extension of sewer and water services would be prohibitively expensive.

Finding: The CMU zone would encourage the development of needed housing by providing a much higher density in this area than under the R-10 standard. This area does not meet the definition of low density lands, in that it is not physically isolated and has readily available sewer and water service capable of supporting much higher levels of development.

Section 3.330 Industrial Lands

- (1) It is the City's policy to support the establishment of a variety of well-designed industrial facilities in appropriate locations in order to expand employment opportunities, make use of land best suited for industry, increase the local tax base and insure a stable economy.

Finding: The approximately 3 acres of industrial land in the subject area is not suited for major industrial activities. Since the City contains two large industrial parks elsewhere there is not a need for this small parcel. Additionally, the CMU zone allows for small scale industrial uses such as woodworking or small boat repair which is much more suitable for the mixed use nature of the area.

Section 3.400 Strategies

(5) Rezone R-10 land as needed in the future to meet the need for multi-family housing types and or single-family residential housing on smaller lots as needed based on housing market conditions and updated housing needs analyses.

Finding: The proposed zone change in this area of the City is consistent with this strategy in that it can easily accommodate additional housing for the growing workforce in the immediate vicinity. Since the land was originally zoned there have been hundreds of jobs created within walking and bicycling distance.

Development Code Criteria:

16.232.060 Transportation Planning Rule Compliance.

- A. When a development application includes a proposed Comprehensive Plan amendment or rezone, the proposal shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with Oregon Administrative Rule (OAR) 660-012-0060. See also Chapter 16.256, Traffic Impact Study. Significant means the proposal would:
1. Change the functional classification of an existing or planned transportation facility. This would occur, for example, when a proposal causes future traffic to exceed the capacity of a “collector” street classification, requiring a change in the classification to an “arterial” street, as identified by the Transportation System Plan; or
 2. Change the standards implementing a functional classification system; or
 3. Allow types or levels of land use that would result in levels of travel or access that are inconsistent with the functional classification of a transportation facility; or
 4. Reduce the level of service of the facility below the minimum acceptable level identified in the Transportation System Plan.

Finding: A Traffic Impact Study has been prepared by Lancaster Engineer and is part of this application. The Executive Summary is as follows:

Executive Summary

1. The proposed Warrenton Urban Renewal Zone Change will include the rezoning of multiple properties bounded by Oregon Coast Highway (US-101), Fort Stevens Highway Spur (OR-104S), and SE Ensign

Lane in Warrenton, Oregon. Specifically, the proposed zone change will rezone approximately 3.0 acres of *General Industrial (I-1)* and 16.9 acres of *Intermediate Density Residential (R-10)* land to *Commercial Mixed Use (C-MU)*.

2. The trip generation calculations show that under existing zoning, the subject site could reasonably generate up to 55 morning peak hour trips, 68 evening peak hour trips, and 632 average weekday trips. Under the proposed zoning, the site could reasonably generate up to 202 net new morning peak hour trips, 384 net new evening peak hour trips, and 4,092 net new weekday trips. The net change in trip potential of the site after the proposed rezone is projected to be 147 morning peak hour trips, 316 evening peak hour trips, and 3,460 average weekday trips.

3. No significant trends or crash patterns were identified at any of the study intersections and no specific safety mitigation is recommended.

4. Left-turn lane warrants are projected to be met for the intersection of OR-104S at SE Ensign Lane under existing conditions during the evening peak hour and by the 2038 planning horizon during the morning peak hour.

5. Per a preliminary warrant analysis, traffic signal warrants are projected to be triggered at the following two intersections. a. OR-104S at OR-104 under the 2038 Planning Horizon (without the zone change).

b. OR-104S at SE Ensign Lane under the 2038 Planning Horizon with the net addition of potential site trips that could be generated under the proposed zone.

6. Based on the results of the operational analysis, there are five study intersections that are either currently or projected to operate at LOS F or with v/c ratios in excess of minimum ODOT performance standards. These intersections include US-101 at E Harbor Street, US-101 at SE Neptune Drive, US-101 at US-101B, OR-104S at OR-104, and OR-104S at SE Ensign Lane. Suggested mitigation may include the following: a. US-101 at E Harbor Street: Per the City of Warrenton's TSP, install additional turn lanes. Specifically an additional eastbound left-turn lane, and additional northbound/southbound through lanes.

b. US-101 at SE Neptune Drive: Extend the planned additional northbound and southbound travel lanes, as described for the US-101 at E Harbor Street intersection, to this intersection.

c. US-101 at US-101B: Extend the planned additional northbound and southbound travel lanes, as described for the US-101 at E Harbor Street intersection, to this intersection.

d. OR-104S at OR-104: Either install a traffic signal or reconstruct/restripe the westbound approach to include one left-turn lane and one right-turn lane.

e. OR-104S at SE Ensign Lane: Either install a traffic signal or restripe the eastbound approach to have one shared through/right-turn lane and a center two-way left-turn lane. In either case, for the purposes of maintaining safety, the westbound approach should be reconstructed/restriped to include a left-turn lane.

7. Upon implementing the planned and/or suggested operational mitigations, all study intersections are projected to operate within acceptable capacity per City of Warrenton, Clatsop County, and ODOT standards through the 2038 planning horizon. With mitigative measures in place, the proposed zone change will not degrade the performance of any existing or planned transportation facility below acceptable jurisdictional standards. Accordingly, the Transportation Planning Rule may be satisfied if mitigations are addressed upon development of the site.

Criteria for amendment of the zoning map:

16.232.030 Quasi-Judicial Amendments.

A. Quasi-Judicial Amendments. Quasi-judicial amendments are those that involve the application of adopted policy to a specific development application or Code revision. Quasi-judicial map amendments shall follow the Type IV procedure, as governed by Section 16.208.060, using standards of approval in subsection B of this section. The approval authority shall be as follows:

1. The Planning Commission shall make a recommendation to the City Commission on an application for a land use district map change which does not involve a Comprehensive Plan map amendment. The City Commission shall decide such application; and
2. The Planning Commission shall make a recommendation to the City Commission on an application for a Comprehensive Plan and/or map amendment. The City Commission shall decide such application; and
3. The Planning Commission shall make a recommendation to the City Commission on a rezone application, which also involves a Comprehensive Plan map amendment. The City Commission shall decide both applications.

B. Criteria for Quasi-Judicial Amendments. A recommendation or a decision to approve, approve with conditions or to deny an application for a quasi-judicial amendment shall be based on all of the following criteria: 16.232.040 545.

1. Demonstration of compliance with all applicable Comprehensive Plan policies and map designations. Where this criterion cannot be met, a Comprehensive Plan amendment shall be a pre-requisite to approval.
2. Demonstration of compliance with all applicable standards and criteria of this Code, and other applicable implementing ordinances.
3. Evidence of change in the neighborhood, or community, or a mistake or inconsistency in the Comprehensive Plan or land use district map regarding the property which is the subject of the application; and the provisions of Section 16.232.060, as applicable.

Findings of Fact:

This is a quasi-judicial amendment because it involves a relatively small area, as opposed to a City-wide amendment which is considered legislative. The amendment will be governed by Section 16.208.060. A quasi-judicial decision may be for denial, approval, or approval with conditions.

1. As stated above, the amendment is in compliance with all applicable Comprehensive Plan policies and map designations.
2. The amendment would be in compliance with the applicable standards and criteria of the Code.
3. There has been significant change in the neighborhood and community, in that the area has previously been considered rural and relatively undeveloped until a decade or more ago, when large format retail uses began utilizing the property in the surrounding area. Currently the subject area is surrounded by major commercial development activities, and the proposed change would complement the new development by stimulating smaller scale commercial uses and higher density residential development. **The North Coast of Oregon has experienced something of a**

housing crisis recently, with very low vacancy rates and climbing rent structures. This is despite the development of significant numbers of rental housing in Warrenton and Astoria. Two larger apartment complexes are planned in the vicinity of the subject area which will add over one hundred units to the housing stock (Palmberg and Krueger). But economic growth, such as Pacific Seafoods and US Coast Guard expansion, will continue to create demand.

4. In the past twenty years there has been significant investment in public infrastructure, including a major sewer line, and a water line. Road intersection improvements on Ensign Lane to the south and the 104 Spur/US 101 connection to the north were designed and constructed by ODOT to accommodate future growth in the area. Mitigation measures as described in item 6 of the TIS above may be considered by the City Commission in the future, possibly using urban renewal funding, ODOT funding or both.

Conclusion

The proposal zoning map amendment is consistent with the Comprehensive Plan, Zoning Code and the Statewide Goals. It is recommended that it be approved and recommended to the City Commission for approval.





HWY 104 SPUR

WETLANDS

S.E. 13TH ST

S.E. 13TH PL

S.E. 14TH ST

S.E. 14TH PL

DRAINAGE DITCH
OREGON COAST HWY 101

S.E. GALENA CT

S.E. ENSIGN LANE

Williams 3001 10,954.88 sq ft
 Kenyon 3200 18,322.07 sq ft
 Lampiro 3300 4,440.81 sq ft
 3351 11,857.11 sq ft
 Goyena 3123 22,411.08 sq ft
 Lampiro 3300 23,000.13 sq ft
 Mabbler 8701 16,092.4 sq ft
 Clark 2133 18,000.23 sq ft
 Lampiro 3300 24,999.93 sq ft

Naska 3400 33,883.09 sq ft
 Irwin 3900 17,123.47 sq ft
 Quastnik 3200 18,983.08 sq ft
 Oregon 3200 14,048.93 sq ft
 Naska 3400 9,926.46 sq ft
 4,402.64 sq ft
 Yull 3100 3,411.77 sq ft
 Yull 3300 9,999.93 sq ft
 Yull 3100 10,000.00 sq ft
 Yull 3100 10,000.00 sq ft

Huggins 1100 10,884.9 sq ft
 Canana 850 7,520.24 sq ft
 1000 10,211.9 sq ft
 Canana 1001 9,984.26 sq ft
 Canana 1002 16,796.33 sq ft
 Huggins 1100 12,868.19 sq ft
 Yull 2100 27,728.12 sq ft
 Yull 1000 38,996.07 sq ft
 Yull 1000 34,633.3 sq ft

Nygard 100 19,965.93 sq ft
 Nygard 603 19,206.48 sq ft
 Nygard 100 18,828.68 sq ft
 Nygard 3300 22,998.41 sq ft

Berardino 807 10,968.69 sq ft
 Muzzy 501 21,118.9 sq ft
 Paystec 602 22,263.67 sq ft
 Huggins 1100 10,960.24 sq ft

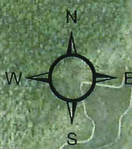
Kaighley 500 24,839.6 sq ft

Hanno 1502 21,118.9 sq ft
 Yull 1500 15,000.00 sq ft
 Yull 1501 7,399.9 sq ft



Proposed Zoning

Legend	
ZONE	
	C1
	CMU
	I1
	R10





CITY OF WARRENTON

Minutes Warrenton Planning Commission Regular meeting June 14, 2018

Housekeeping Development Code Amendment DCR-18-3 Spur 104 Zone change Multiple Properties DCA-18-2

Commissioners present: Chair Paul Mitchell; Vice chair Chris Hayward; Commissioners Mike Moha; Vince Williams; Ken Yuill; Ryan Lampi; Chris Bridgens.

Staff present: Community Planning Director Kevin Cronin; Building Clerk Janice Weese

Approval of minutes: Commissioner Lampi motioned to approve the May 10 2018 minutes with corrections. Commissioner Bridgens seconded. The motion passed.

Subject of Review: Housekeeping Development Code Amendment (File # DCA 18-3)

Disclosure by the Commissioners: Commissioners answered no to all questions or conflicts.

Staff Report: Calling it housekeeping because there were requests that came in at different times that made it clear that there needs to be some changes in the definition section of the Development Code.

There is no definition for hotel or for lodging facilities. Have been approached by different businesses, one is Pacific Seafood; for the need to have dormitories for their seasonal workers. Would like to do it as a hotel and have dormitories as part of that definition. Another one that is short term is hostel, but would not see that anytime soon in Warrenton. All would be a permitted use in C1 zoning or can continue as a Conditional Use as a Multifamily proposal.

The Port of Astoria needs to improve some of the regulations that's in our Development Code called Airport Hazards Overlay. Also needs to improve enforcement of deed restrictions for new development in the overlay zone.

Mr. Gary Kobes Manager of the Port of Astoria explained what the definitions were in 16.92.020 of the Development Code, and also defined the definition of The Imaginary Surfaces. It is the bases of the FAA uses for designing instrument approaches. When they issue an instrument approach, they are basically guaranteeing the pilot of the aircraft that he has x amount of feet clearance above obstacles on the ground. Also working to create deed language that would be added to the title of each property within the Imaginary Surfaces area.

Mr. Cronin brought up the last provision of the housekeeping amendment that is required by the state law. The Oregon Legislature passed SB 1051 with a deadline of July 1 to address it; this is for all jurisdictions with a population above 2,500. The proposal is taking the accessory dwelling unit conditional use and changing it to an outright permitted use. That would bring us into compliance with the new state legislation. Not changing the Accessory Dwelling standards that are living spaces for in-laws, or retired parents and would still have to comply with the setbacks.

Public Hearing Open

No one spoke

Public Hearing Closed

Commissioner Yuill moved to recommend changes to the Development Code as prescribed in the Housekeeping Amendment DCR-18-3 to forward to the City Commission for a purposed public hearing on July 10 with the recommendation to adopt. Commissioner Bridgens seconded. The motion passed unanimously.

Public Hearing Open

Disclosure by Commissioners: Commissioner Yuill rescued himself because he has a common interest. Commissioner Hayward spoke up and said he owns two pieces of property adjacent to this proposed zone change and feels ok with this. Commissioner Lampi spoke up and said he is related to one of the property owners and feels he can make a fair and unbiased decision.

Subject of Review: The proposed zone change for the Spur 104 rezone starts at the auto dealership and down to 104 with 101 as the other boarder and down to where the dental office is. The city needs to address it's housing crisis; so by changing this property to commercial mixed use from its existing zoning it could provide more housing opportunities. In addition to housing, it could help small commercial uses as well.

Applicant Testimony

Mike Morgan , Represents the City of Warrenton
P.O. Box 132
Cannon Beach, OR

The property consists of approximately 20 acres; 3 acres of general industrial at the north end and 17 acres of R10 down to the dental office and Home Depot. It is well served by sewer, water and storm drainage to an extent. The property could be developed to as much as 400 housing units at the maximum density in the CMU zone. The minimum density of 5 units per acre there would be approximately 80 -100 units constructed. A traffic Impact Study was done by Lancaster Engineer. Also looked at the intersections and found that there were no significant patterns identified. A light might be needed at the Ensign Lane

intersection and possibly 104 and 101 intersection. The traffic analysis is positive. Also sits well above the tsunami zone and is not in a floodplain. There is a small area of wetlands to the north point, but that will probably be a part of the storm drainage for the north end.

Commissioner Bridgens pointed out that the turn onto SE Ensign is a scary intersection and asked what would make it safer with the projection of hundreds of more trips per day. Mr. Morgan replied that it would be a decision that the city and ODOT could make with Urban Renewal Funds that could be used for the light as the area continues to develop.

Testimony in Favor

For the record; Dorrie Caruana, Bob Harn, Dave Short, Patrick Weber, Tim & Melva Clark, Lisa Lamping, Julia Quashnick and Kelly Keighthey all are in favor of the rezone.

Mr. Harn spoke up and said he has built a lot of homes in Warrenton. Is in favor for this because there is an opportunity by raising the density in this area and to provide more affordable homes. There is a lot of building going on in Warrenton but it is mostly rental property. This will allow for more townhomes where people can buy them at a reasonable price.

Mr. Short has a lot in this area and a second home in Hammond. It's a nice opportunity.

Ms. Lamping stated that she is in the few acres of the Industrial Zone on the north end.

Trying to sell her crab pot business and changing the zoning will make it more marketable; and the rental property that they have is commercial and would like to have it residential. Has a conventional loan and pays a lot higher interest rate. The city has it so if you have a house on industrial property and it burns down, you cannot rebuild it. A conventional loan will not touch it.

Ms. Quashnick expressed concern that with the rezone would her father still be able to continue to store his personal fishing gear on his property there. The reply was yes as long as it doesn't turn into a code enforcement with gear all over the yard.

Testimony in Opposition

Mr. Chris Holloway is not really opposed to the zone change. Wants the traffic light needs to be addressed before any building is done. When taking their kids to school, he almost gets t-boned everyday; needs a light by the dentist office.

Public Hearing Closed

Discussion Among Commissioners

There was discussion on the difference of what a planned unit development is and a subdivision. A PUD is a subdivision with more flexibility to allow for different housing and various lot sizes. For larger pieces of property, there might be allowance for some commercial uses. A subdivision is pretty much just one way.

Mr. Mitchell agreed with Mr. Hayward that there should only be commercial and not residential along highway 101 and to keep their vision and focus on how they want Warrenton to look like.

Mr. Cronin spoke up and stated that there is one staff change to recommend that the ODOT parcel that has the wetlands on it be changed to OSI (Open Space Institutional) as opposed to changing it to Commercial Mixed Use which was what the original staff report had recommended. Should be maintained as a wetland since nothing can be built on it anyway. The other is to make it a condition to require a master plan with guide lines for the zone change and would require the property owners to come together and discuss how they want to develop their properties.

Mr. Cronin complimented Mr. Yuill on the great job he has done informing everyone about what is going on in that purposed zone change area.

Motion by Commissioners: Commissioner Vince Williams moved to recommend approval of file # DCA 18-2 to the City Commission for review and schedule a hearing to July 10 2018 with the OSI provision that was stated. Commissioner Bridgens seconded. The motion passed unanimously.

Staff Announcements

Mr. Kevin Cronin is the City of Warrenton's new Community Development Director

Meeting adjourned

Attest and submitted by

Janice Weese, Building Clerk

Approved

Paur Mitchell, Planning Commission Chair

6-B

"Making a difference through excellence of service"



CITY OF WARRENTON

AGENDA MEMORANDUM

TO: The Warrenton City Commission
FROM: Kevin A. Cronin, Community Development Director
DATE: For the Agenda of July 24, 2018
SUBJ: **PUBLIC HEARING:** Crites Wetland Hardship Variance Appeal (File No. AP 18-2)

At its May 10, 2018 meeting, the Planning Commission approved a wetland hardship variance application (VAR 15-4) submitted by Adam Crites for eventual development of duplexes at 204-240 NW Cedar Ave. The subject property is located adjacent to an existing dead end portion of NW Cedar Ave. The Planning Commission included seven conditions of approval. An appeal was submitted by Terry and Nancy Ager who are affected property owners. The appellant has standing since Mr. & Mrs. Ager are on record during the public hearing.

The City Commission opened the appeal hearing on June 26, 2018 and continued the hearing until July 24, 2018. The applicant waived the 120-day rule to allow additional time to submit new evidence and render a decision. At the hearing, Mr. Ager provided oral and written testimony regarding stormwater impacts. The written testimony was a duplicate of the Planning Commission testimony. Based on a review of the testimony, staff believes there is no substantial evidence to refute or change the recommendation for approval.

The City Commission expressed concerns regarding the stormwater impacts and grading and fill activities associated with the wetlands. The applicant was required to submit an impact statement for public facilities that included

discussion on stormwater management. Staff requested the City's third party engineer of record Harper Hough Peterson Righellis (HHPR) to review the impact statement. Based on the engineer's review, the impact statement does not give sufficient technical information that would ordinarily be addressed with engineered drawings. However, HHPR believes the stormwater impacts are no different from any residential project of this nature and can be reasonably designed to minimize impacts to the neighborhood.

Regarding concerns for grading and fill activities, the applicant proposed a new condition of approval to address the issue. Staff worked with the applicant on the following condition:

"The applicant will submit an engineered grading, removal and fill plan stamped by a licensed engineer for City review and approval. All plans will be reviewed by the City of Warrenton to confirm the plan complies with the DSL, U.S. Army Corps of Engineers, and the City Code requirements before a grading and fill permit will be issued. The applicant will also complete the standard permits required and in addition will notify the City seven (7) days in advance of the scheduled grading, removal and fill activity so that if the City chooses they can witness and verify the activity complies with the permitted quantities."

The applicant is not required to provide preliminary engineering as part of the land use approval process because the permit request is a wetland hardship variance. However, the applicant is required to submit stamped engineered drawings for all public facilities, including stormwater, as a conditional of approval and prior to building permits, as is customary for development projects.

Wetland hardship variance requests are unique in the sense that they are precursor to granting a development project to move forward and use the property for an intended use (i.e., housing) but does grant the actual development which will be required through other permit requirements. The City Commission needs to closely review the criteria and weigh it against evidence in the record. Below is the criteria that the City Commission *must* use in making a decision on the appeal.

16.156.080 Hardship Variance Procedure and Criteria.

A. For any lands demonstrated to have been rendered not buildable by application of this chapter, the property owner may apply for a hardship variance for relief from the restrictions of this chapter.

B. Hardship variance applications are subject to review in accordance with the standards of Section 16.208.050, Type III Procedure (Quasi-Judicial). Granting of a hardship variance requires that:

- 1. The proposed development represents a reasonable and legal use of the lot or parcel, considering the zoning.*
- 2. Strict adherence to this chapter and other applicable standards would effectively preclude a use of the parcel that could be reasonably expected to occur in similarly zoned parcels.*
- 3. The property owner would be precluded a substantial property right enjoyed by the majority of landowners in the vicinity.*
- 4. The variance is the minimum necessary to retain use of the property.*
- 5. Granting of the variance will not be materially detrimental to the public welfare or be injurious to property or improvements in the neighborhood of the premises.*
- 6. The variance will be in general harmony with the intent and purpose of this chapter, and will not adversely affect any officially adopted Comprehensive Plan policy.*

Enclosed are 1) Applicant's Packet, 2) Roadway Engineering of NW Cedar Ave 3) Existing Drainage Pattern - NW Cedar.

RECOMMENDATION/SUGGESTED MOTION

Based on the evidence in the record, the lack of new evidence to support the arguments in the appeal, and the conditions of approval that were required by the Planning Commission and suggested addition, the request should be denied.

Suggested motion: Based on the May 3, 2018 staff report to the Planning Commission, the record established by the Planning Commission in its review of Application VAR 15-4, and the appeal record established through Agenda Summary for June 26, 2018 and July 24, 2018 City Commission

public hearing, I move to deny Terry & Nancy Ager's appeal of Planning Commission approval and uphold the decision of the Planning Commission.

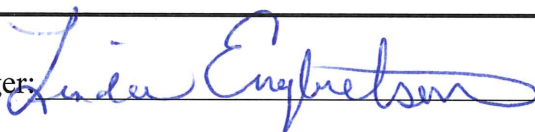
ALTERNATIVE

***Alternative Suggested Motion:** I move to continue the hearing until August 14, 2018 to allow additional public testimony and at such time will reconsider the appeal and any new evidence in the record.*

FISCAL IMPACT

None

Approved by City Manager:

A handwritten signature in blue ink, appearing to read "Linda Engbretson", is written over a horizontal line.

All supporting documentation, i.e., maps, exhibits, etc., must be attached to this memorandum.

ADAM CRITES NW CEDAR AVENUE EXISTING DRAINAGE CONDITIONS CITY OF WARRENTON

LEGEND

	EXISTING EDGE OF ASPHALT
	EXISTING SEWER LINE
	EXISTING WATER LINE
	EXISTING POWER LINE
	EXISTING CULVERT
	EXISTING CONTOUR ELEVATION

	EXISTING HIGH POINT
	EXISTING LOW POINT
	DIRECTION OF SURFACE WATER FLOW
	EXISTING GROUND SURFACE ELEVATION

NARRATIVE:
WATER IN THE RIGHT-OF-WAY FLOWS TOWARDS THE LOW POINTS FROM THE RIDGE AT THE EAST EDGE OF THE ASPHALT .

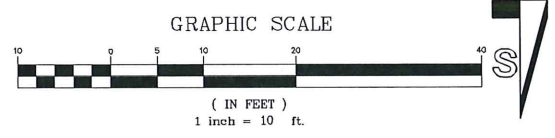
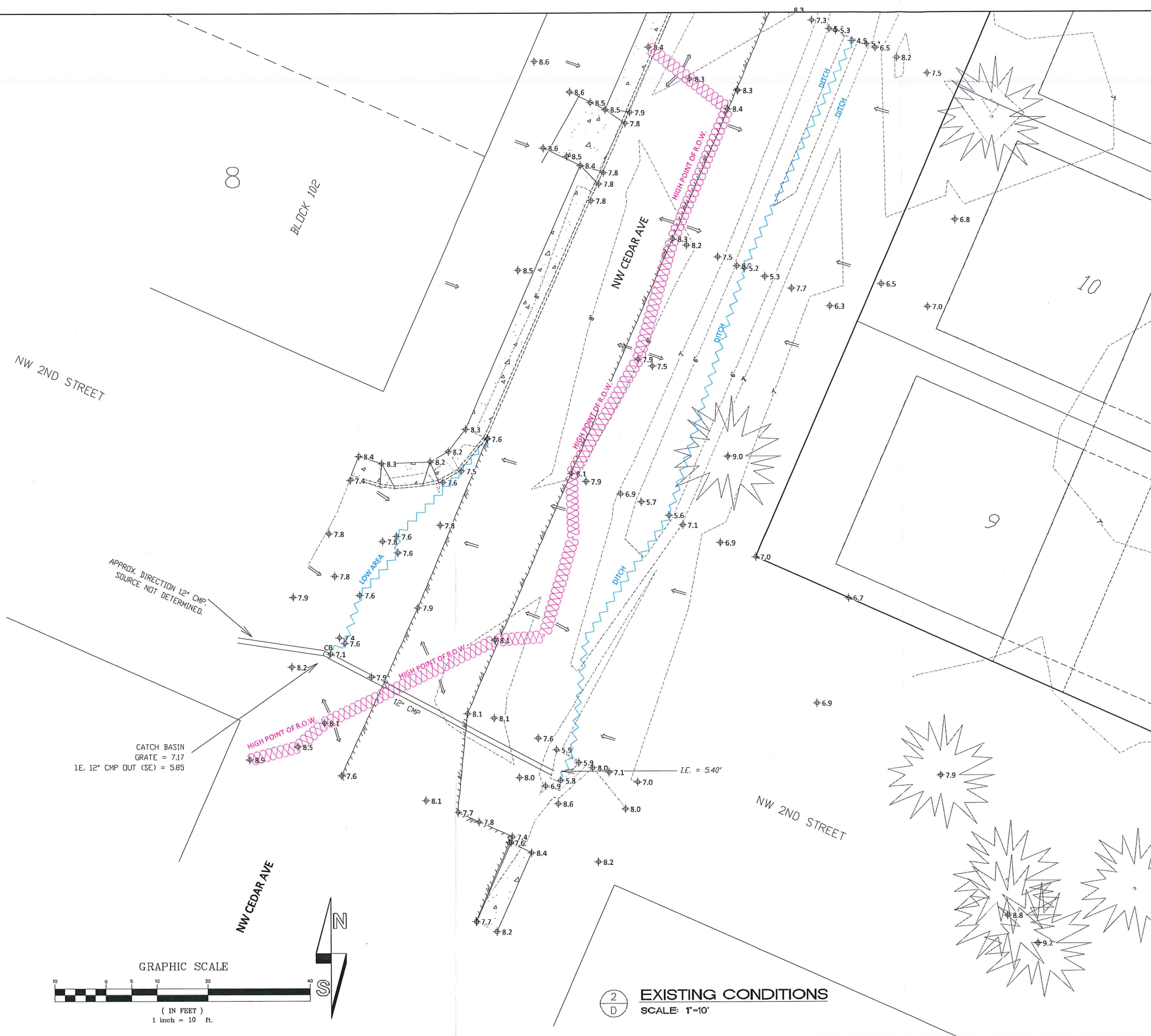
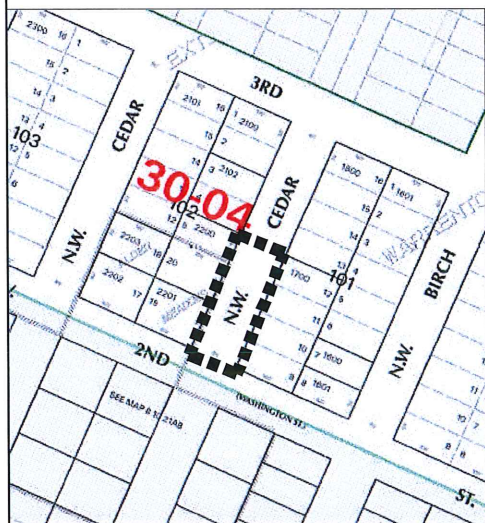
WATER IN THE DITCH ON THE EAST SIDE OF THE ROAD CANNOT CROSS THE RIDGE ABOVE AT THAT ELEVATION. THEREFORE, ANY WATER ON THE WESTERN SIDE OF THE ROAD IS RUN-OFF FROM THE STREET AND THE ADJACENT PROPERTIES.

THE CATCH BASIN IS THE LOWEST POINT AT THE WEST SIDE OF THE INTERSECTION. WATER ACCUMULATES DUE TO THE PLUGGED CATCH BASIN.

UTILITIES SERVICE PROVIDERS

<p>WATER-SEWER-ROADS CITY OF WARRENTON 45 SW 2ND ST WARRENTON, OR 97146 (503) 861-0912</p>	<p>ELECTRICITY PACIFIC POWER 825 NE MULTNOMAH PORTLAND, OR 97232 800-469-3981</p>	<p>OWNER ADAM CRITES PO BOX 9134 BOISE, ID, 83707 208-440-5040</p>
<p>SURVEYING CKI LAND SURVEYING PO BOX 309 SEASIDE, OR 97138 (503) 738-4320 ATTN: SCOTT COOTER, PLS</p>	<p>NATURAL GAS NORTHWEST NATURAL GAS 176 W MARINE DR ASTORIA, OR 97103 (503) 325-1632</p>	

ASSESSORS MAP
SCALE: 1"=150'



EXISTING CONDITIONS
SCALE: 1"=10'



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ENGINEERING, INC.**
CIVIL ENGINEERING
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www.morgancivil.com



ADAM CRITES
NW CEDAR AVE - EXISTING DRAINAGE CONDITIONS
TAX LOT 1700, MAP 8N 10W 16DD
WARRENTON, MAN 8N 10W 16DD

SHEET
D
OF DRAIN

VA17-04-CR0Dwg\CRITES Road.dwg, ex-dmin, 7/17/2018 11:24:03 AM

ADAM CRITES NW CEDAR AVENUE IMPROVEMENTS CITY OF WARRENTON

UTILITY LOCATE ONE CALL
(1-800-332-2344) or (8-1-1)

ATTENTION: OREGON LAW REQUIRES YOU TO FOLLOW RULES ADOPTED BY THE OREGON UTILITY NOTIFICATION CENTER. THOSE RULES ARE SET FORTH IN OAR 952-001-0090 THROUGH OAR 952-001-0090. YOU MAY OBTAIN COPIES OF THE RULES BY CALLING THE CENTER. (NOTE: THE TELEPHONE NUMBER FOR THE OREGON UTILITY NOTIFICATION CENTER IS (503) 232-1987).

PROPERTY IS TAX LOT 1700, MAP 08N 10W 16DD.
NW CEDAR AVENUE, WARRENTON

FEMA FIRM MAP = ZONE X

BASIS OF ELEVATIONS IS NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88) AS MEASURED FROM BENCH MARK "943 9016 TIDAL 2" (PID SC0566) HAVING A PUBLISHED ELEVATION OF 11.57 FEET NAVD88.

SHEETS

- C1 - COVER SHEET
- C2 - UTILITIES
- C3 - SEWER DETAILS
- C4 - ROAD LAYOUT
- C5 - ROAD SECTIONS

SCOPE OF WORK

34x16" STORM DRAIN CHAMBERS	350 LF
6" SEWER EXTENSION	120 LF
6" SEWER LATERALS	4 EA
1" WATER SERVICE LATERALS	4 EA
WATER SERVICE METERS	8 EA
10-WIDE ROADWAY CONSTRUCTION	210 LF

UTILITIES SERVICE PROVIDERS

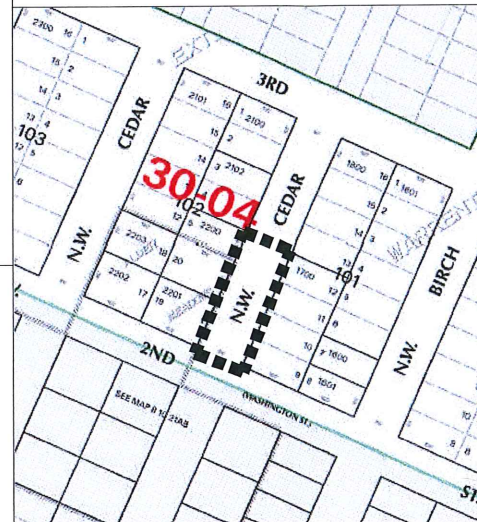
WATER-SEWER-ROADS	ELECTRICITY	OWNER
CITY OF WARRENTON 45 SW 2ND ST WARRENTON, OR 97146 (503) 861-0912	PACIFIC POWER 825 NE MULTNOMAH PORTLAND, OR 97232 800-469-3981	ADAM CRITES PO BOX 9134 BOISE, ID, 83707 208-440-5040
SURVEYING	NATURAL GAS	
CKI LAND SURVEYING PO BOX 309 SEASIDE, OR 97138 (503) 738-4320 ATTN: SCOTT COOTER, PLS	NORTHWEST NATURAL GAS 176 W MARINE DR ASTORIA, OR 97103 (503) 325-1632	

GENERAL SITE PLAN NOTES

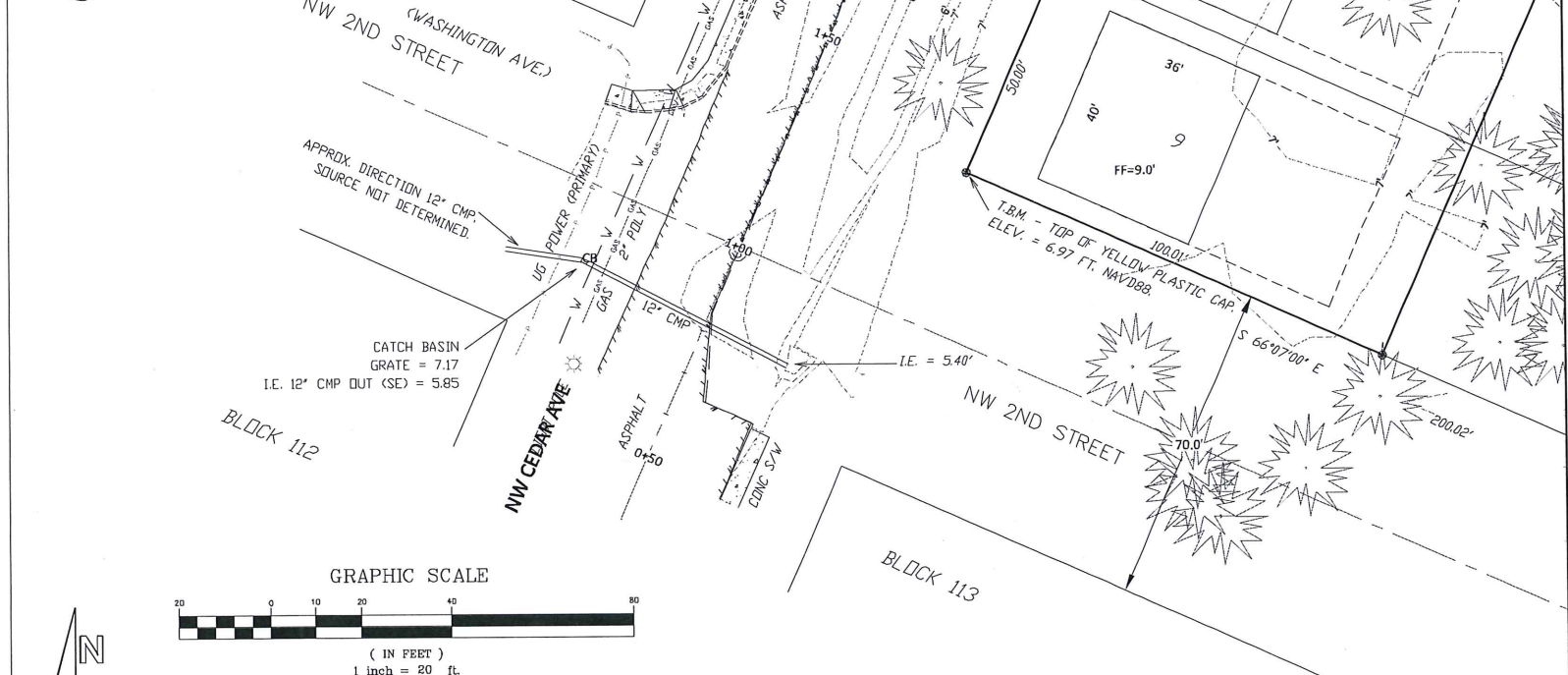
- NO PERSON SHALL DO WORK AFFECTING THE PUBLIC RIGHT-OF-WAY WITHOUT FIRST OBTAINING A PERMIT FROM THE PUBLIC WORKS DEPARTMENT. WORK AFFECTING THE RIGHT-OF-WAY INCLUDES, BUT IS NOT LIMITED TO, CONSTRUCTION, RECONSTRUCTION, GRADING, OILING, REPAIR, OPENING OR EXCAVATION OF A SIDEWALK, STREET, CURB, DRIVEWAY, CULVERT OR DITCH IN A PUBLIC RIGHT-OF-WAY, BUT DOES NOT INCLUDE THE CONSTRUCTION OF IMPROVEMENTS PERFORMED UNDER CITY CONTRACT. (ORD. 1150-A § 4, 2010)
- CONSTRUCTION SHALL CONFORM TO THE OREGON SPECIFICATIONS AND STANDARD DRAWINGS FOR CONSTRUCTION AND AS REVISED BY THE CITY OF WARRENTON. ALL WORK ON THE SUBDIVISION SHALL BE CONSTRUCTED TO THE SATISFACTION OF THE PUBLIC WORKS DIRECTOR. ANY CONDITION NOT DESCRIBED IN THE PERMIT SHALL BE PER SUBMITTED PLANS AND TO ALL APPLICABLE REQUIREMENTS OF APWA, AWWA, DEQ, EPA, DSL, AND ODOT CONSTRUCTION STANDARDS. (ORD. 1150-A § 7, 2010)
- THE CONTRACTOR IS RESPONSIBLE TO CALL 1-800-332-2344 FOR LOCATES PRIOR TO EXCAVATION. ANY DAMAGE TO CITY OR PRIVATE SERVICES SHALL BE REPAIRED BY THE CONTRACTOR WITH OWN REPAIR MATERIALS
- ALL PROJECT ELEMENTS SHALL BE CONSTRUCTED PER PROJECT ENGINEERING DRAWINGS; SPECIFICATIONS; FEDERAL, STATE AND LOCAL PERMITS; AND PRE-CONSTRUCTION MEETING NOTES
 - PROJECT: NW CEDAR AVENUE IMPROVEMENTS
 - CONTRACTOR: TO BE DETERMINED
 - RIGHT OF WAY: NW CEDAR AVENUE
- PROJECT INSPECTION ON PRIVATE PROJECTS IS THE RESPONSIBILITY OF THE OWNER. THE CITY WARRENTON REQUIRES THE PROJECT ENGINEER TO MONITOR CONSTRUCTION STANDARDS AND WORKMANSHIP
- INFRASTRUCTURE THROUGH NEIGHBORING PROPERTY IS ALLOWED ONLY WHEN RECORDED ACCESS EASEMENTS ARE GRANTED BY OWNERS. RECORDED EASEMENTS SHALL BE SUBMITTED TO PUBLIC WORKS PRIOR TO THE START OF THE WARRANTY PERIOD.
- ALL TV RECORDING OF SANITARY AND STORM LINES SHALL BE ACCOMPLISHED BY THE CONTRACTOR AND VIEWED BY PUBLIC WORKS FOR APPROVAL PRIOR TO FINAL PAVING.
- ALL TV RECORDING OF SANITARY AND STORM LINES SHALL BE IN DIGITAL FORMAT WITH A WRITTEN REPORT. WRITTEN REPORTS SHALL INCLUDE THE CITY BASIN AND MANHOLE NUMBERING SCHEME.
- CAMERA OF SANITARY AND STORM SEWER MAINS SHALL PAN AND VIEW UP EACH SERVICE LATERAL. THE VIDEO SHALL EXAMINE THE JOINT TRANSITION FROM ONE MATERIAL TO ANOTHER, SERVICE TEE CONNECTIONS, CENTERLINES AND JOINTS, SERVICE ALIGNMENT, MANHOLES AND MANHOLE TO PUBLIC MAIN PIPE CONNECTIONS. THE VIDEO SHALL BE STARTED NO GREATER THAN 2 FEET FROM THE CENTER OF THE BEGINNING MANHOLE.
- THE CITY REQUIRES COPIES OF EVENT LOGS, TEST REPORTS, CAMERA AND STILL PHOTOS. WATER SHALL BE ADDED TO THE STORM AND SANITARY LINES PRIOR TO TV RECORDING TO VERIFY GRADE SLOPE CONSISTENCY. STILL PHOTOS SHALL BE TAKEN OF ALL WATER VALVE JUNCTIONS INCLUDING FIRE HYDRANT TEES. FIRE HYDRANTS SHALL HAVE GPM FLOW RATE AND PRESSURE RECORDED AND SUBMITTED.
- TRACER WIRE INSTALLATION SHALL BE BLUE FOR WATER, GREEN FOR SEWER AND STORM SEWER. ALL TRACER WIRE SHALL BE 12 GAUGE. TRACER WIRE SHALL BE EXTENDED INTO AND LOOPED INSIDE ALL VALVE BOXES, MANHOLES AT THE RIM NOT PIPE PENETRATIONS, AND CATCH BASINS.
- UNDERGROUND WIRE CAPS APPROVED BY PUBLIC WORKS SHALL BE USED ON ALL CONNECTIONS.
- CONTRACTOR SHALL CHECK AND VERIFY LOCATE CONTINUITY FOR ALL INFRASTRUCTURE PRIOR TO FINAL PAVING.
- SUBDIVISION PROJECTS ARE REQUIRED TO HAVE UTILITY LOCATION PLAN.
- ALL DSL, DEQ, ODOT, AND OSHDWD PERMITS AND REGULATIONS WILL BE THE RESPONSIBILITY OF THE DEVELOPER.
- ALL PUBLIC, PRIVATE AND FRANCHISE UTILITIES SHALL BE IN PLACE PRIOR TO PROJECT FINAL APPROVAL AND ACCEPTANCE, E.G. ALL STREET LIGHTS MUST BE IN AND OPERATIONAL.
- GRADING AND FILL/EXCAVATION PERMITS OR PRIVATE SERVICE PLUMBING PERMITS SHALL BE REQUIRED WHEN WORK IS PERFORMED ON PRIVATE PROPERTY. OWNER, ENGINEER, OR CONTRACTOR MUST CONTACT THE CITY OF WARRENTON PLANNING AND BUILDING DEPARTMENT
225 S. MAIN AVE, 97146-0250, PRIOR TO CONSTRUCTION
- WATER USED DURING CONSTRUCTION FOR DUST CONTROL OR OTHER PROCEDURES SHALL BE WITH A PERMIT AND FEE TO CITY REQUIREMENTS. CERTAIN HYDRANTS ARE AVAILABLE, PERMITS FOR CONNECTION AND FLOW ARE REQUIRED FROM THE PUBLIC WORKS DEPARTMENT, AND BACKFLOW DEVICES SHALL BE PRESENT.
- WARRANTY BOND AND PERIOD SHALL BE STANDARD ONE YEAR WITH AN 11TH MONTH WARRANTY INSPECTION. THE PERFORMANCE BOND, IF REQUIRED FOR PLATTING PRIOR TO CONSTRUCTION, IS THE TOTAL OF THE AVERAGE OF THE LOWEST 3 BIDDERS IF AVAILABLE PLUS AN ADDITIONAL 20% OR THE ENGINEERS ESTIMATE PLUS AN ADDITIONAL 20%.
- A WRITTEN REQUEST BY THE PROJECT OWNER TO THE CITY IS REQUIRED FOR INFRASTRUCTURE PERMIT APPROVAL AND TO START THE WARRANTY PERIOD.
- A WRITTEN REQUEST BY THE PROJECT OWNER TO THE CITY IS REQUIRED FOR INFRASTRUCTURE PERMIT ACCEPTANCE AT THE END OF THE WARRANTY PERIOD WORK AND COMPLETION.
- AS BUILT DRAWINGS FOR SITE INFRASTRUCTURE ARE REQUIRED AT THE CONCLUSION OF ALL PROJECTS. PRIOR TO FINAL APPROVAL, A LETTER OF INTENT TO PROVIDE AS BUILTS SHALL BE SUBMITTED TO THE CITY.
AS BUILT DRAWINGS SHALL CONSIST OF ONE COPY DIGITAL IN STATE PLANE OREGON NORTH ZONE COORDINATES, ONE COPY PAPER, ONE CD DISC, AND BE SUBMITTED TO THE CITY PUBLIC WORKS OFFICE WITHIN 30 DAYS OF BEGINNING THE WARRANTY PERIOD.

LEGEND

	EXISTING EDGE OF ASPHALT
	EXISTING SEWER LINE
	EXISTING WATER LINE
	EXISTING POWER LINE
	EXISTING CULVERT
	EXISTING CONTOUR ELEVATION
	PROPOSED EDGE OF ASPHALT
	PROPOSED WATER SERVICE
	PROPOSED SEWER MAIN
	PROPOSED SEWER SERVICE
	PROPOSED DRAINAGE CHAMBER
	FG ELEVATION



ASSESSORS MAP
SCALE: 1"=150'



EXISTING CONDITIONS
SCALE: 1"=20'

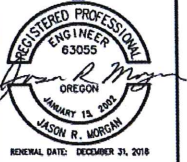
NO.	DATE	DESCRIPTION	BY
1	07/17/2018	UPDATE LOCATION AND BENCHMARK	JRM



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JOB NO. #17-06-CR1
DATE JULY 11, 2018



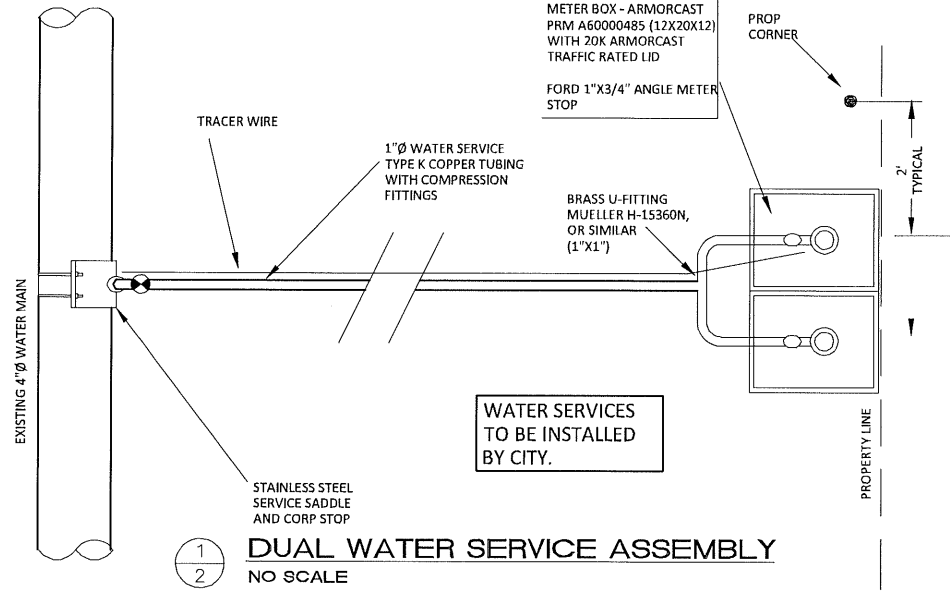
RENEWAL DATE: DECEMBER 31, 2019

ADAM CRITES
NW CEDAR AVE IMPROVEMENTS
TAX LOT 1700, MAP 8N 10W 16DD
WARRENTON, MAN 8N 10W 16DD

SHEET

1

OF FIVE



SEWER SCHEDULE

STATION	COMPONENT	IE AT MAIN	IE AT PL	FG
0+98.8	EXISTING MANHOLE	5.1	N/A	8.06
1+55.9	NEW 6" SERVICE SADDLE	5.32	5.72	7.75
2+06.4	NEW 6" SERVICE SADDLE	5.52	5.92	7.45
2+16.8	EXISTING CLEAN-OUT	5.56	N/A	8.31
2+58.1	NEW 6" SERVICE TEE	5.73	6.43	7.42
3+05.0	NEW 6" SERVICE TEE	5.92	6.32	7.05
3+10.0	NEW END OF LINE CLEAN-OUT	5.94	N/A	7.25

WATER NOTES

SEE DETAILS ON SHEET 2.

- NEW DUAL-WATER SERVICE.
1" Ø COPPER.
DIVIDE INTO TWO METERS

INSTALL OVER NEW DRAINAGE PIPES.
INSTALL IN 10-FOOT SLEEVE OF 2" Ø SCH 80 PVC, OR SIMILAR.

COMPACT ALL BACKFILL.
REPAIR ASPHALT AND GRAVEL ROADS, AS NEEDED. MATCH EXISTING.

SEWER NOTES

INSTALL ALL PIPE IN COMPLIANCE WITH TRENCH DETAIL. SEE SLOPES AND ELEVATIONS ON PLAN AND PROFILE

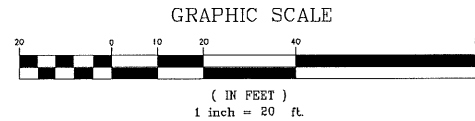
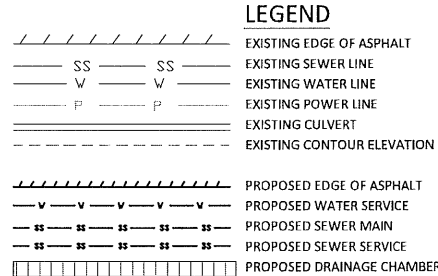
USE AWWA C-900 FOR ALL NEW PIPE.

SEE DETAILS ON SHEET 3.

- EXPPOSE AND REMOVE EXISTING CLEAN-OUT. USE D-3034 TO C-900 ADAPTER.
- EXTEND 6" Ø PVC AWWA C-900 PIPE. SLOPE=0.40%. L=110 FT.
- INSTALL NEW 6" Ø SEWER SERVICE ASSEMBLY WITH TEE. S=1/8"/FT = 1.0%.
- INSTALL 6" Ø NEW SEWER SERVICE ASSEMBLY WITH SADDLE. S=1/8"/FT = 1.0%.
- INSTALL NEW 6" Ø END OF LINE CLEANOUT.

ALL CRUSHED ROCK BEDDING AND INITIAL BACKFILL. COMPACT ALL BACKFILL. ALL CDF (LOW-DENSITY CONCRETE) BACKFILL.

TESTING DEFLECTION AND VIDEO TESTING REQUIRED FOR ALL NEW PIPE.

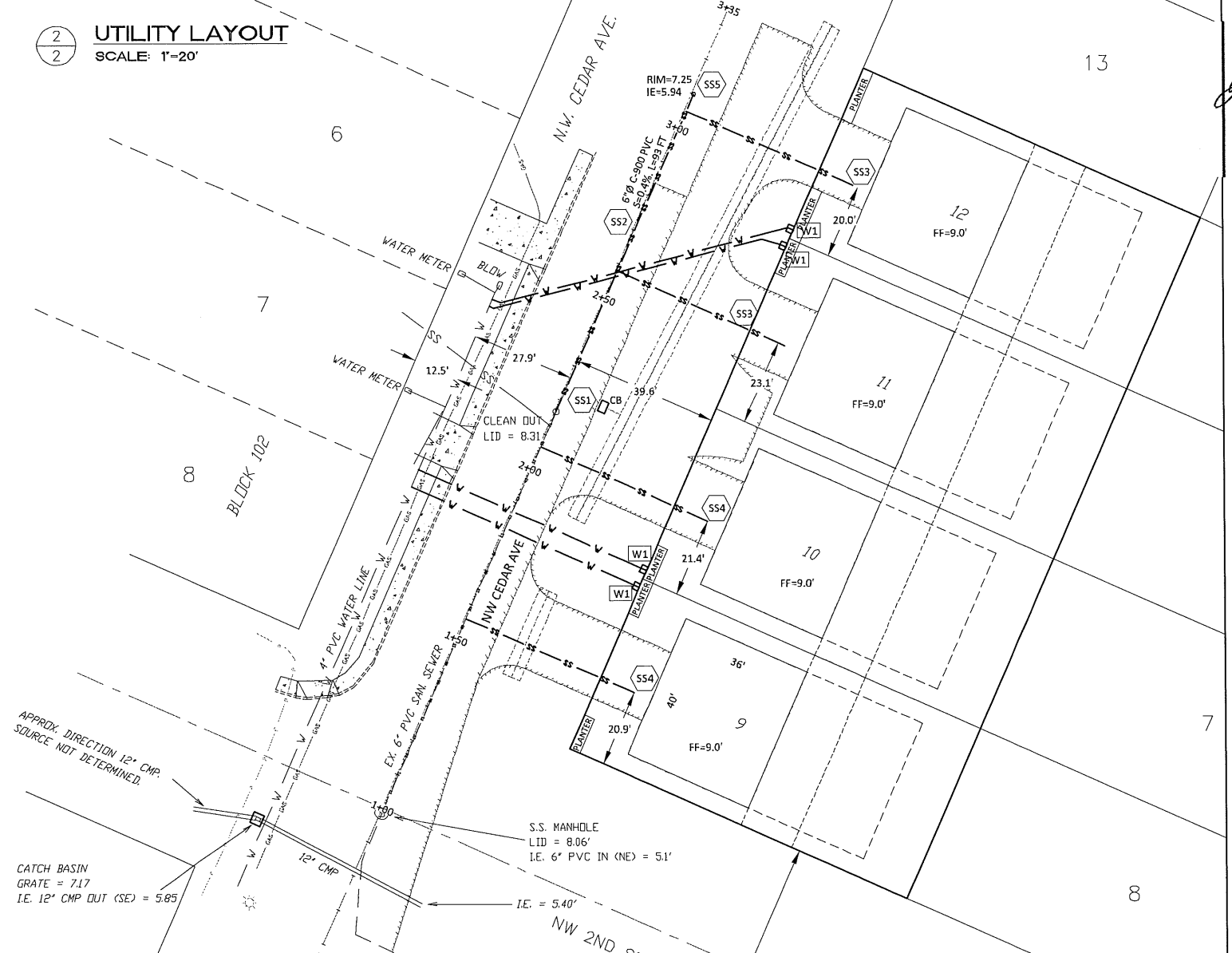


SANITARY SEWAGE FACILITIES:

- UNLESS OTHERWISE NOTED, MATERIALS AND WORKMANSHIP FOR SANITARY SEWER SHALL CONFORM TO OSSC (ODOT/APWA) SPECIFICATIONS, 2002 EDITION.
- THE CONTRACTOR SHALL HAVE APPROPRIATE EQUIPMENT ON SITE TO PRODUCE A FIRM, SMOOTH, UNDISTURBED SUBGRADE AT THE TRENCH BOTTOM, TRUE TO GRADE. THE BOTTOM OF THE TRENCH EXCAVATION SHALL BE SMOOTH, FREE OF LOOSE MATERIALS OR TOOTH GROOVES FOR THE ENTIRE WIDTH OF THE TRENCH PRIOR TO PLACING THE GRANULAR BEDDING MATERIAL.
- BEDDING AND BACKFILL. ALL SANITARY SEWER PIPES SHALL BE BEDDED WITH A MINIMUM OF 4-INCHES OF 3/4" MINUS CRUSHED ROCK BEDDING AND BACKFILLED WITH COMPACTED 3/4" MINUS CRUSHED ROCK IN THE PIPE ZONE [CRUSHED ROCK SHALL EXTEND A MINIMUM OF 12-INCHES OVER THE TOP OF THE PIPE IN ALL CASES]. CRUSHED ROCK TRENCH BACKFILL SHALL BE USED UNDER ALL IMPROVED AREAS, INCLUDING SIDEWALKS.
- TRENCH BACKFILL IN THE PIPE ZONE SHALL BE ACHIEVED BY MECHANICAL MEANS IN HORIZONTAL LIFTS TO NINETY PERCENT (90%) OF THE MAXIMUM DRY DENSITY PER AASHTO T-180 TEST METHOD.
- COMPACTION IN THE BACKFILL ZONE (MORE THAN 12" ABOVE THE TOP OF PIPE) AND WITHIN THE STREET RIGHT OF WAY SHALL BE ACHIEVED BY MECHANICAL MEANS IN HORIZONTAL LIFTS TO NINETY-TWO PERCENT (92%) OF THE MAXIMUM DRY DENSITY PER AASHTO T-180 TEST METHOD UNLESS A GREATER DEGREE OF COMPACTION IS REQUIRED BY ANOTHER AGENCY WITH JURISDICTION.
- COMPACTION IN THE BACKFILL ZONE (MORE THAN 12" ABOVE THE TOP OF PIPE) AND OUTSIDE THE STREET RIGHT OF WAY SHALL BE ACHIEVED BY MECHANICAL MEANS IN HORIZONTAL LIFTS TO NINETY PERCENT (90%) OF THE MAXIMUM DRY DENSITY PER AASHTO T-180 TEST METHOD UNLESS A GREATER DEGREE OF COMPACTION IS REQUIRED BY ANOTHER AGENCY WITH JURISDICTION.
- CRUSHED ROCK SHALL CONFORM TO THE REQUIREMENTS OF OSSC (ODOT/APWA) 02630.10 [DENSE GRADED BASE AGGREGATE].
- ALL CITY OF WARRENTON PIPED FACILITIES ABANDONED IN PLACE SHALL HAVE ALL OPENINGS CLOSED WITH CONCRETE PLUGS WITH A MINIMUM LENGTH EQUAL TO TWO (2) TIMES THE DIAMETER OF THE ABANDONED PIPE.
- THE END OF ALL UTILITY STUBS SHALL BE MARKED WITH A PAINTED 2x4, EXTENDING 2 FEET MINIMUM ABOVE FINISH GRADE, AND WIRED TO PIPE STUB (PAINTED WHITE FOR SANITARY SEWER). TYPE OF UTILITY (IE, SEWER) AND DEPTH BELOW GRADE TO PIPE INVERT SHALL BE CLEARLY & PERMANENTLY LABELED ON THE MARKER POST.
- NO TRENCHES IN ROADS OR DRIVEWAYS SHALL BE LEFT IN AN OPEN CONDITION OVERNIGHT. ALL SUCH TRENCHES SHALL BE CLOSED BEFORE THE END OF EACH WORK DAY AND NORMAL TRAFFIC FLOWS RESTORED.
- SANITARY SEWER & WATERLINE CROSSINGS. WHERE SANITARY SEWER LINES CROSS ABOVE OR WITHIN 18-INCHES OF VERTICAL SEPARATION BELOW A WATERLINE, SEWER MAINS AND/OR LATERALS SHALL BE REPLACED WITH DUCTILE IRON PIPE AT THE CROSSING. CENTER ONE FULL LENGTH OF CLASS 50 DUCTILE IRON PIPE CONFORMING TO AWWA C-151 AND C-104 AT POINT OF CROSSING. CONNECT TO EXISTING SEWER LINES WITH APPROVED RUBBER COUPLINGS.
- PER DEQ REQUIREMENTS, DEVELOPER/CONTRACTOR SHALL HAVE SANITARY SEWERAGE FACILITIES INSPECTED, TESTED PER APWA PROCEDURES AND CERTIFIED BY A LICENSED ENGINEER.
- UNLESS OTHERWISE SPECIFIED, SANITARY SEWER PIPE SHALL BE PVC IN CONFORMANCE WITH ASTM D3034, SDR 35. MINIMUM STIFFNESS SHALL BE 46 PSI PER ASTM D-2412 AND JOINT TYPE SHALL BE ELASTOMERIC GASKET CONFORMING TO ASTM D-3212. ALL OTHER APPURTENANCES AND INSTALLATION SHALL CONFORM TO CITY OF WARRENTON REQUIREMENTS.
- SANITARY SEWER TESTING. SANITARY SEWERS AND RELATED APPURTENANCES SHALL BE TESTED IN ACCORDANCE WITH THE OSSC (ODOT/APWA) SPECIFICATIONS, 2002 EDITION UNLESS OTHERWISE REQUIRED BY CITY OF WARRENTON. THE COST OF ALL TESTING AND ANY CORRECTIVE WORK ARE THE RESPONSIBILITY OF THE DEVELOPER.
- SANITARY PIPE CLEANING. PRIOR TO MANDREL OR AIR TESTING, FLUSH AND CLEAN ALL SEWERS TO REMOVE ALL FOREIGN MATERIALS FROM MAINLINES AND MANHOLES. FAILURE TO CLEAN ALL DIRT AND DEBRIS FROM PIPELINES PRIOR TO TV INSPECTION WILL RESULT IN THE NEED TO RE-CLEAN AND RE-TV THE LINES.
- SEWER PIPE AIR TESTING. CONFORM TO OSSC (ODOT/APWA) 00455.72.C AND THE PROCEDURE LISTED ON THE TEST FORM IN PWDS APPENDIX A. ALL SANITARY SEWER MAINS, SERVICES AND APPURTENANCES SHALL BE TESTED FOR LEAKAGE. LEAKAGE TESTS SHALL INCLUDE AN AIR TEST OF ALL SEWER MAINS AND LATERALS PRIOR TO PAVING, AND A SEPARATE AIR TEST OF ALL SEWER MAINS AND LATERALS FOLLOWING EXCAVATION AND BACKFILLING OF ANY FRANCHISE UTILITY TRENCHES OR OTHER UTILITY WORK THAT CROSSES SANITARY SEWER LATERALS.
- SEWER PIPE DEFLECTION TESTING. CONFORM TO OSSC (ODOT/APWA) 00445.73. CONTRACTOR SHALL CONDUCT DEFLECTION TEST OF FLEXIBLE SANITARY SEWER PIPES BY PULLING AN APPROVED MANDREL THROUGH ALL COMPLETED SEWER MAINS FOLLOWING TRENCH COMPACTION. THE DIAMETER OF THE MANDREL SHALL BE 95% OF THE INITIAL PIPE DIAMETER.
- TV INSPECTION OF SANITARY SEWERS. UPON COMPLETION OF ALL SEWER CONSTRUCTION, TESTING AND REPAIR, THE CONTRACTOR SHALL CONDUCT A COLOR TV ACCEPTANCE INSPECTION OF ALL MAINLINES IN ACCORDANCE WITH OSSC (ODOT/APWA) 445.74 TO DETERMINE COMPLIANCE WITH GRADE REQUIREMENTS OF OSSC (ODOT/APWA) 445.40.B. THE TV INSPECTION SHALL BE CONDUCTED BY AN APPROVED TECHNICAL SERVICE WHICH IS EQUIPPED TO MAKE AUDIO-VISUAL RECORDINGS OF THE TV INSPECTIONS ON DVD (VHS VIDEO TAPE ACCEPTABLE ONLY UPON PRIOR WRITTEN APPROVAL BY CITY OF WARRENTON). UNLESS OTHERWISE APPROVED IN WRITING BY THE DISTRICT ENGINEER, A STANDARD 1-INCH DIAMETER BALL SHALL BE SUSPENDED IN FRONT OF THE CAMERA DURING THE INSPECTION TO DETERMINE THE DEPTH OF ANY STANDING WATER. SUFFICIENT WATER TO REVEAL LOW AREAS OR REVERSE GRADES SHALL BE DISCHARGED INTO THE PIPE IMMEDIATELY PRIOR TO INITIATION OF THE TV INSPECTION. THE DVD AND WRITTEN REPORT SHALL BE DELIVERED TO THE DISTRICT ENGINEER.
- RE-INSPECTION OF THE SANITARY SEWER SYSTEM USING TV INSPECTION PLUS ANY OR ALL OF THE ABOVE TEST METHODS SHALL BE PERFORMED AS REQUIRED BY CITY OF WARRENTON NEAR THE COMPLETION OF THE 18 MONTH WARRANTY PERIOD. THE RESULTS OF THESE TEST(S) WILL BE USED BY CITY OF WARRENTON TO DETERMINE IF FINAL ACCEPTANCE OF THE SYSTEM IS WARRANTED AND WHAT CORRECTIVE WORK IS REQUIRED PRIOR TO FINAL ACCEPTANCE. THE COST OF THESE RE-INSPECTIONS AND ANY CORRECTIVE WORK ARE THE RESPONSIBILITY OF THE DEVELOPER.
- PRIOR TO OR CONCURRENT WITH CONNECTION TO A SANITARY SEWER LATERAL, IT SHALL BE DEMONSTRATED TO THE DISTRICT THAT THE SEWER LATERAL IS NOT OBSTRUCTED. THIS SHALL BE ACCOMPLISHED BY "SNAKING" THE SERVICE LATERAL DOWNSTREAM OF THE CONNECTION POINT TO THE MAINLINE, OR SIMILAR METHOD ACCEPTABLE TO THE DISTRICT. DISTRICT PERSONNEL OR AUTHORIZED AGENT SHALL BE PRESENT DURING THE "SNAKING" OR OTHER DEMONSTRATION METHOD.
- THE CONTRACTOR SHALL BE RESPONSIBLE TO ENSURE THAT ALL REQUIRED OR NECESSARY INSPECTIONS ARE COMPLETED BY AUTHORIZED INSPECTORS PRIOR TO PROCEEDING WITH SUBSEQUENT WORK WHICH COVERS OR THAT IS DEPENDENT ON THE WORK TO BE INSPECTED. FAILURE TO OBTAIN NECESSARY INSPECTION(S) AND APPROVAL(S) SHALL RESULT IN THE CONTRACTOR BEING FULLY RESPONSIBLE FOR ALL PROBLEMS AND/OR CORRECTIVE MEASURES ARISING FROM UNINSPECTED WORK.

UTILITY LAYOUT

SCALE: 1"=20'



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JOB NO. #17-04-CH
DATE JUL 11, 2018



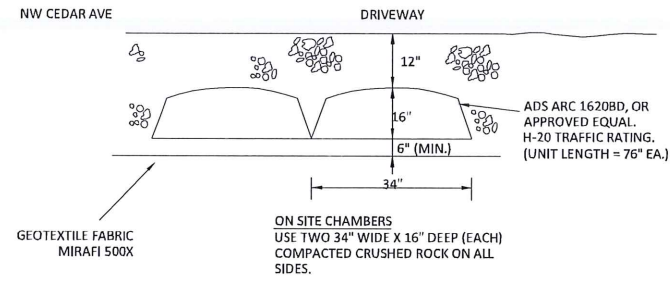
ADAM CRITES
NW CEDAR AVE IMPROVEMENTS
UTILITY LAYOUT

WARRENTON, MAN BN 10W 16DD

SHEET

2

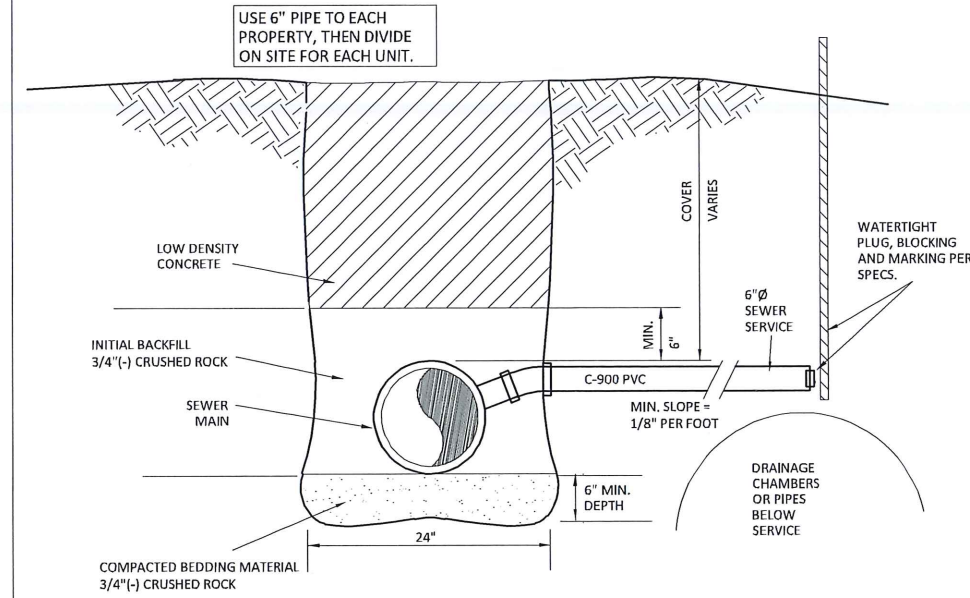
OF FIVE



1
3 DRAINAGE CHAMBERS/PIPES
NO SCALE



3
3 SEWER MAIN CLEANOUT
NO SCALE



4
3 SEWER SERVICE ASSEMBLY
NO SCALE



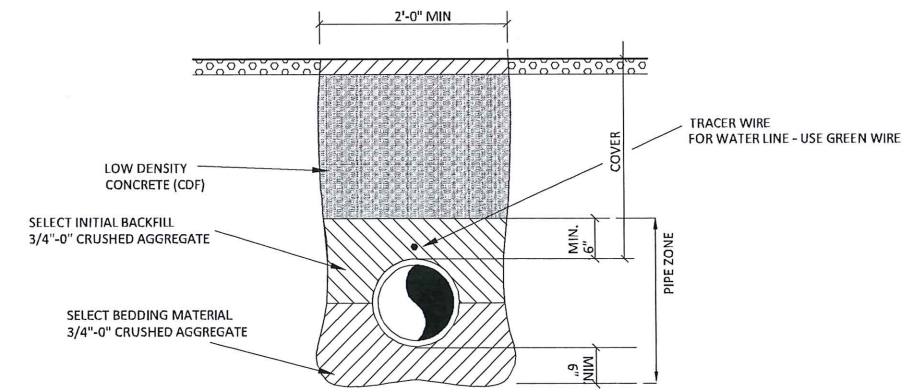
*Reduce spacing 50% for 24", 36" & 48" sizes.
**Recommend square shape for 36" and 48" sizes.

A	B	C	D	E	F	G	H	J	K	L
18	24	.375	.625	7	4 D	3	3 C	3.5	6.938	1.5
24	30	.375	.625	7.25	6 D	4.5	5 C	5.938	10.125	1.5
36	36	.625	.875	7.5	8 D	6	7 C	6.875	14.25	2.25
48	48	.75	1.25	10.5	10 D	8	9 C	8.625	18.513	3

COLORS: LEGEND - RED (RETROREFLECTIVE)
BACKGROUND - WHITE (RETROREFLECTIVE)

1-103

2
3 NO PARKING SIGN
NO SCALE



5
3 TYPICAL TRENCH
NO SCALE



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JOB NO. #17-04-CRI
DATE JUN 11, 2018



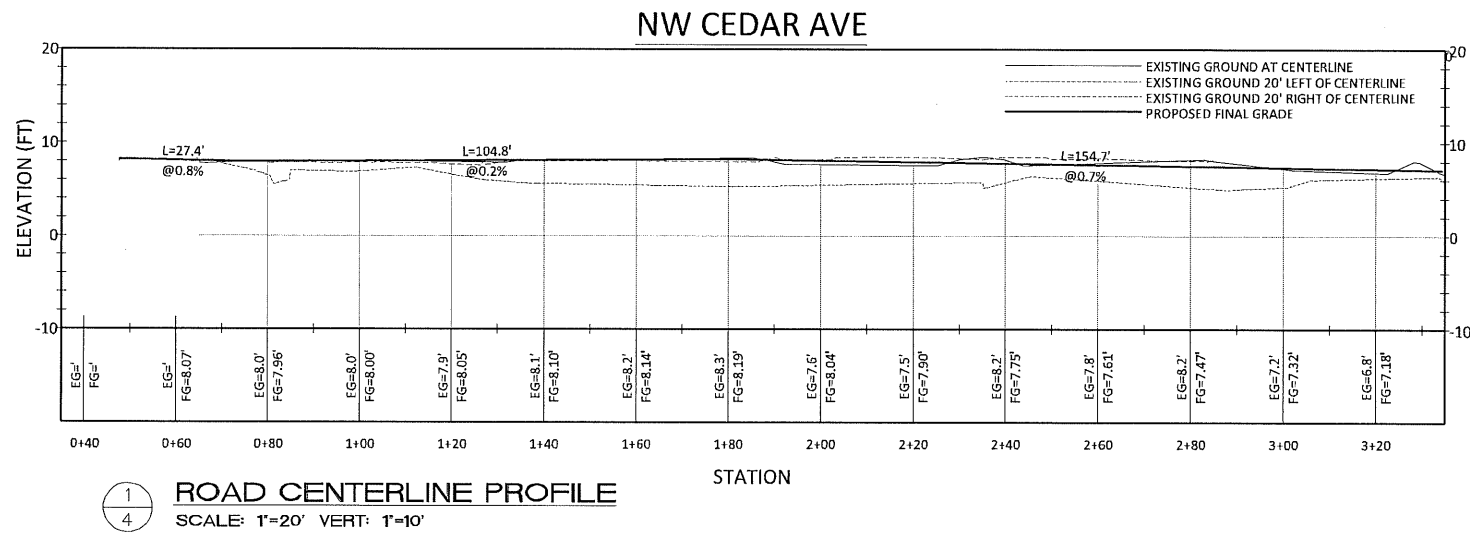
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NW CEDAR AVE IMPROVEMENTS
SEWER DETAILS

WARRENTON, MAN 8N 10W 16DD

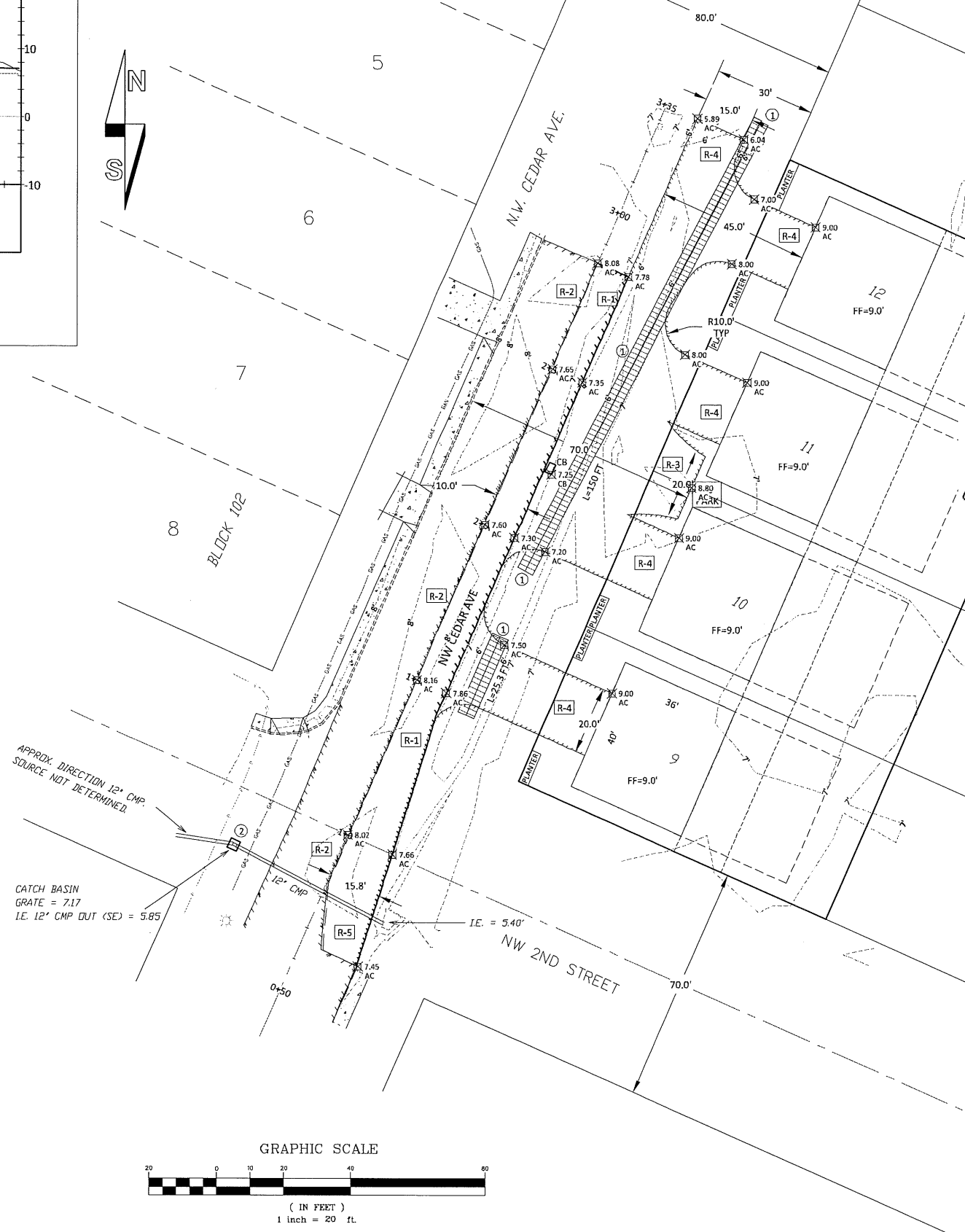
SHEET

3

OF FIVE



2
4 ROAD/DRAINAGE LAYOUT
SCALE: 1"=20'



ROAD NOTES

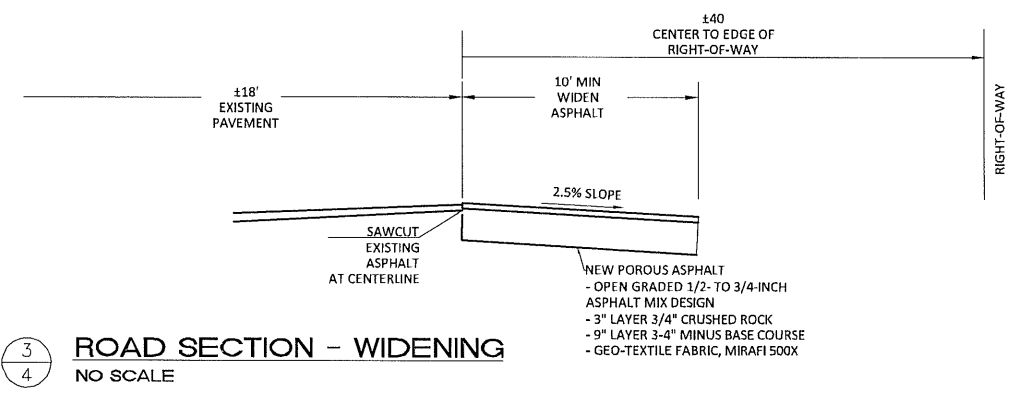
- SEE SECTIONS ON SHEET 5. USE ALL PERMEABLE ASPHALT.
- EXCAVATE TO SUB-GRADE. CONSTRUCT NEW ROADWAY BASE. WIDEN ROAD BASE BY 10 FEET. GRADE LEVELING COURSE AT 4% SLOPE FROM CENTERLINE.
 - SAWCUT ASPHALT TO FORM CLEAN MATCH BEFORE PAVING. USE BITUMINOUS SEALANT BEFORE PLACING NEW ASPHALT.
 - INSTALL HAMMERHEAD TURNAROUND. FOLLOW ROAD SPECS - PERMEABLE ASPHALT. FIRE DEPARTMENT TO APPROVE. WITH CULVERTS. SEE NO PARKING SIGN DETAIL 2, SHEET 3.
 - NEW DRIVEWAY - 20 FT WIDE. PERMEABLE ASPHALT WITH CULVERTS.
 - ROADWAY TRANSITION. EXCAVATE EXISTING SHOULDER 18' TO CREATE FULL ROAD BASE. USE PERMEABLE ASPHALT. MATCH EXISTING ROADWAY. SAWCUT ROAD EDGE BEFORE PAVING.
- COMPACT BASE ROCK AND LEVELING ROCK WITH STEEL WHEELED ROLLER. USE 10,000 LB ROLLER WITH 40-INCH DRUM OR EQUIVALENT.

DRAINAGE NOTES

- SEE ELEVATIONS ON PLANS.
- INSTALL TWO NEW HDPE CHAMBERS. 34" Wx18" Dx76" L. ADS 1620BD, OR EQUAL. H-20 TRAFFIC RATING. MIN 12-INCH COVER. SEE PLANS FOR LENGTH. SEE DETAIL 1, SHEET 3. ALTERNATE - USE TWO 30" Ø HDPE PIPES.
 - CLEAN OUT EXISTING CATCH BASIN.
 - INSTALL NEW CONCRETE CATCH BASIN. CONNECT TO CHAMBERS/PIPE. CUT ±18" Ø HOLE IN BOTTOM OF BASIN.

LEGEND

	EXISTING EDGE OF ASPHALT
	EXISTING SEWER LINE
	EXISTING WATER LINE
	EXISTING POWER LINE
	EXISTING CULVERT
	EXISTING CONTOUR ELEVATION
	PROPOSED EDGE OF ASPHALT
	PROPOSED WATER SERVICE
	PROPOSED SEWER MAIN
	PROPOSED SEWER SERVICE
	PROPOSED DRAINAGE CHAMBER
	FG ELEVATION



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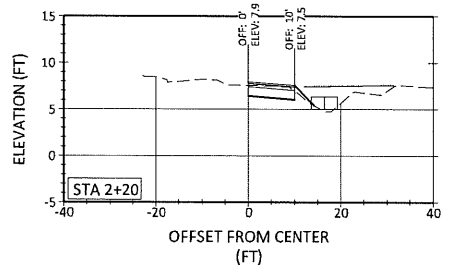
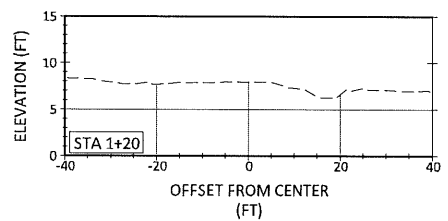
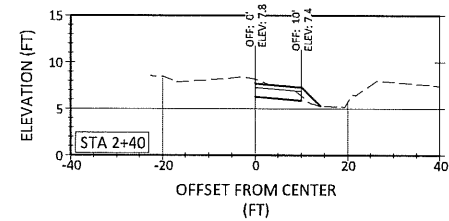
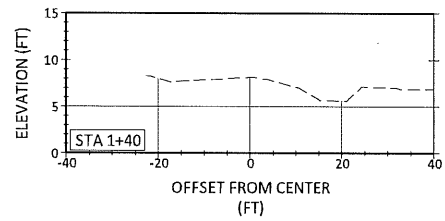
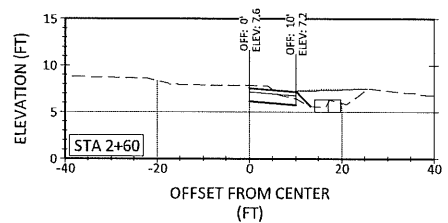
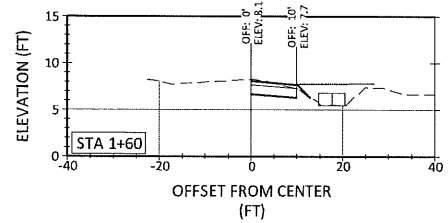
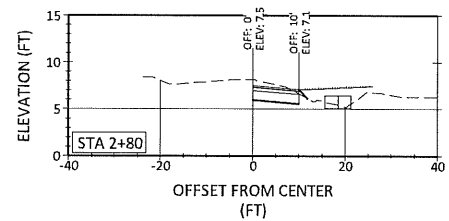
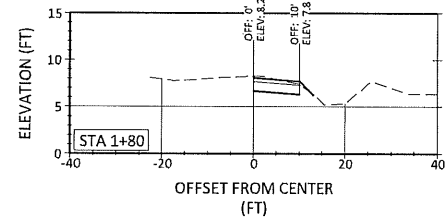
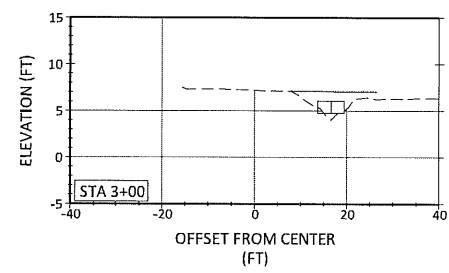
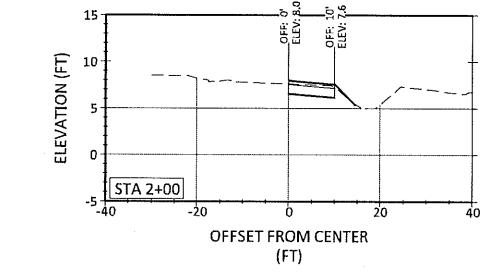
PROFESSIONAL ENGINEER
 JASON R. MORGAN
 OREGON
 JANUARY 15, 2009
 FEDERAL DATE: DECEMBER 31, 2018

ADAM CRITES
 NW CEDAR AVE IMPROVEMENTS
 ROAD & STORM IMPROVEMENTS
 WARRENTON, MAN BN 10W 16DD

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ROAD SECTIONS
SCALE: 1"=20' VERT: 1"=10'



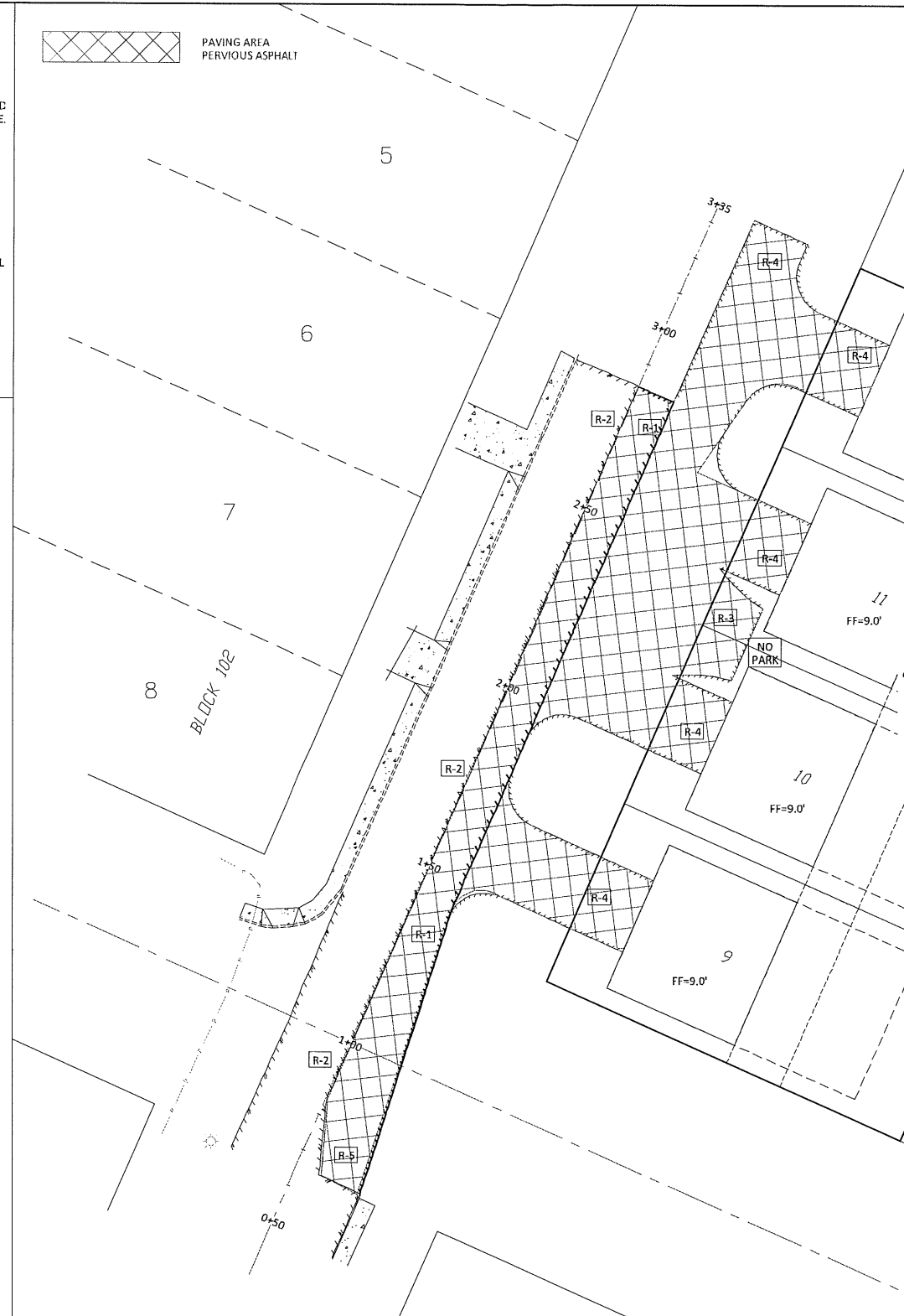
ROAD NOTES

SEE SECTIONS ON SHEET 5. USE ALL PERMEABLE ASPHALT.

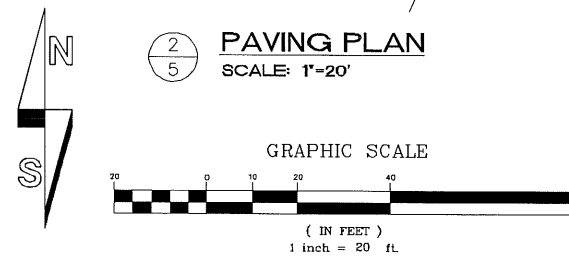
- R-# 1. EXCAVATE TO SUB-GRADE. CONSTRUCT NEW ROADWAY BASE. WIDEN ROAD BASE BY 10 FEET. GRADE LEVELING COURSE AT 4% SLOPE FROM CENTERLINE.
- 2. SAWCUT ASPHALT TO FORM CLEAN MATCH BEFORE PAVING. USE BITUMINOUS SEALANT BEFORE PLACING NEW ASPHALT.
- 3. INSTALL HAMMERHEAD TURNAROUND. FOLLOW ROAD SPECS - PERMEABLE ASPHALT. FIRE DEPARTMENT TO APPROVE. WITH CULVERTS. SEE NO PARKING SIGN DETAIL 2, SHEET 3.
- 4. NEW DRIVEWAY - 20 FT WIDE. PERMEABLE ASPHALT WITH CULVERTS.
- 5. ROADWAY TRANSITION. EXCAVATE EXISTING SHOULDER 18' TO CREATE FULL ROAD BASE. USE PERMEABLE ASPHALT. MATCH EXISTING ROADWAY. SAWCUT ROAD EDGE BEFORE PAVING.

COMPACT BASE ROCK AND LEVELING ROCK WITH STEEL WHEELED ROLLER. USE 10,000 LB ROLLER WITH 40-INCH DRUM OR EQUIVALENT.

PAVING AREA
PERVIOUS ASPHALT



PAVING PLAN
SCALE: 1"=20'



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PRO. NO.
#17-04-CR1
DATE
JULY 11, 2018



ADAM CRITES
NW CEDAR AVE IMPROVEMENTS
ROAD SECTIONS

WARRENTON, MAN 8N 10W 1E00

SHEET

5

OF FIVE

City Commission City of Warrenton,

Please accept these statements and evidence for your consideration in review of the merit of the Appeal of Mr. and Mrs. Ager.

I previously submitted into the record full written transcripts of Mr. Ager's testimony from both Planning Commission meetings on April 12, 2018 and May 10, 2018.

I am requesting that the City Commission review and compare the content of the testimony provided during these separate hearings in the context of the argument provided by Mr. Ager in his Notice of Appeal stating the issue as concern as to "impacts to tidal activated drainage" .

A close review will prove that nothing new has been submitted by Mr. Ager during his testimony before the City Commission Appeal hearing. I believe that Mr. and Mrs. Ager have not provided any additional evidence in sufficient detail or description to refute the Notice of Decision, the storm water Impact Study or in any way support their argument in the Notice of appeal that "We, the applicant feel that the decision rendered is not in the best interest of the City of Warrenton or the immediate residents of N. W. Cedar Ave as it impacts tidal activated drainage."

The pictures provided by Mr. Ager are of his side of the street. The photos are directed towards the catch basin, and the curbside along the front of his neighbor's property. The pictures depict pooling that is due to an inadequately sized and poorly maintained catch Basin as well as topography/ grading issues with the current street. If Mr. Ager had witnessed the backing up or overflowing of the ditch that was directly behind him while taking these pictures he would have certainly included those pictures. The reason he did not submit pictures of the ditch is because the ditch was not full or overflowing. The pictures provided do not provide any detailed evidence to support Mr. Ager's allegation that the cause is downstream deficiency of the current ditch or tidal activated drainage. The pictures and the testimony of Mr. Ager are misleading, provide no sufficient detail that the pooling on the curbside and around the clogged basin are due to anything other than poor street and drainage condition and design.

With this letter I have submitted pictures labeled enclosure 1. The pictures taken on May 10, 2018 depict the condition of the catch basin on NW Cedar Avenue that is located at the corner of NW Cedar Avenue and NW 2nd. The pictures show a very small catch basin that was overgrown with vegetation and compacted with organic debris, a plastic water bottle and clogged with a 6-inch-deep yellow bucket. All this material was enclosed under the catch basin lid at the time of the picture. The daylight location of the culvert that empties into the ditch could not be located although previous inspection at a previous time and date showed the culvert end to be rusted, partially buried and its initial circumference design compromised. These pictures are evidence proving that the pictures submitted by Mr. Ager are caused by the catch basin and street grading. Mr. Ager provides no evidence, analysis, or data in any detail to the contrary.

In addition, I am submitting below another account of inspection of the ditch inspected on March 20, 2016 by Mr. Skip Urling, Planning Director City of Warrenton. The following is an excerpted transcript from the Pre-Application Hearing with the City of Warrenton staff on March 20, 2016. I have also included the precipitation data for the 2 days prior to Mr. Urling comments labeled enclosure 2. The data shows the month of March 2016 with an average precipitation in inches of 7.44 and combining all the days leading up to the ditch visit on the 20th the average precipitation was 4.96 inches. March is one of the top 5 months in terms of Average precipitation in inches(<https://www.usclimatedata.com/climate/astoria/oregon/united-states/usor0017/2016/1>)

As Mr. Urling stated that date served as a good test of the function of the ditch and the tidal activated drainage. The high tide had also occurred prior in the day to the site visit by Mr. Urling.

Excerpted testimony from the preapplication hearing City of Warrenton March 20, 2016.

Skip Urling: I just went out there , because I wanted to see what the ditch looked like and today would be a good test.

Time Demers: Its probably got a lot of water in it today.

Skip Urling: Suprisingly,not.

Tim Demers: Tonight it will.

Skip Urling: you said this morning that high tide was an hour ago.

Time Demers: oh yes, but the storm is not here yet.

Skip Urling: well it was raining like hell at lunch time

Tim Demers: we are supposed to get two inches of rain tonight

Adam Crites : so the ditch was not full?

Skip Urling: No it was not. I was, I was surprised because especially with the tide being what it is. it also was not flowing.

Tim Demers: the other thing they have told me is that it will over ride the tide and it will stay for three days.

Skip Urling: Hmm . Ok.

Time Demers: There is the sporting news.

Skip Urling : so that is all part of it .

Enclosure 1 Pictures taken May 10, 2018



Enclosure 1 Pictures taken May 10, 2018



Enclosure 1 Pictures taken May 10, 2018

Enclosure 1 Pictures taken May 10, 2018



Enclosure 1 Pictures taken May 10, 2018



Enclosure 1 Pictures taken May 10, 2018



Enclosure 1 Pictures taken May 10, 2018



Enclosure 2 Precipitation Data for Skip Urling Ditch Inspection

City Commission Meeting / cwc_6.26.14.pdf / apr-12-2013_1st_Agenc / agenda_6.26.14.pdf / Stormwater - Wikipedia / Waverly Municipal Co / Inbox (200) - adamsrbr / Climate Astoria - Or / The Behind Way to Take

https://www.usclimate.com/climate/astoria/oregon/astoria,stats/march/2016/1

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US Climate Data on

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Monthly Daily History **Geo & Map** Weather Forecast You are here: United States > Oregon > Astoria

2016 March

Weather history Astoria march 2016

Day	High (°F)	Low (°F)	Precip. (Inch)	Snow (Inch)	Snow depth (Inch)
1 mar 2016	57.0	45.0	1.05	-	0.00
2 mar 2016	55.9	45.0	0.52	-	0.00
3 mar 2016	59.0	43.0	0.09	-	0.00
4 mar 2016	57.9	39.0	0.35	-	0.00
5 mar 2016	63.0	50.0	0.47	0.00	0.00
6 mar 2016	54.0	44.1	0.89	-	0.00
7 mar 2016	53.1	41.0	0.34	-	0.00
8 mar 2016	51.1	37.0	0.35	-	0.00
9 mar 2016	57.0	45.0	1.91	-	0.00
10 mar 2016	-	-	0.05	-	0.00
11 mar 2016	-	-	0.49	-	0.00
12 mar 2016	51.1	39.9	1.17	-	0.00
13 mar 2016	51.1	39.9	1.04	-	0.00

Past weather Astoria - march 2016

Average high temperature: 52.6°F (normal: 54°F)
 Average low temperature: 38.9°F (normal: 39°F)
 Average temperature: 45.75°F (normal: 46°F)
 Total Precipitation: 12.1 inch (normal: 7.44 inch)
 Total snowfall: 0 inch

Highest max temperature: 69.1°F
 Lowest max temperature: °F

Highest min temperature: 50.0°F
 Lowest min temperature: °F

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3:52 PM 7/16/2016

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Monthly Daily History Geo & Map Weather Forecast

you are here: United States > Oregon > Astoria

2016 March

Weather history Astoria march 2016

Day	High (°F)	Low (°F)	Precip. (inch)	Snow (inch)	Snow depth (inch)
1 mar 2016	57.0	45.0	1.05	-	0.00
2 mar 2016	55.9	45.0	0.52	-	0.00
3 mar 2016	55.0	43.0	0.09	-	0.00
4 mar 2016	57.9	39.0	0.35	-	0.00
5 mar 2016	62.0	50.0	0.47	0.00	0.00
6 mar 2016	54.0	44.1	0.59	-	0.00
7 mar 2016	57.1	41.0	0.34	-	0.00
8 mar 2016	51.1	37.0	0.35	-	0.00
9 mar 2016	52.0	45.0	1.91	-	0.00
10 mar 2016	-	-	0.05	-	0.00
11 mar 2016	-	-	0.45	-	0.00
12 mar 2016	51.1	39.9	1.17	-	0.00
13 mar 2016	51.1	39.9	1.04	-	0.00
14 mar 2016	50.0	41.0	0.39	-	0.00
15 mar 2016	49.9	41.0	0.47	-	0.00
16 mar 2016	54.0	36.0	T	-	0.00
17 mar 2016	60.1	32.0	0.06	0.00	0.00
18 mar 2016	66.8	44.1	0.50	0.00	0.00
19 mar 2016	59.0	48.0	T	-	0.00
20 mar 2016	57.0	46.9	0.47	-	0.00
21 mar 2016	57.1	44.1	0.92	-	0.00
22 mar 2016	55.0	43.0	0.11	-	0.00
23 mar 2016	52.0	46.0	0.36	-	0.00
24 mar 2016	53.1	45.0	0.21	-	0.00
25 mar 2016	55.0	42.1	0.08	-	0.00
26 mar 2016	57.0	42.1	0.21	-	-
27 mar 2016	52.4	42.1	0.21	-	-
28 mar 2016	54.0	36.0	0.03	-	-
29 mar 2016	61.0	34.0	0.06	0.00	0.00

Past weather Astoria - march 2016

Average high temperature: 52.6°F (normal: 51°F)
 Average low temperature: 38.9°F (normal: 39°F)
 Average temperature: 45.75°F (normal: 46°F)
 Total Precipitation: 12.1 inch (normal: 7.44 inch)
 Total snowfall: 0 inch
 Highest max temperature: 69.1°F
 Lowest max temperature: 4°F
 Highest min temperature: 30.0°F
 Lowest min temperature: 4°F

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Monthly Daily History Geo & Map Weather Forecast

You are here: United States > Oregon > Astoria

March

Daily normals Astoria - Oregon - march

Day	High (°F)	Low (°F)	Precip. month (inch)	Precip. year (inch)	Snow month (inch)	Snow year (inch)
1 mar	52.6	37.6	0.28	17.68	0	0.91
2 mar	52.7	37.7	0.51	17.91	0	0.91
3 mar	52.8	37.7	0.79	18.19	0	0.91
4 mar	52.9	37.8	1.06	18.43	0	0.91
5 mar	53	37.9	1.3	18.7	0	0.91
6 mar	53	38	1.54	18.94	0	0.91
7 mar	53.1	38.1	1.77	19.17	0.12	0.98
8 mar	53.2	38.2	2.05	19.41	0.12	0.98
9 mar	53.3	38.3	2.28	19.69	0.12	0.98
10 mar	53.4	38.4	2.52	19.92	0.12	0.98
11 mar	53.5	38.5	2.76	20.16	0.12	0.98
12 mar	53.5	38.6	2.99	20.39	0.12	0.98
13 mar	53.6	38.7	3.23	20.63	0.12	0.98
14 mar	53.7	38.8	3.5	20.87	0.12	0.98
15 mar	53.8	38.9	3.74	21.14	0.12	0.98
16 mar	53.8	39	3.98	21.38	0.12	0.98
17 mar	53.9	39.1	4.21	21.61	0.12	0.98
18 mar	54	39.2	4.49	21.85	0.12	0.98
19 mar	54.1	39.2	4.72	22.09	0.12	0.98
20 mar	54.1	39.3	4.96	22.32	0.12	0.98
21 mar	54.2	39.4	5.2	22.6	0.12	0.98
22 mar	54.3	39.5	5.43	22.83	0.12	0.98
23 mar	54.3	39.5	5.67	23.07	0.12	0.98
24 mar	54.4	39.6	5.91	23.31	0.12	0.98
25 mar	54.5	39.7	6.14	23.5	0.12	0.98
26 mar	54.5	39.7	6.34	23.74	0.12	0.98
27 mar	54.6	39.8	6.57	23.98	0.12	0.98
28 mar	54.7	39.8	6.81	24.17	0.12	0.98
29 mar	54.7	39.9	7.01	24.41	0.12	0.98
30 mar	54.8	39.9	7.24	24.61	0.12	0.98

Average weather Astoria, OR - march

Average high temperature:	53.8°F
Average low temperature:	38.9°F
Average temperature:	46.3°F
Average Precipitation:	7.44 inch
Average snowfall:	0 inch
Highest av. max temperature:	54.9°F
Lowest av. max temperature:	52.6°F
Highest av. min temperature:	40°F
Lowest av. min temperature:	37.6°F

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Here is my agenda summary for the appeal hearing.

Let me know if you have any questions.

Thanks - Kevin

From: Adam Crites <adamcrites@gmail.com>
Sent: Monday, May 21, 2018 4:16 PM
To: Kevin Cronin <cityplanner@ci.warrenton.or.us>
Cc: Linda Engbretson <lengbretson@ci.warrenton.or.us>; Spencer Parsons <Spencer@gov-law.com>
Subject: Re: Wetland Hardship Variance | Notice of Appeal

Kevin,

[Quoted text hidden]

 **Crites Appeal CC agenda Report 062018.docx**
189K

Adam Crites <adamcrites@gmail.com>
To: Kevin Cronin <cityplanner@ci.warrenton.or.us>

Sun, Jun 24, 2018 at 8:49 AM

Hello Kevin,

Thanks for your agenda.

I wanted to check in with you and hope you agree and will remind the City Commission that the scope of the appeal testimony allowed by Mr. and Mrs. Ager be restricted pursuant to the code as follows.

The Warrenton Code **16.208.050.H.2.b**

H. Appeal. A Type III quasi-judicial decision may be appealed to the City Commission as follows:

2. Appeal Procedure.

b. Scope of Appeal. The appeal of a Type III quasi-judicial decision shall be limited to the specific issues raised during the written comment period or at the public hearing, as provided under Subsection ii.D above, unless the City Commission allows additional evidence or testimony concerning any other relevant issue. The City Commission may allow such additional evidence if it determines that such evidence is necessary to resolve the case. Written or oral comments received during the comment period or public hearing will usually limit the scope of issues on appeal. Only in extraordinary circumstances should new issues be considered by the City Commission on appeal of a Type III Quasi-Judicial Decision.

As I see it the issues raised during the written comment periods and public hearing are

1. Drainage and alleged flooding on NW Cedar
2. Impacts to Tidal activated drainage
3. Question regarding the Required approvals from the DLCD, USACE, DEQ

If you have a different opinion I would like to get any input that you have before the Appeal hearing.

I am not intending to overstep any boundaries with you. However, it would be unacceptable to me if the City commission allows new issues to be entered into the record during the appeal hearing. The circumstances are far from extraordinary.

Thanks for all of your time and consideration.

Best Regards,
Adam Crites

[Quoted text hidden]

Kevin Cronin <cityplanner@ci.warrenton.or.us>
To: Adam Crites <adamcrites@gmail.com>

Mon, Jun 25, 2018 at 9:15 AM

Thanks, Adam

We are in agreement on the expectations for procedure.

The Mayor runs an excellent meeting and is not going to do a "de novo" hearing unless he hears something extraordinary.

See you Tuesday...Kevin

From: Adam Crites <adamcrites@gmail.com>
Sent: Sunday, June 24, 2018 8:49 AM
To: Kevin Cronin <cityplanner@ci.warrenton.or.us>

[Quoted text hidden]

[Quoted text hidden]

[Beginning of Recorded Material April 12 , 2018]

Terry Ager: My name is Terry Ager I reside at 227NW Cedar Avenue in Warrenton just immediately west of the proposed project ,Mr.Crites is trying to push through. I have a combined 38 years of public works, utilities work [Inaudible] I have lived in that house across the street for 28 years i have seen the property flood on many many occasions The letter that was distributed to everybody has just a couple pictures. These were not taken with the intent of sharing with you. I was called to work flooding within the city

It is pretty bad I had water clear up to my house tidal activated drainage you all are familiar with tidal activated drainage and how it works. As long as it is not raining the tide goes out. Open the tide gates and they will operate fine until mother nature throws a tree or one of the neighbors hucks couch into the drainage and messes it up. This is a significant drainage. Where Mr. Crites is proposing to build is a significant wetland.

Terry Ager: There is an inter tide on what would be N.W. 2nd St on NW 1st crossing onto Crites

property that drains the west side NW cedar avenue also tidally activated ditch

Which is undersized and this floods when we have significant rainfall.

I mean significant. The last few days was not bad this was taken last year sometime in

the winter. I don't believe that that ditch can be filled you can't put a culvert in large

enough You throw anything in there It will restrict the flow It will back up onto my

property and I really, really don't know what to do.

Let me look at this. I am not a public speaker, I am not an engineer I am just giving you

first hand information. I have been actually watching this.

The then City Engineer Colin Stelzig who is now the public works director had

concern in a 2016 Memorandum about that ditch that if any more restricted it will not

will not flow properly. There is information about flows directions that are incorrect.

Besides that I had the occasion to speak with a person at the Dept of Fish and Wildlife

and said property and that they wished that. I have a photograph of. I have a \$5.00

Terry Ager: phone by the way. Where it states that they wished that all green which are living trees be left as they are on this property and that any mitigation land be in extremely close proximity to this property. It is not only just rain runoff and that property as a wetland holds water like a reservoir does and it is supposedly clay I know that Tim Ray who did the wetland delineation said sandy loam but you walk out there and the stuff stick to your boots it is clay it does not perc well. It takes a awhile for it to drain

And Some of my other concerns this goes beyond the wetland. Are we just talking about the wetland issue with drainage today?

Kevin Cronin: We are not considering the development. Just the criteria of the wetland hardship

Terry Ager: Very good. Pretty much I guess thats all I have to say about the wetland

Chairman: Anyone else wishing to speak in opposition

Chairman Yuill: I have aquestion. This Picture here.

Terry Ager: Yes.

Chairman Yuill: Is there any catch basins in that area.

Terry Ager: There is and its.[Inaudible]May I?

Chairman Yuill: Yes, please.

Terry Ager: There is and it is right by.Can I ? [Inaudible]

Chairman Yuill: Circle the area. Where the catch basin is.

Terry Ager: It is right in close proximity to the power pole right here. [Inaudible]This is one of those rains.[Inaudible]This is not the worst I have ever seen it by far. I was just driving by it.[inaudible]

Chairman Yuill: With all of your years of working with the city and living in that area How often does this happen? That area flooding?

Terry Ager: Mostly in the winter time four or five times a year. The big events that we had in 95 and 96 that was when we were really under water and the other big gail 2007

Terry Ager: there was substantial rainfall. Like I said It has not been up into my house I have lived there 28 years.

I am really concerned about that

Chairman Yuill: I just wasn't sure. Because when I drove down that road and I was looking I did not see any catch basins I knew there has to be some someplace and I just wasn't sure where it was. So, Thank you for clarifying

Chairman Yuill: Just curious

Terry Ager: I retired in July, so it is not being maintained.

Chairman Lampi: So, is your residence the one right across the street?

Terry Ager: Yes

[End of recorded material April 12, 2018]

[Beginning of Recorded material May 10, 2018]

Terry Ager: My name is Terry Ager I live at 227 NW Cedar Ave. this property immediately to the west of the proposed construction site. I am opposed to this mostly because of the groundwater , stormwater, drainage issues you know .The street floods quite often.

After we had the last meeting on the 10th the following Saturday there on the 12th SW Cedar, excuse me NW Cedar on 2nd flooded again. There was not any place for the water to go the ditch was full and I understand that since the construction started on SW 2nd Dean Larsen [inaudible] He And that is also Alder Creek drainage And Mrs. Hague that owns the property that Alder Creek runs through before it discharged into the Columbia. Has called and complained The ditch never empties it just continues flowing so there is new added waters to this and is new since the last time we met that I have

Terry Ager: discovered and Also but a Mr. Yuill said Morgan civil engineering study here says structural slabs be constructed below the ground level for the buildings and it also says that no fill should be used for the buildings [pause] There is not place for the water to go. And this study also says the Winter time the groundwater is clear up to the surface of the ground there is no percolation. It just it has to run off and go somewhere. You fill that and my house is going to flood. That is the bottom line I am telling you it has come dangerously close before I keep a pile of sand and several sand bags and throw them in front of the door in the case event that the water comes up. It has not come that far yet. I have not had to wade to my vehicles. My neighbors continuously have to wade to their cars. A little south of me NW cedar right on NW 2nd street Kurt Rutherford rental. I just want this in the record that I will hold the City to task if there is property damage to my property because of flooding and construction and I see no plans for drainage on my side of the street to the east side where the Crites property is There is a catch basin that goes

Terry Ager: across the street NW 2nd street that is grossly undersized. The water from my side of the street does eventually drain to the opposite side. I put extended my driveway about 15 feet. I extended my driveway about 15 feet out into the roadway so that I could access my new garage. It is not an improved street the water percs through there and runs in front of the house and eventually gets into the ditch. But uh, I can't see that this is a good investment anything else? [Inaudible]
Ok.

Chairman: Thank you.

Chairman: Alright, Nancy.

Nancy Ager: Hi my name is Nancy Ager and I live at 237 NW Cedar Avenue too. Everyone is shocked. However, this morning I spoke with Kevin and Kevin explained to me that he has received an email from the DEQ that says that as soon as they receive the Alternatives sites list from Adam for mitigation I guess purposes I guess is that right Kevin?

Kevin Cronin: You mean the DSL?

Nancy Ager: No, No this was a letter from DEQ, right? Ok he has to have two letters right? one from the DEQ and one from the DLCD

Kevin Cronin: Oh, Ok that is what you are referring to.

Nancy Ager: That's right, that's what I am referring to. He has yet to receive either one of those letters to make his permit applicable I would like to recommend to the planning commission that they wait until he has received both of these letters before they step one step ahead and allow him to start processing his plans. Because without them what are we going to do? We are going to ask him to remove the fill that we allow him to put in? We are going to allow him this variance and then we are going to take it back? It's much easier just to say as soon as you have everything in place we will address it at that time. That's what I am hoping you will see fit to do. I also did not notice that when I read the plans that Terry read parts of it and I read other parts of it. It was rather really quite large I was sure that you all shared my, my ... I don't my dubious

Nancy Ager: know I was dubious about some of the things I read. However, I do want to point at that in May, March of 2016. The City Engineer, Colin Stelzig, provided Skip Urling with a pre-application memorandum to be delivered to Mr. Crites and it says that they will need a volume equal volume and flow capacity of the existing ditch. I did not see That document and I would like to see that document because I do feel that will Impact wether or not we can actually address filling that and how we will address getting enough drainage to settle his property these are the things that I would like to ask for and they are the only comments I have at this time. Thank you very much for listening to me. Bye.

Chairman: Thank you .Mr Crites, is there anyone else that would like to speak.

Mr. Crites you have the chance to rebuttal.

[End of recorder material April 12, 2018]

7-A

"Making a difference through excellence of service"



CITY OF WARRENTON

AGENDA MEMORANDUM

TO: The Warrenton City Commission
FROM: Linda Engbretson, City Manager
DATE: July 24, 2018
SUBJ: Contract Amendment – Professional Services

SUMMARY

After Mr. Urling's retirement in mid-March, the City contracted with West Coast Cronin Clan Co., (Kevin Cronin) for interim Planning Director services. The recruitment process failed to provide the ideal candidate within the timeframe planned to fill this position. I had hoped to have the position filled by early June. Mr. Cronin was able to continue to provide consulting services to the City. This extended his contract over the City Manager's spending authority. After consideration and re-evaluation of the position, I was delighted to offer the position of Community Development Director to Mr. Cronin. As you know he accepted and began employment as of June 25, 2018.

RECOMMENDATION/SUGGESTED MOTION

"I move to authorize the amendment to the professional services contract with West Coast Cronin Clan Co., in the amount of \$4,063.16."

ALTERNATIVE

None recommended.

FISCAL IMPACT

This does not negatively impact FY 2017-2018 budget.

7-B

"Making a difference through excellence of service"



CITY OF WARRENTON

AGENDA MEMORANDUM

TO: The Warrenton City Commission
FROM: Linda Engbretson, City Manager
DATE: July 24, 2018
SUBJ: Legislative Priorities 2019

SUMMARY

The attached information was received from the League of Oregon Cities to assist them in preparing a pro-active legislative agenda for the 2019 session. The League would like the City to recommend its top 4 priorities. The attached provides background on each legislative issue.

RECOMMENDATION/SUGGESTED MOTION

As directed by the Commission.

ALTERNATIVE

N/A

FISCAL IMPACT

N/A



1201 Court Street NE, Suite 200 • Salem, Oregon 97301
(503) 588-6550 • (800) 452-0338 • Fax: (503) 399-4863
www.orcities.org

June 6, 2018

Dear Chief Administrative Official:

For the past three months, eight policy committees have been working to identify and propose specific actions as part of the League's effort to develop a pro-active legislative agenda for the 2019 session. They have identified legislative objectives as set forth in the enclosed ballot and legislative recommendation materials. These objectives span a variety of issues and differ in the potential resources required to seek their achievement. Therefore, it is desirable to prioritize them in order to ensure that efforts are focused where they are most needed.

While the attached ballot reflects the top policies developed in each of the policy committees, each undertook a broad look at a range of issues impacting cities. Many issues reflect the League's ongoing mission to support cities' work and their home rule authority to develop and use a variety of tools to meet the needs of residents but were not included in the ballot. Additional issues, such as addressing the housing shortage and the opioid crisis, are multifaceted and did not fit concisely into policy priorities. However, they remain as work the League intends to accomplish as it works with large groups of stakeholders in search of solutions.

Each city is being asked to review the recommendations of the policy committees and provide input to the LOC Board of Directors as it prepares to adopt the League's 2019 legislative agenda. After your city council has had the opportunity to review the proposals and discuss them with your staff, please return the enclosed ballot indicating the top four issues that your city council would like to see the League focus on during the 2019 session. **The deadline for response is August 3, 2018.** The board of directors will then review the results of this survey of member cities, along with the recommendations of the policy committees, and determine the League's 2019 legislative agenda.

Your city's participation and input will assist the board in creating a focused set of specific legislative targets that reflect the issues of greatest importance to cities. Thank you for your involvement, and thanks to those among you who gave many hours of time and expertise in developing these proposals.

Do not hesitate to contact me or Craig Honeyman, Legislative Director, with questions.

Sincerely,

Mike Cully
Executive Director

Craig Honeyman
Legislative Director

P.S. If you are reviewing the hard copy of this ballot and would like to view the linked material please visit the following web address and click on the links there:

<http://www.orcities.org/Portals/17/Legislative/2019PolicyBallotInformation.pdf>

INSTRUCTIONS

1. Each city should submit one form that reflects the consensus opinion of its city council on the **top four** legislative priorities for 2018.
2. Simply place an **X or a check mark** in the space to the left of the city's top four legislative proposals (last pages of the packet).
3. The top four do not need to be prioritized.
4. Return by **August 3rd** via mail, fax or e-mail to:

Jenna Jones
League of Oregon Cities
1201 Court St. NE, Suite 200
Salem, OR 97301
Fax – (503) 399-4863
jjones@orcities.org

Thank you for your participation.

City of: _____

Please check or mark 4 boxes with an X that reflects the top 4 issues that your city recommends be added to the priorities for the League's 2019 legislative agenda.

Legislation

A. 9-1-1 Tax	<input type="checkbox"/>
B. Annexation Flexibility	<input type="checkbox"/>
C. Auto Theft	<input type="checkbox"/>
D. Beer and Cider Tax Increase	<input type="checkbox"/>
E. Broadband Infrastructure	<input type="checkbox"/>
F. Carbon Cap-and-Invest Program Adoption	<input type="checkbox"/>
G. City Comparability for Compensation	<input type="checkbox"/>
H. Green Energy Technology Requirement Changes	<input type="checkbox"/>
I. Infrastructure Financing and Resilience	<input type="checkbox"/>
J. Least Cost Public Contracting	<input type="checkbox"/>
K. Local Control Over Speed Limits on City Streets	<input type="checkbox"/>
L. Lodging Tax Definition Broadening	<input type="checkbox"/>
M. Mental Health Investment	<input type="checkbox"/>
N. Permanent Supportive Housing Investment	<input type="checkbox"/>
O. PERS Reform	<input type="checkbox"/>
P. PERS Unfunded Liability Revenue Stream Dedication	<input type="checkbox"/>
Q. Place-Based, Water Resource Planning (Program Support)	<input type="checkbox"/>
R. Property Tax Reform	<input type="checkbox"/>
S. Qualification Based Selection (QBS)	<input type="checkbox"/>
T. Right-of-Way and Franchise Fee Authority	<input type="checkbox"/>
U. Safe Routes to School Match	<input type="checkbox"/>
V. Small Area Cell Deployment	<input type="checkbox"/>
W. Speed Cameras	<input type="checkbox"/>
X. Speed Limit Methodology	<input type="checkbox"/>
Y. Third Party Building Inspection	<input type="checkbox"/>
Z. Tobacco Taxes Share Increase	<input type="checkbox"/>
AA. Waste Water Technical Assistance Program	<input type="checkbox"/>
BB. Wetland Development Permitting	<input type="checkbox"/>
CC. Wood Smoke Reduction Program Support	<input type="checkbox"/>

In addition to your ranking of the priorities shown above, please use this space to provide us with any comments (supportive or critical) you may have on these issues, or thoughts on issues or potential legislative initiatives that have been overlooked during the committee process.):

A. 9-1-1 Tax

Legislation:

Support legislation enhancing the effectiveness of the state's emergency communications system by increasing the 9-1-1 tax and/or seeking other sources of revenue and prohibiting legislative "sweeps" from emergency communications accounts managed by the Oregon Office of Emergency Management.

Background:

The League worked with other stakeholder groups in 2013 to extend the sunset date on the statewide 9-1-1 emergency communications tax to January 1, 2022 ([HB 3317](#)). In 2014, the League also worked to pass legislation including prepaid cellular devices and services under the 9-1-1 tax ([HB 4055](#)). As concerns mount with regard to disaster preparedness and recovery and as upgrades to communications technology become available, it is apparent that state and local governments do not have the resources necessary to address challenges or take advantage of opportunities (see an analysis in the League's 2018 State Shared Revenue Report, [here](#), and the Oregon Office of Emergency Management's "Emergency Communications Tax" webpage, [here](#)). Additional funding is needed and the practice of periodically sweeping funds out of the state's emergency management account for other uses must cease. It is worthy of note that the practice of "sweeps" disqualifies the state from receiving federal funds for emergency communications. It is unknown how many federal dollars have been foregone as a result of this policy.

Presented by the Telecom, Broadband & Cable Committee and endorsed by the Finance & Taxation Committee

B. Annexation Flexibility

Legislation:

The League will work to increase the flexibility for cities to annex residential areas and to encourage voluntary annexations, with a primary focus on improving the island annexation process.

Background:

There is a significant disconnect between the state's land use process and the [process of annexation](#), which has created issues for a variety of cities. The annexation process requirements are particularly difficult for areas known as "islands". Even though cities can involuntarily annex islands, most cities have adopted a policy to only engage in voluntary annexation. This has left significant islands un-annexed. In addition, waiting for surrounding properties to voluntarily annex often means the process and order of annexation does not necessarily match the plans for infrastructure development. Unannexed lands remain on the buildable land supply but much of it will contain some level of development that was approved by the county, but is often underdeveloped when compared to the comprehensive plan.

However, there have been bills that have been introduced over the last few sessions that aim to make non-voluntary annexation more difficult (see e.g., [HB 2039](#) and [HB 2040](#)). As these bills have gotten hearings, the League has taken the opportunity to discuss how annexation and land use are very disconnected. This is particularly of interest as interest in housing development remains at the top of the list of legislative priorities. If local governments have greater control over the annexation process and can better incentivize voluntary annexation, they can better meet the development expectations of the land use system and their comprehensive plans. It also assists in the orderly development of infrastructure.

Tools that were recommended to consider included partial island annexation in residential areas, relaxation of the limit of 10 years to bring a property fully onto the city's property tax level, changing the boundary requirements for islands, and looking at how the withdrawal of special district territory can be better regulated.

Presented by the Community Development Committee

C. Auto Theft

Legislation:

Address the deficiencies in the Unauthorized Use of a Motor Vehicle statute that were created after an adverse court ruling.

Background:

A 2014 Oregon Court of Appeals ruling requires that prosecutors prove beyond a reasonable doubt that a person driving a stolen car knew they were in violation of the law prohibiting the unauthorized use of a motor vehicle. Because of this ruling, unless confesses to the crime, obtaining a conviction for stealing a car is near impossible. The National Insurance Crime Bureau's 2017 "Hot Spots" report stated that Oregon experienced a 19 percent increase in auto theft over 2016. News stories on this issue may be found [here](#), [here](#) and [here](#).

Because of the ruling, auto theft has increased exponentially across rural and urban Oregon. A legislative fix was proposed in 2018 and was generally agreed to but was never voted on by either chambers due to the fiscal impact it would have on the state. A copy of the legislation can be found [here](#). This issue was brought to the Committee by a representative of the Oregon Association of Chiefs of Police and they have requested the League's supported in seeking to fix this issue. Of particular concern to the General Government Committee was the fact that vehicles being stolen tend to be older cars and trucks that are more likely to be owned by people of more modest means who would be unable to readily replace their vehicles without considerable impact.

Presented by the General Government Committee

D. Beer and Cider Tax Increase

Legislation:

The League proposes increasing the state taxes on malt beverages and cider to assist with rising public safety costs, improve public health, reduce alcohol consumption by minors, and provide alcohol tax equity with wine and liquor.

Background:

Oregon's tax has not been increased since 1978 and is currently \$2.60 per barrel which equates to about 8 cents on a gallon of beer. The tax is by volume and not on the sales price. (Yes, the bottle deposit is 60 cents and the tax is only about 4 cents on a six-pack!) Oregon is tied with Kentucky for the lowest beer taxes of all [states](#) (see page 98 in link). To get to the middle, Oregon would need to raise the tax to 80 cents per gallon (10-fold increase). Cities are [preempted](#) from imposing alcohol taxes. In exchange, cities receive approximately [34% of the state alcohol revenues](#) (see page 9 in link)(beer and wine taxes, license fees, and liquor profit sharing) as state shared revenues. However, because the tax is so small on beer, the share is also small. The beer tax brings in only about \$7 million per year state-wide; thus, the city share is about \$2.3 million of the total shared revenues. The total share for cities for all alcohol-based state shared revenues is estimated at over \$86 million. The League anticipates that excise tax increases including those on alcohol will be a part of revenue package discussions in 2019, and the League sees this concept as an important leveraging tool.

Presented by the Finance and Tax Committee and endorsed by the General Government Committee

E. Broadband Infrastructure

Legislation:

Seek additional state support and funding for increased and equitable broadband infrastructure deployment, especially in rural areas. Oppose legislative efforts to restrict existing municipal authority to provide broadband services.

Background:

The deployment of broadband and telecommunications networks and services (public and/or private) throughout Oregon is critical to economic development, education, health and safety and the ability of residents to be linked to their governments. Mapping research shows large areas of the state either not served or underserved by competitive broadband technology. A significant barrier to the deployment of broadband infrastructure is funding. Cities need additional funding and support from various sources, including the state and federal government, allocated for increased or new broadband infrastructure, especially for fiber connections to schools, community libraries, and public safety buildings. Also, oppose efforts by private internet service providers to restrict local efforts to make broadband technology available within their jurisdiction.

Presented by the Telecom, Broadband & Cable Committee

F. Carbon Cap-and-Invest Program Adoption

Legislation:

The League's Energy & Environment Policy Committee has recommended support, if specific principles are recognized and codified, of legislation that would implement a statewide cap on carbon emissions over time and that would generate revenues for strategic investments that further Oregon's greenhouse gas reduction goals. The cap on emissions would apply to certain "regulated entities" with carbon emissions over 25,000 metric tons annually. Regulated entities would receive allowances, or would generate offset credits, to emit carbon. The revenue from the purchase of allowances would be invested in specified programs aimed at furthering GHG reductions and mitigating program impacts. It is anticipated that funds generated from a cap on the transportation fuel industry may be subject to use per state Constitutional requirements related to the state highway fund. The statewide cap on carbon would be reduced over time to meet updated greenhouse gas reduction goals for Oregon.

For the League to support a statewide cap on carbon, the following principles would need to be recognized and codified in any legislation:

- The legislation and subsequent rulemaking processes would need to establish a forum to generate meaningful dialogue with rural Oregon communities and those with energy-intensive, trade-exposed industries. Equity considerations should be considered throughout this process by including cities and counties representing a variety of populations, regions of the state, and community demographics (e.g. low-income and underserved populations). Specific action should be taken to have representation from cities with populations of less than 1,500.
- The cap would need to apply to all sectors including utilities, industry and the transportation fuels sector (e.g. fuel producers) if annual carbon emissions exceed 25,000 metric tons.
- The program should be designed to link to the Western Climate Initiative which has a multi-jurisdictional carbon market (linking with programs in California, Ontario and Quebec)
- The revenue from the purchase of allowances would be invested in evidence-based technologies to reduce emissions from regulated sectors with excess revenues being invested in statewide programs to support climate resilience and rural Oregon economies. Requiring the reinvestment of allowance revenue will help regulated sectors become more efficient over time and less carbon intensive.

- In addition, LOC will advocate that additional revenues generated be dedicated to support programs including:
 - Technical assistance grants that local governments could access to help fund the adoption and implementation of local climate action/sustainability plans.
 - Funding for local woodstove smoke reduction programs to help communities in, or at risk of, non-attainment from woodstove smoke.
 - Funding to study and incentivize an expanded, yet sustainable, cross-laminated timber industry in Oregon with the intent of stimulating job creation in rural Oregon communities.
 - Funding for drought mitigation planning and resilience for Oregon water systems.

Background:

The League anticipates that the Legislature is very likely to pass legislation during the 2019 session that would implement a “cap-and-invest” program in Oregon, similar to the program adopted by California. Similar legislation has been considered by the Oregon Legislature during previous legislative sessions, but has failed to be brought for a vote. The political will to pass such a policy/program for Oregon appears to be incredibly strong; the Speaker of the House and President of the Senate are co-chairing the Joint Interim Committee on Carbon Reduction and the Governor’s team is staffing a new Carbon Policy Office to assist in the Committee’s efforts. The League’s Energy & Environment Committee has spent considerable time discussing this policy, including how best to craft a policy recommendation that makes both environmental and economic sense for the state and cities.

Presented by the Energy & Environment Committee

G. City Comparability for Compensation

Legislation:

The League will seek legislation to ensure that cities are compared only with cities of a similar cost of living when negotiating with strike prohibited bargaining units.

Background:

Oregon labor law doesn’t allow police officers, firefighters, emergency communicators and other public safety critical employees to strike. Instead when an impasse is reached when bargaining with labor unions that represent those workers, the state proscribes a set procedure involving an outside arbitrator to resolve those contract disputes. In that process the arbitrator will compare the city to other cities of similar size. As a result, the cities in rural areas are being compared with to cities in metropolitan areas that have different economic circumstances. Klamath Falls with 20,000 people in it and a median home value of \$160,000 could be compared to Tualatin with a similar population and a median home value of \$355,000. This is not a reasonable comparison.

The Human Resources Committee notes that the Legislature created a variable minimum wage in Oregon in recognition of the different costs of living across the state. Each Oregon county is assigned to one of three wage zones with one being the Portland Metropolitan area, that second are less populous regions and the third are rural counties. The Committee recommends that cities only be compared to cities in the same wage zones. A detailed explanation and graphics of the proposal may be found here.

Presented by the Human Resources Committee

H. Green Energy Technology Requirement Changes

Legislation:

Advance legislation to statutorily modify the existing “1.5 percent green energy technology for public buildings” requirement to allow for alternative investment options such as offsite solar or energy efficiency projects.

Background:

Oregon statute currently requires public contracting agencies to invest 1.5% of the total contract price for new construction or major renovation of certain public buildings on solar or geothermal technology. The requirement allows for offsite technology, but only if the energy is directly transmitted back to the public building site and is more cost-effective than onsite installation. Removing the requirement that an offsite project be directly connected to the public building project could result in increased flexibility for local governments to invest in solar projects that are more cost-effective and provide for increased solar energy generation. In addition, the League will advocate to allow 1.5 percent funds to be invested in alternative projects that provide a greater economic or social return on investment including energy efficiency.

Presented by the Energy & Environment Committee

I. Infrastructure Financing and Resilience

Legislation:

The League will advocate for an increase in the state’s investment in key infrastructure funding sources, including, but not limited to, the Special Public Works Fund (SPWF), Brownfield Redevelopment Fund, and Regionally Significant Industrial Site loan program. The advocacy will include seeking an investment and set aside through the SPWF for seismic resilience planning and related infrastructure improvements to make Oregon water and wastewater systems more resilient.

Background:

A key issue that most cities are facing is how to fund infrastructure improvements (both to maintain current and to build new). Increasing state resources in programs that provide access to lower rate loans and grants will assist cities in investing in vital infrastructure. Infrastructure development impacts economic development, housing, and livability. The level of funding for these programs has been inadequate compared to the needs over the last few biennia and the funds are depleting and unsustainable without significant program modifications and reinvestments.

The funds are insufficient to cover the long-term needs across the state. While past legislative sessions have focused on finding resources for transportation infrastructure, the needs for water, wastewater, and storm water have not been given the same attention. A LOC survey of cities in 2016 identified a need of \$7.6 billion dollars over the next 20 years to cover water and wastewater infrastructure projects for the 120 cities who responded. This shows a significant reinvestment in the Special Public Works Fund (SPWF) is needed to help meet the needs of local governments. Without infrastructure financing options, cities cannot meet the needs of new housing or new business – high priorities for cities across the state.

In addition, there is a critical need to improve upon the seismic resilience of public drinking water and wastewater systems. The Oregon Resilience Plan (2013) identified Oregon’s water and wastewater systems as especially vulnerable to damage resulting from a Cascadia subduction zone earthquake. The plan recommended all public water and wastewater systems complete a seismic risk assessment and mitigation plan for their system. This plan would help communities identify and plan for a backbone water system that would be capable of supplying critical community water needs after a significant seismic event.

However, there is currently no dedicated funding to assist communities with this planning effort and the funding needed to repair/retrofit water infrastructure is significantly inadequate. Investments have been made in Oregon to seismically retrofit public safety facilities and schools, but without planning for infrastructure resilience, communities may not have access to water for critical needs, including drinking water and water for fire suppression, in the immediate aftermath of a seismic event.

This priority will focus on maximizing both the amount of funding and the flexibility of the funds to meet the needs of more cities across the state to ensure long-term infrastructure investment.

Presented by the Community Development Committee and endorsed by the Finance & Taxation and Water/Wastewater committees

J. Least Cost Public Contracting

Legislation:

Introduce and/or support legislation repealing Section [45\(2\)\(a\)\(G\)](#) and Section [45\(3\)\(a\)\(G\)](#) of HB 2017 (enacted in 2017) relating to compliance with least cost public contracting requirements as a condition for fuel tax increases after 2020.

Background:

As a matter of public policy, the League fundamentally disagrees with this linkage of transportation projects funding with public contracting standards applicable to specific local projects. Under HB 2017 (enacted in 2017) cities must comply with least cost public contracting standards set forth by [ORS 279C.305](#) for subsequent the two-cent increases in the state gas tax to occur in 2020, 2022 and 2024. Literally interpreted, one recalcitrant city *might* be able to stop the next gas tax increase by its failure to comply with this statute.

Presented by the Transportation Committee and endorsed by Finance and Taxation Policy Committee

K. Local Control Over Speed Limits on City Streets

Legislation:

Introduce legislation that allows Oregon cities to opt-in (voluntarily) to adjust their speed limits on residential streets 5 mph lower than the statutory speed limit.

Background:

[HB 2682](#) (enacted in 2017) allows the city of Portland to establish by ordinance a designated speed for a residential street under the jurisdiction of the city that is five miles per hour lower than the statutory speed provided the street is not an arterial highway. This authority should be extended to all cities and be considered permissive (not required). Cities should be able to determine speeds that are adequate and safe for their communities.

Presented by the Transportation Committee

L. Lodging Tax Definition Broadening

Legislation:

The League proposes adjusting and broadening the definitions of tourist, tourism promotion, and tourism-related facility as those terms are defined in the lodging tax statutes to ensure state-wide continued tourism and related [economic](#) (see page 17 of link) and [tax growth](#) (see page 223 of link), assist with city tourist costs, and provide local choice and revenue flexibility.

Background:

In 2003, when the state imposed a state lodging tax, the Legislature preempted cities by imposing restrictions on the use of local lodging tax revenues. (The percentage of restricted revenues varies by city.) Restricted tax revenues must be used for tourism promotion or tourism-related facilities. While the League will support all legislation that provides more flexibility on local tax usage, the League will advocate for lodging tax legislation that broadens those terms to clearly cover city costs of tourist events, tourism-related facility maintenance, tourist amenities, tourist attraction enhancement and public safety costs for special tourist events. Language from Section 3 of the [dash 1 amendment to HB 2064 \(2017\)](#) and [Section 1 of HB 2064 \(2017\)](#) will likely serve as a starting place. See also this [power point presentation](#) and this [LOC testimony](#) (supporting HB 2064) for further information.

Presented by the Finance and Tax Committee

M. Mental Health Investment**Legislation:**

The League will seek to protect and enhance the investments made to Oregon's treatment of the mentally ill.

Background:

In 2015, the Legislature funded rental and housing assistance for persons suffering from mental illness, specialized training for police officers to assist people in mental health crisis, multi-disciplinary crisis intervention teams and expanded access to treatment. While providing direct mental health services is not a standard city service, the state of care for persons in crisis had deteriorated to the point city police officers were regularly the primary public employee to provide interventions. The December, issue of Local Focus was devoted to cities and mental health, those articles may be found [here](#).

Because of the anticipated budget shortfalls in 2019, the General Government Committee would like the League to ensure that services established in 2015 are not cut and to capitalize on any opportunities that may exist or be created to enhance those investments.

Presented by the General Government Committee

N. Permanent Supportive Housing Investment**Legislation:**

The League will support increased investments in the services that are provided to people who are living in permanent supportive housing.

Background:

[Permanent supportive housing](#) serves specific populations that traditionally face difficulty in remaining in housing due to additional, complex needs by providing housing and other services at the same time. A [variety of populations](#), such as seniors, veterans, families, and those with mental health conditions, have different services that accompany their housing support. Permanent supportive housing models that use a Housing First approach have been proven to be highly effective for ending homelessness, particularly for people experiencing chronic homelessness who have higher service needs. Investment in the services is as important as the housing because residents that do not receive these additional supports often end up returning to homelessness based on issues related to their other issues.

However, in many areas the funding for housing is not well matched with the funding for the services. The state is the primary funding source for these services. However, there is some disconnect between the housing support provided by the [Oregon Housing and Community Services Department \(OHCS\)](#) and the [Oregon Health Authority \(OHA\)](#).

To help communities that are working to provide opportunities for permanent supportive housing and those seeking to find long-term solutions to local homelessness issues, better investment in the services is vital to success of these programs. By supporting appropriations to OHCS and OHA for these services, more support services can be provided to those that are in permanent supportive housing and lead to better outcomes.

Presented by the Community Development Committee

O. PERS Reform

Legislation:

The League will seek legislation to modernize the PERS investment pool, ensure proper financial controls are adhered to, and give cities a greater voice in how their monies are invested. The League will also seek legislation that shares the risk and costs of the pension benefit with employees but does so in a manner that impacts employees based on the generosity of the benefit plan they will retire under.

Background:

Oregon's Public Employee Retirement System (PERS) is a three-tiered program that provides a defined benefit pension (a pension that pays a retiree and their beneficiary a set amount for the length of their retirement) and a deferred compensation program that is funded through employee contributions. Each of the three tiers pays a different benefit and an employee's placement in a given tier is based on the date they were hired. Tier I is the most generous benefit and has an option for an annuity based retirement that has been incredibly expensive to maintain. Tier I was replaced by Tier II in 1996. Tier II costs, though reduced, were also unsustainable and were replaced with a third tier, known as the Oregon Public Service Retirement Plan (OPSRP) which is designed to provide a 45 percent salary replacement after a full career. A primer on the PERS system may be found [here](#).

The cost to employers for this system has risen steadily since the market crash of 2008, and will increase again on July 1, 2019 (projected individual employer rates may be found [here](#)) and then again in 2021 and possibly again in 2023. Rates are anticipated to remain at a system wide average of around 29 percent of payroll and remain at that level until 2035 without reforms.

Adverse court rulings to previous attempts at reforms have limited our options to addressing benefits not yet earned. With that in mind the Human Resources Committee recommends reforms in the three following areas:

- Ensure that investments into the PERS system are achieving the maximum possible return in the most efficient manner possible while safeguarding the funds with proper financial controls.
- Requiring that employees absorb some of the costs for the pension system but ensure that OPSRP employees are impacted more favorably than Tier I and Tier II employees who will receive more generous retirement benefits.
- Establishing a fourth tier that provides similar benefits to employees but is funded in a more sustainable manner. Providing incentives to retirees and current employees in the other tiers to switch to the fourth tiers should be explored as well.

Presented by the Human Resources Committee

P. PERS Unfunded Liability Revenue Stream Dedication

Legislation:

The League proposes that a new state revenue stream be dedicated to paying down the unfunded liability over a period of years to sustain the Public Employees Retirement System (PERS).

Background:

The present unfunded liability has grown extraordinarily large and is causing rate increases for most local governments and schools that are not sustainable. The League would support all reasonable revenue stream ideas. Ideas include but are not limited to a new temporary limited sales tax, a new payroll tax, and a new temporary state property tax. The League will advocate that PERS cost-containment measures be pursued along-side revenue raising efforts to pay down the liability; both seem necessary to address the state-created problem.

Presented the Finance and Tax Committee and endorsed by the Human Resources Committee

Q. Place-Based, Water Resource Planning (Program Support)**Legislation:**

The League will advocate for the funding needed to complete existing place-based planning efforts across the state.

Background:

Oregon's water supply management issues have become exceedingly complex. Lack of adequate water supply and storage capacity to meet existing and future needs is an ongoing concern for many cities in Oregon and is a shared concern for other types of water users including agricultural, environmental and industrial. Most of the surface water in Oregon (during peak season months) is fully allocated with no new water available. As a result, the ability to meet existing and future demand for various water uses will require collaboration, improved management and coordinated conservation among a variety of stakeholders, including municipalities. For this reason, the Legislature passed legislation to create a place-based planning pilot program in Oregon. This program, administered through the Oregon Water Resources Department, is providing a framework and funding for local stakeholders to collaborate and develop solutions to address water needs within a watershed, basin or groundwater area. Place-based planning is intended to provide an opportunity for coordinated efforts and the creation/implementation of a shared vision to address water supply challenges. Four place-based planning efforts are currently underway across the state in the Malheur Lake Basin, Lower John Day sub-basin, Upper Grande Ronde sub-basin and mid-coast region. Without continued funding, these efforts will not be able to complete their work. The LOC Water & Wastewater Policy Committee recognized that while this funding is limited to specific geographic areas, they also recognize the importance of successfully completing these pilot efforts and conducting a detailed cost/benefit analysis. It is a critical step in order to demonstrate the benefits of this type of planning. If these local planning efforts prove to be successful, there will likely be future efforts to secure additional funding for other place-based planning projects across the state.

R. Property Tax Reform**Legislation:**

The League of Oregon Cities proposes that the property tax system should be constitutionally and statutorily reformed as part of the 2019 session work on state and local tax reform and improving funding for [schools](#) (see pages 69-72 of link; property taxes make up 1/3 of school funding).

Background:

The property tax system is [broken and in need of repair](#) due to [Measures 5 and 50](#), which are both now over 20 years old. All local governments and schools rely heavily on property tax revenues to pay for services and capital expenses. Therefore, the League will participate in coalitions to help draft and advocate for both comprehensive and incremental property tax reform option packages. The League will remain flexible to support all legislation that improves the system, with a focus on a property tax package with these elements:

- To achieve equity, a system that transitions to a market-based property tax valuation system (RMV) rather than the present complex valuation system from Measure 50 (requires constitutional referral).
- To enhance fairness and adequacy, a system that makes various statutory changes, some of which would adjust the impact of a return to RMV. For example, the League supports a new reasonable homestead exemption (percentage of RMV with a cap) but also supports limiting or repealing various property tax exemptions that do not have a reasonable return on investment.
- To restore choice, a system that allows voters to adopt tax levies and establish tax rates outside of current limits (requires constitutional referral).

[SJR 3](#) (see page 50 of link)(constitutional referral with return to real market value system) and [SB 151](#) (see page 48 of link) (homestead exemption bill) from the 2017 session will likely serve as starting points. City property tax data including real market values and assessed values can be accessed [here](#).

Presented by the Finance and Tax Committee

S. Qualification Based Selection (QBS)

Legislation:

The League will seek to reform the Qualification Based Selection (QBS) requirements to allow for the consideration of price in the initial selection of architects, engineers, photogrammetrists and surveyors.

Background:

The state currently prohibits the consideration of price when making an initial selection when awarding contracts for certain design professionals when conducting public improvements. Instead of issuing a request for proposals as is done with most public improvement projects, contracting agencies issue “requests for qualifications” on a project. Cities may negotiate price only after the initial selection of a contractor is made. Under this system a city or other contracting agency will never know the price of other qualified and responsible bidders on a project.

The League’s General Government Committee concluded that this process is not in the interests of cities or tax payers as it precludes the use of competitive bids. There is no other area in which a consumer, public or private, would procure a service or product without considering the price.

Presented by the General Government Committee

T. Right-of-Way and Franchise Fee Authority

Legislation:

Oppose legislation that, in any way, preempts local authority to manage public rights-of-way and cities’ ability to set the rate of compensation for the use of such rights-of-way.

Background:

In its commitment to the protection of Home Rule and local control, the League consistently opposes restrictions on the rights of cities to manage their own affairs. From time to time, in the context of public rights-of-way management authority discussions, proposals to restrict to this authority arise. Such was the case during the 2017 legislative session with [SB 202](#) and [SB 840](#). These efforts to restrict local authority often include proposals for a statewide right-of-way access policy and compensation system as well as limiting the ability of cities to charge fees of other government entities. This is contrary to local government management authority; the ability to enter into agreements with users of the right-of-way either by agreement/contract or ordinance; and to set the rate of compensation.

Presented by the Telecom, Broadband & Cable Committee

U. Safe Routes to School Match

Legislation:

Introduce legislation lowering the local Safe Routes to Schools matching grant requirement to 20 percent from 40 percent and lowering the matching grant requirement for areas qualifying for exceptions to 10 percent from 20 percent.

Background:

[Section 123 of HB 2017](#) (enacted in 2017) authorizes the Oregon Transportation Commission to provide matching grants for safety improvement projects near schools. To receive the grant cities must provide a 40 percent cash match unless the school is located in a city with a population of less than 5,000; is within a safety corridor; or qualifies as a Title I school in which case the cash match requirement is reduced to 20 percent. While cities support the availability of matching grant funds provided by the state, the current cash match requirements are too high for most cities to participate in the program.

Presented by the Transportation Committee

V. Small Area Cell Deployment (also known as “Small Cell Deployment”)

Legislation:

Oppose legislation that preempts local authority to manage public property while supporting deployment of wireless technology, including small area cell and 5G.

Background:

Legislative efforts involving the deployment of small area cell facilities are increasing around the nation. Currently 20 states ([Arizona](#), [Colorado](#), [Delaware](#), [Florida](#), [Hawaii](#), [Illinois](#), [Indiana](#), [Iowa](#), [Kansas](#), [Minnesota](#), [North Carolina](#), [New Mexico](#), [Ohio](#), [Oklahoma](#), [Rhode Island](#), [Tennessee](#), [Texas](#), [Utah](#), [Virginia](#), and [Washington](#)) have passed bills that limit cities ability to collect appropriate and fair rights-of-way, permitting, and lease fees on municipal property; to control their own design and aesthetics; or otherwise manage wireless technology deployment within their jurisdictions. This type of legislation is not going away. In fact, it is just beginning.

During the 2017 session, the League was approached independently by representatives of two wireless companies with draft concepts that could have resulted in legislation compromising local authority to manage the deployment of small area cell and 5G technology. Issues raised included “shot clock” (time allowed for cities to rule on applications), fee structures and limits, contract terms and duration, land use issues etc. These efforts are expected to continue in 2019 and with greater urgency as the technology approaches deployment status. While cities in Oregon support the advent of new wireless technology including small cell and 5G, authority to ensure their deployment complies with local laws and policies must be maintained.

Presented by the Telecom, Broadband & Cable Committee

W. Speed Cameras

Legislation:

Introduce and/or support legislation authorizing cities to use fixed speed cameras at locations other than intersections.

Background:

Speeding is a public safety issue. The Oregon Transportation Safety Action Plan envisions no deaths or life-changing injuries on Oregon's transportation system by 2035. Currently, cities have the authority as a result of [HB 2409](#) (enacted in 2017) to issue a speeding citation from the same camera and sensor system used to enforce red light compliance at intersections.

Further, speeding does not only occur at intersections. Additional automated enforcement, outside of intersections, would be a valuable tool allowing cities to mitigate dangerous behaviors and speeding. In 2015, the Oregon Legislature granted the city of Portland the authority to implement a fixed speed safety camera program ([HB 2621](#)). The fixed speed camera systems have been operating on "urban high crash corridors" that are also part of the city of Portland's High Crash Network. While this program has not been in place long, the comparison of before and after speeds near the fixed photo radar system is indicating that the automated enforcement is positively influencing speed reduction (see [PBOT report](#)). This legislation would extend the authority to all Oregon cities to implement fixed speed safety camera programs to help reduce the number of deaths and serious injuries that occur as a result of speeding.

Presented by the Transportation Committee

X. Speed Limit Methodology

Legislation:

Introduce legislation that directs the Oregon Department of Transportation to develop a new speed setting methodology for cities and other urban areas that uses a safe systems approach validated by expert system tools as recommended by [NTSB Safety Study SS-17/01](#).

Background:

The NTSB safety recommendations represent current data-driven best practices to determine speed limits. Currently, Oregon speed limits are set based on the guidance that speed limits in speed zones within cities should be within 10 mph of the 85th percentile speed as determined by [The NTSB Safety Study SS-17/01](#), "Reducing Speeding-Related Crashes Involving Passenger Vehicles" concludes,

- "Speed increases the injury severity of a crash;"
- "...that unintended consequences of the reliance on using the 85th percentile speed for changing speed limits in speed zones include higher operating speeds and new, higher 85th percentile speeds in the speed zones, and an increase in operating speeds outside the speed zones;"
- "...that the safe system approach to setting speed limits in urban areas is an improvement over conventional approaches because it considers the vulnerability of all road users."

Presented by the Transportation Committee

Y. Third Party Building Inspection

Legislation:

The League will clarify the ability for local government programs to have private party building officials and building inspectors provide services for local building inspection programs, including recognizing that privately employed specialized inspectors can to perform specialized inspections.

Background:

Beginning in 2017, the League has been working to defend local building inspection programs that contract with third-party companies to provide building official and inspectors to run the local program. However, the Oregon Building Codes Division (BCD) has stated that the Oregon Department of Justice (DOJ) [has informed BCD](#) that programs that are structured this way violate the constitutional prohibition on delegating government authority. The League has repeatedly asserted that we disagree with that legal assessment. There was a bill introduced in 2018, [HB 4086](#), that would have adopted new requirements for

local governments running programs. The League worked with other stakeholders to prevent passage of the bill, but we committed to working on a legally defensible solution that does not prevent these locally run programs from continuing.

After the session, the BCD determined that it would implement new rules for locally run inspection programs to meet the asserted legal opinion on delegation. On April 23, the BCD enacted [emergency, temporary rules](#) that added significant requirements for local building inspection programs. The new rules required local programs to designate a government employee as a city's building official. The rules also required the city to have a government-employed, certified electrical inspector. Both positions could be filled by hiring the person directly or by an agreement between municipalities to share the employee(s). The rules further stated that a shared employee could only service three jurisdictions.

In May, the Director of the Consumer and Business Services, who oversees the BCD, informed the League that the temporary rules were rescinded. The Department's decision to rescind the rules included a statement that they would seek a formal opinion from the DOJ to clarify the issue of delegation. However, the BCD did replace the rescinded rules with [another temporary, emergency rule](#). This new rule was enacted on May 18 and states that a local government must appoint a government-employed building official.

In addition to the concerns about using third-party building officials, there is currently statutory prohibition on specialized inspectors that are employed in the private sector to complete specialized inspections. There are a limited number of these inspectors, and, without removal of this prohibition, larger scale projects will not be able to move forward because they cannot be inspected and permitted. This issue was the catalyst for the overall discussion related to third-party building officials, but is not related to the asserted legal claims.

There is a commitment to work on this issue in the 2019 session, but it remains an issue of high concern as it directly impacts the flexibility of local government choice on how to provide services at the local level. Using third-party providers allows smaller jurisdictions to have local, efficient programs that provide clarity for the local development community. It also allows a base of business for these companies, which also serve to provide over-flow capacity to programs that primarily staff these programs with government staff. Therefore, this issue is vital to the long-term success of locally run building inspection programs.

Presented by the Community Development Committee

Z. Tobacco Taxes Share Increase

Legislation:

The League proposes seeking a share of all state tobacco product tax revenues to assist with rising public safety costs and provide state shared revenue equity.

Background:

Only cigarette tax revenues are included in the [state-shared revenue](#) distribution to cities and those revenues are decreasing; cities receive about 2% of the cigarette tax revenues or \$3.6 million a year under the formula. [Other tobacco](#) (chew, snuff, cigars, pipe tobacco, etc.) is also taxed by the state and those revenues have been increasing ([now over \\$60 million a year](#)), but those revenues are distributed only to the state. Cities are preempted from taxing cigarettes and other tobacco products. However, cities are often left to enforce tobacco laws and handle sales and use complaints. The League proposes that cities should receive a fair share of all the tobacco tax revenues. The League anticipates that excise tax increases to cigarettes and other tobacco products, and a new vaping tax will be a part of revenue package discussions in 2019, and the League sees this concept as an important leveraging tool.

Presented by the Finance and Tax Committee

AA. Waste Water Technical Assistance Program

Legislation:

The League will advocate for the creation of a circuit rider program, within the Department of Environmental Quality, to provide needed technical assistance for communities on water quality issues, including wastewater treatment and permit compliance options. Staffing for the circuit rider program would be provided through a third-party contract (or contracts). The League will work to identify funding resources to support this program, including a possible set aside of Oregon's federal Clean Water State Revolving funds.

Background:

As Clean Water Act requirements for public wastewater systems continue to evolve, with new and more stringent requirements being placed on a number of Oregon communities; cities have expressed concern over how best to comply with those requirements, especially with the limited technical and financial resources that many face. The League's Water & Wastewater Committee discussed the need for technical assistance for communities experiencing these challenges and looked to an existing program within the Oregon Health Authority's (OHA) Drinking Water Services division as a template for addressing this need. The OHA funds a circuit rider program through a third-party contract. The program is funded through federal Drinking Water State Revolving Loan Funds. The program is intended to help more communities be successful in complying with state and federal requirements. The services provided through the program are free for communities with populations of less than 10,000.

Presented by the Water/Wastewater Committee

BB. Wetland Development Permitting

Legislation:

The League shall work to establish legislative authority for the Department of State Lands to assume the federal program from the U.S. Army Corps of Engineers under section 404 of the Clean Water Act.

Background:

In many communities looking to develop in the wetlands creates regulatory uncertainty, particularly where development is occurring in previously un-identified wetlands, because there are two agencies that must provide permits, the Oregon Department of State Lands (DSL) and the U.S. Army Corps of Engineers (USACE). The state's process has set deadlines which provides certainty for developers. However, the USACE process is much less consistent or timely. This uncertainty increases risk related to development that can cause projects to stop before they start. In a time where cities are trying to encourage development to meet the housing shortages and economic development goals to support citizens, any increased barriers can impact success.

There is a process in place at the federal level that would allow for the state to assume the USACE permitting process increasing the efficiency and certainty in the process. The [state has taken steps](#) in the past to ensure alignment of the state program to the requirements for federal approval. However, there were concerns raised at the time that the process related to the Endangered Species Act and cultural resource protections. The DSL has continued to work on these conflicts and believes it is positioned to work with the federal government to assume the federal permitting process if so authorized by the state legislature. For further information, the DLS provided a presentation for the committee, available [here](#).

Presented by the Community Development Committee

CC. Wood Smoke Reduction Program Support

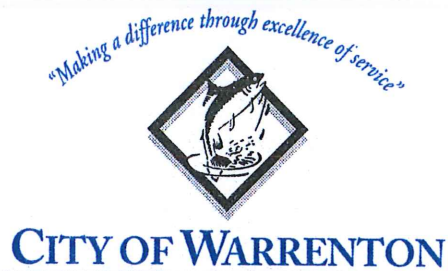
Legislation: Support increased funding to support local wood smoke reduction programs and efforts. The League will advocate the need for an additional \$3-5 million, recognizing that any additional funding to assist communities is helpful.

Background: Woodstove smoke is one of the most significant sources of fine particulate and toxic air pollution in Oregon, often jeopardizing public health and putting communities at risk of violating federal air quality standards. Woodstove smoke is a problem for many Oregon communities that struggle with both the public health impacts and economic threat of being designated as nonattainment under the federal Clean Air Act. To address this challenge, local governments need access to funding for wood smoke reduction programs. Such programs have proven effective at reducing wood smoke in communities and include public education, enforcement, incentives for woodstove change-outs (to ductless heat pumps or certified stoves, weatherization assistance for low-income households and providing residents with dry, seasoned fire wood which burns cleaner. A 2016 taskforce report that was submitted to the Legislature indicated that there are approximately 150,000 uncertified stoves in the state, and that while Oregon has a long and successful history of replacing woodstoves in certain communities, money is sporadic and limited. The report went on to suggest that “an allocation in the range of \$3-5 million per biennium could target high-risk communities and would support a meaningful level of effort to replace old, dirty woodstoves.”

In 2017, the Legislature provided \$250,000 in funding for community wood smoke reduction programs. The need for local communities, including a number of small cities, is much greater.

Presented by the Energy & Environment Committee

7-C



AGENDA MEMORANDUM

TO: The Warrenton City Commission
FROM: Linda Engbretson, City Manager
DATE: July 24, 2018
SUBJ: Consideration of Agreements Related to State Funding/Grants for Pacific Coast Seafood Rebuild

IN SUMMARY

Attached are 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.

The City entered into a grant agreement with the State of Oregon – Oregon Business Development Department (OBDD) in the amount of \$150,000 last fall. An additional \$500,000 is available through OBDD and thus requires amendments to these two agreements. Legal Counsel prepared the amendment between the City and Pacific Coast Seafood, and has reviewed the amendment between the city and state.

RECOMMENDATION/SUGGESTED MOTION

" I move to authorize the Mayor's signature on Amendment Number 1 of the Intergovernmental Grant Agreement between City and OBDD, Project Number RS1612."

"I move to authorize the Mayor's signature on the Amendment to Agreement for Disbursement of Proceeds from OBDD Grant, between the City and Pacific Coast Seafoods Company."

ALTERNATIVE

None recommended.

FISCAL IMPACT

The City has contracted with Mary McArthur of Col-Pac to provide oversight of the grant requirements. The agreements with Pacific Coast cover these costs up to \$75,000. To date we have spent a little over \$5,000.

Amendment Number 1

Project Name: City of Warrenton - Pacific Coast Seafoods Company

This amendment is made and entered into by and between the State of Oregon, acting by and through the Oregon Business Development Department (“OBDD”), and the City of Warrenton (“City”), and amends the Intergovernmental Grant Agreement between City and OBDD, Project Number RS1612, dated 26 September 2017, (“Contract”) for the above-named Project. Capitalized terms not defined in this amendment have the meanings assigned to them by the Contract.

Recital: The purpose of this amendment is to increase the Grant amount and extend the Disbursement Request date, pursuant to negotiations between the Pacific Coast Seafoods Company, City and OBDD under which OBDD agreed to provide additional funding for the Project if additional funding from the Legislative Assembly became available, and the City agreed to pass on such additional funding through an amended Contract to the Company.

Now therefore: in consideration of the mutual covenants and agreements set forth herein, the sufficiency of which the parties acknowledge and agree, the parties agree the Contract is amended as follows with deletions shown in ~~strikethrough~~ and additions shown in double underline :

1. Amend the first sentence of Section 3 of the Contract to read:

“3. Grant, Payment Terms. Subject to the terms and conditions of this Agreement, OBDD will provide City with ~~\$150,000~~ \$650,000 in funding (the “Grant”) to enable the City to assist Pacific Coast Seafoods Company (the “Company”) in the construction of its seafood processing facility in Warrenton, Oregon, as further described in Exhibit A (the “Project”).”

2. Amend the last sentence of the second paragraph of Section 2 of Exhibit A of the Contract to read:

“OBDD shall pay to City, within thirty (30) days after OBDD’s receipt and approval of a Disbursement Request, an amount equal to the disbursement requested by City in such request; provided, however, that in no event shall the total amount disbursed to City under this Agreement exceed the sum of ~~\$150,000~~ \$650,000 and in no event shall OBDD be obligated to disburse Grant funds requested in a Disbursement Request received by OBDD after ~~June 30, 2018~~ September 30, 2018.”

3. Amend the penultimate sentence of Section 4 of Exhibit A of the Contract to read:

“For example, if during the Operations Period the New Plant is operated as a seafood processing facility for eight and one-half years, and assuming that ~~the full a~~ a Grant amount of \$150,000 was disbursed to City, City shall pay to OBDD, upon OBDD’s demand made after the expiration of the Operations Period, the sum of \$22, 500 (1.5 years x \$15,000).”

4. OBDD’s offer of this amendment will expire and OBDD will have no obligation under this amendment, unless, within 60 days of the date of OBDD’s signature below, the City accepts OBDD’s offer and delivers to OBDD the following items, each in form and substance satisfactory to OBDD and its Counsel:

(i) this amendment duly executed by an authorized officer of the City; and

(ii) such other certificates, documents, opinions and information as OBDD may reasonably require.

5. This amendment may be executed in several counterparts, all of which when taken together shall constitute one agreement binding on all parties, notwithstanding that all parties are not signatories to the same counterpart. Each copy of the amendment so executed shall constitute an original.

6. Except as specifically provided above, this amendment does not modify the Contract, and the Contract shall remain in full force and effect during the term thereof. City certifies that the representations, warranties and certifications contained in the original Contract are true and correct as of the date of its signature below and with the same effect as though made at the time of this amendment. This amendment is effective on the date it is fully executed and approved as required by applicable law.



STATE OF OREGON
acting by and through the
Oregon Infrastructure Finance Authority



CITY OF WARRENTON

By: _____
Chris Cummings, Assistant Director
Economic Development

By: _____
The Honorable Henry Balensifer
Mayor of Warrenton

Date: _____

Date: _____

APPROVED AS TO LEGAL SUFFICIENCY IN ACCORDANCE WITH ORS 291.047:

Cynthia Byrnes via email dated 14 June 2018
Cynthia Byrnes, Senior Assistant Attorney General

**AMENDMENT TO AGREEMENT FOR DISBURSEMENT OF PROCEEDS
FROM OBDD GRANT**

This amendment is made and entered into by and between the City of Warrenton, a municipal corporation (“City”) and Pacific Coast Seafoods Company, an Oregon corporation (“Pacific Coast”) and amends the Agreement for Disbursement of Proceeds from OBDD Grant, dated August 22, 2017 (the “Agreement”). Capitalized terms not defined in this amendment have the meanings assigned to them by the Agreement.

The purpose of this amendment is to increase the Grant amount, pursuant to negotiations between Pacific Coast, City and OBDD under which OBDD agreed to provide additional funding for the Project if additional funding from the Legislative Assembly became available, and the City agreed to pass on such additional funding through an amended Agreement to Pacific Coast.

Now, therefore, in consideration of the mutual covenants and agreements set forth herein, the sufficiency of which the parties acknowledge and agree, the parties agree the Agreement is amended as follows with deletions shown in ~~strikethrough~~ and additions shown in underline:

1. Amend the Recitals section, Paragraph A as follows:

“The State of Oregon, acting by and through its Oregon Business Development Department (“State” or “OBDD”) and City intend to enter into a certain Intergovernmental Grant Agreement No. RS 1612 (the “IGA”) contemporaneously with the execution of this Agreement, which, among other things will govern the disbursement of a ~~\$150,000~~ \$650,000 grant from OBDD to City (the “Grant”) that will be used to reimburse Pacific Coast for costs and expenses incurred by Pacific Coast in connection with the construction of a new seafood processing facility in Warrenton, Oregon (the “Project”).”

2. Amend the second to last sentence of paragraph 5 as follows:

“For example, if during the Operations Period the New Plant is operated as a seafood processing facility for eight and one-half years, and assuming that ~~the full a~~ Grant of \$150,000 was disbursed to City and received by Pacific Coast, Pacific Coast shall pay to OBDD, upon OBDD’s demand made after the expiration of the Operations Period, the sum of \$22,500 (1.5 years x \$15,000).”

3. This amendment may be executed in several counterparts, all of which when taken together shall constitute one agreement binding on all parties, notwithstanding that all

parties are not signatories to the same counterpart. Each copy of the amendment so executed shall constitute an original.

4. Except as specifically provided above, this amendment does not modify the Agreement, and the Agreement shall remain in full force and effect during the term thereof. Pacific Coast certifies that the representations, warranties and certifications contained in the original Agreement are true and correct as of the date of its signature below and with the same effect as though made at the time of execution of the original Agreement. This amendment is effective on the date it is fully executed and approved as required by applicable law.

CITY OF WARRENTON, a municipal
Corporation

By: _____
Henry Balensifer, III, Mayor

PACIFIC COAST SEAFOODS COMPANY,
an Oregon corporation

By: _____
Daniel Occhipinti, General Counsel