

*"Making a difference through excellence of service"*



## **CITY OF WARRENTON**

### **AGENDA**

CITY COMMISSION OF THE CITY OF WARRENTON  
REGULAR MEETING

November 13, 2018 – 6:00 P.M.

Warrenton City Commission Chambers – 225 South Main Avenue  
Warrenton, OR 97146

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1. **CALL TO ORDER**

2. **PLEDGE OF ALLEGIANCE**

3. **CONSENT CALENDAR**

- A. Commission Work Session Minutes – 10.09.18
- B. Community Center Meeting Minutes – April 2018
- C. Community & Development Dept. Quarterly Report – July – Sept. 2018

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 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. Development Code Amendment (DCR: 18-4) - Pacific Seafoods

7. **BUSINESS ITEMS**

- A. Consideration of Nuisance Determination – 981 King Salmon Place
- B. Consideration of Nuisance Determination – 115 SW Alder Court
- C. Consideration of DLCD Technical Assistance Grant – Housing Needs Analysis

- D. Consideration of Resolution No. 2530; Adopting Water Department Rates
- E. Consideration of Second Reading of Ordinance No. 1222; Providing Rules & Regulations for City of Warrenton Water Department & All Areas Served by the Municipal Water Department Outside Warrenton's City Limits; Requiring Installation of Water Meters
- F. Consideration of Waiving Community Center Fee for Thankful Hearts Thanksgiving Dinner Event

**8. DISCUSSION ITEMS**

- A. System Development Charges Update

**9. GOOD OF THE ORDER**

**10. EXECUTIVE SESSION**

Under the authority of ORS 192.660(2)(d); *to conduct deliberations with persons designated by the governing body to carry on labor negotiations.*

**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, City Recorder, at 503-861-0823 at least 48 hours in advance of the meeting so appropriate assistance can be provided.**

3.A

MINUTES  
Warrenton City Commission  
Work Session – October 9, 2018  
5:15 p.m.

Warrenton City Hall - Commission Chambers  
225 S. Main  
Warrenton, OR 97146

Mayor Balensifer called the work session to order at 5:18 p.m.

Commissioners Present: Mayor Balensifer, Mark Baldwin, Pam Ackley, and Rick Newton  
Excused: Tom Dyer

Staff Present: City Manager Linda Engbretson, Finance Director April Clark, Accounting Technician Jessica Barrett, Public Works Analyst Trisha Hayrynen, Public Works Secretary Nancy Ager, Public Works Director Collin Stelzig, Public Works Operations Manager Kyle Sharpsteen, Community Development Director Kevin Cronin, Building Official Bob Johnston, Deputy City Recorder Jenny Faith, and City Recorder Dawne Shaw

City Manager Engbretson introduced everyone involved in updating the ordinance, and noted it was several months of work. She noted the last amendment was in 2014, and the original ordinance is from the 1990's. Accounting Technician Jessica Barrett and Public Works Analyst Trisha Hayrynen presented a power point slide show which outlined proposed water ordinance updates. They reviewed the changes in each section; the \$100 deposit has been removed, and once the ordinance is updated active accounts will be given a credit for deposits made; if there is no active account, a refund will be given. Discussion continued. Commissioner Baldwin noted concerns with not turning the water back on until the next day; citizens going without over the weekend. It was noted water is not turned off on Fridays; it is done on Tuesdays, which gives citizens time to pay and get it turned back on before the weekend. Discussion and further review of the changes continued. Mayor Balensifer asked when we can expect to see new ordinance; Ms. Engbretson stated it will be ready for the next meeting. Ms. Barrett reviewed exhibits A and B, and brief discussion continued on the fee schedule. Commissioner Baldwin noted concerns on increased fees (first 2 fees/service calls on exhibit B) for in city residents; Mayor Balensifer noted a wording/definition change is needed. The Commission stated they are in agreement with a fee for emergency/same day call. Discussion continued on fees. Mayor Balensifer noted current staff is doing a great job; the issues and concerns come from past experiences. Brief discussion continued.

There being no further business, Mayor Balensifer adjourned the work session meeting at 6:06 p.m.

APPROVED:

\_\_\_\_\_  
Henry A. Balensifer III, Mayor

ATTEST:

\_\_\_\_\_  
Dawne Shaw, City Recorder

WARRENTON COMMUNITY CENTER  
Advisory Board Meeting

Meeting Date: April 19, 2018

Place: Warrenton Community Center

Call to Order: Chairman, Mel Jasmin called the meeting to order at 4:00 PM

Roll Call: Chairman, Mel Jasmin; Secretary, Carol Snell; Vice Chairman, Frank Becker, Ronald LeChurch, Debbie Little, and Warrenton Finance Director, April Clark. Members absent and excused: Lorna Anderson.

Introduction of Guests: None

Public Comment: None

Approval of Minutes: Debbie offered a motion to approve the minutes of the February 2017 meeting. Frank seconded the motion. Motion passed.

Financial Report: Finance Director, April Clark, discussed the Financial Report for the 3<sup>rd</sup> quarter ending March 31, 2018. The Total rent fees are \$13,993. For the total rental hours of 386.5. Total revenue realized for the 3 quarters is \$18,756 while total expenses are \$11,873. The Center is ahead of budget by \$6,883. The average rental rate is \$ 36.21 per hour.

Old Business:

Judy quit working at the Center. April is now doing the cleaning. Times (8 – 11) for the breakfast were discussed.

Raffle sales (\$126.00) worked very well as to drawing the winners at the end and then calling the winner.

April stated that we had 195 individuals attend the Easter breakfast (107 adults and children 88). Net proceeds amounted to \$1,552.88. We had 15 donations from local businesses. Ten members from the WHS football team and their coach Ian O'Brien helped serve and clean up,

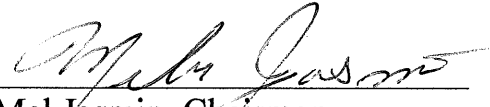
New Business:


Carol moved to have our next meeting on October 18, 2018. Debbie seconded the motion, motion passed.

Correspondence: None

Next Meeting: October 18, 2018.

Debbie motioned & Ronald seconded; to adjourn the meeting at 4:45 PM.

  
\_\_\_\_\_  
Mel Jasmin, Chairman

  
\_\_\_\_\_  
Carol Snell, Secretary

**Community & Economic Development Department Quarterly Report  
Quarter 1: July – September 2018**

3-C

<b>Development Review</b>	<b>Date</b>	<b>Activity</b>
Permit Report		<ul style="list-style-type: none"> <li>FY 18-19 Revenue: <b>\$4,954 (~50% of Budget!)</b></li> </ul>
Pre-Application Conferences		<ul style="list-style-type: none"> <li>Madison Development Group</li> <li>Gannaway Apartment CUP</li> <li>Trondheim Acres (Tractor Supply)</li> <li>Astoria NW Homes MFR</li> <li>Pac Seafoods Development Code Amendment</li> </ul>
Type 2: Admin		<ul style="list-style-type: none"> <li>LP 18-3: Land Partition: Bridgens</li> </ul>
Type 3: Public Hearings Planning Commission	07/12 10/11	<ul style="list-style-type: none"> <li>Coastal Maintenance &amp; Plumbing</li> <li>PAC Seafoods Development Code Amendment</li> <li>TSP Work Session</li> </ul>
Type 4: Legislative City Commission		<ul style="list-style-type: none"> <li>Fee Resolution Adopted</li> <li>Short-term Rental Discussion (2)</li> <li>Coastal Maintenance Appeal</li> <li>Spur 104 Rezone</li> <li>Housekeeping Amendment Approved</li> </ul>
Construction Close Out		<ul style="list-style-type: none"> <li>Pac Seafoods</li> <li>Palmberg Storage Units</li> <li>Wal Mart</li> <li>Lang Boat Rinse (Hammond)</li> </ul>
<b>Projects</b>		
Development Review/ Streamlining		<ul style="list-style-type: none"> <li>Implemented weekly hours</li> <li>Built out department webpage</li> <li>Improved record keeping and submissions</li> <li>Investigating shared permit tech position</li> <li>Developing breakfast with contractor schedule</li> </ul>
RDI Road Map		<ul style="list-style-type: none"> <li>Attended August &amp; September meetings</li> <li>Promoted events</li> <li>Coordinated with RDI on action items</li> </ul>
TSP/Traffic		<ul style="list-style-type: none"> <li>Organized TSP open house &amp; PAC meeting</li> <li>Installed two bike racks @ City Hall</li> <li>Scoping of Warrenton Schools traffic study</li> </ul>
Housing Needs Analysis		<ul style="list-style-type: none"> <li>Coordinated MOU with DLCD for assistance on BLI and housing needs strategy</li> </ul>
<b>URA Program</b>		
Downtown Landscaping		<ul style="list-style-type: none"> <li>Worked w Pacific Power/ODOT to relocate guide wires</li> </ul>
<b>Economic Development</b>		
Partnership Development	09/18	<ul style="list-style-type: none"> <li>Attended CEDR Board meeting</li> <li>Met with NCLC, Port of Astoria</li> </ul>
<b>ADMIN</b>		
Professional Development IGA: CREST Planning Services		<ul style="list-style-type: none"> <li>LOC – Eugene September 26-28</li> <li>Floodplain Permit Review/Type 2 Overflow</li> </ul>

C.A

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**CITY OF WARRENTON**

**AGENDA MEMORANDUM**

**TO:** The Warrenton City Commission  
**FROM:** Kevin A. Cronin, Community Development Director  
**DATE:** For Agenda of November 13, 2018  
**SUBJ:** **PUBLIC HEARING:** Development Code Amendment | Pacific Seafoods (DCR: 18-4)

**SUMMARY**

The proposed development code amendment is a request made by Pacific Seafoods to allow under certain conditions employee housing on I-2 Industrial Water Dependent Shorelands. A more detailed policy discussion is contained in the Planning Commission staff report.

The Planning Commission held the first of two required public hearings for a Type 4 application on October 11. The Planning Commission recommended approval with no amendments or conditions. Notice was published in the *Columbia Press* on October 26, 2018 to advertise the second public hearing.

City staff worked with Pacific Seafoods, their attorney, and the Department of Land Conservation & Development on a carefully worded description of a "permitted use" to facilitate employee housing. The type of housing, occupancy, number of beds, and safety considerations would be addressed by the applicant and the Building Official if and when the amendment is adopted. Enclosed is Ordinance No. 1223 for consideration.

**RECOMMENDATION/SUGGESTED MOTION**

*Based on the staff report, application, and exhibits presented to the*

Warrenton City Commission Agenda Summary  
I-2 Water Dependent Industrial Amendment (DCR 18-4)  
For Agenda of November 13, 2018

*Planning Commission, the record established by the Planning Commission in its review of Application DCA 18-4, and Agenda Summary for November 13, 2018 City Commission public hearing and public testimony, I move to approve the first reading of Ordinance No. 1223, by title only.*

Title: *Ordinance 1223, Introduced by All Commissioners, to Amend Warrenton Municipal Code (WMC) 16.64.020.*

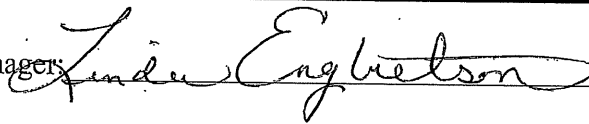
### **ALTERNATIVE**

*Based on the public testimony and Commission discussion, I move to continue the hearing to allow additional testimony and deliberation until the next regularly scheduled Commission meeting on November 27, 2018.*

### **FISCAL IMPACT**

Not known at this time.

Approved by City Manager:



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



## ORDINANCE No. 1223

Introduced by All Commissioners

An ordinance amending Warrenton Municipal Code Chapter 16.64.020

**WHEREAS**, Pacific Seafoods has made application to amend the I-2 Industrial Water Dependent Shorelands Zone to allow employee housing;

**WHEREAS**, the City of Warrenton has supported specific and targeted revisions to the Warrenton Development Code in order to facilitate new housing opportunities.

**NOW, THEREFORE**, the City of Warrenton ordains as follows: (Key: ~~deleted~~ OR **new**)

Section 1. Warrenton Municipal Code Section 16.64.020 Permitted Uses, is amended as follows:

16.64.020 Permitted Uses.

The following uses and activities and their accessory uses and activities are permitted in the I-2 zone if the Community Development Director determines that the uses conform to the standards in Section 16.64.040, applicable Development Code standards, and other City laws:

- A. The following water-dependent industrial or port uses:
  - 1. Industrial docks, piers, moorage facilities.
  - 2. Marine cargo transfer facilities.
  - 3. Seafood receiving and processing.
- B. Navigation aids.
- C. Repair and maintenance of existing structures or facilities.
- D. Land falls and access corridors for submerged cable, sewer line, water line, or other pipeline crossing.
- E. New dikes limited to those in conjunction with uses permitted in the I-2 zone.
- F. Land transportation facilities and improvements.
- G. Stormwater or wastewater outfall.
- H. Shoreline stabilization.
- I. Water-dependent portions of an aquaculture facility.
- J. Public utility structures, on-shore pipelines, cables and utility crossings.
- K. Marine research and education facility.
- L. Community garden(s) (see definitions).
- M. Similar uses as those listed in this section. (Ord. 1186-A § 6, 2014)
- N. Dormitory. A dormitory only for employees of one of more industrial water-dependent uses in the I-2 zoning district. The dormitory shall be on a lot which includes one or more benefitting industrial water dependent uses. The dormitory shall be discontinued if either the ownership changes so that the lot on which the dormitory is located is no longer controlled by the owner or one of more of the benefitting water-dependent uses, or the benefitting industrial**

**water-dependent use or the same lot as the dormitory ceases to operate. The dormitory may house workers of other industrial water-dependent uses if in the same ownership as the lot on which dormitory is located.**

Section 4. . . . This ordinance shall become effective 30 days after second reading

First Reading:

Second Reading:

ADOPTED by the City Commission of the City of Warrenton, Oregon this day    of    .

APPROVED

\_\_\_\_\_  
Henry A. Balensifer, Mayor

Attest:

\_\_\_\_\_  
Dawne Shaw, City Recorder

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## CITY OF WARRENTON

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October 4, 2018

To: Warrenton Planning Commission  
From: Kevin A. Cronin, AICP, Community Development Director  
Re: Amendment to Warrenton Municipal Code (WMC) 16.64.020 Water Dependent  
Industrial Shorelands (I-2) Land Use District (File: DCR 18-3)

The purpose of this memo is to outline a proposed Development Code amendment to the I-2 Water Dependent Industrial Shorelands Land Use District. The amendment is proposed by Pacific Seafoods, which owns multiple properties for its long time, seafood processing business in Warrenton. As a result of a severe housing shortage for seasonal and full-time employees, Pacific Seafoods has considered multiple options to house employees. The proposal is just one specific approach to providing a range of housing options in an area that is experiencing a housing crisis. A brief summary of the changes is described below along with required findings for a text amendment to the Development Code (DCA 18-4).

### **Background**

The I-2 Land Use District (WMC 16.64) does not allow residential uses of any kind. In general, shorelands are a unique land asset intended to support water dependent uses only, such as seafood processing, and preserve those limited lands over time for marine-based businesses. Pacific Seafoods has capacity in an existing office at one of its processing facilities near Hammond that it wants to repurpose into temporary, seasonal employee housing in a dormitory style setting. The current Development Code did not contemplate the need for employee housing and does not support its inclusion. Therefore, Pacific Seafoods has proposed a very strict definition of dormitory style, employee only housing with an operations and maintenance plan to ensure it does not get converted to other residential types; a hotel use; continuing the use after change in ownership in effect negating a potential non-conforming use, or managed in a way contrary to the intended need. The carefully worded definition includes a specific nexus between the employees and the existing water dependent use and also allows other employees for another location. The latter is intended to allow employees from the new processing facility on the Skipanon River to use the housing that would be located near Hammond. Staff has worked with the applicant and the Department of Land Conservation & Development (DLCD) on a proposal that meets a local policy objective of creating new housing opportunities while preserving shorelands for its intended use. The City's interest in creating more housing opportunities is potentially in conflict with Statewide Land Use Planning Goals

(Goal 17 Coastal Shorelands). DLCD is not aware of any cities that have considered a similar proposal to address a housing shortage and therefore is receiving more scrutiny and feedback to ensure the proposal can meet statewide policy.

### **Procedures & Public Notice**

A property owner or an authorized person has the authority to initiate a text amendment according to WMC 16.208.070(D) General Provisions. This proposal is being reviewed pursuant to Warrenton Municipal Code Sections 16.208.060 (Type IV Procedure - Legislative and Map Amendments), 16.232 (Land Use District Map and Text Amendments), Comprehensive Plan (CP), Statewide Planning Goals, Oregon Revised Statutes and the Oregon Administrative Rules.

A pre-application conference was held on August 8, 2018. The application was received on September 4, 2018 with revised findings submitted on September 26, 2018 after consultation with the DLCD. The City published notice of the Planning Commission public hearing in *The Columbia Press* September 14, 2018. No public comments have been received to date. City staff sent a notice of proposed plan amendment (PAPA) to DLCD on September 4, 2018.

### **FINDINGS**

The applicant has submitted findings of fact and are included under separate cover. Below are additional findings of fact. In cases where staff findings differ from the applicant's representative findings they are emphasized below.

#### **Comprehensive Plan**

*Comprehensive Plan Section 3.310: It is the City's policy to encourage development of housing needed to accommodate desired growth, and to provide every Warrenton household with an opportunity to obtain a decent home in a suitable neighborhood.*

*Section 3.310 Strategies: (6) Work with the development community to ensure creation of new housing that meets identified future needs.*

*Section 3.330 Industrial Lands: Uses which are not water dependent or water related are provided for, but only when they do not foreclose options for future higher priority uses and do not limit the potential for more intensive uses of the area.*

Response: The City has a policy that encourages different housing types and opportunities for decent housing. The promotion of employee housing is consistent with this policy and a strategy that supports the creation of new housing to meet unprecedented demand. In addition, the proposal is defined in a way that doesn't preclude water dependent uses in the future. Standard is met.

Comprehensive Plan Section 9.310 City Economy: *(4) Encourage present employers to expand their operations and aid them in doing what is necessary to maintain an economic base for employment within the city.*

Response: The above policy clearly and strongly advocates for expansion of present employers. However, it is silent on employee housing. In order to maintain an economic base in the city, workforce housing has become a critical issue to finding and retaining employees. In addition, employers such as Bornstein Seafoods and Hampton Lumber are considering investments in dedicated housing for employees to provide a stable employment environment. Standard is met.

## **Compliance with Oregon's Statewide Planning Goals and Related Rules and Statutes**

### **Goal 1, Citizen Involvement**

Goal 1 outlines policies and procedures to be used by local governments to ensure that citizens will be involved "in all phases of the planning process."

This proposal for a development code amendment is being reviewed in accordance with the acknowledged provisions for citizen involvement in the municipal code. It does not propose any changes to those provisions. This application therefore complies with Goal 1.

### **Goal 2, Land Use Planning**

Goal 2 requires local governments to "establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions."

The proposal and applicable comprehensive land use plan policy is being reviewed by the Planning Commission who will forward a recommendation to the City Commission who will ultimately render a decision, which satisfies Goal 2.

### **Goal 3, Agricultural Lands**

Goal 3 deals with conservation of "agricultural lands" as defined in that goal. The goal's provisions are directed toward counties, not cities (such as Warrenton). The goal states, "Agricultural land does not include land within acknowledged urban growth boundaries...." This goal does not apply.

### **Goal 4, Forest Lands**

Goal 4 deals with conservation of "forest lands" as defined in that goal. Details about such conservation are set forth in related administrative rules: OAR Chapter 660, Division 006. OAR 660-006-0020 states: "Goal 4 does not apply within urban growth boundaries...." This goal does not apply.

### **Goal 5, Natural Resources, Scenic and Historic Areas, and Open Spaces**

The basic aim of Goal 5 is "To protect natural resources and conserve scenic and historic areas and open spaces." Because no such natural resources, scenic and historic areas and open spaces will be affected, this goal does not apply.

### **Goal 6, Air, Water and Land Resources**

Statewide Planning Goal 6 is "to maintain and improve the quality of the air, water and land resources of the state." It deals mainly with control of "waste and process discharges from future development." Because no development is proposed, this goal does not apply.

### **Goal 7, Areas Subject to Natural Hazards**

Statewide Planning Goal 7 is to "to protect people and property from natural hazards." This proposed code amendment does not address natural hazards and therefore is not applicable.

### **Goal 8, Recreational Needs**

Goal 8 is “to satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.” This goal does not apply to the proposal.

**Goal 9, Economic Development**

Goal 9 is to strengthen the ensure there is adequate land for commercial and industrial development and policies to support the type of industries that a local government wants to attract and grow. The addition of employee housing supports local economic development and empowers employers to solve the housing shortage by offering needed housing types to its employees.

**Goal 10, Housing**

Statewide Planning Goal 10 is “to provide for the housing needs of citizens of the state.” The goal requires cities to assess future need for various housing types and to plan and zone sufficient buildable land to meet those projected needs. Goal 10 is silent on employee housing. The City will be conducting a housing needs analysis to determine its buildable lands and needed residential types. The proposal encourages temporary housing so it does not affect housing supply long term.

**Goal 11, Public Facilities and Services**

Goal 11 is “to plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.” The proposal does not materially affect public facilities. Standard does not apply.

**Goal 12, Transportation**

Goal 12 is “to provide and encourage a safe, convenient and economic transportation system.” This goal is not applicable.

**Goal 13, Energy**

Goal 13 is simply “to conserve energy” and does not apply.

#### **Goal 14, Urbanization**

Goal 14 is “to provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.” The proposal maximizes existing and underutilized shorelands for seasonal employee housing. Standard is met.

#### **Goal 15, Willamette River Greenway**

Goal 15 deals with lands adjoining the Willamette River and does not apply to this proposal.

#### **Goal 16, Estuarine Resources**

Goal 16 is “to recognize and protect the unique environmental, economic, and social values of each estuary and associated wetlands; and to protect, maintain, where appropriate develop, and where appropriate restore the long-term environmental, economic, and social values, diversity and benefits of Oregon's estuaries.” Because the code amendment would not affect any natural estuarine characteristics, this goal does not apply.

#### **Goal 17, Coastal Shorelands**

Goal 17 aims “to conserve, protect, where appropriate, develop and where appropriate restore the resources and benefits of all coastal shorelands, recognizing their value for protection and maintenance of water quality, fish and wildlife habitat, water-dependent uses, economic resources and recreation and aesthetics.” The proposal does potentially impact Goal 17 with the addition of housing in the I-2 Land Use District. However, the definition is so strictly worded that it would not detrimentally affect any other properties in the I-2 zone and would be incidental to the water dependent use. In addition, the supply of Goal 17 lands has not changed substantially since Comprehensive Plan acknowledgement. However, the City needs to conduct a current inventory to determine impacts of potential zone change requests.

#### **Goal 18, Beaches and Dunes**



Goal 18 says that “coastal areas subject to this goal shall include beaches, active dune forms, recently stabilized dune forms, older stabilized dune forms and interdune forms.” This goal does not apply.

#### **Goal 19, Ocean Resources**

Goal 19 deals with management of resources in Oregon’s territorial sea (the waters bordering the state’s coastline). Goal 19 does not apply to this application.

#### **OAR 660, Division 12 – Transportation Planning Rule**

The proposal is not expected to materially alter the traffic generated on or from I-2 zoned lands and therefore there are no significant effects to a transportation facility. In addition, the City is poised to adopt a new Transportation System Plan in 2018 with alternative mobility standards for state highways. As a result, higher levels of traffic and a lower level of service are expected within the planning horizon.

#### **CONCLUSIONS & RECOMMENDATION**

Adoption of the code amendment would fulfill the comprehensive plan policy regarding housing and economic development while preserving shorelands for marine development. The action would also meet the applicable statewide planning goals, including Goal 17 Coastal Shorelands. Most importantly, incorporating this change to the Development Code would facilitate more investment in employee housing without creating impacts to surrounding neighborhoods or jeopardize the long-term supply of water dependent industrial shorelands.

It is highly unusual for staff to review a text amendment proposal and not refute or question the findings of fact. The thoroughness, exacting nature, and rationale of applicant’s findings of fact is defensible, commendable, and provides a remedy to a communitywide problem. Therefore, staff would recommend adopting the applicant’s findings.

Based on staff’s findings and conclusions, the findings of fact contained in the application, staff recommends that the Planning Commission direct staff to prepare a draft ordinance, schedule a public hearing, and present to the City Commission with a recommendation to adopt.

*Suggested motion: Based on the findings and conclusions of the October 4, 2018 staff report, and findings contained in the application, I move to recommend changes to the Development*

*Code as described in DCR 18-4, draft an ordinance, and forward to the City Commission for a proposed public hearing on November 13 with a recommendation to adopt.*

*Alternative Motion: I move to continue the hearing to a date certain on November 8 to allow additional public testimony and reconsider the application.*

## Kevin Cronin

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**From:** Robinson, Michael C. <MRobinson@SCHWABE.com>  
**Sent:** Wednesday, October 10, 2018 1:22 PM  
**To:** Kevin Cronin; Michael Miliucci  
**Subject:** FW: Proposed Text Amendment to the I-2 Zoning District in Warrenton Development Code Title 16; Revised Text Amendment Language

Just want to confirm that this last version of the text amendment is what we are going with.

---

**From:** Robinson, Michael C.  
**Sent:** Monday, September 24, 2018 7:57 AM  
**To:** 'Kevin Cronin' <cityplanner@ci.warrenton.or.us>  
**Cc:** 'Phipps, Lisa' <lisa.phipps@state.or.us>; Michael Miliucci <MMiliucci@pacseafood.com>; Robinson, Michael C. <MRobinson@SCHWABE.com>  
**Subject:** Proposed Text Amendment to the I-2 Zoning District in Warrenton Development Code Title 16; Revised Text Amendment Language

Good morning.

This email contains the revised text amendment language to the I-2 zoning district proposed to be adopted by the Warrenton City Council to house workers of water-dependent uses in the I-2 zoning district, which is subject to Statewide Planning Goal 17 and its implementing administrative rule.

The proposed new use in the I-2 zoning district is to be a permitted use under Warrenton Development Code ("WDC") 16.64.020. Permitted uses are subject to the standards in WDC 16.64.040, applicable WDC provisions and other city laws. Lisa, WDC 16.64.040(V)(1)-(3) contains the requirements from the administrative rule in OAR 660-037-0080(3)(b)(A)-(C) (shown at the end of this email). All permitted uses are subject to these standards. Unless the department would like the language to repeat what the acknowledged WDC already expressly requires, the applicant proposes the language as distributed last Wednesday, September 19. The proposed text amendment language is shown below:

Amendment to WDC 16.64.020, Permitted Uses.

**"N. Dormitory. A dormitory only for employees of one or more industrial water-dependent uses in the I-2 zoning district. The dormitory shall be on a lot which includes one or more benefitting industrial water-dependent uses. The dormitory shall be discontinued if either the ownership changes so that the lot on which the dormitory is located is no longer controlled by the owner of one or more of the benefitting industrial water-dependent uses, or the benefitting industrial water-dependent use on the same lot as the dormitory ceases to operate. The dormitory may house workers of other industrial water-dependent uses if in the same ownership as the lot on which dormitory is located."**

Kevin, please give notice of the revised text amendment to DLCD as required by ORS 197.610(6) so that the department can comment on the revised text amendment before the initial evidentiary hearing at the Warrenton Planning Commission hearing on October 11 (the fifteen day date is September 26). This notice will satisfy the requirement in ORS 197.610(6) that notice of the revised language be provided at least ten days before the final evidentiary hearing on the application, which is now scheduled to be heard by the Warrenton City Council on November 13.

**WDC 16.64.040, Development Standards(for permitted uses in the I-2 zoning district)**

**V. Standards for Approval of Non-Water-Dependent Uses.**

- 1. Non-water-dependent uses shall be constructed at the same time as or after the water-dependent use of the site is established, and must be carried out together with the water-dependent use.**
- 2. The ratio of the square footage of ground-level indoor floor space plus outdoor acreage distributed between the non-water-dependent uses and the water-dependent uses at the site shall not exceed one to three (non-water-dependent to water-dependent).**
- 3. Such non-water-dependent uses shall not interfere with the conduct of the water-dependent use.**

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# Vacation rental debate takes root on Oregon coast

By Lori Tobias | For The Oregonian/OregonLive | Posted September 29, 2018 at 09:00 AM

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*(Charlotte Boxer at her Newport restaurant.)*

By LORI TOBIAS

SPECIAL TO THE OREGONIAN/OREGONLIVE

NEWPORT -- When talk turns to affordable housing and the competition to cash in on coastal tourism, restaurant owner Charlotte Boxer has plenty to share.

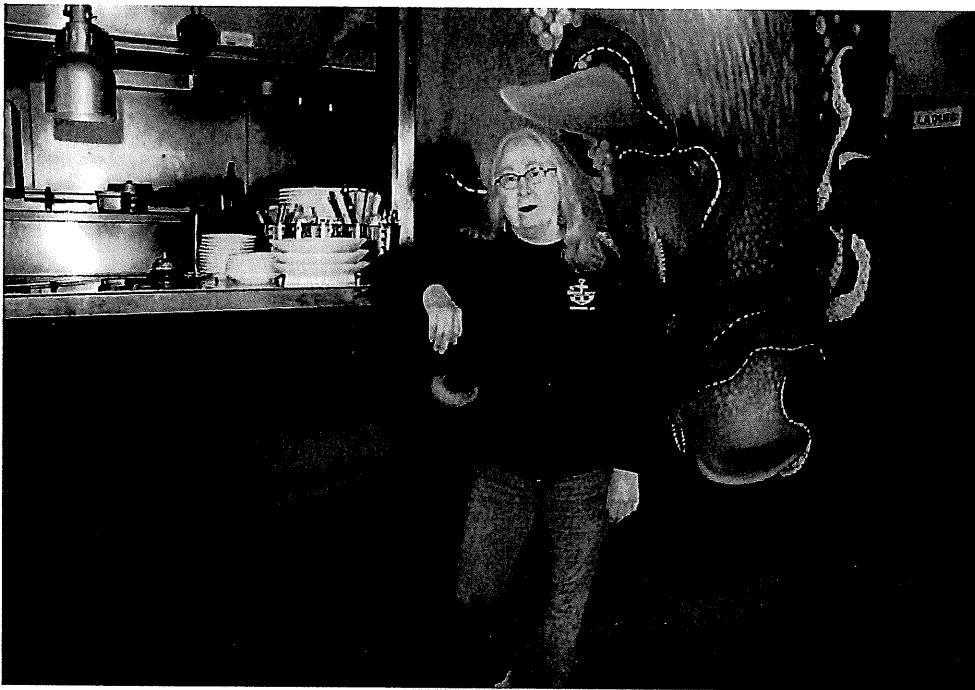
There are the homeowners in Agate Beach who put a shipping container in their yard for storage and then used it as a vacation rental. The city's community development director sent them a warning letter this month to cut it out or face up to \$500 a day in

finer for violations.

There's the couple dining at her restaurant who celebrated the purchase of a new house and their plans to oust the longtime tenants in favor of offering it as a vacation rental.

"Do you live around here?" Boxer said she asked them. "They said, 'Oh no, we live in New York, but we'll probably visit once or twice a year.'"

Boxer sits on an ad hoc city committee to review and rewrite vacation rental regulations, hoping to ease the housing crunch for full-time residents like a cook at her restaurant who's still living in an RV outside of town because she can't find a place to buy or rent.



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*(Charlotte Boxer at her Newport restaurant.)*

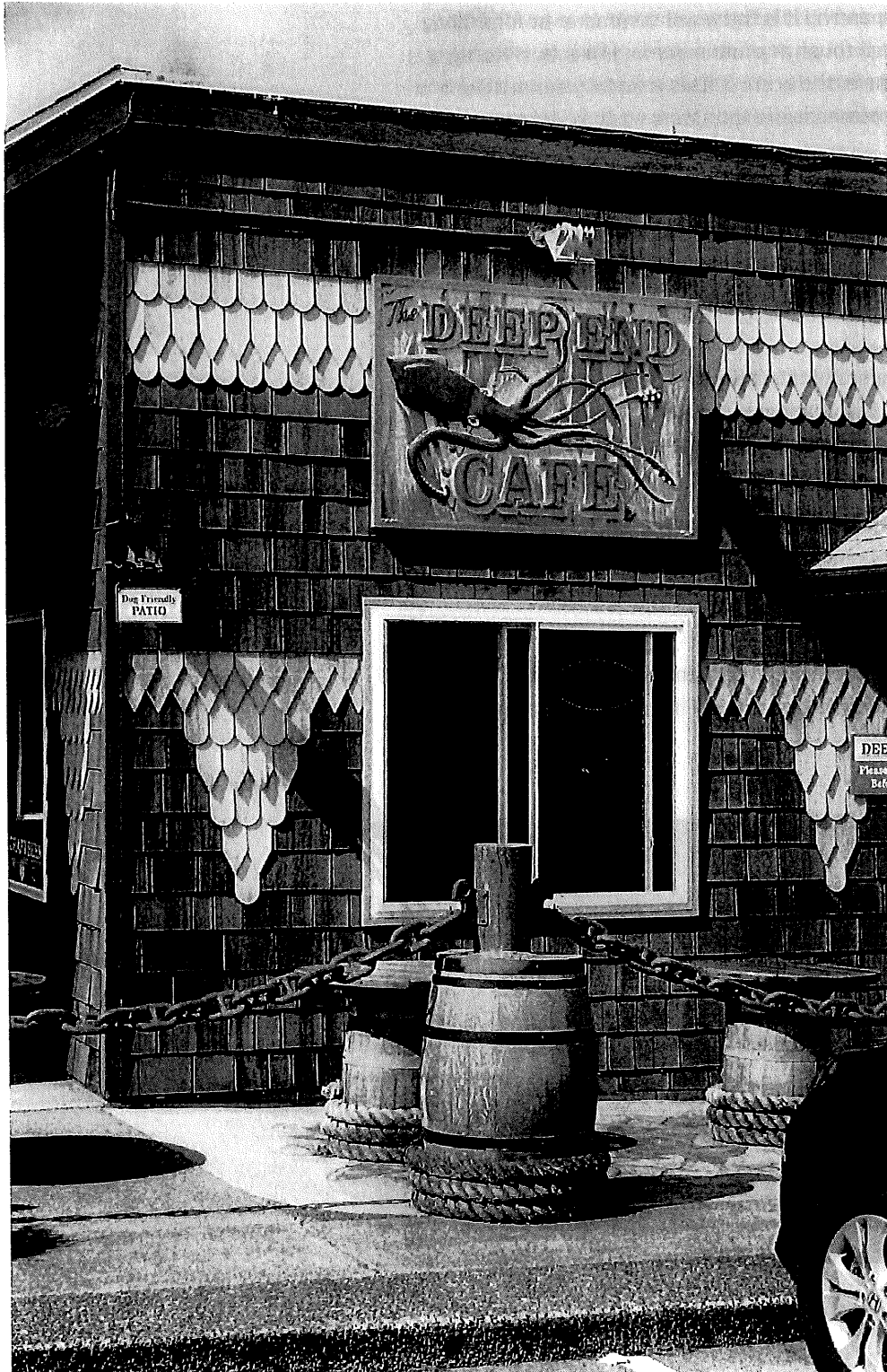
Tourism has long been the lifeblood of the Oregon coast, providing a boost to the economy year-round, no longer only during traditional high seasons. Yet that same economic driver brings with it certain burdens — the loss of affordable housing, traffic congestion and trash.

Now, it's behind a growing division in Newport and the source of a lawsuit in Manzanita, where almost \$2 million in fines were levied on a homeowner for an illicit vacation rental.

Affordable housing is increasingly scarce in Lincoln County, particularly in communities that hug the coast. The median price for single-family homes in Lincoln County was \$275,000 for the first half this year, up 10 percent over 2017, according to the county

Assessor's Office. The Oregon Employment Department lists the average wage in the county at \$36,730.

Many, like Boxer, blame the increase in vacation rentals for pricing out full-time residents looking for a long-term lease in Newport. There are currently 200 licensed vacation rentals in the city of approximately 5,500 dwellings.



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*(Charlotte Boxer's Newport restaurant.)*

Boxer's restaurant, The Deep End Café, thrives with a mix of locals and tourists, but she's considering giving up the business that was her lifelong dream because she can't find workers.

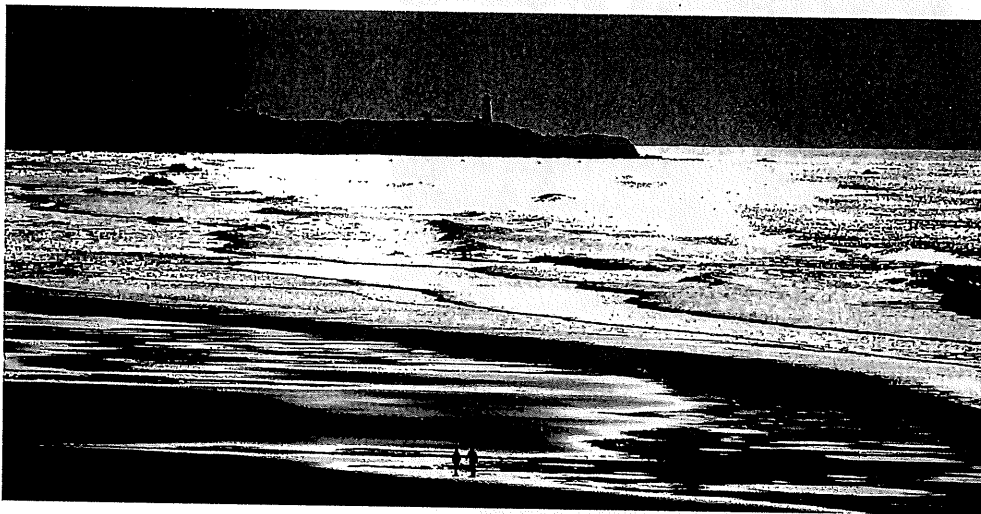
"This is the fifth summer I've been open and it is the worst summer ever for finding people to work," she said. "I won't go through another summer like this. Housing is pretty much at a crisis. It's pushed me to the brink. This is a really serious thing and vacation rentals are part of it. The businesses the tourists want to go to are not going to survive unless something is done."

Two new hospital campuses in Lincoln County — Samaritan Pacific Communities Hospital in Newport and Samaritan North Lincoln Hospital in Lincoln City — are expected to squeeze the housing inventory even further.

Dr. Lesley Ogden, chief executive officer of the hospitals, said the two campuses will attract about 25 new employees, but that number will continue growing. She's also felt the pain of the lack of affordable housing and lost employees because of it.

"When you go out to talk to people who make \$75,000 or less, you can hear stories of struggle," Ogden said. "I was actually sort of floored that someone who makes \$75,000 a year, which I thought was good, would have those struggles."

"What is available tends to be higher end, vacation rentals, that kind of stuff. Even though people might have a good living wage," she said, "it's still not enough because there's not enough housing available."



The Oregonian/OregonLive File

*(The beach with the Yaquina Head lighthouse on the horizon in Newport.)*



Derrick Tokos, Newport director of community development, agrees that the city needs more affordable homes, but doesn't agree that vacation rentals are the main cause of the housing shortage.

Many of the places that attract the majority of out-of-town visitors are million-dollar waterfront homes that hourly-wage workers couldn't afford to buy or rent if they came on the regular market, he said.

The city has created tax incentives for private developers to build lower-cost homes, with at least one project -- 110 units of one-, two- and three-bedroom apartments scheduled for construction next year. A three-bedroom would rent for about \$853 as established under rental limits by the Oregon Housing and Community Services.

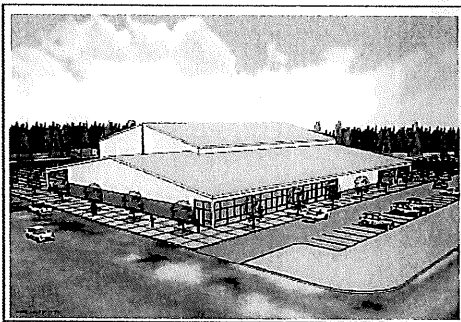
There also are other housing projects in the works but at market prices, Tokos said. "There is a wide range of market prices for a three-bedroom unit, with \$1,000 to \$1,200 being on the low end," he said.

While the influx of visitors can have some negative impact -- Newport's population of 10,000 triples during summer months -- others point out that tourism also supports local jobs and brings in millions of dollars in transient lodging taxes from hotel and vacation rentals.

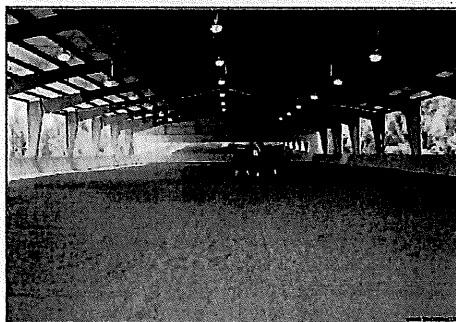
Newport collects about \$3.8 million from transient taxes annually and Lincoln County about \$1.5 million.

A study commissioned in spring by Travel Oregon/Oregon Tourism Commission reported that visitors to Oregon's coast generate \$1.985 billion in economic impact for the region, directly supporting 22,700 jobs for local residents, said Linea Gagliano, director of global communications for the state agency.

### Multi-purpose Building



### Pavilion



Lincoln County Commons master plan

*(Plans for the Lincoln County fairgrounds.)*

But not everyone feels the benefits equally, said Carla Perry, a founding member of CommonSense-Lincoln County.

"The only people making money are the hotels, restaurants, Airbnb's and the city and county in transient taxes," Perry said.

"The residents of the city pay for tourism in our water bills, utility bills, the infrastructure costs that are huge," she said. "We are not getting money from the tourists, but we are on the hook for the costs. We are the people paying for all those extra costs; we're also impacted in the lines in traffic. You'd think there would be a certain cut-off point for encouraging more tourism ... but the mentality is just increase tourism at any cost."

The CommonSense group is fighting plans for a new \$9.8 million exhibition and pavilion hall at the county fairgrounds on 9.5 acres that members believe could be better used to create housing for workers.



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*(The Lincoln County fairgrounds.)*

Perry, who's also part of a county committee to oversee the fairgrounds plans, would like to see the property sold to the Lincoln County School District and used for a new high school. Then existing school property – now adjacent to the fairgrounds – could be used to build housing for workers, she said.

Lincoln County Commissioner Claire Hall said residents have spoken at multiple meetings of their desire for the new fairgrounds buildings and approved a 3 percent increase in 2016 in the transient lodging tax for that purpose. A new high school on the property isn't viable for several reasons, including sinkholes on the property, she said.

Next up, the county is set to meet with consultants who will deliver a completed master plan for the fairgrounds project, with final approval and the hiring of an architect possible by the beginning of the new year.



David Dillon

*(The Manzanita house in question.)*

Ninety-five miles north, the city of Manzanita also is dealing with short-term rental issues, primarily people failing to follow rules established more than two decades ago.

The city has fined one homeowner \$1.8 million for illegally using her house as a vacation rental.

The city found the homeowner in violation of three ordinances: renting without a license, failing to collect the transient lodging tax and advertising the rental without a license.

The first two violations come with fines of \$1,000 a day and the third, \$500 a day.

The homeowner sued the city over the fine.

Kevin O'Connell, a lawyer for the homeowner, said in an email to Manzanita budget committee member David Dillon that his client took in \$21,000 from "friends and relatives" who used the beach house.

The money was requested in "donations for \$50 to \$65 per night to cover the costs of insurance, supplies, as well as recovering utility payments," the email said.

O'Connell called the fines "excessive" and enforced in a manner that "appears arbitrary."

The parties are now in the process of settling the suit, which must be approved by the City Council, said Manzanita city manager Jerry Taylor. Details of the settlement won't be made public until council approves them, he said.

The city relies on short-term rental tax collections to operate because its property tax rate is relatively low and capped by statewide voter initiatives, Dillon said.



The Oregonian/OregonLive File

*(Nehalem Bay, Nehalem Bay State Park and the Manzanita coast.)*

"When I moved here in the early '90s, we had what I heard called the short-term rental wars within the city of Manzanita," Dillon said. "People wanted to rent out their homes and the city wanted to be involved in that."

The city established limits allowing 17.5 percent of houses in certain residential zones to be used for short-term rentals, provided they had a safety inspection and paid tax to the city, he said.

But people find a way around the limit, sometimes through surreptitious online advertising when City Hall isn't monitoring the ad sites, Dillon said.

"Only about 25 percent of the houses here are lived in full-time," he said, noting that the year-round population in 2016 was 639.

"It's not just the city wanting the tax money. It can change the fabric of the neighborhood," he said. "They might bring in a lot of cars, make a lot of noise and then they go home. It does have an impact."

-- Lori Tobias

Special To The Oregonian/OregonLive

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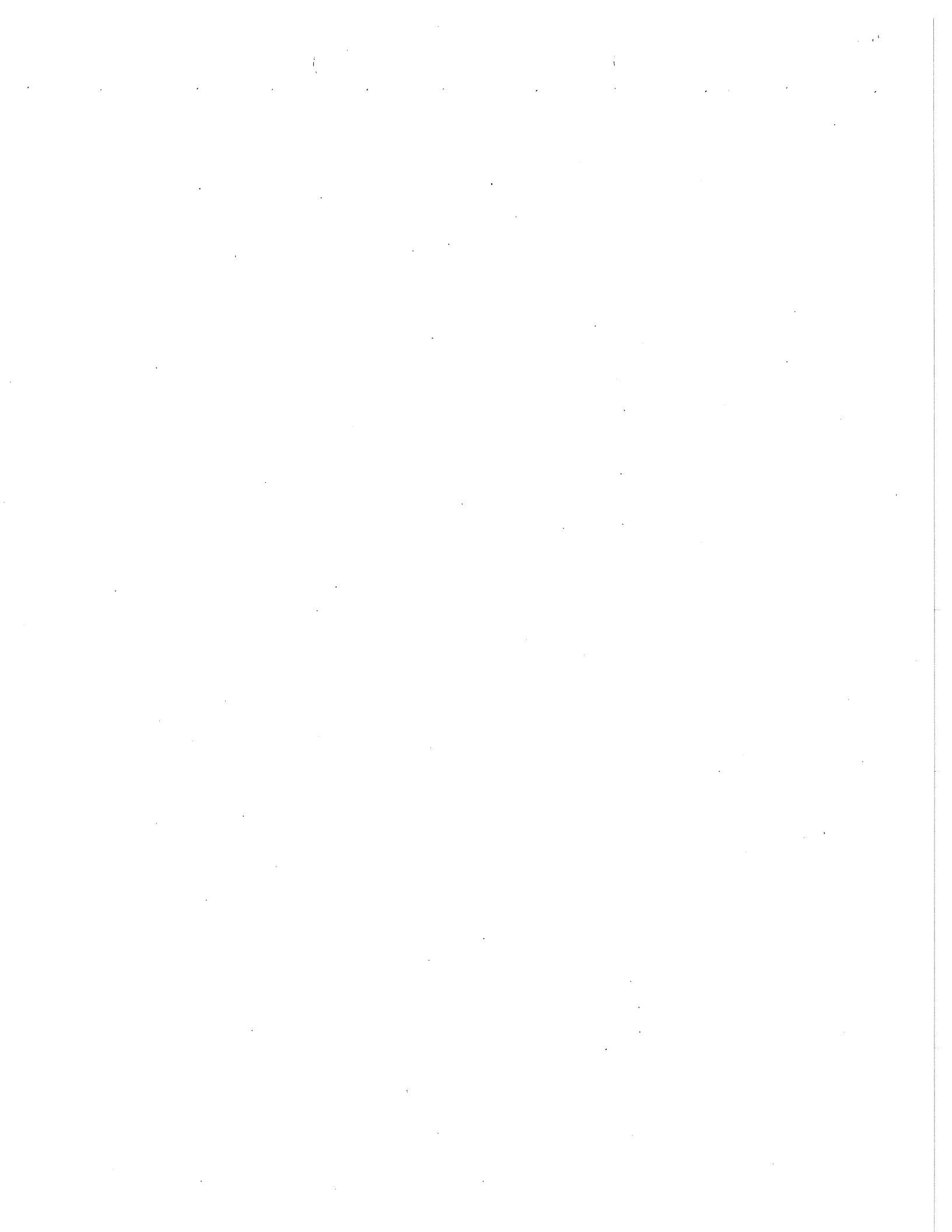
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BEFORE THE PLANNING COMMISSION  
AND THE CITY COMMISSION  
FOR THE CITY OF WARRENTON, OREGON

In the Matter of a Type IV Application to )  
Amend Warrenton Development Code (the ) FINDINGS OF FACT AND  
“WDC”) Section 16.64.020 to Allow ) CONCLUSIONS OF LAW  
Dormitories for Employees of Water ) (ORIGINALLY SUBMITTED AUGUST  
Dependent Industrial Uses (the ) 31, 2018; REVISED SEPTEMBER 25,  
“Application”) in the (“I-2”) Zoning District ) 2018)  
)

**I. Request.**

This Type IV legislative amendment Application to the text of the WDC, the City’s acknowledged land use regulations, requests that the Planning Commission (the “Planning Commission”) recommend approval to, and that the Warrenton City Commission (the “City Commission”) approve, a text amendment to amend WDC 16.64.020, permitted uses in the Water-Dependent Industrial Shorelands (“I-2”) Zoning District, to add the following use:

**“N. Dormitory. A dormitory only for employees of one or more industrial water-dependent uses in the I-2 zoning district. The dormitory shall be on a lot which includes one or more benefitting industrial water-dependent uses. The dormitory shall be discontinued if either the ownership changes so that the lot on which the dormitory is located is no longer controlled by the owner of one or more of the benefitting industrial water dependent uses, or the benefitting industrial water-dependent use on the same lot as the dormitory ceases to operate. The dormitory may house workers of other industrial water-dependent uses if in the same ownership as the lot on which dormitory is located.”**

The purpose of the text amendment is to allow work force housing in the City’s I-2 zoning district to accommodate the unmet need for affordable, short-term housing for employees of water-dependent industries in the I-2 zoning district. The amendment is solely for the benefit of employees of water-dependent industrial uses in the I-2 zoning district.

**II. Classification of Application and Procedure.**

**A. Authority to Initiate the Application.**

WDC 16.208.070.D.1.a.iv provides that a legislative amendment to the City’s land use regulations, the WDC, may be initiated by a record owner of property. **Exhibit 1** to this

Application is a completed City of Warrenton land use application form signed by the authorized representative of Pacific Seafood Group, a record owner of property within the City of Warrenton, Oregon.

**B. Characterization of the Application as a Legislative Application.**

This Application is properly characterized as a legislative application and not as a quasi-judicial application. WDC 16.208.020.D. The application is properly characterized as a legislative application because it makes new law as opposed to applying existing law.

**C. Procedure Type.**

This Application is characterized as a Type IV Application because the final decision is made by the City Commission following a recommendation by the Planning Commission and includes a text amendment to the WDC. WDC 16.208.020.D.

**D. Pre-Application Meeting.**

WDC 16.208.060.A requires a pre-application meeting. The City held a pre-application meeting with the Applicant on August 8, 2018 (**Exhibit 2**). The pre-application meeting met the requirements of WDC 16.208.070.C.

**E. Application Requirements.**

This Application meets the requirements of a Type IV application by providing the information required for a Type IV amendment. The Application provides the information required by WDC 16.208.060.B, findings of fact and other evidence to support the request and addresses all applicable approval criteria as required by WDC 16.208.060.F.

**F. Description of Proposed Amendment.**

The proposed text amendment requests that the City amend the I-2 zoning district to allow dormitories as a permitted use. The I-2 zoning district implements Goal 17, "Coastal Shorelands".

WDC 16.64.020, "Permitted Uses", lists the current permitted uses in the I-2 zoning district. Among the permitted uses are WDC 16.64.020.A.1, "Water-Dependent Industrial Uses Including Seafood Receiving and Processing." This revised text amendment Application proposes to add new permitted use "N." to allow a dormitory for employees of water-dependent industrial uses in the I-2 zoning district.

Pacific Seafood maintains two water-dependent industrial uses in the I-2 zoning district. The first facility is the Pacific Seafood's processing plant which processes seafood. The second is Bio Oregon which processes the residue from Pacific Seafood.

Pacific Seafood proposes to purchase an existing lot adjacent to Bio Oregon, known as Pacific Fabrication, which contains a vacant, water-dependent industrial use. Pacific Seafood proposes to combine the lots on which Bio Oregon and Pacific Fabrication are located so that a



single lot, owned by Pacific Seafood's owner, controls both uses. Pacific Seafood then proposes to modify the vacant office space of the existing Pacific Fabrication building to convert it into an employee dormitory. The dormitory will serve employees of the two Pacific Seafood water-dependent industrial uses in the I-2 zoning district.

As explained elsewhere in this Application, the proposed text amendment satisfies the requirements of Goal 17 and its implementing administrative rule.

**Exhibit 3** shows the proposed amendment. The proposed text amendment adds "dormitory" as a new permitted use to the list of permitted uses in the I-2 zoning district. The purpose of the text amendment is to allow dormitories in the I-2 zoning district exclusively for employees of industrial water-dependent uses located in the I-2 zoning district. The text amendment does not allow a dormitory for general public use. The purpose of the text amendment is to provide affordable, short-term work force housing for employees of water-dependent industrial uses in the I-2 zoning district.

### **G. Public Review Procedure for the Application.**

After the City accepted the original Application, the City provided notice of the Application and the first Planning Commission hearing date to the Oregon Department of Land Conservation and Development ("DLCD") thirty-five (35) days before the first Planning Commission hearing date on October 11, 2018. WDC 16.208.060.C.2.d. The City was not required to mail notice of the hearing to surrounding property owners. The Planning Commission will hold a public hearing on the Application and make a recommendation to the City Commission and the City Commission will hold a public hearing on the Application. WDC 16.208.060.G. The City will provide notice of the City Commission's final decision within twenty (20) days to DLCD and anyone who testified orally or in writing before the Planning Commission or the City Commission.

The Applicant submitted this revised Application on September 25, 2018. The revised Application includes revised text amendment language developed through coordination with the Department of Land Conservation and Development ("DLCD") and the City and revised findings addressing Statewide Planning Goal (the "Goals") 17, "Coastal Shorelands", and its implementing administrative rule in OAR Chapter 660, Division 037, "Goal 17 Water-Dependent Shorelands.

### **III. Reasons for the Amendment.**

Pacific Seafood Group makes this Application because it is a large employer in the City and has found it difficult to keep existing employees and hire new employees due to the lack of affordable short-term housing. Pacific Seafood Group maintains a processing plant in the City ("Pacific Seafood") and also operates Bio-Oregon ("Bio-Oregon"), a non-adjacent facility that processes the residue from Pacific Seafood. Both uses are water-dependent uses as defined in Goal 17 and OAR 660-037-0040(6). The peak demand for work force housing occurs during the Shrimp, Whiting and Crab seasons, about six to eight months each year. As explained in Part IV, "Applicable Approval Criteria", the City has an acknowledged need for affordable work force housing. In this case, the lack of work force housing at affordable prices, acknowledged in

the Warrenton Comprehensive Plan (the “Plan”), makes it difficult for Pacific Seafood Group’s employees to find acceptable housing for needed rental periods at affordable prices. Pacific Seafood Group has determined that it must provide work force housing for its employees.

This amendment to the WDC is necessary to allow Pacific Seafood Group to purchase an existing vacant building in the I-2 zoning district in order to provide a dormitory for work force housing in the building. The proposed text amendment discussed with the City’s Planning Director and DLCDC prior to submittal of this revised Application amends the I-2 zoning district list of permitted uses to accomplish this purpose. If adopted by the City Commission, the dormitory use will provide affordable work force housing to its workers. This legislative amendment is a reasonable solution to the identified problem without requiring Pacific Seafood Group or another developer to construct additional multi-family dwelling units, or to compete with full-time City residents for affordable housing.

#### **IV. Applicable Approval Criteria.**

This legislative amendment to the City’s land use regulations requires the Applicant to demonstrate that the applicable approval criteria, including relevant Goals, administrative rules implementing the Goals (the “Rules”), and provisions of the acknowledged Plan, are satisfied. ORS 197.195(2)(d); WDC 16.208.060.F. This part of the Application addresses the relevant Goals, Rules and Plan findings and policies for the proposed legislative amendment.

##### **A. WDC Chapter 16.64, “Water-Dependent Industrial Shorelands” (I-2 District”).**

**FINDING:** The purpose of WDC Chapter 16.64 is set forth in WDC 16.64.010. The I-2 zoning district is to provide water-dependent industrial shorelands and is to maintain water-dependent industrial shorelands areas for uses allowed by Goal 17. Among the purposes are to allow “uses which are not water-dependent or water-related when they do not foreclose options for future higher priority uses and do not limit the potential for more intensive uses of the area.”

The City can find that this text amendment satisfies the purpose statement. The proposed use is to be located in an existing building on the same lot as a water-dependent use and only for employees for water-dependent industrial uses in the I-2 zoning district.

WDC 16.64.040 is entitled “Development Standards.” All permitted uses in the I-2 zoning district must comply with WDC 16.64.040. Among the requirements are WDC 16.64.040.V, “Standards for Approval of Non-Water-Dependent Uses”. WDC 16.64.040.V(1)-(3) implement the administrative rule requirements from OAR 660-037-0080(3)(b)(A)(C).

The City can find if it adopts the text amendment, the requirements for a non-water-dependent use in the I-2 zoning district found in the administrative rule implementing Goal 17 shall apply to the dormitory use.

**B. Relevant Goals.**

**1. Goal 1, "Citizen Involvement":**

**"To develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process."**

**FINDING:** The City can find that Goal 1 is satisfied because the City will follow its acknowledged Citizen Involvement Program (the "CIP") in reviewing the proposed land use regulation amendments. The City will provide notice of the legislative amendment hearings in the local newspaper of record (WDC 16.208.060.C.2.b) and will hold at least two public hearings where persons can testify about the Application. WDC 16.208.060.C.1.

The City can find that Goal 1 is satisfied.

**2. Goal 2, "Land Use Planning":**

**"To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual basis for such decisions and actions."**

**FINDING:** The Application contains an adequate factual basis for the proposed legislative amendment to the City's acknowledged land use regulations. The adequate factual base includes a description of the problem and the proposed amendment to the WDC to address the problem.

The City must also demonstrate that it has "coordinated" the Application, as "coordination" is defined in ORS 197.015(5), with affected governmental units including but not limited to local governments, special districts and state and federal agencies by providing them with notice of the Application, an opportunity to comment and considering their comments in the decision-making process as much as possible. The City has coordinated the Application with affected governmental entities, including DLCD, by providing them with an opportunity to review and comment on the Application.

The City can also find that the proposed legislative amendment to the WDC does not require an amendment to the acknowledged Plan.

The City can find that Goal 2 is satisfied.

**3. Goal 9, "Economic Development":**

**"To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens."**

**FINDING:** The City can find that the proposed legislative amendment supports the City's Goal 9 program by providing adequate work force housing to support Pacific Seafood Group and other water-dependent industrial employers.

The City can find that Goal 9 is satisfied.

**4. Goal 12, "Transportation":**

**"To provide and encourage a safe, convenient and economic transportation system."**

**FINDING:** The City can find that Goal 12 is satisfied because the proposed text amendment adds a new use to the City's I-2 zoning district that will not generate more than a minimal amount of new vehicle traffic trips to streets and state highways.

The City can find that Goal 12 is satisfied.

**5. Goal 17, "Coastal Shorelands":**

**"To conserve, protect, where appropriate develop and where appropriate restore the resources and benefits of all coastal shorelands, recognizing their value for protection and maintenance of water quality, fish and wildlife habitat, water-dependent uses, economic resources and recreation and esthetics. The management of the shorelands areas shall be compatible with the characteristics of the adjacent coastal waters; and**

**"To reduce the hazard to human life and property, and the adverse effects upon water quality and fish and wildlife habitat, resulting from the use and enjoyment of Oregon's coastal shorelands."**

**FINDING:** Goal 17 provides for six priorities for the use of coastal shorelands. Priority four is to "provide for nondependent, nonrelated uses which retain flexibility of future uses and do not prematurely or inalterably commit shorelands to more intensive uses".

The proposed text amendment allows the establishment of a dormitory in an existing building that will be on the same lot as a water-dependent industrial use. Only interior tenant improvements are proposed to the building. The building will remain available for water-dependent uses and will not prematurely or inalterably commit shorelands to more intensive uses.

Goal 17 also permits as permissible uses non-water dependent uses which are "in conjunction with and incidental and subordinate to a water-dependent use".

The City can find that the proposed permitted use in the I-2 zoning district will be in conjunction with and incidental and subordinate to a water-dependent use in the I-2 zoning district.

Finally, Goal 17 includes “F. Examples of Incidental Uses”. The Goal provides examples of uses that are in conjunction with and incidental to a water-dependent use including, but not limited to, a restaurant on the second floor of an existing seafood processing plant in a retail sales room as part of a seafood processing plant. The examples of incidental uses allows other incidental uses to be proposed consistent with Goal 17.

This section of Goal 17 provides:

**“Generally, to be in conjunction with an incidental to a water-dependent use, a non-water-dependent use must be constructed at the same time or after the water-dependent use at the site is established and be carried out together with the water-dependent use. Incidental means size of non-water-[d]ependent use in relation to the water-dependent operation in that it does not interfere with the conduct of the water-dependent use.”**

The City can find that this part of Goal 17 is satisfied. First, the proposed non-water-dependent use either was constructed at the same time, or after the water-dependent use at this site was established. Second the proposed non-water-dependent use would be carried out together with the water-dependent use. The proposed text amendment provides that the non-water-dependent use, the dormitory, must be on the same lot as a water-dependent use and must be in the same ownership as the non-water-dependent use. Further, the text amendment provides that if the ownership changes so that the two uses are no longer in the same ownership or the water-dependent use ceases to operate, then the dormitory use shall be terminated. The City can find that the non-water-dependent and water-dependent uses will be carried out together. Third, the City can find that the non-water-dependent use, the dormitory, will be incidental to the water-dependent use because it is small in relation to the water-dependent operation. Finally, the City can find that the proposed non-water-dependent use will not interfere with conduct of the water-dependent use. The dormitory is for the sole purpose of housing employees of the two water-dependent uses. The location of the building to accommodate the dormitory and its improvements will not interfere with the water-dependent uses.

The City can find that Goal 17 is satisfied.

### **C. Applicable Administrative Rules.**

#### **1. OAR Chapter 660, Division 9, “Economic Development”.**

**FINDING:** The City can find that this administrative rule implementing Goal 9 is inapplicable because it applies to amendments to comprehensive plans for areas within urban growth boundaries. OAR 660-009-0010(1). This Application does not amend the Plan.

The City can find that this administrative rule does not apply to this Application.

2. **OAR Chapter 660, Division 12, “Transportation Planning”.**

**FINDING:** OAR 660-012-0060 is entitled “Plan and Land Use Regulation Amendments.” OAR 660-012-0060(1) provides that the administrative rule applies to amendments to existing land use regulations. The administrative rule requires a determination of whether a land use regulation amendment would “significantly affect” a transportation facility. OAR 660-012-0060(1)(a)-(c) identifies when a land use regulation amendment significantly affects a transportation facility. The City can find that OAR 660-012-0060 is inapplicable to this Application because none of the three situations constituting when a “significant affect” occurs are applicable to this Application.

The City can find that OAR 660-012-0060(1) is satisfied by this Application.

3. **OAR Chapter 660, Division 37, “Goal 17 Water-Dependent Shorelands”.**

**FINDING:** OAR Chapter 660, Division 37 is entitled “Goal 17 Water-Dependent Shorelands.” OAR Chapter 660-Division 37 implements Goal 17, “Coastal Shorelands”. The City can find that the following provisions of the administrative rule are satisfied. First, is entitled “Policy”. Subsection (3) provides:

**“As a matter of state policy, it is not desirable to allow the scarce and non-renewable resources of the marine economy to be irretrievably committed to, or otherwise significantly impaired by, non-industrial or non-water-dependent types of developments which enjoy a far greater range of locational options.”**

The City can find that the proposed text amendment does not detract from the policy of the administrative rule. First, the proposed non-water-dependent use must be consistent with the administrative rule’s requirements for non-water-dependent uses. Second, the proposed use will be located in an existing and vacant building. The building will not be permanently removed from the ability to accommodate water-dependent uses. Third, the City can find based on the testimony of the Applicant that other options for work force housing for employees of I-2 water-dependent uses are not available within the City or other areas outside of the City. Instead, the Applicant proposes to use an existing and vacant building adjacent to and on the same lot as a water-dependent use to serve the housing needs of both water-dependent uses in the I-2 zoning district.

OAR 660-037-0080 is entitled, “Methods of Protection”. OAR 660-037-0080(3)(b) allows local land use regulations to allow non-water-dependent uses that are in conjunction with and incidental and subordinate to water-dependent uses on the site. OAR 660-037-0080(3)(b)(A)-(C) establishes three requirements for such incident and subordinate uses. The City can find that this part of the administrative rule is satisfied. First the proposed dormitory use will be on the site of a water-dependent use. Second, the proposed dormitory use will be carried out together with the water-dependent use. Third, the ratio of the square footage of the ground-level indoor floor space plus outdoor acreage distributed between the non-water-dependent uses and

the water-dependent uses at the site may not exceed one to three (non-water-dependent to water-dependent). Finally, the City can find that the dormitory will not interfere with the conduct of the water-dependent use. Further, this part of the administrative rule is implemented through WDC 16.64.040.V for all permitted uses in the I-2 zoning district.

The City can find that OAR 660-037-0080(4)(a) is satisfied. The City has chosen to employ a traditionally water-dependent zoning district as a means of protecting water-dependent shorelands. This section does not require that the proposed use be a conditional use because it provides a “traditional zoning district’s typically listed uses and activities and will be allowed either with or without a discretionary ‘conditional’ use review.” The City can find that the dormitory is appropriate as a permitted use because it does not require discretionary conditional use review and the relevant administrative rule provisions are implemented through the permitted use through WDC 16.64.040.V.

The City can find that OAR 660-037-0090, “Rezoning of Qualifying Shorelands to Non-Water-Dependent Uses” is satisfied. OAR 660-037-0090(1) is satisfied because the proposed text amendment to the City’s acknowledged land use regulations satisfies Goal 1, Goal 7, Goal 9, Goal 12 and Goal 17.

Finally, the City can find that OAR 660-037-0090(2) is inapplicable. This Application does not propose to rezone shorelands sites to non-water-dependent uses but instead proposes to add a permitted use to the I-2 zoning district that supports existing water-dependent uses.

### **C. Warrenton Comprehensive Plan.**

The acknowledged Plan contains two sections relevant to this Application.

#### **1. Plan Article 3, “Land and Water Use”.**

**FINDING:** Plan Pages 15 and 16 under Plan Section 3.240, “Housing Costs, Housing Incomes and Housing Affordability”, address incomes in relation to housing affordability. The Plan states at Page 16 that: “[2000 U.S. Census] data indicated that just over 26% of all homeowner households spent over 30% of their incomes on houses, while about 39% of renter households did the same. These percentages likely have climbed since the year 2000, given increases in housing costs, particularly for owner-occupied housing during this period.” The Plan noted prior to this statement that housing affordability is typically assessed in one of two ways, including estimating the percentage of households which spend more than 30% of their monthly income on housing.

The City can find that this acknowledged Plan provision indicates that about one-third of Warrenton households spend more than 30% of their incomes on housing, an indicator of lack of affordable housing. The acknowledged Plan also notes that this ratio is higher for rental households. As the Plan suggests, housing affordability may have deteriorated over the last eighteen years, meaning that work force housing has likely become even more scarce and expensive.

Plan Section 3.260, “Future Housing Types”, notes several trends that are expected to affect many types of housing. The first identified trend is “increasing costs of land and housing

in coastal and other communities throughout Oregon.” The next relevant trend is “potential increase in need in market for multi-family and single-family attached housing as a potential supply of low and moderate cost housing.”

The Plan then notes that the two noted factors will generate a “continued need for some manufactured housing as a potential supply of low-cost, workforce housing.” While the Applicant is not suggesting manufactured housing as a solution for workforce housing, this Plan statement indicates a need for a solution to work force housing. The Applicant’s proposed text amendment meets that need.

Plan Section 3.330, “Industrial Lands”, states:

**“(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 \* \* \*.”**

The City can find that having sufficient work force housing is a requirement for the expansion and retention of industrial facilities in the City. This text amendment fulfills the goal of maintaining and expanding the City’s industrial land base by providing affordable work force housing, through dormitories, as proposed in this amendment.

## **2. Plan Article 9, “Economy”.**

Plan Section 9.100, Finding 2, “Current Businesses and Economic Conditions”, notes that

**“Warrenton has a natural resource-based economy which is closely intertwined with the economy of the County as a whole. Wood processing, food processing and commercial fishing are three of the natural resource-oriented activities which have been particularly important to the City’s economy historically.”** Plan Page 198.

The City can find that this Plan Finding notes the importance of food processing and commercial fishing as part of the City’s economic base. Pacific Seafood and Bio-Oregon are water-dependent uses that process seafood and its residue in the I-2 zoning district and are supported by commercial fishing. Therefore, supporting the provision of affordable work force housing to serve food processing workers supports the City’s economy.

Plan Section 9.310 contains “City Economy Policies.” Policy 4 provides as follows:

**“Encourage present employers to expand their operations and aid them in doing what is necessary to maintain an economic base for employment within the City.”**

The City can find that that Application aids present employers in providing affordable workforce housing by allowing them to provide dormitories for employees of water-dependent uses, which will have the result of maintaining an economic base for employment within the City.



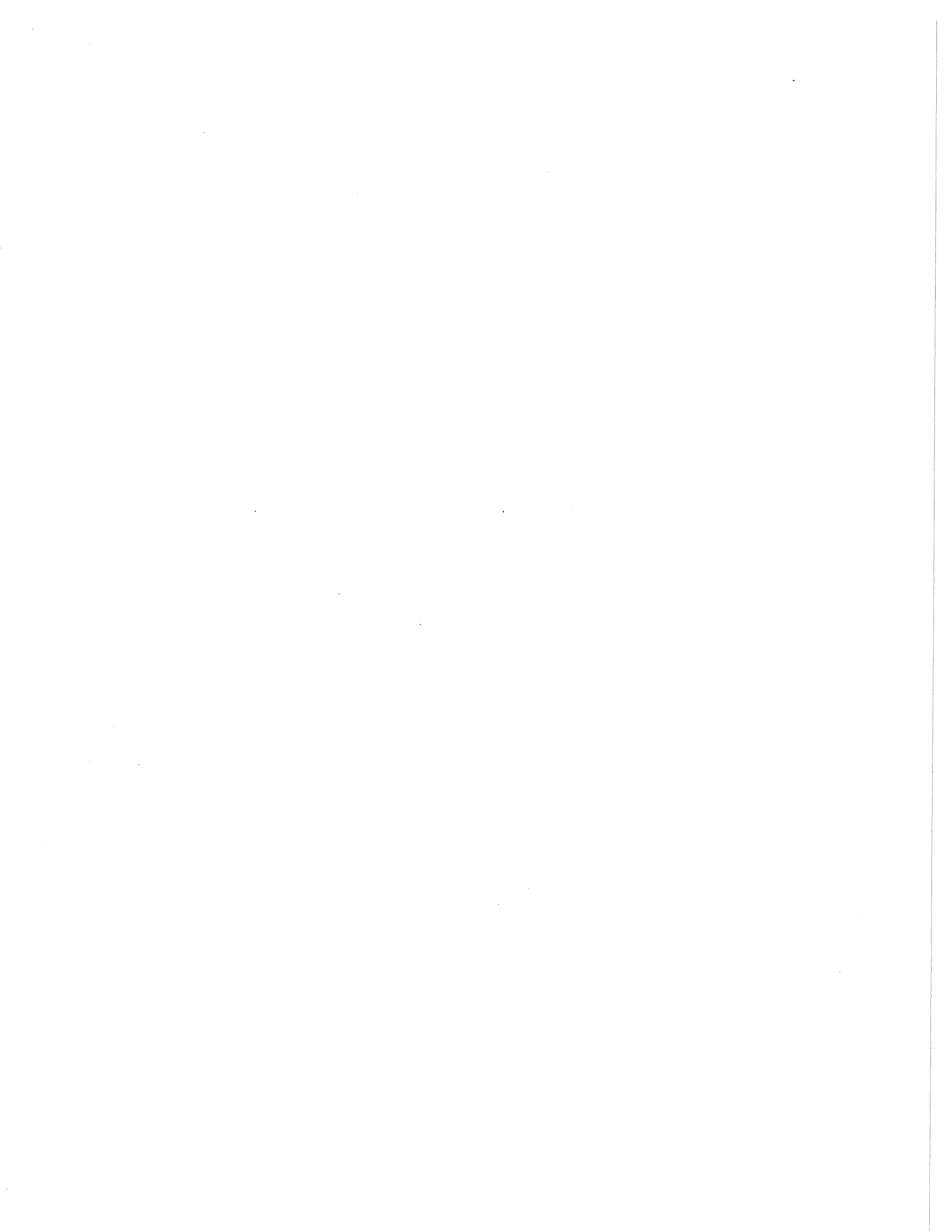
**3. Conclusion.**

The City can find that the acknowledged Plan supports the Plan's acknowledgment of commercial food processing as an important industry in the City and encourages private developers to provide solutions to the City's work force housing needs

**V. CONCLUSION.**

For the reasons contained in this Application, the Planning Commission and the City Commission can find that the proposed text amendment to the WDC satisfies the applicable Goals, Rules and Plan policies. By adopting the proposed text amendment, the City will encourage private employers to find solutions to work force housing needs for their employees.

The Applicant respectfully requests that the Planning Commission recommend approval to the City Commission and that the City Commission approve the proposed text amendment.



## **EXHIBITS**

- Exhibit 1**      City of Warrenton Land Use Application form
- Exhibit 2**      City of Warrenton Pre-Application Meeting form
- Exhibit 3**      Proposed text amendment

**Applicant Mailing Address:**

Mr. Michael Miliucci  
Dulcich Realty, LLC  
PO Box 97  
Clackamas, OR 97015

**Applicant Telephone Number and Email Address:**

(503) 905-4500  
[mmiliucci@pacseafood.com](mailto:mmiliucci@pacseafood.com)

**AUTHORIZED REPRESENTATIVE INFORMATION**

1. The authorized representative is:

Michael Miliucci  
Pacific Seafood Group  
PO Box 97  
Clackamas, OR 97015  
Telephone: (503) 906-4500  
Email: [mmiliucci@pacseafood.com](mailto:mmiliucci@pacseafood.com)

2. The authorized representative is represented by:

Michael C. Robinson  
Schwabe, Williamson & Wyatt, P.C.  
1211 SW Fifth Avenue, Suite 1900  
Portland, OR 97204  
Telephone: (503) 796-2756  
Email: [mrobinson@schwabe.com](mailto:mrobinson@schwabe.com)

Google Maps Bio-Oregon Protein

*Wah  
Shaw  
Photos*



Imagery ©2018 Google, Map data ©2018 Google 200 ft



October 3, 2018

Kevin A. Cronin  
Community Development Director  
Community & Economic Development Department  
City of Warrenton  
Warrenton, OR 97146

Re: Work Force Housing - Facilities Operations and Maintenance Plan

Dear Director Cronin:

Pacific Seafood takes very seriously our responsibility to ensure high quality in every facet of our company. This commitment extends to providing high quality workforce housing to our Team Members. Historically, our Team Members who wished to participate in our housing program were provided with seasonal housing which included motels and other short-term housing accommodations. As the number of these types of units dwindled along the coast, the rental costs significantly increased.

One solution is to purchase multi-dwelling housing such as apartments to include as part of our Housing Program. Unfortunately, multi-dwelling housing is rarely for sale within the City of Newport. If it is, any acquisition will require tenants to be evicted in order to house our Team Members. Pacific Seafood believes this negatively impacts the community and does not help solve the housing shortage. The other and most reasonable solution is to convert a commercial office building to a dormitory.

Any conversion of this type of building into dormitories will be safe, secure, livable, and comfortable for our Team Members. The safety of our Team Members is of the utmost importance. All structural, mechanical and electrical systems will meet the required building and safety codes. Fire suppression systems, including sprinkler systems and fire extinguishers, will be installed throughout the building. A fire evacuation plan will be in place.

As to livability, each facility will have sleeping quarters, a central kitchen, laundry facilities, showers, and a recreation area. It will have daily cleaning services. On-going maintenance activities and problems that arise from the unplanned breakdowns that occur with building system components are addressed.

Each Team Member will have to sign a housing agreement and abide by housing program rules (see the attached document). By agreeing to these housing rules, each Team Member will become a member of the dormitory community and agree to accept the responsibilities and obligations associated with being a

### Example of Pacific Housing Program Rules and Regulations

- **Cleanliness.** Keep the room Space and all personal belongings stored neatly.
- **Drugs and Alcohol.** No drugs, drug paraphernalia, or alcohol are permitted in the Space at any time.
- **Smoking.** No smoking indoors or in any unauthorized smoking areas. No exceptions. While in authorized smoking areas, receptacles for cigarette butts must be used. No cigarettes should be found on porches, sidewalks, or yards.
- **Weapons.** No firearms, crossbows, swords, large knives, or other dangerous weapons are allowed in the Space at any time.
- **Assault or Fighting.** No fighting, pushing/shoving, assault (i.e., physical, sexual, or other), or other conduct that may cause injury to others is permitted at any time. Pacific reserves the right to immediately notify proper law enforcement authorities in the event of any such activity.
- **Noise.** Please be respectful of neighbors. Housing areas should be kept quiet at all times. No loud music, yelling, or other disorderly conduct is permitted at any time. Neighbors should not be able to hear sounds from your unit.
- **Guests.** Housing and overnight accommodations are provided for team members only. Overnight guests are not permitted at any time. Visitors are permitted only if you are not present in the room.
- **Pets.** Pets are not allowed in the Space or on the Property at any time.
- **Keys.** Keys are for individual use and may not be duplicated or lent out. A fee of \$15.00 will be charged for a duplicate key (which will only be issued if you lose your original key) or will be deducted from your final paycheck if you do not return your key to the General Manager at the time of check out.
- **Vacating Premises and Final Inspection.** Each team member is responsible for his/her Space. The General Manager or other appointed representative will evaluate the condition of the Space upon checkout. All keys, towels, bedding, and other similar items must be returned to be eligible for Security Deposit return.
- **Termination of Employment.** Team members who are terminated or quit for any reason must leave the Space immediately. Failure to vacate the Space within 48 HOURS of separation from employment will result in loss of Security Deposit.
- **Theft.** Pacific is not responsible for the loss of personal items due to theft.

September 25, 2018

**Michael C. Robinson**  
Admitted in Oregon  
T: 503-796-3756  
C: 503-407-2578  
mrobinson@schwabe.com

**VIA EXPRESS MAIL AND EMAIL**

Mr. Kevin Cronin  
Interim Community Development Director  
City of Warrenton  
P.O. Box 250  
Warrenton OR 97146-0250

RE: Revised Application by Pacific Seafood Group for Amendment to City of  
Warrenton, Oregon Development Code

Dear Mr. Cronin:

This office represents Pacific Seafood Group. Enclosed with this letter please find the following:

- A copy of the revised proposed text amendment language and revised proposed findings addressing the applicable approval criteria.

Mr. Michael Miliucci and I are the applicant's representatives. Please forward all correspondence to and from the City concerning this matter, the determinations of application completeness, staff reports and the final City decision on the application to both of us at our respective addresses.

Please let me know once you have deemed the application complete.

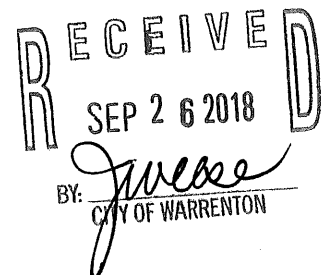
Please let me know if you have any questions. Mr. Miliucci and I look forward to working with you to the approval of this application.

Very truly yours,

  
Michael C. Robinson

MCR:jmhi  
Enclosures

cc: Mr. Michael Miliucci (via email) (w/encls.)  
Ms. Lisa Phipps (via email) (w/encls.)





**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**

OFFICE USE ONLY	
FILE # <del>R2-18-1</del>	DCR-18-4
FEE \$ <del>2000.00</del>	\$1,000.00
RECEIPT # _____	
DATE RECEIVED	9/4/18

3. **DEVELOPMENT CODE TEXT AMENDMENT**

Legal Description of the Subject Property (if applicable):

Township	Range	Section	Tax Lot
<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>

Street address of the property (if applicable): N/A

**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: Pacific Seafood Group, c/o Michael Miliucci (Corporate Counsel)

Signature: *Pacific Seafood Group* Date: 2-30-18

Address: PO Box 97 Phone: (503) 905-4500

City/State/Zip: Clackamas, OR 97015 Fax: N/A

**PROPERTY OWNER (if different from Applicant)**

Printed Name: N/A

Signature: N/A Date: N/A

Address: N/A Phone: N/A

City/State/Zip: N/A 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: N/A  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. Existing zoning of the subject property: N/A  
\_\_\_\_\_

3. Proposed zoning designation of the subject property: N/A  
\_\_\_\_\_

4. Zoning designation of surrounding properties:  
North: N/A  
South: N/A  
West: N/A  
East: N/A

5. Does the proposal conform to the applicable Oregon State Statutes? Yes \_\_\_\_\_ No \_\_\_\_\_  
If yes, please explain N/A  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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.  
N/A  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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.

N/A   
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If no, please explain \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

8. Is there a change of circumstances or further studies justifying the amendment or mistake in the original zoning.  N/A

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\*\*\*\*\*  
COMPREHENSIVE PLAN TEXT AMENDMENT  
\*\*\*\*\*

1. Which chapter and section of the Warrenton Comprehensive Plan is this request for?

N/A   
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. Does the proposal conform to the applicable Oregon Revised Statutes? Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, please explain  N/A

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If no, please explain:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. Does the proposal conform to the Statewide Planning Goals? Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, please list the applicable Statewide Planning Goals and how this proposal conforms to the Goals.

N/A  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If no, please describe:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. Does the proposal conform to Warrenton Comprehensive Plan and Development Code? Yes \_\_\_\_\_  
No \_\_\_\_\_

If yes, please explain. N/A  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If no, please explain.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. Is there a change of circumstances or further studies justifying the amendment or mistake in the original zoning. N/A

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\*\*\*\*\*

COMPREHENSIVE PLAN MAP AMENDMENT

Please provide a map showing the proposed area to be amended.

\*\*\*\*\*

Before an amendment to a zone boundary is approved, findings will be made that the following criteria are satisfied.

1. The map amendment is consistent with the Comprehensive Plan.

N/A  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. The map amendment will:

a. Satisfy land and water use needs; or

N/A

b. Meet transportation demands; or

N/A

c. Provide community facilities and services:

N/A

3. The land is physically suitable for the uses to be allowed, in terms of slope, geological stability, flood hazard and other relevant considerations.

N/A

4. Resource lands, such as wetlands are protected.

N/A

5. The amendment is compatible with the land use development pattern in the vicinity of the request.

N/A

\*\*\*\*\*

DEVELOPMENT CODE TEXT AMENDMENT

\*\*\*\*\*

1. Which chapter and section of the Warrenton Development Code is this request for?

Amend Warrenton Development Code Section 16.64.020 to add "hotel" as a permitted use.

2. Does the proposal conform to the applicable Oregon State Statutes? Yes X No \_\_\_\_\_

If yes, please explain \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If no, please explain.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. Does the proposal conform to the Statewide Planning Goals? Yes  No \_\_\_\_\_

If yes, please list the applicable Statewide Planning Goals and how this proposal conforms to the goals. See attached Application narrative. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

4. Does the proposal conform to the Comprehensive Plan and Development Code? Yes  No \_\_\_\_\_

If yes, please explain. See attached Application narrative. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If no, please explain. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. Is there a change of circumstances, or further studies justifying the amendment or mistake in the original zoning. See attached Application narrative. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Return Application To: City of Warrenton  
Planning and Building Department  
PO Box 250  
225 S. Main Street  
Warrenton, Oregon 97146

Phone: 503-861-0920  
Fax: 503-861-2351

November 6, 2018

**Michael C. Robinson**

Admitted in Oregon

T: 503-796-3756

C: 503-407-2578

mrobinson@schwabe.com

**VIA E-MAIL**

Mr. Kevin Cronin, AICP  
Community Development Director  
City of Warrenton  
P.O. Box 250  
Warrenton OR 97146-0250

RE: Text Amendment Application to be Heard by Warrenton City Commission on  
November 13, 2018

Dear Mr. Cronin:

This office represents the Applicant for the proposed text amendment. I have enclosed a letter to the editor of the *Daily Astorian* entitled "More Info Needed on Warrenton Variance" by Mr. Scott Widdicombe. I am responding to Mr. Widdicombe's letter.

The Applicate appreciates Mr. Widdicombe's interest in the Application. However, the Application before City Commission is not a "land zoning variance" nor a modification of the Warrenton Building Code; it is an amendment to the text of the City's I-2 Zoning District to allow this use. The Applicant has stated on the record that it will comply with the Building Code.

The use is proposed to be a permitted use in the I-2 zone but subject to the limitations described in the proposed text amendment for the use, limitations imposed by the State of Oregon's Statewide Planning Goal Goal 17, "Coastal Shorelands", and the requirements of the City's I-2 Zoning District.

The "new housing" that Mr. Widdicombe's letter refers to is simply another type of transient housing. However, the use is expressly limited to industries in the I-2 Zoning District and must serve only employees of those water-dependent uses. Finally, the City recently amended its land use regulations to include "dormitories" within the definition of "Hotel," so the use is not a new use.

The Application process has been subject to compliance with the City's Goal 1, "Citizen Participation", requirements. Prior to the Planning Commission and the City Commission public hearings, the City gave notice of the Application to the Oregon Department of Land Conservation and Development and also published notice of the Planning Commission and City



Mr. Kevin Cronin, AICP  
November 6, 2018  
Page 2



Commission hearing in the local newspaper of record. The Planning Commission agenda with this matter and the City Commission agenda with this matter were posted in public places.

The Applicant will be happy to discuss any questions that the City Commission has about Mr. Widdicombe's letter but the City Commission can be assured that staff has followed all of the requirements for a text amendment to the City's land use regulations and that the public hearing process is both public and transparent.

Would you please place this letter before the City Commission prior to the commencement of the public hearing on November 13, 2018 and in the official Planning Department file?

Very truly yours,

A handwritten signature in blue ink that reads 'Michael C. Robinson'.

Michael C. Robinson

MCR:jmhi

Enclosure

cc: Mr. Michael Miliucci (*via email w/encl.*)

PDX\113023\241514\MCR\24205427.1



## Letter: More info needed on Warrenton variance

Scott Widdicombe re Pacific Seafood housing

Published on November 1, 2018 12:01AM

On Sept. 4, a formal proposal was received from Pacific Seafood requesting a two-stage project that would require a land zoning variance — along with a major modification to the Warrenton building code — to allow this company to create a new type of housing, located directly adjacent to the Columbia River in Warrenton, to be used only by the seasonal transient employees of this company.

On Oct. 12, a local newspaper printed the limited information available to the public for this proposal ("Seafood processor plans worker housing in Warrenton," The Daily Astorian).

This is another non-transparent Warrenton government process used to conceal from the voters what is about to happen in their city. This news article stated there will be a meeting in November to discuss the zoning variance. It did not state if there would be a vote at that time on the zone variance.

Creating a totally new type of housing for Warrenton, which is the implied goal of this proposal, is a citywide issue of great interest to a large number of voters. We need a public meeting where voters can voice objections to this proposal without the maximum three-minute time limit the mayor allows. It is necessary for newspapers to report these public objections at least two weeks before a final rezoning vote, so newspaper readers are fully informed.

Scott Widdicombe

Warrenton

MARKETPLACE

Homes Jobs Public Notices Vehicles

7.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 the agenda of November 13, 2018  
**SUBJ:** Determination of Nuisance—981 King Salmon Place

### SUMMARY

**Warrenton Municipal Code 8.16.020** states that “No person shall cause or permit a nuisance affecting public health on property owned or controlled by the person.” Nuisances listed in this section include accumulations of debris, rubbish, manure and other refuse that are not removed within a reasonable time and that affect the health of the City.

**WMC 8.16.040 Attractive Nuisances** states that no owner, or person in charge of property shall permit “unguarded machinery, equipment or other devices that are attractive, dangerous and accessible to children.

**WMC 8.16.060 Scattering rubbish** prohibits persons from depositing on public or private property, rubbish, trash, debris, refuse or any substance that would mar the appearance, create a stench or fire hazard, detract from the cleanliness or safety of the property or would be likely to injure a person, animal or vehicle traveling on a public way.

**WMC 8.16.120 Junk** prohibits keeping junk outdoors on a street, lot, or premises. “Junk” means and includes all old motor[s], old motor vehicle parts, abandoned automobiles, old machinery, old machinery parts, old appliances, parts, old iron or other metal, glass paper, lumber, wood or other waste or

discarded material.

**WMC 8.16.140 Unenumerated nuisances** declares that the conditions described above are public nuisances and may be abated as established in WMC 8.16.150 through 8.16.210. In addition to the nuisances specifically enumerated in this chapter, every other thing, substance or act that is determined by the City Commission to be injurious or detrimental to the public health, safety or welfare of the City can be declared a nuisance and may be abated.

The front yard at 981 King Salmon Place is chronically littered and strewn with trash, junk, inoperable vehicles, and the like. The attached photographs, taken October 15, 2018 show a variety of junk and waste on the subject property. We conclude that conditions at the subject address are consistent with and meet the intent of the descriptions of various nuisances, both enumerated and unenumerated.

The City Commission is charged with the responsibility and authority to determine whether a nuisance exists. This must be done in a public meeting, and after five days notice by letter to the owner or person in charge of the property. Staff provided a courtesy “yellow tag” on September 6 and sent a letter of notification on October 24, 2018 by certified mail to the owner as identified in Clatsop County Assessor’s records that this would be an agenda item at the November 13 City Commission meeting. The Police Department reposted the site on October 30.

#### **RECOMMENDATION/SUGGESTED MOTION**

*I move to declare that enumerated and unenumerated nuisances exist at 981 King Salmon Place, 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.*

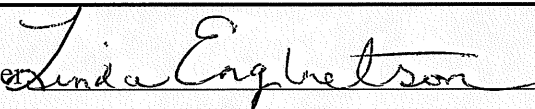
#### **ALTERNATIVE**

None recommended

## **FISCAL IMPACT**

A potential fiscal impact exists, but cannot be quantified at this time. Should the owner or person responsible not abate the nuisance within the time allowed by code, the Commission may cause the nuisance to be abated by city personnel. The cost of performing that action would be based on the amount of time for collecting the material and the cost of disposal. This expense may be recovered by providing an invoice for the expense to the owner and persons responsible. WMC 8.16.200 authorizes the city place a lien on the property for the amount of the invoice if the invoice is not paid.

Approved by City Manager

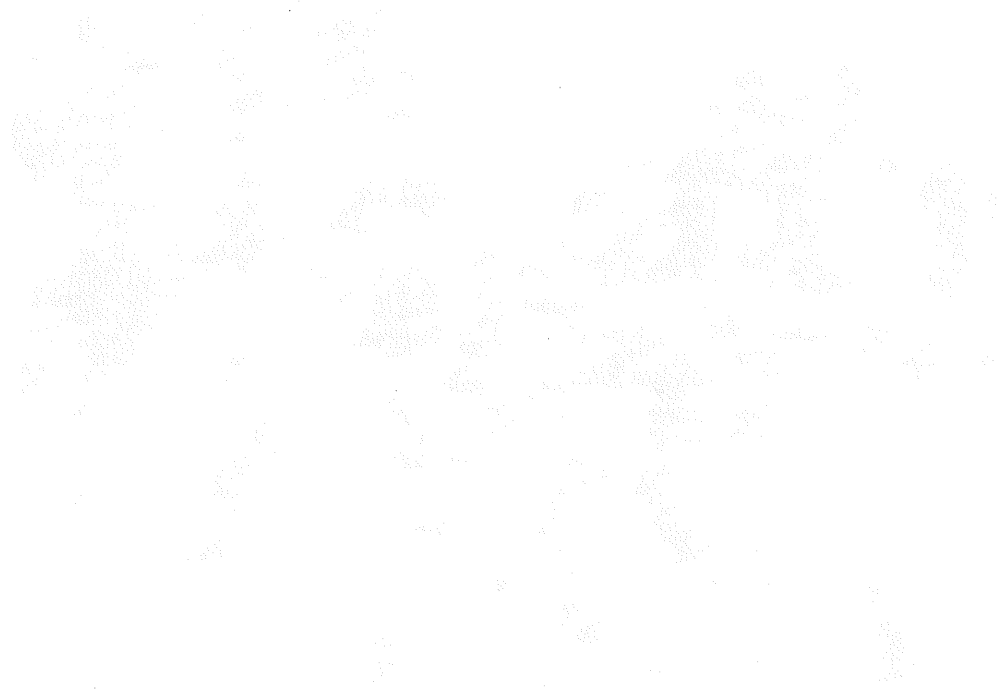


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All supporting documentation, i.e., maps, exhibits, etc., must be attached to this memorandum.









7.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 November 13, 2018  
**SUBJ:** Determination of Nuisance—115 SW Alder Court

### SUMMARY

**Warrenton Municipal Code 8.16.020** states that “No person shall cause or permit a nuisance affecting public health on property owned or controlled by the person.” Nuisances listed in this section include accumulations of debris, rubbish, manure and other refuse that are not removed within a reasonable time and that affect the health of the City.

**WMC 8.16.040 Attractive Nuisances** states that no owner, or person in charge of property shall permit “unguarded machinery, equipment or other devices that are attractive, dangerous and accessible to children.

**WMC 8.16.060 Scattering rubbish** prohibits persons from depositing on public or private property, rubbish, trash, debris, refuse or any substance that would mar the appearance, create a stench or fire hazard, detract from the cleanliness or safety of the property or would be likely to injure a person, animal or vehicle traveling on a public way.

**WMC 8.16.120 Junk** prohibits keeping junk outdoors on a street, lot, or premises. “Junk” means and includes all old motor[s], old motor vehicle parts, abandoned automobiles, old machinery, old machinery parts, old appliances, parts, old iron or other metal, glass paper, lumber, wood or other waste or

discarded material.

**WMC 8.16.140 Unenumerated nuisances** declares that the conditions described above are public nuisances and may be abated as established in WMC 8.16.150 through 8.16.210. In addition to the nuisances specifically enumerated in this chapter, every other thing, substance or act that is determined by the City Commission to be injurious or detrimental to the public health, safety or welfare of the City can be declared a nuisance and may be abated.

The front and side yard at 115 SW Alder Court has four (4) inoperable vehicles. We conclude that conditions at the subject address are consistent with and meet the intent of the descriptions of various nuisances, both enumerated and unenumerated.

The City Commission is charged with the responsibility and authority to determine whether a nuisance exists. This must be done in a public meeting, and after five days notice by letter to the owner or person in charge of the property. Staff provided a courtesy “yellow tag” on September 6 and sent a letter of notification on October 10, 2018 by certified mail to the owner as identified in Clatsop County Assessor’s records that this would be an agenda item at the October 23 City Commission meeting. The Police Department posted the site on October 11. Staff verified the same conditions on November 1, 2018.

#### **RECOMMENDATION/SUGGESTED MOTION**

*I move to declare that enumerated and unenumerated nuisances exist at 115 SW Alder Court, 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.*

#### **ALTERNATIVE**

None recommended

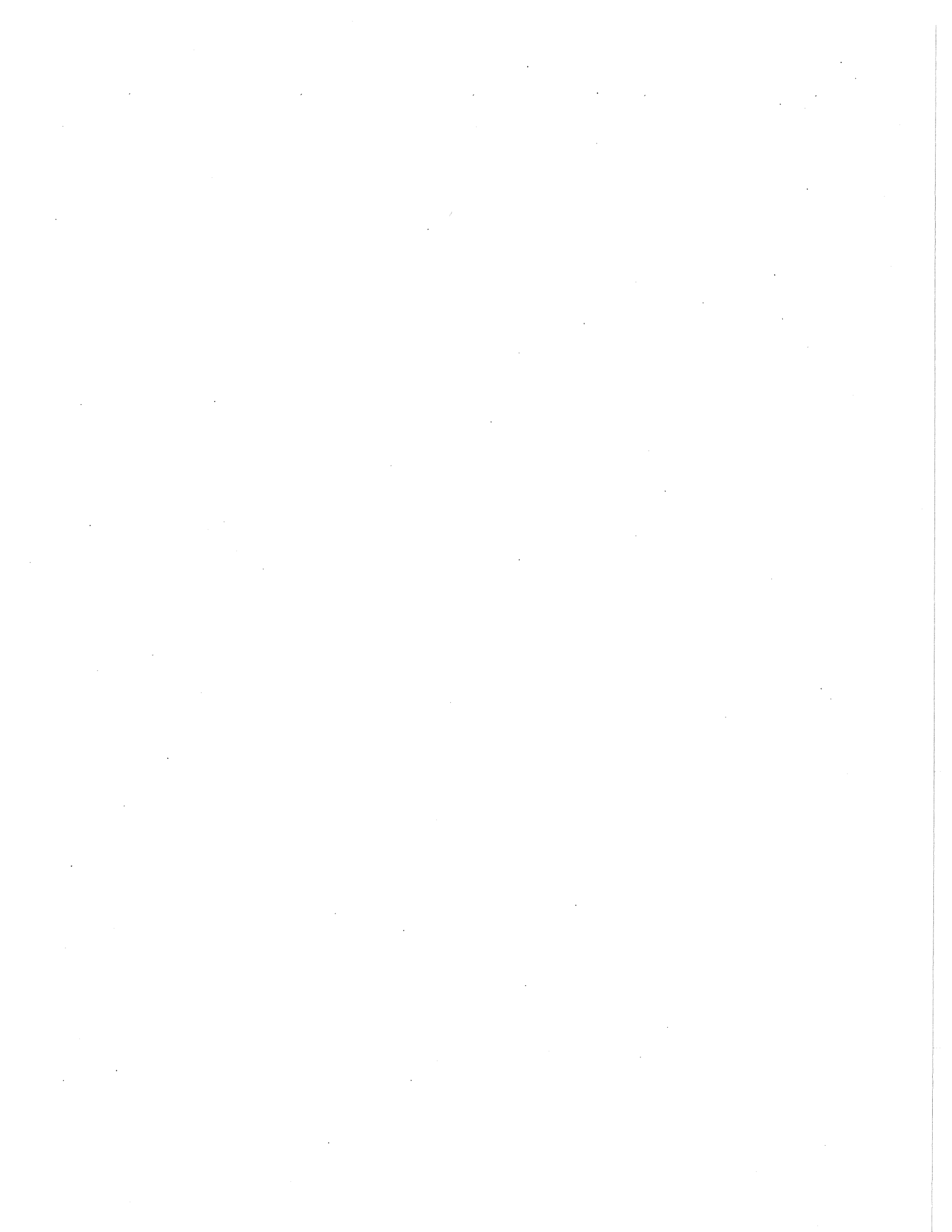
## **FISCAL IMPACT**

A potential fiscal impact exists, but cannot be quantified at this time. Should the owner or person responsible not abate the nuisance within the time allowed by code, the Commission may cause the nuisance to be abated by city personnel. The cost of performing that action would be based on the amount of time for collecting the material and the cost of disposal. This expense may be recovered by providing an invoice for the expense to the owner and persons responsible. WMC 8.16.200 authorizes the city place a lien on the property for the amount of the invoice if the invoice is not paid.

Approved by City Manager:

A handwritten signature in cursive script, appearing to read "Julie Engelhardt", written over a horizontal line.

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



7.C

*"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 November 13, 2018  
**SUBJ:** DLCD Technical Assistance Grant | Housing Needs Analysis

### SUMMARY

The Department of Land Conservation and Development (DLCD) is offering technical assistance grants to local governments to address housing policy. In 2017, the Oregon Legislature appropriated specific funds to address the lack of housing at the local level and facilitate more housing construction through updates to local housing policies.

The enclosed Memorandum of Understanding (MOU) outlines the agreement between the City of Warrenton and DLCD to conduct a housing needs analysis, which includes the following:

- Buildable Lands Inventory (residential only)
- Housing Needs Projection (how much based on population projection)
- Residential Needs Analysis (types of housing based on market)
- Potential measures for addressing identified needs

The contract for consulting services will be between DLCD and consultant leaving little risk to the City. The project is already identified on the Community & Economic Development Department's FY 18-19 Work Program. DLCD has requested the Mayor's signature to execute the MOU.

### RECOMMENDATION/SUGGESTED MOTION

Warrenton City Commission Agenda Summary  
DLCD Technical Assistance Grant: HNA  
For Agenda of November 13, 2018

*I move to authorize the Mayor to sign the MOU to conduct a housing needs analysis.*

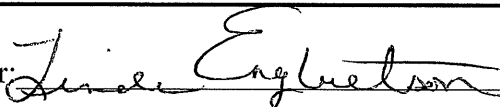
**ALTERNATIVE**

None recommended

**FISCAL IMPACT**

A local cash match is not required for this grant. The City is receiving no funds as part of the agreement.

Approved by City Manager:



\_\_\_\_\_

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

**Memorandum of Understanding between the  
Oregon Dept. of Land Conservation and Development  
and the City of Warrenton  
Oregon Housing Planning Project – Housing Needs Analysis**

This Memorandum of Understanding explains and memorializes a no-cost working relationship between the Oregon Department of Land Conservation and Development (DLCD) and City of Warrenton (City). The purpose of this collaboration is to update the City's Housing Needs Analysis (HNA).

**BACKGROUND**

Every region of Oregon is experiencing housing availability or affordability problems, or both. In some cases, the comprehensive plan for the urban area is out of date so housing needs have not been determined. In other cases, the need may be known but the zoning code presents barriers to the development of needed housing or does not allow a variety of housing types to meet the diverse needs of residents.

DLCD will provide technical assistance (via a Consultant) to the City for the purpose of increasing the supply and affordability of housing within the boundaries of the City. Technical assistance will be provided to complete products needed to update comprehensive plans and zoning codes, or adopt other housing strategies, to help ensure that the City can satisfy its housing needs. DLCD will hire consultants to also provide a code audit or code update to help ensure the zoning code allows, and does not include barriers to, development of needed housing.

DLCD has received a special appropriation of funds for 2018-2019 to assist cities in updating their comprehensive plans and land use regulations to promote housing availability and affordability. The Oregon Housing Planning Project (Project) is financed with State of Oregon General Funds. State funds are paid under this Agreement by DLCD to Angelo Planning Group (Consultant), who will assist the City as described in the Scope of Work below. No funds will be given to the City for tasks outlined in this MOU or any expenses incurred by the City as a result of this Project.

**PROJECT OBJECTIVE AND MAJOR DELIVERABLES**

The primary objective of this Project is to prepare hearings-ready draft comprehensive plan amendments to update the HNA for the City. This includes the completion of the following deliverables:

- A housing needs projection
- A BLI (Buildable Lands Inventory)
- An RLNA (Residential Lands Needs Analysis)
- Identification of measures for accommodating needed housing

City adoption of the amendments is not anticipated to occur during the Project. The specific tasks and deliverables for the City of Warrenton are outlined below in Section 5.

## **ROLES AND RESPONSIBILITIES**

**City:** Overall management of the Project will be the responsibility of the City. City will appoint a Project Manager (Kevin A. Cronin, AICP Community Development Director) to be the City's principal contact person for DLCD's Contract Administrator and the Consultant on all matters dealing with the Project.

Specific project management duties of the City will include:

- a. Coordinating project schedule and deliverables with Consultant;
- b. Coordinating City staff and Consultant work;
- c. Ensuring the timely delivery of supporting data/information to Consultant;
- d. Reviewing and editing Consultant work;
- e. Appointing one or more project advisory committee(s);
- f. Noticing, scheduling, and managing advisory committee (Planning Commission) meetings and public official work sessions and public hearings, if any. Activities include preparing and distributing meeting notices, agendas, and summaries; and assisting the Consultant with meeting facilitation.
- g. In coordination with consultant, monitoring outcomes of Clatsop County Housing Task Force conclusions and recommendations

**DLCD:** DLCD will provide financial, administrative, and technical assistance to the Project. DLCD will participate in advisory committees. Additional technical assistance may be provided as requested by the City or Consultant. DLCD will review and approve Consultant's work, invoices, and progress reports. DLCD will review the Consultant's performance and deliverables with the City prior to paying invoices received by the Consultant. DLCD will assist in the mediation of Consultant/City conflicts, or issues with the project or deliverables.

## **KEY CONTACTS**

### City of Warrenton

Kevin A. Cronin, AICP  
Project Manager/Community Development Director  
P.O. Box 250  
Warrenton, OR 97146

[cityplanner@ci.warrenton.or.us](mailto:cityplanner@ci.warrenton.or.us)  
503 861-0920

### Department of Land Conservation and Development

#### *Project Manager*

Kevin Young  
635 Capitol St. NE Ste. 150  
Salem, OR 97301

[kevin.young@state.or.us](mailto:kevin.young@state.or.us)  
503-934-0030

#### *Regional Representative*

Lisa Phipps  
4301 3rd Street  
Tillamook, OR 97141

[lisa.phipps@state.or.us](mailto:lisa.phipps@state.or.us)  
503-812-5448  
503-842-8222 ext. 4004



Consultant

Matt Hastie, Project Manager  
Angelo Planning Group  
921 SW Washington Street, Suite 468  
Portland, OR 97205

mhastie@angeloplanning.com  
(503) 542-3403

**SCOPE OF WORK**

This Project for the City of Warrenton is composed of the following tasks. The City and Consultant must create interim project deadlines as needed to manage the Project (see Task 1). All Consultant work must be completed no later than June 30, 2019. Requests by the City or Consultant to change the Scope of Work outlined in this MOU, intended to modify the tasks or deliverables of the Consultant, must be reviewed and approved by DLCD.

*\*\*For informational purposes only, the primary Consultant deliverables are shown for each Task listed below.*

**Task 1: Project Kick-Off**

The purpose of the project kick-off is for Consultant to become familiar with local conditions and with City's planning documents, for the parties to confirm the objectives of the project and refine the project schedule, and for the City to prepare for the Project. Consultant will contact City via a conference call to ask preliminary questions to establish project expectations and familiarize itself with city-specific concerns. Consultant will verify the action items identified through this initial conference call with the participating City and will develop and share a proposed schedule for the actions required for the completion of all tasks. The level of detail required for the proposed project schedule should be determined and with mutual agreement by the City and the Consultant.

*Task 1 Consultant Deliverables:*

- Summary of major tasks and action items for the Project
- Proposed Project schedule

*Task 1 City Deliverables:*

- 1.1 Copy of relevant comprehensive plan and code sections
- 1.2 Building permit and housing data to support the HNA.

*Deadline:* Kick-Off to be held within 30 days of completion of consultant contract and MOU

**Task 2: Housing Needs Projection**

Consultant will prepare a draft housing needs projection consistent with OAR chapter 660, division 8. The housing needs projection will be used to determine the City's residential land

need in Task 4. The housing needs projection will be developed based on discussion with a project advisory committee at the initial committee meeting.

City will schedule, and provide notice and an agenda, for one subsequent advisory committee meeting to review the draft housing needs projection product. Consultant will coordinate with City on meeting arrangements and facilitate the advisory committee meetings. The advisory committee may consider more than one deliverable at a meeting.

*Task 2 Consultant Deliverables:*

- Draft housing needs projection
- Presentation materials to explain preliminary analyses and findings to the advisory committee, the public, and interest groups
- Advisory committee meeting notes

*Task 2 City Deliverables:*

- 2.1 Advisory committee appointments
- 2.2 Advisory committee meeting notices and agendas

*Deadline:* Draft projection and advisory committee meetings to be held on or before December 31, 2018

**Task 3: Buildable Lands Inventory (BLI)**

Consultant will prepare a draft inventory of buildable land consistent with OAR chapter 660, division 8. The BLI will be used to determine the City's residential land need in Task 4. The BLI will be developed based on discussion with a project advisory committee at one committee meeting.

City will schedule and provide notice and an agenda for one subsequent advisory committee meeting to review the draft BLI product. Consultant will coordinate with City on meeting arrangements and facilitate the advisory committee meetings. The advisory committee may consider more than one deliverable at a meeting.

City will schedule one public workshop or open house to present draft housing needs and buildable lands data and findings. City will solicit input from the public on the draft deliverables. Consultant will coordinate with City on meeting arrangements and facilitate the public meeting(s).

*Task 3 Consultant Deliverables:*

- Draft BLI
- Presentation materials to explain preliminary analyses and findings to the advisory committee, the public, and interest groups
- Advisory committee meeting notes
- Public meeting summary

*Task 3 City Deliverable:*

- 3.1 Advisory committee meeting notices and agendas

### 3.2 Public meeting notice(s)

*Deadline:* Draft BLI, advisory committee meeting, and public meeting to be held on or before February 28, 2019

#### **Task 4: Residential Land Needs Analysis (RLNA)**

Based on the outcomes of Tasks 2 and 3, Consultant will prepare a draft RLNA that addresses how much land and what zoning the City needs to accommodate its Housing Need, comparing the demand and supply provided in the deliverables produced in Tasks 2 and 3. The RLNA will be developed based on discussions with a project advisory committee at one committee meeting.

If the analysis shows that the Housing Need cannot be accommodated by the City's existing comprehensive plan, the RLNA will be developed concurrently with Task 5 in order to consider accommodating Housing Needs through changes to the comprehensive plan and land use regulations as required by OAR chapter 660, divisions 8 and 24.

City will schedule and provide notice and an agenda for one advisory committee meeting to review the draft RLNA product. Consultant will coordinate with City on meeting arrangements and facilitate the advisory committee meetings. The advisory committee may consider more than one deliverable at a meeting.

#### *Task 4 Consultant Deliverables:*

- Draft RLNA
- Presentation materials to introduce preliminary residential land need analyses and findings to the advisory committee, the public, and interest groups
- Advisory committee meeting notes

#### *Task 4 City Deliverable:*

##### 4.1 Advisory committee meeting notices and agendas

*Deadline:* Draft RLNA and advisory committee meeting to be held on or before March 29, 2019

#### **Task 5: Measures to Accommodate Needed Housing**

In a Housing Options and Recommendations memorandum, Contractor shall identify options for changes to the City's comprehensive plan and land use regulations to address housing and residential land needs determined in previous tasks. This task may be completed concurrently with Task 4.

City will schedule and provide notice and an agenda for one or two advisory committee meetings to review the housing-accommodation product. Consultant will coordinate with City on meeting arrangements and facilitate the advisory committee meetings. The advisory committee may consider more than one deliverable at a meeting.

City will schedule one public workshop or open house to present draft residential land need and housing accommodation data, findings, and recommendations. City will solicit input from the

public on the draft deliverables. Consultant will coordinate with City on meeting arrangements and facilitate the public meeting(s).

*Task 5 Consultant Deliverables:*

- Written Housing Options and Recommendations memorandum, identifying options for changes to City's comprehensive plan and land use regulations to address identified housing and residential land needs.
- Presentation materials to introduce housing accommodation recommendations to the advisory committee, the public, and interest groups
- Advisory committee meeting notes
- Public meeting summary
- Final draft hearings-ready HNA

*Task 5 City Deliverables:*

5.1 Advisory committee meeting notices and agendas

5.2 Public meeting notice(s)

*Deadline:* Conclusions and Recommendations Report, advisory committee meeting, and public workshop to be held on or before June 15, 2019. All remaining deliverables due on or before June 30, 2019.

**OTHER CONSIDERATIONS**

This agreement will be effective as of the date of the last signature. The termination of this document may occur by mutual consent of the parties with 60 days written notice.

Except as provided herein, nothing in this Memorandum of Understanding shall be construed as obligating the other party to expend funds or obligate future payment of money authorized by law and administratively available for this work.

City of Warrenton

\_\_\_\_\_  
Signature

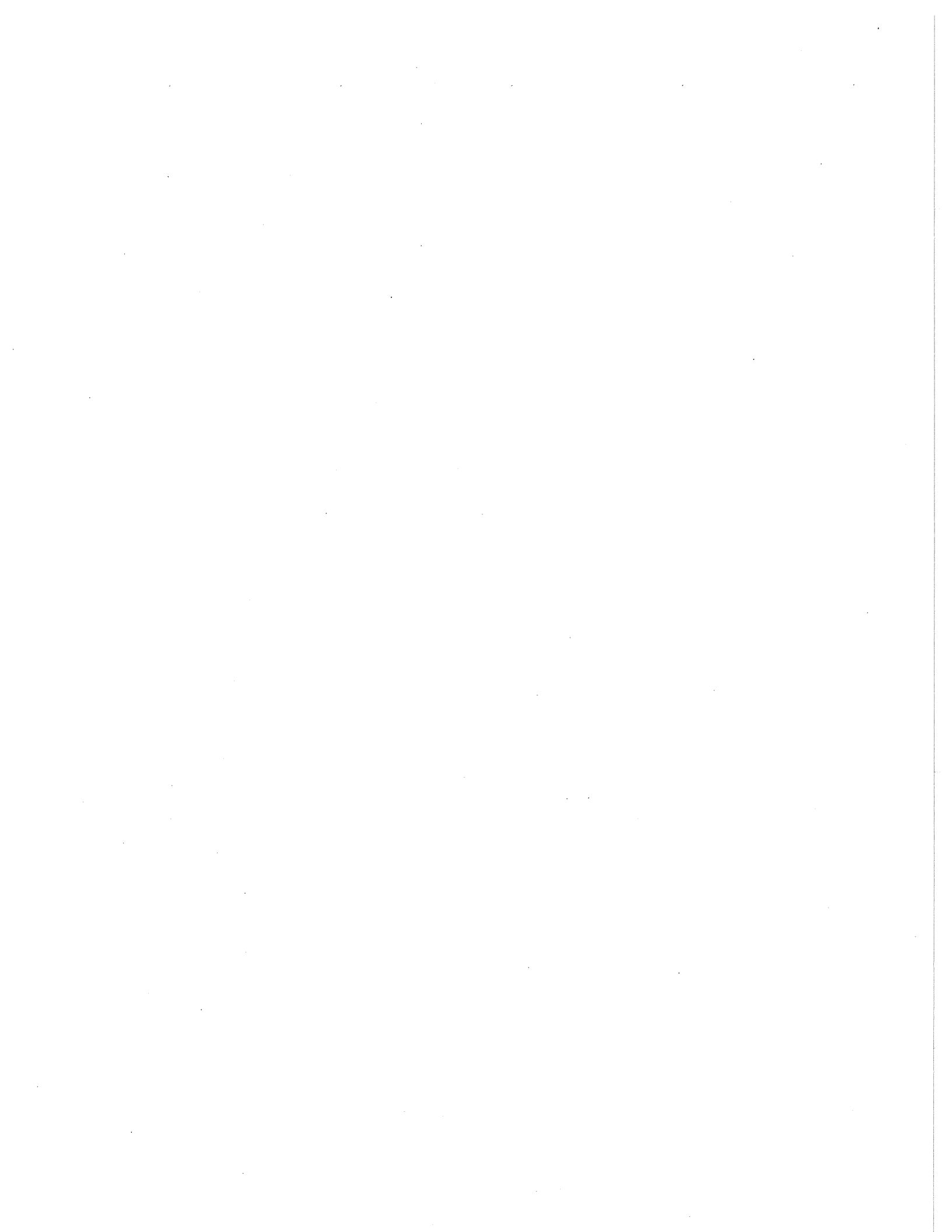
\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name and Title

Department of Land Conservation & Development

\_\_\_\_\_  
Jim Rue, Director

\_\_\_\_\_  
Date



7.D

"Making a difference through excellence of service"



CITY OF WARRENTON

AGENDA MEMORANDUM

TO: The Honorable Mayor and Warrenton City Commission
FROM: Collin Stelzig, Public Works Director
DATE: November 13, 2018
SUBJ: Water Rates

SUMMARY

Rate resolutions are considered over two meetings to give the public the opportunity to comment. Resolution No. 2350 was first presented at the October 23, 2018 meeting, and is presented today for the second reading and adoption. The Multi-Family rate has been removed and the residential rate will instead be titled "Residential/Multi-Family". The rate "Non-Peak Industrial" has also been removed as there have not been any users with this rate for approximately 5 years. The attached resolution reflects changes to Exhibit A and Exhibit B.

RECOMMENDATION/SUGGESTED MOTION

"I move to adopt, Resolution No. 2350; Adopting Water Department Rates, Establishing December 1, 2018, as the Effective Date, and Repealing any Other Resolution in Conflict."

ALTERNATIVE

None Recommended.

FISCAL IMPACT

We estimate an increase of \$24,000 in revenues to the water fund.

Approved by City Manager [Signature: Lisa Engle]
A rectangular box containing the text 'Approved by City Manager' followed by a handwritten signature in cursive that reads 'Lisa Engle'.

**RESOLUTION NO. 2530**

Introduced by All Commissioners

**ADOPTING WATER DEPARTMENT RATES AND FEES;  
ESTABLISHING December 1, 2018, AS THE EFFECTIVE DATE,  
REPEALING  
ANY OTHER RESOLUTION IN CONFLICT**

**WHEREAS**, the City of Warrenton Water Department is an enterprise fund and revenues must pay expenses; and

**WHEREAS**, the City of Warrenton needs to update its water rates, classifications and administrative fees after updating the water ordinance

**NOW THEREFORE**, The City Commission of the City of Warrenton resolves as follows:

Section 1. The Warrenton City Commission hereby adopts the attached schedule of water rates, listed in Exhibits A for all users of its municipal water service.

Section 2. The Warrenton City Commission hereby adopts the attached schedule of installation and administrative fees, listed in Exhibit B, for all users of its municipal water service.

Section 3. Any fees, charges, taxes or penalties that are assessed, requested or required by this resolution are deemed by the Warrenton City Commission to not be subject to the limits of Section 11b, Article XI of the Oregon Constitution and will be adopted according to Section 1(b)(e) and Section 2 of ORS 310.145.

Section 3. This resolution shall effect rates December 1, 2018.

First Reading: October 23, 2018

Second Reading: November 13, 2018

ADOPTED by the City Commission of the City of Warrenton this 13th day of November, 2018.

APPROVED

\_\_\_\_\_  
Henry A. Balensifer III, Mayor

ATTEST

\_\_\_\_\_  
Dawne Shaw, City Recorder



**City of Warrenton**  
**Monthly Water Service Rates**  
**Effective 12/1/18**

EXHIBIT A

**Monthly water service rates for customers of the water system shall be a combination of the following:**

**Base Rate:** Every account shall pay a base rate per month, according to the size of the meter, to include a consumption allowance of 2,000 gallons per month. All customers are subject to the monthly "ready-to-serve" base rate, regardless of consumption:

<b>Base Rate</b>				
<b>Meter Size (inches)</b>	<b>Inside City</b>		<b>Outside City</b>	
3/4	\$	29.91	\$	44.83
1	\$	34.66	\$	51.97
1 1/2	\$	46.40	\$	69.60
2	\$	60.54	\$	90.80
3	\$	98.32	\$	147.47
4	\$	140.76	\$	211.11
6	\$	258.57	\$	387.89
8	\$	400.04	\$	600.06
10	\$	565.13	\$	847.71

**Volume Rate:** Every meter shall pay a volume rate, according to customer class, for every thousand gallons of metered consumption:

<b>Volume Rate</b>				
<b>Range/Customer Class</b>	<b>Inside City</b>		<b>Outside City</b>	

**0 to 2,000 gallons:**

Residential / Multi Family	\$	-	\$	-
Commercial	\$	-	\$	-
Industrial	\$	-	\$	-
Institutional	\$	-	\$	-
Government	\$	-	\$	-
City of Gearhart	\$	-	\$	-

**2,001 gallons and over:**

Residential / Multi Family	\$	4.24	\$	6.40
Commercial	\$	6.35	\$	9.48
Industrial	\$	7.53	\$	11.33
Institutional	\$	5.16	\$	7.78
Government	\$	7.98	\$	11.97
City of Gearhart	\$	7.98		n/a

EXHIBIT B

City of Warrenton

Water Department Installation and Administrative Fees

Effective December 1, 2018

INSTALLATION

Meter Size	Equivalent Meter Rations	Capacity Allowance (GPD)	Combined Fee
¾"	1.0	690	\$1,300
1"	1.7	1,173	\$1,500
1 ½"	3.3	2,277	\$1,148*
2"	5.3	3,657	\$1,844*
3"	10.0	6,900	\$3,480*
4"	16.7	11,523	\$5,812*
6"	33.3	22,977	\$11,588*
8"	53.3	36,777	\$18,548*
10"	76.7	52,923	\$26,692*

\* Connection fee for meters above 1" includes the combined fee plus the actual cost of the meter, materials, and labor for installation.

ADMINISTRATION FEES

Connection for which the owner has provided all improvements for complete installation.

Each subdivision lot for single-family or manufactured dwelling	¾" \$400.00 1" \$450.00
Each apartment unit in a multi-family dwelling	\$105.00
Each RV space	\$ 80.00

### SERVICE CALL

Call requested by customer	In-City	\$20.00
Call requested by customer	Outside-City	\$30.00
Final Read	In-City	\$20.00
Final Read	Outside-City	\$30.00
Emergency After Hours Turn On Fee		\$150.00

### LATE CHARGES

Additional charge for late payment NOT RECEIVED by 5:00 pm on last business day of each month	\$ 3.00
Door Hanger Penalty on Past-Due Accounts	\$33.00
Shutoff Penalty on Past-Due Accounts	\$120.00

### METER REMOVAL

Cancelled Account	\$ 75.00
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### VACANCY/VACATION CHARGES

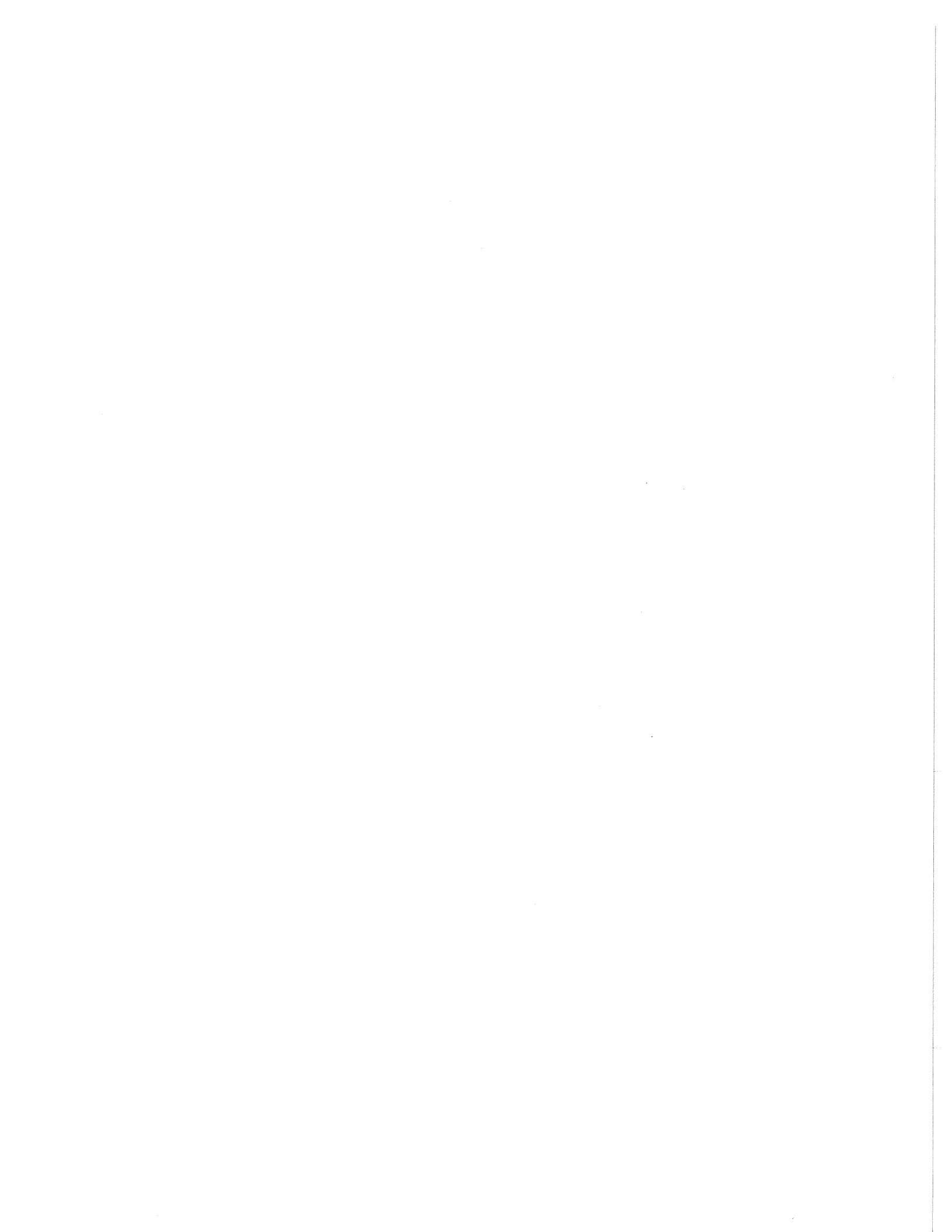
Temporary Billing Suspension Fee - Off	\$100.00
Temporary Billing Suspension Fee - On	\$100.00

### MISCELLANEOUS CHARGES

Lien Searches	\$15.00
Returned Payment fee	\$35.00
Inaccessible to Read Penalty (daily)	\$100.00
Unauthorized Use Penalty (each)	\$1,000.00

### HYDRANT METER CHARGES

Hydrant Meter Deposit	\$500.00
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7.E

"Making a difference through excellence of service"



CITY OF WARRENTON

## AGENDA MEMORANDUM

TO: The Honorable Mayor and Warrenton City Commission  
FROM: Collin Stelzig, Public Works Director  
DATE: November 13, 2018  
SUBJ: Water Ordinance Update

### SUMMARY

Proposed City of Warrenton Ordinance 1222 updating the rules and regulations for the provision of water includes, changes to and the addition of definitions, incorporates the cross-connection rules eliminating the necessity for separate ordinances, clarifies the rules for new service installations, defines rules for hydrant meter usage and removes the new customer deposit.

A commission work session was held on October 9, 2018 on the proposed changes to the water ordinance and the first reading was conducted on October 23, 2108.

### RECOMMENDATION/SUGGESTED MOTION

*"I move to conduct the second reading, by title only, of Ordinance No. 1222; Providing for rules and regulations for City of Warrenton water department and all areas served by the municipal water department outside Warrenton's city limits; requiring installation of water meters; repealing any other water ordinances or resolutions or parts thereof in conflict herewith; providing a penalty for violation of any terms and conditions herein"*

*"I move to adopt Ordinance No 1222."*

### ALTERNATIVE

None Recommended.

### FISCAL IMPACT

None

Approved by City Manager

ORDINANCE NO 1222

INTRODUCED BY ALL COMMISSIONERS

PROVIDING FOR RULES AND REGULATIONS FOR CITY OF WARRENTON WATER DEPARTMENT AND ALL AREAS SERVED BY THE MUNICIPAL WATER DEPARTMENT OUTSIDE WARRENTON'S CITY LIMITS; REQUIRING INSTALLATION OF WATER METERS; REPEALING ANY OTHER WATER ORDINANCES OR RESOLUTIONS OR PARTS THEREOF IN CONFLICT HEREWITH; PROVIDING A PENALTY FOR VIOLATION OF ANY TERMS AND CONDITIONS HEREIN

The City of Warrenton, Oregon, Ordains as follows;

Section 1. DEFINITIONS

"Accessory Dwelling" is defined as a small, secondary housing unit, usually the size of a studio apartment, located on the same lot as an established detached single-family residence. The accessory dwelling can be a detached cottage, a unit attached to a garage, or in a portion of an existing house. An accessory dwelling is an accessory structure and shall comply with the accessory structure standards of Municipal Code Chapter 16.180 and more particularly Section 16.180.040, Accessory Dwelling Standards.

"Applicant" is defined as any person, corporation, association, or agency applying for water service.

"Approved Air Gap" is defined as a physical separation between the free-flowing discharge end of a potable water supply pipeline and an open or non-pressurized receiving vessel. An "Approved Air Gap" shall be at least twice the diameter of the supply pipe measured vertically above the overflow rim of the vessel and in no case less than 1 inch (2.54 cm), and in accord with Oregon Plumbing Specialty Code.

"Approved Backflow Prevention Assembly" is defined as a Reduced Pressure Principle Backflow Prevention Assembly, Reduced Pressure Principle-Detector Backflow Prevention Assembly, Double Check Valve Backflow Prevention Assembly, Double Check-Detector Backflow Prevention Assembly, Pressure Vacuum Breaker Backsiphonage Prevention Assembly, or Spill-Resistant Pressure Vacuum Breaker Backsiphonage Prevention Assembly, of a make, model, orientation, and size approved by the Oregon Health Authority. Assemblies listed in the currently approved backflow prevention assemblies list developed by the University of Southern California, Foundation for Cross-Connection Control and Hydraulic Research, or other testing laboratories using equivalent testing methods, are considered approved by the Oregon Health Authority. Approved assemblies include the attached shutoff valves on the inlet and outlet end of the assembly, assembled as a complete unit.

"Auxiliary Water Supply" is defined as any water supply on or available to the premises other than the City's approved public water supply. These auxiliary waters may include water from another City's public potable water supply or any natural source(s) such as a well, spring, river, stream, harbor, etc., or used waters or industrial fluids. These waters may be contaminated or polluted or they may be objectionable and constitute an unacceptable water source over which the City does not have sanitary control.

“Backflow” is defined as the flow of water or other liquids, mixtures, or substances into the distribution pipes of a potable supply of water from any sources other than its intended source, and is caused by backsiphonage or backpressure.

“City” is defined as City of Warrenton, its staff and/or designee (authorized representative).

“City Service Line” is defined as any pipe and fittings which connect a water main to a water meter or customer service line.

“Commercial” is defined as one who is engaged in commerce and uses water during the course of a business where profit is a chief aim.

“Cross Connection” is defined as any actual or potential unprotected connection or structural arrangement between the public or user’s potable water system and any other source or system through which it is possible to introduce into any part of the potable system any used water, industrial fluid, gas, or substance other than the intended potable water with which the system is supplied. Bypass arrangements, jumper connections, removable sections, swivel or change-over devices and other temporary or permanent devices through which, or because of which, backflow can or may occur are considered to be cross connections.

“Customer Service Line” is defined as any pipe, valves, and fittings leading from the water meter or City service line into the premises served or the point of ultimate use.

“Inaccessible to Read” is defined as a water meter of any size or type which is not conveniently accessible for purpose of reading, inspecting, repairing, and connecting or disconnecting service.

“Industrial” is defined as a business involved in the commercial production and sale of goods.

“Institutional” is defined as an organization or foundation dedicated to education, public places of worship or culture, e.g., schools, rest homes (including adult foster homes), hospitals, jails.

“Living Unit” is defined as any living quarters in which cooking or toilet facilities are provided.

“Multi-Family” is defined as a building or portion thereof designed for occupancy of two or more families.

“Person(s) Responsible” is defined as a person, including a buyer under a land sales agreement, lawfully occupying a property to which utility services are provided pursuant to an agreement with the owner.

“Property Owner” is defined as an individual or organization that has legal ownership as evidenced by a deed filed with the County for the service address. It is further understood that any individual or organization that is listed on the deed (no matter the percentage ownership) is authorized to conduct business for the service address and to incur charges accordingly.

“Public Works Director, their Designee or State Health Official” is defined as the City of Warrenton Public Works Director in charge of the water department, their designee or the representative of the State of Oregon Health Department who is invested with the authority and the responsibility for the

implementation of an effective cross-connection control program and for the enforcement of the provision of this ordinance.

“Service” is defined as a combined facility made up of both a City service line, and a customer service line.

“Single Family” is defined as one who uses water for normal residential use.

“Single Service Connection” is defined as a property with a water service serving a single customer.

“User” is defined as any person(s), corporation, or other entity using water through an established service line.

“Water Main” is defined as any pipe owned by the City of Warrenton laid in a street, alley, or easement, and used or intended to be used for the distribution of water to customers through service lines.

“Water Meter” is defined as any device used for the measurement of water delivered to an individual location or user.

“Water Service Disconnection” is defined as permanent removal of both water and sewer connections from City mains. The sewer service is required to be capped as close to the sewer main without cutting into the road surface. Sewer connections shall be capped prior to the City removing the water meter. A Public Works Department representative shall be present during the capping of services. All costs for capping of water and sewer services will be borne by the property owner.

## Section 2. APPLICATIONS

- (1) **New Water Meter Connection:** An application for the installation of a new water meter connection shall be made to the Public Works Department. Upon completion of the new water meter application process and prior to the physical installation of the meter, the applicant shall apply for a utility account with the Finance Department.
- (2) **Utility Account Application:** An application for an existing water service shall be made to the Finance Department in person, on printed forms to be furnished by the City. The applicant must state fully and truly all purposes for which the water may be required and must agree to conform to rules and regulations as a condition for the use of water. The owner of each property to be served must sign for such service; if the property is to be rented, leased or occupied by other than the owner, and if it is the stipulation of the owner that such occupant, hereafter referred to as person(s) responsible, must pay for the water service, then this person must also complete and sign an application form. A new application must be made for each change in use or ownership.
- (3) **Outstanding Account Balances:** The City will not allow a new utility service to customers with an outstanding balance on their account(s) with the City until the entire balance that has accrued to the former account(s) has been paid in full.



- (4) **Water User:** Any person supplied with water from the City main will not be entitled to use it for any purpose other than that stated in the application, or to supply it in any way to other person(s) or families not mentioned in the application. Penalties and shutoff will apply.
- (5) **Change of Ownership or Person(s) Responsible:** Any tenant moving from or change of property ownership must indicate their release of responsibility by notifying the City prior to the date of leaving.
- (6) **Property Ownership Responsibility:** The property owner of record shall be ultimately responsible for the payment of all charges prescribed in this ordinance. If the person(s) responsible fails to pay the charges, the City shall submit the bill to the property owner.

### Section 3. INSTALLATION

- (1) **Installation:** A new service may be installed upon an approved water availability and payment of current water connection fee, any additional costs for labor and materials and System Development Charges (SDCs), as set by resolution. All meters shall be installed only in the public right-of-way adjacent to: (1) the property to be served, or (2) a recorded easement which allows placement of utilities, which easement benefits the property to be served.
- (2) **Water Availability Statements:** New water service can be applied for through the Public Works Department. The City makes no guarantee of water availability. Water will be determined available if a water main is within 100 feet of the property line where the meter would be placed and no other restrictions apply. The property line may be adjusted in the case of an easement granting the property owner the right to a utility easement for water. If a water main is not available then the applicant is responsible to extend an adequately-sized water main in an established right of way (ROW) or dedicated utility easement across the full frontage along the ROW of the property being developed in accordance with the City of Warrenton Engineering Standards. These applications will expire after 90 days from the date of issuance if the appropriate connection fees listed on the statement are not paid in full. Applicant has the right to reapply if the previous application has expired. Meter connection charges that have been paid for but not installed after 12 months from the date of payment for connection charges will be refunded in full and the water availability statement will be void. Applicant has the right to reapply for a water availability statement.
  - a. The water availability statement will note the size of meter, purpose of water use, fees, conditions and responsibilities of the owner/contractor.
  - b. The applicant must state fully and truly all purposes for which the water may be required and must agree to conform to rules and regulations as a condition for the use of water.
  - c. Unexpired water availability applications, that have not been paid and meter(s) installed, will be subject to increased fees, as set by resolution.

(3) **Single Family Residential Water Meter Connection:** All single family residential properties, including new subdivision development lots, shall be required to use water meters, the kind or make of said meter to be approved or designated by the Public Works Department.

a. Where an existing City service line is installed, approval by all required departments has been received, and the applicant's payment, of all associated charges and fees have been paid in full, a water meter will be dropped-in by the Public Works Department within two (2) business days.

b. Upon the applicant's payment, in full, of both current meter connection fees and SDCs, the full installation of the City service line with meter box and meter shall be installed by the Public Works Department. The department will attempt to make any and all installations within 30 days or as soon as possible, in the order received.

(4) **Commercial, Industrial and Multi-family Water Meters:** All water meter(s), the kind or make of said meter(s) to be approved or designated by the Public Works Department and service connections will be installed by the owner/contractor. All meter information and numbers will be delivered to the Public Works Department upon installation. A single water meter will be installed to serve multiple living units, such as duplexes, apartment houses, etc., unless the owner requests a separate service for each unit. If a separate service is requested, each such service will be metered and charged the appropriate rate. An approved backflow prevention assembly is required immediately behind the water meter on the customer's service line, for premise isolation.

a. Water services including all infrastructure, water meters and meter boxes with lids the size and type required by the City Public Works Department will be installed by the owner/developer and the meter information will be remitted to the City at the time of installation. All meters larger than 1" will be flanged. A daily inaccessible to read penalty will apply if meter information is not submitted at the time of installation.

#### Section 4. MAINTENANCE

(1) **Accessibility of Meters:** The person(s) responsible for any property where a water meter is located shall see that said meter is free from obstructions and conveniently accessible at all times for the purpose of reading, inspecting or repairing. Failure to do so shall result in a letter of warning and may result in water service disconnection. Meters shall be located 12 inches inside the public or street right-of-way. A daily inaccessible to read penalty will apply when meters are blocked for more than two (2) business days.

(2) **Canceling Accounts/Meter Removal:** Voluntary account cancellations/disconnections require prepayment of fees and will apply to garbage, sewer and storm sewer utilities associated with this water service. Involuntary account cancellations will have all applicable fees assessed on the utility bill. All costs associated with water service disconnection are the responsibility of the property owner, whether voluntary or involuntary. Utility base rates shall not apply to cancelled

accounts. The property owner will be required to reapply for water service and pay all applicable water connection fees as set by resolution to be reconnected to the utility system.

The City of Warrenton will have the discretion to disconnect a property from the utility system with or without the property owner's permission. If a structure is damaged or falls into a state of serious disrepair, after 90-days the City may remove the water meter from the property thereby disconnecting the property from the utility system. A notice of intent to disconnect will be sent to the property owner 30 days prior to disconnection. The property owner will have the right to present the City any relevant information to forgo forced disconnection, though not all reasons shall be deemed sufficient.

A petition for cancellation shall only be allowed under the following conditions:

- a. Existing accounts associated with properties that have no structure.
- b. Structures that are not required to have water service per building code and/or fire code.
- c. A dangerous building or structure that has been ordered abated by order of the Building Official or Fire Chief and will be removed according to the Municipal Code 15.08.100.
- d. Owners of buildings or structures that have been extensively damaged by fire, earthquake or other catastrophic event and will not be rebuilt may petition to have a meter removed upon review by the Building Official and/or Fire Chief according to the Municipal Code 15.08.100.

Once a petition is approved by the City Manager and the applicant has met all the requirements of the Public Works Department for water service disconnection, the City will remove the water meter service associated with the account and the account will be cancelled. The fee for meter removal is set by resolution.

- (3) **Service Pipe:** Service pipe(s) of any size between the main and the meter shall be of the type and material specified by City of Warrenton Engineering Standards. Service pipe(s) between the main and meter shall be maintained by the City Public Works Department. The water service line from a meter to the premises shall be maintained by the property owner. If check valves restricting backflow are installed on a customer's service line, a proper relief system shall also be installed to protect from thermal expansion, as required by Oregon Plumbing Specialty Code.
- (4) **Repair and Protection:** All service pipes except that portion between the connection from the City main to the curb stop or meter must be kept in repair and protected from freezing at the expense of the owner, lessee or agent, who will be responsible for all damages resulting from leaks or breaks. Failure to comply will result in discontinuance of service.

(5) **Meter Repair-  $\frac{3}{4}$  and 1 inch:** The expense of maintaining three-quarter ( $\frac{3}{4}$ ) and one (1) inch water meters will be borne by the City; provided, however, that where replacements, repairs, or adjustments of a meter are made necessary by an act of negligence or carelessness of the person(s) responsible of the premises, the expense to the City caused thereby may be charged and collected from the party that caused such act, negligence, or carelessness whether property owner or person(s) responsible of the premises.

(6) **Meter Repair- larger than 1 inch:** The expense of maintaining meter assemblies larger than one (1) inch and corresponding vault(s) will be borne by the property owner. The City may require testing of the water meter at any time in which the readings of the meter reflect a significant drop in usage and the owner has not provided a reasonable explanation for such change in usage. The property owner will be notified prior to such testing.

The City may require immediate replacement of the water meter with a meter of the same size, type and style that meets City standards should it cease to function as designed and a repair is not possible. Water meters will be replaced by the City at the owners expense. No water will be supplied to unmetered service connections.

Meters that are currently in place and do not meet the City meter specification standard at the passage of this ordinance, will be maintained and replaced by the City. Upon replacement by the City, the person(s) responsible will then become responsible for all maintenance and replacement costs of the meter assembly.

(7) **Private Shut-Off:** A shut-off on the customers side of the water meter shall be installed and maintained by the owner for each service and made available for emergency use. The shut-off is required to be placed directly behind the water meter on the customer service line.

(8) **Meter Out of Order:** If a meter is out of order and not registering accurately, the consumption charge shall be computed on the basis of a monthly average of the previous twelve (12) months when the meter was functioning properly, such time sequence being necessary to encompass seasonal use.

(9) **Tampering:** No person shall connect, remove, repair, turn-on, turn-off or otherwise disturb any water meter or service after once set; but, at the discretion of the City, a meter may be removed by the City for an unpaid account. Water services that have been locked off for non-payment of a utility bill, and turned back on by anyone other than a City official shall be reported to the Police Department as theft of service.

(10) **Damages:** The person(s) responsible or property owner shall be responsible for any damages to the locking device affixed at the time of shut-off, or to any meter or meter box which gives evidence of having been damaged by carelessness or vandalism. These charges will be billed separately; however, failure to pay within 90 days shall result in meter removal and be subject to connection charges for reconnection as set by resolution.

**Section 5. CHARGES, PAYMENTS AND PENALTIES**

**(1) Billing, Due Dates and Past Due Penalties:**

- a. Bills are sent on a monthly basis, regardless of occupancy or if the water is off. Each bill rendered shall contain the final date on which payment is due. If the bill is not paid by that date, the account shall be considered delinquent. Water charges for consumption in the previous month shall be billed at the beginning of the following month and are due and payable at Warrenton City Hall on the last business day of the same month in which the bill is issued. All payments on account shall reference the appropriate customer number.
- b. If payment in full is not received by 5:00 p.m. on the last business day of the month, a late charge penalty set by resolution will be added. If the account is still unpaid on the 1<sup>st</sup> of the month following the date the payment was due, a bill will be mailed to the person(s) responsible showing all charges due with a past due notification.
- c. The City will send a reminder letter of these late charges to the property owner and person(s) responsible (if they are not the same) on or near the 7<sup>th</sup> of the month.
- d. A door hanger will be hung on or near the 14<sup>th</sup> day of the month stating water service will be shut-off on, or a specified date near, the 20<sup>th</sup> of that month if the account remains unpaid. Once a door hanger has been sent, payment must be made in full for the past due amount to avoid service termination. The customer will be charged a door hanger penalty as set by resolution. A door hanger will be hung on the subject property and the corresponding fee will be attached to the past due account, even if the prior person(s) responsible/owner no longer resides at the property.
- e. Water service will be shut off if past due balance is not paid before 5 p.m. on the date specified on the door hanger. Past due accounts will be charged a shut-off penalty as set by resolution. Water service shall not be restored until all charges and penalties are paid in full.
- f. When payment has been made in full and the request for restoration has been made before 2:00 p.m., same day service is available. If an immediate restoration is required after 2:00 p.m., an emergency turn on fee will apply.
- g. In the event the City is unable to physically terminate service to a customer for non-payment, the customer will still be charged a shut-off penalty. It is the responsibility of the person(s) responsible or owner to make certain payment in full has been received by the City in a timely manner.
- h. If the past due amount on a closed account remains unpaid at shut-off day, the shut-off penalty will be assessed to the previous person(s) responsible/owner even though the

water is not shut-off. No new Utility Applications will be taken until such time that all accounts at the address associated with the past due account are paid in full.

- i. Owners and/or person(s) responsible shall be notified of and have the opportunity to be heard by the Finance Director or employee empowered to resolve any valid objections to the billing prior to the disconnection.
  - j. Properties whose service has been shut-off for non-payment for 12 months with no payments made on the City billing accounts or any balances in collections will be disconnected from the utility system. A fee for meter removal, as set by resolution, as well as any cost to remove garbage, sewer or storm sewer utilities will be assessed to the utility billing account and billing for utilities will discontinue as of the date of meter removal. Any outstanding balances may be referred to a collection agency. The property owner will be required to reapply for water service, pay applicable water connection fees as set by resolution and pay all outstanding balances including any balances in collections in order to be reconnected to the utility system. The property owner will be required to pay the balances owed or establish an approved payment plan with the City in order to avoid forced disconnection. See section 4.2 Canceling Accounts/Meter Removal.
- (2) **Meter Reading:** Water meters will be read monthly on a regularly scheduled basis. The charge for each meter shall be made from one reading to the next on a monthly basis. In the event it is not reasonable to read the meter on a monthly basis due to inclement weather or City emergency, the monthly charge may be estimated based on the prior twelve (12) month's read.
- (3) **Mixed Use Structures:** Where a structure has a commercial use and a residential use or any other combination of uses, the higher monthly rate will apply.
- (4) **Multi-Units:** Where two or more units are served through one master meter, the owner or authorized agent will be billed for the meter use, on a monthly basis. If separate units in a multi-unit complex have separate individual connections, the individual units will be billed individually on a monthly basis.
- (5) **Service Calls:** A fee set by resolution will be assessed to a customer requesting a service call to their address. Final reads are considered a service call. For the protection of the account holder's property, residents may request to have their water turned off for a fee, as set by resolution. Upon request, the City will then turn the service back on for an additional fee. Base rates, including water, sewer, storm drain, garbage and recycling will apply regardless of whether or not the water meter is on or off.
- (6) **Notice for Service:** The Public Works Department requests two (2) business days notice be given in order to schedule service calls; however, whenever possible, requests for service will be handled as promptly as possible.

(7) **Refund:** Customers who have closed their utility accounts with the City and have credit-account balances equal to or greater than \$3.00 will receive refunds. No refunds will be issued for accounts with less than \$3.00. Refund checks that have not cleared the City's bank within 90 days of issuance will be cancelled and will be referred to the State of Oregon Unclaimed Property Division. Customers who have an active account at a different address with the City will have their credit balance applied to their active account unless the customer requests otherwise.

(8) **Leaks:** When a leak occurs on the customer's side of the meter, it is the responsibility of the owner to have the leak repaired within 10 days of the discovery or notification by the City of the leak.

a. **Adjustment for Leaks:** If the leak has caused the monthly charge to be excessive, the responsible person may submit a written request for an adjustment. If the excessive charge exceeds the average monthly charge by 300% or more, the responsible person may be granted a reduced payment equal to the average monthly charge plus 20% of the excessive charge. In order to receive the reduced payment option, the person(s) responsible must submit a completed leak adjustment request form attesting to the repair of the leak and with all available substantiating documents and receipts attached. All others will be responsible for the total charge while the leak adjustment is in process. A completed leak adjustment request form with the substantiating documents and receipts is required for all leak adjustments. Leak adjustments will be processed once the water consumption has returned to a normal level based on the pre-leak period. The formula for the leak adjustment is average monthly charge plus 20% of the excessive charge. Leak adjustments will be made for a maximum of the six months prior to the repair of the leak that demonstrates leak consumption. Adjustments will not be made for leak consumption occurring outside the most recent six-month period. Only two separate adjustments may be made per account per calendar year.

b. **Shut off Due to Waste:** The City of Warrenton Water Department shall not knowingly furnish water to premises where there is an ongoing leak. When there is a defective or leaking fixture, leaking customer service line, irrigation system, or there is no shutoff device on the customer side and the customer fails to take prompt corrective action to repair the leaking line or fixture, the City may at its option, within 60 days of customer notification, shut off the water on the City side of the meter. All monthly charges fees and penalties will apply if the City must shut off the water meter to ensure water conservation.

(9) **Special Charges:** A fee will be charged for any returned payments. Customers have five (5) business days to make returned payments good. The returned transaction is only made good with cash including the returned payment fee, as set by resolution.

a. The City will immediately contact the customer to notify them of the returned payment. If direct contact is not made, then the City will leave messages at the phone numbers of

record. If no phone contact is made, the City will post notice on customer's residence. This will suffice to give notice to customer that the payment must be made good and advise them of the policy of the City.

- b. The five (5) business days begins the day the City receives notice from the bank and ends on the fifth business day at 5:00 p.m. (counting the day of notice to the City).
- c. The City will assess the status of the account and if the returned payment transaction is not made good within the five business days, then the City will enforce all collection policies as per Section 5 of this City ordinance.
- d. Returned payment fees attach to all returned payment transactions including checks, auto-pay and online payments.
- e. Any account that has 3 returned payments during a twelve (12) month period will be placed on a Cash Only status for twelve (12) calendar months from the date of the last returned transaction.

(10) **Water Liens:** All service, usage, penalty and fees shall be a lien against the premises served. Ledger and other records will be accessible for inspection by anyone interested in ascertaining the amount of such charges against the property with the submission and approval of a public records request, if applicable.

(11) **Billing Addresses:** Billing will be addressed exactly as the applicant has directed on the application for service. The Finance Department must be notified immediately of any change of billing address. Should the proper address not be supplied by the customer and/or owner, the City will attempt to solicit this information by delivery of a door hanger, which will list a date on which the water will be shut-off if no reply is forthcoming.

(12) **Rates:** All rates, charges, penalties and fees will be designated by resolution and approved by the Warrenton City Commission.

(13) **Vacancy/Vacation:** City of Warrenton water customers may request a temporary billing suspension for a period not to exceed six (6) months. This temporary billing suspension is limited to six (6) months in a twelve (12) month period. Customers will be charged a temporary suspension fee, as set by resolution, at the time their temporary billing suspension is to take effect. The customer will be required to pay their account balance, including all utility charges up to the date of suspension and the temporary suspension fee, at the time the service is suspended. The billing will continue and there will be no service suspension if the utility account has a balance. Upon the effective date of the temporary billing suspension, the City will turn off and lock the water meter. Upon the termination of the temporary billing suspension period, the water meter will be turned on and a temporary suspension fee will be assessed to the utility account for reactivating the meter and reconnection of service. Upon meter activation, billing for utility service will restart. At the end of the six (6) month



temporary billing suspension period, the water meter will be turned on and billing will be reinstated regardless of property occupancy status.

Customers with special surcharge(s) or fee(s) attached to their utility bill are not eligible for a vacancy/vacation rate.

- (14) **New Construction Rates:** All service accounts associated with new construction projects shall be subject to the minimum base water rate plus consumption upon water meter installation. Rates for all other services will apply upon issuance of occupancy permit.
- (15) **Use of a Collection Agency:** Past due amounts from prior renters or owners may be sent to collection after the City has attempted to collect for 90-days. The owner of the property is the responsible party and therefore, the owner will be sent to collection for renter's past due charges. The City will not shut-off water on a new tenant but will send past due amounts to collection. The City will shut-off water on a new property owner if prior owner left any outstanding balance (the new property owner assumes any liens on the property). A collection fee of 50% of the principal amount owing will be added to the balance at the time of referral to the collection agency.

#### Section 6. FIRE PROTECTION, FIRE HYDRANTS, AND HYDRANT METERS

- (1) **Fire Service Lines:** Fire service lines may be installed at the expense of the property owner according to the City Engineering Standards. No use or connection other than fire protection is permitted on fire service lines.
- (2) **Unauthorized Use:** Unauthorized use of water from a fire line or fire hydrant shall result in an unauthorized use penalty, set by resolution, for the first billing cycle during which the use occurs. Any subsequent unauthorized use during a subsequent billing cycle within twelve (12) months of the first such use shall be charged an additional unauthorized use penalty, provided the City Manager or their designee may also impose an additional fee at their discretion after consideration of the circumstances of the use.
- a. If unauthorized use of a fire line or fire hydrant occurs four or more times within twelve (12) months of the first such use (including the first use in the count), the City Manager or their designee may thereafter treat the fire line or fire hydrant as a standard service subject to all applicable provisions of this Ordinance.
- (3) **Use of Fire Hydrant:** It shall be unlawful for any person to cut, alter, change, remove, disconnect or connect with, or in any manner interfere, meddle or tamper with any hydrant owned or used by the City of Warrenton Public Works Department. The provision of this section shall not apply to the authorized local fire department. Other departments of the City may be allowed to connect on said hydrants with a hydrant meter, and must use a spanner or regulation wrench in connection therewith.

(4) **Hydrant Meter:** Permits may be issued for the temporary connection to and operation of fire hydrants for construction sites and other approved uses. Permits can be obtained through the Public Works Department. Fees associated with said permit are set by resolution.

- a. Hydrant meters may only be used at the site specified on the permit, may not be left unattended, and must be removed from the hydrant after each use. Any hydrant meter still attached to the hydrant may be removed by the fire department or City designee in the case of an emergency or drill and the permittee will be billed for any damages to the hydrant or hydrant meter.
- b. Spanner or regulation wrenches will be provided for check-out from the Public Works Department at the time of permit application.

#### Section 7. CROSS CONNECTION CONTROL

(1) **Cross Connections Prohibited:** Cross connection(s) shall be prohibited and protection must be provided against such cross connection, as specified in Oregon Administrative Rules (OAR), Chapter 333. In the case of any premise where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete in-plant cross connection survey, the public water system shall be protected against backflow from the premise(s) by either an approved air gap or an approved backflow prevention assembly on each service to the premise, to provide premise isolation.

(2) **Testing:** Tests must be submitted to the City's Water Quality Technician within ten (10) working days from test date and on a form acceptable to the City. Inspection and testing must be completed as specified.

- a. At the time of installation;
- b. If repaired or relocated;
- c. At least annually;
- d. More frequently if required by the City;
- e. After a backflow incident; or
- f. After an approved air gap is re-plumbed

(3) **New Connections:** Any new connection of one and one half (1 ½) inches in diameter or greater shall be required to install an approved backflow prevention assembly commensurate with the degree of hazard, as per table 43 in OAR Chapter 333, the Oregon Plumbing Specialty Code and the Public Works Director or their designee. The term "new" as herein used in reference to new construction, annexation, or the City of Warrenton gaining jurisdiction over the water system.

(4) **Float Valve:** No water shall be used in open tanks, troughs or other containers into which water drips continuously without the installation of automatic float valves.

- (5) **Irrigation:** All irrigation systems, residential and commercial, shall be protected by an approved backflow prevention assembly commensurate with the degree of hazard, as per table 43 in OAR Chapter 333, the Oregon Plumbing Specialty Code and the Public Works Director or their designee.
- (6) **Auxiliary Water Supply:** Premises supplied with water other than that furnished by the City may obtain City water at regular rates, provided no physical connection shall in any way, directly or indirectly, exist between the private and municipal systems. An approved backflow prevention assembly shall be installed on the customer service line to a premise where there is auxiliary water supply which is or could be connected to the municipal water system. Should such connection be found to exist without an approved backflow prevention assembly, the connection to City water will be shut-off.
- (7) **Pumps:** No person shall connect to any water main or service connection in the City's water system, a pump or other apparatus for purposes of increasing pressure, which is capable of introducing any foreign liquid or material into said system, unless an approved backflow prevention assembly is used.
- (8) **Authority:** The Public Works Director, their designee or State Health Official has the authority to discontinue water service to premises for:
- a. Failure to remove or eliminate an existing unprotected or potential cross connection;
  - b. Failure to install a required approved backflow prevention assembly, as required;
  - c. Failure to maintain an approved backflow prevention assembly; or
  - d. Failure to conduct the required testing of an approved backflow prevention assembly.

Water service may be reinstated once the above condition(s) are remedied. A fee may apply for disconnection/reconnection of water service.

#### Section 8. UNLAWFUL USE

- (1) **Unlawful Connection:** It shall be unlawful for any person to attach or detach from any water main or service pipe or other connection through which water is supplied by the City, or to interfere in any manner with such pipes or connections.

It shall be unlawful for any auxiliary water supply to be connected with the municipal supply in any way. If such connection is found to exist, the City water service will be disconnected and penalties will be assessed to the utility account.

It shall be unlawful for any unit, with the exception described for multi-units, to be occupied or used, either as a residence or as a place of business, without an individual connection and meter if required.

All unlawful connections found shall be reported to the Police Department for theft of service and subject to unauthorized use penalties.

- (2) **Supply to Vessel:** It shall be unlawful for any person operating a vessel to obtain water for its use from City mains except through a meter and from persons duly authorized to supply such water.
- (3) **Electrical Connections:** It shall be unlawful to ground any electrical appliance to any pipe connected to the water system.
- (4) **Prohibited or Restricted Use:** The City may prohibit the use of water for any purpose, such regulation being within the authority of the City Manager, Public Works Director or their designee or the Oregon Health Authority Drinking Water Program Official. These precautions are to promote the health and safety of the inhabitants of the City of Warrenton water system.

If a shortage of water shall exist, the City Manager shall have authority at any time to restrict the use of water. Failure to comply may result in penalties.

- (5) **Turn-On/Off by other than City Crew:** It is in violation of this ordinance for any unauthorized person to tamper with the City's shut-off valve; however, in case of emergency, City personnel may grant permission to the property owner or person(s) responsible to turn the water off or on, but only upon making notation of the account number, name of the permittee, date, address, meter number and whether or not the shut-off is to be temporary or permanent. Such information must be provided to the City for entry into the records within 48 hours of granting permission.

When permission has been granted to the owner or person(s) responsible for emergency turn on/turn off of the meter and where replacements, repairs, or adjustments of a meter are made necessary by an act of negligence or carelessness of the person(s) responsible for the premises, the expense to the City caused thereby may be charged and collected from the party that caused such act, negligence, or carelessness whether property owner or person(s) responsible for the premises.

#### Section 9. MISCELLANEOUS

- (1) **Inspection:** For the purpose of inspecting the condition of the pipes and fixtures, and the manner in which water is used, the City Manager or designee shall have free access, at proper hours of the day, to all parts of any building or premises in which water is delivered from City mains.
- (2) **Realtor Inspections:** A licensed realtor who wishes to have a property's water turned on and then off, for a house inspection, may pay an advance fee as set forth by City resolution (disconnect/reconnect), for a maximum of twenty-four (24) hours.

- (3) **Repairs:** The water may be shut-off from the mains, without notice at any time, for repairs or other necessary purposes, and the City of Warrenton Public Works Department and its delegates shall not be responsible for any consequent damages.
- (4) **Surplus Water:** The water department may furnish surplus water which would not affect the City's supply to areas outside the City boundaries, and charge the rates currently in force. Furnishing of water shall be conditioned by terms of a contract drawn for this service.
- (5) **Liability:** Any person violating any provision of this ordinance, causing the City to bring civil action against that person, shall be liable for court cost and reasonable attorney fees to be set by the court, including any appellate court fees, in the event the City is successful.
- (6) **Fine:** Any person violating any of the provisions of this ordinance may, upon conviction thereof, be punished by a minimum fine of \$1,000.
- (7) **Validity:** In case any portion or provisions of this ordinance should be held to be invalid for any reason whatsoever by any court, then all other provisions shall be held and considered to be independent of, and separable from, such invalid portions and shall not be affected or rendered void by the invalidity of such other portions.
- (8) **Effective Date:** This Ordinance shall take effect 30 days after its adoption.

ADOPTED by the City Commission of the City of Warrenton, Oregon, this 13th day of November, 2018.

First Reading: October 23, 2018

Second Reading: November 13, 2018

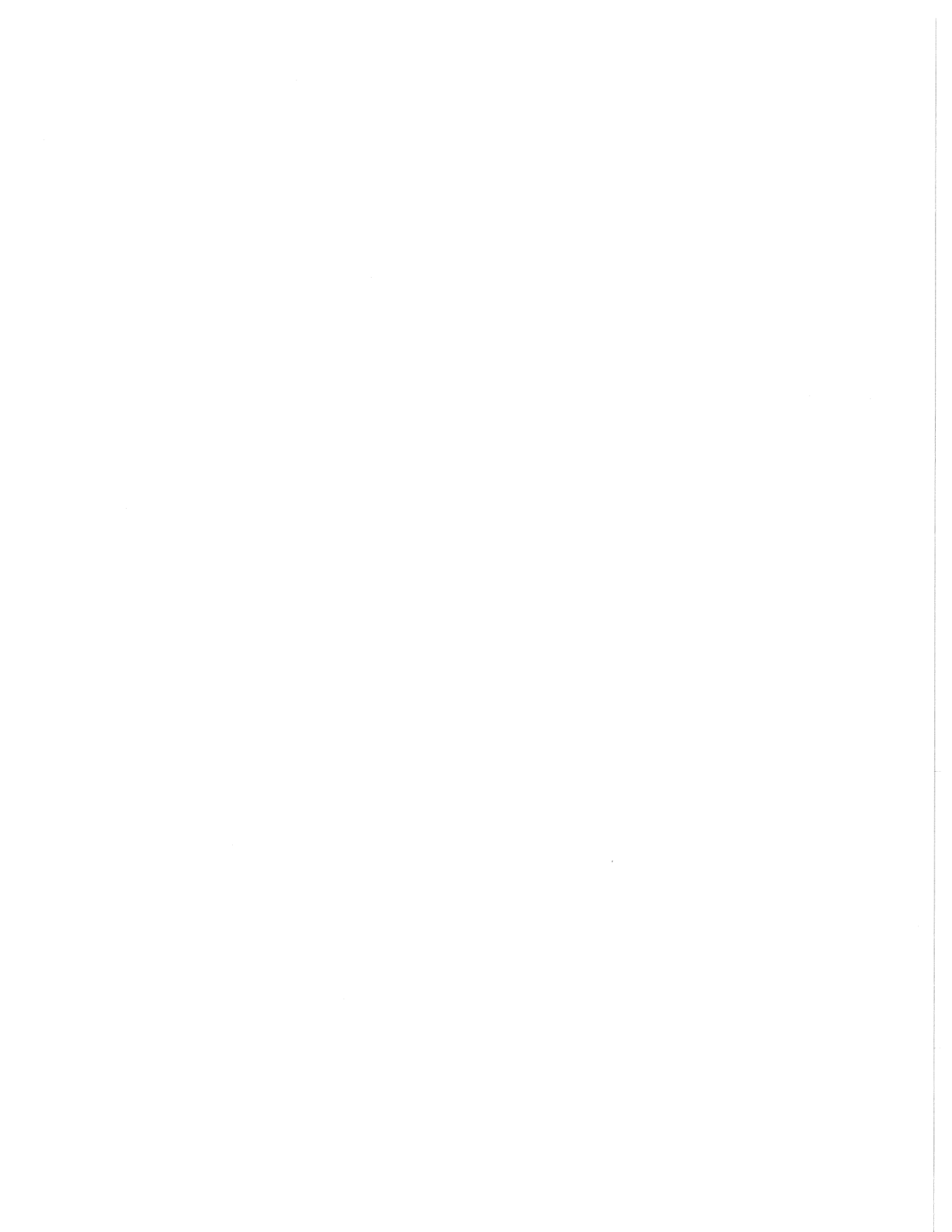
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Henry A. Balensifer, III, Mayor

ATTEST:

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Dawne Shaw, City Recorder



7-F

*"Making a difference through excellence of service"*



**CITY OF WARRENTON**

## **AGENDA MEMORANDUM**

TO: The Warrenton City Commission  
FROM: Linda Engbretson, City Manager *LE*  
DATE: November 13, 2018  
SUBJ: Community Thanksgiving Meal

### **SUMMARY**

The City has received a request for waiver of fees for use of the Community Center for the annual free community Thanksgiving Dinner. In the past, Thankful Hearts, a group of volunteers led by Dianne and Carl Burkhart have organized the event. It is my understanding the VFW will be managing the dinner this year. The use request is for Wednesday and Thursday, November 21 and 22, 2018. The City has waived the fees in previous years. The Community Center Advisory Board reviewed the request and generously recommends approval of the waiver.

The Community Center is operated on user fees only and does not receive other funding except through donations and fund raising efforts, i.e., Breakfast with the Easter Bunny and Breakfast with Santa. The operating budget for the center is very small and utilities and cleaning still need to be covered; it is my recommendation the City not waive the fee, but pay for the event from the Commission travel and training budget. That has been the practice for the other "waiver" requests, i.e., Fishermen Benefits Fund. This year we budgeted as if all commissioners would attend the annual League of Oregon Cities Conference. Only Mayor Balensifer was able to attend this year. The total fee is \$844.00 should the Commission choose to transfer funds from Commission Travel and Training to the Community Center Fund.

### **RECOMMENDATION/SUGGESTED MOTION**

"I move the City cover the cost of use of the Community Center for the annual free Community Thanksgiving Dinner by using funds in the Commission travel and training budget."

### **ALTERNATIVE**

"I move to waive the fee for use of the Community Center for the annual free Community Thanksgiving Dinner."

### **FISCAL IMPACT**

There is room in the Commission's travel and training budget to pay for use of the center. If the fee is waived, the Community Center Budget will absorb the cost of the event.



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*"Making a difference through excellence of service"*



## CITY OF WARRENTON

### AGENDA MEMORANDUM

TO: Warrenton City Commission  
FROM: Kevin A. Cronin, AICP, Community Development Director  
DATE: For the Agenda of November 13, 2018  
SUBJ: System Development Charges Update – Discussion Item

### SUMMARY

On October 8, 2018 the City Commission reviewed existing and potential system development charges (SDC) rates under a construction cost index scenario and a fee schedule approved under the original ordinance (2012). The City Commission directed staff to review and bring back the following items:

- Provide a sample of SDC rates of similar sized cities in Oregon (Enclosed)
- Loan payment schedule for the use of SDCs (Enclosed)
- Summary of SDC funded capital improvement projects (Enclosed)
- Tiered proposal of new rates (Enclosed)

### RECOMMENDATION

Staff is requesting feedback on next steps. A new fee resolution can be presented for a first reading at a future Commission meeting.

### FISCAL IMPACT

It is unclear how much SDC revenue would be generated from the adjusted fees, but certainly more than what the City has traditionally collected in years past. All revenue collected will go to the SDC fund for future capital improvements.

Approved by City Manager:

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

<b>SDC Peer Survey   Population 5,000 – 7,000</b>							
<b>City</b>	<b>2015   2017 Population</b>	<b>Parks</b>	<b>Water</b>	<b>Sewer</b>	<b>Storm</b>	<b>Transportation</b>	<b>Total</b>
Creswell	5125   5410	1,539	4,142	1470	0	267	<b>\$7,418</b>
Sheridan	6115   6185	782	4236	2670	278	364	<b>\$8,332</b>
Brookings	6565   6595	1561	2169	3722	465	1318	<b>\$9,237</b>
Seaside	6585   6620	1699	2873	4882	0	0	<b>\$9,454</b>
Madras	6265   6300	1874	1355	5289	220	3659	<b>\$12,397</b>
Scappoose	6745   6875	2086	5214	4616	692	2034	<b>\$14,643</b>

Source: City websites and interviews of city staff

**City of Warrenton, Oregon**  
**UNAUDITED**

**System Development Charges**

Cumulative Accounting

For the fiscal years ended June 30, 2012- June 30, 2018

	Parks		Water		Sewer		Storm Sewer		Streets	
	Reimbursement	Improvement	Reimbursement	Improvement	Reimbursement	Improvement	Reimbursement	Improvement	Reimbursement	Improvement
<b>Revenue</b>										
System Development Charges		121,580	416,870		323,251		96,549		775,905	
Interest Earned		2,097	2,848		5,234		1,275		17,458	
Total Revenue	-	123,677	419,718	-	328,485	-	97,824	-	793,363	-
<b>Uses</b>										
SW 9th Street Widening										98,343
SE 4th & Main Stormwater Pump Station							79,323			
Debt Service OEDD-G99001			337,000							
Debt Service DEQ R94942					203,089					
Debt Service OECD Y04001					117,915					
Total Uses			337,000		321,004		79,323		98,343	
Beginning Fund Balance		5,972	24,564		83,696		18,034		17,898	
Net Change	-	123,677	82,718	-	7,481	-	18,501	-	695,020	-
<b>Ending Fund Balance</b>	-	<b>129,649</b>	<b>107,282</b>	-	<b>91,177</b>	-	<b>36,535</b>	-	<b>712,918</b>	-

System Development Charges

Adjustment Source: Construction Cost Index - Seattle

Annual Rate: 2.91%

Single Family	2012	2013	2014	2015	2016	2017	2018
Water	\$ 1,100	\$ 1,132	\$ 1,165	\$ 1,199	\$ 1,234	\$ 1,270	\$ 1,307
Wastewater	\$ 1,100	\$ 1,132	\$ 1,165	\$ 1,199	\$ 1,234	\$ 1,270	\$ 1,307
Stormwater	\$ 131	\$ 135	\$ 139	\$ 143	\$ 147	\$ 151	\$ 156
Transportation	\$ 669	\$ 688	\$ 709	\$ 729	\$ 750	\$ 772	\$ 795
Parks	\$ 500	\$ 515	\$ 530	\$ 545	\$ 561	\$ 577	\$ 594
<b>Total</b>	<b>\$ 3,500</b>	<b>\$ 3,602</b>	<b>\$ 3,707</b>	<b>\$ 3,815</b>	<b>\$ 3,926</b>	<b>\$ 4,040</b>	<b>\$ 4,159</b>

CCI Model	2019	2020	2021	2022	2023	2024
Water	\$ 1,307	\$ 1,345.03	\$ 1,384.17	\$ 1,424.45	\$ 1,465.91	\$ 1,508.56
Wastewater	\$ 1,307	\$ 1,345.03	\$ 1,384.17	\$ 1,424.45	\$ 1,465.91	\$ 1,508.56
Stormwater	\$ 156	\$ 160.54	\$ 165.21	\$ 170.02	\$ 174.97	\$ 180.06
Transportation	\$ 795	\$ 818.13	\$ 841.94	\$ 866.44	\$ 891.66	\$ 917.60
Parks	\$ 594	\$ 611.29	\$ 629.07	\$ 647.38	\$ 666.22	\$ 685.61
<b>Total</b>	<b>\$ 4,159</b>	<b>\$ 4,280.03</b>	<b>\$ 4,404.58</b>	<b>\$ 4,532.75</b>	<b>\$ 4,664.65</b>	<b>\$ 4,800.39</b>

Year 5 Model*	2019	2020	2021	2022	2023	2024
Water	\$ 2,863	\$ 2,946.31	\$ 3,032.05	\$ 3,120.28	\$ 3,211.08	\$ 3,304.53
Wastewater	\$ 2,390	\$ 2,459.55	\$ 2,531.12	\$ 2,604.78	\$ 2,680.58	\$ 2,758.58
Stormwater	\$ 156	\$ 160.54	\$ 165.21	\$ 170.02	\$ 174.97	\$ 180.06
Transportation	\$ 1,252	\$ 1,288.43	\$ 1,325.93	\$ 1,364.51	\$ 1,404.22	\$ 1,445.08
Parks	\$ 1,965	\$ 2,022.18	\$ 2,081.03	\$ 2,141.58	\$ 2,203.90	\$ 2,268.04
<b>Total</b>	<b>\$ 8,626</b>	<b>\$ 8,877.02</b>	<b>\$ 9,135.34</b>	<b>\$ 9,401.18</b>	<b>\$ 9,674.75</b>	<b>\$ 9,956.29</b>

\*Year 5 refers to original SDC Ordinance suggested graduated rate increase