



AGENDA

CITY COMMISSION OF THE CITY OF WARRENTON REGULAR MEETING

June 25, 2024 – 6:00 P.M.

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

Public Meetings will also be audio and video live streamed. Go to <https://www.warrentonoregon.us/administration/page/public-meeting-zoom-access> for connection instructions.

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. CONSENT CALENDAR

- A. City Commission Meeting Minutes – 6.11.2024
- B. Monthly Finance Report – April 2024
- C. Police Department Monthly Report – May 2024

Items on the Consent Calendar have previously been discussed and/or are considered routine. Approval of the Consent Calendar requires a motion, a second, and no discussion, unless requested by a member of the City Commission.

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 it 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. Public Comments may also be submitted by email to the City Recorder, at cityrecorder@warrentonoregon.us, no later than 4:00 p.m. the day of the meeting. 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. Appeal AP-24-3; Vacation Rental Conditional Use Permit CUP-24-3
- B. Appeal AP-24-4; Vacation Rental Conditional Use Permit CUP-24-4
- C. Appeal AP-24-5; Vacation Rental Conditional Use Permit CUP-24-5
- D. Appeal AP-24-6; Vacation Rental Conditional Use Permit CUP-24-6

7. BUSINESS ITEMS

- A. Consideration of Appointment to City Commission Position No. 2
- B. Consideration of City Manager's Vacation Request
- C. Consideration of Resolution No. 2667; Updating Public Records Fees – Second Reading
- D. Consideration of Ultrasonic Algae Control System; Raw Water Reservoir Plant

8. DISCUSSION ITEMS

9. GOOD OF THE ORDER

10. EXECUTIVE SESSION

Under the authority of ORS 192.660(2)(e); *to conduct deliberations with persons designated by the governing body to negotiate real property transactions.*

11. ADJOURNMENT

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

Mayor Balensifer called the meeting to order at 6:00 p.m. and led the public in the Pledge of Allegiance.

Commissioners Present: Mayor Henry Balensifer, Gerald Poe, and Tom Dyer

Excused: Paul Mitchell

Staff Present: City Manager Esther Moberg, Finance Director Jessica Barrett, Planning Director Matthew Ellis, Public Works Director Greg Shafer, Deputy City Recorder Hanna Bentley, and City Recorder Dawne Shaw

CONSENT CALENDAR

- A. City Commission Meeting Minutes – 5.28.2024
- B. Monthly Finance Report – March 2024

There was unanimous consensus to approve the consent calendar as presented.

COMMISSIONER REPORTS

Commissioner Poe discussed the Columbia River Estuary Study Taskforce (CREST) budget meeting he attended.

PUBLIC COMMENT

Samuel Sadtler spoke in regard to the sanitary sewer Advanced Financing District (AFD).

Josh Stellmon, representing Jason Palmberg spoke regarding the AFD. He noted the actual cost of the project and that an additional application would have higher costs.

Robert May spoke regarding the AFD noting he is not against project but against the way it was brought about.

Steven Goldberg spoke regarding the AFD and noted he would like to see the AFD application denied because it's too expensive.

PUBLIC HEARINGS

Mayor Balensifer opened the public hearing on the adoption of the Warrenton City Budget for Fiscal Year (FY) 2024-2025. Formalities followed. No conflicts of interest or ex parte contacts

were reported. Finance Director Jessica Barrett presented her staff report on the budget, noting Resolution No. 2675 for its adoption. She noted the budget was approved by the Budget Committee on May 18th and stated the total appropriations for this budget are \$43,812,953. Mayor Balensifer asked for public comments. No one spoke in favor or opposition. There being no further comments, Mayor Balensifer closed the public hearing.

Commissioner Poe made the motion to adopt Resolution No. 2675, adopting the City of Warrenton FY 2024-2025 Budget. Motion was seconded and passed unanimously.

Poe – aye; Dyer – aye; Balensifer - aye

Mayor Balensifer opened the public hearing on the election to receive State Revenue Sharing funds. Formalities followed. No conflicts of interest or ex parte contacts were reported. Ms. Barrett presented the staff report, noting the total of estimated state shared revenue is \$736,137; \$223,377 of that amount will go into the General Fund, noting there are no restrictions on those revenues; and \$512,760 will go to the State Tax Street Fund, noting those funds are restricted to road related purposes. Mayor Balensifer asked for public comments. No one spoke in favor or opposition. There being no further comments, Mayor Balensifer closed the public hearing.

Commissioner Poe made the motion to adopt Resolution No. 2676; a Resolution Declaring the City of Warrenton’s Election to Receive State Revenues for Fiscal Year 2024-2025. Motion was seconded and passed unanimously.

Poe – aye; Dyer – aye; Balensifer - aye

BUSINESS ITEMS

Mayor Balensifer noted the resignation of Commissioner Mark Baldwin from Position No. 2. He noted this position is up for election this year and proposed a process to fill the vacancy.

Commissioner Poe made the motion to declare Warrenton City Commission Position No. 2 vacant. Motion was seconded and passed unanimously.

Poe – aye; Dyer – aye; Balensifer – aye

Commissioner Dyer made the motion for the City Recorder to put forth an application for interested parties to apply for City Commission Position No. 2. Motion was seconded and passed unanimously.

Poe – aye; Dyer – aye; Balensifer – aye

There was unanimous consent to make the application deadline noon on Wednesday, June 19th.

Mayor Balensifer noted the Capital Improvement Program (CIP) for adoption. He noted the CIP was reviewed in a work session with the commission on April 9, 2024, and the funding for current year capital projects was approved by the Budget Committee at the May 18, 2024 meeting.

Commissioner Dyer made the motion to adopt the 2025-2030 Capital Improvement Program. Motion was seconded and passed unanimously.

Poe – aye; Dyer – aye; Balensifer – aye

City Manager Esther Moberg noted the City received an event application from Spruce Up Warrenton for the Fourth of July parade and a request for grant funds. Jeanne Smith, Spruce Up Warrenton President commented on the safety concerns about candy at the parade and stated how they would manage it going forward. Mayor Balensifer asked why this needs to come before them; Ms. Moberg responded.

Commissioner Poe made the motion to approve the 2024 Fourth of July Event and the grant funds request for FY 2024-2025. Motion was seconded and passed unanimously.

Poe – aye; Dyer – aye; Balensifer – aye

Ms. Moberg noted the Commission had requested clarification regarding financing options for advanced financing reimbursements. She noted there is an allowance for a 5 or 10 year repayment plan, within the life of the AFD. Mayor Balensifer discussed and noted he does not feel comfortable to vote on it at this time and suggested having an informal community meeting with staff to discuss and have questions answered; there was consensus. Ms. Moberg suggested Monday July 8th for the informal meeting; Mayor Balensifer suggested moving out to a different date. Staff will decide the best date to hold the meeting.

Commissioner Dyer made the motion to table the consideration of the Advanced Financing District until such time as the community has been included. Motion was seconded and passed unanimously.

Poe – aye; Dyer – aye; Balensifer – aye

Public Works Director Greg Shafer presented Resolution No. 2680, for its second reading and adoption. Mayor Balensifer asked for clarification on if staff is comfortable with this increase; Ms. Moberg elaborated on the rate review process.

Commissioner Dyer made the motion to conduct the second reading, by title only, of Resolution No. 2680. Motion was seconded and passed unanimously.

Poe – aye; Dyer – aye; Balensifer - aye

Mayor Balensifer conducted the second reading, by title only, of Resolution No. 2680, Adopting Water Department Monthly Rates, Establishing July 1, 2024 as the Effective Date, and Repealing All Other Resolutions in Conflict.

Commissioner Poe made the motion to adopt Resolution No. 2680. Motion was seconded and passed unanimously.

Poe – aye; Dyer – aye; Balensifer - aye

Mr. Shafer presented for its second reading and adoption, Resolution No. 2681, adopting sewer department monthly rates. Mayor Balensifer noted revenues will increase by \$154,261. He also noted the new Wastewater Treatment Plant will cost \$36,000,000; Ms. Moberg elaborated.

Commissioner Poe made the motion to conduct the second reading, by title only, of Resolution No. 2681. Motion was seconded and passed unanimously.

Poe – aye; Dyer – aye; Balensifer - aye

Mayor Balensifer conducted the second reading, by title only, of Resolution No. 2681, Adopting Sewer Department Monthly Rates, Establishing July 1, 2024 as the Effective Date, and Repealing All Other Resolutions in Conflict.

Commissioner Poe made the motion to adopt Resolution No. 2681. Motion was seconded and passed unanimously.

Poe – aye; Dyer – aye; Balensifer - aye

Mr. Shafer presented for its second reading and adoption Resolution No. 2682, adopting residential recycling rates. Mayor Balensifer noted the fee increase is a pass through.

Commissioner Poe made the motion to conduct the second reading, by title only, of Resolution No. 2682. Motion was seconded and passed unanimously.

Poe – aye; Dyer – aye; Balensifer - aye

Mayor Balensifer conducted the second reading, by title only, of Resolution No. 2682, Adopting and Setting New Rates for Residential Recycling Services, Establishing July 1, 2024 as the Effective Date, and Repealing All Other Resolutions in Conflict.

Commissioner Dyer made the motion to adopt Resolution No. 2682. Motion was seconded and passed unanimously.

Poe – aye; Dyer – aye; Balensifer - aye

Planning Director Matthew Ellis for its second reading and adoption Ordinance No. 1266, An Ordinance Adding a New Chapter 8.32 to the Warrenton Municipal Code to Establish Regulations for Shipping Containers. Discussion followed on identifying or cataloging existing shipping containers that would be grandfathered. Mr. Ellis provided clarification on what the process would look like for containers that are grandfathered in. Mayor Balensifer asked if there will be a registry created of shipping containers that are grandfathered in; Mr. Ellis stated that creating a catalog of existing containers would be administratively challenging. Mayor Balensifer noted his concerns about knowing who is grandfathered in and who is not. Discussion followed on what would be the best way to determine if a shipping container is grandfathered in or not. Mayor Balensifer clarified for the record that this ordinance is solely and only for everything after its adoption; Mr. Ellis confirmed. Commissioner Dyer noted it would be worth it to have a catalog of containers grandfathered in. Discussion followed on enforcement.

Commissioner Dyer made the motion to conduct the second reading, by title only, of Ordinance No. 1266, An Ordinance Adding a New Chapter 8.32 to the Warrenton Municipal Code to Establish Regulations for Shipping Containers. Motion was seconded and passed unanimously.

Poe – aye; Dyer – aye; Balensifer - aye

Mayor Balensifer conducted the second reading, by title only, of Ordinance No. 1266.

Commissioner Poe made the motion to adopt Ordinance No. 1266. Motion was seconded and passed unanimously.

Poe – aye; Dyer – aye; Balensifer – aye

Mr. Ellis presented Resolution No. 2672 for its second reading and adoption. He noted this will revise Planning Application Fees. Mayor Balensifer noted for the record that some of the fees were reduced.

Commissioner Poe made the motion to conduct the second reading, by title only, of Resolution No. 2672, Revising Planning Application Fees and Repealing Resolution No. 2519 and All Resolutions in Conflict. Motion was seconded and passed unanimously.

Poe – aye; Dyer – aye; Balensifer - aye

Mayor Balensifer conducted the second reading, by title only, of Resolution No. 2672.

Commissioner Dyer made the motion to adopt Resolution No. 2672. Motion was seconded and passed unanimously.

Poe – aye; Dyer – aye; Balensifer - aye

City Recorder Dawne Shaw discussed Resolution No. 2667, updating Public Records Fees. She noted these fees have not been updated since 2019, and with the implementation of new software and new records request process, staff time and records processing has changed. Ms. Shaw reviewed the proposed fees in comparison to the current fees.

Commissioner Dyer made the motion to conduct the first reading, by title only, of Resolution No. 2667. Motion was seconded and passed unanimously.

Poe – aye; Dyer – aye; Balensifer - aye

Mayor Balensifer conducted the first reading, by title only, of Resolution No. 2667, a Resolution Adopting Public Records Fee, and Repealing Resolution No. 2658.

Mayor Balensifer discussed the resignation of a Planning Commissioner and requested to declare the seat vacant.

Commissioner Poe made the motion to declare Position No. 1 on the Planning Commission as vacant. Motion was seconded and passed unanimously.

Poe – aye; Balensifer – aye; Dyer – aye

Mayor Balensifer noted his nomination of Tony Faletti to fill the vacancy. He noted his reasons for recommending Mr. Faletti to the Planning Commission.

Commissioner Poe made the motion to appoint Tony Faletti to Position No. 1 on the Planning Commission to Fill the Unexpired Term Ended 12/31/2024. Motion was seconded and passed unanimously.

Poe – aye; Balensifer – aye; Dyer – aye

DISCUSSION ITEMS

Planning Director Matthew Ellis explained the permitting options for floodplain development. Discussion followed on the example of replacing a heater in an existing home would trigger the need for a floodplain development permit requirement; Mayor Balensifer noted that section of the code needs to be changed. He stated anything in the existing structure there should be zero cost; if you are changing the footprint/increasing the square footage of the home, there should be a cost. Commissioners Dyer and Poe noted their thoughts. Mr. Ellis explained the staff time that is spent on permit reviews. Discussion continued; Mayor Balensifer requested staff outline the full cost for staff time spent on permit review, filing, etc. There was unanimous consent to direct staff to revisit the code to make it minimal code requirements based on federal requirements and to come back with a permit regime cost breakdown. Discussion followed on past examples of flood plain permits.

City Manager Esther Moberg reviewed the Federal Emergency Management Agency (FEMA) Floodplain maps; she noted the earliest these maps will be rolled out is 2026. She noted the City has been working on/trying to certify our dikes and levees. Mayor Balensifer noted the highest priority should be diking district 2, which is downtown; Ms. Moberg agreed. Ms. Moberg noted the City's first steps; Mayor Balensifer stated do everything staff is suggesting, and send an official letter to our congressional delegation, and get in touch with a group to challenge the BiOp and have a template letter for residents to send off to congressional delegation; there was unanimous consent.

Ms. Moberg discussed the FEMA BiOp; environmental groups felt FEMA was not doing enough to protect endangered species and filed a lawsuit, the BiOp is the result of the lawsuit. She explained the lawsuit and the changes. She stated there is time to push back and noted the nearby coalition. She noted the BiOp is expected to roll out in 2027/2028.

GOOD OF THE ORDER

Ms. Moberg provided an update on past agenda items. She noted that staff will bring back sewer rates at the next meeting, and SDC fees work session can be at the first meeting in July; consensus was to bring the SDC's back in a memo. She stated that the city has started recruitment for a building official.

Mayor Balensifer stated Hammond post office is a very publicly used facility and the parking lot should be on the nuisance list.

At 8:13 pm, Mayor Balensifer announced the Commission will now meet in executive session under authority of ORS 192.660(2)(h); *to consult with counsel concerning the legal rights and duties of public body with regard to current litigation or litigation likely to be filed*; and ORS 192.660(2)(e); *to conduct deliberation with persons designated by the governing body to negotiate real property transactions*.

At 8:44 p.m. Mayor Balensifer reconvened the regular meeting, and noting no further business, adjourned the meeting.

Respectfully prepared and submitted by Hanna Bentley, Deputy City Recorder.

APPROVED:

ATTEST:

Henry A. Balensifer III, Mayor

Dawne Shaw, CMC, City Recorder

Volume 17, Issue 10

Monthly Finance Report
April 2024

June 25, 2024

Economic Indicators

	Current	1 year ago
◆ Interest Rates:		
LGIP :	5.20%	3.75%
Prime Rate:	8.50%	8.00%
◆ CPI-U change:	3.4%	4.9%
◆ Unemployment Rates:		
Clatsop County:	3.9%	3.5%
Oregon:	4.2%	3.4%
U.S.:	3.9%	3.4%

Department Statistics

◆ Utility Bills mailed	3,205
◆ New Service Connections	2
◆ Reminder Letters	356
◆ Door Hangers	79
◆ Water Service Discontinued	11
◆ Counter payments	409
◆ Mail payments	991
◆ Auto Pay Customers/pmts	641
◆ Online (Web) payments	1,566
◆ Checks issued	381

Current and Pending Projects

- ◆ ARPA Funding (Report was due April 30, 2024)
- ◆ 2025-2030 Capital Improvement Program
- ◆ 2024-2025 Budget Finalization
- ◆ Insurance Renewals

Financial Narrative as of April 30, 2024

Note: Revenues and expenses should track at 10/12 or 83.3% of the budget.

General Fund: Year to date revenues amount to \$5,417,666, which is 86.09% of the budget, compared to the prior year amount of \$4,360,754, which was 76.6% of the budget and are up by \$1,056,912. Increases are shown in current property tax, franchise fees, transient room taxes, municipal court, miscellaneous, interest, leases, proceeds from sale of assets and donations and are offset by decreases in state revenue sharing, planning fees, police charges, fire charges, park charges and housing rehab loan payments.

Expenses year to date amount to \$5,158,095, which is 76.7% of the budget, compared to the prior year amount of \$4,215,478, which was 67% of the budget. All departments are tracking under budget.

WBL: Business license revenue amounts to \$83,781, compared to \$83,808 at this time last year, a decrease of \$27. Year to date licenses issued is 750 compared to 772 at this time last year.

Building Department: Permit revenues this month amount to \$19,973 and \$115,973 year to date, which is 43.3% of the budgeted amount. Last year to date permit revenue was \$213,266, 85.5% of the budget.

State Tax Street: State gas taxes received this month amount to \$41,530 for fuel sold in March and \$375,894 year to

date. City fuels taxes received this month amount to \$26,120 for fuel sold in February and are \$246,682 year to date. Total gas taxes received year to date are \$622,576 compared to \$617,373 at this time last year.

Warrenton Marina: Total revenues to date are \$773,699, 103.4% of the budgeted amount, compared to the prior year amount of \$711,454 which was 99.2% of the budgeted amount. There is \$61,602 in moorage receivables outstanding.

Hammond Marina: Total revenues to date are \$465,055, 110.9% of the budgeted amount, compared to the prior year amount of \$419,274, which was 109% of the budgeted amount. There is \$1,753 in moorage receivables outstanding.

Of the total outstanding receivables:

\$18,770 (29.6%) is current,

\$707 (1.1%) is 30-60 days past due,

\$1,968 (3.1%) is 60-90 days past due and

\$41,910 (66.2%) is over 90 days past due.

Water Fund: Utility fees charged this month are \$243,415 and \$94,294, and \$2,257,993 and \$1,334,446 year to date for in-city and out-city respectively and totals \$3,592,439 and is 86.2% of the budget. Last year at this time, year to date fees were \$2,143,129 and

\$1,361,087, for in-city and out-city, respectively and totaled \$3,504,216.

Sewer Fund: Utility fees charged this month are \$258,975 and \$2,509,633 year to date, which is 91.5% of the budget. Last year at this time, year to date fees were \$2,245,273. Shoreline Sanitary fees year to date are \$122,106. Total revenues year to date are \$3,064,301 compared to \$2,568,999 at this time last year, an increase of \$495,302.

Storm Sewer: Utility fees (20% of sewer fees) this month are \$51,773 and \$501,706 year to date and is 91.5% of the budget. Last year to date revenues were \$448,981 which was 83.3% of the budget.

Sanitation Fund: Service fees charged this month for garbage and recycling were \$94,551 and \$20,552, and \$938,044 and \$202,823, year to date, and are 88.5% and 82.1% of the budget respectively.

Community Center Fund: Rental revenue year to date is \$53,251 and is 266.3% of the budget. Last year to date revenue was \$29,368, which was 209.8% of the budget. The advisory board's annual Breakfast with the Easter Bunny Fundraiser brought in net proceeds of \$2,003 through donations from local businesses, ticket sales and raffle sales.

Financial data as of April, 2024

(\$) Cash Balances as of April 30, 2024

General Fund	2,838,131	Warrenton Marina	459,150	Storm Sewer	2,296,771
WBL	152,172	Hammond Marina	384,732	Sanitation Fund	534,633
Building Department	496,964	Water Fund	1,790,593	Community Center	72,320
State Tax Street	3,243,291	Sewer Fund	2,894,199	Library	259,819

Warrenton Urban Renewal Agency

Capital Projects	34,867
Debt Service	2,323,637

		Actual as a				
General Fund Revenues	Collection Frequency	2023-2024 Budget	% of	Collections/Accruals		(over)
			Current	Year to date		under
		Budget	Budget	April 2024	April 2023	budget
Property taxes-current	AP	1,347,187	96.68	1,302,396	1,267,246	44,791
Property taxes-prior	AP	30,000	77.35	23,205	31,450	6,795
County land sales	A	-	0.00	-	-	-
Franchise fees	MAQ	628,000	87.22	547,729	482,933	80,271
COW - franchise fees	M	331,911	85.86	284,985	262,859	46,926
Transient room tax	Q	648,269	70.68	458,222	448,323	190,047
Liquor licenses	A	625	104.00	650	650	(25)
State revenue sharing	MQ	209,754	62.70	131,524	136,595	78,230
Municipal court	M	103,200	65.60	67,701	65,928	35,499
Planning Fees	I	107,000	36.80	39,372	40,720	67,628
Police charges	I	25,000	76.54	19,134	22,132	5,866
Fire charges	SM, I	115,624	87.06	100,662	108,151	14,962
Park charges	I	-	0.00	835	1,140	-
Housing rehab loan payments	I	-	0.00		9,032	-
Miscellaneous	I	3,000	1661.90	49,857	14,873	(46,857)
Interest	M	50,000	230.58	115,288	66,268	(65,288)
Lease receipts	M	221,913	91.11	202,186	202,002	19,727
Food pod receipts	M	-	0.00	24,170	-	(24,170)
Proceeds from sale of assets	I	-	0.00	3,761	1	(3,761)
Donations	I	-	0.00	871	-	(871)
Grants	I	-	0.00		-	-
Sub-total		3,821,483	88.25	3,372,548	3,160,303	448,935
Transfers from other funds	I	974,812	0.00	795,150	177,924	179,662
Overhead	M	1,496,499	83.53	1,249,968	1,022,527	246,531
Total revenues		6,292,794	86.09	5,417,666	4,360,754	875,128

M - monthly

S - semi-annual

Q - quarterly

I - intermittently

SM - Semi-annual in January then monthly

MQ - Monthly, cigarette and liquor and Quarterly, revenue sharing

AP - As paid by taxpayer beginning in November

A - annual

MAQ - Century Link, NW Nat & Charter-quarterly,
all others monthly

Note: Budget columns do not include contingencies as a separate line item but are included in the ending fund balance. Unless the Commission authorizes the use of contingency, these amounts should roll over to the following year beginning fund balance. For budget details, please refer to the City of Warrenton Adopted Budget for fiscal year ending June 30, 2024. Budget amounts reflect budget adjustments approved by the Commission during the fiscal year. Information and data presented in this report is unaudited.

Financial data as of April 2024, continued

	General Fund			
	Current Month	Year to Date	Budget	% of Budget
Beginning Fund Balance	2,468,330	2,192,384	1,400,000	156.60
Plus: Revenues	342,665	5,417,666	6,292,794	86.09
Less: Expenditures				
Municipal Court	10,789	129,358	195,278	66.24
Admin/Comm/Fin(ACF)	79,106	1,249,969	1,496,499	83.53
Planning	35,994	230,341	445,507	51.70
Police	154,363	1,788,138	2,331,713	76.69
Fire	66,393	802,993	1,149,355	69.86
Parks	12,395	140,327	237,467	59.09
Transfers	-	816,969	871,641	93.73
Total Expenditures	359,040	5,158,095	6,727,460	76.67
Ending Fund Balance	2,451,955	2,451,955	965,334	254.00

(see details of revenue, page 4)

	WBL			
	Current Month	Year to Date	Budget	% of Budget
Beginning Fund Balance	151,564	114,568	109,000	105.11
Plus: Revenues	1,032	89,744	87,800	102.21
Less: Expenditures	424	52,140	67,981	76.70
Ending Fund Balance	152,172	152,172	128,819	118.13

	Building Department			
	Current Month	Year to Date	Budget	% of Budget
Beginning Fund Balance	488,887	579,592	620,000	93.48
Plus: Revenues	22,718	142,361	282,998	50.30
Less: Expenditures	17,521	227,869	521,845	43.67
Ending Fund Balance	494,084	494,084	381,153	129.63

	State Tax Street			
	Current Month	Year to Date	Budget	% of Budget
Beginning Fund Balance	2,935,680	3,222,554	3,000,000	107.42
Plus: Revenues	81,786	1,135,224	4,793,347	23.68
Less: Expenditures	135,469	1,475,781	6,829,022	21.61
Ending Fund Balance	2,881,997	2,881,997	964,325	298.86

	Warrenton Marina			
	Current Month	Year to Date	Budget	% of Budget
Beginning Fund Balance	526,771	353,642	330,000	107.16
Plus: Revenues	26,171	773,699	747,995	103.44
Less: Expenditures	40,405	614,804	866,310	70.97
Ending Fund Balance	512,537	512,537	211,685	242.12

Financial data as of April 2024, continued

	Hammond Marina				Water Fund			
	Current Month	Year to Date	Budget	% of Budget	Current Month	Year to Date	Budget	% of Budget
Beginning Fund Balance	396,357	269,706	240,000	112.38	1,573,535	1,608,654	1,400,000	114.90
Plus: Revenues	8,027	465,055	419,161	110.95	384,668	4,036,930	7,075,602	57.05
Less: Expenditures	30,821	361,198	545,445	66.22	162,166	3,849,547	7,330,014	52.52
Ending Fund Balance	<u>373,563</u>	<u>373,563</u>	<u>113,716</u>	<u>328.51</u>	<u>1,796,037</u>	<u>1,796,037</u>	<u>1,145,588</u>	<u>156.78</u>

	Sewer Fund				Storm Sewer			
	Current Month	Year to Date	Budget	% of Budget	Current Month	Year to Date	Budget	% of Budget
Beginning Fund Balance	2,959,338	3,430,433	2,900,000	118.29	2,293,491	2,012,233	1,680,000	119.78
Plus: Revenues	312,244	3,064,301	3,065,029	99.98	61,338	589,213	883,340	66.70
Less: Expenditures	165,843	3,388,995	4,410,805	76.83	62,200	308,817	2,003,002	15.42
Ending Fund Balance	<u>3,105,739</u>	<u>3,105,739</u>	<u>1,554,224</u>	<u>199.83</u>	<u>2,292,629</u>	<u>2,292,629</u>	<u>560,338</u>	<u>409.15</u>

	Sanitation Fund				Community Center			
	Current Month	Year to Date	Budget	% of Budget	Current Month	Year to Date	Budget	% of Budget
Beginning Fund Balance	652,133	568,673	445,000	127.79	71,051	35,232	30,000	117.44
Plus: Revenues	118,986	1,178,759	1,322,595	89.12	1,105	63,263	25,950	243.79
Less: Expenditures	159,720	1,136,033	1,503,237	75.57	1,765	28,104	34,532	81.39
Ending Fund Balance	<u>611,399</u>	<u>611,399</u>	<u>264,358</u>	<u>231.28</u>	<u>70,391</u>	<u>70,391</u>	<u>21,418</u>	<u>328.65</u>

	Library				Warrenton Urban Renewal Agency Capital Projects Fund			
	Current Month	Year to Date	Budget	% of Budget	Current Month	Year to Date	Budget	% of Budget
Beginning Fund Balance	280,078	210,291	185,000	113.67	6,422	7,970	6,100	130.66
Plus: Revenues	2,328	273,942	276,280	99.15	42,561	830,803	5,184,828	16.02
Less: Expenditures	25,838	227,665	313,323	72.66	42,540	832,330	4,371,000	19.04
Ending Fund Balance	<u>256,568</u>	<u>256,568</u>	<u>147,957</u>	<u>173.41</u>	<u>6,443</u>	<u>6,443</u>	<u>819,928</u>	<u>0.79</u>



WARRENTON POLICE DEPARTMENT MONTHLY REPORT



TO: The Warrenton City Commission
FROM: Chief Mathew Workman
DATE: June 25, 2024
RE: May 2024 Stats Report

Upcoming Dates:

- 06/27 – USCC Commissioning Ceremony
- 06/27 – Tillamook PD Chief's Interview Panel
- 07/04 – Parade Downtown
- 07/11 – WPD Training Day
- 07/18 – LEA Meeting
- 07/24 – 911 Subscriber Meeting

Highlights Since the Last Report:

- 05/29 – Gold Star Marker Ceremony
- 06/01 – Library Summer Reading Kick-Off
- 06/03 – Citizen's Academy at WPD
- 06/04 – CERT Meeting (last one)
- 06/05 – WRAP Instructor Training
- 06/06 – WPD Neurodivergence Training
- 06/06 – Received New Radar Trailer
- 06/10 – Kiwanis BUGs at WMS
- 06/12 – Kiwanis BUGs at WGS
- 06/20 – LEA Meeting
- 06/24 – Citizens Police Academy Graduation

Traffic Statistic Highlights:

- Three (3) DUI Arrests (3-Alcohol, 0-Drugs)
- Ten (10) Driving While Suspended Citations/Arrests
- One (1) Reckless/Careless Driving Citations/Arrest
- Three (3) Speeding Citations
- Three (3) Failure to Yield/Traffic Control Device Citations
- Two (2) Following Too Close Citation
- Nine (9) Insurance Citations
- One (1) Failure to Install Interlock Device
- Four (4) Driver's License Citations
- One Hundred Sixteen (116) other Citations and Warnings
- Fifteen (15) Traffic Crash Investigations
- **Citation vs Warning: 152 Traffic Stops: 38 Citations, 114 Warnings; Warning 75% of the time.**

TRAFFIC STATISTICS

Overall Statistics:

May Statistics (% changes are compared to 2024)							
Category	2024	2023	% Chg	2022	% Chg	2021	% Chg
Calls for Service	749	826	-9%	630	19%	736	2%
Incident Reports	232	211	10%	198	17%	208	12%
Arrests/Citations	196	127	54%	105	87%	143	37%
Traffic Stops/ Events	152	258	-41%	169	-10%	153	-1%
DUI's	3	1	200%	1	200%	1	200%
Traffic Crashes	15	12	25%	13	15%	11	36%
Property Crimes	111	91	22%	103	8%	107	4%
Person Crimes	73	74	-1%	61	20%	68	7%
Drug/Narcotics Calls	11	2	450%	1	1000%	3	267%
Animal Calls	24	30	-20%	16	50%	14	71%
Officer O.T.	88.75	84.25	5%	213	-58%	79.5	12%
Reserve Hours	0	0	0%	0	0%	0	0%

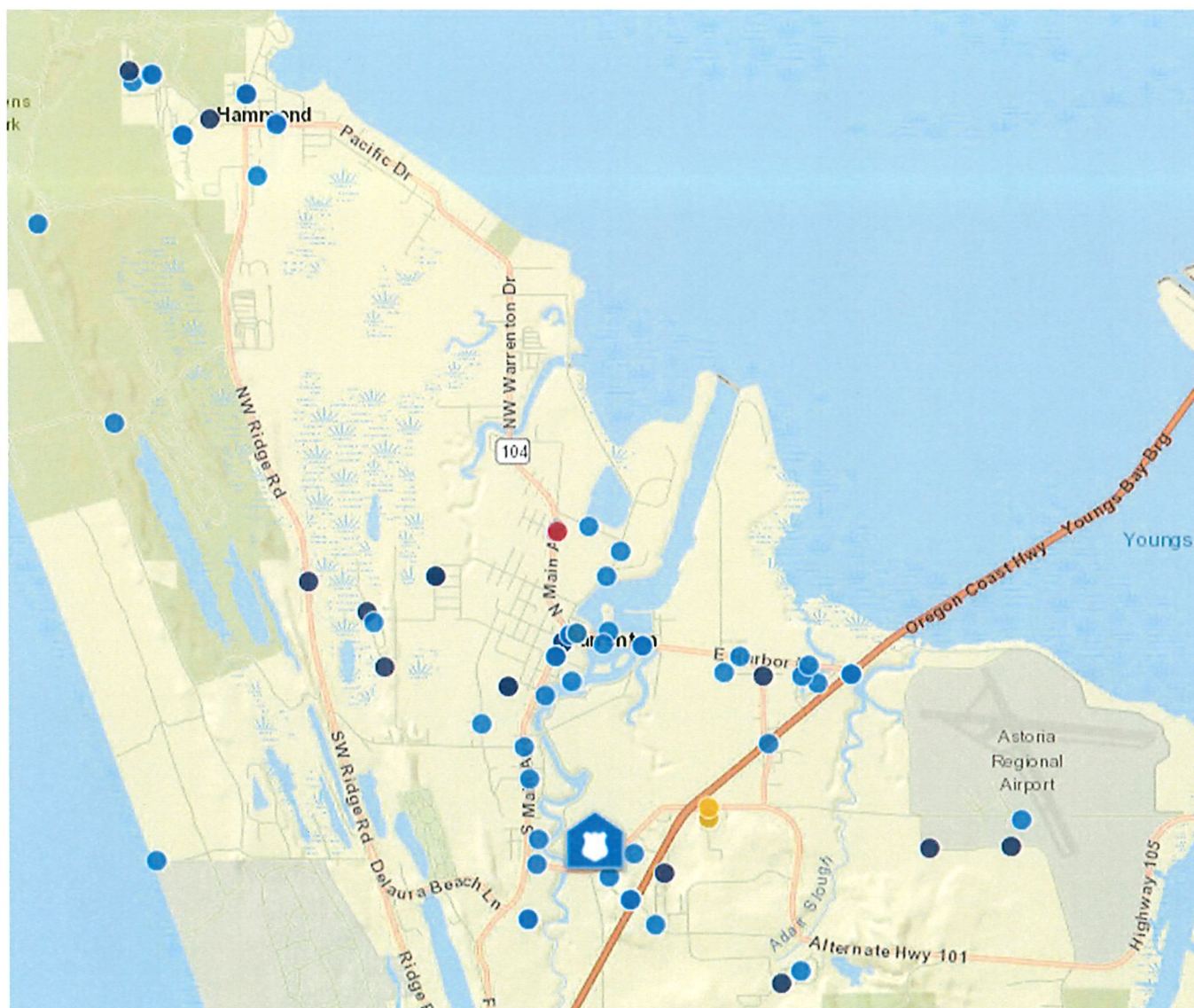
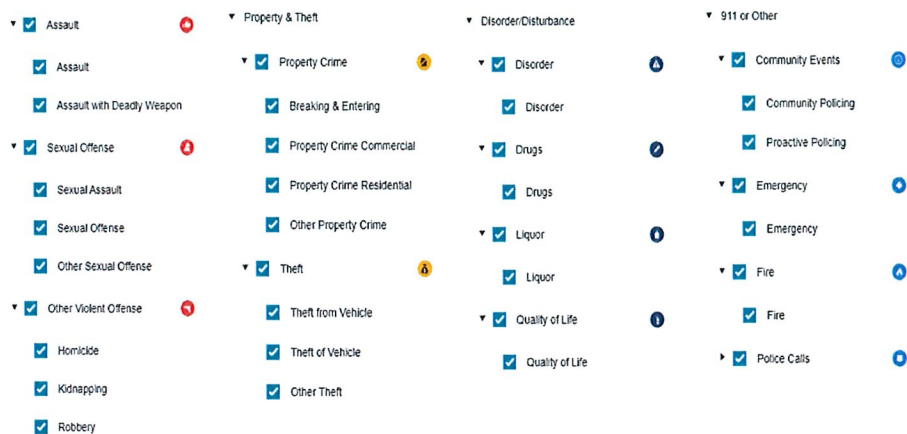
Category	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
Calls for Service	666	742	721	696	749				
Incident Reports	206	222	234	200	232				
Arrests/Citations	123	154	123	97	196				
Traffic Stops/ Events	188	248	188	216	152				
DUII's	3	3	1	2	3				
Traffic Crashes	13	10	19	12	15				
Property Crimes	79	109	104	99	111				
Person Crimes	60	57	63	53	73				
Drug/Narcotics Calls	8	5	3	4	11				
Animal Calls	19	18	23	15	24				
Officer O.T.	82.25	103.75	61.5	167.5	88.75				
Reserve Hours	0	0	0	0	0				

Oct	Nov	Dec	2024 YTD	2024 Estimate	2023	2024 v 2023	2022	2024 v. 2022	2021	2024 v. 2021
			3574	8577.6	9084	-6%	8050	7%	8669	-1%
			1094	2625.6	2529	4%	2484	6%	3160	-17%
			693	1663.2	1335	25%	1602	4%	2020	-18%
			992	2380.8	2369	0%	1848	29%	2088	14%
			12	28.8	30	-4%	34	-15%	30	-4%
			69	165.6	217	-24%	168	-1%	182	-9%
			502	1204.8	1127	7%	1204	0%	1267	-5%
			306	734.4	825	-11%	811	-9%	1013	-28%
			31	74.4	60	24%	40	86%	36	107%
			99	237.6	335	-29%	273	-13%	253	-6%
			503.75	1209	1572	-23%	2212.8	-45%	1503.1	-20%
			0	0	0	0%	0	0%	0	0%

Homeless Incidents	2024	2023	2022	2021
Code 40 (Normal)	46	29	21	27
Code 41 (Aggressive)	3	8	4	1

Elk Incidents	2024	2023	2022	2021
Interaction:	0	3	0	2
Traffic Accidents:	0	0	0	0
Traffic Complaints:	0	0	0	0
Total:	0	3	0	2

The following is a graphic representation of statistics for **May 2024** using our **CityProtect** membership (formerly [CrimeReports.com](https://www.crimereports.com)). The “Dots” represent a location of a call and if you zoom in on the map you would see an icon for the type of call and some basic time/date details. Some dots represent multiple calls at one location. If you go to the website (www.cityprotect.com), you can zoom in on each incident for more details.





City of Warrenton

Planning Department

225 S Main Avenue ■ P.O. Box 250 ■ Warrenton, OR 97146

Phone: 503.861.0920 Fax: 503.861.2351

STAFF REPORT

TO: The Warrenton Planning Commission
 FROM: Matthew Ellis, AICP, Planning Director
 DATE: June 25, 2024
 SUBJ: Appeal AP-24-3

BACKGROUND

Sammi Beechan, Julie Carriere, and Matthew Higgins are appealing Type III decision CUP-24-3, which is attached to this staff report. All three participated in the public hearing before the Planning Commission, giving them the standing to appeal this decision. The issue presented in the appeal revolves around the failure for the applicant to follow WMC 16.208.050(A), which says "A pre-application conference is required for all Type III applications." As identified in the staff report, the applicant failed to hold a pre-application conference. Staff, however, did not and do not feel a pre-application conference would have substantially modified the application or our original recommendation.

PUBLIC PROCESS, PROCEDURES & PUBLIC NOTICE

The application was submitted on May 28 and was deemed complete on May 31, 2024. We sent notice of the public hearing to adjacent property owners on June 4 and published notice in The Astorian on June 13, 2024.

CODE PROVISIONS, APPLICANT RESPONSES, AND FINDINGS

Applicable Warrenton Municipal Code (WMC) chapters for this application include:

16.208.050 Type III Procedure (Quasi-Judicial).

Chapter 16.208 Administration of Land Use and Development Permits
16.208.050 Type III Procedure (Quasi-Judicial).

APPLICANT RESPONSE: See Notice to Appeal.

STAFF FINDING: The applicant did not hold a pre-application conference, which is required for all Type III applications, but staff do not feel a pre-application conference would have changed the application substantially. The appellants have standing to appeal as provided by this section. The notice included the required information, and the filing fee was submitted to the City.

CONCLUSIONS AND RECOMMENDATION

The appellants have correctly followed the procedures outlined in the appeals section of the Warrenton Municipal Code while the applicants did not. The applicants were not aware of the requirement, have expressed regret, and have already begun preparing application materials for a subsequent application following the correct procedures.

AVAILABLE MOTIONS

"Based on the findings and conclusions of the June 25, 2024, staff report, I move to approve Appeal AP-24-3 and overturn the decision of CUP-24-3."

"Based on the findings and conclusions of the June 25, 2024, staff report, I move to deny Appeal AP-24-3 and affirm the decision of CUP-24-3."

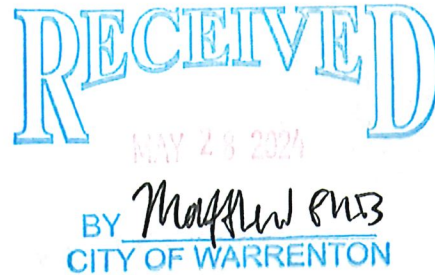
ATTACHMENTS

1. Notice to Appeal
2. Notice to Decision CUP-24-3
3. Staff Report CUP-24-3
4. Application CUP-24-3
5. Police Chief's Comments

Sammi Beechan
995 5th Avenue
(480) 584-7069
sammibeechan@gmail.com

Julie Carriere
991 5th Avenue
(503) 717-2392
beastofburdenjc@yahoo.com

Matthew Higgins
967 5th Avenue
(503) 298-9615
higgins967@gmail.com



May 28, 2024

Matthew Ellis, Planning Director
City of Warrenton
PO Box 250
Warrenton, OR 97146

RE: Notice of Appeal

Dear Mr. Ellis:

- In a public hearing on May 9, 2024, the Warrenton Planning Commission approved a Conditional Use Permit CUP-24-3 for a vacation rental at 976 4th Avenue in Hammond.
- We are appealing the decision.
- As persons who submitted written and oral testimony during the hearing, we have legal standing to appeal the decision.
- The specific issue for the appeal is this: The applicant failed to meet for a pre-application conference, a procedure outlined in and required by the municipal code.
- During deliberations, this issue was raised by you, Matthew Ellis, the Warrenton City Planning Director.
- The application fee of \$500.00 will be submitted upon receipt of invoice.

Sincerely,

Sammi Beechan

Julie Carriere

Matthew Higgins



NOTICE OF DECISION AND ORDER

Conditional Use Permit CUP-24-3

MAILED May 15, 2024

APPLICANT: Mary Valitski

PROPERTY OWNER: Jetty Street LLC

SUBJECT OF REVIEW: Establish a vacation rental use at 976 Fourth Avenue

HEARING AND RECORD

At the May 9, 2024, meeting, the Warrenton Planning Commission approved the Conditional Use Permit for a vacation rental at 976 Fourth Avenue. The approval is based on the submittals from the applicant, findings of fact related to the proposed development in the staff report, and testimony heard at the public hearing on May 9, 2024. The approval is subject to four conditions of approval.

CONDITIONS OF APPROVAL

1. Submit a complete Homestay Lodging application within 180 days of the approval of CUP-24-3.
2. The structure shall comply with all applicable provisions of Chapter 8.24 Homestay Lodging Standards while being used as a vacation rental.
3. All tenants shall be advised by the property owner(s) that the Warrenton Police Department will strictly enforce violations of city code, disturbances, or disorderly conduct and owners will be notified of all issues.
4. The owner shall provide a responsible party who can respond to the condition of the property within 12 hours as a part of their Homestay Lodging application.

Copies of all submittals and related documents are available by contacting the Warrenton Planning Department at (503) 861-0920 or planning@warrentonoregon.us.

Type III decisions are final and effective one day after the appeal period expires. The appeal period is May 16, 2024 – May 30, 2024. **This decision is final and effective on May 31, 2024.** Failure of any person to receive mailed notice shall not invalidate the decision, provided that a good faith attempt was made to mail the notice.

RIGHT TO APPEAL

In accordance with Warrenton Municipal Code 16.208.050(H), any person with standing to appeal may appeal the Planning Commission's decision by filing a Notice of Appeal according to the following procedures:

1. Time for filing. A Notice of Appeal shall be filed with the Community Development Director within 14 days of the date the notice of decisions was mailed.
2. Content of Notice of Appeal: The notice of appeal shall contain:
 - A. An identification of the decision being appealed, including the date of the decision.
 - B. A statement demonstrating the person filing the notice of appeal has standing to appeal.
 - C. A statement explaining the specific issue raised on appeal.
 - D. If the appellant is not the applicant, a statement demonstrating that the appeal issues were raised during the comment period.
 - E. Filing fee.
3. The appeal of a Type III quasi-judicial decision shall be limited to the specific issues raised during the written comment period or at the public hearing unless the City Commission allows additional evidence or testimony concerning any other relevant issue. The City Commission may allow such additional evidence if it determines that such evidence is necessary to resolve the case. Written or oral comments received during the comment period or public hearing will usually limit the scope of issues on appeal. Only in extraordinary circumstances should new issues be considered by the City Commission on appeal of a Type III Quasi-Judicial Decision.

For questions, please contact the Warrenton Planning Department at (503) 861-0920 or planning@warrentonoregon.us.


Chris Hayward, Chair

Warrenton Planning Commission


Date



City of Warrenton

Planning Department

225 S Main Avenue ■ P.O. Box 250 ■ Warrenton, OR 97146
Phone: 503.861.0920 Fax: 503.861.2351

STAFF REPORT

TO: The Warrenton Planning Commission
FROM: Matthew Ellis, AICP, Planning Director
DATE: May 9, 2024
SUBJ: Conditional Use Permit CUP-24-3

BACKGROUND

Mary J. Valitski has applied for a conditional use permit to establish a vacation rental use at 976 Fourth Avenue in Hammond which is zoned C-MU Commercial Mixed Use. The subject property is developed as the middle of a group of three townhomes and is identified as Tax Lot 81005CD03506.

PUBLIC PROCESS, PROCEDURES & PUBLIC NOTICE

The application was submitted on February 27 and was deemed complete on February 27, 2024. We sent notice of the public hearing to adjacent property owners on April 19 and published notice in The Astorian on April 30, 2024.

CODE PROVISIONS, APPLICANT RESPONSES, AND FINDINGS

Applicable Warrenton Municipal Code (WMC) chapters for this application include:

16.44.030 Commercial Mixed Use District Conditional Uses
16.208.050 Type III Procedure (Quasi-Judicial)
16.220 Conditional Use Permits

Chapter 16.44 Commercial Mixed Use (C-MU) District **16.44.030 Conditional Uses**

APPLICANT RESPONSE: None provided.

STAFF FINDING: This criterion is met. The proposed use would be allowed if CUP-24-3 is approved.

Chapter 16.208 Administration of Land Use and Development Permits **16.208.050 Type III Procedure (Quasi-Judicial)**

APPLICANT RESPONSE: None provided.

STAFF FINDING: The applicant did not hold a pre-application conference, which is required for all Type III applications, but staff do not feel a pre-application conference would have changed the application substantially. All other criteria of the section have been met.

Chapter 16.220 Conditional Use Permits
16.220.030 Review Criteria

A. Responses below:

1. Yes, the zoning is CMU, which does allow for the use of a short-term rental with conditional use. There are several approved mixed uses near my home i.e.: restaurants/bar, marina, trailer park, short term RV park, multi-family and single family.
2. The home is a large 4-bedroom townhome, and this use will conform with bylaws, no adjustments are needed to the existing building. Being a multi-family home there should be little impact to adjacent units, and surrounding properties. It is mostly surrounded by a marina, greenspace and overflow parking for the marina.
3. Yes, our unit has 4 parking spaces. We will limit the number of vehicles to help reduce excessive traffic flow and parking. Since the rental is mostly summer seasonal it will have more vacant time as compared to regular use by homeowner occupied units and businesses. There is also additional on-street parking on Fourth Avenue for guests.
4. Yes, with 4 bathrooms, 4 bedrooms, and all the amenities of a fully furnished home this short-term rental will be very accommodating. Garbage, recycling and groundskeeping are all provided. Property management will monitor each stay providing a clean and safe environment for our guests. They will also be on call 24-7 to address any issues.
5. Yes, there will be no need to change anything related to the building's characteristics. This site is relatively level, and all sidewalks, patios and decks conform to code. Plenty of seating and tables will be provided on the decks to accommodate our guests. No structures will be built.
6. Yes, the site layout design of building, parking, landscape, access, setbacks and buffers plus utilities are all in accordance with city ordinances. This is newly built property and there will be no need to adjust or change anything to accommodate for proposed use.
7. Yes, a short-term rental would be an appropriate use of this location. We expect more units in the complex to also be short term rental. The plan allowed for ample parking for residents and guests. Frontage road also allows for deliveries and additional parking as needed. The neighborhood has many varied approved uses as expected for CMU properties.

STAFF FINDING: The criteria in this section are met.

CONCLUSIONS AND RECOMMENDATION

The applicant has demonstrated that the proposed vacation rental satisfies the

conditional use permit criteria to be in the C-MU Commercial Mixed Use zoning district. Accordingly, staff recommends approval of the request with the following conditions:

1. Submit a complete Short Term Rental (Homestay Lodging) application within 180 days of the approval of CUP-24-3.
2. The structure shall comply with all applicable provisions of Chapter 8.24 Homestay Lodging Standards while being used as a vacation rental.
3. All tenants shall be advised by the property owner(s) that the Warrenton Police Department will strictly enforce violations of city code, disturbances, or disorderly conduct and owners will be notified of all issues.

RECOMMENDED MOTION

"Based on the findings and conclusions of the May 9, 2024, staff report, I move to approve CUP-24-3 subject to the conditions of approval included in the staff report."

ATTACHMENTS

1. Application
2. Police Chief's Comments



City Of Warrenton
Planning Department
Conditional Use Permit
WMC 16.220

OFFICE USE

FEE \$1,000

File# CUP - _____ - _____

Date Received _____

Receipt# _____

The purpose of the conditional use process is to allow, when desirable, uses that would not be appropriate throughout a zoning district or without restrictions in that district, but would be beneficial to the City if their number, area, location, design, and relation to the surrounding property are controlled. A property owner or designated representative may initiate a request for a conditional use by filing an application with the Planning Department according to the requirements of Section 16.208.050. In addition, the applicant shall provide any related plans, drawings, and/or information needed to provide background for the request.

Property

Address: 976 Fourth Ave - Hammond, OR 97121 (Jetty View Townhomes)

Tax Lot (s): 80115CD03506

Zone: CMU Flood Zone: N/A Wetlands: N/A

Applicant

Name (s): Mary J. Valitski

Phone: 503-320-0717 E-Mail Address: mary2jayne11@gmail.com

Mailing Address: 15824 s Priscilla Ln. Oregon City, Or. 97045

Applicant Signature(s) Mary J. Valitski Date: 2-20-24

Property Owner (if different from applicant)

Name (s): Jetty Street, LLC

Phone: 503-871-1319 E-mail Address: Mark.hansen@alumus.com

Mailing Address: 9879 BUENA VISTA RD, Independence, Or 97351

Owner's Signature: C. Mark Hansen, Manager Date: 2/21/2024 | 11:00:26 AM PS

I am a record owner of property (person(s) whose name is on the most recently-recorded deed), or contract purchaser with written permission from the record owner and am providing my signature as written authorization for the applicant to submit this application.

CONDITIONAL USE
7.2023

Description of Proposed Land Use

I would like to use my home as a Short Term Rental Property.

Conditional Use Permit Review Criteria

Please provide written responses to each of the criteria below that clearly explain how your proposal meets each item. Attach a separate piece of paper if needed. Be as specific as possible. "Yes" and "No" responses are not sufficient.

WMC 16.220.030

1. The proposed use is in conformance with the Comprehensive Plan.

Yes, the zoning is CMU, which does allow for the use of a short term rental with conditional use.

There are several approved mixed uses in close proximity to my home ie: Restaurants/Bar, Marina, Trailer park, Short Term RV park, multi-family and single family.

2. The location, size and design, and operating characteristics of the proposed use are such that the development will be compatible with, and have a minimal impact on surrounding properties.

The home is a large 4 bedroom townhome and this use will conform with bylaws, no adjustments are needed to the existing building. Being a multi-family home there should be little impact to adjacent units, and surrounding properties. It is mostly surrounded by a marina, greenspace and overflow parking for the marina.

3. The use will not generate excessive traffic, when compared to traffic generated by uses permitted outright, and adjacent streets have the capacity to accommodate the traffic generated.

Yes, our unit has 4 parking spaces, we will limit the number of vehicles to help reduce excessive traffic flow and parking. Since the rental is mostly summer seasonal it will have more vacant time as compared to regular use by home owner occupied units and businesses. There is also additional on-street parking on fourth avenue for guests.

4. Public facilities and services are adequate to accommodate the proposed use.

Yes, with 4 bathrooms, 4 bedrooms, and all the amenities of a fully furnished home this short term rental will be very accommodating. Garbage, recycling and groundskeeping are all provided. Property management will monitor each stay providing a clean and safe environment for our guests. They will also be on call 24-7 to address any issues.

5. The site's physical characteristics, in term of topography, soils and other pertinent considerations are, are appropriate for the use.

Yes, there will be no need to change anything related to the buildings characteristics. This site is relatively level and all sidewalks, patios and decks conform to code. Plenty of seating and tables will be provided on the decks to accomodate our guests. No structures will be built.

CONDITIONAL USE
7.2023

6. The site has an adequate area to accommodate the proposed use. The site layout has been designed to provide for the building, parking, landscaping, driveway, on-site circulation, public areas, loading areas, storage facilities, setbacks, buffers, and utilities which are required by City ordinances.

Yes, site layout design of building, parking, landscape, access, setbacks and buffers plus utilities are all in accordance with city ordinances. This is a new build property there will be no need to adjust or change anything to accommodate for proposed use.

7. The use is appropriate at the proposed location. Several factors which should be considered in determining whether or not the use is appropriate include: accessibility for users (such as customers and employees); availability of similar existing uses; availability of other appropriately zoned sites; and the desirability of other suitably zoned sites for the intended use.

Yes, a short term rental would be an appropriate use of this location. We expect more units in the complex to also be short term rental. Plan allowed for ample parking for residents and guests. Frontage road also allows for deliveries and additional parking as needed. Neighborhood has many varied approved uses as expected for CMU properties.

Submittal Checklist

Applicants shall submit all of the following items on a site plan along with the application form. The site plan shall contain the following information:

- ☒ The proposed development site, including boundaries, dimensions, and gross area drawn to scale.
- ☒ Natural land features identified which are proposed to be removed or modified by the development, including modifications to existing drainage patterns, if any.
- ☒ The location and dimensions of all proposed public and private streets, drives, rights-of-way, and easements, if any
- ☒ The location and dimensions of all existing and proposed structures, utilities, pavement and other improvements on the site. Setback dimensions for all existing and proposed buildings shall be provided on the site plan.
- ☒ The location and dimensions of entrances and exits to the site for vehicular, pedestrian, and bicycle access, if being modified by the application.
- ☒ The location and dimensions of all parking and vehicle circulation areas (show striping for parking stalls and wheel stops, as applicable), and proposed paving materials.
- ☒ Pedestrian and bicycle circulation areas, including sidewalks, internal pathways, pathway connections to adjacent properties, and any bicycle lanes or trails.
- ☒ Loading and service areas for waste disposal, loading and delivery, if any
- ☒ Outdoor recreation spaces, common areas, plazas, outdoor seating, street furniture, and similar improvements.

CONDITIONAL USE
7.2023

- ☒ Location, type, and height of outdoor lighting.
- ☒ Locations, sizes, and types of signs (shall comply with Chapter 16.144).
- ☒ The Planning Department may require studies or exhibits prepared by qualified professionals to address specific site features (e.g., traffic, noise, environmental features, site drainage, natural hazards, etc.).
- ☒ The applicant's entire tax lot and the surrounding property to a distance sufficient to determine the location of the development in the City, and the relationship between the proposed development site and adjacent property and development. The property boundaries, dimensions and gross area shall be identified.
- ☒ Identification of slopes greater than 10%.
- ☒ Any areas identified as located in a designated floodplain and/or floodway, if any
- ☒ Depict any wetland and riparian areas, streams and/or wildlife habitat areas, if any.
- ☒ Site features such as pavement, areas having unique views, and drainage ways, canals and ditches, if any.
- ☒ Any designated historic and cultural resources areas on the site and/or adjacent parcels or lots.
- ☒ North arrow, scale, names and addresses of all property owners.
- ☒ Name and address of applicant, project designer, engineer, architect, surveyor, and/or planner, if applicable.
- ☒ Letter or narrative report documenting compliance with the applicable approval criteria including the conditional use criteria, zoning development standards, and applicable design standards. Please see the Planning Staff for applicable design standards.

This application will not be officially accepted until department staff have determined that the application is completely filled out, signed, the application fee has been paid, and the submittal requirements have been met.

CONDITIONAL USE
7.2023

Re: Public Hearing Notice | Short Term Rentals: CUP-24-3, CUP-24-4, CUP-24-5, CUP-24-6

Mathew Workman <mworkman@warrentonoregon.us>

Wed 4/24/2024 2:34 PM

To: Rebecca Sprengeler <rsprengeler@warrentonoregon.us>

Cc: Matthew Ellis <mellis@warrentonoregon.us>; Esther Moberg <emoberg@warrentonoregon.us>; Public Works <publicworks@warrentonoregon.us>; Fire Chief <firechief@warrentonoregon.us>; Brett Estes <Brett.ESTES@dcd.oregon.gov>; Building Clerk <building@warrentonoregon.us>

Rebecca,

I have reviewed the four Conditional Use Permit applications for Vacation Rentals on Fourth Avenue in Hammond. Here are my comments:

My first and predominant concern is parking and traffic flow issues. The application for 976 Fourth Ave. states, "*our unit has 4 parking spaces, we will limit the number of vehicles to help reduce excessive traffic flow and parking.*" The applications for 960, 964, & 968 do not mention the number of spaces for each but states, "*The site provides adequate space for buildings, parking,...*"

In visiting the site, I am not sure where the "four spaces" comes from but assume the applicant means the two spaces in the garage and the two spaces in the driveway outside of the garage. The application for 976 also states, "*There is also additional on-street parking on fourth avenue for guests.*" This is true, but keep in mind that Fourth Ave. is one-side parking only with room for one vehicle comfortably in front of each address and two vehicles bumper to bumper, depending on the type of vehicle.

I appreciate the statement by the applicant for 976 that they "will limit the number of vehicles" but this statement is not made by the applicant for 960, 964, & 968. The sheer size of these units, 4-bedroom townhomes, could and will attract large groups that have the potential to have more than four vehicles and with guests, the potential for many more vehicles.

I would like to see conditions or requests made for both applicants to have plans or rules in place to limit the number of vehicles and restricting the parking of any vehicles in any areas not designated for vehicles (yards, alley, gravel on the north side of the street, Hammond Marina property unless they pay for daily parking, other people's property, etc.), and letting renters know that parking codes will be enforced on the public street, including the possibility of having a vehicle towed.



Renter Conduct: though the applicants do not fully control the behavior of renters, they should have rules or let their renters know that violations of city code, disturbances, or disorderly conduct will be strictly enforced by the WPD, and owners will be notified of all issues. Hopefully, the owner will reserve the right to terminate a rental for serious problems or issues, just like our hotels and motels will do.

If you have any questions please let me know.

Chief Workman

Mathew J. Workman, Chief of Police
Warrenton Police Department
225 S. Main Ave. / P.O. Box 250
Warrenton, OR 97146

503-861-2235 (Office)
503-861-2863 (Fax)
503-791-9995 (Work Cell)
Facebook: "Warrenton Police Department"
X / Twitter: "WarrentonPD"
<http://www.warrentonoregon.us/police>

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From: Rebecca Sprengeler <rsprengeler@warrentonoregon.us>

Sent: Tuesday, April 23, 2024 9:30 AM

To: Esther Moberg <emoberg@warrentonoregon.us>; Mathew Workman <mworkman@warrentonoregon.us>; Fire Chief <firechief@warrentonoregon.us>; Public Works <publicworks@warrentonoregon.us>; Building Clerk <building@warrentonoregon.us>; Brett Estes <Brett.ESTES@dcd.oregon.gov>

Cc: Matthew Ellis <mellis@warrentonoregon.us>

Subject: Public Hearing Notice | Short Term Rentals: CUP-24-3, CUP-24-4, CUP-24-5, CUP-24-6

Good morning,

We have received four Conditional Use Permit applications for Vacation Rentals in the CMU zone at 960 Fourth Avenue, 964 Fourth Avenue, 968 Fourth Avenue, and 976 Fourth Avenue in Hammond. Public notices have been mailed and the hearings are scheduled before the Planning Commission on Thursday, May 9, 2024, at 6:00 pm. The Planning Department is requesting that if you have any comments on this application, they be provided to us no later than noon on Thursday, May 2, 2024.

The application files can be viewed online here: <https://www.warrentonoregon.us/ced/page/applications-pending-approval>

If your department uses Accela, a review task has been assigned to you for comments or to be marked "no comments."

These applications include record numbers: 917-24-000017-PLNG, 917-24-000019-PLNG, 917-24-000020-PLNG, and 917-24-000021-PLNG.



Thank you,

Rebecca Sprengeler
Planning Technician

Office: 971-286-2025
P.O. Box 250 | 225 S Main Ave
Warrenton OR, 97146
warrentonoregon.us | facebook.com



"Making a difference through excellence of service"

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City of Warrenton

Planning Department

225 S Main Avenue ■ P.O. Box 250 ■ Warrenton, OR 97146

Phone: 503.861.0920 Fax: 503.861.2351

STAFF REPORT

TO: The Warrenton Planning Commission
 FROM: Matthew Ellis, AICP, Planning Director
 DATE: June 25, 2024
 SUBJ: Appeal AP-24-4

BACKGROUND

Sammi Beechan, Julie Carriere, and Matthew Higgins are appealing Type III decision CUP-24-4, which is attached to this staff report. All three participated in the public hearing before the Planning Commission, giving them the standing to appeal this decision. The issue presented in the appeal revolves around the failure for the applicant to follow WMC 16.208.050(A), which says "A pre-application conference is required for all Type III applications." As identified in the staff report, the applicant failed to hold a pre-application conference. Staff, however, did not and do not feel a pre-application conference would have substantially modified the application or our original recommendation.

PUBLIC PROCESS, PROCEDURES & PUBLIC NOTICE

The application was submitted on May 28 and was deemed complete on May 31, 2024. We sent notice of the public hearing to adjacent property owners on June 4 and published notice in The Astorian on June 13, 2024.

CODE PROVISIONS, APPLICANT RESPONSES, AND FINDINGS

Applicable Warrenton Municipal Code (WMC) chapters for this application include:

16.208.050 Type III Procedure (Quasi-Judicial).

Chapter 16.208 Administration of Land Use and Development Permits

16.208.050 Type III Procedure (Quasi-Judicial).

APPLICANT RESPONSE: See Notice to Appeal.

STAFF FINDING: The applicant did not hold a pre-application conference, which is required for all Type III applications, but staff do not feel a pre-application conference would have changed the application substantially. The appellants have standing to appeal as provided by this section. The notice included the required information, and the filing fee was submitted to the City.

CONCLUSIONS AND RECOMMENDATION

The appellants have correctly followed the procedures outlined in the appeals section of the Warrenton Municipal Code while the applicants did not. The applicants were not aware of the requirement, have expressed regret, and have already begun preparing application materials for a subsequent application following the correct procedures.

AVAILABLE MOTIONS

“Based on the findings and conclusions of the June 25, 2024, staff report, I move to approve Appeal AP-24-4 and overturn the decision of CUP-24-4.”

“Based on the findings and conclusions of the June 25, 2024, staff report, I move to deny Appeal AP-24-4 and affirm the decision of CUP-24-4.”

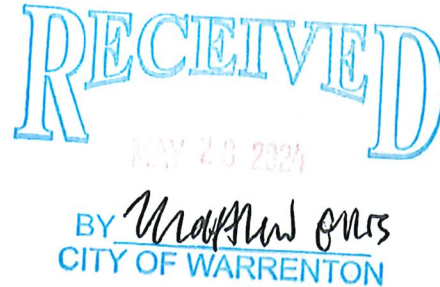
ATTACHMENTS

1. Notice to Appeal
2. Notice to Decision CUP-24-4
3. Staff Report CUP-24-4
4. Application CUP-24-4
5. Police Chief's Comments

Sammi Beechan
995 5th Avenue
(480) 584-7069
sammibeechan@gmail.com

Julie Carriere
991 5th Avenue
(503) 717-2392
beastofburdenjc@yahoo.com

Matthew Higgins
967 5th Avenue
(503) 298-9615
higgins967@gmail.com



May 28, 2024

Matthew Ellis, Planning Director
City of Warrenton
PO Box 250
Warrenton, OR 97146

RE: Notice of Appeal

Dear Mr. Ellis:

- In a public hearing on May 9, 2024, the Warrenton Planning Commission approved a Conditional Use Permit CUP-24-4 for a vacation rental at 960 4th Avenue in Hammond.
- We are appealing the decision.
- As persons who submitted written and oral testimony during the hearing, we have legal standing to appeal the decision.
- The specific issue for the appeal is this: The applicant failed to meet for a pre-application conference, a procedure outlined in and required by the municipal code.
- During deliberations, this issue was raised by you, Matthew Ellis, the Warrenton City Planning Director.
- The application fee of \$500.00 will be submitted upon receipt of invoice.

Sincerely,

Sammi Beechan

Julie Carriere

Matthew Higgins



NOTICE OF DECISION AND ORDER

Conditional Use Permit CUP-24-4

MAILED May 15, 2024

APPLICANT: Jetty Street LLC

PROPERTY OWNER: Mary K Pressburg

SUBJECT OF REVIEW: Establish a vacation rental use at 960 Fourth Avenue

HEARING AND RECORD

At the May 9, 2024, meeting, the Warrenton Planning Commission approved the Conditional Use Permit for a vacation rental at 960 Fourth Avenue. The approval is based on the submittals from the applicant, findings of fact related to the proposed development in the staff report, and testimony heard at the public hearing on May 9, 2024. The approval is subject to four conditions of approval.

CONDITIONS OF APPROVAL

1. Submit a complete Homestay Lodging application within 180 days of the approval of CUP-24-4.
2. The structure shall comply with all applicable provisions of Chapter 8.24 Homestay Lodging Standards while being used as a vacation rental.
3. All tenants shall be advised by the property owner(s) that the Warrenton Police Department will strictly enforce violations of city code, disturbances, or disorderly conduct and owners will be notified of all issues.
4. The owner shall provide a responsible party who can respond to the condition of the property within 12 hours as a part of their Homestay Lodging application.

Copies of all submittals and related documents are available by contacting the Warrenton Planning Department at (503) 861-0920 or planning@warrentonoregon.us.

Type III decisions are final and effective one day after the appeal period expires. The appeal period is May 16, 2024 – May 30, 2024. **This decision is final and effective on May 31, 2024.** Failure of any person to receive mailed notice shall not invalidate the decision, provided that a good faith attempt was made to mail the notice.

RIGHT TO APPEAL

In accordance with Warrenton Municipal Code 16.208.050(H), any person with standing to appeal may appeal the Planning Commission's decision by filing a Notice of Appeal according to the following procedures:

1. Time for filing. A Notice of Appeal shall be filed with the Community Development Director within 14 days of the date the notice of decisions was mailed.
2. Content of Notice of Appeal: The notice of appeal shall contain:
 - A. An identification of the decision being appealed, including the date of the decision.
 - B. A statement demonstrating the person filing the notice of appeal has standing to appeal.
 - C. A statement explaining the specific issue raised on appeal.
 - D. If the appellant is not the applicant, a statement demonstrating that the appeal issues were raised during the comment period.
 - E. Filing fee.
3. The appeal of a Type III quasi-judicial decision shall be limited to the specific issues raised during the written comment period or at the public hearing unless the City Commission allows additional evidence or testimony concerning any other relevant issue. The City Commission may allow such additional evidence if it determines that such evidence is necessary to resolve the case. Written or oral comments received during the comment period or public hearing will usually limit the scope of issues on appeal. Only in extraordinary circumstances should new issues be considered by the City Commission on appeal of a Type III Quasi-Judicial Decision.

For questions, please contact the Warrenton Planning Department at (503) 861-0920 or planning@warrentonoregon.us.



Chris Hayward, Chair
Warrenton Planning Commission



Date



City of Warrenton

Planning Department

225 S Main Avenue ■ P.O. Box 250 ■ Warrenton, OR 97146
Phone: 503.861.0920 Fax: 503.861.2351

STAFF REPORT

TO: The Warrenton Planning Commission
FROM: Matthew Ellis, AICP, Planning Director
DATE: May 9, 2024
SUBJ: Conditional Use Permit CUP-24-4

BACKGROUND

C. Mark Hansen has applied for a conditional use permit to establish a vacation rental use at 960 Fourth Avenue in Hammond which is zoned C-MU Commercial Mixed Use. The subject property is developed as one of the end units of a group of three townhomes and is identified as Tax Lot 81005CD03510.

PUBLIC PROCESS, PROCEDURES & PUBLIC NOTICE

The application was submitted on April 9 and was deemed complete on April 9, 2024. We sent notice of the public hearing to adjacent property owners on April 19 and published notice in The Astorian on April 30, 2024.

CODE PROVISIONS, APPLICANT RESPONSES, AND FINDINGS

Applicable Warrenton Municipal Code (WMC) chapters for this application include:

16.44.030 Commercial Mixed Use District Conditional Uses
16.208.050 Type III Procedure (Quasi-Judicial)
16.220 Conditional Use Permits

Chapter 16.44 Commercial Mixed Use (C-MU) District **16.44.030 Conditional Uses**

APPLICANT RESPONSE: None provided.

STAFF FINDING: This criterion is met. The proposed use would be allowed if CUP-24-4 is approved.

Chapter 16.208 Administration of Land Use and Development Permits **16.208.050 Type III Procedure (Quasi-Judicial)**

APPLICANT RESPONSE: None provided.

STAFF FINDING: The applicant did not hold a pre-application conference, which is required for all Type III applications, but staff do not feel a pre-application conference would have changed the application substantially. All other criteria of the section have been met.

Chapter 16.220 Conditional Use Permits
16.220.030 Review Criteria

A. Responses below:

1. This unit is part of the nine-lot townhome Jetty View subdivision. The new construction development was carefully planned to align with the City's Comprehensive Plan and adheres to land use designation and zoning regulation specified in the plan.
2. The townhomes have been designed to blend with the existing neighborhood with consideration given to noise, traffic, and visual aspects.
3. The development project included half street improvements along 4th and Jetty to accommodate traffic.
4. The development project also included utility improvements and extensions
5. Prior to construction, the Site Design Review and Preliminary Plan were approved to build the Jetty View subdivision.
6. The site provides adequate space for buildings, parking, landscaping, and utilities with setbacks and buffers in compliance with City ordinances.
7. The site's location is suitable for residential townhomes, beautifies the Hammond Marina area, and provides need short- and long-term housing.

STAFF FINDING: The criteria in this section are met.

CONCLUSIONS AND RECOMMENDATION

The applicant has demonstrated that the proposed vacation rental satisfies the conditional use permit criteria to be in the C-MU Commercial Mixed Use zoning district. Accordingly, staff recommends approval of the request with the following conditions:

1. Submit a complete Homestay Lodging application within 180 days of the approval of CUP-24-4.
2. The structure shall comply with all applicable provisions of Chapter 8.24 Homestay Lodging Standards while being used as a vacation rental.
3. All tenants shall be advised by the property owner(s) that the Warrenton Police Department will strictly enforce violations of city code, disturbances, or disorderly conduct, and owners will be notified of all issues.

RECOMMENDED MOTION

"Based on the findings and conclusions of the May 9, 2024, staff report, I move to approve CUP-24-4 subject to the conditions of approval included in the staff report."

ATTACHMENTS

Conditional Use Permit CUP-24-4
Staff Report Page: 3

1. Application
2. Police Chief's Comments



City Of Warrenton
Planning Department
Conditional Use Permit
WMC 16.220

OFFICE USE

FEE \$1,000

File# CUP - _____ - _____

Date Received _____

Receipt# _____

The purpose of the conditional use process is to allow, when desirable, uses that would not be appropriate throughout a zoning district or without restrictions in that district, but would be beneficial to the City if their number, area, location, design, and relation to the surrounding property are controlled. A property owner or designated representative may initiate a request for a conditional use by filing an application with the Planning Department according to the requirements of Section 16.208.050. In addition, the applicant shall provide any related plans, drawings, and/or information needed to provide background for the request.

Property

Address: 960 4th Avenue, Hammond, OR 97121

Tax Lot (s): Jetty View 9, Map: 81005CD03510

Zone: CMU Flood Zone: _____ Wetlands: _____

Applicant

Name (s): C. Mark Hansen

Phone: 503-871-1319 E-Mail Address: hansen@alumus.com

9879 Buena Vista Rd, Independence, OR 97351

Mailing Address: _____

Applicant Signature(s): C. Mark Hansen Date: 04/09/2024

DocuSigned by:

EF7900E1C9E144F...

Property Owner (if different from applicant)

Mary K. Pressburg

Name (s): _____

206-607-7487

mary.pressburg@gmail.com

Phone: _____ E-mail Address: _____

960 4th Avenue, Hammond, OR 97121

Mailing Address: _____

Owner's Signature: Mary K Pressburg Date: 04/09/2024

DocuSigned by:

5BCE0B67C49042E...

I am a record owner of property (person(s) whose name is on the most recently-recorded deed), or contract purchaser with written permission from the record owner and am providing my signature as written authorization for the applicant to submit this application.

CONDITIONAL USE
7.2023

Description of Proposed Land Use

Short term vacation rental for townhome Unit 9 in Jetty View subdivision constructed in 2023.

Conditional Use Permit Review Criteria

Please provide written responses to each of the criteria below that clearly explain how your proposal meets each item. Attach a separate piece of paper if needed. Be as specific as possible. "Yes" and "No" responses are not sufficient.

WMC 16.220.030

1. The proposed use is in conformance with the Comprehensive Plan.

This unit is part of the nine-lot townhome Jetty View subdivision. The new construction development was carefully planned to align with the City's Comprehensive Plan and adheres to land use designations and zoning regulations specified in the plan.

2. The location, size and design, and operating characteristics of the proposed use are such that the development will be compatible with, and have a minimal impact on surrounding properties.

The townhomes have been designed to blend with the existing neighborhood with consideration given to noise, traffic, and visual aspects.

3. The use will not generate excessive traffic, when compared to traffic generated by uses permitted outright, and adjacent streets have the capacity to accommodate the traffic generated.

The development project included half street improvements along 4th and Jetty to accommodate traffic.

4. Public facilities and services are adequate to accommodate the proposed use.

The development project also included utility improvements and extensions.

5. The site's physical characteristics, in term of topography, soils and other pertinent considerations are, are appropriate for the use.

Prior to construction, the Site Design Review and Preliminary Plan were approved to build the Jetty View subdivision.

CONDITIONAL USE
7.2023

6. The site has an adequate area to accommodate the proposed use. The site layout has been designed to provide for the building, parking, landscaping, driveway, on-site circulation, public areas, loading areas, storage facilities, setbacks, buffers, and utilities which are required by City ordinances.

The site provides adequate space for buildings, parking, landscaping, and utilities; with setbacks and buffers in compliance with City ordinances.

7. The use is appropriate at the proposed location. Several factors which should be considered in determining whether or not the use is appropriate include: accessibility for users (such as customers and employees); availability of similar existing uses; availability of other appropriately zoned sites; and the desirability of other suitably zoned sites for the intended use.

The site's location is suitable for residential townhomes, beautifies the Hammond Marina area, and provides needed short and long term housing.

Submittal Checklist

Applicants shall submit all of the following items on a site plan along with the application form. The site plan shall contain the following information:

- ☒ The proposed development site, including boundaries, dimensions, and gross area drawn to scale.
- ☐ Natural land features identified which are proposed to be removed or modified by the development, including modifications to existing drainage patterns, if any.
- ☐ The location and dimensions of all proposed public and private streets, drives, rights-of-way, and easements, if any
- ☐ The location and dimensions of all existing and proposed structures, utilities, pavement and other improvements on the site. Setback dimensions for all existing and proposed buildings shall be provided on the site plan.
- ☐ The location and dimensions of entrances and exits to the site for vehicular, pedestrian, and bicycle access, if being modified by the application.
- ☐ The location and dimensions of all parking and vehicle circulation areas (show striping for parking stalls and wheel stops, as applicable), and proposed paving materials.
- ☐ Pedestrian and bicycle circulation areas, including sidewalks, internal pathways, pathway connections to adjacent properties, and any bicycle lanes or trails.
- ☐ Loading and service areas for waste disposal, loading and delivery, if any
- ☐ Outdoor recreation spaces, common areas, plazas, outdoor seating, street furniture, and similar improvements.

CONDITIONAL USE
7.2023

- ☐ Location, type, and height of outdoor lighting.
- ☐ Locations, sizes, and types of signs (shall comply with Chapter 16.144).
- ☐ The Planning Department may require studies or exhibits prepared by qualified professionals to address specific site features (e.g., traffic, noise, environmental features, site drainage, natural hazards, etc.).
- ☐ The applicant's entire tax lot and the surrounding property to a distance sufficient to determine the location of the development in the City, and the relationship between the proposed development site and adjacent property and development. The property boundaries, dimensions and gross area shall be identified.
- ☐ Identification of slopes greater than 10%.
- ☐ Any areas identified as located in a designated floodplain and/or floodway, if any
- ☐ Depict any wetland and riparian areas, streams and/or wildlife habitat areas, if any.
- ☐ Site features such as pavement, areas having unique views, and drainage ways, canals and ditches, if any.
- ☐ Any designated historic and cultural resources areas on the site and/or adjacent parcels or lots.
- ☐ North arrow, scale, names and addresses of all property owners.
- ☐ Name and address of applicant, project designer, engineer, architect, surveyor, and/or planner, if applicable.
- ☐ Letter or narrative report documenting compliance with the applicable approval criteria including the conditional use criteria, zoning development standards, and applicable design standards. Please see the Planning Staff for applicable design standards.

This application will not be officially accepted until department staff have determined that the application is completely filled out, signed, the application fee has been paid, and the submittal requirements have been met.

CONDITIONAL USE
7.2023

Re: Public Hearing Notice | Short Term Rentals: CUP-24-3, CUP-24-4, CUP-24-5, CUP-24-6

Mathew Workman <mworkman@warrentonoregon.us>

Wed 4/24/2024 2:34 PM

To: Rebecca Sprengeler <rsprengeler@warrentonoregon.us>

Cc: Matthew Ellis <mellis@warrentonoregon.us>; Esther Moberg <emoberg@warrentonoregon.us>; Public Works <publicworks@warrentonoregon.us>; Fire Chief <firechief@warrentonoregon.us>; Brett Estes <Brett.ESTES@dcd.oregon.gov>; Building Clerk <building@warrentonoregon.us>

Rebecca,

I have reviewed the four Conditional Use Permit applications for Vacation Rentals on Fourth Avenue in Hammond. Here are my comments:

My first and predominant concern is parking and traffic flow issues. The application for 976 Fourth Ave. states, "*our unit has 4 parking spaces, we will limit the number of vehicles to help reduce excessive traffic flow and parking.*" The applications for 960, 964, & 968 do not mention the number of spaces for each but states, "*The site provides adequate space for buildings, parking,...*"

In visiting the site, I am not sure where the "four spaces" comes from but assume the applicant means the two spaces in the garage and the two spaces in the driveway outside of the garage. The application for 976 also states, "*There is also additional on-street parking on fourth avenue for guests.*" This is true, but keep in mind that Fourth Ave. is one-side parking only with room for one vehicle comfortably in front of each address and two vehicles bumper to bumper, depending on the type of vehicle.

I appreciate the statement by the applicant for 976 that they "will limit the number of vehicles" but this statement is not made by the applicant for 960, 964, & 968. The sheer size of these units, 4-bedroom townhomes, could and will attract large groups that have the potential to have more than four vehicles and with guests, the potential for many more vehicles.

I would like to see conditions or requests made for both applicants to have plans or rules in place to limit the number of vehicles and restricting the parking of any vehicles in any areas not designated for vehicles (yards, alley, gravel on the north side of the street, Hammond Marina property unless they pay for daily parking, other people's property, etc.), and letting renters know that parking codes will be enforced on the public street, including the possibility of having a vehicle towed.



Renter Conduct: though the applicants do not fully control the behavior of renters, they should have rules or let their renters know that violations of city code, disturbances, or disorderly conduct will be strictly enforced by the WPD, and owners will be notified of all issues. Hopefully, the owner will reserve the right to terminate a rental for serious problems or issues, just like our hotels and motels will do.

If you have any questions please let me know.

Chief Workman

Mathew J. Workman, Chief of Police
Warrenton Police Department
225 S. Main Ave. / P.O. Box 250
Warrenton, OR 97146

503-861-2235 (Office)
503-861-2863 (Fax)
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Facebook: "Warrenton Police Department"
X / Twitter: "WarrentonPD"
<http://www.warrentonoregon.us/police>

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From: Rebecca Sprengeler <rsprengeler@warrentonoregon.us>
Sent: Tuesday, April 23, 2024 9:30 AM
To: Esther Moberg <emoberg@warrentonoregon.us>; Mathew Workman <mworkman@warrentonoregon.us>; Fire Chief <firechief@warrentonoregon.us>; Public Works <publicworks@warrentonoregon.us>; Building Clerk <building@warrentonoregon.us>; Brett Estes <Brett.ESTES@dcd.oregon.gov>
Cc: Matthew Ellis <mellis@warrentonoregon.us>
Subject: Public Hearing Notice | Short Term Rentals: CUP-24-3, CUP-24-4, CUP-24-5, CUP-24-6

Good morning,

We have received four Conditional Use Permit applications for Vacation Rentals in the CMU zone at 960 Fourth Avenue, 964 Fourth Avenue, 968 Fourth Avenue, and 976 Fourth Avenue in Hammond. Public notices have been mailed and the hearings are scheduled before the Planning Commission on Thursday, May 9, 2024, at 6:00 pm. The Planning Department is requesting that if you have any comments on this application, they be provided to us no later than noon on Thursday, May 2, 2024.

The application files can be viewed online here: <https://www.warrentonoregon.us/ced/page/applications-pending-approval>
If your department uses Accela, a review task has been assigned to you for comments or to be marked "no comments."
These applications include record numbers: 917-24-000017-PLNG, 917-24-000019-PLNG, 917-24-000020-PLNG, and 917-24-000021-PLNG.



Thank you,

Rebecca Sprengeler
Planning Technician

Office: 971-286-2025
P.O. Box 250 | 225 S Main Ave
Warrenton OR, 97146
warrentonoregon.us | facebook.com



"Making a difference through excellence of service"

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City of Warrenton

Planning Department

225 S Main Avenue ■ P.O. Box 250 ■ Warrenton, OR 97146

Phone: 503.861.0920 Fax: 503.861.2351

STAFF REPORT

TO: The Warrenton Planning Commission
 FROM: Matthew Ellis, AICP, Planning Director
 DATE: June 25, 2024
 SUBJ: Appeal AP-24-5

BACKGROUND

Sammi Beechan, Julie Carriere, and Matthew Higgins are appealing Type III decision CUP-24-5, which is attached to this staff report. All three participated in the public hearing before the Planning Commission, giving them the standing to appeal this decision. The issue presented in the appeal revolves around the failure for the applicant to follow WMC 16.208.050(A), which says "A pre-application conference is required for all Type III applications." As identified in the staff report, the applicant failed to hold a pre-application conference. Staff, however, did not and do not feel a pre-application conference would have substantially modified the application or our original recommendation.

PUBLIC PROCESS, PROCEDURES & PUBLIC NOTICE

The application was submitted on May 28 and was deemed complete on May 31, 2024. We sent notice of the public hearing to adjacent property owners on June 4 and published notice in The Astorian on June 13, 2024.

CODE PROVISIONS, APPLICANT RESPONSES, AND FINDINGS

Applicable Warrenton Municipal Code (WMC) chapters for this application include:

16.208.050 Type III Procedure (Quasi-Judicial).

Chapter 16.208 Administration of Land Use and Development Permits

16.208.050 Type III Procedure (Quasi-Judicial).

APPLICANT RESPONSE: See Notice to Appeal.

STAFF FINDING: The applicant did not hold a pre-application conference, which is required for all Type III applications, but staff do not feel a pre-application conference would have changed the application substantially. The appellants have standing to appeal as provided by this section. The notice included the required information, and the filing fee was submitted to the City.

CONCLUSIONS AND RECOMMENDATION

The appellants have correctly followed the procedures outlined in the appeals section of the Warrenton Municipal Code while the applicants did not. The applicants were not aware of the requirement, have expressed regret, and have already begun preparing application materials for a subsequent application following the correct procedures.

AVAILABLE MOTIONS

"Based on the findings and conclusions of the June 25, 2024, staff report, I move to approve Appeal AP-24-5 and overturn the decision of CUP-24-5."

"Based on the findings and conclusions of the June 25, 2024, staff report, I move to deny Appeal AP-24-5 and affirm the decision of CUP-24-5."

ATTACHMENTS

1. Notice to Appeal
2. Notice to Decision CUP-24-5
3. Staff Report CUP-24-5
4. Application CUP-24-5
5. Police Chief's Comments

Sammi Beechan
995 5th Avenue
(480) 584-7069
sammibeechan@gmail.com

Julie Carriere
991 5th Avenue
(503) 717-2392
beastofburdenjc@yahoo.com

Matthew Higgins
967 5th Avenue
(503) 298-9615
higgins967@gmail.com

May 28, 2024

Matthew Ellis, Planning Director
City of Warrenton
PO Box 250
Warrenton, OR 97146

RE: Notice of Appeal

Dear Mr. Ellis:

- In a public hearing on May 9, 2024, the Warrenton Planning Commission approved a Conditional Use Permit CUP-24-5 for a vacation rental at 964 4th Avenue in Hammond.
- We are appealing the decision.
- As persons who submitted written and oral testimony during the hearing, we have legal standing to appeal the decision.
- The specific issue for the appeal is this: The applicant failed to meet for a pre-application conference, a procedure outlined in and required by the municipal code.
- During deliberations, this issue was raised by you, Matthew Ellis, the Warrenton City Planning Director.
- The application fee of \$500.00 will be submitted upon receipt of invoice.

Sincerely,

Sammi Beechan

Julie Carriere

Matthew Higgins

RECEIVED
MAY 28 2024

BY Matthew Ellis
CITY OF WARRENTON



NOTICE OF DECISION AND ORDER

Conditional Use Permit CUP-24-5

MAILED May 15, 2024

APPLICANT: Jetty Street LLC

PROPERTY OWNER: Jetty Street LLC

SUBJECT OF REVIEW: Establish a vacation rental use at 964 Fourth Avenue

HEARING AND RECORD

At the May 9, 2024, meeting, the Warrenton Planning Commission approved the Conditional Use Permit for a vacation rental at 964 Fourth Avenue. The approval is based on the submittals from the applicant, findings of fact related to the proposed development in the staff report, and testimony heard at the public hearing on May 9, 2024. The approval is subject to four conditions of approval.

CONDITIONS OF APPROVAL

1. Submit a complete Homestay Lodging application within 180 days of the approval of CUP-24-5.
2. The structure shall comply with all applicable provisions of Chapter 8.24 Homestay Lodging Standards while being used as a vacation rental.
3. All tenants shall be advised by the property owner(s) that the Warrenton Police Department will strictly enforce violations of city code, disturbances, or disorderly conduct and owners will be notified of all issues.
4. The owner shall provide a responsible party who can respond to the condition of the property within 12 hours as a part of their Homestay Lodging application.

Copies of all submittals and related documents are available by contacting the Warrenton Planning Department at (503) 861-0920 or planning@warrentonoregon.us.

Type III decisions are final and effective one day after the appeal period expires. The appeal period is May 16, 2024 – May 30, 2024. **This decision is final and effective on May 31, 2024.** Failure of any person to receive mailed notice shall not invalidate the decision, provided that a good faith attempt was made to mail the notice.

RIGHT TO APPEAL

In accordance with Warrenton Municipal Code 16.208.050(H), any person with standing to appeal may appeal the Planning Commission's decision by filing a Notice of Appeal according to the following procedures:

1. Time for filing. A Notice of Appeal shall be filed with the Community Development Director within 14 days of the date the notice of decisions was mailed.
2. Content of Notice of Appeal: The notice of appeal shall contain:
 - A. An identification of the decision being appealed, including the date of the decision.
 - B. A statement demonstrating the person filing the notice of appeal has standing to appeal.
 - C. A statement explaining the specific issue raised on appeal.
 - D. If the appellant is not the applicant, a statement demonstrating that the appeal issues were raised during the comment period.
 - E. Filing fee.
3. The appeal of a Type III quasi-judicial decision shall be limited to the specific issues raised during the written comment period or at the public hearing unless the City Commission allows additional evidence or testimony concerning any other relevant issue. The City Commission may allow such additional evidence if it determines that such evidence is necessary to resolve the case. Written or oral comments received during the comment period or public hearing will usually limit the scope of issues on appeal. Only in extraordinary circumstances should new issues be considered by the City Commission on appeal of a Type III Quasi-Judicial Decision.

For questions, please contact the Warrenton Planning Department at (503) 861-0920 or planning@warrentonoregon.us.



Chris Hayward, Chair
Warrenton Planning Commission



Date



City of Warrenton

Planning Department

225 S Main Avenue ■ P.O. Box 250 ■ Warrenton, OR 97146

Phone: 503.861.0920 Fax: 503.861.2351

STAFF REPORT

TO: The Warrenton Planning Commission
FROM: Matthew Ellis, AICP, Planning Director
DATE: May 9, 2024
SUBJ: Conditional Use Permit CUP-24-5

BACKGROUND

C. Mark Hansen of Jetty Street LLC has applied for a conditional use permit to establish a vacation rental use at 964 Fourth Avenue in Hammond which is zoned C-MU Commercial Mixed Use. The subject property is developed as the middle of a group of three townhomes and is identified as Tax Lot 81005CD03509.

PUBLIC PROCESS, PROCEDURES & PUBLIC NOTICE

The application was submitted February 27 and was deemed complete February 27, 2024. We sent notice of the public hearing to adjacent property owners April 19 and published notice in The Astorian on April 30, 2024.

CODE PROVISIONS, APPLICANT RESPONSES, AND FINDINGS

Applicable Warrenton Municipal Code (WMC) chapters for this application include:

16.44.030 Commercial Mixed Use District Conditional Uses
16.208.050 Type III Procedure (Quasi-Judicial)
16.220 Conditional Use Permits

Chapter 16.44 Commercial Mixed Use (C-MU) District **16.44.030 Conditional Uses**

APPLICANT RESPONSE: None provided.

STAFF FINDING: This criterion is met. The proposed use would be allowed if CUP-24-5 is approved.

Chapter 16.208 Administration of Land Use and Development Permits **16.208.050 Type III Procedure (Quasi-Judicial)**

APPLICANT RESPONSE: None provided.

STAFF FINDING: The applicant did not hold a pre-application conference, which is required for all Type III applications, but staff do not feel a pre-application conference would have changed the application substantially. All other criteria of the section have been met.

Chapter 16.220 Conditional Use Permits

16.220.030 Review Criteria

A. Responses below:

1. This unit is part of the nine-lot townhome Jetty View subdivision. The new construction development was carefully planned to align with the City's Comprehensive Plan and adheres to land use designations and zoning regulations specified in the plan.
2. The townhomes have been designed to blend with the existing neighborhood with consideration given to noise, traffic, and visual aspects.
3. The development project included half street improvements along 4th and Jetty to accommodate traffic.
4. The development project also included utility improvements and extensions.
5. Prior to construction, the Site Design Review and Preliminary Plan were approved to build the Jetty View subdivision.
6. The site provides adequate space for buildings, parking, landscaping, and utilities, with setbacks and buffers in compliance with City ordinances.
7. The site's location is suitable for residential townhomes, beautifies the Hammond Marina area, and provides need short- and long-term housing.

STAFF FINDING: The criteria in this section are met.

CONCLUSIONS AND RECOMMENDATION

The applicant has demonstrated that the proposed vacation rental satisfies the conditional use permit criteria to be in the C-MU Commercial Mixed Use zoning district. Accordingly, staff recommends approval of the request with the following conditions:

1. Submit a complete Short Term Rental (Homestay Lodging) application within 180 days of the approval of CUP-24-5.
2. The structure shall comply with all applicable provisions of Chapter 8.24 Homestay Lodging Standards while being used as a vacation rental.
3. All tenants shall be advised by the property owner(s) that the Warrenton Police Department will strictly enforce violations of city code, disturbances, or disorderly conduct, and owners will be notified of all issues.

RECOMMENDED MOTION

"Based on the findings and conclusions of the May 9, 2024, staff report, I move to approve CUP-24-5 subject to the conditions of approval included in the staff report."

ATTACHMENTS

Conditional Use Permit CUP-24-5
Staff Report Page: 3

1. Application
2. Police Chief's Comments



City Of Warrenton
Planning Department
Conditional Use Permit
WMC 16.220

OFFICE USE

FEE \$1,000

File# CUP - _____ - _____

Date Received _____

Receipt# _____

The purpose of the conditional use process is to allow, when desirable, uses that would not be appropriate throughout a zoning district or without restrictions in that district, but would be beneficial to the City if their number, area, location, design, and relation to the surrounding property are controlled. A property owner or designated representative may initiate a request for a conditional use by filing an application with the Planning Department according to the requirements of Section 16.208.050. In addition, the applicant shall provide any related plans, drawings, and/or information needed to provide background for the request.

Property

Address: 964 4th Avenue, Hammond, OR 97121

Tax Lot (s): Jetty View 8, Map: 81005CD03509


Zone: CMU Flood Zone: _____ Wetlands: _____

Applicant

Name (s): C. Mark Hansen

Phone: 503-871-1319 E-Mail Address: hansen@alumus.com

Mailing Address: 9879 Buena Vista Rd, Independence, OR 97351

Applicant Signature(s):  Date: 02/19/2024

Property Owner (if different from applicant)

Name (s): Jetty Street, LLC

Phone: 503-871-1319 E-mail Address: hansen@alumus.com

Mailing Address: 9879 Buena Vista Rd, Independence, OR 97351

Owner's Signature:  Date: 02/19/2024

I am a record owner of property (person(s) whose name is on the most recently-recorded deed), or contract purchaser with written permission from the record owner and am providing my signature as written authorization for the applicant to submit this application.

CONDITIONAL USE
7.2023

Description of Proposed Land Use

Short term vacation rental for townhome Unit 8 in Jetty View subdivision constructed in 2023.

Conditional Use Permit Review Criteria

Please provide written responses to each of the criteria below that clearly explain how your proposal meets each item. Attach a separate piece of paper if needed. Be as specific as possible. "Yes" and "No" responses are not sufficient.

WMC 16.220.030

1. The proposed use is in conformance with the Comprehensive Plan.

This unit is part of the nine-lot townhome Jetty View subdivision. The new construction development was carefully planned to align with the City's Comprehensive Plan and adheres to land use designations and zoning regulations specified in the plan.

2. The location, size and design, and operating characteristics of the proposed use are such that the development will be compatible with, and have a minimal impact on surrounding properties.

The townhomes have been designed to blend with the existing neighborhood with consideration given to noise, traffic, and visual aspects.

3. The use will not generate excessive traffic, when compared to traffic generated by uses permitted outright, and adjacent streets have the capacity to accommodate the traffic generated.

The development project included half street improvements along 4th and Jetty to accommodate traffic.

4. Public facilities and services are adequate to accommodate the proposed use.

The development project also included utility improvements and extensions.

5. The site's physical characteristics, in term of topography, soils and other pertinent considerations are, are appropriate for the use.

Prior to construction, the Site Design Review and Preliminary Plan were approved to build the Jetty View subdivision.

CONDITIONAL USE
7.2023

6. The site has an adequate area to accommodate the proposed use. The site layout has been designed to provide for the building, parking, landscaping, driveway, on-site circulation, public areas, loading areas, storage facilities, setbacks, buffers, and utilities which are required by City ordinances.

The site provides adequate space for buildings, parking, landscaping, and utilities; with setbacks and buffers in compliance with City ordinances.

7. The use is appropriate at the proposed location. Several factors which should be considered in determining whether or not the use is appropriate include: accessibility for users (such as customers and employees); availability of similar existing uses; availability of other appropriately zoned sites; and the desirability of other suitably zoned sites for the intended use.

The site's location is suitable for residential townhomes, beautifies the Hammond Marina area, and provides needed short and long term housing.

Submittal Checklist

Applicants shall submit all of the following items on a site plan along with the application form. The site plan shall contain the following information:

- ☒ The proposed development site, including boundaries, dimensions, and gross area drawn to scale.
- ☐ Natural land features identified which are proposed to be removed or modified by the development, including modifications to existing drainage patterns, if any.
- ☐ The location and dimensions of all proposed public and private streets, drives, rights-of-way, and easements, if any
- ☐ The location and dimensions of all existing and proposed structures, utilities, pavement and other improvements on the site. Setback dimensions for all existing and proposed buildings shall be provided on the site plan.
- ☐ The location and dimensions of entrances and exits to the site for vehicular, pedestrian, and bicycle access, if being modified by the application.
- ☐ The location and dimensions of all parking and vehicle circulation areas (show striping for parking stalls and wheel stops, as applicable), and proposed paving materials.
- ☐ Pedestrian and bicycle circulation areas, including sidewalks, internal pathways, pathway connections to adjacent properties, and any bicycle lanes or trails.
- ☐ Loading and service areas for waste disposal, loading and delivery, if any
- ☐ Outdoor recreation spaces, common areas, plazas, outdoor seating, street furniture, and similar improvements.

CONDITIONAL USE
7.2023

- ☐ Location, type, and height of outdoor lighting.
- ☐ Locations, sizes, and types of signs (shall comply with Chapter 16.144).
- ☐ The Planning Department may require studies or exhibits prepared by qualified professionals to address specific site features (e.g., traffic, noise, environmental features, site drainage, natural hazards, etc.).
- ☐ The applicant's entire tax lot and the surrounding property to a distance sufficient to determine the location of the development in the City, and the relationship between the proposed development site and adjacent property and development. The property boundaries, dimensions and gross area shall be identified.
- ☐ Identification of slopes greater than 10%.
- ☐ Any areas identified as located in a designated floodplain and/or floodway, if any
- ☐ Depict any wetland and riparian areas, streams and/or wildlife habitat areas, if any.
- ☐ Site features such as pavement, areas having unique views, and drainage ways, canals and ditches, if any.
- ☐ Any designated historic and cultural resources areas on the site and/or adjacent parcels or lots.
- ☐ North arrow, scale, names and addresses of all property owners.
- ☐ Name and address of applicant, project designer, engineer, architect, surveyor, and/or planner, if applicable.
- ☐ Letter or narrative report documenting compliance with the applicable approval criteria including the conditional use criteria, zoning development standards, and applicable design standards. Please see the Planning Staff for applicable design standards.

This application will not be officially accepted until department staff have determined that the application is completely filled out, signed, the application fee has been paid, and the submittal requirements have been met.

CONDITIONAL USE
7.2023

PROJECT DESCRIPTION

Jetty View Townhomes Unit 8, 964 4th Avenue, Hammond, OR 97121

Vacation Rental: 4 bedroom, 2.5 bathroom, 3 story townhome unit with a two car garage, two car driveway, full kitchen, 2 decks and is fully furnished. This townhome was newly constructed in 2023 and meets all current fire, life and safety codes. The unit is wired for both smoke and CO detections and meets all minimum egress requirements.

Re: Public Hearing Notice | Short Term Rentals: CUP-24-3, CUP-24-4, CUP-24-5, CUP-24-6

Mathew Workman <mworkman@warrentonoregon.us>

Wed 4/24/2024 2:34 PM

To: Rebecca Sprengeler <rsprengeler@warrentonoregon.us>

Cc: Matthew Ellis <mellis@warrentonoregon.us>; Esther Moberg <emoberg@warrentonoregon.us>; Public Works <publicworks@warrentonoregon.us>; Fire Chief <firechief@warrentonoregon.us>; Brett Estes <Brett.ESTES@dlcd.oregon.gov>; Building Clerk <building@warrentonoregon.us>

Rebecca,

I have reviewed the four Conditional Use Permit applications for Vacation Rentals on Fourth Avenue in Hammond. Here are my comments:

My first and predominant concern is parking and traffic flow issues. The application for 976 Fourth Ave. states, *"our unit has 4 parking spaces, we will limit the number of vehicles to help reduce excessive traffic flow and parking."* The applications for 960, 964, & 968 do not mention the number of spaces for each but states, *"The site provides adequate space for buildings, parking,..."*

In visiting the site, I am not sure where the "four spaces" comes from but assume the applicant means the two spaces in the garage and the two spaces in the driveway outside of the garage. The application for 976 also states, *"There is also additional on-street parking on fourth avenue for guests."* This is true, but keep in mind that Fourth Ave. is one-side parking only with room for one vehicle comfortably in front of each address and two vehicles bumper to bumper, depending on the type of vehicle.

I appreciate the statement by the applicant for 976 that they "will limit the number of vehicles" but this statement is not made by the applicant for 960, 964, & 968. The sheer size of these units, 4-bedroom townhomes, could and will attract large groups that have the potential to have more than four vehicles and with guests, the potential for many more vehicles.

I would like to see conditions or requests made for both applicants to have plans or rules in place to limit the number of vehicles and restricting the parking of any vehicles in any areas not designated for vehicles (yards, alley, gravel on the north side of the street, Hammond Marina property unless they pay for daily parking, other people's property, etc.), and letting renters know that parking codes will be enforced on the public street, including the possibility of having a vehicle towed.



Renter Conduct: though the applicants do not fully control the behavior of renters, they should have rules or let their renters know that violations of city code, disturbances, or disorderly conduct will be strictly enforced by the WPD, and owners will be notified of all issues. Hopefully, the owner will reserve the right to terminate a rental for serious problems or issues, just like our hotels and motels will do.

If you have any questions please let me know.

Chief Workman

Mathew J. Workman, Chief of Police
Warrenton Police Department
225 S. Main Ave. / P.O. Box 250
Warrenton, OR 97146

503-861-2235 (Office)
503-861-2863 (Fax)
503-791-9995 (Work Cell)
Facebook: "Warrenton Police Department"
X / Twitter: "WarrentonPD"
<http://www.warrentonoregon.us/police>

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From: Rebecca Sprengeler <rsprengeler@warrentonoregon.us>

Sent: Tuesday, April 23, 2024 9:30 AM

To: Esther Moberg <emoberg@warrentonoregon.us>; Mathew Workman <mworkman@warrentonoregon.us>; Fire Chief <firechief@warrentonoregon.us>; Public Works <publicworks@warrentonoregon.us>; Building Clerk <building@warrentonoregon.us>; Brett Estes <Brett.ESTES@dlcd.oregon.gov>

Cc: Matthew Ellis <mellis@warrentonoregon.us>

Subject: Public Hearing Notice | Short Term Rentals: CUP-24-3, CUP-24-4, CUP-24-5, CUP-24-6

Good morning,

We have received four Conditional Use Permit applications for Vacation Rentals in the CMU zone at 960 Fourth Avenue, 964 Fourth Avenue, 968 Fourth Avenue, and 976 Fourth Avenue in Hammond. Public notices have been mailed and the hearings are scheduled before the Planning Commission on Thursday, May 9, 2024, at 6:00 pm. The Planning Department is requesting that if you have any comments on this application, they be provided to us no later than noon on Thursday, May 2, 2024.

The application files can be viewed online here: <https://www.warrentonoregon.us/ced/page/applications-pending-approval>

If your department uses Accela, a review task has been assigned to you for comments or to be marked "no comments."

These applications include record numbers: 917-24-000017-PLNG, 917-24-000019-PLNG, 917-24-000020-PLNG, and 917-24-000021-PLNG.



Thank you,

Rebecca Sprengeler
Planning Technician

Office: 971-286-2025
P.O. Box 250 | 225 S Main Ave
Warrenton OR, 97146
warrentonoregon.us | facebook.com



"Making a difference through excellence of service"

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City of Warrenton

Planning Department

225 S Main Avenue ■ P.O. Box 250 ■ Warrenton, OR 97146

Phone: 503.861.0920 Fax: 503.861.2351

STAFF REPORT

TO: The Warrenton Planning Commission
 FROM: Matthew Ellis, AICP, Planning Director
 DATE: June 25, 2024
 SUBJ: Appeal AP-24-6

BACKGROUND

Sammi Beechan, Julie Carriere, and Matthew Higgins are appealing Type III decision CUP-24-6, which is attached to this staff report. All three participated in the public hearing before the Planning Commission, giving them the standing to appeal this decision. The issue presented in the appeal revolves around the failure for the applicant to follow WMC 16.208.050(A), which says "A pre-application conference is required for all Type III applications." As identified in the staff report, the applicant failed to hold a pre-application conference. Staff, however, did not and do not feel a pre-application conference would have substantially modified the application or our original recommendation.

PUBLIC PROCESS, PROCEDURES & PUBLIC NOTICE

The application was submitted on May 28 and was deemed complete on May 31, 2024. We sent notice of the public hearing to adjacent property owners on June 4 and published notice in The Astorian on June 13, 2024.

CODE PROVISIONS, APPLICANT RESPONSES, AND FINDINGS

Applicable Warrenton Municipal Code (WMC) chapters for this application include:

16.208.050 Type III Procedure (Quasi-Judicial).

Chapter 16.208 Administration of Land Use and Development Permits

16.208.050 Type III Procedure (Quasi-Judicial).

APPLICANT RESPONSE: See Notice to Appeal.

STAFF FINDING: The applicant did not hold a pre-application conference, which is required for all Type III applications, but staff do not feel a pre-application conference would have changed the application substantially. The appellants have standing to appeal as provided by this section. The notice included the required information, and the filing fee was submitted to the City.

CONCLUSIONS AND RECOMMENDATION

The appellants have correctly followed the procedures outlined in the appeals section of the Warrenton Municipal Code while the applicants did not. The applicants were not aware of the requirement, have expressed regret, and have already begun preparing application materials for a subsequent application following the correct procedures.

AVAILABLE MOTIONS

"Based on the findings and conclusions of the June 25, 2024, staff report, I move to approve Appeal AP-24-6 and overturn the decision of CUP-24-6."

"Based on the findings and conclusions of the June 25, 2024, staff report, I move to deny Appeal AP-24-6 and affirm the decision of CUP-24-6."

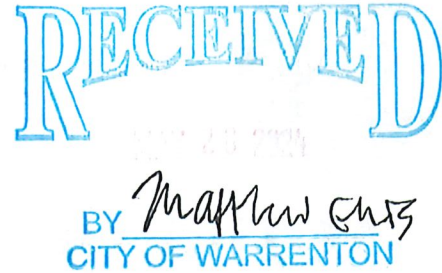
ATTACHMENTS

1. Notice to Appeal
2. Notice to Decision CUP-24-6
3. Staff Report CUP-24-6
4. Application CUP-24-6
5. Police Chief's Comments

Sammi Beechan
995 5th Avenue
(480) 584-7069
sammibeechan@gmail.com

Julie Carriere
991 5th Avenue
(503) 717-2392
beastofburdenjc@yahoo.com

Matthew Higgins
967 5th Avenue
(503) 298-9615
higgins967@gmail.com



May 28, 2024

Matthew Ellis, Planning Director
City of Warrenton
PO Box 250
Warrenton, OR 97146

RE: Notice of Appeal

Dear Mr. Ellis:

- In a public hearing on May 9, 2024, the Warrenton Planning Commission approved a Conditional Use Permit CUP-24-6 for a vacation rental at 968 4th Avenue in Hammond.
- We are appealing the decision.
- As persons who submitted written and oral testimony during the hearing, we have legal standing to appeal the decision.
- The specific issue for the appeal is this: The applicant failed to meet for a pre-application conference, a procedure outlined in and required by the municipal code.
- During deliberations, this issue was raised by you, Matthew Ellis, the Warrenton City Planning Director.
- The application fee of \$500.00 will be submitted upon receipt of invoice.

Sincerely,

Sammi Beechan

Julie Carriere

Matthew Higgins



NOTICE OF DECISION AND ORDER

Conditional Use Permit CUP-24-6

MAILED May 15, 2024

APPLICANT: Jetty Street LLC

PROPERTY OWNER: Jetty Street LLC

SUBJECT OF REVIEW: Establish a vacation rental use at 968 Fourth Avenue

HEARING AND RECORD

At the May 9, 2024, meeting, the Warrenton Planning Commission approved the Conditional Use Permit for a vacation rental at 968 Fourth Avenue. The approval is based on the submittals from the applicant, findings of fact related to the proposed development in the staff report, and testimony heard at the public hearing on May 9, 2024. The approval is subject to four conditions of approval.

CONDITIONS OF APPROVAL

1. Submit a complete Homestay Lodging application within 180 days of the approval of CUP-24-6.
2. The structure shall comply with all applicable provisions of Chapter 8.24 Homestay Lodging Standards while being used as a vacation rental.
3. All tenants shall be advised by the property owner(s) that the Warrenton Police Department will strictly enforce violations of city code, disturbances, or disorderly conduct and owners will be notified of all issues.
4. The owner shall provide a responsible party who can respond to the condition of the property within 12 hours as a part of their Homestay Lodging application.

Copies of all submittals and related documents are available by contacting the Warrenton Planning Department at (503) 861-0920 or planning@warrentonoregon.us.


Type III decisions are final and effective one day after the appeal period expires. The appeal period is May 16, 2024 – May 30, 2024. **This decision is final and effective on May 31, 2024.** Failure of any person to receive mailed notice shall not invalidate the decision, provided that a good faith attempt was made to mail the notice.

RIGHT TO APPEAL

In accordance with Warrenton Municipal Code 16.208.050(H), any person with standing to appeal may appeal the Planning Commission's decision by filing a Notice of Appeal according to the following procedures:

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

For questions, please contact the Warrenton Planning Department at (503) 861-0920 or planning@warrentonoregon.us.



Chris Hayward, Chair
Warrenton Planning Commission



Date



City of Warrenton

Planning Department

225 S Main Avenue ■ P.O. Box 250 ■ Warrenton, OR 97146

Phone: 503.861.0920 Fax: 503.861.2351

STAFF REPORT

TO: The Warrenton Planning Commission
FROM: Matthew Ellis, AICP, Planning Director
DATE: May 9, 2024
SUBJ: Conditional Use Permit CUP-24-6

BACKGROUND

C. Mark Hansen of Jetty Street LLC has applied for a conditional use permit to establish a vacation rental use at 968 Fourth Avenue in Hammond which is zoned C-MU Commercial Mixed Use. The subject property is developed as one of the end units of a group of three townhomes and is identified as Tax Lot 81005CD03508.

PUBLIC PROCESS, PROCEDURES & PUBLIC NOTICE

The application was submitted February 27 and was deemed complete February 27, 2024. We sent notice of the public hearing to adjacent property owners April 19 and published notice in The Astorian on April 30, 2024.

CODE PROVISIONS, APPLICANT RESPONSES, AND FINDINGS

Applicable Warrenton Municipal Code (WMC) chapters for this application include:

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16.208.050 Type III Procedure (Quasi-Judicial)
16.220 Conditional Use Permits

Chapter 16.44 Commercial Mixed Use (C-MU) District **16.44.030 Conditional Uses**

APPLICANT RESPONSE: None provided.

STAFF FINDING: This criterion is met. The proposed use would be allowed if CUP-24-6 is approved.

Chapter 16.208 Administration of Land Use and Development Permits **16.208.050 Type III Procedure (Quasi-Judicial)**

APPLICANT RESPONSE: None provided.

STAFF FINDING: The applicant did not hold a pre-application conference, which is required for all Type III applications, but staff do not feel a pre-application conference would have changed the application substantially. All other criteria of the section have been met.

Chapter 16.220 Conditional Use Permits
16.220.030 Review Criteria

A. Responses below:

1. This unit is part of the nine-lot townhome Jetty View subdivision. The new construction development was carefully planned to align with the City's Comprehensive Plan and adheres to land use designations and zoning regulations specified in the plan.
2. The townhomes have been designed to blend with the existing neighborhood with consideration given to noise, traffic, and visual aspects.
3. The development project included half street improvements along 4th and Jetty to accommodate traffic.
4. The development project also included utility improvements and extensions.
5. Prior to construction, the Site Design Review and Preliminary Plan were approved to build the Jetty View subdivision.
6. The site provides adequate space for buildings, parking, landscaping, and utilities, with setbacks and buffers in compliance with City ordinances.
7. The site's location is suitable for residential townhomes, beautifies the Hammond Marina area, and provides need short- and long-term housing.

STAFF FINDING: The criteria in this section are met.

CONCLUSIONS AND RECOMMENDATION

The applicant has demonstrated that the proposed vacation rental satisfies the conditional use permit criteria to be in the C-MU Commercial Mixed Use zoning district. Accordingly, staff recommends approval of the request with the following conditions:

1. Submit a complete Short Term Rental (Homestay Lodging) application within 180 days of the approval of CUP-24-6.
2. The structure shall comply with all applicable provisions of Chapter 8.24 Homestay Lodging Standards while being used as a vacation rental.
3. All tenants shall be advised by the property owner(s) that the Warrenton Police Department will strictly enforce violations of city code, disturbances, or disorderly conduct, and owners will be notified of all issues.

RECOMMENDED MOTION

"Based on the findings and conclusions of the May 9, 2024, staff report, I move to approve CUP-24-6 subject to the conditions of approval included in the staff report."

ATTACHMENTS

Conditional Use Permit CUP-24-6
Staff Report Page: 3

1. Application
2. Police Chief's Comments



City Of Warrenton
Planning Department
Conditional Use Permit
WMC 16.220

OFFICE USE

FEE \$1,000

File# CUP - _____ - _____

Date Received _____

Receipt# _____

The purpose of the conditional use process is to allow, when desirable, uses that would not be appropriate throughout a zoning district or without restrictions in that district, but would be beneficial to the City if their number, area, location, design, and relation to the surrounding property are controlled. A property owner or designated representative may initiate a request for a conditional use by filing an application with the Planning Department according to the requirements of Section 16.208.050. In addition, the applicant shall provide any related plans, drawings, and/or information needed to provide background for the request.

Property

Address: 968 4th Avenue, Hammond, OR 97121

Tax Lot (s): Jetty View 7 Map: 81005CD03508

Zone: CMU Flood Zone: _____ Wetlands: _____

Applicant

Name (s): C. Mark Hansen

Phone: 503-871-1319 E-Mail Address: hansen@alumus.com

Mailing Address: 9879 Buena Vista Rd, Independence, OR 97351

Applicant Signature(s):  Date: 02/19/2024

Property Owner (if different from applicant)

Name (s): Jetty Street, LLC

Phone: 503-871-1319 E-mail Address: hansen@alumus.com

Mailing Address: 9879 Buena Vista Rd, Independence, OR 97351

Owner's Signature:  Date: 02/19/2024

I am a record owner of property (person(s) whose name is on the most recently-recorded deed), or contract purchaser with written permission from the record owner and am providing my signature as written authorization for the applicant to submit this application.

CONDITIONAL USE
7.2023

Description of Proposed Land Use

Short term vacation rental for townhome Unit 7 in Jetty View subdivision constructed in 2023.

Conditional Use Permit Review Criteria

Please provide written responses to each of the criteria below that clearly explain how your proposal meets each item. Attach a separate piece of paper if needed. Be as specific as possible. "Yes" and "No" responses are not sufficient.

WMC 16.220.030

1. The proposed use is in conformance with the Comprehensive Plan.

This unit is part of a nine-lot townhome Jetty View subdivision. The new construction development was carefully planned to align with the City's Comprehensive Plan and adheres to land use designations and zoning regulations specified in the plan.

2. The location, size and design, and operating characteristics of the proposed use are such that the development will be compatible with, and have a minimal impact on surrounding properties.

The townhomes have been designed to blend with the existing neighborhood with consideration given to noise, traffic, and visual aspects.

3. The use will not generate excessive traffic, when compared to traffic generated by uses permitted outright, and adjacent streets have the capacity to accommodate the traffic generated.

The development project included half street improvements along 4th and Jetty to accommodate traffic.

4. Public facilities and services are adequate to accommodate the proposed use.

The development project also included utility improvements and extensions.

5. The site's physical characteristics, in term of topography, soils and other pertinent considerations are, are appropriate for the use.

Prior to construction, the Site Design Review and Preliminary Plan were approved to build the Jetty View subdivision.

CONDITIONAL USE
7.2023

6. The site has an adequate area to accommodate the proposed use. The site layout has been designed to provide for the building, parking, landscaping, driveway, on-site circulation, public areas, loading areas, storage facilities, setbacks, buffers, and utilities which are required by City ordinances.

The site provides adequate space for buildings, parking, landscaping, and utilities; with setbacks and buffers in compliance with City ordinances.

7. The use is appropriate at the proposed location. Several factors which should be considered in determining whether or not the use is appropriate include: accessibility for users (such as customers and employees); availability of similar existing uses; availability of other appropriately zoned sites; and the desirability of other suitably zoned sites for the intended use.

The site's location is suitable for residential townhomes, beautifies the Hammond Marina area, and provides needed short and long term housing.

Submittal Checklist

Applicants shall submit all of the following items on a site plan along with the application form. The site plan shall contain the following information:

- ☒ The proposed development site, including boundaries, dimensions, and gross area drawn to scale.
- ☐ Natural land features identified which are proposed to be removed or modified by the development, including modifications to existing drainage patterns, if any.
- ☐ The location and dimensions of all proposed public and private streets, drives, rights-of-way, and easements, if any
- ☐ The location and dimensions of all existing and proposed structures, utilities, pavement and other improvements on the site. Setback dimensions for all existing and proposed buildings shall be provided on the site plan.
- ☐ The location and dimensions of entrances and exits to the site for vehicular, pedestrian, and bicycle access, if being modified by the application.
- ☐ The location and dimensions of all parking and vehicle circulation areas (show striping for parking stalls and wheel stops, as applicable), and proposed paving materials.
- ☐ Pedestrian and bicycle circulation areas, including sidewalks, internal pathways, pathway connections to adjacent properties, and any bicycle lanes or trails.
- ☐ Loading and service areas for waste disposal, loading and delivery, if any
- ☐ Outdoor recreation spaces, common areas, plazas, outdoor seating, street furniture, and similar improvements.

CONDITIONAL USE
7.2023

- ☐ Location, type, and height of outdoor lighting.
- ☐ Locations, sizes, and types of signs (shall comply with Chapter 16.144).
- ☐ The Planning Department may require studies or exhibits prepared by qualified professionals to address specific site features (e.g., traffic, noise, environmental features, site drainage, natural hazards, etc.).
- ☐ The applicant's entire tax lot and the surrounding property to a distance sufficient to determine the location of the development in the City, and the relationship between the proposed development site and adjacent property and development. The property boundaries, dimensions and gross area shall be identified.
- ☐ Identification of slopes greater than 10%.
- ☐ Any areas identified as located in a designated floodplain and/or floodway, if any
- ☐ Depict any wetland and riparian areas, streams and/or wildlife habitat areas, if any.
- ☐ Site features such as pavement, areas having unique views, and drainage ways, canals and ditches, if any.
- ☐ Any designated historic and cultural resources areas on the site and/or adjacent parcels or lots.
- ☐ North arrow, scale, names and addresses of all property owners.
- ☐ Name and address of applicant, project designer, engineer, architect, surveyor, and/or planner, if applicable.
- ☐ Letter or narrative report documenting compliance with the applicable approval criteria including the conditional use criteria, zoning development standards, and applicable design standards. Please see the Planning Staff for applicable design standards.

This application will not be officially accepted until department staff have determined that the application is completely filled out, signed, the application fee has been paid, and the submittal requirements have been met.

CONDITIONAL USE
7.2023

Re: Public Hearing Notice | Short Term Rentals: CUP-24-3, CUP-24-4, CUP-24-5, CUP-24-6

Mathew Workman <mworkman@warrentonoregon.us>

Wed 4/24/2024 2:34 PM

To: Rebecca Sprengeler <rsprengeler@warrentonoregon.us>

Cc: Matthew Ellis <mellis@warrentonoregon.us>; Esther Moberg <emoberg@warrentonoregon.us>; Public Works <publicworks@warrentonoregon.us>; Fire Chief <firechief@warrentonoregon.us>; Brett Estes <Brett.ESTES@dlcd.oregon.gov>; Building Clerk <building@warrentonoregon.us>

Rebecca,

I have reviewed the four Conditional Use Permit applications for Vacation Rentals on Fourth Avenue in Hammond. Here are my comments:

My first and predominant concern is parking and traffic flow issues. The application for 976 Fourth Ave. states, "*our unit has 4 parking spaces, we will limit the number of vehicles to help reduce excessive traffic flow and parking.*" The applications for 960, 964, & 968 do not mention the number of spaces for each but states, "*The site provides adequate space for buildings, parking,...*"

In visiting the site, I am not sure where the "four spaces" comes from but assume the applicant means the two spaces in the garage and the two spaces in the driveway outside of the garage. The application for 976 also states, "*There is also additional on-street parking on fourth avenue for guests.*" This is true, but keep in mind that Fourth Ave. is one-side parking only with room for one vehicle comfortably in front of each address and two vehicles bumper to bumper, depending on the type of vehicle.

I appreciate the statement by the applicant for 976 that they "will limit the number of vehicles" but this statement is not made by the applicant for 960, 964, & 968. The sheer size of these units, 4-bedroom townhomes, could and will attract large groups that have the potential to have more than four vehicles and with guests, the potential for many more vehicles.

I would like to see conditions or requests made for both applicants to have plans or rules in place to limit the number of vehicles and restricting the parking of any vehicles in any areas not designated for vehicles (yards, alley, gravel on the north side of the street, Hammond Marina property unless they pay for daily parking, other people's property, etc.), and letting renters know that parking codes will be enforced on the public street, including the possibility of having a vehicle towed.



Renter Conduct: though the applicants do not fully control the behavior of renters, they should have rules or let their renters know that violations of city code, disturbances, or disorderly conduct will be strictly enforced by the WPD, and owners will be notified of all issues. Hopefully, the owner will reserve the right to terminate a rental for serious problems or issues, just like our hotels and motels will do.

If you have any questions please let me know.

Chief Workman

Mathew J. Workman, Chief of Police
Warrenton Police Department
225 S. Main Ave. / P.O. Box 250
Warrenton, OR 97146

503-861-2235 (Office)
503-861-2863 (Fax)
503-791-9995 (Work Cell)
Facebook: "Warrenton Police Department"
X / Twitter: "WarrentonPD"
<http://www.warrentonoregon.us/police>

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From: Rebecca Sprengeler <rsprengeler@warrentonoregon.us>

Sent: Tuesday, April 23, 2024 9:30 AM

To: Esther Moberg <emoberg@warrentonoregon.us>; Mathew Workman <mworkman@warrentonoregon.us>; Fire Chief <firechief@warrentonoregon.us>; Public Works <publicworks@warrentonoregon.us>; Building Clerk <building@warrentonoregon.us>; Brett Estes <Brett.ESTES@dcd.oregon.gov>

Cc: Matthew Ellis <mellis@warrentonoregon.us>

Subject: Public Hearing Notice | Short Term Rentals: CUP-24-3, CUP-24-4, CUP-24-5, CUP-24-6

Good morning,

We have received four Conditional Use Permit applications for Vacation Rentals in the CMU zone at 960 Fourth Avenue, 964 Fourth Avenue, 968 Fourth Avenue, and 976 Fourth Avenue in Hammond. Public notices have been mailed and the hearings are scheduled before the Planning Commission on Thursday, May 9, 2024, at 6:00 pm. The Planning Department is requesting that if you have any comments on this application, they be provided to us no later than noon on Thursday, May 2, 2024.

The application files can be viewed online here: <https://www.warrentonoregon.us/ced/page/applications-pending-approval>

If your department uses Accela, a review task has been assigned to you for comments or to be marked "no comments."

These applications include record numbers: 917-24-000017-PLNG, 917-24-000019-PLNG, 917-24-000020-PLNG, and 917-24-000021-PLNG.



Thank you,

Rebecca Sprengeler
Planning Technician

Office: 971-286-2025
P.O. Box 250 | 225 S Main Ave
Warrenton OR, 97146
warrentonoregon.us | [facebook.com](https://www.facebook.com)



"Making a difference through excellence of service"

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Application for City Commission Appointment

To: **Warrenton City Commission**

I, Jessica Sollaccio, hereby apply for an interim appointment to serve on the Warrenton City Commission.

What is your interest in applying for this position? *

I am eager to contribute by volunteering on our city commission, as its decisions significantly impact the daily lives and well-being of our community members. As a working mother of two young children, I believe I can bring a fresh perspective that will complement those of the existing commission, and ultimately help to address the needs and concerns of our residents.

What experience or qualifications do you have for this position?

I have served on the city's Planning Commission for the past year, gaining direct experience working on a local commission and collaborating with city staff. Additionally, my educational background is focused on public policy and includes research on the effects of local policies on health and well-being.

What is your education background?

I hold a Bachelor of Science in Health Science and a Master of Public Health in Policy and Management. During my graduate studies, I researched and published papers on developing nurturing environments using science-based frameworks.

What is your vision for the City of Warrenton? *

My vision for Warrenton is a prosperous and vibrant community where everyone has the opportunity to thrive and lead meaningful lives. I envision an engaged citizenry that actively shapes our community's future. My aim is to help cultivate a community that embraces progress while preserving the wisdom of our heritage and natural resources.

What are the greatest challenges to the City of Warrenton? *

Among the most significant challenges facing our community, financial constraints due to limited taxable land supply and a low tax base, the new FEMA floodmaps, and restricted infrastructure capacity stand out as critical. These factors inhibit our ability to generate revenue for essential services and necessary growth. They will require thoughtful consideration and strategic planning to overcome.

Do you intend to run for office in November? ☒ Yes ☐ No

**Attach additional page if statement is longer than space provided*



AGENDA MEMORANDUM

TO: The Warrenton City Commission
FROM: Esther Moberg, City Manager
DATE: June 25, 2024
SUBJ: City Manager Requested absence

SUMMARY

I am requesting to be excused from the August 13th City Commission meeting. I am planning to take a much needed family vacation. Staff will present any agendas or memos as required.

RECOMMENDATION/SUGGESTED MOTION

I move to approve the requested absence of the City Manager from the August 13th City Commission meeting.

ALTERNATIVE

- 1) Other action as deemed appropriate by the City Commission
- 2) None recommended

FISCAL IMPACT

None

Approved by City Manager: _____

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



AGENDA MEMORANDUM

TO: The Warrenton City Commission
FROM: Dawne Shaw, City Recorder
DATE: June 25, 2024
SUBJ: Adopting Public Records Fees; Resolution 2667

SUMMARY

At its June 11, 2024 meeting, the City Commission conducted the first reading of Resolution No. 2667. This resolution updates fees for public record requests. In order to provide the public an opportunity to comment, rate increases are considered over two meetings, and is before you this evening for its second reading and adoption.

RECOMMENDATION/SUGGESTED MOTION

"I move to adopt Resolution No. 2667; a Resolution Adopting Public Records Fees, and Repealing Resolution No. 2658."

ALTERNATIVE

Other action as deemed appropriate by the City Commission

FISCAL IMPACT

N/A

Approved by City Manager: _____

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

RESOLUTION NO. 2667

Introduced by All Commissioners

A RESOLUTION ADOPTING PUBLIC RECORDS FEES, AND
REPEALING RESOLUTION NO. 2658

WHEREAS, the City of Warrenton recognizes that Oregon Public Records Law (ORS 192.311)-192.478) gives the public the right to inspect and copy certain public records maintained by the City; and

WHEREAS, on November 28, 2023, the City of Warrenton adopted an updated Public Records Policy with the implementation of new software; and

WHEREAS, on November 28, 2023, the existing fees were adopted through Resolution No. 2658; and

WHEREAS, the City Commission noted the need to review and update the Public Records Fee; and

WHEREAS, after review, staff recommends updating the City of Warrenton the Public Records Fee Schedule as outlined in Attachment A;

NOW, THEREFORE, BE IT RESOLVED that the City Commission of the City of Warrenton resolves as follows:

Section 1: The Warrenton City Commission hereby adopts the updated Public Records Fee Schedule, as outlined in Attachment A.

Section 2: This resolution will take effect July 1, 2024.

First Reading: June 11, 2024

Second Reading: June 25, 2024

Adopted by the City Commission of the City of Warrenton this ____ day of _____, 2024.

APPROVED

ATTEST

Henry A. Balensifer III, Mayor

Dawne Shaw, CMC, City Recorder

City of Warrenton
Public Records Fee Schedule

(Some of these Records may be available on the City's website – www.warrentonoregon.us)

Records Research And Fulfillment	
Up to the 30 Minutes	\$15.00 + Copy cost (If applicable)
Over 30 Minutes	**Actual Staff Time/ Attorney Cost + Copy Cost (If applicable)

Standard Public Records Copy Cost	
Black And White 8.5 X 11 & 8.5 X 14 Per Page	\$0.25
Color 8.5x11 & 8.5x14 Per Page	\$1.00
Black And White 11x17 Per Page	\$0.50
Color 11x17 Per Page	\$1.25
B&W Large Format Printing (17x22, 22x34, 34x44) Per Page	\$15.00
Color Large Format Printing (17x22, 22x34, 34x44) Per Page	\$25.00
Printed Photographs Per 8.5x11 Page	\$5.00
Audio Recordings	\$15.00
Digital Records Uploaded to A USB Thumb Drive	\$15.00 Per USB
Maps And Other Large Documents Are Taken to A Commercial Copy Business For Reproduction. For Documents Reproduced at A Commercial Copy Business, The Fee Will Be the Actual Cost Plus Actual Staff Time (Including Benefits and Overhead).	

Police/Court Records	
Police Reports - Electronic up to the first 30 Minutes	\$15.00
Police Reports - Printed	\$15.00 + Printed Cost
DMV Crash Reports	\$15.00 + Printed Cost
Police Contact Lists	\$10.00
Report Research and/or Redactions Over 30 Minutes	**Actual Staff Time
Body Cam Video Processing	**Actual Staff Time
Audio/Video	\$15.00 + **Actual Staff Time
See "Page 2" For Police Department Body Cam Video Requests	

Fire Department Records	
Fire Reports	\$15.00

Other Records	
City Of Warrenton Municipal Code - Printed	Standard Copy Cost
City Charter- Printed	\$15.00
Finance (City Budget or City Audit) - Printed	\$30.00
Business License List	\$15.00
Building/Planning (Comprehensive Plan, Development Code, Wetland Conservation Plan) – Printed	\$40.00
Electronic Copies of Records Listed Above	\$15.00

****Actual Staff Time Includes Benefits and Overhead**



WARRENTON POLICE DEPARTMENT

ADDENDUM TO PUBLIC RECORDS REQUEST



Requests for Police Body Cam Video

A request for police body cam video is regulated and controlled by ORS 192.345. Such recordings are exempt from disclosure *"unless the public interest requires disclosure in the particular instance."* ORS 192.345. In other words, the video will not normally be released, unless the requestor first establishes a public interest that requires such disclosure.

All such public record requests must be subjected to an additional process to determine whether the video must be released under the exception to the ORS 192.345 conditional exemption.

If such an exception is established, further guidelines for ORS 192.345(40) must be followed. Subsections (a), (b) and (c) of Section 40 provide the following:

- (a) *Recordings that have been sealed in a court's record of a court proceeding or otherwise ordered by a court not to be disclosed may not be disclosed.*
- (b) *A request for disclosure under [ORS 192.345(40)] must identify the approximate date and time of an incident for which the recordings are requested and be reasonably tailored to include only that material for which a public interest requires disclosure.*
- (c) *A video recording disclosed under this subsection must, prior to disclosure, be edited in a manner as to render the faces of all persons within the recording unidentifiable.*

This means that the request must identify the date and time of an identified incident and be limited only to those materials justified by the identified public interest. Further, prior to releasing the recording, the faces of **ALL** persons in the recording must be blurred or blocked. Personal information must also be redacted (ex: someone reciting their date of birth or social security number).

In order to meet these conditions, it will take additional time to determine whether a body cam video is subject to disclosure and, if it is, additional time to process the video. It will also mean additional processing costs. You will receive an estimate for this cost before any processing is done and you may be required to put a deposit down prior to any processing. Either way, you will be given an estimate and the opportunity to decide if you want to proceed.



AGENDA MEMORANDUM

TO: The Warrenton City Commission
FROM: Greg Shafer, Public Works Director
DATE: June 25th, 2024
SUBJ: Ultrasonic Algae Control for the Raw Water Reservoir

SUMMARY

The City of Warrenton is taking a proactive approach to control seasonal algae growth in our Raw Water Reservoir. Eliminating algae is crucial for maintaining water quality, reducing water treatment challenges, and controlling treatment costs. We are requesting approval to purchase the MPC Grid algae control system from LG Sonic. This system is expected to decrease algal blooms by 70-90%, prevent algae growth, and enhance overall water quality with minimal long-term costs and maintenance. LG Sonic is the exclusive supplier of this technology. Their Interactive Algae Control (IAC) algorithm detects algae concentrations and adjusts the system automatically. Using specific frequencies, it efficiently targets algae. Additionally, sensors and emitters have a wiper system that cleans every 30 minutes. LG Sonic owns the patented MPC Grid system and provides necessary monitoring services.

RECOMMENDATION/SUGGESTED MOTION

"I move to approve the purchase of and authorize the mayor's signature for the purchase of the MPC Grid Algae Control System from LG Sonic for \$52,330.00 and a 10% contingency in the event of unforeseen expenses."

ALTERNATIVE

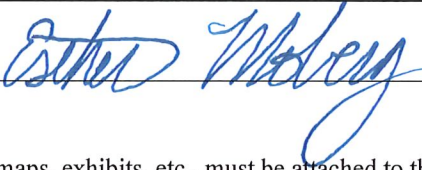
- 1) Other action as deemed appropriate by the City Commission
- 2) None recommended

FISCAL IMPACT

The anticipated expenditure for the MPC Grid algae control system and installation is approximately \$52,330.00 in the first year. Subsequent annual costs are estimated at \$7,399 for support services and Starlink data usage fees.

Funding will come from the Water Capital Reserve Fund and is within the approved \$100,000 budget for the Capital Improvement Project #620081.

Approved by City Manager: _____



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

**CITY OF WARRENTON
CONTRACT FOR GOODS AND
SERVICES**

CONTRACT:

This Contract, made and entered into this _____ day of June 2024, by and between the City of Warrenton, a municipal corporation of the State of Oregon, hereinafter called "CITY," and LGSONIC., hereinafter called "CONTRACTOR", duly authorized to do business in Oregon.

WITNESSETH

WHEREAS, the CITY requires goods and services which CONTRACTOR is capable of providing, under terms and conditions hereinafter described; and

WHEREAS, CONTRACTOR is able and prepared to provide such goods and services as CITY does hereinafter require, under those terms and conditions set forth; now, therefore,

IN CONSIDERATION of those mutual promises and the terms and conditions set forth hereafter, the parties agree as follows:

1. CONTRACTOR GOODS AND SERVICES: (Title: Ultrasonic Algae Control for Raw Water Reservoir)
 - A. CONTRACTOR shall provide goods and services for the CITY, as outlined in its attached quote, dated March 29, 2024, and is attached hereto as Exhibit A.
 - B. CONTRACTOR'S obligations are defined solely by this Contract, the RFP, or solicitation document, (if any) and its attachment and not by any other contract or agreement that may be associated with this project.
2. COMPENSATION
 - A. The CITY agrees to pay CONTRACTOR a total not-to-exceed price of \$52,300.00 for providing goods and performance of those services provided herein;
 - B. The CONTRACTOR will submit a final invoice for all goods provided or services rendered to: the City of Warrenton, Attention: Accounts Payable, PO Box 250, Warrenton, Oregon 97146, **OR**, CONSULTANT may submit the invoice via email to ap@warrentonoregon.us. The city pays net 21 upon receipt of invoice.
 - C. CITY certifies that sufficient funds are available and authorized for expenditure to finance costs of this Contract.
3. CONTRACTOR IDENTIFICATION

CONTRACTOR shall furnish to the CITY the CONTRACTOR'S employer identification number, as designated by the Internal Revenue Service, or CONTRACTOR'S Social Security number, as CITY deems applicable.

4. CITY'S REPRESENTATIVE

For purposes hereof, the CITY'S authorized representative will be City Manager.

5. CONTRACTOR'S REPRESENTATIVE

For purposes hereof, the CONTRACTOR'S authorized representative will be Ally Barry.

6. CONTRACTOR IS INDEPENDENT CONTRACTOR

- A. CONTRACTOR'S services shall be provided under the general supervision of City's project director or his designee, but CONTRACTOR shall be an independent CONTRACTOR for all purposes and shall be entitled to no compensation other than the compensation provided for under Section 2 of this Contract,
- B. CONTRACTOR acknowledges that for all purposes related to this contract, CONTRACTOR is and shall be deemed to be an independent CONTRACTOR and not an employee of the CITY, shall not be entitled to benefits of any kind to which an employee of the CITY is entitled and shall be solely responsible for all payments and taxes required by law; and furthermore in the event that CONTRACTOR is found by a court of law or an administrative agency to be an employee of the CITY for any purpose, CITY shall be entitled to offset compensation due, or, to demand repayment of any amounts paid to CONTRACTOR under the terms of the contract, to the full extent of any benefits or other remuneration CONTRACTOR receives (from CITY or third party) as result of said finding and to the full extent of any payments that CITY is required to make (to CONTRACTOR or a third party) as a result of said finding.
- C. The undersigned CONTRACTOR hereby represents that no employee of the City of Warrenton, or any partnership or corporation in which a City of Warrenton employee has an interest, has or will receive any remuneration of any description from the CONTRACTOR, either directly or indirectly, in connection with the letting or performance of this contract, except as specifically declared in writing.

7. CANCELLATION FOR CAUSE

CITY may cancel all or any part of this Contract if CONTRACTOR breaches any of the terms herein or in the event of any of the following: Insolvency of CONTRACTOR; voluntary or involuntary petition in bankruptcy by or against CONTRACTOR; appointment of a receiver or trustee for CONTRACTOR, or any assignment for benefit of creditors of CONTRACTOR. Damages for breach shall be those allowed by Oregon law, reasonable and necessary attorney's fees, and other costs of litigation at trial and upon appeal. CONTRACTOR may likewise cancel all or any part of this contract if CITY breaches any of the terms herein and be therefore entitled to equivalent damages as expressed above for CITY.

8. ACCESS TO RECORDS

CITY shall have access to such books, documents, papers and records of contract as are directly pertinent to this contract for the purposes of making audit, examination, excerpts and transcripts.

9. FORCE MAJEURE

Neither CITY nor CONTRACTOR shall be considered in default because of any delays in completion of responsibilities hereunder due to causes beyond the control and without fault or negligence on the part of the party so disabled provided the party so disabled shall within ten (10) days from the beginning

such delay notify the other party in writing of the causes of delay and its probable extent. Such notification shall not be the basis for a claim for additional compensation.

10. NONWAIVER

The failure of the CITY to insist upon or enforce strict performance by CONTRACTOR of any of the terms of this Contract or to exercise any rights hereunder shall not be construed as a waiver or relinquishment to any extent of its right to assert or rely upon such terms or rights on any future occasion.

11. ATTORNEY'S FEES

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

12. APPLICABLE LAW

The law of the State of Oregon shall govern the validity of this Agreement, its interpretation and performance, and any other claims related to it.

13. CONFLICT BETWEEN TERMS

It is further expressly agreed by and between the parties hereto that should there be any conflict between the terms of this instrument and the proposal of the CONTRACTOR, this instrument shall control and nothing herein shall be considered as an acceptance of the said terms of said proposal conflicting herewith.

14. INDEMNIFICATION

CONTRACTOR agrees to indemnify and hold harmless the CITY, its Officers, and Employees against and from any and all loss, claims, actions, suits, reasonable defense costs, attorney fees and expenses for or on account of injury, bodily or otherwise to, or death of persons, damage to or destruction of property belonging to CITY, contractor, or others resulting from or arising out of CONTRACTOR'S negligent acts, errors or omissions in the supply of goods or performance of services pursuant to this Agreement. This agreement to indemnify applies whether such claims are meritorious or not; provided, however, that if any such liability, settlements, loss, defense costs or expenses result from the concurrent negligence of CONTRACTOR and The CITY this indemnification and agreement to assume defense costs applies only to the extent of the negligence or alleged negligence of the CONTRACTOR.

15. INSURANCE

Prior to starting work hereunder, CONTRACTOR, at CONTRACTOR'S cost, shall secure and continue to carry during the term of this contract, with an insurance company acceptable to CITY, the following insurance:

- A. **Commercial General Liability.** Contractor shall obtain, at Contractor's expense and keep in effect during the term of this Contract, Commercial General Liability Insurance covering bodily injury and property damage with limits of not less than \$1,000,000 per occurrence and the annual aggregate of not less than \$2,000,000. Coverage shall include contractors, subcontractors and anyone directly or indirectly employed by either. This insurance will include personal and Advertising injury liability, products and completed operations. Coverage may be written in combination with Automobile Liability Insurance (with separate limits). Coverage will be written on an occurrence basis. If written in conjunction with Automobile Liability the

combined single limit per occurrence will not be less than \$1,000,000 for each job site or location. Each annual aggregate limit will not be less than \$2,000,000.

- B. **Automobile Liability.** Contract shall obtain, at Contractor's expense and keep in effect during the term of the resulting Contract, Commercial Business Automobile Liability Insurance covering all owned, non-owned, or hired vehicles. This coverage may be written in combination with the Commercial General Liability Insurance (with separate limits). Combined single limit per occurrence will not be less than \$1,000,000, and annual aggregate not less than \$2,000,000.
- C. **Additional Insured.** The liability insurance coverage shall include City and its officers and employees as Additional Insured but only with respect to Contractor's activities to be performed under this Contract. Coverage will be primary and non-contributory with any other insurance and self-insurance. Prior to starting work under this Contract, Contractor shall furnish a certificate to City from each insurance company providing insurance showing that the City is an additional insured, the required coverage is in force, stating policy numbers, dates of expiration and limits of liability, and further stating that such coverage is primary and not contributory.
- D. **Notice of Cancellation or Change.** There will be no cancellation, material change, potential exhaustion of aggregate limits or non-renewal of insurance coverage(s) without thirty (30) days written notice from Contractor or its insurer(s) to City. Any failure to comply with the reporting provisions of this clause will constitute a material breach of this Contract and will be grounds for immediate termination of this Agreement.

16. WORKMEN'S COMPENSATION

The CONTRACTOR, its subcontractors, if any, and all employers working under this Agreement are either subject employers under the Oregon Workers' Compensation Law and shall comply with ORS 656.017, which requires them to provide workers' compensation coverage for all their subject workers, or are employers that are exempt under ORS 656.126.

17. LABORERS AND MATERIALMEN, CONTRIBUTIONS TO INDUSTRIAL ACCIDENT FUND, LIENS AND WITHHOLDING TAXES

Contractor shall make payment promptly, as due, to all persons supplying CONTRACTOR labor or material for the prosecution of the work provided for this contract.

Contractor shall pay all contributions or amounts due the Industrial Accident Fund from CONTRACTOR or any subcontractor incurred in the performance of the contract.

Contractor shall not permit any lien or claim to be filed or prosecuted against the state, county, school district, municipality, municipal corporation or subdivision thereof, on account of any labor or material furnished.

Contractor shall pay to the Department of Revenue all sums withheld from employees pursuant to ORS 316.167.

18. PAYMENT OF MEDICAL CARE

Contractor shall promptly, as due, make payment to any person, co-partnership, association or corporation, furnishing medical, surgical and hospital care or other needed care and attention, incident to sickness or injury to the employees of such CONTRACTOR, of all sums which the CONTRACTOR

agrees to pay for such services and all moneys and sums which the CONTRACTOR collected or deducted from the wages of employees pursuant to any law, contract or agreement for the purpose of providing or paying for such service.

19. STANDARD OF CARE

The standard of care applicable to contractor's services will be the degree of skill and diligence normally employed by contractors performing the same or similar services at the time CONTRACTOR'S services are performed. CONTRACTOR will re-perform any services not meeting this standard without additional compensation.

20. NO THIRD PARTY BENEFICIARIES

This contract gives no rights or benefits to anyone other than the CITY and CONTRACTOR and has no third party beneficiaries.

21. SEVERABILITY AND SURVIVAL

If any of the provisions contained in this Agreement are held illegal, invalid or unenforceable, the enforceability of the remaining provisions shall not be impaired thereby. Limitations of liability shall survive termination of this Agreement for any cause.

22. COMPLETE CONTRACT

This Contract and its referenced attachments constitute the complete contract between CITY and CONTRACTOR and supersedes all prior written or oral discussions or agreements. CONTRACTOR services are defined solely by this Contract and its attachments and not by any other contract or agreement that may be associated with this Contract.

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

City of Warrenton, a Municipal Corporation

BY: _____
Esther Moberg, City Manager Date

ATTEST:

Dawne Shaw, CMC, City Recorder Date

CONTRACTOR:

BY: _____
Date



Quote

Quote Number: 25071948
Our Reference: Ally Berry
Quote Date: Mar 29, 2024 02:21 PM
Valid Until: Jun 25, 2024
Your Reference: City of Warrenton
Payment Term:

Invoice address:

City of Warrenton
45 SW 2nd Street
Warrenton
Oregon
United States

Delivery address:

Product Code	Product Name	Qty	List Price	Total
10300	MPC-Grid Ultrasonic treatment, water quality sensor package, web-based software package, interactive algae control services*, and a small float * Project service costs for data management, web hosting, server set-up, and interactive algae control services. The first 12 months are included in the price. After 12 months, use can be paid for on a yearly basis: Project service costs of \$6120/year + • MPC-Grid: \$1080/year Plus monthly data usage fee at \$199/mo., quoted for 1-year of use.	1	\$ 44,100.00	\$ 44,100.00
3426	Transport Shipping / Delivery	1	\$ 2,900.00	\$ 2,900.00
87316	Sim Card SIM Card: yearly fee per MPC-Grid	1	\$ 330.00	\$ 330.00
87321	Satellite Communication Starlink Set-Up by LG Sonic	1	\$ 5,000.00	\$ 5,000.00
Sub Total				\$ 52,330.00
Tax				\$ 0.00
Grand Total				\$ 52,330.00

Terms and conditions

* Project service costs for data management, web hosting, server set-up, and interactive algae control services. The first 12 months are included in the price. After 12 months, use can be paid for on a yearly basis:

Project service costs of \$6120/year +
• MPC-Grid: \$1080/year

**Starlink data usage fee is \$199/mo (quote includes 12 months of service)

Payment

- Credit card (VISA / MasterCard / American Express): TILL 10.000 USD + 4% Creditcard Fee
- Wire transfer
- Check payment

Please mention your quote number in your payment details.

Orders are standard being shipped with an Invoice and Packing list. If you require additional export documents please indicate this with your order.

Please transfer payment including the bank charges for successful handling of your order.
All the units are ready to work on AC power supply. If your device will work on DC supply, please let us know so we can prepare it in advance.

Company details

201 Lackawanna Ave. Suite 222
Scranton
Pennsylvania
18503
United States
Tel: +1 833 547 6642
E-mail: g.eiffert@lgsonic.com

Terms and conditions at: www.lgsonic.com/terms

LG Sonic US, LLC

**1326 New Seneca Turnpike Unit A2
Skaneateles, NY 13152**

Sole Source Letter

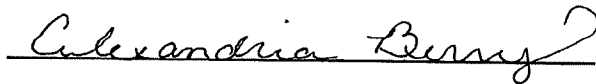
June 12, 2024

To Whom it May Concern:

This letter is to confirm that LG Sonic is the sole supplier and owner of a patented algae control system called the MPC-Buoy. This system has an algorithm that changes treatment frequencies and programs based on the water quality data that is downloaded every 30 minutes. LG Sonic is also the sole owner of the monitoring services provided with this system. There are no similar products available on the market.

The MPC-Buoy and its replacement parts are manufactured by LG Sonic.

You can find more information about our intellectual property at www.lgsonic.com/terms.



Alexandria Berry

Environmental Scientist / Project Manager – LG Sonic US, LLC

585-967-3445

a.berry@lgsonic.com