



## **AGENDA**

CITY COMMISSION OF THE CITY OF WARRENTON  
REGULAR MEETING  
May 14, 2024 – 6:00 P.M.  
Warrenton City Commission Chambers  
225 South Main Avenue, Warrenton, OR 97146

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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 – 4.23.2024
- B. City Commission Work Session Minutes – 4.23.24
- C. Liquor License Application – Big Game Fishing

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](mailto: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**

7. **BUSINESS ITEMS**

- A. Presentation – Recology Rate Review
- B. Consideration of Request for Qualifications – Qualified Pool
- C. Consideration of Ordinance No. 1272; Adding Chapter 6.12 to the WMC To Establish Regulations for Keeping Residential Poultry – Second Reading
- D. Consideration of Ordinance No. 1266; Adding Chapter 8.32 to the WMC to Establish Regulations for Shipping Containers; Second Reading
- E. Consideration of Resolution No. 2672; Revising Planning Application Fees
- F. Consideration of Ordinance No. 1273; Adding Chapter 12.14 to the WMC – Limitation of Liability; Second Reading
- G. Consideration of Resolution No. 2673; Adopting a Statement of Official Intent to Reimburse Capital Expenditures From the Proceeds of a Borrowing Reasonably Expected to be Entered into by the City
- H. Consideration of Resolution No. 2670 and 2671; Authorizing Committee Appointments and Setting Terms of Office; Marinas Advisory Committee & Community Library Board
- I. Consideration of Resolution No. 2669; Establishing Ministorage Fees – Second Reading

**8. DISCUSSION ITEMS**

**9. GOOD OF THE ORDER**

**10. EXECUTIVE SESSION**

**11. ADJOURNMENT**

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

MINUTES  
 Warrenton City Commission  
 April 23 2024  
 6:00 p.m.  
 Warrenton City Hall - Commission Chambers  
 225 S. Main  
 Warrenton, OR 97146

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

Commissioners Present: Mayor Henry Balensifer (via Zoom), Mayor Pro tem Gerald Poe, Paul Mitchell, Tom Dyer, and Mark Baldwin

Staff Present: City Manager Esther Moberg, Planning Director Matthew Ellis, Police Chief Mathew Workman, Fire Chief Brian Alsbury (via zoom), Public Works Director Greg Shafer, and City Recorder Dawne Shaw

CONSENT CALENDAR

- A. City Commission Meeting Minutes – 4.09.2024
- B. City Commission Work Session Minutes – 4.09.2024
- C. Public Works Quarterly Update
- D. Police Department Monthly Report – March 2024
- E. Mission DG ENA Update

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

**Poe – aye; Mitchell – aye; Balensifer – aye; Dyer – aye; Baldwin - aye**

COMMISSIONER REPORTS

Mayor Balensifer noted an update on the FEMA mapping. He stated he will abstain from voting on any further items this evening on the advice of his doctor since he had just come out of anesthesia.

City Manager Esther Moberg asked to add two business items, a Library Board appointment and a contract for police radio/computers; there were no objections.

PUBLIC COMMENT

Linda Gilliga spoke about the chicken ordinance and asked why now?

Eric Avila spoke in regard to the road closure permit for the Fort Stevens project. He showed the commission a layout of the project. It was noted the road closure is on the agenda.

Stacy Byers spoke regarding the chicken ordinance and noted her displeasure with the \$150 fee.

Annalee Altavilla also spoke regarding the chicken ordinance and noted her concerns with the fee.

Evelyn Bigelow spoke regarding the chicken ordinance.

Jessica Gruetter-Morgan also spoke regarding chickens. She noted that she has chickens for stability.

#### PUBLIC HEARINGS - None

#### BUSINESS ITEMS

Matthew Donohue discussed the financials for a Waste Water Treatment Plant General Obligation (GO) Bond. He noted the two estimated project costs (\$12 billion and \$15 billion). Discussion followed on tax rates and assessed value versus real market value, and the potential difficulty of getting the votes for a bond measure. Ms. Moberg noted the goal of the meeting is to present the numbers to the commission. She noted that they are trying to get as much money as possible. She stated the goal is not to increase rates, and to bring in a bond as low as they can. Commissioner Mitchell stated that they need to do a good job informing the community of what happens if they don't do it and what it means financially to them.

Public Works Director Greg Shafer discussed a road closure request for Russell Drive. He noted the closure is to allow for the rehabilitation of the Fort Stevens Historic Guard House. Commissioner Baldwin noted his concerns with fire trucks and school busses being impacted. Brief discussion followed regarding fire trucks and school busses being impacted.

**Commissioner Dyer made the motion to approve the road closure on Russell Drive between Pacific Dr. and 1<sup>st</sup> Avenue between April 29, 2024 and November 9, 2024 for construction on Fort Stevens Historic Guard House. Motion was seconded and passed unanimously.**

**Poe – aye; Mitchell – aye; Balensifer – abstained; Dyer – aye; Baldwin – aye**

Mr. Shafer presented an agreement amendment for the Safe Routes to School (SRTS) Project. He noted the need to terminate the current agreement due to the the city not being able to admister a federal earmark grant. He noted that the project team met with Oregon Department of Transportatin (ODOT) and they will be able to manage the project. Commissioner Baldwin asked how much the ODOT will receive for managing the project; Ms. Moberg stated they will receive funds for project management and that she does not have the number but will get it to the commissioners. Commissioner Baldwin noted his concerns with the cost of paying ODOT for project management.

**Commissioner Baldwin made the motion to approve Amendment Number 02, Safe Routes to School Agreement – Warrenton Grade to High School Main Avenue Safe Walkway Project (Phase 2) Agreement No. SRTS23-20 which results in terminating the agreement in its entirety. Motion was seconded and passed unanimously.**

**Poe – aye; Mitchell – aye; Balensifer – abstained; Dyer – aye; Baldwin – aye**

#### MINUTES

Planning Director Matthew Ellis presented Ordinance No. 1272 for its second reading and adoption. He briefly reviewed the rules and regulations the ordinance establishes for the keeping of poultry. Commissioner Baldwin reiterated his concerns with the vague definition of supervision in the ordinance. Mayor Balensifer noted for the records that some of the most aggravated property owner complaints he gets have to do with chickens. Brief discussion followed regarding the cost of the fine.

**Commissioner Dyer made the motion to conduct the second reading, by title only, of Ordinance No. 1272, as amended, an Ordinance adding a new chapter 6.12, to the Warrenton Municipal Code to establish regulations for keeping residential poultry. There was no second.**

**Commissioner Dyer made the motion to table the ordinance until the next meeting. Motion was seconded and passed unanimously.**

**Poe – aye; Mitchell – aye; Balensifer – abstained; Dyer – aye; Baldwin - aye**

Mr. Ellis discussed Ordinance No. 1266, which establishes criteria for shipping containers in residential zones. He noted the updates that have been made to the Ordinance. Commissioner Baldwin noted his concerns with the 3 foot distance from a residential structure. Fire Chief Brian Allsbury noted he does have concerns with the 3 foot distance.

**Commissioner Baldwin made the motion to table this item until the next meeting. Motion was seconded and passed unanimously.**

**Poe – aye; Mitchell – aye; Balensifer – abstained; Dyer – aye; Baldwin – aye**

**Commissioner Baldwin made the motion to table Resolution No. 2666. Motion was seconded.**

Mr. Ellis asked for feedback on the fees, and noted the Planning Application Fee Schedule needs to be updated. Discussion followed on concerns with the \$150 fee and the shipping container permit fee. Brief discussion followed regarding fees and how the cost is determined. There was discussion on the chicken permit fee. Mayor Balensifer noted that the chicken ordinance spent a lot of time with the Planning Commission and someone should look at the Planning Commission's record regarding chickens.

**The motion to table the resolution passed unanimously.**

**Poe – aye; Mitchell – aye; Balensifer – abstained; Dyer – aye; Baldwin - aye**

City Manager Esther Moberg discussed Ordinance No. 1273, an Ordinance Amending the City of Warrenton's Municipal Code to add Chapter 12.14; Limitation of Liability for Certain Claims Arising from the Use of Trails or Structures within Public Easements and Unimproved Rights of Way under ORS 105.668.

**Commissioner Baldwin made the motion to conduct the first reading, by title only, of Ordinance No. 1273, an Ordinance Amending the City of Warrenton's Municipal Code to**

**add Chapter 12.14; Limitation of Liability for Certain Claims Arising from the Use of Trails or Structures within Public Easements and Unimproved Rights of Way under ORS 105.668. Motion was seconded and passed unanimously.**

**Poe – aye; Mitchell – aye; Balensifer – abstained; Dyer – aye; Baldwin – aye**

Mayor Pro Tem Poe conducted the first reading by title only, of Ordinance No. 1273.

Mr. Ellis stated the city was awarded a grant from DLCD for a code audit discussed the appointment of a Residential Code Audit Advisory Committee. Mayor Balensifer noted the committee was originally going to be two Planning Commissioners and two City Commissioners; being Mayor Balensifer and Commisisoner Mitchell; all were in favor.

**Commissioner Baldwin made the motion to direct the Mayor to create and appoint to the Residential Code Audit Advisory Committee. Motion was seconded and passed unanimously.**

**Poe – aye; Mitchell – aye; Balensifer – abstained; Dyer – aye; Baldwin – aye**

Ms. Moberg requested to declare Fire Department Vehicle 2767, a 2005 Chevy Tahoe as surplus.

**Commissioner Mitchell made the motion to declare Vehicle 2767, a 2005 Chevy Tahoe as surplus. Motion was seconded and passed unanimously.**

**Poe – aye; Mitchell – aye; Balensifer – abstained; Dyer – aye; Baldwin – aye**

City Recorder Dawne Shaw noted the resolution setting terms of office on the Budget Committee.

**Commissioner Baldwin made the motion to adopt Resolution No. 2668; authorizing appointments to fill positions on the Warrenton Budget Committee and setting terms of office. Motion was seconded and passed unanimously.**

**Poe – aye; Mitchell – aye; Balensifer – abstained; Dyer – aye; Baldwin – aye**

Ms. Moberg discussed Resolution No. 2669, adoptiong mini storage fees. Discussion followed on the fee amounts. Consensus was to increase the amounts on the large exterior units to \$300 and the large exterior double units to \$600.

**Commissioner Baldwin made the motion to conduct the first reading of Resolution No. 2669; A Resolution Adopting Mini Storage Fees, as amended. Motion was seconded and passed unanimously.**

**Poe – aye; Mitchell – aye; Balensifer – abstained; Dyer – aye; Baldwin – aye**

Mayor Pro Tem Poe conducted the first reading of Resolution No. 2669.

Mayor Pro Tem Poe noted the nomination of Aggie Cooley to the Community Library Board.

MINUTES

Warrenton City Commission

Regular Meeting 4.23.2024

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**Commissioner Baldwin made the motion to appoint Aggie Cooley to position 2 on the Community Library Board. Motion was seconded and passed unanimously.**

**Poe – aye; Mitchell – aye; Balensifer – abstained; Dyer – aye; Baldwin – aye**

Police Chief Mathew Workman discussed a contract for the Mobile Data Computer Project.

**Commissioner Mitchell made the motion to approve the Goods and Services contract between Day Wireless Systems and the City of Warrenton to purchase and install mobile data computers into police vehicles and to have the Mayor sign the contract. Motion was seconded and passed unanimously.**

**Poe – aye; Mitchell – aye; Balensifer – abstained; Dyer – aye; Baldwin – aye**

#### DISCUSSION ITEMS

Stewart Emmons gave a status report on the City Hall Expansion Feasibility Study and reviewed the potential options. He noted that the Police department currently has 2,722 square feet and needs 7,802 square feet. He noted the Fire Department currently has 7,746 square feet and needs 11,960 square feet. Brief discussion followed.

#### GOOD OF THE ORDER

Commissioner Baldwin added comments about the FEMA floodplain maps. He stated that it is incredible unfair.

Commissioner Mitchell echoed Commissioner Baldwin's concerns. He noted his concerns with flood insurance.

Mayor Balensifer made a few more comments on FEMA.

Ms. Moberg noted the floodplain issue is problematic and will bring something to the commission soon. She noted the burn to learn is delayed a week. She thanked North West Parks Alliance for their clean up. She stated that Spruce up Warrenton has started their planning for the 4<sup>th</sup> of July parade.

There being no further business, Mayor Pro tem Poe adjourned the meeting at 8:03 p.m.

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

APPROVED:

ATTEST:

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

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

MINUTES  
 Warrenton City Commission  
 Work Session – April 23, 2024  
 5:15 p.m.  
 Warrenton City Hall - Commission Chambers  
 225 S. Main  
 Warrenton, OR 97146

Mayor Balensifer called the work session to order at 5:15 p.m.

City Commissioners Present: Mayor Pro tem Gerald Poe, Tom Dyer, Mark Baldwin, and Paul Mitchell (arrived at 5:20)

Excused: Mayor Henry Balensifer

Staff Present: City Manager Esther Moberg, Interim Harbormaster Don Beck, Marina Office Assistant Jessica McDonald, Planning Director Matthew Ellis, Deputy City Recorder Hanna Bentley, and City Recorder Dawne Shaw

Marina Advisory Committee Members Present: Lylla Gaebel, Mike Balensifer, Bill Kerr, and Jennifer Fowler (recused)

Jim and Jen Fowler, and designer Judson Moore gave an update to their RFEI design plans for the market and bait shop at the Hammond Marina, as outlined in the meeting packet. After review of the presentation and brief discussion, consensus of both the City Commission and the Marina Advisory Committee was to move forward. It was noted there needs to be another work session, and that a design standard is also needed. The next work session and further design plans will take place in 6-8 weeks.

At 5:50 p.m., Mayor Pro tem Poe adjourned the work session.

APPROVED:

ATTEST:

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

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





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**WARRENTON POLICE DEPARTMENT  
OFFICE MEMORANDUM**

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TO:           **DAWNE SHAW, CITY RECORDER**

FROM:       **MATHEW J. WORKMAN, CHIEF OF POLICE**

DATE:       **MAY 14, 2024**

SUBJECT:   **OLCC LICENSE APPLICATION**

CC:

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I have reviewed the new OLCC Liquor license application for **BIG GAME FISHING (1080 Iredale St.)** as a **“New Outlet – Off Premises.”** I do not find any issues with the applicant (Jennifer Fowler) or the business. I also spoke to the applicant about her plans to sell alcohol to customers.

I do not see an issue at this point and would recommend approval of the application.

# LIQUOR LICENSE APPLICATION

Page 1 of 4

Check the appropriate license request option:

[New Outlet](#) |  [Change of Ownership](#) |  [Greater Privilege](#) |  [Additional Privilege](#)

Select the license type you are applying for.

More information about all license types is available [online](#).

## Full On-Premises

- Commercial
- Caterer
- Public Passenger Carrier
- Other Public Location
- For Profit Private Club
- Nonprofit Private Club

## Winery

- Primary location
- Additional locations:  2nd  3rd  4th  5th

## Brewery

- Primary location
- Additional locations:  2nd  3rd

## Brewery-Public House

- Primary location
- Additional locations:  2nd  3rd

## Grower Sales Privilege

- Primary location
- Additional locations:  2nd  3rd

## Distillery

- Primary location
- Additional tasting locations: (Use the DISTT form [HERE](#))

~~Limited On-Premises~~

Off Premises

Warehouse

Wholesale Malt Beverage and Wine

## LOCAL GOVERNMENT USE ONLY

### LOCAL GOVERNMENT

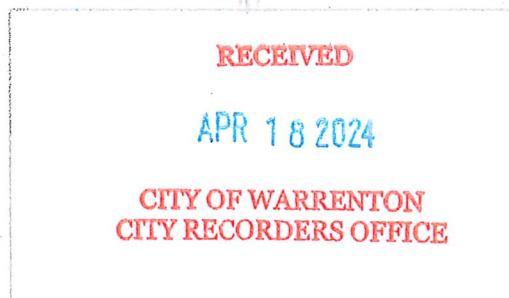
After providing your recommendation, return this form to the applicant **WITH** the recommendation marked below

Name of City OR County (not both)

Please make sure the name of the Local Government is printed legibly or stamped below

Date application received:

Optional: Date Stamp Received Below



- Recommend this license be granted
- Recommend this license be denied
- No Recommendation/Neutral

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Trade Name

# LIQUOR LICENSE APPLICATION

Page 2 of 4

## APPLICANT INFORMATION

Identify the applicants applying for the license. This is the entity (example: corporation or LLC) or individual(s) applying for the license. Please add an additional page if more space is needed.

Name of entity or individual applicant #1:

Big Game Fishing

Name of entity or individual applicant #2:

Jennifer Fowler

Name of entity or individual applicant #3:

James Fowler

Name of entity or individual applicant #4:

## BUSINESS INFORMATION

Trade Name of the Business (name customers will see):

Big Game Fishing

Premises street address (The physical location of the business and where the liquor license will be posted):

1080 Fredale St, #

City:

Hammond

Zip Code:

97121

County:

Clatsop

Business phone number:

971-286-8748

Business email:

Business mailing address (where we will send any items by mail as described in [OAR 845-004-0065111](#)):

City:

Hammond

State:

OR

Zip Code:

97121

Does the business address currently have an OLCC liquor license? Yes  No

Does the business address currently have an OLCC marijuana license? Yes  No

**APPLICATION CONTACT INFORMATION** – Provide the point of contact for this application. If this individual is not an applicant or licensee, the Authorized Representative Form must be completed and submitted with this application.

Application Contact Name:

Jennifer Fowler

Phone number:

971-286-8748

Email:



# OREGON LIQUOR & CANNABIS COMMISSION BUSINESS INFORMATION

Please Print or Type

Applicant Name: Jennifer Fowler Phone: 971-286-8748

Trade Name (dba): Big Game Fishing

Business Location Address: 1080 Iredale St

City: Hammond ZIP Code: 97121

## DAYS AND HOURS OF OPERATION

<b>Business Hours:</b>	<b>Outdoor Area Hours:</b>	<b>The outdoor area is used for:</b>
Sunday <u>5 am</u> to <u>8 pm</u>	Sunday _____ to _____	<input type="checkbox"/> Food service Hours: _____ to _____
Monday _____ to _____	Monday _____ to _____	<input type="checkbox"/> Alcohol service Hours: _____ to _____
Tuesday _____ to _____	Tuesday _____ to _____	<input type="checkbox"/> Enclosed, how _____
Wednesday _____ to _____	Wednesday _____ to _____	The exterior area is adequately viewed and/or supervised by Service Permittees.
Thursday _____ to _____	Thursday _____ to _____	_____ (Investigator's Initials)
Friday _____ to _____	Friday _____ to _____	
Saturday _____ to _____	Saturday _____ to _____	

Seasonal Variations:  Yes  No If yes, explain: We mainly work June-December. Jan-May is intermittent / on-call

## ENTERTAINMENT Check ALL that apply: DAYS & HOURS OF LIVE OR DJ MUSIC

- Live Music
- Recorded Music
- DJ Music
- Dancing Nude Dancing
- Live Entertainment Minor Entertainers
- Karaoke
- Coin-operated Games
- Video Lottery Machines
- Social Gaming
- Pool Tables
- Other: \_\_\_\_\_

\*Minor Entertainers in an area prohibited to minors need prior approval from the OLCC

## SEATING COUNT

Restaurant: \_\_\_\_\_ Outdoor: \_\_\_\_\_ Lounge: \_\_\_\_\_  
 Banquet: \_\_\_\_\_ Other (explain): \_\_\_\_\_ Total Seating: \_\_\_\_\_

**OLCC USE ONLY**

Investigator Verified Seating: \_\_\_\_\_ (Y) \_\_\_\_\_ (N)  
 Investigator Initials: \_\_\_\_\_  
 Date: \_\_\_\_\_

I understand if my answers are not true and complete, the OLCC may deny my license application.

Applicant Signature: Jennifer Fowler Date: 4-4-21

[www.oregon.gov/olcc](http://www.oregon.gov/olcc)

Rev: 2.1.23



## AGENDA MEMORANDUM

TO: The Warrenton City Commission  
FROM: Greg Shafer, Public Works Director  
DATE: May 14, 2024  
SUBJ: Request for Qualifications: Qualified Pool

### SUMMARY

Warrenton Municipal Code § 3.28.090 B. allows for the establishment of a pool of qualified contractors to provide personal services. Public Works seeks to establish such a pool for architectural, engineering, photogrammetric mapping, transportation planning, land surveying and related services pursuant to OAR 137-048-0120. Public Works requests approval to advertise a request for qualifications for this purpose.

### RECOMMENDATION/SUGGESTED MOTION

*"I move to approve the advertisement for a request for qualifications for the establishment of a qualified pool for architectural, engineering, photogrammetric mapping, transportation planning, land surveying and related services."*

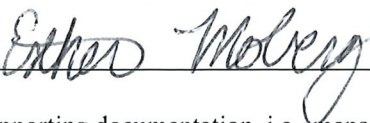
### ALTERNATIVE

- 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.



CITY OF WARRENTON

Request for Qualifications

for

Qualified Pool Lists

May 2024

Prepared by  
City of Warrenton  
Public Works

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## Section 1 – General Information

### 1.01 Proposal Request

One digital copy of the written materials in response to this Request For Qualifications (RFQ) must be submitted no later than the due date of **2:00 P.M. local time on Friday, July 12, 2024**, to Greg Shafer, Public Works Director.

### 1.02 Proposer's Proposal

Proposers responding to this qualification request must follow the directions stated within this RFQ. Adherence to these rules will ensure a fair and objective analysis of the qualifications. Proposals should be prepared simply and economically. Special bindings, colored displays, promotional materials, etc., are not necessary. Emphasis should be on completeness, brevity, and clarity of the content.

Provide a clear and concise description of your firm's capabilities to meet the RFQ requirements. **Proposers must demonstrate prior experience in this type of work within the last five (5) years. All responses must be made in the format outlined in Section 3.** Failure to comply with or complete any part of this request may result in the rejection of your proposal.

### 1.03 Schedule

Advertisement	June 4, 2024
Proposal Due at 2:00 pm	July 12, 2024
Approval of Qualified Pool List	July 24, 2024

\* These dates are approximate and subject to change.

### 1.04 Issuing Office

All correspondence pertaining to this RFQ should be directed to [publicworks@warrentonoregon.us](mailto:publicworks@warrentonoregon.us).

### 1.05 Submitting Proposals

Proposers must submit a digital copy to [bids@warrentonoregon.us](mailto:bids@warrentonoregon.us). Fax submissions will not be accepted. Proposals must be received by the date and time stated in the Schedule. Submittals that are late, incomplete, or misdirected will be considered non-responsive, **with no exceptions**. The City of Warrenton relies on the City's own computer system clock to determine the correct time and is not responsible for any delays or difficulties experienced in the submittal of a Proposal. Please do not wait until the last minute to submit your proposal. **THE LAST DAY FOR QUESTIONS IS THREE (3) BUSINESS DAYS PRIOR TO THE PROPOSAL DUE DATE.**



The proposal shall be clearly marked as follows:

City of Warrenton  
Public Works Department  
Subject: Qualified Pool List

Failure to clearly identify the Proposal in the subject line may cause misrouting of the Proposal and late delivery, resulting in disqualification.

## 1.06 Proposal Withdrawal

Any proposal may be withdrawn at any time before the "Proposal Due" date and time specified in **Section 1.03, Schedule**, by providing a written request for the withdrawal of the proposal to the City. A duly authorized representative of the firm shall execute the request. Withdrawal of a proposal will not prejudice the right of the proposer to file a new proposal on this or future projects.

## 1.07 Rejection or Acceptance of Proposals

The City expressly reserves the following rights to:

- a. Disregard any or all irregularities in the proposals.
- b. Reject any or all of the proposals or portions thereof.
- c. Base award with due regard to quality and timeliness of services, experience, compliance with the RFQ, and other factors as may be necessary under such circumstances.
- d. Reject all proposals and re-advertise at the City's sole discretion.

## 1.08 Qualifications Based Selection

The City will select consultants through a Qualifications Based Selection ("QBS") procedure.

## 1.09 Proposing for Multiple Categories of Work

The City seeks prime consultants for each Category. The City is not seeking comprehensive teams or prime/sub combinations. Proposers may respond to one or more Categories. If responding to multiple Categories:

- A single proposal may be provided.
- The total number of pages for the proposal should not exceed five (5) pages. An additional page can be added for each additional category proposed on.
- Complete your proposal as specified in Section 3.

## 1.10 Multiple Awards, Contract Term and New Proposers

The City intends to award multiple contracts as a result of this RFQ. The City will establish a qualified pool of consultants for each category of work.

This is an opportunity for proposers to be included in qualified pool(s). The City can choose to

terminate qualified pool(s) at any time. The City makes no guarantee as to the size or frequency of task orders assigned under awarded contracts.

The City reserves the right to terminate the contract and/or remove any Consultant not meeting the specifications of this RFQ from the qualified pool.

### 1.11 Public Records

Any material submitted by the proposer shall become the property of the City unless otherwise specified. During the evaluation of proposals and the selection of the Consultant, the proposals shall be confidential. After the selection process has been completed, the proposals shall be open to public inspection. Proposals should not contain any information that the proposers do not wish to become public. If a Proposer believes that any portion of its Proposal contains any information that is a trade secret under ORS Chapter 192.345(2) or otherwise is exempt from disclosure under the Oregon Public Records Law (ORS 192.311 through 192.478), Proposer shall complete and submit the Disclosure Exemption Affidavit (Attachment A) and a fully redacted version of its Proposal. Proposer is cautioned that cost information generally is not considered a trade secret under Oregon Public Records Law (ORS 192.311 through 192.478) and identifying the Proposal, in whole, as exempt from disclosure is not acceptable. City advises each Proposer to consult with its own legal counsel regarding disclosure issues. If Proposer fails to identify the portions of the Proposal that Proposer claims are exempt from disclosure, Proposer has waived any future claim of non-disclosure of that information.

### 1.12 Tax ID Number

Proposals must state the proposer's Federal/State of Oregon Taxpayer Identification Number.

### 1.13 Recycled Products Statement

Proposers shall use recyclable products to the maximum extent economically feasible in the preparation of the proposals, and the selected proposer shall continue the same practice in the performance of the contract work in accordance with ORS 279B.270.

### 1.14 Federal/State/Local Requirements

The selected proposer shall comply with all Federal, State, and local laws, regulations, executive orders and ordinances applicable to the work under this contract, including, without limitation, the provisions of ORS 279B.220, 279B.230, 279B.235, and 279B.270. In addition, proposers agree to comply with:

- a. Title VI of the Civil Rights Act of 1964;
- b. Section V of the Rehabilitation Act of 1973;
- c. The American with Disabilities Act of 1990 and ORS 659.425;
- d. Pay Equity Laws;
- e. All regulations and administrative rules established pursuant to the foregoing laws; and
- f. All other applicable requirements of Federal and State civil rights and rehabilitation statutes, rules and regulations.

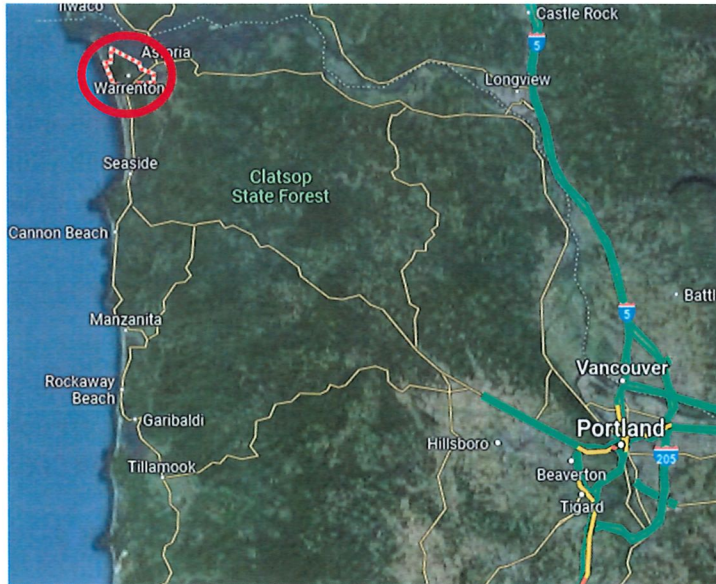
The proposer is subject to the Oregon Worker's Compensation Law and shall comply with ORS 656.017, which requires the provision of Worker's Compensation coverage for all employees working under this contract. The City's programs, services, employment opportunities and volunteer positions are open to all persons without regard to race, religion, color, national origin, sex, age, marital status, disability or political affiliation.

**\*\*\* END OF SECTION ONE \*\*\***

## Section 2 – Scope of Work

### 2.01 General Background

The City of Warrenton is located approximately 90 miles northwest of Portland and 5 miles west of Astoria, on the northwest corner of Clatsop County, Oregon. The City of Warrenton includes the former town of Hammond and encompasses Fort Stevens State Park. The Warrenton Water District extends south to the City of Gearhart. US 101 runs through a network of City, County, and State Roads. The City's population is growing and is currently 6,357.



### 2.02 Invitation

The City has ongoing needs for professional services. These needs include emergencies, development projects, repairs, renovations, new construction projects and supplemental internal staffing. The City will establish a pool of on-call consultants from which to draw as these needs arise.

Therefore, the City of Warrenton, Public Works Department, is requesting proposals from firms qualified and interested in providing professional services to the City on an as-needed basis in the following categories:

- Civil Engineering
- Structural Engineering
- Transportation Engineering
- Traffic Engineering
- System Master Planning
- General Planning Services
- Land Surveying
- Pavement Design

- Project Management Services
- Construction Management Services
- Architectural Services

While the City expects to utilize the pool for many of our engineering and planning needs, the City reserves the right to use the pool, select consultants outside of the pool, or perform work with City staff, in the best interest of the City.

## 2.03 Overview

The Consultant will provide one or more of the Category of services shown in 2.05 below. The City seeks prime consultants for each Category. The City is not seeking comprehensive teams or prime/sub combinations. The work may include but is not limited to: provision of preliminary engineering, final design, budgeting, creating schedules, public involvement planning and facilitation, planning, construction engineering, specification writing or any combination of these services.

## 2.04 Qualifications

Some tasks will require licensed professionals. When required by the City, the selected Consultant shall hold a current State of Oregon license to practice as a Professional Engineer, as awarded by the Oregon State Board of Examiners for Engineering and Land Surveying (OSBEELS).

## 2.05 Category Specific Scopes of Work

### **2.05.1 Civil Engineering**

May include engineering and design services for: land development, site planning, mass grading, storm and sanitary sewer design, utilities design, roadways, ADA facilities, building and systems layout. Schedules shall be prepared and submitted utilizing a Gantt chart format. Consultants shall perform design and drafting work in AutoCAD Civil 3D.

For the purposes of this RFP, sub-disciplines of Civil Engineering include, but are not limited to:

- General engineering
- Fire protection engineering,
- Geotechnical engineering,
- Environmental engineering,
- Hydrology and Hydraulic engineering,
- Water resources engineering,
- Construction engineering,
- Materials science

#### 2.05.2 Structural Engineering

May include but is not limited to: review, analysis, and/or design of existing or proposed City infrastructure. Examples of possible work include commercial, industrial, and residential structural plan review.

#### 2.05.3 Transportation Engineering

May include but is not limited to: engineering and design services for the construction of: roadways, pedestrian and bikeway facilities, drainage, water, and sewer facilities, sound walls, traffic signals, landscaping and irrigation systems, intelligent transportation systems, street lighting and other related facilities within the road Right of Way or easements.

#### 2.05.4 Traffic Engineering

May include but is not limited to: engineering and design services for the construction of pedestrian and bikeway facilities, traffic signals, intelligent transportation systems, street lighting, signing and pavement marking and other related facilities within the road right of way or easements. May include traffic analysis evaluations and/or reviews consistent with the City's Transportation System Plan and ADA/Pedestrian/Bike Route Improvement Plan.

#### 2.05.5 System Master Planning

May include but is not limited to: modeling, data collection, planning, analysis, and cost estimating of existing or proposed City public systems. The City's current system master plans include the following: Parks Master Plan, Water System Mater Plan, Wastewater Facilities Plan, Transportation System Plan, Pavement Management Plan, Stormwater Master Plan, Downtown Master Plan, and Marina Master Plan

#### 2.05.6 General Planning Services

May include but is not limited to: review, analysis, and/or general planning services. Examples include land use, economic development, housing, historic preservation, strategic planning, and urban renewal.

#### 2.05.7 Land Surveying

May include but is not limited to: review, analysis, and/or creating legal descriptions, easements, topo and ALTA surveying, filing records of survey and construction staking.

#### 2.05.8 Pavement Design

May include but is not limited to: review, analysis, and/or design of existing or proposed City pavement infrastructure.

### 2.05.9 Project Management Services

May include but is not limited to: management of specific projects and program management.

### 2.05.10 Architectural Design Services

May include but is not limited to: review, analysis, and/or design of existing or proposed City facilities. Examples may be the Operations Remodel, Maintenance Yard Facility Plan.

## 2.06 City Deliverables

The City will provide the following:

- Project manager responsible for overall project.
- Construction management services (unless the contract specifies that the Consultant will provide them).
- Established design parameters for each project.
- Mapping and design information previously developed, as well as guidelines, policies and regulations to be used in developing design.
- Preparation and submission of applications for required permits (unless the contract specifies that the Consultant will provide them).

## 2.07 Assignment of Work

Work will be assigned based on the following criteria:

- Experience and qualifications for the work;
- Responsiveness, availability and capacity;
- Ability to meet schedule;
- Staff experience, unique knowledge, specialized expertise and qualifications;
- Customer service;
- Quality of work;
- Approach to the work.

The City may select Consultants through a competitive process.

Pricing information will not be considered when evaluating consultants for contracts requiring Qualifications Based Selection, as specified in ORS 279C.110. Some tasks will require negotiation between City and Consultant. City reserves the right to cease negotiations and begin negotiations with another qualified Consultant, in the event negotiations are not successful.

**\*\*\* END OF SECTION TWO \*\*\***

## Section 3 – Proposal Requirements and Evaluation

### 3.01 Proposal Submittal

To receive consideration, submit proposals in accordance with the following instructions:

**Proposals should be prepared simply and economically, providing a straightforward, concise description of proposer's capabilities to satisfy the requirements of the RFQ. Emphasis should be on completeness and clarity of the content.**

The City, at its sole discretion, has the right to negotiate with any or all proposers regarding their proposals. Additionally, the City may reject or accept any or all proposals or parts thereof, submitted in response to this RFQ.

The City recognizes that in the submittal of proposals, certain information is proprietary to the proposer and that the safeguarding of this information is necessary. Accordingly, the City will make every effort to prevent any disclosure of data supplied by any proposer where the proposer identifies those portions of its proposal that are proprietary. See **Section 1.13, Public Records**.

The proposal is due by the date and time identified in Section 1.01. Proposals submitted after this time will not be accepted. See Section 1.05 for more information on the proposal submission.

### 3.02 Incurred Costs

The City is not liable for any costs incurred by proposers in the preparation and/or presentation of their proposals.

### 3.03 Content of Proposals and Evaluation Criteria

All proposals shall include the information identified in the following. The evaluation criteria and maximum possible points are noted for each item of information. An explanation of each item appears immediately in the following sub- sections.

<b>CONTENT AND EVALUATION CRITERIA</b>		<b>MAXIMUM SCORE</b>
1.	Introductory letter	5
2.	Key personnel qualifications	25
3.	Approach to Project Development and Project Management	40
4.	Organizational Structure and Experience	30
<b>TOTAL =</b>		<b>100</b>

The total number of pages for the proposal should not exceed five (5) pages. An additional page can be added for each additional category proposed on. All supplemental information shall be



presented in a separate section at the end of the proposal. Front and back covers, as well as, section dividers are not counted in the page limit requirements. Each page shall be 8-1/2" x 11", unless otherwise noted. When using double-sided printing, each side of the page is counted as one page.

### 3.03.1 Introductory Letter

The introductory letter shall include, but need not be limited to, the following information:

- The name of the firm, as well as, the signature, printed name and title, telephone and fax number of the officer authorized to represent the Consultant in any correspondence, negotiations and sign any contracts that may result.
- The address of the office that will be providing the service, a project manager's name, telephone number, fax number, and e-mail address.
- The Federal and State tax identification numbers, and the State of incorporation, if applicable, must also be included.
- Indicate whether the proposer is a "Resident Bidder" as defined in ORS 279A.120 and provide a statement that the proposal is valid for sixty (60) days after the submission deadline.
- A clear list of the categories for which proposals are being submitted.

The proposer may use this section to introduce the proposal or to summarize the key provisions of the proposal.

### 3.03.2 Key Personnel Qualifications

Provide a statement that portrays how the qualifications and experience of the Consultant's key personnel relate to the described work, and successful projects/familiarity with the City of Warrenton.

Scoring will be based on relevance of the experience, qualifications, and technical competence of Project Manager and key staff.

### 3.03.3 Approach to Project Development and Project Management

Provide a description of your firm's approach to developing and managing City projects and working with a City assigned project manager. How does your firm address critical project milestones, and adjust schedules and resources to meet changing conditions that are often encountered throughout a project?

### 3.03.4 Organizational Structure and Experience

Briefly describe your organization and its history. You may provide an organization chart (not included in the page count) if you wish.

List three projects or contracts in which you provided Engineering Services similar or equal to the services required in 2.05. Provide a reference for each project. Include name, phone number and email address. If proposing for more than one Category, provide a response for each Category proposed.

**\*\*\* END OF SECTION THREE \*\*\***

## APPENDIX A: PROPOSED PROJECTS FOR NEXT FIVE YEARS

Below is a partial list of proposed projects. For more information on the projects noted reference the [Capital Improvement Program](#).

- Water transmission Line Improvements
- Water Line Replacement
- Wastewater Lagoon Decommissioning
- Pump Station Bypass
- Septage Station Equalization
- Sanitation Truck Storage Facility
- Service Truck Shed Repairs
- Sanitation Truck Washout Facility
- Roadway Improvements
- Pedestrian Walkway Improvements
- New Roadway Construction
- Curb and Sidewalk Upgrades
- Crosswalk Design & Construction
- Street Drainage Improvements
- Culvert Replacement & Installation
- Storm Drainage Improvement Design
- Tide Gate Replacement, Design & Construction
- Roofing Replacements

## ATTACHMENT A — DISCLOSURE EXEMPTION AFFIDAVIT

\_\_\_\_\_ (Affiant), being first duly sworn under oath, and representing \_\_\_\_\_  
(hereafter "Proposer"), hereby deposes and swears or affirms under penalty of perjury that:

1. I am an employee of the Proposer, I have knowledge of the Request for Qualifications referenced herein, and I have full authority from the Proposer to submit this affidavit and accept the responsibilities stated herein.
2. I am aware that the Proposer has submitted a Proposal, dated on or about \_\_\_\_\_ (the "Proposal"), to the City of Warrenton (City) in response to the *Request for Qualifications, Qualified Pool Lists*, and I am familiar with the contents of the Request for Qualifications and Proposal.
3. I have read and am familiar with the provisions of Oregon's Public Records Law, Oregon Revised Statutes ("ORS") 192.311 through 192.478, and the Uniform Trade Secrets Act as adopted by the State of Oregon, which is set forth in ORS 646.461 through ORS 646.475. I understand that the Proposal is a public record held by a public body and is subject to disclosure under the Oregon Public Records Law unless specifically exempt from disclosure under that law.
4. I have reviewed the information contained in the Proposal. The Proposer believes the information listed in Exhibit A is exempt from public disclosure (collectively, the "Exempt Information"), which is incorporated herein by this reference. It is my opinion that the Exempt Information is exempt from disclosure under Oregon's Public Records Law under the specifically designated sections as set forth in Exhibit A or constitutes "Trade Secrets" under either the Oregon Public Records Law or the Uniform Trade Secrets Act as adopted in Oregon because that information is either:
  - A. A formula, plan, pattern, process, tool, mechanism, compound, procedure, production data, or compilation of information that:
    - i. is not patented,
    - ii. is known only to certain individuals within the Proposer's organization and that is used in a business the Proposer conducts,
    - iii. has actual or potential commercial value, and
    - iv. gives its user an opportunity to obtain a business advantage over competitors who do not know or use it.

or

  - B. Information, including a drawing, cost data, customer list, formula, pattern, compilation, program, device, method, technique or process that:
    - i. Derives independent economic value, actual or potential, from not being generally known to the public or to other persons who can obtain economic value from its disclosure or use; and
    - ii. Is the subject of efforts by the Proposer that are reasonable under the circumstances to maintain its secrecy.
5. I understand that disclosure of the information referenced in Exhibit A may depend on official or judicial determinations made in accordance with the Public Records Law.

\_\_\_\_\_

Affiant's Signature

State of Oregon)

) ss:

County of \_\_\_\_\_)

Signed and sworn to before me on \_\_\_\_\_ (date) by \_\_\_\_\_ (Affiant's name).

\_\_\_\_\_

Notary Public for the State of \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

## **EXHIBIT A TO ATTACHMENT B**

Proposer identifies the following information as exempt from public disclosure under the following designated exemption(s):



## AGENDA MEMORANDUM

TO: Warrenton City Commission  
 FROM: Matthew Ellis, AICP, Planning Director  
 DATE: May 14, 2024  
 SUBJ: Keeping of Residential Fowl

### SUMMARY:

The Planning Commission was advised by Planning staff regarding the establishment of rules and regulations for the keeping of poultry on residentially zoned property in the City of Warrenton.

The proposed code revision would establish definitions, a maximum number of licensed poultry, and a permit requirement. Placement would be allowed in residential zones (R-40, R-10, R-M & R-H) subject to setback requirements.

The first reading of this ordinance was done on April 9. Based on following discussion and public comment, staff is proposing the ordinance without a permit requirement.

### RECOMMENDATION/SUGGESTED MOTION:

*"I move to conduct the second reading, by title only, of Ordinance No 1272, AN ORDINANCE ADDING A NEW CHAPTER 6.12 TO THE WARRENTON MUNICIPAL CODE TO ESTABLISH REGULATIONS FOR KEEPING RESIDENTIAL POULTRY."*

*"I move to adopt Ordinance No 1272, AN ORDINANCE ADDING A NEW CHAPTER 6.12 TO THE WARRENTON MUNICIPAL CODE TO ESTABLISH REGULATIONS FOR KEEPING RESIDENTIAL POULTRY."*

### FISCAL IMPACT

There are no fiscal impacts of the proposed code ordinance.

Approved by City Manager: \_\_\_\_\_

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

ORDINANCE NO. 1272  
INTRODUCED BY ALL COMMISSIONERS

**AN ORDINANCE ADDING A NEW CHAPTER 6.12 TO THE WARRENTON  
MUNICIPAL CODE TO ESTABLISH REGULATIONS FOR KEEPING  
RESIDENTIAL POULTRY**

**WHEREAS**, the public interest and welfare necessitate the reasonable regulation of keeping poultry on residential properties within the City of Warrenton; and

**WHEREAS**, the current City code does not provide such regulations, and as such the keeping of poultry in the City has to this point been entirely unregulated;

**NOW THEREFORE**, the City of Warrenton ordains as follows:

**Section 1.** A new Chapter 6.12 is hereby added to the Warrenton Municipal Code as follows:

**Chapter 6.12 Keeping of Residential Poultry**

**6.12.010 Purpose.**

The purpose of this chapter is to establish rules and regulations for the keeping of fowl on residentially zoned property.

**6.12.020 Definitions.**

As used in this chapter:

“Direct supervision” means to be physically present or within an immediate distance and available to respond to the needs of the residential poultry.

“Hen” means female residential poultry more than twelve (12) weeks in age.

“Residential Poultry” means small fowl, limited to chickens, quail, and partridges, kept in a residential setting.

“Rooster” means male residential poultry more than twelve (12) weeks in age.

**6.12.030 Number of residential poultry allowed.**

- A. Up to twelve (12) hens are allowed.
- B. No roosters are allowed.
- C. Chicks up to twelve (12) weeks old are allowed indoors and are not subject to the limitations of (A) or (B) above.

**6.12.040 General requirements.**



- A. Residential poultry are only allowed on property that is occupied by a detached single-family dwelling.
- B. Residential poultry are only allowed on property that is the principal residence of the owner of the residential poultry.
- C. Between sunset and sunrise, residential poultry must be kept within a secure enclosure. Between sunrise and sunset, residential poultry must be kept within a secure enclosure unless under direct supervision within a fenced yard. Allowing residential poultry to enter adjoining properties is prohibited.
- D. Residential poultry enclosures.
  - 1. Enclosures must be at least ten (10) feet from the property line and at least twenty-five (25) feet from any dwelling unit on an abutting property.
  - 2. Enclosures must be kept clean, dry, in good repair and not cause an unreasonably offensive or annoying odor.
  - 3. Enclosures must be designed to prevent the entry of rodents and predators and must effectively contain and protect the residential poultry.
  - 4. Enclosures must be designed so they are not a breeding place or likely breeding place for rodents, flies or other pests.
- E. Residential poultry must be kept for personal, non-commercial or wholesale use only. Sales may only be farmer to consumer direct per Oregon Shell Egg Producer regulations. No person allowed to keep residential poultry under this chapter may engage in residential poultry breeding or fertilizer production for commercial purposes. The roadside sale of eggs may be allowed from roads owned by the City of Warrenton.

**6.12.050 Penalties.**

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

- A. Violation of this chapter shall be punishable by a fine not less than \$250, except that keeping of residential poultry without a license shall be punishable by a fine not to exceed \$1,000.
- B. Each violation of a separate provision of this chapter shall constitute a separate violation, and each day that a violation of this chapter is committed or permitted to continue constitutes a separate violation.

**6.12.060 Rules.**

The City Manager is authorized to adopt rules to implement this chapter.

**Section 2.** This ordinance shall take full force and effect 30 days after its adoption by the Commission of the City of Warrenton.

**First Reading:** April 9, 2024

**Second Reading:**

ADOPTED by the City Commission of the City of Warrenton, Oregon this \_\_\_\_ day of \_\_\_\_\_, 2024.

APPROVED:

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

ATTEST:

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



## AGENDA MEMORANDUM

TO: Warrenton City Commission  
 FROM: Matthew Ellis, AICP, Planning Director  
 DATE: May 14, 2024  
 SUBJ: Shipping Container Ordinance No. 1266

### SUMMARY:

The City of Warrenton Planning Commission was advised by City staff regarding the adoption of Ordinance No. 1266 to establish review criteria for shipping containers in residential zones. A hearing was held by the Planning Commission on January 11, 2024, to discuss this proposed ordinance and allow for public testimony.

The proposed code revision would establish a permit requirement, allowable locations, and general placement and use standards. Shipping containers would be regulated where the use of the property is primarily residential.

The first reading of this ordinance was tabled at the April 23 City Commission meeting. Staff is bringing back this ordinance based on the feedback received during previous discussions, including allowable materials and temporary uses.

### RECOMMENDATION/SUGGESTED MOTION:

*"I move to conduct the first 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."*

### FISCAL IMPACT

There are no fiscal impacts of the proposed code ordinance.

Approved by City Manager: \_\_\_\_\_

*Esther Weberg*

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

ORDINANCE NO. 1266  
INTRODUCED BY ALL COMMISSIONERS

**AN ORDINANCE ADDING A NEW CHAPTER 8.32 TO THE WARRENTON  
MUNICIPAL CODE TO ESTABLISH REGULATIONS FOR SHIPPING  
CONTAINERS**

**WHEREAS**, the public interest and welfare necessitate that the use of shipping containers on properties within the City of Warrenton be subject to reasonable regulations; and

**WHEREAS**, the current City code does not provide such regulations, and as such the use of shipping containers in the City has to this point been entirely unregulated;

**NOW THEREFORE**, the City of Warrenton ordains as follows:

**Section 1.** A new Chapter 8.32 is hereby added to the Warrenton Municipal Code as follows:

**Chapter 8.32**

**8.32.010 Purpose.**

The purpose of this chapter is to establish regulations pertinent to the use of shipping containers on properties within the City of Warrenton to protect public health, safety, and welfare against unkempt, unsightly, unsafe, and otherwise undesirable uses of shipping containers. The regulations are intended to protect the community from adverse effects on the value, utility, and habitability of property, including on adjoining and nearby properties. Through this chapter, the City intends to provide regulations that will enhance the character, livability, appearance, and the social, economic, and environmental conditions of the community.

**8.32.020 Administration.**

The regulations set forth in this chapter shall be administered by the Planning Director or their designee. The Planning Director is authorized to adopt such forms and administrative rules as may be necessary or appropriate to implement the regulations set forth herein.

**8.32.030 Definitions.**

"Shipping container." A unit originally designed or currently or previously used for the transport, shipping, or hauling of materials or goods by land, sea, or air, capable of

being moved or mounted by rail, truck, or boat, or designed to resemble such a unit. This definition includes seagoing or oceangoing containers marked with the American Bureau of Shipping's emblem or meeting the International Standard Organization's standards, which can be detached from a trailer, chassis, or frame. Shipping containers are also commonly referred to as portable or moving storage unit containers, pods, cargo containers, oceangoing containers, transport containers, and portable moving storage pods.

"Vacant property." Property without any occupied structures.

#### **8.32.040 Permit Required.**

- A. No person shall place, cause to be placed, allow to be placed, or allow to remain in place, a shipping container on any property within the City of Warrenton without first obtaining a permit therefore, and without complying with the regulations set forth in this chapter.
- B. A person seeking to obtain a permit for the placement of a shipping container shall apply to the Planning Department, on a form specified by the Planning Director, and pay an application fee in an amount established by the City Commission by resolution. The application must include at least the following information, in addition to any other information determined by the Planning Director to be necessary for ensuring compliance with the requirements of City code:
  - 1. Site plan
  - 2. Elevations with dimensions of the shipping container
  - 3. Proposed use of the shipping container
  - 4. Demonstration of compliance with the requirements of this chapter

#### **8.32.050 Allowable Locations.**

Shipping containers are prohibited in the R-40, R-10, R-M, and RH zones, and in the CMU zone where the primary use of the property is residential, except as provided in Section 8.32.070. Shipping containers are permitted in the CMU zone where the primary use of the property is commercial and in all other zones subject to the requirements of this chapter.

#### **8.32.060 General Shipping Container Requirements.**

All shipping containers shall comply with the following requirements:

- A. Shipping containers shall be used only for storage of materials or goods, or temporarily placed as an empty structure, and in any case shall only be accessory to the primary use of a principal structure located on the same lot.

- B. Shipping containers shall be placed on concrete, asphalt, or other level, compact, hard surface.
- C. Shipping containers shall be no less than eight (8) feet high, eight (8) feet wide, and ten (10) feet long and no more than ten (10) feet high, eight (8) feet wide, and forty-five (45) feet long, with no alterations to their original manufactured physical dimensions (width, length, and height).
- D. Shipping containers shall be painted a similar color to the building(s) that they are associated with under subsection (A).
- E. Shipping containers shall be protected from rust and corrosion and kept free from holes, breaks, and any other conditions that might permit rain, dampness, or vermin to the interior portions of the walls.
- F. Shipping containers shall not be visible from the public right-of-way nor from adjacent properties used for residential purposes unless the visual impacts of such shipping containers are mitigated by screened fencing or vegetation that meets the standards of Chapter 16.124 of this Code.
- G. Placement of shipping containers shall abide by all setback requirements applicable to the zone in which they are located.
- H. Shipping containers may not be placed within the public right-of-way and may not be placed in such a manner as to obstruct or impair the free and full use of the sidewalk or street by the public and may not be placed in such a manner as to obstruct the view of pedestrians or users of vehicles within the public right of way, or otherwise interfere with the wires, poles or fixtures lawfully maintained thereon.
- I. Shipping containers shall not be placed on vacant property.
- J. Shipping containers shall not be stacked.
- K. Only one (1) shipping container shall be permitted on each lot, except that up to two (2) shipping containers may be permitted on a lot that is one (1) acre or greater in size.

**8.32.070 Temporary Residential Shipping Container Requirements.**

- A. In the R-40, R-10, R-M, and RH zones, and in the CMU zone where the primary use of the property is residential, shipping containers shall comply with either the requirements of subsection (B) or (C) below, in both cases in addition to the requirements in Section 8.32.060, except that such shipping containers need not comply with Section 8.32.060(D) or Section 8.32.060(F).
- B. Temporary Shipping Containers for Moving or Property Improvement.
  - 1. A permit may be issued only on a temporary basis and only once in a calendar year and shall be effective for a maximum of six (6) consecutive months.

2. The shipping container shall be used only for the purposes of temporarily storing or shipping personal property in association with moving or property improvement.
  3. Shipping containers shall be placed on designated driveways when possible but may be exempted from Section 8.32.060(H) when necessary.
  4. The shipping container shall be placed at least three (3) feet away from any residential structure and shall allow for at least five (5) feet of clear access between the shipping container and the property line.
- C. Temporary Shipping Containers for Construction
1. A permit may be issued only on a temporary basis and only in conjunction with an active building permit. The permit shall expire upon expiration or final approval of the building permit or fourteen (14) days after issuance of a certificate of occupancy, whichever occurs first.
  2. The shipping container must be placed on the same lot for which the building permit was issued.
  3. The shipping container must be placed a minimum of five (5) feet away from all adjacent property lines and public rights-of-way.

#### **8.32.080 Shipping Containers as Permanent Structures.**

Nothing in this chapter shall prevent a shipping container from being utilized as a permanent structure, provided that such structure complies with all applicable building codes, City regulations, and City design and development standards.

#### **8.32.090 Transferability.**

Shipping container permits are issued to a specific person for a specific property and are non-transferable and non-assignable to a different person (such as upon sale of the property) or a different property.

#### **8.32.100 Enforcement.**

- A. Any person violating any of the provisions of this chapter shall, upon conviction thereof in the municipal court of the City of Warrenton, be punished by a fine of not less than \$100 and not more than \$1,000.
- B. Each day on which such a violation continues shall constitute a separate violation.
- C. In addition to the other remedies in this section, the City may seek an injunction prohibiting a person from further violation of this chapter.
- D. In any action or suit authorized by this section, the City, if it prevails, shall recover reasonable attorney fees, in addition to the City's costs and disbursements.

**Section 2.** This ordinance shall take full force and effect 30 days after its adoption by the Commission of the City of Warrenton.

**First Reading:**

**Second Reading:**

ADOPTED by the City Commission of the City of Warrenton, Oregon this \_\_\_\_ day of \_\_\_\_\_, 2024.

APPROVED:

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

ATTEST:

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





## AGENDA MEMORANDUM

TO: Warrenton City Commission  
 FROM: Matthew Ellis, AICP, Planning Director  
 DATE: May 14, 2024  
 SUBJ: Updates to the Planning Application Fee Schedule

### SUMMARY

Staff began an assessment of our fee schedule in fall 2023 to ensure we were charging fees in line with our neighboring planning departments. Attached, you will find a proposed fee schedule in addition to the research conducted by the department.

The Planning Commission will discuss these fees during their May 9 meeting. Their recommendations will be forwarded to the City Commission during the staff presentation.

### RECOMMENDATION/SUGGESTED MOTION

*"I move to conduct the first reading, by title only, of Resolution No. 2672, REVISING PLANNING APPLICATION FEES, AND REPEALING RESOLUTION NO. 2519 AND ALL RESOLUTIONS IN CONFLICT."*

### FISCAL IMPACT

There are no fiscal impacts of the proposed code ordinance as fees are paid for permits and/or review services as needed to facilitate development.

Approved by City Manager:

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

RESOLUTION NO. 2672  
INTRODUCED BY ALL COMMISSIONERS

**REVISING PLANNING APPLICATION FEES, AND REPEALING RESOLUTION  
NO. 2519 AND ALL RESOLUTIONS IN CONFLICT**

**WHEREAS**, it is the responsibility of the applicant to defray the cost of processing land use applications; and

**WHEREAS**, the current fees approved by Resolution No. 2519 on September 11, 2018, do not cover the full cost of processing an application, and certain applications and fees for services were not addressed; and

**WHEREAS**, the Planning Department strives to deliver the highest quality customer service for its programs and needs to periodically update the fee schedule to reflect the increased costs of processing applications;

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

**Section 1.** The minimum fees, hereby incorporated by reference and attached as Exhibit A, shall be paid to the City upon the filing of a land use application or request for service. Such fees shall not be refundable.

**Section 2.** The fee schedule shall be updated annually based on the Consumer Price Index (CPI) provided by the US Bureau of Labor Statistics.

**Section 3.** Resolution No. 2519 is hereby repealed, and Resolution No. 2672, Exhibit A: Planning Application Fee Schedule is hereby adopted.

**Section 4.** This resolution shall be in full force and effect on July 1, 2024.

**First Reading:**

**Second Reading:**

ADOPTED by the City Commission of the City of Warrenton, Oregon this \_\_\_\_ day of \_\_\_\_\_, 2024.

APPROVED:

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

ATTEST:

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Dawne Shaw, CMC, City Recorder

Exhibit A Planning Application Fee Schedule Effective July 1, 2024	Amount
Address Assignment (per lot)	\$50
Annexation	\$1,500
Appeals	
Planning Commission	\$500
City Commission	\$500
Comprehensive Plan Amendment	\$2,000
Conditional Use Permit	\$1,000
CRESO Review	AC
Development Code Text Amendment	\$1,500
Engineering Review (Development)	AC
Food Cart Permit	\$200
Floodplain Development Permit	\$350
Grading/Drainage Permit	\$100
Hearings Officer	AC, \$5,000 deposit
Homestay Lodging Permit and Inspection	\$500
Home Occupation – Type II	\$200
Land Use Compatibility Statement (LUCS)	\$75
License to Occupy	\$250
Lot Line Adjustment	\$150
Modification of Approved Plans or Conditions	
Type II	\$500
Type III/Type IV	\$750
Permit Extension	25% of Original Cost, capped at \$500
Recording with Clatsop County Clerk	AC
Pre-Application Conference	\$150
Reinspection	\$50
Residential Structure (Primary and Accessory)	\$150
Rezone	\$2,000
Shipping Container Permit and Inspection	\$150
Sign Review	\$100
Site Design Review	
Food Cart Pod	\$250
Type II	\$500
Type III	
10,000 sf - 20,000 sf	\$1,000

20,001 sf - 30,000 sf	\$1,500
30,001 sf or larger	\$2,000
Street Vacation	
Type II	\$750
Type III	\$1,000
Subdivisions	
Land Partition, Preliminary	\$500
Land Partition, Final	\$250
Plat, Preliminary	\$1,000 + \$50/lot
Plat, Final	\$750
Plat Vacation	\$750
Planned Unit Development	\$1,500 + \$50/lot
Temporary Use/Structure	\$300
Urban Growth Boundary Amendment	\$2,000+AC
Variance	
Class 1 Administrative	\$500
Class 2 Planning Commission	\$1,000
Wetland Significance Determination Amendment	\$1,000 + AC
Wireless Communication Facility	\$3,000 + AC
Zoning Verification Letter	\$150

Notes:

AC stands for Actual Cost

Planning Application Fee Schedule	Current	Proposed
Accessory Dwelling Unit	\$100	
Accessory Structure	\$100	
Address Assignment (Per lot)	\$25	\$50
Annexation	\$1,250	\$1,500
Appeals		
Planning Commission	\$500	No Change
City Commission	\$500	No Change
Code Interpretation	\$250	\$250
Comprehensive Plan Map Amendment	\$2,000	\$1,000+AC
Comprehensive Plan Text Amendment	\$2,000.00	\$1,000+AC
Conditional Use Permit	\$1,000	No Change
CRESO Review	AC	No Change
Development Code Text Amendment	\$1,500.00	\$1,000+AC
Engineering Review (Development)	AC	No Change
Food Cart Permit	\$300 (Temporary Use)	\$200
Floodplain Development Permit	\$350	No Change
Grading/Drainage Permit		\$100
Homestay Lodging Permit and Inspection	\$150	\$500
Hearings Officer	AC, \$5,000 deposit	No Change
Historic Resource Review	\$500	
Home Occupation – Type II	\$350	\$200
Land Use Compatibility Statement (LUCS)	\$50	\$75
License to Occupy	\$150	\$250
Lot Line Adjustment	\$150	No Change
Modification of Approved Plans or Conditions		
Type II	\$400	\$500
Type III/Type IV	\$750	No Change
Non-Conforming Use Review	\$500	
Permit Extension	10% of Original Cost	25% of Original Cost, capped at \$250
Plan Review (Type I) – 2nd Review	\$50	
Pre-Application Conference	\$150	No Change
Reinspection	10% of Original Cost	25% of Original Cost, capped at \$100
Residential Structure Permit Review		\$150
Rezone	\$2,000	\$2,000+AC
Shipping Container Design Review		\$300
Sign Review	\$300	\$100

Site Design Review		
Food Cart Pod	\$500 (Type II)	\$250
Type II	\$500	\$500
Type III		
10,000 sf - 20,000 sf	\$750	\$1,000
20,001 sf - 30,000 sf	\$1,300	\$1,500
30,001 sf or larger	\$1,750	\$2,000
Street Vacation		
Type II	\$750	No Change
Type III	\$1,000	No Change
Subdivisions		
Land Partition	\$600	\$500
Planned Unit Development	\$1500+50/lot	No Change
Plat, Preliminary	\$750+30/lot	\$1,000 +50/lot
Plat, Final	\$500	\$750
Plat Vacation	Same as Plat	No Change
Temporary Use/Structure	\$300	No Change
Urban Growth Boundary Amendment	\$2,000+AC	No Change
Variance		
Class 1 Administrative	\$500	No Change
Class 2 Planning Commission	\$1,250	\$1,000
Wetland Significance Determination Amendment	\$1,000 or AC	No Change
Wireless Communication Facility	\$3,000+AC	No Change
Zoning Verification Letter	\$50	\$150

New	Remove	Charging above average	Charging below average	Charging same				
Land Use Fee Comparison 23-24								
	Astoria	Seaside	Gearhart	Average	Warrenton	Difference	Jay's Proposed	Notes
5% Technology Fee					5% of total permit fees			*not compared to other jurisdictions - check with Jessica Barrett if this is needed? I think the original purpose of this was to cover the cost of the program, but this may be covered by the Building Dept. tech fee
Accessory Dwelling Unit	\$100.00			\$100.00	\$100.00	\$0.00		Not currently used per Jay - should we continue to use or capture in the general site plan review fee?
Accessory Structure Review					\$100.00	\$100.00		Not currently used per Jay - should we continue to use or capture in the general site plan review fee?
Address Assignment (per lot)					\$25.00	\$25.00	\$50.00	
Amendment - Comprehensive Plan (Map)		\$1,400.00	\$3,500.00	\$2,450.00	\$2,000.00	-\$450.00	\$1,000 + AC	
Amendment - Comprehensive Plan (Text)	\$750.00	\$1,400.00	\$3,500.00	\$1,883.33	\$2,000.00	\$116.67	\$1,000 + AC	
Amendment - Urban Growth Boundary					\$2,000 + actual cost			
Amendment - Wetland Significance Determination					\$1,000 or actual cost			
Amendment - Zoning Ordinance / Development Code	\$750.00	\$1,400.00	\$3,500.00	\$1,883.33	\$1,500.00	-\$383.33	\$1,000 + AC	
Annexation			\$3,500.00	\$3,500.00	\$1,250.00	-\$2,250.00	\$1,500.00	
Appeals - Administrative	\$500.00	\$580.00	\$300.00	\$460.00	\$500.00	\$40.00	\$300.00	
Appeals - Planning Commission	\$500.00	\$625.00	\$2,000.00	\$1,041.67	\$500.00	-\$541.67	\$750.00	
Code Interpretation					\$250.00	\$250.00		
Conditional Use Permit - PC	\$500.00	\$675.00	\$2,000.00	\$1,058.33	\$1,000.00	-\$58.33	\$750.00	
CRESO Review (Columbia River Estuary Shorelands)					Actual Cost			
Engineering Review					Actual Cost			**** Cost of a city - appointed Engineer shall be paid for by the applicant(s) / developer"
Floodplain Development Permit		\$40.00		\$40.00	\$350.00	\$310.00		Covers Gail's time \$96.32/hour
Grading, Drainage, Erosion Control	\$110.00			\$110.00		-\$110.00		We need a grade/fill/etc fee.
Hearings Officer					\$5,000 deposit			
Historic Resource Review					\$500.00	\$500.00		No clue what this is for
Home Occupation	\$200.00			\$200.00	\$350.00	\$150.00		
Land Use Compatibility Statement			\$45.00	\$45.00	\$50.00	\$5.00	\$75.00	



License to Occupy						\$150.00	\$150.00	\$250.00	This should be a PW fee for okay to use ROW, not for Planning to decide
Lot Line Adjustment	\$50.00	\$140.00	\$150.00	\$113.33		\$150.00	\$36.67	\$250.00	
Miscellaneous Land Use Request	\$200.00			\$200.00		\$350.00	\$150.00		WE SHOULD NOT HAVE THIS "CATCH ALL" FEE
Modification of Plans or Conditions - Admin	Same as existing permit fee					\$400.00	\$400.00	\$500.00	
Modification of Plans or Conditions - PC						\$750.00	\$750.00	\$750.00	
Non-Conforming Use / Structure Review		\$675.00		\$675.00		\$500.00	-\$175.00		
Partition	\$300 + actual costs		\$2,000 + \$100/lot			\$600.00		\$500.00	If not vacant land, same as with improvements
Partition - Final Plat Review						\$300.00	\$300.00	\$500.00	
Permit Extension Request	\$100.00		\$150.00	\$125.00	10% of original application			25% of application fee	
Plan Review (Type 1) - 2nd Review						\$50.00			*remove and replace with general site plan review
Planned Unit Development	\$5,000 + actual costs	\$670.00		\$670.00	\$1,500 / + \$50 /lot			\$1,500 / + \$50 /lot + AC	
Planned Unit Development - Final Plat Review						\$600.00	\$600.00		
Poultry							\$0.00	\$250.00	*Esther recommended lowering to \$100 to make it more accessible
Pre-Application Conference	\$150.00	\$160.00		\$155.00		\$150.00	-\$5.00		
Reinspection					10% of original fee				We don't have any inspection fees...
Rezone						\$2,000.00	\$2,000.00	\$2,000 + AC	
Shipping Container						\$300.00			
Short Term Rental	\$500.00			\$500.00		\$150.00	-\$350.00	\$250.00	
Short Term Rental - Permit Renewal	\$150.00			\$150.00			-\$150.00	\$50.00	*this needs a code change
Sign Permits			\$100.00	\$100.00		\$300.00	\$200.00		
Site Design Review - Administrative	\$220.00			\$220.00		\$500.00	\$280.00		
Site Design Review - PC (10,000sf - 15,00sf)						\$750.00	\$750.00	\$1,000.00	Combine 10,000-20,000
Site Design Review - PC (15,001sf - 20,000sf)						\$1,000.00	\$1,000.00		
Site Design Review - PC (20,001sf - 25,000sf)						\$1,300.00	\$1,300.00	\$1,500.00	20,001-30,000
Site Design Review - PC (25,001sf - 30,000sf)						\$1,750.00	\$1,750.00		
Site Design Review - PC (30,001sf +)						\$2,500.00	\$2,500.00	\$2,000.00	
Site Design Review - Residential (1st Review)		20% of permit fee	\$50.00	\$50.00			-\$50.00	\$150.00	

Site Design Review - Residential (2nd Review)					\$50.00	\$50.00		I think we should remove this. There's no need for a second review most of the time.
Subdivision	\$500 + \$20/lot + actual cost		\$3,000 + \$100/lot	\$1,750 + \$60/lot	\$750 + \$30/lot + actual costs	\$1,000 + \$30/lot	\$1,000 + 50/lot	
Subdivision - Final Plat					\$500.00	\$500.00	\$750.00	
Temporary Use Type 2	\$100.00	\$670.00		\$385.00	\$300.00	-\$85.00		
Vacation - Plat					\$750 + \$30/lot + actual costs			
Vacation - Street (Planning Commission)		Applicant Records	\$3,000.00		\$1,000.00	\$1,000.00		
Vacation - Street (Simple)	Actual Cost	Applicant Records	\$3,000.00	\$3,000.00	\$750.00	-\$2,250.00		Needs to increase to cover County recording costs
Short Term Rental Inspection (+1 reinspect)		\$40.00		\$40.00		-\$40.00	\$50.00	
Variance - Type 1	\$300.00	\$430.00	\$1,500.00	\$743.33	\$500.00	-\$243.33		
Variance - Type 2	\$500.00	\$670.00	\$1,500.00	\$890.00	\$1,250.00	\$360.00	\$1,000.00	
Wireless Communication Facility	\$3,000.00			\$3,000.00	\$3,000 + actual costs	\$0.00	\$3,500 + AC	
Zoning Verification Letter		\$40.00		\$40.00	\$50.00	\$10.00		



## AGENDA MEMORANDUM

TO: The Warrenton City Commission  
FROM: City Manager, Esther Moberg  
DATE: May 14, 2024  
SUBJ: Second Reading Ordinance No. 1273 Trail Limited Liability

### SUMMARY

ORS 105.668 limits the liability of cities for personal injuries or property damage that arises out of the public's non-motorized use of trails and structures in public easements and unimproved rights of way. ORS 105.668 automatically applies to cities with populations of 500,000 or more. Cities with smaller populations must affirmatively adopt ORS 105.668's protections via either resolution or ordinance. ORS 105.668 also applies to cities' officers/ employees/ and agents; owners of land abutting the public easement or unimproved right of way; and nonprofits and their volunteers who construct and maintain trails and structures in public easements and unimproved rights of way. Adopting ORS 105.668 could encourage landowners to grant easements for the public's use by reducing their risk of liability. It could also encourage nonprofits to assist the City with trail maintenance and construction by reducing their risk of liability.

ORS 105.668 would also expand the City's existing limitations of liability. The recreational immunity provided by ORS 105.682 and ORS 105.688 already apply to the City. However, recreational immunity only protects the City when an individual is injured while engaged in recreational activities. ORS 105.668 applies regardless of the individual's reason for using trails or structures in public easements or unimproved rights of way. Additionally, the Oregon Court of Appeal's recent decision in *Fields v. City of Newport*, 326 Or App 764 (2023), has reduced the reach of cities' recreational immunity/ which could create more

liability for the City. ORS 105.668 could help fill in the gap in recreational immunity left by the Court of Appeal's decision. The Oregon legislature recently passed a bill that is intended to restore recreational immunity. However, adopting ORS 105.668's limitation of liability is still to the City's benefit. ORS 105.668's limitation of liability is not absolute. It will not protect the City if an individual is injured due to gross negligence or reckless/ wanton/ or intentional misconduct.

#### RECOMMENDATION/SUGGESTED MOTION

"I move to conduct the second reading, by title only, of Ordinance No. 1273, AN ORDINANCE AMENDING THE CITY OF WARRENTON'S MUNICIPAL CODE TO ADD CHAPTER 12.14 LIMITATION OF LIABILITY FOR CERTAIN CLAIMS ARISING FROM THE USE OF TRAILS OR STRUCTURES WITHING PUBLIC EASEMENTS AND UNIMPROVED RIGHTS OF WAY UNDER ORS 105.688."

"I move to adopt Ordinance No. 1273."

#### ALTERNATIVE

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

#### FISCAL IMPACT

If not approved, could open the city up to future potential litigation.

Approved by City Manager: \_\_\_\_\_

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

**ORDINANCE NO. 1273  
INTRODUCED BY ALL COMMISSIONERS**

**AN ORDINANCE AMENDING THE CITY OF WARRENTON'S MUNICIPAL CODE  
TO ADD CHAPTER 12.14; LIMITATION OF LIABILITY FOR CERTAIN CLAIMS  
ARISING FROM THE USE OF TRAILS OR STRUCTURES WITHIN PUBLIC  
EASEMENTS AND UNIMPROVED RIGHTS OF WAY UNDER ORS 105.668**

**WHEREAS**, ORS 105.668(2) limits the liability of cities, adjacent property owners, and certain non-profit groups for injuries or property damage that result from the public's non-motorized use of trails or structures that are in a public easement or an unimproved right of way; and

**WHEREAS**, ORS 105.668(3) authorizes cities with populations less than 500,000 to adopt such limitation of liability by ordinance; and

**WHEREAS**, the City of Warrenton's ("the City") population is less than 500,000; and

**WHEREAS**, the City has trails or structures within its public easements and unimproved rights of way that may be used by the public for non-motorized activities such as walking, hiking, or biking; and

**WHEREAS**, the City Commission finds that the City's trails and structures are an important public amenity, that the public's use of such trails or structures is important for the health and enjoyment of the community, and that use should be encouraged; and

**WHEREAS**, the City Commission finds that it is important to protect the City, adjacent property owners, and certain nonprofit groups who provide the public with access to and perform maintenance for such trails and structures so that the public may continue to access such trails and structures; and

**WHEREAS**, the City Commission finds that adopting the limitation of liability in ORS 105.668(2) will provide the City, adjacent property owners, and nonprofit groups with such protection and will encourage the public's continued use of trails and structures in the City's public easements and unimproved rights of way.

**NOW, THEREFORE, THE CITY OF WARRENTON ORDAINS AS FOLLOWS:**

Section 1.     Findings. The above findings are hereby adopted.

Section 2. Limitation on Liability. The City of Warrenton Municipal Code is hereby amended as shown on the attached Exhibit A.

Section 3. Severability. If any provision, section, phrase, or word of this Ordinance or its application to any person or circumstance is held invalid, the invalidity does in affect other provisions that can be given effect without the invalid provision or application.

Section 4. Continued Effect. All other provisions of the Warrenton Municipal Code shall remain unchanged and in full effect.

Section 5. Effective Date. This Ordinance shall be effective on the 30th day following its passage.

**First Reading:**

**Second Reading:**

ADOPTED by the City Commission of the City of Warrenton, Oregon this \_\_\_\_ day of \_\_\_\_\_, 2024.

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

Attest: \_\_\_\_\_  
Dawne Shaw, City Recorder

## EXHIBIT A

### **Chapter 12.14 Limitation of Liability for Certain Claims Arising from the Use of Trails or Structures Within Public Easements and Unimproved Rights of Way Under ORS 105.668**

#### **12.14.010 Definitions.**

As used in this chapter:

- A. "Public easement" means a platted or dedicated easement for public access that is accessible by a user on foot, horseback, bicycle, or other similar conveyance, but does not include a platted or dedicated public access easement over private streets.
- B. "Structures" means improvements in a trail, including, but not limited to, stairs and bridges, that are accessible by a user on foot, on a horse or on a bicycle or other nonmotorized vehicle or conveyance.
- C. "Trail" means a travel way for pedestrians, bicycles, and other non-motorized means of transportation.
- D. "Unimproved right of way" means a platted or dedicated public right of way over which a street, road or highway has not been constructed to the standards and specifications of the City with jurisdiction over the public right of way and for which the City has not expressly accepted responsibility for maintenance.

#### **12.14.020 Liability Limited.**

- A. A personal injury or property damage resulting from use of a trail that is in a public easement or in an unimproved right of way, or from use of structures in the public easement or unimproved right of way, by a user on foot, on a horse or on a bicycle or other nonmotorized vehicle or conveyance does not give rise to a private claim or right of action based on negligence against:
  - 1. The City of Warrenton.
  - 2. The City of Warrenton's officers, employees, or agents to the extent that the officers, employees, or agents are entitled to defense and indemnification under ORS 30.285.
  - 3. The owner of land abutting the public easement or unimproved right of way.
  - 4. A nonprofit corporation and its volunteers for the construction and maintenance of the trail or structures in a public easement or unimproved right of way.
- B. The immunity granted by this section does not extend to:

1. Except as provided by subsection (A)(2) of this section, a person that receives compensation for assistance, services, or advice in relation to conduct that leads to a personal injury or property damage.
2. Personal injury or property damage resulting from gross negligence or from reckless, wanton, or intentional misconduct.
3. An activity for which a person is strictly liable without regard to fault.





# AGENDA MEMORANDUM

TO: The Warrenton City Commission  
 FROM: City Manager, Esther Moberg  
 DATE: May 14, 2024  
 SUBJ: Resolution 2673; Adopting ability to reimburse capital expenditures against future borrowing for Wastewater Treatment Plant

## SUMMARY

A resolution to enact reimbursement for the City Capital project to construct and expand the City’s Wastewater Treatment plant.

## RECOMMENDATION/SUGGESTED MOTION

I move to approve Resolution No. 2673.

## ALTERNATIVE

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

## FISCAL IMPACT

Gives the City of Warrenton the ability to reimburse against issuance of bonds for future capital improvements to and expansion of the City’s Wastewater Treatment Plant.

Approved by City Manager: \_\_\_\_\_

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

## RESOLUTION NO. 2673

### A RESOLUTION ADOPTING A STATEMENT OF OFFICIAL INTENT TO REIMBURSE CAPITAL EXPENDITURES FROM THE PROCEEDS OF A BORROWING REASONABLY EXPECTED TO BE ENTERED INTO BY THE CITY OF WARRENTON

**WHEREAS**, the City of Warrenton, (the “City”) intends to develop, acquire, and construct capital improvements to and expansion of the City’s wastewater treatment plant and system, related capital projects and costs of issuance (collectively, the “Project”), and

**WHEREAS**, the City has already incurred, or intends to incur expenditures relating to the Project, all within the meaning of Treasury Regulations §1.50-2(f)(2), and the Commission of the City desires to declare its intent to finance the Project with the proceeds of tax-exempt obligations (the “Obligations”), the interest on which shall be excluded from gross income under Section 103 of the Internal Revenue Code of 1986, as amended (the “Code”), and to reimburse the City for any expenditures relating to the Project incurred by the City prior to the issuance of the Obligations.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY AS FOLLOWS:**

**Section 1. Reimbursement Resolution.** The City Commission adopts this Resolution as its official intent to allocate from the proceeds of a proposed borrowing reasonably expected to be entered into by the City, capital expenditures made not more than sixty (60) days prior to and following the adoption of this Resolution, to and including the date of the proposed borrowing. Preliminary expenditures in an amount not exceeding 20% of the Obligation proceeds or expenditures which do not exceed the lesser of \$100,000 or 5% of the Obligation proceeds are not subject to the 60 day limitation stated above. Preliminary expenditures include architectural, engineering, surveying, soil testing and similar costs incurred prior to commencement of acquisition, construction or rehabilitation of the Project, other than land acquisition, site preparation and similar costs incident to commencement of construction.

**Section 2. Reimbursement Period.** The City shall make the reimbursement allocation from the proceeds of the borrowing to the sewer/general fund or respective accounts of the City from which the capital expenditures have been made no later than eighteen (18) months after the later of the date of the expenditure or the date that the Project is placed in service, but in no event more than three (3) years after the date of the expenditure. The City acknowledges that such reimbursement from the proceeds of the borrowing may be made only to the extent that all other applicable requirements of Treasury Regulations Section 1.150-2 are met with respect to the tax-exempt borrowing, and hereby directs all City officials and personnel to take such lawful actions as may be necessary or appropriate in order to ensure that such expenditures may be reimbursed from the proceeds of the borrowing to the fullest extent permitted by law.

**Section 3. Description of Project.** The Project includes develop, acquire, and construct capital improvements to and expansion of the City’s wastewater treatment plant and system, related capital projects and costs of issuance (collectively, the “Project”)

**Section 4. Project Cost.** It is anticipated the cost of the Project, including costs incidental thereto, will not exceed \$36,000,000.

**Section 5. Further Action.** The City Manager, or the Finance Director, or any of their designees, acting individually, is hereby authorized to take such further action as is necessary to carry out the intent and purposes hereof in compliance with the applicable provisions of law.

DATED this \_\_\_\_ day of \_\_\_\_\_ 2024.

**CITY OF WARRENTON**

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

ATTEST:

By \_\_\_\_\_  
Dawne Shaw, CMC, City Recorder



# AGENDA MEMORANDUM

TO: The Warrenton City Commission  
 FROM: Hanna Bentley, Deputy City Recorder  
 DATE: May 14, 2024  
 SUBJ: Committee and Board Appointments

## SUMMARY

At the December 12, 2023 meeting, the City Commission made various appointments to the City Advisory Boards and Committees. After these appointments, the Community Library Board was left with one vacancy; this latest appointment will fill the board. Attached are resolutions confirming the appointments and setting the terms of office for the Community Library Board, and also the Marinas Advisory Committee. The remaining board and committee vacancies are as follows:

- Parks Advisory Board, Position 5, term end 12/31/2026

## RECOMMENDATION/SUGGESTED MOTION

"I move to adopt Resolution No. 2670; authorizing appointments to fill positions on the Marinas Advisory Committee and setting terms of office."

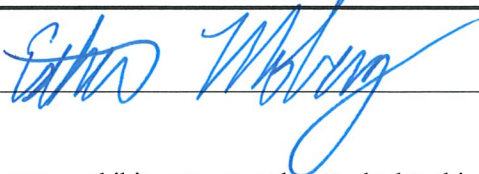
"I move to adopt Resolution No. 2671; authorizing appointments to fill positions on the Warrenton Community Library Board and setting terms of office"

## 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. 2670**

INTRODUCED BY: All Commissioners

**AUTHORIZING APPOINTMENTS TO FILL POSITIONS ON  
THE MARINAS ADVISORY COMMITTEE  
AND SETTING TERMS OF OFFICE**

**BE IT RESOLVED**, by the City Commission that the Marinas Advisory Committee Members and their terms of office are as follows:

Position No. 1	Lylla Gaebel	Term Ending 31, December 2025
Position No. 2	William Kerr	Term Ending 31, December 2025
Position No. 3	Jennifer Fowler	Term Ending 31, December 2025
Position No. 4	Karl "Dick" Hellberg	Term Ending 31, December 2024
Position No. 5	Mike Balensifer	Term Ending 31, December 2024

This Resolution shall take effect immediately upon its passage.

**ADOPTED** by the City Commission of the City of Warrenton, Oregon, this 14<sup>th</sup> day of May, 2024.

**APPROVED:**

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Henry A. Balensifer III, Mayor

**ATTEST:**

---

Dawne Shaw, CMC, City Recorder

**RESOLUTION NO. 2671**

INTRODUCED BY: All Commissioners

**AUTHORIZING APPOINTMENTS TO FILL POSITIONS ON  
THE WARRENTON COMMUNITY LIBRARY BOARD  
AND SETTING TERMS OF OFFICE**

**BE IT RESOLVED**, by the City Commission that the Warrenton Community Library Board Members and their terms of office are as follows:

Position No. 1	Abbie Johnson	Term Ending 31, December 2027
Position No. 2	Aggie Cooley	Term Ending 31, December 2027
Position No. 3	Brenda Atwood	Term Ending 31, December 2024
Position No. 4	Eileen Purcell	Term Ending 31, December 2024
Position No. 5	Karyn Grass	Term Ending 31, December 2025
Position No. 6	Amanda Donovan	Term Ending 31, December 2026
Position No. 7	Andrew Walker	Term Ending 31, December 2026

This Resolution shall take effect immediately upon its passage.

**ADOPTED** by the City Commission of the City of Warrenton, Oregon, this 14<sup>th</sup> day of May, 2024.

**APPROVED:**

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Henry A. Balensifer III, Mayor

**ATTEST:**

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Dawne Shaw, CMC, City Recorder



## AGENDA MEMORANDUM

TO: The Warrenton City Commission  
 FROM: City Manager, Esther Moberg  
 DATE: May 14, 2024  
 SUBJ: Resolution 2669, 2nd reading Mini Storage Fees

### SUMMARY

This is the second reading of Resolution 2669 with the amendment to fees as discussed at the previous City Commission meeting in April. The intent of this resolution is to leverage fees against existing units in order to set a lien on abandoned property and encourage people still in the units to remove their items. The goal of the City is to remove all items from units, get the units back in working order and later this year seek to bring in a new manager of the storage units.

### RECOMMENDATION/SUGGESTED MOTION

I move to adopt Resolution No. 2669, a Resolution Adopting Ministorage Fees, as amended.

### ALTERNATIVE

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

### FISCAL IMPACT

This will help to recover some of the costs the City has incurred from having to take over the mini storage temporarily.

Approved by City Manager: \_\_\_\_\_

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

RESOLUTION NO. 2669

Introduced by All Commissioners

A RESOLUTION ADOPTING MINISTORAGE FEES

WHEREAS, the City of Warrenton (“City”) owns and manages a ministorage facility located at 60 N. Iredale, Warrenton, Oregon; and

WHEREAS, members of the public currently store property in the units within the City’s ministorage facility; and

WHEREAS, the City desires to impose monthly storage fees for the public’s use of the City’s ministorage facility to be applied while the City manages its ministorage facility; and

WHEREAS, pursuant to ORS 294.160, the public had the opportunity to offer comment on the storage fees at the April 23, 2024 and May 14, 2024, Commission meetings.

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 Ministorage Fee Schedule, as shown in Attachment A to this resolution.

Section 2: This resolution shall take effect on the date of its second reading.

Adopted by the City Commission of the City of Warrenton this 14<sup>th</sup> day of May, 2024.

First reading: April 23, 2024  
Second reading: May 14, 2024

APPROVED

ATTEST

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

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



RESOLUTION NO. 2669  
ATTACHMENT A

City-Managed Ministorage Fee Schedule

The following monthly storage fees shall apply to the City's ministorage facility while the ministorage facility is managed by the City:

Large exterior units:	\$250 per month
Large exterior double units:	\$500 per month
Small interior units:	\$100 per month
Small interior double units:	\$200 per month

Monthly storage fees will be prorated for any partial month and may be paid to the City in person or by mail with cash, check, or money order at the Finance Department front desk or 225 S. Main Ave, Warrenton OR, 97146.

Monthly storage fees are due on the first of every month. If monthly storage fees are not paid by the 10th of every month, then a late fee of 5% of the monthly storage fee will be added to the amount due. The City may foreclose upon delinquent units as permitted by Oregon state law.