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# City of Warrenton City Commission

## Agenda

City Hall, 225 S. Main Warrenton, OR 97146

Tuesday, September 10, 2024

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

<https://us02web.zoom.us/j/5332386326?pwd=VHNVVXU5blkxbDZ2YmxlSWpha0dhUT09#success>

Meeting ID: 533 238 6326 | Passcode: 12345 | Dial-in Number: 253-215-8782

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**Public Comment:** To provide public comment, participants should register prior to the meeting. All remarks will be addressed to the whole City Commission and limited to 3 minutes per person. The Commission reserves the right to delay any action, if required, until such time as they are fully informed on a matter. Once your public comment is submitted it becomes part of permanent public record.

You may provide public comment using the following methods:

1. In-person: Complete a public comment card and submit to the City Recorder prior to the start of the meeting.
  2. Via Zoom: Register with the City Recorder, at [cityrecorder@warrentonoregon.us](mailto:cityrecorder@warrentonoregon.us) no later than 3pm the day of the meeting. Please ensure that your zoom name matches the name registered to comment.
  3. Written comments: Submit via e-mail to the City Recorder, at [cityrecorder@warrentonoregon.us](mailto:cityrecorder@warrentonoregon.us), no later than 3:00 p.m. the day of the meeting.
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## City Commission Regular Meeting: 6:00 PM

### 1. Call to order

### 2. Pledge of Allegiance

### 3. Consent Calendar

- A. City Commission Meeting Minutes – 8.27.24
- B. Letter to FEMA on Bi-Op
- C. Port of Astoria - CBP Letter

### 4. Commissioner Reports

### 5. Public Comment

### 6. Public Hearings

- A. Ordinance No. 1279; Amending Chapter 16.68 of Warrenton Comprehensive Plan Correcting the Urban Growth Boundary Map, Adding Related Text, and Recommending Zoning Districts

### 7. Business items

- A. Consideration of Ordinance No. 1267; Establishing a Cap on the Number of Mini Storage Sites – Second Reading and Adoption
- B. Consideration of Ordinance No. 1277; Commercial Industrial Zone – Second Reading and Adoption

- C. Consideration of Resolution No. 2690; Planning Application Fee Schedule Modification – Second Reading and Adoption
- D. Consideration of Resolution No. 2679; New Land Uses to Transportation SDC Schedule – Second Reading and Adoption
- E. Consideration of Road Closure – S. Main Court; Safety Fair
- F. Consideration of Collective Bargaining Agreement – General Unit/AFSCME

**8. Discussion Items**

**9. Good of the Order**

**10. Executive Session**

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

**11. Adjournment**

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



**City of Warrenton City Commission**  
**Meeting Minutes**  
**City Hall, 225 S. Main Warrenton, OR 97146**  
**Tuesday, August 27, 2024**

At 5:00 pm, prior to the regular meeting, the City Commission held an Executive Session, *under the authority of ORS 192.660(2)(h); to consult with counsel regarding pending litigation or litigation likely to be filed.*

1. **City Commission meeting called to order at 6:09 pm.**
2. **Pledge of Allegiance**

<b>Commission Members</b>	<b>Present</b>	<b>Excused</b>
Gerald Poe	X	
Jessica Sollaccio (Via Zoom)	X	
Tom Dyer	X	
Paul Mitchell	X	
Henry Balensifer, Mayor	X	

<b>Staff Members Present</b>	
City Manager Esther Moberg	Police Chief Mathew Workman
Planning Director Matthew Ellis	Public Works Director Greg Shafer
City Recorder Dawne Shaw	Fire Chief Brian Alsbury

3. **Consent Calendar**

\*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.

- A. City Commission Meeting Minutes – 8.13.2024
- B. Parks Advisory Board Meeting Minutes – 4.8.2024
- C. Police Department Monthly Report – July 2024

<b>Motion:</b>	Move to approve the consent calendar as provided.				
<b>Moved:</b>	Mitchell				
<b>Seconded:</b>	Dyer	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>	<b>Recused</b>
<b>Vote:</b>	Poe	X			
	Sollaccio	X			
	Dyer	X			
	Mitchell	X			
	Balensifer	X			
<b>Passed:</b>	5/0				

4. **Commissioner Reports**

Mayor Balensifer noted he spoke at the Chamber breakfast and reiterated his state of the city address. He asked Fire Chief Brian Alsbury a few questions about delayed medical responses from Medix; Chief Alsbury clarified the issues noting they have less staff and fewer vehicles within the response area. There was brief discussion on what staff plans to do if Medix was to no longer provide services.

## **5. Public Comment**

Katrina Smith, Steven Goldberg, Faye Katka, Nathan Tussing, Samuel Sadtler and Bob May all spoke in opposition to the Advanced Financing District (AFD). Nathan Tussing also submitted comment by email.

Josh Stellman spoke on behalf of the developers; he spoke in favor of the AFD. Jason Palmberg spoke about the process that has taken place for the AFD.

Pam Bilyeu inquired about the FEMA floodplain matters. Mayor Balensifer noted he would be happy to follow up with her after the meeting.

## **6. Public Hearing**

### **A. Ordinance No. 1267; Establishing a Cap on the Number of Mini Storage Sites:**

Mayor Balensifer opened the Public Hearing on the matter of establishing a cap on the number of mini storage sites. Formalities followed. No conflicts of interest or ex parte contacts were reported. Planning Director Matthew Ellis presented his staff report noting most of the work was done by the previous Planning Director. Mayor Balensifer noted the number of mini storage units in the City of Warrenton compared to Clatsop County, as outlined in the ordinance and that mini storage does not add to the tax base or job base. Mayor Balensifer asked for public comments. No one spoke in favor or neutral. Nathan Tussing spoke in opposition to the ordinance, noting the benefits of mini storage sites. Donna Lyons also spoke in opposition to the ordinance. Mr. Ellis further discussed the proposed cap. He noted the ordinance is based on an economic opportunities analysis that was done in 2018. He stated the mini storage facilities have a very low tax rate. Mayor Balensifer asked why the cap is as low as it is; Mr. Ellis stated that he was not on staff when the ordinance was written and that the rate was higher, but the Planning Commission wanted to balance different perspectives. There being no further comments, Mayor Balensifer closed the public testimony and the public hearing. Commissioner Mitchell commented on the previous task force in 2019 where they had the original conversation on mini storage and noted the reason, they started it was to protect the downtown corridor. He noted he would rather see a business that benefits the city than putting a business where someone can store their couch. Mayor Balensifer agreed with Commissioner Mitchell that we are only allotted an urban growth boundary of a certain size. He noted a change in the units per person from 1 unit per 2.85 people to 1 unit per 10 people. Commissioner Sollaccio was in agreement. Commissioner Poe noted his concerns and experience with mini storage development.



<b>Motion:</b>	Move to amend Ordinance No. 1267 on section 3 and section 4 excising that the stat does not exceed 1 mini storage unit to 2.85 people and replacing both with does not exceed 1 mini storage unit per 10 people				
<b>Moved:</b>	Mitchell				
<b>Seconded:</b>	Dyer	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>	<b>Recused</b>
<b>Vote:</b>	Poe	X			
	Sollaccio	X			
	Dyer	X			
	Mitchell	X			
	Balensifer	X			
<b>Passed:</b>	5/0				

<b>Motion:</b>	Move to conduct the first reading, by title only, of Ordinance No. 1267 as amended.				
<b>Moved:</b>	Dyer				
<b>Seconded:</b>	Poe	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>	<b>Recused</b>
<b>Vote:</b>	Poe	X			
	Sollaccio	X			
	Dyer	X			
	Mitchell	X			
	Balensifer	X			
<b>Passed:</b>	5/0				

Mayor Balensifer conducted the first reading, by title only, of Ordinance No. 1267; an Ordinance establishing a cap on the number of mini-warehouse sites within the City of Warrenton and amending the Warrenton Development Code.

B. Ordinance No. 1277; Amending Chapter 16.68 of Warrenton Municipal Code; Establishing Regulations for Commercial Industrial Zone:

Mayor Balensifer opened the Public Hearing on the matter of establishing regulations for Commercial Industrial Zone. Formalities followed. Mr. Ellis presented his staff report. Mayor Balensifer asked for public comments. Nathan Tussing spoke in favor. Cindy Yingst spoke in opposition and submitted written comments for the record. Mr. Ellis responded to Ms. Yingst's concerns. There being no further comments, Mayor Balensifer closed the public testimony and hearing. Mayor Balensifer noted his concerns with outright uses as its written and that he thinks places of worship should be a conditional use as well as medical offices and that they should not be allowed to have overnight stays. Mr. Ellis clarified places of worship cannot be required to get a conditional use permit and that medical offices, as it is defined in the code, don't operate differently from other offices. Commissioner Mitchell stated he actually took the time today and called the Chief Executive Officer Thorsen and at no time will there ever be anyone staying there, it will be no different than the Pavilion, which is lab, x-ray, physical therapy, those type of clinics. Mayor Balensifer stated he wants the record to reflect Commissioner Mitchell's comments verbatim. Brief discussion followed on locations that produce smells and how to address smell. There was discussion on how to enforce the smell ordinance and an equal standard of application. Mayor Balensifer asked the

Commission if they are fine with moving forward with the first reading and directing staff to come back with language on smell; all agreed.

<b>Motion:</b>	Move to conduct the first reading, by title only, of Ordinance No. 1277 and directing staff to come back with language on odder and conduct a second reading.				
<b>Moved:</b>	Dyer				
<b>Seconded:</b>	Mitchell	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>	<b>Recused</b>
<b>Vote:</b>	Poe	X			
	Sollaccio	X			
	Dyer	X			
	Mitchell	X			
	Balensifer	X			
<b>Passed:</b>	5/0				

Mayor Balensifer conducted the first reading, by title only, of Ordinance No. 1277; an ordinance amending Chapter 16.68 of the Warrenton Municipal Code to establish regulations for the Commercial Industrial (CI) District.

- C. Ordinance No. 1274; Amending Chapter 16.152 of Warrenton Municipal Code; Modifying Regulations on Grading, Excavating and Erosion Control Plans:

Mayor Balensifer opened the Public Hearing in the matter of modifying regulations on grading, excavating and erosion control plans. Formalities followed. No conflicts of interest or ex parte contacts were reported. City Manager Esther Moberg presented the staff report. Mayor Balensifer asked for public comments. No one spoke in favor. Mark Baldwin spoke in opposition. There being no further comments, Mayor Balensifer closed the public testimony. Discussion followed on the current fill permit process, fill within neighborhoods and how to determine a standard for fill. Ms. Moberg discussed that the ordinance was created with the help of an engineer. Mayor Balensifer noted his thoughts that instead of depths greater than one foot move to what had been discussed prior; having a net elevation. Brief discussion followed on how to create a standard that is applicable to the whole city. Planning Director Matthew Ellis noted that engineers across Oregon and the country have agreed that 12 inches is the maximum amount of fill you could place without making an impact on your neighbors. Mayor Balensifer noted that his issue with the ordinance is flooding and the way the permit process still causes flooding. Ms. Moberg noted that staff is opposed to flooding and trying to find a standard for fill. She noted the ordinance has recommendations coming from an engineer. Mayor Balensifer voiced his concerns with engineers not knowing the area. Ms. Moberg provided clarification on the permit process and the public works department's involvement. Commissioner Dyer noted his concerns with people needing small amounts of fill and requiring a permit.

There was unanimous consent to table the item.

## 7. Business Items

- A. Consideration of Qualified Pool Membership for Professional Service Consultants:

Public Works Director Greg Shafer discussed a list of Qualified Pool Membership for various professional service consultants. He highlighted the importance of the list,

<b>Motion:</b>	Move to approve the Qualified Pool Membership List.				
<b>Moved:</b>	Mitchell				
<b>Seconded:</b>	Dyer	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>	<b>Recused</b>
<b>Vote:</b>	Poe	X			
	Sollaccio	X			
	Dyer	X			
	Mitchell	X			
	Balensifer	X			
<b>Passed:</b>	5/0				

B. Consideration of Resolution No. 2679; New Land Uses to Transportation SDC Schedule:

Mr. Shafer presented his staff report and discussed an update to the Schedule of Land Uses for Transportation System Development Charges (SDC).

<b>Motion:</b>	Move to conduct the first reading, by title only, of Resolution No. 2679.				
<b>Moved:</b>	Dyer				
<b>Seconded:</b>	Poe	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>	<b>Recused</b>
<b>Vote:</b>	Poe	X			
	Sollaccio	X			
	Dyer	X			
	Mitchell	X			
	Balensifer	X			
<b>Passed:</b>	5/0				

Mayor Balensifer conducted the first reading by title only, of Resolution No. 2679; a Resolution updating the schedule for Land Uses for Transportation System Development Charges.

C. Consideration of Resolution No. 2674; SE Jetty Avenue Advanced Finance District:

Ms. Moberg discussed the request Advance Finance District for SE Jetty Avenue and summarized the process that has taken place. Mayor Balensifer stated that he looked through the record on this and noted the only thing the commission was considering was an LID, not an AFD, and noted the differences between the two. Discussion followed on the requirements to connect and the requirements within the city code. Commissioner Mitchell asked why the landowner is benefiting from this by having people that are being forced to connect pay. Ms. Moberg noted her statement is neutral but when a city develops infrastructure, they make people connect, when a private contractor puts it in the city sees it as an advantage and it adds value to homes when they connect to public infrastructure. Commissioner Mitchell noted his concerns with requiring people to connect. Commissioner Sollaccio asked what their options are moving forward; Ms. Moberg noted their decision is to accept the AFD or reject it. Ms. Moberg noted there is a sewer line running down the street and if there is new development the city code will require that if they are close enough, they will be required to connect. Mayor Balensifer noted that from what he has heard from the people that have come to Morning with the Mayor is that they have not been in opposition

to paying to connect to the sewer, but it seems they are in opposition to how the process works and that they didn't have upfront knowledge of what the cost was before it happened.

<b>Motion:</b>	Move not to approve Resolution No. 2674, A Resolution of The City of Warrenton Designating an Advanced Financing Area of Benefiting Properties for the SE Jetty Avenue Sanitary Sewer Improvements and Directing Staff to Prepare A Reimbursement Agreement With Palmberg Properties, LLC and Latitude 46, LLC for City Commission Approval				
<b>Moved:</b>	Mitchell				
<b>Seconded:</b>	Balensifer	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>	<b>Recused</b>
<b>Vote:</b>	Poe			X	
	Sollaccio	X			
	Dyer	X			
	Mitchell	X			
	Balensifer	X			
<b>Passed:</b>	4/0				

**Mayor Balensifer requested City Recorder Dawne Shaw conduct a roll call vote; Poe – abstain; Sollaccio – aye; Dyer – aye; Mitchell – aye; Balensifer – aye**

D. Consideration of Big Game Fishing Lease:

Ms. Moberg presented a lease between the City of Warrenton and Big Game Fishing LLC/ Jennifer and James Fowler. She noted amendments to the lease in the agenda packet. She noted they requested the length of the lease to be 25 years and that the rent will increase in year 20. Brief discussion followed. Mayor Balensifer asked about the hazardous substances in the prohibited uses section and noted that selling batteries to someone is not a prohibited use; Ms. Moberg noted selling a battery is not a prohibited use and gave an example of a prohibited use. Mr. Fowler asked it to be on the record what the intent is for future transfer/if they should sell their business that the rent won't increase dramatically. Ms. Moberg noted the intent is not to triple the rent and they deliberately lowered it because of their investment in the property. Mayor Balensifer noted that if the tenant plans to transfer the lease the City should provide its plans on whether or not they plan to negotiate the terms of the lease or not. Brief discussion followed. Ms. Moberg noted that staff will add more wording that says the City will notify within 60 days whether or not the City accepts the transfer of ownership and add language that the City should consider it if they meet all criteria, but the City has the right to refuse it.

<b>Motion:</b>	Move to approve the lease with Big Game Fishing as amended by the City Manager.				
<b>Moved:</b>	Mitchell				
<b>Seconded:</b>	Poe	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>	<b>Recused</b>
<b>Vote:</b>	Poe	X			
	Sollaccio	X			
	Dyer	X			
	Mitchell	X			
	Balensifer	X			
<b>Passed:</b>	5/0				

<b>Motion:</b>	Move to approve the yard lease with Big Game Fishing.				
<b>Moved:</b>	Mitchell				
<b>Seconded:</b>	Dyer	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>	<b>Recused</b>
<b>Vote:</b>	Poe	X			
	Sollaccio	X			
	Dyer	X			
	Mitchell	X			
	Balensifer	X			
<b>Passed:</b>	5/0				

E. Consideration of Vehicle Surplus Declaration:

Police Chief Mathew Workman discussed a decommissioned vehicle that was loaned to the Marina for the last several years, noting that it is still running and will be sold on an auction site. He requested that the 2011 Chevrolet Tahoe, 1GLC2E05BR192238, be declared surplus.

<b>Motion:</b>	Move to declare the listed vehicle as surplus and disposed of according to current administrative policies.				
<b>Moved:</b>	Dyer				
<b>Seconded:</b>	Mitchell	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>	<b>Recused</b>
<b>Vote:</b>	Poe	X			
	Sollaccio	X			
	Dyer	X			
	Mitchell	X			
	Balensifer	X			
<b>Passed:</b>	5/0				

Chief Workman discussed the newly designed Police Department patches that he gave to the Commission.

F. Consideration of Resolution No. 2690; Revising Planning Application Fees:

Mr. Ellis reviewed a resolution modifying the Planning Application Fee Schedule. Brief discussion followed.

<b>Motion:</b>	Move to conduct the first reading, by title only, of Resolution No. 2690.				
<b>Moved:</b>	Dyer				
<b>Seconded:</b>	Poe	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>	<b>Recused</b>
<b>Vote:</b>	Poe	X			
	Sollaccio	X			
	Dyer	X			
	Mitchell	X			
	Balensifer	X			
<b>Passed:</b>	5/0				

Mayor Balensifer conducted the first reading, by title only, of Resolution No. 2690; Revising Resolution No. 2672 Planning Application Fees

**8. Discussion Items**

**A. Temporary Camping Zone Discussion:**

Chief Workman discussed the temporary camping zone and asked for guidance from the Commission. He noted that a little over a year ago the commission approved 3 zones that were presented by the previous planning director. He stated that 2 of the zones are unable to be used and have never been used because they were posted with no trespassing by the county. The one zone that can be used is the zone on SE Dolphin behind Dollar Tree and Petco. He noted the zone is a time, place and manor zone. He stated that nobody, to his knowledge, has ever accepted or gone to the zone. He asked the Commission if one zone is fine or if they should look for other zones and come back; Commissioner Mitchell stated he is fine with one zone, Commissioner Dyer stated he would like a back up plan, Commissioner Poe noted we should look for an additional zone, Commissioner Sollaccio stated she is fine with one zone considering the amount of use, and Mayor Balensifer noted he is fine with the one we have, but if staff want to explore another option, he is not opposed to having it as a backup. Ms. Moberg clarified that the majority of the commission wants to wait but she will continue to review.

**9. Good of the Order**

Mayor Balensifer apologized to Mr. Ellis for losing his temper.

Ms. Moberg provided an update on the code compliance officer recruitment; building official opening; and that the Public Works Director is retiring, and staff will begin recruitment which will go live this week. She gave an update on recording meetings/video that will start in January with the intent of allowing the public to watch videos of the meetings after the meeting that will help with public records request and better facilitate public transparency.

**10. Executive Session – Held prior to the regular meeting.**

**11. Adjournment**

There being no further business, Mayor Balensifer adjourned the meeting at 8:53 pm.

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

Approved:

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Henry A. Balensifer III, Mayor

Attest:

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



CITY OF GEARHART



September 6, 2024

Sen. Ron Wyden  
221 Dirksen Senate Office Building  
Washington, DC 20510

Sen. Jeff Merkley  
531 Hart Senate Office Building  
Washington, DC 20510

Rep. Suzanne Bonamici  
2231 Rayburn House Office Building  
Washington, DC 20515

Rep. Val Hoyle  
1620 Longworth House Office Building  
Washington, DC 20515

Rep. Andrea Salinas  
109 Cannon House Office Building  
Washington, DC 20515

Rep. Earl Blumenauer  
1111 Longworth House Office Building  
Washington, DC 20515

Rep. Cliff Bentz  
409 Cannon House Office Building  
Washington, DC 20515

Rep. Lori Chavez-DeRemer  
1722 Longworth House Office Building  
Washington, DC 20515

**RE: FEMA PRE-IMPLEMENTATION COMPLIANCE MEASURES (PICMs) FOR NFIP COMMUNITIES IN OREGON**

Dear Senators and Representatives:

As Chair of the Board of Clatsop County Commissioners, and as mayors of the County's five incorporated cities, we are contacting you to express our collective concern regarding FEMA's Pre-Compliance Implementation Measures (PICMs). We are appreciative of your August 22, 2024 letter to FEMA, but wish to re-emphasize the enormity of the impacts that will occur to *all of our constituents* if the December 1 deadline is not immediately halted. If enacted as currently presented, residential, economic, agricultural and infrastructure development in 31 counties and 239 NFIP communities in the State of Oregon will be severely affected.

The timing and rollout of this mandate is highly questionable and ill-conceived. FEMA had provided local jurisdictions with assurances that no implementation requirements would occur until the NEPA process had been completed and a final EIS issued. The intent of the EIS is to identify the effects of the proposed action and the alternatives. "Effects" are defined as ecological, as well as economic. These effects may also be direct, indirect or cumulative. Until this process has been completed, it is impossible for either FEMA or our jurisdictions to understand the consequences of choosing and implementing a PICM.

Unfortunately, without any formal warning to local communities, Clatsop County, along with its incorporated cities, received notice from FEMA on July 15, 2024, that each jurisdiction must choose a Pre-Compliance Implementation Measure by December 1, 2024. No explanation was provided regarding FEMA's reversal of its previous assurances. It is interesting to note, however, that this new mandate arrived only after litigation was filed against FEMA in 2023, claiming that the agency was not moving implementation forward quickly enough.

Following the July 15 notification, FEMA conducted a series of public workshops at which the information presented changed significantly from what was initially publicized. It soon became clear that not only does a jurisdiction need to choose and report a PICM to FEMA, but the jurisdiction also needs *to implement* the chosen PICM by December 1. This timeframe was clearly not coordinated with the Oregon Department of Land Conservation and Development (DLCD), or by any FEMA attorney with land use experience in the State of Oregon. Every jurisdiction in Clatsop County has codified the NFIP floodplain development standards into their zoning codes. Revising those standards must be done by ordinance, with state-mandated public notices and public hearings. Even though FEMA has stated that jurisdictions that do not either choose and/or implement a PICM by December 1, 2024, will default to a permit-by-permit habitat assessment requirement, our jurisdictions cannot legally implement even the default requirement until our ordinances are amended.

The model ordinance that was released by FEMA on August 14 – nearly one month after jurisdictions were notified of the PICM mandate – is confusing and unclear. In fact, one participant at a FEMA workshop described it as “80%” and asked when the final version would be released. The response from FEMA staff was that this was the final version and jurisdictions would need to incorporate it into their codes. The “model” ordinance has conflicts with information and processes provided in the Habitat Assessment Guide and does not contain sufficient detail for jurisdictions to understand how to apply the requirements. Additionally, the technical support sessions FEMA envisions for local jurisdictions have not yet been scheduled and will not occur in time for our cities and the County to implement by December 1.

FEMA has laid out an enormous unfunded mandate for local jurisdictions and has refused to provide the time or the tools to help jurisdictions succeed. As FEMA staff have repeatedly said “FEMA does not regulate land use. Local communities regulate land use.” While the statement is technically correct, it does not accurately reflect the stick behind the carrot. Yes, local jurisdictions adopt the NFIP standards, therefore regulating land use. We do that, however, to ensure that our residents and business owners can obtain flood insurance and to guarantee that our communities remain eligible for emergency assistance should the need arise. Our communities have all worked in good faith to ensure that we understand and uphold the NFIP requirements. In return, FEMA has now created a no-win situation where jurisdictions will either fall out of compliance and potentially be removed from the program, or where our citizens, who already pay flood insurance premiums, will now be forced to spend thousands of additional dollars to pursue even a minimal level of development/improvement on their properties.

While we continue to support the environmental objective of protecting anadromous fish species and the Southern Resident Killer Whale, we must call out and underscore the flaws of an obviously incomplete implementation plan. The lack of understanding of state land use law, and the clear lack of communication and coordination with DLCD and local communities is both disappointing and consequential.

Furthermore, this process is occurring during a time of unprecedented uncertainty as several competing mandates and state-level changes converge on local jurisdictions in coastal Oregon. This perfect storm, consisting of a housing crisis, debilitating fiscal impacts from the Habitat Conservation Plan, and now the development-prohibitive hurdles created by the PICMs, has produced a confluence of regulation that will have significant impacts on already constrained rural communities.



Instead of reaching out in partnership to the State and local governments, FEMA has staked out an unnecessarily adversarial position with its inexplicable roll-out of the PICM requirements. This process began in 2009 and has already been delayed and postponed several times. Another delay, to allow the NEPA process to be completed and the final EIS to be issued, will ensure that FEMA is upholding the commitments it previously made to jurisdictions when the NEPA review was started.

The PICMs do not provide realistic development alternatives and will, in fact, result in a de facto moratorium on all development within the Special Flood Hazard Area (SFHA) throughout Oregon due to their onerous technical requirements, lack of clear and objective standards, and associated costs for property owners and local governments. Implementation will have direct and far-reaching ramifications on all aspects of the State's economy and will exacerbate Oregon's housing crisis.

This unprecedented combination of unfunded regulations, prohibitions and penalization will place rural communities, particularly the cities of Astoria, Cannon Beach, Gearhart, Seaside and Warrenton, as well as Clatsop County, in a dire position. **For these reasons, we are calling for an immediate halt of the PICM mandate until the NEPA process has been completed and the final EIS has been issued.**

Respectfully,



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Mark Kujala, Chair  
Board of Clatsop County Commissioners

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Sean Fitzpatrick, Mayor  
City of Astoria

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Barb Knop, Mayor  
City of Cannon Beach

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Kerry Smith, Mayor  
City of Gearhart

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Steve Wright, Mayor  
City of Seaside



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Henry A. Balensifer III, Mayor  
City of Warrenton



CITY OF  
GEARHART



September 6, 2024

The Honorable Deanne Criswell  
Administrator  
Federal Emergency Management Agency  
500 C Street SW  
Washington, DC 20024

**RE: FEMA PRE-IMPLEMENTATION COMPLIANCE MEASURES (PICMs) FOR NFIP COMMUNITIES IN OREGON**

Dear Ms. Criswell:

As Chair of the Board of Clatsop County Commissioners, and as mayors of the County's five incorporated cities, we are contacting you to express our collective concern regarding FEMA's Pre-Compliance Implementation Measures (PICMs). The PICMs do not provide realistic development alternatives and will, in fact, result in a de facto moratorium on all development within the Special Flood Hazard Area (SFHA) due their onerous technical requirements, lack of clear and objective standards, and associated costs for property owners and local governments. If enacted as currently presented, cities such as Warrenton will likely see almost all development cease as approximately half of its incorporated area is within the SFHA.

The timing and rollout of this mandate is highly questionable and ill-conceived. FEMA had provided local jurisdictions with assurances that no implementation requirements would occur until the NEPA process had been completed and a final EIS issued. The intent of the EIS is to identify the effects of the proposed action and the alternatives. "Effects" are defined as ecological, as well as economic. These effects may also be direct, indirect or cumulative. Until this process has been completed, it is impossible for either FEMA or our jurisdictions to understand the consequences of choosing and implementing a PICM.

Unfortunately, without any formal warning to local communities, Clatsop County, along with its incorporated cities, received notice from FEMA on July 15, 2024, that each jurisdiction must choose a Pre-Compliance Implementation Measure by December 1, 2024. No explanation was provided regarding FEMA's reversal of its previous assurances. It is interesting to note, however, that this new mandate arrived only after litigation was filed against FEMA in 2023, claiming that the agency was not moving implementation forward quickly enough.

Following the July 15 notification, FEMA conducted a series of public workshops at which the information presented changed significantly from what was initially publicized. It soon became clear that not only does a jurisdiction need to choose and report a PICM to FEMA, but the jurisdiction also needs to *implement* the chosen PICM by December 1. This timeframe was clearly not coordinated with the Oregon Department of Land Conservation and Development (DLCD), or by any FEMA attorney with land use experience in the State of Oregon. Every jurisdiction in Clatsop County has codified the NFIP floodplain development standards into their zoning codes. Revising those standards must be done by ordinance, with state-mandated public notices and public hearings. Even though FEMA has stated that jurisdictions that do not either choose and/or implement a PICM by December 1, 2024, will default to a permit-by-permit

habitat assessment requirement, our jurisdictions cannot legally implement even the default requirement until our ordinances are amended.

The model ordinance that was released by FEMA on August 14 – nearly one month after jurisdictions were notified of the PICM mandate – is confusing and unclear. In fact, one participant at a FEMA workshop described it as “80%” and asked when the final version would be released. The response from FEMA staff was that this was the final version, and jurisdictions would need to incorporate it into their codes. The “model” ordinance has conflicts with information and processes provided in the Habitat Assessment Guide and does not contain sufficient detail for jurisdictions to understand how to apply the requirements. Additionally, the technical support sessions FEMA envisions for local jurisdictions have not yet been scheduled and will not occur in time for our cities and the County to implement by December 1.

FEMA has laid out an enormous unfunded mandate for local jurisdictions and has refused to provide the time or the tools to help jurisdictions succeed. As FEMA staff have repeatedly said “FEMA does not regulate land use. Local communities regulate land use.” While the statement is technically correct, it does not accurately reflect the stick behind the carrot. Yes, local jurisdictions adopt the NFIP standards, therefore regulating land use. We do that, however, to ensure that our residents and business owners can obtain flood insurance and to guarantee that our communities remain eligible for emergency assistance should the need arise. Our communities have all worked in good faith to ensure that we understand and uphold the NFIP requirements. In return, FEMA has now created a no-win situation where jurisdictions will either fall out of compliance and potentially be removed from the program, or where our citizens, who already pay flood insurance premiums, will now be forced to spend thousands of additional dollars to pursue even a minimal level of development/improvement on their properties.

While we continue to support the environmental objective of protecting anadromous fish species and the Southern Resident Killer Whale, we must call out and underscore the flaws of an obviously incomplete implementation plan. The lack of understanding of state land use law, and the clear lack of communication and coordination with DLCD and local communities is both disappointing and consequential.

Furthermore, this process is occurring during a time of unprecedented uncertainty as several competing mandates and state-level changes converge on local jurisdictions in coastal Oregon. This perfect storm, consisting of a housing crisis, debilitating fiscal impacts from the Habitat Conservation Plan, and now the development-prohibitive hurdles created by the PICMs, has produced a confluence of regulation that will have significant impacts on already constrained rural communities.

Instead of reaching out in partnership to the State and local governments, FEMA has staked out an unnecessarily adversarial position with its inexplicable roll-out of the PICM requirements. This process began in 2009 and has already been delayed and postponed several times. Another delay, to allow the NEPA process to be completed and the final EIS to be issued, will ensure that FEMA is upholding the commitments it previously made to jurisdictions when the NEPA review was started.

This unprecedented combination of unfunded regulations, prohibitions and penalization will place rural communities, particularly the cities of Astoria, Cannon Beach, Gearhart, Seaside and Warrenton, as well as Clatsop County, in a dire position. **For these reasons, we are calling for**



**an immediate halt of the PICM mandate until the NEPA process has been completed and the final EIS has been issued.**

Respectfully,



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Mark Kujala, Chair  
Board of Clatsop County Commissioners

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Sean Fitzpatrick, Mayor  
City of Astoria

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Barb Knop, Mayor  
City of Cannon Beach

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Kerry Smith, Mayor  
City of Gearhart

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Steve Wright, Mayor  
City of Seaside



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Henry A. Balensifer III, Mayor  
City of Warrenton



[www.portofastoria.com](http://www.portofastoria.com)

August 23, 2024

PO Box 250  
225 S Main Ave  
Warrenton, OR 97146

Dear Mayor Henry A Balensifer III,

I am writing to request your assistance regarding an urgent matter that significantly impacts the Port of Astoria and Astoria's local and regional economies. In early 2023, U.S. Customs and Border Protection ("CBP") approached the Port with a request to enroll in their Reimbursable Services Program ("RSP"), citing their inability to efficiently process cruise passengers entering the United States from foreign ports. The consequences of CBP's new "Simplified Arrival" policies threaten not only local and regional economies but directly affect the Port's ability to generate the revenues needed to maintain critical Port infrastructure. CBP's inability to efficiently process passengers from foreign ports has proven the reason for numerous cruise ship cancellations in both the 2024 and 2025 cruise ship seasons.

Enrollment in CBP's Reimbursable Services Program requires the following from the Port of Astoria:

- Purchase \$103,441 worth of equipment for ten additional CBP personnel, though CBP in Astoria employs only three;
- Pay approximately \$700 per month for a dedicated high-speed internet connection;
- Pay \$200 per hour for ten additional employees to cover processing duties during larger cruise ship calls. Each of these employees would cost the Port approximately \$2,000 daily for a total of \$20,000 daily for large ship processing.

Though the Port would purchase the equipment through the RSP, CBP explained that the Port would have neither access to nor control of the equipment, though CBP would utilize that equipment on the Port's behalf less than 30 days per year. CBP also intimated that should the Port enroll in the RSP and pay for the new equipment and personnel, CBP could not guarantee improved processing efficiency.

As mentioned, the economic repercussions of CBP's current processing inefficiencies are already manifesting. Cruise lines such as Princess Cruise Lines have canceled several calls, resulting in a significant loss of revenue for the Port and the broader community. The financial impact includes a net revenue loss of \$457,000 for the Port, \$60,700 in lost wages for longshore workers, and an estimated \$340,000 loss for Columbia Bar Pilots. The total community impact could exceed \$2.5 million when considering the local economic multiplier effect outlined by the Cruise Lines International Association.

422 Gateway Avenue, Suite 100 • Astoria, Oregon 97103

503.741.3300 • 1.800.860.4093 • Fax 503.741.3345

9.10.2024 Commission Packet

Page 17 of 46



While the Port understands the critical importance of passenger screening, the current proposal from CBP is neither tenable nor feasible. As enrollment in the RSP offers no guaranteed improvement times, the enrollment cost cannot be defended. As enrollment in the RSP requires the Port to purchase CBP equipment and thereby subsidize a federal agency, it cannot be easily accomplished. A more effective and collaborative solution must be developed – one that does not place 100% of the financial burden on the Port of Astoria and guarantees acceptable processing times.

We are reaching out to request your support in advocating for a more equitable and practical solution. Your support can be shown by signing the supporting statement attached or you can create your own. Your influence and assistance in this matter are crucial to protecting the economic vitality of our Port and community. While we have hosted several meetings with CBP personnel from the local and regional levels, we seek your help initiating a dialogue with CBP to explore alternative solutions that guarantee efficiency improvements without imposing unreasonable financial demands on the Port of Astoria.

This letter, signed by the Port of Astoria's Board of Commissioners, is also supported by local business owners and government administrators who are equally concerned about the economic impacts resulting from CBP's current practices.

Thank you for your attention to this pressing issue. We look forward to your support and can provide any additional information or discuss this matter further at your convenience.

Sincerely,

---

Will Isom  
Port of Astoria, Executive Director

Henry A Balensifer III, Warrenton Mayor

Port of Astoria – Custom Border Protection Issues

To Whom It May Concern,

With this statement, I express my support for the Port of Astoria's call for an immediate change to the new Customs and Border Protection (CBP) procedures for passenger processing and advocate for a more equitable and practical solution to CBP's Simplified Arrival policies and their Reimbursable Services Program. The economic impact of cruise ships on Astoria and the North Pacific coastal area cannot be overstated.

I am confident that the Port of Astoria is eager to find an alternative solution to this matter, as resolution is crucial to protecting the economic vitality of both the Port and the community. I am hopeful that this supporting statement will help initiate a dialogue between CBP and the Port to explore alternative solutions that will ensure efficiency improvements and bring about positive local economic impacts while avoiding such undue financial demands on the Port.

Sincerely,

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Henry A Balensifer III, Warrenton Mayor





# City Commission Agenda Memo

Meeting Date: September 10, 2024  
From: Matthew Ellis, AICP, Planning Director  
Subject: Public Hearing for Ordinance No. 1279

## Summary:

The City Commission directed staff to process an amendment to the Warrenton Comprehensive Plan to reflect a change in the Urban Growth Boundary (UGB) for the property owned by the City of Warrenton adjacent to the Hammond Marina, which was adopted by Ordinance No. 1262. Unfortunately, the adoption of Ordinance No. 1262 was not adopted following the procedures laid out in the Warrenton Municipal Code. Ordinance No. 1279 repeals and replaces Ordinance No. 1262 following the appropriate procedures.

## Recommendation/Suggested Motion:

*"I move to conduct the first reading, by title only, of Ordinance No. 1279, AN ORDINANCE AMENDING THE CITY OF WARRENTON COMPREHENSIVE PLAN CORRECTING THE URBAN GROWTH BOUNDARY MAP, ADDING RELATED TEXT, AND RECOMMENDING ZONING DISTRICTS."*

## Alternative:

*"I move to continue the hearing to a date certain to allow additional public testimony and reconsider Ordinance No. 1279."*

Other action as deemed appropriate by the City Commission

## Fiscal Impact:

N/A

## Attachments:

- Ordinance No. 1279

Approved by City Manager:



ORDINANCE NO. 1279  
INTRODUCED BY ALL COMMISSIONERS

**AN ORDINANCE AMENDING THE CITY OF WARRENTON COMPREHENSIVE  
PLAN CORRECTING THE URBAN GROWTH BOUNDARY MAP, ADDING  
RELATED TEXT, AND RECOMMENDING ZONING DISTRICTS**

**WHEREAS**, the City of Warrenton and the Town of Hammond merged operations in 1991 resulting in the new municipal boundary for the City of Warrenton; and

**WHEREAS**, both the City of Warrenton and the Town of Hammond had approved comprehensive plans that were reviewed by the Oregon Department of Land Conservation and Development (DLCD) and both plans included maps showing the location of areas within an Urban Growth Boundary (UGB); and

**WHEREAS**, residents and elected officials from the newly combined City of Warrenton and the Town of Hammond established joint planning efforts that resulted in a new City of Warrenton Comprehensive Plan fully adopted in 2005 and subsequently amended; and

**WHEREAS**, the 2005 UGB map for the City of Warrenton inadvertently omitted two tracts of land that were part of the Town of Hammond's UGB, resulting in the loss of approximately fifty-eight (58) acres of land being excluded from the new Warrenton UGB area. These tracts are depicted on Exhibit A; and

**WHEREAS**, the City Commission passed a motion on February 14, 2023, authorizing the Warrenton Planning Commission to consider the amendment to the Warrenton Comprehensive Plan and UGB Map correcting the error; and

**WHEREAS**, the Warrenton Planning Commission caused the DLCD to be notified in compliance with Oregon requirements and conducted a public hearing on April 13, 2023, where the following public comments were entered into the record

1. No written or verbal comments were received in opposition or support of the request.

**WHEREAS**, The Planning Commission made the following findings of fact related to the request:

1. The UGB area consists of two tracts – a northerly tract of approximately 13.9 acres and a westerly tract of approximately 43.1 acres of land.
2. The northern tract is owned by the City of Warrenton and is pending annexation. The current Clatsop County zoning is RM (Recreation Management) The proposed zoning for the tract is RC (Recreation Commercial) and OSI (Open Space Institutional).
3. The northerly tract site is currently used for Hammond Marina operations and as a public open space known as Seafarers Park.
4. The westerly tract is owned by the government of the United States and is currently part of the Fort Stevens Park and recreation area. This site is currently zoned UGB (Urban Growth Boundary) This site would remain outside of the City of Warrenton and remain zoned UGB.
5. There are no public sanitary sewer or water improvements on the subject property.
6. The site will remain in the Warrenton Fire District and Warrenton-Hammond School District.
7. No extension of public infrastructure is planned for the property.
8. The legal description and location map are shown in Exhibit B.

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

**Section 1.** Ordinance No. 1262 is hereby repealed.

**Section 2.** Section 2.30 of the 2011 Warrenton Comprehensive Plan is amended as follows:

**Section 2.320 Urban Development**

(1) Growth Management. While the City of Warrenton’s physical size is large, the actual developable land is restricted by factors such as protected wetlands, public land ownership, and physical land characteristics that make development at urban densities challenging. As such, the City will adopt a growth management strategy to ensure the orderly conversion of land to urban uses. The City will apply growth management standards to outlying areas of the City which are largely vacant and currently have few public facilities to:

- (a) Make urbanizable land available for conversion to urban uses in stages as public facilities adequate to serve urban development become available.
- (b) Ensure the orderly and economic provision of services.

(c) Discourage undeveloped areas from prematurely developing at non-urban densities.

(d) Maintain undeveloped areas at parcel sizes which can eventually be converted to urban uses.

(e) Encourage the development within urban areas before the conversion of urbanizable areas.

(2) Urban Growth Boundary: Unincorporated areas adjoining the City limits that are needed to accommodate urban development shall be included in the Urban Growth Boundary, along with property presently in Warrenton, and will be appropriately managed. The city recently initiated a planning process with the assistance of Portland State University to establish a developability matrix that indicates the areas within the current city boundary that should be further encouraged or enticed to develop at urban densities. The initial results show that natural resource concerns stress the importance of making wise land use decisions and efficient infrastructure investments. The City and Clatsop County shall establish an Urban Growth Boundary management agreement with Warrenton having the primary authority for making land use decisions within the Urban Growth Boundary.

(3) No area will be added to the Urban Growth Boundary unless the following factors are considered:

(a) Demonstrated need to accommodate long-range urban population growth requirements consistent with Statewide Planning Goals.

(b) Need for housing, employment opportunities and livability.

(c) Orderly and economic provision for public facilities and services.

(d) Maximum efficiency of land uses within and on the fringe of the existing urban area.

(e) Environmental, energy, economic and social consequences.

(f) Retention of agricultural land as defined, with Class I being the highest priority and Class VI the lowest priority.

(g) Compatibility of the proposed urban uses with nearby agricultural or forestry activities.

(h) Changes to the urban growth boundary shall also conform to the procedures and requirements of Statewide Planning Goal 2, Part H, Exceptions.

(i) The City of Warrenton desires to ensure that lands previously included in the Town of Hammond Urban Growth Boundary are maintained for the City of Warrenton Urban Growth Boundary.

(4) The City may adjust the Urban Growth Boundary to make minor additions or subtractions of lands from the Urban Growth Boundary consistent with OAR 660-024-0070. Such adjustment may include an exchange of lands inside the Urban Growth Boundary for lands outside the Urban Growth Boundary pursuant to a voluntary Transfer of Development Rights agreement.

**Section 3.** Upon annexation, the zoning classification for the land associated with Hammond Marina operations shall be Recreational Commercial and that part of the property associated with Seafarers Park shall be zoned Open Space Institutional. (See Exhibit C). The westerly tract will remain zoned UGB (Urban Growth) under Clatsop County Zoning.

**Section 4.** Pursuant to ORS 222.520, the City Commission declares that upon the effective date of the annexation, all annexed territory will be withdrawn for Clatsop County Sheriff law enforcement and under the jurisdiction of the City of Warrenton Police Department.

**Section 5.** Effective Date. This ordinance takes effect upon the county's receipt of this ordinance.

**First Reading:** September 10, 2024

**Second Reading:**

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

APPROVED:

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

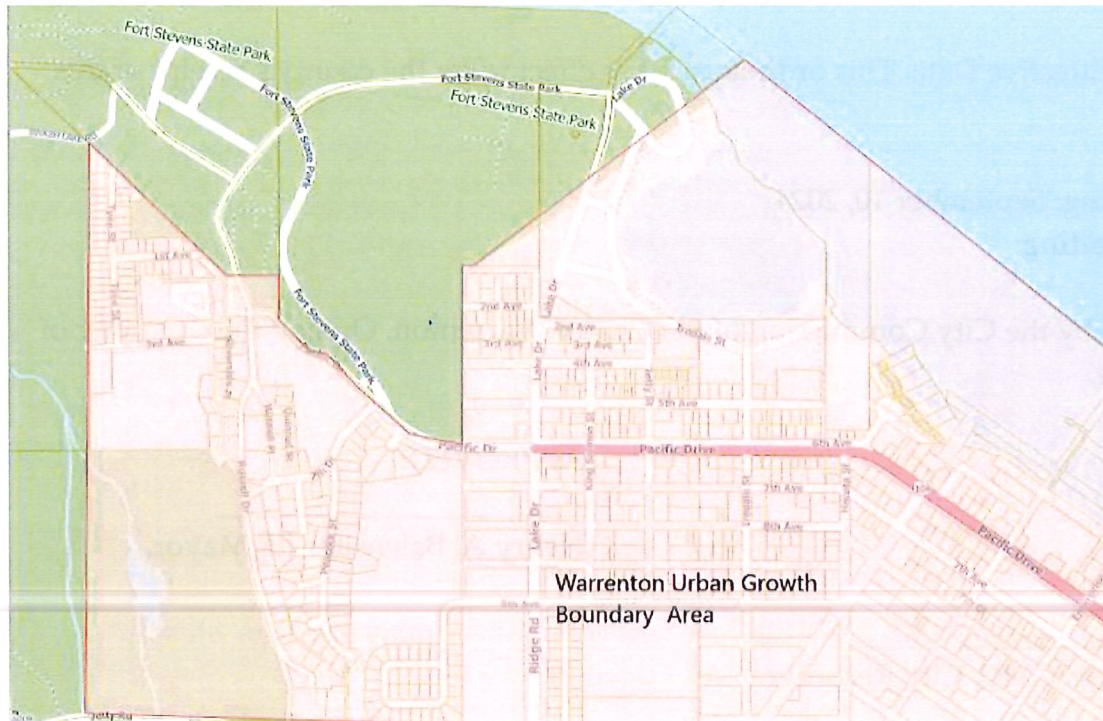
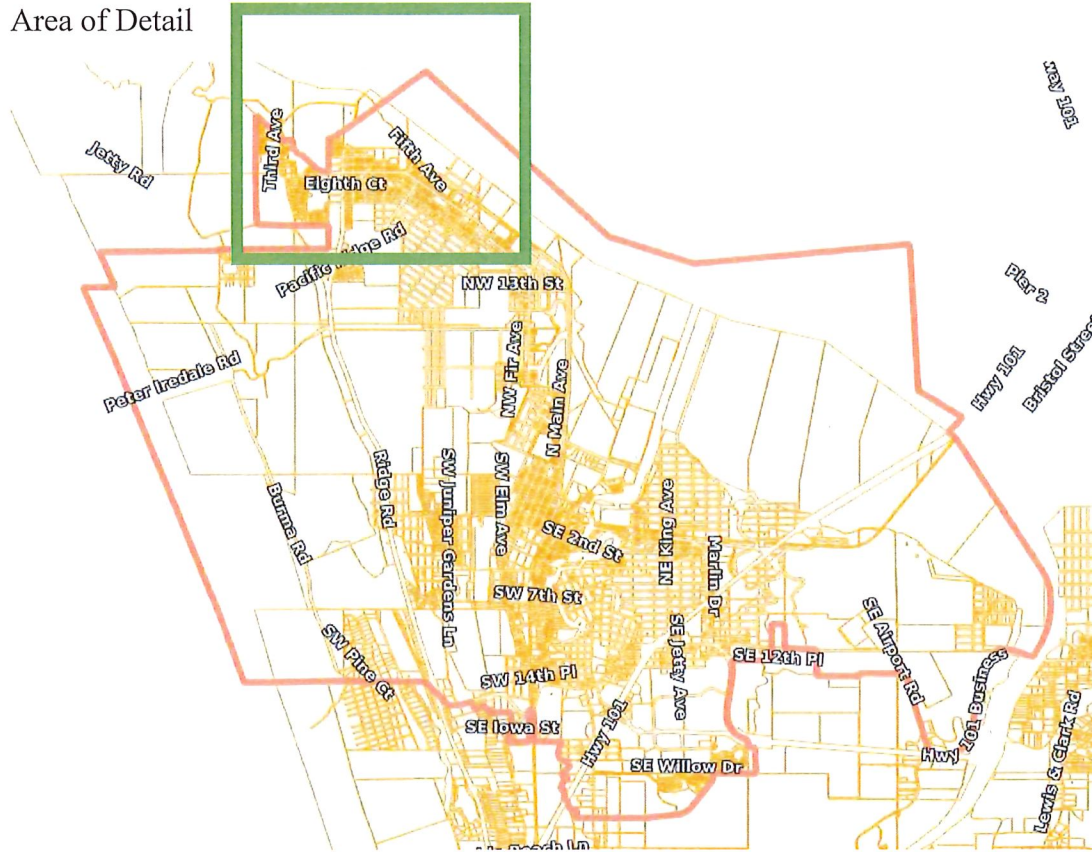
ATTEST:

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

Ordinance No. 1262

Exhibit A – City of Warrenton Current UGB

Area of Detail





Ordinance No. 1262

Exhibit B – Proposed UGB Additions (Formerly Town of Hammond UGB)

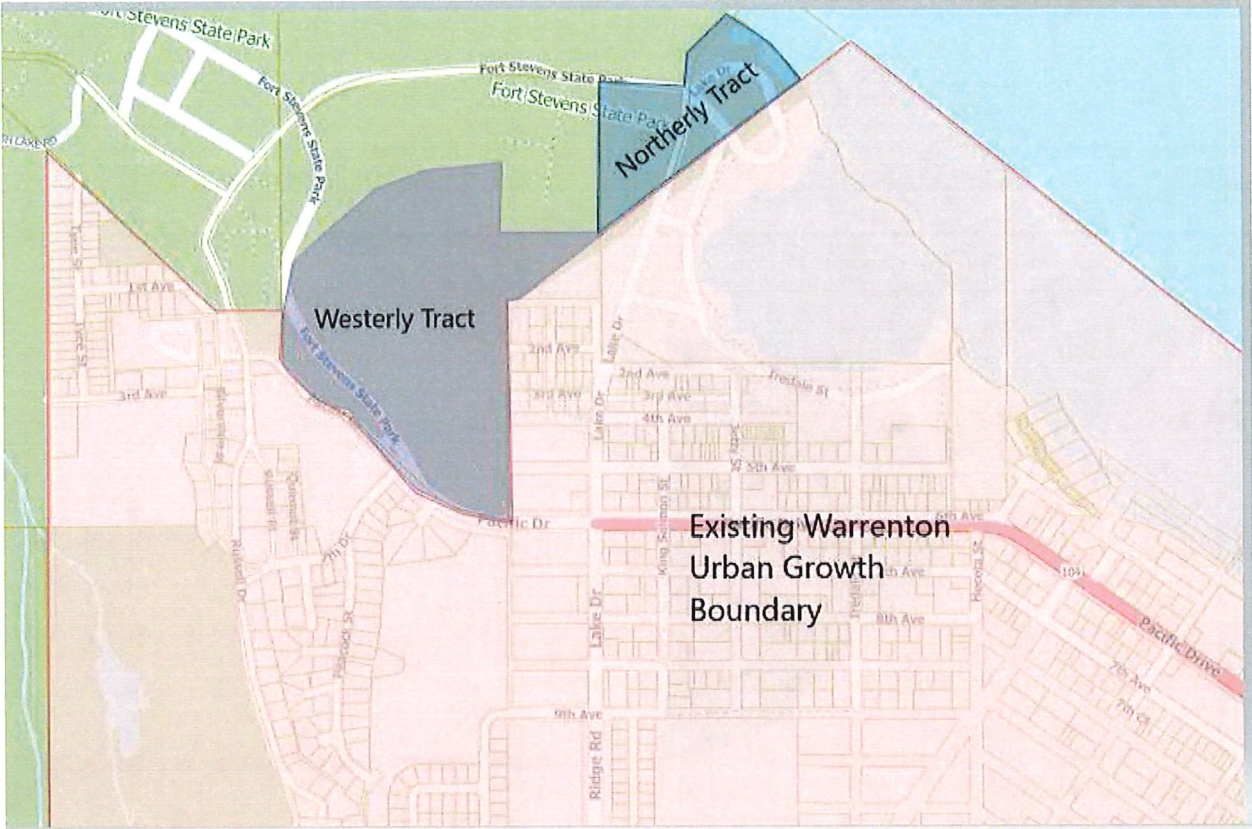
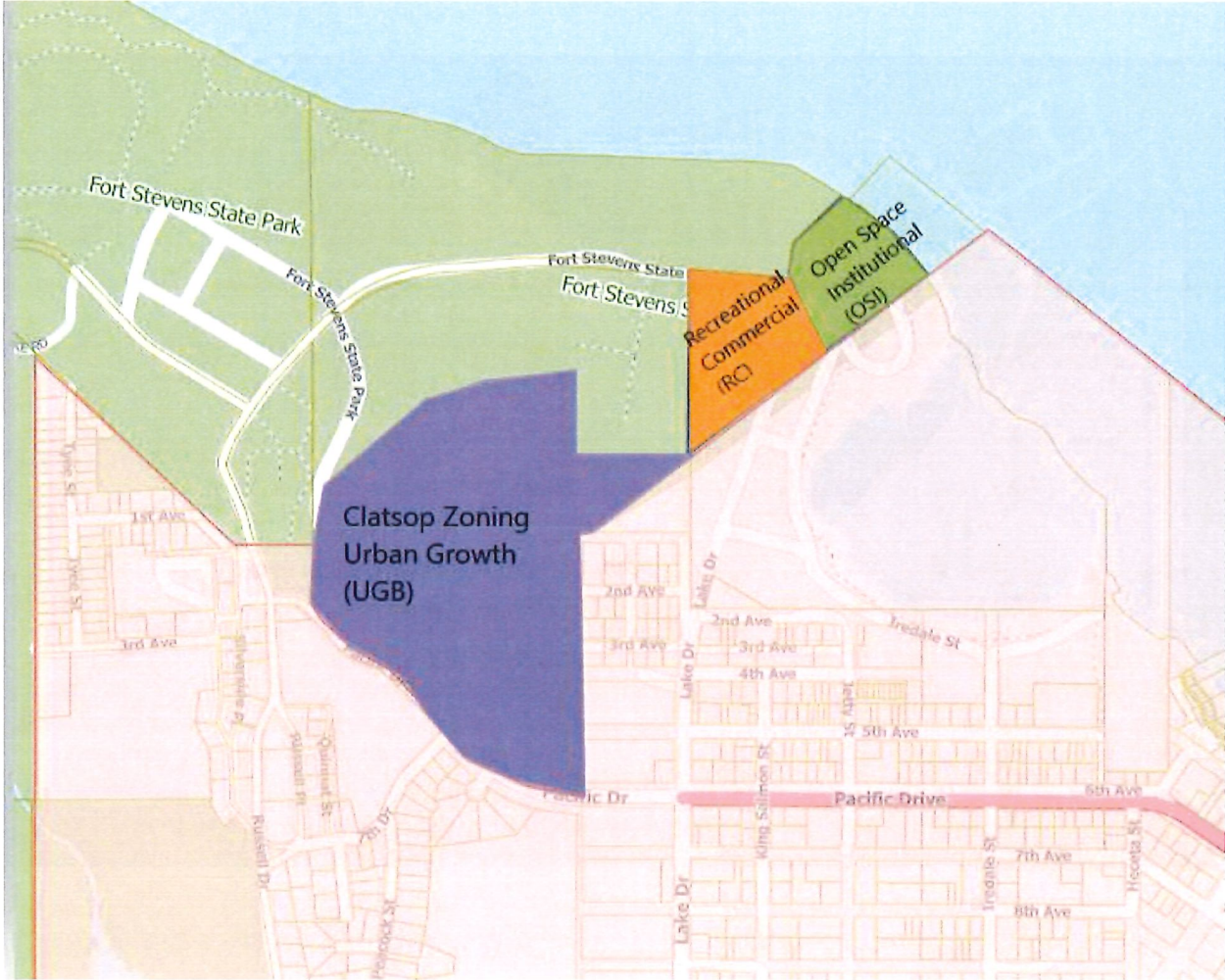


Exhibit C – Proposed Annexation Zoning Map







# City Commission Agenda Memo

Meeting Date: September 10, 2024  
From: Matthew Ellis, AICP, Planning Director  
Subject: Adoption of Ordinance No. 1267

## Summary:

The City of Warrenton Planning Commission was advised by City staff regarding the adoption of Ordinance No. 1267 to establish a cap on mini-storage units in Warrenton. A hearing was held by the Planning Commission on November 9, 2023, to discuss this proposed ordinance and allow for public testimony. The Planning Commission unanimously recommended Ordinance No. 1267 in a 6-0 vote. At the August 27 City Commission meeting, the City Commission conducted the first reading of Ordinance No. 1267.

The proposed code revision would establish a cap of one storage unit per 10 people in Warrenton and clarify the definition of mini-warehouses.

## Recommendation/Suggested Motion:

*"I move to conduct the second reading, by title only, of Ordinance No 1267, AN ORDINANCE ESTABLISHING A CAP ON THE NUMBER OF MINI-WAREHOUSE SITES WITHIN THE CITY OF WARRENTON AND AMENDING THE WARRENTON DEVELOPMENT CODE."*

*"I move to adopt Ordinance No 1267, AN ORDINANCE ESTABLISHING A CAP ON THE NUMBER OF MINI-WAREHOUSE SITES WITHIN THE CITY OF WARRENTON AND AMENDING THE WARRENTON DEVELOPMENT CODE."*

## Alternative:

Other action as deemed appropriate by the City Commission

## Fiscal Impact:

N/A

## Attachments:

- Ordinance No. 1267

Approved by City Manager: 



ORDINANCE NO. 1267  
INTRODUCED BY ALL COMMISSIONERS

**AN ORDINANCE ESTABLISHING A CAP ON THE NUMBER OF MINI-  
WAREHOUSE SITES WITHIN THE CITY OF WARRENTON AND AMENDING  
THE WARRENTON DEVELOPMENT CODE**

**WHEREAS**, the City of Warrenton has allowed mini-warehouse or mini-storage sites to be developed within the community; and

**WHEREAS**, there are currently ten (10) approved mini-warehouse or mini-storage sites within the city limits (See attachment A); and

**WHEREAS**, the per capita number of mini-warehouse sites is higher in the City of Warrenton than any other community in Clatsop County at one site per 640 people. This ratio is nearly double other areas within the County; and

**WHEREAS**, the number of actual rental units based on Clatsop County Tax records is 1,764 with an additional 489 in development review; and

**WHEREAS**, mini-warehouse units do not create significant numbers of jobs; and

**WHEREAS**, recent tax analysis by the City indicates that the mini-storage properties pay a lower property tax per acre than other commercial or industrial uses within Warrenton; and

**WHEREAS**, Section 3.330 of the Warrenton Comprehensive Plan states,

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

**WHEREAS**, the City finds that mini-warehouse units do not need municipal sanitary sewer or water service and could be developed in areas outside of the Urban Growth Boundaries; and

**WHEREAS**, the 2023 data for the number of mini-storage units per resident indicates that the City of Warrenton has one (1) storage unit per 2.85 residents, compared to the rest of Clatsop County which has one (1) storage unit per 41.6 residents; and

**WHEREAS**, the number of jobs created per site with mini-warehouse units is significantly lower than other commercial and industrial uses. A 2023 survey of jobs indicates that only eight (8) full-time equivalent jobs are created by the ten (10) existing mini-warehouse sites in Warrenton. Other commercial or industrial uses have significantly higher employment rates;

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

**Section 1.** The City of Warrenton hereby places a cap on the development of new mini-warehouse units within the city limits. The list of pre-existing mini-storage units is indicated on Attachment A.

**Section 2.** Section 16.12.010 of the Warrenton Municipal Code is hereby amended to add the following definition between “Ministerial” and “Minor Navigation Improvements”:

**Mini-warehouses.** Buildings or portions of buildings that are available for rental for the purpose of storing goods and where the average floor area rented to an individual customer does not exceed 600 square feet.

**Section 3.** Section 16.40.030(B)(9) of the Warrenton Municipal Code is hereby amended as follows:

Mini-warehouses or similar storage uses, subject to the requirements in Section 16.116.030 (G). In addition to the conditional use permit criteria in 16.220.030, for new mini-warehouses, the applicant shall be required to demonstrate that there is a deficit of mini-warehouses in the City. For purposes of this section, a deficit of mini-warehouses in the City shall mean that the total number of existing mini-storage units within the City as compared to the City's current population, as estimated by Portland State University or another governmental source, does not exceed 1 mini-storage unit per 10 people. A mini-storage unit shall be defined as each space within a mini-warehouse that is designed to be made available to rent.

**Section 4.** Section 16.60.030(E) of the Warrenton Municipal Code is hereby amended as follows:

Mini-warehouses or similar storage uses, subject to the requirements in Section 16.116.030 (G). In addition to the conditional use permit criteria in 16.220.030, for new mini-warehouses, the applicant shall be required to demonstrate that there is a deficit of

mini-warehouses in the City. For purposes of this section, a deficit of mini-warehouses in the City shall mean that the total number of existing mini-storage units within the City as compared to the City's current population, as estimated by Portland State University or another governmental source, does not exceed 1 mini-storage unit per 10 people. A mini-storage unit shall be defined as each space within a mini-warehouse that is designed to be made available to rent.

**Section 5.** Section 16.116.030(G) of the Warrenton Municipal Code is hereby amended as follows:

- G. Mini-Warehouses. Where and when allowed, mini-warehouses shall be subject to the following design, siting, and location standards:
1. Setbacks. New facilities shall be constructed no closer than 100 feet from the East Harbor Drive right-of-way line. This setback area shall be used for landscaping, open space, public or private amenities, off-street parking, other businesses allowed in the zone; or a combination thereof.
  2. Design Standards. New facilities shall be subject to the following design standards:
    - a. Building material requirements in Section 16.116.030(C)(3);
    - b. Building color standards in Section 16.116.030(C)(5);
    - c. Mechanical equipment, outdoor storage and service area standards in Section 16.116.030(C)(6);
    - d. Building mass requirements in Section 16.116.030(C)(7);
    - e. Outdoor lighting standards in Section 16.116.030(E); and
    - f. Other applicable design requirements of this section.
  3. Location Requirements. New facilities may be constructed and operated where allowed by the zoning district, but not in the following areas:
    - a. Along the South Main Avenue commercial corridor,
    - b. Along the Pacific Drive commercial corridor.
  4. Size and Configuration. Nothing in this section will prevent a mini-warehouse owner from reconfiguring the sizes of existing mini-storage rental units, although no additions to the structures nor creation of additional units will be allowed.

**Section 6.** This ordinance shall take full force and effect 30 days after its adoption by the Commission of the City of Warrenton.

**First Reading:** August 27, 2024

**Second Reading:** September 10, 2024

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

Ordinance No. 1267  
Attachment A

Warrenton Mini-warehouse Units

Site	Parcel Number	Number of Units
1983 SE Dolphin Avenue	81028D001600	498
605 SE Alt 101	81027BC02000, 81027BC02701	133
1805 South Main	81028CA03300	155
1240 SE Jetty Avenue	81027BA02001, 81027AB04900	30
51 NE Harbor Ct	81021AD02000, 81021AD02003, 81021AD08605, 81021AD08607	300
60 Iredale Street (Lease)	81022BD02780A01, 81022BD02680A01	100
1377 SE 11th St.	81027AA02200, 81027AA02700, 81027AA02900, 81027AA03100, 81027AA03200, 81027AA03400, 81027AA03600	340
120-150 NE 5th Street	81015C000601, 81015C000602	36
1211 Pacific Drive	81005CD05401	14
2395 SE Dolphin	81033A000600	120
1100 NW 11th Street	81016A000105	38
SE Warrior Way (In Development Review)	810340002301	489
	Total	2,253



## City Commission Agenda Memo

Meeting Date: September 10, 2024  
 From: Matthew Ellis, AICP, Planning Director  
 Subject: Adoption of Ordinance No. 1277

### Summary:

On May 28, 2024, the Warrenton City Commission tasked the Planning Commission and City staff to develop a CI Commercial Industrial zoning district, blending the vision of commercial and industrial development into one hybrid zone. At the August 8 Planning Commission meeting, the Planning Commission unanimously recommended the draft of Ordinance No. 1277 to the City Commission for consideration. At the August 27 City Commission meeting, the City Commission conducted the first reading of Ordinance No. 1277.

The goal of this ordinance is to create a zoning district that will accommodate commercial and industrial uses that are compatible with each other. If this ordinance is adopted, staff intends to initiate rezoning proceedings around the Clatsop County Business Park to enable the continued development of the area.

### Recommendation/Suggested Motion:

*"I move to conduct the second reading, by title only, of Ordinance No. 1277, AN ORDINANCE AMENDING CHAPTER 16.68 OF THE WARRENTON MUNICIPAL CODE TO ESTABLISH REGULATIONS FOR THE COMMERCIAL INDUSTRIAL (CI) DISTRICT."*

*"I move to adopt Ordinance No. 1277, AN ORDINANCE AMENDING CHAPTER 16.68 OF THE WARRENTON MUNICIPAL CODE TO ESTABLISH REGULATIONS FOR THE COMMERCIAL INDUSTRIAL (CI) DISTRICT."*

### Alternative:

Other action as deemed appropriate by the City Commission

### Fiscal Impact:

N/A

### Attachments:

- Ordinance No. 1277

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

*Esther McLaughlin*

ORDINANCE NO. 1277  
INTRODUCED BY ALL COMMISSIONERS

**AN ORDINANCE AMENDING CHAPTER 16.68 OF THE WARRENTON  
MUNICIPAL CODE TO ESTABLISH REGULATIONS FOR THE COMMERCIAL  
INDUSTRIAL (CI) DISTRICT**

**WHEREAS**, the City Commission is committed to reviewing and adopting code amendments to ensure the right mix of zoning districts is available in the City; and

**WHEREAS**, the addition of a hybrid district allowing both commercial and industrial uses furthers that goal;

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

**Section 1.** Chapter 16.68 of the Warrenton Municipal Code is amended as follows:

**Chapter 16.68 COMMERCIAL INDUSTRIAL (CI) DISTRICT**

**16.68.010 Purpose.**

The purpose of the Commercial Industrial Zone is to provide sites for employment-related uses to provide and manufacture products and services in the City of Warrenton. These areas are suitable for larger retail, light manufacturing, fabrication, processing, and bulk storage.

**16.68.020 Permitted Uses.**

The following uses and activities and their accessory uses and activities are permitted in the CI zone if the Community Development Director determines that the uses conform to the standards of Section 16.68.040, applicable Development Code standards, and other City regulations:

- A. Airport support structures, including but not limited to hangars, weather stations, fuel terminals, and storage buildings.
- B. Boat and marine equipment sales, service, or repair facilities.
- C. Building material sales yard. An accessory retail space is permitted but should not take up more than 50% of the site.
- D. Cabinet, carpenter, woodworking, or metal fabrication shops.
- E. Church, synagogue, or other place of worship.
- F. Contractor shop or equipment storage yard for storage and rental of equipment commonly used by a contractor.
- G. Government buildings and uses.

- H. Printing facilities.
- I. Production, processing, assembling, packaging, or treatment of articles and products from previously prepared or semi-finished materials, such as paper, wood, rubber, plastics, fibers, and sheet metal.
- J. Production, processing, assembling, packaging, or treatment of such products as food and beverage products, pharmaceutical, hardware, and machine products. Retail of products made on-site is permitted as an accessory use.
- K. Processing uses such as bottling plants, bakeries, and commercial laundries.
- L. Professional, financial, business, and medical offices.
- M. Public utility facilities.
- N. Research and development laboratories and similar uses.
- O. Retail business establishments over 25,000 square feet.
- P. Storage and distribution services and facilities, including but not limited to truck terminals, warehouses and storage buildings and yards, contractor's establishments, or lumber yards and sales.
- Q. Technical, professional, vocational, and business schools.
- R. Tool and equipment rental.
- S. Transportation facilities and improvements subject to the standards of Section 16.20.040.
- T. Vehicle repair, including but not limited to welding, painting, service, and parts facilities.
- U. Veterinary clinic, kennels.
- V. Similar uses as those listed in this section.

**16.68.030 Conditional Uses.**

The following uses and activities and their accessory uses and activities may be permitted in the CI zone when approved under Chapter 16.220, and subject to the provisions in Section 16.60.040:

- A. Dredge material disposal (DMD) subject to Chapter 16.104.
- B. New community or technical college or similar campus-type facilities subject to institutional master plan standards in Chapter 16.224.
- C. New mini-warehouse or similar storage facilities.
- D. Similar uses as those listed in this section.

**16.68.040 Development Standards.**

The following development standards are applicable in the CI zone:



- A. Density Provisions.
  - 1. Minimum lot size: none.
  - 2. Minimum lot width: none.
  - 3. Minimum lot depth: none.
  - 4. Maximum building height: 45 feet.
  - 5. Maximum lot coverage: none.
- B. Setback Requirements.
  - 1. Minimum front yard setback: none.
  - 2. Minimum side yard setback: none.
  - 3. Minimum rear yard setback: none.

**16.68.050 Design Standards.**

The following development standards are applicable in the CI zone:

- A. All commercial development shall comply with Chapter 16.116.
- B. All industrial development shall comply with Section 16.60.040.
- C. All development adjacent to existing or planned transit stops shall include walkways through the site connecting those stops with all publicly available entrances.
- D. All facilities involved in the production, processing, assembling, packaging, or treatment of products may not emanate any odors beyond 500' of the property line and will demonstrate how the facility captures such odors during the site design review.

**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:** August 27, 2024

**Second Reading:** September 10, 2024

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



# City Commission Agenda Memo

Meeting Date: September 10, 2024  
From: Matthew Ellis, AICP, Planning Director  
Subject: Planning Application Fee Schedule Modification

## Summary:

During the discussion of Resolution No. 2672, there was concern about the overall cost of the review of the Floodplain Development Permit. Staff has since analyzed the process for reviewing the Floodplain Development Permit and is suggesting a modification to the Planning Application Fee Schedule to reduce the cost of the initial review of these permits. At the September 10 City Commission meeting, the City Commission conducted the first reading of Resolution No. 2690.

## Recommendation/Suggested Motion:

*"I move to conduct the second reading, by title only, of Resolution No. 2690, REVISING RESOLUTION NO. 2672 PLANNING APPLICATION FEES."*

*"I move to adopt Resolution No. 2690, REVISING RESOLUTION NO. 2672 PLANNING APPLICATION FEES."*

## Alternative:

Other action as deemed appropriate by the City Commission

## Fiscal Impact:

N/A

## Attachments:

- Resolution No. 2690

Approved by City Manager:

RESOLUTION NO. 2690  
INTRODUCED BY ALL COMMISSIONERS

**REVISING RESOLUTION NO. 2672 PLANNING APPLICATION FEES**

**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. 2672 on June 11, 2024, do not reflect fair costs for processing and reviewing Floodplain Development Permits; and

**WHEREAS**, the Planning Department strives to deliver the highest quality customer service for its programs;

**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. 2690, Exhibit A: Planning Application Fee Schedule is hereby adopted, amending Resolution No. 2672.

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

**First Reading:** August 27, 2024

**Second Reading:** September 10, 2024

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

Exhibit A Planning Application Fee Schedule Effective October 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	\$300
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	\$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
Substantial Improvement/Damage Assessment	\$50
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



## City Commission Agenda Memo

Meeting Date: September 10, 2024  
 From: Greg Shafer, Public Works Director  
 Subject: New Land Uses to Transportation SDC Schedule

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### Summary:

City Methodology for assessing system development charges (SDCs) was developed by Financial Consulting Services Group, Inc., in 2011 and adopted by Resolution No. 2401. Transportation SDCs are determined by the number of PM peak hour person trips (PHPTs), based on data in *Trip Generation* for the property's particular land use. The Methodology does not provide trip rates for accessory dwelling units (ADUs) and food cart pods. Financial Consulting Services Group, Inc. was retained to estimate trip rates for these two land uses in a manner that is consistent with the existing SDC Methodology. Public Works proposes that the land uses "Accessory Dwelling Unit" and "Food Cart Pod" be added to the schedule of transportation system development charges.

### Recommendation/Suggested Motion:

*"I move to conduct the first reading, by title only, of Resolution No 2679; A Resolution Updating the Schedule of Land Uses for Transportation System Development Charges."*

*"I move to adopt Resolution No. 2679."*

### Alternative:

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

### Fiscal Impact:

None

### Attachments:

- Resolution No. 2679
- Summary: Understanding System Development Charges (SCC's)

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

RESOLUTION NO. 2679

A RESOLUTION UPDATING THE SCHEDULE OF LAND USES FOR  
TRANSPORTATION SYSTEM DEVELOPMENT CHARGES

WHEREAS, Oregon Revised Statutes Chapter 223 and Warrenton Municipal Code Chapter 3.36 authorize the collection of System Development Charges; and

WHEREAS, the City Commission has need to determine a more equitable transportation system development charge for accessory dwelling units and food carts; and

WHEREAS, the City Commission retained Financial Consulting Solutions Group, Inc., in 2024 to estimate trip rates for accessory dwelling units and food carts in a manner that is consistent with the City's existing system development charge methodology.

NOW, THEREFORE, BE IT RESOLVED, by the City Commission of the City of Warrenton that two land uses are added to the schedule of transportation system development charges. "Accessory dwelling unit" is a residential land use to be charged transportation system development charges at the rate of 0.77 net new peak-hour person trip-end per dwelling unit. "Food cart pod" is a commercial land use to be charged transportation system development charges at the rate of 4.65 net new peak-hour person trip-ends per food cart.

This Resolution takes effect October 1, 2024.

1<sup>st</sup> Reading: August 27, 2024

2<sup>nd</sup> Reading: September 10, 2024

Adopted by the City Commission of the City of Warrenton this 10<sup>th</sup> day of September, 2024.

APPROVED:

ATTEST

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

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





## *Summary: Understanding System Development Charges (SDCs)*

P. O. BOX 250 ■ WARRENTON, OR 97146 -0250 ■ OFFICE: 503.861.2233 ■ FAX: 503.861.2351

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System Development Charges (SDCs) are fees imposed on new developments and redevelopments to fund the infrastructure improvements needed to support community growth. These charges help ensure that the costs of expanding public services—such as water, wastewater, stormwater, transportation, and parks—are distributed fairly, preventing an undue financial burden on existing residents.

**Purpose of SDCs:** SDCs are implemented to ensure that new developments contribute to the necessary upgrades and expansions of public infrastructure. This approach maintains service quality and supports sustainable growth in the community.

**Calculation and Payment of SDCs:** In Warrenton, SDCs are calculated as follows:

- **Water and Wastewater SDCs:** These are calculated based on the size of the water meter installed for a property. The larger the meter, the higher the SDC, reflecting the anticipated increased demand on the water and wastewater systems.
- **Stormwater SDC:** This is determined by the number of Equivalent Dwelling Units (EDUs), which are calculated based on the property's impervious surface area. One EDU equals 2,000 square feet of impervious surface area. For single-family residences, each is counted as one EDU, regardless of the actual impervious surface area.
- **Transportation SDC:** This is calculated based on the number of PM Peak Hour Person Trips (PM PHPTs) the property generates, as defined by the land use data in the Trip Generation manual.
- **Parks SDC:** This charge is based solely on the number of dwelling units on a property. Non-residential properties are exempt from the Parks SDC, as the charge applies only to residential developments.

SDCs are payable upon the issuance of several types of permits, including building, development, and connection permits. By implementing SDCs in this manner, the City of Warrenton ensures that infrastructure costs are proportionately shared by those who contribute to increased demand.

This information is based on the Final SDC Methodology Report approved by the City Commission in 2012. The full System Development Charge Report, Current fees, etc can be found on the City of Warrenton Website: <https://www.warrentonoregon.us/publicworks/page/system-development-charges>

*"Making a difference through excellence of service"*



The City of Warrenton uses a Transportation System Development Charge (SDC) rate of \$665 per PM Peak Hour Person Trip (PHPT), effective July 1, 2024.

Example Scenarios:

- A developer wants to build an Accessory Dwelling Unit (ADU) on a residential property.

Accessory Dwelling Unit (ADU):

- The ADU is treated as a single dwelling unit.
- The transportation SDC for an ADU is based on 0.77 PM PHPTs per dwelling unit.
- **PHPT Calculation:**  $1 \text{ ADU} \times 0.77 \text{ PHPTs} = 0.77 \text{ PHPTs total}$ .
- **Fee Calculation:**  $0.77 \text{ PHPTs} \times \$665/\text{PHPT} = \$512.05$ .
- The total transportation SDC for the ADU is **\$512.05**.

- A developer is planning to set up a food cart pod with 5 carts on the property.

Food Cart Pod:

- The food cart pod will have 5 carts.
- The transportation SDC for each food cart is based on 4.65 PM PHPTs.
- **PHPT Calculation:**  $5 \text{ carts} \times 4.65 \text{ PHPTs/cart} = 23.25 \text{ PHPTs total}$ .
- **Fee Calculation:**  $23.25 \text{ PHPTs} \times \$665/\text{PHPT} = \$15,461.25$ .
- The total transportation SDC for the food cart pod is **\$15,461.25**.



## AGENDA MEMORANDUM

TO: The Warrenton City Commission  
 FROM: Brian Alsbury, Fire Chief  
 DATE: September 10<sup>th</sup> 2024  
 SUBJ: Safety Fair Road Closure

### SUMMARY

The Warrenton Fire Department is requesting to close South Main Court from SW 2<sup>nd</sup> to SW 3<sup>rd</sup> Street for our first annual Public Safety Fair and Open House. This event will be held on Saturday September 21<sup>st</sup>, 2024 from 10 am to 2 pm, and open to the general public. The proposed street closure will re-open shortly after 2 pm on September 21<sup>st</sup>, 2024

### RECOMMENDATION/SUGGESTED MOTION

*"Motion to approve the request to close S. Main Court from SW 2<sup>nd</sup> to SW 3<sup>rd</sup> on Saturday, September 21<sup>st</sup>, 2024 from 10 am to 2 pm"*

### ALTERNATIVE

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

### IMPACT

The street closure will affect one residential home behind City Hall, staff will keep the resident informed and will also accommodate any concerns or requests that the resident may have.

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