

MINUTES  
Warrenton Planning Commission  
December 9, 2021  
6:00 p.m.  
Warrenton City Hall - Commission Chambers  
225 S. Main  
Warrenton, OR 97146

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

Commissioners Present: Chair Paul Mitchell, Mike Moha, Chris Hayward (via Zoom), Ken Yuill, and Christine Bridgens

Excused: Commissioner Kevin Swanson and Commissioner Lylla Gaebel

Staff Present: Planning Director Scott Hazelton, City Attorney Spencer Parsons (via Zoom), and Deputy City Recorder Rebecca Sprengeler

PUBLIC COMMENT ON NON-AGENDA ITEMS

Eric Williamson of Kodiak Alaska discussed concerns about the cost of pursuing a rezone on his property in Hammond from I-2 to RM. After some discussion, he was directed to work with Planning Director Scott Hazelton. Mr. Williams also noted frustration about wetland fill permits.

APPROVAL OF MINUTES

A. Planning Commission Meeting Minutes – 11.11.21

**Commissioner Moha made the motion to approve the minutes from November 11th. Motion was seconded and passed unanimously.**

**Mitchell – aye; Moha – aye; Hayward – aye; Yuill – aye; Bridgens – aye;**

PUBLIC HEARINGS

**Open Public Hearing:** Chair Paul Mitchell opened the public hearing in the matter of Site Design Review (SDR-21-7) and Conditional Use Permit (CUP-21-1) for a Popeye’s Louisiana Kitchen restaurant and drive through at 1771 SE Ensign Lane, Warrenton. Formalities followed. There were no conflicts of interest, ex parte contacts, or biases declared.

**Staff Report:** Mr. Hazelton reviewed a presentation for the proposed Popeye’s restaurant and drive through by Walmart and the Fibre Federal Credit Union. He noted the reason this is before the Planning Commission is because drive throughs are conditional uses in the General Commercial zone. Mr. Hazelton explained the site design. He noted one written comment and that others are also concerned about traffic. Staff is recommending approval. He noted additional

comments from the Police and Public Works departments that are being proposed as conditions of approval. Kory Seki (via Zoom) of JM Civil Engineering stated he has no objections to the proposed conditions.

**Questions of Staff:** There was brief discussion about the additional conditions. Mr. Hazelton explained it will be a requirement to get Public Works' sign-off, but they are added as conditions of approval as well. There was discussion about contacting ODOT for input about traffic and concerns about the additional traffic that will be generated. Mr. Hazelton summarized the new comments to alleviate traffic concerns. He noted #4 provides temporary traffic mitigation for the opening month due to expected trip increases. The expectation by staff is that the effects will be mitigated after the newness wears off. He further discussed suggestions that will be carried over as a condition of approval during civil review. There was brief discussion about the possible issues if conditions were placed on Ensign which is a county-owned road.

**Applicant Presentation:** Mr. Seki stated he has no presentation and is available for questions.

**Questions of Applicant:** There was concern about having an open dining room to help alleviate drive through traffic. Discussion followed about drive through stacking and overflow concerns. Mr. Seki said it will be open for indoor dining and drive through. He stated the stacking in the drive through meets City code and the site plan shows 12 vehicles can stack behind the vehicle at the drive through window. Discussion followed about the traffic study in the packet. Craig Gilbert (via Zoom) of PM Design noted the traffic report is from this year.

**Public Testimony in Support of the Applicant:** None

**Public Testimony in Opposition of the Applicant:** None

**Applicant Rebuttal:** None

**Close Public Hearing:** Chair Mitchell closed the public hearing.

**Deliberation of Commissioners:** Chair Mitchell stated he is not opposed to having a Popeye's in town; he is concerned about parking, traffic, and lack of presentation by the applicant. Commissioner Hayward noted concern about mitigating the drive through stacking. Commissioner Yuill noted concern about the parking layout because pedestrians must walk through drive through traffic; he would like input from the county and ODOT before deciding. There was brief discussion about the updated traffic study. Commissioner Moha noted they are reviewing the application because of the drive through and noted his thoughts on input from other jurisdictions and poor traffic on Ensign. Chair Mitchell noted frustration about Wendy's and noted concern about Popeye's parking and traffic. There was discussion about continuing the hearing for more information including drive through stacking statistics and input from other jurisdictions. There was brief discussion about the applicant applying for a 120-day extension.

**Re-Open Public Hearing:** Chair Mitchell reopened the public hearing and asked if the applicant would be willing to extend the hearing. Charlie Patton (via Zoom) of Ambrosia QSR introduced himself. He noted the issues with Wendy's and understands the City's concern. He discussed

available parking and stacking. He agreed with the need for traffic mitigation during the first couple weeks of business. He feels their stacking will preclude overflow to Ensign. He stated if there is overflow, they will have people to mitigate. He noted the dining room will be open and noted available seating. He feels there will be no parking issues. Commissioner Yuill asked if the other jurisdictions have been contacted for traffic input. Mr. Patton discussed his experience on a similar project and believes ODOT does not have a jurisdictional say on this development. He briefly discussed the required traffic study and the update to it. Mr. Gilbert discussed the peak vehicle data from the September 29, 2021 traffic study. Chair Mitchell closed the public hearing.

There was brief discussion about input from ODOT and Clatsop County on the highway. It was noted it could be added as a condition of approval as noted in the Police comments. Discussion followed. It was noted that recommendations from Police, Public Works, and AM Engineering are being proposed by staff as conditions of approval. Commissioner Hayward feels comfortable and commented on the stacking. Discussion followed about the applicant providing traffic mitigation during the first three weeks. Commissioner Hayward noted ODOT would just request a traffic study; the applicant has already done a traffic study.

**Commissioner Moha made a motion to approve the Site Design Review SDR-21-7 and CUP-21-1 for the new Popeye’s Louisiana Kitchen Facility, located on Tax Lot 81027CB01901, based on the finding in the staff report, Conditions of Approval, and discussions including the new conditions sent out by public works today. Motion was seconded and passed unanimously.**

**Mitchell – aye; Moha – aye; Hayward – aye; Yuill – aye; Bridgens – aye;**

**Open Public Hearing:** Chair Mitchell opened the public hearing in the matter of Appeal (AP-21-1) of administrative decision to deny Warrenton-Hammond School District Sign Application SIG-21-7. Formalities followed. As the applicant, Commissioner Moha recused himself. There were no conflicts of interest, ex parte contacts, or biases declared.

**Staff Report:** Mr. Hazelton reviewed a presentation and staff report for the appeal of the type 1 administrative decision to deny a sign application for the Warrenton Middle School. Staff recommended a rezone. The applicant chose to file an appeal on the basis that the PUD and SDR 20-1 had a sign placement included in the application. Mr. Hazelton explained there were no details of a sign application provided at that time and reviewed the March 2020 staff report regarding signage. The basis of staff’s denial is that the size and type of sign is not allowed in the RH zone, and it was not a part of the PUD or SDR-20-1 application.

**Questions of Staff:** There was brief discussion about the type of sign and what is allowed in the RH zone. Commissioner Yuill asked if the school can have the sign if the appeal is approved. Mr. Hazelton noted if the appeal is approved, Public Works requested that the school district file for locates before placing the sign. Commissioner Yuill thought the sign had been approved and asked what would be the cheapest way for the school district to have their sign. Commissioner Bridgens feels it does not meet the code.

**Applicant Presentation:** Tom Rogozinski, superintendent of the Warrenton-Hammond School

District, noted the sign designation in the site plan that was approved in March of 2020 and a condition of approval. He would like to know the best path to get the sign up. He noted the utilities are in place for the sign lighting. He feels the size allowed by the code would be too small for a school. Commissioner Yuill noted the approval for multiple buildings and asked what the best way would be to address this issue in the future. Mr. Rogozinski noted the approved three-campus project; traditionally each building has a sign. He feels a rezone would not be in best interest of the school district because of the cost and other reasons. He would agree with a way to avoid this in the future. Mr. Parsons explained a consolidated application is the easiest way to do it in the future. Mr. Rogozinski continued.

Scott Rose, project manager, introduced himself. He noted sign locations were identified on the PUD and SDR 20-1 submissions. He explained the sign design was not identified because it was still in progress. He further noted site design was approved with sign locations away from the building. He explained an application was not submitted because it was not required early in the process. He noted WMC 16.122.040 regarding signage for planned unit developments. He feels the Planning Commission should be able to discern what is appropriate. He feels they should be bound by what is appropriate for a school sign. He noted the Industrial zone adjacent to Warrior Way and WMC sign requirements in that zone. He feels their sign will align well with the aesthetics coming from Dolphin. He noted Industrial zone sign requirements in the WMC. He noted there will be backlighting and plastic letters on their sign. He noted the dimensions of the existing Warrenton High School sign and compared it to the proposed middle school sign; it will be smaller. They feel a sign is expected by the community. He noted they will call for locates and noted the power conduit is in place for the sign. He noted they will include sign design in future site design submissions.

**Questions of Applicant:** Commissioner Bridgens asked about the height of the sign; she would like it to be a lower sign that matches the school. Mr. Rose explained they would like to be able to change the letters from the ground but prevent mischief; the height to the bottom of the sign is about eight feet. Mr. Rose continued. It was noted the colors will be white and purple.

**Public Testimony in Support of the Applicant:** None

**Public Testimony in Opposition of the Applicant:** None

**Applicant Rebuttal:** None

**Close Public Hearing:** Chair Mitchell closed the public hearing.

**Deliberation of Commissioners:** Commissioner Yuill appreciates made comments in support of the sign and saving the school district some money, noting voter support. He noted he is in favor if they submit future signs as consolidated applications. Commissioner Bridgens asked for the main reason of non-conformance. Mr. Hazelton noted WMC requirements about size and type of signs in the RH zone. There was brief discussion about Public Works' request for a condition of approval for locates. Chair Mitchell noted the voter support for this project and does not see a reason they should stop the school from having the sign. Commissioner Bridgens noted concern about a sign causing issues with several homes that will be developed near there. Chair Mitchell

noted Cedar is residential with signs for the Warrenton Grade School. Mr. Hazelton noted the sign is there because it is an Open Space Institutional zone and discussed his suggestion for a rezone at the Warrenton Middle School to alleviate issues and not contradict the WMC. Commissioner Yuill asked about the cost of a rezone. Mr. Hazelton noted it is about \$2,000. He requested to meet with the school district to discuss the possibility of lowering the cost.

Chair Mitchell reopened the public hearing. Mr. Rogozinski asked why this was not raised during approval. He noted utilities have been placed for the sign. He also noted the use of taxpayer dollars. He feels the property will be more valuable in the future as residential zoning. Commissioner Bridgens asked if Mr. Rogozinski would have been open to compromising on the size and materials of the sign. Mr. Rogozinski asked why they were approved to run power for a sign that is not allowed and discussed the school district's opposition rezoning. Mr. Rogozinski continued his thoughts on the situation. Mr. Rose noted experience in rezoning and feels rezoning land for a sign is just not done. He outlined the options provided by Mr. Hazelton. They felt an appeal would be the most cost-effective and time-effective path. He noted they have compromised by making the sign smaller than what is at the Warrenton High School. Chair Mitchell closed the hearing.

Mr. Parsons clarified that the statement that this issue was brought up at a late hour is inaccurate. He recalled the original condition of approval for a sign permit application. He noted the sign details were not included during the previous application for the Planning Commission to decide on. Commissioner Hayward asked Mr. Parsons if they can approve the sign even though it is not allowed in the current zone. Mr. Parsons explained the appeal and noted the Planning Commission is determining if the City's decision to deny the sign application because of non-compliance with the code was correct or in error. He briefly discussed rezoning and noted variances. There were comments about need for the sign and discussion about color scheme.

**Commissioner Yuill made the motion to approve the Appeal application (AP-21-1) for the Warrenton-Hammond School District sign, located on Tax Lot 810340000105, based on the findings in the staff report and discussion with staff and members of the public. Motion was seconded and passed with majority in favor.**

Commissioner Bridgens asked for clarification about the decision and the aesthetics. Chair Mitchell stated they are approving the appeal for them to be able to put the sign in. Mr. Parsons noted a point of order that there is a seconded motion on the table that does not include aesthetics.

**Mitchell – aye; Hayward – aye; Yuill – aye; Bridgens – nay;**

#### DISCUSSION ITEMS

Mr. Hazelton noted an upcoming joint meeting on January 18<sup>th</sup> with the City Commission to discuss variances, setbacks, and fill. Mr. Hazelton would like direction about adherence to setback requirements, granting variances for setbacks, or possibly changing the setbacks. Discussion followed. There was brief discussion about state legislation regarding accessory dwelling units (ADU's) and setbacks. Mr. Parsons confirmed the legislature has allowed ADU's

to be built with zero lot line setbacks. Mr. Hazelton noted the setbacks will need to be updated.

STAFF ANNOUNCEMENTS & PROJECT UPDATES

Mr. Hazelton noted there are currently no applications for the January meeting.

There being no further business, Chair Mitchell adjourned the meeting at 7:44 p.m.

**Next Meeting:** January 13, 2021

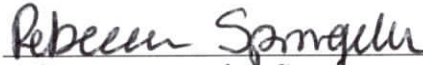
APPROVED:



~~Paul Mitchell, Chair~~

**Chris Hayward, Vice Chair**

ATTEST:



Rebecca Sprengeler, Secretary