

MINUTES  
Warrenton Planning Commission  
May 11, 2023  
6:00 p.m.  
Warrenton City Hall - Commission Chambers  
225 S. Main  
Warrenton, OR 97146

Chair Hayward called the meeting to order at 6:02 p.m. Commissioner Moha led the public in the Pledge of Allegiance.

Commissioners Present: Kevin Swanson, Christine Bridgens, Chris Hayward, Mike Moha, Jessica Sollaccio, Karin Hopper, and Lylla Gaebel

Staff Present: Planning Director Jay Blake and Planning Technician Rebecca Sprengeler

3. APPROVAL OF MINUTES

A. Planning Commission Meeting Minutes – 4.13.23

**Commissioner Moha made a motion to approve the minutes. Motion was seconded and passed unanimously.**

**Swanson–aye; Bridgens–aye; Hayward–aye; Moha–aye; Sollaccio–aye; Hopper–aye; Gaebel – aye**

4. PUBLIC COMMENT ON NON-AGENDA ITEMS – None

5. PUBLIC HEARINGS

**A. Wireless Communication Facility in Fort Stevens State Park CUP-23-2**

Chair Hayward opened the public hearing for Conditional Use Permit CUP-23-2 to construct a new Wireless Communication Facility in Fort Stevens State Park on tax lot 810170003901. He read the public hearing script outlining applicable criteria and hearing procedure. There were no ex-parte contacts, bias, or conflicts of interest disclosed. No members visited the subject site. No members of the audience challenged the impartiality of the commissioners.

Mr. Blake presented the staff report. He reviewed the application timeline, review criteria, findings of fact, and suggested conditions of approval. He noted there are holes for radio communication in the city, especially for public safety. This facility will help address this. No communication was received for this application. Staff believe the intent of the code is met and recommended approval subject to conditions. There was a question about colocation. Mr. Blake clarified that colocation is supported by the code and is when multiple antennae are on one tower.

Philip Kitzes, J5 Infrastructure Partners, gave a brief presentation on the application. They will be putting 911 on the tower to improve service. He clarified there are up to three antennae spots

available. There was a question about the coverage area. Mr. Kitzes submitted the RF Justification document for the record showing the improved coverage area. He also submitted the tower elevations showing the 911 antennae. There was a question about advertising on the tower. Mr. Blake noted that this is not allowed by the code. Mr. Kitzes clarified there is no signage proposed other than warning signs. There was a question about shared service between carriers. Commissioner Moha explained that additional carriers add to the rent of the tower for the colocation. It does not add to the height of the tower.

Ken Lyons, Wireless Policy Group LLC, introduced himself. Consumer cellular will piggyback off existing cellular providers and the tower will be designed to support additional antennae. Three public safety agencies benefit: Seaside 911, Astoria 911, and Oregon Parks and Recreation Department. He explained AT&T's public safety communication program, FirstNet. Signage would be prohibited by the lease with OPRD.

There was no public testimony in support or opposition of the application. Chair Hayward closed the public hearing.

**Commissioner Gaebel moved to approve conditional use permit CUP-23-02 for new singular wireless, allowing construction of a 150 ft monopole wireless communication facility tower with a 5ft light extension on parcel number 810170003901. The approval is based on the application, project submittals, public testimony, and findings of fact included in the May 11, 2023, staff memo. The approval is subject to the conditions of approval 1-6 outlined in the staff report. Motion was seconded and passed unanimously.**

**Swanson–aye; Bridgens–aye; Hayward–aye; Moha–aye; Sollaccio–aye; Hopper–aye; Gaebel – aye**

#### **B. Expansion of Non-Conforming Use V-23-2**

Chair Hayward opened the public hearing for Variance V-23-2 to expand an existing single-family dwelling beyond what is allowed by the non-conforming use code at 40 NE 5<sup>th</sup> Street. He read the public hearing script outlining applicable criteria and hearing procedure. There were no ex-parte contacts, bias, or conflicts of interest disclosed. No members visited the subject site. No members of the audience challenged the impartiality of the commissioners.

Planning Technician Rebecca Sprengeler presented a staff report. The home is legally existing non-conforming in the I- zone. There was a question about the reason for zoning the area as industrial despite existing residences. Mr. Blake explained long-range planning for zoning; several properties were rezoned to Industrial in the 1970's in anticipation of development that did not come about. There was a question about disclosure of the industrial zoning of the lot to potential future buyers. Staff provide this information when they are contacted. There was a question about the significance of the "marshy" ground. Ms. Sprengeler responded that the structure will need to be engineered to address the soil and designed to meet the building code.

Mike Blackwell gave comments in support of the application. He purchased the property in 2016 because of the outbuildings and the area. In 2018, they decided to build an addition onto the

house. He explained the time and money invested in the project for design, engineering, stormwater, and geotechnical testing. The current house is not suitable for their needs.

Taffy Blackwell gave comments in support of the application. She explained they purchased the property for the outbuildings. She would like the house to be expanded due to the small interior of the current structure and they cannot afford to find another place to live. Commissioner Gaebel asked about the driveway noting concern about Fire Department access. An aerial map of the property was reviewed for the driveway and the addition location. Mr. Blake added that there is difficult soil on the property that will require special design and restated the request is to determine if the size of variance is necessary to make reasonable use of the property. Discussion continued about the foundation.

Mike Blackwell II gave comments in support of the application. He clarified he is not a licensed architect but has been working with a friend who is licensed. Chair Hayward asked about the reason for the design. Mr. Blackwell explained concerns involved with connecting two foundations. There are engineered recommendations for soil preparation and foundation style. Chair Hayward asked the applicant if he knew of the industrial zoning when he bought the land. He responded that the realtor did not indicate an addition would not be allowed.

Chair Hayward closed the public hearing.

Commissioner Hopper restated that the primary decision is about the non-conforming use, not the foundation and engineering. Mr. Blake clarified the design will be reviewed by the Building Department; the Commission is only reviewing the expansion of the use. Mr. Blake argued that there is no need for all the Industrial land that the city has. He suggested residential rezoning for this area in the future. It was also clarified that variances are stand-alone decision and not precedent setting. Commissioner Swanson asked if the existing structure would be rented.

Chair Hayward reopened the public hearing.

Ms. Blackwell explained the interior of the addition will include bedrooms, bathrooms, office space, library, and expanded living space. The current structure will be a kitchen, dining room, bathroom, and sitting room. They do not plan to rent the existing structure.

Chair Hayward closed public hearing.

Commissioner Hopper noted the low housing inventory and feels this is a good use.

**Commissioner Bridgens made the motion to approve Variance V-23-2 for expansion of residential non-conforming use at 40 NE 5<sup>th</sup> Street tax lot 81015C000900 by up to 150% of the current structure. This approval is subject to findings of fact in the staff report dated May 11, 2023, testimony, deliberations by the Planning Commission, and conditions of approval. Motion was seconded and passed unanimously.**

**Swanson–aye; Bridgens–aye; Hayward–aye; Moha-aye; Sollaccio–aye; Hopper–aye; Gaebel – aye**

### **C. Contractors Shop in the Commercial Mixed Use (CMU) zone CUP-23-1**

Staff requested the application be continued to June 8, 2023, due to missing criteria in the public notice. Renotification included the necessary masterplan criteria.

**Commissioner Gaebel made the motion to continue the contractors shop in CMU zone CUP-23-1 to the June 8, 2023, Planning Commission meeting. Motion was seconded and passed unanimously.**

**Swanson–aye; Bridgens–aye; Hayward–aye; Moha–aye; Sollaccio–aye; Hopper–aye; Gaebel – aye**

6. BUSINESS ITEMS – None

7. DISCUSSION ITEMS

#### **A. Portland State University Land Buildability Report**

Students from the Portland State University Masters in Regional Urban Planning program have been analyzing land buildability in the City of Warrenton. Mr. Blake explained the land inventory from 2019 showed a significant amount of buildable land in Warrenton with little consideration for development constraints like dunes, wetlands, and flood plains. It is important for the city to understand land buildability to invest in public improvements in areas that will best support future development. The student presenters included Maddy Knickerbocker, Anis Boughanmi, James Dingwall, Jovan Merceron, and Miranda Seekins. They reviewed a slide presentation that included an overview of the project, background and existing conditions, public engagement, housing planning, process and analysis, and next steps.

There was a discussion about the role of 2019 analysis in the research. It is the officially adopted position by the city and the state. To change this would require the city to undergo a new buildable lands inventory and housing needs analysis. The County is looking to Warrenton to address the current housing crisis because of the available land, however much of this land is not necessarily developable. Commissioner Gaebel suggested the study consider that the transit system is currently gone currently. She suggested housing location recommendations be closer to Highway 101 and existing transit stops. It was noted that this will be a part of the analysis, but weighted lower than other amenities. A final presentation on the project will be given to the City Commission in June.

Chair Hayward called for a 5-minute recess. The meeting resumed at 8:00pm.

#### **B. Mini Warehouse Development Code Amendment**

Mr. Blake requested feedback from the Planning Commission on the ministorage ordinance based on the previous work session discussion. Additional information was requested for the tax appraisal process, occupancy, job FTEs, and jobs per acre and per unit.

#### **C. Shipping Container Draft Ordinance**

Ms. Sprengeler presented a draft ordinance to regulate the use of shipping containers in Warrenton. The code sample is from Ferndale Washington and was revised based upon feedback from the Planning Commission in April. Commissioner Hopper feels there should be a process for removing existing nuisance shipping containers; lot coverage should be considered especially in residential zones. Aesthetic standards were noted. Commissioner Moha noted concerns about lack of staff to enforce current issues. Mr. Blake responded that the current code does not have a clear process for placement or enforcement of shipping containers. Past interpretations have not been consistent. There have been recent complaints about and requests for placement. The goal for staff is to clarify the process. There has not been an inventory of the existing containers in the city. There was a brief discussion about a property in Hammond with several containers. Discussion followed about a code enforcement officer and the need for a clear code that can be enforced. Commissioner Moha suggested expanding the definition to include portable moving storage pods, tractor trailers, buses, and recreational vehicles.

#### 8. GOOD OF THE ORDER

Mr. Blake noted upcoming pre-application meetings: mini storage facility, Fort Pointe, and a food cart pod.

Chair Hayward asked for an update on the approved Popeye's restaurant. Ms. Sprengeler noted they have requested an extension of their land use approval until the end of the year. The building department has not received any submittals.

Commissioner Gaebel asked for an update on the sound system. Mr. Blake noted a new phone system was prioritized over the sound system this year. It may be in next year's budget.

Commissioner Sollaccio applied for and received a grant on behalf of the City of Warrenton for a data dashboard for city metrics such as park access, rent burden, walkability, physical inactivity, housing with lead risk, broadband connection, and more. Access will be available online (<https://www.cityhealthdashboard.com/>) in July.

There being no further business, Chair Hayward adjourned the meeting at 8:18 p.m.

APPROVED:

  
Chris Hayward, Chair

ATTEST:

  
Rebecca Sprengeler, Secretary