



City of Warrenton Planning Commission

Meeting Minutes

City Hall, 225 S. Main Warrenton, OR 97146

Thursday, September 12, 2024

1. City Commission meeting called to order at 6:01 pm
2. Pledge of Allegiance

Commission Members	Present	Excused
Tony Faletti	X	
Christine Bridgens	X	
Mike Moha	X	
Karin Hopper		X
Cynthia O'Reilly	X	
Chris Hayward, Chair	X	

Staff Members Present	
Planning Director Matthew Ellis	Planning Technician Judith Stich, Secretary

3. Approval of Minutes

- A. Planning Commission Regular Minutes – 8.8.24

Motion:	Move to approve the minutes from 08.08.24				
Moved:	Moha				
Seconded:	Bridgens	Aye	Nays	Absent	Recused
Vote:	Faletti	X			
	Bridgens	X			
	Moha	X			
	Hopper			X	
	O'Reilly	X			
	Hayward	X			
Passed:	5/0				

4. Public Comment – None
5. Public Hearings

- A. CUP-24-8 & SUB-24-1 Port of Astoria Columbia River Mitigation

Chair Hayward opened the public hearing on both subjects. He then asked for Public Testimony. At this point in time Chair Hayward went back to the disclosures by commissioners then moved on to the staff report.

Planning Director Matthew Ellis gave the staff report. Mr. Ellis started off by mentioning that this was a consolidated review but that the items were separate motions. Mr. Ellis stated that the purpose of these items were to add open water to the Skipanon River channel for mitigation purposes of the Pier 2 project in Astoria. Mr. Ellis spoke to the location and the zoning of the proposed project. Mr. Ellis spoke to the responses to the report by Matt McGrath made in behalf of the Port of Astoria and mentioned that the Commission had those responses in front of them to review.

Mr. Ellis moved on to say that staff makes the recommendation to deny the conditional use permit based off of criteria not met but the subdivision was about consolidating property and therefore staff recommended to approved that portion of the hearing. It was then mentioned by the Commission that the document was incomplete. The Commission briefly held while the complete document was obtained for review.

Commissioner O'Reilly asked Mr. Ellis to repeat what criteria were not met again. The Commission continued to review the document. Commissioner Faletti asked, if approved, the permit would change the zoning. Mr. Ellis responded that it would not but it would remove developable land. There was more reviewing of the document from the Commission.

Chair Hayward asked the Commission if they needed more time to read through the document. Mr. Ellis suggested hearing testimony for those signed up to speak. Commissioner Moha asked if the responses from the applicant changed the staff recommendation to which Mr. Ellis responded that they did not. Chair Hayward then asked for the applicants presentation. Mr. Ellis replied that the applicant had signed up for public comment and that it should go straight to public comment.

Chair Hayward then called Will Caplinger to give public comment. Mr. Caplinger then wielded his time to Shane Jensen. Mr. Jensen spoke to the Pier 2 West Rehabilitation Project for the Port of Astoria. Mentioned by Mr. Jensen were the jobs that the project will create as well as the amount of money that will be paid into taxes. Mr. Jensen argued that the project would not disrupt further development of this area and went into addressing the findings in the staff report that were not agreed with by the applicant.

Mr. Jensen brought up the sections of come that were brought up the staff report and gave his reasoning behind disagreeing with the interpretation. He furthered the statement by saying that he did not believe that this would limit future heavy industrial use. Mr. Jensen also spoke to the 1981 agreement and the projects consistency with the agreement. Mr. Jensen the went on to mention the involvement by the city through the history of the project. Mr. Jensen then Ended his statement saying that he was willing to continue or to answer any questions.

Commissioner Faletti asked if there were any other properties considered when choosing a site for the project to which Mr. Jensen referred to the firm and that they had determined the site to be the most ideal. Mr. Jensen offered the report findings to the Commission if they wished to see it but that the site was the only viable site after reviewing and assessing acreage. Mr. Ellis replied that the information was not provided to staff.

Chair Hayward then asked Mr. Jensen to speak to the 1981 agreement and its affect on the application. Mr. Jensen replied that the 1981 agreement had its affect by way of restoration of the original state of the site and further elaborated on the agreement. After Mr. Jensen gave his testimony on the 1981 agreement Chair Hayward asked Mr. Jensen about the scope of the project. Mr. Jensen then spoke to the rehabilitation project at Pier 2.

Commissioner Bridgens asked about the impacts to the fisheries on the Columbia River to which Mr. Jensen asked her to be more specific. Commissioner Bridgens clarified that she was speaking about the fishing industry and this projects impacts on it. Mr. Jensen replied that was something highly regulated by the state and a study would not have been conducted. Mr. Ellis added that it wouldn't have a positive or a negative impact on the industry but the Port is alleging that fisheries would have to move if this is not approved.

Commissioner Moha mentioned that the City at one time supported this project and asked if the City would have known about a possible mitigation issue then. Mr. Ellis spoke on behalf of the City stating that staff was not aware until the pre application meeting and that the Mayor had sent the letter of recommendation in 2021. Chair Hayward asked if the project would have an effect on Warrenton's shipping channel. Mr. Jensen replied that it would not. Mr. Ellis responded that it would expand the Skipanon river in one specific spot.

Chair Hayward then called Matt McGrath to speak. Mr. McGrath went into the history of the project, focusing on the studies conducted during the project. Mr. McGrath also followed up on the letter of recommendation from the City stating that it was dated 2023 and that one section mentioned the positive impact that the Port had on the industry. Mr. McGrath finished by stating that this was the last piece of process for them.

Commissioner O'Reilly asked what would happen to the docks if the project doesn't get done. Mr. McGrath stated that the businesses would either have to relocate or shut down. Mr. Ellis had responses to the statements that were made by the applicants and went in to the details of his response. Chair Hayward gave the applicant time to rebut. Mr. Jensen defined the use for the Commission, commenting that the project fit the definition. He furthered his statement by mentioning that the staff report miss quoted the 1981 agreement and gave the portion of the agreement that was incorrect. Mr. Jensen spent some time going into the details of the project, the agreement and the consistencies between the two. There was some back and forth between Chair Hayward and Mr. Jensen. Chair Hayward then closed the testimony.

There was some back and forth between the Commission and Mr. Ellis regarding the site and the parts of the municipal code that pertains to this project. Mr. Ellis reiterated the staff findings and the staff recommendation. The Commission continued to deliberate. Chair Hayward asked if there was a motion.

Motion:	Motion to deny the Conditional Use Permit				
Moved:	Faletti				
Seconded:	Bridgens	Aye	Nays	Absent	Recused
Vote:	Faletti	X			
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Vote:	Faletti	X			
	Bridgens	X			
	Moha	X			

	Hopper			X	
	O'Reilly	X			
	Hayward	X			
Passed:	5/0				

Motion:	Based off the conclusion of the September 12, 2004 staff report, I move to approve SUB-24-1				
Moved:	Moha				
Seconded:	Faletti	Aye	Nays	Absent	Recused
Vote:	Faletti	X			
	Bridgens	X			
	Moha	X			
	Hopper			X	
	O'Reilly	X			
	Hayward	X			
Passed:	5/0				

B. CP-24-1 Wetland Significance Determination Amendment for Mike Balensifer

Chair Hayward opened the public hearing and asked if any Commissioners had any disclosures. He then asked for the Staff Report. Mr. Ellis gave the staff report and went over the criteria that needed to be met, stating that the applicant had done this. Mr. Ellis mentioned the motion would be to recommend the item for the City Commission for consideration. Mr. Ellis then asked the Commissioners if they had any questions, and none were raised. Chair Hayward then moved on to the applicant's testimony.

Mike Balensifer, the applicant, spoke to CP-24-1. He stated that this was a project that he had in motion with Planning Director Jay Blake but had discovered wetlands on the property. In the process it was discovered that there was a mistake made, and that there was no actual wetland. Mr. Balensifer mentioned that this was a mistake brought on by the City when the local wetland map was created. He ended his testimony and Chair Hayward asked if there were any questions from the Commission.

Commissioner Moha asked if there would be any impact to the properties surrounding to which Mr. Balensifer replied that it would not. Mr. Ellis also replied that there was no significance to the surrounding properties. Mr. Balensifer further stated that he had no future development plans for the site. Mr. Ellis added that the original designation most likely stemmed from the proximity to the Skipanon but that two separate biologists have deemed the site not significant. Chair Hayward then closed the hearing.

Motion:	Based on the findings and conclusions from the September 12, 2024 Staff Report I move to recommend to forward to the City Commission the changes to the comprehensive plan described in Ordinance 1280				
Moved:	Moha				
Seconded:	Faletti	Aye	Nays	Absent	Recused
Vote:	Faletti	X			
	Bridgens	X			

	Moha	X			
	Hopper			X	
	O'Reilly	X			
	Hayward	X			
Passed:	5/0				

C. MC-24-3 Modification to Condition of Approval 28 from MC-23-3

Chair Hayward opened the public hearing and asked if any Commissioners had any disclosures. He then asked for the Staff Report. Mr. Ellis gave the staff report and spoke to this item being a modification to the modification mc-23-3. This modification is considered major due to the land use and wetlands. Mr. Ellis mentioned that a final plan would be submitted within the next month. Mr. Ellis asked for questions from the Commissioners. There were no questions and Chair Hayward then called for testimony.

Mark Tolley spoke to the application and mentioned that this was a housekeeping item. Mr. Tolley also mentioned that this was a change that was made to clean up the language of the item. Chair Hayward then asked for public testimony. There were none.

Motion:	Based on the findings and conclusions of the September 12, 2024, Staff Report I move to modify the language of condition of appeal 28 of MC-23-3 to read as follows: the developer shall be authorized to convey the wetland tract to a private entity. The transfer shall include a restrictive covenant that prevents further subdivision or the development of the wetlands tract in a manner that would cause the PUD to exceed development limitations placed by the Warrenton Planning Commission. The restriction will also limit tree clearing to upland areas as part of an approved Oregon Department of Forestry permit. Wetland areas shall be managed pursuant to Section 16.156.040 of the WDC as of September 12, 2024, and shall be subject to all city, state and federal regulations regarding wetlands disturbance				
Moved:	Moha				
Seconded:		Aye	Nays	Absent	Recused
Vote:	Faletti	X			
	Bridgens	X			
	Moha	X			
	Hopper			X	
	O'Reilly	X			
	Hayward	X			
Passed:	5/0				

6. Business Items - None

7. Discussion Items

A. Residential Code Audit Preliminary Discussion

Mr. Ellis spoke to where we were at with the residential code audit and mentioned that if the commission had any comments or wanted to discuss that this was the best time. Commissioner Faletti asked Mr. Ellis to clarify information on a specific page concerning setbacks. Mr. Ellis explained the setback for town homes in detail. Chair Hayward brought up the accessory dwelling units. The response from Mr. Ellis was that ADU units would have another discussion later. Commissioner Moha brought up compliance and Mr. Ellis spoke to the house bill that initiated the code audit.

8. Good of the Order

Mr. Ellis mentioned that all the applications have been updated and that the commission would start seeing those moving forward. Mr. Ellis also stated that he had been awarded the certified flood plain manager and would be the responsible party for the City moving forward.

9. Adjournment


There being no further business, Chair Hayward adjourned the meeting at 7:43pm.

Approved:

Attest:



Judith Stich, Secretary



Chris Hayward, Chair