



Warrenton Planning Commission
AGENDA

November 4, 2021 | 6 PM | City Hall – Commission Chambers

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

<https://us02web.zoom.us/j/89594092173?pwd=VG5sMFFTVExqTWI1dXVXSTBFbWw2UT09>

Meeting ID: 895 9409 2173

Passcode: 612659

Dial in number: 253-215-8782

1. Attendance
2. Flag Salute
3. Public Comment Period on *Non-Agenda* Items
4. Approval of minutes of September 9, 2021
 - *Action Item: Motion to Adopt*
5. **PUBLIC HEARING:** Fill Violation for 135 SW 1st St. Warrenton
 - Applicant: Loren Gramson
 - Alleged Violation: Illegal fill that exceed the application submitted. Lack of stormwater and erosion control.
 - *Action Item: The Board will vote on if there has been a violation and the penalty amount.*
6. **PUBLIC HEARING:** Fill Violation for 115 SW 1st Avenue
 - Applicant: Rick Newton
 - Alleged Violation: Illegal fill that exceed the application submitted. Lack of stormwater and erosion control.
 - *Action Item: The Board will vote on if there has been a violation and the penalty amount.*
7. Staff Announcements & Project Updates
8. **Next Meeting:** December 9, 2021

MINUTES
 Warrenton Planning Commission
 September 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 6:03 p.m. and led the public in the Pledge of Allegiance.

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

Staff Present: Interim City Planner Will Caplinger (via Zoom), City Planner Scott Hazelton, and Secretary Rebecca Sprengeler

PUBLIC COMMENT ON NON-AGENDA ITEMS - None

APPROVAL OF MINUTES

A. Planning Commission Meeting Minutes – 8.12.21

Commissioner Gaebel made the motion to approve the minutes as written. Motion was seconded and passed unanimously.

Mitchell – aye; Bridgens – aye; Moha – aye; Hayward – aye; Yuill – aye; Swanson – aye; Gaebel - aye

PUBLIC HEARING

Open Public Hearing: Chair Mitchell opened the public hearing in the matter of SDR-21-3, a commercial site design review for a new Medix ambulance dispatch facility. Formalities followed. No conflicts of interest or ex parte contacts were disclosed.

Staff Report: Interim City Planner Will Caplinger presented the staff report for SDR-21-3. He suggested allowing the applicant more time for a sign design. He recommends approval of SDR-21-3 subject to the conditions of approval in the staff report. He reviewed the conditions.

Questions of Staff: Commissioner Gaebel asked about condition of approval 1.f. Mr. Caplinger clarified it could be changed to allow the applicant additional time for sign design.

Applicant Presentation: Greta Holmstrom (via Zoom) with Ardor Consulting noted she is amenable to the conditions of approval including the wording of 1.f. Ms. Holmstrom noted colored elevations of the building were just finished. She stated there will be cedar board and batten siding, standing seam metal roof that will be green, and brown siding; along the base of

the building will be a grey stone veneer. She feels this will fit the landscaping and native vegetation.

Questions of Applicant: Commissioner Yuill asked for the current square footage. Ms. Holmstrom stated the existing building is 2,976 square feet. Commissioner Swanson asked for a timeframe for meeting conditions of approval. Ms. Holmstrom noted the hope is to address the conditions and submit development and building permits later this fall. Commissioner Hayward noted the completeness of the report.

Public Testimony: There were no comments in favor or opposition.

Close Public Hearing: Chair Mitchell closed the public hearing.

Deliberation of Commissioners: Commissioner Moha feels the building will be a nice improvement. Chair Mitchell noted it is a good location and will be good for the school. Commissioner Yuill noted Medix has been a great part of the community and is excitement for the improved facility. Commissioner Bridgens asked the current number of employees. Chair Mitchell noted questions need to be asked before closing the public hearing. Ms. Holmstrom noted 91 employees currently; there may be up to 10 additional in a year or so.

Commissioner Gaebel made the motion to approve the Site Design Review SDR 21-3 for the new Medix Ambulance Dispatch Facility, located at 2325 SE Dolphin Avenue, based on the findings in the staff report and Conditions of Approval. Motion was seconded with all in favor.

Mitchell – aye; Bridgens – aye; Moha – aye; Hayward – aye; Yuill – aye; Swanson – aye; Gaebel - aye

Open Public Hearing: Chair Mitchell opened the public hearing in the matter of SW-21-1, a Stop Work Order Hearing on an alleged violation of WMC 12.28.030 Use of an RV on Private Residential Property. Formalities followed. No conflicts of interest or ex parte contacts were disclosed.

Staff Report: Mr. Caplinger presented the staff report for a Stop Work Order regarding three Recreational Vehicles parked and occupied on 719 S. Main Avenue. He noted a complaint received in mid-June. Permission was given previously for occupation of the RV's during construction; however, this does not comply with the WMC requirements and is not allowed in the CMU zone. Commissioner Yuill asked about a variance. Mr. Caplinger noted the need for a variance cannot be created by the applicant. He feels the applicant has created the need in this case. He feels this would be a grey area and stated variances for use are not allowed in most cases. Chair Mitchell asked how many notices have been sent. Mr. Caplinger discussed the three notices in the staff report, noting a correction to the first notice: the CMU zone *does not* allow any temporary housing units. He noted there is a sewer connection without a permit. There were no responses to the first or second notices; the stop work order was then issued. He noted the Mennas verbally stated they are no longer occupying the RVs and want keep the RVs parked while obtaining a permit. He further noted no building plans have been finalized or submitted.

He explained keeping the RVs parked on the lot violates other WMC provisions. Mr. Caplinger noted the next step in the process is to determine if a violation has occurred. He feels staff have demonstrated that and need to confirm if the violation is still occurring. He reviewed the conclusion and findings of the staff report. He requested a conclusion of findings that a violation has occurred and if not immediately abated, authorization to proceed to the penalty phase if staff demonstrate that the violation has not been abated and there is not WM compliance.

Questions of Staff: Chair Mitchell asked if the Planning Commission assesses the fine. Mr. Caplinger noted the Planning Commission sets the fine; it cannot be less than \$100 and not more than \$1,000 per day per violation. After the violation is determined fines begin to accrue daily. Commissioner Swanson noted sewer connection and asked about an existing structure. Mr. Caplinger noted an existing structure on the lot and is unsure of the details of the connection; it was inspected by another staff member.

Alleged Violator Presentation: Not in attendance.

Questions of Alleged-Violator: None.

Public Testimony: No one spoke in favor or opposition.

Close Public Hearing: Chair Mitchell closed the public hearing.

Deliberation of Commissioners: Chair Mitchell noted the alleged violators have been given plenty of opportunity and feels that hefty fines should be assessed to prevent this from happening again. Commissioner Bridgens asked about enforcement. Mr. Caplinger noted enforcement will likely fall on city management and Community Development Director; he noted staff discussion about clarifying this process. Commissioner Yuill asked for a recommended fine. Mr. Caplinger mentioned hefty fines get attention. He discussed the suggested. He stated notice will be given that the fines will start accruing after a given date unless the violation is abated. He stated \$1000 or \$500, but not much lower. Commissioner Bridgens noted one of the RVs may have been removed. Discussion about enforcement continued. Mr. Caplinger noted conversation with Terry Menna about ceasing occupation and requesting to leave the RVs until a building permit could be obtained. He responded that they need to demonstrate non-occupancy and meeting vehicle storage requirements. Mr. Caplinger discussed RVs becoming derelict and de facto housing, noting Chief Workman is working to refine the enforcement process. Commissioner Bridgens noted a shipping container on site. Commissioner Gaebel noted she has mixed feelings because there are many RVs across the city; she would like to see a smaller fine. Commissioner Bridgens wants a stiff fine to encourage following the standards. Commissioner Swanson wants an attention-getting fine to prompt action. There was brief discussion about lack of response from the alleged violators. There was discussion about starting low and gradually increasing the fine over time. There was discussion about the shipping container. Discussion continued about next steps and fines. It was noted the Mennas are new owners. Discussion continued about the storage container. Commissioner Hayward suggested revisiting the storage container issue. Discussion continued. Chair Mitchell feels they are not being good stewards of the property. Commissioner Hayward noted the group consensus is the Mennas are in violation; he is comfortable moving forward. Discussion continued about fines.

Commissioner Moha made the motion to adopt the findings in the staff report and direct staff to provide notice to the violator of the findings and to consult with the City Manager and the City Attorney to identify the proper procedure to levy and accrue fines of \$1,000 per violation per day. The motion was seconded and passed with majority in favor.

Mitchell – aye; Bridgens – aye; Moha – aye; Hayward – aye; Yuill – aye; Swanson – nay; Gaebel – nay

STAFF ANNOUNCEMENTS & PROJECT UPDATES

Chair Mitchell thanked Mr. Caplinger for his interim work. Mr. Caplinger noted an upcoming typhoon. Commissioner Gaebel thanked Mr. Caplinger for his complete and concise reports. Commissioner Yuill made comments in agreement. Mr. Caplinger noted his contract will continue for a while. Mr. Caplinger introduced new City Planner Scott Hazelton. Mr. Hazelton gave details about himself and his time in the area so far, noting his excitement. He thanked Mr. Caplinger for assistance in the transition. He discussed his past work in county-wide planning. The commissioners welcomed Mr. Hazelton. Mr. Caplinger discussed the status of several current and pending projects including Popeye’s, Harbor Freight Tools, Young’s Bay Plaza project, Roby’s, and 444 Jetty Townhomes. He also noted many inquiries including a possible winery.

There being no further business, Chair Mitchell adjourned the meeting at 7:24 p.m.

Next Meeting: October 14, 2021

APPROVED:

ATTEST:

Paul Mitchell, Chair

Rebecca Sprengeler, Secretary



October 28th, 2021

Warrenton Planning Commission

A stop work notice was sent to Loren Gramson at 1149 SW Pine Drive Warrenton, OR on August 18, 2021 for inappropriate fill material, lack of stormwater plans, lack of erosion control elements for your property at 135 SW 1st St. Warrenton, OR also known as Tax Lot 81021AC05800. A second notice was sent regarding the same violation on September 2nd, 2021 requesting plans and compliance by September 17th, 2021. Staff has received no plans nor communication on the development of requested plans.

The property is zoned High Density Residential. The City of Warrenton must ensure that development in the city does not have a hazardous effect on neighbors and the surrounding environment, staff never received documentation showing proper procedures were being followed. There has been adequate time for communication or submittal of requested plans, however nothing has been received.

Possible action at the meeting could result in fines not to exceed \$1,000 per violation per day as referenced below:

15.04.260 Penalties.

Any person violating any of the provisions herein for which a special penalty has not been expressly provided shall, upon conviction thereof, be punished by a fine not to exceed \$1,000.00 per violation. Each day that a violation exists is a separate offense. (Ord. 965-A § 2, 1996)

The action to be reviewed violates WMC 16.152.070, WMC 16.140.030 (attached) and any other violations as presented at the Planning Commission Meeting.

FINDINGS

Staff issued two stop work notices first on August 18th, 2021, then on September 2nd, 2021 requesting further information regarding fill activities occurring on 135 SW 1st St. Warrenton, OR. No contact was made by the violator to remedy the situation. Therefore, staff has moved forward in the procedure for a code violation. Codes that have been violated are [referenced below](#):

WMC 16.152.030
 WMC 16.152.060
 WMC 16.152.070
 WMC 16.152.130
 WMC 16.152.140
 WMC 16.152.150

“Making a difference through excellence of service”

CONCLUSION

Staff has determined a code violation has occurred at 135 SW 1st St. Warrenton, OR also known as Tax Lot 81021AC05800. Staff submits the following recommended motion:

I motion to adopt the findings in the staff report and direct staff to provide notice to the violator of the findings and to consult with the City Manager and the City Attorney to identify the proper procedure to levy and accrue fines of \$_____ per violation per day. [The Commission will determine the amount]



Scott Hazelton
City of Warrenton
Planning Director

Attached:

Stop Work Notice #1
Stop Work Notice #2
Notice of Hearing



August 18, 2021

Loren Gramson
1149 SW Pine Drive
Warrenton, OR 97146

RE: 135 SW Birch Court, Warrenton, OR

STOP WORK NOTICE

Mr. Gramson-

I have performed an inspection of the proposed stockpiling at the property. The amount of stockpiled material is inconsistent with what was proposed, and the sand material does not have the appropriate erosion and sediment control features installed at this time. The city will need an erosion and sediment control plan prepared by either a licensed civil engineer, or the licensed contractor that will be performing the work.

Attached, as a courtesy, are Oregon standard drawings for erosion and sediment control that are consistent with common engineering practice that may be utilized, however we will need a site plan clearly delineating the location of each erosion and sediment control feature to be incorporated. Please see item E below in the Warrenton Municipal Code regarding your responsibilities as the **permittee**.

16.152.070 Grading Inspection.

A. General. Grading operations for which a permit is required shall be subject to inspection by the building official. Professional inspection of grading operations shall be provided by the civil engineer, soils engineer, and the engineering geologist retained to provide such services in accordance with this section for engineered grading and as required by the building official for regular grading.

B. Civil Engineer. The civil engineer shall provide professional inspection within such engineer's area of technical specialty, which shall consist of observation and review as to the establishment of line, grade, and surface drainage of the development area. If revised plans are required during the course of the work they shall be prepared by the civil engineer.

C. Soils Engineer. The soils engineer shall provide professional inspection within such engineer's area of technical specialty, which shall include observation during grading and testing for required compaction. The soils engineer shall provide sufficient observation during preparation of the natural ground and placement and compaction of the fill to verify that such work is being performed in accordance with the conditions of the approved plan and the appropriate requirements of this chapter. Revised recommendations relating to conditions differing from the approved soils engineering and engineering geology reports shall be submitted to the permittee, building official, and the civil engineer.

D. Engineering Geologist. The engineering geologist shall provide professional inspection within such engineer's area of technical specialty, which shall include professional inspection of the bedrock excavation to determine if conditions encountered are in conformance with the approved report. Revised recommendations relating to conditions differing from the approved engineering geology report shall be submitted to the soils engineer.

E. Permittee. The permittee shall be responsible for the work to be performed in accordance with the approved plans and specifications and in conformance with the provisions of this Code, and the permittee shall engage consultants, if required, to provide professional inspections on a timely basis. The permittee shall act as a coordinator between the

consultants, the contractor, and the building official. In the event of changed conditions, the permittee shall be responsible for informing the building official of such change and shall provide revised plans for approval.

F. Building Official. The building official shall inspect the project at the various stages of work requiring approval to determine that adequate control is being exercised by the professional consultants.

G. Notification of Noncompliance. If, in the course of fulfilling their respective duties under this chapter, the civil engineer, the soils engineer, or the engineering geologist finds that the work is not being done in conformance with this chapter or the approved grading plans, the discrepancies shall be reported immediately in writing to the permittee and the building official.

H. Transfer of Responsibility. If the civil engineer, the soils engineer, or the engineering geologist of record is changed during grading, the work shall be stopped until the replacement has agreed in writing to accept their responsibility within the area of technical competence for approval upon completion of the work. It shall be the duty of the permittee to notify the building official in writing of such change prior to the recommencement of such grading.

In addition, an approved stormwater report and drainage plan will also be necessary for the work you have recently completed on your property.

Per WMC 16.140.030, all developments must be constructed and maintained so that impacts to natural and man-made drainage ways do not unreasonably burdened upstream or downstream properties with surface water flooding as a result of the developments. More specifically:

A. No development may be constructed or maintained so that the development unreasonably impedes the natural flow of water from higher adjacent properties across the development, resulting in substantial damage to the higher adjacent properties; and

B. No development may be constructed or maintained so that stormwater from the development is collected and channeled into natural or man-made drainage ways, such that the volume and/or rate of flow is substantially greater than the pre-development volume and/or rate.

C. No development may be constructed such that the flow of water through natural or existing man-made drainage ways is obstructed. Bridges and culverts constructed to allow the flow of water through a development must be designed to pass flow during a 100-year storm event.

The City has concerns that your work will unreasonably impede the natural flow of water and could damage adjacent properties. Please provide a stormwater report and detailed drainage and grading plan that will provide adequate protection to the surrounding properties.

If you have any questions, please feel free to call the Building Department at 503-861-0920. A failure to respond to this letter may result in penalties under Warrenton Municipal Code Section 15.04.260

Sincerely,



Van Wilfinger, CBO
Building Official

"Making a difference through excellence of service"



September 2, 2021

Loren Gramson
1149 SW Pine Drive
Warrenton, OR 97146

RE: 135 SW Birch Court, Warrenton, OR

STOP WORK- 2nd NOTICE

Mr. Gramson-

I have performed an inspection of the proposed stockpiling at the property. The amount of stockpiled material is inconsistent with what was proposed, and the sand material does not have the appropriate erosion and sediment control features installed at this time. The city will need an erosion and sediment control plan prepared by either a licensed civil engineer, or the licensed contractor that will be performing the work.

Attached, as a courtesy, are Oregon standard drawings for erosion and sediment control that are consistent with common engineering practice that may be utilized, however we will need a site plan clearly delineating the location of each erosion and sediment control feature to be incorporated. Please see item E below in the Warrenton Municipal Code regarding your responsibilities as the **permittee**.

16.152.070 Grading Inspection.

A. General. Grading operations for which a permit is required shall be subject to inspection by the building official. Professional inspection of grading operations shall be provided by the civil engineer, soils engineer, and the engineering geologist retained to provide such services in accordance with this section for engineered grading and as required by the building official for regular grading.

B. Civil Engineer. The civil engineer shall provide professional inspection within such engineer's area of technical specialty, which shall consist of observation and review as to the establishment of line, grade, and surface drainage of the development area. If revised plans are required during the course of the work they shall be prepared by the civil engineer.

C. Soils Engineer. The soils engineer shall provide professional inspection within such engineer's area of technical specialty, which shall include observation during grading and testing for required compaction. The soils engineer shall provide sufficient observation during preparation of the natural ground and placement and compaction of the fill to verify that such work is being performed in accordance with the conditions of the approved plan and the appropriate requirements of this chapter. Revised recommendations relating to conditions differing from the approved soils engineering and engineering geology reports shall be submitted to the permittee, building official, and the civil engineer.

D. Engineering Geologist. The engineering geologist shall provide professional inspection within such engineer's area of technical specialty, which shall include professional inspection of the bedrock excavation to determine if conditions encountered are in conformance with the approved report. Revised recommendations relating to conditions differing from the approved engineering geology report shall be submitted to the soils engineer.

E. Permittee. The permittee shall be responsible for the work to be performed in accordance with the approved plans and specifications and in conformance with the provisions of this Code, and the permittee shall engage consultants, if required, to provide professional inspections on a timely basis. The permittee shall act as a coordinator between the

consultants, the contractor, and the building official. In the event of changed conditions, the permittee shall be

responsible for informing the building official of such change and shall provide revised plans for approval.

F. Building Official. The building official shall inspect the project at the various stages of work requiring approval to determine that adequate control is being exercised by the professional consultants.

G. Notification of Noncompliance. If, in the course of fulfilling their respective duties under this chapter, the civil engineer, the soils engineer, or the engineering geologist finds that the work is not being done in conformance with this chapter or the approved grading plans, the discrepancies shall be reported immediately in writing to the permittee and the building official.

H. Transfer of Responsibility. If the civil engineer, the soils engineer, or the engineering geologist of record is changed during grading, the work shall be stopped until the replacement has agreed in writing to accept their responsibility within the area of technical competence for approval upon completion of the work. It shall be the duty of the permittee to notify the building official in writing of such change prior to the recommencement of such grading.

In addition, an approved stormwater report and drainage plan will also be necessary for the work you have recently completed on your property. The stormwater report and drainage plan shall meet the requirements of WMC 16.152 and the City of Warrenton's Engineering Standards. This code section and the engineering design standards can be found on the city website. You may also contact public works at 503-861-0912 if you have questions concerning plan or report questions.

Per WMC 16.140.030, all developments must be constructed and maintained so that impacts to natural and man-made drainage ways do not unreasonably burdened upstream or downstream properties with surface water flooding as a result of the developments. More specifically:

A. *No development may be constructed or maintained so that the development unreasonably impedes the natural flow of water from higher adjacent properties across the development, resulting in substantial damage to the higher adjacent properties; and*

B. *No development may be constructed or maintained so that stormwater from the development is collected and channeled into natural or man-made drainage ways, such that the volume and/or rate of flow is substantially greater than the pre-development volume and/or rate.*

C. *No development may be constructed such that the flow of water through natural or existing man-made drainage ways is obstructed. Bridges and culverts constructed to allow the flow of water through a development must be designed to pass flow during a 100-year storm event.*

In addition, Per WMC 16.152.050, Whenever the building official determines that any existing excavation or embankment or fill on private property has become a hazard to life and limb, or endangers property, or adversely affects the safety, use, or stability of a public way or drainage channel, the owner of the property upon which the excavation or fill is located, or other person or agent in control of said property, upon receipt in writing from the building official, shall within the time period specified therein eliminate such excavation or embankment to eliminate the hazard and to be in conformance with the requirements of this Code.

The City has concerns that your work will unreasonably impede the natural flow of water and could damage or endanger adjacent properties. Please provide a stormwater report and detailed drainage and grading plan that will provide adequate protection to the surrounding properties. You have until Friday, September 10th, 2021, to provide a revised application and plan to the city for review, and the approved grading and erosion control plans shall be implemented and inspected no later than September 17th, 2021.

A failure to respond to this letter may result in penalties under Warrenton Municipal Code Section 15.04.260

Sincerely,



Van Wilfinger
Building Official
City of Warrenton
(503) 861-0920



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

October 28th, 2021

Mr. Gramson,

A stop work notice was sent to you at 1149 SW Pine Drive Warrenton, OR on August 18, 2021 for inappropriate fill material, lack of stormwater plans, lack of erosion control elements for your property at 135 SW Birch Court Warrenton, OR also known as Tax Lot 81021AC05800. A second notice was sent regarding the same violation on September 2nd, 2021 requesting plans and compliance by September 17th, 2021. Staff has received no plans nor communication on the development of requested plans.

This letter will serve as notice that the issue has not been abated by the date of mailing and will be processed as a code violation at the November 4th, 2021 Planning Commission meeting at 6 pm at Warrenton City Hall at 225 S. Main Ave. Warrenton, OR 97146. The violator may choose to attend the meeting if they wish to provide information opposing staff findings.

Possible action at the meeting could result in fines not to exceed \$1,000 per violation per day as referenced below:

15.04.260 Penalties.

Any person violating any of the provisions herein for which a special penalty has not been expressly provided shall, upon conviction thereof, be punished by a fine not to exceed \$1,000.00 per violation. Each day that a violation exists is a separate offense. (Ord. 965-A § 2, 1996)

The action to be reviewed violates WMC 16.152.070, WMC 16.140.030 and any other violations as presented at the Planning Commission Meeting.

If you have any further questions, or if we can be of further assistance, please do not hesitate to call 503-861-0920, or email me at shazelton@ci.warrenton.or.us.

Sincerely,

Scott Hazelton
Planning Director

"Making a difference through excellence of service"



October 28th, 2021

Warrenton Planning Commission

A stop work notice was sent to Rick Newton at PO Box 487 Warrenton, OR on August 18, 2021 for inappropriate fill material, lack of stormwater plans, lack of erosion control elements for your property at 115 SW 1st St. Warrenton, OR also known as Tax Lot 81021AC02100. A second notice was sent regarding the same violation on September 2nd, 2021 requesting plans and compliance by September 17th, 2021. Staff has received no plans nor communication on the development of requested plans.

The property is zoned High Density Residential. The City of Warrenton must ensure that development in the city does not have a hazardous effect on neighbors and the surrounding environment, staff never received documentation showing proper procedures were being followed. There has been adequate time for communication or submittal of requested plans, however nothing has been received.

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CONCLUSION

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I motion to adopt the findings in the staff report and direct staff to provide notice to the violator of the findings and to consult with the City Manager and the City Attorney to identify the proper procedure to levy and accrue fines of \$_____ per violation per day. [The Commission will determine the amount]



Scott Hazelton
City of Warrenton
Planning Director

Attached:

Stop Work Notice #1
Stop Work Notice #2
Notice of Hearing



August 18, 2021

Rick Newton
P.O. Box 487
Warrenton, OR 97146

RE: 115 SW 1st Street, Warrenton, OR

STOP WORK NOTICE

Mr. Newton-

I have performed an inspection of the proposed stockpiling at the property. The stockpiled material is inconsistent with the waste gravel that was proposed, and the sand material does not have the appropriate erosion and sediment control features installed at this time. Our office received a letter stating that the contractor will be going to stabilize the site, but we will need an erosion and sediment control plan prepared by either a licensed civil engineer, or the licensed contractor that will be performing the work.

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E. Permittee. The permittee shall be responsible for the work to be performed in accordance with the approved plans and specifications and in conformance with the provisions of this Code, and the permittee shall engage consultants, if required, to provide professional inspections on a timely basis. The permittee shall act as a coordinator between the

consultants, the contractor, and the building official. In the event of changed conditions, the permittee shall be responsible for informing the building official of such change and shall provide revised plans for approval.

- F. Building Official. The building official shall inspect the project at the various stages of work requiring approval to determine that adequate control is being exercised by the professional consultants.
- G. Notification of Noncompliance. If, in the course of fulfilling their respective duties under this chapter, the civil engineer, the soils engineer, or the engineering geologist finds that the work is not being done in conformance with this chapter or the approved grading plans, the discrepancies shall be reported immediately in writing to the permittee and the building official.
- H. Transfer of Responsibility. If the civil engineer, the soils engineer, or the engineering geologist of record is changed during grading, the work shall be stopped until the replacement has agreed in writing to accept their responsibility within the area of technical competence for approval upon completion of the work. It shall be the duty of the permittee to notify the building official in writing of such change prior to the recommencement of such grading.

In addition, an approved stormwater report and drainage plan will also be necessary for the work you have recently completed on your property.

Per WMC 16.140.030, all developments must be constructed and maintained so that impacts to natural and man-made drainage ways do not unreasonably burdened upstream or downstream properties with surface water flooding as a result of the developments. More specifically:

- A. No development may be constructed or maintained so that the development unreasonably impedes the natural flow of water from higher adjacent properties across the development, resulting in substantial damage to the higher adjacent properties; and
- B. No development may be constructed or maintained so that stormwater from the development is collected and channeled into natural or man-made drainage ways, such that the volume and/or rate of flow is substantially greater than the pre-development volume and/or rate.
- C. No development may be constructed such that the flow of water through natural or existing man-made drainage ways is obstructed. Bridges and culverts constructed to allow the flow of water through a development must be designed to pass flow during a 100-year storm event.

The City has concerns that your work will unreasonably impede the natural flow of water and could damage adjacent properties. Please provide a stormwater report and detailed drainage and grading plan that will provide adequate protection to the surrounding properties.

If you have any questions, please feel free to call the Building Department at 503-861-0920. A failure to respond to this letter may result in penalties under Warrenton Municipal Code Section 15.04.260

Sincerely,



Van Wilfinger, CBO
Building Official



September 2, 2021

Rick Newton
P.O. Box 487
Warrenton, OR 97146

RE: 115 SW 1st Street, Warrenton, OR

STOP WORK- 2nd NOTICE

Mr. Newton-

I have inspected the site as requested by Ryan Lampi with Big River Contracting. The site does not have the appropriate erosion and sediment control features installed per the Oregon standards that were provided with the last letter. As previously requested, a new grading and erosion and sediment control plan prepared by either a licensed civil engineer, or the licensed contractor that will be performing the work shall be submitted to the city for review.

Attached, as a courtesy, are Oregon standard drawings for erosion and sediment control that are consistent with common engineering practice that may be utilized, however we will need a site plan clearly delineating the location of each erosion and sediment control feature to be incorporated. Please see item E below in the Warrenton Municipal Code regarding your responsibilities as the **permittee**.

16.152.070 Grading Inspection.

A. General. Grading operations for which a permit is required shall be subject to inspection by the building official. Professional inspection of grading operations shall be provided by the civil engineer, soils engineer, and the engineering geologist retained to provide such services in accordance with this section for engineered grading and as required by the building official for regular grading.

B. Civil Engineer. The civil engineer shall provide professional inspection within such engineer's area of technical specialty, which shall consist of observation and review as to the establishment of line, grade, and surface drainage of the development area. If revised plans are required during the course of the work they shall be prepared by the civil engineer.

C. Soils Engineer. The soils engineer shall provide professional inspection within such engineer's area of technical specialty, which shall include observation during grading and testing for required compaction. The soils engineer shall provide sufficient observation during preparation of the natural ground and placement and compaction of the fill to verify that such work is being performed in accordance with the conditions of the approved plan and the appropriate requirements of this chapter. Revised recommendations relating to conditions differing from the approved soils engineering and engineering geology reports shall be submitted to the permittee, building official, and the civil engineer.

D. Engineering Geologist. The engineering geologist shall provide professional inspection within such engineer's area of technical specialty, which shall include professional inspection of the bedrock excavation to determine if conditions encountered are in conformance with the approved report. Revised recommendations relating to conditions differing from the approved engineering geology report shall be submitted to the soils engineer.

E. Permittee. The permittee shall be responsible for the work to be performed in accordance with the approved plans and specifications and in conformance with the provisions of this Code, and the permittee shall engage consultants, if required, to provide professional inspections on a timely basis. The permittee shall act as a coordinator between the

consultants, the contractor, and the building official. In the event of changed conditions, the permittee shall be responsible for informing the building official of such change and shall provide revised plans for approval.

- F. **Building Official.** The building official shall inspect the project at the various stages of work requiring approval to determine that adequate control is being exercised by the professional consultants.
- G. **Notification of Noncompliance.** If, in the course of fulfilling their respective duties under this chapter, the civil engineer, the soils engineer, or the engineering geologist finds that the work is not being done in conformance with this chapter or the approved grading plans, the discrepancies shall be reported immediately in writing to the permittee and the building official.
- H. **Transfer of Responsibility.** If the civil engineer, the soils engineer, or the engineering geologist of record is changed during grading, the work shall be stopped until the replacement has agreed in writing to accept their responsibility within the area of technical competence for approval upon completion of the work. It shall be the duty of the permittee to notify the building official in writing of such change prior to the recommencement of such grading.

In addition, an approved stormwater report and drainage plan will also be necessary for the work you have recently completed on your property. The stormwater report and drainage plan shall meet the requirements of WMC 16.152 and the City of Warrenton’s Engineering Standards. This code section and the engineering design standards can be found on the city website. You may also contact public works at 503-861-0912 if you have questions concerning plan or report questions.

Per WMC 16.140.030, all developments must be constructed and maintained so that impacts to natural and man-made drainage ways do not unreasonably burdened upstream or downstream properties with surface water flooding as a result of the developments. More specifically:

- A. *No development may be constructed or maintained so that the development unreasonably impedes the natural flow of water from higher adjacent properties across the development, resulting in substantial damage to the higher adjacent properties; and*
- B. *No development may be constructed or maintained so that stormwater from the development is collected and channeled into natural or man-made drainage ways, such that the volume and/or rate of flow is substantially greater than the pre-development volume and/or rate.*
- C. *No development may be constructed such that the flow of water through natural or existing man-made drainage ways is obstructed. Bridges and culverts constructed to allow the flow of water through a development must be designed to pass flow during a 100-year storm event.*

In addition, Per WMC 16.152.050, Whenever the building official determines that any existing excavation or embankment or fill on private property has become a hazard to life and limb, or endangers property, or adversely affects the safety, use, or stability of a public way or drainage channel, the owner of the property upon which the excavation or fill is located, or other person or agent in control of said property, upon receipt in writing from the building official, shall within the time period specified therein eliminate such excavation or embankment to eliminate the hazard and to be in conformance with the requirements of this Code.

The City has concerns that your work will unreasonably impede the natural flow of water and could damage or endanger adjacent properties. Please provide a stormwater report and detailed drainage and grading plan that will provide adequate protection to the surrounding properties. You have until Friday, September 10th, 2021, to provide a revised application and plan to the city for review, and the approved grading and erosion control plans shall be implemented and inspected no later than September 17th, 2021.

A failure to respond to this letter may result in penalties under Warrenton Municipal Code Section 15.04.260

Sincerely,



Van Wilfinger, CBO
Building Official
City of Warrenton
(503) 861-0920



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

October 28th, 2021

Mr. Newton,

A stop work notice was sent to you at PO Box 487 Warrenton, OR on August 18, 2021 for inappropriate fill material, lack of stormwater plans, lack of erosion control elements for your property at 115 SW 1st St. Warrenton, OR also known as Tax Lot 81021AC02100. A second notice was sent regarding the same violation on September 2nd, 2021 requesting plans and compliance by September 17th, 2021. Staff has received no plans nor communication on the development of requested plans.

This letter will serve as notice that the issue has not been abated by the date of mailing and will be processed as a code violation at the November 4th, 2021 Planning Commission meeting at 6 pm at Warrenton City Hall at 225 S. Main Ave. Warrenton, OR 97146. The violator may choose to attend the meeting if they wish to provide information opposing staff findings.

Possible action at the meeting could result in fines not to exceed \$1,000 per violation per day as referenced below:

15.04.260 Penalties.

Any person violating any of the provisions herein for which a special penalty has not been expressly provided shall, upon conviction thereof, be punished by a fine not to exceed \$1,000.00 per violation. Each day that a violation exists is a separate offense. (Ord. 965-A § 2, 1996)

The action to be reviewed violates WMC 16.152.070, WMC 16.140.030 and any other violations as presented at the Planning Commission Meeting.

If you have any further questions, or if we can be of further assistance, please do not hesitate to call 503-861-0920, or email me at shazelton@ci.warrenton.or.us.

Sincerely,

Scott Hazelton
Planning Director

"Making a difference through excellence of service"