



City of Warrenton City Commission
Regular Meeting Agenda
Tuesday, February 10, 2026 – 6:00 PM
City Hall, 225 S. Main, Warrenton, OR 97146

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

Below are the methods to provide public comment and/or public testimony on a public hearing:

1. In-person: Complete a 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 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, no later than 3:00 p.m. the day of the meeting.

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.

1. **Call to Order**
2. **Pledge of Allegiance**
3. **Consent Calendar**
 - A. City Commission Meeting Minutes 2026.01.27
 - B. Harbormaster Report
 - C. Marina Advisory Board Meeting Minutes 10.20.25
 - D. Marina Advisory Board Meeting Minutes 12.15.25
4. **Commissioner Reports**
5. **Public Comment**
6. **Public Hearings**
7. **Business Items**
 - A. RZ-23-1 Hammond Rezone from General Industrial to RM or OSI Adoption
 - B. Consideration to Place City of Warrenton Charter Update Model LOC language on the May Ballot
 - C. Development Code Revision to amend Chapter 16.152 Grading, Excavating, and Erosion Control Plan Second Reading
 - D. Request to Advertise for Bids - Quincy Robinson Park Tennis Court Project
8. **Discussion Items**
9. **Good of the Order**

10. Executive Session

- A. Under the authority of ORS 192.660(2)(f); To consider information or records that are exempt by law from public inspection.

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 Hanna Bentley, 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 Minutes

City Hall, 225 S. Main Warrenton, OR 97146

Tuesday, January 27, 2026

1. City Commission meeting called to order at 5:59 pm.
2. Pledge of Allegiance

Commission Members	Present	Excused
Gerald Poe	X	
Jessica Sollaccio	X	
Mike Moha	X	
Paul Mitchell	X	
Henry A. Balensifer III, Mayor	X	

Staff Members Present	
City Manager Esther Moberg	City Recorder Hanna Bentley
Fire Chief Brian Alsbury	Acting Public Works Director Dale McDowell
Harbormaster Jessica McDonald	Police Chief Mathew Workman
Finance Director Jessica Barrett	

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 2025.12.09
- B. Service Animal Policy
- C. WPD December 2025 Stats Report
- D. 2025 WPD Year Stats Review
- E. Budget Calendar

Commissioner Paul Mitchell requested to add business item 7F Consideration of Columbia Pacific Economic Development District (COLPAC) continuation with rate increase. There were no objections.

Motion:	Move to approve the consent calendar as presented.				
Moved:	Moha				
Seconded:	Poe	Aye	Nay	Abstain	Recused
Vote:	Poe	X			
	Sollaccio	X			
	Moha	X			
	Mitchell	X			
	Balensifer	X			

4. Commissioner Reports

Commissioner Mitchell discussed the meetings he attended with Senator Merkley regarding levees and the Spruce Up Warrenton meeting.

Commissioner Sollacio noted the Clatsop Economic Development Resources (CEDR) meeting she attended and noted the upcoming career fair. She noted that Spruce Up Warrenton received a \$10,000 grant.

Mayor Balensifer noted that he could not make it to the Chamber Banquet due to flight delays, his wife, Kelsey Balensifer, was able to present the Ford Award to former commissioner Tom Dyer.

5. Public Comment

Jackie Sanchez provided comments regarding the fluoride measure on the agenda.

Mayor Balensifer noted that there was written public comment from Ron Dyer submitted for the record and staff will respond.

6. Public Hearings

A. Development Code Revision to amend Chapter 16.152 Grading, Excavating, and Erosion Control Plans:

Mayor Balensifer opened the public hearing on the Development Code Revision to amend Chapter 16.152 Grading, Excavating, and Erosion Control Plans. Formalities followed. No conflicts of interest or ex parte contact were reported. City Manager Esther Moberg presented the staff report noting that this has been in the process since 2022 and provided a brief history of the ordinance. Mayor Balensifer asked to have a provision to revisit this ordinance to see how it's going. There was brief discussion and clarification provided regarding the ordinance.

Mayor Balensifer stated for the record, "That the legislative intent is to allow the City Manager or whoever to be able to say, "Hey, this is an exempted activity." Yes, the code says this specifically, but the intent of this isn't to be persnickety about that so much as it's to make sure that we're not clearing entire lawns, filling them up, and flooding the neighbors. That's the legislative intent of this entire ordinance. So, would you agree with that?"

City Manager Esther Moberg "I absolutely agree."

Mayor Henry Balensifer "Let the record reflect."

Mayor Balensifer asked for public comments. No one spoke in favor, or opposition. Mike Balensifer provided comment in neutrality and asked for clarification on the ordinance. There being no further comments, Mayor Balensifer closed public testimony.

Motion:	Move to add section 3 to Ordinance 1274 stating that staff will prepare at the end of a year's time a report of permits issued under this ordinance and the commission will review its efficacy one year after enactment.				
Moved:	Balensifer				
Seconded:	Mitchell	Aye	Nay	Abstain	Recused
Vote:	Poe	X			
	Sollaccio	X			
	Moha	X			
	Mitchell	X			
	Balensifer	X			
Passed:	5/0				

Motion:	Move to conduct the first reading by title only of Ordinance No. 1274, as amended.				
Moved:	Mitchell				
Seconded:	Sollaccio	Aye	Nay	Abstain	Recused
Vote:	Poe	X			
	Sollaccio	X			
	Moha	X			
	Mitchell	X			
	Balensifer	X			
Passed:	5/0				

Mayor Balensifer conducted the first reading by title only, of Ordinance No. 1274, an ordinance amending chapter 16.152 of the Warrenton Municipal Code to modify regulations on grading excavating and erosion control plans.

7. Business Items

- A. Consideration to Place City of Warrenton Drinking Water Supply Fluoridation on the May Ballot:

City Manager Esther Moberg presented the staff report noting the history of this ballot measure. She noted the intent of the yes vote and no vote language is clarity. There was brief discussion on the number of customers outside of city limits.

Motion:	Move to adopt Resolution No. 2720 Authorizing an Election on May 19, 2026, in the City of Warrenton for the purpose of City of Warrenton Drinking Water Supply Fluoridation.				
Moved:	Poe				
Seconded:	Moha	Aye	Nay	Abstain	Recused
Vote:	Poe	X			
	Sollaccio		X		
	Moha	X			
	Mitchell	X			
	Balensifer	X			

Passed:	4/1
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- B. Consideration of RZ-23-1 Hammond Rezone from General Industrial to RM or OSI 2nd reading:

City Manager Esther Moberg presented her staff report noting the first reading was done at the previous meeting. There was brief discussion on what to record on the title regarding industrial activity near the rezoned property. There was consensus to conduct the second reading and hold off the adoption.

Motion:	Move to approve the second reading, by title only of Ordinance No. 1300.				
Moved:	Poe				
Seconded:	Mitchell	Aye	Nay	Abstain	Recused
Vote:	Poe	X			
	Sollaccio	X			
	Moha	X			
	Mitchell	X			
	Balensifer	X			
Passed:	5/0				

Mayor Balensifer conducted the second reading by title only of Ordinance No. 1300; An Ordinance Amending The City Of Warrenton Zoning Map To Reclassify Zoning Of Tax Lots Site A from Water Dependent Industrial to Open Space Institutional: Tax Lots 81009BD03000, 81009BD04100, 81009BD04200, 81009BD04300, 81009BD04400, 81009BD02800, Site B from Water Dependent Industrial to Medium Density Residential : 81009B001800, 81009B001801, 81009B001802, 81009B001900, 81009BD05000, 81009BD05100, 81009BD05200, 81009BD05300, 81009BD05400, 81009BD05500, 81009BD05600, 81009BD05800, 81009B002601, 81009B001901, 81009BD05700 and Site C from Water Dependent Industrial to Medium Density Residential: 81009BB00900, 81009BB01000.

- C. Second Reading and Adoption of Ordinance No. 1301; Amending WMC Chapter 2.24 Urban Renewal Advisory Committee:

Mayor Balensifer noting that this is a housekeeping measure and that the first reading was done at the previous meeting. Mayor Balensifer asked if there would be an amendment to the bylaws to reduce the committee to 5 members; City Recorder Hanna Bentley noted that the amendment to the bylaws would need to go before the advisory committee in March.

Motion:	Move to conduct the second reading, by title only, of Ordinance No. 1301; An Ordinance Amending Warrenton Municipal Code Chapter 2.24.010, Section A, and Amending Ordinance No. 1117-A, Sections 2 and 7.				
Moved:	Poe				
Seconded:	Moha	Aye	Nay	Abstain	Recused

Vote:	Poe	X			
	Sollaccio	X			
	Moha	X			
	Mitchell	X			
	Balensifer	X			
Passed:	5/0				

Mayor Balensifer conducted the second reading by title only, of Ordinance No. 1301; An Ordinance Amending Warrenton Municipal Code Chapter 2.24.010, Section A, and Amending Ordinance No. 1117-A, Sections 2 and 7.

Motion:	Move to adopt Ordinance No. 1301.				
Moved:	Sollaccio				
Seconded:	Poe	Aye	Nay	Abstain	Recused
Vote:	Poe	X			
	Sollaccio	X			
	Moha	X			
	Mitchell	X			
	Balensifer	X			
Passed:	5/0				

- D. Resolution No. 2719 Approving and adopting increases to the 2025-2026 budget by increasing appropriations for unanticipated revenues from specific purpose grants:

Finance Director Jessica Barret presented her staff report. Noting that this is to amend the current budget to allow for additional spending authority in the grants fund for the Police Department. She noted that the grant is for Seatbelt and DUI enforcement.

Motion:	Move to approve Resolution No. 2719.				
Moved:	Mitchell				
Seconded:	Poe	Aye	Nay	Abstain	Recused
Vote:	Poe	X			
	Sollaccio	X			
	Moha	X			
	Mitchell	X			
	Balensifer	X			
Passed:	5/0				

- E. Seafarer’s Park Erosion Stabilization — Request for Night Work and Road Closure

Acting Public Works Director Dale McDowell requested temporary night work and full road closure during construction of the Seafarer’s Park Bank Stabilization Project. Night work is required to coordinate construction activities with tidal cycles, and a full road closure is necessary to safely perform repairs to the shoreline bank and adjacent viewpoint area. It

was noted that the requested closure is until March 1st. After brief discussion there was unanimous consent from the commission to extend authorization to March 15th.

Motion:	Move to authorize Earthworx Excavation LLC to perform temporary night work and allow a full road closure as necessary to complete construction of the Seafarer’s Park Bank Stabilization Project.				
Moved:	Sollaccio				
Seconded:	Moha	Aye	Nay	Abstain	Recused
Vote:	Poe	X			
	Sollaccio	X			
	Moha	X			
	Mitchell	X			
	Balensifer	X			
Passed:	5/0				

- F. Consideration of Columbia Pacific Economic Development District (COLPAC) continuation with rate increase.

Commissioner Mitchell reviewed his memo he submitted for the record. He noted that the increase would start July 1. The annual cost is currently \$250 and will increase to \$1,500 with a CPI the next two years. There was support for staff to include the increase in the next budget.

8. Discussion Items

- A. Fireworks Calls Around 4th of July

Police Chief Mathew Workman discussed calls around the 4th of July and the level of enforcement. He noted that they are currently reactive. There was brief discussion on past enforcement. There was consensus that it is the officer’s discretion and should be complaint driven.

Workman noted that we were awarded 3 pieces of equipment from the SPIRE grant and that the reader board has arrived.

9. Good of the Order

Commissioner Sollacio noted that she voted nay on the ballot measure due to the language and concerns from a public health standpoint.

Commissioner Moha noted the upcoming play at the high school.

Commissioner Mitchell stated that he has almost ran into people on Ridge Road walking their dogs and asked Chief Workman if there is anything that can be done. He also noted an RV parked on Ridge Road as well.

Mayor Balensifer noted that in a couple days there is going to be a formal grand opening of Battery 245 and he will let the Commission know.

11. Executive Session – None

12. Adjournment

There being no further business, Mayor Balensifer adjourned the meeting at 7:21 pm.

Approved:

Attest:

Henry A. Balensifer III, Mayor

Hanna Bentley, City Recorder

DRAFT



WARRENTON & HAMMOND MARINAS HARBORMASTER REPORT

JANUARY 2026 // PREPARED BY JESSICA MCDONALD



WARRENTON & HAMMOND MARINAS

Harbormaster Report: January 2026

OVERVIEW

Introduction:

Staff have done an incredible job over the past couple of months preparing dock sections for renovation. There has been a significant amount of behind-the-scenes work to set us up for a successful 2026—both in the office, managing Buoy 10 reservations, and in the maintenance shop, where extensive work is underway to ensure a smooth spring installation of our repaired dock sections.

Key Activities:

1. Completed Projects

- Warrenton and Hammond Pile Replacement FY26

1. Projects in Progress

- Hammond Dredge Permit
- Hammond Crab Cooking Area
- Warrenton E dock replacement and repair plans
- Warrenton Campground improvements
- RFB for Hammond docks & in-water work activities for FY27
- CIP and budget planning
- Vendor Location Update
- Zincs added to Piles
- Dock Repairs and Rebuilds - Winter Priority Schedule Update



WARRENTON & HAMMOND MARINAS

Harbormaster Report: January 2026

COMPLETED PROJECTS

Pile Replacement Project

Bergerson Construction successfully replaced 31 piles at the Warrenton and Hammond Marinas. Each year we replace piles, we see a significant reduction in dock damage during the winter months. We are finally gaining ground, and most of the east-side piles at Hammond Marina will have been replaced after December 2027.





WARRENTON & HAMMOND MARINAS

Harbormaster Report: January 2026

PROJECTS IN PROGRESS

Hammond Dredge Permitting

Permits have been submitted and we are awaiting response.

Hammond Crab Cooking Area

Awaiting additional design information.

Warrenton E Dock Replacement

E dock design and permitting has been awarded to PND Engineering and we have entered into contract with them. The design and permitting is expected to be completed in September 2026. In the meantime staff are exploring all financial options for a full replacement while doing our best to maintain safe access and usage of the current dock.

Warrenton Campground Improvements

Warrenton Urban Renewal has identified the Warrenton Campground as a potential enhancement project. Staff are currently exploring options for fill and grading to improve the site and potentially add additional pads or utilities. By expanding camping opportunities in Warrenton, we hope to generate additional revenue to help support operations at the Warrenton Marina.

RBF(Request for Bids) for Hammond Center Dock Replacement & Winter 2026 Projects

Staff are currently preparing a Request for Bids (RFB) for the Hammond Center Dock Replacement project, which received grant funding. Due to long fabrication lead times, we are proposing to begin the RFB and procurement process in February to ensure the new docks can be delivered and installed during the in-water work window of November–December 2026.

We plan to issue one RFB for dock fabrication, followed by a second RFB at a later date for installation. The installation work will be bundled with other FY27 in-water projects, including pile replacement and dredging at Hammond Marina, to reduce mobilization costs.



WARRENTON & HAMMOND MARINAS

Harbormaster Report: January 2026

Capital Improvement and Budget Planning Beginning

Staff will begin the process of identifying any new potential capital improvements that may need to be added to the Capital Improvement Plan (CIP). If the Marinas Advisory Board has any recommendations for consideration, please let us know soon.

Hammond Vendor Location

Below is a map showing the proposed vendor locations for Buoy 10. This will be a limited, 30-day opportunity for interested businesses. Please contact the Harbormaster if you are interested; additional information will be provided in early February. Space is limited and first come first serve.



Zincs added to new Piles

Based on a recommendation from Advisory Board member Mike Balensifer, staff are currently obtaining quotes and exploring the addition of zinc anodes to the steel piles on the commercial docks. The goal is to install the zincs at the mudline to reduce corrosion caused by electrolysis and significantly extend the service life of the piles. Depending on project costs, implementation may need to be delayed until July 2026.



WARRENTON & HAMMOND MARINAS

Harbormaster Report: January 2026

Dock Repairs and Rebuilds - Priority Schedule

Warrenton E Dock: To ensure continued safe access, repairs are underway and are expected to be completed before February.

Warrenton M Dock: Renovations to the first half of Warrenton's M Dock are in progress. Dock sections are currently being repaired and rebuilt and will be floated and installed as soon as possible.

Hammond D Dock Ramp: Dock sections are ready for installation and are currently awaiting delivery of custom hinges. Installation will begin as soon as the hinges are received. Below is a photo of the damaged metal frame, this occurred from a large log that floated in and got wedged under this section.



Hammond B Dock Landing: Repairs are scheduled to take place this spring.



City of Warrenton Marina Advisory Committee

Minutes

City Hall, 225 S. Main Warrenton, OR 97146

Monday 10.20.2025

1. Marina Advisory Committee meeting called to order at 2 p.m.

<i>Members</i>	<i>Present</i>	<i>Excused</i>
Jen Fowler, Chair	X	
Bill Kerr	X	
Larry Ausman	X (LATE)	
Mike Balensifer	X	
Lylla Gaebel	X	

Staff Members Present	
Jessica McDonald	Harbormaster
Shara Ford	Marina Office Secretary

2. Consent Calendar

A. Meeting Minutes October 20, 2025

Motion:	Move to approve the consent calendar as presented.				
Moved:	Balensifer				
Seconded:	Gaebel	Agree	Oppose	Abstain	Recused
Vote:	Kerr	X			
	Fowler	X			
	Ausman			X (LATE)	
	Balensifer	X			
	Gaebel	X			
Passed:	5/0				

3. Public Comment

- i. None

4. Reports

A. Harbor Master report

- i. Harbor master Jessica McDonald noted that marina maintainers will be doing repairs on Warrenton's Commercial E Dock.
- ii. Mrs. McDonald shared that the bids for E Dock pile replacement closes October 22, 2025, however because of the government shutdown the marina's pile permits may be delayed.
- iii. Mrs. McDonald mentioned at the end of September that staff members Don Beck, Tyler Sandridge, Shara Ford, and her self-attended the Pacific Coast Congress of Harbormasters' fall Conference in Seaside. Mrs. McDonald noted the conference was very educational.
- iv. Mrs. McDonald stated that Don Beck, the marinas foreman, has been conducting safety trainings for staff every week.

5. Business Items

A. Crab Pot Christmas Tree Lighting

- i. The event is set to be held December 7, 2025, 5p.m. - 7p.m.
- ii. Chair Jen Fowler noted she is in the process of gathering donations and volunteers to help support the Crab Pot Christmas Tree Lighting event this year.

B. November Meeting

- i. Mrs. McDonald shared she does not have any updates for a November meeting however, November work session would be better.
- ii.

Motion:	Move to cancel December 15 th meeting				
Moved:	Chair Fowler				
Seconded:	Balensier	Aye	Nay	Abstain	Recused
Vote:	Kerr	X			
	Fowler	X			
	Ausman			X (LATE)	
	Balensifer	X			
	Gaebel		X		
Passed:	3/1				

iii. the committee will hold the next meeting on December 15, 2025. At this meeting officer elections will be held for the year 2026.

6. Discussion Items

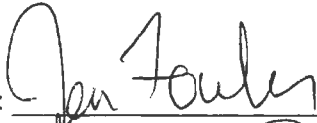
- i. Mike Balensifer talked about the moss accumulation in the Warrenton Marian boat slips. Mrs. McDonald shared she hopes to hire Tongue Point Students next year to help with projects such as those.
- ii. Mr. Balensifer complimented that Hammond’s repaired launch dock looks great. He noted to make sure all bolts and screws are flush with the dock so as not to scratch boats that are docking.
- iii. Chair Fowler noted there has been some unauthorized camping in the Hammond Marina after 7pm. Mrs. McDonald noted the police do a drive though nightly.
- iv. Chair Fowler shared that B dock in Hammond is sagging. Mrs. McDonald noted she would like to get to D and B dock, but Warrenton’s commercial E dock is our priority this month and will continue to be a priority into early 2026.
- v. The next meeting will be held on December 15, 2025, at 2p.m. At this meeting the committee will hold officer elections for the year 2026.

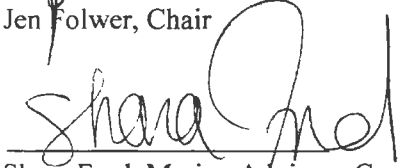
7. Good Of the Order

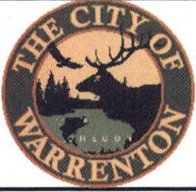
None

8. Adjournment

There being no further business Chair Jen Fowler adjourned the meeting at 2:55 p.m.

Approved: 
Jen Folwer, Chair

Attest: 
Shara Ford, Marina Advisory Committee Secretary



City of Warrenton Marina Advisory Committee Minutes
 City Hall, 225 S. Main Warrenton, OR 97146
 Monday December 15, 2025

1. Marina Advisory Committee meeting called to order at 2:00 pm.

<i>Members</i>	<i>Present</i>	<i>Excused</i>
Jen Fowler, Chair	X	
Bill Kerr, Vice Chair	X	
Larry Ausman	X	
Mike Balensifer	X	
Lylla Gaebel	X	

Staff Members Present	
Jessica McDonald	Harbormaster
Shara Ford	Marina Office Secretary

2. 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. Marina Advisory Meeting Minutes 12.15.2025

Motion:	Move to approve the consent calendar as presented.				
Moved:	Balensifer				
Seconded:	Chair Fowler	Aye	Nay	Abstain	Recused
Vote:	Gabel	X			
	Balensifer	X			
	Fowler	X			
	Kerr	X			
	Ausman	X			
Passed:	5/0				

3. Public Comment

- i. None

4. Reports

A. Harbor Master report

- i. Harbor Master Jessica McDonald presented her End of Review Harbor Master Report. Mrs. McDonald reflected on the year 2025 and asked the board if they had any questions. Chair Fowler asked if the price for the piling replacement is a set price for all the piling and the work being done. Mrs. McDonald noted the price is a set price.

5. Business Items

A. Officer Elections

Motion:	Move to approve Jen Fowler to Chair				
Moved:	Balensifer				
Seconded:	Kerr	Aye	Nay	Abstain	Recused
Vote:	Gabel	X			
	Balensifer	X			
	Kerr	X			
	Ausman	X			
	Fowler	X			
Passed:	5/0				

Motion:	Move to approve Bill Kerr to Vice Chair				
Moved:	Fowler				
Seconded:	Balensifer	Aye	Nay	Abstain	Recused
Vote:	Gabel	X			
	Balensifer	X			
	Fowler	X			
	Ausman	X			
	Kerr	X			
Passed:	5/0				

B. Review of the Crab Pot Christmas Tree Event

- i. The committee made a review of the Crab Pot Christmas Tree event. Chair Fowler noted the event was a success and noted Santa was very popular this year. This also led to a discussion to hold the event at 5pm.

6. Discussion Items

A. Crab Cooking

- ii. Mr. Balensifer is concerned about patrons cooking crab and dumping the crab water on the grass in the Hammond Marina. Mr. Balensifer noted the grass is dying in those places. Mr. Balensifer would like to move the discussion item to a business item at the next meeting on 1.26.26.
- iii. Mr. Balensifer suggested placing zinc on the pilings in the marinas to keep corrosion away. Mrs. McDonald said she will look into it.


7. Good Of the Order

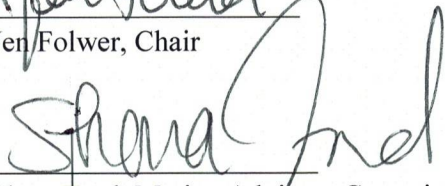
- i. Mr. Ausman raised concerns about the parking area at the new restaurant, Battery 245. Mrs. McDonald shared that a meeting is in the works with City Manager Ester Moberg to talk about this concern.
- ii. Bill Kerr announced he will have to step away from the committee for a period of time.
- iii. Mr. Balensifer raised a concern about D Dock being sunk in the middle. Mrs. McDonald noted that new hinges are being fabricated and the new repairs to D dock are almost finished. Mrs. McDonald share D dock should be done by middle of January this year.

- iv. Mr. Balensifer asked if dredging in Hammond can be made deeper than when it was done last time. Mrs. McDonald noted yes, they are dredging deeper and closer to shore.

8. Adjournment

There being no further business Chair Jen Fowler adjourned the meeting at 3:07 p.m.

Approved: 
Jen Folwer, Chair

Attest: 
Shara Ford, Marina Advisory Committee Secretary



City Commission Agenda Memo

Meeting Date: February 10, 2026
From: Esther Moberg, City Manager
Item Name: RZ-23-1 Hammond Rezone from General Industrial to RM or OSI Adoption

Summary:

Adoption of the rezone in the Hammond area as presented at the last commission meeting. This is a rezone Site A (the Carruthers Park adjacent lots) be rezoned Open Space Institutional (OSI), and that Site B and C lots be rezoned to Medium Density Residential (RM). This change in zoning will not create a change in density for transportation impacts and will not impact greatly the total amount of I2 Water Dependent Industrial zoned parcels that are reserved given the city has over 570 acres zoned I2 which was nearly double which is required by state law. Legal has recommended the attached language for recording with the county and is available to answer any questions about title recording and impacts for protection of industrial areas adjacent to residential.

Recommendation/Suggested Motion:

I move to adopt Ordinance No.1300 which shall be adopted once all property owners have recorded in their title deeds wording regarding the protection of industrial zones, such wording as provided by staff.

Alternative:

Fiscal Impact:

It is believed this change will fiscally benefit the property owners, adding more development ability to their existing properties.

Attachments:

1. RZ-23-1 24984-City of Warrenton-Rezone Application
2. Site A B C Map - Packet
3. 24984-City of Warrenton-Comp Plan Amendment and Rezone-Narrative
4. Ordinance No. 1300
5. title deed declaration
6. RZ-23-1 Staff Report (002)



City Of Warrenton
Planning Department
Rezone (Zoning Map Amendment)
WMC 16.232

OFFICE USE	FEE \$2,000
	File# RZ - _____ - _____
	Date Received _____
	Receipt# _____

Amendments to the Warrenton Zoning Map may be necessary from time to time to reflect changing community conditions, needs, and desires, to correct mistakes, or to address changes in state law (i.e., ORS, OAR, and Statewide Planning Goals). A property owner or designated representative may initiate a request to amend the Warrenton Zoning Map by filing an application with the Planning Department in accordance with the requirements of WMC 16.208.060. In addition, the applicant shall provide any related plans, drawings, and/or information needed to provide background for the request.

Property

Address: _____
 Tax Lot (s): _____
 Zone: _____ Flood Zone: _____ Wetlands: _____

Applicant

Name (s): _____
 Phone: _____ E-Mail Address: _____
 Mailing Address: _____
 Applicant Signature(s): _____ Date: _____

Property Owner (if different from applicant)

Name (s): _____
 Phone: _____ E-mail Address: _____
 Mailing Address: _____
 Owner's Signature: _____ Date: _____

I am a record owner of property (person(s) whose name is on the most recently-recorded deed), or contract purchaser with written permission from the record owner and am providing my signature as written authorization for the applicant to submit this application.

Description of Existing Conditions

1. Existing use of site: _____
2. Existing zoning of the subject property: _____
3. Proposed zoning of the subject property: _____
4. Existing zoning of the surrounding properties:
North: _____
East: _____
South: _____
West: _____

Rezone (Zoning Map Amendment) Review Criteria

Please provide written responses to each of the criteria below that clearly explain how your proposal meets each item. Attach a separate piece of paper if needed. Be as specific as possible. "Yes" and "No" responses are not sufficient.

1. Does the proposal conform to the applicable Oregon Revised Statutes? Yes____ No____

Please explain: _____

2. Does the proposal conform to the Statewide Planning Goals? Yes____ No____

Please explain: _____

3. Is there a change of circumstances or further studies justifying the amendment?

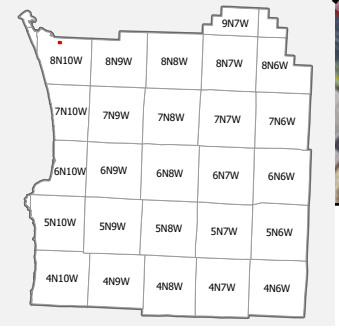
Please explain: _____

This application will not be officially accepted until department staff have determined that the application is filled out and signed, the application fee has been paid, and the submittal requirements have been met.

Clatsop County Webmaps

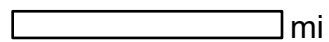


Oregon Statewide Imagery Program (OSIP) - Oregon Imagery Framework Implementation Team,
County of Clatsop, County of Clatsop, Oregon GIS Services, Clatsop County



Clatsop County

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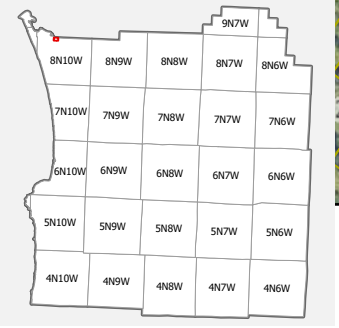
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Clatsop County Webmaps



Oregon Statewide Imagery Program (OSIP) - Oregon Imagery Framework Implementation Team,
County of Clatsop, County of Clatsop, Oregon GIS Services, Clatsop County

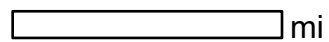


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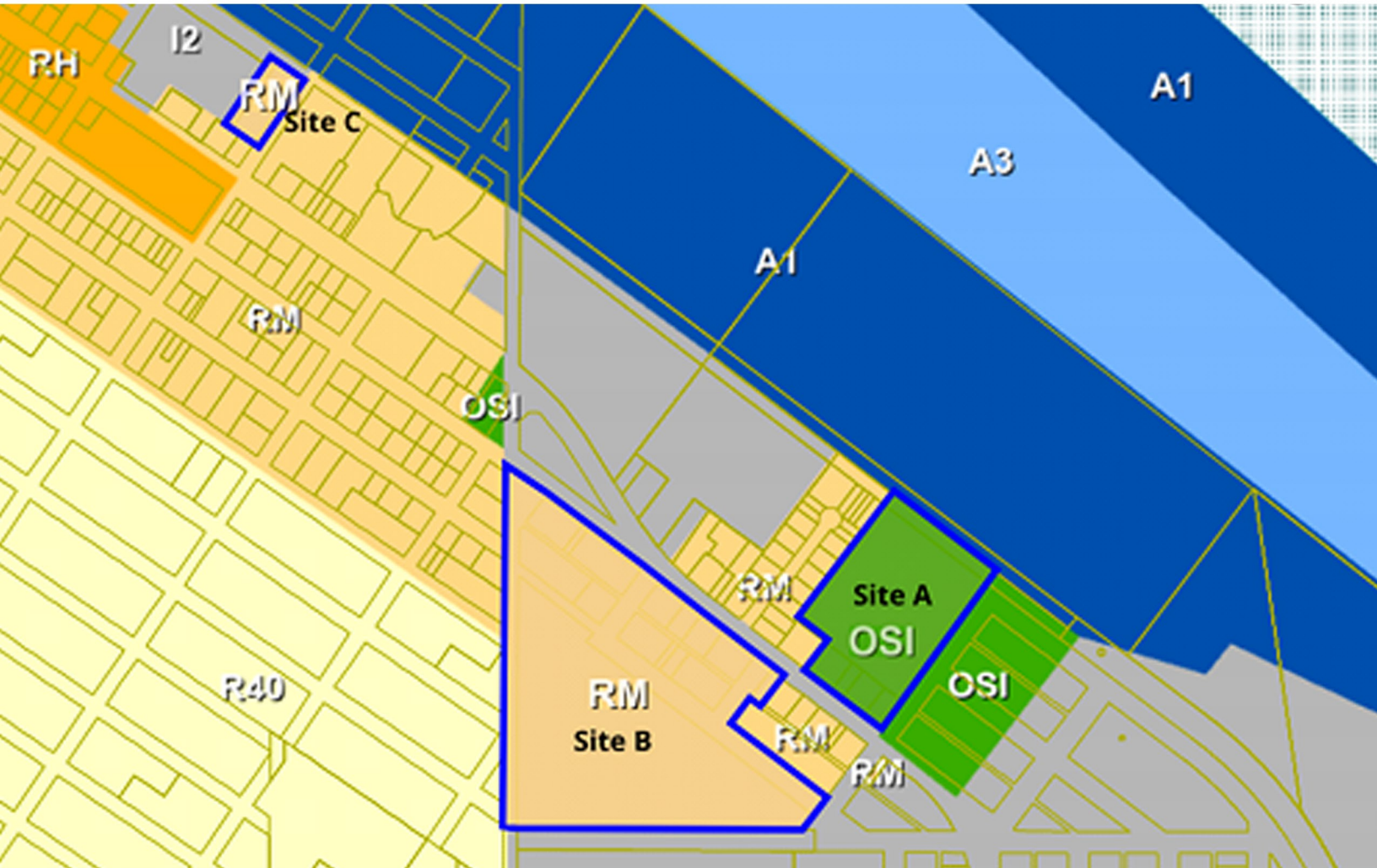


Clatsop County

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WARRENTON - ZONE CHANGE

WARRENTON, OR

APPLICANT'S REPRESENTATIVE

3J CONSULTING, INC.
9600 NW NIMBUS AVENUE, SUITE 100
BEAVERTON, OR 97008
CONTACT: SAM HUCK, AICP
PHONE: 971.253.4220

APPLICATION TYPE

TYPE IV - COMPREHENSIVE PLAN MAP AMENDMENT
TYPE IV - ZONE CHANGE

SUBMITTAL DATE

NOVEMBER 7, 2025

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GENERAL INFORMATION

Contact Applicant: **City of Warrenton**
 225 S Main Ave PO Box 250.
 Warrenton, OR 97146
 Contact: Esther Moberg
 Phone: 971.286.2017
 Email: emoberg@warrentonoregon.us

Applicant's Representative
 and Planning Consultant: **3J Consulting, Inc.**
 9600 SW Nimbus Avenue, Suite 100
 Beaverton, OR 97008
 Contact: Sam Huck, AICP
 Phone: 971.253.4220
 Email: sam.huck@3j-consulting.com

SITE A INFORMATION

Parcel Numbers:	81009BD03000, 81009BD04100, 81009BD04200, 81009BD04300, 81009BD04400, 81009BD02800
Gross Site Area:	~ 7.5 acres
Current Comprehensive Plan Designation	Urban Development (ESWD)
Proposed Comprehensive Plan Designation	Conservation
Current Zoning Designation:	Water Dependent Industrial (I2)
Proposed Zoning Designation:	Open Space Institutional (OSI)
Existing Use:	Vacant
Surrounding Zoning:	The properties to the north are zoned Aquatic Development (A1). The properties to the south are zoned Water Dependent Industrial (I2) and Medium Density Residential (RM). The properties to the east are zoned Open Space Institutional (OSI). The properties to the west are zoned Medium Density Residential (RM).
Street Classification:	NW Warrenton Drive is classified as a Urban Major Collector.

SITE B INFORMATION

Parcel Numbers:	81009B001800, 81009B001801, 81009B001802, 81009B001900, 81009BD05000, 81009BD05100, 81009BD05200, 81009BD05300, 81009BD05400, 81009BD05500, 81009BD05600, 81009BD05800, 81009B002601, 81009B001901, 81009BD05700
Gross Site Area:	~ 16.9 acres
Current Comprehensive Plan Designation	Urban Development (ESWD)
Proposed Comprehensive Plan Designation	Urban Development (Other Shorelands)
Current Zoning Designation:	Water Dependent Industrial (I2)
Proposed Zoning Designation:	Medium Density Residential (RM)
Existing Use:	Vacant
Surrounding Zoning:	The properties to the north are zoned Water Dependent Industrial (I2) and Medium Density Residential (RM). The properties to the south are zoned Water Dependent Industrial (I2). The properties to the east are zoned Water Dependent Industrial (I2) and Medium Density Residential (RM). The properties to the west are zoned Low Density Residential (R-40) and Medium Density Residential (RM).
Street Classification:	NW Warrenton Drive is classified as a Urban Major Collector.

SITE C INFORMATION

Parcel Numbers:	81009BB00900, 81009BB01000
Gross Site Area:	~ 0.9 acres
Current Comprehensive Plan Designation	Urban Development (ESWD)
Proposed Comprehensive Plan Designation	Urban Development (Other Shorelands)
Current Zoning Designation:	Water Dependent Industrial (I2)
Proposed Zoning Designation:	Medium Density Residential (RM)
Existing Use:	Vacant
Surrounding Zoning:	The properties to the north are zoned Aquatic Development (A1). The properties to the south are zoned Medium Density Residential (RM). The properties to the east are zoned Medium Density Residential (RM). The properties to the west are zoned Water Dependent Industrial (I2).
Street Classification:	Enterprise Street is classified as a Local Road.

INTRODUCTION

APPLICANT'S REQUEST

The Applicants propose to amend the zoning map and comprehensive plan map of several properties within the City of Warrenton and seek approval of a Zone Change application and Comprehensive Plan Map amendment. This narrative describes the proposed development and demonstrates compliance with the relevant approval standards of the City of Warrenton Title 16 Development Code and the Warrenton Comprehensive Plan.

Zone change applications and comprehensive plan map amendments are evaluated under the quasi-judicial amendments decision process. After an initial public hearing, the Planning Commission will provide a recommendation to the City Commission who will render the Type IV final decision after a second public hearing on the application is held.

SITE DESCRIPTION/SURROUNDING LAND USE

The subject properties are broken into three separate sites.

Site A is approximately 7.5 acres in size and is identified as tax lots 81009BD03000, 81009BD04100, 81009BD04200, 81009BD04300, 81009BD04400, and 81009BD02800. The site is located within the City of Warrenton and is currently zoned Water Dependent Industrial (I2). The site has generally flat topography and is currently in use as a City Park. Site A fronts and takes access from NW Warrenton Drive and surrounding properties are also located within the City of Warrenton. The properties to the north are zoned Aquatic Development (A1), the properties to the east are zoned Open Space Institutional (OSI), and the properties to the south and west are zoned Medium Density Residential (RM). The site is abutted by a park use to the east, and residential uses to the west.

Site B is approximately 16.9 acres in size and is identified as tax lots 81009B001800, 81009B001801, 81009B001802, 81009B001900, 81009BD05000, 81009BD05100, 81009BD05200, 81009BD05300, 81009BD05400, 81009BD05500, 81009BD05600, 81009BD05800, 81009B002601, 81009B001901, and 81009BD05700. The site is located within the City of Warrenton and is currently zoned Water Dependent Industrial (I2). The site has generally flat topography and is currently undeveloped/vacant. Site B fronts and takes access from NW Warrenton Drive, and all surrounding properties are located within the City of Warrenton. The properties surrounding Site B are zoned Medium Density Residential (RM), and Low Density Residential (R40). The site is abutted by other vacant land and residential uses.

Site C is approximately 0.9 acres in size and is identified as tax lots 81009BB00900, and 81009BB01000. The site is located within the City of Warrenton and is currently zoned Water Dependent Industrial (I2). The site has generally flat topography and is currently developed with residential uses. Site C fronts and takes access from Enterprise Street, and surrounding properties are located within the City of Warrenton. The properties surrounding Site C are zoned Water Dependent Industrial (I2) and Medium Density Residential (RM). The site is abutted by other residential uses.

The full list of properties and their owners are detailed in Table 1, below.

Parcel	Owner(s)	Approximate Acreage	Current Zone	Proposed Zone	Existing Comp Plan Designation	Proposed Comp Plan Designation
Site A						
81009BD03000	City of Warrenton	5.99	I-2	OSI	ESWD	Conservation
81009BD04100		0.36	I-2	OSI	ESWD	Conservation
81009BD04200		0.14	I-2	OSI	ESWD	Conservation
81009BD04300		0.29	I-2	OSI	ESWD	Conservation
81009BD04400		0.21	I-2	OSI	ESWD	Conservation
81009BD02800		0.56	I-2	OSI	ESWD	Conservation
Site B						
81009B001800	Stutzman James H Living Trust; Stutzman James H; Patricia Stutzman	0.07	I-2	RM	ESWD Shorelands	Other Urban Shorelands
81009B001801		0.47	I-2	RM	ESWD Shorelands	Other Urban Shorelands
81009B001802		0.67	I-2	RM	ESWD Shorelands	Other Urban Shorelands
81009B001900	Nichols, Jon	0.80	I-2	RM	ESWD Shorelands	Other Urban Shorelands
81009BD05000	Williamson, Eric R; Valentine Kersten M	0.13	I-2	RM	ESWD Shorelands	Other Urban Shorelands
81009BD05100		0.40	I-2	RM	ESWD Shorelands	Other Urban Shorelands
81009BD05200		0.27	I-2	RM	ESWD Shorelands	Other Urban Shorelands
81009BD05300	Whitmore Janet D; Whitmore Eric J; Smit Tiffany L	0.20	I-2	RM	ESWD Shorelands	Other Urban Shorelands
81009BD05400		0.33	I-2	RM	ESWD Shorelands	Other Urban Shorelands
81009BD05500		0.47	I-2	RM	ESWD Shorelands	Other Urban Shorelands
81009BD05600		0.07	I-2	RM	ESWD Shorelands	Other Urban Shorelands
81009BD05800	Ray Nora Georgiana Rev Trust; Ray Nora Georgiana;	0.53	I-2	RM	ESWD Shorelands	Other Urban Shorelands
81009B002601	Rubens Joseph F; Rubens Rebecca;	12.07	I-2	RM	ESWD Shorelands	Other Urban Shorelands
81009B001901	Brothen Cathleen J; Morris Colleen C	0.33	I-2	RM	ESWD Shorelands	Other Urban Shorelands
81009BD05700	Burkleo Thomas O; Burkleo Delores D	0.13	I-2	RM	ESWD Shorelands	Other Urban Shorelands
Site C						
81009BB00900	Whitney Mark Clifford; Christina N	0.53	I-2	RM	ESWD Shorelands	Other Urban Shorelands
81009BB01000		0.41	I-2	RM	ESWD Shorelands	Other Urban Shorelands
Total		25.43				

Table 1, All Properties and Owner Information

BACKGROUND AND PROPOSAL

The City of Warrenton has been working with the property owners on each of the sites to gather interest and help facilitate a collective comprehensive plan map amendment and zone change proposal for each of the three sites. This application is being applied by ten separate land owners including the City of Warrenton. 3J Consulting, Inc. is acting as the collective Applicant's representative.

The proposal is to change the comprehensive plan map designation and zoning of the subject properties from their existing zoning to the proposed zoning, which is detailed in the description of each of the three Sites in Table 1. The following figures below demonstrate for illustrative purposes the existing zoning and the proposed zoning requested in this zone change application.

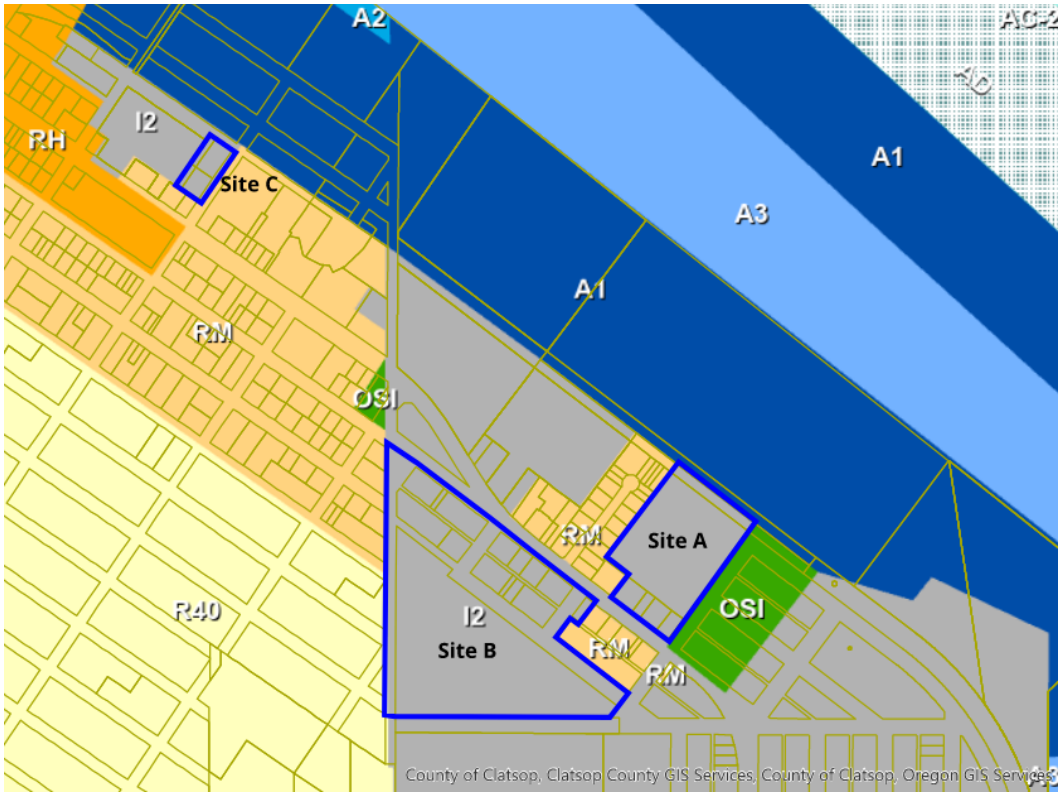


Figure 1. All Sites Existing Zoning

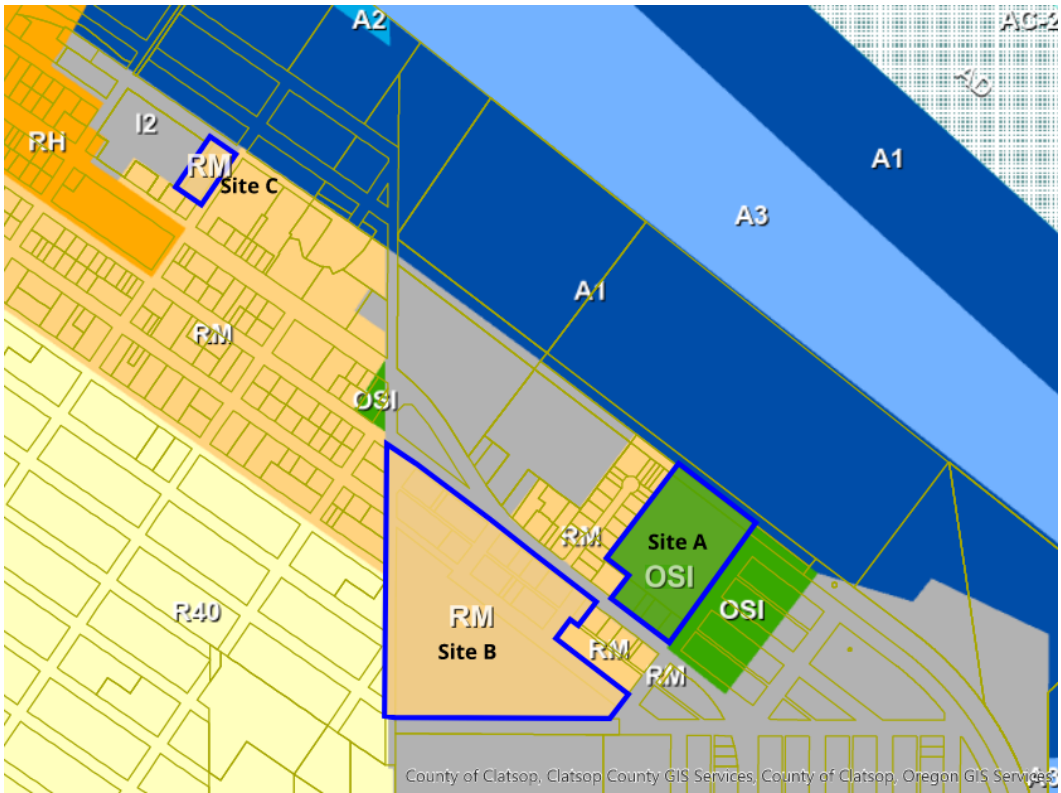


Figure 2. All Sites Proposed Zoning



Figure 3. Site A Existing Zoning



Figure 4. Site A Proposed Zoning

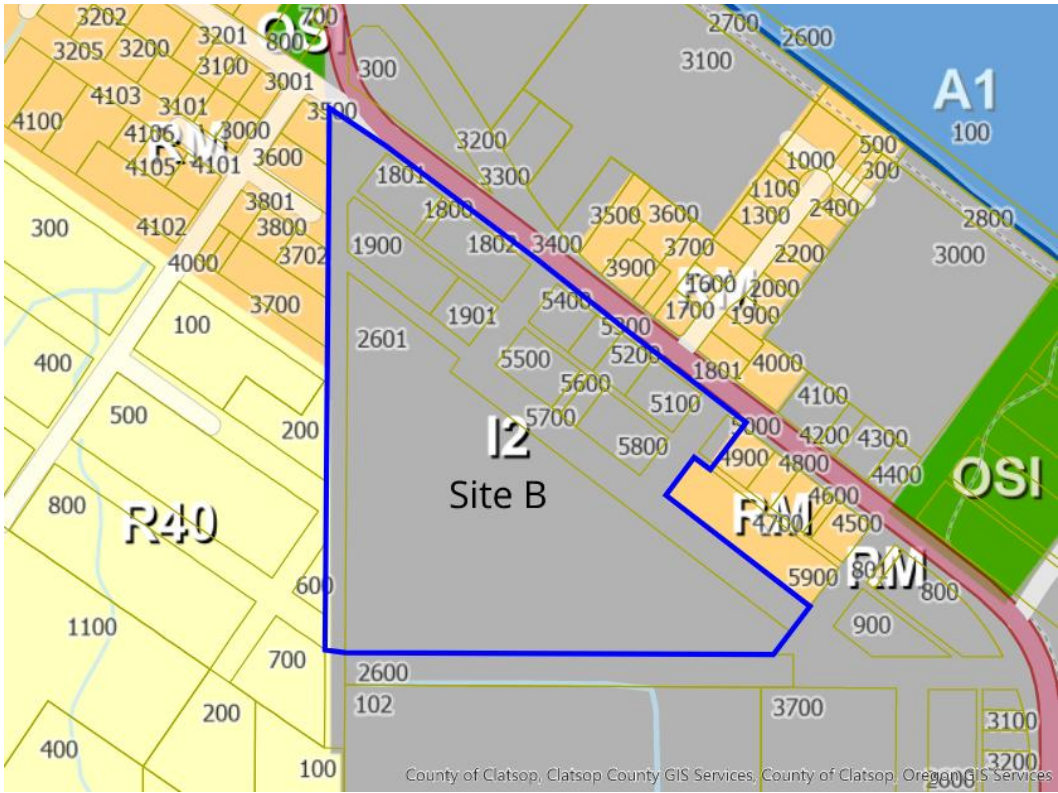


Figure 5. Site B Existing Zoning

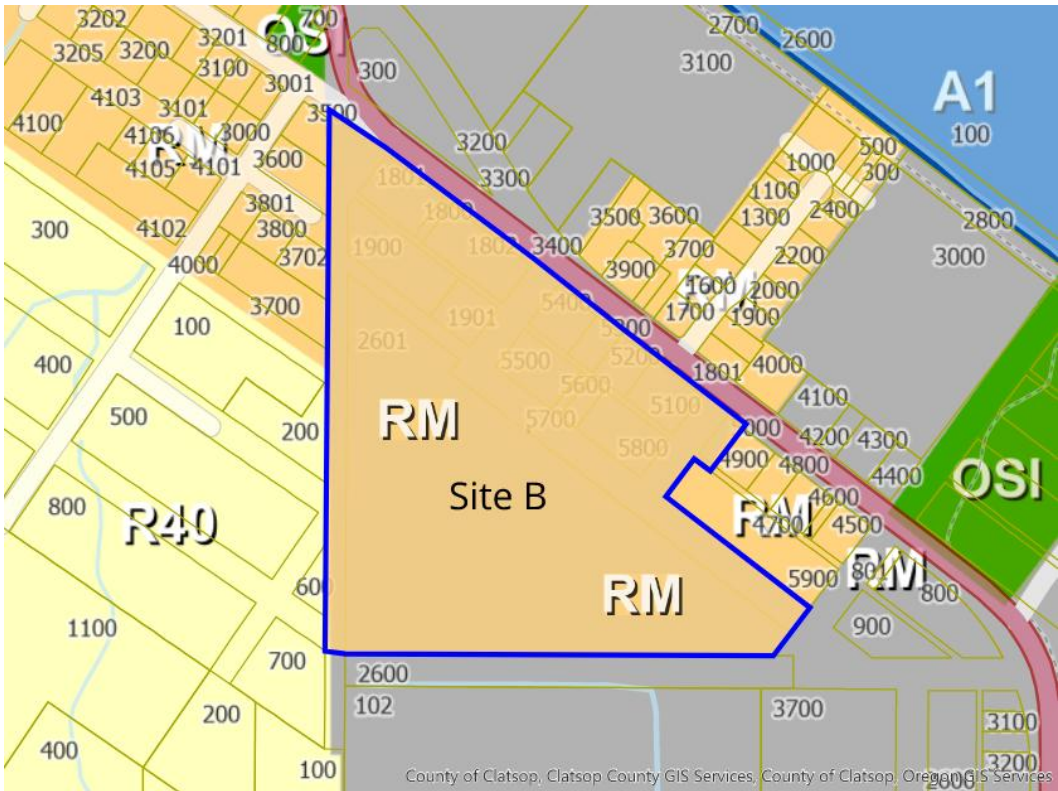


Figure 6. Site B Proposed Zoning

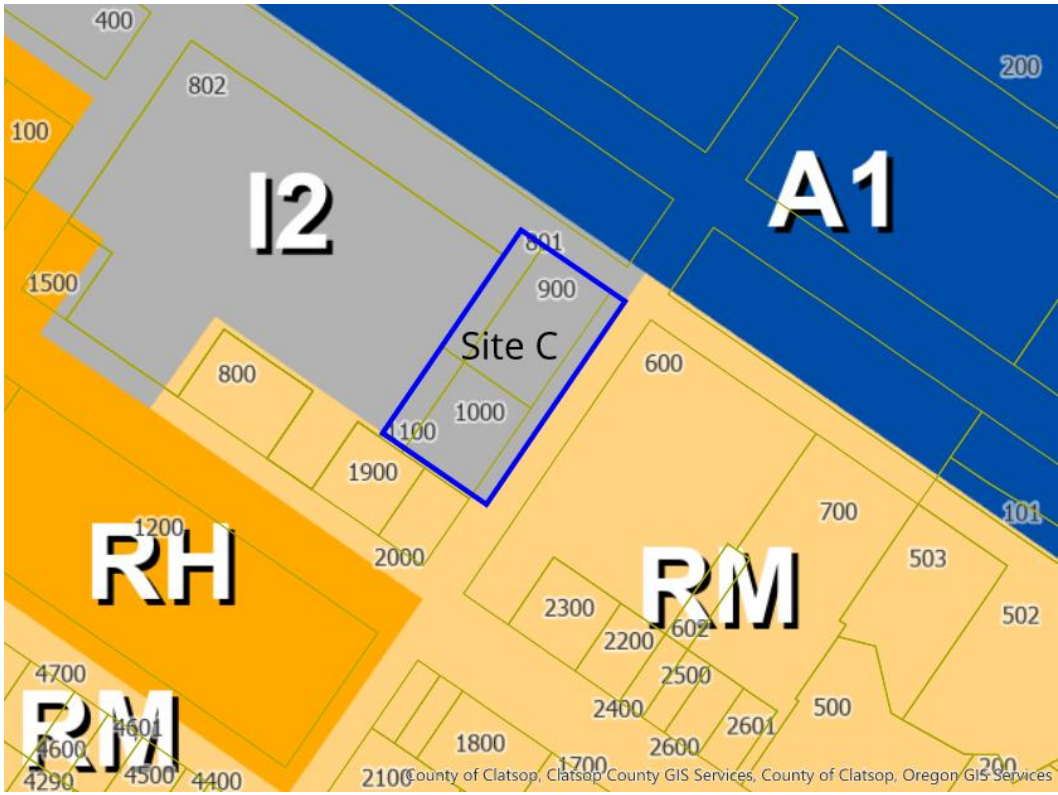


Figure 7. Site C Existing Zoning

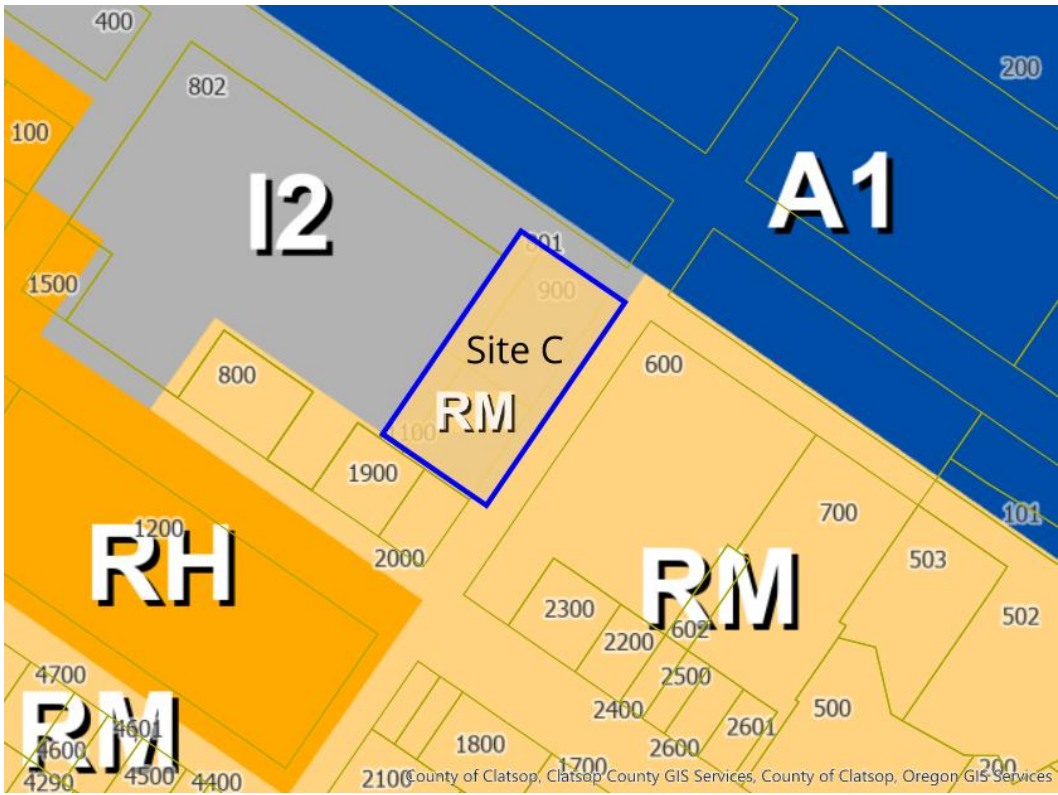


Figure 8. Site C Proposed Zoning

APPLICABLE CRITERIA

The following sections of the Warrenton Title 16 Development Code have been extracted as they have been deemed to be applicable to the proposal. Following each **bold** applicable criteria, the Applicant has provided a series of findings. The intent of providing code and detailed responses and findings is to document that the proposal has satisfied the approval criteria for a Comprehensive Plan Map amendment and Zone Change application.

Title 16. Development Code

Division 4. Applications and Review Procedures

Chapter 16.208. TYPES OF APPLICATIONS AND REVIEW PROCEDURES

§ 16.208.020 Description of Permit/Decision-Making Procedures.

All land use and development permit applications shall be decided by using the procedures contained in this chapter. General procedures for all permits are contained in Section 16.208.070. Specific procedures for certain types of permits are contained in Sections 16.208.020 through 16.208.060. The procedure "type" assigned to each permit governs the decision-making process for that permit. There are four types of permit/decision-making procedures: Type I, II, III, and IV. These procedures are described in subsections A through D of this section. In addition, Table 16.208.020 lists all of the City's land use and development applications and their required permit procedure(s).

[...]

D. Type IV Procedure (Legislative and Map Amendments). Type IV procedures apply to legislative matters and map amendments. Legislative matters involve the creation, revision, or large-scale implementation of public policy (e.g., adoption of land use regulations and Comprehensive Plan amendments which apply to entire districts). The Type IV procedure is also used for land use district map amendments and Comprehensive Plan map amendments. Type IV matters are considered initially by the Planning Commission with final decisions made by the City Commission.

Finding: The Applicant understands and acknowledges that this application is being processed under the Type IV procedure in accordance with Section 16.208.020. Although the Type IV procedure is generally used for legislative matters, this application includes site-specific quasi-judicial components (comprehensive plan map amendment and rezone), and based on the requirements of this code, will be processed under the Type IV procedure.

The Type IV process includes public hearings before both the Planning Commission and City Commission, with final approval by the City Commission. The Applicant understands and acknowledges this process. This standard is met.

§ 16.208.060. Type IV Procedure (Legislative and Map Amendments).

[code text omitted for brevity]

Finding: This section outlines the procedural requirements for Type IV applications, including submittal materials, public notice, hearing procedures, and decision-making standards. This narrative and the application package includes all materials required under Section 16.208.060(B), including maps, narrative findings, and payment of the required fee. The Applicant did not hold a pre-application conference, but as City staff was one of the Applicants, and has been in regular communication with the Applicant’s representative and planning consultant, a pre-application conference would not have changed the application substantially.

The City will provide notice and hold public hearings before both the Planning Commission and City Commission in accordance with Sections 16.208.060(C) and (D).

The Type IV procedures will be followed for the quasi-judicial map amendment and rezone affecting the 23 subject parcels. This standard is met.

Chapter 16.232. AMENDMENTS TO COMPREHENSIVE PLAN TEXT AND MAP, REZONE, AND DEVELOPMENT CODE

§ 16.232.020. Legislative Amendments.

Legislative amendments are policy decisions made by the City Commission. They are reviewed using the Type IV procedure in Section 16.208.060 and shall conform to Section 16.232.060, as applicable.

Finding: This proposal is for a quasi-judicial zoning and comprehensive plan map amendment. The provisions of §16.232.030 have been addressed, and the Type IV procedures will be followed in accordance with the Warrenton Development Code. Although Type IV is typically used for legislative actions, this application is site-specific, applicant-driven, and applies existing Comprehensive Plan policies rather than creating new policy.

The proposal conforms to the Comprehensive Plan by ensuring that the zoning map and Comprehensive Plan map designations are consistent with each other. Inclusion of all parcels within the amendment area avoids illogical zoning patterns, islands, or incompatible boundaries. This approach ensures coordinated and comprehensive decision-making consistent with Statewide Planning Goal 2.

This proposal has been reviewed under the applicable standards of §16.232.030, and the findings demonstrate that the amendment meets the intent and requirements of the Development Code and the Comprehensive Plan. Therefore, this application for a Comprehensive Plan amendment and rezone will be processed as a quasi-judicial amendment process and the criteria is addressed below.

§ 16.232.030. Quasi-Judicial Amendments.

A. Quasi-Judicial Amendments. Quasi-judicial amendments are those that involve the application of adopted policy to a specific development application or Code revision. Quasi-judicial map amendments shall follow the Type IV procedure, as governed by Section 16.208.060, using standards of approval in subsection B of this section. The approval authority shall be as follows:

1. **The Planning Commission shall make a recommendation to the City Commission on an application for a land use district map change which does not involve a Comprehensive Plan map amendment. The City Commission shall decide such application; and**
2. **The Planning Commission shall make a recommendation to the City Commission on an application for a Comprehensive Plan and/or map amendment. The City Commission shall decide such application; and**
3. **The Planning Commission shall make a recommendation to the City Commission on a rezone application, which also involves a Comprehensive Plan map amendment. The City Commission shall decide both applications.**

Finding: The proposed rezone and Comprehensive Plan map amendment are considered quasi-judicial amendments and will apply to the 23 subject parcels. The City Commission will decide both quasi-judicial amendments following a recommendation from the Planning Commission, in accordance with §16.232.030(A)(3).

The requirements of §16.232.030(B) have been addressed below. The quasi-judicial map amendments are site-specific, applicant-driven, and applies existing Comprehensive Plan policies to a defined set of parcels. The proposal does not establish any new policy. All necessary submittal materials have been provided, including this narrative findings, and figures. The Type IV procedures outlined in §16.208.060 will be followed by the City for notice, hearings, and decision-making.

This application will be reviewed under the applicable standards of §16.232.030(B) below, and the findings demonstrate that the amendment meets the intent and requirements of the Development Code and the Comprehensive Plan. This standard is met.

B. Criteria for Quasi-Judicial Amendments. A recommendation or a decision to approve, approve with conditions or to deny an application for a quasi-judicial amendment shall be based on all of the following criteria:

1. **Demonstration of compliance with all applicable Comprehensive Plan policies and map designations. Where this criterion cannot be met, a Comprehensive Plan amendment shall be a pre-requisite to approval.**

Finding: The proposed rezone and Comprehensive Plan map amendment apply to properties currently designated on the Warrenton Comprehensive Plan Map as Urban Development (ESWD – Especially Suited for Water-Dependent Shorelands). In the Warrenton Comprehensive Plan, this designation is implemented through the Marine Commercial Zone and the Water-Dependent Industrial Shorelands Zone, which does not include residential or conservation districts as suitable districts applied in that designation. Therefore, in accordance with §16.232.030(B)(1), a Comprehensive Plan map amendment is a pre-requisite for approval of the proposed rezone for Sites A, B, and C.

Article 3: Land and Water Use, Section 3.290 of the Comprehensive Plan outlines the goals of achieving an “efficient and well-integrated development patterns that meet the

needs of residents and property owners with a variety of incomes and housing needs, are compatible with natural features, and are consistent with the City's ability to provide adequate services."

In accordance with this Comprehensive Plan Goal, the proposed comprehensive plan redesignation and rezone will allow for a better integrated development pattern for Sites A, B, and C.

This application proposes to change the Comprehensive Plan Map designation for Site A, from Urban Development (ESWD – Especially Suited for Water-Dependent Shorelands), to the **Conservation** designation. From Section 2.310(5) of the Warrenton Comprehensive Plan (2011), Conservation designated areas are defined as:

"Land and water areas providing resource or ecosystem support functions, or with value for low intensity recreation or sustained yield resources (such as agriculture), or poorly-suited for development, should be designated for non-consumptive uses. Non-consumptive uses are those which can utilize resources on a sustained-yield basis, while minimally reducing opportunities for other uses of the area's resources. These areas are in the City's Aquatic Conservation Zone, and in the Open Space, Parks & Institutional Zone."

The Applicant finds that changing the comprehensive plan designation for the Site A parcels (81009BD03000, 81009BD04100, 81009BD04200, 81009BD04300, 81009BD04400, 81009BD02800) from Urban Development (ESWD) to Conservation, will allow for zoning designation of said parcels to be changed to the Open Space and Institutional Zone (OSI) as part of this application.

Upon approval of this proposal, Site A will obtain the Conservation designation on the comprehensive plan map and be rezoned with OSI zoning. This zoning will appropriately designate the entire portion of Carruthers Memorial Park, which is consistent with the long term goals of the City for this park. Changing the zoning to OSI will meet the needs of residents in the area by aligning the zoning with the existing use of the parcels as a park, which will work to protect and retain the natural features of the park. The change in zoning will have no detrimental impact on the City's ability to provide adequate services, and will allow the City to keep providing the service of a park to the surrounding residents and property owners of a variety of incomes and needs.

This application proposes to change the Comprehensive Plan Map designation for Sites B, and C from Urban Development (ESWD – Especially Suited for Water-Dependent Shorelands), to **Urban Development (Other Shorelands)**. From Section 2.310(2)(b) of the Warrenton Comprehensive Plan (2011), Urban Development (Other Shorelands) are defined as:

"Other urban shorelands are more desirable for other uses or are suitable for a wider range of uses. They are located in one of the following zoning districts: High Density Residential, Medium Density Residential, Intermediate Density Residential, General Commercial, Recreation Commercial, Urban Recreation/Resort, or General Industrial."

The Applicant finds that changing the Site B and C parcels (81009B001800, 81009B001801, 81009B001802, 81009B001900, 81009BD05000, 81009BD05100,

81009BD05200, 81009BD05300, 81009BD05400, 81009BD05500, 81009BD05600, 81009BD05800, 81009B002601, 81009B001901, 81009BD05700, 81009BB00900, 81009BB01000) comprehensive plan designation to Urban Development (Other Shorelands, will allow for zoning designation of said parcels to be changed to the Medium Density Residential (RM) as part of this application. Changing the comprehensive plan designation will allow for more efficient and well-integrated development patterns, and allow for residential development next to existing residential development.

With the revised zoning proposed, Sites B and C will gain the opportunity to develop residential homes, which are not listed as a permitted or a conditional use in the exiting I2 zoning designation. Approving the rezone will align this area with surrounding existing residential uses which will support a more cohesive development pattern. Rezoning to RM will allow single-family detached, duplex, townhomes, and triplex residential homes as permitted uses, which will better meet the needs of residents with a variety of incomes and housing needs, while remaining compatible with the surrounding natural features.

The rezoning of all Sites A, B, and C will not negatively affect the amount of readily available Urban Development (ESWD) land, and will not bring the City's amount of Urban Development (ESWD) land below what is needed within the Urban Growth Boundary.

The 2019 Economic Opportunities Analysis (EOA) and Economic Development Strategy, "ALL-IN WARRENTON!", identifies approximately 570 acres within the Water-Dependent Industrial Zone. After accounting for future rights-of-way, parks, and other parcel limitations, 456 acres are available for development. Exhibit 29 of the EOA estimates that only 14.5 acres of Water-Dependent Industrial land will be needed to meet projected employment growth through 2040.

The proposed comprehensive plan map amendment and corresponding zone change would remove approximately 25 acres from the Water-Dependent Industrial inventory. Even with this amount of land removed, the City would retain a surplus of approximately 416.5 acres of industrially zoned land available for development, which substantially exceeds projected demand. Therefore, the proposed Comprehensive Plan map amendment and rezone remains consistent with the overall goals and policies of the Comprehensive Plan, including those that ensure adequate industrial land supply and efficient land use.

This standard is met.

2. Demonstration of compliance with all applicable standards and criteria of this Code, and other applicable implementing ordinances.

Finding: This narrative demonstrates compliance with all applicable standards and criteria of the Title 16 Development Code. This standard is met.

3. Evidence of change in the neighborhood, or community, or a mistake or inconsistency in the Comprehensive Plan or land use district map regarding the property which is the subject of the application; and the provisions of Section 16.232.060, as applicable.

Finding: There is evidence of change in the neighborhood, which is shown in the existing zoning map. Multiple properties around the subject properties have been rezoned out of the Water Dependent Industrial (I2) zoning designation, to either Medium Density Residential (RM) or Open Space Institutional (OSI). Amending the comprehensive plan map designation and rezoning the subject properties on Sites A, B, and C would better align with the surrounding properties existing zoning designations, and provide a more consistent zoning pattern for the area and existing land uses.

The Applicant has not identified any mistake or inconsistency in the comprehensive plan or land use district map regarding the properties for which is the subject of this application, but has provided evidence through Figures 3, 5, and 7 that there has been changes in the zoning designations of the immediate neighborhood and community surrounding the subject properties. The provisions of Section 16.232.060 have been addressed further in this narrative. This standard is met.

§ 16.232.040. Conditions of Approval.

A quasi-judicial decision may be for denial, approval, or approval with conditions. A legislative decision may be approved or denied.

Finding: The Applicant understands and acknowledges that the quasi-judicial decision for this application could be denied, approved, or approved with conditions.

§ 16.232.050. Record of Amendments.

The Community Development shall maintain a record of all amendments to the Comprehensive Plan text and/or map, rezones, and Development Code in a format convenient for public use.

Finding: The Applicant understands and acknowledges that the Community Development department will maintain a record of all amendments to the Comprehensive Plan map and amendments to the zoning map in accordance with this criteria.

§ 16.232.060. Transportation Planning Rule Compliance.

A. When a development application includes a proposed Comprehensive Plan amendment, rezone, or land use regulation change, the proposal shall demonstrate it is consistent with the adopted transportation system plan and the planned function, capacity, and performance standards of the impacted facility or facilities. The proposal shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with Oregon Administrative Rule (OAR) 660-012-0060. See also Chapter 16.256, Traffic Impact Study. Where it is found that a proposed amendment would have a significant effect on a transportation facility, the City will work with the applicant and, where applicable, with the roadway authority to modify the request or mitigate the impacts in accordance with the TPR and applicable law.

1. **Change the functional classification of an existing or planned transportation facility. This would occur, for example, when a proposal causes future traffic to exceed the capacity of a "collector" street classification, requiring a change in the classification to an "arterial" street, as identified by the Transportation System Plan; or**
2. **Change the standards implementing a functional classification system; or**
3. **Allow types or levels of land use that would result in levels of travel or access that are inconsistent with the functional classification of a transportation facility; or**
4. **Reduce the level of service of the facility below the minimum acceptable level identified in the Transportation System Plan.**

Finding: The proposed Comprehensive Plan Map Amendment and Zone Change applications are subject to the Transportation Planning Rule (TPR). The proposal has been reviewed for consistency with the City's adopted Transportation System Plan (TSP) and the planned function, capacity, and performance standards of affected transportation facilities. As further supported by the following findings under Chapter 16.256 (Traffic Impact Study), the proposal does not significantly affect a transportation facility.

The Site is currently designated in the Warrenton Comprehensive Plan Map as Urban Development ESWD (Especially Suited for Water-Dependent Development Shorelands) and is zoned Water-Dependent Industrial (I2). The proposal would amend the Comprehensive Plan designation to Urban Development Other Shorelands and rezone a majority of the properties to Medium Density Residential (RM) and several properties Open Space Institutional (OSI), depending on location.

Access to Sites A and B is provided by NW Warrenton Drive (Fort Stevens Highway No. 104) and access to Site C is provided by Enterprise Street. NW Warrenton Drive is classified as an Urban Major Collector in the City's TSP and is also a State Highway (District Highway under the Oregon Highway Plan) and Low Volume Road (LVR) pavement route under ODOT classification. Enterprise Street is classified as a Local Road. Both facilities are intended to accommodate the types and levels of travel associated with residential and institutional land uses.

The proposed change from industrial to residential (RM) and institutional (OSI) zoning designations will result in lower overall vehicle trip generation and a shift away from the potential of truck and freight-related traffic to local passenger vehicle trips. As a result, the proposed amendment reduces overall traffic demand on the transportation system and does not create new or conflicting access patterns.

The proposal does not:

1. Change the functional classification of any transportation facility;
2. Change the standards implementing a functional classification system;
3. Allow types or levels of land use that would result in travel or access inconsistent with the functional classification of a transportation facility; or
4. Reduce the level of service of any facility below the minimum acceptable level identified in the TSP.

Because the proposed change is likely to reduce total potential vehicle trips and does not affect roadway classification, standards, or performance, the amendment does not significantly affect a transportation facility as defined in OAR 660-012-0060(1).

This standard is met.

B. Amendments to the Comprehensive Plan and land use standards which significantly affect a transportation facility shall assure that allowed land uses are consistent with the function, capacity, and level of service of the facility identified in the Transportation System Plan. This shall be accomplished by one of the following:

- 1. Limiting allowed land uses to be consistent with the planned function of the transportation facility; or**
- 2. Amending the Transportation System Plan to ensure that existing, improved, or new transportation facilities are adequate to support the proposed land uses consistent with the requirement of the transportation planning rule; or**
- 3. Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes of transportation.**

Finding: As demonstrated in the above finding for 16.232.060.A, the proposal does not significantly affect a transportation facility, and will allow land uses that are consistent with the function, capacity, and level of service of the transportation facilities identified in the Transportation System Plan. Therefore, none of the above are required to be proposed with this application.

Chapter 16.256. TRAFFIC IMPACT STUDY

§ 16.256.030. When Required.

A traffic impact study will be required to be submitted to the City with a land use application, when the following conditions apply:

A. The development application involves a change in zoning or a plan amendment designation; or,

B. The development shall cause one or more of the following effects, which can be determined by field counts, site observation, traffic impact analysis or study, field measurements, crash history, Institute of Transportation Engineers Trip Generation Manual; and information and studies provided by the local reviewing jurisdiction and/or ODOT:

- 1. An increase in site traffic volume generation by 300 average daily trips (ADT) or more; or**
- 2. An increase in ADT hour volume of a particular movement to and from the state highway by 20% or more; or**
- 3. An increase in use of adjacent streets by vehicles exceeding the 20,000 pound gross vehicle weights by 10 vehicles or more per day; or**
- 4. The location of the access driveway does not meet minimum sight distance requirements, or is located where vehicles entering or leaving the property are restricted, or such vehicles queue or hesitate on the state highway, creating a safety hazard; or**

5. A change in internal traffic patterns that may cause safety problems, such as back up onto the highway or traffic crashes in the approach area.

Finding: The subject sites are currently zoned Water Dependent Industrial (I2) with a Comprehensive Plan designation of Urban Development (ESWD – Especially Suited for Water-Dependent Development Shorelands). The proposal would rezone portions of the site to Medium Density Residential (RM) and Open Space Institutional (OSI), with corresponding Comprehensive Plan designations of Urban Development (Other Shorelands) and Conservation. The sites A and B have frontage on NW Warrenton Drive (Fort Stevens Highway No. 104), classified as an Urban Major Collector, State Highway, District OHP Highway Classification, and Low Volume Road (LVR) Pavement Route, and Site C has frontage on Enterprise Street, classified as a Local Road.

The proposed map amendments will not directly result in any new development or changes to site access. Therefore, there will be no immediate impact on the transportation system and the proposal does not meet the definition of an application for development, as defined in Section 16.12.101 of the Warrenton Development Code.

The City Manager and Community Development Director have reviewed the proposal and determined that a Transportation Impact Study is not required at this time.

Future development of any of the sites will be reviewed for consistency with applicable transportation standards, and the Applicants understand that a TIS may be required if new development is expected to generate additional traffic that may affect the surrounding street network.

This criterion is therefore not applicable.

SUMMARY AND CONCLUSION

Based upon the materials submitted herein, the Applicant respectfully requests approval from the City of Warrenton Planning Commission and City Commission for this Comprehensive Plan map amendment and Zone Change and application.

ORDINANCE NO. 1300

INTRODUCED BY ALL COMMISSIONERS

AN ORDINANCE AMENDING THE CITY OF WARRENTON ZONING MAP TO RECLASSIFY ZONING OF TAX LOTS Site A from Water Dependent Industrial to Open Space Institutional: Tax Lots 81009BD03000, 81009BD04100, 81009BD04200, 81009BD04300, 81009BD04400, 81009BD02800, Site B from Water Dependent Industrial to Medium Density Residential : 81009B001800, 81009B001801, 81009B001802, 81009B001900, 81009BD05000, 81009BD05100, 81009BD05200, 81009BD05300, 81009BD05400, 81009BD05500, 81009BD05600, 81009BD05800, 81009B002601, 81009B001901, 81009BD05700 and Site C from Water Dependent Industrial to Medium Density Residential: 81009BB00900, 81009BB01000.

WHEREAS, 3J Consulting has applied on behalf of the property owners to rezone the listed properties along Warrenton Drive to allow for residential development; and

WHEREAS, the Warrenton Planning Commission conducted a public hearing on the proposal on December 11th, 2025 and forwarded a recommendation of approval to the City Commission based on the findings and conclusions of the December 11th, 2025 presentation by 3J which staff concurred with and public testimony; and

WHEREAS, the Warrenton City Commission conducted a public hearing on the recommendation on January 13th, 2026, and has determined that the recommendation is consistent with the Comprehensive Plan and meets the applicable criteria in the Warrenton Municipal Code based on the findings and conclusions of the December 11, 2025 presentation, public testimony, and the Planning Commission findings;

NOW THEREFORE, the City of Warrenton ordains as follows:

Section 1. The City of Warrenton Zoning Map is amended to reflect the rezone herein described as Exhibit 1 based on the findings and conclusions referenced above.

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:

Second Reading:

ADOPTED by the City Commission of the City of Warrenton, Oregon this _day of _,2026

APPROVED:

Henry A. Balensifer III, Mayor

ATTEST:

Hanna Bentley, City Recorder



City Commission Agenda Memo

Meeting Date: January 27, 2026
From: Esther Moberg, City Manager
Subject: Title deed declaration for residential rezone adjacent to industrial zone

Summary:

As requested, legal has provided information to be used in deed declarations for all title deeds prior to the rezone's final approval:

“NOTICE OF PROXIMITY TO INDUSTRIAL USES:

This Property is located in the vicinity of industrial uses, including maritime industrial uses. As a result, the Property may be subject to certain conditions associated with proximity to industrial uses and industrial operations. Examples of conditions associated with proximity to industrial uses and industrial operations include, but are not limited to, the following:

1. Construction or manufacturing noises and/or smells.
2. Low-frequency sounds.
3. Vibrations.
4. Lights, glare, and sightline or view impacts.
5. Truck traffic, vessel traffic, heavy equipment traffic, and loading operations.
6. Other hazards and impacts associated with industrial operations and construction of industrial facilities.”



City of Warrenton

Planning Department

225 S Main Avenue ■ P.O. Box 250 ■ Warrenton, OR 97146

Phone: 503.861.0920 Fax: 503.861.2351

STAFF REPORT

TO: The Warrenton City Commission
FROM: Esther Moberg, City Manager
DATE: January 13, 2026
SUBJ: RZ-23-1 Hammond Rezone from General Industrial to Medium Density Residential (RM) or Open Space Institutional (OSI)

BACKGROUND

3J consulting has submitted on behalf of property owners in the Hammond area a recommendation that the following three site areas be rezoned to enable future residential housing development along Warrenton Drive. The subject properties are owned by multiple property owners, including the City of Warrenton property adjacent to Carruthers Park, and are identified as Site A: Tax Lots 81009BD03000, 81009BD04100, 81009BD04200, 81009BD04300, 81009BD04400, 81009BD02800, Site B: 81009B001800, 81009B001801, 81009B001802, 81009B001900, 81009BD05000, 81009BD05100, 81009BD05200, 81009BD05300, 81009BD05400, 81009BD05500, 81009BD05600, 81009BD05800, 81009B002601, 81009B001901, 81009BD05700 and Site C: 81009BB00900, 81009BB01000.

Upon review, 3J consulting is recommending that Site A (the Carruthers Park adjacent lots) be rezoned Open Space Institutional (OSI), and that Site B and C lots be rezoned to Medium Density Residential (RM). This change in zoning will not create a change in density for transportation impacts and will impact greatly the total amount of I2 Water Dependent Industrial zoned parcels that are reserved given the city has over 450 parcels zoned I2 which was nearly double which is required by state law.

PUBLIC PROCESS, PROCEDURES & PUBLIC NOTICE

3J was hired on behalf of the property owners by the City of Warrenton to represent the applicants on October 24, 2024. The owners had all signed written agreements and paid their portion of the rezone process. Notice was provided to DLCD on October 23, 2025. Mailed Notices were sent to all tax lot owners within 200ft of the subject sites on November 21, 2025. Public hearing notice was published in The Astorian November 27, 2025. Planning Commission conducted a hearing on December 11, 2025, and recommended RZ-23-1 be put forth to the City Commission. Public comments were received via Planning Commission hearing on December 11, 2025. All comments

received were noted to be in favor or neutral. The City Commission will hear RZ-23-1 on January 13, 2026.

CODE PROVISIONS, APPLICANT RESPONSES, AND FINDINGS

Applicable Warrenton Municipal Code (WMC) chapters for this application include:

16.208 TYPES OF APPLICATIONS AND REVIEW PROCEDURES
16.232 AMENDMENTS TO COMPREHENSIVE PLAN TEXT AND MAP, REZONE,
AND DEVELOPMENT CODE

Chapter 16.208 Administration of Land Use and Development Permits **16.208.060 Type IV Procedure (Legislative and Map Amendments).**

APPLICANT RESPONSE: Applicant is requesting to amend the zoning map and comprehensive plan map of several properties within the City of Warrenton.

STAFF FINDING: The applicant has demonstrated proposed development types and shown compliance with relevant approval standards of the City of Warrenton Development Code (Chapter 16) and the Warrenton Comprehensive plan. There is no known existing development in these zones that will not conform to the new base zone allowed uses and dimensional standards.

This Criteria is met.

Chapter 16.232 Amendments To Comprehensive Plan Text And Map, Rezone, And Development Code

16.232.030 Quasi-Judicial Amendments.

Criteria for Quasi-Judicial Amendments. A recommendation or a decision to approve, approve with conditions or to deny an application for a quasi-judicial amendment shall be based on all of the following criteria:

1. Demonstration of compliance with all applicable Comprehensive Plan policies and map designations. Where this criterion cannot be met, a Comprehensive Plan amendment shall be a pre-requisite to approval.

APPLICANT RESPONSE: Report demonstrating compliance with all applicable Comprehensive plan policies and map designations. Recommendations fit within relevant criteria. The amount of water dependent shorelands acreage prior to the rezone is approximately 570 acres, with 456 acres “available for development” per the City’s EOA. The amount after the rezone is approximately 545 acres, with 421 acres “available for development. The projected need from the City’s EOA is 14.5 acres currently.

STAFF FINDING: This criterion is met.

2. Demonstration of compliance with all applicable standards and criteria of this Code, and other applicable implementing ordinances.

APPLICANT RESPONSE: None provided.

STAFF FINDING: Section 16.32.020 of the Warrenton Municipal Code

The purpose of the Medium Density Residential zone is to provide sites for residential, medium density development including single-family detached dwellings, modular homes, duplexes, townhomes, and triplexes as subject to Chapter 16.184. This is in keeping with prior rezoning in the area, and is considered a suitable use for this land, in keeping with State mandates and Local comprehensive plan development.

This rezoning permits property owners to use their land in a way that matches surrounding development. Prior rezoning in the area is in keeping with this same zoning. Given the need for more housing and the amount of land still held significantly in zone I2 beyond what is required by the state, **This criterion is met.**

CONCLUSIONS AND RECOMMENDATION

RECOMMENDED MOTION

"Based on the findings and conclusions of the January 13th staff report, I move to recommend the rezoning of the I2 water dependent industrial as described in RZ-25-1 with a recommendation to adopt the rezone and to amend the comprehensive plan as needed, and to conduct the first reading, by title only, of Ordinance No. 1300."

ATTACHMENTS

1. Ordinance No. 1300
2. Application
3. Maps



City Commission Agenda Memo

Meeting Date: February 10, 2026
From: Esther Moberg, City Manager
Item Name: Consideration to Place City of Warrenton Charter Update Model LOC language on the May Ballot

Summary:

Upon review, legal has recommended the updates to the City of Warrenton Charter based on model League of Oregon City language, 9th edition (2025), updating outdated language and aligning better with state standards.

Recommendation/Suggested Motion:

I move to approve resolution 2721; a resolution referring a measure proposing amendments to the city charter to the voters for the May 16, 2026, election.

Alternative:

Fiscal Impact:

Cost for the ballot measure with the county, and staff time, no other costs anticipated.

Attachments:

1. RESOLUTION NO. 2721
2. Ballot Title
3. City of Warrenton LOC model language changes 2026

RESOLUTION NO. 2721

Introduced by All Commissioners

A RESOLUTION REFERRING A MEASURE PROPOSING AMENDMENTS TO THE CITY CHARTER TO THE VOTERS FOR THE MAY 16, 2026, ELECTION.

WHEREAS, the Warrenton City Commission has identified a need to review and update the City Charter in order to incorporate best practices, respond to changes in the law, and improve governmental efficiency; and

WHEREAS, in order to accomplish those goals, City staff have prepared draft amendments to the City Charter which would bring the language of several sections of the Charter into alignment with the Model Charter published by the League of Oregon Cities.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Warrenton that:

A measure election is hereby called on May 19, 2026, for the purpose of submitting to the electors of the City of Warrenton a measure amending the City Charter, for which the text amendments, ballot title, and explanatory statement certified and filed by the City Commission shall be as set forth in Exhibit A and incorporated by reference herein; and

The Clatsop County Elections Office will conduct the election, and the precincts for said election shall be and constitute all of the territory included within the corporate limits of the City of Warrenton; and

The City Manager, City Recorder, and City Attorney are hereby authorized, empowered, and directed for and on behalf of the City, to do and perform all acts and things necessary or appropriate to cause the ballot measures to appear on the ballot for the May 19, 2026, election and to otherwise carry out the purposes and intent of this resolution.

Adopted by the City Commission of the City of Warrenton this _____ day of February, 2026.

This resolution shall take effect immediately upon its passage.

APPROVED

Henry A. Balensifer III, Mayor

ATTEST

Hanna Bentley, City Recorder

Ballot Title

Caption: Amend Warrenton City Charter to Align with Model Charter

Question: Shall the City of Warrenton amend its existing charter to align language with the League of Oregon Cities' model charter?

Summary:

This measure would amend the City's existing home rule charter. The Oregon Constitution gives city voters the right to adopt and amend charters. Charters grant legal authority to cities, describe a city's form of government, and assign duties to city officials. Warrenton voters last amended the current charter in 2016.

If approved, this measure would align the language in several sections of the Warrenton city charter with the statewide model charter published by the League of Oregon Cities. Specifically, it would amend Sections 3, 8, 11, 12, 20(d-f), 22-30, 39, 40, and 43 of the charter. No other provisions of the Charter would be changed by this measure.

This measure was referred to the voters by the City Commission.

Explanatory Statement

If approved, this measure would amend the City's current charter.

The City Commission unanimously approved submitting this measure to the voters.

This measure would align the language in several sections of the Warrenton city charter with the statewide model charter published by the League of Oregon Cities. Specifically, this measure would amend the following sections of the charter:

- Section 3, relating to boundaries of the City, would be amended to align with the Model Charter.
- Section 8, relating to terms of office, would be amended to more closely align with the Model Charter, while retaining the City's current number of elected officials and the schedule of their terms of office.
- Section 11, relating to compensation, would be amended to more closely align with the Model Charter.
- Section 12, relating to qualifications for the mayor and commissioners, would be amended to align with the Model Charter.
- Section 20(d), relating to the City Manager's role in commission meetings, would be amended to align with the Model Charter.
- Section 20(e), relating to appointing a City Manager Pro Tem, would be amended to align with the Model Charter.
- Section 20(f), relating to coercion of the City Manager, would be amended to align with the Model Charter.
- Section 22, relating to the City Auditor, would be repealed to align with the Model Charter, which contains no parallel provision.
- Section 23, relating to regular elections, would be repealed to align with the Model Charter, which contains no parallel provision.
- Section 24, relating to special elections, would be repealed to align with the Model Charter, which contains no parallel provision.
- Section 25, relating to state law regulation of elections, would be amended to align with the Model Charter.
- Section 26, relating to canvassing of election returns, would be repealed to align with the Model Charter, which contains no parallel provision.
- Section 27, relating to tie votes in elections, would be repealed to align with the Model Charter, which contains no parallel provision.
- Section 28, relating to terms of office, would be amended to align with the Model Charter.
- Section 29, relating to oaths of office, would be amended to align with the Model Charter.
- Section 30, relating to nominations for elected office, would be amended to align with the Model Charter.

- Section 39, relating to bids, would be repealed to align with the Model Charter, which contains no parallel provision.
- Section 40, relating to debt limits, would be amended to align with the Model Charter.
- Section 43, relating to the time of effect of the charter, would be amended to align with the Model Charter and to reflect the amendments to the charter by this ballot measure.

No other provisions of the Charter would be changed by this measure.

The full text of the proposed amendments are available at [\[https://www.warrentonoregon.us/news\]](https://www.warrentonoregon.us/news).

Text Changes

Section 3. Boundaries.

The city includes all territory within its boundaries as they now exist or are legally modified. The city will maintain as a public record an accurate and current description of the boundaries. The city shall include all territory encompassed by its boundaries as they now exist or hereafter are modified by voters, by the commission, or by any other agency with legal power to modify them. The auditor shall keep in his office at the city hall at least two copies of this charter in each of which he shall maintain an accurate, up-to-date description of the boundaries. The copies and descriptions shall be available for public inspection at any time during regular office hours of the auditor.

Section 8. Terms of Office.

The terms of commissioner Positions 1, 2, and 3 in office when this charter is adopted are the terms for which the commissioners were elected. At every other general election after the adoption, beginning in 2028, commissioner Positions 1, 2, and 3 will be elected for four-year terms.

The terms of the mayor and commissioner Position 4 in office when this charter is adopted continue until the beginning of the first odd-numbered year after adoption. At every other general election after the adoption, beginning in 2026, a mayor and commissioner Position 4 will be elected for four-year terms.~~The commissioners in office at the time this charter amendment is adopted shall continue in office, each until the end of his term of office as fixed by the charter of the city in effect at the time this charter amendment is adopted. At the first biennial general election after this charter amendment takes effect, the mayor and one commissioner position, which shall be known hereafter as commissioner Position 4, shall be elected, each for a term of four years. At the second biennial general election after this charter amendment is adopted, three commissioners which shall be known hereafter as commissioner Position 1, commissioner Position 2 and commissioner Position 3, shall be elected each for a term of four years. At each biennial general election thereafter there shall be elected the number of commissioners and/or mayor whose term expires at the first of the year immediately following such election.~~

Section 11. ~~Salaries~~Compensation.

The commission must authorize the compensation of city officers and employees as part of its approval of the city budget.~~The compensation for the services of each city officer and employee shall be the amount fixed by the commission. No increase in the compensation of commissioners however, shall take effect until the first day of the odd-numbered year following the first biennial general election after the increase is ordered.~~

Section 12. Qualifications ~~of Officers.~~

a) The mayor and each commissioner must be a qualified elector under state law and reside within the city for at least one year immediately before election or appointment to office.

b) No person may be a candidate at a single election for more than one city office.

c) Neither the mayor nor a commissioner may be employed by the city.

d) The commission is the final judge of the election and qualifications of its members. No person shall be eligible for an elective office of the city unless at the time of his nomination and election he is a qualified elector within the meaning of the state constitution and a resident of the city. The commission shall be final judge of the qualifications and election of its own members.

Section 20. City Manager.

(d) The manager and other employees designated by the commission may sit at commission meetings but have no vote. The manager may take part in all commission discussions. Seats at commission meetings. The manager and such other officers as the commission designates shall be entitled to sit with the commission but shall have no vote on questions before it. The manager may take part in all commission discussions.

(e) When the manager is temporarily disabled from acting as manager or when the office of the manager becomes vacant, the commission must appoint a manager pro tem. The manager pro tem has the authority and duties of manager, except that a pro tem manager may appoint or remove employees only with commission approval. Manager pro tem. Whenever the manager is absent from the city, is temporarily disabled from acting as manager, or whenever his office becomes vacant, the commission shall appoint a manager pro tem, who shall possess the powers and duties of the manager. No manager pro tem, however, may appoint or remove a city officer or employee except with the approval of three fourths of the members of the commission. No manager pro tem shall hold his position as such or more than four months, and no appointment of a manager pro tem shall be renewed.

(f) In order to protect the fundamental form of government chosen by the voters, guard the power of the commission as a body, defend against corruption, ensure transparency, and preserve the separation of authority set forth in this Charter between the manager's administrative authority and the commission's general powers, no commission member may actually coerce or attempt to coerce the manager or a candidate for the office of manager in the appointment or removal of any city employee, or in administrative decisions regarding city property or contracts. A violation of this prohibition is grounds for removal from office by a majority of the commission after a public hearing. This prohibition does not apply in publicly noticed meetings, including but not limited to commission or committee meetings, executive sessions, and work sessions. Interference in administration and elections. No member of the commission shall directly or indirectly, by suggestion or otherwise, attempt to exact any promise relative to any appointment from any candidate for manager. Except while in a commission meeting open to the public, no member of the commission shall directly or indirectly, by suggestion or otherwise, attempt to influence in any way the manager in the making of any appointment or removal of any officer or employee or in the purchase of supplies; or discuss directly or indirectly with him the matter of specific appointments to any city office or employment. A violation of the foregoing provisions of this section shall forfeit the office of the offending member of the commission. Nothing in this section shall be construed,

however, as prohibiting the commission while in open session from fully and freely discussing with or suggesting to the manager anything pertaining to city officers and employees, city purchasing and affairs, or any other matter or thing in the interests of the city. Neither the manager nor any person in the employ of the city shall take part in securing, or contributing any money toward, or in any way assisting in, the nomination or election of any candidate for commissioner, unless that person is a candidate for the office of commissioner, in which case he may contribute money and do all things proper to further his own campaign. A violation of this paragraph shall forfeit the office or employment of the offender.

Section 22. RESERVED Auditor.

The auditor shall serve ex officio as clerk of the commission, attend all its meetings unless excused therefrom by the commission, keep an accurate record of its proceedings, and sign all orders on the treasury. In the auditor's absence from a commission meeting, the mayor shall appoint a clerk of the commission pro tem who, while acting in that capacity, shall have all the authority and duties of the auditor.

Section 23. RESERVED. Regular Elections.

Regular city elections shall be held at the same times and places as biennial general state elections, in accordance with the applicable state election laws. The auditor, pursuant to directions from the commission, shall give at least 10 days' notice of each regular city election by posting notice thereof at a conspicuous place in the city hall and in one public place in each voting precinct of the city. The notice shall state the officers to be elected, the ballot title of each measure to be voted upon, and the time and place of the election.

Section 24. RESERVED. Special Elections.

The commission shall provide the time, manner and means for holding any special election. The auditor shall give at least 10 days' notice of each special election in the manner provided by the action of the commission ordering the election.

Section 25. Regulations of Elections State Law.

City elections must conform to state law except as this charter or ordinances provide otherwise. All elections for city offices must be nonpartisan. Except as this charter provides otherwise and as the commission provides otherwise by ordinances relating to elections, the general laws of the state shall apply to the conduct of all city elections, recounts of the returns therefrom and contests thereof.

Section 26. RESERVED. Canvass of Returns.

In all elections held in conjunction with state and county elections, the state laws governing the filing of returns by the county clerk shall apply. In each special city election the returns therefrom shall be filed with the auditor on or before noon of the day following, and not later than five days after the election, and the commission shall meet and canvass the returns. The results of all elections shall be entered in the record of the proceedings of the commission. The entry shall state the total number of votes cast at the election, the votes cast for each person and for and against each proposition, the name of each person elected to office, the office to

which he has been elected and a reference to each measure enacted or approved. Immediately after the canvass is completed, the auditor shall make and sign a certificate of election of each person elected and deliver the certificate to him within one day after the canvass. A certificate so made and delivered shall be prima facie evidence of the truth of the statements contained in it.

Section 27. ~~RESERVED. Tie Votes.~~

~~In the event of a tie vote for candidates for an elective office, the successful candidate shall be determined by a public drawing of lots in a manner prescribed by the commission.~~

Section 28. ~~Commencement of Terms of Office.~~

~~The term of an officer elected at a general election begins at the first commission meeting of the year immediately after the election and continues until the successor qualifies and assumes the office. The term of office of a person elected at a regular city election shall commence the first of the year immediately following the election.~~

Section 29. ~~Oath of Office.~~

~~The mayor and each commissioner must swear or affirm to faithfully perform the duties of the office and support the constitutions and laws of the United States and Oregon. Before entering upon the duties of his office, each officer shall take an oath or shall affirm that he will support the constitutions and laws of the United States and of Oregon and that he will faithfully perform the duties of his office.~~

Section 30. ~~Nominations.~~

~~The commission must adopt an ordinance prescribing the manner for a person to be nominated to run for mayor or a city commissioner position. A qualified elector who is a resident of the city may be nominated for an elective city office to be filled at the election. The nomination shall be by a petition that specifies the office sought and shall be in a form prescribed by the commission. The petition shall be signed by not fewer than 50 electors. No elector shall sign more than one petition for each office to be filled at the election. If he does so, his signature shall be valid only on the first sufficient petition filed for office. The signatures to a nomination petition need not all be appended to one paper, but to each separate paper of the petition shall be attached an affidavit of the circulator thereof, indicating the number of signers of the paper and stating that each signature appended thereto was made in his presence and is the genuine signature of the person whose name it purports to be. Opposite each signature shall be stated the signer's place of residence, identified by its street and number or other sufficient designation. All nomination papers comprising a petition shall be assembled and filed with the auditor as one instrument not earlier than 120 days nor later than 65 days before the election. The auditor shall make a record of the exact time at which each petition is filed and shall take and preserve the name and address of the person by whom it is filed. If the petition is not signed by the required number of qualified electors, the auditor shall notify the candidate and the person who filed the petition within five days after the filing. If the petition is insufficient in any other particular, the auditor shall return it immediately to the person who filed it, certifying in writing wherein the petition is insufficient. The deficient petition may be amended and filed~~

~~again as a new petition, or a substitute petition for the same candidate may be filed, within the regular time for filing nomination petitions. The auditor shall notify an eligible person of his nomination, and that person shall file with the auditor his written acceptance of nomination, in such form as the commission may require, within five days of notification of nomination. Upon receipt of the acceptance of nomination, the auditor shall cause the nominee's name to be printed on the ballots. The petition of nomination for a successful candidate at an election shall be preserved in the office of the auditor at least until completion of the term of office for which the candidate is elected. As an alternative method, any qualified, registered elector may become a candidate by making and filing his or her declaration of candidacy in a form prescribed by the commission with the auditor of the city of Warrenton not less than 65 days before the day fixed by law for said election, providing said candidate accompanies his or her said declaration with the filing fee, the sum of which shall be set by the city commission. Upon receipt of the appropriate declaration of candidacy and filing fee, the auditor shall cause the candidate's name to be printed on the ballots. The declaration of candidacy for a successful candidate at an election shall be preserved in the office of the auditor at least until completion of the term of office for which the candidate is elected.~~

Section 39. RESERVED Bids.

~~A contract in excess of \$5,000.00 for a public improvement to be made by a private contractor shall be let to the lowest responsible bidder for the contract and shall be done in accordance with plans and specifications approved by the commission.~~

Section 40. Debt Limit.

~~City indebtedness may not exceed debt limits imposed by state law. A charter amendment is not required to authorize city indebtedness. Except by consent of the voters, the city's voluntary floating indebtedness shall not exceed 2 per cent, nor its bonded indebtedness exceed 2 per cent of the current assessed valuation of taxable property within the city at any one time, based on percentage of true valuation. For purposes of calculating the limitation, however, the legally authorized debt of the city in existence at the time this charter takes effect shall not be considered. All city officials and employees who create or officially approve any indebtedness in excess of this limitation shall be jointly and severally liable for the excess.~~

Section 43. Time of Effect of Charter.

~~This charter shall take effect July 1, 2026. July 1, 1972, and as amended May 21, 2013, and November 08, 2016.~~

CHAPTER I
Name and Boundaries

Section 1. Title of Enactment.

This enactment may be referred to as the Warrenton Charter of 1972.
(Amended May 21, 2013)

Section 2. Name of City.

The municipality of Warrenton, Clatsop County, Oregon, shall continue to be a municipal corporation with the name "City of Warrenton."

Section 3. Boundaries.

The city includes all territory within its boundaries as they now exist or are legally modified. The city will maintain as a public record an accurate and current description of the boundaries. ~~The city shall include all territory encompassed by its boundaries as they now exist or hereafter are modified by voters, by the commission, or by any other agency with legal power to modify them. The auditor shall keep in his office at the City Hall at least two copies of this charter in each of which he shall maintain an accurate, up-to-date description of the boundaries. The copies and descriptions shall be available for public inspection at any time during regular office hours of the auditor.~~

**CHAPTER II
Powers**

Section 4. Powers of the City.

The city shall have all powers which the constitutions, statutes, and common law of the United States and of this state expressly or impliedly grant or allow municipalities, as fully as though this charter specifically enumerated each of those powers.

Section 5. Construction of the Charter.

In this charter no mention of a particular power shall be construed to be exclusive or to restrict the scope of the powers which the city would have if the particular power were not mentioned. The charter shall be liberally construed to the end that the city may have all powers necessary or convenient for the conduct of its municipal affairs, including all powers that cities may assume pursuant to state laws and to the municipal home rule provisions of the state constitution.

CHAPTER III
Form of Government

Section 6. Where Powers Vested.

Except as this charter provides otherwise, all powers of the city shall be vested in the commission.

Section 7. Commission.

The commission shall be composed of a mayor and four commissioners elected from the city at large.

Section 8. Terms of Office.

The terms of commissioner Positions 1, 2, and 3 in office when this charter is adopted are the terms for which the commissioners were elected. At every other general election after the adoption, beginning in 2028, commissioner Positions 1, 2, and 3 will be elected for four-year terms.

The terms of the mayor and commissioner Position 4 in office when this charter is adopted continue until the beginning of the first odd-numbered year after adoption. At every other general election after the adoption, beginning in 2026, a mayor and commissioner Position 4 will be elected for four-year terms.

~~The commissioners in office at the time this charter amendment is adopted shall continue in office, each until the end of his term of office as fixed by the charter of the city in effect at the time this charter amendment is adopted. At the first biennial general election after this charter amendment takes effect, the mayor and one commissioner position, which shall be known hereafter as commissioner Position 4, shall be elected, each for a term of four years. At the second biennial general election after this charter amendment is adopted, three commissioners which shall be known hereafter as commissioner Position 1, commissioner Position 2 and commissioner Position 3, shall be elected each for a term of four years. At each biennial general election thereafter there shall be elected the number of commissioners and/or mayor whose term expires at the first of the year immediately following such election.~~

Section 9. Mayor Pro-Tem.

At its first meeting of each year, the commission shall elect a mayor pro-tem by ballot from its membership. The mayor pro-tem presides in the absence of the mayor and acts as mayor when the mayor is unable to perform the duties of the office.

Section 10. Manager, Auditor, Municipal Judge and other Officers.

Additional officers of the city shall be a city manager, auditor, and municipal judge, each of whom the commission shall appoint and such other officers as the commission deems necessary. The commission may combine any two or more appointive offices.

Section 11. ~~Salaries. Compensation.~~

The commission must authorize the compensation of city officers and employees as part of its approval of the city budget. ~~The compensation for the services of each city officer and employee shall be the amount fixed by the commission. No increase in the compensation of commissioners however, shall take effect until the first day of the odd-numbered year following~~

Section 6 CITY OF WARRENTON, OREGON
the first biennial general election after the increase is ordered.

Section 12

Section 12. Qualifications of Officers.

- a) The mayor and each commissioner must be a qualified elector under state law and reside within the city for at least one year immediately before election or appointment to office.**
- b) No person may be a candidate at a single election for more than one city office.**
- c) Neither the mayor nor a commissioner may be employed by the city.**
- d) The commission is the final judge of the election and qualifications of its members.**

No person shall be eligible for an elective office of the city unless at the time of his nomination and election he is a qualified elector within the meaning of the state constitution and a resident of the city. The commission shall be final judge of the qualifications and election of its own members.

**CHAPTER IV
Commission**

Section 13. Meetings.

The commission shall hold a regular meeting at least once a month in the city at a time and at a place which it designates. It shall adopt rules for the government of its members and proceedings. The mayor upon his own motion may, or at the request of three members of the commission shall, by giving notice thereof to all members of the commission then in the city, call a special meeting of the commission for a time not earlier than three nor later than 48 hours after the notice is given. Special meetings of the commission may also be held at any time by the common consent of all the members of the commission.

Section 14. Quorum.

A majority of members of the commission shall constitute a quorum for its business, but a smaller number may meet and compel the attendance of absent members in a manner provided by ordinance.

Section 15. Recording of Proceedings.

The commission shall cause a record of its proceedings to be kept. Upon the request of any of its members, the ayes and nays upon any question before it shall be taken and entered in the record.

Section 16. Proceedings to be Public.

No action by the commission shall have legal effect unless the motion for the action and the vote by which it is disposed of take place at proceedings open to the public.

Section 17. Mayor's Functions at Commission Meetings.

The mayor shall be chairman of the commission and preside over its deliberations. He shall have a vote on all questions before it. He shall have authority to preserve order, enforce the rules of the commission and determine the order of business under the rules of the commission.

Section 18. Vote Required.

Except as this charter otherwise provides, the concurrence of a majority of the members of the commission present at a commission meeting shall be necessary to decide any question before the commission.

CHAPTER V
Powers and Duties of Officers

Section 19. Mayor.

The mayor shall appoint the committees provided by the rules of the commission. He shall sign all records of proceedings approved by the commission. He shall have no veto power and shall sign all ordinances passed by the commission within three days after their passage. After the commission approves a bond of a city officer or a bond for a license, contract or proposal, the mayor shall endorse the bond.

Section 20. City Manager.

- (a) **Qualifications.** The city manager shall be the administrative head of the government of the city. He shall be chosen by the commission without regard to political considerations and solely with reference to his executive and administrative qualifications. He need not be a resident of the city or of the state at the time of his appointment. Before taking office, he shall give a bond in such amount and with such surety as may be approved by the commission. The premiums on such bond shall be paid by the city.
- (b) **Term.** The manager shall be appointed for an indefinite term and may be removed at the pleasure of the commission. Upon any vacancy occurring in the office of manager, after the first appointment pursuant to this charter, the commission at its next meeting shall adopt a resolution of its intention to appoint another manager. Not later than four months after adopting the resolution, the commission shall appoint a manager to fill the vacancy.
- (c) **Powers and duties.** The powers and duties of the manager shall be as follows:
 - (1) He shall diligently discharge his official duties, attend all meetings of the commission unless excused therefrom by the commission or the mayor, keep the commission advised at all times of the affairs and needs of the city, and make reports annually or more frequently if requested by the commission, of all affairs and departments of the city.
 - (2) He shall see that all ordinances are enforced and that the provisions of all franchises, leases, contracts, permits and privileges granted by the city are observed.
 - (3) The manager shall appoint and may remove appointive city officers and employees except as this charter otherwise provides, and shall have general supervision and control over them and their work with power to transfer an employee from one department to another. He shall supervise the departments to the end of obtaining the utmost efficiency in each of them. He shall have no control, however, over the commission or over the judicial activities of the municipal judge unless acting as such.
 - (4) He shall act as purchasing agent for all departments of the city.
 - (5) He shall be responsible for preparing and submitting to the budget committee the annual budget estimates and such reports as that body requests.
 - (6) He shall supervise the operation of all public utilities owned and operated by the city and shall have general supervision over all city property.

- (d) The manager and other employees designated by the commission may sit at commission meetings but have no vote. The manager may take part in all commission discussions. Seats at commission meetings. The manager and such other officers as the commission designates shall be entitled to sit with the commission but shall have no vote on questions before it. The manager may take part in all commission discussions.
- (e) When the manager is temporarily disabled from acting as manager or when the office of the manager becomes vacant, the commission must appoint a manager pro tem. The manager pro tem has the authority and duties of manager, except that a pro tem manager may appoint or remove employees only with commission approval.

Manager pro tem. Whenever the manager is absent from the city, is temporarily disabled from acting as manager, or whenever his office becomes vacant, the commission shall appoint a manager pro tem, who shall possess the powers and duties of the manager. No manager pro tem, however, may appoint or remove a city officer or employee except with the approval of three-fourths of the members of the commission. No manager pro tem shall hold his position as such or more than four months, and no appointment of a manager pro tem shall be renewed.

- (f) In order to protect the fundamental form of government chosen by the voters, guard the power of the commission as a body, defend against corruption, ensure transparency, and preserve the separation of authority set forth in this Charter between the manager's administrative authority and the commission's general powers, no commission member may actually coerce or attempt to coerce the manager or a candidate for the office of manager in the appointment or removal of any city employee, or in administrative decisions regarding city property or contracts. A violation of this prohibition is grounds for removal from office by a majority of the commission after a public hearing. This prohibition does not apply in publicly noticed meetings, including but not limited to commission or committee meetings, executive sessions, and work sessions.

Interference in administration and elections. No member of the commission shall directly or indirectly, by suggestion or otherwise, attempt to exact any promise relative to any appointment from any candidate for manager. Except while in a commission meeting open to the public, no member of the commission shall directly or indirectly, by suggestion or otherwise, attempt to influence in any way the manager in the making of any appointment or removal of any officer or employee or in the purchase of supplies; or discuss directly or indirectly with him the matter of specific appointments to any city office or employment. A violation of the foregoing provisions of this section shall forfeit the office of the offending member of the commission. Nothing in this section shall be construed, however, as prohibiting the commission while in open session from fully and freely discussing with or suggesting to the manager anything pertaining to city officers and employees, city purchasing and affairs, or any other matter or thing in the interests of the city.

Neither the manager nor any person in the employ of the city shall take part in securing, or contributing any money toward, or in any way assisting in, the nomination or election of any candidate for commissioner, unless that person is a candidate for the office of commissioner, in which case he may contribute money and do all things proper to further his own campaign. A violation of this paragraph shall forfeit the office or employment of the offender.

- (g) Ineligible persons. Neither the manager's spouse nor any person related to the manager or his spouse by consanguinity or affinity within the third degree may hold any appointive office or employment with the city.

Section 21. Municipal Judge.

The municipal judge whether another city officer, a state court, or another appropriate person, shall be the judicial officer of the city; and the functions of the municipal judge and the municipal court may be fulfilled by a state court when so appointed and designated by the commission. He shall hold, within Clatsop County, Oregon, a court known as the municipal court for the city of Warrenton, Clatsop County, Oregon. The court shall be open for the transaction of judicial business at times and at such places specified by the commission. All area within the city shall be within the territorial jurisdiction of the court. The municipal court shall exercise original and exclusive jurisdiction of all offenses defined and made punishable by ordinances of the city and of all actions brought to recover or enforce forfeitures or penalties defined or authorized by ordinances of the city. The court shall have authority to issue process for the arrest of any person accused of an offense against the ordinances of the city, to commit any such person to jail or admit him to bail pending trial, to issue subpoenas, to compel witnesses to appear and testify in court on the trial of any cause before him, to compel obedience to such subpoenas, to issue any

process necessary to carry into effect the judgments of the court, and to punish witnesses and others for contempt of court. When not governed by ordinances or this charter, all proceedings in the municipal court for the violation of a city ordinance shall be governed by the applicable general laws of the state governing justices of the peace and justice courts, or by the general laws of the state governing the state court designated or appointed by the commission.

Section 22. Reserved Auditor.

~~The auditor shall serve ex officio as clerk of the commission, attend all its meetings unless excused therefrom by the commission, keep an accurate record of its proceedings, and sign all orders on the treasury. In the auditor's absence from a commission meeting, the mayor shall appoint a clerk of the commission pro tem who, while acting in that capacity, shall have all the authority and duties of the auditor.~~

CHAPTER VI
Elections

Section 23. Reserved Regular Elections.

Regular city elections shall be held at the same times and places as biennial general state elections, in accordance with the applicable state election laws. The auditor, pursuant to directions from the commission, shall give at least 10 days' notice of each regular city election by posting notice thereof at a conspicuous place in the City Hall and in one public place in each voting precinct of the city. The notice shall state the officers to be elected, the ballot title of each measure to be voted upon, and the time and place of the election.

Section 24. Reserved Special Elections.

The commission shall provide the time, manner and means for holding any special election. The auditor shall give at least 10 days' notice of each special election in the manner provided by the action of the commission ordering the election.

Section 25. Regulations of Elections. State Law

City elections must conform to state law except as this charter or ordinances provide otherwise. All elections for city offices must be nonpartisan. Except as this charter provides otherwise and as the commission provides otherwise by ordinances relating to elections, the general laws of the state shall apply to the conduct of all city elections, recounts of the returns therefrom and contests thereof.

Section 26. Reserved Canvass of Returns.

In all elections held in conjunction with state and county elections, the state laws governing the filing of returns by the county clerk shall apply. In each special city election the returns therefrom shall be filed with the auditor on or before noon of the day following, and not later than five days after the election, and the commission shall meet and canvass the returns. The results of all elections shall be entered in the record of the proceedings of the commission. The entry shall state the total number of votes cast at the election, the votes cast for each person and for and against each proposition, the name of each person elected to office, the office to which he has been elected and a reference to each measure enacted or approved. Immediately after the canvass is completed, the auditor shall make and sign a certificate of election of each person elected and deliver the certificate to him within one day after the canvass. A certificate so made and delivered shall be prima facie evidence of the truth of the statements contained in it.

Section 27. Reserved Tie Votes.

In the event of a tie vote for candidates for an elective office, the successful candidate shall be determined by a public drawing of lots in a manner prescribed by the commission.

Section 28. Commencement of Terms of Office. Terms

The term of an officer elected at a general election begins at the first commission meeting of the year immediately after the election and continues until the successor qualifies and assumes the office. The term of office of a person elected at a regular city election shall commence the first of the year immediately following the election.

Section 29. Oath of Office.

Section 23

CITY OF WARRENTON, OREGON

Section 29

The mayor and each commissioner must swear or affirm to faithfully perform the duties of the office and support the constitutions and laws of the United States and Oregon. ~~Before entering upon the duties of his office, each officer shall take an oath or shall affirm that he will support the constitutions and laws of the United States and of Oregon and that he will faithfully perform the duties of his office.~~

Section 30. Nominations.

The commission must adopt an ordinance prescribing the manner for a person to be nominated to run for mayor or a city commissioner position A qualified elector who is a resident of the city may be nominated for an elective city office to be filled at the election. The nomination shall be by a petition that specifies the office sought and shall be in a form prescribed by the commission. The petition shall be signed by not fewer than 50 electors. No elector shall sign more than one petition for each office to be filled at the election. If he does so, his signature shall be valid only on the first sufficient petition filed for office. The signatures to a nomination petition need not all be appended to one paper, but to each separate paper of the petition shall be attached an affidavit of the circulator thereof, indicating the number of signers of the paper and stating that each signature appended thereto was made in his presence and is the genuine signature of the person whose name it purports to be. Opposite each signature shall be stated the signer's place of residence, identified by its street and number or other sufficient designation. All nomination papers comprising a petition shall be assembled and filed with the auditor as one instrument not earlier than 120 days nor later than 65 days before the election. The auditor shall make a record of the exact time at which each petition is filed and shall take and preserve the name and address of the person by whom it is filed. If the petition is not signed by the required number of qualified electors, the auditor shall notify the candidate and the person who filed the petition within five days after the filing. If the petition is insufficient in any other particular, the auditor shall return it immediately to the person who filed it, certifying in writing wherein the petition is insufficient. The deficient petition may be amended and filed again as a new petition, or a substitute petition for the same candidate may be filed, within the regular time for filing nomination petitions. The auditor shall notify an eligible person of his nomination, and that person shall file with the auditor his written acceptance of nomination, in such form as the commission may require, within five days of notification of nomination. Upon receipt of the acceptance of nomination, the auditor shall cause the nominee's name to be printed on the ballots. The petition of nomination for a successful candidate at an election shall be preserved in the office of the auditor at least until completion of the term of office for which the candidate is elected.

As an alternative method, any qualified, registered elector may become a candidate by making and filing his or her declaration of candidacy in a form prescribed by the commission with the auditor of the city of Warrenton not less than 65 days before the day fixed by law for said election, providing said candidate accompanies his or her said declaration with the filing fee, the sum of which shall be set by the city commission. Upon receipt of the appropriate declaration of candidacy and filing fee, the auditor shall cause the candidate's name to be printed on the ballots. The declaration of candidacy for a successful candidate at an election shall be preserved in the office of the auditor at least until completion of the term of office for which the candidate is elected.

Commented [JS1]: Esther, note that, with this being removed from the Charter, you will want to ensure that an ordinance is in place for next year.

CHAPTER VII
Vacancies in Office

Section 31. What Creates Vacancy.

An office shall be deemed vacant upon the incumbent's death; adjudicated incompetence; conviction of a felony; or other offense pertaining to his office; or unlawful destruction of public records; resignation; recall from office; or ceasing to possess the qualifications for the office; upon the failure of the person elected or appointed to the office to qualify therefor within 10 days after the time for his term of office to commence; or in the case of mayor or commissioner, upon his absence from meetings of the commission for 60 days without the consent of the commission; and upon a declaration by the commission of the vacancy.

Section 32. Filling of Vacancies.

Vacant elective offices in the city shall be filled by appointment. A majority vote of the commission shall be required to validate the appointment. The appointee's term of office shall begin immediately upon his appointment and shall continue throughout the unexpired term of his predecessor. During the temporary disability of any officer or during his absence temporarily from the city for any cause, his office may be filled pro tem in the manner provided for filling vacancies in office permanently.

CHAPTER VIII
Ordinances

Section 33. Enacting Clause.

The enacting clause of all ordinances hereafter enacted shall be, "The city of Warrenton ordains as follows:"

Section 34. Mode of Enactment.

- (1) Except as the second and third paragraphs of this section provide to the contrary, every ordinance of the commission shall, before being put upon its final passage, be read fully and distinctly in open commission meeting on two different days.
- (2) Except as the third paragraph of this section provides to the contrary, an ordinance may be enacted at a single meeting of the commission by unanimous vote of all commission members present, upon being read first in full and then by title.
- (3) Any of the readings may be by title only if no commission member present at the meeting requests to have the ordinance read in full or if a copy of the ordinance is provided for each commission member and three copies are provided for public inspection in the office of the city auditor not later than one week before the first reading of the ordinance; and if notice of their availability is given forthwith upon the filing, by written notice posted at the City Hall and two other public places in the city or by advertisement in a newspaper of general circulation in the city. An ordinance enacted after being read by title alone may have no legal effect if it differs substantially from its terms as it was thus filed prior to such reading, unless each section incorporating such difference is read fully and distinctly in open commission meeting as finally amended prior to being approved by the commission.
- (4) Upon the final vote on an ordinance, the ayes and nays of the members shall be taken and entered in the record of proceeding.
- (5) Upon the enactment of an ordinance, the auditor shall sign it with the date of its passage and his name and title of office, and within three days thereafter the mayor shall sign it with the date of his signature, his name, and title of his office.

Section 35. When Ordinances Take Effect.

An ordinance enacted by the commission shall take effect on the thirtieth day after its enactment. When the commission does deem it advisable, however, an ordinance may provide a later time for it to take effect, and in case of an emergency, it may take effect immediately.

CHAPTER IX
Public Improvements

Section 36. Condemnation.

Any necessity of taking property for the city by condemnation shall be determined by the commission and declared by a resolution of the commission describing the property and stating the uses to which it shall be devoted.

Section 37. Improvements.

The procedure for making, altering, vacating, or abandoning a public improvement shall be governed by general ordinance or, to the extent not so governed, by the applicable general laws of the state. Action on any proposed public improvement, except a sidewalk or except an improvement unanimously declared by the commission to be needed at once because of an emergency, shall be suspended for six months upon a remonstrance thereto by the owners of two-thirds of the land to be specially assessed therefor. In this section, "owner" shall mean the record holder of legal title or, where land is being purchased under a land sale contract recorded or verified to the auditor in writing by the record holder of legal title to the land, the purchaser shall be deemed the "owner."

Section 38. Special Assessments.

The procedure for levying, collecting, and enforcing the payment of special assessments for public improvements or other services to be charged against real property shall be governed by general ordinance.

Section 39. Reserved—Bids.

~~A contract in excess of \$5,000.00 for a public improvement to be made by a private contractor shall be let to the lowest responsible bidder for the contract and shall be done in accordance with plans and specifications approved by the commission.~~

CHAPTER X
Miscellaneous Provisions

Section 40. Debt Limit.

City indebtedness may not exceed debt limits imposed by state law. A charter amendment is not required to authorize city indebtedness. ~~Except by consent of the voters, the city's voluntary floating indebtedness shall not exceed 2 per cent, nor its bonded indebtedness exceed 2 per cent of the current assessed valuation of taxable property within the city at any one time, based on percentage of true valuation. For purposes of calculating the limitation, however, the legally authorized debt of the city in existence at the time this charter takes effect shall not be considered. All city officials and employees who create or officially approve any indebtedness in excess of this limitation shall be jointly and severally liable for the excess.~~

Section 41. Existing Ordinances Continued.

All ordinances of the city consistent with this charter and in force when it takes effect shall remain in effect amended or repealed.

Section 42. Repeal of Previously Enacted Provisions.

All charter provisions of the city enacted prior to the time that this charter takes effect are hereby repealed.

Section 43. Time of Effect of Charter.

This charter shall take effect July 1, 2026. ~~This charter shall take effect July 1, 1972, and as amended November 8, 2016.~~

CHAPTER XI
Sale, Trade, or Divestiture of Assets

Section 44. Sale, Trade, or Divestiture of Assets.

Any action or combination of actions by the City Council or any City official, officer, or employee that seek or purport to sell, trade, divest, or otherwise dispose of any Asset belonging to the City or any of its agencies shall be of no force and shall not take effect until and unless the following occur:

- (1) At least 50 percent of all registered voters within the City, district, or other entity seeking to act cast ballots on the question; and
- (2) At least a majority of those casting a ballot vote "Yes" on the question.
 (Added November 8, 2016)

Section 45. Definitions.

As used in Section 44 of this Act:

"Asset" means:

- (a) Any real property with a real market value of \$100,000.00 or more in 2014 dollars;
- (b) Any leasehold interest in real property with a real market value of \$100,000.00 or more in 2014 dollars;
- (c) Any tangible physical asset with a value of \$100,000.00 or more in 2014 dollars;
- (d) Any system, operation, or infrastructure with a combined tangible asset value of \$100,000.00 or more in 2014 dollars;
- (e) Any system, operation, or infrastructure for which the gross value of any income stream generated by that asset is \$100,000.00 or more in 2014 dollars;
- (f) Any contractual right or interest valued at \$100,000.00 or more in 2014 dollars.

The phrase "sell, trade, divest, or otherwise dispose of" shall, in addition to the ordinary meaning of each term contained therein, mean:

- (a) Any lease of a term greater than 25 years;
- (b) Any lease containing an option or similar provision, or any combination thereof, which, if exercised, would cause the overall term of the lease to exceed 25 years;
- (c) Any lease containing a renewal provision or provisions, which, if exercised, would cause the overall term of the lease to exceed 25 years.

(Added November 8, 2016)



City Commission Agenda Memo

Meeting Date: February 10, 2026
From: Esther Moberg, City Manager
Item Name: Development Code Revision to amend Chapter 16.152 Grading, Excavating, and Erosion Control Plan Second Reading

Summary:

This item has been reviewed and discussed since 2022 with a review by City Commission in a work session dated August 26th, 2025, and review by the Planning Commission on December 11, 2025 under DCR-25-3, this ordinance is finally brought forward upon recommendation of the Planning Commission to consider approval of Ordinance No. 1274, an ordinance amending chapter 16.152 of the Warrenton Municipal Code to regulate unauthorized grading and fill and make more clear the process for grading, excavating, and erosion control. It is the recommendation of staff to remove section 3 under the ordinance and instead read that action item into the record since it is a one-time action that expires after 12 months and not a full ordinance process.

Recommendation/Suggested Motion:

I move to amend ordinance no. 1274, removing section 3, and to conduct the second reading by title only of Ordinance No. 1274, an ordinance amending chapter 16.152 of the Warrenton municipal code to modify regulations on grading excavating and erosion control plans.

I move to adopt Ordinance No. 1274, an ordinance amending chapter 16.152 of the Warrenton municipal code to modify regulations on grading excavating and erosion control plans and direct staff to review grading, excavation and erosion permits one year from the date of adoption and bring forward a report for review by the city commission.

Alternative:

I move to conduct the second reading by title only of Ordinance No. 1274, an ordinance amending chapter 16.152 of the Warrenton municipal code to modify regulations on grading excavating and erosion control plans.

I move to adopt Ordinance No. 1274, an ordinance amending chapter 16.152 of the Warrenton municipal code to modify regulations on grading excavating and erosion control plans.

Fiscal Impact:

Permits that take additional engineering may need further review in future regarding the true cost to the city and to the customer.

Attachments:

1. Ordinance 1274, Grading 16.152 Update



City of Warrenton

Planning Department

225 S Main Avenue ■ P.O. Box 250 ■ Warrenton, OR 97146

Phone: 503.861.0920 Fax: 503.861.2351

STAFF REPORT

TO: The Warrenton City Commission
FROM: Esther Moberg, City Manager
DATE: 1/27/2026
SUBJ: Ordinance 1274 Amending Wording of WMC 16.152 Grading Excavation and Erosion Control Plans

BACKGROUND

As reviewed and recommended by the Planning Commission on December 11, 2025 as well as previously by the City Commission in the December 9th meeting (discussion items) as well as a work session by the City Commission in 2025, the following ordinance is the amended code WMC 16.152 Grading Excavation and Erosion Control Plans now brought forward for public hearing.

the intent of the amendment is as follows:

- 1) To make the code requirements more easily understandable
- 2) to make it clear when more extensive fill permits are required
- 3) to mitigate prior issues and anticipate future problems when improper grading/fill causes flooding into neighboring properties.

PUBLIC PROCESS, PROCEDURES & PUBLIC NOTICE

The proposed ordinance was reviewed by city legal staff in August 2023. Notice was provided to DLCD on November 13, 2025. Public hearing notice was published in The Astorian December 30, 2025. No public comments were received as of the date of this report. On December 11, 2025, The Planning Commission discussed and recommended Ordinance 1274 for approval to the City Commission.

WDC 16.208.060 Type IV Procedure (Legislative and Map Amendments)

- 16.208.060.F Decision-making considerations. The recommendation by the Planning Commission and the decision by the City Commission shall be based on consideration of the following factors:

1. The Statewide Planning Goals and Guidelines adopted under Oregon Revised Statutes Chapter 197;

Staff Findings: Grading activities, particularly significant cuts and fills, have potential to create hazards to life and property, to cause erosion and sedimentation of water resources, to destabilize slopes, to impact public streets and infrastructure, and to degrade natural resources (including estuarine and coastal areas). Technical design, mitigation, inspection and financial assurance reduce these risks. Recent local experience, and the City's responsibility to regulate development within its jurisdiction, demonstrate the public need for clearer objective triggers for engineered grading, improved setback standards measured as horizontal distances perpendicular to site boundaries, explicit terracing and interceptor drain standards, professional inspection and completion reporting, and bonding where hazardous conditions may remain or work is incomplete.

The specific code provisions amended by Ordinance No. 1274 include (but are not limited to): definitions and thresholds for engineered grading; horizontal measurement of setback dimensions; top-of-cut and toe-of-fill setback formulas and minimums/maximums; Building Official authority to require additional setbacks and qualified-engineer investigations; terracing, swale/ditch paving and dimensions; subsurface drainage; interceptor drain design and thresholds; requirements for as-built grading plans and soils/geotechnical completion reports; provisions for professional inspection (civil, soils/geotechnical, engineering geologist) for engineered grading and as required for regular grading; and authority to require bonds or equivalent financial assurance to secure correction of hazardous or nonconforming work.

Compliance with Statewide Planning Goals:

Goal 1 — Citizen Involvement. Goal 1 requires opportunity for public involvement in all phases of the planning process and that adoption of plans and implementing ordinances occur after public notice and hearing. The City has made the proposed amendments available for public review, provided required public notice and opportunity to comment and participate, and has retained a written record of the proceedings. Therefore, the process by which Ordinance No. 1274 is being considered and adopted is consistent with Goal 1 and its guidelines (which call for public notice, continuity of information and a written record of policy rationale).

Goal 2 — Land Use Planning. Goal 2 requires that implementation ordinances be consistent with comprehensive plans and based on an adequate factual basis and that measures be coordinated with affected governmental units. Ordinance No. 1274 is a management implementation measure intended to carry out the City's comprehensive plan objectives regarding hazard reduction, resource protection, and orderly development. The record contains factual information showing grading-related hazards and the need for technical standards, and the ordinance provisions are consistent with the plan's policies and the factual record. The amendments therefore constitute implementation measures consistent with Goal 2.

Goal 5 — Natural Resources, Scenic and Historic Areas, and Open Spaces. Goal 5 calls for protection of natural resources and avoidance of actions that exceed environmental carrying capacity. The amended Chapter 16.152 increases requirements for engineered grading plans, erosion control, drainage design, setbacks, and professional oversight which reduce sedimentation and erosion and protect riparian, estuarine and other sensitive natural resources. The ordinance requires grading plans and mitigation measures to carry waters to approved disposal points and prevents erosive discharges through down-drains, riprap, and other devices, consistent with Goal 5's objective to protect natural areas from harmful land use effects.

Goal 6 — Air, Water and Land Resources Quality. Goal 6 requires protection and maintenance of resource quality. Ordinance No. 1274 requires site-specific drainage and erosion control design (terracing, paved swales, interceptor drains, subsurface drains), professional inspection, and completion reports certified by qualified engineers and soils/geotechnical engineers. Those measures minimize the release of sediments and pollutants and help assure grading operations preserve water and land quality consistent with the purposes and guidelines of Goal 6.

Goal 7 — Areas Subject to Natural Hazards. Goal 7 requires local measures to reduce risk to life and property from natural hazards. The ordinance establishes objective triggers for engineered grading (e.g., grading in mapped flood hazard areas, large cut/fill depths and volumes), requires geotechnical evaluation where hazards may exist, and authorizes the Building Official to require increased setbacks, retaining structures, drainage protections and bonds. These provisions reduce hazard exposure and satisfy Goal 7's mandate that local plans and implementing measures minimize risk from hazards.

Goal 11 — Public Facilities and Services. Goal 11 requires planning and provision of public facilities and services in a timely, orderly and efficient manner. The ordinance's drainage and terracing standards, requirements to direct waters to approved disposal points, and standards for building pad gradients ensure grading activities are coordinated with, and do not degrade, public infrastructure such as streets, rights-of-way, and public drainage systems. By requiring engineered designs and inspection where needed, the ordinance supports the orderly arrangement and protection of public facilities consistent with Goal 11 and its guidelines calling for coordinated facility planning and avoidance of actions that exceed resource carrying capacity.

Goal 12 — Transportation. Goal 12 requires system planning that minimizes environmental impacts and coordinates with land use. The grading standards (setbacks, terracing, interceptor drains, controls on runoff concentration, requirements for engineered plans where grading may impact adjacent improvements) minimize runoff and erosion that could damage transportation facilities, and encourage site design to work with natural contours. These provisions are consistent with Goal 12's direction to minimize adverse environmental effects and protect transportation facilities.

Goal 14 — Urbanization. Goal 14 requires orderly and efficient urbanization and that implementation measures support transition from rural to urban land use. The ordinance provides objective standards and triggers that apply within the City's jurisdiction and

urbanizable areas to ensure grading does not proceed without appropriate engineering, mitigation and assurance—thus protecting the capacity of urban facilities and services and ensuring efficient use of land. The amendments help maintain urban infrastructure integrity and public safety while allowing appropriate development within urban areas in accordance with Goal 14.

Goal 16 – Estuarine Resources. Goal 16 and applicable coastal/estuarine guidance (including related Goal 17/18 guidance for coastal areas and beaches/dunes) require that actions affecting estuarine and coastal shorelands minimize adverse impacts, sequence avoidance-minimization-rectification-compensatory mitigation, and ensure mitigation is implemented concurrent with impacts. The ordinance: (a) designates engineered grading where grading is within mapped flood hazard areas or subject to removal-fill permits; (b) requires engineered drainage and erosion control measures designed to prevent sediment delivery to water bodies; (c) requires as-built plans and soils/geotechnical completion reports certified by professionals; and (d) authorizes bonds to secure correction of hazardous or nonconforming work. These measures implement Goal 16’s intent to protect estuarine and coastal resources by ensuring technical review, onsite mitigation, and verification/assurance that grading impacts are avoided or minimized and that any necessary mitigation is implemented and secured.

Goal 18 — Beaches and Dunes. Where grading touches foredune, beachfront or dune systems, Goal 18’s guidelines call for site investigation reports prepared by the developer, posting of performance bonds, and reestablishment of vegetation and stabilization measures. Ordinance No. 1274’s requirements for engineered grading triggers, geotechnical and engineering geologist inspection, fill compaction reports, as-built plans, and bonds provide the procedural and technical tools called for by Goal 18’s implementation requirements and guidelines for sand/dune protection and stabilization planning.

Support for Management Implementation Measures and Use of Technical Standards. The Statewide Goals distinguish management implementation measures (such as ordinances and regulations) as appropriate mechanisms for implementing comprehensive plans. Ordinance No. 1274 is a management implementation measure that adopts technical standards for grading operations, inspection and reporting, and financial assurance. The Goals and Guidelines (Goal 2 and related sections) call for such measures to be coordinated with factual inventories and to be the means for carrying out plan policies. The record contains technical justification and factual support (inventory of hazards, potential for erosion and infrastructure impacts) for the adoption of the subject standards and procedures.

Findings Regarding Exceptions. No exception to any Statewide Goal is proposed or necessary for the adoption of Ordinance No. 1274. The ordinance tightens local implementing measures to better achieve statewide policy objectives; it does not propose uses or changes that would conflict with statewide goals or require an acknowledged exception.

Conclusion. Based upon the above, and on the administrative record before the City, staff finds that Ordinance No. 1274 (amendments to Chapter 16.152 — Grading) is consistent with the applicable Oregon Statewide Planning Goals and Guidelines. The amendments are reasonable, necessary, and proper implementation measures to protect public health, safety and welfare; to protect and maintain air, water and land quality; to reduce hazards; to coordinate grading with public facilities and transportation infrastructure; and to protect estuarine, coastal, and other natural resources.

Compliance with Applicable Oregon Administrative Rules:

Goal 5 Resource Protection — OAR Chapter 660, Division 16. Ordinance No. 1274 enhances protection of inventoried natural resources (e.g., wetlands, waters of the state, estuarine areas, riparian corridors) by:

- Requiring engineered grading plans and drainage facilities to avoid erosion and sediment delivery to water resources.
- Providing for professional inspections and bonding to ensure compliance, meeting OAR 660-016-0005 & 660-016-0010 standards for implementing measures to preserve resource sites and resolve conflicts through limiting uses where necessary.

The increased setbacks, terracing, interceptor drains, and non-erosive down-drain standards are specific resource protection mechanisms consistent with OAR 660-016-0010(3) (“limit conflicting uses”).

Public Facilities & Services — OAR Chapter 660, Division 11. The drainage and disposal provisions (16.152.130) coordinate grading with the City’s stormwater facilities, supporting Goal 11 compliance as interpreted in OAR 660-011.

- The ordinance ensures that major drainageways and storm sewer outfalls are protected from erosion per OAR 660-011-0005(7)(c).
- Grading standards provide site-specific drainage gradients, compatible outlet locations, and surface stabilization that align with public facility planning maps and service areas in OAR 660-011-0030.

Requiring engineered drainage plans and professional certification before completion ensures facility capacity and timing provisions remain consistent with OAR 660-011-0025 and OAR 660-011-0045, furthering a timely, orderly, and efficient arrangement of public facilities.

Post-Acknowledgment Plan and Code Amendments — OAR Chapter 660, Division 18. Ordinance No. 1274 is a “change to an acknowledged land use regulation” under OAR 660-018-0010(1)(a).

- The City has followed Division 18 procedures for notice, submittal, and adoption.

- The changes are not emergency changes under OAR 660-018-0022 and do not require a goal exception.
- The ordinance text, findings, and adoption process meet submission requirements in OAR 660-018-0040(3).

The revisions to slope setbacks, terracing, and drainage are technical amendments that implement the City's comprehensive plan policies and maintain Goal compliance, consistent with OAR 660-018-0020(4) for conformity to new rule requirements.

Estuarine Resource Management — OAR Chapter 660, Division 17. Engineered grading triggers for flood hazard areas and removal-fill permits implement the Estuarine Resources Goal 16 and OAR 660-017 guidance by:

- Limiting alteration impacts (OAR 660-017-0005(1)).
- Ensuring site investigations and engineered designs to avoid water quality degradation (OAR 660-017-0000(2)(a)–(b)).

State Agency Coordination (Permit Review) — OAR Chapter 660, Division 31.

Ordinance No. 1274's graded-site inspection and professional reporting requirements support compatibility determinations for Class A and Class B permits under OAR 660-031-0025 and 660-031-0026.

- Professional certifications assist state agencies in finding compliance with statewide planning goals.
- Bonding requirements (16.152.090) ensure corrective action potential, aligning with OAR 660-031-0030 authority to conditionally approve or deny permits based on compliance.

Ordinance No. 1274 is consistent with the applicable OARs because it:

- Implements acknowledged comprehensive plan policies in compliance with Goal 5, Goal 11, and Goal 16 administering rules.
- Follows all procedural requirements for notice, hearing, submittal, and adoption under OAR Chapter 660, Division 18.
- Provides clear, objective grading and drainage standards that resolve potential conflicts with inventoried resources (OAR 660-016).
- Assures public facility plan alignment by protecting stormwater and transportation infrastructure per OAR 660-011.
- Respects estuarine classification limits, protecting water quality and habitat per OAR 660-017.

16.208.060.F Decision-making considerations. The recommendation by the Planning Commission and the decision by the City Commission shall be based on consideration of the following factors:

2. Comments from any applicable federal or state agencies regarding applicable statutes or regulations;
3. Any applicable intergovernmental agreements; and

Staff Finding: As of this report, the City has received no federal or state agency comments regarding Ordinance No. 1274. Additionally, staff is not aware of existing intergovernmental agreements that are pertinent to Ordinance No. 1274.

16.208.060.F Decision-making considerations. The recommendation by the Planning Commission and the decision by the City Commission shall be based on consideration of the following factors:

4. Any applicable Comprehensive Plan policies and provisions of this Code that implement the Comprehensive Plan. Compliance with Chapter 16.232 shall be required for Comprehensive Plan amendments, and land use district map and text amendments.

Staff Findings: Ordinance No. 1274 complies with the applicable goals and policies of the Warrenton Comprehensive Plan in the following ways:

Legislative purpose and Plan consistency — health, safety, welfare, natural resources protection. Ordinance No. 1274 expressly identifies protection of public health, safety and general welfare and the prevention of adverse impacts to neighboring properties as core objectives. Those objectives are consistent with the Comprehensive Plan’s overall findings that natural hazards (e.g., flooding, compressible soils, erosion, steep slopes) and protection of natural resources are important to Warrenton and must be managed through development standards (Article 4, Section 4.100 Findings; Section 4.200 Goals (1)–(3)). The Ordinance’s more rigorous permit, engineered grading, drainage, setback and inspection provisions directly advance the Plan’s Goals to “protect, conserve ... and restore Warrenton’s land, water, and air resources” and to “reduce the hazard to human life and property” (Section 4.200), by requiring technical analysis and controls where grading may otherwise create hazards or resource impacts.

Use of soils and geotechnical expertise — conforms to Plan soils policy. The Comprehensive Plan requires use of “sound soils data and engineering principles” and allows the City to require on-site soil surveys, soils reports, and performance assurances where soils may create hazards (Section 4.300, Soils policy (1)–(3)). Ordinance No. 1274 increases emphasis on “engineered grading” and requires engineered grading plans, soils/geotechnical engineer involvement, field testing, and completion reports (Sections added/clarified: engineered grading designation and application requirements, inspection

duties, as-built and soils reports at completion). These code changes implement the Plan policy by ensuring developments with potential soils/erosion/flood hazards are evaluated and constructed with appropriate professional oversight and mitigation, reducing the risk of structural failure, erosion, and off-site impacts.

Grading exemptions carefully circumscribed — consistent with protecting natural resources and neighboring properties. The Ordinance refines exemptions (Section 16.152.040) to allow limited, low-impact, isolated grading when no hazard or impacts to neighbors or public property exist, while preserving the Building Official's authority to require permits where hazards or impacts may occur and requiring erosion control even for exempted minor grading. This approach implements the Plan's directive to avoid or minimize environmental damage by requiring a technical or administrative check before exempting activity from permit review (Article 4: protect natural features; Section 4.300 Soils policy). It balances reasonable homeowner activities with the Plan's objective to protect wetlands, riparian corridors and estuarine resources by preventing unchecked grading that could harm those resources (Article 4; Policies implementing Goal 16/17 referenced in estuary mitigation policies).

Enhanced setbacks, slope, drainage, terracing and interceptor drain requirements — consistent with Plan objectives to minimize erosion, drainage impacts and protect adjacent property. The Ordinance strengthens and clarifies setback, slope, terracing, drainage and interceptor drain standards (Sections on setbacks, top of cut slope, toe of fill slope, terraces, interceptor drains, disposal) and provides the Building Official authority to require additional setbacks, engineering/geologic investigation and protective measures for adjacent developed properties. These provisions implement the Plan's transportation and street design policies (Section 8.320 (2)(a)–(c)) that encourage site design to “relate to the natural contours of the site,” “minimize grading quantities,” and “avoid excess runoff concentrations and the need for storm sewers.” They also implement the Plan's natural features policies (Section 4.200 and 4.300) by requiring measures (terraces, subsurface drainage, down-drains, riprap, paved interceptors) that reduce erosion, stabilize slopes, and direct runoff to safe outlets, thereby protecting water quality, reducing sediment delivery to estuarine areas, and reducing risk to neighboring property and transportation infrastructure.

Engineered grading designation and flood/estuary protections — consistent with Estuary/Mitigation policies and floodplain management in Plan. Ordinance No. 1274 designates certain grading activities (e.g., within a mapped flood hazard area, grading subject to removal-fill permits) as “engineered grading” requiring civil engineering plans and coordination with floodplain permits. That aligns with the Comprehensive Plan's estuarine mitigation policies that require avoidance/minimization, compensatory mitigation for fills in estuarine areas, and careful review of fill/dredge activities to maintain estuary integrity (Mitigation and Restoration policies excerpt). By requiring engineered plans and coordination with applicable removal-fill and floodplain permitting, the City ensures grading in sensitive aquatic and shoreland areas is subject to technical scrutiny

and mitigation consistent with the Comprehensive Plan's Goal 16/17 implementation direction.

Professional inspection, reporting, completion requirements and bonds — consistent with the Plan's risk mitigation policies and requirement that developers assume responsibility for hazard-related costs. The Ordinance requires professional inspection by civil, soils/geotechnical, and engineering geology consultants for engineered grading or where the Building Official requires it for regular grading, requires submittal of as-built and soils/geotechnical completion reports, and authorizes bonds/cash/instrument-of-credit to assure correction of hazardous or nonconforming work (Sections 16.152.070, 16.152.150, 16.152.090). These measures implement the Comprehensive Plan policy that developers "assume responsibility for certain hazard-related costs" and the City may require reports, bonds, and other assurances where hazards exist (Section 4.300 Soils policy (1)–(2)). Professional oversight and bonding help ensure mitigation occurs concurrent with development and provide remedies where conditions change—consistent with Plan objectives to reduce hazards and protect adjacent properties and natural resources.

Provisions for mitigation sequencing and avoidance — compatible with Estuary mitigation sequencing and the Plan's commitment to avoidance/rectification. The Comprehensive Plan's estuarine mitigation policies emphasize a mitigation sequence: avoidance, minimization, rectification, reduction/elimination over time, and then compensatory mitigation where necessary (project design and compensatory mitigation actions). The Ordinance implements that sequencing in practice by (a) requiring the Building Official to identify engineered grading triggers (thus avoiding inappropriate exemptions), (b) requiring design-level plans and technical reports to analyze impacts and propose minimization/rectification measures, and (c) requiring completion reports and professional certification so mitigation measures are implemented and verified prior to final acceptance. These procedural and technical controls make avoidance and minimization more likely and ensure compensatory measures (where required by other permits) are founded on site-specific engineering data—consistent with the Plan's mitigation priorities.

Transportation and site design alignment — minimizes grading, preserves circulation and public facility objectives. The Comprehensive Plan's Transportation policies (Section 8.100 Findings; Section 8.200 Goal; Section 8.320 Street Design) call for new or relocated streets to be designed to relate to natural contours, minimize grading quantities, avoid excess runoff concentration, and reduce environmental/maintenance costs. The Ordinance's requirements for engineered grading, limits on large fills/cuts without engineered plans, stricter setback and drainage controls, and requirement to design drainage to approved outlets all support that policy approach by making it more likely that roadway and site designs will minimize cut/fill quantities, reduce stormwater impacts on streets and rights-of-way, and protect circulation infrastructure from erosion and instability.

Protection of water-dependent and industrial shorelands while enabling economic development consistent with Plan land-use goals. The Comprehensive Plan emphasizes protecting water-dependent and water-related uses and directing potentially intensive water-dependent industrial activities to appropriate shoreland/industrial zones while safeguarding estuary integrity (Sections on General Industrial, Water-Dependent Industrial Shoreland, Aquatic Development zone, and Article 9 Economic Goals/Policies). Ordinance No. 1274's clarified engineered grading thresholds for large grading volumes, grading in flood hazard areas, grading tied to removal-fill permits, and the requirement for engineered drainage and erosion controls ensure that industrial and water-dependent development in shoreland and aquatic zones can proceed subject to necessary safeguards that protect estuarine resources and downstream interests. The code changes thereby support the Plan's economic development policies (Section 9.200 Goals and 3.330 Industrial Lands) by allowing appropriate development while ensuring it does not preclude future higher priority water-dependent uses or damage the estuary.

Consistency with Plan's approach to mitigation site designation and long-term protection. The Comprehensive Plan calls for coordinated designation and protection of mitigation sites, ensuring mitigation is implemented concurrent with impacts and that mitigation sites are buffered and protected (Estuary Mitigation policies (4)–(12), (14)–(20)). Ordinance provisions that require engineered analyses, coordination with state/federal permitting and completion reports create the administrative and technical framework for ensuring graded sites subject to mitigation or restoration are designed, constructed and monitored in a manner consistent with how the Plan expects mitigation to be implemented and maintained. The Building Official's authority to require additional setbacks, engineering, and bonds supports the Plan requirement that mitigation sites and actions not endanger or obstruct adjacent properties and be appropriately buffered.

Administrative discretion, accountability, and predictability consistent with Plan tools. The Ordinance retains and clarifies the Building Official's ability to require engineered grading, investigations, and impose conditions (e.g., additional setbacks, retention structures, interceptor drains), while also setting clearer thresholds (e.g., grading depth/volume, grading in flood hazard areas, proximity to site boundaries, engineered grading triggers). This combines needed administrative discretion with objective triggers and technical requirements, consistent with the Comprehensive Plan's expectation that the City use ordinances and technical requirements to manage development impacts, require appropriate review and bonding, and ensure developers assume responsibility for hazard related mitigation (Section 4.300 Soils; Section 4.310 and related policies).

Procedural timing, verification and monitoring support the Plan's requirement that mitigation begin prior to or concurrent with impacts. The Plan's estuary mitigation policies require that mitigation actions "begin prior to or concurrent with the associated development action" (Policy (4)). Ordinance No. 1274's permit and inspection timing requirements, professional inspection at staged points during grading, and requirement for completion reports and as-built plans ensure mitigation and erosion-control actions

are implemented and physically verified during construction rather than deferred—supporting the Plan’s timing expectation for mitigation.

The ordinance is adopted as a necessary implementing measure that supports development capacity on buildable lands within the Urban Growth Boundary consistent with Comprehensive Plan projections (Section 3.200 and related land supply and economic development data). It safeguards infrastructure investment and ensures that development-related grading does not undermine the Comprehensive Plan’s economic and environmental objectives.

The amendments strengthen requirements for engineered grading, setbacks, drainage, professional inspection, reporting, bonds and mitigation and thus implement the Plan’s expressed objectives to protect natural features, reduce hazards, and encourage prudent site design and infrastructure practices.

CONCLUSIONS AND RECOMMENDATION

The amendments strengthen technical, procedural and enforcement measures that the Plan explicitly contemplates: using soils/geotechnical engineering, requiring mitigation and bonds where risks exist, minimizing grading and drainage impacts, protecting natural and estuarine resources, and ensuring development proceeds in a manner that protects public health, safety, and adjacent property. The ordinance provides the City with appropriate tools to implement Plan policies while allowing necessary economic and water-dependent development to proceed under meaningful environmental and engineering safeguards.

For the reasons above, the staff finds that the proposed amendments contained in Ordinance No. 1274 are consistent with and implement the applicable goals and policies of the Warrenton Comprehensive Plan. Staff recommend the Planning Commission recommend approval of Ordinance No. 1274 to the City Commission for final adoption.

RECOMMENDED MOTION

*“Based on the findings and conclusions of the **December 11, 2025** staff report, I move to recommend changes to the Development Code as described in DCR 25-3, draft an ordinance, and forward to the City Commission for a proposed public hearing with a recommendation to adopt.”*

ALTERNATIVE MOTION

None Recommended

ATTACHMENTS

None

Approved by City Manager: _____

Ordinance No. 1274

Introduced by All Commissioners

AN ORDINANCE AMENDING CHAPTER 16.152 OF THE WARRENTON MUNICIPAL CODE TO MODIFY REGULATIONS ON GRADING, EXCAVATING, AND EROSION CONTROL PLANS

WHEREAS, the City Commission recognizes that public health, safety, and general welfare necessitate the reasonable regulation of grading within Warrenton;

WHEREAS, the current City code has resulted in unintended adverse impacts on neighboring properties which these regulations are designed to address;

NOW, THEREFORE, the City of Warrenton ordains as follows: (Key: ~~new~~-deleted)

Section 1. Section 16.152 of the Warrenton Municipal Code is hereby amended as follows:

16.152.040 Exempted Work.

A grading permit is not required for the following:

- A. When approved by the ~~building official~~ **Building Official or their designee**, grading in an isolated, self-contained area if there is no danger **or potential impacts** to private or public property. **The Building Official or their designee may elect identify proposed minor grading applications as exempt if the applicant is able to convince the reviewer that there is no potential hazard or impacts to the neighbors or the general public (i.e., grading is not adjacent to any property lines, no habitat or vegetation impacts, no changes to existing drainage patterns, no increase in stormwater drainage volumes, no floodplain impacts, no natural resource impacts, or no additional impacts based on criteria as identified in the Engineered Grading or Regular Grading requirements). Erosion control measures shall still be utilized.**
- B. ~~An excavation below finished grade for basements and footings of a building, retaining wall, or other structure authorized by a valid building permit. This shall not any fill made with the material from such excavation or exempt any structure having unsupported height greater than five feet after completion of such structure.~~ **Agricultural grading related to farm practices as defined ORS 30.930.**
- C. ~~Cemetery graves.~~ **Homeowner landscaping activities such as tree/shrub plantings or removal, gardening, landscaping (placement of soil amendments, topsoil, bark or rock coverings) and other similar activities. Grading volumes for such landscaping activities shall be less than 10 cubic yards per year and less than 1-foot in depth/thickness.**
- D. ~~Refuse disposal sites controlled by other regulations.~~ **Cemetery graves.**
- E. ~~Excavations for wells, tunnels, or utilities.~~ **Refuse disposal sites controlled by other regulations; applicants shall follow all applicable Oregon Revised Statutes (ORS) requirements.**

- F. ~~Mining, quarrying, processing, stockpiling of rock, sand, gravel, aggregate, or clay where established and provided for by law, provided such operations do not affect the lateral support or increase the stresses in or pressure upon any adjacent or contiguous property.~~ **Excavations for wells, tunnels, or utilities; applicants shall follow all applicable Clatsop County and/or Oregon Revised Statutes (ORS) requirements.**
- G. Exploratory excavations under the direction of **geotechnical (soil)** engineers or engineering geologists.
- H. An excavation which: (1) is less than two feet in depth; or (2) which does not create a cut slope greater than five feet in height and steeper than one unit vertical in one and one-half units horizontal (66.7% slope).
- I. A fill less than one foot in depth and placed on natural terrain with a slope flatter than one unit vertical in five units horizontal (20% slope), or less than three feet in depth, not intended to support structures, that does not exceed 50 cubic yards on any one lot and does not obstruct a drainage course.

~~Exemption from the permit requirements of this chapter shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this chapter or any other chapter of this Code, or other laws or ordinances of the City of Warrenton.~~ **The Building Official or their designee reserves the right to redefine an exempt grading determination and require a grading permit if hazards or potential impacts to neighbors are identified in the future.**

16.152.050 Hazards.

~~Whenever the building official~~ **Building Official or their designee** 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~~ **Building Official or their designee**, 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.

16.152.060 Grading Permit Requirements.

- A. ~~Permits Required. Except as exempted in Section 16.152.040, no person shall do any grading without first obtaining a grading permit from the building official. A separate permit shall be obtained for each site, and may cover both excavations and fills.~~ Application. To obtain a grading permit, the applicant shall file an application in writing to the City of Warrenton on a form furnished by the **Building Official or their designee**. Every such application shall contain:
 1. Identification and description of work to be covered by the permit for which the application is made, including estimated quantities of work involved **and identified erosion control measures**.
 2. Description of the land on which the proposed work is to be done by legal description, street address, assessor parcel number, or similar description that will readily identify and definitely locate the proposed building or work.
 3. Indication of the use or occupancy for which the proposed work is intended.

4. Plans, diagrams, computations, and specifications, and other data as required by this chapter. Plans and specifications shall be drawn to scale and shall be of sufficient clarity to indicate the location, nature, and extent of the work proposed, and show in detail that it will conform to all provisions of this Code and relevant laws, ordinances, rules, and regulations of the City.
 5. Applicant's signature.
 6. Other data as required by the **Building Official or their designee.**
- B. ~~Application. To obtain a grading permit, the applicant shall file an application in writing to the City of Warrenton on a form furnished by the building official. Every such application shall contain:~~ **Engineered Grading. The following shall be designated as "engineered grading" and require an approved grading plan prepared by a civil engineer:**
1. ~~Identification and description of work to be covered by the permit for which the application is made, including estimated quantities of work involved.~~ **Grading activities with cumulative depths greater than one foot, over a five-year period.**
 2. ~~Description of the land on which the proposed work is to be done by legal description, street address, assessor parcel number, or similar description that will readily identify and definitely locate the proposed building or work.~~ **Grading activities within an Area of Special Flood Hazard as identified on the effective Flood Insurance Rate Maps (FIRMs). Such grading activities shall also be subject to a floodplain development permit.**
 3. ~~Indication of the use or occupancy for which the proposed work is intended.~~ **Grading activities subject to a removal-fill permit from the Oregon Department of State Lands.**
 4. ~~Plans, diagrams, computations, and specifications, and other data as required by this chapter. Plans and specifications shall be drawn to scale and shall be of sufficient clarity to indicate the location, nature, and extent of the work proposed, and show in detail that it will conform to all provisions of this Code and relevant laws, ordinances, rules, and regulations of the City.~~ **Grading activities related to a plat or land partition application.**
 5. ~~Applicant's signature.~~ **Grading activities for public improvements.**
 6. ~~Other data as required by the building official.~~

Grading activities which are designated as engineered grading shall conform to the currently adopted Oregon Structural Specialty Code Appendix J, as may be amended.

- C. **Regular Grading Designation.** ~~Grading in excess of 5,000 cubic yards shall be permitted in accordance with activities which require a permit but do not fall into the approved grading plan prepared by a civil engineer, and shall be designated as "requirements of "engineered grading"~~ Grading involving less than

~~5,000 cubic yards~~ shall be designated as "regular grading" unless the permittee chooses to have the grading performed as engineered grading, or the ~~building official~~ **Building Official or their designee** determines that special conditions or unusual hazards exist, ~~in which case~~. **In such cases**, grading shall conform to the requirements of engineered grading.

- D. ~~Engineered Grading~~ **Application** Requirements. ~~As required by the currently adopted Oregon Structural Specialty Code Appendix J, as may be amended~~. Each application for a grading permit shall be accompanied by a plan ~~in~~ **of** sufficient clarity to indicate the nature and extent of the work. The plans shall give the location of the work, the name of the owner, and the name of the person who prepared the plan. The plan shall include the following information:
1. General vicinity of the proposed site.
 2. Limiting dimensions and depth of cut and fill.
 3. Location of any buildings or structures where work is to be performed, and the location of any buildings or structures within 15 feet of the proposed grading.
- E. ~~Regular Grading~~ Requirements. Each application for a grading permit shall be accompanied by a plan ~~in~~ **of** sufficient clarity to indicate the nature and extent of the work. The plans shall give the location of the work, the name of the owner, and the name of the person who prepared the plan. The plan shall include the following information:
1. ~~General vicinity of the proposed site.~~
 2. ~~Limiting dimensions and depth of cut and fill.~~
 3. ~~Location of any buildings or structures where work is to be performed, and the location of any buildings or structures within 15 feet of the proposed grading.~~

Issuance.

1. The application, plans, specifications, computations, and other data filed by an applicant for a grading permit shall be reviewed by the ~~building official~~. **Building Official or their designee**. Such plans may be reviewed by other City departments to verify compliance with any applicable laws of the City. The ~~building official~~ **The Building Official or their designee** may require that grading operations and project designs be modified if delays occur which incur weather generated problems not considered at the time the permit was issued. The provisions of UBC Section 106.4 are applicable to grading permits.
2. The ~~building official~~ **Building Official or their designee** may require professional inspection and testing by the soils **geotechnical** engineer. When the ~~building official~~ **Building Official or their designee** has cause to believe that geologic factors **hazards or geotechnical concerns** may be involved, the grading will be required to conform to engineered grading. **The Permittee shall be responsible for all fees associated with such professional services.**

16.152.070 Grading Inspection.

- A. General. Grading operations for which a permit is required shall be subject to inspection by the ~~building official~~. **Building Official or their designee**. Professional inspection of grading operations, **including erosion control measures**, shall be provided by the civil engineer, ~~soils~~ **geotechnical** 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~~ **Building Official or their designee for regular grading. The Permittee shall be responsible for all fees associated with such professional services.**
- 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~~ **Geotechnical** Engineer. The ~~soils~~ **geotechnical** 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~~ **geotechnical** engineer **or its representative** 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~~ **geotechnical** engineering and engineering geology reports shall be submitted to the permittee, ~~building official~~ **Building Official or their designee**, 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~~ **geotechnical** 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~~. **Building Official or their designee**. In the event of changed conditions, the permittee shall be responsible for informing the ~~building official~~ **Building Official or their designee** of such change and shall provide revised plans for approval.
- F. Building Official. The ~~building official~~ **Building Official or their designee** 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~~ **while** fulfilling their respective duties under this chapter, the civil engineer, the ~~soils~~ **geotechnical** 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~~ **Building Official or their designee**.

- H. Transfer of Responsibility. If the civil engineer, the ~~soils~~ **geotechnical** 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~~ **Building Official or their designee** in writing of such change prior to the recommencement of such grading.

16.152.090 Bonds.

~~The building official~~ **The Building Official or their designee** may require bonds in such form and amounts as may be deemed necessary to assure that the work, if not completed in accordance with the approved plans and specifications, will be corrected to eliminate hazardous conditions. In lieu of a surety bond, the applicant may file a cash bond or instrument of credit with the ~~building official~~ **Building Official or their designee** in an amount equal to that which would be required in the surety bond.

16.152.110 Fills.

- A. General. Unless otherwise recommended in the approved ~~soils~~ **geotechnical** engineering report, ~~fills~~ **fill activities** shall conform to the provisions of this section. In the absence of an approved ~~soils~~ **geotechnical** engineering report, these provisions may be waived for minor fills not intended to support structures.
- B. Preparation of Ground. Fill slopes shall not be constructed on natural slopes steeper than one unit vertical in two units horizontal (50% slope). The ground surface shall be prepared to receive fill by removing vegetation, noncomplying fill, topsoil, and other unsuitable materials, scarifying to provide a bond with the new fill, and, where slopes are steeper than one unit vertical in five units horizontal (20% slope) and the height is greater than five feet, by benching into sound bedrock or other competent material as determined by the ~~soils~~ **geotechnical** engineer. The bench under the toe of a fill on a slope steeper than one unit vertical in five units horizontal (20% slope) shall be at least 10 feet wide. The area beyond the toe of the fill shall be sloped for sheet overflow or a paved drain shall be provided. When fill is to be placed over a cut, the bench under the toe of the fill shall be at least 10 feet wide but the cut shall be made before placing the fill and acceptance by the ~~soils~~ **geotechnical** engineer or engineering geologist or both as a suitable foundation for fill (**see; Figure 1 - Slope Calculation Matrix**).

Slope Ratio	Decimal Equivalent	Percentage Grade	Angle (degrees)
1:1	1.0	100.0%	45.00°
1:2	0.5	50.0%	26.57°
1:3	0.33	33.3%	18.43°
1:4	0.25	25.0%	14.04°
1:5	0.20	20.0%	11.31°
1:6	0.17	16.7%	9.46°

1:7	0.14	14.3%	8.13°
1:8	0.13	12.5%	7.13°
1:9	0.11	11.1%	6.34°
1:10	0.10	10.0%	5.71°

Figure 1 - Slope Calculation Matrix

- C. **Fill Material.** Detrimental amounts of organic material shall not be permitted in fills. Except as permitted by the ~~building official~~ **Building Official or their designee**, no rock or similar irreducible material with a maximum dimension of greater than 12 inches shall be buried or placed in fills. The ~~building official~~ **Building Official or their designee** may permit the placement of larger rock when the ~~soils engineer~~ properly devises a method of placement and continuously inspects its placement and approves the fill stability. The following conditions shall also apply: ~~(1) prior to issuance of a grading permit, potential rock disposal areas shall be delineated on the grading plan; (2) rock sizes greater than 12 inches in maximum dimension shall be 10 feet or more below grade, measured vertically; and~~
1. **Prior to issuance of a grading permit, potential rock disposal areas shall be delineated on the grading plan;**
 2. **Rock sizes greater than 12 inches in maximum dimension shall be 10 feet or more below grade, measured vertically;** ~~and.~~
 3. **Rocks shall be placed so as to assure ensure filling of all voids with well-graded soil.**
- D. **Compaction.** All fills shall be compacted to a minimum of 90% of maximum density **or as directed by the geotechnical engineer of record for the project.**
- E. **Slope.** The slope of fill surfaces shall be no steeper than is safe for the intended use. Fill slopes shall be no steeper than one unit vertical in two units horizontal. **(see; Figure 1 - Slope Calculation Matrix).**
- F. **Fill Compaction Report.** **The engineer or its representative shall provide a copy of a fill compaction report to the Building Official or their designee.**

16.152.120 Setbacks.

- A. **General.** Cut and fill slopes shall be set back from site boundaries in accordance with this section. Setback dimensions shall be horizontal distances measured perpendicular to the site boundary.
- B. **Top of Cut Slope.** The top of cut slopes shall not be made nearer to a site boundary line than one-fifth the vertical height of cut with a minimum of two feet and a maximum of 10 feet. The setback may need to be increased for any required interceptor drains.
- C. **Toe of Fill Slope.** The toe of fill slope shall be made not nearer to the site boundary line than one half the height of the slope with a minimum of two feet and a maximum of 20 feet. Where a fill slope is to be located near the site boundary and the adjacent off-site property is developed, special precautions shall be incorporated in the work as the ~~building official~~ **Building Official or their designee** deems necessary to protect adjoining

property from damage as a result of such grading. These precautions may include, but are not limited, to (1) additional setbacks; (2) provisions for retaining or slough walls; (3) mechanical or chemical treatment of the fill slope surface to minimize erosion; and (4) provisions for the control of surface waters **the following:**

1. **Additional setbacks.**
 2. **Provisions for retaining walls.**
 3. **Mechanical or chemical treatment of the fill slope surface to minimize erosion.**
 4. **Provisions for the control of surface waters.**
- D. Modification of Slope Location. The ~~building official~~ **Building Official or their designee** may ~~approve~~ **require** additional setbacks. The ~~building official~~ **Building Official or their designee** may **also** require investigation and recommendation by a qualified engineer or engineering geologist to demonstrate that the intent of this section has been satisfied. **A report of such investigation shall be provided to the Building Official or their designee.**

16.152.130 Drainage and Terracing.

- A. General. Unless otherwise indicated on the approved grading plan, drainage facilities and terracing shall conform to the provisions of this section for cut or fill slopes steeper than one unit vertical in three units horizontal (33.3% slope; **see Figure 1 - Slope Calculation Matrix**).
- B. Terraces.
1. Terraces at least six feet in width shall be established at not more than 30-foot vertical intervals on all cut or fill slopes to control surface drainage and debris except that where only one terrace is required, it shall be a mid-height. For cut or fill slopes greater than 60 feet and up to 120 feet in vertical height, **at least** one terrace at approximately mid-height, shall be 12 feet in width. Terrace widths and spacing for cut and fill slopes greater than 120 feet in height shall be designed by a civil engineer and approved by the ~~building official~~ **Building Official or their designee**. Suitable access shall be provided to permit proper cleaning and maintenance.
 2. Swales or ditches or terraces shall have a minimum gradient of five percent and must be paved with reinforced concrete not less than three inches in thickness or and approved equal paving. They shall have a minimum depth at the deepest point of one foot and a minimum paved width of five feet.
 3. A single run of swale or ditch shall not collect runoff from a tributary **drainage area** exceeding 13,500 square feet (projected) without discharging into a down drain.
- C. Subsurface Drainage. Cut and fill slopes shall be provided with subsurface drainage as necessary for stability.
- D. Disposal.
1. All drainage facilities shall be designed to carry waters to the nearest practicable drainage way approved by the ~~building official~~ **Building Official** or other appropriate ~~jurisdiction as~~ **designee as** a safe place to deposit such waters.

Erosion of ground in the area of discharge shall be prevented by installation of non-erosive down-drains, **riprap**, or other devices.

2. Building pads shall have a drainage gradient of two percent toward approved drainage facilities unless waived by the ~~building official~~. **Building Official or their designee**. The gradient from the building pad may be one percent if all of the following conditions exist throughout the permit area: (a) no proposed fills are greater than 10 feet in maximum depth; (b) no proposed finish cut or fill slope faces a vertical height in excess of 10 feet; and (c) no existing slope faces, which have a slope face steeper than one unit vertical in 10 units horizontal, have a vertical height in excess of 10 feet.

- E. Interceptor Drains. Paved interceptor drains shall be installed along the top of all cut slopes where the tributary drainage area above slopes toward the cut and has a drainage path greater than 40 feet measure horizontally. Interceptor drains shall be paved with a minimum of three inches of concrete or gunite and reinforced. They shall have a minimum depth of 12 inches and a minimum paved width of 30 inches measured horizontally across the drain. The slope of the drain shall be approved by the ~~building official~~. **Building Official or their designee**.

16.152.150 Completion of Work.

Upon completion of the rough grading work and at the completion of the work, the following reports and drawings and supplements thereto are required for engineered grading or when professional inspection is performed for regular grading, as applicable:

- A. An as-built grading plan prepared by the civil engineer retained to provide such services in accordance with Section 16.152.070 showing original ground surface elevations, as-graded ground surface elevations, lot drainage patterns, and the locations and elevations of surface drainage facilities and of the outlets of subsurface drains. As-constructed locations, elevations, and details of subsurface drains shall be shown as reported by the soils engineer. Civil engineers shall state that to the best of their knowledge the work within the specified area of responsibility was done in accordance with the final approved grading plan.
- B. A report prepared by a ~~soils~~ **geotechnical** engineer **or its representative** retained to provide such services in accordance with Section 16.152.070, including locations and elevations of field density tests, summaries of field and laboratory tests, other substantiating data, and comments on any changes made during grading and their effect on recommendations made in the approved soils engineering investigation report. ~~Soils~~ **Geotechnical** engineers shall submit a statement **to the Building Official or their designee** that, to the best of their knowledge, the work within their area of responsibilities is in accordance with the approved ~~soils~~ **geotechnical** engineering report and applicable provisions of this chapter.

Section 2. This Ordinance will take effect 30 days after its adoption by the Warrenton City Commission.

First Reading:

Second Reading:

ADOPTED by the City Commission of the City of Warrenton, Oregon this day of 2026.

APPROVED

Henry A. Balensifer, Mayor

Attest:

Hanna Bentley, City Recorder



City Commission Agenda Memo

Meeting Date: February 10, 2026
From: Dale McDowell, interim Public Works Director
Subject: Request to Advertise for Bids – CIP Quincy Robinson Park Tennis Court Project

Summary:

Authorization is requested to advertise for bids for the CIP Quincy Robinson Park Tennis Court Demolition and Reconstruction Project. The existing tennis courts have experienced significant long-term erosion from wear and tear, including extensive cracking and surface deterioration, which can no longer be effectively addressed through routine maintenance. Advertising this project will allow the City to solicit competitive bids for demolition of the existing courts and reconstruction of new, durable playing surfaces, ensuring continued safe public use and extending the lifespan of this recreational facility.

Recommendation/Suggested Motion:

"I move to authorize the advertisement for construction bids for the CIP - Quincy Robinson Park Tennis Court Project."

Alternative:

None recommended

Fiscal Impact:

Capital Improvement Project to be funded from ~~CIP~~ Budget 065-429-620078

Attachments:

1. Exhibit A – Request for Formal Bids

Approved by City Manager: _____

CALL FOR BIDS



Exhibit A

CALL FOR BIDS - PUBLIC WORKS IMPROVEMENT

Sealed bids will be received up to the hour of **2:00 PM**, local time, on **February 26, 2026** by Dale McDowell, Interim Public Works Director, at the front desk of Warrenton City Hall, 225 South Main Street, Warrenton, OR. 97146:

Quincy Robinson Park Tennis Court Demolition and Re-construction Project

PROJECT DESCRIPTION

The City of Warrenton, Oregon is seeking quotes for the demolition and re-construction of the existing Tennis Courts located at 170 SW 3rd Street in Warrenton, Oregon 97146. The selected contractor will be responsible for the following:

- Mobilization, Insurance and Bonds
- Erosion and Sedimentation Controls
- Removal and Re-installation of the East side Chain link Fence
- Layout (with help from City staff) and Saw cutting
- Removal and disposal of existing Tennis Court net foundations (concrete)
- Removal and disposal of old Tennis Court foundations (concrete)
- Pulverizing the existing Asphalt Surface in place
- Import and Grade 3" (compacted thickness) of ODOT Spec ¾" Crushed Rock
- Compaction prior to Asphalt Paving
- Installation of 4 (four) net post bases (in concrete) owner supplied bases
- Asphalt Paving 3" thickness to ODOT Standards including tack edges
- Paint Striping new Tennis Court layouts (2 full courts)
- Re-install East side Chain link Fence
- Final Clean-up
- De-Mobilization

The goal is to have this project completed as *weather permits* following bidder selection. **Bid responses will be accepted until 2:00 pm on February 26, 2026**

Bidders may submit quotes to:

City of Warrenton
Public Works Department
P. O. Box 250
Warrenton, OR. 97146
Email bids to: publicworks@warrentonoregon.us

Physical submissions may be delivered in person to the Public Works Office at:

45 SW 2nd Street, Warrenton, OR. 97146
No pre-bid meeting will be held. For project inquiries, contact the Public Works Department at publicworks@warrentonoregon.us

Questions regarding the project during the bid period shall be submitted to Dale McDowell Interim Public Works Director by phone, 971-286-2035 extension 134 or by email dmcdowell@warrentonoregon.us.

Bids will be publicly opened and read by the Public Works Director at **2:00 PM**, local time on **February 26, 2026** in

the Warrenton Fire Training Room. **All bids must be accompanied by a certified check, a cashier's check or bid bond in an amount equal to at least 5% of the total bid.**

If the total bid exceeds \$50,000.00 the contract will be subject to Prevailing Wage Statute ORS 279C.800 to 279C.870. The contract is NOT subject to federal prevailing wage rates under the Davis-Bacon Act (40 U.S.C. 3141 et seq).

Prior to submission of its bid, bidder shall be registered with the Oregon Construction Contractor's Board as required by ORS 701.055, and thereafter comply with the requirements of ORS 701.035 to 701.055.

Bidders shall be qualified in accordance with the applicable parts of ORS 279C in order to submit a bid for public works in Oregon.

This project is funded by Capital Improvement Project Budget 065-429-620078

By: Dale McDowell, Interim Public Works Director
City of Warrenton, Oregon

PUBLISH: Daily Astorian
Daily Journal of Commerce

BIDDER'S CHECKLIST

BIDDER'S CHECKLIST

FORMS TO EXECUTE FOR SUBMISSION OF BID

The Bidder's attention is especially called to the following forms which must be executed in full before bid is submitted:

- (a) Bid Form: The Bid Form is to be filled in and signed by the bidder and returned with bid.
- (b) Bond Accompanying Bid: All bids shall be accompanied by a guarantee equal to at least five percent (5%) of the bid amount. This guarantee may be in the form of a bond, certified check or cashier's check. Bid bonds will be accompanied by a power of attorney bearing the same date as the bond.
- (c) Certification of Nondiscrimination: This form must be signed and submitted with bid.
- (d) If applicable, First-Tier Subcontractor disclosure form, within 2 hours of bid closing.

Facsimile transmissions of bids, bid security or sub-contractor disclosure forms **will not** be accepted

FORMS TO EXECUTE AFTER AWARD OF BID

- (a) Contract: The agreement provided in these Solicitation Documents is to be executed by the successful bidder within 14 calendar days of award of the contract.
- (b) Insurance must comply with the General Conditions and Special Provisions of the Contract Documents. Proof of such insurance and additional insured certificate must be delivered to the Agency at the same time the contract is signed.
- (c) The contractor shall furnish a performance bond and a payment bond each in an amount equal to one hundred percent (100%) of the contract price as security for the faithful performance of this contract and for the protection of claimants under ORS 279C.600.

BID FORMS

BID FORM

The undersigned, having full knowledge of the quality and quantity of work and material required, hereby proposes to furnish all labor, material and equipment required to complete the work of:

QUINCY ROBINSON PARK – TENNIS COURT DEMOLITION AND RE-CONSTRUCTION PROJECT

in accordance with the ODOT/APWA 2018 Oregon Standard Specifications for Construction and the Special Provisions, Plans and Specifications hereto, and at the following Bid Schedule prices by the following completion dates:

- **Substantial Completion: September 4, 2026**
- **Final Completion: September 17, 2026**

Enclosed herewith is a bid surety deposit in the amount of at least five percent (5%) of the bid.

The undersigned bidder hereby represents as follows: That this bid is made without connections with any person, firm or corporation making a bid for same, and is in all respects fair and without collusion or fraud.

Contractor agrees comply with ORS 279C.838 or ORS 279C.840 or 40 USC3141, et seq, if the contract is subject to state or federal prevailing wage laws.

The undersigned is YES NO a resident bidder, as defined in ORS 279A.120. (PLEASE CHECK ONE)

Oregon Construction Contractor Board No. _____.

The bidder acknowledges receiving and incorporating changes described in Addenda NO. _____ through _____.

Complete in black ink or by typewriter. If BIDDER is:

An Individual

Signature _____

(Individual's Name, Typed or Printed)

doing business as _____

Business address _____

Phone No. _____

A Partnership

Firm Name _____

Signature _____

(Name of Partner, Typed or Printed)

Business address _____

Phone No. _____

A Limited Liability Company (LLC)

LLC Name _____

By _____
(Signature of general partner – attach evidence of authority to sign)

Name (typed or printed) _____

Business Address _____

State in which company was formed _____

Phone No. _____

A Corporation

Corporation Name _____

Signature _____

(Officer's Name, Typed or Printed)

(Title)

(State of Incorporation)

Attest _____
(Secretary's Signature)

Business address _____

Phone No. _____

Date of Qualification to do business _____

FIRST TIER SUBCONTRACTOR'S DISCLOSURE FORM

PROJECT NAME: **Quincy Robinson Park Tennis Courts Demolition and Re-construction Project**

BID CLOSING: DATE: February 26, 2026 TIME: 2:00 PM Local Time

This form must be submitted at the location specified in the Call For Bids on the advertised bid closing date and within two working hours after the advertised bid closing time.

List below the name of each subcontractor who will be furnishing labor or materials and that is required to be disclosed, the category of work that the subcontractor will be performing and the dollar value of the subcontract. Enter "NONE" if there are no subcontractors that need to be disclosed.

(ATTACH ADDITIONAL SHEETS IF NEEDED.)

Name	Dollar Value	Category of Work
1) _____	\$ _____	_____
2) _____	\$ _____	_____
3) _____	\$ _____	_____
4) _____	\$ _____	_____

Failure to submit this form by the disclosure deadline will result in a nonresponsive bid. A nonresponsive bid will not be considered for award.

Form Submitted by (Bidder Name): _____

Contact Name: _____

Phone no.: _____

CERTIFICATION OF NONDISCRIMINATION

Pursuant to the requirements of ORS 279A.110, I certify that I have not discriminated and will not discriminate against a subcontractor in awarding a subcontract because the subcontractor is a minority, woman or emerging small business enterprise certified under ORS 200.055 or a business enterprise that is owned or controlled by or that employs a disabled veteran, as defined in ORS 408.225.

DATE

BIDDER

NOTE: THIS STATEMENT MUST BE RETURNED WITH THE BID

Measurement of Pay Quantities

QUICNY ROBINSON PARK – TENNIS COURT DEMOLITION AND RE-CONSTRUCTION

Measurement and payment for all Work shown or specified herein will be made on a unit or lump sum price basis in accordance with the prices set forth in the Bid Schedule for individual items of Work. Contractor shall make a careful assessment when preparing the Bid.

The items listed below refer to and are the same as the pay items listed in the Bid Schedule. The constitute all of the pay items for the completion of the Work. No direct or separate payment will be made for providing miscellaneous temporary or accessory services or all other items not specifically named in specific bid item description and needed for the prosecution of the services, things and materials shall be included in the prices stipulated for the lump sum and unit price pay items listed herein.

The prices stated in the Bid Schedule include overhead and profit and all costs and expenses for bonds, insurance, taxes, labor, equipment, materials, commissions, transportation charges and expenses, patent fees and royalties, labor for handling materials during inspection, together with any and all other costs and expenses for performing and completing the Work, complete and in place as specified herein. The basis of payment for an item at the lump sum or unit price shown in the Bid Schedule shall be in accordance with the description of that item in this Section.

Description of Bid Items on Bid Schedule:

1. Mobilization (Lump Sum Payment) The lump sum payment for Mobilization shall include: Obtaining Liability and Worker Compensation Insurance, License fees, obtaining bonding, moving equipment onto the project site, marshalling workers, materials and equipment, and those of subcontractors to accomplish Work under the Contract, preparation, submittal and modifications as appropriate to address review comments should submittals be required. Payment for mobilization will be made at the Contract lump sum amount, in accordance to ODOT Specification 00210 – Mobilization.
2. Erosion and Sedimentation Controls (Lump Sum Payment) The lump sum payment for Erosion Control shall include: furnishing all necessary materials, equipment, labor and incidental structural Best Management Practices (BMP) for the purpose of controlling soil erosion by wind or water and keeping eroded sediments and other construction generated pollutants from moving off the project site. Payment will be made on a prorated monthly basis based on the percent of the original Contract Amount that is earned from other Contract items.
3. Removal and Re-installation of existing Chain link fencing (Lump Sum Payment) The lump sum payment for Removal and Re-installation of the Chain link fencing includes the Contractor's choice to disconnect the existing post ties, roll the fence along the existing poles and open an area for equipment and material access. Removal of the entire chain link fence is not necessary. Payment will be made upon completion of the fencing being stretched and tied back to the existing posts.
4. Layout Sawcut (Lump Sum Payment) The lump sum payment for Laying out the parameters of the saw cut with help from the owner's representative includes all Contractor Labor and materials. Payment will be in full.
5. Saw Cutting Asphalt:(Per lineal foot, assume 3" depth) Payment will be made on a per lineal foot basis based on actual measurements. Payment will be for all labor, equipment and incidentals for performing the work.
6. Removal pf existing Tennis Court net foundations: (Lump Sum Payment) The lump sum payment shall include removing the existing net bases and any other old rusted bases within the playing surface. These bases are encased in concrete (Similar to a fence post). Payment will be for all labor, equipment and disposal fees for the debris.
7. Pulverizing the existing Asphalt Tennis Court in place: (Per Square foot) Payment will be made to pulverize the existing surface to a size less than 3" in any diameter to be used as a base rock. Payment includes all labor, equipment and incidentals for performing the work.
8. Import and Grade ¾" Crushed Rock (Per Ton) Payment will be made to import, dump, spread, grade and level crushed rock to a neat line. Payment will be made on a per ton with quarry tickets requested. A light

weight should be taken for each truck at the quarry each day. Payment will be based on the per ton price as stated above.

9. Compaction prior to Asphalt Paving (Lump Sum Payment) The lump sum payment includes all labor and equipment and all incidentals. Compaction Testing IS NOT required.
10. Installation of 4 Tennis Court post bases. (Lump Sum Payment) Payment will be made on a lump sum basis for the installation of the 24" long 3" diameter Stainless Steel bases in concrete. Quikrete Concrete Mix is acceptable, minimum of three 60-pound bags for each base. Payment includes all labor, materials, and equipment necessary to complete the task. City Staff will provide line and grade for the net bases.
11. Asphalt Paving 3" thickness (tack edges) (Per Ton Payment): Payment will be made on a per ton basis to include material, hauling, equipment, asphalt tack, labor, and all incidentals. Weight tickets will be required.
12. Paint Striping new Tennis Courts (Lump Sum Payment) Lump sum payment for layout and striping of two (2) new Tennis courts, including all materials, labor and equipment. Payment includes all incidentals.
13. Final Clean up and De-Mobilization (Lump Sum Payment) Lump sum payment shall include final clean-up of surrounding areas, all excess materials removed and the site left in a swept condition. Payment includes all labor, equipment, disposal fees and any incidentals.

BID BOND

**BID BOND
FOR
Quincy Robinson Park Tennis Court Demolition and Re-construction Project
FOR
THE CITY OF WARRENTON**

KNOW ALL PEOPLE BY THESE PRESENTS:

That we, _____, hereinafter called
(Name of Contractor)

the PRINCIPAL, as Principal, and _____,
(Name of Surety)

a corporation and existing under and by virtue of the laws of the State of _____ and authorized to transact a surety business in the State of Oregon, hereinafter called the SURETY, as Surety, are held and firmly bound unto the City of Warrenton, a Municipal Corporation of the State of Oregon, hereinafter called the OBLIGEE, in the penal sum of

_____ Dollars (\$_____) for the payment of which sum well and truly to be made, the said PRINCIPAL and the said SURETY bind ourselves, our heirs, executors, administrators, successors, and assigns, jointly and severally, firmly by these presents.

THE CONDITION OF THE ABOVE OBLIGATIONS IS SUCH THAT:

WHEREAS the PRINCIPAL has submitted a Bid Proposal for the Quincy Robinson Park Tennis Courts Demolition and Re-construction Project.

NOW, THEREFORE, if the Bid Proposal submitted by the PRINCIPAL is accepted, and the Contract awarded to the PRINCIPAL, and if the PRINCIPAL shall execute the proposed Agreement and shall furnish such Performance and Payment Bonds as required by the Contract Documents within the time fixed by the Documents, then this obligation shall be void; if the PRINCIPAL shall fail to execute the proposed Agreement and furnish the bonds, the SURETY hereby agrees to pay the OBLIGEE the penal sum as liquidated damages, within ten (10) days of such failure.

Signed and sealed this _____ day of _____, 2017.

CONTRACTOR AS PRINCIPAL:

SURETY:

(Corp. Seal)

(Corp. Seal)

Company: _____ Company: _____

Signature: _____ Signature: _____

Name: _____ Name: _____

Title: _____ Title: _____

(Attach Power of Attorney)