



# Oregon

Theodore R. Kulongoski, Governor

## Department of Land Conservation and Development

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Salem, Oregon 97301-2524

Phone: (503) 373-0050

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Web Address: <http://www.oregon.gov/LCD>

### NOTICE OF ADOPTED AMENDMENT

October 4, 2006

TO: Subscribers to Notice of Adopted Plan or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Warrenton Plan Amendment  
DLCD File Number 002-06



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Copies of the adopted plan amendment are available for review at DLCD offices in Salem, the applicable field office, and at the local government office.

Appeal Procedures\*

### DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: October 19, 2006

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

**\*NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE DATE SPECIFIED ABOVE.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist  
Laren Woolley, DLCD Regional Representative  
Steven Santos, Dlcd Economic Development Planning Specialist  
Carol Parker, City of Warrenton

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**NRDF** **2** Notice of Adoption

THIS FORM **MUST BE MAILED** TO DLCD  
**WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION**  
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18

DEPT OF  
SEP 29 2006  
LAND CONSERVATION  
AND DEVELOPMENT  
For DLCD Use Only

Jurisdiction: City of Warrenton Local file number: RZ-06-05  
Date of Adoption: Sept. 26, 2006 Date Mailed: Sept. 28, 2006  
Date original Notice of Proposed Amendment was mailed to DLCD: April 28, 2006

- Comprehensive Plan Text Amendment
- Land Use Regulation Amendment
- New Land Use Regulation
- Comprehensive Plan Map Amendment
- Zoning Map Amendment
- Other: \_\_\_\_\_

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Rezoned tax lots from industrial to residential.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "SAME".  
If you did not give Notice for the Proposed Amendment, write "N/A".

Same

Plan Map Changed from: ESWD to: Other Urban Shorelands

Zone Map Changed from: I-2 to: Rm

Location: T.8, R.10, S.09B, TLs 2201, 2300, 2400 + 2401; T.8, R.10, S.09D, TL 801 Acres Involved: 0.88

Specify Density: Previous: 0 New: 10,000 sqft

Applicable Statewide Planning Goals: 1-19

Was an Exception Adopted?  YES  NO

DLCD File No.: 002-06 (15199)

Did the Department of Land Conservation and Development receive a Notice of Proposed Amendment.....

Forty-five (45) days prior to first evidentiary hearing?  Yes  No

If no, do the statewide planning goals apply?  Yes  No

If no, did Emergency Circumstances require immediate adoption?  Yes  No

Affected State or Federal Agencies, Local Governments or Special Districts:

DLCD

Local Contact: Carol Parker Phone: (503) 861-0920 Extension: ---

Address: P.O. Box 250 City: Warrenton

Zip Code + 4: 97146- Email Address: cparker@ci.warrenton.or.us

## ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**

per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO (2) Copies of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST  
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT  
635 CAPITOL STREET NE, SUITE 150  
SALEM, OREGON 97301-2540**

2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.

3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.

4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.

5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.

6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.

7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

ORDINANCE No. 1097-A

Introduced by Commissioner:

Amending the City of Warrenton Comprehensive Plan Map, and the Zoning designation map to reflect the rezoning of tax lots 2201, 2300, 2400, and 2401 in Section 09B in Township 8, Range 10; and tax lot 801 in Section 09D in Township 8, Range 10. The revisions shall be made to: (1) Comprehensive Plan Map designation (Exhibit "B") on the subject property from ESWD to Other Urban Shorelands; and (2) Zoning map designation (Exhibit "C") for the subject properties from Water-dependent Industrial Shorelands (I-2) to Medium Density Residential (RM); and Adopting the Findings of Fact and Conclusions of Law attached as Exhibit "A".

WHEREAS, certain changes are necessary to revise, update and amend the Warrenton Comprehensive Plan Map, and Zoning designation map; and

WHEREAS, Dale and Kathy Worthington, Corey Oltmanns, Anna May Roby, and Lewis Falconer own tax lots 2201, 2300, 2400, and 2401 in Section 09B in Township 8, Range 10; and tax lot 801 in Section 09D in Township 8, Range 10.

WHEREAS, the Warrenton City Commission received the Planning Commission's recommendation on this matter, and conducted a public hearing on August 22, 2006 and closed the public hearing on that date; and

WHEREAS, the Warrenton City Commission has determined to approve this application and adopt the Findings of Fact and Conclusions of Law described in Exhibit "A", and amendments to the Comprehensive Plan Map described in Exhibit "B", and Zoning Designation Map described in Exhibit "C" (all exhibits attached hereto and incorporated by reference).

NOW, THEREFORE, The City of Warrenton ordains as follows:

Section 1: The City of Warrenton's Comprehensive Plan Map (Exhibit "B") and Zoning Designation Map (Exhibit "C") are amended as described in Exhibits "B and C".

Section 2: This ordinance shall become a final land use decision upon its second reading, enactment, and its signing by the Mayor.

Section 3: This ordinance shall become effective thirty (30) days from the date of its adoption.


Section 4: If any article, section, subsection, phrase, clause, sentence or word in this ordinance shall, for any reason, be held invalid or unconstitutional by a court of competent jurisdiction, it shall not nullify the remainder of the ordinance but shall be confined to the article, section, subdivision, clause, sentence or word so held invalid or unconstitutional.

First Reading: September 12, 2006

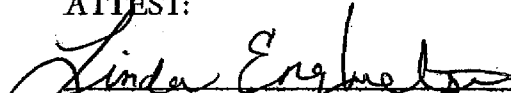
Second Reading: September 26, 2006

ADOPTED by the City Commission of the City of Warrenton, Oregon, this 26th day of September, 2006.

APPROVED

  
\_\_\_\_\_  
Gil Gramson, Mayor

ATTEST:

  
\_\_\_\_\_  
Linda Engbretson, City Recorder

**Date the City mailed the Notice of Decision to parties with standing and to the Department of Land Conservation and Development on the required form:**

**EXHIBIT**

**“A”**

**WORTHINGTON, ETAL REZONE (FILE #RZ-06-5)  
FINDINGS OF FACT AND CONCLUSIONS OF LAW**

The subject property location is in Township 8, Range 10, Section 09B, Tax Lots 2201, 2300, 2400,2401; and Section 09D, Tax Lot 801. The tax lots total approximately 0.88 +/- acres; and is currently utilized with dwellings and outbuildings on 3 of the tax lots (2201, 2300, and 2400). The current zoning is I-2 (Water-Dependent Industrial).

Applicants request is to rezone the 0.88 acres from Water-Dependent Industrial (I-2) to Medium Density Residential (RM). This request will not only require an amendment to the Zoning Designation map but also an amendment to the Comprehensive Plan Map from ESWD to Other Urban Shorelands.

This application was reviewed and the determination was made pursuant to Warrenton's Development Code Sections 4.1.6 (Type IV Procedure - Legislative and Map Amendments), 4.7 (Land Use District Map and Text Amendments), and Comprehensive Plan, Statewide Planning Goals, Oregon Revised Statutes and the Oregon Administrative Rules.

**A. Comprehensive Plan**

1. Comprehensive Plan Section 2.320

**FINDINGS:** Proposed amendments do not change the city's approach to growth management; nor do they change the applicability of growth management standards. Most of the subject property is currently in the I-2 Zone. This amendment places it in the RM zone. The RM zone is appropriate for the subject tax lots because: (1) similar property to the northeast is in the RM zone; (2) land in the RM zone is intended to accommodate a variety of housing types. The sites are already developed with single-family residences; and (3) land in the RM zone should be located where community services and adequate access are available. Public services are available to the subject properties, including an adjacent neighborhood park, water, sewer, schools, the proposed waterfront trail, and streets. The findings have addressed and met the criteria of this section of the Comprehensive Plan.

2. Comprehensive Plan Section 3.310

**FINDINGS:** For these reasons the City should find this proposal consistent with Policy. The findings have addressed and met the criteria of this section of the Comprehensive Plan.

3. Comprehensive Plan Section 3.330

**FINDINGS:** The subject property lacks characteristics that contribute to suitability for water-dependent development in the I-2 zone: (1) there are other tax lots and Warrenton Drive between the subject tax lots and the Columbia River; (2) supporting land transportation facilities are not available at the site; (3) there is no potential for aquaculture activity occurring on these subject tax lots; (4) the site lacks direct frontage on or access to the Columbia River. For these reasons the city should find the subject tax lots poorly suited for the I-2 zone. The findings have addressed and met the criteria of this section of the Comprehensive Plan.

4. Comprehensive Plan Section 3.340

**FINDINGS:** Proposed amendments do not conflict with this policy. The findings have addressed and met the criteria of this section of the Comprehensive Plan.

**B. Warrenton Development Code Chapter 4.7:**

1. Demonstration of compliance with all applicable comprehensive plan policies and map designation. Where this criterion cannot be met, a comprehensive plan amendment shall be a prerequisite to approval - Comprehensive Plan Section 2.310:

**FINDINGS:** This proposal includes a comprehensive plan map amendment, changing the ESWD plan map designation to an "Other Urban Shorelands" designation. OAR 660-37 provides a mechanism for removing the ESWD designation from property. In general, the subject property is poorly suited for the ESWD comprehensive Plan designation because: (1) the site is already developed and used for residential purposes; (2) the subject property lacks direct water frontage; (3) the subject property covers about 0.88 acres, which is too small for most of the uses allowed in the Water-dependent industrial zone (I-2). Many of the marine industrial uses listed in the I-2 zone require substantial land areas for storing cargo. Based on this information, the City concludes the proposed amendments are consistent with the policies in Section 2.310 of the City's Comprehensive Plan.

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

**FINDINGS:** The only substantive criteria in the City's code applicable to this proposal are in Section 4.7.3(B). These code sections are addressed in this document. This finding addresses and meets this section of the Development Code.

3. Evidence of change in the neighborhood or community or a mistake of inconsistency in the comprehensive plan or land use district map regarding the property which is the subject of the application; and provisions of Section 4.7.6, as applicable.

**FINDINGS:** With respect to the first part of Section 4.7.3(B)(3), there is no evidence that I-2 zoning on the property is the result of a mistake. With respect to the second part of Section 4.7.3(B)(3), the City should find the proposal consistent with zoning ordinance Section 4.7.6. The proposal would not significantly affect a transportation facility because the proposed amendments do not change the classification of Warrenton Drive or any other street in Warrenton; the proposed amendments do not change the standards implementing the City's functional classification system; the proposal does not allow types or levels of land use that would result in levels of travel or access that are inconsistent with the functional classification of Warrenton Drive; the proposed amendments do not reduce the level of service on Warrenton Drive below the minimum acceptable level identified in the Comprehensive Plan or Transportation System Plan.



### C. STATEWIDE PLANNING GOALS

1. GOAL #1: CITIZEN INVOLVEMENT [OAR 660-015-0000(1)]

**FINDINGS:** The proposed amendments do not change Warrenton's citizen involvement policies, implementing ordinances, or procedures.

2. GOAL #2: LAND USE PLANNING [OAR 660-15-0000(2)]

**FINDINGS:** they comply with the Statewide Planning Goals, and because they amend the City's planning documents in an internally consistent manner.

3. GOAL #3: AGRICULTURAL LANDS [OAR 660-15-0000(3)]

**FINDINGS:** Goal 3 is not applicable.

4. GOAL #4: FOREST LANDS [OAR 660-15-0000(4)]

**FINDINGS:** Goal 4 is not applicable.

5. GOAL #5: OPEN SPACES, SCENIC AND HISTORIC AREAS, AND NATURAL RESOURCES [OAR 660-15-0000(5)]

**FINDINGS:** No changes to the City's existing Goal 5 Comprehensive Plan element or implementing measures are proposed or needed as a result of the proposed amendments. The proposal is consistent with statewide planning goal 5.

6. GOAL #6: AIR, WATER AND LAND RESOURCES QUALITY [OAR 660-15-0000(6)]

**FINDINGS:** The proposed amendments do not change any of the City's Goal 6 implementation measures, nor do the amendments trigger an update of the City's air or water quality element. The proposal is consistent with Statewide Planning Goal 6.

7. GOAL #7: AREAS SUBJECT TO NATURAL DISASTERS AND HAZARDS [OAR 660-15-0000(7)]

**FINDINGS:** The proposed amendments do not alter the City's procedures or requirements for addressing soil conditions.

8. GOAL #8: RECREATIONAL NEEDS [OAR 660-15-0000(8)]

**FINDINGS:** The proposal does not require amendment of the City's recreational needs element because it does not concern land included in the existing inventory of recreational sites. For these reasons, the proposed amendments are consistent with Statewide Planning Goal 8.

9. GOAL #9: ECONOMIC DEVELOPMENT [OAR 660-15-0000(9)]

**FINDINGS:** The proposal does not alter the City's inventory of buildable commercial land. The proposal does not change the City's inventory of buildable land available for economic development purposes except with respect to the uses allowed in the I-2 zone, and only with respect to the 0.88 acre site. The amendments add to the City's buildable land inventory of land available for housing. The proposal is consistent with Statewide Planning Goal 9.

10. GOAL #10: HOUSING [OAR 660-15-0000(10)]

**FINDINGS:** The proposed amendments add approximately 0.88 acres of serviced land to the City's inventory of buildable housing sites. Because of this, the proposal is consistent with Statewide Planning Goal 10.

11. GOAL #11: PUBLIC FACILITIES AND SERVICES [660-15-0000(11)]

**FINDINGS:** Water and sanitary sewer service is available in the Warrenton Drive right-of-way. The subject properties are within the City Limits of Warrenton; served by Warrenton Drive, an improved city street; within the Warrenton-Hammond School District and the Clatsop Community College district; and served by Pacific Power, NW Natural gas, Charter Cable, and Qwest Communications. The available levels of service for these utilities are consistent with the uses and densities allowed by the RM zone. Because of this, the proposal is consistent with statewide planning goal 11.

12. GOAL #12: TRANSPORTATION [660-15-0000(12)]

**FINDINGS:** The city adopted a TSP in January 2004. Warrenton Drive is classified as an "urban collector". The proposed residential zoning is consistent with the classification, and does not require that the classification be changed. The TSP calls for sidewalk improvements on Warrenton Drive, including the section past the subject property. This project is described on page 5-20 of the TSP. Sidewalks are consistent with residential development. Because of this the proposed amendment does not conflict with this project. For these reasons the proposal is consistent with Statewide Planning Goal 12.

13. GOAL #13: ENERGY CONSERVATION [OAR 660-15-0000(13)]

**FINDINGS:** Statewide Planning Goal 13 does not establish any special requirements applicable to this proposal. The proposal is consistent with Goal 13.

14. GOAL #14: URBANIZATION [OAR 660-15-0000(14)]

**FINDINGS:** The subject property is in the city limits and Urban Growth Boundary of the City of Warrenton. For these reasons the proposal is consistent with Goal 14.

15. GOAL #15: WILLAMETTE RIVER GREENWAY [OAR 660-15-0000(15)]

**FINDINGS:** Goal 15 is not applicable.

16. GOAL #16: ESTUARINE RESOURCES [OAR 660-15-0000(16)]

**FINDINGS:** This goal is not applicable to this request because of the distance the properties are from the Columbia River.

17. GOAL #17: COASTAL SHORELANDS [OAR 660-15-0000(17)]

**FINDINGS:** This proposal complies with Goal 17 because water-dependent shoreland zoning surpasses the minimum state requirements, both before and after the proposed amendment.

18. GOAL #18: BEACHES AND DUNES [OAR 660-15-0000(18)]

**FINDINGS:** The subject property is not in a beach or dune area as defined by Goal 18; because of this, the proposal is consistent with Goal 18.

19. GOAL #19: OCEAN RESOURCES [OAR 660-15-0000(19)]





**FINDINGS:** Goal 19 does not establish any planning requirements applicable to the City.

The City Commission found that the applicants findings met the applicable criteria in the Warrenton Comprehensive Plan, Statewide Planning Goals and Oregon Administrative Rules in order for them to approve the rezoning of these tax lots from I-2 to RM on the Zoning Designation Map, and the Comprehensive Plan Map Designation from Especially Suited Water-Dependent to Other Urban Shoreland.

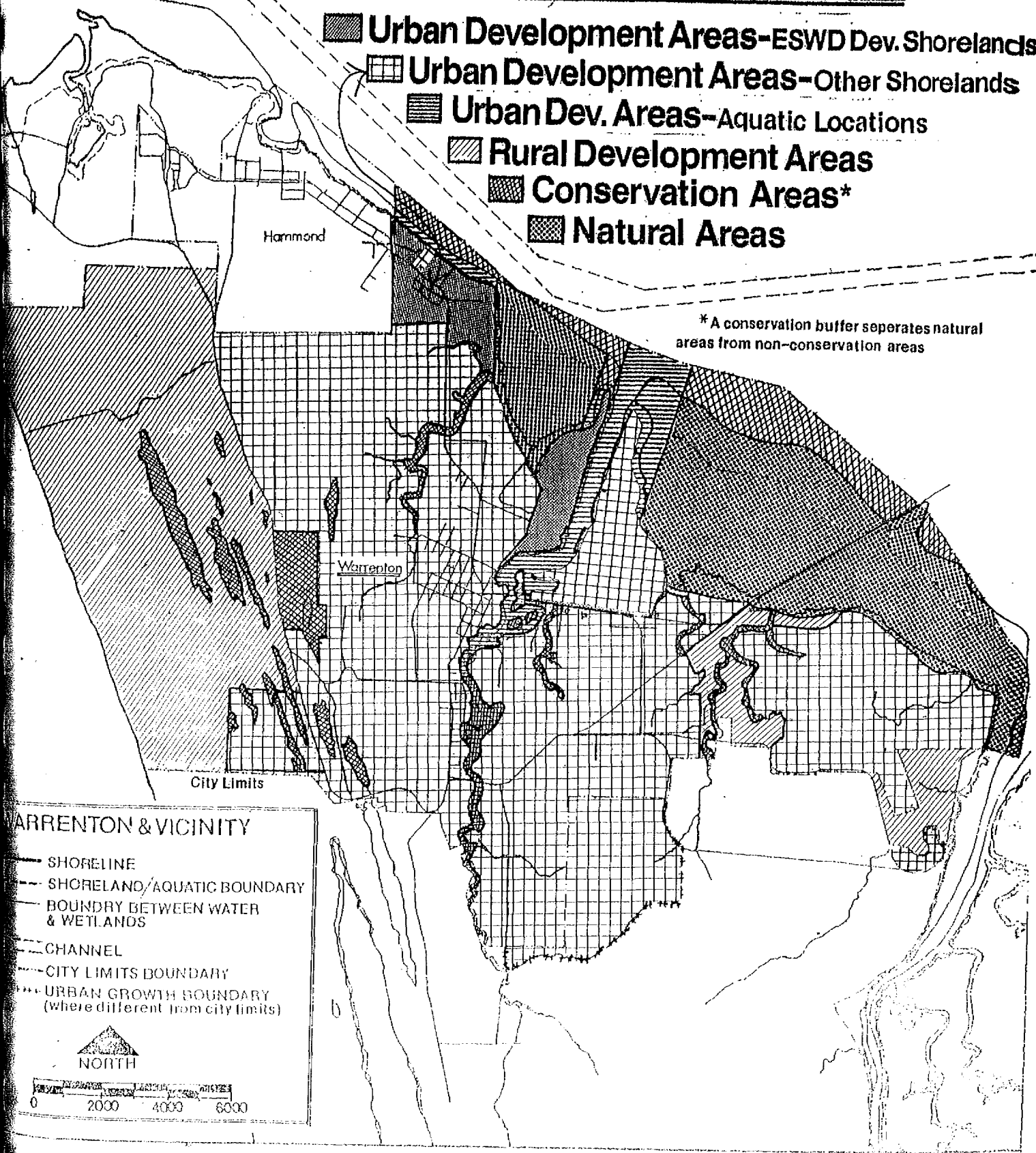
**EXHIBIT**

**“B”**







# General Land & Water Use Areas

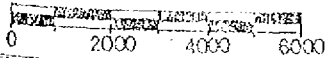
-  Urban Development Areas-ESWD Dev. Shorelands
-  Urban Development Areas-Other Shorelands
-  Urban Dev. Areas-Aquatic Locations
-  Rural Development Areas
-  Conservation Areas\*
-  Natural Areas

\* A conservation buffer separates natural areas from non-conservation areas



## WARRENTON & VICINITY

-  SHORELINE
-  SHORELAND/AQUATIC BOUNDARY
-  BOUNDARY BETWEEN WATER & WETLANDS
-  CHANNEL
-  CITY LIMITS BOUNDARY
-  URBAN GROWTH BOUNDARY (where different from city limits)



**EXHIBIT**

**“C”**

