



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED AMENDMENT

April 26, 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 006-05

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. This adoption was adopted by the City on April 4, 2006, and passed the 21-day appeal period from the date of the adoption.

Appeal Procedures*

DLCD DEADLINE TO APPEAL: Acknowledged under ORS 197.625 and ORS 197.830 (9)

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. Pursuant to ORS 197.625 if no notice of intent to appeal is filed within the 21-day period set out in ORS 197.830 (9), the amendment to the acknowledged comprehensive plan or land use regulation or the new land use regulation shall be considered acknowledged upon the expiration of the 21-day period.

Under ORS 197.830 (9) a notice of intent to appeal a land use decision or limited land use decision shall be filed not later than 21 days after the date the decision sought to be reviewed becomes final.

***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS ADOPTED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
Laren Woolley, DLCD Regional Representative
Carol Parker, City of Warrenton

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FORM 2 Notice of Adoption

DEPT OF

APR 19 2006

LAND CONSERVATION AND DEVELOPMENT

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

For DLCD Use Only

Jurisdiction: City of Warrenton Local file number: R2-05-3
Date of Adoption: April 4, 2006 Date Mailed April 17, 2006
Date original Notice of Proposed Amendment was mailed to DLCD: 12-5-05

- 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".

Rezone tax lots from industrial to residential
& committed

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: I-2 to: R-M
Zone Map Changed from: I-2 to: RM
Location: T.8, R.10, S.09B, TL 600 Acres Involved: 1.55
Specify Density: Previous: _____ New: _____

Applicable Statewide Planning Goals: 1, 2, 9, 12 + 14

Was and Exception Adopted? YES NO

DLCD File No.: 006-05
(14848)

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: PO Box 250 City: Warrenton, Ore
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. 1090-A

Introduced by Commissioner: Dick Hellberg

Amending the City of Warrenton Comprehensive Plan and Map, and the Zoning designation map to reflect the rezoning of tax lots 400, 500, 502, 503, 600, 602, and 700 in Section 09BB, Township 8, Range 10; and tax lot 200 in Section 09BC in Township 8, Range 10. The revisions are to the: (1) Comprehensive Plan text is to Goal 17 element to address the requirements of OAR 660-37-0010 through 660-37-0090; (2) Comprehensive Plan Map designation on the subject property from ESWD to Other Urban Shorelands; (3) Zoning map designation on the subject property from Water-dependent Industrial Shorelands (I-2) to Medium Density Residential (RM), this is shown on sheets 2 and 3 (attached); and (4) revise the zoning map designation on the southerly half of the railroad right-of-way (labeled "Fourth Court" on Clatsop County Assessment and Taxation maps) between Railroad Drive and Enterprise Street from Open Space Institutional (OSI) to Medium Density Residential (RM) see sheet #1 (attached).

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

WHEREAS, Wells Fargo Trust, Todd and Dixie Dowaliby, Jim Carruthers, Joseph and Carol Lambert, and Ferne Berg (property owners) have requested these amendments for certain properties known as tax lots 400, 500, 502, 503, 600, 602, and 700 in Section 09BB, Township 8, Range 10; and tax lot 200 in Section 09BC in Township 8, Range 10; and

WHEREAS, the Warrenton City Commission received the Planning Commission's recommendation on this matter, and conducted a public hearing on February 28, 2006, 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, described in Exhibit 'A' (attached hereto and incorporated by reference) and amendments to the Comprehensive Plan Text and Map, described in Exhibit 'B', and Zoning Designation Map described in Exhibit 'C' (attached hereto and incorporated by reference).

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

Section 1: The City of Warrenton Comprehensive Plan Text and Map are amended as described in Exhibit 'B', and Zoning Designation Map described in Exhibit '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.

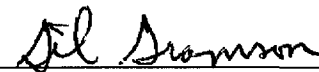
Section 4: If any article, section, subsection, phrase, clause, sentence or word in this ordinance shall, for any reason, be held invalid or unconstitutional by a court of competent jurisdiction, it shall not nullify the remainder of the ordinance but shall be confined to the article, section, subdivision,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

First Reading: March 14, 2006

Second Reading: April 4, 2006

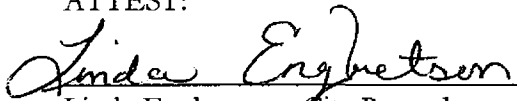
ADOPTED by the City Commission of the City of Warrenton, Oregon, this 4th day of April, 2006.

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'

WZO Section 4.7.3 – Findings

8 March 2006

This document contains findings supporting a proposed amendment involving the following property, covering about 6.15 acres, all located between Tansy Point and the Hammond Mooring Basin:

81009BB-400	Wells Fargo Trust
81009BB-500	Wells Fargo Trust
81009BB-502	Dowaliby, Todd and Dixie
81009BB-503	Carruthers, Jim
81009BB-600	Lambert, Joseph and Carol
81009BB-602	Berg, Ferne M.
81009BB-700	Berg, Ferne M.
81009BC-200	Wells Fargo Trust

The southerly half of the railroad right-of-way (labeled as Fourth Court on County Assessment and Taxation maps) between Railroad Drive and Enterprise Street

Sheet 1 shows portions of tax lot maps 8-10-9BB and 8-10-9BC, with the subject property highlighted. The proposal consists of the following amendments to the City's comprehensive plan and to the combined zoning/comprehensive plan map:

- Amend the Goal 17 element of the city's comprehensive plan to address the requirements of OAR 660-37-0010 through 660-37-0090.
- Change the comprehensive plan map designation on the subject property from *ESWD* to *Other Urban Shorelands*.
- Change the zone map designation on the subject property from *Water-dependent Industrial Shorelands (I2)* to *Medium Density Residential (RM)*. This is shown on Sheets 2 and 3. This amendment involves about 5.42 acres.
- Change the zone map designation on the southerly half of the railroad right-of-way (labeled "Fourth Court" on Clatsop County Assessment and taxation maps) between Railroad Drive and Enterprise Street from *Open Space Institutional (OSI)* to *Medium Density Residential (RM)*. See Sheet 1. This amendment involves about 0.73 acres.

Criteria for approving plan and map amendments are in section 4.7.3(B) of the City's zoning ordinance:

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 prerequisite to approval;*
- 2. Demonstration of compliance with all applicable standards and criteria of this Code, and other applicable implementing ordinances;*
- 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 4.7.6, as applicable.*

Findings with respect to these criteria begin below. Warrenton Zoning Ordinance (WZO) section 4.7.3(B)(2) is addressed beginning on page 53. Findings concerning WZO section 4.7.3(B)(3) start on page 53.

WZO Section 4.7.3(B)(1):

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 prerequisite to approval;

Section 2.310 of the Warrenton Comprehensive plan describes the City's land and water use classifications in policies (1) through (5). Six comprehensive plan designations are used in Warrenton:

- Urban Development Areas: ESWD Shorelands
- Urban Development Areas: Other Urban Shorelands
- Urban Development Areas: Urban Aquatic Development Areas
- Rural Development Areas
- Conservation Areas
- Natural Areas

Most of the subject property is currently in the *Urban Development Areas: ESWD Shorelands* designation. The City's comprehensive plan describes these lands as follows:

ESWD Shorelands are managed for water-dependent industrial, commercial and recreational uses. ESWD Shorelands include areas with special suitability for water-dependent development, including access to well scoured deep-water and maintained navigation channels, presence of land transportation and public facilities, existing developed land uses, potential for aquaculture, feasibility for marina development and potential for recreational utilization. Water-dependent use receives highest priority, followed by water-related uses. Uses which are not water-dependent or water-related which do not foreclose options for future higher priority uses and which do not limit the potential for more intensive uses of the area are provided for. The ESWD plan designation is implemented through the Marine Commercial Zone and the Water-dependent Industrial Shorelands Zone. (Section 2.310(2)(a), Warrenton Comprehensive Plan.)

This proposal includes a comprehensive plan map amendment, changing the ESWD plan map designation to a *Other Urban Shorelands* designation. OAR 660-37 provides a mechanism for removing the ESWD designation from property (see Exhibit 2). In general, the subject property is poorly suited for the ESWD comprehensive plan designation because:

- The site is already developed for residential uses. Four single family dwellings are on the subject property, and are currently used for residential purposes.
- The subject property lacks direct water frontage. The City's waterfront trail, in the OSI zone, separates the site from the River.
- Railroad access is no longer available to the subject property. Although freight trains are not essential for all types of water-dependent industrial development, the lack of rail access places this site at a substantial competitive disadvantage relative to similar sites with rail access.
- The subject property is not served by a major regional truck route, such as Highway 101 or Highway 30. Although highway access is not essential for water-dependent industrial development, the lack of direct access to a major truck route places this site at a substantial competitive disadvantage relative to similar sites with direct highway access.
- The subject property covers about 5.4 acres. This is too small for most of the uses allowed in the Water-dependent Industrial Zone (I2). Many of the marine industrial uses listed in the I-2 zone require substantial land areas for storing cargo.
- Some adjoining land is already committed to non-water-dependent uses. A proposed pedestrian trail is located waterward of the subject property. The site's small size cannot be easily corrected by combining it with an adjoining parcel. Land fronting on Pacific Drive is not in the I2 zone.

The comprehensive plan's *Other Urban Shorelands* designation covers a wide range of lands, including those areas suitable for residential, commercial or

industrial development. The subject property has the following features that make it appropriate for residential development under the *Other Urban Shorelands* plan designation and the Medium Density Residential zone (RM).

- Adjoining tax lots to the south and southwest are in residential use. Many other houses are found along Pacific Drive in the vicinity of the subject property.
- Services necessary for residential development (sewer, water) are available along Pacific Drive. The property has access to Pacific Drive.
- The site is not encumbered with wetlands designated under Warrenton's goal 5 wetland inventory.
- Panoramic views of the Columbia River are available from the site. Because of this, the site provides a highly-valued residential amenity.

Based on this information, the City can conclude that the proposed amendments are consistent with the policies in section 2.310 of the city's comprehensive plan.

Comprehensive Plan section 2.320 contains Urban Development policies. Policy 1 addresses growth management:

(1) Growth Management. Due to the large amount of urbanizable residential land within the City limits, the City will adopt a growth management strategy to insure the orderly conversion of land to urban uses. The City will apply growth management standards to outlying areas of the City which are largely vacant and currently have few public facilities in order to:

(a) Make urbanizable land available for conversion to urban uses in stages as public facilities adequate to serve urban development become available.

(b) Insure the orderly and economic provision of services.

(c) Discourage undeveloped areas from prematurely developing at non-urban densities.

(d) Maintain undeveloped areas at parcel sizes which can eventually be converted to urban uses.

(e) Encourage the development within urban areas before the conversion of urbanizable areas.

Proposed amendments do not change the city's approach to growth management; nor do they change the applicability of growth management standards. The site is not in a growth management area; the amendment will not change this. The City should conclude that the proposal does not conflict with this policy.

Urban Development policies 2 and 3 concern the urban growth boundary (UGB). The subject property is currently within the City's UGB. Proposed

amendments do not change the UGB. The City should find the proposal consistent with policies 2.320(2) and (3).

Comprehensive Plan policies under section 2.330 address annexation. This proposal does not require the annexation of any lands. The entire site is within the City Limits. Because of this, the City can find the proposal consistent with the policies in comprehensive plan section 2.330.

Comprehensive plan section 3.310 contains policies concerning residential lands. The proposal changes the zone map designation on the site to a residential zone, so these policies are applicable. Policy 3.310(1) describes the City's four residential zones:

(1) It is the City's policy to encourage the development of housing needed to accommodate desired growth, and to provide every Warrenton household with the opportunity to obtain a decent home in a suitable neighborhood. Residential construction shall occur primarily in the following four types of areas:

(a) The High Density Residential zone is intended to encourage the development of duplexes and other multi-family dwellings. It provides for high density uses in locations close to the downtown area or other locations which have suitable streets, utilities and other characteristics. Certain non-residential uses are allowed if they will not detract from the character of this district. Land in the Hammond area that was in the Town's R-H zone has been placed in this zone.

(b) The Medium Density Residential Zone is intended to accommodate a variety of housing types including single-family dwellings, duplexes and, where appropriate, manufactured dwelling subdivisions and manufactured dwelling parks. This intensity of residential use is envisioned for locations in the City where community services and adequate access are available. Residential densities permitted are somewhat greater than those permitted in an R-10 zone. Certain public facilities and other non-residential uses are also permitted when desirable conditions and safeguards are satisfied. Those lands in the Hammond area that were in the Hammond R-6 zone have been placed in this zone.

(c) The purpose of the Intermediate Density Residential Zone is to provide areas within the City which have the capacity to accommodate single-family dwellings in conventional subdivisions or planned unit developments. These areas are intended for service by municipal utilities and urban type street systems, and, consequently, the residents must be willing to support the costs associated with this density of development. Certain public facilities and other non-residential uses are permitted when desirable conditions and safeguards are satisfied. This zone includes those areas in Hammond that were in Hammond's Low Density Residential Zone (R-10).

(d) The Low Density Residential Zone is intended for areas which are physically isolated from the developed portions of the City, and

for which extension of sewer and water services would be prohibitively expensive. Lands in this zone must be able to support development with on-site sewage disposal systems, and comply with all local, state and federal requirements. Agriculture, open space and residential uses will be permitted in this zone subject to wetlands, weak foundation soils, and active dune constraints.

Most of the subject property is currently in the I2 zone. This amendment places it in the RM zone. The RM zone is appropriate for the subject property because:

- Similar property to the southwest is in the RM zone.
- Land in the RM zone is intended to accommodate a variety of housing types. The site is already developed with single-family residences.
- Land in the RM zone should be located where community services and adequate access are available. Community services are available to the subject property, including an adjacent neighborhood park, water, sewer, schools, the proposed waterfront trail, and streets. The site has access to Pacific Drive.

For these reasons the City should find the proposal consistent with policy 3.310(1).

Comprehensive Plan policy 3.310(2) reads as follows:

(2) Residential densities in each zone will vary with the type of development and the characteristics of the site and surrounding area.

This policy is implemented through the City's residential zoning districts. Proposed RM zoning allows a maximum density of one dwelling per 7,000 square feet (see WZO section 2.3.130(1)(a)). The subject property covers about 6.15 acres, allowing a maximum of about 38 single family dwellings. Nearby residential densities do not exceed the RM zone's maximum allowable density. Proposed RM zoning is consistent with policy 3.300(2) because it takes into account the characteristics of the site and the surrounding area.

Policy 3.310(3) reads as follows:

(3) New housing developments with four or more dwelling units which carry out particular functions considered beneficial to the community may be allowed to have higher residential densities than permitted for otherwise comparable developments. Functions which qualify include those which the City believes will cluster development in a sound manner or promote energy conservation.

The City can implement this policy if new residential development plans for the site are considered. The proposal does not conflict with this policy.

Residential Lands policy 3.310(4) reads as follows:

(4) Planned unit developments will be permitted in a special overlay zoning district intended to provide for developments incorporating a single type or variety of housing types and related uses which are planned and evolve as a unit. The purpose of this district is to provide a more desirable environment through application of flexible and diversified land development standards in an overall site development plan approved by the City. Commonly-owned land and facilities may be allowed. Planned unit developments will be encouraged on tracts large enough to accommodate ten or more dwellings.

This policy does not establish mandatory approval criterion applicable to the proposed amendments. The proposal does not change the City's implementation of this policy.

Residential Lands policy 3.310(5) reads as follows:

(5) New multifamily residential dwellings may be allowed in a planned unit development if otherwise allowed in the base zone.

Policy 5 does not establish mandatory approval criterion applicable to the proposed amendments. The proposal does not change the City's implementation of this policy.

Residential policy 3.310(6) reads as follows:

(6) New single family and multifamily housing may be allowed in some of the City's commercial zones. Residential densities in these commercial zones may not exceed those in a High-Density Residential district.

Policy 6 concerns commercial zones. The proposal does not create any new commercial zoning, or remove any commercially-zoned land from the City's inventory. Because of this, policy 6 is not applicable.

Residential Lands policy 3.310(7) reads as follows:

(7) Manufactured dwellings used for residential purposes will be permitted in manufactured dwelling parks or special subdivisions that meet appropriate standards, such as screening and street access requirements. Manufactured dwellings shall also be allowed on individual lots in some of the City's residential zone as permitted uses, subject to standards.

Proposed amendments do not change the City's manufactured dwelling standards. Residential Lands policy 7 does not establish mandatory approval criteria applicable to the proposal.

Policy 3.310(8) reads as follows:

(8) Residential developers will generally be responsible for providing streets, utilities, storm drainage facilities and other improvements necessary for the development of a housing site. Some of these responsibilities are discussed further in the Public Facilities and Services, Transportation and Natural Features sections of this Plan.

Proposed amendments do not change this policy's applicability to development on the subject property. The owners accept the responsibility of providing needed on-site utility improvements. Residential Lands policy 8 does not establish mandatory approval criteria applicable to the proposed amendments.

Residential Lands policy 3.310(9) reads as follows:

(9) The City supports the efforts of the Northwest Oregon Housing Association, U.S. Department of Agriculture and other organizations to make funds available for rehabilitation or winterization of local housing. Consideration will be given to adopting a housing code to help insure that this and other housing is kept up to minimum standards.

This policy does not establish mandatory approval criteria applicable to the proposed amendments.

Residential Lands policy 3.310(10) reads as follows:

(10) The City shall encourage establishment of a system which would make it possible for every jurisdiction in the County to get its fair share of subsidized housing. In connection with this activity, the City shall support efforts to evaluate the desirability of public lands in the County for subsidized housing and, when feasible, to make use of sites appropriate for this purpose.

This policy does not establish mandatory approval criteria applicable to the proposed amendments. The proposal does not interfere or conflict with the City's efforts to implement Residential Lands policy 10.

Comprehensive Plan policy 3.310(11) reads as follows:

(11) Future developments in the residential zone along the immediate west side of N.E. Skipanon Drive should be oriented toward the water or derive significant benefits from a waterfront location. In reviewing the proposed development of this unique

area, factors such as quality, scale, blending, placement and appropriateness of individual uses should be considered. Efforts should be taken to protect the historical significance of the Warren Estate structures from the harmful effects of incompatible uses.

The subject property is not in the area addressed by Residential Lands policy 11. It is not applicable to this proposal.

Comprehensive Plan section 3.320 contains policies about commercial lands. The proposal does not involve commercial lands. Because of this, policies 3.320(1) through 3.320(5) are not applicable to the proposal.

Comprehensive Plan section 3.330 contains policies about industrial lands. The proposal involves industrially-zoned lands. Because of this, policies 3.330(1) through 3.330(4) are potentially applicable to the proposal. Industrial Lands policy 1 reads as follows:

It is the City's policy to support the establishment of a variety of well-designed industrial facilities in appropriate locations in order to expand employment opportunities, make use of land best suited for industry, increase the local tax base and insure a stable economy. Industrial development shall take place in the following areas:

(a) The purpose of the General Industrial Zone is to provide sites for light, heavy, and airport-related industrial activities in the City of Warrenton. These areas are suitable for uses involving manufacturing, fabrication, processing, transshipment and bulk storage. General Industrial areas are near or adjacent to arterial transportation corridors.

(b) Water-Dependent Industrial Shoreland areas have unique characteristics that make them especially suited for water-dependent development. Characteristics that contribute to suitability for water-dependent development include:

(1) deep water close to shore with supporting land transportation facilities suitable for ship and barge facilities;

(2) potential for aquaculture;

(3) protected areas subject to scour which would require little dredging for use as marinas;

(4) potential for recreational utilization of coastal waters or riparian resources.

Uses of Water-Dependent Industrial Shorelands areas shall maintain the integrity of the estuary and coastal waters. Water-dependent uses receive highest priority, followed by water-related uses. Uses which are not water-dependent or water-related are provided for, but only when they do not foreclose options for future higher priority uses and do not limit the

potential for more intensive uses of the area.

Most of the site is currently in the Water-Dependent Industrial Shoreland zone, so part (b) of the policy is applicable. The subject property lacks characteristics that contribute to suitability for water-dependent development in the I2 zone:

- The Columbia River navigation channel as it passes the site is about 1,000 feet north of the shoreline. New dredging would be needed to accommodate deep-draft navigation.
- Supporting land transportation facilities are not available at the site. Railroad access was discontinued more than twenty years ago. The site lacks direct access to a major truck route, such as Highway 101 or Highway 30.
- Potential for aquaculture is limited at the subject property by high tidal and river currents; exposure to winds; and regulatory constraints on in-water structures needed for aquaculture.
- The site lacks direct frontage on or access to the Columbia River. The City's waterfront trail, in the OSI zone, lies between the site and the shoreline.
- The Columbia River near-shore area north of the subject property is not protected from winds or currents, making it a poor candidate for marina development.
- Recreational access to the Columbia River shoreline is provided by the City's waterfront trail. The subject property has access to this trail.

For these reasons, the City should find the subject property poorly suited for the I2 zone.

Industrial Lands policy 2 reads as follows:

(2) Appropriate industrial, commercial and other uses are allowed to occur in the Aquatic Development Zone (A-1). Waters in these locations may be used more intensively than those in a Conservation or Natural zone. Marinas, port facilities, aquaculture and other water-dependent development facilities are the primary uses which are permitted with standards or allowed as a conditional use. Piers, secured floats, dredging and filling are acceptable when adequately justified.

Policy 2 is not applicable to the proposal because it addresses aquatic area zoning. The proposal leaves aquatic area zoning unchanged.

Industrial Lands policy 3 reads as follows:

(3) Some industrial uses may also be allowed in other types of zones, primarily commercial districts. For example, boat building and seafood processing are permitted with suitable conditions in a Marine Commercial Zone. Printing firms may locate in General Commercial areas.

Policy 3 is not applicable to the proposal because it addresses commercial zoning. The proposal does not change commercial zoning.

Industrial Lands policy 4 reads as follows:

(4) Any industrial development exempt from taxation under ORS 307.120, Chapter 705, Oregon Laws 1979, or similar statutes as now or may hereinafter be enacted shall not be allowed unless specifically authorized. Any applicant must prove that no need for additional public services will directly or indirectly result from the industrial development which will cause a burden on or tax shift to other local taxpayers. Payments or other considerations to affected local public agencies may be made by applicant or others in lieu of taxes to offset any revenue deficit.

Proposed amendments do not include or authorize a development of the type mentioned in policy 4. Because of this, Industrial Lands policy 4 is not applicable.

Section 3.340 of the City's comprehensive plan contains Agriculture, Forestry, Wetlands and Open Space policies. Open space policy 1 reads as follows:

(1) Open Space: It is the City's policy to encourage efficient urban development, protect environmentally sensitive areas, and otherwise benefit the public by setting aside appropriate locations for open space, agriculture and forestry. Rural development and conservation areas or zones, described elsewhere in this plan, include important open-space tracts, such as portions of Fort Stevens State Park. Cluster development, appropriate landscaping and other efforts to preserve open space are encouraged in urban development areas. The extensive estuarine areas within the City limits and UGB are a significant open space resource.

Proposed amendments do not conflict with this policy:

- The site is not identified in the Comprehensive Plan or any other City planning document as needed for open space.
- Proposed amendments do not conflict with residential landscaping requirements as they might apply to new development on this site.
- The site is not in agricultural or forest use, nor does it provide open space associated with farming or forestry.

- The site is not in or near Fort Stevens State Park.
- The Columbia River Estuary provides significant open space to the north of the subject property, but the estuary does not extend onto the site.
- The proposal retains OSI zoning on the north half of the rail-road right-of-way, where the City's waterfront trail is located.

Based on this, the City should find the proposal consistent with Open Space policy 3.340(1).

Comprehensive Plan policy 3.340(2) addresses agriculture:

Agricultural operations are permitted in Rural Development and Conservation areas. Large tracts of land in Urban Development areas also may be used for these purposes. A major concern is avoiding nuisances to nearby property used for urban purposes.

The subject property is not used for agriculture. Policy 3.340(2) does not establish mandatory approval criteria applicable to the proposal.

Comprehensive Plan policy 3.340(3) addresses forestry:

(3) Forestry: Forestry operations are permitted in Rural Development and Conservation areas. Large tracts of land in Urban Development areas also may be used for these purposes. A major concern is avoiding nuisances to nearby property used for urban purposes.

Forestry operations have not been conducted on the subject property. Policy 3.340(3) does not establish mandatory approval criteria applicable to the proposal.

Comprehensive Plan policy 3.340(4) concerns wetlands:

(4) Wetlands: The City is preparing a Wetland Conservation Plan to guide management of the extensive areas of non-tidal wetlands in the City and UGB area. Tidal wetlands are addressed in Article 5 of this Plan.

The subject property does not contain any wetlands identified in the City's local wetland inventory. Policy 4 does not establish mandatory approval criteria applicable to the proposed amendments.

Comprehensive Plan policy 3.340(5) reads as follows:

(5) The purpose of the Open Space & Institutional zone is to provide for development, use and management of parks, school grounds, golf courses, cemeteries and other relatively large tracts of publicly-used land.

About 0.73 acres of the subject property is in the Open Space & Institutional (OSI) zone. The proposal changes the zoning on the southerly half of the railroad right-of-way between Enterprise Street and Railroad Drive from OSI to Medium Density Residential (RM). The City's waterfront trail is located in the northern half of the railroad right-of-way. The railroad right-of-way is labeled "Fourth Court" on Clatsop County Assessment and Taxation maps. The proposed amendments preserve OSI zoning on the trail, while implementing a recent settlement agreement between the applicants and the City. Because of this, the proposed amendments are consistent with policy 3.340(5).

Comprehensive plan section 4.310 establishes Soils policies. Policy 1 reads as follows:

(1) Hazards resulting from poor soils shall be minimized by using sound soils data and engineering principles to determine public and private development techniques and by requiring those developing property, when appropriate, to assume responsibility for certain hazard-related costs.

The applicants are aware of and accept their obligations concerning potential soil limitations on the site. Soils policy 1 does not establish mandatory approval criteria applicable to the proposed amendments.

Soils policy 4.310(2) reads as follows:

(2) Prior to approval of a subdivision or issuance of a building permit, the City may require an on-site soil survey when it is believed construction on the site may be hazardous to facilities on the parcel or to nearby property due to the load-bearing capacity of the soil, the potential for wind or water erosion, or the wetness or slope characteristics of the soil. In locations shown to have soils which tend to cause problems for development, the City may require the following from the developer before approving a development: (a) a report prepared by an expert showing how difficulties will be minimized, (b) a performance bond assuring that any adverse effects which do occur will be corrected, and (c) reasonable fees for review costs.

The City can implement Soils policy 2 when a development proposal is submitted for the subject property. Proposed amendments do not conflict with this requirement.

Soils policy 4.310(3) reads as follows:

(3) On-site soil surveys will be required before approving new structures proposed for areas which have Brailier or Bergsvik soils (these are highly-compressible soils), according to the Soil Survey of Clatsop County prepared by the Soil Conservation Service,

February 1988. If an on-site soil survey indicates that significant amounts of these soils are in locations which are desired for development, a report indicating techniques to be used to minimize problems will be mandatory. A similar approach may be used by the City Engineer before issuing permits for construction of large scale commercial, industrial, governmental or multifamily residential developments on areas of Coquille variant silt loam and Coquille-Clatsop complex soils.

These soil types are not present on the site, according to the *Soil Survey of Clatsop County, Oregon* (USDA, 1988). The City can implement this policy when construction is proposed for the site. Proposed amendments do not conflict consideration of soils data when a development permit is requested.

Soils policy 4.310(4) reads as follows:

(4) Soils information indicates that certain types of soil within the City of Warrenton may cause corrosive action to foundations and pipes. The Soil Survey of Clatsop County or an adequate onsite soil survey will be needed to determine where such soils exist. Corrosion-resistant materials may be required for foundations or underground pipes in large-scale developments in these areas.

The City can implement this policy when construction is proposed for the site. Proposed amendments do not conflict with the City's ability to require site-specific soils analysis at the time a development permit is requested.

Comprehensive plan section 4.320 address flood hazards. Policy 4.320(1) reads as follows:

(1) Public and private losses due to flood conditions shall be reduced by requiring buildings in flood hazard areas to be properly elevated or flood-proofed and by undertaking other measures necessary to avoid hazardous situations.

This policy is implemented in the City's code: see WZO section 2.17. Proposed amendments do not conflict with enforcement of the City's flood plain ordinances. Flood Hazard policy 1 does not establish mandatory approval criteria applicable to the proposed amendments.

Flood Hazard policy 2 reads as follows:

(2) A flood hazard permit will be required for all types of development, including dredging and filling, in areas of special flood hazards identified by the Federal Insurance Administration in a scientific and engineering reports entitled Flood Insurance Study for the City of Warrenton, and Flood Insurance Study for the Town of Hammond, dated May 15, 1978 (as amended), and in accompanying maps.

This policy is implemented via the City's zoning ordinance. Proposed amendments do not conflict the policy or with the implementing ordinances. Flood Hazard policy 2 does not establish mandatory approval criteria applicable to the amendments.

Flood Hazard policy 3 reads as follows:

(3) Regulations will be used in special flood hazard areas which assure that: (a) all building construction is elevated or flood-proofed to the base flood level, (b) new structures are properly anchored, (c) construction materials and methods that minimize flood damage are used, (d) new or replacement utility systems are designed to preclude flood loss, and (e) other measures necessary to avoid flood hazards are undertaken.

This policy is implemented via flood plain development standards in the City's code. Proposed amendments do not conflict with the implementation of these standards. Policy 4.320(3) does not establish mandatory approval criteria applicable to the amendments.

Flood Hazard policy 4 reads as follows:

(4) The City will work to maintain and improve the system of dikes which help prevent flooding in Warrenton, including possible construction of new pump stations and more efficient tide gates.

This proposal does not interfere with the maintenance or improvement of the City's dikes, pump stations or tide-gates. Flood Hazard policy 4 does not establish mandatory approval criterion applicable to the proposed amendments.

Comprehensive Plan section 4.330 addresses Drainage and Erosion. Policy 1 reads as follows:

(1) Runoff and water erosion shall be controlled by requiring sound management practices in new subdivisions and large-scale developments and by preparing and implementing a comprehensive storm drainage study.

This policy can be implemented by requiring a storm-water management plan when a subdivision is proposed for this site. Proposed amendments do not conflict with implementation of Drainage and Erosion policy 1.

Drainage and Erosion policy 2 reads as follows:

(2) The City will continue to improve its storm drainage system.

Proposed amendments do not conflict with efforts to improve the City's storm drainage. Policy 2 does not establish mandatory approval criteria applicable to the proposal.

Drainage and Erosion policy 3 reads as follows:

(3) All new subdivisions and large-scale developments must implement a storm-water management plan prepared by a qualified person and acceptable to the City. The plan will attempt to follow the principle that the water falling on a given site should be absorbed or retained on-site to the extent that the quantity and rate of water leaving the site after development would not be significantly different than if the site had remained undeveloped. Techniques that capitalize on, and are consistent with, natural resources and processes will be used whenever possible. Holding ponds, vegetated swales, permeable parking lot surfaces and other special methods may be necessary for City approval. In part, it is the intent of these drainage plans to minimize the adverse cumulative affects of development in an area on drainage and water quality.

This policy can be implemented at the time a subdivision is proposed for this site. Proposed map and text amendments do not conflict with implementation of Drainage and Erosion policy 3.

Drainage and Erosion policy 4 reads as follows:

(4) Drainage plans shall include provisions needed to control water erosion associated with construction. Control with vegetation, particularly with plants already on the site, should be stressed. Grade stabilization structures, debris basins, energy dissipators or other facilities may also be required.

This policy can be implemented at the time a subdivision is proposed for this site. Proposed amendments do not conflict with implementation of policy 4. This policy does not establish mandatory approval criteria applicable to the proposal.

Comprehensive plan policy 4.340(1) reads as follows:

(1) The City supports use of development techniques which maintain the natural topography, appropriately control grading and excavation, and reduce slope-related problems.

This non-mandatory policy does not establish approval criteria applicable to the proposed amendments.

Policy 4.340(2) reads as follows:

(2) Engineering practices which limit changes in the natural topography to the least amount necessary to build the desired development and achieve various objectives of this part of the Comprehensive Plan are encouraged.

This non-mandatory policy does not establish approval criteria applicable to the proposed amendments. No development is planned at this time.

Comprehensive plan policy 4.340(3) reads as follows:

(3) A site study, showing how drainage, erosion and other potential slope-related problems will be minimized, may be required by the City for construction requiring a building permit which is proposed for slopes of 10% or more. This study must be prepared by a qualified individual, approved by the City and used in the development of the site.

The site does not have slopes steeper than ten percent. The study described in policy 3 should not be required for development of this site. This policy does not establish mandatory approval criteria applicable to the proposed amendments.

Policy 4.340(4) reads as follows:

(4) The City will require sites used for the commercial excavation of sand and other resources to use methods which protect nearby property and residents, including limiting slopes to less than 65% on the sides of excavation pits. These sites shall eventually be restored by grading, vegetation and other means so that the parcel will be usable for other purposes.

The site is not presently used for sand excavation, nor is it proposed. Policy 4 does not establish mandatory approval criteria applicable to this proposal.

Policy 4.340(5) reads as follows:

The City will consider adopting Chapter 70 of the Uniform Building Code to control grading and excavation.

This non-mandatory policy does not establish approval criteria applicable to the proposed amendment. The proposal does not conflict with enforcement of requirements in UBC Chapter 70.

Comprehensive plan section 4.350 addresses water quality. Policy 1 reads as follows:

(1) The City supports protection of water quality by responsibly managing and constructing various public facilities, adequately

controlling private development practices and taking other actions to avoid water pollution.

Proposed amendments do not conflict with Water Quality policy 1. This non-mandatory policy does not establish approval criteria applicable to the proposal.

Water quality policy 2 reads as follows:

(2) All buildings needing sanitary sewer service will be required to hook up to City sewer lines when they are on a parcel abutting a public right-of-way and are reasonably close to the sewer lines. Before a building permit is issued for new buildings which need sewer service, suitable evidence will be submitted showing they will be hooked up to a City sewer line or that a sewage disposal system meeting state and federal regulations will be used.

Sewer service is available along Pacific Drive, southwest of the subject property. It is expected that sewer service will be provided as part of the development of this site. Policy 2 can be implemented at that time. Proposed comprehensive plan text and map amendments do not conflict with implementation of this policy.

Water Quality policy 3 reads as follows:

New subdivisions without adequate access to City sewer lines will be required to have lots with: (a) building site soils suitable for the type of sewage disposal system which will be used and (b) enough land to meet state and federal standards for the system.

It is anticipated that lots on this site will be developed with sewer service. If not, then development will follow Water Quality policy 3. Proposed amendments do not conflict with implementation of policy 3.

Water quality policy 4 reads as follows:

(4) The City will use environmentally sound techniques in the construction and operation of public water and sewer systems. Activities shall be coordinated with state and federal regulatory agencies. The City will work with these agencies, the County, Cavenham Forest Products and others to protect the quality of Warrenton's watershed.

The subject property is not in the City's watershed, nor do the proposed amendments affect management of the watershed. The proposal does not interfere with or require changes to the operation of the City's water or sewer systems. Proposed amendments do not conflict with the City's ability to work

cooperatively with other governments. Because of this, Water Quality policy 4 is not applicable to this proposal.

Water Quality policy 5 reads as follows:

(5) Warrenton will work with the County and other local governments to maintain the quality of groundwater resources. Activities will include efforts to monitor groundwater pollution and improve local, state and federal controls. Actions shall also be taken to avoid any detrimental draw-down of the groundwater supply.

Development on the subject property is unlikely to rely on ground-water as a domestic water source. Proposed amendments do not affect the City's ability to implement this policy. Water Quality policy 5 does not establish mandatory approval criteria applicable to the proposed amendment or to the subject property.

Water Quality policy 6 reads as follows:

(6) Efforts will be made to work with other governmental bodies to find a satisfactory long term solution to Clatsop County's solid waste disposal problem. The City will support efforts to increase opportunities for recycling.

This policy does not establish mandatory approval criteria applicable to the subject property or to the proposed amendments.

Water quality policy 7 reads as follows:

Local development and nuisance regulations shall be used to help control non-point sources of water pollution. For example, new developments with large paved areas for vehicular use may be required to eliminate excessive amounts of oil, gas or other chemicals from run-off waters. The City will also work with other governments to reduce non-point sources of pollution.

The subject property is already developed. Additional residential development can be accommodated in a manner that minimizes non-point source water pollution. Water Quality policy 7 does not establish mandatory approval criteria applicable to proposed amendments or to the subject property.

Water Quality policy 8 reads as follows:

(8) The City will insure that the actions it takes are consistent with applicable state and federal water quality regulations.

Policy 8 can be implemented when development plans are approved for this site by requiring the developer to obtain all necessary water quality permits

for the project. These might include erosion control permits and sewer line permits. Policy 4.350(8) does not contain mandatory approval criteria applicable to the proposed amendment or to the subject property.

Water quality policy 9 reads as follows:

(9) The City recognizes that Warrenton lies in a critical groundwater area and shall refuse to permit uses which the Department of Environmental Quality (DEQ) determines could pollute or adversely affect the aquifer. The City shall rely on the DEQ and/or other qualified experts to determine the impacts of proposed uses and to develop a program to protect the aquifer from damage.

Policy 9 can be implemented when development plans for the subject property are reviewed by the City. DEQ has not identified this site as essential for maintaining a critical ground-water resource. Water Quality policy 9 does not establish mandatory approval criteria applicable to the site or to this proposal.

Comprehensive Plan section 4.360 addresses Air Quality and Noise. Policy 1 reads as follows:

(1) It is the City's policy to preserve air quality and minimize noise through compliance with applicable state and federal regulations, use of additional local requirements and other means.

Proposed amendments do not interfere with the implementation of this policy. Development of the subject property can be accomplished in a manner that complies with local, federal and state air quality requirements. Air quality impacts and noise impacts associated with residential uses can be controlled through compliance with standards in the City's ordinances. Air Quality and Noise policy 1 does not establish any mandatory approval criteria applicable to the proposed amendments.

Air Quality and Noise policy 2 reads as follows:

(2) Before building permits will be issued for large-scale, non-residential developments, suitable information shall be submitted which shows that the development will not violate state or federal air quality and noise regulations. When appropriate, such evidence may also be required before issuing building permits for uses which generate high levels of noise or substantial amounts of air pollution.

This policy does not apply to residential development. Proposed amendments are intended to accommodate residential use of the property. Because of this, policy 4.360(2) is not applicable to the proposed amendments or to the subject property.

Air Quality and Noise policy 3 reads as follows:

(3) Prior to approving new subdivisions or issuing a permit for construction of noise-sensitive nonresidential buildings, the City may require use of buffers, noise barriers such as berms, walls or other methods to prevent or reduce noise problems. These methods shall be considered when a noise-generating use is located near a major road or a residential, conservation, scenic or outdoor recreation area. Other regulations, including provisions governing nuisances, shall also be used to help eliminate excessive noise and, to some extent, minimize air pollution.

This policy can be implemented at the time a subdivision is reviewed for this site. Proposed amendments do not compromise the City's ability to enforce this policy. No mandatory approval criteria applicable to the proposed amendments are contained in Air Quality and Noise policy 3.

Comprehensive Plan policies 4.360(4) and (5) address the Port of Astoria airport. The subject property is more than a mile from the airport. These policies do not apply to the proposed amendments or to the subject property.

Comprehensive plan section 4.370 addresses fish and wildlife habitat. Policy 1 reads as follows:

(1) The City supports maintenance of important fish and wildlife habitat by protecting vegetation along many water bodies, classifying suitable land and water locations as conservation areas and otherwise encouraging protection of valuable fish and wildlife habitat.

Fish and Wildlife Habitat policy 1 is not applicable to the proposal or to the subject property for the following reasons:

- The property has not been identified as "important" or "valuable" fish or wildlife habitat in the City's goal 5 inventory.
- Riparian vegetation is not present on the site because the site lacks any lake or stream shorelines.
- The site is not identified as a conservation area in the City's planning documents.
- Fish habitat is present in the Columbia River Estuary, to the north of the subject property, but this habitat does not extend on to the site.

For these reasons, Fish and Wildlife Habitat policy 1 is not applicable to this proposal or to the subject property.

Fish and Wildlife Habitat policy 2 reads as follows:

(2) Identified riparian vegetation along rivers, sloughs, coastal lakes and significant wetlands shall be maintained except where direct

water access is required for water-dependent or water-related uses. Temporary removal of riparian vegetation due to construction practices or landscaping may be permitted subject to a revegetation plan approved by the City which specifies: (a) temporary stabilization measures, and (b) methods and timing for restoration of riparian vegetation.

Riparian vegetation has not been identified on the subject property, so this policy is not applicable to the site. The City's waterfront trail, bordering the subject property to the north, contains little riparian vegetation other than nuisance species, such as Scotch broom. The trail and adjoining right-of-way are regularly mowed, effectively preventing riparian vegetation from becoming established. Policy 2 does not create mandatory approval criteria applicable to the proposed amendments.

Fish and Wildlife Habitat policy 3 reads as follows:

(3) Fish and wildlife resources will be protected in part by including an extensive amount of local water area, including Alder Cove and Youngs Bay in "conservation aquatic" or "natural aquatic" zones. In addition, identified significant shoreland and wetland habitats will be included in a conservation category to protect these areas from uses inconsistent with the preservation of natural values.

The subject property does not include the water areas identified in policy 3, or any water areas. Because of this, the first part of policy 3 is not applicable. The second part of this policy appears to concern land in the Conservation plan designation. The property is not presently in the Conservation plan designation, nor would the amendments place it in this designation. For these reasons, the second part of the policy is not applicable to the subject property. In any case, Fish and Wildlife Habitat policy 3 does not establish mandatory approval criteria applicable to this proposal.

Fish and Wildlife Habitat 4 reads as follows:

(4) Owners of private property on which valuable habitat is located will be assisted in taking advantage of reduced property taxes for protecting such areas.

The City's planning documents do not identify any valuable habitat on the subject property. Property owners are unaware of any valuable habitat on the site. This policy does not establish mandatory approval criteria applicable to the property or to the proposed amendments.

Fish and Wildlife Habitat policy 5 reads as follows:

(5) Fishing and hunting will be allowed in accordance with state laws. The discharge of firearms for hunting shall only be permitted in appropriate undeveloped areas.

Fish and Wildlife Habitat policy 5 does not contain mandatory approval criteria applicable to the proposal.

Comprehensive plan section 4.380 addresses Scenic and Historic Resources. Policy 1 reads as follows:

(1) It is the City's policy to enhance the scenic quality of the area by requiring that adequate visual buffers, suitable landscape plans and other techniques be used in appropriate new developments; and to work with individuals to identify and protect important historical and archaeological sites.

This policy can be implemented at the time a subdivision or planned development is reviewed by the City. No archaeological sites have been identified on the subject property. Policy 4.380(1) does not establish mandatory approval criteria applicable to the proposed amendments.

Scenic and Historic Resources policy 4.380(2) reads as follows:

(2) To maintain the scenic quality of the area, adequate visual buffers will be required for: a) new non-residential developments which are close to property zoned residential, conservation or natural, b) new industrial developments near commercially zoned land, and c) any new development abutting Ridge Road.

This policy is not applicable to the proposed amendments or to the subject property because:

- Non-residential development is not present on the site, nor is any non-residential development planned.
- Proposed zoning does not allow non-residential or industrial development.
- The subject property does not abut Ridge Road.

Scenic and Historic Resources policy 4.380(3) reads as follows:

(3) Excessive sign sizes and numbers of signs shall be discouraged by Zoning Ordinance regulations. Particular attention shall be given to achieving appropriate sign installation along water bodies, near major roads and in large-scale developments. Except for desirable publicly-owned signs, no new off-premise posting shall be allowed.

Proposed amendments do not conflict with the City's sign regulations, or with the City's ability to enforce these regulations on the subject property. Policy 3 does not establish mandatory approval criteria applicable to this proposal.

Scenic and Historic Resources policy 4 reads as follows:

(4) In new subdivisions and large-scale developments, utility lines, including electricity, communications, street lighting and cable television, shall be required to be placed underground unless soils, topography or other conditions make underground installation unreasonable or impractical. Appurtenances and associated equipment such as surface-mounted transformers, pedestal-mounted terminal boxes and meter cabinets may be placed above ground.

Subdivision development on this site can comply with the City's underground utility requirements. The proposal does not conflict with these requirements. No mandatory approval criteria are established in policy 4.380(4).

Scenic and Historic Resources policy 4.380(5) reads as follows:

(5) The City will review land use activities that may affect known archaeological sites. If it is determined that a land-use activity may affect the integrity of an archaeological site, the City shall consult with the State Historic Preservation Office on appropriate measures to preserve or protect the site and its contents. Indian cairns, graves and other significant archaeological resources uncovered during construction or excavation shall be preserved intact until a plan for their excavation or re-interment has been developed by the State Historic Preservation Office. Upon discovery of new archaeological sites, the City will address the requirements of Statewide Planning Goal 5 through a Comprehensive Plan amendment.

There are no mapped or inventoried archaeological sites on the site, so policy 5 is not applicable to the subject property. Policy 5 does not establish mandatory approval criteria applicable to the proposed amendments. The proposal does not interfere with the City's ability to enforce or implement policy 5 where and as necessary to protect archaeological resources.

Comprehensive Plan section 4.390 addresses Energy Conservation. Policy 1 reads as follows:

(1) It is the City's policy to guide land development, land management, community facility improvements and transportation systems in a manner that maximizes the conservation of energy, based on sound economic principles.

Proposed amendments do not conflict with implementation of this policy. No mandatory approval criteria applicable to the site or to the amendments are established under policy 4.390(1).

Energy Conservation policy 4.390(2) reads as follows:

(2) The City will provide sufficient buildable land for multi-family dwellings and, when appropriate, will provide residential density

bonuses for actions which cluster development in a sound manner or otherwise promote energy conservation.

Proposed amendments do not conflict with implementation of energy conservation policy 2. No mandatory approval criteria applicable to the site or to the amendments are established under policy 2.

Energy Conservation policy 3 reads as follows:

(3) Consideration will be given to the long-term energy costs of community facility improvements. Whenever possible the City shall use methods which minimize use of energy, such as aerobic sewage treatment lagoons and gravity sewer lines. Transportation systems shall also be designed to reduce unnecessary energy use.

Proposed amendments do not conflict with implementation of policy 4.390(3). The policy does not establish mandatory approval criteria applicable to the site or to the amendments.

Article 5 of the City's Comprehensive Plan establishes policies applicable to the Columbia River Estuary. Policies under section 5.301 address *Deep-Water Navigation, Port and Industrial Development*. These policies apply to port and industrial development occurring in and over Columbia River Estuary waters, and on adjacent shorelands. This section also applies to navigation projects related to deep-draft maritime activities, such as channel, anchorage and turning basin development or expansion. Policy 5.301(1) reads as follows:

Shorelands with adjacent deep-water access, adequate rail or road access, and sufficient backup land shall be reserved for water-dependent recreational, commercial, industrial, or port development.

The ESWD comprehensive plan designation and I2 zoning currently on most of the subject property implement this policy. However, the site does not meet the requirements of policy 1 for the following reasons:

- The I2 portion of the site lacks deep water access. The city's waterfront trail is located in the OSI zone between the subject property and the Columbia River Estuary.
- The Columbia River main navigation channel is about 1,000 feet from the shoreline as it passes the site. It is possible that a side channel could be dredged to provide deep-water access to the shoreline near the site; however, regulatory hurdles associated with the Endangered Species Act, and the lack of dredged material disposal sites in this area make it unlikely that a side channel could be built to serve this site.
- The industrially-zoned part of the site covers about 5.42 acres. This is not enough backup land for most types of port activity. The Port of

Astoria's pier 1 provides about three acres of storage space; however, the Port's marketing materials do not mention cargo movement over this space, instead emphasizing cruise ship traffic (source: *www.portofastoria.com*). The Port of Portland's terminal 6 provides 488 acres of space (source: *www.portofportland.com*). The Port of Vancouver's smallest container terminal provides 72 acres of storage (source: *www.portvancouver.com*). The Port of Longview provides eight terminals with storage: berth 7 has 35 acres of storage space (source: *www.portoflongview.com*).

- It is possible that land around the subject property could be assembled and consolidated into a single site providing sufficient storage space for a marine terminal facility. There are obstacles to this: existing uses on many adjoining sites would need to be eliminated. There is no evidence that adjoining property owners are receptive to this strategy. In the twenty years since policy 5.301(1) was adopted, no public entities (such as the port district or the City) or private entities have tried to assemble land for a marine terminal at this location.

Taken together, this demonstrates that the subject property lacks essential features needed for water-dependent recreational, commercial, industrial, or port development.

Deep-Water Navigation, Port and Industrial Development policy 5.301(2) reads as follows:

Federally-designated channels, anchorages and turning basins, including necessary side slopes, shall be in Development Aquatic zones.

The City implements this policy on its zoning map. Policy 2 does not establish mandatory approval criteria applicable to the subject property. Proposed amendments do not conflict with policy 2 or its implementing measures.

Deep-Water Navigation, Port and Industrial Development policy 3 reads as follows:

Development, improvement and expansion of existing port sites is preferred prior to designation of new port sites.

This non-mandatory policy does not establish approval criteria applicable to the proposal. Proposed amendments do not result in designation of any new port sites.

Deep-Water Navigation, Port and Industrial Development policy 4 reads as follows:

Aides to navigation, including range markers, buoys, channel markers and beacons, shall be protected from development impacts

that would render them ineffective. This policy does not preclude development subject to U.S. Coast Guard approved reorientation or relocation of navigation aides.

There are no range markers or other aids to navigation on the subject property. The City can seek comments from the US Coast Guard concerning this issue when development plans are reviewed. Policy 4 does not establish mandatory approval criteria applicable to the proposal.

Deep-Water Navigation, Port and Industrial Development policy 5.301(5) reads as follows:

Evaluation of proposals involving treated or untreated wastewater discharge into the estuary will rely on the point source water pollution control programs administered by the Oregon Department of Environmental Quality and the Washington Department of Ecology.

This policy is implemented by DEQ review and approval of point-source storm-water discharge when development plans are reviewed. Proposed amendments do not conflict with this policy or with the City's ability to implement it.

Deep-Water Navigation, Port and Industrial Development policy 6 reads as follows:

The following development sites described in the Economic Evaluation of the Columbia River Estuary are suitable for development or expansion of marine terminal facilities:

Tansy Point

West Skipanon Peninsula

East Hammond

Port of Astoria

East Astoria

Tongue Point

Bradwood

Driscoll Slough

Wauna.

These sites are in Water-Dependent Development Shorelands, Development Shorelands, and Development Aquatic designations in the Columbia River Estuary Regional Management Plan. Development of new marine terminal facilities at any of these sites (except at the Port of Astoria) will trigger a reassessment of

whether the remaining undeveloped marine terminal sites are still needed.

The subject property is part of the "East Hammond" site mentioned in policy 6. Removal of the subject property from the ESWD plan designation and the I2 zone does not conflict with policy 6 because:

- Most land in the I2 zone will remain in the I2 zone. That portion of the subject property in the I2 zone, and proposed for removal, covers about 5.42 acres.
- The I2 zone presently includes three viable water-dependent or water-related industrial uses: Warrenton Wood Fiber, Point Adams Packing, and Caruthers Equipment Company. These uses are not located on the site, so the removal of the subject property from the I2 zone would not affect these existing water-dependent or water-related uses.
- As noted elsewhere in these findings, the site is poorly suited for development of marine terminal facilities: see page 25 of this document.

The proposed amendments do not conflict with Deep-Water Navigation, Port and Industrial Development policy 6 for these reasons.

Policies under section 5.303 of the City's comprehensive plan address diking. These policies apply to the construction, maintenance and repair of flood control dikes in Columbia River Estuary shoreland and aquatic areas. Proposed amendments do not result in any new dikes, or the removal or modification of existing dikes. Neither the amendments nor development of the subject property impedes the City's dike maintenance program. For these reasons, diking policies under section 5.303 are not applicable to the proposal or to the subject property.

Comprehensive Plan section 5.305 addresses dredging and dredged material disposal. These policies are applicable to estuarine dredging operations, and to both shoreland and aquatic-area dredged material disposal. Proposed amendments do not require or result in dredging. The subject property is not in an area that has been dredged or will need to be dredged. The site is not used for dredged material disposal, nor is it identified as a potential disposal site in the City's planning documents or in the Corps of Engineers' dredged material management plans. For these reasons, the policies in section 5.305 are not applicable to the proposal or to the subject property.

Policies under section 5.307 pertain to estuarine construction. These policies apply to over-water and in-water structures such as docks, bulkheads, moorages, boat ramps, boat houses, jetties, pile dikes, breakwaters and other structures involving installation of piling or placement of riprap in Columbia River Estuary aquatic areas; and to excavation of shorelands for creation of new water surface area. This section does not apply to structures located entirely on shorelands or uplands, but it does apply to structures, such as boat ramps, located in both aquatic and shoreland designations. The subject

property can be developed without any in-water or over-the-water work, so these policies are not applicable.

Comprehensive Plan policies in section 5.309 apply to the placement of fill material in the tidal wetlands and waters of the Columbia River Estuary. These policies also apply to fill in non-tidal wetlands in shoreland designations that are identified as "significant" non-tidal wetlands. The subject property does not contain tidal wetlands or waters. The site lacks any wetlands designated as "significant". Because of this, policies in section 5.309 are not applicable to the proposed amendments.

Comprehensive plan policies at section 5.311 address fish and wildlife habitat in the Columbia River Estuary. These policies apply to uses and activities with potential adverse impacts on fish or wildlife habitat, both in Columbia River estuarine aquatic areas and in estuarine shorelands. Policy (1) reads as follows:

Endangered or threatened species habitat shall be protected from incompatible development.

The Columbia River Estuary provides habitat for endangered species. Habitat for endangered or threatened species has not been identified on the site. Residential development on shorelands near estuarine waters can be compatible with the protection and maintenance of endangered or threatened species habitat by addressing potential impacts:

water quality: Poor water quality harms fish habitat. Measures to protect water quality can be incorporated into a development proposal for the site. These include use of Warrenton's sanitary sewer system for wastewater disposal; filtering storm-water prior to discharge into the estuary; and proper management of construction waste to avoid water quality impacts.

obstructions: In-water structures (such as piling or estuarine fill) impact fish habitat. No in-water structures are needed for residential development on the subject property.

predation: Actions that benefit predator species can harm fish habitat. The subject property does not provide habitat for fish-eating birds (such as mergansers, cormorants, or terns). Residential development on the site should have no impact on populations of predator species or their habitat.

Proposed amendments do not allow development that is incompatible with the protection of endangered or threatened species habitat. The proposal is consistent with Estuarine Fish and Wildlife Habitat policy 1.

Estuarine Fish and Wildlife Habitat policy 2 reads as follows:

Measures shall be taken protecting nesting, roosting, feeding and resting areas used by either resident or migratory bird populations.

The site has not been identified in the City's comprehensive plan as providing habitat for either resident or migratory bird populations. Vegetation on the site may provide habitat for songbirds. I2 zoning would allow complete removal of this habitat. Development in the proposed RM zone requires landscaping: see section 3.2. Residential landscaping, especially shrubs and trees, can provide habitat for these birds. Because of this, the City can conclude that the proposal is potentially less harmful to bird populations than development under the current zoning. Proposed amendments are consistent with Estuarine Fish and Wildlife Habitat policy 2.

Estuarine Fish and Wildlife Habitat policy 3 reads as follows:

Major non-tidal marshes, significant wildlife habitat, coastal headlands, and exceptional aesthetic resources within the Estuary Shorelands Boundary shall be protected. New uses in these areas shall be consistent with the protection of natural values, and may include propagation and selective harvest of forest products, grazing, harvesting, wild crops, and low intensity water-dependent recreation.

The subject property is not a major non-tidal marsh, coastal headland, or exceptional aesthetic resource. It does not provide significant wildlife habitat. Because of this, policy 3 is not applicable to the proposed amendments.

Policies under section 5.313 address fisheries and aquaculture. These policies are applicable to the development of aquaculture facilities and to fisheries enhancement projects. The subject property does not support commercial or recreational fisheries, nor does it support any existing or proposed aquaculture facilities. For these reasons, policies in comprehensive plan section 5.313 do not apply to the proposed amendments. However, policy 5.313(7) specifically mentions the area that includes the subject property:

The following development sites (described in the Economic Evaluation of the Columbia River Estuary), as well as other potential development sites in the Columbia River Estuary, are suitable for development or expansion of facilities related to commercial fishing and seafood processing. Facilities that could be developed at these sites include, but are not limited to commercial fishing vessel moorage; fuel; ice; fish receiving facilities; gear storage; marine hardware sales and repair; seafood processing and storage facilities; boat building and repair; upland boat storage; and related facilities.

Tansy Point

Warrenton Boat Basin

East Hammond

Ilwaco Boat Basin

Chinook Boat Basin

*Cathlamet Boat Basin**AMCCO**South Astoria**Port of Astoria**East Astoria*

These sites are in Water-Dependent Development Shorelands, Development Shorelands, Development Aquatic and Conservation Aquatic designations in the Columbia River Estuary Regional Management Plan. Other sites may also be suitable for commercial fishing and seafood processing facilities.

There are no facilities related to commercial fishing or seafood processing on the subject property, nor is it suitable for such a facility because it lacks direct water access: the city's waterfront trail lies between the subject property and the Columbia River. The subject property is a relatively small part of the site mentioned in policy 7: less than three percent of the "East Hammond" site's land area. For these reasons, the proposal does not conflict with policy 7.

Policies under comprehensive plan section 5.315 address the City's land transportation system as it relates to the Columbia River Estuary. These policies apply to the maintenance and construction of railroads, roads and bridges in Columbia River estuary shoreland and aquatic areas. Public, as well as private facilities are covered under this subsection. These policies do not apply to the proposed amendments. The City's transportation system plan (TSP) is consistent with policies in section 5.315, so following the requirements of the TSP will assure that road development on the subject property is consistent with policies in comprehensive plan section 5.315.

Policies in comprehensive plan section 5.317 address in-water log storage in the Columbia River Estuary. These policies apply to the establishment of new, and the expansion of existing, log storage and sorting areas in Columbia River Estuary aquatic and shoreland areas. Proposed amendments do not allow in-water log storage, and no new log storage areas are planned as a result of these amendments. Neither the proposal nor eventual site development hinder the City's ability to enforce these policies. The City should find that policies in comprehensive plan section 5.317 are not applicable to this proposal.

Policies in comprehensive plan section 5.319 address mining and mineral extraction in the Columbia River Estuary. These policies are applicable to the extraction of sand, gravel, petroleum products and other minerals from both submerged lands under aquatic areas and from shoreland areas in the Columbia River Estuary. These policies and standards are also applicable to outer continental shelf mineral development support facilities built in the estuary. Proposed amendments do not allow mining or mineral extractions, nor are these activities planned for the subject property. Neither the proposal nor eventual site development hinder the City's ability to enforce these policies. Policies in comprehensive plan section 5.319 are not applicable to the proposed amendments; however, policy 5.319(8) specifically mentions the area

surrounding the subject property:

The following development sites (described in the Economic Evaluation of the Columbia River Estuary), as well as other potential development in the Columbia River Estuary, are suitable for development of offshore mineral development support facilities:

Tansy Point

West Skipanon Peninsula

Ilwaco Boat Basin

Port of Astoria

East Astoria

Tongue Point

Several different types of facilities could be associated with offshore mineral development at these sites, and at other sites. The need for sites designated for activities associated with offshore mineral development will be reevaluated after Outer Continental Shelf areas adjacent to the Oregon and Washington coast are leased. These sites are designated Water- Dependent Development Shorelands in the Columbia River Estuary Regional Management Plan.

There are no facilities related to offshore mineral development on the subject property, nor is it suitable for such a facility because it lacks direct water access: the city's waterfront trail runs between the subject property and the Columbia River. The subject property is a relatively small part of the industrial zone: less than three percent of the industrially-zoned site's land area. For these reasons, the proposal does not conflict with policy 5.139(8).

Policies under comprehensive plan section 5.321 address estuarine wetland mitigation and restoration. These policies apply to estuarine restoration and mitigation projects on Columbia River Estuary aquatic areas and shorelands. No restoration or mitigation projects are planned for the subject property, nor will any be needed as a result of planned residential development on the site. Proposed amendments have no impact on the City's ability to undertake wetland restoration or mitigation projects at appropriate sites. Because of this, the policies in section 5.321 are not applicable to the proposal or to the subject property.

Comprehensive plan policies in section 5.323 address public access to Columbia River Estuary shoreland and aquatic areas. "Public access" includes direct physical access to estuary aquatic areas (boat ramps, for example), aesthetic access (viewing opportunities, for example), and other facilities that provide some degree of public access to Columbia River Estuary shorelands and aquatic areas. Policy (1) reads as follows:

Existing public ownerships, right-of-ways, and similar public easements in estuary shorelands which provide access to or along

the estuary shall be retained or replaced if sold, exchanged or transferred. Right-of-ways may be vacated to permit redevelopment of shoreland areas provided public access across the affected site is retained.

A public waterfront trail passes the subject property along its northern boundary. Proposed amendments do not interfere with maintenance or use of this trail. The trail would remain in OSI zoning under this proposal. Residential development on the subject property, to the south of the waterfront trail, can be accommodated in a way that does not interfere with the maintenance or use of the City's proposed waterfront trail. The proposed map and text amendments do not conflict with this policy or its implementation.

Estuary Public Access policy 5.323(2) reads as follows:

Public access in urban areas shall be preserved and enhanced through water-front restoration and public facilities construction, and other actions consistent with Warrenton's public access plan.

This policy has been implemented in this area by maintenance of a waterfront trail. The proposed amendments, and development of the subject property for residential uses, do not conflict with this policy.

Estuarine Public Access policy 3 reads as follows:

Proposed major shoreline developments shall not, individually or cumulatively, exclude the public from shoreline access to areas traditionally used for fishing, hunting or other shoreline activities.

The subject property does not provide access to the Columbia River shoreline. Public access is available at a City park upstream from the subject property; at the Hammond Mooring Basin; and along the waterfront trail. This situation will not change as a result of proposed amendments.

Estuary Public Access policy 5.323(4) reads as follows:

Special consideration shall be given toward making the estuary accessible for the physically handicapped or disabled.

This policy does not establish mandatory approval criteria applicable to the subject property or to the proposal. Residential use of the site does not interfere with the City's ability to give special consideration to handicapped access. The paved trail adjoining the subject property to the north, is accessible.

Estuary Public Access policy 5.323(5) reads as follows:

Warrenton will develop and implement programs for increasing public access.

This policy does not establish mandatory approval criteria applicable to the proposed amendments or to the subject property. The proposal does not interfere with the City's ability to develop or implement public access programs.

Estuarine public access policy 6 reads as follows:

The City will cooperate with the State Parks Division on issues concerning Fort Stevens State Park.

The subject property is not in Fort Stevens State Park. This proposal does not prevent cooperation between the City and the State Parks Division.

Estuary Public Access policy 5.323(7) reads as follows:

The City will consider the recreational and public access value of any public lands proposed to be leased or sold to private interests, or used for public purposes which would reduce needed public access. The City will hold a public hearing to dispose of or lease public property, and will consider public input.

This proposal does not require the lease or sale of public lands, so policy 7 is not applicable.

Comprehensive Plan section 5.325 contains policies applicable to recreation and tourist-oriented facilities in Columbia River Estuary shoreland and aquatic areas. The proposal does not interfere with the City's ability to implement this policy. The subject property is not presently developed for recreational or tourism-related uses, nor are these types of uses planned. Policies in section 5.325 are not applicable to the proposal for these reasons.

Policies in comprehensive plan section 5.327 address construction or expansion of residential, commercial or industrial facilities in Columbia River Estuary shoreland and aquatic areas. Policy (1) reads as follows:

New non-water-dependent uses in aquatic areas and in Marine Commercial Shorelands or Water-Dependent Industrial Shorelands shall not preclude or pose any significant conflicts with existing, proposed or probable future water-dependent uses on the site or in the vicinity.

The subject property is currently in a Water-Dependent Industrial Shorelands zone, so this policy would be applicable to development under the current zoning. Proposed amendments change site zoning to RM. Policy 1 is not applicable in the RM zone. The policy contains a development standard that will not be applicable if proposed amendments are adopted. Policy 1 does not contain criteria applicable to the proposed amendments.

Policy 5.327(2) reads as follows:

Residential, commercial or industrial development requiring new dredging or filling of aquatic areas may be permitted only if all of the following criteria are met:

- (a) The proposed use is required for navigation or other water-dependent use requiring an estuarine location, or if specifically allowed in the applicable aquatic zone; and*
- (b) A substantial public benefit is demonstrated; and*
- (c) The proposed use does not unreasonably interfere with public trust rights; and*
- (d) Feasible alternative upland locations do not exist; and*
- (e) Potential adverse impacts are minimized.*

Residential development on the subject property will not require aquatic area dredging or filling. There are no aquatic areas on the site. Because of this, policy 2 is not applicable to these amendments or to planned residential development on the site.

Comprehensive plan section 5.327(3) reads as follows:

Piling or dolphin installation, structural shoreline stabilization, and other structures not involving dredge or fill, but which could alter the estuary may be allowed only if all of the following criteria are met:

- (a) A substantial public benefit is demonstrated; and*
- (b) The proposed use does not unreasonably interfere with public trust rights; and*
- (c) Feasible alternative upland locations do not exist; and*
- (d) Potential adverse impacts are minimized.*

Residential development can be completed on the subject property without the need for piling or dolphins, new structural shoreline stabilization, or other in-water structures. Because of this, policy 5.237(3) does not apply to the subject property. This policy contains no criteria applicable to the proposed text or map amendments.

Comprehensive plan section 5.329 contains policies applicable to shallow-draft port and marina development. These policies apply to development of new marinas and improvement of existing marinas in aquatic areas of the Columbia River Estuary. Also covered are adjacent shoreland support facilities that are in conjunction with or incidental to the marina. Included under this subsection's coverage are both public and private marinas for either recreational, charter or commercial shallow draft vessels. Proposed amendments do not involve shallow-draft port or marina development. The subject property is not presently used for these purposes, nor does the

applicant plan on developing these uses on the site. These policies are not applicable to the site or to the proposal.

Comprehensive plan section 5.331 addresses "Significant Areas". These policies are intended to protect certain shoreland and aquatic resources with estuary-wide significance. Significant shoreland resources are identified as such in the area and sub-area descriptions. Significant aquatic resources are found in Natural Aquatic areas. These policies apply only to activities and uses that potentially affect significant shoreland or aquatic resources. Other resources without estuary-wide significance are not covered. The subject property does not have any estuarine or shoreland features designated as "significant". Proposed amendments do not change the City's planning or regulatory approach to significant resources. These policies are not applicable to the subject property or to the proposal.

Comprehensive Plan section 5.333 addresses water quality. These policies are intended to help protect and enhance water quality in the Columbia River Estuary. Impacts on water quality in aquatic areas and in tidegated sloughs in shoreland areas are covered. Policy 1 reads as follows:

Non-point source water pollutants from forest lands, roads, agricultural lands, streambank erosion and urban runoff shall be controlled by state Section 208 water quality programs, the Oregon Forest Practices Act and its Administrative Rules and Soil Conservation Service programs.

This policy points to a state program to control runoff-related water pollution. If new residential development occurs on the subject property as a result of this proposal, a DEQ 1200-C permit will be obtained prior to ground disturbance. Policy 5.333(1) does not establish approval criteria applicable to the proposed amendments.

Estuarine Water Quality policy 2 reads as follows:

New untreated waste discharges into tributary streams, enclosed bays and sloughs shall not be permitted.

No new untreated discharges are authorized by the proposed amendments or planned as a part of residential development on the subject property. Policy 5.333(2) does not establish approval criteria applicable to the proposal or to the subject property.

Estuarine water quality policy 5.333(3) reads as follows:

Petroleum spill containment and clean-up equipment should be located in the estuary area. This equipment should be capable of controlling a large spill in all areas of the estuary.

This non-mandatory policy does not establish approval criteria applicable to

the proposal. This amendment does not conflict with the aspirations expressed in this policy.

Estuarine Water Quality policy 4 reads as follows:

Permits for activities in Warrenton with potential water quality impacts in Washington's waters will be coordinated with both Oregon Department of Environmental Quality and Washington Department of Ecology.

Proposed amendments do not interfere with the City's ability to coordinate water quality concerns with Washington's water quality agency. This policy does not establish mandatory approval applicable to the proposal or to the site.

Comprehensive Plan policies under section 5.335 address "Water-Dependent Development Areas". These policies are applicable to Columbia River Estuary shorelands in the Marine Commercial Shorelands zone or the Water-Dependent Industrial Shorelands zone. The purpose of these policies is to assure that adequate sites are available for water-dependent uses. The subject property is currently in a Water-Dependent Industrial Shorelands Zone. Proposed amendments remove this designation, and place the site in the RM zone. Water-Dependent Development Areas policy 1 reads as follows:

Shorelands zoned Marine Commercial Shorelands or Water-Dependent Industrial Shorelands shall be protected for water-dependent uses. Temporary uses which involve minimal capital investment and no permanent structures, and uses in conjunction with and incidental to a water-dependent use, may also be permitted in these areas.

This policy will not apply to the subject property if proposed amendments are approved. Policy 5.335(1) does not establish approval criteria applicable to the proposal.

Water-Dependent Development Areas policy 2 reads as follows:

Shorelands especially suited for water-dependent recreational, commercial and industrial uses shall be placed in either a Water-Dependent Industrial Shorelands or Marine Commercial Shorelands Zone. Some factors which contribute to this special suitability are:

- (a) Deep water close to shore;*
- (b) Supporting land transport facilities compatible with ship and barge facilities;*
- (c) Potential for aquaculture;*
- (d) Protected areas subject to scour which would require little dredging for use as marinas;*

(e) Potential for recreational utilization of the estuary or riparian areas.

The subject property is not especially suited for water-dependent recreational, commercial or industrial development. The Columbia River navigation channel is approximately 1,000 feet offshore. The site lacks rail access, and is without direct access to a major truck route (like highway 101 or highway 30). The subject property lacks frontage on the Columbia River shoreline: the city's waterfront trail runs along the shoreline between the subject property and the Columbia River. The trail remains in the OSI zone under this proposal. The near-shore estuary area is subject to scour in this area, but is not protected from southerly winds and is fully exposed to northerly winds. The subject property lacks characteristics making it suitable for water-dependent or water-related recreational development. Adjoining and nearby lands have these characteristics, and have been developed as a park and a waterfront trail.

Comprehensive Plan section 5.337 contains policies intended to assure consistent region-wide implementation of the *Columbia River Estuary Regional Management Plan*. These procedural policies are implemented through the City's ordinance, and do not contain mandatory approval criteria applicable to the proposed map or text amendments.

Comprehensive Plan section 5.339 contains "Federal Consistency" policies. These policies seek to ensure that federal actions comply with policies in the City's comprehensive plan. The proposed amendments do not require any federal actions, so these policies are not applicable to the proposal.

Section 6.300 of the City's Comprehensive Plan establishes Beach and Dune Shoreland policies. The subject property is not in a dune area, nor is it on or adjacent to the ocean beach. Because of this, policies under comprehensive plan section 6.300 are not applicable to the proposal or the site.

Comprehensive Plan section 7.310 addresses Community Facilities and Services. Policy 1 reads as follows:

(1) It is the City's policy to help meet community needs by establishing a capital improvements program, using appropriate site acquisition methods, carefully selecting service activities and undertaking other desirable actions.

This policy does not establish mandatory approval criteria applicable to the subject property or to the proposal. The amendments do not conflict with the City's ability to implement policy 7.310(1).

Community Facility and Services policy 2 reads as follows:

(2) The City will continue to make necessary improvements to its community facilities and services as the need for such improvements dictate, and to the extent funding sources or mechanism are available.

The proposal does not conflict with the City's ability to implement this policy. The policy does not establish mandatory approval criteria applicable to the proposal or to the subject property.

Community Facility and Services policy 3 reads as follows:

Before any new sites for City-operated community facilities are selected, the suitability of publicly-owned property for the improvements will be determined. An attempt will be made to acquire property for these improvements at the earliest practical time to (a) ensure that the site will be available for the purpose and (b) reduce costs. A site selection committee appointed by the City Commission will assist the City in choosing suitable locations for new community facilities.

Proposed amendments do not conflict with the City's ability to implement policy 3. The policy does not establish mandatory approval criteria applicable to the proposal or to the subject property.

Community Facilities and Services policy 4 reads as follows:

(4) Prior to offering new types of public services, the City should consider (a) the coverage and adequacy of any existing services of this kind which are being provided, (b) relative need for this type of service compared to other kinds which could be offered, and (c) financial capability of the City to pay or help pay the necessary costs.

Proposed amendments do not conflict with the City's ability to implement Community Facility and Services policy 4. The policy does not establish mandatory approval criteria applicable to the proposal or to the site.

Community Facilities and Services policy 5 reads as follows:

Efforts shall be undertaken to (a) promote construction of needed educational facilities, (b) support greater use of the community schools concept, (c) help establish a county-wide library system which would offer some services in Warrenton, (d) install appropriate improvements for handicapped people in new and existing City community facilities, (e) support effective operation of hospitals, clinics and other medical facilities in Clatsop County, (f) encourage more doctors to maintain offices in Warrenton, (g) aid sound programs for senior citizens, and (h) allow churches and other semi-public uses in desirable locations when suitable standards and conditions are satisfied.

This policy does not conflict with proposed amendments. No mandatory approval criteria applicable to the proposal or to the site are established under policy 5.

Community Facilities and Services policy 6 reads as follows:

(6) The City will cooperate with the school district in providing needed educational facilities by providing the district with updated population projections and coordinating with school district officials. City approval of major developments which would cause a substantial increase in population. While the school district has presently reserved two sites for expanding facilities, the City will consider making suitable City-owned land available for a school site if a future need arises.

The subject property is within the Warrenton-Hammond School District. The proposal does not conflict with implementation of this policy. No mandatory approval criteria applicable to the proposal or to the site are established under policy 6.

Community Facilities and Services policy 7 reads as follows:

(7) The actual cost of providing municipal services to Fort Stevens State Park users should not be borne solely by the City of Warrenton with its limited resources but should be shared. The City shall determine actual costs and dollar impact of Fort Stevens State Park on the operations of the City of Warrenton. The City's goal is to not be burdened with a greater share of the costs of the location of the Park than is equitable in the circumstances.

This proposal does not involve land in Fort Stevens State Park, nor does it conflict with the City's ability to implement policy 7. No mandatory approval criteria applicable to the proposal or to the site are established under policy 7.

Comprehensive Plan section 7.320 addresses water, sewer, storm drainage and flood control. Policy 1 reads as follows:

(1) Support desired growth by using sound evaluation, construction financing, scheduling and other techniques to upgrade the water, sewer and storm drainage/flood control systems.

Infrastructure upgrades mentioned in this policy and required to service the subject property can be made in a manner consistent with this policy. Policy 7.320(1) does not establish mandatory approval criteria applicable to the proposal or to the subject property.

Policy 7.320(2) reads as follows:

(2) Efforts will be made to evaluate means of expanding the capacity of the water and sewer systems to accommodate future growth in the City and other areas.

Policy 2 does not establish mandatory approval criteria applicable to the proposal or to the subject property.

Comprehensive Plan policy 7.320(3) reads as follows:

(3) The City will continue to upgrade its sanitary sewer system in order to provide the necessary level of service to residential, commercial and industrial uses. The following projects have the highest priority:

(a) Upgrading the sewage treatment plant through expansion of the lagoon treatment system;

(b) Upgrading sewer pump stations;

(c) Correcting infiltration/inflow problems, particularly in the East Warrenton and Port of Astoria Airport area;

(d) Providing service to presently unserved commercially zoned property along Highway 101, Marlin Avenue and East Harbor Drive; and

(e) Providing service to presently unserved industrially zoned property at the east bank of the Skipanon River and at Tansy Point.

Sewer improvement priorities in policy 3 do not conflict with the proposal. This policy does not establish mandatory approval criteria applicable to the proposal or to the subject property. The proposal does not conflict with the City's ability to implement policy 3 or improve the sewer system.

Comprehensive Plan policy 7.320(4) reads as follows:

(4) The City will continue to upgrade its water system to provide the necessary level of service to residential, commercial and industrial uses. The following projects have the highest priority:

(a) Construction of a water filtration plant.

(b) Water system improvements to serve commercially zoned property in the commercially zoned property along Highway 101, Marlin Avenue and East Harbor Drive.

(c) Water system improvements to provide greater fire flow capability in the area west of the Skipanon River.

(d) Water system improvements to serve industrially zoned property such as the east bank of the Skipanon River and the General Industrial area at SE Dolphin Road.

Water system improvement priorities established in policy 4 do not conflict with the amendments. This policy does not establish mandatory approval criteria applicable to the proposal or to the subject property. The proposal does not conflict with the City's ability to improve the water system or implement policy 4.

Comprehensive Plan policy 7.320(5) reads as follows:

(5) The City will continue its efforts to upgrade and maintain a system of dikes and tidegates which help prevent flooding in Warrenton.

Proposed amendments do not conflict with the City's ability to upgrade and maintain dikes and tidegates. Policy 5 does not establish mandatory approval criteria applicable to the proposal or to the subject property.

Policy 7.320(6) reads as follows:

(6) The City will continue working with the U.S. Army Corps of Engineers to implement the reconstruction of Dike #1. The City will also cooperate with the U.S. Army Corps of Engineers in future studies to evaluate the requirements for improvements to Dike #2 and #3.

This policy does not apply to the proposal or to the subject property. The proposal does not conflict with the City's ability to work with the Corps of Engineers or otherwise implement policy 7.320(6).

Policy 7.320(7) reads as follows:

(7) Before new subdivisions are approved or building permits are issued for new large-scale developments in Warrenton, the City will assess their impact on the capacity of the community's water, sewer and storm water runoff facilities. Such developments will only be allowed if sufficient capacity exists or suitable evidence indicates it will exist prior to completion of development construction. In deciding the sufficiency of capacity, consideration will be given to possible increases in flows resulting from activities of existing system users and facilities which are likely to be built due to the proposed use but which are not a part of the development.

The capacity analysis required under policy 7 can be conducted if a proposal for a subdivision or planned development comes before the City. Proposed amendments do not conflict with the City's ability to implement this policy and require capacity analysis as a part of development approval on the subject property.

Policy 7.320(8) reads as follows:

(8) New subdivisions, new large-scale developments and certain other uses in Warrenton will not be allowed unless satisfactory provisions are made for water supply, sewage disposal and storm water runoff facilities. Satisfactory provisions, in part, mean that the size of any water lines, sewer lines and drainage ways will be sufficient to meet the needs of the development and, where desirable, be able to accommodate growth in other areas. Suitable

arrangements, including dedication of land or use of easements, shall be made so that the City will be able to maintain appropriate water, sewer and drainage facilities. The construction of lengthy pressure-forced sewer lines to the site, which by-pass undeveloped properties, will be discouraged.

Policy 8 contains several requirements which might be applicable at the time development is proposed for the subject property. No part of this policy establishes mandatory approval criteria applicable to the proposed amendments. This proposal does not conflict with the City's ability to implement policy 8 at the appropriate time.

Comprehensive Plan policy 7.320(9) reads as follows:

(9) Persons developing property will generally be responsible for the cost of any water, sewer or storm drainage facilities which are required to meet the needs of the site being developed. Extra costs resulting from the need to construct facilities which will also accommodate future growth in other locations will often initially be the responsibility of the City and eventually be paid for by the people who develop these locations. In some instances, use of assessment districts may be appropriate for paying a portion of the costs for system extensions. Assessments of property for extensions should be levied only where there is a significant benefit to the property being assessed. Efforts usually will be made to obtain federal and state grants to help pay for major system improvements which are eligible for funding.

Policy 9 describes methods of financing needed utility improvements. These may come into play when the subject property is developed. Policy 9 does not create mandatory approval criteria applicable to the proposal. This proposal does not conflict with the City's implementation of this policy at the appropriate time.

Comprehensive Plan policy 7.320(10) reads as follows:

(10) Water and sewer rates will be increased as needed in order to provide the necessary funds for maintaining and upgrading the systems. Consideration shall be given to changing the present water rate structure so there is more encouragement for water conservation; and requiring a meter for each existing connection without a meter and for each new connection. The costs of connecting to the water and sewer systems (hook-up charges) shall be revised periodically to reflect the cost of making the connection. Hook-up charges will not be used to recover general capital costs of the system since other methods exist which are more equitable and less expensive to the user.

This policy addresses hook-up fees and rates for water and sewer service. Proposed amendments do not conflict with this policy, or with the City's

ability to collect these fees or amend its rates. Policy 10 does not establish mandatory approval criteria applicable to the site or to proposed amendments.

Policy 7.320(11) reads as follows:

(11) Sewer service will be made available only in Warrenton and incorporated portions of Fort Stevens State Park. Water service will continue to be provided to a much larger area. No major water system expansions outside the City limits will be permitted unless sufficient system capacity has been reserved for existing and future Warrenton uses and the projected revenues resulting from the project will be enough to pay for anticipated operation costs. Preference will be given to major water system expansions within urban growth boundaries and county-designated rural service area. Sizes of new water lines shall be in conformance with the appropriate jurisdiction's comprehensive plan.

The subject property is within the City Limits and UGB. This policy does not establish mandatory approval criteria applicable to the subject property or applicable to the proposed amendments. The proposal does not conflict with the City's ability to implement policy 7.320(11).

Policy (12) from section 7.320 of the City's Comprehensive Plan reads as follows:

(12) Planned capital improvements to the City's water system, sewage treatment system, storm drainage system and dikes are described in the City of Warrenton Public Facilities Plan.

This information policy does not establish approval criteria applicable to the proposal or to the subject property. The proposal does not conflict with capital improvement plans or with public facility plans.

Comprehensive Plan section 7.330 addresses Fire, Police, Recreation and Solid Waste Management. Policy 1 under this section reads as follows:

(1) It is the City's policy to upgrade fire protection, provide sound police protection, increase recreational opportunities and improve solid waste disposal activities through effective public and private actions.

Policy 7.330(1) does not establish mandatory approval criteria applicable to this proposal or to the site. The proposed map amendments do not conflict with the City's ability to upgrade fire protection, provide sound police protection, increase recreational opportunities or improve solid waste disposal activities.

Comprehensive Plan policy 7.330(2) reads as follows:

(2) The City will work to upgrade fire protection in Warrenton. This shall include: (a) trying to achieve a fire insurance rating of 5 or lower; (b) evaluating the City's waterfront fire protection capability; (c) adequately scheduling and financing needed improvements; and (d) requiring new subdivisions and large-scale developments to have satisfactory hydrant and other water facilities.

The subject property is served by the City's fire department, but the policy is not otherwise applicable to this proposal. Proposed map amendments do not conflict with the City's ability to implement this policy.

Policy 7.330(3) reads as follows:

(3) Consideration will be given to: (a) enlarging the existing fire station; (b) eventually building a station in east Warrenton and providing sufficient equipment for the facility; and (c) supporting the installation of needed facilities at Fort Stevens State Park.

Policy 7.320(3) does not establish mandatory approval criteria applicable to the proposed amendments or to the subject property. Proposed amendments do not conflict with implementation of policy 3.

Comprehensive Plan policy 7.330(4) reads as follows:

(4) Sound police protection will be provided by: (a) adding more personnel when necessary to accommodate local growth or other increases in staff responsibilities; (b) expanding the amount of police department office space when funding becomes available; (c) periodically reviewing equipment needs and purchasing appropriate items; (d) working closely with other law enforcement agencies; and (e) encouraging public cooperation in crime prevention.

This policy does not directly apply to the proposal or to the site. It does not establish applicable mandatory approval criteria. Proposed amendments do not conflict with implementation of policy 4.

Policy 7.330(5) reads as follows:

(5) Increased recreational opportunities will be made available to local residents, in part by: (a) helping to expand the recreational programs currently being provided in the area; (b) adding more facilities to the City's approximately 24-acre community park, when financially feasible; (c) expanding and improving the City's two boat basins as funding is available; and (d) working closely with the Warrenton-Hammond school district to allow additional use of school recreational areas by the general public.

Neither the proposal nor site development conflict with policy 5. This policy does not establish mandatory approval criteria applicable to these map amendments or to the subject property. Proposed amendments do not impair the City's ability to implement policy 5.

Comprehensive Plan policy 7.330(6) reads as follows:

(6) Thought will be given to requiring new residential subdivisions to dedicate land for parks, pay fees in lieu of giving land or establishing privately-owned and maintained recreational facilities.

The City's ability to implement this policy is limited under ORS 223.297 through 223.314. Recreation facility financing can be addressed when a subdivision is proposed for this site. Policy 6 does not impose mandatory approval criteria on the proposed amendments, nor do the amendments conflict with implementation of policy 6.

Policy 7.330(7) reads as follows:

(7) Existing public ownerships, right-of-ways, and similar public easements which provide access to estuarine or coastal beach areas shall be retained or replaced if sold, exchanged or transferred. Right-of-ways may be vacated to permit redevelopment of shoreland areas provided public access across the affected site is retained.

The subject property does not contain any unused public right-of-way. No right-of-ways are vacated as a result of these amendments. Policy 7.330(7) does not establish mandatory approval criteria applicable to the site or to the proposal. This proposal does not interfere with the City's ability to implement policy 7.

Policy 7.330(8) reads as follows:

(8) Efforts will be made to work with other governmental bodies to find a satisfactory site for recycling and disposing of solid wastes from Warrenton and other parts of the county. Until a large-scale recycling operation begins, encouragement will be given to activities, perhaps sponsored by businesses or local non-profit groups, which focus on recycling only a few types of materials. Garbage collection rates, personnel needs and equipment requirements shall be periodically reviewed and appropriate actions will be undertaken.

This policy does not establish mandatory approval criteria applicable to the property or to the proposal. These amendments do not conflict with implementation of policy 8.

Section 9.310 of the City's Comprehensive Plan contains policies concerning the city's economy. Policy 1 reads as follows:

(1) It is the City's policy to increase desired industrial and commercial activities in the City by zoning sufficient land for these purposes, expanding public facilities and services, carrying out various economic growth projects, obtaining adequate funding for activities to achieve economic gains, and undertaking other appropriate actions.

This proposal results in a slight decrease in the the City's inventory of vacant industrial lands. These issues are addressed in Exhibit 2. Proposed amendments leave a sufficient supply of industrial land available for desired industrial activities, as explained in Exhibit 2. Because of this, the proposal is consistent with the applicable part of policy 1.

Policy 9.310(2) reads as follows:

(2) Efforts will be made to work closely with individuals and organizations to increase desired industrial, general commercial and tourist commercial activities in Warrenton. Sufficient space shall be zoned for these activities and, to the extent practical, the capacity of streets and public facilities and services will be expanded to meet their needs. Expansion of water and sewer system capacity and the efficient use of the present capacity will be particularly critical for some establishments, such as fish processing firms.

The proposal does not conflict with the City's policy of assuring that sufficient space is zoned for industrial activities; see Exhibit 2. Because of this, the proposal is consistent with the applicable part of policy 2.

Policy 9.310(3) reads as follows:

(3) The City shall encourage and support local industrial development in order to diversify beyond the City's three predominant industrial sectors (wood processing, seafood processing and commercial fishing), while maintaining strong support for these sectors.

Proposed map amendments do not conflict with the City's efforts to encourage and support local industrial development or otherwise implement policy 3. This non-mandatory policy contains no approval criteria applicable to the proposal or to the site.

Policy 9.310(4) reads as follows:

(4) The City will encourage the development of the area between East Harbor Drive, Marlin Avenue and US Highway 101 as a regional shopping center complex.

The subject property is not in or near the area described in policy 4. This policy does not contain mandatory approval criteria applicable to the site or to the proposed amendments.

Policy 9.310(5) reads as follows:

(5) Tourist-oriented establishments shall be encouraged to locate in Warrenton. Efforts to increase tourism shall include activities undertaken to provide, protect and enhance scenic and recreational attractions in the area. The City Commission will choose a committee or organization to help evaluate, initiate and carry out appropriate tourist-oriented projects.

This policy is not applicable to the proposal or to the subject property. Policy 5 creates no mandatory approval criteria applicable to these proposed amendments. Approval does not conflict with efforts to implement this policy.

Policy 9.310(6) reads as follows:

(6) A group will be appointed by the City Commission to assist in selecting economic development projects for the Economic Development Administration (EDA) funding list. It should also investigate other potential sources of non-local funds for these projects.

Proposed amendments do not conflict with implementation of policy 6. This policy has no mandatory approval criteria applicable to the proposal or to the site.

Policy 9.310(7) reads as follows:

(7) Consideration will be given to requiring a business license of individuals and companies conducting business in Warrenton. Fees should be used primarily to benefit the local economy, including helping to pay for tourist-oriented projects. For example, funds could be used for downtown parking lots, landscaping along major roads, special tourist events and waterfront access facilities. Requiring business licenses would also make it easier to insure compliance with zoning regulations.

Proposed amendments and possible development of the subject property are unrelated to business license requirements. Policy 7 does not create mandatory approval criteria applicable to the proposed map amendments or to the subject property.

Policy 9.310(8) reads as follows:

(8) The City will determine the desirability of imposing a tax or fee on motel rooms, recreational vehicle spaces, moorages and similar facilities. These taxes or fees would be paid by the user. Most of the funds could help finance public works projects which are needed,

in part, because of tourism and other local economic activities. Street maintenance and expansion of sewer system capacity are two of the potential projects. Some of the funds could be used in other ways to promote additional economic activity.

Proposed map amendments and possible development of the subject property are unrelated to the imposition of this tax. Policy 8 does not create mandatory approval criteria applicable to this proposal or to potential residential development on the site.

Policy 9.310(9) reads as follows:

(9) While the City recognizes the desirability of encouraging tourism, its economic well-being depends primarily on the continued economic well-being and expansion plans of present employers within the City. Recognizing the public interest, the City will encourage present employers to expand their operations and aid them in doing what is necessary to maintain an economic base for employment within the City.

This policy does not establish mandatory approval criteria applicable to the proposed amendments, or to residential development on the subject property. This proposal does not conflict with implementation of policy 9.

Policy 9.310(10) reads as follows:

(10) The City supports the efforts of the Port of Astoria in developing an industrial park at the Port of Astoria Airport. The City will cooperate with the Port district to improve road access, utility service levels and other infrastructure to help develop the industrial park.

The site is not within or near the Port of Astoria's industrial park. Proposed amendments do not conflict with efforts to develop the industrial park, or otherwise implement policy 10.

Policy 9.310(11) reads as follows:

(11) The City supports efforts by Clatsop County to develop a new county fairgrounds site and light industrial park at the Ahumax property in the UGB.

The subject property is not at or near either of the sites mentioned in this policy. Proposed amendments do not conflict with implementation of policy 11. This policy does not establish mandatory approval criteria applicable to the subject property or to the proposal.

Section 9.320 of the City's Comprehensive Plan addresses the Clatsop Economic Development Council (CEDC). These policies have no bearing on

the proposal or on the subject property. Policies 1, 2 and 3 do not establish mandatory approval criteria applicable to the proposal or to the site.

Policies in section 20.310 of the City's comprehensive plan concern Plan Review and Update. Policy (1) reads as follows:

(1) Effective review and updating of the Comprehensive Plan will be carried out through extensive involvement of the Planning Commission.

Policy 20.310(1) does not establish review or approval criteria applicable to the proposal or to the site. These amendments can be adopted without conflicting with implementation of policy 1.

Policy 20.310(2) reads as follows:

(2) The City will undertake a major review of its Comprehensive Plan in accordance with the State mandated periodic review schedule. The City will make other revisions to the Comprehensive Plan as necessary to address local needs and concerns.

This policy is not applicable because these amendments are not part of the City's periodic review process.

Policy 20.310(3) reads as follows:

3) All Comprehensive Plan amendments shall comply with the Statewide Planning Goals and will be supported by adequate evidence indicating the desirability of the proposed revisions. The desirability of changes in the intent or boundaries of land and water use areas, as shown on the respective maps, will be determined in part by (a) the expected impact on the ability of the Plan to help satisfy land and water use needs; (b) the improvements to transportation facilities and community facilities and services, if any, necessary to accommodate the change; and (c) the physical development limitations and other natural feature characteristics of the areas involved.

This policy requires Comprehensive Plan amendments to comply with the statewide planning goals. Findings addressing Oregon's statewide planning goals are included in the application as Exhibit 2.

Policy 20.310(4) reads as follows:

(4) Amendments to the Comprehensive Plan text or map may be initiated by the City Commission, Planning Commission, any City resident or any person or organization owning real property in the City. The person proposing the amendments will be responsible for

providing justification for the revisions, and will also be responsible for providing a form of notice and for the text of any exception language, should such be necessary to meet Statewide Planning Goals.

The applicants for this amendment are owners of real property in Warrenton.

Policy 20.310(5) reads as follows:

(5) The Planning Commission and the City Council shall hold public hearings on proposed amendments to the Comprehensive Plan or map. Notice of public hearing will be given in accordance with Zoning Ordinance requirements.

Policy 5 is implemented through zoning ordinance requirements. Proposed amendments are consistent with policy 5 because the City applies its requirements for public hearings to this application.

Policy 6 in comprehensive plan section 20.310 reads as follows:

(6) For purposes of reviewing and updating the Comprehensive Plan, the Planning Commission will be the officially recognized committee for citizen involvement. It will be appointed in an open and public manner and its membership shall be representative of a broad range of geographical, cultural and economic elements of the population in the Warrenton area. Adequate resources will be allocated for its activities and other citizen involvement efforts.

This policy does not establish mandatory approval criteria applicable to the proposal. Approval of proposed amendments does not conflict with implementation of policy 6.

Policy 20.310(7) reads as follows:

(7) The Planning Commission and City staff will provide the general public with an opportunity to be involved in inventory work, plan revisions and plan implementation. Efforts will be undertaken to respond to citizen suggestions and make technical information and minutes of meetings available to the general public.

Policy 7 does not contain mandatory approval criteria applicable to this proposal or to the subject property. Approval of the proposed amendments does not conflict with implementation of this policy.

Policy 20.310(8) reads as follows:

(8) When reviewing and updating the Comprehensive Plan, the City will attempt to (a) give ample consideration to the comments and

concerns of other governmental bodies; (b) achieve consistency with their policies to the extent appropriate; and (c) avoid unnecessary overlapping responsibilities. Affected special districts and appropriate local, regional, state and federal agencies will be notified by mail of public hearings on Comprehensive Plan amendments.

This policy can be met by applying the normal public notice and hearing requirements to this proposal.

Section 20.320 of the Comprehensive Plan address plan implementation. Policy 1 reads as follows:

(1) Implementation will occur in a manner which makes possible meaningful participation by local citizens and interested governmental bodies; consistency between the Plan and implementation measures intended to fulfill Plan objectives; and periodic review and update of these controls.

Policy 20.320(1) does not establish mandatory approval criteria applicable to the subject property or to the proposed map amendments.

Policy 20.320(2) reads as follows:

(2) Major actions undertaken to implement the Comprehensive Plan shall take place in a well publicized, open atmosphere. The Planning Commission, general public and interested governmental bodies will be given an opportunity to comment on these actions before they are carried out.

This policy can be implemented with respect to the proposed amendments by following the City's normal public hearing process.

Policy 20.320(3) reads as follows:

(3) Provisions of the zoning ordinance, subdivision and partitioning regulations and other land and water use controls used to implement the Plan shall be consistent with the Plan. This does not mean, however, that these provisions have to be specifically authorized by the Plan or can not be more detailed than those in the Plan.

Policy 3 describes the relationship between the City's comprehensive plan and implementing ordinances. It does not establish mandatory approval criteria applicable to the proposal.

Policy 20.320(4) reads as follows:

(4) Land and water use controls used to implement the Plan will be periodically reviewed and updated. Before changes in the regulations are adopted, there will be at least one public hearing on the proposal and adequate public notice of every hearing.

Proposed amendments can be approved without conflicting with this plan policy, or with the City's implementation of it.

WZO Section 4.7.3(B)(2):

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

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.

WZO Section 4.7.3(B)(3):

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 4.7.6, as applicable.

With respect to the first part of section 4.7.3(B)(3), there is no evidence that I2 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. This section of the City's zoning ordinance concerns transportation:

A. When a development application includes a proposed comprehensive plan amendment or land use district change, the proposal shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with Oregon Administrative Rule (OAR) 660-012-0060. Significant means the proposal would:

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 "collector" street classification, requiring a change in the classification to an "arterial" street, as identified by the [Comprehensive Plan / 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 what 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 [Comprehensive Plan / Transportation System Plan].

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.

The proposal would not significantly affect a transportation facility because:

- Proposed amendments do not change the classification of Pacific 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 Pacific Drive.
- The proposed amendments do not reduce the level of service on Pacific Drive below the minimum acceptable level identified in the Comprehensive Plan or Transportation System Plan.
- The amendments preserve the OSI zoning on a pedestrian facility adjoining the subject property to the north.

Statewide Planning Goals Findings

8 March 2006

This document contains findings supporting a proposed amendment involving the following tax lots, covering about 6.15 acres, all located between Tansy Point and the Hammond Mooring Basin:

81009BB-400 Wells Fargo Trust
81009BB-500 Wells Fargo Trust
81009BB-502 Dowaliby, Todd and Dixie
81009BB-503 Carruthers, Jim
81009BB-600 Lambert, Joseph and Carol
81009BB-602 Berg, Ferne M.
81009BB-700 Berg, Ferne M.
81009BC-200 Wells Fargo Trust

The southerly half of a railroad right-of-way (labeled "Fourth Court" on Clatsop County Assessment and Tax-
(ation maps) between Railroad Drive and Enterprise Street

Sheet 1 shows portions of tax lot maps 8-10-9BB and 8-10-9BC, with the subject property highlighted. The proposal consists of the following amendments to the City's comprehensive plan and to the combined zoning/comprehensive plan map:

- Amend the Goal 17 element of the city's comprehensive plan to address the requirements of OAR 660-37-0010 through 660-37-0090.
- Change the comprehensive plan map designation on the subject property from *ESWD* to *Other Urban Shorelands*.
- Change the zone map designation on the subject property from *Water-dependent Industrial Shorelands (I2)* to *Medium Density*

Residential (RM). This is shown on Sheets 2 and 3. This amendment involves about 5.42 acres.

- Change the zone map designation on the southerly half of the railroad right-of-way (labeled "Fourth Court" on Clatsop County Assessment and Taxation maps) between Railroad Drive and Enterprise Street from *Open Space Institutional (OSI)* to *Medium Density Residential (RM)*. See Sheet 1. This amendment involves about 0.73 acres.

Goal 1: Citizen Involvement

The proposed amendments are consistent with the requirements of Statewide Planning Goal 1 because the amendments do not change the City's citizen involvement program. Warrenton implements Goal 1 with public hearings, public notices, public involvement in land use hearings, and by maintaining an open and accessible decision-making process. The City's Goal 1 implementation measures are acknowledged by LCDC as consistent with Goal 1. The proposed amendments do not change Warrenton's citizen involvement policies, implementing ordinances, or procedures.

Goal 2: Land Use Planning

The Land Use Planning Goal requires that the City establish a process and policy framework for land use decision-making; that the zoning ordinance and zoning map be consistent with the comprehensive plan; and that the City's planning documents comply with the Statewide Planning Goals. Goal 2 also establishes a process for taking an exception to the land use planning goals; however, an exception is not proposed here. These amendments are consistent with Goal 2 because they comply with the Statewide Planning Goals, and because they amend the City's planning documents in an internally consistent manner.

Goal 3: Agricultural Lands

Statewide Planning Goal 3 does not establish any requirements for urban areas like Warrenton. The subject property is not inventoried as

agricultural land. The agricultural lands goal is not applicable to the proposed amendments.

Goal 4: Forest Lands

Statewide Planning Goal 4 does not establish any requirements for urban areas like Warrenton. The subject property is not inventoried as forest land. The forest lands goal is not applicable to the proposed amendments.

Goal 5: Natural Resources

Statewide Planning Goal 5 addresses the following natural resources:

- Riparian corridors, including water and riparian areas and fish habitat;
- Wetlands;
- Wildlife Habitat;
- Federal Wild and Scenic Rivers;
- State Scenic Waterways;
- Groundwater Resources;
- Approved Oregon Recreation Trails;
- Natural Areas;
- Wilderness Areas;
- Mineral and Aggregate Resources;
- Energy sources;
- Cultural areas.

In addition to the above mandatory resources, Goal 5 encourages local governments to address historic resources, open space, and scenic views and sites under this goal. The City's Comprehensive Plan includes inventories of Goal 5 resources. 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. Goal 5 does not require that the Goal 5 inventories be updated in response to post-acknowledgment plan amendments such as this one. Because of this, the proposal is consistent with statewide planning goal 5.

Goal 6: Air, Water and Land Resources Quality

Statewide Planning Goal 6 addresses waste discharges. 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. Air quality, waste disposal, and water quality protection measures will continue to be applicable to the subject property, and to any development on the site. Goal 6 does not require that the City reevaluate its implementation measures as a part of this post-acknowledgment plan amendment. For these reasons, the proposal is consistent with Statewide Planning Goal 6.

Goal 7: Natural Hazards

The Natural Hazards Planning Goal addresses flooding, land slides, earthquakes, tsunamis and the like. Part of the site is mapped by the Oregon Department of Geology and Mineral Industries as a potential tsunami hazard zone (*Open File Report O-95-09; Tsunami Hazard Map of the Warrenton Quadrangle, Clatsop County, Oregon*. DOGAMI, 1995). This means that the site is not an appropriate location for essential public facilities such as fire or law enforcement services, hospitals, or schools. The tsunami hazard designation does not restrict other uses of the site. The proposed zoning would not change this designation.

Site soils have unknown engineering properties, and may need to be evaluated prior to any new construction. The proposed amendments does not alter the City's procedures or requirements for addressing soil conditions.

Goal 8: Recreational Needs

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.

A waterfront pedestrian trail passes the site to the north. The proposed RM zoning does not interfere with the use or maintenance of this trail. The proposed amendments retain OSI zoning on the trail.

Goal 9: Economic Development

The Statewide Planning Goal dealing with the economy creates several requirements applicable to the proposal. Part of the Goal requires an inventory of serviced, buildable commercial and industrial lands sufficient to meet the City's economic development needs. The subject property was placed in a water-dependent development zone in the early 1980s to meet a perceived need for a marine industrial site. Statewide Planning Goal 17 establishes a method for calculating the minimum amount of water-dependent development shorelands needed to meet the City's needs for this type of developable land. As demonstrated in these findings, beginning at page 8, the currently-designated inventory of water-dependent development shorelands exceeds the City's minimum needs. For these reasons, the City can conclude that the subject property is not needed to meet demand for water-dependent development shorelands.

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 I2 zone, and only with respect to the 5.42-acre site. The amendments add to the City's buildable land inventory of land available for housing. As demonstrated here and elsewhere in these findings, this subtraction from the industrial land inventory involves land that is not needed to meet either Goal 9 or Goal 17 requirements. For these reasons, the proposal is consistent with Statewide Planning Goal 9.

Goal 10: Housing

Statewide Planning Goal 10 requires that cities provide sufficient land to meet current and projected housing needs. To be available for housing, the land needs to be appropriately zoned, and serviced at a level necessary to

support residential development. The proposed amendments add approximately 6.15 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.

Goal 11: Public Facilities and Services

The proposal is consistent with Statewide Planning Goal 11 for the following reasons:

- Water is available along Pacific Drive.
- Sanitary sewer service is available in the Pacific Drive right-of-way.
- Storm drainage in most parts of Warrenton is accomplished by way of open road-side ditches and wetland swales that drain via tidegates into the Columbia River Estuary. Storm drainage on the subject property is accommodated primarily by way of percolation into highly permeable sandy soils.
- The site is within the Warrenton city limits, and receives law enforcement and fire services from the City. The site and the uses allowed in the RM zone do not pose any unusual law enforcement or fire safety challenges.
- The site is served by Pacific Drive, an improved city street. Transportation-related concerns are addressed under Goal 12, below.
- The site is within the Warrenton-Hammond School District, and the Clatsop Community College district. The proposed amendments and the planned use of the site are unlikely to substantially change student populations.
- The site is served by Pacific Power, NW Natural (natural gas), Charter Cable (cable TV), and Qwest Communications (telephone). Wireless communications providers (AT&T, Verizon) also serve the area. No new development is proposed on the subject property at this time.

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.

Goal 12: Transportation

Under Goal 12 the City must plan and manage its air, water and surface transportation facilities in a manner consistent with the needs of the City and other users of these transportation facilities. Special attention must be given to the transportation needs of the disadvantaged, including those who cannot own or operate a private motor vehicle.

The City adopted a Transportation System Plan (TSP) in January 2004. Pacific Drive is classified as a "Collector" (see figure 5.2, *City of Warrenton Transportation System Plan*, October 2003). The proposed residential zoning is consistent with the classification, and does not require that the classification be changed.

The TSP call for sidewalk improvements on Pacific 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.

Goal 13: Energy Conservation

Statewide Planning Goal 13 does not establish any special requirements applicable to this proposal. The City's program to achieve Goal 13 does not rely on the designation of the subject property as a water-dependent development site. For these reasons, the proposal is consistent with Goal 13.

Goal 14: Urbanization

Statewide Planning Goal 14 is concerned with the orderly transition from rural to urban use, the appropriate level of public facilities in urban and rural areas, and appropriate densities of residential development in rural and urban areas. The subject property is in the city limits and Urban Growth Boundary of the City of Warrenton. No extension of the UGB or city limits is needed to authorize the proposal. The proposal does not result in the extension of urban services to rural areas, nor does it encourage or result in urban densities in rural areas. For these reasons the

EXHIBIT 'B'

proposal is consistent with statewide planning goal 14.

Goal 15: Willamette River Greenway

This goal does not apply to any land in Warrenton.

Goal 16: Estuarine Resources

The estuarine resources planning goal addresses tidal waters in the City. On the Columbia River Estuary, the estuary boundary is drawn at the line of Mean Higher High Water. The subject property does not include any lands waterward of the Mean Higher High Water Line. The proposed map amendment only affects areas landward of this line. Estuarine aquatic areas are unaffected by this proposal. The proposed amendment is consistent with Statewide Planning Goal 16 because it leaves estuarine aquatic resources in the Columbia River Estuary unchanged.

Goal 17: Coastal Shorelands

The Coastal Shorelands Goal and its administrative rule establish special requirements for this amendment. This proposal complies with Goal 17 because water-dependent shoreland zoning surpasses the minimum state requirements, both before and after the proposed amendment. This conclusion is supported in the following paragraphs.

Under Goal 17, Warrenton must calculate the minimum acreage requiring protection for water-dependent development, and adopt and implement measures to protect an area equal to or greater than the minimum acreage. The minimum acreage for protection as water-dependent shorelands is the sum of two figures:

- (a) shorelands currently used for water-dependent industrial, commercial or recreational purposes, plus
- (b) shorelands formerly used for water-dependent purposes that still possess a structure or facility providing water-dependent access.

These calculations are summarized in the table 1, and explained in the paragraphs following the table.

Table 1: Current and former water-dependent acreage

<i>site</i>	<i>current (acres)</i>	<i>former (acres)</i>	<i>total (acres)</i>
East Skipanon Peninsula	–	49	49
West Skipanon Peninsula	65	–	65
Warrenton Mooring Basin	18	–	18
Tansy Point	46	4	50
Hammond Mooring Basin	20	–	20
Totals	149	53	202

Table 1 includes area estimates (rounded to the nearest whole acre) for water-dependent shorelands in Warrenton as required under Goal 17. The five sites listed in the table are described in more detail in the following paragraphs, and on the attached maps. The column labeled “current” lists the acreage of the site that is currently used for water-dependent uses. This addresses the requirement in OAR 660-37-0050(2a):

Estuarine cities and counties shall calculate the minimum amount of shorelands to be protected within their respective political boundaries based on the following combination of factors as they may exist:

(a) Current Water-Dependent Use – Acreage of estuarine shorelands that are currently being used for water-dependent uses.

The column in Table 1 labeled “former” lists the acreage meeting the criteria in OAR 660-37-0050(2b):

(b) Former Water-Dependent Use – Acreage of estuarine shorelands that at any time were used for water-dependent uses and still possess a structure or facility that provides water-dependent access.

“Water-Dependent” is defined in OAR 660-37-0040(6), and in the Statewide Planning Goals. The planning goal definition is:

A use or activity which can be carried out only on, in, or adjacent to water areas because the use requires access to the water body for water-borne transportation, recreation, energy production, or source of water.

Based on this data, Warrenton needs to protect at least 202 acres as water-dependent development shorelands. Data about the five sites are in the following paragraphs. Maps showing the sites are attached.

East Bank of the Skipanon Peninsula: This 172-acre (approximately) site consists of property in the City’s Urban Recreation – Resort zone. The City adopted amendments in 2003 removing this property from the inventory of ESWD sites.

Warrenton Boat Basin: This site is immediately southwest of the East Bank site, and consists of water-dependent development shorelands around the City of Warrenton’s Skipanon River Marina. Also included is Warrenton Boat Works and other lands located around the mooring basin in the C2 and RC zones. The site covers about 30.1 acres of shorelands. About 18 acres are currently in water-dependent use.

West Bank of the Skipanon Peninsula: The west bank of the Skipanon River is occupied by a saw mill owned by Willamette Industries. About 65 acres are committed to current water-dependent use according to the 1999 CREST study. The entire site contains about 122 acres of shorelands in a water-dependent shorelands zone (I-2).

Tansy Point: Warrenton Wood Fiber, Point Adams Packing, Bio-Oregon, and Carruthers Equipment occupy a portion of the water-dependent development site centered around Tansy Point. The entire site consists of about 176 acres of shorelands in a water-dependent development shorelands zone (I-2). According to the 1999 CREST study, Warrenton Wood Fiber occupies about 40 acres. Point Adams Packing covers about four acres. The water-dependent portion of Bio-Oregon covers about six acres. The balance of the site, about 126 acres, is either vacant or occupied with non-water-dependent uses. The proposed amendments remove approximately 5.4 acres from the site. A prior amendment removed about 3.7 acres.

Hammond Mooring Basin: This site consists of land zoned for

water-dependent development around the Hammond Marina, in the northwest part of the City. The site consists of about 39.4 acres of shorelands in the RC zone, a water-dependent development shorelands zone. Approximately 20 acres are used for water-dependent purposes, primarily marina parking and dredged material disposal.

Based on the analysis presented in this section, the Goal 17 administrative rule requires that Warrenton protect at least 202 acres of shorelands for water-dependent use. Under current zoning, the City currently protects about 363 acres for water-dependent use, well in excess of the minimum requirement. This proposal would subtract about 5.42 acres from a water-dependent shorelands zone (the I2 zone), leaving about 357 acres in water-dependent use. These figures are summarized in Table 2, rounded to the nearest full acre.

Table 2: Water-Dependent Zoning, Current and Proposed

<i>site</i>	<i>current (acres)</i>	<i>proposed (acres)</i>
East Skipanon Peninsula	0	0
West Skipanon Peninsula	122	122
Warrenton Mooring Basin	30	30
Tansy Point	173	167
Hammond Mooring Basin	39	39
Totals	364	358

Goal 18: Beaches and Dunes

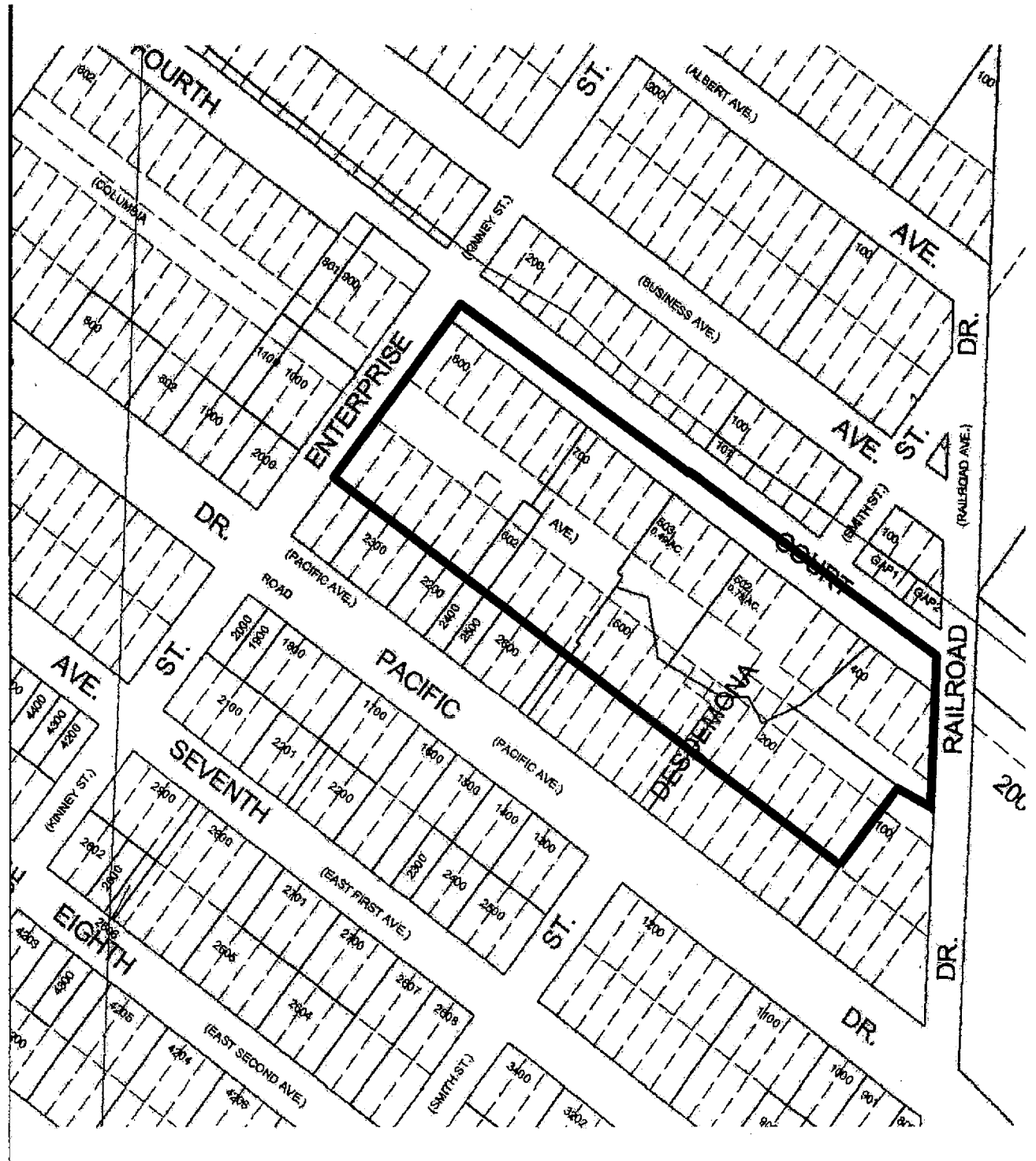
The subject property is not in a beach or dune area as defined by Goal 18, nor is it included in the City's inventory of its beach and dune areas. Because of this, the proposal is consistent with Statewide Planning Goal 18.

Goal 19: Ocean Resources

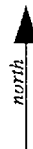
Implementation of the Ocean Resources planning goal is described in the *Oregon Ocean Resources Management Plan*, prepared and adopted by the

State. Warrenton's Comprehensive Plan and Zoning Ordinance do not address Goal 19, nor does Goal 19 establish any planning requirements applicable to the City.

EXHIBIT 'C'



one inch
200 feet



Sheet 1
Tax Lot Map



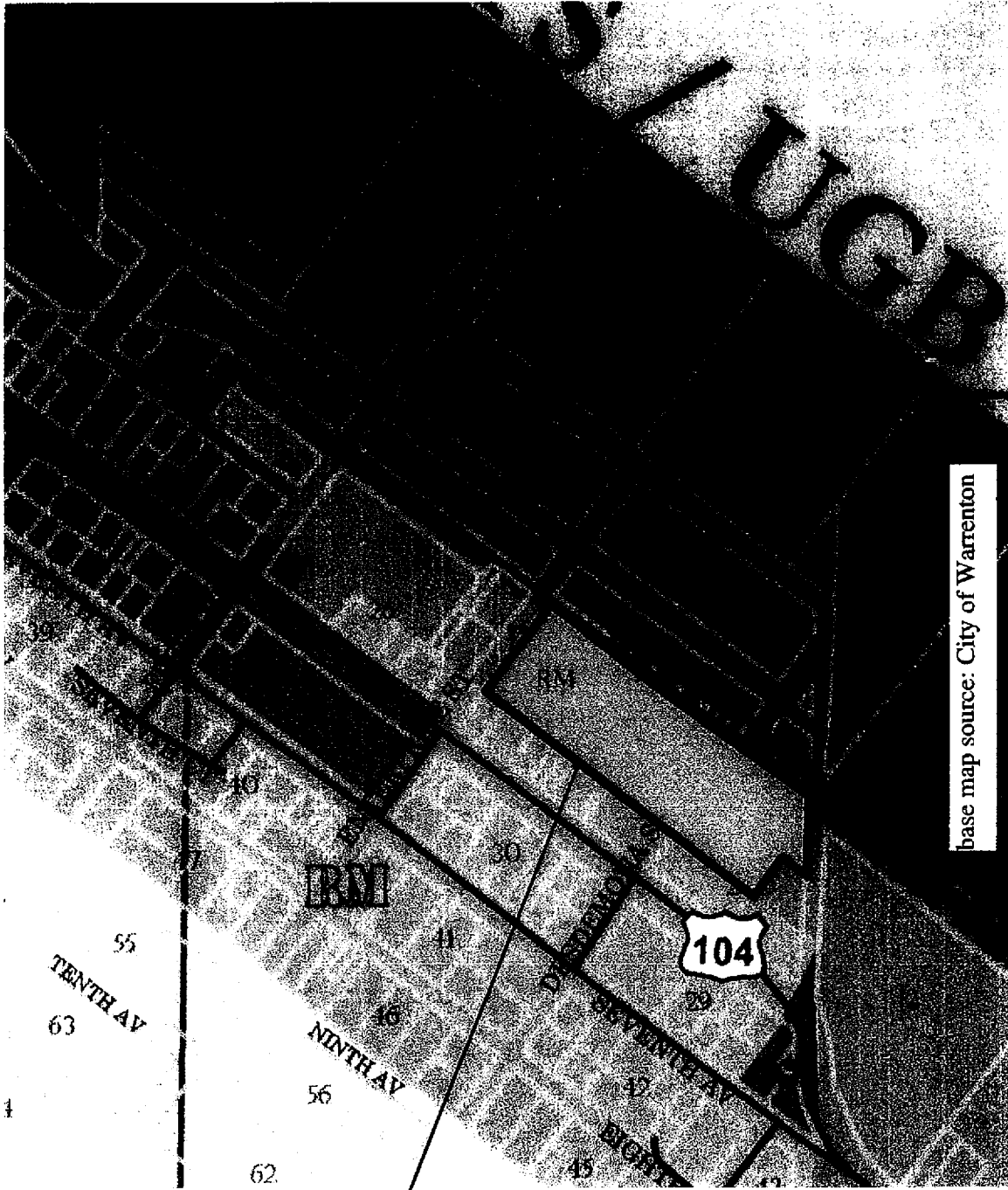
base map source: City of Warrenton

subject
property

one inch
|-----|
400 feet



Sheet 2
Current Zoning



base map source: City of Warrenton

subject property

one inch
400 feet



Sheet 3
Proposed Zoning