



Oregon
Theodore R. Kubongski, Governor

Department of Land Conservation and Development
635 Capitol Street, Suite 150
Salem, OR 97301-2540
(503) 373-0050
Fax (503) 378-5518
www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

1/27/2010

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Warrenton Plan Amendment
DLCD File Number 004-09

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Tuesday, February 09, 2010

This amendment was submitted to DLCD for review prior to adoption pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

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

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

Cc: Carol Parker, City of Warrenton
Gloria Gardiner, DLCD Urban Planning Specialist

<paa> YA

FORM 2 Notice of Adoption

DEPT OF

JAN 20 2010

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: Warrenton Local file number: RZ-09-1
Date of Adoption: Dec. 22, 2009 Date Mailed: Jan. 15, 2010
Date original Notice of Proposed Amendment was mailed to DLCD: Sept. 30, 2009

- 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 seven (7) tax lots from Gm/R-10 to RMA Residential Medium Density.
One tax lot was removed from request after notice to DLCD was sent.

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".

One tax lot removed from request.

Plan Map Changed from: N/A to: N/A

Zone Map Changed from: Gm/R-10 to: Rm

Location: T.8, R.10, S.17 & TL 3601+3602, S. 27 & 201, 400, 500, 601+1000 Acres Involved: 115^{+/-}

Specify Density: Previous: 10,000 sqft minimum New: 7500 sqft minimum

Applicable Statewide Planning Goals: 1, 2, 5, 9, 10, 11+14

Was an Exception Adopted? YES NO

DLCD File No.: 004-09 (17864) [15947]

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
Zip Code + 4: 97146 - Email Address: CPARKEE@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. 1143-A

Introduced by Commissioner: **Frank Orrell**

Amending the City of Warrenton Zoning Designation Map to reflect the rezoning of 115+/- acres from Growth Management/Residential-10 (GM/R-10) to Residential Medium Density (RM), known as tax lots 3601 and 3602 in Section 17, and Tax Lots 201, 400, 500, 601, and 1000 in Section 20, Township 8, Range 10. The revisions shall be made to the City of Warrenton's Zoning Designation Map (Exhibit "B") for rezoning of the subject tax lots from Growth Management/Residential-10 (GM/R-10) to Residential Medium Density (RM); and Adopting the Findings of Fact and Conclusions of Law attached as Exhibit "A".

WHEREAS, certain changes are necessary to revise, update and amend the Warrenton Zoning Designation Map; and

WHEREAS, Rod Gramson is the applicant for the rezone and Roderick Gramson, Sand Works, Inc., Cheryl Gramson, and G&G are the property owners of tax lots 3601 and 3602 in Section 17, and tax lots 201, 400, 500, 601, and 1000 in Section 27, Township 8, Range 10.

WHEREAS, the Warrenton City Commission received the Planning Commission's recommendation on this matter, and conducted a public hearing on November 24, 2009. The City Commission closed the public hearing on November 24, 2009; and

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

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

Section 1: The City of Warrenton's Zoning Designation Map is amended as described in Exhibit "B"; and the Rezone is approved as described in Exhibit "A".

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: December 8, 2009

Second Reading: December 22, 2009


ADOPTED by the City Commission of the City of Warrenton, Oregon, this 22nd day of December, 2009.

APPROVED



Mark Kujala, Vice-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’

**ROD GRAMSON REZONE (FILE #RZ-09-01)
FINDINGS OF FACT AND CONCLUSIONS OF LAW STAFF REPORT**

Subject property is located in Township 8, Range 10, Section 17, Tax Lots 3601, and 3602; and Section 20, Tax Lots 201, 400, 500, 601, and 1000.

Applicant's request is to rezone 115 +/- acres from Rural Growth Management/Residential-10 (GM/R-10) to Residential Medium Density (RM) for the purpose of developing the properties at the density of the current zone without having to include wetland areas within the lot areas in order to meet the current minimum lot size. Lots will be oversized that include wetlands.

The above application has been submitted for review and determination pursuant to Warrenton's Development Code Sections 4.1.6 (Type IV Procedure - Legislative and Map Amendments), 4.7 (Land Use District Map and Text Amendments), and Comprehensive Plan, Statewide Planning Goals, and applicable chapters of Oregon Revised Statutes and the Oregon Administrative Rules.

CRITERIA

I. STATEWIDE PLANNING GOALS

A. GOAL 1 - CITIZEN INVOLVEMENT

Findings: Citizen Involvement in Goal 1 is achieved by the review procedures that are established by the City of Warrenton Development Code. Warrenton implements Goal 1 with the public hearings and public notices associated in land use hearings. This application is consistent with this goal as it will run through the adopted City reviews and notifications.

B. Goal 2 - Land Use Planning

Findings: Goal 2 requires the City to establish a land use planning process and policy framework for land use decisions and actions. This amendment is consistent with this goal as the proposed amendment is using the City's established land use process for a rezone.

C. Goal 3 & 4 - Agricultural and Forest Lands

Findings: Not applicable to this request.

D. Goal 5 - Open Space

Findings: Goal 5 is intended to protect natural resources and conserve scenic and historic areas and open spaces. The proposed amendment will not change the City's existing comprehensive Plan or development code measure which protects these resources. All City protections of these resources will continue to be applicable to the subject property; therefore the proposed amendment is consistent with this goal. In addition, the intent of the zone change is to avoid including wetland areas within the lots in order to achieve the minimum lot size of the current zone. With the zone change we will be able to exclude the wetland areas from the lot areas thus achieving a better protection for the natural resources. Some lots will include wetland areas, but these lots are planned to be oversized lots.

E. Goal 6 - Air, Water....

Findings: Goal 6 provides that all waste and process discharges from future development shall not threaten to violate, or violate applicable state and federal environmental quality statutes, rules, and standards. The proposed amendment will not have any effect on the implementation of these requirements. All future development of the parcels will have to adhere all air, waste disposal and water quality protection measures required by the City, state and federal requirements. The proposal is consistent with this goal.

F. Goal 7 - Areas Subject to Natural Hazards

Findings: Goal 7 is intended to protect people and property from natural disasters and hazards. All proposed development areas will not be located in areas subject to flooding. Soils may need to be evaluated prior to any construction. The proposed amendment does not change or limit the City's ability to require future development or to address natural hazards. The proposed amendment is consistent with this goal.

G. Goal 8 - Recreational Needs

Findings: Goal 8 is intended to satisfy the recreational needs of citizens and visitors. The proposed amendment does not affect the City's ability to satisfy these needs.

H. Goal 9 - Economic Development

Findings: Goal 9 is intended to provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens. Under Article 9 in the City's Comprehensive Plan it states, "Future economic prosperity depends in part on wise management of fishing, forestry and scenic resources in the City, County and other coastal locations". The proposed amendment will not have any effect on these resources. The proposed amendment will provide the appropriate amount of residential land due to the fact that a portion of the subject property is encumbered by wetlands.

I. Goal 10 - Housing

Findings: Goal 10 requires the City to provide for the housing needs of the state including providing adequate numbers of housing units at price ranges and rent levels which are in line with the financial capabilities of Oregon households. The City currently has available land for residential development but much of this land is encumbered by wetlands which limits the development potential and increases the development cost which in turn increases the housing costs. The proposed amendment will add the appropriate amount of residential density when considering the amount of area encumbered by wetlands. It will also provide residential areas that are suitable to provide affordable housing to the residents of the City thus complying with the requirements of Goal 10.

J. Goal 11 - Public Facilities and Services

Findings: The proposed amendment site has water, sewer, storm, improved roadways, power, gas, television and cable services available. Upon future development of the site, these facilities will be extended and expanded to support the uses. This is consistent with the Goal 11 requirements.

K. Goal 12 - Transportation

Findings: The proposed amendment should have no additional affect on the existing and future transportation systems as the change to a higher density is only to accommodate for the unusable wetland areas located within the site.

L. Goal 13 - Energy Conservation

Findings: Goal 13 does not establish any requirements that would be applicable to a land use district amendment. The City's requirements to adhere to Goal 13 are not dependant on the zoning designation of the property.

M. Goal 14 - Urbanization

Findings: Goal 14 is intended to provide for the orderly and efficient transition from rural to urban land use to accommodate urban population and urban employment inside urban growth boundaries and to ensure efficient use of land, and to provide for livable communities. The proposed amendment is located within the City limits and the urban growth boundary of the City of Warrenton. No expansion of the City limits or urban growth boundary is requested, therefore the proposed amendment is consistent with Goal 14.

N. Goals 15 (Williamette River Greenway), 16 (Estuarine Resources), 17 (Coastal Shorelands); and 18 (Beaches and Dunes)

Findings: These goals are not applicable.

II. Warrenton Comprehensive Plan

A. Article 2 - Community Development

1. Section 2.300- Policies (2-Urban Development Areas)

Findings: As residential zones are included in these areas, the proposed amendment is consistent with this policy

2. Section 2.320-Urban Development Policies

Findings: The proposed amendment is consistent with this policy as it does not change the City's approach to growth management or the applicability of the City's growth management standards. The site has public facilities available and the requested zoning will ensure that the site will develop at urban densities. Urban development policies (2) and (3) apply to areas outside of the urban growth boundary.

3. Section 2.330-Annexation

Findings: The amendment does not require an annexation request.

B. Article 3 - Land and Water Use

1. Section 3.310-Residential Lands

Findings: The City's policy is to encourage the development of housing needed to accommodate desired growth, and to provide every Warrenton household with the opportunity to obtain a decent affordable home in a suitable neighborhood. The proposed amendment will provide additional residential land consistent with this policy.

2. Section 3.340-Agriculture, Wetlands and Open Space

Findings: Forestry and Agricultural uses are not proposed with this amendment. There are some wetlands within environmentally sensitive drainage corridors within the proposed area. Upon future development, these areas would need to be identified and protected as required by the City's code. Existing City requirements would protect the wetlands and open space areas addressed in this policy even after the amendment is granted; therefore the proposed amendment is consistent with this policy.

C. Article 4 - Natural Features

1. Section 4.310 - Soils

Findings: The applicant understands that upon development the City may require soil surveys to minimize hazards resulting from poor soils. This policy does not conflict with the proposed amendment.

2. Section 4.320 Flood Hazards

Findings: The proposed amendment does not conflict with this policy. All areas subject to flood hazards are regulated by the City's code and also by FEMA.

3. Section 4.330 Drainage and Erosion

Findings: This policy is applicable at the time of subdivision or development but does not conflict with the proposed amendment. Upon future development, drainage and erosion control features will be utilized to adhere with this policy.

4. Section 4.340 Topography

Findings: This policy encourages developments to limit changes in the natural topography upon development. No significant changes to the existing topography are planned in association with this amendment. Therefore, this policy does not conflict with the proposed amendment.

5. Section 4.350 Water Quality

Findings: This policy applies to underground water quality protection. All future development will utilize the City's sewer system. Stormwater infiltration will not be the proposed disposal system for storm water on this site. The proposed amendment is consistent with this policy.

6. Section 4.360 Air Quality and Noise

Findings: These policies can be enforced upon future development of the property. The proposed amendment does not conflict with these policies nor does it prevent the City from enforcing them. The proposed amendment is therefore consistent with this policy.

7. Section 4.370 Fish and Wildlife

Findings: This policy identifies maintaining important fish and wildlife habitat. Future development will be designed to minimize impacts to fish and wildlife habitats. All future development of this site will adhere to the City's codes and policies.

8. Section 4.380 Scenic and Historic Resources

Findings: Portions of this policy that apply to the proposed amendment would require that utility lines be placed underground, that sign sizes shall not be excessive and that archeological sites be protected. Upon development, underground utility lines will be installed consistent with this policy and all signs shall be in accordance with the City's Sign code in the Zoning Code. No archeological sites have been identified on the property. The proposed amendment is consistent with this policy.

9. Section 4.390 Energy Conservation

Findings: The proposed amendments do not conflict with the energy conservation policies presented in this policy.

D. Article 7 - Community Facilities and Services

1. Section 7.320 Water, Sewer and Storm Drainage/flood Control

Findings: This policy is in regards to upgrading public facilities to support the necessary level of service required by residential commercial and industrial uses. The applicant understands that future development of the subject property is dependent on the capacity of the City's existing utility systems and understands that upgrades to these systems may be necessary and that the costs of these upgrades will be the responsibility of the developer. The proposed amendment does not conflict with the requirements of these policies.

E. Article 8 - Transportation

1. Section 8.310 Street Classification

Findings: The site has frontage on Juniper Road. Per page 5-10 of the Warrenton Transportation System Plan, Juniper is classified as a Collector. Juniper is currently improved to City standards. Any additional transportation facility improvements such as an extension of Juniper would be implemented through WDC chapter 3.5.1 which will allow this amendment to conform to the requirements of this policy.

2. Section 8.320 Street Design

Findings: Per this policy, “new or relocated streets will be designed in a manner which meets circulation needs, promotes safety, minimizes damage to the environment, ..., and achieves other objectives of the Warrenton Comprehensive Plan and Transportation System Plan”. Future streets within this proposed plan amendment area would be required to adhere to the requirements of the TSP as well as Chapter 3.5 of the Warrenton Development Code which implements design standards for new streets. All street locations, intersection angles, street grades and horizontal alignments will be in accordance with these standards.

3. Section 8.330 Street Width, Access and Parking Design

Findings: All future street widths will be in conformance with the TSP and Chapter 3.5 of the Warrenton Development Code. A traffic impact study is being conducted by the site to determine if additional street widths or other improvements will be required on the streets abutting the site. Access to ODOT controlled facilities will require an ODOT access permit. Roadway safety and capacity techniques will be preserved through any requirements of the pending traffic impact study for the site. The proposed amendment will conform to the requirements of this policy.

4. Section 8.340 Street and Parking Financing and Improvement

Findings: The applicant understands that all costs associated with the design and construction of all new streets along with any required improvements to existing streets as required by the pending traffic impact study will be the responsibility of the developer. All future streets will be dedicated to the public the proposed amendment is therefore consistent with this policy.

5. Section 8.350 Multi-Mode Transportation

Findings: All future development will be in accordance with this policy and the Warrenton Development Code. Approval of the proposed amendment does not interfere with the City’s ability to implement this policy

III. Warrenton Development Code

A. Chapter 4 - Applications and Review Procedures

1. Section 4.7.3 Quasi-Judicial Amendments

Findings: The narrative addresses all applicable comprehensive plan policies and map designations therefore the amendment is consistent with this criteria. The City conducted a Land Use Inventory and Analysis in 1998 and since that time the City has updated its zoning designations and land use map. This was done without performing a new land use inventory. Since the original inventory in 1998, the original estimate for the projected need of industrial land has been overestimated as very little development of the industrial land has taken place. In comparison, a large percentage of the residential land has been developed. This leaves the City with a lack of residential areas that are suitable to provide affordable housing in accordance with Statewide Goal 10. Although there are large areas that are zoned for residential use, a large percentage of these areas are encumbered by wetlands and other natural resources.

In 2007 the City of Warrenton hired Cogan Owen Cogan, a consulting firm hired to conduct a buildable lands inventory, which was adopted in September of 2007. This study shows the "Residential Medium Density" (RM) zoning district to have a deficit of 30.6 acres, while the need for the next 18 years is 52.3 acres. Rezoning these tax lots will supply the needed 30.6 acres to meet the 52.3 acres, as well as providing a surplus of 84.4 +/- acres of RM zoned acreage.

2. Section 4.7.6 Transportation Planning rule Compliance

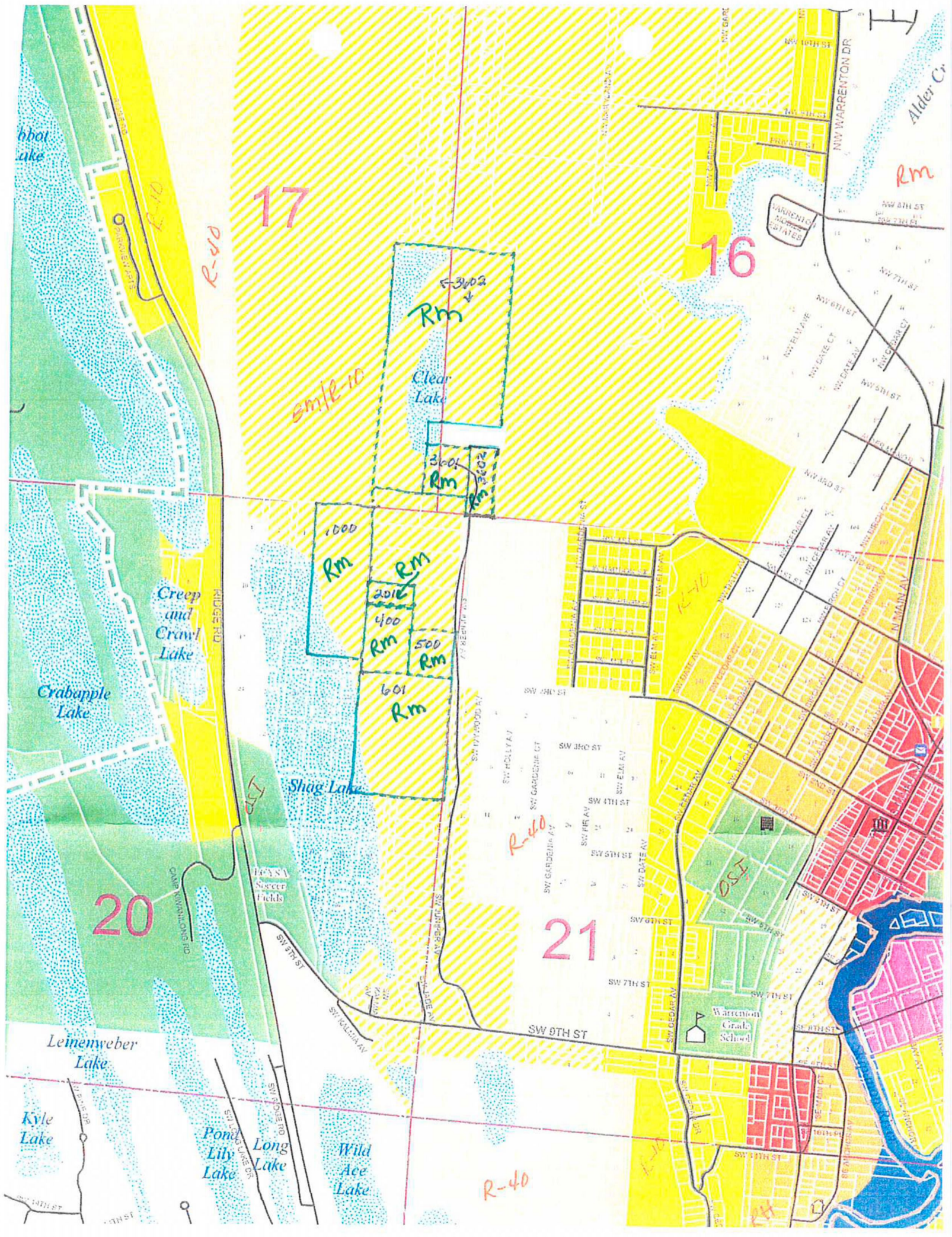
Findings: The proposed zone change would not significantly change the functional classifications of the street. Without the zone change, the applicant would still have the same amount of lots only some of the lots would contain wetland areas. The purpose of the zone change is to allow the applicant to achieve the same densities without using the wetlands as part of the lot areas. For the lots that will include wetland areas, the plan is to make these lots oversized.

The proposed zone change will not change the allowed land uses and is consistent with the planned with the planned function of the transportation facility.

Findings have been made to all pertinent criteria in order to rezone these tax lots. These "findings" are in compliance with the City of Warrenton's Comprehensive Plan and Development Code, Statewide Planning Goals, Oregon Administrative Rules, and Oregon Revised Statutes.

EXHIBIT

‘B’



City of Warrenton
225 S. Main
P.O. Box 250
Warrenton, OR 97146

FIRST CLASS

DLCD

Plan Amendment Specialist
635 Capital Street NE
Suite 150

Salem, OR

97301-2540



Proprietary

049183720187
\$01.560
01/10/2010
Mailbox # 97103
US POSTAGE

5