



Oregon
Theodore R. Kulongoski, 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

11/05/2013

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 002-13

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: Wednesday, November 20, 2013

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 Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Skip Urling, City of Warrenton
Gordon Howard, DLCD Urban Planning Specialist
Patrick Wingard, DLCD Regional Representative

<paa> YA



FORM 2

DLCD

Notice of Adoption

This Form 2 must be mailed to DLCD within **20-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

☐ In person ☐ electronic ☐ mailed

DATE
STAMP

DEPT OF
OCT 31 2013
LAND CONSERVATION
AND DEVELOPMENT
For Office Use Only

Jurisdiction: **City of Warrenton**

Local file number: **RZ 13-1**

Date of Adoption: **10/22/2013**

Date Mailed: **10/30/2013**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☒ Yes ☐ No Date: 6/21/2013

☐ Comprehensive Plan Text Amendment

☐ Comprehensive Plan Map Amendment

☐ Land Use Regulation Amendment

☒ Zoning Map Amendment

☐ New Land Use Regulation

☐ Other:

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

Amend the zoning map in the downtown Warrenton area changing approximately 2 blocks from C-1 General Commercial and R-h High Density Residential to C-MU Mixed Use Commercial.

Does the Adoption differ from proposal? No, no explanation is necessary

Plan Map Changed from:

to:

Zone Map Changed from: **C-1 and RH**

to: **C-MU**

Location: **Central business district**

Acres Involved: **3.7**

Specify Density: Previous: **NA**

New: **NA**

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
☒	☒	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐

Was an Exception Adopted? ☐ YES ☒ NO

Did DLCD receive a Notice of Proposed Amendment...

35-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

DLCD file No. 002-13 (19881) [17666]

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

City of Warrenton

Local Contact: **Skip Urling**

Phone: **(503) 861-0920** Extension: **0**

Address: **PO Box 250**

Fax Number: **503-861-2351**

City: **Warrenton**

Zip: **97146-**

E-mail Address:

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 20 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s)
per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light green paper if available.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

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

9. **Need More Copies?** Please print forms on 8½ -1/2x11 green paper only if available. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail plan.amendments@state.or.us.

6-A

"Making a difference through excellence of service"



CITY OF WARRENTON

AGENDA MEMORANDUM

TO: The Warrenton City Commission
FROM: Skip Urling, Community Development Director 
DATE: October 8, 2013
SUBJ: Public Hearing--RZ-13-1, Downtown Area Mixed Use
Commercial Zoning Expansion

SUMMARY

The city owns the vacant portions of the city block bordered by S Main Court, SW Alder Avenue, SW Second Street and SW Third Street. In conjunction with the Urban Renewal District, the City Commission desires to market the property for development by a private party and would like to have as much flexibility in the future uses as possible. Accordingly, the City Commission directed staff to investigate and, as appropriate, pursue a zone change from the current General Commercial and High Density Residential to Mixed Use Commercial to provide opportunities for a range of development from residential to commercial.

After holding a public hearing July 11th which was continued to August 8, 2013, the Planning Commission acted to recommend that the City Commission rezone the territory between SE 2nd Street and SE 4th Street, between SW Main Court and SW Alder Avenue except for that area that is part of the Quincy Park, from General Commercial and High Density Residential, to Commercial Mixed Use. This decision was based on the findings and conclusions presented in the July 3, 2013 staff report. The authorizing ordinance is attached with the staff report, including maps showing the affected areas, attached to it as Exhibit A.

RECOMMENDATION/SUGGESTED MOTION

*I move to approve the first reading, by title only, of Ordinance No. 1078-A,
and set October 22, 2013 as the date for the second reading and adoption.*

ALTERNATIVE

None recommended

FISCAL IMPACT

Not applicable.

Approved by City Manager:



All supporting documentation, i.e., maps, exhibits, etc., must be attached to this memorandum.

ORDINANCE No. 1182-A

Introduced by All Commissioners

An ordinance amending the City of Warrenton Zoning map to reflect the rezoning of Block 10 of the Warrenton Addition to Astoria in the NW1/4 of the NE1/4 of Section 21, Township 8 North Range 10 West, WM, and Block 17 except for Tax Lot 810211D307700 of the Warrenton Addition to Astoria in the NW1/4 SE1/4 of Section 21, Township 8 North, Range 10 West, WM, to C-MU, Commercial Mixed Use, as illustrated on the drawing titled "Proposed Zoning" attached to the July 3, 2013 staff report to the Planning Commission attached hereto as Exhibit A, and adopting the Findings and Conclusions of that report that were adopted by the Planning Commission.

WHEREAS, the Warrenton City Commission provided direction to investigate the options for reclassifying the commercial zoning of two blocks in the central business district to provide more flexibility for development of city owned property; and

WHEREAS, after the Planning Commission conducted a public hearing on the proposal on July 13, 2013 which it continued to August 8, 2013 and forwarded a recommendation of approval to the City Commission; and

WHEREAS, after the City Commission conducted a public hearing on October 8, 2013, it has determined to adopt the findings and conclusions established by the Planning Commission attached as Exhibit A and approve the rezone.

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

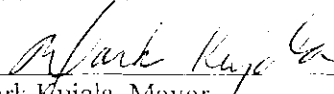
Section 1. The City Zoning Designation Map is amended as illustrated in Exhibit A based on the findings and conclusions referenced above.

Section 2. This ordinance shall become final 30 days after its second reading and adoption.

First Reading: October 8, 2013
Second Reading: October 22, 2013

ADOPTED by the City Commission of the City of Warrenton, Oregon this 22nd day of October, 2013.

APPROVED:


Mark Kujala, Mayor

ATTEST:


Linda Engbretson, City Recorder



CITY OF WARRENTON

July 3, 2013

To: Warrenton Planning Commission

From: Skip Urling, Community Development Director

A handwritten signature in black ink, appearing to be "Skip Urling", is written over the "From:" line.

Re: RZ-13-1, Downtown area Mixed Use Commercial Zoning Expansion

BACKGROUND

The city owns the vacant portions of the city block bordered by S Main Court, SW Alder Avenue, SW Second Street and SW Third Street. In conjunction with the Urban Renewal District, the City Commission desires to market the property for development by a private party and would like to have as much flexibility in the future uses as possible. Accordingly, the City Commission directed staff to investigate and, as appropriate, pursue a zone change from the current General Commercial and High Density Residential to Mixed Use Commercial to provide opportunities for a range of development from residential to commercial.

This proposal is being reviewed pursuant to Warrenton Municipal Code Sections 16.208.060 (Type IV Procedure - Legislative and Map Amendments), 16.232 (Land Use District Map and Text Amendments), Comprehensive Plan (CP), Statewide Planning Goals, Oregon Revised Statutes and the Oregon Administrative Rules. Notice was sent to affected property owners on June 21, 2013 and published in The Columbia Press on June 28, 2013.

FINDINGS

Subject Properties

The subject property consists of the territory described above as well as the block immediately south between 3rd and 4th Streets, less a city owned lot along SW Alder which is a buffer to the city park across the street. A total 32 parcels totaling approximately 3.8 acres is included in this action. Please refer to the two attached maps. A multiple tenant office building is located along the north side of SW 3rd Street, and the remainder of the developed lots is residences, with the exception of one house that has been converted to an office.

Comprehensive Plan

The current edition of *The City of Warrenton Comprehensive Plan* was last amended January 25, 2011. The Comprehensive Plan Map (page 3) was adopted in 2005 and shows the subject and all other land in the central business area as "Urban Development: Other Shorelands. Urban development areas generally have a combination of physical, biological and social/economic characteristics which make them necessary and suited for residential, commercial, industrial, public or semi-public uses. Such areas are either adequately served by public facilities and services or have the potential for such service over the 20 year planning horizon. Other urban shorelands are desirable for a wide range of uses and are located in a wide range of zoning districts outside of specialty areas such as those designated for water dependent industrial use or some form of conservation. Note that the proposed rezone would be an extension of an existing ±16.5 acre C-MU zone to the south of the downtown area.

CP Article 3 addresses Land and Water Use, including buildable lands inventories, future land needs, and policies. Section 3.320 Commercial Lands includes two policies applicable to this action. Policy 1 (c) states:

The purpose of the General Commercial Zone is to allow a broad range of commercial uses providing products and services in the downtown area, the Hammond business district, and along the highway 101 corridor.

Policy 1 (d) states:

The purpose of the Mixed Use Commercial Zone is to strengthen certain established residential areas having frontage on state highways as transition areas between commercial centers and outlying residential areas. The District is intended to support this goal through elements of design and appropriate mixed use development. Mixed-use development features design standards that allow residential and commercial uses to occur simultaneously on the same lot.

CP Table 14 provides a comparison of land supply and the 2027 projected need by zoning district. It is notable that C-1 designation has a surplus of 69.5 acres beyond the projected need while the C-MU has a 1.8 acre deficit. CP Section 3.280 Conclusions recognizes the C-MU deficit and suggests a remedy of rezoning some of the C-1 acreage to C-MU. Last year, the city changed the zoning of approximately 36 acres in Hammond from General Commercial to Commercial Mixed Use which erased the deficit of CMU

acreage. However, it appears that an abundance of land zoned for General Commercial uses remains, and extending an existing CMU district by 3.8 acres will not cause an unbalance.

Compliance with Oregon's Statewide Planning Goals and Related Rules and Statutes

Goal 1, Citizen Involvement

Goal 1 outlines policies and procedures to be used by local governments to ensure that citizens will be involved "in all phases of the planning process."

This proposal for a zoning map amendment is being reviewed in accordance with the acknowledged provisions for citizen involvement in the municipal code. It does not propose any changes to those provisions. This application therefore complies with Goal 1.

Goal 2, Land Use Planning

Goal 2 requires local governments to "establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions."

The proposal and applicable comprehensive land use plan policies is being reviewed by the Planning Commission who will forward a recommendation to the City Commission who will ultimately make a decision on it, which satisfies Goal 2.

Goal 3, Agricultural Lands

Goal 3 deals with conservation of "agricultural lands" as defined in that goal. The goal's provisions are directed toward counties, not cities (such as Warrenton). The goal states, "Agricultural land does not include land within acknowledged urban growth boundaries...." This goal does not apply.

Goal 4, Forest Lands

Goal 4 deals with conservation of "forest lands" as defined in that goal. Details about such conservation are set forth in related administrative rules: OAR Chapter 660,

Division 006. OAR 660-006-0020 states: "Goal 4 does not apply within urban growth boundaries...." This goal does not apply.

Goal 5, Natural Resources, Scenic and Historic Areas, and Open Spaces

The basic aim of Goal 5 is "To protect natural resources and conserve scenic and historic areas and open spaces." Because no such natural resources, scenic and historic areas and open spaces will be affected, this goal does not apply.

Goal 6, Air, Water and Land Resources

Statewide Planning Goal 6 is "to maintain and improve the quality of the air, water and land resources of the state." It deals mainly with control of "waste and process discharges from future development." Because no development is proposed, this goal does not apply.

Goal 7, Areas Subject to Natural Hazards

Statewide Planning Goal 7 is to "to protect people and property from natural hazards." No part of the proposal will affect the city's approved Goal 7 plan, therefore this goal is not applicable.

Goal 8, Recreational Needs

Goal 8 is "to satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts." This goal does not apply.

Goal 9, Economic Development

Goal 9 calls for the provision of adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare and prosperity for Oregon's citizens.

This proposal is to amend the zoning map in the downtown area from one commercial zone that does not permit residential uses outright to another commercial zone that does include such uses as permitted, but which also permits all but six of the uses permitted in the general commercial district. It is the city's desire that the city owned vacant land be

developed for the benefit of the city and redevelopment of the downtown area. The breadth of uses permitted in the CMU district would provide greater flexibility for a potential developer and broaden the market. The existing residential uses would be legitimized, yet they could be converted to commercial uses. The relatively small size of this action will not significantly reduce the economic development opportunities in Warrenton. This goal is satisfied.

Goal 10, Housing

Statewide Planning Goal 10 is “to provide for the housing needs of citizens of the state.” The goal requires cities to assess future need for various housing types and to plan and zone sufficient buildable land to meet those projected needs. The CP buildable lands analysis concluded that there was a deficiency of land designated for medium density residential development. Density standards in the R-M district call for single family detached dwellings on minimum 7,000 square foot lots, and single family attached dwellings on minimum 2,500 square foot lots. The C-MU district allows single family dwellings as permitted uses, with minimum lot sizes ranging from 5,000 square feet for detached dwellings to attached dwellings at 2,500 square feet per unit. Providing for additional medium density residential opportunities, and acknowledging the predominant land use in the subject property as permitted outright, satisfies this goal.

Goal 11, Public Facilities and Services

Goal 11 is “to plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.”

The real estate being considered for this rezone action is dominate by, but not devoted entirely to, residential development. It is in an older portion of the city and the vacant land owned by the city once had single family residences on it which were demolished. Adopting the proposed map amendment would result in all existing residential development being recognized as permitted uses and reduce the potential commercial activities, specifically eliminating from the list of permitted uses the following:

- Auto sales and service
- Boat and marine equipment sales and service
- Building materials sales yards
- Residential homes and care facilities

- Hospitals, medical offices, nursing homes, etc
- Congregate care or assisted living facilities

According to the Public Works Director, the condition and capacity of the city infrastructure serving the area is generally sufficient to meet potential demand of any of the permitted uses in the CMU zoning district. The city is planning to upgrade a 4-inch water main in SW Main Court this summer, and resurface the road this year or in 2014. This goal is satisfied.

Goal 12, Transportation

Goal 12 is “to provide and encourage a safe, convenient and economic transportation system.”

As discussed under Goal 11 above, the proposed change in zoning would result in removing six commercial uses from the list of activities permitted outright in the subject territory, and the addition of residential uses at all densities permitted elsewhere in the city. A review of the 7th Edition of the Institute of Traffic Engineers Trip Generation manual reveals single family dwellings generate an average of 9.57 trips per day and low-rise apartments generate an average of 6.59 trips per day per unit. By comparison, (new) automobile sales sites generate an average 33.34 daily trips per 1,000 square feet of gross floor area; building materials yards average 45.16 daily trips per 1,000 square feet of floor area, congregate care facilities average 6.10 daily trips per 1,000 square feet of floor area, hospitals average 17.57 daily trips per 1,000 square feet of floor area, and medical offices average 36.13 daily trips per 1,000 square feet of floor area. No data was available for boat sales and service.

Based on these numbers, the potential traffic that could be generated under the proposed C-MU zoning would be less than that under the existing C-1 zoning district, and cumulatively, the small area of high density residential. This goal is satisfied.

Goal 13, Energy

Goal 13 is simply “to conserve energy.”

This application for a plan and zoning map amendment would not affect the plan provisions for energy conservation. Any development within the boundaries of the subject property after the proposed rezoning would be subject to those provisions and to all applicable state and federal requirements for energy conservation. This application therefore complies with Goal 13.

Goal 14, Urbanization

Goal 14 is “to provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.”

The subject property is located in the central area of Warrenton, and is surrounded by different types of urban development. The ultimate goal of developing the city owned property will be advanced with the additional flexibility offered by the change in permitted uses in the CMU zone, and facilitate development of this property for urban uses. The proposal satisfies this goal.

Goal 15, Willamette River Greenway

Goal 15 deals with lands adjoining the Willamette River and does not apply to this proposal.

Goal 16, Estuarine Resources

Goal 16 is “to recognize and protect the unique environmental, economic, and social values of each estuary and associated wetlands; and to protect, maintain, where appropriate develop, and where appropriate restore the long-term environmental, economic, and social values, diversity and benefits of Oregon's estuaries.” Because the subject property does not exhibit any natural estuarine characteristics, this goal does not apply.

Goal 17, Coastal Shorelands

Goal 17 aims “to conserve, protect, where appropriate, develop and where appropriate restore the resources and benefits of all coastal shorelands, recognizing their value for protection and maintenance of water quality, fish and wildlife habitat, water-dependent

uses, economic resources and recreation and aesthetics.” Because the subject property is not a coastal shoreland per se, this goal does not apply.

Goal 18, Beaches and Dunes

Goal 18 says that “coastal areas subject to this goal shall include beaches, active dune forms, recently stabilized dune forms, older stabilized dune forms and interdune forms.” No such land forms exist within the subject property and this goal does not apply.

Goal 19, Ocean Resources

Goal 19 deals with management of resources in Oregon’s territorial sea (the waters bordering the state’s coastline). No part of the subject property lies within or next to the territorial sea. Goal 19 thus does not apply to this application.

CONCLUSIONS

The comprehensive plan states that the “*purpose of the Mixed Use Commercial Zone is to strengthen certain established residential areas having frontage on state highways as transition areas between commercial centers and outlying residential areas.*” The proposal is to extend an existing CMU zoning district which matches this descriptor to an area the city has great interest in being redeveloped. Adding approximately 3.8 acres to this zone along the Highway 104 will expand the list of potential uses on city owned property on which redevelopment will add to the tax base, certainly add at least temporary construction jobs in the event it is developed for some type of residential use, and potentially add employment opportunities if it is developed for commercial use.

The plan also identifies a surplus of land designated for general commercial uses, and recommends increasing the area for mixed use commercial. Amending the zoning map in central Warrenton by slightly expanding the existing Commercial Mixed Use would continue to provide opportunity for commercial activities and job creation, albeit more focused on those activities that more oriented to tourism trade and transitional areas. The proposal also is consistent with the applicable state land use goals. This rezone warrants approval.

Recommended Motion:

“Based on the findings and conclusions of the July 3, 2013 staff report, I move to forward a recommendation to the City Commission to approve rezoning two blocks between city hall and the city park from C-1, General Commercial and R-H, High Density Residential to C-MU, Commercial Mixed Use.

EXISTING CMU ZONING

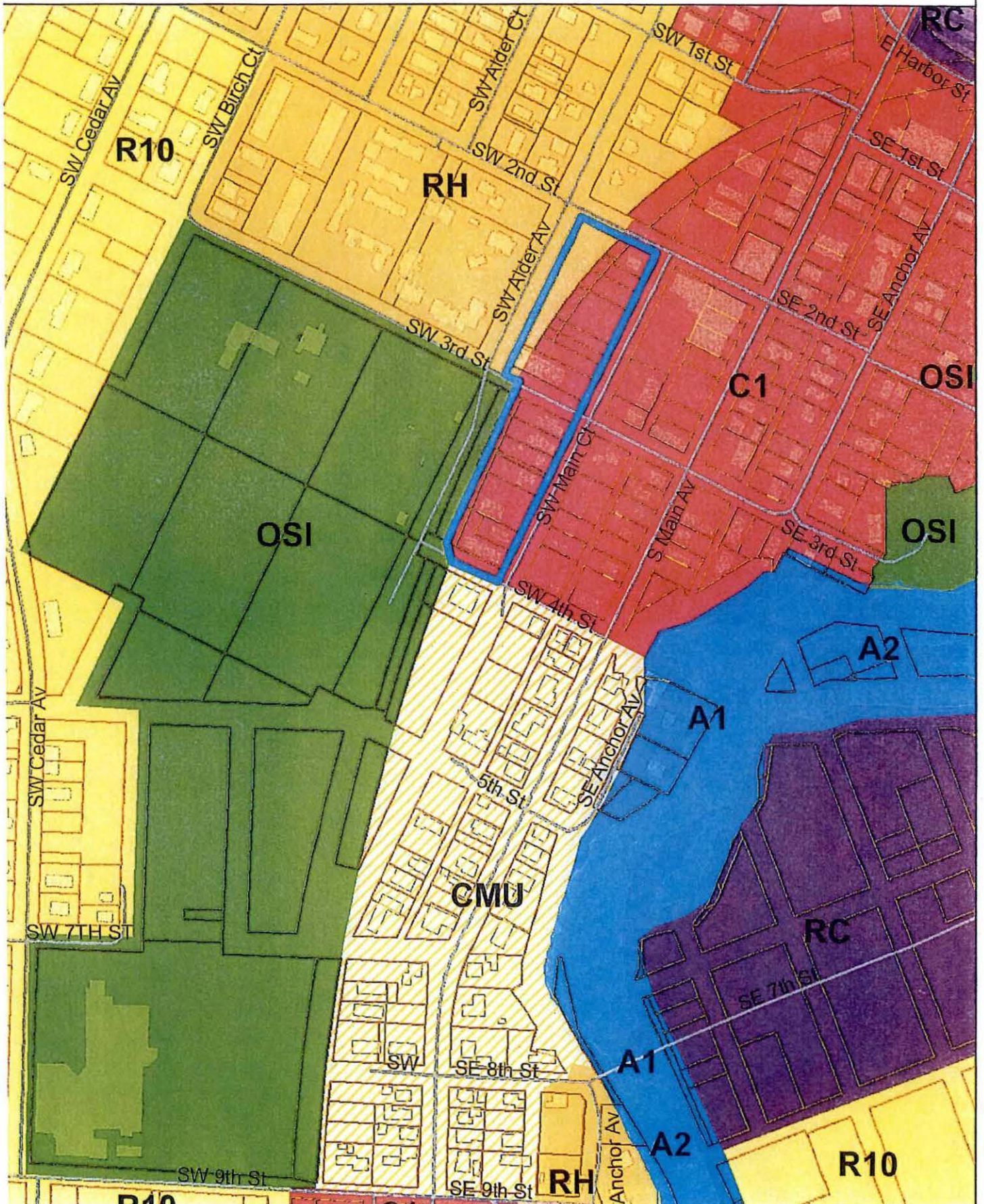


Expanded
CMU Zone

CITY OF
WARRENTON



GIS



PROPOSED CMU ZONING

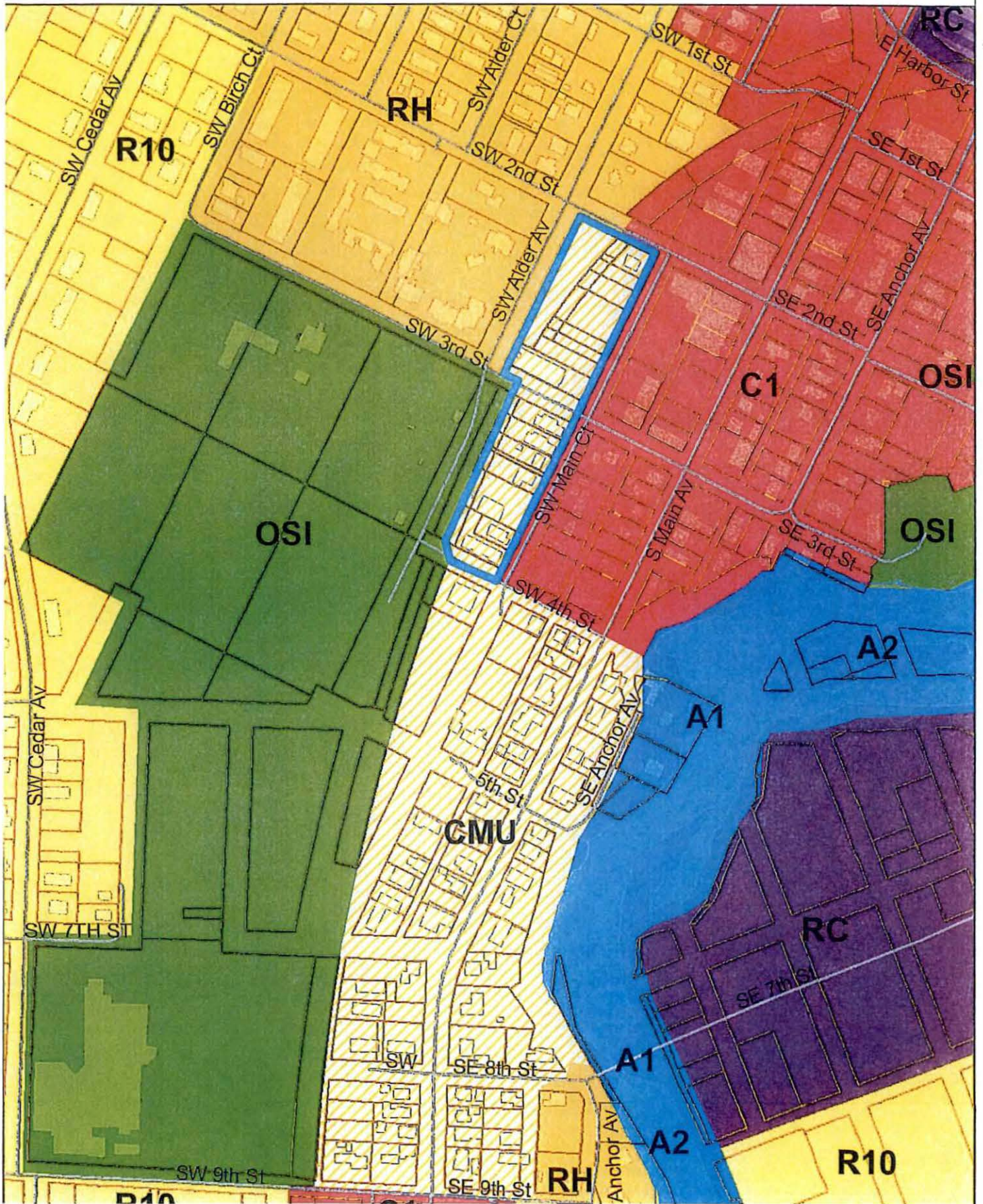


Expanded
CMU Zone

CITY OF
WARRENTON



GIS

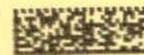




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LAND CONSERVATION
AND DEVELOPMENT

CITY OF WARRENTON

P.O. BOX 250
WARRENTON, OR 97146

Attn: Plan Amendment Specialist
Dept. of Land Conservation & Development
635 Capitol St. NE Suite 150
Salem, OR 97301-2540