



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2524

Phone: (503) 373-0050

First Floor/Coastal Fax: (503) 378-6033

Second Floor/Director's Office Fax: (503) 378-5518

Third Floor/Measure 37 Fax: (503) 378-5318

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

NOTICE OF ADOPTED AMENDMENT

November 30, 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 003-06



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

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: December 12, 2006

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

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

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

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

<paa> ya



2 Notice of Adoption

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

DATE
STAMP

DEPT OF
NOV 22 2006
LAND CONSERVATION
AND DEVELOPMENT

For DLCD Use Only

Jurisdiction: City of Warrenton Local file number: RZ-06-9
Date of Adoption: 11-16-06 Date Mailed: _____
Date original Notice of Proposed Amendment was mailed to DLCD: 8-17-06

- | | |
|--|--|
| <input type="checkbox"/> Comprehensive Plan Text Amendment | <input checked="" type="checkbox"/> Comprehensive Plan Map Amendment |
| <input type="checkbox"/> Land Use Regulation Amendment | <input checked="" type="checkbox"/> Zoning Map Amendment |
| <input type="checkbox"/> New Land Use Regulation | <input type="checkbox"/> Other: _____ |

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

Rezoned property from industrial to residential.

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

SAME

Plan Map Changed from: ESWD to: Other Urban Shorelands
Zone Map Changed from: I-2 to: Rm
Location: T.8, R.10, S.09B, TL 2500 Acres Involved: 1.20
Specify Density: Previous: N/A New: 10,000 sqft
Applicable Statewide Planning Goals: 1-19
Was and Exception Adopted? YES NO

DLCD File No.: 003-06 (15480)

ORDINANCE No. 1100-A

Introduced by Commissioner:

Amending the City of Warrenton Comprehensive Plan Map, and the Zoning designation map to reflect the rezoning of tax lot 2500 in Section 09B in Township 8, Range 10. The revisions shall be made to: (1) Comprehensive Plan Map designation (Exhibit "B") on the subject property from ESWD to Other Urban Shorelands; and (2) Zoning map designation (Exhibit "C") for the subject property from Water-dependent Industrial Shorelands (I-2) to Medium Density Residential (RM); and Adopting the Findings of Fact and Conclusions of Law attached as Exhibit "A".

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

WHEREAS, Marie Gann owns tax lot 2500 in Section 09B in Township 8, Range 10.

WHEREAS, the Warrenton City Commission received the Planning Commission's recommendation on this matter, and conducted a public hearing on October 10, 2006 and closed the public hearing on that date; and

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

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

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

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

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

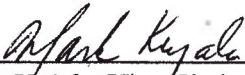
Section 4: If any article, section, subsection, phrase, clause, sentence or word in this ordinance shall, for any reason, be held invalid or unconstitutional by a court of competent jurisdiction, it shall not nullify the remainder of the ordinance but shall be confined to the article, section, subdivision,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

First Reading: October 24, 2006

Second Reading: November 16, 2006

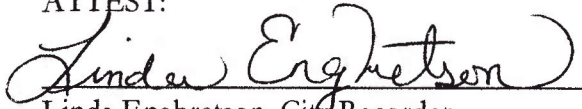
ADOPTED by the City Commission of the City of Warrenton, Oregon, this 16th day of November, 2006.

APPROVED



Mark Kujala, Vice-Chair

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'

GANN REZONE (FILE #RZ-06-9)
FINDINGS OF FACT AND CONCLUSIONS OF LAW STAFF REPORT

Property is located in Township 8, Range 10, Section 09B, Tax Lots 2500; with 1.20 +/- acres and is currently vacant.

Applicant's request is to rezone the 1.20 acres from Water Dependent Industrial (I-2) to Medium Density Residential (RM); and Amend the Comprehensive Plan Map designation from ESWD to Other Urban Shorelands

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 4.13 (Traffic Impact Study), Comprehensive Plan, Statewide Planning Goals, Oregon Revised Statutes and the Oregon Administrative Rules.

A. Comprehensive Plan

1. Comprehensive Plan Section 2.320

FINDINGS: Proposed amendments do not change the city's approach to growth management; nor do they change the applicability of growth management standards. The subject property is currently zoned I-2 with no frontage to the Columbia River or any other water body, which is the part of the classification for the I-2 zoning district. The RM zone is appropriate for the subject tax lot because: (1) similar property to the north has recently been rezoned to RM; (2) land in the RM zone is intended to accommodate a variety of housing types; and (3) land in the RM zone should be located where community services and adequate access are available. Public services are available to the subject properties, including an adjacent neighborhood park, water, sewer, schools, the proposed waterfront trail, and streets.

2. Comprehensive Plan Section 3.310

FINDINGS: For these reasons the City should find this proposal consistent with Policy .

3. Comprehensive Plan Section 3.320(1) through 3.320(5)

FINDINGS: Is not applicable to this proposal.

4. Comprehensive Plan Section 3.330

FINDINGS: The subject property lacks characteristics that contribute to suitability for water-dependent development in the I-2 zone: (1) this tax lot does not abut the Columbia River or any other water body, and there are other tax lots as well as a state highway (Warrenton Drive) between the subject tax lot and the Columbia River; (2) supporting land transportation facilities are not available at the site; (3) there is no potential for aquaculture activity occurring on these subject tax lots. For these reasons the city should find the subject tax lot is poorly suited for the I-2 zone.

5. Comprehensive Plan Section 3.340

FINDINGS: Proposed amendments do not conflict with this policy.

6. Comprehensive Plan Section 4.310 - 4.390

FINDINGS: This rezone request does not conflict with the adopted Comprehensive Plan for the City of Warrenton. These sections of the Comprehensive Plan are not applicable to this rezone request.

B. Warrenton Development Code Chapter 4.7:

FINDINGS: This proposal includes a comprehensive plan map amendment, changing the ESWD plan map designation to "Other Urban Shorelands" designation. OAR 660-37 provides a mechanism for removing the ESWD designation from property. In general, the subject property is poorly suited for the ESWD comprehensive Plan designation because: (1) the subject property lacks direct water frontage; (2) the subject property covers about 1.20 acres, which is too small for most of the uses allowed in the Water-dependent industrial zone (I-2). Many of the marine industrial uses listed in the I-2 zone require substantial land areas for storing cargo. Based on this information, the City can conclude that the proposed amendments are consistent with the policies in Section 2.310 of the City's Comprehensive Plan.

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

C. STATEWIDE PLANNING GOALS

i. GOAL #1: **FINDINGS:** The proposed amendments do not change Warrenton's citizen involvement policies, implementing ordinances, or procedures.

ii. GOAL #2: **FINDINGS:** They comply with the Statewide Planning Goals, and because they amend the City's planning documents in an internally consistent manner.

iii. GOAL #3: **FINDINGS:** Goal 3 is not applicable.

iv. GOAL #4: **FINDINGS:** Goal 4 is not applicable.

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

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

vii. **GOAL #7: FINDINGS:** The proposed amendments do not alter the City's procedures or requirements for addressing soil conditions.

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

ix. **GOAL #9: FINDINGS:** The proposal does not alter the City's inventory of buildable commercial land. The proposal does not change the City's inventory of buildable land available for economic development purposes except with respect to the uses allowed in the I-2 zone, and only with respect to the 1.20 acre site. The amendments add to the City's buildable land inventory of land available for housing. The proposal is consistent with Statewide Planning Goal 9.

x. **GOAL #10: FINDINGS:** The proposed amendments add approximately 1.20 acres of land to the City's inventory of buildable housing sites. Because of this, the proposal is consistent with Statewide Planning Goal 10.

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

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

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

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

xv. GOAL #15: **FINDINGS:** Goal 15 is not applicable.

xvi. GOAL #16: **FINDINGS:** This goal is not applicable to this request because of the distance the property is from the Columbia River.

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

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

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

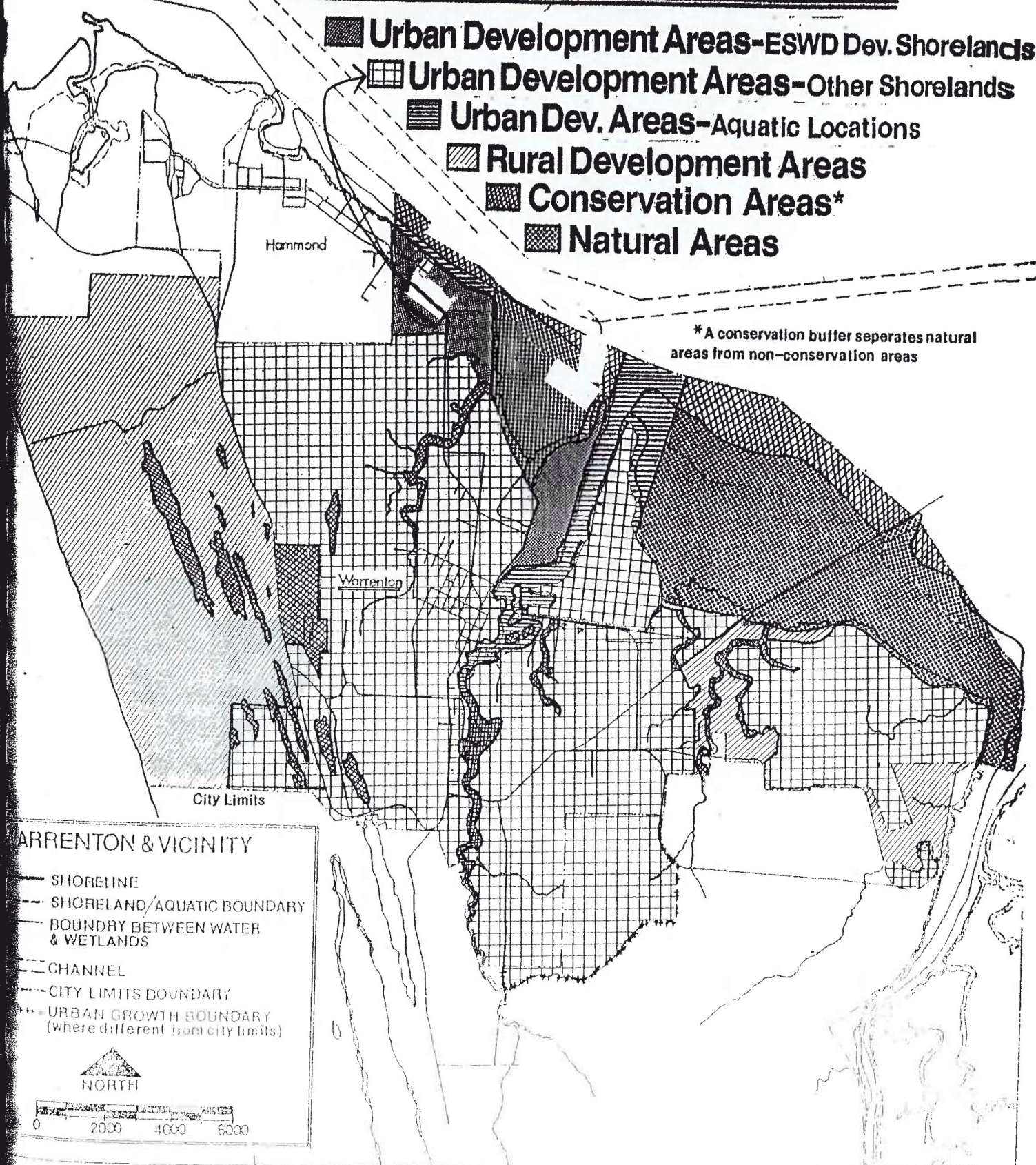
Findings have been made to all pertinent criteria in order to rezone this tax lot. These “findings” are in compliance with the City of Warrenton’s Comprehensive Plan, Statewide Planning Goals, Oregon Administrative Rules, and Oregon Revised Statutes.

EXHIBIT 'B'







General Land & Water Use Areas


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

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



WARRENTON & VICINITY

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


NORTH

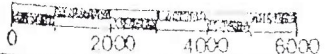
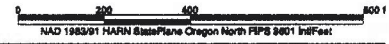

0 2000 4000 6000

EXHIBIT 'C'

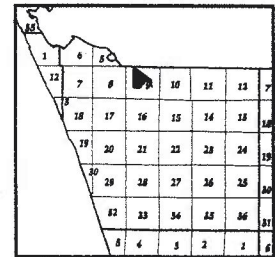
T8N R10W SEC 9B WM
CLATSOP COUNTY
Scale 1:2400



NAD 1983/91 HARN StatePlane Oregon North FIPS 9801 IntFeet

Cancelle Account

101A1
1200
1703
400
501
502
902



July 10, 2006



This map was prepared for assessment purposes only using Clatsop County data. The data is maintained by Clatsop County to support its governmental activities. Clatsop County is not responsible for any map errors, possible omissions, or misinterpretations.

8.10.9E

"Making a difference through excellence of service"



CITY OF WARRENTON

MEMO

TO : Mayor Gramson
City Commission Members

FROM : Carol Parker, Planning Director

DATE : September 29, 2006

RE : Gann Rezone Application (RZ-06-9)

*cc
1st Reading
10-24-06*

On September 13, 2006 the Planning Commission voted unanimously to recommend approval of this rezone application. The property owner is seeking to rezone their tax lot from I-2 (Water-Dependent Industrial) to RM (Medium Density Residential).

The Comprehensive Plan Map will also be rezoned for this tax lot from Especially Suited Water-Dependent to Other Urban Shorelands.

The total acreage for this tax lot is 1.20 +/- acres and is vacant.

Staff report is attached to this memo.

c: Ed Madere, City Manager
file