



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

05/12/2009

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 002-08

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, May 26, 2009

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> N

2 Notice of Adoption

DEPT OF

MAY 05 2009

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: DLR-08-2
Date of Adoption: April 28, 2009 Date Mailed: May 4, 2009
Date original Notice of Proposed Amendment was mailed to DLCD: Dec. 18, 2008

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

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

Allow "Park host" as a permitted use in the
Open Space Institutional (OSI), Recreation Commercial (RC),
Marine Commercial C-25.

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: N/A to: N/A
Zone Map Changed from: N/A to: N/A
Location: N/A Acres Involved: N/A
Specify Density: Previous: _____ New: N/A

Applicable Statewide Planning Goals: 1, 2, 5 & 8

Was an Exception Adopted? YES NO

DLCD File No.: 002-08 (17292) [15514]

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: 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. 1129-A
Introduced by All Commissioners

Amending the City of Warrenton's Development Code Sections 1.3 (Definitions), 2.7.110 and 2.7.130 (C-2 Zoning District), 2.8.110 and 2.8.130 (OSI Zoning District), and 2.9.110 and 2.9.130 (RC Zoning District). Revised language is attached as Exhibit "A".

WHEREAS, certain changes are necessary to revise, update and amend the Warrenton's Development Code in order to comply with Statewide Planning Goals, Oregon Administrative Rules, and Oregon Revised Statutes; and

WHEREAS, the Warrenton City Commission received the Planning Commission's recommendation on this matter, and conducted a public hearing on March 24, 2009 and closed the public hearing on that date; and

WHEREAS, the Warrenton City Commission has determined to approve these revisions to the Development Code as described in Exhibit "A" which will amend the afore-mentioned sections of the Development Code.

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

Section 1: The City of Warrenton's Development Code (Exhibit "A") is amended as described in the attached exhibit.

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.

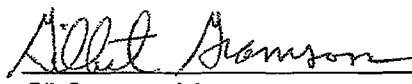
Section 4: If any article, section, subsection, phrase, clause, sentence or word in this ordinance shall, for any reason, be held invalid or unconstitutional by a court of competent jurisdiction, it shall not nullify the remainder of the ordinance but shall be confined to the article, section, subdivision,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

First Reading: April 14, 2009

Second Reading: April 28, 2009

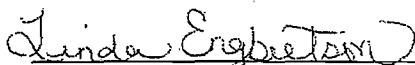
ADOPTED by the City Commission of the City of Warrenton, Oregon, this 28th day of April, 2009.

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

Overlay zone/district - Overlay zones provide regulations that address specific subjects that may be applicable in more than one land use district. See also Sections 2.18 through 2.23.

Owner - One who possesses title in property, or to whom property belongs with the requisite intent to own. This definition includes an authorized agent of the owner.

Parcel - A parcel is a single unit of land that is created by a partitioning of land.

Park Host - An approved RV site for a "park host" in a designated area of the city's dedicated parks, and the Hammond and Warrenton Marinas.

Parking lot perimeter - The boundary of a parking lot area which usually contains a landscaped buffer area.

Parking Space - An enclosed or unenclosed surfaced area, exclusive of maneuvering and access area, permanently reserved for the temporary storage of one motor vehicle, and connected with a street, driveway or alley which affords ingress and egress for motor vehicles.

Parking vs. Storage - Parking is the area used for leaving motor vehicles for a temporary time. Storage is to place or leave in a location for maintenance, repair, sale, rental, or future use.

Partition land - To divide land into two or three parcels within a calendar year, but does not include:

(a) A division of land resulting from a lien foreclosure, foreclosure of a recorded contract for the sale of real property or the creation of cemetery lots;

(b) Any adjustment of a property line by the relocation of a common boundary where an additional unit of land is not created and where the existing unit of land reduced in size by the adjustment complies with any applicable provision of this Code;

(c) The division of land resulting from the recording of a subdivision or condominium plat;

(d) A sale or grant by a person to a public agency or public body for state highway, county road, city street or other right of way purposes provided that such road or right of way complies with the applicable comprehensive plan and ORS 215.213 (2)(p) to (r) and 215.283 (2)(q) to (s). However, any property divided by the sale or grant of property

6. Cold storage, ice manufacturing
 7. Warehousing or storage for marine equipment or seafood
 8. Charter fishing services
 9. Seafood processing.
- B. Navigation aids.
- C. Repair and maintenance of existing structures or facilities.
- D. Land falls and access corridors for submerged cable, sewer line, water line or other pipeline crossing.
- E. New dikes limited to those in conjunction with uses permitted in the C-2 Zone.
- F. Storm water or waste-water outfall.
- G. Structural shoreline stabilization.
- H. Water-dependent portions of an aquaculture facility.
- I. Public utility structure.
- J. Marine research and education facility.
- K. Excavation to create new water surface area.
- L. Public access improvements, as specified in public access plans.
- M. Land transportation facilities and improvements.
- N. Passive restoration facilities.
- O. Communication facilities.
- P. Park host (one site) is an ancillary use for water-dependent commercial uses within the Warrenton Marina only, and located on a city approved RV site. Subject to provisions of Section 2.7.130.P. Also, see Definitions.
- Q. Similar uses as those listed in this section.

P. The City of Warrenton shall provide the Park Host RV site, within the Warrenton Marina, connections to utilities (city water and sewer, and electricity). Length of stay per host shall not exceed 6 months in a calendar year, and shall be in a state licensed RV.

Chapter 2.8 — Open Space and Institutional (OSI) District

Sections:

2.8.100	Purpose
2.8.110	Permitted Uses
2.8.120	Conditional Uses
2.8.130	Development Standards

2.8.100 Purpose - 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. This zone includes those areas that were in Hammond's Recreation & Open Space Zone.

2.8.110 Permitted Uses - The following uses and activities and their accessory uses and activities are permitted in the OSI Zone if the Planning Director determines that the uses conform to the standards of Section 2.8.130, applicable Development Code standards, and other City laws:

- A. Maintenance and repair of existing facilities.
- B. Uses and activities allowed under the applicable City-approved management plan for the facility.
- C. Replacement and repair of existing public recreational park facilities or construction of minor betterment and improvements to existing park facilities which do not cause an increase in overall visitor capacity or have significant land use impacts (e.g., shelter, restrooms, replacement or repair of existing roads and parking spaces).
- D. Outdoor recreation.
- E. Temporary uses subject to the provisions of Chapter 4.9.
- F. Government buildings and uses.
- G. Transportation facilities and improvements subject to the standards of Section 2.0.4.
- H. Park host (one site) for dedicated city parks and located in an approved RV site. Subject to provisions of Section 2.8.130.J. Also, see Definitions.

J. The City of Warrenton shall provide the Park Host RV site, within a dedicated city park, connections to utilities (city water and sewer, and electricity). Length of stay per host shall not exceed 6 months in a calendar year, and shall be in a state licensed RV.

3. Retail trade facilities used for the sale of products such as ice, bait, tackle, charts, groceries and gasoline;
 4. Cold storage facility;
 5. Warehousing and/or other storage areas for marine equipment;
 6. Charter fishing office;
 7. Sports fish cleaning establishment.
- I. Landfalls and access corridors for submerged cable, sewer line, water line or other pipeline crossing.
 - J. Dredged material disposal.
 - K. Excavation to create new water surface area.
 - L. Beach nourishment at a designated site.
 - M. Transportation facilities and improvements subject to the standards of Section 2.0.4.
 - N. Park host is an ancillary use for water-dependent commercial uses within the Hammond and Warrenton Marinas only. There shall be one host site located on an approved RV site for each marina. Subject to provisions of Section 2.9.130.O. Also, see Definitions.

2.9.120 Conditional Uses - The following uses and activities and their accessory uses and activities may be permitted in the RC Zone when approved under Chapter 4.4, and subject to the provisions in Section 2.9.130, Development Standards:

- A. Water-dependent recreation.
- B. Storm water and waste water outfall; tidegates
- C. Public utility structures.
- D. Communication facilities subject to the standards of Chapter 3.8.
- E. Marine research and/or education establishment.
- F. Restaurants.

3. Such nonwater-dependent uses shall not interfere with the conduct of the water-dependent use.

N. Standards for approval of a temporary use: Temporary nonwater-dependent uses that involve minimal capital investment and no permanent structures may be allowed. The intent of allowing such uses is to avoid posing a significant economic obstacle to attracting water-dependent uses. Tools for implementing this approach include "vacate" clauses in leases on public lands, as well as requiring "vacate" clauses for land use approvals involving leasing of private lands.

O. The City of Warrenton shall provide the Park Host RV site, within the Hammond & Warrenton Marinas, connections to utilities (city water and sewer, and electricity). Length of stay per host shall not exceed 6 months in a calendar year, and shall be in a state licensed RV.

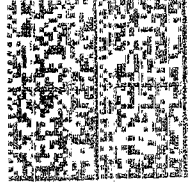
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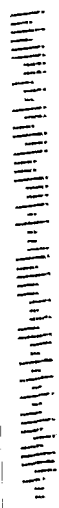
05/04/2009

Mailed From 97103

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Salem, OR 97146

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

FIRST CLASS