



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

05/04/2012

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 002-11

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: Friday, May 18, 2012

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
Matt Spangler, DLCD Regional Representative
Angela Lazarean, DLCD Urban Planner

<paa> YA



FORM 2

DLCD

Notice of Adoption

This Form 2 must be mailed to DLCD within **5-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
S
T
A
M
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DEPT OF

APR 30 2012

LAND CONSERVATION
AND DEVELOPMENT
For Office Use Only

Jurisdiction: **City of Warrenton**

Local file number: **CP-11-1**

Date of Adoption: **4/24/2012**

Date Mailed: **4/27/2012**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 11/23/2011

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other: **LWI map**

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

Amend LWI to redesignate Wetland O G-27,28-7 from significant to non-significant.

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

Plan Map Changed from: **LWI significant**

to: **LWI non-significant.**

Zone Map Changed from:

to:

Location: **81027C**

Acres Involved: **0**

Specify Density: Previous:

New:

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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. 002-11 (19071) [17022]

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

City of Warrenton only

Local Contact: Skip Urling

Phone: (503) 861-0920 Extension:

Address: City of Warrenton PO BOx 250

Fax Number: 503-861-2351

City: Warrenton OR Zip: 97146-0250

E-mail Address:

cityplanner@ci.warrenton.or.us

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 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.

<http://www.oregon.gov/LCD/forms.shtml>

Updated December 30, 2011

"Making a difference through excellence of service"



CITY OF WARRENTON

DEPT OF

APR 30 2012

LAND CONSERVATION
AND DEVELOPMENT

April 27, 2012

Plan Amendment Specialist
DLCD
635 Capital Street, Suite 150
Salem OR 97301-2540

Re: Peaks View LLC LWI wetland re-designation

Attached is the Green Form No. 2 and a copy of the adopted ordinance and supporting findings of fact, and copies of the LWI map illustrating the pertinent wetland.

Please contact me if you have questions or need additional information.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Skip Urling". The signature is fluid and cursive, with a large initial "S" and "U".

Skip Urling
Community Development Director

Enclosures

Cc: Steven L. Pfeiffer

ORDINANCE No. 1166-A
Introduced by Commissioner: Frank Orrell

Amending the City of Warrenton Comprehensive Plan, to revise the designation of a wetland identified on the Local Wetland Inventory ("LWI") from "significant " to "non-significant" and Adopting the Findings of Fact and Conclusions of Law, attached as Exhibit "A". The subject area is identified as wetland O G-27, 28-7 in the adopted LWI, which is an element of the City's adopted Comprehensive Plan.

WHEREAS, certain changes are necessary to revise, update and amend the Warrenton Comprehensive Plan, and LWI; and

WHEREAS, the Warrenton City Commission received the Planning Commission's recommendation on this matter, and conducted a public hearing on April 10, 2012 and closed the public hearing on that date; and

WHEREAS, the Warrenton City Commission has determined to approve this requested amendment to the LWI and adopt the Findings of Fact and Conclusions of Law described in Exhibit "A", which will amend the Comprehensive Plan as described in Exhibit "A" (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 and LWI are amended as described in the attached exhibits.

Section 2: This ordinance shall become a final land use decision upon its initial reading first in full and then by title only, adoption, and its signing by the Mayor.

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

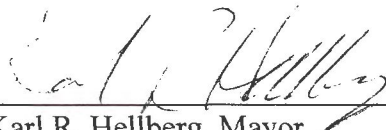
Section 4: If any article, section, subsection, phrase, clause, sentence or word in this ordinance shall, for any reason, be held invalid or unconstitutional by a court of competent jurisdiction, it shall not nullify the remainder of the ordinance but shall be confined to the article, section, subdivision,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

First Reading, in full: 4/24/12

Second Reading, by title: 4/24/12

ADOPTED by the City Commission of the City of Warrenton, Oregon, this 24th day of April, 2012.

APPROVED



Karl R. Hellberg, 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:

27 April 2012

Exhibit A

**DECISION OF CITY COMMISSION
OF CITY OF WARRENTON**

File Number: CP-11-1

Applicant: Peaks View LLC

Representatives: Steven L. Pfeiffer
Perkins Coie LLP
1120 NW Couch St., 10th Floor
Portland, OR 97209-4128

Steffanie Taylor
Ecological Land Services, Inc.
1157 Third Ave., Suite 220
Longview, WA 98632

Request: The applicant has requested an amendment to the designation of a 0.37 acre wetland on the City's Local Wetland Inventory ("LWI") from "significant" to "non-significant." Since the LWI is an element of the City adopted Comprehensive Plan, the request requires a post-acknowledgement amendment to the Comprehensive Pan.

I. APPLICABLE STANDARDS AND CRITERIA:

Applicable regulations for this application include the procedures, standards and criteria set forth in Warrenton Development Code ("WDC") Chapter 4.7, Amendment to Comprehensive Plan and map, WDC Section 3.10.600 Wetland Significance Determination Amendment Procedure, WDC Section 4.1.600 Type IV Procedure (Legislative and Map Amendments) and applicable provisions of Statewide Planning Goals 5 and 12.

II. FINDINGS OF FACT.

- A. **LOCATION:** The subject wetland area is limited within the North Coast Business Park and is in the vicinity of the intersection of U.S. Highway 101 and S.E. Ensign Lane. The property is identified on Clatsop County Assessor's maps as tax lots 81027C00710 and 81027C007200.
- B. **ZONING:** The subject property is designated c-1, General Commercial.

- C. **PROCEDURAL HISTORY:** Application was submitted October 21, 2011 and deemed complete November 14, 2011. Notice to the state Department of Land Conservation and Development was sent November 23, 2011, and the Department of State Lands ("DSL") and Department of Fish and Wildlife November 28, 2011 with a tentative Planning Commission public hearing date of January 12, 2012. On December 9, 2011 the applicant requested that the hearing be placed on hold pending submittal and action on a wetland hardship variance application. Public notice of a hearing before the Planning Commission on March 8, 2012 was sent to adjacent property owners February 17, 2012 and published in *The Columbia Press* February 24, 2012. At such hearing, oral and written testimony was received and the Commission, upon closing of the hearing, voted to recommend approval of the subject request to the City Commission.

Following public notice, the City Commission held a public hearing on April 10, 2012, and public testimony was received. Following closing of the public hearing, the Commission made a tentative decision to approve the application, subject to the preparation of written findings and conclusions of law and an implementing ordinance.

III. FINDINGS AND CONCLUSIONS.

1. The Commission hereby incorporates and adopts by reference, in their entirety, the Staff Report and Recommendation to the Planning Commission dated March 1, 2012 as its own findings of fact and conclusions of law in support of this decision. In the event of a conflict between this incorporated document and these findings and conclusions, these findings and conclusions shall prevail.
2. In addition to the above-referenced findings of fact and conclusions of law, the Commission hereby adopts the following supplemental findings:
 - A. Procedural Objection: At the Planning Commission hearing on March 8, 2012, Sara Meyer requested that the Commission leave the written record open for further testimony, which the Commission declined to do. By letter to the Planning Director dated March 14, 2012, Ms. Meyer objected to the Commission's decision as contrary to state law and requested reopening of the record before the Planning Commission, or, in the alternative, postponement of the then unscheduled subsequent hearing on the application before the City Commission.

Subsequent to this request, a public hearing before the City Commission was held on April 10, 2012. Ms. Meyer presented oral testimony at this public hearing. Ms. Meyer did not indicate that her substantive or procedural rights including adequate opportunity to prepare for and present testimony were prejudiced by the decision to not reopen the Planning Commission record.

The Commission finds that the full opportunity for public testimony, coupled with the period of thirty-three days between the Planning Commission and City Commission public hearing, provided ample opportunity to present meaningful testimony and, accordingly, does not result in a substantial prejudice to Ms. Meyer's procedural rights or interests. Based upon these findings, the Commission concludes that the provision of a full de novo hearing opportunity to Ms. Meyer on April 10, 2012 is consistent with applicable legal requirements and constitutes neither procedural nor substantive error.

3. Goal 5. At the City Commission hearing on April 10, 2012, Ms. Sara Meyer offered general objections that the pending application is inconsistent with Statewide Planning Goal 5 by failing to include an ESEE analysis. To the contrary, the Commission finds that such analysis is required under OAR 660-023-0040 only upon the development of implementation measures addressing significant resource site. As to a local determination of whether a resource site is determined to be significant, OAR 660-023-0030(4) requires that such determination be based upon the quality, quantity and location of such site. Based upon the information and analysis in the record provided by Ecological Land Services and as set forth in the City staff report dated March 4, 2012, the Commission concludes that the subject is non-significant pursuant to the requirements of OAR 660-023-0030.
4. Goal 12. The TPR mandates that local governments impose mitigation measures when a land use regulation would "significantly affect an existing or planned transportation facility." OAR 660-012-0060(1). The pending post acknowledgement plan amendment application is a land use regulation. A land use regulation that does not permit development that adds more traffic to the transportation system that could be permitted under zoning existing before the ordinance cannot "significantly affect" the transportation facility under the TPR.

In the instant case, the analysis provided by JRH Transportation Engineering by memorandum dated April 10, 2012 confirms that the pending request will not have a significant effect on any transportation facility, pursuant to the requirements of OAR 660-012-0060, because the request, if approved, does not authorize an increase in the amount, character or composition of traffic generated from the site beyond what is authorized under current zoning. Based upon this substantial evidence in the record, which is uncontested, the Commission concludes that the request is consistent with OAR 660-012-0060.

Locally Significant Wetland Map

This Map is Meant for Planning Purposes Only.
Exhibit B of Ordinance No. 1065-A.
****All boundaries shown on this map are approximations only.****

January 21, 2004

Columbia River

Alder Cove

UGB

CITY LIMITS / UGB

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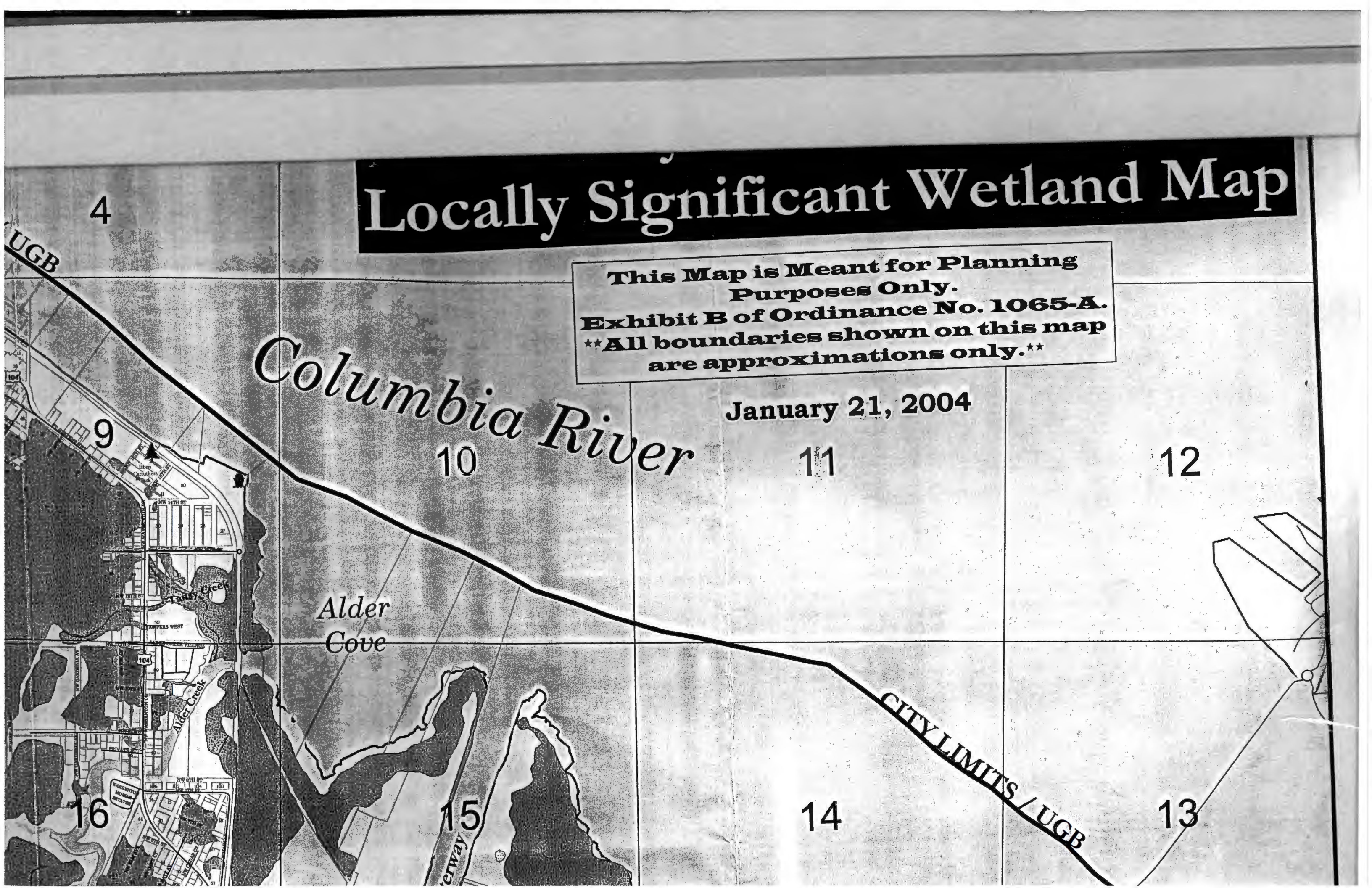
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Leitenweber Lake

Long Lake

Wild Ave Lake

Cemetery

21

Warrenton Grade School

Slipway

22

Vera Slough

POINT OF ASTORIA AIRPORT

29

CITY LIMITS / UGB

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CITY LIMITS / UGB

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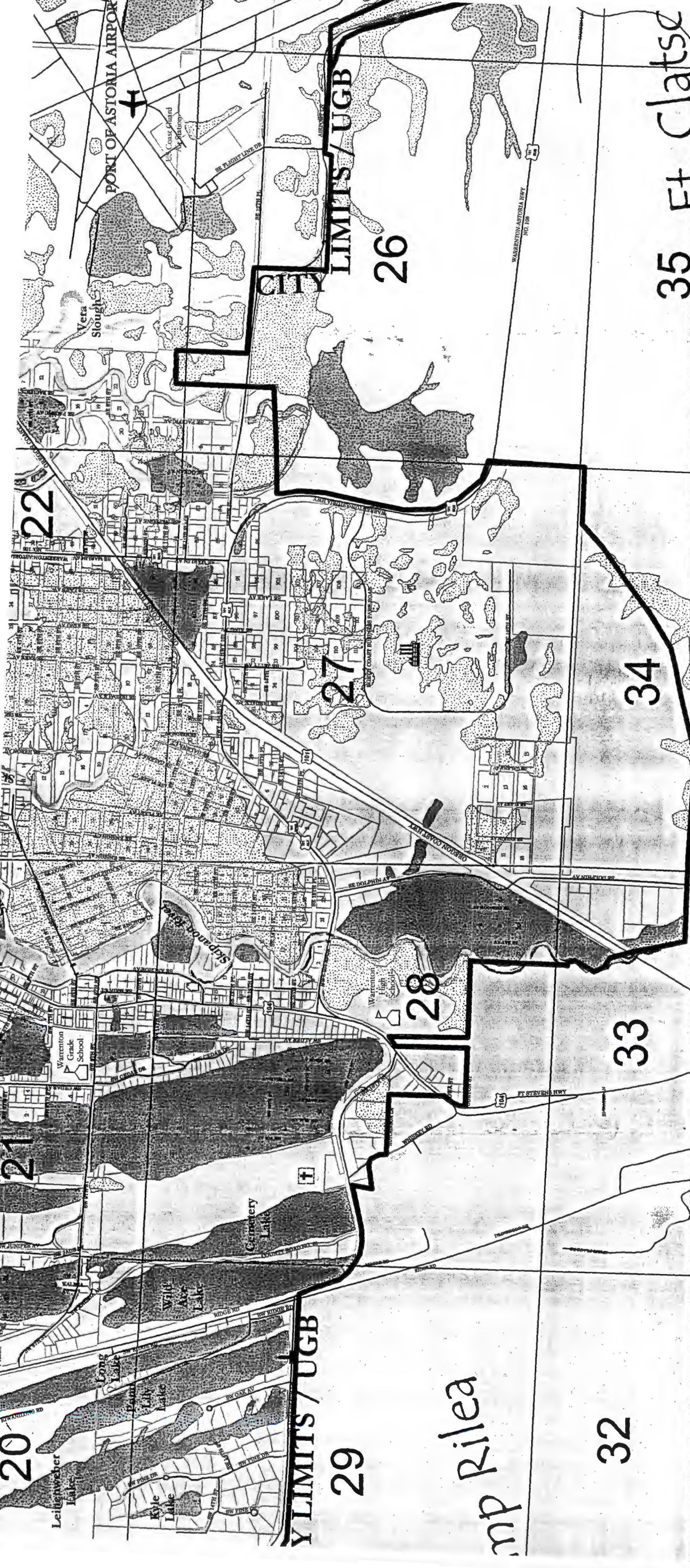
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LIMITS / UGB

LIMITS / UGB


"Making a difference through excellence of service"



CITY OF WARRENTON

March 1, 2012

To: Warrenton Planning Commission

From: Skip Urling, Community Development Director 

Re: Peaks View LLC Local Wetland Inventory/Comprehensive Plan Map
Amendment—Application No. CP-11-1

REQUEST

Peaks View LLC has requested an amendment to the designation of a 0.37 acre wetland on the city's Local Wetland Inventory (LWI) from "significant" to "non-significant." Because the LWI is incorporated into the city's comprehensive plan by reference, the proposed amendment also constitutes an amendment to that plan. The subject property includes two tax lots—81027C007100 and 81027C007200—and consists of 20.35 acres. The site is located in the southeast quadrant of the intersection of US Highway 101 and SE Ensign Lane.

Application was submitted October 21, 2011 and deemed complete November 14, 2011. Notice to the state Department of Land Conservation and Development was sent November 23, 2011, and the Department of State Lands (DSL) and Department of Fish and Wildlife November 28, 2012 with a tentative Planning Commission public hearing date of January 12, 2012. On December 19, 2011 the applicant requested that that hearing be placed on hold pending submittal and action on a wetland hardship variance application. Public notice of this March 8 hearing was sent to adjacent property owners February 17, 2012 and published in *The Columbia Press* February 24, 2012.

Applicable regulations for this application include the procedures, standards and criteria in Warrenton Development Code Chapter (WDC) 4.7 Amendments to Comprehensive Plan and Map, Rezone and Development Code, Section 3.10.600 Wetland Significance Determination Amendment Procedure, and Section 4.1.600 Type IV Procedure (Legislative and Map Amendments.)

FINDINGS

WDC 3.10.600 includes both procedural and substantive criteria for amending significant wetland designations. WDC 3.10.600 A.1 calls for a Type III process whereby the Planning Commission makes the decision. Yet, sub-paragraph A.2 calls out a Type IV process. The city attorney has opined that because the local wetland inventory is indeed part of the comprehensive plan, the Planning Commission is charged with making a recommendation to the City Commission as Type IV process.

WDC 3.10.600 A.3 provides four substantive and technical criteria for evaluating whether a wetland is significant. They are:

a. The assessment must be completed by a qualified wetland scientist; and

Steffanie Taylor of Ecological Land Services Inc. (ELS) is identified in the application narrative as the wetland scientist responsible for preparing the significance assessment. Ms. Taylor's qualifications are presented in the application; the city does not dispute her credentials, and has not heard of any disagreements from other regulatory agencies. The application meets this criterion.

b. The assessment must include the entire wetland inventory unit; and,

As described in the application narrative, the subject wetland "originates in a ravine in the North Coast Business Park and flows west to Highway 101." A culvert conveys water under the highway into a wetland system on the west side. Based on the Oregon Freshwater Wetland Assessment Methodology (OFWAM), "A wetland cut by a four-lane (or greater) highway is treated as two separate wetland sites." Thus, the entirety of the subject wetland unit is limited to that existing on the subject Peaks View LLC property.

c. The assessment must follow the principles of OFWAM; and

Included in the application narrative is ELS's OFWAM assessment of the subject wetland. DSL concurred with ELS's conclusion with one exception. See the December 14, 2011 letter from Anna Buckley. It appears that, based on their aging records, DSL maintains that a hydrologic connection to the Skipanon River exists which is designated as essential salmonid habitat. ELS conducted a field inspection December 15, 2012 to ascertain whether such a hydrologic connection did in fact exist. Based on those field observations, ELS responded to DSL January 4, 2012, relaying that there was no defined channel within the wetland. Ms. Taylor's letter also acknowledged an error of oversight

in ELS's original OFWAM assessment, but concluded that the correct and accurate fish habitat assessment descriptor should be "not applicable" rather than impacted or degraded. Ms. Taylor concludes that "Wetland W therefore does not meet criterion (e), because, although there is a seasonal surface water connection, there is no "intact" or "degraded" fish habitat and hence does not meet any of the *Mandatory LSW Criteria* as listed in the OARs." Because of ELS's recent field investigation and that DSL is relying on information that is 10 or 11 years old, and that considerable change has occurred to the physical conditions of the subject property in the last decade (new streets and infrastructure, mass grading, numerous commercial developments), I believe ELS's assessment, as corrected, is accurate and their conclusions sound. The application meets this criterion.

- d. *The assessment must include analyses of those specific criterions (sic) in question (i.e., hydrologic control, intact water quality, distance to a Water Quality Limited (WQL) stream (WQL stream determinations are made by the Oregon Department of Environmental Quality (DEQ)), wildlife habitat, etc.*

A review of the application narrative with supporting exhibits and supplementary correspondence indicates that all of the above criteria have been addressed. See specifically application narrative pages 3 through 5, and the January 4, 2012 letter from Ms. Taylor to Ms. Buckley and the February 28, 2012 letter from Ms. Taylor to me.

In addition to addressing the scientific wetland criteria above, the application must satisfy WDC 4.7.300 B which lists three criteria on which quasi-judicial map amendments shall be based.

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 pre-requisite to approval;*

Although the application identifies three comprehensive plan policies, staff believes only two may apply to the proposed LWI map amendment, which are addressed below. For all three policies identified in the application, the application states that there is no development directly proposed with the application, and thus no impact to the resource. However, staff believes it appropriate to evaluate the policies as if development will occur; the proponent has submitted application to DSL for a wetland fill permit.

Section 4.370 Fish and Wildlife

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.

As the city has prepared and updated its development regulations over the years, it has considered certain areas within the city as valuable fish and wildlife habitat and created zoning districts with appropriate development management standards. These districts include the Aquatic Conservation District, Aquatic Natural District, Coastal Lake and the Freshwater Wetlands District. The subject property is located in the C-1, General Commercial District that does not have resource protection as a primary purpose. As such, this policy does not apply. That said, the subject wetland will continue to be regulated and protected as appropriate by state and federal agencies with jurisdiction.

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.

The applicant appears to make the case that the wetland in question does not meet the criteria for being deemed “significant” and with such conclusion, this policy loses its applicability. It is important to remember, however, that if DSL and the U.S. Army Corps of Engineers approve the fill permits for the wetland, that mitigation is typically a condition of approval such that compensatory mitigation for the vegetation removal will be required to satisfy (b) above.

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

The standards and criteria applicable to this LWI map amendment are found in WDC 3.10.600 and are addressed above.

4. 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 this application, and the provisions of Section 4.7.600, as applicable.

Staff agrees with the observations and assessment of the changed conditions in the area in the vicinity of the subject wetland since the original adoption of the LWI. While the wetland itself has not been directly impacted, the surrounding area has experienced considerable clearing and grading, and the area is developing as a major commercial center. Highway 101 has been improved to a four-lane facility; on the west side of the highway there is a big box retail, and numerous smaller buildings with multiple tenants. On the east side of the highway there is another big box store and smaller buildings, with additional subdivided lots awaiting commercial development. The site is far from being pristine environment.

Section 4.7.600 B applies to amendments to the comprehensive plan and land use standards which significantly affect a transportation facility to assure that allowed uses are consistent with the function, capacity and level of service of the facility identified in the Transportation System Plan. Staff believes that this amendment will have no effect on the transportation plan because there will be no change in the allowed uses in the C-1 zoning district and that the transportation system functions were addressed as the site was subdivided.

CONCLUSIONS AND RECOMMENDATION

The process for determining whether a wetland is significant or non-significant is complex. It involves evaluation of detailed scientific assessments by lay people which is seldom easy. It is also important to note that the decision here is a local responsibility (WDC 3.10.600 A.3.i., Determination by the City....) That said, the onus is on the applicant to demonstrate compliance with all the applicable criteria and standards.

In this case, there is considerable evidence to support the requested change from significant to non-significant. While I do not agree with the application narrative in its entirety, together with the supplemental correspondence, it does address the numerous criteria and standards for designating the wetland non-significant. Much has changed on and around the subject property since the original assessments were conducted in 2002. The applicant has inspected the site numerous times in the last few years, most recently this past December, and included observations not only of the subject property, but also inspected related off-site conditions. Although there was an error of oversight in the initial assessment included in the application, subsequent inspections and Ms. Taylor's January 4 and February 28, 2012 letters corrected the data and analysis.

Warrenton Planning Commission
Peaks View LLC LWI Wetland Determination
March 1, 2012
Page 6

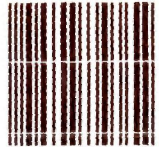
In sum, the application meets the criteria for changing the determination: the assessment was prepared by a qualified wetland scientist; the assessment included the entire wetland inventory unit; it followed OFWAM; it included analyses of all the criteria. While I disagree with the application's comprehensive plan policy analysis, I believe that the city has not determined the wetland to provide important fish and wildlife habitat and has not classified the property as suitable for a conservation area. Further, based on the analysis required by WDC 3.10.600, the perpetual maintenance of riparian vegetation associated with the site is not required. The application demonstrates compliance with the applicable standards and criteria spelled out in WDC 3.10.600. And finally, there has been considerable change in the neighborhood surrounding and including the subject property since the LWI was first adopted.

Based on the findings and conclusions above, I recommend that the Planning Commission forward to the City Commission a recommendation to approve the request and designate the 0.37 acre wetland as non-significant on the Local Wetland Inventory.

SUGGESTED MOTION:

"Based on the findings and conclusions of the March 1, 2012 staff report and certain testimony presented at the March 8, 2012 public hearing held by this Planning Commission, I move to forward to the City Commission a recommendation to approve the request contained in Application CP-11-1 and designate the 0.37 acre wetland as non-significant on the Local Wetland Inventory."

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



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DEPT OF

APR 30 2012

LAND CONSERVATION
AND DEVELOPMENT

Plan Amendment Specialist
DLCD
635 Capital Street, Suite 150
Salem OR 97301-2540

FIRST CLASS

