



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

10/08/2012

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 002-12

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, October 23, 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
Patrick Wingard, DLCD Regional Representative

<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
STAMP

OCT 03 2012

DEPT OF
LAND CONSERVATION
AND DEVELOPMENT

For Office Use Only

Jurisdiction: **Warrenton**

Local file number: **RZ 12-02**

Date of Adoption: **9/25/2012**

Date Mailed: **10/2/2012**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: May 12, 2012

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 city zoning map in Hammond changing approximately 36.6 of land and right-of-way from C-1 General Commercial 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 General Commercial** to: **C-MU Mixed Use Commercial**

Location: **8105CD, 8105DC, 8108AB, 8108BA**

Acres Involved: **36**

Specify Density: Previous: **Not applicable**

New: **Not applicable**

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 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"/>	<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. _____

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

City of Warrenton

Local Contact: **Skip Urling**

Phone: **(503) 876-0920** 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.

ORDINANCE No. 1171-A

Introduced by All Commissioners

An ordinance amending the zoning designation map to reflect the rezoning of all tax lots in the entirety of the C-1, General Commercial zoning district in the SE and SW ¼s of Section 5, Township 8 North, Range 10 West, WM, and the NE and NW ¼s of Section 8, Township 8 North, Range 10 West, WM, in Hammond, to C-MU, Commercial Mixed Use, as depicted on Exhibit A (existing zoning), Exhibit B (new zoning), and Exhibit C (affected tax lots), and adopting the Findings of Fact and Conclusions of Law as Exhibit D.

WHEREAS, the Warrenton City Commission provided direction to investigate the options for reclassifying the commercial zoning in Hammond that better reflected the existing and future land uses in the area; and

WHEREAS, after the Planning Commission conducted a public hearing on the proposal on August 9, 2012 and forwarded a recommendation of approval to the City Commission; and

WHEREAS, after the City Commission conducted a public hearing on 9/11/12, it has determined to approve the rezone request and adopt the findings and conclusions established by the Planning Commission attached as Exhibit D and illustrated on Exhibit B.

NOW, THEREFORE, the City Commission ordains as follows:

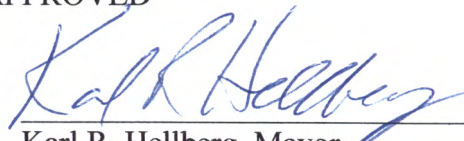
Section 1. The City Zoning Designation Map is amended as illustrated on Exhibit B.

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

First Reading: 9/11/12
Second Reading: 9/25/12

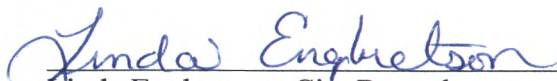
ADOPTED by the City Commission of the City of Warrenton, Oregon this 25th day of September, 2012.

APPROVED



Karl R. Hellberg, Mayor

ATTEST:

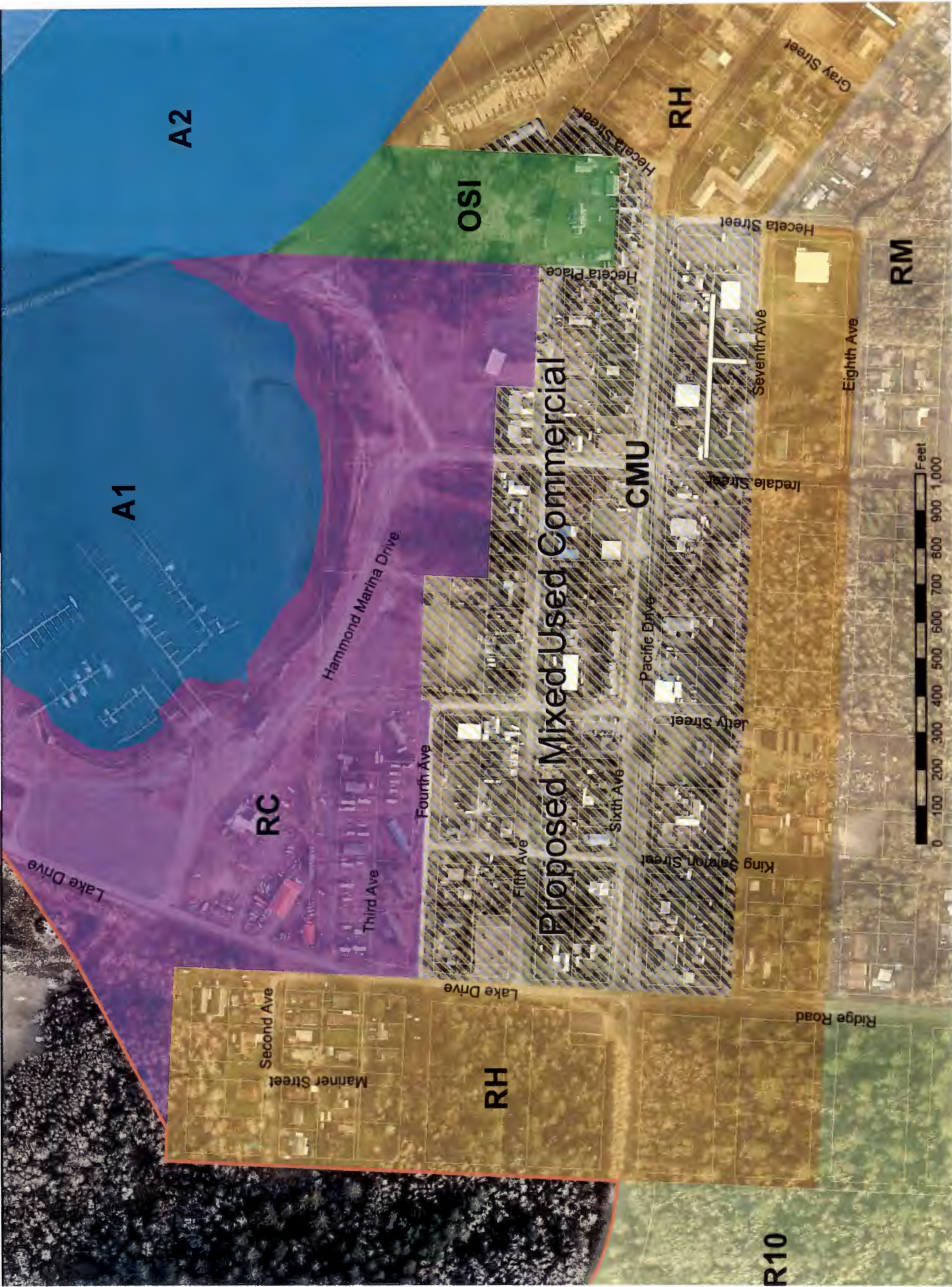


Linda Engbretson, City Recorder

Hammond Mixed Use Commercial Zoning



Exhibit B Proposed Zoning



A1

A2

RC

OSI

RH

CMU

RH

RM

R10



Hammond Mixed Use Commercial Zoning

Exhibit A: Existing Zoning

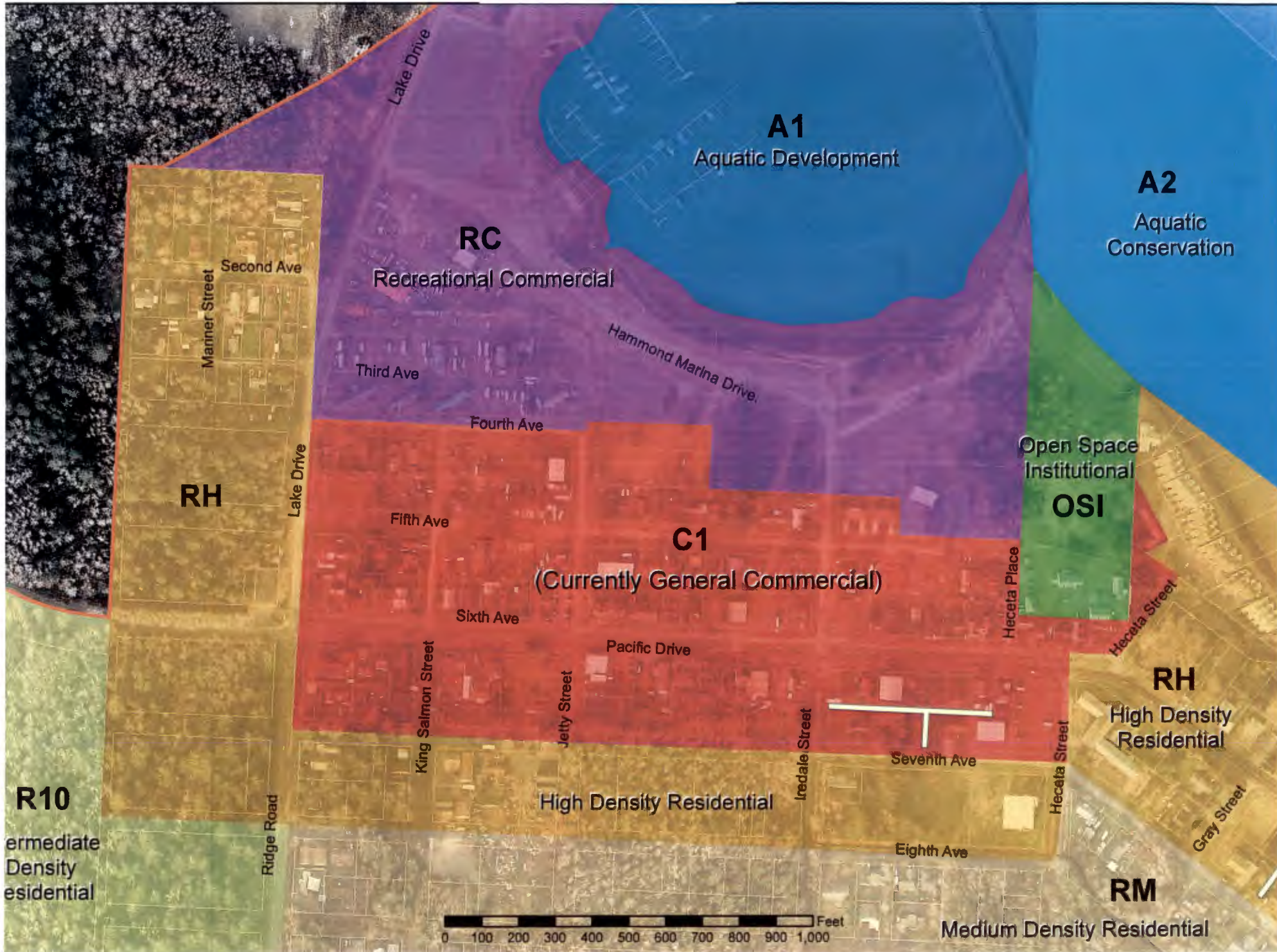


Exhibit C
Affected Hammond C-1 to C-MU Rezone Taxlots

81005CD04804	81005CD05001	81005CD06400	81008AB00900
81005CD04700	81005DC00200	81005CD06500	81008AB00800
81005CD04501	81005DC00201	81005CD06501	81008AB00700
81005CD04500	81005CD06100	81005CD07100	81008AB00601
81005CD04400	81005CD06101	81005CD07200	81008AB00600
81005CD04300	81005CD06001	81005DC01400	81008AB00500
81005CD04201	81005CD05903	81005DC01500	81008AB00400
81005CD04202	81005CD05800	81005DC01600	81008AB00300
81005CD04100	81005CD05700	81005DC02800	81008BA01102
81005CD03500	81005CD05601	81005DC02900	81008BA01101
81005CD04001	81005CD05600	81005DC03000	81008BA01100
81005CD04803	81005CD05500	81005DC03100	81008BA01200
81005CD04802	81005CD06800	81005DC03200	81008BA00101
81005CD04801	81005CD06901	81005DC03300	81008AB01900
81005CD04900	81005CD06000	81005DC03400	81008AB01601
81005CD04901	81005CD06700	81005DC03500	81008AB01100
81005CD05000	81005CD06600	81005DC04100	81008AB01200
81005CD05101	81005DC01300	81005DC04000	81008AB01300
81005CD05100	81005DC01200	81005DC03900	81008AB01400
81005DD00111	81005DC00900	81005DC03800	81008AB01500
81005CD04200	81005DC00800	81005DC03700	81008AB00201
81005CD04205	81005DC02600	81008BA01000	81008AB00100
81005CD04204	81005DC02500	81008BA00900	
81005CD04203	81005DC02400	81008BA00800	
81005CD05200	81005DC02300	81008BA00701	
81005CD03700	81005DC02200	81008BA00700	
81005CD03800	81005DC02100	81008BA01300	
81005CD03802	81005DC02000	81008BA00400	
81005CD03801	81005DC01900	81008BA00102	
81005CD03900	81005DC01800	81008BA00100	
81005CD04000	81005DC01700	81008AB01800	
81005DC00700	81005DC03600	81008AB01700	
81005DC00600	81005CD06201	81008AB01602	
81005DC00500	81005CD06200	81008AB01600	
81005DC00400	81005CD06300	81008AB01000	
	81005CD05901	81008AB00901	

"Making a difference through excellence of service"



Ordinance 1171-A
Exhibit D

CITY OF WARRENTON

August 2, 2012

To: Warrenton Planning Commission
From: Skip Urling, Community Development Director *SUB*
Re: File No. RZ-12-2 Hammond Business District

BACKGROUND

The Hammond business district is presently zoned C-1, General Commercial, yet the predominant land use in the district is residential, primarily single family residential. Such uses are considered non-conforming in that commercial district, but can only be rebuilt if damaged or destroyed if they existed prior to April 2, 1997. Some property owners approached the City Commission about the possibility of recognizing residential uses in the area as permitted so that they could demolish an existing structure and rebuild; under the current zoning, any demolishing and rebuilding would be required to be put to a permitted use. We suggested to the City Commission that the Commercial Mixed Use (C-MU) district would continue to allow a variety of commercial activities, but also includes the full spectrum of residential uses among the list of permitted activities. The City Commission directed staff to investigate and, if appropriate, pursue rezoning the area to C-MU.

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 July 17, 2012, and published in The Columbia Press on July 27, 2012.

FINDINGS

Subject Properties

The subject property is bounded generally by Ridge Road/Lake Drive on the west, Fourth Avenue (extended) on the north, Heceta Street on the east, and Seventh Avenue (extended) on the south. This area includes 128 tax lots and consists of 36.5 acres

inclusive of street right-of-way. As illustrated on Exhibit A, 12.6 acres is devoted to residential uses, 0.6 acres to civic activities, 3.7 acres to commercial uses, and 5.6 acres are vacant.

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 remainder of the Hammond area as “Adjoining Land.” There is no guidance language regarding this designation.

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.

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 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 Hammond 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. With market factors such as location and traffic considered, the opportunities for job creation and commerce in the Hammond C-MU district will be virtually the same as under the existing condition. And, as discussed above, the comprehensive plan suggests that there is a deficiency of C-MU territory and a

recommended remedy is to rezone some of the general commercial territory to C-MU. 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 Hammond business district is an older, mostly developed portion of the community. About half is developed for residential uses, mostly single family dwellings. Adopting the proposed map amendment would result in all 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

The condition and capacity of the city infrastructure serving the area is reflective of its age and standards at the time of construction. While the water system is likely satisfactory for meeting demand for domestic consumption for most potentially permitted uses, the ability to provide fire flow appears substandard at or above the threshold of multiple family residential development or the equivalent of commercial construction. Arterial streets leading to Hammond, Pacific Drive and Ridge Road, are in good repair and capable of moving current and future increased traffic volumes to and from the area. However, the local streets are under-developed and in various states of disrepair, with numerous potholes and puddling during the wet season having a deleterious effect on vehicular movements. That said, most of these streets primarily serve residential development which does not generate large volumes of traffic, and while the travelling these streets may be inconveniently bumpy, their capacity to move traffic without undue congestion appears to be satisfactory.

My conclusion is that although there is a need to improve the existing city infrastructure, service delivery to potential future development under the proposed C-MU zoning would be similar to that provided to future development under the current C-1 zoning. 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 tips 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. While this would not remedy the substandard condition of some of the streets in the area, it would reduce the demand and stress on those roads. 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 Hammond business district is well within the Warrenton urban growth boundary and has been developed for residential and commercial uses for quite some time. As stated above, the CP calls for the C-MU zoning district to *strengthen certain established residential areas having frontage on state highways as transition areas between commercial centers and outlying residential areas*. Amending the land use map to the C-MU zoning district for this area would indeed strengthen the established residential area along state highway by recognizing such uses as outright permitted activities, while at the same time allow for development or redevelopment of properties for certain commercial 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 has long been developed for a variety of urban uses and 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.*” This descriptor fits the existing land use pattern in Hammond. Residential uses, primarily single family detached residences, dominate the Hammond business district. Commercial

development is located primarily along Pacific Drive, a state highway, with only a few exceptions.

The plan also identifies a shortage of land designated for mixed commercial uses, and explicitly recommends increasing the area for these types of development by rezoning some of the area zoned for general commercial use. This proposal would satisfy that recommendation. Amending the zoning map in Hammond to 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 August 2, 2012 staff report, I move to forward a recommendation to the City Commission to approval rezoning the Hammond business district from C-1, General Commercial to C-MU, Commercial Mixed Use.”



PC
Exhibit B
City of Warrenton GIS
Hammond Proposed Mixed Use
Commercial Zoning



FIRST-CLASS

US POSTAGE \$01.50⁰



OCT 02 2012
ZIP 97103
0801 1052811

FIRST CLASS

DEPT OF

OCT 03 2012

LAND CONSERVATION
AND DEVELOPMENT

CITY OF WARRENTON
P.O. BOX 250
WARRENTON, OR 97146

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

