



Oregon

Theodore R. Kubongoski, 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

10/08/2013

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Waldport 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 22, 2013

This amendment was submitted to DLCD for review prior to adoption pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

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

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

Cc: Larry Lewis, City of Waldport
Gordon Howard, DLCD Urban Planning Specialist
Dave Perry, DLCD Regional Representative
Gary Fish, DLCD Transportation Planner

<paa> YA



FORM 2

DLCD

Notice of Adoption

In person electronic mailed

DATE

DEPT OF

OCT 03 2013

LAND CONSERVATION AND DEVELOPMENT

For Office Use Only

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

Jurisdiction: **City of Waldport**

Local file number: **N/A**

Date of Adoption: **9/12/2013**

Date Mailed: **9/30/2013**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 12/10/2012

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".

A. Development Code amendment establishes the Waldport-Southwest Overlay Zone and include: 1) changing outright permitted uses in the C-2 General Commercial zone to conditional uses; 2) establish residential design compatibility standards; 3) establish gateway design standards.

B. Street standards for land divisions are amended regarding relation to adjoining street systems and access.

C. One property is rezoned from C-2 General Commercial to R-4 Residential.

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

Plan Map Changed from: **General Commercial** to: **Planned Residential**

Zone Map Changed from: **C-2 General Commercial** to: **R-4 Residential**

Location: **Tax Lot 700 of Map 13-11-19CC**

Acres Involved: **2**

Specify Density: Previous: **1 unit/1250 sq. ft.**

New: **1 unit/1250 sq. ft.**

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 checked="" 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"/>

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

35-days prior to first evidentiary hearing?

Yes No

DLCD File No. 002-12 (19628) [17629]

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 Waldport; Oregon Dept. of Land Conservation & Development; Oregon Dept. of Transportation

Local Contact: **Larry Lewis**

Phone: (541) 264-7417 Extension: 103

Address: **PO Box 1120**

Fax Number: **541-264-7418**

City: **Waldport**

Zip: **97394-**

E-mail Address: **larry.lewis@waldport.org**

ADOPTION SUBMITTAL REQUIREMENTS

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

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

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

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

ORDINANCE NO. 741

AN ORDINANCE OF THE CITY OF WALDPOROT AMENDING THE COMPREHENSIVE PLAN, GOAL XII (TRANSPORTATION) AND REVISING TITLE 16 OF THE WALDPOROT MUNICIPAL CODE BY AMENDING CHAPTER 16.08, SECTION 16.08.060 AND CHAPTER 16.100, SECTION 16.100.040 AND 16.100.100; AND ADDING SECTION 16.62.

WHEREAS, in June of 2012 the Waldport City Council adopted Ordinance 737, amending the City of Waldport Transportation Plan by incorporating the Yaquina John Point Land Use and Transportation Plan; and

WHEREAS, the Yaquina John Point Land Use and Transportation Plan contained recommendations for amendments to the Comprehensive Plan and the Waldport Municipal Code Chapter 16 (Development Code); and

WHEREAS, the Waldport Planning Commission has worked for many months on the above-noted amendments, conducting numerous work sessions to refine and produce the proposed ordinance language; and

WHEREAS, duly noticed public hearings were held and testimony received in February and March of 2013 by the Waldport Planning Commission and in July of 2013 by the Waldport City Council,

NOW, THEREFORE, THE CITY OF WALDPOROT ORDAINS AS FOLLOWS:

Section 1. There is hereby adopted "Yaquina John Point Land Use & Transportation Plan Proposed Amendments to the Waldport Comprehensive Plan and Waldport Development Code" as attached hereto as Exhibit "A" and incorporated herein by reference to amend or add to the sections entitled in the Waldport Comprehensive Plan and the Waldport Municipal Code.

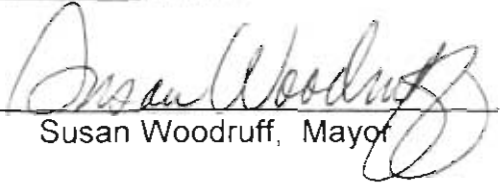
Section 2. Constitutionality. If any section, subsection, sentence, clause or phrase of this Chapter is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Chapter.

Section 3. Effective Date. As an emergency has not been determined to exist, this ordinance will take effect 30 days from the date of signing.

ADOPTED by the Common Council of the City of Waldport this 12th day of September, 2013 by the following vote:


AYES 6 NAYS 0 ABSENT 0 ABSTAIN 0

SIGNED by the Mayor this 12th day of September, 2013.



Susan Woodruff, Mayor

ATTEST:



Reda Q. Eckerman, City Recorder

Yaquina John Point Land Use & Transportation Plan
Proposed Amendments to the Waldport Comprehensive Plan and Waldport Development Code

Contents

- I. Comprehensive Plan, Goal XII. Transportation – Policy Amendment**
 - II. Development Code Section 16.08.060. Zone Descriptions – Addition of the Waldport-Southwest Overlay Zone**
 - III. Development Code (New) Section 16.62 Waldport Southwest Overlay Zone (W-SW)**
 - 16.62.010 Purpose**
 - 16.62.015 Uses Permitted Outright**
 - 16.62.020 Conditional Uses Permitted**
 - 16.62.025 Uses Specifically Prohibited**
 - 16.62.030 Conditional Use Approval Criteria**
 - 16.62.040 Residential Compatibility Design Standards**
 - 16.62.050 Gateway Design Standards**
 - 16.62.060 Access Management Standards**
 - IV. Development Code Section 16.100 Land Division**
 - 16.100.040 General Requirements and Minimum Standards of Design Development**
 - 16.100.100 Street Width and Improvements Standards**
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I. Waldport Comprehensive Plan, Goal XII. Transportation Policy Amendment

This is a recommended amendment to the Transportation Policy in the Waldport Comprehensive Plan. This comprehensive plan amendment acknowledges the Yaquina John Point Land Use & Transportation Plan as an adopted plan, and is intended to reflect how the city can incorporate the Plan into existing policy documents.

XII. TRANSPORTATION

Policies

- 1. City Plans.** The City of Waldport has adopted a Waldport Transportation System Plan, Yaquina John Point Land Use and Transportation Plan, and Waldport Parks Master Plan which are herein incorporated into the Waldport Comprehensive Plan. A primary objective of the Transportation System Plan is to provide for street connectivity, bicycle and pedestrian needs; decrease dependence on the private automobile; and provide pleasing transportation routes which promote safety by reducing conflicts between pedestrian/bicycles and automobiles. The Yaquina John Point Land Use and Transportation Plan refines both land use and transportation policies and objectives for the Yaquina John Point area, providing more specific direction for this area than that contained in the Comprehensive Plan or transportation System Plan. The Parks Master Plan includes proposed trail corridors as well as trail and pathway standards.
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II. Development Code Section 16.08.060. Zone Descriptions – Addition of the Waldport-Southwest Overlay Zone

This section of the Development Code provides paragraph descriptions of each zoning district. The following new description is recommended:

P. Waldport-Southwest Overlay Zone W-SW. The Waldport Southwest overlay zone is intended to address compatibility of commercial and light industrial uses with adjacent residential zones and to improve the appearance of the Waldport Southwest area as a gateway to downtown Waldport.

III. Development Code (New) Section 16.62 Waldport Southwest Overlay Zone (W-SW)

16.62.010 Purpose and Boundary.

The Waldport Southwest (W-SW) overlay zone is intended to address compatibility of commercial and light industrial uses with adjacent residential zones and to improve the appearance of the Waldport Southwest area as a gateway to downtown Waldport.

16.62.015 Uses Permitted Outright

In a C-2 zone within the W-SW Overlay Zone, the following uses and their accessory uses are permitted outright, subject to the applicable provisions of Chapters 16.72, 16.76, 16.80 and 16.96 of this title:

- A. A use permitted outright in the C-1 zone.

16.62.020 Conditional Uses Permitted

In a C-2 zone within the W-SW Overlay Zone, the following uses and their accessory uses may be conditionally permitted subject to the applicable provisions of Chapters 16.72, 16.76, 16.80 and 16.96 of this title:

- A. A use permitted as a conditional use in the R-3 zone, except uses permitted outright in the C-1 zone;
- B. A use permitted in the base zone with drive-in service facilities such as an automobile service station or a drive-in restaurant;
- C. Automobile, truck or trailer sales, service, storage, rental or repair;
- D. Boat or marine equipment sales, service, storage, rental or repair;
- E. Cabinet or similar woodworking shop;
- F. Cold storage or ice processing plant;
- G. Feed or seed store;
- H. Implement, machinery or heavy equipment sales, service, storage or rental;
- I. Laboratory or equipment;
- J. Lumber or building materials sales and storage;
- K. Machine, welding, sheet metal, or similar metal working shop;
- L. Outdoor commercial amusement or recreation establishment such as miniature golf course or drive-in theater, but not including uses such as race track or automobile speedway;
- M. Plumbing, heating, electrical or paint contractors storage, repair or sales shop;
- N. Processing, packing or storage of food or beverage, excluding those products involving rendering of fats or oils, or slaughtering;
- O. Upholstery shop;
- P. Warehouse or storage area;
- Q. Wholesale establishment;
- R. Car wash.
- S. Recreational vehicle park;
- T. Kennel;
- U. Animal Hospital.

16.62.025 Uses Specifically Prohibited

Within the W-SW overlay zone, in addition to all uses not specifically listed as permitted or conditional in the base zone, the following uses are prohibited.

- A. Tire retreading or vulcanizing;
- B. Truck terminal, freight depot.

16.62.030 Conditional Use Approval Criteria

- A. Applicability. This section applies to applications for conditional use within the W-SW overlay zone.
- B. Approval criteria. In addition to the requirements and standards governing conditional uses established in Chapter 16.84, when determining whether to approve, approve with conditions, or deny an application for conditional use, the planning commission shall take into consideration the compatibility of the proposed use with adjacent residential districts.

16.62.040 Residential Compatibility Design Standards

- A. Applicability. At the time a building is erected, enlarged, substantially improved, or the use is changed to the point of requiring additional approval from the City, the standards of this section shall apply in portions of the W-SW overlay zone that lie within 100 feet of a lot line indicated as being subject to the residential compatibility buffer on Figure 16.62-1. These standards do not apply to residential uses, including dwellings, residential homes, residential facilities, and manufactured homes.
- B. Outdoor commercial and industrial uses. The following commercial and industrial uses are prohibited unless located entirely within an enclosed building:
 - 1. Processing, packaging, assembly, or production of goods, including woodworking and metalworking.
 - 2. Repair and related activities.
 - 3. Display of goods for wholesale or retail sale.
 - 4. Storage of materials, equipment, or supplies other than passenger vehicles.
- C. Setback landscaping. The area within the minimum setback standards of the applicable zone shall be landscaped with a combination of trees and shrubs to provide continuous visual screening from abutting residential districts. Ground cover plants and non-plant ground covers may be used between trees and shrubs, but shall not be considered to contribute to the visual screening. Parking is not allowed in a required yard abutting a residential district.

16.62.050 Gateway Design Standards

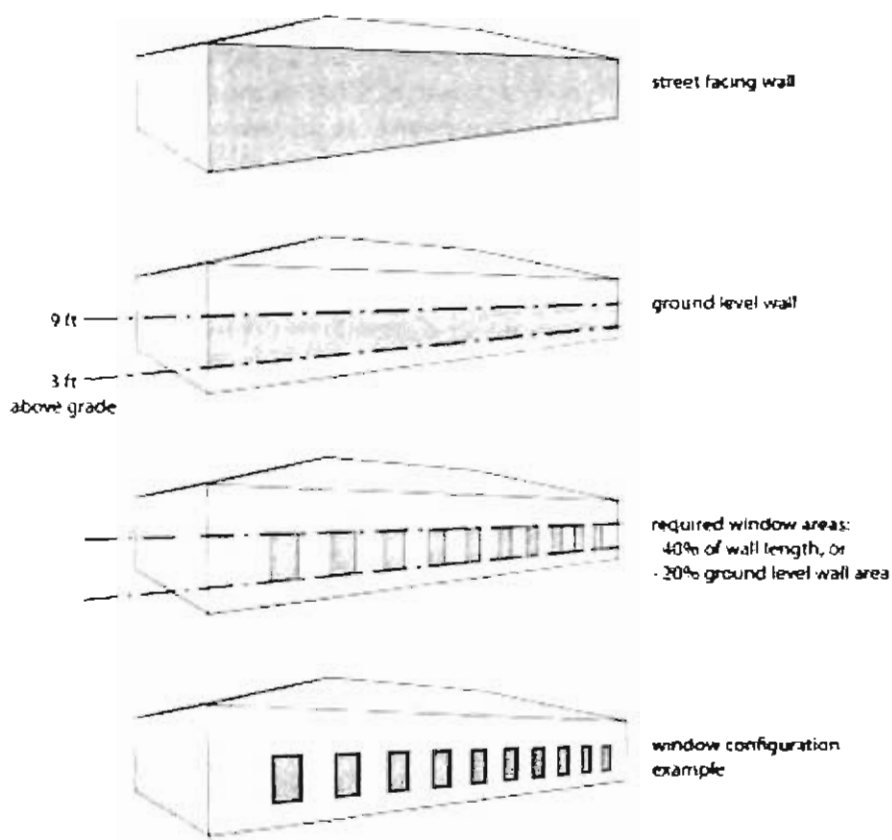
- A. Applicability. At the time building is erected, enlarged, substantially improved, or the use is changed to the point of requiring additional approval from the City, the standards of this section shall apply on property within the W-SW overlay zone that abuts US 101 as shown in Section 16.62.010. These standards do not apply to uses permitted outright in the R-2 zone.

- B. Site Configuration. Development abutting US 101 shall provide an environment that is comfortable, safe, and interesting for pedestrians. The site configuration standard is met when one of the following criteria is met:
1. At least fifty (50) percent of the front building elevation (façade) is placed no more than 20 feet back from the property line that abuts US 101.
 2. When located abutting US 101, off street parking shall be limited to 50 percent of the US 101 street frontage.
- C. Pedestrian Entrances. Buildings shall provide for safe and convenient pedestrian access to buildings, based on the standards in subsections 1-4, below.
1. Buildings shall have their primary entrance(s) oriented to (facing) the street or a side yard. Primary entrances shall not face the rear yard.
 - a. For commercial, industrial, mixed use, public, and institutional buildings, the “primary entrance” is the main public entrance to the building. In the case where no public entrance exists, the “primary building entrance” is the main employee entrance.
 - b. For residential buildings the “primary entrance” is the front door to the dwelling unit or, for residential buildings that do not have separate exterior entrances for each unit, the “primary building entrance” may be a lobby, courtyard, or breezeway that serves as a common entrance for more than one dwelling.
 2. All buildings shall provide safe, convenient and reasonably direct pedestrian walkways between the nearest primary building entrance and all abutting streets. A pedestrian walkway shall be considered reasonably direct if it does not deviate unnecessarily from a straight line or does not involve a significant amount of out-of-direction travel for likely users.
 3. Where there are multiple buildings on a site, pedestrian walkways shall connect all building entrances to one another.
 4. Pedestrian walkways shall conform to all of the following standards:
 - a. Where pedestrian walkways are parallel and adjacent to a driveway or street (public or private), they shall be raised 6 inches and curbed, or separated from the driveway/street by a 5-foot minimum strip with bollards, landscaping, or other physical barrier. If a raised path is used, the ends of the raised portions must be equipped with curb ramps.
 - b. Where pedestrian walkways cross a parking area, driveway, or street, they shall be clearly marked with contrasting paving materials, humps/raised crossings, or painted striping (thermo-plastic or similar durable application).
 - c. Surfaces for all required pedestrian walkways shall be concrete, asphalt, brick/masonry pavers, or other durable surface, at least 5 feet wide, and shall conform to ADA requirements.
- D. Parking/Maneuvering Area Screening. All parking or vehicle maneuvering areas in yards abutting US 101, in addition to meeting all other standards of the Waldport Development Code, shall provide, a landscaped area a minimum of 6 feet in depth between the property line abutting US 101 and the parking area. This landscaped area shall be planted with trees, shrubs, and/or ground cover as follows:
1. If an evergreen hedge has been provided to satisfy 16.28.030.5.c, the remainder of the landscaped area shall be planted with groundcover.
 2. If a decorative wall (masonry or similar quality material) with openings; arcade, trellis, or similar partially opaque structure has been provided to satisfy 16.28.030.5.c, trees shall be planted within the landscaped area at the minimum recommended spacing for the species.

E. Building Design Standards. Building façades shall be designed to provide visual interest for pedestrians and an attractive gateway to downtown for travelers along US 101. Non-residential buildings shall meet all of the following criteria; residential buildings shall be exempt from subsection 1 below.

1. Fenestration. All building façades oriented towards or within a 90 degree angle of a lot line adjoining Highway 101 and located within 70 feet of a lot line adjoining Highway 101 shall incorporate ground floor windows meeting the following standards:

a. Required Window Areas. Windows must be a minimum of forty (40) percent of the length or twenty (20) percent of the ground level wall area. Ground level walls include all exterior walls from three feet above finished grade up to nine feet above the finished grade.



b. Qualifying Window Features. Required window areas must either be windows that allow views into working areas or lobbies, pedestrian entrances, or display windows set into the wall. Display cases attached to the outside wall do not qualify. The bottom of the windows must be no more than three feet above the adjacent exterior grade.

2. Building Façade Design. All building façades oriented towards or within a 90 degree angle of a lot line adjoining US 101 and located within 70 feet of a lot line adjoining US 101 that exceed forty (40) feet in length shall incorporate features to vary the look of the façade at intervals not to exceed forty (40) feet. Such features may include variable planes; projections; bays;

dormers; setbacks; canopies; awnings; parapets; and/or changes in the roof line, materials, color, or textures.

3. Where an applicant can demonstrate that a building that would otherwise be subject to the standards above will not be visible from Highway 101 due to obstruction by other buildings, topography, or other permanent site features (not including vegetation), the applicant may request an exception from subsections 1 and 2 above through the normal review process.

16.62.060 Access Management Standards

- A. Applicability. In order to provide for safe multi-modal operations on US 101, the following standards shall apply to all applications for development that create a new, or modify an existing, vehicular access (driveway) to US 101:
 1. Driveways to US 101 shall be separated from other driveways and street intersections in accordance with ODOT's spacing standards except as described in sub-section 2 below.
 2. Where the spacing standards in sub-section 1 would preclude access to US 101 from a particular property, the following standards shall apply, unless the Fire Chief determines that fire and life safety considerations require otherwise:
 - a. Where access to a corner lot can reasonably be provided from a local street, the subject site shall have access to the local street and shall not have access to US 101. Access to a local street shall be considered reasonable unless environmental or other physical site characteristics render access to the local street impracticable.
 - b. Where access to US 101 can reasonably be shared with an abutting property, access shall be provided via a shared driveway or cross-access easements to an existing driveway on the abutting property; separate access to US 101 shall not be provided on the subject property. Shared access shall be considered reasonable where the physical configuration of the abutting property allows for shared access, the uses are not incompatible, and the owner of the abutting property is willing to provide an easement.
 - c. Where access cannot be provided in accordance with subsection (a) or (b), temporary conditional access to US 101 may be granted, provided that the owner of the subject property signs a non-remonstrance agreement to remove the temporary conditional access at such time as shared access via an abutting property becomes available.
 3. Non-residential development abutting US 101 shall be designed to allow for shared access with abutting commercially zoned properties as specified below.
 - a. Where an abutting property is zoned for commercial use but is undeveloped or has not been designed to allow for shared access with the subject property, development on the subject property shall be designed to allow for a future shared driveway and/or parking lot interconnection if practicable. The owner of the subject property shall sign a non-remonstrance agreement to provide a cross-access easement to the abutting property at such time as the abutting property develops or redevelops.
 - b. Where an abutting property is zoned for commercial use and has been designed to allow for shared access with the subject property, shared driveways and/or parking lot

interconnections shall be provided to connect to the abutting property. The owner of the subject property shall provide a cross-access easement to the abutting property and shall obtain a cross-access easement from the owner of the abutting property to allow use of the shared driveway and/or parking lot interconnection.

4. Access driveways shall be located to avoid or minimize conflicts with entering and exiting vehicles from opposing driveways.

IV. 16.100. Land Division

16.100.040 General requirements and minimum standards of design development.

The following are the minimum requirements and standards to which subdivisions and partitions must conform: ...

3. Relation to adjoining street system. A subdivision or partition shall provide for the continuation of existing and projected streets. For the purposes of this section, projected streets include, but are not limited to those streets indicated in the City of Waldport Transportation System Plan, the Yaquina John Point Land Use and Transportation Plan, and other transportation plans adopted by the City of Waldport. If physical conditions make such continuation impractical, exceptions may be made. All new subdivisions will be required to construct public streets to city standards.
4. Access.
 - a. A subdivision or partition shall provide each lot or parcel, by means of a public street or private road, satisfactory vehicular access to an existing street.
 - b. A subdivision or partition shall consider vehicular access to the parcel off existing or proposed streets that addresses traffic congestion, speed, stop signs and turn lanes for the orderly development of traffic accessing the area.
 - c. The subdivider/partitioner shall be solely responsible for constructing all necessary or required street(s) or road(s), whether public or private, to city requirements as stated herein to serve each and every lot or parcel created by the subdivision or partition.
 - d. All public or private streets or roads established for the purpose of subdividing, partitioning or replating land shall be surveyed and monumented.
 - e. All plans and specifications for street and road improvements, whether public or private, shall be prepared by a civil engineer licensed in the State of Oregon. Street improvements, including grades, paving, drainage and centerline radii on curves, shall at a minimum meet the applicable requirements of this title and standards set forth in the American Association of State Highway and Transportation Officials (AASHTO) manual or other design principles and construction specifications consistent with generally accepted engineering practices which are acceptable to the planning commission.
 - f. In the case of private road accesses to US 101, if a proposed subdivision provides cross-access from abutting parcels or subdivision lots, the developer will dedicate an access easement in a format determined by the City.

16.100.100 Street width and improvement standards.

A. Street Widths.

Type of Street	Minimum Right-of-Way Width	Minimum Surface Width
1. Collector streets and all business streets other than arterials:	60' - 80' +	36' - 48' +
2. Local streets in residential areas:	56' ++	28' ++
3. Circular ends of cul-de-sacs:	90' +++	70' +++
4. Hammerheads:	++++	++++

Notes:

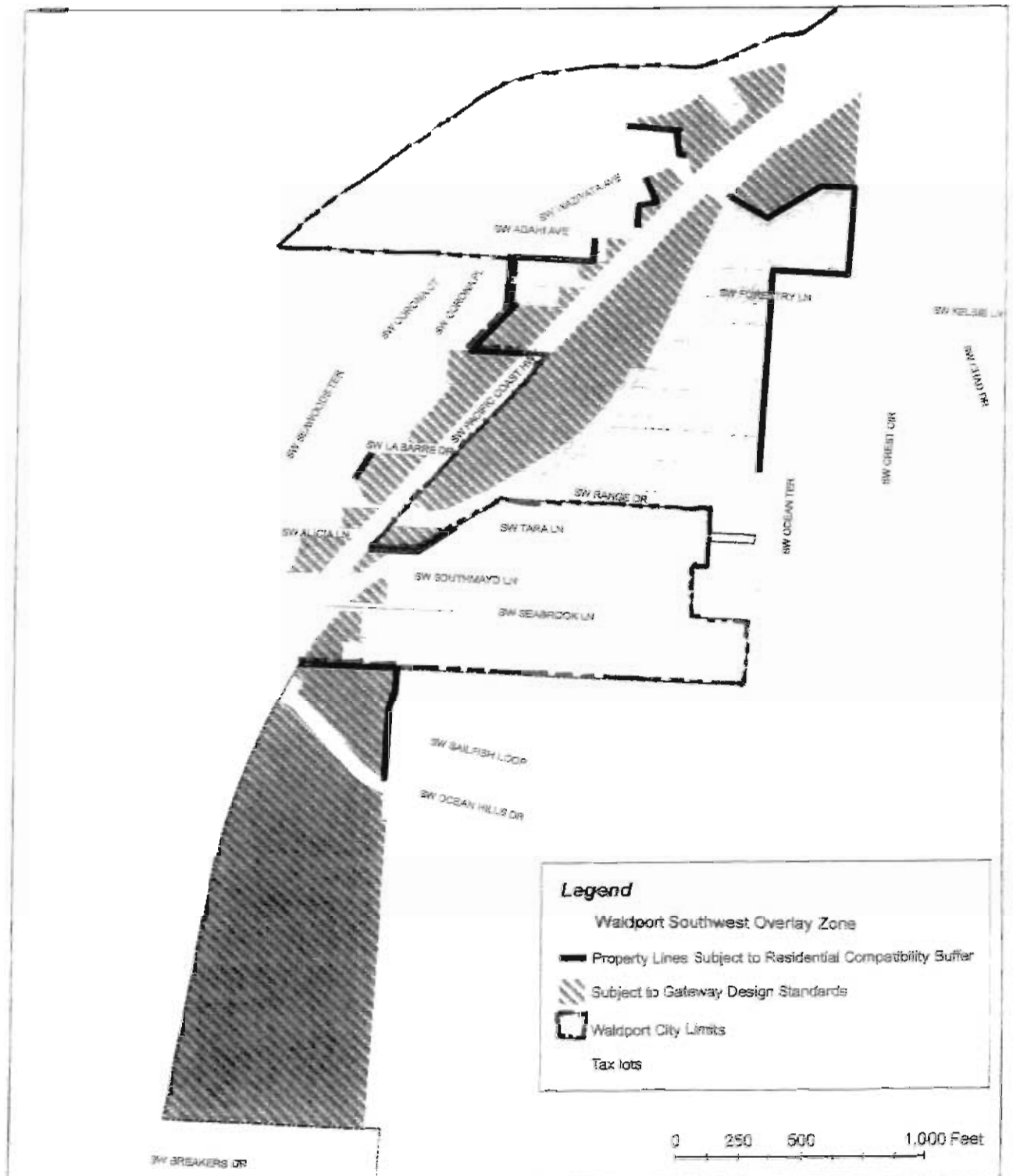
- + The City may require a width within the limits shown based upon adjacent physical conditions, safety of the public and the traffic needs of the community. The standard street section for collector and business streets is two 16-22' travel lanes including a striped shoulder bikeway with a minimum width of 5', 2' curb and gutter, 5' sidewalk and 7' utility strip. This may be altered upon approval by the Waldport Public Works Department, utility companies, and the Planning Commission.
- ++ The standard street section for local streets is two 14' travel lanes, 2' curb and gutter, 5' sidewalk and 7' utility strip. This may be altered upon approval by the Waldport Public Works Department, utility companies, and the Planning Commission.
- +++ Measured by diameter of circle constituting circular end.
- ++++ Hammerheads will be of such width and length as to allow for adequate turn-a-round of all emergency vehicles as determined by the Public Works Director and the Central Oregon Coast Fire and Rescue District.

III. Development Code (New) Section 16.62 Waldport Southwest Overlay Zone (W-SW)

16.62.010 Purpose and Boundary.

The Waldport Southwest (W-SW) overlay zone is intended to address compatibility of commercial and light industrial uses with adjacent residential zones and to improve the appearance of the Waldport Southwest area as a gateway to downtown Waldport.

Waldport Southwest (W-SW) Overlay Zone





After recording, please return to:
City of Waldport
PO Box 1120
Waldport, OR 97394

I, Dana W. Jenkins, County Clerk, do hereby certify that the within instrument was recorded in the Lincoln County Book of Records on the above date and time WITNESS my hand and seal of said office affixed.



Dana W. Jenkins, Lincoln County Clerk

ORDINANCE NO. 742

AN ORDINANCE AMENDING THE WALDPOR CITY ZONING MAP AND COMPREHENSIVE PLAN MAP.

RECITAL OF FINDINGS

WHEREAS, the City of Waldport initiated this zone change request with the consent of the property owners, Charles & Joyce Hagel, based on a recommendation contained in the Yaquina John Point Land Use and Transportation Plan; and

WHEREAS, the Waldport City Planning Commission conducted a public hearing to consider amending the City Zoning Map and Comprehensive Plan Map to change the zoning designation and comprehensive plan designation of property identified on Lincoln County Tax Assessor's Map 13-11-19CC as Tax Lot 700; and

WHEREAS, the City Council conducted a hearing subsequent to the Planning Commission's hearing, wherein it considered the recommendation of the Planning Commission together with testimony and exhibits received by the City Council before and during the hearing; and

WHEREAS, after full deliberation on the proposed amendment to the Zoning Map and Comprehensive Plan Map and after having received and considered all testimony and exhibits, and the City Council adopted the following findings regarding the proposed amendment;

FACTS:

1. Property Location: The subject property is located at 893, 895, and 897 SW Pacific Coast Highway, and further identified on Lincoln County Tax Assessor's Map 13-11-19CC as tax lot 700. The property is located just north of the U.S. Forest Service (USFS) property on the east side of the highway.
2. Prior Ownership and Land Use Activity: The subject property was formerly owned by the USFS. In 2005 USFS completed a property line adjustment that established tax lot 700 in its current configuration. Charles and & Joyce Hagel purchased the property in 2007.
3. Zoning: General Commercial C-2
4. Plan Designation: General Commercial
5. Approximate Lot Size: The lot size totals 2.81 acres.
6. Existing Structures: There are three single family dwellings on the subject property.
7. Topography and Vegetation: The property is elevated approximately 20 feet above Hwy 101. The property has a moderate slope and is heavily vegetated with trees, shrubs and grass.
8. Surrounding Land Use: The USFS complex is located just south of the subject property. Land to the east is undeveloped residential zoned land. Single family residential

land is located northeast of the property (Norwood neighborhood). A powerline easement and the proposed Bridgeview Trail are located between the northwest property line and Hwy 101 (within the highway right-of-way).

9. Access: Access to the property is from Hwy 101. This is a shared access and the north entrance to the USFS complex.

10. Surrounding Zoning: Land south of the property is zoned General Commercial C-2. Land to the east is zoned Residential R-1. Land across Hwy 101 to the west is zoned Retail Commercial C-1 and Residential R-1.

11. Utilities: The following utilities are available to serve the subject property:

- a. Water: Southwest Lincoln County Water District
- b. Sewer: City of Waldport
- c. Electricity: Central Lincoln P.U.D.

12. Development Constraints: None identified.

RELEVANT CRITERIA:

A. Waldport Development Code Chapter 16.32 General Commercial C-2 (Existing Zoning):

1. 16.32.010 Uses permitted outright. In a C-2 zone, the following uses and their accessory uses are permitted outright, subject to the applicable provisions of Chapters 16.72, 16.76, 16.80 and 16.96 of this title:

- a. A use permitted outright in the C-1 zone;
- b. Automobile, truck or trailer sales, service, storage, rental or repair;
- c. Boat or marine equipment sales, service, storage, rental or repair;
- d. Cabinet or similar woodworking shop;
- e. Cold storage or ice processing plant;
- f. Feed or seed store;
- g. Implement, machinery or heavy equipment sales, service, storage or rental;
- h. Laboratory or equipment;
- i. Lumber or building materials sales and storage;
- j. Machine, welding, sheet metal, or similar metal working shop;
- k. Outdoor commercial amusement or recreation establishment such as miniature golf course or drive-in theater, but not including uses such as race track or automobile speedway;
- l. Plumbing, heating, electrical or paint contractors storage, repair or sales shop;
- m. Processing, packing or storage of food or beverage, excluding those products involving distillation, fermentation, rendering of fats or oils, or slaughtering;
- n. Tire retreading or vulcanizing;
- o. Truck terminal, freight depot;
- p. Upholstery shop;
- q. Warehouse or storage area;
- r. Wholesale establishment; and
- s. Car wash.

2. 16.32.020 Conditional uses permitted. In a C-2 zone, the following uses and their accessory uses may be conditionally permitted subject to the applicable provisions

of Chapters 16.72, 16.76, 16.80, 16.84 and 16.96 of this title:

a. A use permitted as a conditional use in the R-3 zone, except uses permitted outright in the C-1 zone;

b. Recreation vehicle park;

c. Kennel;

d. Animal hospital;

3. 16.32.030 Standards. In addition to standards required in this section and in Chapters 16.72, 16.76, 16.80, 16.84 and 16.96 of this title, the standards applicable in the C-1 zone shall apply in the C-2 zone:

a. All yards abutting a lot in a residential zone shall be a minimum of twenty (20) feet.

b. Outdoor storage abutting or facing a street or highway or a residential zone shall be screened with either a sight obscuring fence or a buffer strip of vegetation.

c. Drainage: The drainage requirements applicable in the C-1 zone shall apply in the C-2 zone.

B. Chapter 16.24 Residential Zone R-4 (Proposed Zoning):

1. 16.24.010 Uses permitted outright. In an R-4 zone uses permitted outright in the R-3 zone and their accessory uses are permitted outright, subject to the applicable provisions of Chapters 16.72, 16.76, 16.80 and 16.96 of this title.

2. 16.24.020 Conditional uses permitted. In an R-4 zone, the following uses and their accessory uses are permitted outright, subject to the applicable provisions of Chapters 16.72, 16.76, 16.80 and 16.96 of this title:

a. A use permitted outright in the R-3 zone;

b. Hotel, motel or resort with accessory commercial uses provided that:

1) They are located within the main building;

2) They are limited to gift shops, eating and drinking establishments and similar facilities; and

3) They do not exceed ten (10) percent of the total floor area of the main use.

c. Private museum, art gallery or similar facility;

d. Vacation or travel trailer park.

3. 16.24.030 Standards. In addition to standards required in Chapters 16.72, 16.76, 16.80, 16.84 and 16.96 of this title, in an R-4 zone, the following standards shall apply:

a. Lot Size Dimensions. In the R-4 zone the following shall apply:

1) Minimum lot area:

a) The minimum lot area for a one- or two-family dwelling shall be 5,000 square feet for a lot served by both public water and public sewer.

b) For multi-family dwellings, a lot must exceed five thousand (5000) square feet. Multi-family units shall then be allowed at a density of one unit per each additional one thousand two hundred fifty (1250) square feet for a lot served by both public water and public sewer.

c) For a lot served by only public water, minimum lot size shall be fifteen thousand (15,000) square feet per dwelling unit.

d) Motels, hotels or resorts in a R-4 zone shall have a minimum lot area per guest unit of one thousand five hundred (1,500) square feet if at the time

application is made, the property is served by both a public or community water supply system and sewage disposal system; two thousand five hundred (2,500) square feet if the property is served by a public or community sewage disposal system; and twelve thousand (12,000) square feet if the property is not served by a public or community water supply system.

2) The minimum average lot width shall be fifty (50) feet for an interior lot and fifty-five (55) feet for a corner lot.

3) The minimum lot depth shall be eighty (80) feet.

4) Lot area for ocean and bay front lots or lots with intervening ownership which does not prevent coastal erosion from progressive deterioration of the property shall be determined by the amount of area from the landward boundary of the riparian vegetation zone to the landward extent of the property.

5) Flag lots shall require a minimum frontage of twenty-five (25) feet.

b. Yards. The yard requirements applicable in the R-1 zone shall apply in the R-4 zone except that the front yard shall be a minimum of ten (10) feet.

c. Building Height. No building in the R-3 zone shall exceed a height of thirty-five (35) feet.

d. Lot Coverage. Buildings shall not occupy more than fifty (50) percent of the total area.

e. Drainage. The drainage requirements applicable in the R-1 zone shall apply in the R-4 zone.

C. Chapter 16.104 Amendments

1. 16.104.020(B) Quasi-Judicial amendment procedure. A quasi-judicial amendment to the comprehensive plan and zoning maps may be authorized provided that the proposal satisfies all applicable requirements of the code and also provided that the applicant, in a quasi-judicial hearing, demonstrates the following:

a) That the amendment will be consistent with all other provisions of this code and applicable statutes and regulations and in conformance with the statewide planning goals; and

b) That there has been a substantial change in the character of the area since zoning was adopted and which warrants changing the zone; or

c) That the zoning previously adopted for the area was in error; or

d) That there is a public need for the change being sought and the subject property is suitable to meet that need and will not impair the actual or legally designated uses of surrounding properties.

2. 16.104.040 Intent to rezone, purpose and procedure. It is the purpose and intent of this section to provide additional procedures for small tract zone map amendments to insure the public interest is considered as certain developments occur. These provisions may be invoked at any time during zone change hearings and appeal process.

a) Resolution of Intent to Rezone. If, after consideration of the findings and recommendations of the planning commission, the city council determines that the public interest will be best served by this rezoning or any portion thereof, the council may indicate its approval in concept of the rezoning by the adoption of a "resolution of intent to rezone" said property. This resolution may include any conditions, stipulations, or limitations the council feels necessary to insure the public interest.

b) Resolution of Intent Binding. The adoption of this resolution of intent to rezone by the governing body shall make this as a binding commitment on the city.

c) Site Development and Operation. Other than for residential development, property proposed to be developed under a resolution of intent to rezone shall be managed to insure compliance with the following conditions:

1) That storage of merchandise and supplies be contained entirely within a building;

2) That the proposed use continuously meets State D.E.Q. standards for air and water quality and noise emissions;

3) That vehicle parking and maneuvering areas be hard surfaced and maintained dust free;

4) That on-site drainage be designated to protect adjoining properties and public rights-of-way from increased storm runoff; and

5) Any other conditions that the Council feels necessary to protect the public interest.

d) Site Plan. The council may require under a resolution of intent to rezone a site plan which shall be binding upon the property. Upon approval of the council, property having an approved site plan under these provisions shall be plainly marked as "subject to approved site plan" on the official zoning map of Waldport. Any approved site plan may be amended or a variance therefrom obtained, or the property may be released from the restrictions of such site plan by resolution of the council on recommendation from the planning commission after a public hearing as set forth in Section 16.108.020 of this title. No other changes shall be made constituting a departure from the approved site plan except by amendment or variance as herein provided unless the property has been released from the site plan.

e) Site Plan Composition. Where a site plan is required pursuant to this section, it shall include:

1) Location of existing property boundaries, existing and proposed buildings, structures, accesses, off-street parking and loading spaces, and landscaping;

2) Topography, existing and proposed;

3) Architectural perspective, layout and all elevations drawn without exaggeration, except where noted including locations, area and design of signs and all landscaping.

4) Mechanical roof-mounted equipment of subject property.

f) Change of Zone. The fulfillment of all conditions, stipulations and limitations contained in the resolution of intent to rezone on the part of the applicant, shall be required prior to the governing body effecting the ordinance change. Upon completion of compliance action by the applicant, the council shall enact the ordinance changing the zone.

g) Resolution of Intent Void upon Failure to Comply. The failure of the applicant to substantially meet any or all conditions, stipulations or limitations contained in a resolution of intent to rezone, including the time limit placed in the resolution, shall render said resolution null and void, unless an extension is granted by the council upon recommendation of the planning commission.

B. Yaquina John Point Land Use & Transportation Plan

The Yaquina John Point Land Use & Transportation Plan was completed and adopted by the City in June 2012. One recommendation of the Plan is to rezone the Hagel property from General Commercial C-2 to Residential R-4. The property owner has expressed support for the proposed change to multi-family residential zoning. The Plan states that the property has limited visibility from Hwy 101 and there is a potential sight distance issue that makes it less appropriate for commercial development, i.e. there would be increased traffic entering and exiting Hwy 101 with commercial development which may be a safety issue with the potential sight distance issue.

C. Public Testimony: The Waldport Planning Commission and the Waldport City Council have both held public hearings, inviting public testimony regarding this request. No opposition has been expressed.

FINDINGS:

A. Commercial vs. Residential Development: One reason the adopted Yaquina John Point Land Use & Transportation Plan recommended the subject property be rezoned from commercial to residential was because of the limited visibility of the property from Hwy 101. Commercial properties typically front major roads or downtown/urban areas and are very visible to motorists as well as pedestrians and cyclists. Although this property fronts Hwy 101 it is elevated above the highway and therefore is not very visible to highway travelers.

A second reason for recommending the rezoning was a potential sight distance issue. There is a hill on Hwy 101 at this location. Motorists pulling out onto the highway from the driveway need to be aware of oncoming northbound motorists because they are coming up over a hill. Conversely, northbound motorists may have limited visibility of vehicles pulling onto the highway. Commercial development typically generates a lot more traffic than residential uses therefore this potential sight distance issue could create an unsafe condition for motorists.

A third reason supporting the zone change to residential was that the property affords outstanding elevated views of the ocean and bay. The views would likely be a good selling point for residential development, either multi-family or single family development.

Additionally, the land located adjacent and east of the subject property is zoned residential.

B. Satisfying Applicable Development Code Requirements: In considering this zone change, the property needed to satisfy the minimum standards of the R-4 Residential zone, i.e. lot area, lot width and lot depth. The lot easily satisfies the minimum R-4 standards. The 2.81 acre property exceeds the minimum required lot area, lot width, and lot depth for single family, two-family, multi-family and motel/hotel development.

C. Code Criteria When Considering a Zone Change: In addition to meeting the minimum standards of the requested zoning district, the Planning Commission must have found that one of three circumstances exists in order to grant a zone change. The three circumstances are identified below in italics and followed by an analysis.

That there has been a substantial change in the character of the area since zoning was adopted and which warrants changing the zone.

The subject property was likely zoned C-2 General Commercial prior to

development. The property developed with three single family residential homes many years ago as part of the US Forest Service property. The adjacent US Forest Service property developed as a governmental use as opposed to a general commercial use. The non-commercial development of the subject property as well as the adjacent property provides justification that there has been a substantial change in the character of the area since the C-2 zoning was adopted.

That the zoning previously adopted for the area was in error.

There is an argument that it was inappropriate to zone the subject property with a commercial designation due to 1) the limited visibility from the highway, 2) the topography and heavily wooded nature of the site is not as attractive for commercial development as open level ground, and 3) ocean/bay views are typically better suited for residential development versus commercial development.

That there is a public need for the change being sought and the subject property is suitable to meet that need and will not impair the actual or legally designated uses of surrounding properties.

With the ample undeveloped residential zoned land throughout the city, it is difficult to demonstrate that there is a public need for the zone change. However, the subject property is more suitable for residential development than for commercial development (as stated above). The zone change will not impair the actual or legally designated uses of surrounding properties. In fact, rezoning the property to a residential designation will make it more compatible with the adjacent residential zoned land to the east and northeast.

D. Comprehensive Plan Map Amendment: Since the zone change was approved, it is also appropriate to amend the comprehensive map designation for this property from 'General Commercial' to 'Planned Residential'.

CONCLUSION:

The record and the findings support the conclusion that:

1. The proposed zone change will be in accordance with the Comprehensive Plan, Statewide Planning Goals, all provisions of the Waldport Development Code, and the Yaquina John Point Land Use and Transportation Plan.
2. There is a public need for the proposed zone change.
3. The site under consideration is better suited to the purpose of the proposed zone than it is to the purposes of the existing zone.

THEREFORE, THE CITY OF WALDPORIT HEREBY ORDAINS AS FOLLOWS:

SECTION 1. That the Waldport Zoning Map and Waldport Comprehensive Plan Map be amended to uphold the decision of the Planning Commission to: change the Comprehensive Plan designation from General Commercial to Planned Residential and change the zoning from C-2, General Commercial to R-4, Residential. These changes apply to property identified on Lincoln County Assessor's Map 13-11-19CC as tax lot #700.

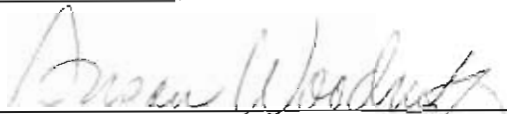
SECTION 2. Effective Date. As an emergency has not been determined to exist,

this ordinance will take effect 30 days from the date of signing.

ADOPTED by the Common Council of the City of Waldport this 12th day of September, 2013 by the following vote:

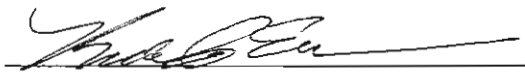
AYES 6 NAYS 0 ABSENT 0 ABSTAIN 0

SIGNED by the Mayor this 12th day of September, 2013.



Susan Woodruff, Mayor

ATTEST:



Reda Q. Eckerman, City Recorder

City of Waldport
PO Box 1120
Waldport, OR 97394

Attn: Plan Amendment Specialist
Oregon DLCD
635 Capitol St. NE, Ste 150
Salem, OR 97301-2540

