



Oregon

Theodore R. Kubongoski, Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED AMENDMENT

06/24/2013

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 001-13

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: Monday, July 08, 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: Skip Urling, City of Warrenton
Gordon Howard, DLCD Urban Planning Specialist
Patrick Wingard, DLCD Regional Representative

<paa> YA

Ordinance No. 1177-A

An Ordinance Amending Warrenton Municipal Code (WMC) Sections 16.12 and 16.40 to include various types of congregate care facilities as permitted uses in the C-1 General Commercial Zone along the Highway 101 corridor.

The City of Warrenton ordains as follows. Language to be added is in underscore font; language to be deleted is in ~~strike through font~~.

Section 1. WMC Section 16.12.010 is hereby amended to add the following:

Nursing or Convalescent Home. A facility providing, one, some or all of the following services:

a. "Alzheimer's Care Unit" means a special care unit in a designated, separate area for individuals with Alzheimer's disease or other dementia that is locked, segregated, or secured to prevent or limit access by a resident outside the designated or separated area. An Alzheimer's care unit is referred to as a memory care community.

b. Assisted Living Facility (ALF)" means a building, complex, or distinct part thereof, consisting of fully, self-contained, individual living units where six or more seniors and adult individuals with disabilities may reside in homelike surroundings. The assisted living facility offers and coordinates a range of supportive services available on a 24-hour basis to meet the activities of daily living, health, and social needs of the residents as described in these rules. A program approach is used to promote resident self-direction and participation in decisions that emphasize choice, dignity, privacy, individuality, and independence.

c. "Residential Care Facility (RCF)" means a building, complex, or distinct part thereof, consisting of shared or individual living units in a homelike surrounding where six or more seniors and adult individuals with disabilities may reside. The residential care facility offers and coordinates a range of supportive services available on a 24-hour basis to meet the activities of daily living, health, and social needs of the residents as described in these rules. A program approach is used to promote resident self-direction and participation in decisions that emphasize choice, dignity, individuality, and independence.

d. "Nursing Facility" means an establishment with permanent facilities including inpatient beds, that provide medical services, including nursing services, but excluding surgical procedures, and that provide care and treatment for two or more unrelated residents. In this definition, "treatment" means complex nursing tasks that cannot be delegated to an unlicensed individual. "Nursing Facility" shall only include facilities licensed and operated pursuant to ORS 441.020(2).

Section 2. WMC 16.40.020.A is hereby amended as follows:

Chapter 16.40 GENERAL COMMERCIAL (C-1) DISTRICT

16.40.020 Permitted Uses.

The following uses and their accessory uses are permitted in the C-1 zone if the uses conform to the standards in Sections 16.40.040 through 16.40.060, Chapters 16.124, 16.212 and other applicable Development Code standards, and other City laws:

A. Only the following uses and their accessory uses are permitted along Highway 101, SE Marlin and ~~SW~~ SE Dolphin Avenues and shall comply with the above noted sections as well as Chapter 16.132:

1. Personal and business service establishments such as barber or beauty shop, clothes cleaning, or funeral home.
2. Professional, financial, business and medical offices.
3. Retail business establishments.
4. Amusement enterprises such as theater or bowling alley.
5. Technical, professional, vocational and business schools.
6. Membership organizations such as unions, lodge hall, club or fraternal buildings.
7. Eating and drinking establishment.
8. Hotel, motel or other tourist accommodation, including bed and breakfast.
9. Automobile sales, and/or service and parts establishment.
10. Boat and marine equipment sales, service or repair facilities.
11. Building material sales yard.
12. Government buildings and uses.
13. Transportation facilities and improvements subject to the standards of Section 16.20.040.
14. Dredge material disposal (DMD) subject to Section 16.40.050 (site 27S located within this area zoned C-1) and Chapter 16.104.
15. Community garden(s) (see definitions).

16. Hospital, medical offices, sanitarium, rest home, nursing or convalescent home.

17. Congregate care or assisted living facility.

~~16.~~ 18. Similar uses as those stated above.

Section 3. Severability. If any section sentence, clause or phase of this ordinance is ruled invalid by a court of competent jurisdiction, the remaining portion of this ordinance shall remain valid and in full force and effect.

Section 4. Effective Date. This ordinance shall be effective 30 days after the second reading.

ADOPTED by the City of Warrenton, Oregon, this 28 day of May, 2013.

First Reading: May 14, 2013


Second Reading: May 28, 2013

Approved:



Mark Kujala, Mayor

Attest:



Linda Engbretson, City Recorder

Anita Shacker
Steve Alstott
Mark Barnes


6-A

"Making a difference through excellence of service"



CITY OF WARRENTON

AGENDA MEMORANDUM

TO: The Warrenton City Commission
FROM: Skip Urling, Community Development Director 
DATE: May 28, 2013
SUBJ: Code Amendments to Permit Various Congregate Care Facilities in the C-1, General Commercial Zoning District

SUMMARY

After a public hearing this past May 14th, the City Commission approved the first reading of Ordinance No. 1177-A which would amend the development code to permit various congregate care facilities in the C-1 General Commercial zoning district along the Highway 101 corridor. Ordinance No. 1177-A is attached to this memorandum for a second reading which the Commission scheduled for May 28th.

RECOMMENDATION/SUGGESTED MOTION

I move to approve the second reading by title only and adopt Ordinance No. 1177-A, amending Warrenton Municipal Code sections 16.12 and 16.40 to include various types of congregate care facilities as permitted uses in the C-1 General Commercial zoning district along the Highway 101 corridor.

ALTERNATIVE

None recommended

FISCAL IMPACT

Not applicable.

Approved by City Manager: _____

All supporting documentation, i.e., maps, exhibits, etc., must be attached to this memorandum.

6-G

"Making a difference through excellence of service"



CITY OF WARRENTON

AGENDA MEMORANDUM

TO: The Warrenton City Commission
FROM: Skip Urling, Community Development Director
DATE: May 14, 2013
SUBJ: Public Hearing--C-1 General Commercial Zoning Code
Amendments to Permit Various Congregate Care Facilities

SUMMARY

On behalf of Brian Ritchie and Steve Olstedt, Mark Barnes has submitted application to amend the development code to permit nursing or convalescent homes in the Highway 101 corridor of the General Commercial District. The proposal includes definitions for such facilities, inclusive of Alzheimer's care units, assisted living facilities, residential care facilities, and nursing facilities. Specifically, the proposed uses include "hospital, medical offices, sanitarium, rest home, nursing or convalescent home" and "congregate care or assisted living facility."

The Planning Commission held a public hearing March 14th and voted unanimously to recommend the City Commission adopt the requested amendments. A copy of the application package and Planning Commission staff report are attached, as is a proposed ordinance.

RECOMMENDATION/SUGGESTED MOTION

I move to approve the first reading, by title only, of Ordinance No. 1177-A amending Warrenton Municipal Code Sections 16.12 and 16.40 to include

various types of congregate care facilities as permitted uses in the C-1 Commercial Zone along the Highway 101 corridor.

ALTERNATIVE

None recommended

FISCAL IMPACT

Not applicable.

Approved by City

Manager: *Kent Lutsch*

All supporting documentation, i.e., maps, exhibits, etc., must be attached to this memorandum.



CITY OF WARRENTON

March 8, 2013

To: Warrenton Planning Commission

From: Skip Urling, Community Development Director

Re: Proposed Code Amendment to Permit Nursing or Convalescent Homes in the C-1 General Commercial Zone Along the Highway 101 Corridor

On behalf of Brian Ritchie and Steve Olstedt, Mark Barnes has submitted application to amend the development code to permit nursing or convalescent homes in the Highway 101 corridor of the General Commercial District. The proposal includes definitions for such facilities, inclusive of Alzheimer's care units, assisted living facilities, residential care facilities, and nursing facilities. Specifically, the proposed uses include "hospital, medical offices, sanitarium, rest home, nursing or convalescent home" and "congregate care or assisted living facility." Please refer to the proposed amendments in the application package.

Application was submitted December 31, 2012 and deemed complete January 10, 2013. Statutorily required 45 day notice to the Department of Land Conservation and Development was sent January 17; public notice of the March 14 public hearing was published in The Columbia Press March 1, 2013.

FINDINGS

The findings below (in italics) were provided as a component of the application package. Following each set is my assessment.

A. Conformance with applicable state statutes.

Statutes regulating skilled nursing and Alzheimer's care facility are at ORS 410 and 442. Neither of these statutes set limits on local government planning and zoning with respect to these types of facilities.

ORS 197 governs comprehensive land use planning in Oregon. ORS 197.660-670 provides some standards for approving residential care facilities for the elderly and disabled. The proposed skilled nursing and Alzheimer's care facility is not the type of facility covered by this statute.

ORS 227 covers city planning and zoning. Nothing in ORS 227 addresses skilled nursing or Alzheimer's care facilities.

Staff Finding: Review of the cited statutes shows that although the cited statutes provide guidance for local governments with respect to “residential care facilities” and “residential homes,” we agree that they do not address or provide guidance for local governments to regulate the types of facilities proposed.

B. Conformance with statewide planning goals.

Nineteen statewide planning goals define the content of local government planning in Oregon. Most of these have no applicability to the proposals.

Goal 1, the citizen involvement goal, establishes a requirement for public participation and input in the planning process. The City's existing procedures for notice and hearing comply with goal 1. The proposed amendment does not alter this procedure.

Staff Finding: We concur.

Goal 2 reads as follows:

To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

Proposed text amendments are consistent with part 1 of goal 2, quoted above, because the amendments rely on the City's established policies and frameworks. These proposed findings are sufficient to provide an adequate factual basis for the City's decision on this proposal. Part 2 of goal 2, dealing with exceptions to statewide planning goals, is not applicable to this proposal, because an exception is neither proposed nor required.

Staff Finding: Consistency with the city’s land use policies and frameworks is discussed below. Again we concur with this finding.

Goal 3, Agricultural Lands , is not applicable to the proposal because it affects only rural lands, not urban lands.

Goal 4, Forest Lands , is not applicable to the proposal because it affects only rural

lands, not urban lands.

Staff Finding: We agree.

Goal 5 addresses Natural Resources, Scenic and Historic Areas, and Open Spaces :

To protect natural resources and conserve scenic and historic areas and open spaces.

A long list of natural resources is covered under goal 5, including non-estuarine wetlands. The amendment package does not change the City's goal 5 policies or implementation measures. Any goal 5 resources present on a commercially-zoned development site in Warrenton are subject to the same protection under the proposed amendments as they are currently. The proposed development code text amendments do not require analysis under the goal 5 administrative rules because the amendments do not affect a goal 5 resource.

Staff Finding: The proposal is a code amendment to allow certain uses to occur outright in the General Commercial zoning district along the Highway 101 corridor. Goal 5 resources will continue to be managed under current guidelines regardless of the type of commercial development proposed.

Goal 6 is To maintain and improve the quality of the air, water and land resources of the state.

The amendment package does not alter the City's planning and implementation approach to goal 6. Nothing in goal 6 requires affects the location or design of a skilled nursing or Alzheimer's care facility.

Staff Finding: Various types of commercial uses are currently permitted in the General Commercial zoning district; this proposal would merely expand the list. It will not affect the city's efforts to continue to comply with Goal 6 of maintaining and improving these resources.

Goal 7, Areas Subject to Natural Disasters and Hazards, reads as follows: To protect people and property from natural hazards. One of the hazards covered under goal 7 are tsunamis. The tsunami hazard map prepared by the Oregon Department of Geology and Mineral Industries (Open File Report 0-95-09) shows the commercially-zoned property along SE Dolphin outside of the tsunami inundation zone. Much of the commercially-

zoned property in Warrenton is within the inundation zone. Skilled nursing facilities and Alzheimer's care are restricted in tsunami inundation zones: see ORS 455.446 through 455.447. The proposal allows construction of a needed facility in one of the relatively few appropriately-zoned areas in Warrenton that is above the tsunami inundation zone. Other goal 7 hazards, such as floodplains and landslide-prone soil conditions, are addressed in Warrenton's development code. These code provisions can be applied at the time a development permit is reviewed. The proposed text amendments do not change the City's existing goal 7-related code provisions.

Staff Finding: We concur.

Goal 8 addresses recreational needs. The proposed text amendments do not expand or hinder opportunities for recreational facilities in the General Commercial zone; nor is the applicant's proposed development site listed in the City's goal 8 inventory as a current or future recreational site.

Staff Finding: Only commercial recreational uses are permitted in the C-1 district. The proposed amendment will not affect those opportunities except through market choice.

Goal 9 is Economic Development:

To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

Proposed amendments affect the General Commercial zone, and commercial zones typically are one of the zones where jobs are located. Clatsop Care employs nursing and support staff at its two Astoria facilities. The proposed Warrenton Alzheimer's and skilled nursing facility would employ these professionals in Warrenton. Nothing in goal 9 prevents or requires the use of commercially-zoned land for nursing care facilities.

Staff Finding: We agree with the applicant's finding Gal 9; the proposed amendment would expand opportunities for employment and economic development.

Goal 10, Housing, is To provide for the housing needs of citizens of the state. Goal 10 requires the City to provide an adequate supply of buildable land for its 20-year projected housing needs. The proposed development code text amendments do not alter the supply of buildable residential land in Warrenton, nor do the amendments change the way residential development is reviewed and permitted.

Staff Finding: We agree; the amendment is to add certain uses to the general commercial zoning district and will have no effect on residential land or development.

Goal 11 is Public Facilities and Services. It reads as follows:

To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for rural and urban development.

Goal 11 is primarily concerned with the provision of water and sewer services, though transportation facilities are also addressed here (but more comprehensively under goal 12). Proposed amendments do not address public facilities and services covered under goal 11; nor do the amendments change the way goal 11 is implemented in Warrenton. The proposed development site is fully-serviced. No exceptions to goal 11, or changes in the City's goal 11 implementation measures, are needed for the proposed amendment or for development of the nursing care facility.

Staff Finding: We agree with the applicant on this finding. In cases where a potential development site comes up under the proposed amendments, and all requisite facilities are not available, it would be the developer's responsibility to provide the necessary improvements.

Goal 12 is the Transportation goal. The city's Transportation System Plan (TSP) is the principal instrument for implementing goal 12 in Warrenton. The TSP classifies SE Dolphin as a local street. Development of a nursing care facility in a commercial zone does not require the re-classification of SE Dolphin, the any changes to the TSP. Compared to other allowed uses in the General Commercial zone, nursing care facilities generate relatively low motor vehicle traffic volumes.

Staff Finding: A review of the Institute of Traffic Engineers *Trip Generation (7th Edition)* reveals that nursing homes are not big traffic generators.

Goal 13 is the Energy goal. The proposed amendments do not change or hamper the City's goal 13 implementation measures. Any new facility built in Warrenton, including the proposed nursing care facility, will meet current code standards for energy conservation. The SE Dolphin location is centrally-located within Clatsop Care's service area, and is adjacent to an existing Sunset Transit bus line, thus conserving energy used in transportation.

Staff Finding: We agree.

Goal 14 is Urbanization. It addresses urbanization, urban growth boundaries, unincorporated communities, and rural industrial areas. Proposed amendments deal with development in an existing urban area. The text amendment, and subsequent development of a nursing care facility, do not change the City's compliance with goal 14 topics.

Staff Finding: We agree.

Goal 15 concerns the Willamette River Greenway, and is not applicable in Warrenton.

Staff Finding: We agree.

Goal 16 addresses Estuarine Resources. The City's General Commercial zone is not in an area covered by goal 16, nor would the proposed amendments allow any development in goal 16 waters. Goal 16 is not applicable to the proposal.

Goal 17, Coastal Shorelands, reads as follows:

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. The management of these shoreland areas shall be compatible with the characteristics of the adjacent coastal waters; and To reduce the hazard to human life and property, and the adverse effects upon water quality and fish and wildlife habitat, resulting from the use and enjoyment of Oregon's coastal shorelands.

Proposed text development code amendments do not change the coastal shoreland boundary in Warrenton, nor do they allow non-compliant uses in coastal shorelands areas. The proposed SE Dolphin development site is not in a coastal shorelands area.

Staff Finding: The City's Comprehensive Plan map shows the vast majority of the area presently zoned General Commercial along the Highway 101 corridor is designated "Urban Development Other Shoreland." The proposed amendment will not affect any coastal shorelands.

Goal 18, Beaches and Dunes, reads as follows:

To conserve, protect, where appropriate develop, and where appropriate restore the resources and benefits of coastal beach and dune areas; and To reduce the hazard to human life and property from natural or man-induced actions associated with these areas.

Proposed text development code amendments do not change the extent of beach and dune areas in Warrenton, nor do they allow non-compliant uses in coastal beach or dune areas. The proposed SE Dolphin development site is not in a designated beach or dune area.

Staff Finding: No portion of the General Commercial zoning district along the Highway 101 corridor is within or adjacent to coastal beach or dune areas.

Goal 19 is Ocean Resources. The General Commercial zone and the SE Dolphin site are not in the goal 19 planning area.

Staff Finding: We agree.

C. Conformance with the City's comprehensive plan

1. Section 2.300 of the City's Comprehensive Plan contains six Land and Water Use Classification policies. Policy 2 is potentially applicable because the proposed amendment affects the General Commercial zone, and policy 2 establishes the Urban Development Area comprehensive plan designation, which includes lands in the General Commercial zone. Omitting [irrelevant] portions, the policy reads as follows:

(2) Urban Development Areas: Areas with a combination of physical, biological and social/economic characteristics which make them necessary and suited for residential, commercial, industrial, public or semi-public uses are appropriately classified for urban development. Such areas are either adequately served by public facilities and services for urban development or have the potential for being adequately served during the next twenty years. There are three types of urban development areas, as follows:

(a) ESWD Shorelands

(b) Other Urban Shorelands: Other urban shorelands are more desirable for other uses or are suitable for a wider range of uses. They are located in one of the following zoning districts: High Density Residential, Medium Density

Residential, Intermediate Density Residential, General Commercial, Recreation Commercial, Urban Recreation/Resort, or General Industrial.

(c) Urban Aquatic Development Areas

Of the three types of urban development areas listed in policy 2, the text amendment affects a subset of the lands designated "other urban shorelands". The proposed text amendment does not require changes to this policy. The SE Dolphin development site, in the General Commercial zone, does not need to be re-designated to accommodate a skilled nursing or Alzheimer's care facility.

Staff Finding: We believe the applicant's finding would apply to all General Commercial zoning district areas along the Highway 101 corridor, as well.

2. Section 3.300 of the City's Comprehensive Plan contains 13 policies and 17 strategies on Residential Lands. The proposed amendment package addresses commercially-zoned land; these policies and strategies are not applicable to the proposed amendment or to any subsequent development proposals on commercially-zoned land.

Staff Finding: We agree. This is a recurring theme in the discussion above.

3. Section 3.320 of the City's Comprehensive Plan includes five Commercial Lands policies. These are potentially applicable to the proposed amendment. The relevant part of commercial lands policy 1 reads as follows:

(1) It is the City's policy to promote convenient and attractive commercial areas that, along with other commercial facilities in the County, provide an adequate level of trade and services for local citizens, other County residents and tourists. Commercial enterprises may be permitted in these three kinds of areas.

(c) 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.

The proposed text amendments do not conflict with policy 1, or with the purpose of the General Commercial zone. Nursing care facilities are already allowed in some areas zoned C1. The proposal expands this to the SE Dolphin area, and incorporates newer language for these facilities.

Staff Finding: The proposed amendment would be applicable to the entire C-1 area along the Highway 101 corridor, not merely the potential site contemplated for development by the applicant. Staff believes the amendment would, in fact, help fulfill the identified policies.

4. Commercial Lands policy 2 from section 3.320 of the Comprehensive Plan reads as follows:

(2) Precautions will be taken to minimize traffic congestion associated with nearby commercial uses, particularly on U.S. Highway 101, Main Avenue, East Harbor Drive, Neptune Drive and Marlin Avenue. Groupings of businesses, common access points and other appropriate techniques will be encouraged. Sufficient parking on either jointly-used lots or individual business sites will be required for new commercial developments.

Policy 2 is implemented in the City's development code by section 16.256, Traffic Impact Study; by parking standards in section 16.128; and by access and circulation standards in section 16.120. The proposed text amendment does not change these standards, nor alter their applicability to a nursing care facility.

Staff Finding: The policies above would apply to nursing home development proposals currently permitted in the General Commercial zoning district not along the highway corridor. We agree the proposed amendment would not alter implementation to the new geography.

5. Community Facilities and Services policy from section 7.310(4) reads as follows:

(5) Efforts shall be undertaken to (a) promote construction of needed educational facilities, (b) support greater use of the community schools concept, (c) help establish a county-wide library system which would offer some services in Warrenton, (d) install appropriate improvements for handicapped people in new and existing City community facilities, (e) support effective operation of hospitals, clinics and other medical facilities in Clatsop County, (f) encourage more doctors to maintain offices in Warrenton, (g) aid sound programs for senior citizens, and (h) allow churches and other semi-public uses in desirable locations when suitable standards and conditions are satisfied.

Subsections (e) and (g) are applicable to the proposal. A skilled nursing and Alzheimer's care facility at the SE Dolphin site would directly implement the policy of supporting

effective operation of medical facilities; and it would deliver services to senior citizens. The proposed amendments would support subsections (e) and (g) of this policy.

Staff Finding: We concur.

6. *Transportation policy 8.310 concerns street classification; it reads as follows:*

(3) One of the following classifications has been selected for roadways in the City:

(a) ARTERIAL – The primary function of an arterial roadway is to provide mobility. Therefore, arterials typically carry higher traffic volumes and allow higher travel speeds while providing limited access to adjacent properties. Within Warrenton, US Highway 101 is the only designated arterial roadway.

(b) COLLECTOR – The function of a collector roadway is to collect traffic from local streets and provide connections to arterial roadways. Generally, collectors operate within moderate speeds and provide more access in comparison to arterials. Within Warrenton, ODOT has designated Ridge Road and DeLaura Beach Lane as rural major collectors; and Fort Stevens Hwy 104, Fort Stevens Hwy 104 Spur, East Harbor Drive, and Warrenton-Astoria Highway 105 are designated as urban collectors. The City has designated NE Skipanon Drive, NE 5th Street, SE 12th Place, SW 9th Street, SW 2nd Street, NW 1st Street, SE Neptune Drive, Seventh Ave. (in Hammond), Lake Drive (in Hammond), Pacific Drive (in Hammond), and SE 19th Street (North Coast Business Park Road).

(c) LOCAL – The primary function of a local street is to provide access to local traffic and route users to collector roadways. Generally, local roadways operate with low speeds, provide limited mobility, and carry low traffic volumes in comparison to other roadway classifications. Within Warrenton, all roadways not mentioned above are designated as local streets.

The SE Dolphin part of the General Commercial zone is affected by the proposed amendments. This street is designated as a Local Street in this policy. The amendment package does not change this designation, nor does it cause SE Dolphin to function differently. Compared to other allowed uses in the General Commercial zone, nursing care facilities generate relatively low motor vehicle traffic volumes, consistent with the Local Street designation.

Staff Finding: The proposed amendment could affect all streets within the commercial highway corridor. That said, the low-traffic generating characteristic of the uses that would be authorized by the amendment would be likely to result in adverse effects.

D. Changed circumstances or further studies justifying the amendment.

The proposed amendment is supported by several factors which may not have been taken into account when the General Commercial zone was written to prohibit nursing care facilities from the SE Dolphin corridor:

- Changing demographics nationally and locally have increased the demand for skilled nursing care and Alzheimer's care facilities. This trend does not seem likely to reverse in the near future. Clatsop Care is seeing steadily increased demand for all types of beds, but especially for skilled nursing and Alzheimer's care.*
- New licensing requirements for nursing care facilities makes it difficult to retrofit older buildings; new construction is usually a more cost-effective way to meet these requirements. Clatsop Care's Sixteenth Street facility in Astoria is located in the old Columbia Memorial Hospital building, built in the 1920s.*
- Restrictions on nursing care facilities in tsunami zones have reduced the land available for these types of facilities. The SE Dolphin site is outside of the mapped tsunami inundation zone.*
- The SE Dolphin site is close to Highway 101, affording good motor vehicle access for visitors and employees, and good access to hospitals in Seaside and Astoria.*
- Warrenton lacks any nursing care facilities presently. Clatsop Care Health District's two existing facilities are located in Astoria. Warrenton is within the Clatsop Care district boundaries.*

Staff Finding: We agree with the logic and argument presented above. The population is aging, with the "baby boomer" generation reaching retirement age presently and generating an increasing need for such services as they pass through time. Retrofitting older facilities to meet new standards and requirements is always a challenge. Tsunami zone restrictions do, in fact, reduce the opportunities for such development outside selected properties along the commercial highway corridor. Direct access to properties from the highway is restrict, but the side streets provide intersecting the highway within the C-1 zone all provide suitable access for residents, visitors and staff. And, Warrenton offers greater vacant land supply with utility capacity to accommodate such uses than other areas within the Clatsop Care district boundaries.

CONCLUSION AND RECOMMENDATION

Staff believes the proposed amendment is consistent with the city's criteria for such actions, and that there is a need to expand the list of permitted uses to include nursing home and congregate care facilities in the highway corridor of the General Commercial zoning district. While such uses are generally permitted in other areas, they likely would be prohibited in the tsunami zone or vacant or re-developable land available to accommodate such development is scarce; at the least, placing such facilities in the tsunami zone is less than prudent.

The proposal is consistent with the applicable state planning goals, would help to fulfill the goals and policies of the city comprehensive plan, and help fill a growing need on the north coast. Staff believes the proposed amendment warrant approval.

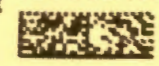
Suggested Motion:

I move to direct staff to prepare an ordinance to amend the municipal code as proposed, and to forward that ordinance and supporting material to the Warrenton City Commission with a recommendation to adopt.

FIRST-CLASS

US POSTAGE \$01.72

DATA/FAC



JUN 17 2013
ZIP 97103
0801 1052811

FIRST CLASS

DEPT OF

JUN 18 2013

LAND CONSERVATION
AND DEVELOPMENT

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

DLCD
ATTN: PLAN AMENDMENT SPECIALIST
635 CAPITOL ST. STE 150
SALEM OR. 97301-2540

