



Oregon

Theodore R. Kubongoski, Governor

Department of Land Conservation and Development

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www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

06/11/2013

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 003-12

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: Wednesday, June 26, 2013

This amendment was submitted to DLCD for review prior to adoption with less than the required 35-day notice. 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

In person electronic mailed

DATE STAMP

DLCD Received on
June 7, 2013

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: **Warrenton**

Local file number: **DRC 12-2**

Date of Adoption: **5/28/2013**

Date Mailed: **6/4/2013**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 8/30/2012

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".

amendment to the city development code to primarily take care of some housekeeping measures to clarify some ambiguities, correct inconsistencies and conflicts, and otherwise make the development code a little friendlier to the community.

Does the Adoption differ from proposal? Please select one

No

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location:

Acres Involved:

Specify Density: Previous:

New:

Applicable statewide planning goals:

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19

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

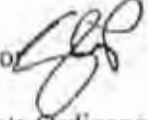
6-B

"Making a difference through excellence of service"



CITY OF WARRENTON

AGENDA MEMORANDUM

TO: The Warrenton City Commission
 FROM: Skip Urling, Community Development Director 
 DATE: March 12, 2013
 SUBJ: Development Code Housekeeping Amendments Ordinance

SUMMARY

Attached is a proposed ordinance intended to make some "housekeeping" amendments to the Warrenton Municipal Code Title 16 Development Code. The proposed amendments clarify some code language that is vague, make consistent some sections that are contradictory with other code sections or state law, and in other cases streamline procedures or a standard that are unnecessarily arduous. The attached February 7, 2013 memorandum to the Planning Commission summarizes the proposed amendments.

On February 14, 2013, the Planning Commission held a public hearing to provide opportunity for public testimony, but no one attended. It was the unanimous decision of the Planning Commission to recommend the City Commission adopt the housekeeping ordinance.

RECOMMENDATION/SUGGESTED MOTION

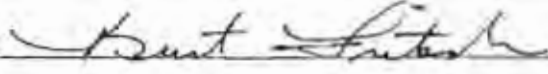
I move to approve the first reading of Ordinance No. 1175A and schedule the second reading for March 26, 2013.

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.


"Making a difference through excellence of service"



CITY OF WARRENTON

February 7, 2013

To: Warrenton Planning Commission

From: Skip Urling, Community Development Director 

Re: Development Code Housekeeping Amendments

Attached is a proposed ordinance intended to make some "housekeeping" amendments to the Warrenton Municipal Code (WMC) Title 16 Development Code. The proposed amendments clarify some code language that is vague, make some sections that are contradictory with other code sections or state law, and in other cases streamline procedures or a standard that are unnecessarily arduous. The Planning Commission workshopped the proposed ordinance last month and I incorporated the changes you asked for in this edition.

The proposed amendments are summarized below:

- The definition of home occupation is revised
- Home occupations would become permitted uses but require a Type II review in all residential zones rather than a conditional use reviewed via a Type III process.
- Incidental sales of firewood, flowers, produce grown on the premises, and lemonade stands would be permitted uses in all residential zones
- New non-residential structures in the floodplain would be required to have the first habitable floor elevated one foot above the base flood elevation, similar to residential structures and as required by the state building code.
- Parking standards for uses not identified in the code would be established by the Community Development Director based on similar uses listed and the ITE *Parking Generation* publication.
- Bicycle parking facilities would have a ceiling of 28 units.
- Engineered grading requirements would be governed by the 2010 Oregon Structural Specialty Code rather than the Uniform Building Code.
- Amendments to the *Locally Significant Wetland Map* would be explicitly identified as a Type IV process as a comprehensive plan amendment.
- Notice to DLC and DSL, when applicable, for all plan, code and map amendments would be tied to state statute which was revised two years ago from 45 days to 35 days.
- Appeal procedures for Type III decisions would be spelled out rather than referred to the Type II appeal section.

- Commercial development proposals of less than 4,000 square feet of floor area on parcels smaller than two acres would be reviewed via a Type II process.
- Applications for preliminary plats on property where the proposed development would alter land within 25 feet of a mapped wetland would be required to include a wetland delineation concurred with by the resource agency with jurisdiction, rather than merely evidence of contact with the agencies..
- In cases of development rights transfers, the parcel(s) receiving the rights must have areas capable of development unencumbered by regulatory restrictions.

After further reflection, I have concluded that amendments the sign code are not necessary. On this issue, the Planning Commission had a short discussion on animated signs along Highway 101. I contacted ODOT and was given a website link on the department's sign program--
<http://www.oregon.gov/ODOT/HWY/SIGNPROGRAM/Pages/index.aspx>—which has some good information, but its scattered. Should a property owner want to pursue an animated sign along the highway I will refer him/her to ODOT.

Should you have any questions, please contact me before the meeting.

Ordinance No. 1175-A

Amending Warrenton Municipal Code (WMC) Sections 16.12.010, 16.24.020, 16.24.030, 16.28.020, 16.28.030, 16.32.020, 16.32.030, 16.36.020, 16.36.030, 16.36.040, 16.88.040.G.2, 16.128.030.A, 16.152.060.D, 16.156.100, 16.192.010, 16.208.020, 16.208.050.H., 16.208.060, 16.212.040, 16.216.040.B.3.m., 16.240.020, and 16.264.040.

The City of Warrenton ordains as follows.

Section 1. The definition of home occupation in WMC Section.16.12.010 is amended to read as follows:

Home Occupation. Any lawful business, profession, occupation, or trade conducted for gain or support entirely within a dwelling unit (or a structural accessory thereto) by its inhabitants only, which use is accessory, incidental, and secondary to the use of the building for dwelling purposes and does not change the essential residential character or appearance of such building. Home occupations are permitted in all residential zones when authorized by the Community Development Director and determined to be consistent with the provisions of Section 16.240.020. Not included in this definition is "Home Office."

Section 2. WMC 16.24.020 is hereby amended as follows:

16.24.020 Permitted Uses.

The following uses and their accessory uses are permitted in the R-40 zone if the Community Development Director determines that the uses conform to the standards in Sections 16.24.040 through 16.24.050, applicable Development Code standards, and other City laws:

- A. Single-family detached dwelling.
- B. Modular home.
- C. Manufactured home subject to the standards in Chapter 16.168.
- D. Residential home.
- E. Residential (care) facility.
- F. Day care.
- G. Farming, grazing, truck gardening, orchards and production of nursery stock.
- H. A temporary dwelling for no more than six months while building a permanent residence.
- I. Accessory structure, no larger than 1,200 square feet, in conjunction with an existing residence on the same property, and subject to standards of Chapter 16.180.
- J. Transportation facilities and improvements subject to the standards of Section 16.20.040.
- K. Similar uses as stated above.
- L. Community garden(s) (see definitions).

- M. Incidental sales of firewood, cut flowers, produce grown on the premises, lemonade, and similar items.
- O. Home occupations

Section 3. WMC 16.24.030 is hereby amended as follows:

16.24.030 Conditional Uses.

The following uses and their accessory uses may be permitted in the R-40 zone when approved under Chapter 16.220:

- A. Government buildings and uses, subject to standards of Sections 16.24.040(C) and 16.24.050.
- B. Public utility structure.
- C. Golf course.
- D. Parks, playground and community center.
- E. Bed and breakfast.
- F. Church, synagogue, or other place of worship.
- G. Master planned development with a minimum lot size of three contiguous acres, subject to the provisions in Chapter 16.224.
- H. Accessory dwelling that complies with Section 16.180.040.
- I. Child care center.
- J. Similar uses as stated above.

Section 4. WMC 16.28.020 is hereby amended as follows:

16.28.020 Permitted Uses.

The following uses and their accessory uses are permitted in the R-10 zone if the Community Development Director determines that the uses conform to the standards in Sections 16.28.040 through 16.28.050, applicable Zoning Ordinance standards, and other City laws:

- A. Single-family detached dwelling.
- B. Modular home.
- C. Manufactured home subject to standards in Chapter 16.168.
- D. Residential home.
- E. Residential (care) facility.
- F. Day care.
- G. Cemetery.
- H. Farming, grazing, truck gardening, orchards and production of nursery stock.
- I. A temporary dwelling for no more than six months while building a permanent residence.

- J. Accessory structure no larger than 1,200 square feet, in conjunction with an existing residence on the same property, and subject to standards of Chapter 16.180.
- K. Transportation facilities and improvements subject to the standards of Section 16.20.040.
- L. Similar uses as stated above.
- M. Community garden(s) (see definitions).
- N. Incidental sales of firewood, cut flowers, produce grown on the premises, lemonade, and similar items.
- O. Home occupations

Section 5. WMC 16.28.030 is hereby amended as follows:

16.28.030 Conditional Uses.

The following uses and their accessory uses may be permitted in the R-10 zone when approved under Chapter 16.220:

- A. Government buildings and uses subject to standards of Sections 16.28.040(C) and 16.28.050.
- B. Hospital, sanitarium, rest home, nursing or convalescent home.
- C. Public utility structure.
- D. School: nursery, primary, elementary, junior or senior high; public or private.
- E. Child care center.
- F. Golf course.
- G. Parks, playgrounds and community centers.
- H. Church, synagogue, or other place of worship.
- I. Bed and breakfast.
- J. Master planned development with a minimum lot size of three contiguous acres, subject to the provisions in Chapter 16.224.
- K. Accessory dwelling that complies with Section 16.180.040.
- L. RV park.
- M. Similar uses as stated above.

Section 6. WMC 16.32.020 is hereby amended as follows:

16.32.020 Permitted Uses.

The following uses and their accessory uses are permitted in the R-M Zone if the Community Development Director determines that the uses conform to the standards in Sections 16.32.040 through 16.32.050, and any other applicable Development Code standards, and other City laws:

- A. Single-family detached dwelling.

- B. Modular home.
- C. Manufactured home subject to the standards in Chapter 16.168.
- D. Duplex and townhome subject to standards of Chapter 16.184.
- E. Residential home.
- F. Residential (care) facility.
- G. Day care.
- H. Master planned development with a minimum lot size of three contiguous acres, subject to provisions in Chapter 16.224.
- I. A temporary dwelling for no more than six months while building a permanent residence.
- J. Accessory structure no larger than 1,200 square feet, in conjunction with an existing residence on the same property, and subject to standards of Chapter 16.180.
- K. Transportation facilities and improvements subject to the standards of Section 16.20.040.
- L. Dredge material disposal (DMD) subject to Section 16.32.050 (Sites 19S and 21S) and Chapter 16.104.
- M. Similar uses as those stated above.
- N. Community garden(s) (see definitions).
- N. Incidental sales of firewood, cut flowers, produce grown on the premises, lemonade, and similar items.
- O. Home occupations

Section 7. WMC 16.32.030 is hereby amended as follows:

16.32.030 Conditional Uses.

The following uses and their accessory uses may be permitted when approved under Chapter 16.220:

- A. Church, synagogue, or other place of worship.
- B. Government buildings and uses subject to applicable standards of Sections 16.32.040(C) and 16.32.050.
- C. Hospital sanitarium, rest home, nursing or convalescent home.
- D. School: nursery, primary, elementary, junior or senior high; private or public.
- E. Child care center.
- F. Public utility structure.
- G. Parks, playgrounds, and community centers.
- H. Bed and breakfast.
- I. Manufactured dwelling park subject to standards in Chapter 16.172.
- J. Accessory dwelling that complies with Section 16.180.040.
- K. Similar uses as those stated above.

Section 8. WMC 16.36.020 is hereby amended as follows:

16.36.020 Permitted Uses.

The following uses and their accessory uses are permitted in the R-H zone if the Community Development Director determines that the uses conform to the standards in Sections 16.36.040 through 16.36.050, applicable Development Code standards, and other City laws:

- A. Single-family detached dwelling.
- B. Modular housing.
- C. Manufactured home.
- D. Duplex and townhome subject to standards of Chapter 16.184.
- E. Triplex subject to standards of Chapter 16.184.
- F. Multifamily housing development subject to standards of Chapter 16.188.
- G. Residential home.
- H. Residential (care) facility.
- I. Day care.
- J. A temporary dwelling for no more than six months while building a permanent residence.
- K. Accessory structure no larger than 1,200 square feet, in conjunction with an existing residence on the same property and subject to the additional criteria under Chapter 16.180.
- L. Master planned development with a minimum lot size of three contiguous acres, subject to the provisions in Chapter 16.224.
- M. Transportation facilities and improvements subject to the standards of Section 16.20.040.
- N. Similar uses as stated above.
- O. Incidental sales of firewood, cut flowers, produce grown on the premises, lemonade, and similar items.
- P. Home occupations

Section 9. WMC 16.36.030 is hereby amended as follows:

16.36.030 Conditional Uses.

The following uses and their accessory uses may be permitted when approved under Chapter 16.220:

- A. Boarding, lodging or rooming houses.
- B. Hospitals, sanitariums, rest homes, nursing or convalescent homes, medical clinic or office in conjunction with a residential facility.
- C. Churches, synagogues, or other places of worship.
- D. Parks, playgrounds and community centers.

- E. Government buildings and uses subject to standards of Sections 16.36.040(C) and 16.36.050.
- F. Public utility structure.
- G. School: nursery, primary, elementary, junior or senior high: public or private.
- H. Child care center.
- I. Bed and breakfast.
- J. Accessory dwelling subject to standards of Section 16.180.040.
- K. Similar uses as stated above.

Section 10. WMC 16.36.040.A.3., is hereby amended as follows:

16.36.040 Development Standards.

The following development standards are applicable in the R-H zone:

- A. Density Provisions.
 - 1. Minimum lot area for a single-family detached dwelling: 5,000 square feet.
 - 2. Minimum lot area duplex, townhome, rowhouse: 2,500 square feet per unit.
 - 3. Minimum lot area for a triplex: 7,500 square feet.
 - 4. Minimum lot area for a multifamily dwelling: 10,000 square feet.
 - 5. Maximum density for multifamily structures: one dwelling unit per 1,600 square feet of site area.
 - 6. Lot coverage: not more than 55% of an individual lot area shall be covered by buildings, except as may be permitted by conditional use permit or variance.
 - 7. Minimum lot width at the front building line for single-family detached dwelling or multifamily: 50 feet.
 - 8. Minimum lot width at the front building line for duplex, townhome, rowhouse: 25 feet per unit.
 - 9. Minimum lot depth: 70 feet.
 - 10. Maximum building height: 40 feet.
 - 11. The lowest density which will be allowed in new subdivisions and other developments with four or more units that are located on sites without significant natural feature problems is five dwelling units per gross acre.

Section 11. WMC 16.88.040.G.2 is hereby amended as follows:

16.88.040.G.2 Standards for Flood Hazard Reduction.

- 2. Nonresidential Construction.
 - a. New construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall either have the lowest floor, including basement, elevated to a minimum of one foot above the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

- i. Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
- ii. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
- iii. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specification and plans. Such certifications shall be provided to the building official as set forth in Chapter 16.244;
- iv. Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in this section;
- v. Applicants floodproofing nonresidential buildings shall be notified that the flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g., a building floodproofed to the base flood level will be rated as one foot below).

Section 12. WMC 16.128.030.A., is hereby amended as follows:

16.128.030 Vehicle Parking Standards.

At the time a structure is erected or enlarged, or the use of a structure or parcel of land is changed within any zone in the City, off-street parking spaces shall be provided in accordance with requirements in this section, chapter, and Code, unless greater requirements are otherwise established. The minimum number of required off-street vehicle parking spaces (i.e., parking that is located in parking lots and garages and not in the street right-of-way) shall be determined based on the standards in Table 16.128.030.A.

A. General Provisions.

1. Groups of four or more off-street parking spaces shall be served by a driveway or aisle so that no backing movements or other maneuvering within a street or right-of-way, other than an alley, will be required. Section 16.120.020 contains driveway opening and width standards.
2. Service drives or aisles to off-street parking areas shall be designed and constructed to facilitate the flow of traffic and to provide maximum safety to pedestrian, bicycle, and vehicular traffic on the site.

3. Service drives or aisles shall be clearly and permanently marked and defined through the use of bumper rails, fences, buildings, walls, painting, or other appropriate markers.
4. Fractional space requirements shall be counted as a whole space.
5. All parking lots shall be designed and constructed to meet the City standards of Section 16.120.020, this chapter, Chapter 16.136, and this Code.
6. Uses not specifically listed above shall furnish parking as required by the Community Development Director, who shall consider uses similar to those listed in Table 16.128.030.A above and the Institute of Traffic Engineers *Parking Generation* as guides for determining requirements for other uses.

Section 13. WMC 16.128.040.B., is hereby amended as follows:

16.128.040 Bicycle Parking Requirements.

- B. Number of Bicycle Parking Spaces. A minimum of two bicycle parking spaces per use is required for all uses with more than 10 vehicle parking spaces. The following additional standards apply to specific types of development:
 1. Multifamily Residences. Every residential use of four or more dwelling units provides at least one sheltered bicycle parking space for each dwelling unit. Sheltered bicycle parking spaces may be located within a garage, storage shed, basement, utility room or similar area. In those instances in which the residential complex has no garage or other easily accessible storage unit, the bicycle parking spaces may be sheltered from sun and precipitation under an eave, overhang, an independent structure, or similar cover.
 2. Parking Lots. All public and commercial parking lots and parking structures provide a minimum of one bicycle parking space for every 10 motor vehicle parking spaces, with a maximum of 28 bicycle parking spaces per commercial lot.
 3. Schools. Elementary and middle schools, both private and public, provide one bicycle parking space for every 10 students and employees. High schools provide one bicycle parking space for every five students and employees. All spaces should be sheltered under an eave, overhang, or bicycle shelter.

Section 14. WMC 16.152.060.D is hereby amended as follows:

16.152.060.D. Grading Permit Requirements.

- D. Engineered Grading Requirements. As required by 2010 Oregon Structural Specialty Code Appendix J, as may be amended.

Section 15. WMC 16.152.080 is hereby amended.

16.152.080 Grading Fees.

Grading fees shall be set by resolution of the Warrenton City Commission. **Section 16.** WMC 16.156.100 is hereby amended as follows:

16.156.100 Wetland Significance Determination Amendment Procedure.

To amend the significance determination of a mapped wetland area, an affected property owner or its agent must abide by the following procedure:

- A. A proposed change to the significance determination of a wetland that is depicted on the *City of Warrenton Locally Significant Wetland Map (LSW Map)* shall follow the Type IV Procedure (Legislative and Map Amendments) procedure of Sections 16.208.060 and 16.232.030.
- B. The LSW Map is adopted as part of the Warrenton Comprehensive Plan. Thus, amendments to the Map are subject to review by the Warrenton Planning Commission and City Commission. The Planning Commission shall make a recommendation to the City Commission and the City Commission shall decide such applications.
- C. Approval of a quasi-judicial amendment to the LSW Map shall be based on the following criteria:
 1. Determination by the City that a functional assessment for a particular wetland inventory unit supports revision of that unit's significance determination.
 - a. The assessment must be completed by a qualified wetland scientist; and
 - b. The assessment must include the entire wetland inventory unit; and
 - c. The assessment must follow the principles of OFWAM (Oregon Freshwater Wetland Assessment Methodology); and
 - d. The assessment must include analyses of those specific criteria in question (i.e., hydrologic control, intact water quality, distance to a Water Quality Limited (WQL) stream [WQL stream determinations are made by the Oregon Department of Environmental Quality (DEQ)], wildlife habitat, etc.).
 2. In addition to the notice requirements of Section 16.208.050, the City shall provide notice of the initial evidentiary hearing to DLCD pursuant to ORS 197.610. The City shall provide notice of the initial evidentiary hearing to DSL at the same time.
 3. The City shall mail a copy of the official staff report, together with the entire application packet, to DLCD and DSL not less than seven days in advance of the initial evidentiary hearing date for the matter.
- D. The City Commission's decision may be appealed to the Oregon Land Use Board of Appeals.

Section 17. WMC 16.192.010.B., is hereby amended as follows:

16.192.010 Approval Process.

A. Large-Scale Development. A development which is:

1. A planned unit development, manufactured dwelling park, recreational vehicle park, or campground; or
2. A multifamily housing development or row house/townhouse (single-family attached) development which within two calendar years will have 10 or more dwelling units; or
3. A commercial, industrial, public or institutional development which within two calendar years will use two or more acres of land or will have buildings with 10,000 square feet or more of floor area; or
4. Dependent on the expansion of City utility system(s) to service the development, including, but not limited to, development (or improvement) of transportation facilities or water and/or sewer mainline extensions.

B. Review Type.

1. Type III: “1, 2, 3, or combined 1 and 4.”
2. Type I: “4 .”

Section 18. Table 16.208.020 in WMC 16.208.020 is hereby amended as follows:

Table 16.208.020

Summary of Development Decisions and Permit by Type of Decision-Making Procedure

Permit Type or Development Decision	Decision-Making Procedure	Code, Statute, or Ordinance Reference
Annexation	Type IV	Chapter 16.260
Appeal	Type III	Chapter 16.208
Code Interpretation	Type II	Chapter 16.236
Code Amendment	Type IV	Chapter 16.232
Comprehensive Plan Amendment	Type IV	Comprehensive Plan Article 20
Conditional Use Permit	Type III	Chapter 16.220

Impact Assessment and Resource Capability	Type II	Chapter 16.164
Floodplain Development Permit	Type I	Chapter 16.88
Flood Zone Determination	N/A	Flood Insurance Rate Maps (FIRM) for Warrenton/Hammond
Hardship (Wetland) Variance	Type III	Section 16.156.080
Home Occupation Permit	Type II	Section 16.240.020
Home Office Permit	Type I	Chapter 16.240
Land Partition (Preliminary Plat)	Type II	Chapter 16.216
Land Partition (Final Plat)	N/A	Chapter 16.216
Land Use Compatibility Statement (LUCS)	N/A	WDC and Comprehensive Plan
Land Use District Map Amendment (Quasi-Judicial)	Type IV	Chapter 16.232
Land Use District Map Amendment (Legislative)	Type IV	Chapter 16.232
Large-Scale Development	Type II/III	Chapter 16.192
Legal Lot/Lot of Record Determination	Type I	WDC, Clatsop County Deed Records, and ORS Chapter 92
Lot Line Adjustment	Type I	Chapter 16.216
Manufactured Dwelling Park	Type III	Chapter 16.172, ORS Chapter 446, and OAR Division 918
Transfer of Development Rights (TDR)	Type III	Chapter 16.264
Modification to Approval	Type II/III	Chapters 16.208 and 16.228
Nonconforming Use or Development Confirmation	Type II	Chapter 16.276
Planned Unit Development	Type III	Chapter 16.224
Urban Growth Boundary Adjustment/Amendment	Type III/IV	Comprehensive Plan Article 2.320
Street Development (Classification and Design Standards)	Type II/III	Division 3 (applicable sections)
Sign Permit	Type I	Chapter 16.140
Site Design Review	Type II/III	Chapters 16.116, 16.192 (as applicable) 16.208, and 16.212
Subdivision (Preliminary Plat)	Type III	Chapters 16.116, 16.208, and 16.216
Subdivision (Final Plat)	N/A	Chapter 16.216
Plat Vacation	Type III	Chapter 16.208 and Section 16.216.020
Temporary Use Permit	Type II/III	Chapter 16.240
Vacation (Street)	Type I or III and City Commission	Section 16.216.020(F) and ORS Chapter 271

	Public Hearing per ORS 271	
Variance	Type II/III	Chapter 16.272
Wetland Area Boundary Adjustment	Type I	Section 16.156.090
Wetland Significance Determination Amendment	Type III	Section 16.156.100
Wireless Communication Facility (WCF) Permit	Type III	Chapters 16.148 and 16.220.
Zoning Map Amendment (see Land Use District Map)	Type IV	Chapter 16.232

Notes:

inclusive of all applicable review criteria. Please refer to the referenced document for all applicable criteria.

2. In addition to any project that abuts, or requires direct access from, a state highway, the City shall send notice to ODOT for the following applications: annexation, code amendment, Comprehensive Plan amendment, conditional use permit, home occupation permit, land use district map amendment (quasi-judicial and legislative), large-scale development, manufactured dwelling park, subdivision (preliminary plat), vacation (street), wireless communication facility permit, and zoning map amendment.

Section 19. WMC 16.208.050.H., is hereby amended as follows:

- H. Appeal. A Type III quasi-judicial decision may be appealed to the City Commission as follows:
 - 1. Who May Appeal. The following people have legal standing to appeal a Type III quasi-judicial decision:
 - a. The applicant.
 - b. Any person who submitted written or oral testimony to the decision making body.
 - 2. Appeal Procedure.
 - a. Notice of Appeal. Any person with standing to appeal, as provided in subsection H.1., of this section, may appeal a Type III quasi-judicial decision by filing a notice of appeal according to the following procedures:
 - i. Time for Filing. A notice of appeal shall be filed with the Community Development Director within 14 days of the date the notice of decision was mailed.
 - ii. Content of Notice of Appeal. The notice of appeal shall contain:

- (A) An identification of the decision being appealed, including the date of the decision.
 - (B) A statement demonstrating the person filing the notice of appeal has standing to appeal.
 - (C) A statement identifying the specific issues raised on appeal.
 - (D) A statement demonstrating that the appeal issues were raised by oral or written testimony during the comment period or prior to the close of the record established at the Planning Commission's public hearing.
 - (E) Filing fee.
- b. Scope of Appeal. The appeal of a Type III quasi-judicial decision shall be limited to the specific issues raised during the written comment period or at the public hearing, as provided under Subsection ii.D above, unless the City Commission allows additional evidence or testimony concerning any other relevant issue. The City Commission may allow such additional evidence if it determines that such evidence is necessary to resolve the case. Written or oral comments received during the comment period or public hearing will usually limit the scope of issues on appeal. Only in extraordinary circumstances should new issues be considered by the City Commission on appeal of a Type III Quasi-Judicial Decision.
 - c. Appeal Procedures. Type III notice as provided in §16.208.050 and hearing procedures as provided by §16.208.060 shall be used for all Type III quasi-judicial decision appeals.

Section 20. WMC 16.208.060.C.2.d., is hereby amended as follows:

16.208.060 Type IV Procedure (Legislative and Map Amendments).

d. The Department of Land Conservation and Development (DLCD) shall be notified in writing of proposed Comprehensive Plan and development code amendments pursuant to ORS 197.610, as may be amended.

Section 21. WMC 16.212.040 is hereby amended as follows:

16.212.040 Site Design Review.

A. Application Review Procedure.

1. Site Design Review—Determination of Type II and Type III Applications. Applications for site design review shall be subject to Type II or Type III review, based on the following criteria:

- a. Residential developments with between five and nine dwelling units shall be reviewed as a Type II application, except when development review is allowed under Section 16.212.020. Residential developments with greater than nine units shall be reviewed as a Type III application.

- b. Commercial, industrial, public/semi-public, and institutional buildings (including building additions) with:
 - i. Up to 10,000 square feet of gross floor area and developing less than two acres of land shall be reviewed as a Type II application.
 - ii. More than 10,000 square feet of gross floor area or developing two or more acres of land shall be reviewed as a Type III application.
- c. Developments involving the clearing and/or grading of two acres or more shall be reviewed as Type III applications.

Section 22. WMC 16.216.040.B.3.m., is hereby amended as follows:

m. For proposals that would alter land within 25 feet of a mapped wetland, a jurisdictional delineation of the wetland boundary concurred with by the appropriate resource agency with jurisdiction.

Section 23. WMC 16.240.020 is hereby amended as follows:

16.240.020 Home Occupation Permits.

The purpose of this section is to encourage those who are engaged in small commercial ventures which could not necessarily be sustained if it were necessary to lease commercial quarters or which, by the nature of the venture, are appropriate in scale and impact to be operated within a residence. Home occupations are encouraged for their contribution in reducing the number of vehicle trips often generated by conventional businesses. They are permitted in all residential units (dwellings) located in residential zones, subject to Section 16.208.040 Type II Procedures (Administrative) and the standards of 16.240.020 A. through H.

Section 24. WMC 16.264.040.C., is hereby amended as follows:

16.264.040 Transfer of Development Rights (TDR)

C. The lot(s) or parcel(s) has buildable area adequate to accommodate the transferred development rights and which area(s) is not subject to regulatory limitations designed to protect natural resources, scenic and historic areas, maintaining or enhancing air or water quality, or preserving the historical, architectural, archaeological, or cultural aspects, open spaces or other resources protected under the Statewide Planning Goals.

Section 25. 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.

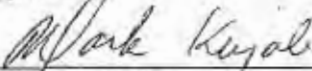
Section 26. Effective Date. This ordinance shall be effective 30 days after the second reading.

ADOPTED by the City of Warrenton, Oregon, this 26th day of March, 2013.

First Reading: March 12, 2013

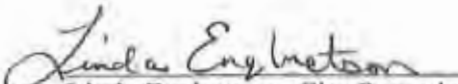
Second Reading: March 26, 2013

Approved:



Mark Kujala, Mayor

Attest:


Linda Engbretson, City Recorder

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

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