



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

03/11/2014

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 004-13

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: Tuesday, March 25, 2014

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> N



## NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE

File No.:

Received:

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See OAR 660-018-0040). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use Form 4 for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use Form 5 for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use Form 6 with submittal of an adopted periodic review task.

Jurisdiction: City of Warrenton

Local file no.: **DCR 14-1**

Date of adoption: 02/25/14

Date sent: 3/4/2014

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 02/05/14

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No

If yes, describe how the adoption differs from the proposal:

Local contact (name and title): Skip Urling, Community Development Director

Phone: 503.861.0920

E-mail: cityplanner@ci.warrenton.or.us

Street address: 225 S Main

City: Warrenton

Zip: 97146-

### PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

#### For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

#### For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

Change from	to	acres.	A goal exception was required for this
change.			
Change from	to	acres.	A goal exception was required for this
change.			
Change from	to	acres.	A goal exception was required for this
change.			
Change from	to	acres.	A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address):

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

**If the comprehensive plan map change is a UGB amendment** including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

**If the comprehensive plan map change is an urban reserve amendment** including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

**For a change to the text of an ordinance or code:**

Identify the sections of the ordinance or code that were added or amended by title and number:

Ordinance No. 1186-A amending WMC Sections 16.40.020 General Commercial Permitted Uses, 16.44.020 Commercial Mixed Use Permitted Uses, 16.48.020 Marine Commercial Permitted Uses, 16.56.020 Recreational-Commercial Permitted Uses, 16.60.020 General Industrial Permitted Uses and 16.64.020 Water-Dependent Industrial Shorelands Permitted Uses

**For a change to a zoning map:**

Identify the former and new base zone designations and the area affected:

Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation:	Acres added:	Acres removed:
---------------------------	--------------	----------------

Location of affected property (T, R, Sec., TL and address):

---

List affected state or federal agencies, local governments and special districts: none

Identify supplemental information that is included because it may be useful to inform DLCDC or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

none

## Ordinance No. 1186-A

**Amending Warrenton Municipal Code (WMC) Sections 16.40.020, 16.44.020, 16.48.020, 16.56.020, 16.60.020 and 16.64.020.**

**Purpose and intent: The City Commission finds that the term “public utility structures” in the Development Code was not intended to, and has not been construed, to permit only public utility buildings. The City Commission finds that this Ordinance corrects an inadvertent drafting error that creates an ambiguity regarding permitted public utilities in commercial and industrial zones, as further described in the staff report hereby adopted as the City Commissions findings in support of this Ordinance.**

The City of Warrenton ordains as follows.

**Section 1.** WMC 16.40.020 is hereby amended as follows:

### **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 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.

18. Public utilities, including pipelines, cables, and utility crossings but not structures.
19. Similar uses as those stated above.

B. For all other C-1 zoned areas within the City limits of Warrenton, the following uses and their accessory uses are permitted and shall comply with the above noted sections:

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, service or repair establishment.
10. Boat and marine equipment sales, service or repair facilities.
11. Building material sales yard.
12. Residential home.
13. Residential (care) facility.
14. Home occupations (must comply with paragraph 19 of this subsection).
15. Child care center.
16. Government buildings and uses.
17. Public utilities, including structures, pipelines, cables, and utility crossings.
18. Hospital, medical offices, sanitarium, rest home, nursing or convalescent home.
19. Congregate care or assisted living facility.
20. Single-family residences existing prior to April 2, 1997 may be repaired, remodeled, expanded, or replaced if damaged.
21. Transportation facilities and improvements subject to the standards of Section 16.20.040.
22. Community garden(s) (see definitions).
23. Similar uses as those stated in this section. (Ord. 1177-A § 2, 2013)

**Section 2.** WMC 16.44.020.B is hereby amended as follows:

16.44.020 Permitted Uses.

The following uses and their accessory uses are permitted in the C-MU district if the Community Development Director determines that the uses conform to the standards in Sections 16.44.040 and 16.44.050, applicable Development Code standards, and other City laws. All new sewer and water connections for a proposed development shall comply with all City regulations:

A. Residential.

1. Single-family detached dwelling with covered parking in accordance with Chapter 16.180 on lots not having direct frontage on, or taking direct access from, a state highway.
  2. Duplex, townhome, triplex, multifamily and rowhouse with garage (attached or detached) in accordance with Chapter 16.180 and subject to standards of Chapter 16.184.
  3. Daycare center.
  4. Home occupation, shall comply with Section 16.44.020(A)(5).
  5. Single-family residences existing prior to April 2, 1997 may be repaired, remodeled, expanded, or replaced if damaged so long as building permits are obtained within 12 months of the date of discontinuance.
  6. Similar uses as those listed in this section.
- B. Public and Institutional.
1. Church, synagogue, or other place of worship.
  2. Clubs, lodges, similar uses.
  3. Government buildings and uses.
  4. Libraries, museums, community centers, and similar uses.
  5. Public parking lots and garages, subject to design standards in Chapter 16.128.
  6. Public utilities, including structures, pipelines, cables, and utility crossings.
  7. Transportation facilities and improvements subject to the standards of Section 16.20.040.
  8. Community garden(s) (see definitions).
  9. Similar uses as those listed in this section.
- C. Commercial.
1. Personal and business service establishments such as a barber or beauty shop, clothes cleaning or a funeral home.
  2. Professional, financial, business and medical offices. Drive-through facilities are not permitted within the C-MU district.
  3. Retail business establishments and processing uses (e.g., bakery) of goods sold on site.
  4. Amusement enterprises such as a theater or bowling alley.
  5. Technical, professional, vocational and business schools.
  6. Eating and drinking establishments. Drive-through facilities are not permitted within the C-MU district.
  7. Hotel, motel or other tourist accommodation, including bed and breakfast.
  8. Similar uses as those listed in this section.

**Section 3.** WMC 16.48.020 is hereby amended as follows:

16.48.020 Permitted Uses.

The following uses and activities and their accessory uses and activities are permitted in the C-2 zone if the Community Development Director determines that the uses conform to the standards in Section 16.48.040, applicable Development Code standards, and other City laws:

- A. Water-dependent commercial uses, including, but not limited to:
  - 1. Marina or moorage facilities.
  - 2. Boat building or repair.
  - 3. Marine fuel storage and dispensing.
  - 4. Marine equipment sales, repair or manufacture.
  - 5. Wharves, docks, piers, marine railways and ways.
  - 6. Cold storage, ice manufacturing.
  - 7. Warehousing or storage for marine equipment or seafood.
  - 8. Charter fishing services.
  - 9. Seafood processing.
- B. Navigation aids.
- C. Repair and maintenance of existing structures or facilities.
- D. Land falls and access corridors for submerged cable, sewer line, water line or other pipeline crossing.
- E. New dikes limited to those in conjunction with uses permitted in the C-2 zone.
- F. Stormwater or wastewater outfall.
- G. Structural shoreline stabilization.
- H. Water-dependent portions of an aquaculture facility.
- I. Public utilities, including structures, on-shore pipelines, cables and utility crossings.
- J. Marine research and education facility.
- K. Excavation to create new water surface area.
- L. Public access improvements, as specified in public access plans.
- M. Land transportation facilities and improvements.
- N. Passive restoration facilities.
- O. Communication facilities.
- P. Park host (on-site) is an ancillary use for water-dependent commercial uses within the Warrenton Marina only, and located on a City-approved RV site. Subject to provisions of Section 16.48.040(P) (see definitions).
- Q. Community garden(s) (see definitions).
- R. Similar uses as those listed in this section.

**Section 4.** WMC 16.56.020 is hereby amended as follows:

16.56.020 Permitted Uses.

The following uses and activities and their accessory uses and activities are permitted in the R-C zone if the Community Development Director determines that the uses conform to the standards of Section 16.56.040, applicable Development Code standards, and other City regulations:

- A. Low-intensity water-dependent recreation.

- B. Navigational aids.
- C. Passive restoration measures.
- D. Maintenance and repair of existing structures and facilities.
- E. Temporary dike for emergency flood protection, limited to 60 days, subject to state and federal regulations.
- F. Hotel/conference center and associated facilities subject to the standards in Section 16.56.040.
- G. Shoreline stabilization.
- H. Water-related recreational, commercial and industrial uses, subject to the standards in Section 16.56.040, including, but not limited to:
  - 1. Seafood market;
  - 2. Boat and/or marine equipment sales establishments;
  - 3. Retail trade facilities used for the sale of products such as ice, bait, tackle, charts, groceries and gasoline;
  - 4. Cold storage facility;
  - 5. Warehousing and/or other storage areas for marine equipment;
  - 6. Charter fishing office;
  - 7. Sports fish cleaning establishment.
- I. Landfalls and access corridors for submerged cable, sewer line, water line or other pipeline crossing.
- J. Dredged material disposal.
- K. Excavation to create new water surface area.
- L. Beach nourishment at a designated site.
- M. Transportation facilities and improvements subject to the standards of Section 16.20.040.
- N. Park host is an ancillary use for water-dependent commercial uses within the Hammond and Warrenton Marinas only. There shall be one host site located on an approved RV site for each marina. Subject to provisions of Section 16.56.040. Also, see definitions.
- O. Community garden(s) (see definitions).
- P. Dredge material disposal (DMD) subject to Section 16.56.040 (portion of site O 7.6 within the City limits) and Chapter 16.104.
- Q. Public utilities, including on-shore pipelines, cables, and utility crossings.
- R. Similar uses as those listed in this section.

**Section 5.** WMC 16.60.020 is hereby amended as follows:

16.60.020 Permitted Uses.

The following uses and activities and their accessory uses and activities are permitted in the I-1 zone if the Community Development Director determines that the uses conform to the standards of Section 16.60.040, applicable Development Code standards, and other City regulations:

- A. Production, processing, assembling, packaging or treatment of such products as food products, pharmaceutical, hardware and machine products.



- B. Production, processing, assembling, packaging or treatment of articles and products from previously-prepared or semi-finished materials, such as paper, wood, rubber, plastics, fibers and sheet metal.
- C. Research and development laboratories.
- D. Printing facilities.
- E. Public utility facilities such as power stations, sewage and water treatment plants.
- F. Storage and distribution services and facilities (i.e., truck terminals, warehouses and storage buildings and yards, contractor's establishments, lumber yards and sales) or similar uses.
- G. Vehicle repair (welding, painting and service, and parts facilities).
- H. Airport support structures: hangars, weather stations, fuel terminals storage buildings, etc.
- I. Mini-warehouses or similar storage uses.
- J. Contractor shop or equipment storage yard for storage and rental of equipment commonly used by a contractor.
- K. Cabinet, carpenter, woodworking, sheet metal shops or similar establishments.
- L. Professional, financial or business offices.
- M. Public utilities, including structures, pipelines, cables, and utility crossings.
- N. Government buildings and uses.
- O. Passive restoration.
- P. Government buildings and uses.
- Q. Transportation facilities and improvements subject to the standards of Section 16.20.040.
- R. Dredge material disposal (DMD) subject to Section 16.60.040 (site 20S), and Chapter 16.104.
- S. Community garden(s) (see definitions).
- T. Similar uses to those listed in this section.

**Section 6.** WMC 16.64.020 is hereby amended as follows:

16.64.020 Permitted Uses.

The following uses and activities and their accessory uses and activities are permitted in the I-2 zone if the Community Development Director determines that the uses conform to the standards in Section 16.64.040, applicable Development Code standards, and other City laws:

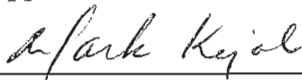
- A. The following water-dependent industrial or port uses:
  - 1. Industrial docks, piers, moorage facilities.
  - 2. Marine cargo transfer facilities.
  - 3. Seafood receiving and processing.
- B. Navigation aids.
- C. Repair and maintenance of existing structures or facilities.
- D. Land falls and access corridors for submerged cable, sewer line, water line, or other pipeline crossing.
- E. New dikes limited to those in conjunction with uses permitted in the I-2 zone.
- F. Land transportation facilities and improvements.
- G. Stormwater or wastewater outfall.

- H. Shoreline stabilization.
- I. Water-dependent portions of an aquaculture facility.
- J. Public utility structures, on-shore pipelines, cables and utility crossings.
- K. Marine research and education facility.
- L. Community garden(s) (see definitions).
- M. Similar uses as those listed in this section.

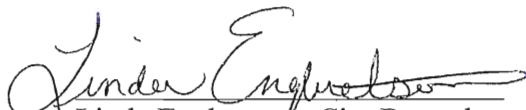
**ADOPTED by the City of Warrenton, Oregon, this 25<sup>th</sup> day of February, 2014.**

**First Reading and Second Reading, pursuant to the Warrenton Charter of 1972, Section 35(2): February 25, 2014.**

Approved:

  
\_\_\_\_\_  
Mayor Mark Kujala


Attest:

  
Linda Engbretson, City Recorder

6-A



## AGENDA MEMORANDUM

**TO:** The Warrenton City Commission  
**FROM:** Skip Urling, Community Development Director   
**DATE:** February 18 for February 25, 2014 Agenda  
**SUBJ:** **Public Hearing:** Ordinance 1186-A--adding public utility facilities as permitted uses in all commercial and industrial zoning districts

### SUMMARY

After a public hearing commenced January 14 and continued to January 28, 2014, the City Commission adopted Ordinance No. 1185-A clarifying explicitly that public utilities are permitted uses in all commercial and industrial zoning districts. Unfortunately, there was a procedural error in the second reading that may have nullified that ordinance. To make the code amendments, the city should re-adopt the language as a new ordinance, which requires re-starting the ordinance adoption process.

To that end, the Planning Commission will hold a public hearing Thursday, February 20, 2014 to consider the replacement ordinance, No. 1186-A. The staff report to the Planning Commission is attached. Public notice of that hearing was published in *The Columbia Press* February 7<sup>th</sup>, and posted at City Hall, the Post Office and the city library on February 6, 2014. Staff will report the outcome of that hearing on February 25. Notice of the February 25, 2014 City Commission public hearing on Ordinance No. 1186-A was published in *The Columbia Press* February 14; notice also was posted at City Hall, the Post Office and the library February 6, 2014.

Ordinance 1186-A amends the city development code, as a housekeeping measure to correct a code drafting oversight, by adding public utility facilities as uses permitted outright in the General Commercial, Mixed Use Commercial, Marine Commercial, Recreational Commercial, General Industrial, and Water-Dependent Industrial Shorelands zoning districts.

Warrenton Charter of 1972 Section 35(2) allows for an ordinance to be enacted at a single meeting of the Commission by unanimous vote of all Commission members present, upon being read first in full and then by title. Presently, the ordinance is crafted to be adopted as an emergency action. If adopted as such following Charter Section 35(2), Ordinance No. 1186-A would become effective upon enactment, one day later than Ordinance No. 1185-A would have become effective if it had not been nullified. Following this charter provision, and not declaring an emergency, Ordinance No. 1186-A would become effective March 27<sup>th</sup>.

Procedurally, after opening the hearing, there should be a motion to read the ordinance in full and then by title only. The Commission can then hear public testimony. Upon closing the public testimony period, the Commission can deliberate and take action on the ordinance.

## **RECOMMENDATION/SUGGESTED MOTION**

*Based on the findings and record established by the Planning Commission at a public hearing February 20, 2014 and additional information in the record as a result of public hearing conducted by this City Commission February 25, 2014, I move to conduct the first reading of the ordinance in full and conduct the second reading by title only.*

### **After the conclusion of testimony and deliberations:**

*I move to adopt Ordinance No. 1186-A, amending the development code to add public utility facilities as uses permitted outright to the C-1 General Commercial, C-MU Mixed Use Commercial, C-2 Marine Commercial, R-C Recreational Commercial, I-1 General Industrial, and I-2 Water Dependent*

*Industrial Shorelands zoning districts, and declaring an emergency so that the ordinance goes into effect immediately.*

### **ALTERNATIVE**

Staff offers the following alternative motion to adopt Ordinance No. 1186-A as a non-emergency action.

*Based on the findings and record established by the Planning Commission at a public hearing February 20, 2014 and additional information in the record as a result of public hearing conducted by this City Commission February 25, 2014, I move to conduct the first reading in full, striking Section 7, and conduct the second reading by title only.*

After the conclusion of testimony and deliberations:

*I move to adopt Ordinance No. 1186-A, amending the development code to add public utility facilities as uses permitted outright to the C-1 General Commercial, C-MU Mixed Use Commercial, C-2 Marine Commercial, R-C Recreational Commercial, I-1 General Industrial, and I-2 Water Dependent Industrial Shorelands zoning districts, effective 30 days from adoption.*

### **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 13, 2014

To: Warrenton Planning Commission

From: Skip Urling, Community Development Director

A handwritten signature in black ink, appearing to be 'Skip Urling', is written over the name in the 'From:' line.

Re: Proposed Development Code Amendment—Public Utilities in Commercial and Industrial Zoning Districts Redux

At its January 9 meeting, the Planning Commission forwarded a recommendation to approve Ordinance No. 8511-A to the City Commission. That ordinance would make public utilities permitted uses in all commercial and industrial zoning districts. A procedural error occurred at the second reading of Ordinance No. 1185-A at the City Commission which nullified its adoption. To make the code amendments, the city must re-adopt the language as a new ordinance. Hence, you will find attached Ordinance No. 1186-A with the same language as previously adopted, and the staff report below similarly repeated.

Review of the development code revealed that public utilities as identified uses were treated inconsistently in the various industrial, commercial and aquatic zones. . The current code is ambiguous. In several zones, the term "public facility structure" is used in describing a permitted use. This is ambiguous because the code defines "structure" as a building, thus, it could be argued that only public utility buildings, and not actual public utilities and related facilities are permitted.

All commercial and industrial zones have public utilities located within them. The suggested language amendments in the attached ordinance ensure that public utilities are permitted. It was not the intent, nor has the code been applied, to prohibit public utilities in these zones. Accordingly, the proposed ordinance would correct an inadvertent drafting error. None of the substantive standards or criteria for review or approval of public utilities and related facilities are revised.

Oregon Revised Statues 197.610(5) states that when a local government determines that the land use statutes, statewide land use planning goals and administrative rules of the [Land Conservation and Development] commission (LCDC) that implement either the statutes or the goals do not apply to a proposed change to the acknowledged comprehensive plan and the land use regulations, submission of the proposed change under this section is not required. Staff believes these proposed amendments meet this criterion. Nonetheless, we provided notice of the land use regulations amendment to

LCDC initially December 20, 2013 and again for Ordinance 1186-A February 5, 2014..  
DLCD did not provide any comments on the prior ordinance, neither was there any  
testimony opposing the ordinance at the Planning Commission or City Commission.

## **FINDINGS**

### **A. Conformance with statewide planning goals.**

The following provides the rationale for our position that the proposed code amendment  
has no applicability to the statewide planning goals.

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.

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.

The proposed amendment is a technical change that neither amends or impacts the City's  
acknowledged land use planning process and policy basis for land use decisions. Rather,  
the proposed text amendments simply 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.

Goals 3 and 4 address agricultural and forest lands, are not applicable here.

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 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.

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.

Goal 7, Areas Subject to Natural Disasters and Hazards, reads as follows: To protect people and property from natural hazards. The proposed amendment will have no effect on Goal 7 in as much as it merely identifies public utility facilities as permitted uses in zones that appear to have been overlooked and which have physical characteristics and attributes as zones where such uses are already permitted.

Goal 8 addresses recreational needs. The proposed text amendments do not expand or hinder opportunities for recreational facilities.

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. The proposed amendment corrects an oversight in the code to explicitly allow public utilities and related facilities in zones where economic activities are designed to take place.

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 amendment does not alter the supply of buildable residential land in Warrenton.

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.

Goal 12 is the Transportation goal. The city's Transportation System Plan (TSP) is the principal instrument for implementing goal 12 in Warrenton. Amendments to permit public utilities in two commercial and the general industrial zoning district will not affect the TSP or its implementation.



Goal 13 is the Energy conservation goal. The proposed amendments do not change or hamper the City's goal 13 implementation measures.

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. Public utilities and related facilities are needed for urban development and exist in the commercial and industrial districts. The text amendment does not change the City's compliance with goal 14 topics.

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

Goal 16 addresses Estuarine Resources and includes references to the recognition of and protection associated wetlands. The amendment will not affect the city's Goal 16 implementation efforts.

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 development code text amendments do not change the coastal shoreland boundary in Warrenton, nor do they allow non-compliant uses in coastal shorelands areas.

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 development code text 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.

Goal 19 addresses ocean resources, and states:

To conserve marine resources and ecological functions for the purpose of providing long-term ecological, economic, and social value and benefits to future generations.

The zones where the text amendments apply are inland and will not have any effect on lands or uses related to ocean resources.

**B. Conformance with the city’s comprehensive plan (CP).**

WMC 16.12.010 defines public utility as “A private business or organization such as a public service corporation, performing some public service and subject to governmental regulation; or a governmental agency performing similar public services. Such services shall include, but are not limited to, electricity, gas, and telephone.” The CP addresses “community facilities” which typically means sanitary and storm sewer systems, potable water systems, streets, and similar infrastructure. More broadly, the term includes such items as parks, fire and police facilities and services. In as much as existing and future development generally requires services from both sets of infrastructure, they are treated here as similar items.

CP Section 7.320 Policies provides direction for the provision of water, sewer, storm drainage and flood control, and the delivery of services. Specifically, Policy 7.320(3)(d) calls for [p]roviding [sewer] service to presently unserved commercially zoned property along Highway 101, Marlin Avenue and East Harbor Drive. Policy 7.320(4)(b) calls for improving the water system facilities “in the commercially zoned property along Highway 101, Marlin Avenue and East Harbor Drive.” Policy 7.320(4)(d) calls for making water system improvements to serve the ... General Industrial area at SE Dolphin Road. By implication, other public utilities would warrant installation or improvements as well to provide the full gamut of services to development on these properties. These are areas where the proposed code amendment would have direct applicability. CP Article 9 addresses the local economy. Policy 9.310(11) calls for ensuring “public facilities and services are available to serve existing and prospective new businesses in Warrenton.” By design, existing and proposed new business are or will be located primarily in the commercial and industrial zoning districts.

The amendment merely removes any ambiguity regarding whether public utilities and related facilities, which historically have been permitted in the affected zones, are in fact

permitted. Incorporating the language in the proposed code amendment would help to fulfill the applicable policies of the Warrenton Comprehensive Plan.

**C. Changed circumstances or further studies justifying the amendment.**

The proposed amendments are predicated on the need for the code to be consistent as the implementation tool of the CP. Clearly, the city has a vested interest in providing for improvements to the local economy, and the provision of public facilities and utilities is paramount to support new employment, commerce and manufacturing activities. Analysis of the existing code language resulted in the identification of a flaw where public facilities and utilities are not explicitly recognized in those zoning districts where economic activity is intended to be focused. By identifying such utilities and facilities as permitted uses in the general and mixed use commercial zones and the general industrial zone, the code will be consistent in its guidance for regulating land uses and facilitating healthy economic conditions. The code drafting oversight warrants correction.

**CONCLUSION AND RECOMMENDATION**

Periodic review of the municipal code reveals flaws, inconsistencies and ambiguous situations that require correction and/or clarification. In this case, public utilities, which are a vital component of commercial and industrial development and operations, have been inadvertently overlooked as permitted uses in zoning districts where economic development and activity are focused. The amendments simply resolve an inadvertent ambiguity which, if not corrected, could result in a hampering of the city's efforts and goals of stimulating the economy, creating a solid employment base, and increasing tax revenues, all of which contribute to the overall welfare of the community. By amending the development code to incorporate these critical facilities as explicitly permitted uses, any ambiguity or need for future code interpretation is resolved. The proposed amendments warrant approval and will contribute to the betterment of the community. Staff recommends approval.

**Suggested motion:**

“Based on the findings and conclusions of the February 13, 2014 staff report to the Planning Commission, I move to recommend that the City Commission adopt Ordinance No. 1186-A amending Warrenton Municipal Code Sections 16.40.020, 16.44.020, 16.48.020, 16.56.020, 16.60.020 and 16.64.020, as proposed by staff.”