



AGENDA

CITY COMMISSION OF THE CITY OF WARRENTON
REGULAR MEETING

December 10, 2019 – 6:00 P.M.

Warrenton City Commission Chambers – 225 South Main Avenue
Warrenton, OR 97146

1. **CALL TO ORDER**

2. **PLEDGE OF ALLEGIANCE**

3. **CONSENT CALENDAR**

A. City Commission Meeting Minutes – 11.26.19

4. **COMMISSIONER REPORTS**

5. **PUBLIC COMMENT**

At this time, anyone wishing to address the City Commission concerning items of interest may do so. The person addressing the Commission must complete a Public Comment Card and submit to the City Recorder prior to the meeting. All remarks will be addressed to the whole City Commission and limited to 3 minutes per person. The Commission reserves the right to delay any action, if required, until such time as they are fully informed on a matter.

6. **PUBLIC HEARINGS**

A. Housing Code Amendments and Spur 104 Master Plan

7. **BUSINESS ITEMS**

A. Presentation – Clatsop County Public Health; Tobacco Retail Licensing

B. Consideration of Advisory Committee Appointments

- C. Consideration of Second Reading of Ordinance No. 1231; Amending Warrenton Municipal Code Chapter 16.224 – Planned Unit Development Master Plan Provision
 - D. Second Reading of Ordinance No. 1232; Payment in Lieu of Sidewalk Construction
 - E. Consideration of Setting General Fund Work Session – December 17, 2019
8. **DISCUSSION ITEMS** – None
 9. **GOOD OF THE ORDER**
 10. **EXECUTIVE SESSION**
 11. **ADJOURNMENT**

Warrenton City Hall is accessible to the disabled. An interpreter for the hearing impaired may be requested under the terms of ORS 192.630 by contacting Dawne Shaw, City Recorder, at 503-861-0823 at least 48 hours in advance of the meeting so appropriate assistance can be provided.

MINUTES
 Warrenton City Commission
 Regular Meeting – November 26, 2019
 6:00 p.m.
 Warrenton City Hall - Commission Chambers
 225 S. Main
 Warrenton, OR 97146

Mayor Balensifer called the meeting to order at 6:03 p.m. and led the public in the Pledge of Allegiance.

Commissioners Present: Mayor Henry Balensifer, Rick Newton, Pam Ackley, Tom Dyer and Mark Baldwin

Staff Present: City Manager Linda Engbretson, Public Works Director Collin Stelzig, Public Works Operations Manager Kyle Sharpsteen, Police Chief Mathew Workman, RARE Participant Morgan Murray, and City Recorder Dawne Shaw

CONSENT CALENDAR

- A. City Commission Meeting Minutes – 11.12.19
- B. Community Center Board Minutes – 5.16.19
- C. Community Center Annual Report – FY 18/19
- D. Police Department Monthly Statistics – October 2019

Mayor Balensifer noted the Community Center Board minutes; he noticed the minutes did not reflect the commission's direction to gain funds for the community center by increasing the number of events that are held there. He noted there are no additional events planned and he would like to know from staff if there are plans under way. Ms. Engbretson noted she will have the Finance Director, April Clark, comment on the progress of future events at the December 10 meeting.

Commissioner Ackley made the motion to approve the consent calendar as presented. Motion was seconded and passed unanimously.

Newton – aye; Ackley – aye; Baldwin – aye; Balensifer – aye; Dyer – aye

COMMISSIONER REPORTS

Commissioner Newton reported that he went to the RDI training where Mayor Balensifer was a speaker. He noted the City of Warrenton is outperforming everyone else. He attended an event at Lums and went to the CREST meeting, mentioning there are interesting projects coming up. He also went to the WBA meeting; and spoke about sidewalks.

Commissioner Ackley stated she attended the Spruce Up Warrenton meeting, noting it is an impressive group. She also noted she received an email from Morgan Murray, RARE Participant, to post on Warrenton/Hammond Healthy Kids website regarding some of the projects she is working on, and she noted that she is receiving a lot of positive feedback and it feels really good to hear.

Ms. Engbretson gave an update on the dredging at the Hammond Marina; noting she is currently working with the project manager to request an extension. The project manager is cautiously optimistic that we will be able to extend the permits to Feb 28. They will finalize the extension request letter, and it will be sent out tomorrow. If the extension is not approved, dredging will not start until November of next year. Should the project be delayed until next year this would affect our basin and Buoy 10, but the City is doing everything they can to get things moving.

Mayor Balensifer noted the event in Grand Ronde that he attended. He was pleased to see the theme of "gratitude" throughout and noted how that can help perpetuate community building. He also received a lot of comments from other communities regarding Warrenton receiving the research grant; it was a very competitive grant that many applied for. He also attended the CEDR meeting, noting there was nothing much to report.

Commission Newton also noted the City of Warrenton has a good commission and a great city manager.

PUBLIC COMMENT

Tony Faletti submitted a letter for the record; he noted he is concerned about the Planning Commission rejection of the Spur 104 overlay plan. He suggested a moratorium on building until we get the plans right. He would like to take the process slow. He also noted the lights for the "Welcome to Warrenton" sign are not lit; Public Works will take care of it.

PUBLIC HEARING – None

BUSINESS ITEMS

City Manager, Linda Engbretson, asked to table item 7-A; the second reading of Resolution No. 2552, Building permit fee modifications. She noted the state needs the notification 45 days before we adopt it, so to meet the requirements we will need to table this until January.

Commissioner Dyer made the motion to table agenda item 7-A to the first meeting in January. Motion was seconded and passed unanimously.

Newton – aye; Ackley – aye; Baldwin – aye; Balensifer – aye; Dyer – aye

Public Works Director, Collin Stelzig, stated the Parks Advisory Board did a public survey to select a name for the area some call "Post Office Park". He noted the names listed on the survey. The winning name was Warrenton Memorial Plaza. A brief conversation continued. Mayor Balensifer noted he would like to see more public outreach. Commissioner Baldwin noted the ballot was at the front counter. Consensus was to go with the winning name.

Commissioner Ackley made the motion to accept the name of Warrenton Memorial Plaza for the park formerly known as Post Office Park located on the southwest corner of the intersection of E. Harbor Drive, N. Main Ave., S. Main Ave., and NE Skipanon Dr. Motion was seconded and passed unanimously.

Newton – aye; Ackley – aye; Baldwin – aye; Balensifer – aye; Dyer – aye

MINUTES

Public Works Director, Collin Stelzig, discussed Ordinance No. 1232; an amendment to WMC 16.136.020 – Transportation Standards. This Ordinance would be regarding the installation of sidewalks, providing a process for a Fee in Lieu option for sidewalks. He reviewed the fee examples as outlined in the agenda packet material. He explained the fund will help build and maintain sidewalks throughout the city. Discussion followed. Mayor Balensifer asked if this applies to private drives; Mr. Stelzig confirmed it would. Discussion continued. Mayor Balensifer wants private drives explicitly included; he stated, “we should be comprehensive and equal in treatment of development in the City of Warrenton; growth should pay for growth.” Conversation continued.

Commissioner Dyer made the motion to conduct the first reading of Ordinance No. 1232 with the amendment of making more explicit the intent of the ordinance, by title only. Motion was seconded and passed unanimously.

Newton – aye; Ackley – aye; Baldwin – aye; Balensifer – aye; Dyer – aye

Mayor Balensifer conducted the first reading of Ordinance No. 1232; An Ordinance amending WMC 16.136.020 – Transportation Standards regarding the installation of sidewalks, providing a process for a Fee in Lieu option for new construction.

Public Works Director, Collin Stelzig, discussed the Hammond Waterline Project. He noted they are making some changes, and briefly reviewed the cost. A brief discussion continued. Mr. Stelzig noted that we could do an advance financing where the city puts the money up front and then anyone wishing to connect in the future pays a set price. Discussion continued regarding recouping costs to fund the project. Mayor Balensifer suggested a work session in March on “growth pays for growth” and SDC’s. This item will be tabled, and a work session scheduled for March 24.

Commissioner Baldwin made the motion to table item 7-D and set March 24 as the date for a work session related to cost of growth. Motion was seconded and passed unanimously.

Newton – aye; Ackley – aye; Baldwin – aye; Balensifer – aye; Dyer – aye

DISCUSSION ITEMS

Mayor Balensifer and Commissioner Baldwin reported on their review of the Warrenton Business Association (WBA) bylaws and business license ordinance. Mayor Balensifer noted he and Commissioner Baldwin spoke with Mike Moha of the WBA about what the WBA should become. He noted all the work Spruce Up Warrenton has been doing, and that it makes sense to change the ordinance to get rid of the WBA and put it into the city commissions purview. He noted the proposed changes, as outlined in the handout. He continued to review the proposed changes and further explained the thought process behind the changes.

Ms. Engbretson noted she has not had a chance to go over the details with the Finance Director, April Clark. The conversation continued. Commissioner Newton asked about item A under exclusions – legal counsel will review. Staff will come back in January with the amended ordinance.

GOOD OF THE ORDER

MINUTES

Commissioner Newton noted the Warrenton Key Club activities. He also noted the Oregon Rental Home Association meeting; the U of O is having tuition issues due to loss of immigrant/visa students. He continued to note unauthorized objects put in the recycling bins and noted holes at the dog park; potential liability issue.

Commissioner Baldwin commented on the recent 14 counties that sued the state of Oregon. He is appalled that the county decided to stay out of that lawsuit; he noted he views it as a mismanagement of money and the schools pay the price.

There being no further business, Mayor Balensifer adjourned the regular meeting at 7:17 p.m.

Respectfully submitted by Lindsay Duarte, Deputy City Recorder

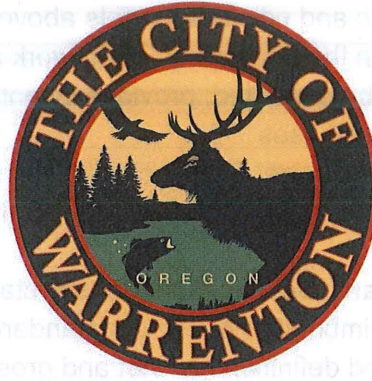
APPROVED:

Henry A. Balensifer III, Mayor

ATTEST:

Dawne Shaw, City Recorder

DRAFT



AGENDA MEMORANDUM

TO: The Warrenton City Commission
FROM: Kevin A. Cronin, AICP, Assistant City Manager/Community Development Director
DATE: For the Agenda of December 10, 2019
SUBJ: Work Session + Public Hearing: Housing Code Amendments (CP 19-2, DCR 19-2) + Spur 104 Master Plan (RZ 19-1, DCR 19-1, CP 19-1)

BACKGROUND

The City of Warrenton completed a Housing Needs Assessment in June 2019. The study identified multiple policy and code changes to consider among a broad range of recommendations to increase the local housing supply and provide more choices among housing types in the market.

The Planning Commission conducted a work session in August, held a public hearing on September 12, deliberated on October 10, and voted to recommend a revised proposal on November 14. The recommendation is enclosed and summarized below.

- **ADUs**

- Remove the relative requirement; create open market units
- ADUs are not counted towards density requirements. Continue this policy with new construction
- Removed the requirement for owner to live in one of the units.
- A staff proposal to require ADU ready space for homebuyer financed conversion for all new SFR permits such as living space above garage or separate entrance to basement was removed by the Planning Commission.

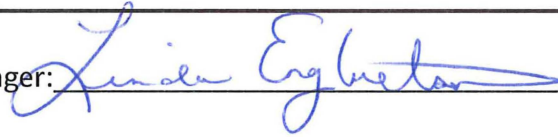
- **“Missing Middle” Housing**

- Added duplexes to R10 as outright permitted use
- Added rowhouses/townhouses and triplexes to MDR

Enclosure:

- Legislative Package Staff Report | September 5, 2019 | Planning Commission
- Spur 104 Proposal: Development Code Revisions, Comprehensive Plan Amendment, and Zoning Map Revision
- Housing Code Proposal: Development Code Revisions and Comprehensive Plan Amendment, & Housing Matrix

Approved by City Manager:

A handwritten signature in blue ink, reading "Linda Engberts", written over a horizontal line.

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



September 5, 2019

To: Warrenton Planning Commission
From: Kevin A. Cronin, AICP, Assistant City Manager/Community Development Director
Re: Amendment to Comprehensive Plan (CPA 19-1 | 19-2), Zoning Map (RZ 19-1), & Development Code (DCR 19-1, 19-2, 19-3)

The purpose of this memo is to outline a proposed “legislative package” that will accomplish multiple policy goals and implement three projects: 1) Spur 104 Neighborhood Master Plan Implementation, 2) Housing Code Amendments, and 3) PUD Amendment for Warrenton School District.

Each project has unique components but there are many similarities and require the same notice procedure and reviewed using the same criteria. The staff report is organized with findings for each case file for easy reference and transparency. Below is a summary of each proposal:

- (1) **Spur 104 (CPA 19-1, RZ 19-1, DCR 19-1):** In order to implement the Spur 104 master plan there are three components to codify: Comprehensive Plan amendment, Zoning Map overlay, and a description of the specific development standards in a new chapter of the Development Code. Applicant: City of Warrenton.
- (2) **Housing Code Amendment (CPA 19-2, DCR 19-2):** In order to implement the recommendations in the new Housing Needs Assessment (June 2019), a Comprehensive Plan amendment that replaces the existing section on housing, and a significant update to the Development Code are proposed. Applicant: City of Warrenton.
- (3) **PUD Amendment for Institutional Master Plans (DCR 19-3):** Applicant: Warrenton School District (WSD). Winterbrook Planning on behalf of WSD has proposed an amendment that will facilitate a campus master plan for a new facility off SE Dolphin. The amendment will encourage other institutional partners to consider a master plan approach for managing growth opportunities.

Background

The Spur 104 area consists of multiple properties and ownership between Oceancrest car dealership at US 101 and the dental office by SW Ensign Lane. The City Commission approved a zone change (RZ 18-2) in March 2019 from R-10 Low Density Residential to Commercial Mixed Use (CMU) to recoup an investment in public facilities from the urban renewal district and a local improvement district. Subsequently, in early May, a three-day charette was held in downtown to solicit public input in the creation of two concept plans to guide future development. The plans were presented to the Planning Commission and City Commission, which requested a master plan - the first of its kind for a neighborhood. The Summer of 2019 was spent doing a survey to affected property owners and developing the aforementioned amendments. The proposal includes a new Comprehensive Plan language in Article 2 Urban Development to support the concept of Neighborhood Master Planning, and a new zoning overlay along with specific development standards that govern the redevelopment of the neighborhood over time.

The Department of Land Conservation & Development is a committed partner in the development of best practices for housing policy and code language to facilitate not only more housing stock but a diversified portfolio of housing types. A Housing Needs Assessment was recently completed by Angelo Planning in June 2019 and presented to the Planning Commission and City Commission over multiple work sessions. The assessment includes a template for a Comprehensive Plan amendment and recommendations for Development Code updates. The proposal includes both items. The City has already approved two recent amendments to encourage accessory dwelling units (ADUs) and employee housing on I-2 Zone Industrial Shorelands, as well as streamline the development review process through administrative performance measures and internal improvements.

The Warrenton School District is preparing a campus master plan for property that was recently acquired to rebuild all three levels of schools at the new location. The voters approved a bond measure in November 2018 to fund a new middle school. In advance of a new middle school, the school district has proposed a Planned Unit Development code amendment to support a campus master plan that will also pave the way for other institutional partners to do the same. Staff has supported the concept and discussed with the Port of Astoria about the airport master plan and Skipanon Peninsula property. The amendment would also benefit a healthcare provider, City of Warrenton, or any other large institution with multiple buildings and properties.

Procedures & Public Notice

The Community Development Director can initiate a Type 4 amendment according to WMC 16.208.070(D) General Provisions. This proposal is being reviewed pursuant to Warrenton Municipal Code Sections 16.208.060 (Type IV Procedure - Legislative and Map Amendments), 16.232 (Land Use District Map and Text Amendments), Comprehensive Plan (CP), Statewide Planning Goals, Oregon Revised Statutes and the Oregon Administrative Rules.

A pre-application conference was held on July 24, 2019 regarding the PUD Amendment. A pre-application conference is not required for City initiated amendments. The PUD amendment application was received on August 1, 2019 while the City sponsored applications have been under development for months with input from the Planning Commission, City Commission, and the general public but became official with public notice. The City published notice of the Planning Commission public hearing in *The Columbia Press* August 16, 2019. Affected agency notice was emailed on August 22, 2019. Finally, 35-day notice is required to DLCD for plan amendments and was sent within the required timeline. No public comments have been received to date.

FINDINGS

The applicant (WSD) has submitted findings of fact and are included under separate cover. Below are additional findings of fact. In cases where staff findings differ from the applicant's representative findings they are emphasized below.

Comprehensive Plan

Comprehensive Plan Section 3.310:

It is the City's policy to encourage the development of housing needed to accommodate desired growth, and to provide every Warrenton household with an opportunity to obtain a decent home in a suitable neighborhood. Residential construction shall occur in primarily RH - High Density Residential, RM - Medium Density Residential, and R10 - Low Density Residential.

Response (1-3): The City has a policy that encourages different housing types and opportunities for decent housing. The proposal furthers this goal by allowing more housing types, reducing the burden on future ADUs, and creating a path for courtyard cottages among other changes.

All three zones identified by policy are proposed for amendments to support more housing types. Finding: Criteria is met.

Planned unit developments will be permitted in special overlay district intended to provide for developments incorporating a single type or a variety of housing types and related uses which are planned and evolve as a unit.

Response (1-3): All three amendments support this policy. The PUD amendment includes more housing types not previously included and allows institutions to benefit from a master planning effort. The Spur 104 proposal also includes consistent language in support. Finding: Criteria is met.

The City will zone adequate lands to meet identified future housing needs for a broad range of housing types...

Response (1-2): The City proposals will help meet housing policy goals in the next 20 year planning horizon and defer the need to expand the urban growth boundary and maximize low density land for higher intensity uses. Finding: Criteria is met.

Compliance with Oregon’s Statewide Planning Goals and Related Rules and Statutes

Goal 1, Citizen Involvement

Goal 1 outlines policies and procedures to be used by local governments to ensure that citizens will be involved “in all phases of the planning process.”

This proposal for an amendment is being reviewed in accordance with the acknowledged provisions for citizen involvement in the municipal code. It does not propose any changes to those provisions. Multiple public meetings open to the public were scheduled to review two of the city sponsored proposals. A list of those meetings is enclosed. This application therefore complies with Goal 1.

Goal 2, Land Use Planning

Goal 2 requires local governments to “establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.”

The proposal and applicable comprehensive land use plan policy is being reviewed by the Planning Commission who will forward a recommendation to the City Commission who will ultimately make a decision on it, which satisfies Goal 2.

Goal 3, Agricultural Lands

Goal 3 deals with conservation of “agricultural lands” as defined in that goal. The goal’s provisions are directed toward counties, not cities (such as Warrenton). The goal states, “Agricultural land does not include land within acknowledged urban growth boundaries....” This goal does not apply.

Goal 4, Forest Lands

Goal 4 deals with conservation of “forest lands” as defined in that goal. Details about such conservation are set forth in related administrative rules: OAR Chapter 660, Division 006. OAR 660-006-0020 states: “Goal 4 does not apply within urban growth boundaries....” This goal does not apply.

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

The basic aim of Goal 5 is “To protect natural resources and conserve scenic and historic areas and open spaces.” The Spur 104 master plan and PUD amendment supports the creation of new parks and open space as part of a new policy initiative to balance growth with new community amenities. Because no such natural resources, scenic and historic areas will be affected, this goal does not apply in large part.

Goal 6, Air, Water and Land Resources

Statewide Planning Goal 6 is “to maintain and improve the quality of the air, water and land resources of the state.” It deals mainly with control of “waste and process discharges from future development.” Because no actual development is proposed, this goal does not apply.

Goal 7, Areas Subject to Natural Hazards

Statewide Planning Goal 7 is to “to protect people and property from natural hazards.” This proposed code amendment does not address natural hazards and therefore is not applicable.

Goal 8, Recreational Needs

Goal 8 is “to satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.” This goal does not apply to the proposal.

Goal 9, Economic Development

Goal 9 is to strengthen the ensure there is adequate land for commercial and industrial development and policies to support the type of industries that a local government wants to attract and grow. The addition of housing options, and empowering large employers to master plan their facilities, supports local economic development. Criteria is satisfied.

Goal 10, Housing

Statewide Planning Goal 10 is “to provide for the housing needs of citizens of the state.” The goal requires cities to assess future need for various housing types and to plan and zone sufficient buildable land to meet those projected needs. Goal 10 is silent on employee housing. The City conducted a housing needs analysis to determine its buildable lands and needed residential types. The proposal includes adopting this assessment and new Comprehensive Plan element to update the housing portion as well as implement the policy through new codes. Criteria is met.

Goal 11, Public Facilities and Services

Goal 11 is “to plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.” The proposal does not materially affect public facilities, but does assist with economizing public investments. Standard is met.

Goal 12, Transportation

Goal 12 is “to provide and encourage a safe, convenient and economic transportation system.”

Findings were made for the Spur 104 zone change. The new proposals would alter the amount of density allowed per three zones but the new TSP anticipated the projected level of growth. Criteria is satisfied.

Goal 13, Energy

Goal 13 is simply “to conserve energy” and does not apply.

Goal 14, Urbanization

Goal 14 is “to provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.” The proposal maximizes existing and underutilized residential lands for new housing, school campus, and mixed use opportunities. Standard is met.

Goal 15, Willamette River Greenway

Goal 15 deals with lands adjoining the Willamette River and does not apply to this proposal.

Goal 16, Estuarine Resources

Goal 16 is “to recognize and protect the unique environmental, economic, and social values of each estuary and associated wetlands; and to protect, maintain, where appropriate develop, and where appropriate restore the long-term environmental, economic, and social values, diversity and benefits of Oregon's estuaries.” Because the code amendment would not affect any natural estuarine characteristics, this goal does not apply.

Goal 17, Coastal Shorelands

Goal 17 aims “to conserve, protect, where appropriate, develop and where appropriate restore the resources and benefits of all coastal shorelands, recognizing their value for protection and maintenance of water quality, fish and wildlife habitat, water-dependent uses, economic resources and recreation and aesthetics.” The proposal does not impact Goal 17 with the addition of housing in residential zones. Standard does not apply.

Goal 18, Beaches and Dunes

Goal 18 says that “coastal areas subject to this goal shall include beaches, active dune forms, recently stabilized dune forms, older stabilized dune forms and interdune forms.” This goal does not apply.

Goal 19, Ocean Resources

Goal 19 deals with management of resources in Oregon’s territorial sea (the waters bordering the state’s coastline). Goal 19 does not apply to this application.

CONCLUSIONS AND RECOMMENDATION

Adoption of the package would fulfill multiple comprehensive plan policies regarding housing and economic development. The action would also meet the applicable statewide planning goals. Most importantly, incorporating changes to the Development Code would facilitate more investment in housing without creating impacts to surrounding neighborhoods.

Based on these findings and conclusions, staff recommends that the Planning Commission direct staff to prepare a draft ordinance, schedule a public hearing, and present to the City Commission with a recommendation to adopt.

Suggested motion: Based on the findings and conclusions of the September 5, 2019 staff report, I move to recommend changes as described in CP 19-1, CP 19-2, RZ 19-1, and DCR 19-1, 19-2, and 19-3, draft an ordinance, and forward to the City Commission for a proposed public hearing on October 8, 2019 with a recommendation to adopt.

Alternative Motion: I move to continue the hearing to a date certain on October 8 to allow additional public testimony and reconsider the application.

Public Meeting Calendar

Planning Commission Work Session - August 15, 2019

Spur 104 Master Plan

City Commission Presentation - May 14, 2019 -

City sponsored Charrette - May 7-9, 2019
City Commission Work Session - March 26, 2019

Housing Needs Assessment:

Planning Commission Work Sessions: March 14 & May 30, 2019
Joint Planning/City Commission - April 23, 2019

Comprehensive Plan Amendment

CP 19-01

Neighborhood Master Planning

Article 2: Urban Development

Section 2.340 Neighborhood Master Planning

The City of Warrenton will facilitate the orderly conversion of low density residential and commercial lands to mixed use, urban densities when public facilities are available and feasible to serve a neighborhood.

1. The City will initiate the neighborhood master plan or encourage private owners and investors to consider a neighborhood master plan or planned unit development to achieve neighborhood master plan principles:
 - a. Provide a common framework that balances both certainty and flexibility for stakeholders.
 - b. Utilize existing right of way (street) pattern and provide an efficient layout for multiple transportation options.
 - c. Foster a sense of community through quality architecture and urban design.
 - d. Bolster the neighborhood with a park or common open space available to all residents and visitors.
 - e. Create a walkable and pedestrian oriented district to support higher transit use and less auto traffic.
 - f. Connect to surrounding community assets, including downtown.
 - g. Address increased traffic issues in conjunction with any new redevelopment.
2. Areas proposed for neighborhood master plans are the following:
 - Hammond
 - Downtown
 - Highlands Parkway (between US 101 and SE Ensign Lane)
3. Neighborhood master plans shall be reviewed by the Planning Commission and City Commission as a legislative amendment to the Comprehensive Plan, Zoning Map Overlay, and Development Code.

**Spur 104 Neighborhood Master Plan
December 2019 v2.0**

**Development Code Revision
File No. DCR 19-1**

New text in **bold**.

WMC 16.116 Neighborhood Master Plan Overlay

16.116.010. Purpose. The purpose of this chapter is to set forth design overlay standards for new neighborhood master plans to insure the orderly conversion of a large amount of urbanizable land to mixed use, residential and commercial land within the City to higher intensity, urban uses to maximize investment in public facilities. The standards will apply to areas identified through City or developer initiated master planning. The subject areas are largely vacant and currently have a low level of urban services. These areas are projected to develop over time to a density of at least 25 units per acre similar to High Density Residential Zone (RH). This chapter is intended to insure that public facilities adequate to serve development at this density are provided, either before or concurrent with development.

16.116.020 Boundaries of Neighborhood Master Plan Areas.

The neighborhood master plan standards in this chapter shall apply to areas designated on the Comprehensive Plan/Zone Map with the symbol "NMP-NAME." In addition, a specific master plan will be adopted and referenced herein that illustrates the boundaries and physical layout of new streets, parks, and other land uses.

16.116.030 Neighborhood Master Plan Development Standards

The following standards shall apply to new development within designated areas:

- A.** All development shall provide the following primary urban services: water, sanitary sewer facilities connecting to the City sewer system, local streets, fire protection and drainage. An inability to provide an acceptable level of all primary services shall result in the denial of a land use application.
- B.** All development shall be reviewed to ascertain whether an adequate level of the following secondary urban services exists: collector and arterial streets, transit, schools, police protection, and parks. Where the City determines and supports with findings that an unacceptable level of secondary urban services exist, the City may deny the land use application unless the developer insures the availability of an acceptable level of the services within five years from occupancy.
- C.** City specifications shall be the standard used as measurement of acceptability of a service, including traffic engineering and adopted city transportation policies, to disperse new traffic trips generated by the impact of new development. If street standards are proposed that differ

from the TSP, findings and analysis shall be provided to demonstrate compliance and consistency with neighborhood planning principles.

D. Encourage the maximum redevelopment of the area to facilitate the creation of a pedestrian friendly, transit supportive, and people oriented neighborhood where residents and visitors can walk to services within the neighborhood and adjacent areas.

E. Development proposed within the neighborhood overlay that is consistent with the master plan is streamlined whereas any proposed development that does not support neighborhood planning principles in Comprehensive Plan and other policies should be discouraged.

16.116.040 Spur 104 Performance Measures & Redevelopment Standards

The following standards shall apply to new development in the Spur 104 Neighborhood Master Plan area.

- A. Development shall conform to either the “Mixed Use Concept” or “Residential Concept.” All streets, parks, open space, and trails shall be adhered to and planned for in future development.**
- B. The total number of housing units for the new neighborhood shall not exceed 350 units. The types of units and minimum density are described in the Commercial Mixed Use (CMU) Zone and High Density Residential Zone (RH) standards. Housing units that existed prior to 2018 shall not be counted towards the cap on the total amount. Adaptive reuse of cultural or historic structures built prior to 1940 is strongly encouraged.**
- C. The total amount of commercial space shall not exceed 50,000 SF. No building shall be larger than 20,000 SF to encourage a neighborhood scale and pedestrian-oriented design. The types of uses allowed are described in the Commercial Mixed Use (CMU) Zone. However, drive thrus shall be prohibited to reduce traffic impacts.**
- D. Architectural design shall be governed by WMC 16.116 Design Standards. In addition, at least three distinct exterior materials shall be used. Glass entries and vestibules shall not be counted towards the required amount of materials. A distinctive entry is required. New parking for commercial uses should be located to the rear or side portion of the lot.**
- E. All new development shall contribute to planned parks and trails identified on the concept plans and Parks Master Plan.**
- F. Zero lot line developments for single family attached are allowed subject to site design review.**

Chapter 16.220 CONDITIONAL USE PERMITS

16.220.030 Review Criteria.

A. Before a conditional use is approved findings will be made that the use will comply with the following standards:

- 1. The proposed use is in conformance with the Comprehensive Plan.**

2. The location, size, design and operating characteristics of the proposed use are such that the development will be compatible with, and have a minimal impact on surrounding properties.
3. The use will not generate excessive traffic, when compared to traffic generated by uses permitted outright, and adjacent streets have the capacity to accommodate the traffic generated.
4. Public facilities and services are adequate to accommodate the proposed use.
5. The site's physical characteristics, in terms of topography, soils and other pertinent considerations, are appropriate for the use.
6. The site has an adequate area to accommodate the proposed use. The site layout has been designed to provide for appropriate access points, on-site drives, public areas, loading areas, storage facilities, setbacks and buffers, utilities or other facilities which are required by City ordinances or desired by the applicant.
- 7. The use is appropriate at the proposed location. Several factors which should be considered in determining whether or not the use is appropriate include: accessibility for users (such as customers and employees); availability of similar existing uses; availability of other appropriately zoned sites; and the desirability of other suitably zoned sites for the intended use.**

Housing Code Update
Matrix of Existing v Proposed Codes
November 2019

Zone	Existing	Proposed	Notes
R-10 Intermediate Density			
Lot Size	10,000 SF	8,000 SF	Minimum density: 5 units/ac
Housing Types	Single family (SFR)	SFR, attached, duplex	
RM Medium Density			
Lot Size	7,000 SF	5,000 SF	Minimum density: 8 units/ac
Housing Types	SFR, Duplex, Attached	Same + triplex	
RH High Density			
Lot Size	5,000 SF	4,500 SF	Minimum density: 20 units/ac
Housing Types	SFR, attached, duplex, multi-family	No change	
R10, RM, RH	Not permitted	Courtyard Cottages	New Code section

Housing Code Amendments 2019

File No: DCR 19-2

V 3.0: December 2, 2019

NOTE: Additions are bold | Deletions are strikethrough

16.12.010 Definitions.

Courtyard Cottages: Four or more cottages that are 1200 SF or less built or placed around a shared open space and shared side yard parking. Cottages can be on fee simple lots or one lot in common ownership.

Density. A measurement of the number of dwelling units in relationship to a specified amount of land. As used in this Code, density does not include land devoted to street right-of-way. Density is a measurement used generally for residential uses.

-**Minimum:** The amount of dwelling units that are the minimum necessary to develop a 25,000 SF or larger lot.

-**Net:** The amount of density allowed when non-buildable land (wetlands, riparian, floodplain) is subtracted from the gross acres.

-**Maximum:** The maximum amount of dwelling units on a given lot that is larger than 25,000 SF.

Institutional Master Plan: See PUD proposal (DCR 19-3)

Mixed use: Commercial and residential space built on the same lot in vertical or horizontal format.

Single-Family Attached (Duplex, Townhome, Triplex, Rowhouse). Two (duplex, townhome) or more (triplex, rowhouse) single-family dwellings with common end walls. **Townhouses are distinct in architectural features and color. Rowhouses use similar architectural features as "in a row."**

See Chapter 16.184, Single-Family Attached, Duplex, and Triplex Design Standards.

Transitional Housing: Temporary housing provided as a social service to homeless such as a shelter, warming center, or dormitory.

Zero Lot Line: Living units that can be built up to the property line providing space in the rear for accessory structures and common space.

16.180.040 Accessory Dwelling Standards.

~~C. **Owner Occupied.** The primary residence or accessory dwelling shall be owner-occupied. The owner may act as a resident caretaker of the principal house while occupying the accessory dwelling or appoint a family member to perform such duties.~~

Commented [KC1]: Complies with HB 2001.

I. **Off-Street Parking.** No additional off-street parking is required if the lot already contains at least two off-street parking spaces; ~~otherwise, one space is required. A credit for one space is allowed per lot if the adjacent public street is built to city standards.~~

Commented [KC2]: Complies with HB 2001.

Low Density Residential R-10 Zone

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, attached, or duplex dwelling.

Commented [KC3]: Zoning district standard changes per recommendations in HNA June 2019

16.28.040 Development Standards.

The following development standards are applicable in the R-10 zone:

- A. Density Provisions.
 - 1. Minimum lot area for residences: **8,000 square feet. Minimum density is 5 dwelling units per acre.**

Medium Density Residential - RM Zone

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, townhome, and triplex subject to standards of Chapter 16.184.

16.32.040 Development Standards.

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

- A. Density Provisions.
 - 1. Minimum lot area for single-family detached dwelling or duplex: **5,000 square feet. Minimum density is 8 dwelling units per acre.**

High Density Residential - RH Zone

16.36.030 Conditional Uses.

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

- A. Boarding or rooming houses.

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: **4,500 square feet. Minimum density is 20 units per acre.**
2. A minimum of 20 square feet of glazing must be on the side of the dwelling facing a street.
3. Duplexes, townhomes, rowhouses and triplexes shall comply with the standards of Chapter 16.184.
4. Multifamily housing developments shall comply with the standards of Chapter 16.188.
5. ~~Exterior materials shall not include T-111, vinyl or EIFS.~~

Commented [KC4]: Consistent with derelict building ordinance and prevention of new nuisance properties. Materials do not perform in coastal climate. PC deleted on 11/14/19

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, SE Ensign Drive, SE Discovery Lane, 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.
20. **Commercial uses with 2nd floor residential use(s) [apartment(s)] or on same lot with existing single family detached built prior to April 2, 1997.**
21. Similar uses as those stated above.

Commented [KC5]: Encourages new housing above commercial in downtown and commercial corridors. Legalizes non-conforming uses (live/work); EX: Upholstery shop on S Main Ave

- 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.

23. Commercial uses with 2nd floor residential use(s) [apartment(s)] or on same lot with existing single family detached built prior to April 2, 1997.

16.202 Courtyard Cottage Cluster Housing (NEW CODE SECTION)

A. Purpose. A cottage cluster housing development is a small cluster of dwelling units appropriately sized for smaller households and available as an alternative to the development of typical detached single-family and two-family homes on individual lots. Cottage cluster development is intended to address the changing composition of households, and the need for smaller, more diverse, and often, more affordable housing choices. Providing for a variety of housing types also encourages innovation and diversity in housing design and site development, while ensuring compatibility with surrounding single-family residential development.

B. Ownership and Parcelization. Cottage cluster developments may be sited on one commonly owned parcel with individual cottages owned in a condominium, cooperative, or similar arrangement, or cottages may be on individual lots with shared amenities and facilities owned in common. Applicants must submit proof that a homeowner's association or other long-term management agreement will be established to ensure the maintenance of development elements in common ownership.

C. Review Procedures.

1. Applications for cottage cluster development on a single lot will be reviewed by the Community Development Director - Type 2 application.
2. Applications for cottage cluster development involving creation of multiple lots shall be reviewed in accordance with 16.216. Subdivision as a Type 3 application.

D. Standards. Cottage cluster developments are subject to the following standards:

1. **Density.** Cottages may be built up to the density established for cottage cluster development in the underlying zone. Cottages are permitted outright in the R-10, RM, and RH zone. Minimum lot size is 10,000 SF.
2. **Number of cottages.** A cottage cluster development is composed of four (4) to twenty (20) dwelling units.
3. **Cottage design.** The cottages in a cottage cluster development are subject to the following standards:
 - a. **Maximum floor area.** The gross floor area of each cottage shall not exceed 1,250 square feet.
 - b. **Maximum footprint:** The footprint of each cottage unit shall not exceed 800 square feet, or 1,200 square feet including a garage. A communal garage or parking structure is permitted, and is not subject to the maximum footprint requirements for cottages.
 - c. **Average size.** The average size of all dwellings combined within a cottage cluster development will be less than 1,200 square feet.
 - d. **Maximum height.** The height of each cottage shall be the same as required by the underlying zoning and applicable overlay zoning.

Commented [KC6]: New code section to encourage single family detached around shared open space with flexibility for parking location and reuse of existing SFR. Provides ideal housing for singles, retirees, and empty nesters.

e. Placement. If cottages differ in size, smaller cottages shall be located adjacent to or in closer proximity than larger cottages to the adjacent public street or River Trail to which the development is oriented.

f. Setbacks. The setbacks from adjacent property lines along the perimeter of the cottage cluster development shall be the same as required by the underlying zone. The minimum distance between all structures, including accessory structures, shall be in accordance with building code requirements (at least six (6) feet spacing between buildings).

g. Private open space. Each cottage may have private open space for the exclusive use of the cottage residents. Private open space does not count towards the required common open space.

h. Orientation of cottages. Cottages shall be clustered around the common open space. Each cottage shall have a primary entrance and covered porch oriented to the common open space. All cottages shall be within 10 feet from the common open space, measured from the façade of the cottage to the nearest delineation of the common open space. Lots in a cottage cluster development are not required to abut a public right-of-way, except that the parent parcel shall have frontage on a public right-of-way in accordance with 16.120

i. Common Open Space. The design of the common open space shall not use unusable lot area or projections to meet the requirement for common open space. Unusable lot area includes, but is not limited to, foundation landscaping, enlarged or enhanced parking strips or sidewalks, narrow strips of land, wetlands, or small dead zones of the lot.

j. Public street facing facades. Cottages abutting a public right-of-way or Waterfront Trail shall have a secondary entrance or a porch, bay window, or other major architectural feature oriented to the public right-of-way or the River Trail. Garage or carport entrances may not face a public right-of-way unless it is an alley.

k. Porches. Each cottage shall have a covered open porch that shall be oriented toward the common open space and that shall be at least six (6) feet in depth measured perpendicular to the abutting building facade and at least 60 square feet in area.

4. Community buildings. Cottage cluster developments may include community buildings that provide space for accessory uses such as community meeting rooms, guest housing, exercise rooms, day care, or community eating areas. They shall have a footprint of no more than 800 square feet unless there is an existing dwelling that is renovated for community building space.

INSERT GRAPHIC

5. Common open space. Cottage cluster developments shall have a common open space in order to provide a sense of openness and community of residents. Common open space is subject to the following standards:

- a. Each cottage cluster development shall contain a minimum 2,000 square feet of common open space regardless of the number of cottages in the cluster, and not less than 200 square feet of common open space per cottage.
 - b. The common open space shall include at least a single, contiguous, useable piece.
 - c. Cottages shall abut the common open space on at least two sides of the open space.
 - d. Parking areas, required yards, private open space, and driveways do not qualify as common open space.
6. Parking. Parking for a cottage cluster development is subject to the following standards:
- a. Minimum number of parking spaces. Cottage cluster developments shall have at least one parking space for each unit with a gross floor area of 700 feet or less.
 - b. Guest parking. Cottage cluster developments shall have at least 0.5 additional guest parking spaces for each cottage in the development, rounded up to the nearest whole number. These spaces shall be clearly identified as being reserved for guests.
 - c. Reduction in number of required parking spaces. The required number of guest parking spaces may be reduced by the number of on-street parking spaces on public streets adjacent to and immediately abutting the cottage cluster development.
 - d. Clustering and parking structures. Garages are not required. Parking areas may be arranged in clusters limited to no more than five contiguous spaces. Clustered parking areas may be covered. Up to two (2) carriage house dwelling units are permitted on the second floor of a parking structure, with a maximum of one (1) carriage house dwelling unit per four (4) cottages (rounded to the nearest whole number). Parking structures may or may not be located on the same lot as the cottage they serve. Parking structures shall not be located within a common open space and are required to be screened from view from common open space areas.
 - e. Parking access. Parking areas shall be accessed only by a private driveway or public alley or local street. No parking space may be between a public street and cottages that abut a public street.
 - f. Design. The design of garages, carports, and parking structures, including the roof lines, windows, and trim, shall be similar to and compatible with that of the cottages within the cottage cluster development.
 - g. Screening. Landscaping or architectural screening at least three feet tall shall separate parking areas and parking structures from the common area and public streets. Solid fencing (e.g., board, cinder block) shall not be allowed as an architectural screen.
 - h. Location. Parking can be grouped and located on a separate lot within 100 feet of an edge of the cottage cluster development.
8. Frontage, access, and walkways.
- a. Frontage. The parent parcel shall have frontage on a public street. If individual lots are created within the cluster development, each lot shall abut the common open space, but is not required to have public street frontage.

b. **Access.** No part of any structure shall be more than 150 feet, as measured by the shortest clear path on the ground, from fire department vehicle access, unless the building has a fire suppression system.

c. **Walkways.** A cottage cluster development shall have sidewalks abutting all public streets. A system of interior walkways shall connect each cottage to the common open space, parking areas, private driveways, any community buildings, the sidewalks abutting any public streets bordering the cottage cluster development, and other pedestrian or shared use facilities such as the Waterfront Trail. Sidewalks abutting public streets shall meet the width requirements established in the Warrenton Engineering Design Standards, and interior walkways shall be at least four (4) feet in width.

9. **Interior fences.** Fences on the interior of the cottage cluster development shall not exceed three (3) feet in height and shall not consist of solid (e.g., board, cinder block) fencing.

10. **Existing structures.** On a lot or parcel to be used for a cottage cluster development, an existing detached single-family dwelling that may be nonconforming with respect to the requirements of this section may remain, but the extent of its non-conformity may not be increased. Such dwellings shall count towards the number of cottages allowed in the cottage cluster development unless converted for community building use.

E. Conflicts. In the event of a conflict between this Section and other Sections of the Warrenton Development Code, this Section shall control.

Chapter 16.216 LAND DIVISIONS AND LOT LINE ADJUSTMENTS

16.216.050 Approval Criteria—Preliminary Plat.

A. **General Approval Criteria.** The City may approve, approve with conditions or deny a preliminary plat based on the following approval criteria:

1. **Partition and Subdivision.**

a. The proposed preliminary plat complies with all of the applicable Development Code sections and other applicable City ordinances and regulations. At a minimum, the provisions of this chapter, and the applicable sections of Division 2 (Land Use Districts) and Division 3 (Design Standards) shall apply. Where a variance is necessary to receive preliminary plat approval, the application shall also comply with the relevant sections of Chapter 16.272, Variances.

b. **Housing Density.** The subdivision meets the City's housing density standards of the applicable zoning district (Division 2).

C. Accessory Dwelling Units are not counted against the minimum density requirement per WMC 16.180.040. ~~Subdivisions of 10 lots or more shall include ADU ready units that are structurally compliant in either detached or attached accessory structures.~~

PUD Amendment - See File: DCR 16-3

Commented [KC7]: Encourages new homeowners to build out space above garage without having expense of installing structural truss package. Staff checked with 3 local contractors and verified the net increase in cost is minimal. Ten lots is proposed but could be revised. PC deleted on 11/14/19

Comprehensive Plan Amendment

CP 19-2

Housing Policy Implementation & Code Update

Comprehensive Plan Policy Amendments (Section 3.3.10 Residential Lands)

(14) The City shall support the creation of housing that is affordable to low- and moderate-income households through partnerships, land use policies, and programmatic efforts.

(15) The City shall allow for a mix of residential uses with other compatible uses in appropriate locations.

(16) The City will allow and support the development of Accessory Dwelling Units in all residential zones in accordance with Oregon law. Accessory Dwelling Units are an important housing option that can help meet the need for affordable rental units, reduce housing costs for homeowners, and enable multi-generational living.

(17) As necessary, the City shall regulate short term rentals to reduce their impact on availability and long-term affordability of housing.

09/30/19 Staff Comments: The above policies are directly taken from the Housing Needs Assessment completed in June 2019. These policies fill a policy gap since the Housing Element was last revised. The Comprehensive Plan is aspirational only. The Comprehensive Plan is typically not applied to the Type 3 applications (Ex: CUP, SDR), but is applied in Type 4 Legislative (Ex: Development Code Amendments). With the proposed changes to the ADU section, and zoning districts, the Development Code will be consistent with the above revisions. The City Commission already adopted a successful homestay lodging program in January 2019 that regulates the safety of short term rentals.



September 5, 2019

To: Warrenton Planning Commission
 From: Kevin A. Cronin, AICP, Assistant City Manager/Community Development Director
 Re: Amendment to Comprehensive Plan (CPA 19-1 | 19-2), Zoning Map (RZ 19-1), & Development Code (DCR 19-1, 19-2, 19-3)

The purpose of this memo is to outline a proposed “legislative package” that will accomplish multiple policy goals and implement three projects: 1) Spur 104 Neighborhood Master Plan Implementation, 2) Housing Code Amendments, and 3) PUD Amendment for Warrenton School District.

Each project has unique components but there are many similarities and require the same notice procedure and reviewed using the same criteria. The staff report is organized with findings for each case file for easy reference and transparency. Below is a summary of each proposal:

- (1) **Spur 104 (CPA 19-1, RZ 19-1, DCR 19-1):** In order to implement the Spur 104 master plan there are three components to codify: Comprehensive Plan amendment, Zoning Map overlay, and a description of the specific development standards in a new chapter of the Development Code. Applicant: City of Warrenton.
- (2) **Housing Code Amendment (CPA 19-2, DCR 19-2):** In order to implement the recommendations in the new Housing Needs Assessment (June 2019), a Comprehensive Plan amendment that replaces the existing section on housing, and a significant update to the Development Code are proposed. Applicant: City of Warrenton.
- (3) **PUD Amendment for Institutional Master Plans (DCR 19-3):** Applicant: Warrenton School District (WSD). Winterbrook Planning on behalf of WSD has proposed an amendment that will facilitate a campus master plan for a new facility off SE Dolphin. The amendment will encourage other institutional partners to consider a master plan approach for managing growth opportunities.

Background

The Spur 104 area consists of multiple properties and ownership between Oceancrest car dealership at US 101 and the dental office by SW Ensign Lane. The City Commission approved a zone change (RZ 18-2) in March 2019 from R-10 Low Density Residential to Commercial Mixed Use (CMU) to recoup an investment in public facilities from the urban renewal district and a local improvement district. Subsequently, in early May, a three-day charette was held in downtown to solicit public input in the creation of two concept plans to guide future development. The plans were presented to the Planning Commission and City Commission, which requested a master plan - the first of its kind for a neighborhood. The Summer of 2019 was spent doing a survey to affected property owners and developing the aforementioned amendments. The proposal includes a new Comprehensive Plan language in Article 2 Urban Development to support the concept of Neighborhood Master Planning, and a new zoning overlay along with specific development standards that govern the redevelopment of the neighborhood over time.

The Department of Land Conservation & Development is a committed partner in the development of best practices for housing policy and code language to facilitate not only more housing stock but a diversified portfolio of housing types. A Housing Needs Assessment was recently completed by Angelo Planning in June 2019 and presented to the Planning Commission and City Commission over multiple work sessions. The assessment includes a template for a Comprehensive Plan amendment and recommendations for Development Code updates. The proposal includes both items. The City has already approved two recent amendments to encourage accessory dwelling units (ADUs) and employee housing on I-2 Zone Industrial Shorelands, as well as streamline the development review process through administrative performance measures and internal improvements.

The Warrenton School District is preparing a campus master plan for property that was recently acquired to rebuild all three levels of schools at the new location. The voters approved a bond measure in November 2018 to fund a new middle school. In advance of a new middle school, the school district has proposed a Planned Unit Development code amendment to support a campus master plan that will also pave the way for other institutional partners to do the same. Staff has supported the concept and discussed with the Port of Astoria about the airport master plan and Skipanon Peninsula property. The amendment would also benefit a healthcare provider, City of Warrenton, or any other large institution with multiple buildings and properties.

Procedures & Public Notice

The Community Development Director can initiate a Type 4 amendment according to WMC 16.208.070(D) General Provisions. This proposal is being reviewed pursuant to Warrenton Municipal Code Sections 16.208.060 (Type IV Procedure - Legislative and Map Amendments), 16.232 (Land Use District Map and Text Amendments), Comprehensive Plan (CP), Statewide Planning Goals, Oregon Revised Statutes and the Oregon Administrative Rules.

A pre-application conference was held on July 24, 2019 regarding the PUD Amendment. A pre-application conference is not required for City initiated amendments. The PUD amendment application was received on August 1, 2019 while the City sponsored applications have been under development for months with input from the Planning Commission, City Commission, and the general public but became official with public notice. The City published notice of the Planning Commission public hearing in *The Columbia Press* August 16, 2019. Affected agency notice was emailed on August 22, 2019. Finally, 35-day notice is required to DLCD for plan amendments and was sent within the required timeline. No public comments have been received to date.

FINDINGS

The applicant (WSD) has submitted findings of fact and are included under separate cover. Below are additional findings of fact. In cases where staff findings differ from the applicant's representative findings they are emphasized below.

Comprehensive Plan

Comprehensive Plan Section 3.310:

It is the City's policy to encourage the development of housing needed to accommodate desired growth, and to provide every Warrenton household with an opportunity to obtain a decent home in a suitable neighborhood. Residential construction shall occur in primarily RH - High Density Residential, RM - Medium Density Residential, and R10 - Low Density Residential.

Response (1-3): The City has a policy that encourages different housing types and opportunities for decent housing. The proposal furthers this goal by allowing more housing types, reducing the burden on future ADUs, and creating a path for courtyard cottages among other changes.

All three zones identified by policy are proposed for amendments to support more housing types. Finding: Criteria is met.

Planned unit developments will be permitted in special overlay district intended to provide for developments incorporating a single type or a variety of housing types and related uses which are planned and evolve as a unit.

Response (1-3): All three amendments support this policy. The PUD amendment includes more housing types not previously included and allows institutions to benefit from a master planning effort. The Spur 104 proposal also includes consistent language in support. Finding: Criteria is met.

The City will zone adequate lands to meet identified future housing needs for a broad range of housing types...

Response (1-2): The City proposals will help meet housing policy goals in the next 20 year planning horizon and defer the need to expand the urban growth boundary and maximize low density land for higher intensity uses. Finding: Criteria is met.

Compliance with Oregon’s Statewide Planning Goals and Related Rules and Statutes

Goal 1, Citizen Involvement

Goal 1 outlines policies and procedures to be used by local governments to ensure that citizens will be involved “in all phases of the planning process.”

This proposal for an amendment is being reviewed in accordance with the acknowledged provisions for citizen involvement in the municipal code. It does not propose any changes to those provisions. Multiple public meetings open to the public were scheduled to review two of the city sponsored proposals. A list of those meetings is enclosed. This application therefore complies with Goal 1.

Goal 2, Land Use Planning

Goal 2 requires local governments to “establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.”

The proposal and applicable comprehensive land use plan policy is being reviewed by the Planning Commission who will forward a recommendation to the City Commission who will ultimately make a decision on it, which satisfies Goal 2.

Goal 3, Agricultural Lands

Goal 3 deals with conservation of “agricultural lands” as defined in that goal. The goal’s provisions are directed toward counties, not cities (such as Warrenton). The goal states, “Agricultural land does not include land within acknowledged urban growth boundaries....” This goal does not apply.

Goal 4, Forest Lands

Goal 4 deals with conservation of “forest lands” as defined in that goal. Details about such conservation are set forth in related administrative rules: OAR Chapter 660, Division 006. OAR 660-006-0020 states: “Goal 4 does not apply within urban growth boundaries....” This goal does not apply.

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

The basic aim of Goal 5 is “To protect natural resources and conserve scenic and historic areas and open spaces.” The Spur 104 master plan and PUD amendment supports the creation of new parks and open space as part of a new policy initiative to balance growth with new community amenities. Because no such natural resources, scenic and historic areas will be affected, this goal does not apply in large part.

Goal 6, Air, Water and Land Resources

Statewide Planning Goal 6 is “to maintain and improve the quality of the air, water and land resources of the state.” It deals mainly with control of “waste and process discharges from future development.” Because no actual development is proposed, this goal does not apply.

Goal 7, Areas Subject to Natural Hazards

Statewide Planning Goal 7 is to “to protect people and property from natural hazards.” This proposed code amendment does not address natural hazards and therefore is not applicable.

Goal 8, Recreational Needs

Goal 8 is “to satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.” This goal does not apply to the proposal.

Goal 9, Economic Development

Goal 9 is to strengthen the ensure there is adequate land for commercial and industrial development and policies to support the type of industries that a local government wants to attract and grow. The addition of housing options, and empowering large employers to master plan their facilities, supports local economic development. Criteria is satisfied.

Goal 10, Housing

Statewide Planning Goal 10 is “to provide for the housing needs of citizens of the state.” The goal requires cities to assess future need for various housing types and to plan and zone sufficient buildable land to meet those projected needs. Goal 10 is silent on employee housing. The City conducted a housing needs analysis to determine its buildable lands and needed residential types. The proposal includes adopting this assessment and new Comprehensive Plan element to update the housing portion as well as implement the policy through new codes. Criteria is met.

Goal 11, Public Facilities and Services

Goal 11 is “to plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.” The proposal does not materially affect public facilities, but does assist with economizing public investments. Standard is met.

Goal 12, Transportation

Goal 12 is “to provide and encourage a safe, convenient and economic transportation system.”

Findings were made for the Spur 104 zone change. The new proposals would alter the amount of density allowed per three zones but the new TSP anticipated the projected level of growth. Criteria is satisfied.

Goal 13, Energy

Goal 13 is simply “to conserve energy” and does not apply.

Goal 14, Urbanization

Goal 14 is “to provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.” The proposal maximizes existing and underutilized residential lands for new housing, school campus, and mixed use opportunities. Standard is met.

Goal 15, Willamette River Greenway

Goal 15 deals with lands adjoining the Willamette River and does not apply to this proposal.

Goal 16, Estuarine Resources

Goal 16 is “to recognize and protect the unique environmental, economic, and social values of each estuary and associated wetlands; and to protect, maintain, where appropriate develop, and where appropriate restore the long-term environmental, economic, and social values, diversity and benefits of Oregon's estuaries.” Because the code amendment would not affect any natural estuarine characteristics, this goal does not apply.

Goal 17, Coastal Shorelands

Goal 17 aims “to conserve, protect, where appropriate, develop and where appropriate restore the resources and benefits of all coastal shorelands, recognizing their value for protection and maintenance of water quality, fish and wildlife habitat, water-dependent uses, economic resources and recreation and aesthetics.” The proposal does not impact Goal 17 with the addition of housing in residential zones. Standard does not apply.

Goal 18, Beaches and Dunes

Goal 18 says that “coastal areas subject to this goal shall include beaches, active dune forms, recently stabilized dune forms, older stabilized dune forms and interdune forms.” This goal does not apply.

Goal 19, Ocean Resources

Goal 19 deals with management of resources in Oregon’s territorial sea (the waters bordering the state’s coastline). Goal 19 does not apply to this application.

CONCLUSIONS AND RECOMMENDATION

Adoption of the package would fulfill multiple comprehensive plan policies regarding housing and economic development. The action would also meet the applicable statewide planning goals. Most importantly, incorporating changes to the Development Code would facilitate more investment in housing without creating impacts to surrounding neighborhoods.

Based on these findings and conclusions, staff recommends that the Planning Commission direct staff to prepare a draft ordinance, schedule a public hearing, and present to the City Commission with a recommendation to adopt.

Suggested motion: Based on the findings and conclusions of the September 5, 2019 staff report, I move to recommend changes as described in CP 19-1, CP 19-2, RZ 19-1, and DCR 19-1, 19-2, and 19-3, draft an ordinance, and forward to the City Commission for a proposed public hearing on October 8, 2019 with a recommendation to adopt.

Alternative Motion: I move to continue the hearing to a date certain on October 8 to allow additional public testimony and reconsider the application.

Public Meeting Calendar

Planning Commission Work Session - August 15, 2019

Spur 104 Master Plan

City Commission Presentation - May 14, 2019 -

City sponsored Charrette - May 7-9, 2019
City Commission Work Session - March 26, 2019

Housing Needs Assessment:

Planning Commission Work Sessions: March 14 & May 30, 2019
Joint Planning/City Commission - April 23, 2019

Comprehensive Plan Amendment

CP 19-01

Neighborhood Master Planning

Article 2: Urban Development

Section 2.340 Neighborhood Master Planning

The City of Warrenton will facilitate the orderly conversion of low density residential and commercial lands to mixed use, urban densities when public facilities are available and feasible to serve a neighborhood.

1. The City will initiate the neighborhood master plan or encourage private owners and investors to consider a neighborhood master plan or planned unit development to achieve neighborhood master plan principles:
 - a. Provide a common framework that balances both certainty and flexibility for stakeholders.
 - b. Utilize existing right of way (street) pattern and provide an efficient layout for multiple transportation options.
 - c. Foster a sense of community through quality architecture and urban design.
 - d. Bolster the neighborhood with a park or common open space available to all residents and visitors.
 - e. Create a walkable and pedestrian oriented district to support higher transit use and less auto traffic.
 - f. Connect to surrounding community assets, including downtown.
 - g. Address increased traffic issues in conjunction with any new redevelopment.
2. Areas proposed for neighborhood master plans are the following:
 - Hammond
 - Downtown
 - Highlands Parkway (between US 101 and SE Ensign Lane)
3. Neighborhood master plans shall be reviewed by the Planning Commission and City Commission as a legislative amendment to the Comprehensive Plan, Zoning Map Overlay, and Development Code.

**Spur 104 Neighborhood Master Plan
December 2019 v2.0**

**Development Code Revision
File No. DCR 19-1**

New text in bold.

WMC 16.116 Neighborhood Master Plan Overlay

16.116.010. Purpose. The purpose of this chapter is to set forth design overlay standards for new neighborhood master plans to insure the orderly conversion of a large amount of urbanizable land to mixed use, residential and commercial land within the City to higher intensity, urban uses to maximize investment in public facilities. The standards will apply to areas identified through City or developer initiated master planning. The subject areas are largely vacant and currently have a low level of urban services. These areas are projected to develop over time to a density of at least 25 units per acre similar to High Density Residential Zone (RH). This chapter is intended to insure that public facilities adequate to serve development at this density are provided, either before or concurrent with development.

16.116.020 Boundaries of Neighborhood Master Plan Areas.

The neighborhood master plan standards in this chapter shall apply to areas designated on the Comprehensive Plan/Zone Map with the symbol "NMP-NAME." In addition, a specific master plan will be adopted and referenced herein that illustrates the boundaries and physical layout of new streets, parks, and other land uses.

16.116.030 Neighborhood Master Plan Development Standards

The following standards shall apply to new development within designated areas:

- A.** All development shall provide the following primary urban services: water, sanitary sewer facilities connecting to the City sewer system, local streets, fire protection and drainage. An inability to provide an acceptable level of all primary services shall result in the denial of a land use application.
- B.** All development shall be reviewed to ascertain whether an adequate level of the following secondary urban services exists: collector and arterial streets, transit, schools, police protection, and parks. Where the City determines and supports with findings that an unacceptable level of secondary urban services exist, the City may deny the land use application unless the developer insures the availability of an acceptable level of the services within five years from occupancy.
- C.** City specifications shall be the standard used as measurement of acceptability of a service, including traffic engineering and adopted city transportation policies, to disperse new traffic trips generated by the impact of new development. If street standards are proposed that differ

from the TSP, findings and analysis shall be provided to demonstrate compliance and consistency with neighborhood planning principles.

D. Encourage the maximum redevelopment of the area to facilitate the creation of a pedestrian friendly, transit supportive, and people oriented neighborhood where residents and visitors can walk to services within the neighborhood and adjacent areas.

E. Development proposed within the neighborhood overlay that is consistent with the master plan is streamlined whereas any proposed development that does not support neighborhood planning principles in Comprehensive Plan and other policies should be discouraged.

16.116.040 Spur 104 Performance Measures & Redevelopment Standards

The following standards shall apply to new development in the Spur 104 Neighborhood Master Plan area.

- A. Development shall conform to either the “Mixed Use Concept” or “Residential Concept.” All streets, parks, open space, and trails shall be adhered to and planned for in future development.**
- B. The total number of housing units for the new neighborhood shall not exceed 350 units. The types of units and minimum density are described in the Commercial Mixed Use (CMU) Zone and High Density Residential Zone (RH) standards. Housing units that existed prior to 2018 shall not be counted towards the cap on the total amount. Adaptive reuse of cultural or historic structures built prior to 1940 is strongly encouraged.**
- C. The total amount of commercial space shall not exceed 50,000 SF. No building shall be larger than 20,000 SF to encourage a neighborhood scale and pedestrian-oriented design. The types of uses allowed are described in the Commercial Mixed Use (CMU) Zone. However, drive thrus shall be prohibited to reduce traffic impacts.**
- D. Architectural design shall be governed by WMC 16.116 Design Standards. In addition, at least three distinct exterior materials shall be used. Glass entries and vestibules shall not be counted towards the required amount of materials. A distinctive entry is required. New parking for commercial uses should be located to the rear or side portion of the lot.**
- E. All new development shall contribute to planned parks and trails identified on the concept plans and Parks Master Plan.**
- F. Zero lot line developments for single family attached are allowed subject to site design review.**

Chapter 16.220 CONDITIONAL USE PERMITS

16.220.030 Review Criteria.

A. Before a conditional use is approved findings will be made that the use will comply with the following standards:

- 1. The proposed use is in conformance with the Comprehensive Plan.**

2. The location, size, design and operating characteristics of the proposed use are such that the development will be compatible with, and have a minimal impact on surrounding properties.
3. The use will not generate excessive traffic, when compared to traffic generated by uses permitted outright, and adjacent streets have the capacity to accommodate the traffic generated.
4. Public facilities and services are adequate to accommodate the proposed use.
5. The site's physical characteristics, in terms of topography, soils and other pertinent considerations, are appropriate for the use.
6. The site has an adequate area to accommodate the proposed use. The site layout has been designed to provide for appropriate access points, on-site drives, public areas, loading areas, storage facilities, setbacks and buffers, utilities or other facilities which are required by City ordinances or desired by the applicant.
- 7. The use is appropriate at the proposed location. Several factors which should be considered in determining whether or not the use is appropriate include: accessibility for users (such as customers and employees); availability of similar existing uses; availability of other appropriately zoned sites; and the desirability of other suitably zoned sites for the intended use.**

Housing Code Update
Matrix of Existing v Proposed Codes
November 2019

Zone	Existing	Proposed	Notes
R-10 Intermediate Density			
Lot Size	10,000 SF	8,000 SF	Minimum density: 5 units/ac
Housing Types	Single family (SFR)	SFR, attached, duplex	
RM Medium Density			
Lot Size	7,000 SF	5,000 SF	Minimum density: 8 units/ac
Housing Types	SFR, Duplex, Attached	Same + triplex	
RH High Density			
Lot Size	5,000 SF	4,500 SF	Minimum density: 20 units/ac
Housing Types	SFR, attached, duplex, multi-family	No change	
R10, RM, RH	Not permitted	Courtyard Cottages	New Code section

NOTE: Additions are bold | Deletions are strikethrough

16.12.010 Definitions.

Courtyard Cottages: Four or more cottages that are 1200 SF or less built or placed around a shared open space and shared side yard parking. Cottages can be on fee simple lots or one lot in common ownership.

Density. A measurement of the number of dwelling units in relationship to a specified amount of land. As used in this Code, density does not include land devoted to street right-of-way. Density is a measurement used generally for residential uses.

-**Minimum:** The amount of dwelling units that are the minimum necessary to develop a 25,000 SF or larger lot.

-**Net:** The amount of density allowed when non-buildable land (wetlands, riparian, floodplain) is subtracted from the gross acres.

-**Maximum:** The maximum amount of dwelling units on a given lot that is larger than 25,000 SF.

Institutional Master Plan: See PUD proposal (DCR 19-3)

Mixed use: Commercial and residential space built on the same lot in vertical or horizontal format.

Single-Family Attached (Duplex, Townhome, Triplex, Rowhouse). Two (duplex, townhome) or more (triplex, rowhouse) single-family dwellings with common end walls. **Townhouses are distinct in architectural features and color. Rowhouses use similar architectural features as "in a row."**

See Chapter 16.184, Single-Family Attached, Duplex, and Triplex Design Standards.

Transitional Housing: Temporary housing provided as a social service to homeless such as a shelter, warming center, or dormitory.

Zero Lot Line: Living units that can be built up to the property line providing space in the rear for accessory structures and common space.

16.180.040 Accessory Dwelling Standards.

~~C. **Owner Occupied.** The primary residence or accessory dwelling shall be owner-occupied. The owner may act as a resident caretaker of the principal house while occupying the accessory dwelling or appoint a family member to perform such duties.~~

Commented [KC1]: Complies with HB 2001.

I. **Off-Street Parking.** No additional off-street parking is required if the lot already contains at least two off-street parking spaces; ~~otherwise, one space is required. A credit for one space is allowed per lot if the adjacent public street is built to city standards.~~

Commented [KC2]: Complies with HB 2001.

Low Density Residential R-10 Zone

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, attached, or duplex dwelling.

Commented [KC3]: Zoning district standard changes per recommendations in HNA June 2019

16.28.040 Development Standards.

The following development standards are applicable in the R-10 zone:

- A. Density Provisions.
 - 1. Minimum lot area for residences: **8,000 square feet. Minimum density is 5 dwelling units per acre.**

Medium Density Residential - RM Zone

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, townhome, and triplex subject to standards of Chapter 16.184.

16.32.040 Development Standards.

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

- A. Density Provisions.
 - 1. Minimum lot area for single-family detached dwelling or duplex: **5,000 square feet. Minimum density is 8 dwelling units per acre.**

High Density Residential - RH Zone

16.36.030 Conditional Uses.

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

- A. Boarding or rooming houses.

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: **4,500 square feet. Minimum density is 20 units per acre.**
2. A minimum of 20 square feet of glazing must be on the side of the dwelling facing a street.
3. Duplexes, townhomes, rowhouses and triplexes shall comply with the standards of Chapter 16.184.
4. Multifamily housing developments shall comply with the standards of Chapter 16.188.
5. ~~Exterior materials shall not include T-111, vinyl or EIFS.~~

Commented [KC4]: Consistent with derelict building ordinance and prevention of new nuisance properties. Materials do not perform in coastal climate. PC deleted on 11/14/19

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, SE Ensign Drive, SE Discovery Lane, 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.
20. **Commercial uses with 2nd floor residential use(s) [apartment(s)] or on same lot with existing single family detached built prior to April 2, 1997.**
21. Similar uses as those stated above.

Commented [KC5]: Encourages new housing above commercial in downtown and commercial corridors. Legalizes non-conforming uses (live/work); EX: Upholstery shop on S Main Ave

- 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.

23. Commercial uses with 2nd floor residential use(s) [apartment(s)] or on same lot with existing single family detached built prior to April 2, 1997.

16.202 Courtyard Cottage Cluster Housing (NEW CODE SECTION)

A. Purpose. A cottage cluster housing development is a small cluster of dwelling units appropriately sized for smaller households and available as an alternative to the development of typical detached single-family and two-family homes on individual lots. Cottage cluster development is intended to address the changing composition of households, and the need for smaller, more diverse, and often, more affordable housing choices. Providing for a variety of housing types also encourages innovation and diversity in housing design and site development, while ensuring compatibility with surrounding single-family residential development.

B. Ownership and Parcelization. Cottage cluster developments may be sited on one commonly owned parcel with individual cottages owned in a condominium, cooperative, or similar arrangement, or cottages may be on individual lots with shared amenities and facilities owned in common. Applicants must submit proof that a homeowner's association or other long-term management agreement will be established to ensure the maintenance of development elements in common ownership.

C. Review Procedures.

1. Applications for cottage cluster development on a single lot will be reviewed by the Community Development Director - Type 2 application.
2. Applications for cottage cluster development involving creation of multiple lots shall be reviewed in accordance with 16.216. Subdivision as a Type 3 application.

D. Standards. Cottage cluster developments are subject to the following standards:

1. **Density.** Cottages may be built up to the density established for cottage cluster development in the underlying zone. Cottages are permitted outright in the R-10, RM, and RH zone. Minimum lot size is 10,000 SF.
2. **Number of cottages.** A cottage cluster development is composed of four (4) to twenty (20) dwelling units.
3. **Cottage design.** The cottages in a cottage cluster development are subject to the following standards:
 - a. **Maximum floor area.** The gross floor area of each cottage shall not exceed 1,250 square feet.
 - b. **Maximum footprint:** The footprint of each cottage unit shall not exceed 800 square feet, or 1,200 square feet including a garage. A communal garage or parking structure is permitted, and is not subject to the maximum footprint requirements for cottages.
 - c. **Average size.** The average size of all dwellings combined within a cottage cluster development will be less than 1,200 square feet.
 - d. **Maximum height.** The height of each cottage shall be the same as required by the underlying zoning and applicable overlay zoning.

Commented [KC6]: New code section to encourage single family detached around shared open space with flexibility for parking location and reuse of existing SFR. Provides ideal housing for singles, retirees, and empty nesters.

e. Placement. If cottages differ in size, smaller cottages shall be located adjacent to or in closer proximity than larger cottages to the adjacent public street or River Trail to which the development is oriented.

f. Setbacks. The setbacks from adjacent property lines along the perimeter of the cottage cluster development shall be the same as required by the underlying zone. The minimum distance between all structures, including accessory structures, shall be in accordance with building code requirements (at least six (6) feet spacing between buildings).

g. Private open space. Each cottage may have private open space for the exclusive use of the cottage residents. Private open space does not count towards the required common open space.

h. Orientation of cottages. Cottages shall be clustered around the common open space. Each cottage shall have a primary entrance and covered porch oriented to the common open space. All cottages shall be within 10 feet from the common open space, measured from the façade of the cottage to the nearest delineation of the common open space. Lots in a cottage cluster development are not required to abut a public right-of-way, except that the parent parcel shall have frontage on a public right-of-way in accordance with 16.120

i. Common Open Space. The design of the common open space shall not use unusable lot area or projections to meet the requirement for common open space. Unusable lot area includes, but is not limited to, foundation landscaping, enlarged or enhanced parking strips or sidewalks, narrow strips of land, wetlands, or small dead zones of the lot.

j. Public street facing facades. Cottages abutting a public right-of-way or Waterfront Trail shall have a secondary entrance or a porch, bay window, or other major architectural feature oriented to the public right-of-way or the River Trail. Garage or carport entrances may not face a public right-of-way unless it is an alley.

k. Porches. Each cottage shall have a covered open porch that shall be oriented toward the common open space and that shall be at least six (6) feet in depth measured perpendicular to the abutting building facade and at least 60 square feet in area.

4. Community buildings. Cottage cluster developments may include community buildings that provide space for accessory uses such as community meeting rooms, guest housing, exercise rooms, day care, or community eating areas. They shall have a footprint of no more than 800 square feet unless there is an existing dwelling that is renovated for community building space.

INSERT GRAPHIC

5. Common open space. Cottage cluster developments shall have a common open space in order to provide a sense of openness and community of residents. Common open space is subject to the following standards:

- a. Each cottage cluster development shall contain a minimum 2,000 square feet of common open space regardless of the number of cottages in the cluster, and not less than 200 square feet of common open space per cottage.
 - b. The common open space shall include at least a single, contiguous, useable piece.
 - c. Cottages shall abut the common open space on at least two sides of the open space.
 - d. Parking areas, required yards, private open space, and driveways do not qualify as common open space.
6. Parking. Parking for a cottage cluster development is subject to the following standards:
- a. Minimum number of parking spaces. Cottage cluster developments shall have at least one parking space for each unit with a gross floor area of 700 feet or less.
 - b. Guest parking. Cottage cluster developments shall have at least 0.5 additional guest parking spaces for each cottage in the development, rounded up to the nearest whole number. These spaces shall be clearly identified as being reserved for guests.
 - c. Reduction in number of required parking spaces. The required number of guest parking spaces may be reduced by the number of on-street parking spaces on public streets adjacent to and immediately abutting the cottage cluster development.
 - d. Clustering and parking structures. Garages are not required. Parking areas may be arranged in clusters limited to no more than five contiguous spaces. Clustered parking areas may be covered. Up to two (2) carriage house dwelling units are permitted on the second floor of a parking structure, with a maximum of one (1) carriage house dwelling unit per four (4) cottages (rounded to the nearest whole number). Parking structures may or may not be located on the same lot as the cottage they serve. Parking structures shall not be located within a common open space and are required to be screened from view from common open space areas.
 - e. Parking access. Parking areas shall be accessed only by a private driveway or public alley or local street. No parking space may be between a public street and cottages that abut a public street.
 - f. Design. The design of garages, carports, and parking structures, including the roof lines, windows, and trim, shall be similar to and compatible with that of the cottages within the cottage cluster development.
 - g. Screening. Landscaping or architectural screening at least three feet tall shall separate parking areas and parking structures from the common area and public streets. Solid fencing (e.g., board, cinder block) shall not be allowed as an architectural screen.
 - h. Location. Parking can be grouped and located on a separate lot within 100 feet of an edge of the cottage cluster development.
8. Frontage, access, and walkways.
- a. Frontage. The parent parcel shall have frontage on a public street. If individual lots are created within the cluster development, each lot shall abut the common open space, but is not required to have public street frontage.

b. **Access.** No part of any structure shall be more than 150 feet, as measured by the shortest clear path on the ground, from fire department vehicle access, unless the building has a fire suppression system.

c. **Walkways.** A cottage cluster development shall have sidewalks abutting all public streets. A system of interior walkways shall connect each cottage to the common open space, parking areas, private driveways, any community buildings, the sidewalks abutting any public streets bordering the cottage cluster development, and other pedestrian or shared use facilities such as the Waterfront Trail. Sidewalks abutting public streets shall meet the width requirements established in the Warrenton Engineering Design Standards, and interior walkways shall be at least four (4) feet in width.

9. **Interior fences.** Fences on the interior of the cottage cluster development shall not exceed three (3) feet in height and shall not consist of solid (e.g., board, cinder block) fencing.

10. **Existing structures.** On a lot or parcel to be used for a cottage cluster development, an existing detached single-family dwelling that may be nonconforming with respect to the requirements of this section may remain, but the extent of its non-conformity may not be increased. Such dwellings shall count towards the number of cottages allowed in the cottage cluster development unless converted for community building use.

E. Conflicts. In the event of a conflict between this Section and other Sections of the Warrenton Development Code, this Section shall control.

Chapter 16.216 LAND DIVISIONS AND LOT LINE ADJUSTMENTS

16.216.050 Approval Criteria—Preliminary Plat.

A. **General Approval Criteria.** The City may approve, approve with conditions or deny a preliminary plat based on the following approval criteria:

1. **Partition and Subdivision.**

a. The proposed preliminary plat complies with all of the applicable Development Code sections and other applicable City ordinances and regulations. At a minimum, the provisions of this chapter, and the applicable sections of Division 2 (Land Use Districts) and Division 3 (Design Standards) shall apply. Where a variance is necessary to receive preliminary plat approval, the application shall also comply with the relevant sections of Chapter 16.272, Variances.

b. **Housing Density.** The subdivision meets the City's housing density standards of the applicable zoning district (Division 2).

C. Accessory Dwelling Units are not counted against the minimum density requirement per WMC 16.180.040. ~~Subdivisions of 10 lots or more shall include ADU ready units that are structurally compliant in either detached or attached accessory structures.~~

PUD Amendment - See File: DCR 16-3

Commented [K7]: Encourages new homeowners to build out space above garage without having expense of installing structural truss package. Staff checked with 3 local contractors and verified the net increase in cost is minimal. Ten lots is proposed but could be revised. PC deleted on 11/14/19

Comprehensive Plan Amendment

CP 19-2

Housing Policy Implementation & Code Update

Comprehensive Plan Policy Amendments (Section 3.3.10 Residential Lands)

(14) The City shall support the creation of housing that is affordable to low- and moderate-income households through partnerships, land use policies, and programmatic efforts.

(15) The City shall allow for a mix of residential uses with other compatible uses in appropriate locations.

(16) The City will allow and support the development of Accessory Dwelling Units in all residential zones in accordance with Oregon law. Accessory Dwelling Units are an important housing option that can help meet the need for affordable rental units, reduce housing costs for homeowners, and enable multi-generational living.

(17) As necessary, the City shall regulate short term rentals to reduce their impact on availability and long-term affordability of housing.

09/30/19 Staff Comments: The above policies are directly taken from the Housing Needs Assessment completed in June 2019. These policies fill a policy gap since the Housing Element was last revised. The Comprehensive Plan is aspirational only. The Comprehensive Plan is typically not applied to the Type 3 applications (Ex: CUP, SDR), but is applied in Type 4 Legislative (Ex: Development Code Amendments). With the proposed changes to the ADU section, and zoning districts, the Development Code will be consistent with the above revisions. The City Commission already adopted a successful homestay lodging program in January 2019 that regulates the safety of short term rentals.

BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR
CLATSOP COUNTY, OREGON

In the Matter of Licensing Retail Sales)	ORDINANCE No.2019-03
of Tobacco Products)	
)	

The People of Clatsop County, Oregon, ordain as follows:

SECTION 1. TITLE.

This Ordinance shall be known as Ordinance No. 2019-03 the "Clatsop County Retail Sales of Tobacco Product Licensing Ordinance".

SECTION 2. AUTHORITY.

This Ordinance is adopted pursuant to Chapter 3, Section 8 of the Clatsop County Home Rule Charter.

SECTION 3. PURPOSE.

The purpose of this Ordinance is to regulate the sale of tobacco and inhalant delivery products with a goal of enhancing public health and preventing teenagers from accessing tobacco or inhalant products.

SECTION 4. ADOPTION.

The Board of County Commissioners hereby adopts the Clatsop County Retail Sales of Tobacco Products Licensing Ordinance as shown in Exhibit A, attached hereto and incorporated herein by this reference.

SECTION 5. SEVERABILITY.

If for any reason any court of competent jurisdiction holds any portion of this Ordinance, including its attachments or any portion therein, to be invalid, and such holding is upheld on any appeal, such portion shall be deemed a separate, distinct and independent portion. Any such holding shall not affect the validity of the remaining portions.

SECTION 6. SCRIVENER'S ERRORS.

A scrivener's error in any portion of this ordinance or its attachments may be corrected by order of the Board of County Commissioners.

SECTION 7. EFFECTIVE DATE.

This Ordinance shall be effective 30 days after passage.

Dated this _____ day of _____, 2019.

BOARD OF COUNTY COMMISSIONERS
FOR CLATSOP COUNTY, OREGON

Sarah Nebeker, Chair

By _____
Theresa Dursse, Recording Secretary

First Reading: _____

Second Reading: _____

EXHIBIT A

1. Definitions.

The following words and phrases, whenever used in this ordinance, shall have the meanings defined herein unless the context clearly requires otherwise:

- A. "Arm's Length Transaction" means a sale in good faith and for valuable consideration that reflects the fair market value in the open market between two informed and willing parties, neither of which is under any compulsion to participate in the transaction. A sale between relatives, related companies or partners, or a sale for which a significant purpose is avoiding the effect of any violations of this ordinance is not an Arm's Length Transaction.
- B. "Cigar" means any roll of tobacco that is wrapped in tobacco leaf or in any substance containing tobacco, with or without a tip or mouthpiece, and that is not defined as a cigarette under Oregon Revised Statutes Section 323.010.
- C. "Department" means Clatsop County Public Health and any agency or Person designated by the Department to enforce or administer the provisions of this ordinance.
- D. "Flavored Product" means any Licensed Product that contains a taste or smell, other than the taste or smell of tobacco, that is distinguishable by an ordinary consumer either prior to or during the consumption of the product, including, but not limited to, any taste or smell relating to chocolate, cocoa, menthol, mint, wintergreen, vanilla, honey, fruit, or any candy, dessert, alcoholic beverage, herb, or spice. A public statement or claim, whether express or implied, made or disseminated by the manufacturer of a licensed product, or by any person authorized or permitted by the manufacturer to make or disseminate public statements concerning such products, that a product has or produces a taste or smell other than a taste or smell of tobacco will constitute presumptive evidence that the product is a Flavored Product.
- E. "Inhalant Delivery System" means a device that can be used to deliver nicotine or cannabinoids in the form of a vapor or aerosol to a person inhaling from the device, or a component of such a device or a substance in any form sold for the purpose of being vaporized or aerosolized by such a device, whether the component or substance is sold separately or is not sold separately. "Inhalant Delivery System" does not include Tobacco Products and does not include any product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product or for any therapeutic purpose, if the product is marketed and sold solely for that approved purpose.
- F. "Licensed Product" collectively refers to any tobacco product, Tobacco Paraphernalia, or Inhalant Delivery System. "Listed or Non-Discounted Price" means the higher of the price listed for a Licensed product on its package or the price listed on any related shelving, posting, advertising or display at the place where any such products are sold or offered for sale. Listed or Non-Discounted Price includes all applicable taxes if such taxes are not included in the stated price, and before the application of any discounts or coupons.
- G. "Person" means any natural person, business, partnership, cooperative association, employer, corporation, personal representative, receiver, trustee, assignee, or any other legal entity, excluding a government agency.

- H. "Proprietor" means a Person with an ownership or managerial interest in a business. An ownership interest shall be deemed to exist when a Person has a ten percent (10%) or greater interest in the stock, assets, or income of a business other than the sole interest of security for debt. A managerial interest shall be deemed to exist when a Person can, does have, or shares ultimate control over the day-to-day operations of a business.
- I. "School" means any public school – including any kindergarten, elementary, middle, junior high, or high school.
- J. "Tobacco Paraphernalia" means cigarette papers, wrappers, pipes, cigarette rolling machines, and any other item designed for the consumption, use, or preparation of any Tobacco Product.
- K. "Tobacco Product" means any bidi, cigarette, as defined in Oregon Revised Statutes, Section 323.010 (definitions for ORS323.005 to 323.482), cigar, cheroot, stogie, perique, granulated, plug cut, crimp cut, ready rubbed, pipe tobacco and other smoking tobacco, snuff, snuff flour, cavendish, plug and twist tobacco, fine-cut and other chewing tobacco, snus, short, refuse scrap, clipping, cutting, and sweeping of tobacco. "Tobacco Product" also means any device that can be used to deliver tobacco products to a person using the device. "Tobacco Product" does not include any drug, device, or combination product authorized by the United States Food and Drug Administration for sale as a tobacco cessation product or for any other therapeutic purpose, if the product is marketed and sold solely for the approved purpose.
- L. "Tobacco Retailer" means any Proprietor or entity, as defined in Oregon Revised Statutes Section 60.001 that sells, offers for sale, or exchanges or offers to exchange, for any form of consideration, any Tobacco Product, Tobacco Paraphernalia, or Inhalant Delivery System. "Tobacco Retailing" shall mean the doing of any of these things. This definition is without regard to the quantity of Tobacco Products, Tobacco Paraphernalia, or Inhalant Delivery Systems sold, offered for sale, exchanged, or offered for exchange.

2. License required.

- A. A Tobacco Retailer License is required for each address at which any Tobacco Product, Tobacco Paraphernalia, or Inhalant Delivery System is sold, exchanged, or offered for sale or exchange.
- B. Each applicant for a Tobacco Retailer license must meet all requirements of this ordinance and all rules adopted pursuant to this ordinance, and all federal, state, and local laws relating to the retail sale of Tobacco Products, Tobacco Paraphernalia, or Inhalant Delivery Systems.
- C. A Tobacco Retailer may only make Tobacco Products available from a licensed, fixed location. Tobacco Retailing by natural persons on foot or from vehicles or mobile units is prohibited.
- D. Application for a Tobacco Retailer license shall be made on forms provided by Clatsop County and shall be submitted in the name of each Proprietor proposing to conduct Tobacco Retailer sales and signed by each Proprietor or an authorized agent thereof. It shall be the responsibility of each Proprietor to be informed about all applicable laws affecting a Tobacco Retailer license. All applications for a Tobacco Retailer license shall contain the following information:
 - 1. The name, address, and telephone number of each Proprietor of the business seeking a license;
 - 2. The business name, address, and telephone number of the single fixed location for which a license is sought;
 - 3. A single name and mailing address authorized by each Proprietor to receive all communications

and notices (“the Authorized Address”) required by, authorized by, or convenient to the enforcement of this ordinance, provided that, if an Authorized Address is not provided, each Proprietor will be understood to consent to the provision of notice at the business address specified in subparagraph two (2) above;

4. Proof that the location for which a Tobacco Retailer license is sought has been issued a valid state license for the sale of Tobacco Products, Tobacco Paraphernalia and Inhalant Delivery Device if the Tobacco Retailer sells products that require state licensure;
 5. Whether or not any Proprietor or any agent of the Proprietor has admitted violating, or has been found to have violated, this ordinance and, if so, the dates and locations of all such violations within the previous five (5) years; and
 6. Such other information as the Department deems necessary for the administration and enforcement of this ordinance, as specified on the required application form.
- E. A licensed Tobacco Retailer shall inform the Department, in writing, of any change in the information submitted on an application for a Tobacco Retailer license within ten (10) business days of any such change.
- F. A license fee shall be submitted with an application for a new license or the renewal of a license. The fee shall be established from time to time by resolution of the Clatsop County Board of Commissioners and shall be calculated so as to recover the costs of administration and enforcement of this ordinance including, but not limited to, issuing a license, administering the Tobacco Retailer license program, providing Tobacco Retailer education, conducting Tobacco Retailer inspections and compliance checks, documenting violations, and prosecuting alleged violators. The fee established shall not exceed the costs of the administration and enforcement of this ordinance. All fees and interest upon proceeds of fees shall be used exclusively to fund the costs of the administration and enforcement of this ordinance.
- G. All information specified in an application pursuant to this section is subject to disclosure under the Oregon Public Records Act or any other applicable law, subject to the laws' exemptions.
- H. All Tobacco Retailer licenses issued are valid for one calendar year from the date of issuance.
- I. Each Tobacco Retailer license shall be prominently displayed in plain view of the general public at each licensed location and shall be exhibited to any person upon request.
- J. As part of program administration, the Department shall provide educational resources to licensed Tobacco Retailers to support compliance with the license requirements. Upon request, the Department shall provide educational materials in the preferred language of a Tobacco Retailer. In addition to the provision of educational materials, the Department, in its discretion, may offer Tobacco Retailers, including managers or other employees, annual, free, culturally responsive training on federal, state, and local laws affecting Tobacco Retailers and Tobacco Retailing to support clerks, managers, and owners in meeting applicable legal requirements. The Department shall update its educational resources when federal, state, or local laws are enacted and provide the updated resources to Tobacco Retailers in a timely manner.

3. Prohibition within 1000 feet of school. No license will be issued to a Tobacco Retailer located within 1,000 feet of any school as follows:

- A. Except as provided in subsection (B), no Tobacco Retailer license will be issued within one thousand (1,000) feet of a school as measured by a straight line from the nearest point of the property line of the lot or parcel on which the school is located to the nearest point of the property line of the parcel on which the applicant's business is located. For the purposes of this subsection, a "school" is a public kindergarten, elementary, middle, junior high or high school.
- B. A Tobacco Retailer that has been in operation, or whose predecessor in interest has been in operation, at a location governed by subsection (A) above consistently since January 1, 2019, is exempt from the requirements of section (A) above. A Tobacco Retailer that has been in operation, or whose predecessor in interest has been in operation, at a location governed by subsection (A) above consistently since January 1, 2019, that would otherwise be ineligible to receive or renew a Tobacco Retailer license due to the creation or relocation of a school is exempt from the requirements of this subsection.

4. License Conveys a Limited, Conditional Privilege.

Nothing in this ordinance grants any Proprietor obtaining and maintaining a Tobacco Retailer's license any status or right other than the limited conditional privilege to act as a Tobacco Retailer at the location identified on the face of the license. Nothing in this Ordinance renders inapplicable, supersedes, or applies in lieu of any other provision of applicable law, including but not limited to, any provision of this Ordinance, or any condition or limitation on smoking in an enclosed place of employment under ORS 433.847 and OAR 333-015-0068 or other federal or local ordinances. Obtaining a Tobacco Retailer's license does not make the Tobacco Retailer a certified smoke shop under ORS 433.847 and OAR 333-015-0068.

5. Grounds for denial of license.

Upon receipt of a complete application for a Tobacco Retailer license and the license fee required by this ordinance, the Department shall issue a license unless substantial evidence demonstrates that one or more of the following bases for denial exists:

- A. The information presented in the application is inaccurate, misleading, or false. Intentionally supplying inaccurate, misleading, or false information shall be a violation of this ordinance;
- B. The application seeks authorization for a Tobacco Retailer license at a location for which this ordinance prohibits issuance of a Tobacco Retailer license. This subparagraph shall not constitute a basis for denial of a license if the applicant provides Clatsop County with clear and convincing evidence that the applicant has acquired, or is acquiring, the location or business in an Arm's Length Transaction from a Tobacco Retailer that is exempt from all applicable location prohibitions in this ordinance;
- C. The application seeks a Tobacco Retailer license for a Proprietor to whom this ordinance prohibits a license to be issued;
- D. The applicant has been convicted within the past five years of any violation of a federal, state, or local law, ordinance provision, or other regulation relating to Licensed products, or any other violation of law related to retailing that the Department deems disqualifying;
 - a. The applicant has had a license to sell licensed products suspended or revoked within the

preceding 12 months of the date of application;

- E. The applicant is prohibited by federal, state, or other local law, ordinance, or other regulation from holding a license; or
- F. The application seeks a Tobacco Retailer license for activities that are prohibited by law or municipal Ordinance including, without limitation, a zoning ordinance, building code, or business license, or that is unlawful pursuant to any other local, state, or federal law.

6. License renewal and expiration.

- A. A Tobacco Retailer license is invalid if the appropriate fee has not been timely paid in full or if the term of the license has expired. Each Tobacco Retailer shall apply for the renewal of the license and submit the license fee no later than thirty (30) days prior to expiration of the one-year license term.
- B. A Tobacco Retailer license that is not timely renewed will expire at the end of its one-year term. To renew a license not timely renewed as described herein, the Tobacco Retailer must:
 - 1. Submit the license fee and application renewal form; and
 - 2. Submit a signed and notarized affidavit affirming that the Tobacco Retailer:
 - (a) Has not sold and will not sell any Tobacco Product, Tobacco Paraphernalia, or Inhalant Delivery System after the license expiration date and before the license is renewed; or
 - (b) Has waited the period of time required by Section 10 of this ordinance, for the violation of Tobacco Retailing without a valid license, before seeking renewal of the license.

7. Licenses nontransferable.

Tobacco Retailer license may not be transferred from one Tobacco Retailer to another or from one location to another. Any prior violation of this ordinance at any location will continue to be counted against a location unless the location has been transferred to new proprietors(s) in an Arm's Length Transaction and the new proprietors provide the Department with clear and convincing evidence, that the business has been acquired in an Arm's Length Transaction.

8. Prohibitions.

- A. No Proprietor who holds a Tobacco Retailer license issued under this ordinance, nor any employee or agent of same, shall make available, dispense, sell, offer to sell, or cause to be sold any Tobacco Product, Tobacco Paraphernalia, or Inhalant Delivery System:
 - 1. Without a valid Tobacco Retailer license.
 - 2. Outside original packaging containing health warnings required under federal law.
 - 3. By any other means, to any other person, or in any other manner or form prohibited by federal, state, or other local law, ordinance provision, or other regulation.
- B. No Person shall sell, exchange, transfer, offer to sell, exchange or transfer, or otherwise distribute any Tobacco Product, Tobacco Paraphernalia, or Inhalant Delivery System to any Person under the minimum legal sales age of twenty-one (21).
 - 1. No Proprietor who holds a Tobacco Retailer license issued under this ordinance, nor any employee or agent of same, shall sell, exchange, transfer, offer to sell, exchange or transfer, or

otherwise distribute a Tobacco Product, Tobacco Paraphernalia, or Inhalant Delivery System to another Person who appears to be under the age of thirty (30) years without first examining the government-issued photographic identification of the recipient to confirm that the recipient is at least the minimum legal sales age to purchase and possess the Tobacco Product, Tobacco Paraphernalia, or Inhalant Delivery System.

2. No Proprietor engaged in Tobacco Retailing shall locate any Tobacco Products, Tobacco Paraphernalia, or Inhalant Delivery Systems in any location in a retail store or other establishment where such products are accessible by a customer without the assistance of a Tobacco Retailer or an employee or agent of the Tobacco Retailer. This prohibition does not apply to a Person in a licensed establishment that is permanently and entirely off-limits to Persons under the age of twenty-one (21) and that prohibits Persons under twenty-one (21) from entering the establishment at any time.
- C. No Tobacco Retailer with a license issued under this ordinance, nor any employee or agent of same, shall:
1. Accept or redeem, offer to accept or redeem, or cause or hire any Person to accept, redeem, or offer to accept or redeem any coupon that provides any Tobacco Product, Tobacco Paraphernalia, or Inhalant Delivery System without charge or for less than the listed or non-discounted price; or
 2. Sell, offer to sell, or cause to be sold any Tobacco Product, Tobacco Paraphernalia, or Inhalant Delivery System to any Person through any multi-pack discounts, such as a buy-two-get-one-free discount or a cents- or dollars-off discount, or otherwise provide or distribute to any Person any Tobacco Product, Tobacco Paraphernalia, or Inhalant Delivery System without charge, or for less than the listed or non-discounted price, in exchange for the purchase of any other Tobacco Product, Tobacco Paraphernalia, or Inhalant Delivery System; or
 3. Distribute, or cause to be distributed, any free or nominally-priced sample of any Tobacco Product, Tobacco Paraphernalia, or Inhalant Delivery System at any retail location or at any other public place within Clatsop County.
- D. A Person without a valid Tobacco Retailer license, including, but not limited to, a Person whose license has been suspended, revoked, or not renewed shall keep all Tobacco Products, Tobacco Paraphernalia, and Inhalant Delivery Systems out of public view, and shall not display any indoor outdoor advertisement or otherwise publish or distribute any advertisement relating to a Tobacco Product, Tobacco Paraphernalia, or Inhalant Delivery System that promotes the sale or distribution of such products from the Tobacco Retailer location or that could lead a reasonable consumer to believe that such products can be obtained at that location. The public display of any Tobacco Product, Tobacco Paraphernalia, or Inhalant Delivery System in violation of this provision shall constitute Tobacco Retailing without a license.
- E. It is a violation of this ordinance to fail to comply with license provisions or rules adopted pursuant to this ordinance and federal, state, and local laws relating to Tobacco Retailing.

9. Enforcement and monitoring.

- A. The Department will monitor and enforce compliance with this Ordinance. In addition, any peace officers may enforce the penal provisions of this Ordinance and Clatsop County Code Compliance

Specialist may enforce compliance with this Ordinance.

- B. The Department will endeavor to inspect each Tobacco Retailer at least one time per twelve-month period. Nothing in this paragraph creates a right of action in any licensee or other Person against the County, Department or its agents.

10. Administrative penalties, license suspension or revocation.

- A. In addition to any other penalty authorized by law, a Tobacco Retailer shall be charged an administrative penalty and the Tobacco Retailer's license shall be suspended or revoked if a court of competent jurisdiction determines, or the Department finds, based on a preponderance of the evidence, after the Tobacco Retailer is afforded notice and an opportunity to be heard, that the Tobacco Retailer, or any agent or employee of the licensee, has violated any of the requirements, conditions, or prohibitions of this ordinance or has pleaded guilty, "no contest" or its equivalent, or admitted to a violation of any law designated in Section 8 above.
 - 1. Upon a finding by the Department of a first violation of this ordinance at a location within any twenty-four (24) month period, the Tobacco Retailer shall be charged an administrative penalty of \$500 for a first violation.
 - 2. Upon a finding by the Department of a second violation of this ordinance at a location within any twenty-four (24) month period, the Tobacco Retailer shall be charged an administrative penalty of \$2500 and the Tobacco Retailer's license shall be suspended for thirty (30) days.
 - 3. Upon a finding by the Department of a third violation of this ordinance at a location within any twenty-four (24) month period, the Tobacco Retailer shall be charged an administrative penalty of \$5000 and the Tobacco Retailer's license shall be suspended for ninety (90) days.
 - 4. Upon a finding by the Department of four or more violations of this ordinance at a location within any twenty-four (24) month period, the Tobacco Retailer shall be charged an administrative penalty of \$7500 and the Tobacco Retailer's license shall be revoked.
- B. A decision of the Department to assess a penalty and suspend or revoke a license is appealable to the Clatsop County Manager. Any appeal must be filed in writing with the County Manager within ten (10) days of mailing of the Department's decision. If such an appeal is timely made, it shall stay enforcement of the appealed action. An appeal to the County Manager is not available for a revocation made pursuant to subsection (C) below.
- C. A Tobacco Retailer license shall be revoked if the Department finds, after the licensee is afforded notice and an opportunity to be heard, that one or more of the bases for denial of a license under this Ordinance existed at the time application was made or at any time before the license issued. The decision by the Department shall be the final decision of Clatsop County. Such a revocation shall be without prejudice to the filing of a new license application.
- D. A Tobacco Retailer whose license has been revoked due to violation of this ordinance shall not be able to reapply until five (5) years have passed from the date of violation.

11. Tobacco retailing without a valid license.

- A. In addition to any other penalty authorized by law, if a court of competent jurisdiction determines, or the Department finds, based on a preponderance of evidence, after notice and an opportunity to be heard, that any Person has engaged in Tobacco Retailing at a location without a valid Tobacco Retailer license, either directly or through any agent or employee of the Person, the Person shall be ineligible to apply for, or to be issued, a Tobacco Retailer license as follows:
 - 1. After a first violation of this section at a location within any twenty-four (24) month period, no new license may issue for the Person or the location (unless ownership of the business at the location has been transferred in an Arm's Length Transaction), until thirty (30) days have passed from the date of the violation.
 - 2. After a second violation of this section at a location within any twenty-four (24) month period, no new license may issue for the Person or the location (unless ownership of the business at the location has been transferred in an Arm's Length Transaction), until ninety (90) days have passed from the date of the violation.
 - 3. After of a third or subsequent violation of this section at a location within any twenty-four (24) month period, no new license may issue for the Person or the location (unless ownership of the business at the location has been transferred in an Arm's Length Transaction), until five (5) years have passed from the date of the violation.
- B. Tobacco Products, Tobacco Paraphernalia, and Inhalant Delivery Systems offered for sale or exchange in violation of this section are subject to seizure by the Department or any peace officer and shall be forfeited after the licensee and any other owner of any Tobacco Products, Tobacco Paraphernalia, and Inhalant Delivery Systems seized is given reasonable notice and an opportunity to demonstrate that the Tobacco Products, Tobacco Paraphernalia, and Inhalant Delivery Systems were not offered for sale or exchange in violation of this ordinance. The decision by the Department may be appealed pursuant to the procedures set forth in Section 10B. Forfeited Tobacco Products, Tobacco Paraphernalia, and Inhalant Delivery Systems shall be destroyed after all internal appeals have been exhausted.
- C. For the purposes of the civil remedies provided by this Ordinance, each day on which a Tobacco Product, Tobacco Paraphernalia, or Inhalant Delivery System is offered for sale in violation of this ordinance, or each individual Tobacco Product, Tobacco Paraphernalia, or Inhalant Delivery System that is distributed, sold, or offered for sale in violation of this ordinance, shall constitute a separate violation of this ordinance.

12. Additional remedies.

- A. The remedies provided by this ordinance are cumulative and in addition to any other remedies available at law or in equity.
- B. Violations of this ordinance are hereby declared to be public nuisances and may be abated pursuant to Chapter 1.12 of the Clatsop County Code, State law, or any applicable municipal ordinance.
- C. In addition to other remedies provided in this ordinance, municipal code, or by other law, any violation this ordinance may be remedied by a civil action including, for example, through administrative or judicial nuisance abatement proceedings, civil or criminal code enforcement proceedings, and suits for injunctive relief.

Tobacco's toll in one year¹⁻⁵



6,500 Adults who regularly smoke cigarettes

3,210 People with a serious illness caused by tobacco



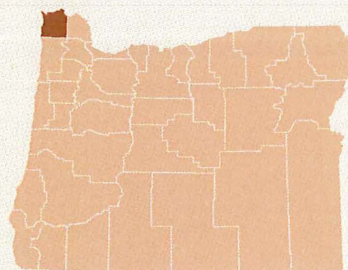
107

Tobacco-related deaths



\$14.6 Million

spent on tobacco-related medical care



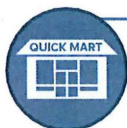
Population

Youths	7,575
Adults	31,625
Total residents	39,200

\$13.0 Million

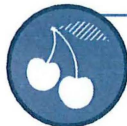
in productivity losses due to premature tobacco-related deaths

Among tobacco retailers assessed in Clatsop County⁶



1 in 5

advertised tobacco or e-cigarettes outside the store



100%

sold flavored products (menthol, candy, etc.)



13%

sold products within 12" of toys, candy, gum, slushy/soda or ice cream



2 in 5

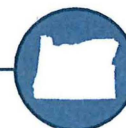
offered price promotions/discounts



49%

advertised cigarillos for less than \$1

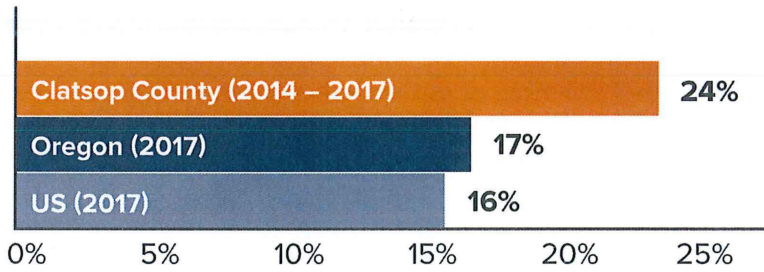
Components of a comprehensive tobacco prevention program



Oregon's Tobacco Prevention and Education Program (TPEP) supports local public health authorities to serve all 36 counties and nine federally recognized tribes. TPEP works to:

- Engage communities in reducing the tobacco industry's influence in retail stores
- Increase the price of tobacco
- Promote smoke-free environments
- Provide support and resources to Oregon smokers who want to quit
- Engage diverse populations of people in Oregon

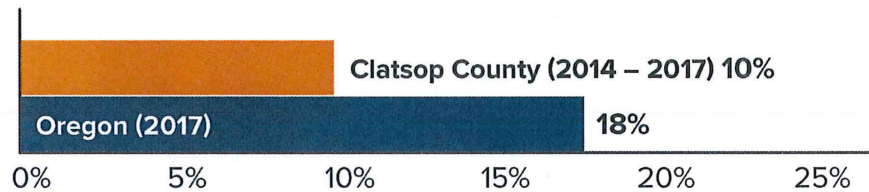
Adult cigarette smoking¹



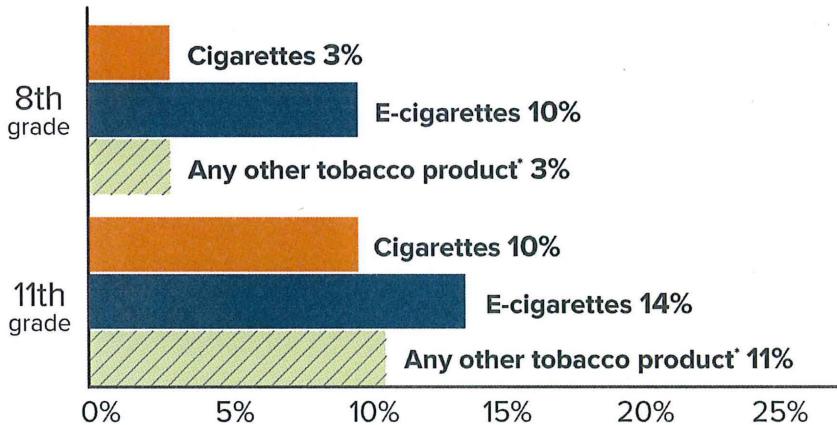
Cigarette smoking among adults in Clatsop County is **higher** than Oregon overall and the rest of the United States.

Adults exposed to secondhand smoke indoors¹

Secondhand smoke exposure for adults in Clatsop County is **lower** than Oregon overall.



Youth tobacco use⁷



Among 11th graders in the North Central Oregon region, e-cigarette use was **higher** than cigarette smoking in 2017.

Note: The North Central Oregon region includes Clatsop, Columbia, Gilliam, Hood River, Sherman, Tillamook and Wasco Counties. Estimates are reported by region instead of county when one or more estimates from the county level represented too small a population to be reliable.

* Any other tobacco product* includes any smokeless tobacco, small or large cigars, or hookah use.



Want to know more or have questions about the burden of tobacco in your community?

Visit Smokefree Oregon to find out what you can do:
<http://smokefreeoregon.com/what-you-can-do/>

¹⁷ For more information on data sources, please visit:
<https://smokefreeoregon.com/sources/>

ASSESSING OREGON'S RETAIL ENVIRONMENT

SHINING LIGHT ON TOBACCO INDUSTRY TACTICS



To create a picture of what tobacco retail marketing looks like across the state, local health department staff, nonprofits, tribes and volunteers visited 2,000 Oregon tobacco retailers in 2018. Using a standard assessment tool, these visits provided comprehensive data on how the tobacco industry pushes its deadly products across Oregon.

The findings are clear: the tobacco industry targets people in Oregon, especially youth, communities of color and people living with lower incomes.

Consider these facts:

The tobacco industry spends over \$100 million each year in Oregon¹, putting its products front-and-center where people, including kids, will see them every day. This drumbeat of promotion is intentional. It is designed to manipulate consumers, spark nicotine cravings and generate impulse tobacco purchases among people trying to quit. These ads also lure teens and young adults to a deadly product.² The dominance of youth-targeted promotions begins on the exterior walls and windows of stores, with big, colorful ads that often are at the eye level of a young child. Tobacco retailers place attractive images of tobacco products alongside ads for snacks and treats that kids love, such as sodas, hot dogs and chips.

IN OREGON:



1 in 5 of tobacco retailers in the retail assessment placed tobacco products within a foot of candy or toys.



3 in 4 Oregon high school students reported seeing tobacco ads in stores, online or in other media in 2017.³



Use of e-cigarettes among 11th graders increased nearly 3 fold from 2013 to 2017.³



64% of retailers offered discounts that make tobacco more affordable for youth and people with low incomes.



1 in 2 retailers displayed outside advertising for at least one type of tobacco product.

The assessment sheds light on the variety and intensity of tobacco marketing targeted at youth. It also shows how the industry targets communities that already experience higher rates of tobacco use and tobacco-related chronic disease and death. To learn more about the retail assessment results and how counties, tribes, and community advocates are fighting back, read the full statewide report.

- To read the full statewide report, visit: smokefreeoregon.com/retailassessment/
- To stay in touch with tobacco news and prevention, follow Smokefree Oregon on Facebook.
- To get involved, visit: smokefreeoregon.com/what-you-can-do/

WHAT IS THE TOBACCO PREVENTION AND EDUCATION PROGRAM (TPEP)?

The Oregon Health Authority Tobacco Prevention and Education Program (TPEP) works collaboratively with every Oregon county and tribe to implement community tobacco prevention and education programs. TPEP is grounded in best practices for tobacco control and seeks to make sustainable policy, systems and environmental change.

¹³ For more information on data sources, please visit: smokefreeoregon.com/sources/

CLATSOP COUNTY TOBACCO RETAIL SNAPSHOT

COUNTY TOBACCO RETAIL ASSESSMENT OVERVIEW

Across Oregon, teams visited nearly 2,000 grocery stores, convenience stores, gas stations, pharmacies and other retailers. All retailers in this survey allowed youth to shop in their stores.

RETAIL FINDINGS ON TOBACCO MARKETING AND ADVERTISING IN CLATSOP COUNTY

In Clatsop County, TPEP and partners surveyed 43 retailers out of 47.



1 in 5 advertised tobacco or e-cigarettes outside the store



100% sold flavored products (menthol, candy, etc.)



13% sold products within 12" of toys, candy, gum, slushy/soda or ice cream



2 for 1

2 in 5 offered price promotions/discounts

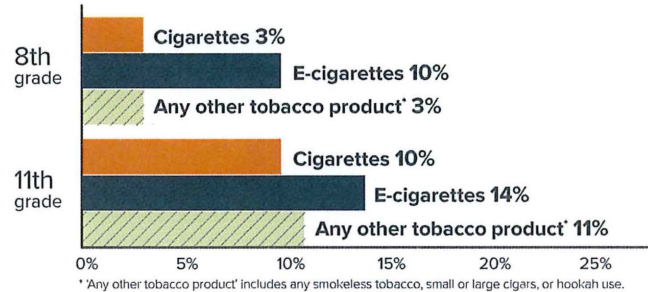


49% who sold cigarillos or small cigars advertised them for less than \$1

If you're interested in learning more about tobacco use in your county, you can explore your county's fact sheet at: smokefreeoregon.com/what-you-can-do/

¹³ For more information on data sources, please visit: <https://smokefreeoregon.com/sources/>

YOUTH TOBACCO USE³



Among 11th graders in the North Central Oregon region, e-cigarette use was higher than cigarette smoking in 2017.

Note: The North Central Oregon region includes Clatsop, Columbia, Gilliam, Hood River, Sherman, Tillamook and Wasco Counties. Estimates are reported by region instead of county when one or more estimates from the county level represented too small a population to be reliable.

FIGHTING BACK AGAINST TOBACCO INDUSTRY MARKETING AND ADVERTISING

- **Tobacco Retail Licensure** - Having a system that tracks tobacco retailers and enforces laws that keep kids from buying tobacco is critical to reducing tobacco use. Effective retail licensure has meaningful fees and penalties—and leaves an option for additional local policies.
- **Raising the Price of Tobacco Products** - Raising the price of tobacco is the most effective way to reduce tobacco consumption. Approaches include prohibiting discounts, multipack offers and coupons that keep tobacco cheap.
- **Regulating Flavored Tobacco Products** - Flavored tobacco is attractive to kids and masks the harsh taste and feel of tobacco products. Policies that restrict flavors would make tobacco products less appealing to youth.
- **Proximity and Density Policies** - Zoning restrictions can cap the number of retailers in an area, require a minimum distance between retailers or prohibit retail locations near schools or other areas youth frequent.
- **Tobacco-Free Pharmacies** - Prohibit the sale of tobacco products in pharmacies, where people go for medicine, flu shots and health care advice.



TOBACCO RETAIL LICENSE

UPDATE



Clatsop County
Department of Public Health

What Is a Tobacco Retail License?

- Requires all tobacco retailers to purchase a license to sell tobacco and nicotine containing products, including vapes.
- License fees cover the cost of implementation and enforcement
- Offers retailer education and support
- Provides for effective enforcement of T21
- Ensures that all retailers in the county are checked for compliance every year

What Is a Tobacco Retail License?

Contains other evidenced-based provisions to reduce youth tobacco use such as:

- Ensure e-cigarettes and vape juice move behind the counter
- Prevent new retailers within 1,000 feet of schools and youth facilities
- Eliminates price discounts and coupons
- Prohibits free samples



Why is a Tobacco Retail License Necessary?

On January 1, 2018 Oregon became the 5th state to raise the minimum age to purchase tobacco products to age 21.

- Tobacco use is the number one cause of preventable death. Over 450,000 Americans a every year.
- **More than 95% of smokers start before age 21**
- Reducing or eliminating youth tobacco use is the most effective way to reduce the costs of tobacco use.
- TRL is an evidenced-based strategy to reduce youth tobacco use.

Why is a Tobacco Retail License Necessary?

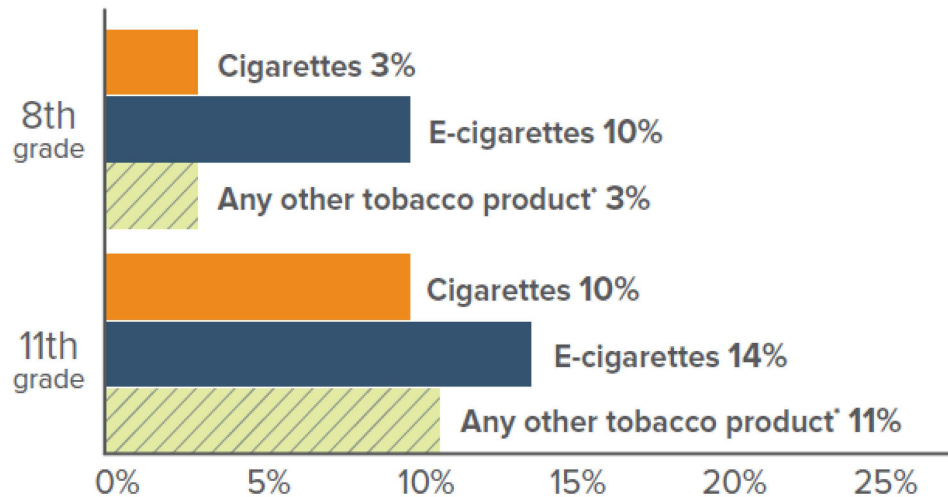
- Currently only a handful of stores are checked each year with inadequate penalties for those who sell to minors.
- In 2017 and 2018 12% of stores in Clatsop County sold to minors.
- TRL ensures that all stores are checked every year.
- Effective penalties provide incentive to obey the law



Why is a Tobacco Retail License Necessary?

Vaping is creating a whole new generation of teens addicted to nicotine.

Youth tobacco use⁷



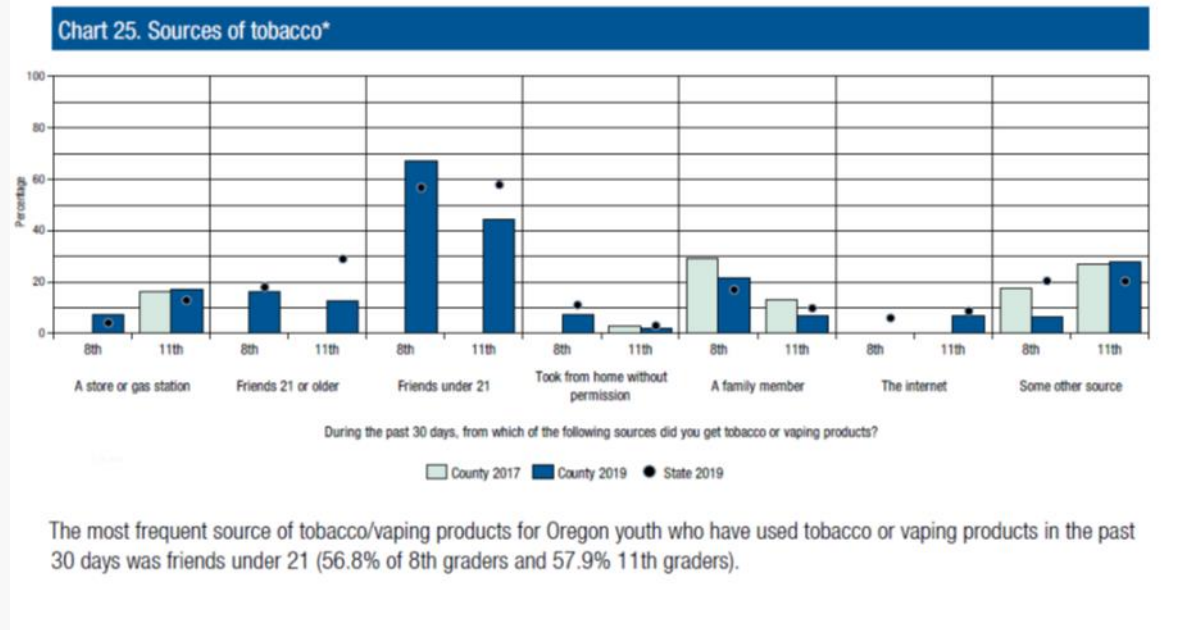
Among 11th graders in the North Central Oregon region, e-cigarette use was **higher** than cigarette smoking in 2017.

Note: The North Central Oregon region includes Clatsop, Columbia, Gilliam, Hood River, Sherman, Tillamook and Wasco Counties. Estimates are reported by region instead of county when one or more estimates from the county level represented too small a population to be reliable.

* 'Any other tobacco product' includes any smokeless tobacco, small or large cigars, or hookah use.

Why is a Tobacco Retail License Necessary?

In Clatsop County, stores are the second most common youth sources of tobacco



Why is a Tobacco Retail License Necessary?

According to a 2013 SAMHSA Report :

- Oregon is one of the easiest states for youth to illegally purchase tobacco from retailers.
- It takes teens in Oregon less than five attempts to purchase tobacco; nationally, it takes teens an average of 10 attempts before successfully purchasing tobacco



Why is a Tobacco Retail License Necessary?

- FDA restrictions on tobacco advertising limit the type of advertising they do.
- The tobacco industry spends \$9.4 billion a year to market their products
- **\$9 billion** of that is concentrated in the retailer setting through:
 - Promotions
 - Discounts
 - In store and outdoor advertising
 - Coupons
 - Other
- Numerous studies show that this marketing directly impacts youth, increasing the likelihood that start smoking and determines which brands and flavors they use.



Why is a Tobacco Retail License Necessary?

- Prevention policies such as TRL are the most effective way of bringing down youth tobacco use rates.
- Parents and schools can't compete with the billions of dollars the industry uses to influence youth to start.
- Education can help, but is resource intensive and shouldn't be counted on as the only prevention strategy.



Why is a Tobacco Retail License Necessary?

“It is important to know as much as possible about teenage smoking patterns and attitudes. Today’s teenager is tomorrow’s potential regular customer, and the overwhelming majority of smokers first begin to smoke while still in their teens...”

—PHILLIP MORRIS' MYRON JOHNSTON, 1981

Our Process

- 2018 - Worked with Public Health Law Center to draft a “gold star” TRL Ordinance design to fit local needs
- Spring 2019 youth vaping reached crisis proportions in county
- We responded with school assessment recommendations and inclusion of flavored tobacco and vaping product ban in the TRL
- October 2019 - BoCC approves ordinance

Our Process

- August– BoCC 1st reading, easily passed
- Sept. JUUL lawyer sent letter; National Tobacco Retail Association contacts Mike
- Governor issues temporary emergency ban on vaping products
- Sept – BoCC 2nd reading. JUUL lawyer, tobacco retailers, vaping showed up to contest flavor ban.
 - *BoCC Chair sent us back to the drawing board*
 - *Joint decision to temporarily remove flavor ban and pass TRL*
- Governor vaping ban blocked in court. Not expected to be revived

What You Need To Know Now

Jan 8, 2020 - The BoCC 2st reading of new ordinance. If it passes:

- Cities will have opportunity to opt in
- Licensing, education and enforcement conducted by county Environmental Health

What You Need To Know Now

- All retailers within the county will be covered
- Creates a level playing field
- Youth access to tobacco decreases
- Local control ensures complete coverage



Tobacco Retail Licensure In Clatsop County





AGENDA MEMORANDUM

TO: The Warrenton City Commission

FROM: Dawne Shaw, City Recorder

DATE: December 10, 2019

SUBJ: Advisory Committee Appointments

SUMMARY

Various terms on City Advisory Committees end on December 31, 2019. We have received the following applications. Mayor Balensifer has submitted nomination letters for each board.

1. Warrenton Community Center Board – one position with term ending on December 31, 2019 – Position 5; Ms. Penny Smith has applied for reappointment.
2. Warrenton Parks Advisory Board – one position with term ending on December 31, 2019 – Position 4; Mr. Bert Little has applied for reappointment.
3. Warrenton Community Library Board – three positions with terms ending December 31, 2019 – Position 1, 2, and 3. Ms. Kelsey Balensifer has applied for reappointment.

4. Warrenton Planning Commission - There are two positions with terms ending on December 31, 2019 – Positions 6 and 7. Mr. Paul Mitchell has applied for reappointment, and we have received a new application from Ms. Lylla Gaebel.

RECOMMENDATION/SUGGESTED MOTION

I move to appoint Ms. Penny Morris to Position No. 5 on the Warrenton Community Center Board.

I move to appoint Mr. Bert Little to Position No. 4 on the Warrenton Parks Advisory Board.

I move to appoint Ms. Kelsey Balensifer to Position No. 1 on the Warrenton Community Library Board.

I move to appoint Mr. Paul Mitchell to Position No. 6, and Ms. Lylla Gaebel to Position No. 7 on the Warrenton Planning Commission.

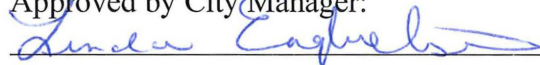
ALTERNATIVE

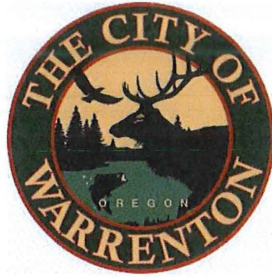
Other action as deemed appropriate by the City Commission

FISCAL IMPACT

N/A

Approved by City Manager:





December 2, 2019

To the City Commission of Warrenton:

I nominate Penny Morris for reappointment to Position #5 on the Community Center Board.

Penny has served with distinction to date on the board. Her efforts to revamp the raffle during the Easter Bunny and Santa Breakfasts have been very helpful with raising more funds for the community center.

I interviewed Penny before she was appointed to fulfill an unexpired term and her record on the board indicates her energetic contributions and continued interest in serving are sufficient for reappointment. Nevertheless I have called her and feel she would continue to do great work on the board.

Sincerely,

A handwritten signature in blue ink that reads "Henry A. Balensifer III". The signature is written in a cursive style with a large, stylized "H" and "B".

Henry A. Balensifer III
Mayor

"Making a difference through excellence of service"



CITY OF WARRENTON

Application for Committee Appointment

To: **Warrenton City Commission and Warrenton City Manager**

I, Penny Morris, hereby apply for appointment to serve on the following:

- Budget Committee
- Community Center Board
- Parks Advisory Committee
- Planning Commission
- Warrenton Business Association
- Warrenton Community Library Board
- Warrenton Urban Renewal Advisory Board

What is your interest in applying for this position?

I have been on the board and would like to continue. My term exp on 12/31/19

What experience or qualifications do you have for this position?

I have been on other board / community groups and been a support person as well as the leader. I enjoy being part of the community.

How much time could you give to serving on this committee?

Weekly Monthly Quarterly and @Event.

PENelope (PENNY) MORRIS 9-17-19
Full Name (please print) Date



December 4, 2019

To the City Commission of Warrenton:

I nominate Bert Little for reappointment to Position #4 on the Warrenton Parks Advisory Board.

Bert has been at the forefront of pushing the city to plan new parks sustainably and improve the ones we have. His work on Warrenton Memorial Plaza, taking on the concessions at Quincy Robinson Park and getting the Hammond military cemetery improved to army standards prove his commitment and energy to improve the community.

I regularly talk to Bert at mayor's coffees and feel his record of accomplishment and continual updates negates the need for a formal interview as he is the board chair I'm most often in communication with—due to his initiative.

The city, through its RARE project manager, is undergoing a planning process for Forest Rim Park. This will be a major effort and I think it important to keep the board intact as its inertia continues to build.

Sincerely,

Henry A. Balensifer III

Mayor



CITY OF WARRENTON
FINANCE DEPARTMENT

OCT 18 2019

RECEIVED
WARRENTON, OR 97146

Application for Committee Appointment

To: **Warrenton City Commission and Warrenton City Manager**

I, Albert (Bert) Little, hereby apply for appointment to serve on the following:

- Budget Committee
- Community Center Board
- Parks Advisory Committee
- Planning Commission
- Warrenton Business Association
- Warrenton Community Library Board
- Warrenton Urban Renewal Advisory Board

What is your interest in applying for this position?

To help on long range goals of The board,
Help to find different ways to use all our parks

What experience or qualifications do you have for this position?

I HAVE served as BOARD chair AND A member of The
BOARD For several years, I HAVE lived in Area since
1962 AND KNOW The park history

How much time could you give to serving on this committee?

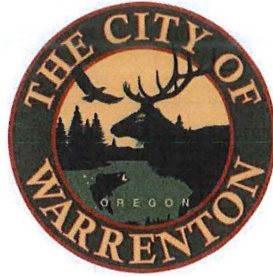
Weekly Monthly Quarterly

Albert A. Little

OCT 18 2019

Full Name (please print)

Date



December 2, 2019

To the City Commission of Warrenton:

I nominate Kelsey Balensifer for reappointment to Position #1 on the Warrenton Community Library Board.

Normally I would be hesitant issuing a nominating letter for a family member, but her work on the board cannot be ignored. Since being appointed during the Kujala administration, Kelsey has been voted board chair by her peers for the past 4 years. She joined the board at a time when the majority of the prior board had resigned, the old location was declared unsafe for occupancy and the operations tax levy was up for renewal. Her leadership of the library board contributed to the choice of a new location that has statistically more utilized than the prior location, as well as her leadership was critical in launching a campaign to reauthorize the operations levy during a time of public debate about the necessity/utility of libraries in a modern age.

I have interviewed Kelsey and believe her continued presence on the library board is both warranted and well earned.

Due to the fact this nominee is my immediate relative, I will abstain from voting or discussing her nomination during the meeting. I expect she will be present at the meeting should the commission wish to question her.

Sincerely,

Henry A. Balensifer III
Mayor



Application for Committee Appointment

To: **Warrenton City Commission and Warrenton City Manager**

I, Kelsey Balensifer, hereby apply for appointment to serve on the following:

- Budget Committee
- Community Center Board
- Parks Advisory Committee
- Planning Commission
- Warrenton Business Association
- Warrenton Community Library Board
- Warrenton Urban Renewal Advisory Board

What is your interest in applying for this position?

Committed to the betterment of the Warrenton Community Library and a firm believer in the value of library services in our community.

What experience or qualifications do you have for this position?

Have served one term on the Warrenton Community Library Board and several years as chair of the board.

How much time could you give to serving on this committee?

Weekly 1-2 Monthly 4 hrs. Quarterly 12 hrs.
hrs.

Kelsey Noel Osterman Balensifer 10/23/19

Full Name (please print)

Date



December 4, 2019

To the City Commission of Warrenton:

I nominate Paul Mitchell for reappointment to Position #6 on the Warrenton Planning Commission.

Paul has been a long serving member of the planning commission and as chairperson has advocated for better communication and training for the board. This coincides with a push the City Commission's Subcommittee on Boards & Bylaws Review has discussed doing to ensure this critical board is fully supported.

I have interviewed Paul and discussed his concerns, accomplishments, and overall lay of the land with the Planning Commission as the chairperson. I think he will continue to make valuable contributions as a member of this board and as such am nominating him for reappointment.

Sincerely,

Henry A. Balensifer III
Mayor



Application for Committee Appointment

To: **Warrenton City Commission and Warrenton City Manager**

I, Paul Mitchell, hereby apply for appointment to serve on the following:

- Budget Committee
- Community Center Board
- Parks Advisory Committee
- Planning Commission
- Warrenton Business Association
- Warrenton Community Library Board
- Warrenton Urban Renewal Advisory Board

What is your interest in applying for this position?

To see Warrenton-Hammond grow in a positive and family friendly direction

What experience or qualifications do you have for this position?

I have served for the past 14 yrs with the last as Board Chair.

How much time could you give to serving on this committee?

Weekly Monthly Quarterly

Paul Paul Mitchell

Full Name (please print)

11-14-19

Date



December 2, 2019

To the City Commission of Warrenton:

I nominate Lylla Gaebel for appointment to Position #7 on the Warrenton Planning Commission.

Lylla has been a long time resident and Warrenton community figure. She previously was on the Warrenton City Commission in the 90s, and later served on the Clatsop County Commission. Most recently, she served on the Sunset Empire Transit District and on the Downtown and Thoroughfare Task Force.

Beyond her vast experience in policy and transportation issues, Lylla was involved in the development of the community vision plan that we seek to return to. Issues like downtown revitalization are of particular interest to her and traffic are issues I believe she will bring a knowledgeable, yet fair hand to.

I have interviewed Lylla and discussed her desire to be involved with the city again in her retirement multiple times. I believe she can bring an institutional knowledge and provide needed legislative intent to the Planning Commission as we seek to implement the Vision Plan and move forward with our newly amended Urban Renewal Plan. I do not expect Lylla to be a passive participant in meetings, and I believe she can provide for a more robust public debate and lend another voice from the Hammond Heritage District.

Sincerely,

Henry A. Balensifer III
Mayor

"Making a difference through excellence of service"



CITY OF WARRENTON

CITY OF WARRENTON
FINANCE DEPARTMENT

NOV 27 2019

RECEIVED
WARRENTON, OR 97146

Application for Committee Appointment

To: Warrenton City Commission and Warrenton City Manager

I, Lylla Gaebel, hereby apply for appointment to serve on the following:

- Budget Committee
- Community Center Board
- Parks Advisory Committee
- Planning Commission
- Warrenton Business Association
- Warrenton Community Library Board
- Warrenton Urban Renewal Advisory Board

What is your interest in applying for this position?

As a senior home owner, I want to assist in the planning for Warrenton's future.

What experience or qualifications do you have for this position?

Former Warrenton City Commissioner
Former County Commissioner
Former SFTD Commissioner

How much time could you give to serving on this committee?

Weekly Monthly Quarterly

Lylla Gaebel 11.26.19
Full Name (please print) Date



AGENDA MEMORANDUM

TO: The Warrenton City Commission
FROM: Kevin A. Cronin, AICP, Assistant City Manager/Development Director
DATE: For the Agenda of December 10, 2019
SUBJ: **ORDINANCE: Planned Unit Development Maser Plan Provision |
Development Code Revision (DCR 19-3)**

The Warrenton School District is planning for a new campus on SE Dolphin Ave and would like to create a master plan to efficiently develop the campus over time as funding becomes available through bond measures. Staff worked with WSD's consultant team to identify a vehicle to allow and facilitate institutional partners like WSD to plan for large scale facilities and applied for a Development Code Revision under the Planned Unit Development section.

The Planning Commission held a public hearing on September 12 and approved a recommendation unanimously for City Commission review and consideration. A Type 4 application requires a hearing before the City Commission. A public hearing was properly noticed in *The Columbia Press* on September 20, 2019. The City Commission voted to hold a first reading of the ordinance on October 8.

Enclosed is the land use record, recommended code changes, and Ordinance No. 1231 to adopt the change to the Development Code.

A revision was made to include a sunset date for traffic studies per phase. A traffic study would expire after 4 years from the Notice of Decision.

RECOMMENDATION/SUGGESTED MOTION

1. I move to conduct a second reading, by title only, of Ordinance 1231.

2. I move to adopt Ordinance 1231.

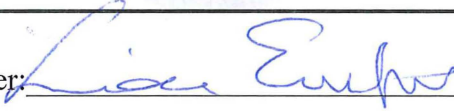
ALTERNATIVE

None

FISCAL IMPACT

Not applicable

Approved by City Manager:



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

ORDINANCE No. 1231

Introduced by All Commissioners

An ordinance amending Warrenton Municipal Code Chapter 16.224

WHEREAS, Warrenton School District has requested to amend the Planned Unit Developments standards to allow a campus master plan to guide future development of a public school campus;

WHEREAS, the City of Warrenton has supported specific and targeted revisions to the Warrenton Development Code in order to facilitate a new campus for families and the larger community.

WHEREAS, the City of Warrenton has provided numerous public involvement opportunities for local residents and stakeholders to provide input and address potential neighborhood impacts;

WHEREAS, the Planning Commission held a public hearing on September 12, 2019 and recommended approval to the City Commission;

NOW, THEREFORE, the City of Warrenton ordains as follows: (Key: ~~deleted~~ OR **new**)

Section 1. Warrenton Municipal Code Section 16.224.030 Planned Unit Development, is amended as follows:

CHAPTER 16.224 PLANNED UNIT DEVELOPMENTS

16.224.010 Planned Unit Developments (PUD)

This is intended to provide for developments incorporating a single type or variety of housing types and related uses, **or institutional master plans (IMPs)** which are planned and developed as a unit. Such developments may consist of individual lots or of common buildings sites. Commonly-owned land which is an essential and major element of the plan should be related to and preserve the long-term value of the homes and other developments. **This chapter also is intended to foster the establishment and growth of schools, colleges, hospitals and other major public or semi-public institutions through long-term institutional master planning where such uses are allowed in the applicable base zone.**

16.224.015 Definitions.

Institutional Master Plan (IMP): A conceptual development plan that applies to all land under the control of an institution. An IMP identifies proposed uses, the general location and height of proposed structures, and the general location of areas devoted to open space, landscaping, parking and circulation, and public infrastructure. An IMP focuses on impacts that would likely result from institutional development during the life of the plan (up to 10 years) and must identify effective mitigation measures.

16.224.020 Purpose

The purpose is to provide a more desirable environment through the application of flexible and diversified land development standards following an overall comprehensive site development plan.

16.224.030 Permitted Building and Uses

The following buildings and uses may be permitted as hereinafter provided. Buildings and uses may be permitted either singly or in combination provided the overall density of the planned development does not exceed the density of the zoning district as provided by Section 16.224.040.

- A. Single-family **detached and attached** dwellings.
- B. Duplexes, triplexes, **courtyard cottages** and multifamily dwellings.
- C. Accessory buildings and uses.
- D. Commercial uses only when supported mainly by the planned development and only when economic feasibility can be shown.
- E. Buildings or uses listed as permitted outright or conditionally in the zone on which the planned development is located. **Drive thrus are prohibited.**
- F. Recreational vehicle (RV) parks when the applicant provides findings of fact that demonstrate consistency with applicable provisions of the Comprehensive Plan and this Code and the location has been approved by the Planning Commission. Where PUD standards differ from standards found elsewhere in this Code, the more stringent requirement shall apply.
- G. Campgrounds when the applicant provides findings of fact that demonstrate consistency with applicable provision of the Comprehensive Plan and this Code and the location has been approved by the Planning Commission.

16.224.040 Development Standards

- A. Minimum Site Size. Planned unit developments shall be established only on parcels of land which are suitable for the proposed development and are no smaller than the minimum lot size established in the zoning district. The minimum lot size for RV parks and campgrounds shall be five acres. **The minimum lot size for IMPs shall be 10 acres.**
- B. Open Space. In all PUDs at least 40% of the total area shall be devoted to open space. Up to 25% of this open space may be utilized privately by individual owners or users of the planned development; however, at least 75% of this area shall be common or shared open space.
 - 1. **For institutional development, open space may include natural areas, outdoor athletic fields, planted areas and hardscapes such as plazas and playgrounds.**
- C. Density. The density of the planned development shall not exceed the density of the zone in which it is located. Minimum space size **for individual spaces within** RV parks is 700 square feet (see Chapter 16.176 for additional standards; where PUD standards differ from standards found elsewhere in this Code, the more stringent requirement shall apply). The Planning Commission shall review density allowances for campgrounds on a case-by-case basis using the criteria of Section 16.220.030 as a minimum standard for approval.
- D. Subdivision Lot Sizes. Minimum area, width, depth and frontage requirements for subdivision lots in a planned unit development may be less than the minimums set forth elsewhere in this Code, provided that the overall density is in conformance with Section 16.224.040 and the lots conform to the approved preliminary development plan.

E. Off-Street Parking. Parking areas shall conform to all provisions of Chapter 16.128.

1. Pursuant to Section 16.224.040.M, the Planning Commission may adjust minimum parking requirements for institutional development based on a parking impact study provided by the applicant.

F. Signs. All signs of any type within a planned unit development are subject to review and approval of the Planning Commission. The Commission shall consider each sign on its merits based on its aesthetic impact on the area, potential traffic hazards, potential violation of property and privacy rights of adjoining property owners, and need for said sign.

G. Setbacks and Yard Requirements. No structure shall be located closer than 20 feet from any public street within a planned unit development unless otherwise approved by the Planning Commission. Other setbacks are to be determined by the Planning Commission where they are considered essential to the public health, safety or welfare. These setbacks required by the Planning Commission shall be recorded as part of the protective covenants as required by Section 16.224.060.

H. Height Limits. Height limits in a planned unit development are the same as in the zoning district, except that the Planning Commission may further limit heights when necessary for the maintenance of the public health, safety or welfare.

1. The Planning Commission may approve institutional buildings of up to 50 feet in height, provided that any portion of the structure that exceeds the base height of the zone must be set back a proportional distance (one foot increase in setback for each additional foot above the maximum height allowed in the base zone).

I. Streets, Sidewalks and Roads. Necessary streets, sidewalks, and roads within the planned unit development shall be constructed to City standards and dedicated to the public. See Division 3 for applicable standards. A private roadway, or a private road network, may be permitted if adequate provisions for access and circulation have been provided in accordance with Chapter 16.120 and facilities have been approved and installed in accordance with Chapter 16.136.

1. Pursuant to Section 16.224.040.M, the Planning Commission may adjust Chapter 16.120 and 16.136 standards through the PUD process.

J. Dedication and Maintenance of Facilities. The Planning Commission or, on appeal, the City Commission, may as a condition of approval for a planned unit development require that portions of the tract or tracts under consideration be set aside, improved, conveyed or dedicated for the following uses:

1. Recreation Facilities. The Planning Commission or City Commission, as the case may be, may require that suitable area for parks or playgrounds be set aside, improved or permanently reserved for the owners, residents, employees or patrons of the development.

2. Common Areas. Whenever a common area is provided, the Planning or City Commission may require that an association of owners or tenants be created into a non-profit corporation under the laws of the State of Oregon, which shall adopt such articles of incorporation and by-laws and impose such declaration of covenants and restrictions on such common areas that are acceptable to the Planning Commission. Said association shall be formed and continued for the purpose of

maintaining such common area. Such an association, if required, may undertake other functions. It shall be created in such a manner that owners of property shall automatically be members and shall be subject to assessment levied to maintain said common area for the purposes intended. The period of existence of such association shall be not less than 20 years and it shall continue thereafter and until a majority vote of the members shall terminate it. **This provision does not apply to IMPs.**

3. Easements. Easements necessary to the orderly extension of public utilities may be required as a condition of approval.

K. Approvals. Prior to Planning Commission (or City Commission approval upon appeal), written consent for the development shall be received from the City-appointed Engineer, Fire Chief, and any other department or agency (i.e., County Sanitarian, DEQ, ODOT, Division of Health, ODF&W, DSL, DLCDD, etc.) that can demonstrate that they have legal authority or jurisdiction over the proposal [or part(s) of the proposal].

L. Other Requirements. The Planning Commission may establish additional requirements which it deems necessary to assure that any development conforms to the purpose and intent of this section.

M. Adjustments. When consistent with Section 16.224.040.K and when the Planning Commission determines that identified impacts from IMP development have been adequately mitigated pursuant to Section 16.224.050.B.3, the Planning Commission may approve adjustments to Code standards through the PUD review process set forth in Section 16.224.050.B.1. In such cases, the applicant need not address variance procedures that apply to non-PUD development proposals.

N. Architectural Design Standards. Commercial development shall adhere to the design standards found in Section 16.116.030. For an Institutional Master Plan, the applicant shall develop a thematic plan for the design of structures to be adhered to in all future final development plans.

16.224.050 Procedure—Preliminary Development Plan or Institutional Master Plan

A. The applicant shall submit four copies of a preliminary development plan to the Planning Commission prior to formal application for approval. This plan and any written statements shall contain at least the following information:

1. Proposed land uses and densities.
2. Location, dimensions and heights of structures.
3. Plan of open or common spaces.
4. Map showing existing features of site and topography.
5. Proposed method of utilities service and drainage.
6. Road and circulation plan, including off-street parking areas.

7. Relation of the proposed development to the surrounding area and the Comprehensive Plan.
8. Lot layout.
9. A schedule, if it is proposed that the final development plan will be executed in stages, including the schedule for providing public infrastructure improvements for all proposed phases.
10. Information deemed necessary by the Community Development Director.
11. Required application fee.

12. An IMP application shall identify potential impacts of future institutional development within 500 feet of the institutional site and recommend effective mitigation measures. The IMP application shall address impacts related to transportation, natural hazards, significant streams and wetlands, coastal resources, public facilities (sanitary sewer, domestic water and stormwater drainage) and lighting.

B. Applications for planned unit development preliminary approval shall be reviewed by the Planning Commission using a Type III procedure as specified in Section 16.208.050. **An applicant may apply concurrently for an institutional master plan and one or more final development plans.** The Planning Commission shall determine whether the proposal conforms to Section 16.224.040. In addition, in considering the plan, the Planning Commission shall seek to determine that:

1. There are special physical conditions or objectives of development which the proposal will satisfy to warrant a departure (if any) from the standard Code requirements.
2. Resulting development will not be inconsistent with the Comprehensive Plan provisions or zoning objectives of the area.
3. The proposed development will be in substantial harmony with the surrounding area. **Proposed institutional development shall demonstrate that impacts related to transportation, natural hazards, significant streams and wetlands, coastal resources, public facilities (sanitary sewer, domestic water and stormwater drainage) and lighting have been adequately identified and mitigated. If phasing is proposed, mitigation of impacts may be limited to those impacts associated with an individual phase at the time the phase is approved.**
4. The plan can be completed within a reasonable period of time. **An IMP may be approved for a period of up to 10 years and may include one or more phases. The Community Development Director may allow an extension of up to 5 additional years for good cause.**
5. Any proposed commercial development can be justified economically.
6. The streets are adequate to support the anticipated traffic and the development will not overload the streets outside the planned area **based on a traffic impact study consistent with Chapter 16.256; A traffic study will be valid for four years from the Notice of Decision. Otherwise, a new traffic study shall be required to address unanticipated traffic impacts. However, the Transportation Planning Rule (OAR 660-012-060) does not apply to PUD applications that involve uses permitted outright or conditionally in the base zone. If**

phasing is proposed, mitigation of impacts may be limited to those impacts associated with an individual phase at the time the phase is approved.

7. Proposed utility and drainage facilities are adequate for the population densities and type of development proposed.

C. The Planning Commission shall notify the applicant whether the foregoing provisions have been satisfied and, if not, whether they can be satisfied with further plan revision(s).

16.224.060 Procedure—Final Development Plan

A. Within one year after preliminary approval or modified approval of a preliminary development plan **or an IMP**, the applicant shall, at the next regularly scheduled meeting, file with the Planning Commission a final plan for the entire development or, when submission in stages has been authorized, for the first unit of the development. The final plan shall conform in all major respects with the approved preliminary development plan **or an IMP**. The final plan shall include all information included in the preliminary plan, plus the following:

1. Contour map of the site showing at least two-foot contour intervals.
2. Grading plan for the site showing future contours if existing grade is to be changed more than two feet.
3. Existing and proposed utility lines (storm and sanitary sewer, gas, etc.).
4. Preliminary subdivision plat meeting the requirements of Section 16.216.040 if property is to be subdivided.
5. Location and dimensions of pedestrian ways, roads, malls, common open spaces, recreation areas and parks.
6. Location, dimensions and arrangement of automobile off-street parking spaces including width of aisles, spaces and other design criteria.
7. Preliminary architectural plans and elevations of typical structures.
8. Preliminary planting and landscaping plan for the site.
9. The applicant shall also submit drafts of appropriate deed restrictions or protective covenants to provide for the maintenance of common areas and to assure that the objectives of the planned unit development shall be followed.

B. Upon receipt of the final development plan, the Planning Commission shall examine such plan and determine whether it conforms to all applicable criteria and standards, and whether it conforms in all substantial respects to the previously-approved preliminary development plan **or IMP**; or the Commission shall require such changes in the proposed development or impose such conditions of approval as are in its judgment necessary to insure conformity to the applicable criteria and standards. In so doing, the Planning Commission may permit the applicant to revise the plan and resubmit it as a final development plan within 60 days.

C. After final development plan approval by the Planning Commission, the planned development application will be sent to the City Commission for consideration and final approval. A Type III

review procedure shall be used. If the PUD is a residential subdivision **or institutional use allowed in the base zone**, with no commercial, RV, or campground amenities, review by the City Commission is not required; however, final subdivision plat approval in accordance with Section 16.216.070 is required.

16.224.070 Adherence to Approved Plan and Modification Thereof

A. Grading permits and building permits in a planned unit development shall be issued only on the basis of the approved final development plan. Any changes in the approved plan shall be submitted to the Planning Commission for processing in accordance with Chapter 16.228. **However, the Community Development Director may approve a grading and utility plan for the entire institutional site consistent with an approved institutional master plan.**

B. A performance bond may be required, in an amount to be determined by the Planning Commission, to ensure that a development proposal is completed as approved and within the agreed-upon time limits.

C. An applicant is entitled to rely on land use regulations in effect on the date its preliminary development plan or IMP was initially submitted, pursuant to ORS 227.178(3), when seeking approval of a final development plan so long as the applicable preliminary development plan or IMP is in effect when the final development plan is submitted. At its option, an applicant may request that a final development plan be subject to the land use regulations in effect on the date its final development plan is initially submitted.

Section 2. This ordinance shall become effective 30 days after second reading

First Reading: October 8, 2019

Second Reading: December 10, 2019

ADOPTED by the City Commission of the City of Warrenton, Oregon this day of , 2019

APPROVED

Henry A. Balensifer, Mayor

Attest:

Dawne Shaw, City Recorder



AGENDA MEMORANDUM

TO: The Warrenton City Commission
FROM: Collin Stelzig, Public Works Director
DATE: December 10, 2019
SUBJ: Fee In Lieu Option for Sidewalk Construction

SUMMARY

Ordinance 1232 was introduced at the November 26th commission meeting, as an amendment to WMC 16.136.020 Transportation Standards, to include a fee in lieu-of option for sidewalk construction. During that meeting, concerns were raised regarding the language of the ordinance referring to sidewalks being built in the right-of-way only. Our review of the WMC found sidewalks are required on all streets, except for alleys and walking paths. Small adjustments have been made to the Ordinance amendment to provide clarity.

Added: Sidewalks are required on both sides of all streets (including streets inside easements), except for alley ways and walking paths.

Edited: (iii) When physical improvements are present along an existing or proposed street that would prevent a reasonable installation within the right-of-way.

RECOMMENDATION/SUGGESTED MOTION

"I move to conduct the second reading of Ordinance No. 1232 by title only."

An Ordinance amending Warrenton Municipal Code 16.136.20 Transportation Standards regarding installation of sidewalks, providing a process for a Fee in Lieu option for new construction."

"I move to adopt Ordinance No. 1232."

ALTERNATIVE

None recommended

FISCAL IMPACT

The fee collected will be an increase to the street revenue fund, but the amount is unknown and will vary year-to-year.

Approved by City Manager: Linda Engelson

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

ORDINANCE No. 1232

Introduced by All Commissioners

An Ordinance amending Warrenton Municipal Code 16.136.20 Transportation Standards regarding installation of sidewalks, providing a process for a Fee In Lieu option for new construction.

The City of Warrenton, Oregon, Ordains as follows;

Section 1. Warrenton Municipal Code 16.136.020 Transportation Standards is hereby amended as follows:

J. Sidewalks, Planter Strips, Bicycle Lanes. Sidewalks, planter strips, and bicycle lanes shall be installed in conformance with the standards in Table 16.136.010, applicable provisions of the Transportation System Plan, the Comprehensive Plan, and adopted street plans. **Sidewalks are required on both sides of all streets (including streets inside easements), except for alley ways and walking paths.** Maintenance of sidewalks, curbs, and planter strips is the continuing obligation of the adjacent property owner.

1. Fee in Lieu Option. An applicant may request or the city may require the applicant to pay a fee in lieu of constructing sidewalks and frontage improvements to be approved by the City Public Works Director or their designee.

(a) A fee in lieu may be approved given conditions including but not limited to the following:

- (i) There is no existing or planned sidewalk network in the area.**
- (ii) There is a planned sidewalk or multi-use pathway in the vicinity of the site, or an existing multi-use pathway stubbing into the site, that would provide better pedestrian connectivity.**
- (iii) When physical improvements are present along an existing or proposed street that would prevent reasonable installation.**
- (iv) When sidewalks and other frontage improvements would be located on land with cross slopes greater than nine percent, or other conditions that would create a potential hazard.**
- (v) Other situations unique to the site.**

(b) The fee shall be not less than 125 percent of the cost to perform the work, as determined by the City Public Works Director or their designee, based on the applicable city standards in effect at the time of application. Or the City Public Works Director or their designee may require the applicant's engineer to provide a cost estimate, subject to review and approval by the city, to determine the cost to perform the work. The fee shall be paid prior to plat recording or issuance of a building or development permit.

(c) All fees paid shall be used for construction of a sidewalk and/or other related frontage improvements or multi-use pathway, or repair and maintenance of an existing sidewalk and/or related frontage improvements or pathway within the City of Warrenton.

ADOPTED by the City Commission of the City of Warrenton, Oregon, this 10th day of December, 2019.

First Reading: November 26, 2019

Second Reading: December 10, 2019

Henry A. Balensifer, III, Mayor

ATTEST:

Dawne Shaw, City Recorder