

ORDINANCE No. 1091-A

Introduced by Commissioner: Frank Orrell

Amending the City of Warrenton Zoning designation map to reflect the rezoning of tax lots 3000 and 3001 in Section 27, Township 8, Range 10. The revisions are to the zoning map designation on the subject property from Residential to General Commercial as shown on exhibit B.

WHEREAS, certain changes are necessary to revise, update and amend the Warrenton Zoning map (exhibit B); and

WHEREAS, Lum's Auto Center (property owners) have requested rezoning these tax lots 3000 and 3001 in Section 27, Township 8, Range 10; and

WHEREAS, the Warrenton City Commission received the Planning Commission's recommendation on this matter, and conducted a public hearing on February 28, 2006, closed the public hearing on that date; and

WHEREAS, the Warrenton City Commission has determined to approve this application and adopt the Findings of Fact, described in Exhibit 'A' (attached hereto and incorporated by reference) and amending the Zoning Designation Map described in Exhibit 'B' (attached hereto and incorporated by reference).

NOW, THEREFORE, The City of Warrenton ordains as follows:

Section 1: The City of Warrenton Zoning Designation Map described in Exhibit 'B' is amended.

Section 2: This ordinance shall become a final land use decision upon its second reading, enactment, and its signing by the Mayor.

Section 3: This ordinance shall become effective thirty (30) days from the date of its adoption.

Section 4: If any article, section, subsection, phrase, clause, sentence or word in this ordinance shall, for any reason, be held invalid or unconstitutional by a court of competent jurisdiction, it shall not nullify the remainder of the ordinance but shall be confined to the article, section, subdivision, clause, sentence or word so held invalid or unconstitutional.

First Reading: March 14, 2006

Second Reading: April 4, 2006

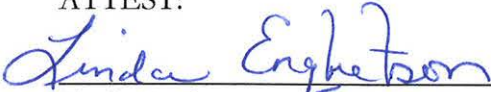
ADOPTED by the City Commission of the City of Warrenton, Oregon, this 4th day of April, 2006.

APPROVED



Gil Gramson, Mayor

ATTEST:



Linda Engbretson, City Recorder

Date the City mailed the Notice of Decision to parties with standing and to the Department of Land Conservation and Development on the required form:

EXHIBIT 'A'

FINDINGS

The above application has been submitted for review and determination pursuant to Warrenton's Development Code Sections 4.1.6 (Type IV Procedure - Legislative and Map Amendments), 4.7 (Land Use District Map and Text Amendments), and 4.13 (Traffic Impact Study), Comprehensive Plan, Statewide Planning Goals, Oregon Revised Statutes and the Oregon Administrative Rules.

A. Warrenton Development Code Chapter 4.7:

- 1: Demonstration of compliance with all applicable comprehensive plan policies and map designation. Where this criterion cannot be met, a comprehensive plan amendment shall be a prerequisite to approval:

FINDING: Applicant states: "The commercial zoning (C-1) district exists in the Warrenton Comprehensive Plan and the Warrenton Zoning Ordinance, so the proposed map and text amendment is to an existing zone and designation. The Commercial Zoning (C-1) district implements the General Commercial Plan designation because the Warrenton Comprehensive Plan and the Warrenton Zoning Ordinance use the same language to describe the zone and designation. Also, the proposed zoning is consistent with and implements the Plan designation because the property is located "along" the Highway 101 corridor where the purpose of the zone district is to provide commercial uses along that corridor. 'Along' the corridor in this particular case is defined as adjoining existing lands zoned C-1 that immediately join the Highway 101 right-of-way. The City policy of the plan being consistent with the zoning ordinance is satisfied."

2. Demonstration of compliance with all applicable standards and criteria of this Code, and other applicable implementing ordinances:

FINDING: Applicant states: "This code, Chapter 4.7-Land Use District Map and Text Amendments is being complied with by making the application:

- following the quasi-judicial process for a Type IV procedure,
- Addressing the criteria for a quasi-judicial amendment,
- Addressing the transportation rule compliance,
- Addressing, if applicable, comprehensive plan and land use standards that might significantly affect a transportation facility, and
- That the final approval may be subject to conditions.

3. Evidence of change in the neighborhood or community or a mistake of inconsistency in the comprehensive plan or land use district map regarding the property which is the subject of the application; and provisions of Section 4.7.6, as applicable.

FINDING: Applicant states: "There is evidence of the change in the neighborhood/community regarding the Lum's Auto Center property. That change is the basic premise of this application in that grouping commercial uses and utilizing commons

access points to the transportation system is the goal of this proposed application. The provisions of Section 4.7.6 are address below.”

B. WDC Chapter 4.13 (Traffic Impact Study)

General background supplied by the applicant, stating: “the general principle regarding traffic impacts, or the goal to minimize traffic congestion, is that the proposed amendment will group businesses and use common access points. By itself the proposed amendment would not generate and increase in traffic to either warrant a change in the functional classification or reduce the level of service below the minimum acceptable. The applicant is ware that adjoining lands are proposed for rezoning to commercial and future large scale retail development. At that point, the rezone of the applicant’s lots to commercial would again be consistent with grouping businesses and using common access points. The applicant would also add that with the proposed transportation improvement in place to accommodate the larger scale retailers that the rezone of the applicant land and future use as a car dealership would not change the functional classification or reduce the level of service below the minimum acceptable.”

1. Change the functional classification of an existing or planned transportation facility.

FINDING: Applicant states: “Fort Stevens 104 Spur is designated by ODOT as a Rural Major Collector (07). The definition of a collector is to collect traffic from local roads and provide connections to arterial roadways. No change in functional classification of Fort Steven 104 Spur is needed to address the existing or planned transportation facility. Dolphin Avenue provides local road access to the subject properties.”

2. Change the standards implementing a function classification system; or

FINDING: Applicant states: “Clatsop County’s Statewide Functional Classification Review as been approved (source: ODOT). Based on this approval there is not any change in standards implementing function classification for Fort Stevens 104 Spur”.

3. Allow types or levels of use that would result in levels of travel or access that are inconsistent with the function classification of a transportation facility; or

FINDING: Applicant states: “The proposed amendment would allow levels of travel or access that is consistent with the functional classification. The definition of a collector is to collect traffic from local roads and provide connections to arterial roadways. Fort Stevens 104 Spur being a major rural collector will provide a connection between the proposed commercial zone and the arterial roadway (Highway 101 a Rural Principal Arterial). The applicant is not proposing that solely for the rezone of the 4.89 acre site that direct access to the arterial is required. The applicant is proposing to use existing transportation facilities to be consistent with Warrenton Planning goals of using existing access. If another entity is proposing developing direct access to Highway 101 for the adjoining commercial lands that would make this proposed amendment consistent with the future functional classification.”

4. Reduce the level of service of the facility below the minimum acceptable level identified in the Transportation System Plan.
 - Current Conditions (Based on the City of Warrenton and Clatsop County Transportation System Plans (TSP))

FINDING: Applicant states: “Two roadways and 3 intersections are within the scope of study for this proposed map and text amendment. They are the following: Dolphin Avenue (North of Highway 101), Highway 104 Spur, Highway 104 Spur and Dolphin Avenue Intersection, Highway 104 Spur and US 101 Intersection, and Dolphin Avenue and US 101 Intersection.”

- Roadway Level of Service

FINDING: Applicant states: “Highway 104 Spur is functioning at Level of Service (LOS). A (volume to capacity ratio of 0.07). Dolphin Avenue LOS was not report in either TSP.”

- Intersection Level of Service

FINDING: Applicant states: “Highway 104 Spur and Dolphin Avenue Intersection: The LOS at this intersection was not reported in the TSP. LOS at this intersection is likely to be high for all movements. Highway 104 Spur and US 101 Intersection: The LOS at this intersection is B with the critical movement being eastbound through traffic. Dolphin Avenue and US 101 Intersection: The LOS at this intersection is E with the critical movement being southbound on Dolphin Avenue.”

- Roadway Improvements

FINDING: Applicant states: “Highway 104 Spur is not identified in the County TSP as a State Facility not meeting the ODOT minimum standards, thus Highway 104 Spur DDOES MEET the ODOT minimum standards. Highway 104 Spur has shoulders for cycles. The pavement condition of Highway 104 Spur is considered fair. Dolphin Avenue is not identified in the Warrenton TSP as a roadway not meeting the minimum standards.”

- Intersection Deficiencies

FINDING: Applicant states: “Highway 104 Spur and Dolphin Avenue Intersection - No deficiencies are identified; Highway 104 Spur and US 101 Intersection - Sight distance and steep approaches; Dolphin Avenue and US 101 Intersection - Skewed geometry.”

- Average Daily Traffic

FINDING: Applicant states: “Existing traffic flow data for Highway 104 Spur suggest that daily there are 2400 to 2500 vehicles (Source: ODOT, 2004). The 2004 to 2500 vehicles are a two way volume.

- Crash Data

FINDING: Applicant states: “Highway 104 Spur has no accident data reported in the County TSP. Highway 104 Spur has no Year 2000 Crash Rate and a 5-Year Average Crash Rate of 0.28/million vehicles miles in the Warrenton TSP. On rural section the statewide crash rate is 1.14/million vehicles miles, so the Highway 104 crash rate will well below the average. Dolphin Avenue has no crash data in the Warrenton TSP.”

- Future conditions (based on the Warrenton and County TSP’s)

FINDING: Applicant states: “The TSP does not identify Highway 104 Spur as requiring additional shoulder width to meet the ODOT standard.”

- Future Roadway Level of Service

FINDING: Applicant states: “Highway 104 Spur is proposed to function at Level of Service A (volume to capacity ratio of 0.10) in year 2022.”

- Future Intersection Level of Service

FINDING: Applicant states: “Highway 104 Spur and Dolphin Avenue Intersection - The LOS at this intersection was not reported in the TSP. LOS at this intersection is likely to remain high for all movements in the future condition. Highway 104 Spur and US 101 Intersection - The LOS at this intersection is F with the critical movement being eastbound through traffic. Dolphin Avenue and US 101 Intersection - The LOS at this intersection is F with the critical movement being southbound on Dolphin Avenue.”

- Future Intersection Improvements

FINDING: Applicant states: “Highway 104 Spur and Dolphin Avenue Intersection - No future projects were identified; Highway 104 Spur and US 101 Intersection - Sight distance and steep approaches are somewhat addressed by the existing improvements at this intersection since the Warrenton TSP was written. Currently the LOS F movement at this intersection is prohibited (cannot drive straight through). The LOS at this intersection has been improved by restricting the minor movement that had the lowest level of service.”

- Dolphin Avenue and US 101 Intersection

FINDING: Applicant states: “Skewed geometry is proposed to be addressed if an interchange for the future Astoria Warrenton Parkway is not built. If the Astoria Warrenton Parkway is built the issues at Dolphin Avenue and US 101 Would be fixed by eliminating that intersection. Also, there is an intergovernmental agreement between the City of Warrenton and ODOT to develop a signalized intersection just north of Dolphin Avenue. If this improvement was constructed the issues at Dolphin Avenue would be fixed by eliminating the intersection or prohibiting the through and left turn movements at this intersection.”

Applicant summarizes “the impact to level of service by saying that there are two (2) scenarios that exist for the transportation system related to this application. Scenario 1 - The existing transportation system is in place and this applicant is reviewed solely on its 4.89 acres commercial zoning traffic generation; Scenario 2 - the current transportation planning that is occurring based on 2 large scale retailers developing on adjoining lands develops higher capacity transportation facilities (consistent with the TSP’s) and then this applicant is reviewed solely on its 4.89 acres of commercial zoning.

The proposed rezone does not require additional access onto Highway 101; this is consistent with the Warrenton and County TSP that recommends access management on Highway 101; Rezoning these two lots commercial from residential will assist in locating commercial operations close to proposed transportation facilities; proposed rezone is consistent with the Intergovernmental Agreement (IGA) between the City of Warrenton and ODOT to place a signalized intersection north of Dolphin Avenue on US 101; Lum’s Auto Center property is predicted to generate 200 to 500 trips per day. Even at the higher level of trip generation rate a traffic impact study is not required.”

C. OAR 660-012-0060 (Transportation Planning)

1. Amendments to functional plans.... shall be accomplished by either:
 - a. Limiting allowed land uses to be consistent with the planned function, capacity, and performance standards of the transportation facility:

FINDING: Applicant’s states: “This proposed land use change to C-1 is consistent with the planned function, capacity, and performance of the transportation facilities. This proposed land use change is adjoining the lands that will be accessed by either the Astoria-Warrenton Parkway or the IGA Signalized Intersection improvements. The proposed land use change is also consistent with the proposed changes to Dolphin Avenue and US 101 intersection if the improvements mentioned above are not completed.

- b. Amending the TSP to provide transportation facilities adequate to support the proposed land uses consistent with the requirements of this division:

FINDING: Applicant’s state: “No amendments to the TSP (Warrenton or County) are required to support the proposed land use. The applicant is proposing this land use because it is consistent with the Warrenton and County TSP’s.”

- c. Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes; or

FINDING: Applicant's state: "The proposed land use is consistent with grouping like land uses to reduce trips. Co-location of businesses in areas that have transportation facilities to the support the land use reduces the number of trips. Meeting travel needs through other modes, is consistent with this land use designation in that public transit can serve this grouping of commercial zoning to reduce demand for auto travel."

- d. Amending the TSP to modify the planned function, capacity and performance standards, as needed, to accept greater motor vehicle congestion to promote mixed use, pedestrian friendly development where multimodal travel choices are provided.

FINDING: Applicant states: "No amending of the TSP (Warrenton or County TSP's) is needed for this proposed land use change."

- 2. A plan or land use regulation facility if it:
 - a. Changes the functional classification of an existing or planned transportation facility:

FINDING: Applicant states: "No change in the functional classification of Highway 104 Spur (Rural Major Collector) or Dolphin Avenue (Local) is required. The Warrenton TSP does suggest a functional classification change for Dolphin Avenue from a local road to a potential collector. This proposed land use change would be consistent with that TSP recommendation. However, the applicant does not need Dolphin Avenue to change functional classifications to support this proposed map and text amendment."

- b. Changes standards implementing a functional classification system:

FINDING: Applicant states: "No changes in the standards for implementing a function classification system are necessary. The existing definitions of the functional classification system are appropriate for this proposed map and text amendment."

- c. Allows types or levels of land uses which would result in levels of travel or access which are inconsistent with the functional classification of a transportation facility:

FINDING: Applicant states: "this proposed map and text amendment is consistent with the functional classification of the adjoining transportation facilities."

- d. Would reduce the performance standards of the facility below the minimum acceptable level identified in the TSP.

FINDING: Applicant states: “The proposed map and text amendment would not reduce the performance standards for the facilities below the minimum acceptable level identified in the TSP because the proposed amendment is consistent with transportation improvements identified in the TSP. The two critical intersections (Highway 104 Spur/US 101 and Dolphin Avenue/US 101) are already identified as facilities that need capacity improvements before this amendment was proposed. Intersection improvements at these two locations will allow the facilities to meet the acceptable level identified in the TSP. The map and text amendment is consistent with those TSP improvements.

3. Determinations under subsections (1) and (2) of this section other affected local governments.

FINDING: Applicant states: “The proposed map and text amendment will not significantly affect Highway 104 Spur or Dolphin Avenue, as defined under OAR 660-012-0060. As a result, the transportation facility will not be “significantly affected” as described in OAR 660.”

D. STATEWIDE PLANNING GOALS

- i. **GOAL #1: CITIZEN INVOLVEMENT [OAR 660-015-0000(1)]** - To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

FINDINGS: “Applicant states: “The City has established a public hearing process which requires specific notice requirements for advertising a map and text amendment to the Warrenton Zoning Map in a general circulation newspaper and mailing notices to adjacent owners within 250 feet of the property. These notices will be provided prior to the Planning Commission and City Commissions hearings on this application, thereby providing an opportunity for citizens of the area to comment on the proposal either in writing in advance of the hearing or orally at the public hearing. This process allows for citizens to communicate their input into the application review conducted by the City. Involvement of the citizens is satisfied by the Type IV process. Goal 1 is met.”

- ii. **GOAL #2: LAND USE PLANNING [OAR 660-15-0000(2)]** - To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

FINDINGS: Applicant states: “City of Warrenton has received Oregon Land Conservation and Development Commission compliance for its comprehensive plan and has established a plan amendment process for updating the plan. Involvement of the appropriate State Agencies is met. Goal 2 is met.”

- iii. **GOAL #3: AGRICULTURAL LANDS [OAR 660-15-0000(3)]** - To preserve and maintain agricultural lands.

FINDINGS: Applicant states: “Goal 3 is not applicable.”

- iv. GOAL #4: FOREST LANDS [OAR 660-15-0000(4)] - To conserve forest lands by maintaining the forest land base and recreational opportunities and agriculture.

FINDINGS: Applicant states: “Goal 4 is not applicable.”

- v. GOAL #5: OPEN SPACES, SCENIC AND HISTORIC AREAS, AND NATURAL RESOURCES [OAR 660-15-0000(5)] - To protect natural resources and conserve scenic and historic areas and open spaces.

FINDINGS: Applicant states: Applicant states: “Any future development proposals will adhere to City of Warrenton and State of Oregon (ORS) procedures and regulations for wetland protection. Future development on the site will not, or will be designed to not, impact wetlands. The proposed amendments will not contribute to stream bank erosion or deposition as the site does not have adjoining stream banks. The detention areas would also provide for water quality improvements. Existing wetlands and proposed detention basins or vegetated swales may be considered in design solutions at the time of development. The proposed amendments will not contribute to the loss of vegetative communities or wildlife habitat.”

- vi. GOAL #6: AIR, WATER AND LAND RESOURCES QUALITY [OAR 660-15-0000(6)] - To maintain and improve the quality of the air, water and land resources of the state.

FINDINGS: Applicant states: “The proposed amendments will not contribute materially towards the pollution of the air, water or land resources. Future use of the property will co-locate retail uses that will reduce vehicular circulation traffic and local air emissions. Following DEQ regulations for surface water discharge at the time of development would minimize short-term and actually lower long-term impacts to water quality. Storm water run-off from the Lum’s Auto Center property would be collected on-site, detained and released at the required historic flows back into the river. The detention areas would also provide for water quality improvements. Existing wetlands and proposed detention basins or vegetated swales may be considered in design solutions at the time of development. Goal 6 is met.”

- vii. GOAL #7: AREAS SUBJECT TO NATURAL DISASTERS AND HAZARDS [OAR 660-15-0000(7)] - To protect people and property from natural hazards.

FINDINGS: Applicant states: “The proposed amendments will not contribute to natural disasters or hazards. The site is not in the 100-year floodplain. Goal 7 is met.”

- viii. GOAL #8: RECREATIONAL NEEDS [OAR 660-15-0000(8)] - 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.

FINDINGS: Applicant states: “Goal 8 is not applicable.”

- ix. **GOAL #9: ECONOMIC DEVELOPMENT [OAR 660-15-0000(9)]** - To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon’s citizens.

FINDINGS: Applicant states: “Lum’s Auto Center is a significant employer (representing 57 full time employees and their families) in the Astoria/Warrenton region. The proposed amendments will facilitate Lum’s Auto Center meeting their requirements to the Franchises that they retail (Toyota, Chrysler/Dodge, GMC, Pontiac and Jeep). If the proposed amendments do not occur, and the subsequent project does not occur, Lum’s Auto Center is a risk of losing one or more of their existing Franchise lines. Lum’s Auto Center has been part of the Astoria/Warrenton region for 36 years and wants to be part of the region for another 36 years. The proposed amendment supports the economy. Goal 9 is met.”

- x. **GOAL #10: HOUSING [OAR 660-15-0000(10)]** - To provide for the housing needs of citizens of the state.

FINDINGS: Applicant states: “The proposed amendments will not impact population and housing in the City of Warrenton or Clatsop County. The site includes only two single family residences. One of the single family residences has already found property for re-location. The City of Warrenton recently rezoned a significant number of acres into residential, providing a surplus of residential zoning within the City. Also, the 57 full-time employees and their families already live within the region, so the demand on housing is not increased by this amendment and the future development as a car dealership. The proposed amendment is not an impact on population and housing. Goal 10 is met.”

- xi. **GOAL #11: PUBLIC FACILITIES AND SERVICES [660-15-0000(11)]** - 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.

FINDINGS: Applicant states: “There is adequate capacity available from the water line. There are sewer lines in the vicinity of the site. Solid waste removal services already exist in the area. The local transportation district provides general fixed-route transit services for all coastal communities in Clatsop County. The proposed amendments are not anticipated to negatively impact public services. Goal 11 is met.”

- xii. **GOAL #12: TRANSPORTATION [660-15-0000(12)]** - To provide and encourage a safe, convenient and economic transportation system.

FINDINGS: Applicant states: “The general principle regarding traffic impacts, or the goal to minimize traffic congestion, is that the proposed amendment will group businesses and use common access points. By itself the proposed amendment would not generate an increase in traffic to either warrant a change in the functional classification or reduce the level of service below the minimum acceptable. The

applicant is aware that adjoining lands are proposed for rezoning to commercial and future large scale retail development. At that point, the rezoning of the applicant's lots to commercial would again be consistent with grouping businesses and using common access points. The applicant would also add that with the proposed transportation improvement in place to accommodate the larger scale retailers that the rezoning of the applicant's land and future use as a car dealership would not change the functional classification or reduce the level of service below the minimum acceptable. Any future development proposals will be coordinated with the State Highway Department. Goal 12 is met."

- xiii. GOAL #13: ENERGY CONSERVATION [OAR 660-15-0000(13)] - To conserve energy.

FINDINGS: Applicant states: "The proposed amendments do not impact energy conservation. The co-location of retailers will actually enhance energy conservation by reducing travel distance and gasoline consumption. Goal 13 is met."

- xiv. GOAL #14: URBANIZATION [OAR 660-15-0000(14)] - To provide for an orderly and efficient transition from rural to urban land use.

FINDINGS: Applicant states: "The site is located inside the urban growth boundary of the City of Warrenton. The proposed amendments do not conflict with the urban growth boundary. The proposed amendment will ensure efficient use of land and promote a more livable community by grouping commercial activities and using common access points to transportation. Goal 14 is met."

- xv. GOAL #15: WILLAMETTE RIVER GREENWAY [OAR 660-15-0000(15)]

FINDINGS: Applicant states: "Goal 15 is not applicable".

- xvi. GOAL #16: ESTUARINE RESOURCES [OAR 660-15-0000(16)] - To recognize and protect the unique environmental, economic, and social values appropriate restore the long-term environmental, economic, and social values, diversity and benefits of Oregon's estuaries.

FINDINGS: Applicant states: "Goal 16 is not applicable".

- xvii. GOAL #17: COASTAL SHORELANDS [OAR 660-15-0000(17)] - To conserve, protect, where appropriate, develop and where appropriate restore the resources adverse effects upon water quality and fish and wildlife habitat, resulting from the use and enjoyment of Oregon's coastal shorelands.

FINDINGS: Applicant states: "Goal 17 is not applicable".

- xviii. GOAL #18: BEACHES AND DUNES [OAR 660-15-0000(18)] - To conserve, protect, where appropriate develop, natural or man-induced actions associated with these areas.

FINDINGS: Applicant states: “Goal 18 is not applicable”.

- xix. GOAL #19: OCEAN RESOURCES [OAR 660-15-0000(19)] - To conserve marine resources and ecological functions for the purpose of providing long-term ecological, economic, and social value and benefits to future generations.

FINDINGS: Applicant states: “Goal 19 is not applicable”.

City Commission unanimously approved with conditions to the rezoning of these two tax lots (tax lots 3000 and 3001) from residential (R-10) to commercial (C-1). The conditions are:

1. applicant to submit a “Traffic Impact Study (TIS)” to the Warrenton Planning Department, Oregon Department of Transportation, and DLCD (concurrently), and receive approval of this study, prior to submittal of a “site design” application for their new auto dealership location. The TIS shall demonstrate that the development does not significantly impact the transportation system as defined by OAR 660-012-0060(1); or the development shall be made consistent with the transportation system as allowed in OAR 660-012-0600(2); and
2. Engineered stormwater drainage plan must be submitted prior to or with construction and building plans, which shall be approved by the City Engineer and Building Inspector.

EXHIBIT 'B'

X = subject tax lots

