

ORDINANCE No. 1101-A

Introduced by Commissioner: Mark Kujala

Amending the City of Warrenton Zoning designation map to reflect the rezoning of tax lot 202 in Section 27; tax lot 5200 in Section 27C; and tax lots 100 and 2400 in Section 34 in Township 8, Range 10. The revisions shall be made to the City of Warrenton's Zoning Designation Map (Exhibit "B") for the subject properties from General Industrial (I-1) to High Density Residential (RH); Adopting the Findings of Fact and Conclusions of Law attached as Exhibit "A"; and Conditions of Approval attached as Exhibit "C".

WHEREAS, certain changes are necessary to revise, update and amend the Warrenton Zoning Designation Map; and

WHEREAS, A. Martin Nygaard owns tax lots 202 in Section 27; tax lot 5200 in Section 27C; and tax lots 100 and 2400 in Section 34 in Township 8, Range 10.

WHEREAS, the Warrenton City Commission received the Planning Commission's recommendation on this matter, and conducted a public hearing on November 16, 2006 and closed the public hearing on November 28, 2006; and

WHEREAS, the Warrenton City Commission has determined to approve this application with conditions described in Exhibit "C", adopt the Findings of Fact and Conclusions of Law described in Exhibit "A", and amend the Zoning Designation Map described in Exhibit "B" (all exhibits attached hereto and incorporated by reference).

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

Section 1: The City of Warrenton's Zoning Designation Map is amended as described in Exhibit "B"; and the Rezone is approved with Conditions as described in Exhibit "C".

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.

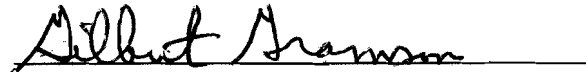
Section 4: If any article, section, subsection, phrase, clause, sentence or word in this ordinance shall, for any reason, be held invalid or unconstitutional by a court of competent jurisdiction, it shall not nullify the remainder of the ordinance but shall be confined to the article, section, subdivision,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

First Reading: January 9, 2007

Second Reading: January 23, 2007

ADOPTED by the City Commission of the City of Warrenton, Oregon, this 23rd day of January, 2007.

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”

**OLSTEDT REZONE (FILE #RZ-06-8)
FINDINGS OF FACT AND CONCLUSIONS OF LAW**

PROPERTY OWNER: A. Martin Nygaard

APPLICANT: Olstedt Construction

PROPERTY LOCATION: Township 8, Range 10, Section 27C, Tax Lot 5200; Section 27, Tax Lot 202; and Section 34, Tax Lots 100 and 2400

ACRES: 143 +/- acres

REQUEST: Rezone from I-1 (General Industrial) to RH (Residential High Density)

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.

CRITERIA

I. STATEWIDE PLANNING GOALS

A. GOAL 1 - CITIZEN INVOLVEMENT

- Applicant's Findings: Warrenton implements Goal 1 with the public hearings and public notices associated in land use hearing. This application is consistent with this goal as it will run through the adopted City reviews and notifications.
- Staff Response: Applicant's findings have addressed Goal #1.

B. Goal 2 - Land Use Planning

- Applicant's Findings: This amendment is consistent with this goal as the proposed amendment issuing the City's established land use process to amend the land use district map also known as the Warrenton Zoning Map.
- Staff Response: Applicant's findings have addressed Goal #2.

C. Goal 3 & 4 - Agricultural and Forest Lands

- Applicant's Findings: Not applicable to this request.
- Staff Response: Not applicable to this request.

D. Goal 5 - Open Space

- Applicant's Findings: The proposed amendment will not change the City's existing comprehensive plan or development code measure which protects these resources. The proposed amendment is consistent with this goal.
- Staff Response: The applicant has addressed and complied with Goal 5.

E. Goal 6 - Air, Water....

- Applicant's Findings: The proposed amendment will not have any effect on the implementation of these requirements. The proposal is consistent with this goal.
- Staff Response: The applicant has addressed and complied with Goal 6.

F. Goal 7 - Areas Subject to Natural Hazards

- Applicant's Findings: The proposed site is not in an area subject to flooding. Soils may need to be evaluated prior to any construction. The proposed amendment does not change or limit the City's ability to require future development or to address natural hazards. The proposed amendment is consistent with this goal.
- Staff Response: Applicant has addressed and is in compliance with Goal 7.

G. Goal 8 - Recreational Needs

- Applicant's Findings: The proposed amendment does not affect the City's ability to satisfy these needs and would actually provide more potential to satisfy these needs as residentially zoned land is more suited for this than industrial zoned land.
- Staff Response: Applicant is correct that recreational needs are more compatible with land that is residentially zoned than industrial, just because of the nature of the uses allowed in the respective zones. Applicant has addressed Goal 8.

H. Goal 9 - Economic Development

- Applicant Findings: The City of Warrenton currently has an abundance of Industrial zoned land that is undeveloped. Under Article 9 in the City's Comprehensive Plan it states, "Future economic prosperity depends in part on wise management of fishing, forestry and scenic resource in the City, County and other coastal locations". The proposed amendment will result in less than a 10% reduction on the available industrial land and will provide much needed residential land when most of the available residential land is encumbered by wetlands.

- Staff Response: The applicant is correct in saying that this rezone request will result in a 10% reduction of the available industrial land. As stated by the applicant, the City of Warrenton does have a large amount of wetlands, which does encumber the vast majority of tax lots zoned residential. There is a need for additional tax lots zoned residential, which are outside of, or have the existence of a minimal wetland designation.

I. Goal 10 - Housing

- Applicant Findings: The City currently has available land for residential development but much of this land is encumbered by wetlands which limits the development potential and increases the development cost which in turn increases the housing costs. The proposed amendment will add much needed residential areas that are suitable to provide affordable housing to the residents of the City thus complying with the requirements of Goal 10.
- Staff Response: The applicant is correct in saying that this rezone request will result in a 10% reduction of the available industrial land. As stated by the applicant, a City of Warrenton does have a large amount of wetlands, which does encumber the vast majority of tax lots zoned residential. There is a need for increasing the areas zoned residential because of the location of wetlands.

J. Goal 11 - Public Facilities and Services

- Applicant Findings: Future development of the site, these facilities will be expanded to support the uses. This is consistent with the Goal 11 requirements.
- Staff Response: Applicant has addressed this goal.

K. Goal 12 - Transportation

- Applicant Findings: Kittleson Engineering to provide a traffic study to analyze the impacts, if any, of the proposed amendment.
- Staff Response: The applicant has hired Kittleson Engineering to conduct their traffic impact analysis (TIA). Preliminarily, Kittleson conducted a “reasonable worst-case” development scenario, which addresses the Transportation Planning Rule (TPR). According to Kittleson’s “scenario” the rezone will not require a change to the standards implementing the comprehensive plan, will not significantly affect a transportation facility as measured at the end of the planning period identified in the adopted transportation system plan; will not allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility; will not reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan; and will lower the reasonable “worse-case” trip generation potential of the site and therefore, will reduce the impact of potential site development scenarios as it relates to transportation facilities.

L. Goal 13 - Energy Conservation

- Applicant Findings: Goal 13 does not establish any requirements that would be applicable to a land use district amendment. The City's requirements to adhere to Goal 13 are not dependant on the zoning designation of the property.
- Staff Response: Applicant has addressed this goal.

M. Goal 14 - Urbanization

- Applicant Findings: The proposed amendment is located within the City limits and the urban growth boundary of the City of Warrenton. No expansion of the City limits or urban growth boundary is requested, therefore the proposed amendment is consistent with Goal 14.
- Staff Response: The applicant is correct in stating that Goal 14 is addressed in the City's Comprehensive Plan. The application for rezone does not include expansion of the city's urban growth boundary.

N. Goals 15 (Williamette River Greenway), 16 (Estuarine Resources), 17 (Coastal Shorelands); and 18 (Beaches and Dunes)

- Applicant Findings: These goals are not applicable.
- Staff Response: These goals are not applicable

II. Warrenton Comprehensive Plan

A. Article 2 - Community Development

1. Section 2.300- Policies (2-Urban Development Areas)

- Applicant Findings: As residential zones are included in these areas, the proposed amendment is consistent with this policy
- Staff Response: Applicant correctly states that the requested rezone for residential from industrial complies with this section of the comprehensive plan because both zoning districts are categorized in the "Urban Development Areas". Applicant has satisfied this criteria.

2. Section 2.320-Urban Development Policies

- Applicant Findings: The proposed amendment is consistent with this policy as it does not change the City's approach to growth management or the applicability of the City's growth management standards. The site has public facilities available and the requested zoning will ensure that the site will develop at urban densities. Urban development policies (2) and (3) apply to areas outside of the urban growth boundary.

- Staff Response: Applicant has addressed and correctly stated that the request for rezoning does not and will not change the city's approach to growth management or to the growth management standards. Applicant has satisfied this criteria.

3. Section 2.330-Annexation

- Applicant Findings: The amendment does not require an annexation request.
- Staff Response: Not applicable.

B. Article 3 - Land and Water Use

1. Section 3.310-Residential Lands

- Applicant Findings: The City's policy is to encourage the development of housing needed to accommodate desired growth, and to provide every Warrenton household with the opportunity to obtain a decent affordable home in a suitable neighborhood. The proposed amendment will provide additional residential land consistent with this policy.
- Staff Response: Applicant has addressed this policy and accurately states the City's objectives for "affordable" housing in the city limits. Applicant has satisfied this criteria

2. Section 3.340-Agriculture, Wetlands and Open Space

- Applicant Findings: There are some wetlands within environmentally sensitive drainage corridors within the proposed area. Upon future development, these areas would need to be identified and protected as required by the City's code. Existing City requirements would protect the wetlands and open space areas addressed in this policy even after the amendment is granted; therefore the proposed amendment is consistent with this policy.
- Staff Response: The applicant has addressed and satisfied this section of the comprehensive plan.

C. Article 4 - Natural Features

1. Section 4.310 - Soils

- Applicant Findings: This policy does not conflict with the proposed amendment.
- Staff Response: As stated in Section 4.310(2) "prior to an approval of a subdivision or issuance of a building permit the City may require an on-site soil survey when it is believed construction on the site may be hazardous to facilities on the parcel or to nearby property due to the load-bearing capacity of the soil, the potential for wind or water erosion, or the wetness or slope characteristics of the soil." Applicant is correct in saying that this proposed amendment does not conflict with this policy.

2. Section 4.320 Flood Hazards

- Applicant Findings: All areas subject to flood hazards are regulated by the City's code and also by FEMA.
- Staff Response: This proposed rezone does not conflict with this policy. Applicant has satisfied this criteria.

3. Section 4.330 Drainage and Erosion

- Applicant Findings: This policy is applicable at the time of subdivision or development but does not conflict with the proposed amendment. Upon future development, drainage and erosion control features will be utilized to adhere with this policy.
- Staff Response: This proposed rezone does not conflict with this policy. Applicant has satisfied this criteria.

4. Section 4.340 Topography

- Applicant Findings: No significant changes to the existing topography are planned in association with this amendment. Therefore, this policy does not conflict with the proposed amendment.
- Staff Response: This proposed rezone does not conflict with this policy. Applicant has satisfied this criteria.

5. Section 4.350 Water Quality

- Applicant Findings: All future development will utilize the City's sewer system. Storm water infiltration will not be the proposed disposal system for storm water on this site. The proposed amendment is consistent with this policy.
- Staff Response: This proposed rezone does not conflict with this policy. Applicant has satisfied this criteria.

6. Section 4.360 Air Quality and Noise

- Applicant Findings: The proposed amendment does not conflict with these policies nor does it prevent the City from enforcing them. The proposed amendment is therefore consistent with this policy.
- Staff Response: This proposed rezone does not conflict with this policy. Applicant has satisfied this criteria.

7. Section 4.370 Fish and Wildlife

- Applicant Findings: Future development will be designed to minimize impacts to fish and wildlife habitats. All future development of this site will adhere to the City's codes and policies.

- Staff Response: This proposed rezone does not conflict with this policy. Applicant has satisfied this criteria.

8. Section 4.380 Scenic and Historic Resources

- Applicant Findings: Upon development, underground utility lines will be installed consistent with this policy and all signs shall be in accordance with the City's Sign code in the Zoning Code. No archeological sites have been identified on the property. The proposed amendment is consistent with this policy.
- Staff Response: This proposed rezone does not conflict with this policy. Applicant has satisfied this criteria.

9. Section 4.390 Energy Conservation

- Applicant Findings: The proposed amendments do not conflict with the energy conservation policies presented in this policy.
- Staff Response: This proposed rezone does not conflict with this policy. Applicant has satisfied this criteria.

D. Article 7 - Community Facilities and Services

1. Section 7.320 Water, Sewer and Storm Drainage/flood Control

- Applicant Findings: The applicant understands that future development of the subject property is dependent on the capacity of the City's existing utility systems and understands that upgrades to these systems may be necessary and that the costs of these upgrades will be the responsibility of the developer. The proposed amendment does not conflict with the requirements of these policies.
- Staff Response: Any development on these parcels as a result of rezoning, is required to extend city services and to meet the criteria of this section. Applicant has addressed and satisfied this criteria.

E. Article 8 - Transportation

1. Section 8.310 Street Classification

- Applicant Findings: The two possible connection locations for this development are to the Astoria Warrenton Highway 105 and Dolphin Road. Per figure 5-2 of the Warrenton Transportation System Plan, the highway is classified as a Collector as it runs North from the site and as an Arterial as it runs East from the site. Dolphin is classified as a Collector north of Highway 101 and as a local street south of Highway 101. Transportation facility improvements are implemented through WDC chapter 3.5.1 which will allow this amendment to conform to the requirements of this policy.

- **Staff Response:** Rezoning of these tax lots does not change the current classifications of the existing roads. Any development on these tax lots will adhere to the criteria of this section. Applicant has addressed this criteria.

2. Section 8.320 Street Design

- **Applicant Findings:** Future streets within this proposed plan amendment area would be required to adhere to the requirements of the TSP as well as Chapter 3.5 of the Warrenton Development Code which implements design standards for new streets. All street locations, intersection angles, street grades and horizontal alignments will be in accordance with these standards.

- **Staff Response:** Applicant has addressed this section of the code and staff agrees that this section is applicable at the time of developing the property.

3. Section 8.330 Street Width, Access and Parking Design

- **Applicant Findings:** All future street widths will be in conformance with the TSP and Chapter 3.5 of the Warrenton Development Code. A traffic impact study is being conducted by the site to determine if additional street widths or other improvements will be required on the streets abutting the site. Access to ODOT controlled facilities will require an ODOT access permit. Roadway safety and capacity techniques will be preserved through any requirements of the pending traffic impact study for the site. The proposed amendment will conform to the requirements of this policy.

- **Staff Response:** Applicant has addressed this section of the code and staff agrees that this section is applicable at the time of developing the property.

4. Section 8.340 Street and Parking Financing and Improvement

- **Applicant Findings:** The applicant understands that all costs associated with the design and construction of all new streets along with any required improvements to existing streets as required by the pending traffic impact study will be the responsibility of the developer. All future streets will be dedicated to the public the proposed amendment is therefore consistent with this policy.

- **Staff Response:** Applicant has addressed this section of the code and staff agrees that this section is applicable at the time of developing the property.

5. Section 8.350 Multi-Mode Transportation

- **Applicant Findings:** Approval of the proposed amendment does not interfere with the City's ability to implement this policy

- **Staff Response:** Applicant has addressed this policy.

III. Warrenton Development Code

A. Chapter 4 - Applications and Review Procedures

1. Section 4.7.3 Quasi-Judicial Amendments

- **Applicant Findings:** The narrative addresses all applicable comprehensive plan policies and map designations therefore the amendment is consistent with this criteria.

The City conducted a Land Use Inventory and Analysis in 1998 and since that time the City has updated its zoning designations and land use map. This was done without performing a new land use inventory. Since the original inventory in 1998, the original estimate for the projected need of industrial land has been overestimated as very little development of the industrial land has taken place. In comparison, a large percentage of the residential land has been developed. This leaves the City with a lack of residential areas that are suitable to provide affordable housing in accordance with Statewide Goal 10. Although there are large areas that are zoned for residential use, a large percentage of these areas are encumbered by wetlands and other natural resources.

- **Staff Response:** Applicant is correct in stating that the City of Warrenton has a large residential area; however, this area also has development constraints due to the vast amount of wetlands.

In 1998 the City of Warrenton hired a consulting firm to conduct a “buildable lands inventory”; however, this 1998 study was not adopted or approved by the city, therefore it is not in our comprehensive plan. This inventory does show that the city has an over-estimated percentage of industrial lands and it does provide the city and consultants with the most up-to-date information and numbers available.

2. Section 4.7.6 Transportation Planning rule Compliance

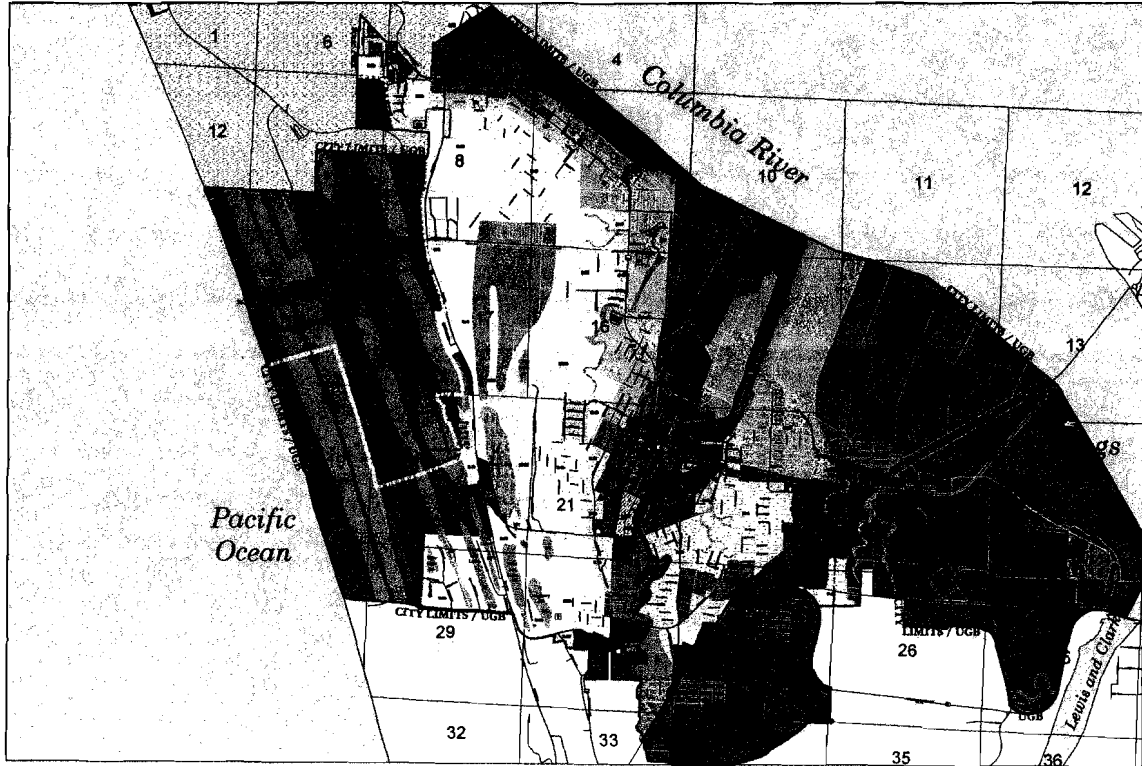
- **Applicant Findings:** Olstedt Construction, has contracted with Kittleson Engineering to provide a Traffic Impact Study for the proposed development. The applicant requests that the City attach a condition of approval to this application based on the completion of the traffic impact study and the subsequent review and approval of the findings and recommendations of the study by City staff.

- **Staff Response:** The applicant has hired Kittleson Engineering to conduct their traffic impact analysis (TIA). Preliminarily, Kittleson conducted a “reasonable worst-case” development scenario, which addresses the Transportation Planning Rule (TPR). According to their “scenario” the rezone will not require a change to the standards implementing the comprehensive plan, will not significantly affect a transportation facility as measured at the end of the planning period identified in the adopted transportation system plan; will not allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility; will not reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan; and will lower the reasonable “worse-

case” trip generation potential of the site and therefore reduce the impact of potential site development scenarios as it relates to transportation facilities.

EXHIBIT

“B”



beyond to R+H

EXHIBIT

“C”

OLSTEDT REZONE (RZ-06-8)

CONDITIONS OF APPROVAL

On November 28, 2006 the City Commission approved the rezoning of 143 +/- acres from Industrial (I-1) to Residential (RH) with the following conditions:

- | | | | |
|----|--------------------------|---|---|
| 1. | Tax Lot 202 | 35 4-plexs totaling
single family dwelling units | 140 dwelling units
50 dwelling units |
| | | | Total <u>190 dwelling units</u> |
| 2. | Tax Lots 100, 2400, 5200 | single family dwelling units | 500 dwelling units |
| | | | Grant Total <u>690 dwelling units</u> |
3. Lot size minimum shall not be less than 5000 square feet

The grant total of dwelling units for all four (4) tax lots shall not exceed 690 dwelling units; and the number of 4-plexs on tax lot 202 shall not exceed 140 dwelling units.