

ORDINANCE No. 1182-A

Introduced by All Commissioners

An ordinance amending the City of Warrenton Zoning map to reflect the rezoning of Block 10 of the Warrenton Addition to Astoria in the NW1/4 of the NE1/4 of Section 21, Township 8 North Range 10 West, WM, and Block 17 except for Tax Lot 81021DB07700 of the Warrenton Addition to Astoria in the NW1/4 SE1/4 of Section 21, Township 8 North, Range 10 West, WM, to C-MU, Commercial Mixed Use, as illustrated on the drawing titled "Proposed Zoning" attached to the July 3, 2013 staff report to the Planning Commission attached hereto as Exhibit A, and adopting the Findings and Conclusions of that report that were adopted by the Planning Commission.

WHEREAS, the Warrenton City Commission provided direction to investigate the options for reclassifying the commercial zoning of two blocks in the central business district to provide more flexibility for development of city owned property; and

WHEREAS, after the Planning Commission conducted a public hearing on the proposal on July 13, 2013 which it continued to August 8, 2013 and forwarded a recommendation of approval to the City Commission; and

WHEREAS, after the City Commission conducted a public hearing on October 8, 2013, it has determined to adopt the findings and conclusions established by the Planning Commission attached as Exhibit A and approve the rezone.

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

Section 1. The City Zoning Designation Map is amended as illustrated in Exhibit A based on the findings and conclusions referenced above.

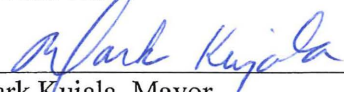
Section 2. This ordinance shall become final 30 days after its second reading and adoption.

First Reading: October 8, 2013

Second Reading: October 22, 2013

ADOPTED by the City Commission of the City of Warrenton, Oregon this 22<sup>nd</sup> day of October, 2013.

APPROVED

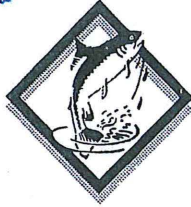
  
\_\_\_\_\_  
Mark Kujala, Mayor

ATTEST:

  
\_\_\_\_\_  
Linda Engbretson, City Recorder

Exhibit A

*"Making a difference through excellence of service"*



## CITY OF WARRENTON

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July 3, 2013

To: Warrenton Planning Commission

From: Skip Urling, Community Development Director

Re: RZ-13-1, Downtown area Mixed Use Commercial Zoning Expansion

### **BACKGROUND**

The city owns the vacant portions of the city block bordered by S Main Court, SW Alder Avenue, SW Second Street and SW Third Street. In conjunction with the Urban Renewal District, the City Commission desires to market the property for development by a private party and would like to have as much flexibility in the future uses as possible. Accordingly, the City Commission directed staff to investigate and, as appropriate, pursue a zone change from the current General Commercial and High Density Residential to Mixed Use Commercial to provide opportunities for a range of development from residential to commercial.

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. Notice was sent to affected property owners on June 21, 2013 and published in The Columbia Press on June 28, 2013.

### **FINDINGS**

#### **Subject Properties**

The subject property consists of the territory described above as well as the block immediately south between 3<sup>rd</sup> and 4<sup>th</sup> Streets, less a city owned lot along SW Alder which is a buffer to the city park across the street. A total 32 parcels totaling approximately 3.8 acres is included in this action. Please refer to the two attached maps. A multiple tenant office building is located along the north side of SW 3<sup>rd</sup> Street, and the remainder of the developed lots is residences, with the exception of one house that has been converted to an office.

### **Comprehensive Plan**

The current edition of *The City of Warrenton Comprehensive Plan* was last amended January 25, 2011. The Comprehensive Plan Map (page 3) was adopted in 2005 and shows the subject and all other land in the central business area as “Urban Development: Other Shorelands. Urban development areas generally have a combination of physical, biological and social/economic characteristics which make them necessary and suited for residential, commercial, industrial, public or semi-public uses. Such areas are either adequately served by public facilities and services or have the potential for such service over the 20 year planning horizon. Other urban shorelands are desirable for a wide range of uses and are located in a wide range of zoning districts outside of specialty areas such as those designated for water dependent industrial use or some form of conservation. Note that the proposed rezone would be an extension of an existing ±16.5 acre C-MU zone to the south of the downtown area.

CP Article 3 addresses Land and Water Use, including buildable lands inventories, future land needs, and policies. Section 3.320 Commercial Lands includes two policies applicable to this action. Policy 1 (c) states:

*The purpose of the General Commercial Zone is to allow a broad range of commercial uses providing products and services in the downtown area, the Hammond business district, and along the highway 101 corridor.*

Policy 1 (d) states:

*The purpose of the Mixed Use Commercial Zone is to strengthen certain established residential areas having frontage on state highways as transition areas between commercial centers and outlying residential areas. The District is intended to support this goal through elements of design and appropriate mixed use development. Mixed-use development features design standards that allow residential and commercial uses to occur simultaneously on the same lot.*

CP Table 14 provides a comparison of land supply and the 2027 projected need by zoning district. It is notable that C-1 designation has a surplus of 69.5 acres beyond the projected need while the C-MU has a 1.8 acre deficit. CP Section 3.280 Conclusions recognizes the C-MU deficit and suggests a remedy of rezoning some of the C-1 acreage to C-MU. Last year, the city changed the zoning of approximately 36 acres in Hammond from General Commercial to Commercial Mixed Use which erased the deficit of CMU

acreage. However, it appears that an abundance of land zoned for General Commercial uses remains, and extending an existing CMU district by 3.8 acres will not cause an unbalance.

### **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 a zoning map 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. 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 policies 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." Because no such natural resources, scenic and historic areas and open spaces will be affected, this goal does not apply.

#### **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 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." No part of the proposal will affect the city's approved Goal 7 plan, therefore this goal 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.

#### **Goal 9, Economic Development**

Goal 9 calls for the provision of adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare and prosperity for Oregon's citizens.

This proposal is to amend the zoning map in the downtown area from one commercial zone that does not permit residential uses outright to another commercial zone that does include such uses as permitted, but which also permits all but six of the uses permitted in the general commercial district. It is the city's desire that the city owned vacant land be

developed for the benefit of the city and redevelopment of the downtown area. The breadth of uses permitted in the CMU district would provide greater flexibility for a potential developer and broaden the market. The existing residential uses would be legitimized, yet they could be converted to commercial uses. The relatively small size of this action will not significantly reduce the economic development opportunities in Warrenton. This goal 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. The CP buildable lands analysis concluded that there was a deficiency of land designated for medium density residential development. Density standards in the R-M district call for single family detached dwellings on minimum 7,000 square foot lots, and single family attached dwellings on minimum 2,500 square foot lots. The C-MU district allows single family dwellings as permitted uses, with minimum lot sizes ranging from 5,000 square feet for detached dwellings to attached dwellings at 2,500 square feet per unit. Providing for additional medium density residential opportunities, and acknowledging the predominant land use in the subject property as permitted outright, satisfies this goal.

#### **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 real estate being considered for this rezone action is dominated by, but not devoted entirely to, residential development. It is in an older portion of the city and the vacant land owned by the city once had single family residences on it which were demolished. Adopting the proposed map amendment would result in all existing residential development being recognized as permitted uses and reduce the potential commercial activities, specifically eliminating from the list of permitted uses the following:

- Auto sales and service
- Boat and marine equipment sales and service
- Building materials sales yards
- Residential homes and care facilities

- Hospitals, medical offices, nursing homes, etc
- Congregate care or assisted living facilities

According to the Public Works Director, the condition and capacity of the city infrastructure serving the area is generally sufficient to meet potential demand of any of the permitted uses in the CMU zoning district. The city is planning to upgrade a 4-inch water main in SW Main Court this summer, and resurface the road this year or in 2014.

This goal is satisfied.

### **Goal 12, Transportation**

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

As discussed under Goal 11 above, the proposed change in zoning would result in removing six commercial uses from the list of activities permitted outright in the subject territory, and the addition of residential uses at all densities permitted elsewhere in the city. A review of the 7<sup>th</sup> Edition of the Institute of Traffic Engineers Trip Generation manual reveals single family dwellings generate an average of 9.57 trips per day and low-rise apartments generate an average of 6.59 tips per day per unit. By comparison, (new) automobile sales sites generate an average 33.34 daily trips per 1,000 square feet of gross floor area; building materials yards average 45.16 daily trips per 1,000 square feet of floor area, congregate care facilities average 6.10 daily trips per 1,000 square feet of floor area, hospitals average 17.57 daily trips per 1,000 square feet of floor area, and medical offices average 36.13 daily trips per 1,000 square feet of floor area. No data was available for boat sales and service.

Based on these numbers, the potential traffic that could be generated under the proposed C-MU zoning would be less than that under the existing C-1 zoning district, and cumulatively, the small area of high density residential. This goal is satisfied.

### **Goal 13, Energy**

Goal 13 is simply “to conserve energy.”

This application for a plan and zoning map amendment would not affect the plan provisions for energy conservation. Any development within the boundaries of the subject property after the proposed rezoning would be subject to those provisions and to all applicable state and federal requirements for energy conservation. This application therefore complies with Goal 13.

#### **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 subject property is located in the central area of Warrenton, and is surrounded by different types of urban development. The ultimate goal of developing the city owned property will be advanced with the additional flexibility offered by the change in permitted uses in the CMU zone, and facilitate development of this property for urban uses. The proposal satisfies this goal.

#### **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 subject property does not exhibit 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.” Because the subject property is not a coastal shoreland per se, this goal 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.” No such land forms exist within the subject property and 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). No part of the subject property lies within or next to the territorial sea. Goal 19 thus does not apply to this application.

### **CONCLUSIONS**

The comprehensive plan states that the “*purpose of the Mixed Use Commercial Zone is to strengthen certain established residential areas having frontage on state highways as transition areas between commercial centers and outlying residential areas.*” The proposal is to extend an existing CMU zoning district which matches this descriptor to an area the city has great interest in being redeveloped. Adding approximately 3.8 acres to this zone along the Highway 104 will expand the list of potential uses on city owned property on which redevelopment will add to the tax base, certainly add at least temporary construction jobs in the event it is developed for some type of residential use, and potentially add employment opportunities if it is developed for commercial use.

The plan also identifies a surplus of land designated for general commercial uses, and recommends increasing the area for mixed use commercial. Amending the zoning map in central Warrenton by slightly expanding the existing Commercial Mixed Use would continue to provide opportunity for commercial activities and job creation, albeit more focused on those activities that more oriented to tourism trade and transitional areas. The proposal also is consistent with the applicable state land use goals. This rezone warrants approval.

#### **Recommended Motion:**

“Based on the findings and conclusions of the July 3, 2013 staff report, I move to forward a recommendation to the City Commission to approve rezoning two blocks between city hall and the city park from C-1, General Commercial and R-H, High Density Residential to C-MU, Commercial Mixed Use.

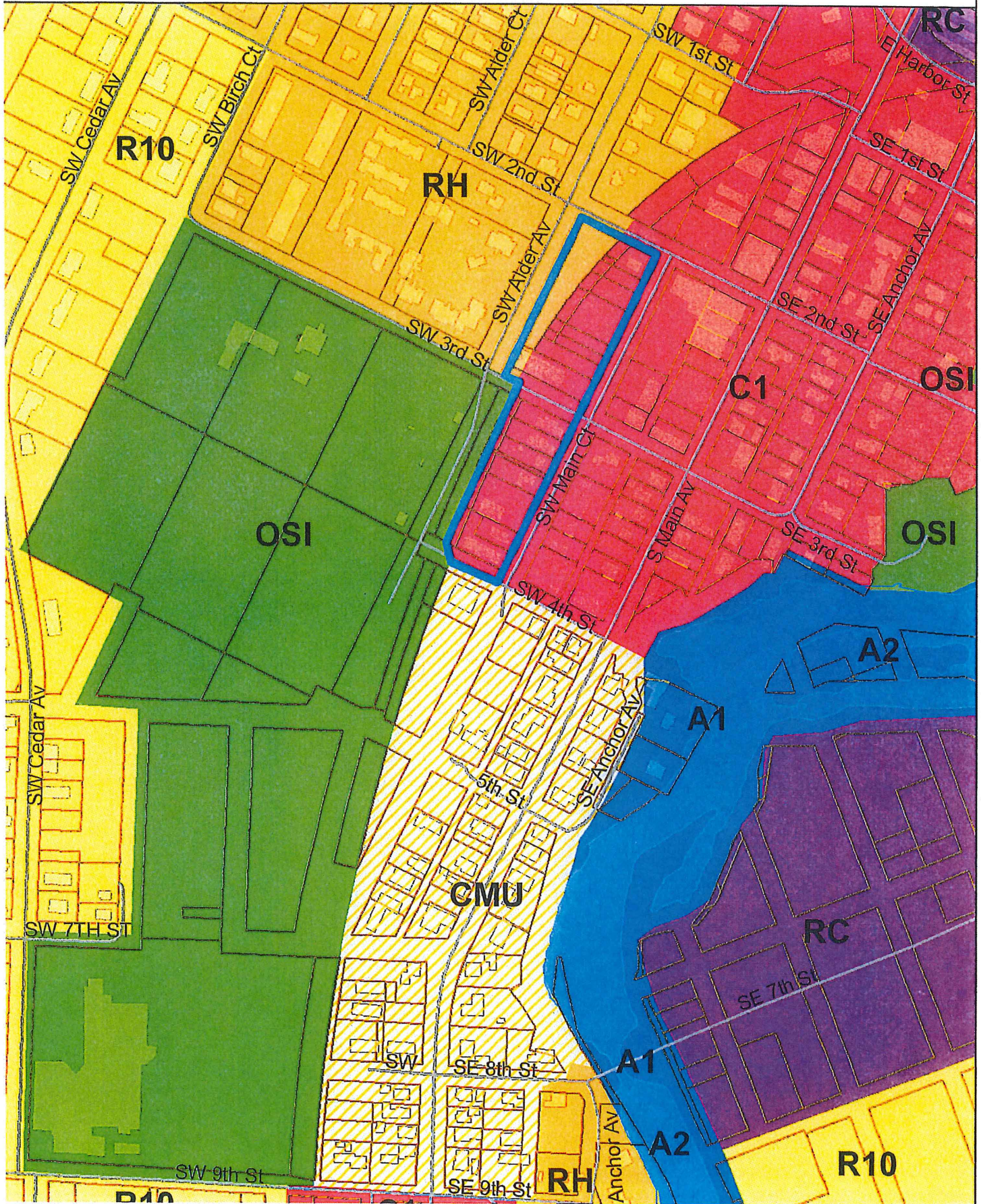
# EXISTING CMU ZONING



CITY OF  
WARRENTON



GIS



# PROPOSED CMU ZONING

