

Chapter 2.0 — Land Use Districts

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Chapter 2.0 — Land Use District Administration

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- 2.0.1 Classification of Land Use Districts
- 2.0.2 Land Use District (Zoning) Map
- 2.0.3 Determination of Land Use District Boundaries
- 2.0.4 Review of Transportation Facilities and Improvements for Compliance with Land Use Regulations

2.0.1 Classification of Land Use Districts

All areas within the corporate limits and urban growth boundary of the City of Warrenton are divided into land use districts (also known as “zones”). The use of each lot, parcel, and tract of land is limited to the uses permitted by the applicable land use district. The applicable land use district shall be determined based on the Land Use District Map, and the provisions of this Chapter.

2.0.2 Land Use District (Zoning) Map

- A. Consistency with the land use district map. The boundaries of each of the land use districts contained within this Chapter shall coincide with the land use district boundaries identified on the official City of Warrenton Zoning Map, retained by the City Recorder. Said map by this reference is made part of this Land Development Code. A certified print of the adopted land use map, and any map amendments, shall be maintained by the City.
- B. Applicability of zoning requirements. Each lot, tract, and parcel of land or portion thereof within the land use district boundaries as designated and marked on the zoning map, is classified, zoned and limited to the uses as hereinafter specified and defined for the applicable district classification.
- C. Land use district amendments. All amendments to the City land use district (zoning) map shall be made in accordance with the provisions of Chapter 4.7 of this Code.
 - 1. Copies of all map amendments shall be dated with the effective date of the ordinance adopting the map amendment, and shall be maintained without change, together with the adopting documents, on file at the City; and,
 - 2. The City shall make available for public inspection an up-to-date copy of the revised land use district (zoning) map, so it accurately portrays changes of zone boundaries or classifications, as applicable.

2.0.3 Determination of Land Use District Boundaries

Where due to lack of scale, lack of detail or illegibility of the City zoning district map, or due to any other reason, there is uncertainty, contradictory or conflict as to the intended location of district boundary lines, the boundary lines shall be determined by the zoning administrator in accordance with the following:

1. Boundaries indicated as approximately following the center lines of streets, highways, railroad tracks or alleys shall be construed to follow such centerlines;
2. Boundaries indicated as approximately following the boundaries of a parcel, lot, or tract, shall be construed to follow such boundaries;
3. Boundaries indicated as approximately following a City boundary, or the Urban Growth Boundary, shall be construed as following said boundary;
4. Boundaries indicated as approximately following the banks of rivers, streams, or lakes shall be construed as following the top-of-bank, or bankfull stage, of the river, stream, or lake.
5. Whenever any public right-of-way is lawfully vacated, the lands formerly within the vacated right-of-way shall automatically be subject to the same land use district designation that is applicable to the abutting vacated area. In cases where the right-of-way formerly served as a land use district boundary, the lands formerly within the vacated right-of-way shall be allocated proportionately between the subject land use districts.

2.0.4 Review of Transportation Facilities and Improvements for Compliance with Land Use Regulations

- A. Except as otherwise specifically regulated by this Code, transportation facilities and improvements meeting one or more of the definition of subsection (a.) through (f.) for transportation facilities and improvements (see Chapter 1.3) are permitted outright in the following land use districts (zones):
 - R-40, R-10, R-10 (GM), RM, RH, C-1, C-MU, OSI, R-C, I-1, and URR.
- B. Except as otherwise specifically regulated by this Code, land transportation facilities and improvements meeting one or more of the definition of subsection (a.) through (f.) for transportation facilities and improvements (see Chapter 1.3) are permitted outright in the following land use districts (zones):
 - C-2 and I-2.
- C. In the Beach Dune Overlay (BDO) Zone (see Chapter 2.20), vehicular transportation facilities and improvements (not multi-use paths or trails) that have been identified in the Warrenton TSP are permitted conditionally subject to the provisions of Chapter 4.4 of this Code. Goal findings or a goal exception that determines the proposed project to be consistent with the adopted goal finding or exception are required.
- D. Transportation facilities and improvements meeting the definition of subsection (g.) and (h.) for transportation facilities and improvements (see Chapter 1.3) in the zones listed in subsections A. and B. above require a conditional use permit in accordance with Chapter 4.4.

- E. In all land use districts and overlay zones of the City, transportation facilities and improvements are subject to the development standards of the pertinent land use district (and overlay zone, if applicable).

Chapter 2.1 — Low Density Residential (R-40) District

Sections:

- 2.1.100 Purpose
- 2.1.110 Permitted Land Uses
- 2.1.120 Conditional Uses
- 2.1.130 Development Standards
- 2.1.140 Other Applicable Standards

2.1.100 Purpose

The Low Density Residential Zone is intended for areas which are physically isolated from the developed portions of the City, and for which extension of sewer and water services would be prohibitively expensive. Lands in this zone must be able to support development with on-site sewage disposal systems, and comply with all local, state and federal requirements. Agriculture, open space and residential uses will be permitted in this zone subject to wetlands, weak foundation soils, and active dune constraints.

2.1.110 Permitted Land Uses

The following uses and their accessory uses are permitted in the R-40 zone if the Zoning Administrator determines that the uses conform to the standards in Section 2.1.130 through 2.1.140, applicable Zoning Ordinance standards, and other City laws:

- (1) Single-family detached dwelling.
- (2) Modular home.
- (3) Manufactured home subject to the standards in Chapter 3.13.
- (4) Residential home (Care Facility).
- (5) Family day care center.
- (6) Farming, grazing, truck gardening, orchards and production of nursery stock.
- (7) A temporary dwelling for no more than six months while building a permanent residence.
- (8) Accessory structure, no larger than 1,200 square feet, in conjunction with an existing residence on the same property, and subject to standards of Chapter 3.16.
- (9) Transportation facilities and improvements subject to the standards of Section 2.0.4.

2.1.120 Conditional Uses

The following uses and their accessory uses may be permitted in the R-40 zone when approved under Chapter 4.4:

- (1) Government buildings and uses.

- (2) Public utility structure.
- (3) Golf course.
- (4) Parks, playground and community center.
- (5) Bed and breakfast.
- (6) Church, synagogue, or other place of worship.
- (7) Home Occupations
- (8) Master planned development with a minimum lot size of three contiguous acres, subject to the provisions in Section 4.5.
- (9) Accessory dwelling that complies with Section 3.16.4.

2.1.130 Development Standards

The following development standards are applicable in the R-40 zone:

- (1) Density provisions
 - a. Minimum lot area for residences with on-site sewage disposal systems: 40,000 square feet.
 - b. Minimum lot area for residences connected to the City of Warrenton sewer system: 10,000 square feet.
 - c. Minimum lot width at the front building line: 50 feet.
 - d. Minimum lot depth: 80 feet.
 - e. Not more than 35% of lot area shall be covered by buildings or other impervious surfaces, except as may be permitted by conditional use permit or variance.
 - f. Maximum building height: 30 feet.
 - g. Maximum building height for agricultural buildings, solar collectors, wind energy systems and radio receivers: 40 feet.
- (2) Setback Requirements
 - a. Minimum front yard setback: Lots of 40,000 square feet: 20 feet; Lots of 10,000 square feet: 15 feet.
 - b. Minimum side yard setback: 10 feet.

- c. Corner lot minimum street side, side yard setback: 10 feet.
- d. Minimum rear yard setback: 10,000 square foot lot: 15 feet, except accessory structures that meet the criteria of Section 5.3.110, may extend to within five (5) feet of the rear property line; and for 40,000 square foot lots the dwelling and any accessory structure must maintain a 15 foot setback.
- e. Corner lot minimum rear yard setback: 10 feet.

2.1.140 Other Applicable Standards

- (1) All uses must comply with parking standards in Chapter 3.3.
- (2) Signs must comply with standards in Chapter 3.7, Signs.
- (3) All development shall comply with the wetland and riparian area protection standards of Chapter 3.10.
- (4) All uses must comply with the criteria of Chapter 3.2, Landscaping, Trees, Fences and Walls.
- (5) Manufactured Homes must comply with the criteria of Section 3.13.1.
- (6) A garage or carport is required and shall conform to the standards of Chapter 3.16.
- (7) All other applicable Development Code requirements must be met.

Chapter 2.2 — Intermediate Density Residential (R-10) District

Sections:

- 2.2.100 Purpose
- 2.2.110 Permitted Land Uses
- 2.2.120 Conditional Uses
- 2.2.130 Development Standards
- 2.2.140 Other Applicable Standards

2.2.100 Purpose

The purpose of the Intermediate Density Residential Zone is to provide areas within the City which have the capacity to accommodate single-family dwellings in conventional subdivisions or planned unit developments. These areas are intended for service by municipal utilities and urban type street systems, and, consequently, the residents must be willing to support the costs associated with this density of development. Certain public facilities and other non-residential uses are permitted when desirable conditions and safeguards are satisfied. This zone includes those areas in Hammond that were in Hammond's Low Density Residential Zone (R-10).

2.2.110 Permitted Land Uses

The following uses and their accessory uses are permitted in the R-10 zone if the Zoning Administrator determines that the uses conform to the standards in Section 2.2.130 through 2.2.140, applicable Zoning Ordinance standards, and other City laws:

- (1) Single-family detached dwelling.
- (2) Modular home.
- (3) Manufactured home subject to standards in Chapter 3.13.
- (4) Residential home (Care Facility).
- (5) Family day care center.
- (6) Cemetery.
- (7) Farming, grazing, truck gardening, orchards and production of nursery stock.
- (8) A temporary dwelling for no more than six months while building a permanent residence.
- (9) Accessory structure no larger than 1,200 square feet, in conjunction with an existing residence on the same property, and subject to standards of Chapter 3.16.
- (10) Transportation facilities and improvements subject to the standards of Section 2.0.4.

2.2.120 Conditional Uses

The following uses and their accessory uses may be permitted in the R-10 zone when approved under Chapter 4.4:

- (1) Government buildings and uses.
- (2) Hospital, sanitarium, rest home, nursing or convalescent home.
- (3) Public utility structure.
- (4) School: nursery, primary, elementary, junior or senior high; public or private.
- (5) Day care center.
- (6) Golf course.
- (7) Home Occupations
- (8) Parks, playgrounds and community centers.
- (9) Church, synagogue, or other place of worship.
- (10) Bed and breakfast.
- (11) Master planned development with a minimum lot size of three contiguous acres, subject to the provisions in Chapter 4.5.
- (12) Accessory dwelling that complies with Section 3.16.4.

2.2.130 Development Standards

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

- (1) Density provisions:
 - a. Minimum lot area for residences: 10,000 square feet.
 - b. Minimum lot width at the front building line: 50 feet.
 - c. Minimum lot depth: 70 feet.
 - d. Not more than 35% of the lot area shall be covered by buildings except as may be permitted by conditional use permit or variance.
 - e. Maximum building height: 30 feet.
 - f. Maximum building height for agricultural buildings: 40 feet.
- (2) Setback requirements:

- a. Minimum front yard setback: 15 feet.
- b. Minimum side yard setback: 10 feet
- c. Corner lot minimum street side yard setback: 10 feet.
- d. Minimum rear yard setback: 15 feet, except accessory structures that meet the criteria of Section 5.3.110, may extend to within five feet of a rear property line.
- e. Corner lot minimum rear yard setback: ten feet.

2.2.140 Other Applicable Standards

- (1) All uses must comply with parking standards in Chapter 3.3.
- (2) Signs must comply with standard in Chapter 3.7, Signs.
- (3) All development shall comply with the wetland and riparian area protection standards of Chapter 3.10.
- (4) Areas within this zone, which are designated on the Comprehensive Plan/Zone Map as subject to Growth Management (GM) Policies shall comply with the standards of Chapter 2.23.
- (5) All uses must comply with the criteria of Chapter 3.2, Landscaping, Trees, Fences and Walls.
- (6) Manufactured Homes must comply with the criteria of Section 3.13.1.
- (7) A garage or carport is required and shall conform to the standards of Chapter 3.16.
- (8) All other applicable Development Code requirements must be met.

Chapter 2.3 — Medium Density Residential (R-M) District

Sections:

- 2.3.100 Purpose
- 2.3.110 Permitted Land Uses
- 2.3.120 Conditional Uses
- 2.3.130 Development Standards
- 2.3.140 Other Applicable Standards

2.3.100 Purpose

The Medium Density Residential Zone is intended to accommodate a variety of housing types including single-family dwellings, duplexes and, where appropriate, manufactured dwelling subdivisions and manufactured dwelling parks. This intensity of residential use is envisioned for locations in the City where community services and adequate access are available. Residential densities permitted are somewhat greater than those permitted in an R-10 zone. Certain public facilities and other non-residential uses are also permitted when desirable conditions and safeguards are satisfied. Those lands in the Hammond area that were in the Hammond R-6 zone have been placed in this zone.

2.3.110 Permitted Land Uses

The following uses and their accessory uses are permitted in the R-M Zone if the Zoning Administrator determines that the uses conform to the standards in Section 2.3.130 through 2.3.140, applicable Zoning Ordinance standards, and other City laws:

- (1) Single-family detached dwelling.
- (2) Single-family attached dwelling subject to standards of Chapter 3.17.
- (3) Modular home.
- (4) Manufactured home subject to the standards in Chapter 3.13.
- (5) Duplex subject to standards of Chapter 3.17.
- (6) Residential home (Care Facility).
- (7) Family day care center.
- (8) Master planned development with a minimum lot size of three contiguous acres, subject to provisions in Chapter 4.5.
- (9) A temporary dwelling for no more than six months while building a permanent residence.
- (10) Accessory structure no larger than 1,200 square feet, in conjunction with an existing residence on the same property, and subject to standards of Chapter 3.16.

- (11) Manufactured dwelling placed in an approved manufactured dwelling park subject to standards in Chapter 3.14 and ORS Chapter 446.
- (12) Transportation facilities and improvements subject to the standards of Section 2.0.4.

2.3.120 Conditional Uses

The following uses and their accessory uses may be permitted when approved Section 4.4:

- (1) Church, synagogue, or other place of worship.
- (2) Government buildings and uses.
- (3) Hospital sanitarium, rest home, nursing or convalescent home.
- (4) School: nursery, primary, elementary, junior or senior high; private or public.
- (5) Day care center.
- (6) Public utility structure.
- (7) Parks, playgrounds, and community centers.
- (8) Bed and breakfast.
- (9) Residential facility (Care Facility).
- (10) Home Occupation.
- (11) Manufactured dwelling park subject to standards in Chapter 3.14.
- (12) Accessory dwelling that complies with Section 3.16.4.

2.3.130 Development Standards

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

- (1) Density provisions:
 - a. Minimum lot area for single family detached dwelling or duplex: 7,000 square feet.
 - b. Minimum lot area for single family attached dwelling: 2,500 square feet
 - c. Minimum lot width at the front building line for single family detached dwelling or duplex: 50 feet.
 - d. Minimum lot width at the front building line for single family attached dwelling: 25 feet.

- e. Minimum lot depth: 70 feet
 - f. Not more than 40% of the lot area shall be covered by buildings, except as may be permitted by conditional use permit or variance.
 - g. Maximum building height: 30 feet.
- (2) Setback requirements
- a. Minimum front yard setback: 15 feet.
 - b. Minimum side yard setback: 8 feet
 - c. Corner lot minimum street side yard setback: 8 feet.
 - c. Minimum rear yard setback: 15 feet, except accessory structures that meet the criteria of Section 5.3.110 may extend to within five feet of a rear property line.
 - d. Corner lot minimum rear yard setback: 10 feet.

2.3.140 Other Applicable Standards

- (1) All uses must comply with parking standards in Chapter 3.3.
- (2) Signs must comply with standard in Chapter 3.7, Signs.
- (3) All development shall comply with the wetland and riparian area protection standards of Chapter 3.10.
- (4) All uses must comply with the criteria of Chapter 3.2, Landscaping, Trees, Fences and Walls.
- (5) Manufactured homes must comply with the criteria of Section 3.13.1.
- (6) Manufactured dwelling parks shall comply with the criteria of Chapter 3.14.
- (7) Single-family attached dwellings and duplexes shall comply with standards of Chapter 3.17.
- (8) A garage or carport is required for each dwelling unit and shall conform to the standards of Chapter 3.16.
- (9) All other applicable Development Code requirements must be met.

Chapter 2.4 — High Density Residential (R-H) District

Sections:

- 2.4.100 Purpose
- 2.4.110 Permitted Land Uses
- 2.4.120 Conditional Uses
- 2.4.130 Development Standards
- 2.4.140 Other Applicable Standards

2.4.100 Purpose

The High Density Residential zone is intended to encourage the development of duplexes and other multi-family dwellings. It provides for high density uses in locations close to the downtown area or other locations which have suitable streets, utilities and other characteristics. Certain non-residential uses are allowed if they will not detract from the character of this district. Land in the Hammond area that was in the Town's R-H zone has been placed in this zone.

2.4.110 Permitted Land Uses

The following uses and their accessory uses are permitted in the R-H zone if the Zoning Administrator determines that the uses conform to the standards in Sections 2.4.130 through 2.4.140, applicable Zoning Ordinance standards, and other City laws:

- (1) Single-family detached dwelling.
- (2) Single-family attached dwelling subject to standards of Chapter 3.17.
- (3) Modular housing.
- (4) Manufactured home.
- (5) Duplex subject to standards of Chapter 3.17.
- (6) Triplex subject to standards of Chapter 3.17.
- (7) Multi-family housing development subject to standards of Chapter 3.18.
- (8) Residential home (Care Facility).
- (9) Family day care center.
- (10) A temporary dwelling for no more than six months while building a permanent residence.
- (11) Accessory structure no larger than 1,200 square feet, in conjunction with an existing residence on the same property and subject to the additional criteria under Chapter 3.16.
- (12) Master planned development with a minimum lot size of three contiguous acres, subject to the provisions in Section 4.5.

- (13) Transportation facilities and improvements subject to the standards of Section 2.0.4.

2.4.120 Conditional Uses

The following uses and their accessory uses may be permitted when approved under Section 4.4:

- (1) Boarding, lodging or rooming houses.
- (2) Residential facility (Care Facility).
- (3) Hospitals, sanitariums, rest homes, nursing or convalescent homes, medical clinic or office in conjunction with a residential facility.
- (4) Churches, synagogues, or other places of worship.
- (5) Parks, playgrounds and community centers.
- (6) Government buildings and uses.
- (7) Public utility structure.
- (8) School: nursery, primary, elementary, junior or senior high: public or private.
- (9) Day care center.
- (10) Bed and breakfast.
- (11) Home Occupation.
- (12) Accessory dwelling subject to standards of Section 3.16.4.

2.4.130 Development Standards

The following development standards are applicable in the RH zone:

- (1) Density provisions.
 - a. Minimum lot area for a single-family detached dwelling: 5,000 square feet.
 - b. Minimum lot area for a single-family attached dwelling: 2,500 square feet.
 - c. Minimum lot area for a duplex: 7,000 square feet.
 - d. Minimum lot area for a triplex: 10,000 square feet.
 - e. Minimum lot area for a multi-family dwelling: 10,000 square feet.
 - f. Maximum density for multi-family structures: one dwelling unit per 1,600 square feet of site area.

- g. Lot Coverage: Not more than 55% of an individual lot area shall be covered by buildings, except as may be permitted by conditional use permit or variance.
 - h. Minimum lot width at the front building line for single-family detached dwelling: 50 feet.
 - i. Minimum lot width at the front building line for single-family attached dwelling: 25 feet.
 - j. Minimum lot depth: 70 feet.
 - k. Maximum building height: 40 feet.
 - l. The lowest density which will be allowed in new subdivisions and other developments with four or more units that are located on sites without significant natural feature problems is five dwelling units per gross acre.
- (2) Setback requirements:
- a. Minimum front yard setback: 15 feet.
 - b. Minimum side yard setback: 8 feet.
 - c. Corner lot minimum secondary street side yard setback: 8 feet.
 - d. Minimum rear yard setback: 15 feet except accessory structures that meet the criteria of Section 5.3.110 may extend to within five feet of a rear property line.
 - e. Corner lot minimum rear yard setback: 10 feet.
- (3) Design Standards:
- a. An entry door of 36" minimum width must face the front yard setback or onto a driveway.
 - b. A minimum of 20 square feet of glazing must be on the side of the dwelling facing a street.
 - c. Single-family attached dwellings, duplexes, and triplexes shall comply with the standards of Chapter 3.17.
 - d. Multi-family housing developments shall comply with the standards of Chapter 3.18.

2.4.140 Other Applicable Standards

- (1) All uses must comply with parking standards in Chapter 3.3.

- (2) Signs must comply with standard in Chapter 3.7, Signs.
- (3) For any common boundary between an R-H zone and any other residential zone there shall be a visual buffer strip of at least ten feet wide to provide a dense evergreen landscape buffer which attains a mature height of at least eight feet.
- (4) All development shall comply with the wetland and riparian area protection standards of Chapter 3.10.
- (5) All uses must comply with the criteria of Chapter 3.2, Landscaping, Trees, Fences and Walls.
- (6) Manufactured homes must comply with the criteria of Chapter 3.13.
- (7) A garage or carport is required for each dwelling unit, except for multi-family dwelling units, and shall conform to the standards of Chapter 3.16.
- (8) All other applicable Development Code requirements must be met.

Chapter 2.5 — General Commercial (C-1) District

Sections:

- 2.5.100 Purpose
- 2.5.110 Permitted Land Uses
- 2.5.120 Conditional Uses
- 2.5.130 Development Standards
- 2.5.140 Other Applicable Standards

2.5.100 Purpose

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

2.5.110 Permitted Land Uses

The following uses and their accessory uses are permitted in the C-1 zone if the Zoning Administrator determines that the uses conform to the standards in Section 2.5.130 and 2.5.140, applicable Zoning Ordinance standards, and other City laws:

- (1) Personal and business service establishments such as barber or beauty shop, clothes cleaning or funeral home.
- (2) Professional, financial, business and medical offices.
- (3) Retail business establishments.
- (4) Amusement enterprises such as theater or bowling alley.
- (5) Technical, professional, vocational and business schools.
- (6) Membership organizations such as unions, lodge hall, club or fraternal buildings.
- (7) Eating and drinking establishment.
- (8) Hotel, motel or other tourist accommodation, including bed and breakfast.
- (9) Automobile sales, service or repair establishment.
- (10) Boat and marine equipment sales, service or repair facilities.
- (11) Building material sales yard.
- (12) Duplex subject to standards of Chapter 3.17.
- (13) Triplex subject to standards of Chapter 3.17.
- (14) Multi-family housing development subject to standards of Chapter 3.18.

- (15) Residential home, and residential facility (Care Facilities).
- (16) Home Occupations.
- (17) Boarding, lodging or rooming houses.
- (18) Family day care and day care center.
- (19) Government buildings and uses.
- (20) Public utility structures.
- (21) Hospital, sanitarium, rest home, nursing or convalescent home.
- (22) Congregate care or assisted living facility.
- (23) Single Family Residences existing prior to April 2, 1997 may be repaired, remodeled, expanded, or replaced if damaged so long as building permits are attained within 12 months of the date of discontinuance.
- (24) Transportation facilities and improvements subject to the standards of Section 2.0.4.

2.5.120 Conditional Uses

The following uses and their accessory use may be permitted in the C-1 zone when approved under Section 4.4:

- (1) Cabinet, carpenter, woodworking or sheet metal shops.
- (2) Building contractor shops, including plumbing, electrical and HVAC.
- (3) Fuel oil distributor.
- (4) Processing uses such as bottling plants, bakeries and commercial laundries.
- (5) Research and development establishments.
- (6) Wholesale storage and distribution facilities, including cold storage.
- (7) Veterinary clinic, kennels.
- (8) Tool and equipment rental.
- (9) Mini-warehouses or similar storage uses.
- (10) Church, synagogue, or other place of worship.

- (11) Commercial uses with attached residential use(s) (e.g., attached apartment(s) or multi-family dwelling).

2.5.130 Development Standards

The following development standards are applicable in the C-1 zone:

(1) Density Provisions:

- a. Minimum lot size, commercial uses: none.
- b. Minimum lot size, residential uses: Same as in Section 2.4.130.
- c. Minimum lot size, multiple-use commercial and residential developments: Based on the residential component: Same as in Section 2.4.130.
- d. Minimum lot width, commercial uses: none.
- e. Minimum lot width at the front building line, residential uses: Same as in Section 2.4.130.
- f. Minimum lot depth, commercial uses: none.
- g. Minimum lot depth, residential uses: Same as in Section 2.4.130.
- h. Maximum building height: 45 feet.
- i. Residential Uses: Maximum Lot Coverage; not more than 55% of the lot area shall be covered by buildings, except as may be permitted by conditional use or variance.
- j. Commercial Uses or Multiple (Mixed Use): Maximum Lot Coverage; None.

(2) Setback requirements:

- a. Minimum front yard setback, commercial uses: none except where adjoining a residential zone, in which case it shall be 15 feet. See next section for maximum front yard setback for commercial uses.
- b. Minimum side and rear yard setbacks, commercial uses: none except where adjoining a residential zone in which case there shall be a visual buffer strip of at least ten feet wide to provide a dense evergreen landscape buffer which attains a mature height of at least eight feet. Such buffers must conform to the standards in Section 3.2, Landscaping, Trees, Fences and Walls.
- c. Minimum front yard setback, residential uses: 15 feet.
- d. Minimum side yard setback, residential uses: 8 feet.

- e. Minimum corner lot street side yard setback, residential use: 8 feet.
- f. Minimum rear yard setback, residential uses: 15 feet except accessory structures that meet the criteria of Section 5.3.110 may extend to within five feet of a rear property line.
- g. Minimum corner lot rear yard setback, residential uses: 10 feet.

Section 2.5.135 Design Standards

The following Design Standards are applicable in the C-1 zone:

- a. Duplexes and triplexes shall comply with the standards of Chapter 3.17.
- b. Multi-family housing developments shall comply with standards of Chapter 3.18.
- c. Lots fronting onto US Highway 101 shall have a setback of at least 50 feet between any part of the proposed building and the nearest right-of-way line of US Highway 101.
- d. Signs in General Commercial Districts along Fort Stevens Highway/State Highway No. 104 (i.e., S. Main Ave., N. Main Ave., NW Warrenton Dr., and Pacific Drive) shall comply with the special sign standards of Section 3.7.4(d).
- e. Maximum front yard setback for commercial buildings in the C-1 zone along Ft. Stevens Hwy./State Hwy. 104 shall be 10 feet.

2.5.140 Other Applicable Standards

- (1) Outside sales and service areas must be approved by the Warrenton Planning Commission if not enclosed by suitable vegetation, fencing or walls.
- (2) Outside storage areas will be enclosed by suitable vegetation, fencing or walls, in conformance with Chapter 3.2.
- (3) All uses will comply with access and parking standards in Chapter 3.3 except as may be permitted by conditional use or variance.
- (4) Signs will comply with standards in Chapter 3.7.
- (5) All development shall comply with the wetland and riparian area protection standards of Chapter 3.10.
- (6) All other applicable Development Code requirements will also be satisfied.

Chapter 2.6 — Commercial Mixed Use (C-MU) District

Sections:

- 2.6.100 Purpose and Applicability
- 2.6.110 Permitted Land Uses
- 2.6.120 Conditional Uses
- 2.6.130 Development Standards
- 2.6.150 Other Applicable Standards

2.6.100 Purpose and Applicability

A. Purpose: A city goal 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. This chapter provides standards for the orderly improvement of mixed-use commercial areas based on the following policies:

- Use land and urban services efficiently;
- Support a mixture of land uses to encourage walking as an alternative to driving, and provide more employment and housing options; and
- Allow certain commercial uses amongst existing residential uses that are compatible with, and add interest to, the established residential character of the area;

B. The Commercial Mixed-Use District applies to the following area:

Those properties bounded by 4th and 9th Streets along S. Main Avenue (Ft. Stevens Hwy./State Hwy. 104) extending west to, and including, the easterly half of the old railroad right-of-way and extending east to the Skipanon River's A-2 (Aquatic Conservation) zoning district.

2.6.110 Permitted Land Uses

The following uses and their accessory uses are permitted in the C-MU District if the Zoning Administrator determines that the uses conform to the standards in Section 2.6.130 through 2.6.190, applicable Zoning Ordinance standards, and other City laws:

Residential

- (1) Single-family detached dwelling with covered parking in accordance with Chapter 3.16 on lots not having direct frontage on, or taking direct access from, a state highway.
- (2) Single-family attached housing with covered parking in accordance with Chapter 3.16 and subject to standards of Chapter 3.17.
- (3) Duplex with covered parking in accordance with Chapter 3.16 and subject to standards of Chapter 3.17.

- (4) Triplex with covered parking in accordance with Chapter 3.16 and subject to standards of Chapter 3.17.
- (5) Multi-family dwelling and multi-family housing development subject to standards of Chapter 3.18.
- (6) Family daycare and daycare center.
- (7) Home Occupation.
- (8) Single Family Residences existing prior to April 2, 1997 may be repaired, remodeled, expanded, or replaced if damaged so long as building permits are attained within 12 months of the date of discontinuance.

Public and Institutional

- (9) Church, synagogue, or other place of worship.
- (10) Clubs, lodges, similar uses.
- (11) Government buildings and uses.
- (12) Libraries, museums, community centers, and similar uses.
- (13) Public parking lots and garages, subject to design standards in Section 3.2.3(E).
- (14) Public and private utility structures.
- (15) Transportation facilities and improvements subject to the standards of Section 2.0.4.

Commercial

- (16) Personal and business service establishments such as a barber or beauty shop, clothes cleaning or a funeral home.
- (17) Professional, financial, business and medical offices. Drive-through facilities are not permitted within the C-MU District.
- (18) Retail business establishments and processing uses (e.g., bakery) of goods sold on site.
- (19) Amusement enterprises such as a theater or bowling alley.
- (20) Technical, professional, vocational and business schools.
- (21) Eating and drinking establishments. Drive-through facilities are not permitted within the C-MU District.

- (22) Hotel, motel or other tourist accommodation, including bed and breakfast.

2.6.120 Conditional Uses

The uses listed under 2.6.110 and their accessory uses may be permitted in the C-MU District when approved under Section 4.4, Conditional Uses:

- (1) Cabinet, carpenter, woodworking or sheet metal shops, fully enclosed in a building.
- (2) Building contractor shops, including plumbing, electrical and HVAC.
- (3) Research and development establishments.
- (4) Multiple (or mixed) uses on the same lot or parcel.
- (5) Multiple (or mixed) uses on adjoining lots or parcels.
- (6) Accessory dwelling subject to standards of Section 3.16.4

2.6.130 Development Standards

The following development standards are applicable in the C-MU District:

- (1) Density Provisions:
 - a. Minimum lot size, commercial uses: none.
 - b. Minimum lot size, residential uses: Same as in Section 2.4.130.
 - c. Minimum lot size, multiple-use commercial and residential developments (commercial & residential uses on the same lot): Same as in Section 2.4.130.
 - d. Minimum lot width, commercial uses: none.
 - e. Minimum lot width at the front building line, residential uses: Same as in Section 2.4.130.
 - f. Minimum lot depth, commercial uses: none.
 - g. Minimum lot depth, residential uses: Same as in Section 2.4.130.
 - h. Maximum building height: 45 feet.
 - i. Lot Coverage: Commercial Uses and Multiple Uses - There is no maximum lot coverage requirement, except that compliance with other sections of this code may preclude full (100 percent) lot coverage for some land uses.
 - j. Lot Coverage: Residential Uses – Not more than 55% of the lot area shall be covered by buildings, except as may be permitted by conditional use or variance.

- (2) Setback requirements (Residential and Multiple Uses):
 - a. Minimum front yard setback: 15 feet.
 - b. Minimum side yard setback: 8 feet.
 - c. Minimum corner lot street side yard setback: 8 feet.
 - d. Minimum rear yard setback: 15 feet except accessory structures that meet the criteria of Section 5.3.110 may extend to within five feet of a rear property line.

- (3) Setback requirements (Commercial Use):
 - a. Minimum front yard setback: None.
 - b. Minimum side yard setback: None except where adjoining a residential zone in which case there shall be a visual buffer strip of at least 10 feet wide to provide a dense evergreen landscape buffer which attains a mature height of at least eight feet. Such buffers must conform to the standards in Section 3.2, Landscaping, Trees, Fences, and Walls.
 - c. Minimum rear yard setback: None except where adjoining a residential zone in which case there shall be a visual buffer strip of at least 10 feet wide to provide a dense evergreen landscape buffer which attains a mature height of at least eight feet. Such buffers must conform to the standards in Section 3.2, Landscaping, Trees, Fences, and Walls.

2.6.140 Other Applicable Standards

- (1) A mixed-use commercial district shall be located no closer than ¼ mile from another mixed-use commercial district.
- (2) Mixed-use commercial districts shall have frontage onto a state highway.
- (3) Outside sales and service areas must be approved by the Warrenton Planning Commission if not enclosed by suitable vegetation, fencing or walls.
- (4) Outside storage areas will be enclosed by suitable vegetation, fencing or walls, in conformance with Chapter 3.2.
- (5) All uses will comply with access and parking standards in Section 3.3 except as may be permitted by conditional use or variance.
- (6) Signs will comply with standards in Chapter 3.7.
- (7) All development shall comply with the wetland and riparian area protection standards of Chapter 3.10.

- (8) All other applicable Development Code requirements will also be satisfied.

Chapter 2.7 — Marine Commercial (C-2) District

Sections:

- 2.7.100 Purpose
- 2.7.110 Permitted Land Uses
- 2.7.120 Conditional Uses
- 2.7.130 Development Standards

2.7.100 Purpose

The Marine Commercial Shorelands Zone is reserved for water-dependent developments and associated uses on shorelands adjoining certain portions of the Skipanon waterway. A mixture of water-dependent uses are allowed, including commercial service and storage, and recreation-oriented uses. Marine Commercial Shoreland areas have unique characteristics that make them especially suited for water-dependent development. Characteristics that contribute to suitability for water-dependent development include:

- (1) Deep water close to shore with supporting land transportation facilities suitable for ship and barge facilities;
- (2) Potential for aquaculture;
- (3) Protected areas subject to scour which would require little dredging for use as marinas;
- (4) Potential for recreational utilization of coastal waters or riparian resources.

2.7.110 Permitted Land Uses

The following uses and activities and their accessory uses and activities are permitted in the C-2 zone if the zoning administrator determines that the uses conform to the standards in Section 2.7.130, applicable Development Code Standards, and other City laws:

- (1) Water-dependent commercial uses, including but not limited to:
 - a. Marina or moorage facilities
 - b. Boat building or repair
 - c. Marine fuel storage and dispensing
 - d. Marine equipment sales, repair or manufacture
 - e. Wharves, docks, piers, marine railways and ways
 - f. Cold storage, ice manufacturing
 - g. Warehousing or storage for marine equipment or seafood
 - h. Charter fishing services
 - i. Seafood processing.
- (2) Navigation aids.
- (3) Repair and maintenance of existing structures or facilities.

- (4) Land falls and access corridors for submerged cable, sewer line, water line or other pipeline crossing.
- (5) New dikes limited to those in conjunction with uses permitted in the C-2 Zone.
- (6) Storm water or waste-water outfall.
- (7) Structural shoreline stabilization.
- (8) Water-dependent portions of an aquaculture facility.
- (9) Public utility structure.
- (10) Marine research and education facility.
- (11) Excavation to create new water surface area.
- (12) Public access improvements, as specified in public access plans.
- (13) Land transportation facilities and improvements.
- (14) Passive restoration facilities.

2.7.120 Conditional Uses

The following uses and activities and their accessory uses and activities may be permitted in the C-2 zone when approved under Section 4.4 - Conditional Uses. These uses are also subject to the provisions of Section 2.7.130, Development Standards:

- (1) Beach nourishment at sites designated in the Comprehensive plan.
- (2) Mitigation, restoration, creation and enhancement.
- (3) Dredged material disposal.
- (4) Water-related uses.
- (5) A temporary use utilizing existing structures or involving new facilities, which require minimal capital investment in accordance with Section 4.9.1, Temporary Permits.
- (6) Water-dependent industrial or port use.
- (7) Communication facilities subject to the standards of Chapter 3.8.

2.7.130 Development Standards

The following standards are applicable in the C-2 zone:

- (1) Density: The lot area will be established on a case-by-case basis, with consideration given to such factors as parking, landscaping and open space needs of the involved uses.

- (2) Setback and Buffer Requirements: Where the C-2 Zone adjoins a residential zone, there shall be a visual buffer strip at least ten feet wide to provide for a dense evergreen landscape buffer which attains a mature height of at least eight feet.
- (3) All uses must satisfy applicable Columbia River Estuary Shoreland and Aquatic Area Development Standards in Chapter 3.11.
- (4) All uses will comply with access and parking standards in Chapter 3.3.
- (5) Signs will comply with standards in Chapter 3.7.
- (6) Outside sales, service or storage areas will be enclosed by suitable vegetation, fencing or walls, unless approved by the Planning Commission.
- (7) All other applicable Zoning Ordinance requirements will also be satisfied.
- (8) Uses and activities that are not water-dependent shall not preclude or conflict with existing or probable future water-dependent use on the site or in the vicinity.
- (9) The maximum building height shall be 45 feet above grade.
- (10) When a proposal includes several uses, they shall be reviewed in aggregate under the more stringent procedure.
- (11) Uses that are water-dependent must meet the criteria in Section 3.11.18(1). Uses that are water-related must meet the criteria in Section 3.11.18(2).
- (12) All development shall comply with the wetland and riparian area protection standards of Chapter 3.10.

Chapter 2.8 — Open Space and Institutional (OSI) District

Sections:

- 2.8.100 Purpose
- 2.8.110 Permitted Land Uses
- 2.8.120 Conditional Uses
- 2.8.130 Development Standards

2.8.100 Purpose

The purpose of the Open Space & Institutional zone is to provide for development, use and management of parks, school grounds, golf courses, cemeteries and other relatively large tracts of publicly-used land. This zone includes those areas that were in Hammond's Recreation & Open Space Zone.

2.8.110 Permitted Land Uses

The following uses and activities and their accessory uses and activities are permitted in the OSI Zone if the zoning administrator determines that the uses conform to the standards of Section 2.8.130, applicable Development Code standards, and other City laws:

1. Maintenance and repair of existing facilities.
2. Uses and activities allowed under the applicable City-approved management plan for the facility.
3. Replacement and repair of existing public recreational park facilities or construction of minor betterment and improvements to existing park facilities which do not cause an increase in overall visitor capacity or have significant land use impacts (e.g., shelter, restrooms, replacement or repair of existing roads and parking spaces).
4. Outdoor recreation.
5. Temporary uses subject to the provisions of Chapter 4.9.
6. Government buildings and uses.
7. Transportation facilities and improvements subject to the standards of Section 2.0.4.

2.8.120 Conditional Uses

The following uses and activities and their accessory uses and activities may be permitted in the OSI Zone when approved under Section 4.4, and subject to the provisions in Section 2.8.130, Development Standards:

1. Development of new facilities or uses not included in the applicable City-approved management plan.
2. Amendments to a site management plan.

3. Golf Course
4. Communication facilities subject to the standards of Chapter 3.8.
5. Construction of new park facilities or existing public recreational park expansions which increase overall visitor capacity or which have significant land use impact (e.g., new campgrounds, picnic areas, new roads).

2.8.130 Development Standards

The following standards are applicable in the OSI zone:

1. Setbacks: the minimum setback from the property line for buildings is 15 feet.
2. Lot Coverage: Buildings shall cover not more than 50 percent of the lot area.
3. Building heights: No building shall exceed a height of 30 feet above grade.
4. All uses shall comply with access requirements, signs standards, parking and loading standards in Chapters 3.3 and 3.7.
5. Conditional Uses shall meet the requirements in Section 4.4.
6. Large scale developments shall satisfy requirements in Section 4.5, Master Planned Developments.
7. All development shall comply with the wetland and riparian area protection standards of Chapter 3.10.
8. All other applicable ordinance requirements shall be satisfied.

Chapter 2.9 — Recreational Commercial (R-C) District

Sections:

- 2.9.100 Purpose
- 2.9.110 Permitted Land Uses
- 2.9.120 Conditional Uses
- 2.9.130 Development Standards

2.9.100 Purpose

The purpose of the Recreational — Commercial zone is to provide for water-dependent and water-related development along certain shorelands in Warrenton near the Hammond Marina and the Skipanon River marinas. Water-dependent recreational and tourist-related commercial development have the highest priority in the Recreational — Commercial zone. Other uses may be allowed so long as they do not preempt water-dependent uses. Lands in the Town of Hammond's C-2 zone are in this zone.

2.9.110 Permitted Land Uses

The following uses and activities and their accessory uses and activities are permitted in the RC Zone if the zoning administrator determines that the uses conform to the standards of Section 2.9.130, applicable Zoning Ordinance standards, and other City laws:

1. Low-intensity water-dependent recreation.
2. Navigational aids.
3. Passive restoration measures.
4. Maintenance and repair of existing structures and facilities.
5. Temporary dike for emergency flood protection, limited to 60 days, subject to state and federal regulations.
6. Hotel/conference center and associated facilities.
7. Shoreline stabilization.
8. Water-related recreational, commercial and industrial uses including, but not limited to:
 - a. Seafood market;
 - b. Boat and/or marine equipment sales establishments;
 - c. Retail trade facilities used for the sale of products such as ice, bait, tackle, charts, groceries and gasoline;
 - d. Cold storage facility;

- e. Warehousing and/or other storage areas for marine equipment;
 - f. Charter fishing office;
 - g. Sports fish cleaning establishment.
9. Landfalls and access corridors for submerged cable, sewer line, water line or other pipeline crossing.
 10. Dredged material disposal.
 11. Excavation to create new water surface area.
 12. Beach nourishment at a designated site.
 13. Transportation facilities and improvements subject to the standards of Section 2.0.4.

2.9.120 Conditional Uses

The following uses and activities and their accessory uses and activities may be permitted in the RC Zone when approved under Chapter 4.4, and subject to the provisions in Section 2.9.130, Development Standards:

1. Water-dependent recreation.
2. Storm water and waste water outfall; tidegates
3. Public utility structures.
4. Communication facilities subject to the standards of Chapter 3.8.
5. Marine research and/or education establishment.
6. Restaurants.
7. Multi-family dwelling and multi-family housing developments subject to standards of Chapter 3.18.
8. Single-family attached housing with no less than four dwelling units subject to standards of Chapter 3.17.
9. Temporary uses which involve minimal capital investment and no permanent structure, or a use in conjunction with and incidental to a water-dependent use, and meeting the requirements of Section 4.9.1.
10. Mitigation, restoration, creation and enhancement.
11. Residences as an accessory use to another permitted use, and occupied by the owner or operator of the primary use.

2.9.130 Development Standards

The following standards are applicable in the RC zone:

1. No use will be allowed in the RC zone unless it meets one or more of the following criteria:
 - a. The use is a water-dependent use — which means that it can only be carried out on, in, or adjacent to water and the location or access is needed for water-borne transportation, recreation, a source of water, or marine research/education.
 - b. The use provides goods and/or services directly associated with water-dependent uses; and, if not located near the water, would experience a public loss of quality in the goods and services offered.
 - c. The use can demonstrate that it provides a needed service for users of the Hammond Marina.
 - d. The use is an accessory use important to the operations of the principal use.
 - e. The use is a temporary use meeting the requirements of Section 4.9.1.
2. Yards: the minimum yard depth for portions of the property abutting a public right-of-way or non-commercial district is 15 feet.
3. Lot Coverage: Buildings shall cover not more than 75 percent of the lot area.
4. Landscaped open area: A minimum of five percent of the total lot area will be maintained as landscaped open area.
5. Building heights: No building shall exceed a height of 40 feet above grade.
6. All uses shall satisfy applicable aquatic and shoreland standards in Chapter 3.11. Where the proposal involves several uses the standards applicable to each use shall be satisfied (e.g., dredge, fill, shoreline stabilization, piling installation or other activities in conjunction with an aquaculture facility shall be subject to the respective standards for these activities.)
7. Uses that are not water-dependent shall not preclude or conflict with existing or probable future water-dependent use on the site or in the vicinity.
8. All uses shall comply with access requirements, signs standards, parking and loading standards in Chapter 3.7.
9. Conditional Uses shall meet the requirements in Chapter 4.4.
10. Large-scale developments shall satisfy requirements in Chapter 3.19.

11. Multi-family dwellings and multi-family housing developments shall meet the development standards of Section 2.5.130 and Chapter 3.18.
12. Attached single-family dwellings shall comply with development standards of Section 2.5.130 and design standards of Chapter 3.17.
13. All development shall comply with the wetland and riparian area protection standards of Chapter 3.10.
14. All other applicable Code requirements shall be satisfied.

Chapter 2.10 — General Industrial (I-1) District

Sections:

2.10.100	Purpose
2.10.110	Permitted Land Uses
2.10.120	Conditional Uses
2.10.130	Development Standards

2.10.100 Purpose

The purpose of the General Industrial Zone is to provide sites for light, heavy, and airport-related industrial activities in the City of Warrenton. These areas are suitable for uses involving manufacturing, fabrication, processing, transshipment and bulk storage. General Industrial areas are near or adjacent to arterial transportation corridors.

2.10.110 Permitted Land Uses

The following uses and activities and their accessory uses and activities are permitted in the I-1 Zone if the zoning administrator determines that the uses conform to the standards of Section 2.10.130, applicable Zoning Ordinance standards, and other City laws:

- (1) Production, processing, assembling, packaging or treatment of such products as food products, pharmaceutical, hardware and machine products.
- (2) Production, processing, assembling, packaging or treatment of articles and products from previously-prepared or semi-finished materials, such as paper, wood, rubber, plastics, fibers and sheet metal.
- (3) Research and development laboratories.
- (4) Printing facilities.
- (5) Public utility facilities such as power stations, sewage and water treatment plants.
- (6) Storage and distribution services and facilities including truck terminals, warehouses and storage buildings and yards, contractor's establishments, lumber yards and sales or similar uses.
- (7) Automobile and vehicle repair, welding and service part facilities.
- (8) Airport support structures: hangars, weather stations, fuel terminals storage buildings, etc.
- (9) Mini-warehouses or similar storage uses.
- (10) Contractor shop or equipment storage yard for storage and rental of equipment commonly used by a contractor.
- (11) Cabinet, carpenter, woodworking, sheet metal shops or similar establishments.

- (12) Professional, financial or business offices.
- (13) Public utility structure.
- (14) Government buildings and uses.
- (15) Passive restoration.
- (16) Government buildings and uses.
- (17) Fairgrounds.
- (18) Transportation facilities and improvements subject to the standards of Section 2.0.4.

2.11.120 Conditional Uses

The following uses and activities and their accessory uses and activities may be permitted in the I-1 Zone when approved under Section 4.4, and subject to the provisions in Section 2.10.130, Development Standards:

- (1) Heavy fabrication of finished or semi-finished products from raw materials.
- (2) Airport runway extensions or relocations.
- (3) One caretaker unit for each primary industrial use on a lot or parcel subject to the following conditions:
 - a. The unit shall be served with public water and sanitary sewerage disposal, in conformance with city engineering and public works requirements.
 - b. The unit shall meet all applicable fire, safety, and building code requirements.
 - c. The unit shall be located no closer than 10 feet to any property line.

2.10.130 Development Standards

The following standards are applicable in the I-1 zone:

- (1) Air quality: the air quality standards set by the Department of Environmental Quality shall be the guiding standards in this zone, except that open burning is prohibited in any case.
- (2) Noise: as may be permitted under all applicable laws and regulations.
- (3) Storage: all materials, including wastes, shall be stored and maintained in a manner that will not attract or aid the propagation of insects or rodents or other animals or birds, or otherwise create a health hazard or nuisance.

- (4) Fencing: will be allowed inside a boundary planting screen and where it is necessary to protect property of the use concerned or to protect the public from a dangerous condition. Proposed fence locations and design shall be subject to City review.
- (5) Buffer: where this zone adjoins another non-industrial zone there shall be a buffer area at least ten feet wide to provide a dense evergreen landscape buffer which attains a mature height of eight feet, or such other screening measures as may be prescribed by the City in the event differences in elevation or other circumstances should defeat the purpose of this requirement.
- (6) Vibration: no vibration other than that caused by highway vehicles, trains and aircraft shall be permitted which is discernible without instruments at the property line of the use concerned.
- (7) Airport interference: no use shall create electrical or lighting interference with the operations of the Port of Astoria Airport.
- (8) Setbacks: the minimum front, side and rear yard setbacks shall be ten feet. When across a street from a non-industrial zone the setback from the property line shall be ten feet. When abutting a non-industrial zone shall be as follows:
 - a. 50 feet for buildings and other structures more than ten feet in height;
 - b. 30 feet for buildings and structures more than six feet high but not more than ten feet high; and
 - c. Ten feet for structures no more than six feet high (except fences no more than six feet high may be on the property line).
- (9) All development shall comply with the wetland and riparian area protection standards of Chapter 3.10.
- (10) Building height: the maximum building height shall be 45 feet, except that it may be lower under either of the following circumstances:
 - (a) Within 100 feet of a non-industrial zone, where the maximum building height shall be the same as the maximum building height in that zone.
 - (b) Within the Airport Hazard overlay zone, where the maximum building height is described by the Airport Hazard overlay zone.
- (11) All other applicable Code requirements shall be satisfied.

Chapter 2.11 — Water Dependent Industrial Shorelands (I-2) District

Sections:

- 2.11.100 Purpose
- 2.11.110 Permitted Land Uses
- 2.11.120 Conditional Uses
- 2.11.130 Development Standards

2.11.100 Purpose

Water-Dependent Industrial Shoreland areas have unique characteristics that make them especially suited for water-dependent development. Characteristics that contribute to suitability for water-dependent development include:

- (1) deep water close to shore with supporting land transportation facilities suitable for ship and barge facilities;
- (2) potential for aquaculture;
- (3) protected areas subject to scour which would require little dredging for use as marinas;
- (4) potential for recreational utilization of coastal waters or riparian resources.

Uses of Water-Dependent Industrial Shorelands areas shall maintain the integrity of the estuary and coastal waters. Water-dependent uses receive highest priority, followed by water-related uses. Uses which are not water-dependent or water-related are provided for, but only when they do not foreclose options for future higher priority uses and do not limit the potential for more intensive uses of the area.

2.11.110 Permitted Land Uses

The following uses and activities and their accessory uses and activities are permitted in the I-2 zone if the zoning administrator determines that the uses conform to the standards in Section 2.11.130, applicable Zoning Ordinance standards, and other City laws:

- (1) The following water-dependent industrial or port uses:
 - a. Industrial docks, piers, moorage facilities.
 - b. Marine cargo transfer facilities.
 - c. Seafood receiving and processing.
- (2) Navigation aids.
- (3) Repair and maintenance of existing structures or facilities.

- (4) Land falls and access corridors for submerged cable, sewer line, water line, or other pipeline crossing.
- (5) New dikes limited to those in conjunction with uses permitted in the I-2 Zone.
- (6) Land transportation facilities and improvements.
- (7) Storm water or waste water outfall.
- (8) Shoreline stabilization.
- (9) Water-dependent portions of an aquaculture facility.
- (10) Public utility structure.
- (11) Marine research and education facility.

2.11.120 Conditional Uses

The following uses and activities and their accessory uses and activities may be permitted in the I-2 zone when approved under Section 4.4, Conditional Uses. These uses are also subject to the provisions of Section 2.11.130, Development Standards.

- (1) Temporary uses involving an existing structure; a removable structure (such as a trailer); or involving minimal capital investment.
- (2) Beach nourishment at sites designated in this plan.
- (3) Mitigation, restoration, creation and enhancement.
- (4) Dredged material disposal.
- (5) Water-related uses.
- (6) Water-dependent commercial uses.
- (7) Passive restoration measures.
- (8) Excavation to create new water surface area.
- (9) Public access improvement projects, as specified in public access plans.
- (10) The following water-dependent industrial or port uses:
 - a. Marine fuel storage and dispensing.
 - b. Forest products processing, storage and loading.
- (11) Communication facilities subject to the standards of Chapter 3.8.

2.11.130 Development Standards

The following standards are applicable in the I-2 zone:

- (1) All uses shall satisfy applicable Columbia River Estuary Aquatic and Shoreland Area Development Standards in Section 3.11.
- (2) When a proposal includes several uses, they shall be reviewed in aggregate under the more stringent procedure.
- (3) Uses and activities that are not water-dependent shall not preclude or conflict with existing or probable future water-dependent use on the site or in the vicinity.
- (4) Water-dependent recreation shall be located so as not to interfere with water-dependent marine industrial uses of the area.
- (5) All uses must meet applicable state and federal air quality and noise laws or regulations.
- (6) Storage: All materials, including wastes, shall be stored and maintained in a manner that will not attract or aid the propagation of insects or rodents or other animals or birds, or otherwise create a health hazard or nuisance.
- (7) Fencing: Will be allowed inside a boundary planting screen and where it is necessary to protect property of the use concerned, or to protect the public from a dangerous condition, with the following provisions:
 - a. No fence shall be constructed in the required setback from the public road right-of-way, unless otherwise specifically approved by the Planning Commission.
 - b. Fences shall be aesthetically compatible with the surrounding property.
- (8) Buffer: No requirement except where adjoining a residential zone in which case there shall be a visual buffer strip at least ten feet wide to provide a dense evergreen landscape buffer which attains a mature height of at least eight feet.
- (9) Lighting: Exterior lighting shall be directed away from zones other than I-1 or I-2, unless otherwise approved.
- (10) Density: The minimum lot area shall be one acre.
- (11) Setback requirements: No minimum setback required except where adjoining a residential zone. The following minimum setbacks are required when abutting a residential zone:
 - a. 50 feet for buildings and other structures more than ten feet in height;
 - b. 30 feet for buildings and structures more than six feet high but not more than ten feet high; and

- c. Ten feet for structures no more than six feet high.
- (12) Height: There is no height limitation except:
- a. Within 100 feet of a zone other than I-1 or I-2, in which case the maximum height shall be the same height as the abutting district; or
 - b. Within the Airport Hazard Overlay Zone, in which case the maximum height shall be governed by the Airport Hazard Overlay Zone height restrictions.
- (13) Vibration: No vibration other than that caused by highway vehicles, trains, and aircraft shall be permitted which is discernible without instruments at the property line of the use concerned.
- (14) Heat and glare: Except for exterior lighting, operations producing heat or glare shall be conducted entirely within an enclosed building.
- (15) Industrial activities may be carried on either outside or inside enclosed structures, but the impact of such activities on surrounding properties shall be minimized by taking into consideration screening and other possibilities for buffering.
- (16) Other Standards: All other standards, including those pertaining to signs, off-street parking and loading requirements, shall apply as set forth in Chapter 3.3 and Chapter 3.7.
- (17) Proposals for development in the area covered by the 1981 Mediation Panel Agreement must meet the requirements of the Agreement.
- (18) Uses that are water-dependent must meet the criteria in Section 3.11.18(1). Uses that are water-related must meet the criteria in Section 3.11.18(2).
- (19) Uses and activities permitted under Section 2.11.110 of this zone are subject to the public notice provisions of Section 4.1.4C if an impact assessment is required pursuant to Section 3.11, or if the zoning administrator determines that the permit decision will require interpretation or the exercise of factual, policy or legal judgment.
- (20) All developments shall comply with the wetland and riparian area protection standards of Chapter 3.10.

Chapter 2.12 — Urban Recreational/Resort (URR) District

Sections:

- 2.12.100 Purpose
- 2.12.110 Permitted Land Uses
- 2.12.120 Conditional Uses
Development Standards

2.12.100 Purpose

The purpose of the Urban Recreation/Resort Zone is to control development on certain shoreland areas designated Other Urban Shorelands in the Comprehensive Plan. This zone is appropriate for large tracts of land suitable for development of the uses listed in this zone.

2.12.110 Permitted Land Uses

The following uses and their accessory uses are permitted outright in this zone subject to the development standards of this zone, other applicable development standards in the City's ordinances, and state and federal regulations:

1. Golf courses.
2. Driving range.
3. Tennis courts.
4. Eating and drinking establishments as part of a golf course.
5. Overnight lodging, but not including recreation vehicle (RV) parks.
6. Pedestrian, bicycle or equestrian trails.
7. Transportation facilities and improvements subject to the standards of Section 2.0.4.

2.12.120 Conditional Uses

The following uses and their accessory uses may be permitted as conditional uses subject to the Conditional Use Criteria and Standards in Section 4.4, the development standards of this zone, other applicable development standards in the City's ordinances, and state and federal regulations:

1. Single-family and multi-family residences as part of a master planned development that also includes a golf course.
2. Retail uses related to the primary recreational activity in this zone.
3. Eating and drinking establishments other than those permitted under Section 2.12.110(4) of this zone.
4. Conference center.

2.13.130 Development Standards

1. Off-street parking shall be provided in accordance with Section 3.3.
2. Landscaping shall be provided in accordance with Section 3.2.
3. Storm-water drainage plans shall be reviewed by the City prior to issuance of any development permits in this zone that result in new or enlarged impervious surfaces, or alter existing drainage patterns.
4. Site plans shall be reviewed for consistency with wetland conservation measures in the City's comprehensive plan and Development Code, including Chapter 3.10, prior to issuance of a development permit.
5. Projects in this zone requiring wetland fill permits from the Oregon Division of State Lands or the US Army Corps of Engineers must be reviewed by the City for consistency with this zone and other applicable City development standards and requirements.
6. Development in this zone must demonstrate that the proposed site plans provide for the development of an ADA-compliant waterfront trail consistent with the 1994 Warrenton Waterfront Revitalization Plan.
7. A traffic impact study is required for any conditional use or outright use approved in this zone. Traffic mitigation measures identified in the traffic impact study must be included as approval conditions of the project.

Chapter 2.13 — Aquatic Development (A-1) District

Sections:

- 2.13.100 Purpose
- 2.13.110 Permitted Land Uses
- 2.13.120 Conditional Uses
- 2.13.130 Development Standards

2.13.100 Purpose

The purpose of the Aquatic Development Zone is to provide for navigation and other identified needs for public, commercial, and industrial water-dependent uses in the Columbia River Estuary. The objective of the Aquatic Development Zone is to ensure optimum utilization of appropriate aquatic areas by providing for intensive development. Such areas include deep-water adjacent to or near the shoreline, navigation channels, subtidal areas for in-water disposal of dredged material, areas of minimal biological significance needed for uses requiring alteration of the estuary, areas that are not in Aquatic Conservation or Aquatic Natural Zones, and areas for which an exception to Statewide Planning Goal 16, Estuarine Resources, has been adopted.

2.13.110 Permitted Land Uses

The following uses and activities and their accessory uses and activities are permitted in the A-1 Zone if the zoning administrator determines that the uses conform to the standards in Section 2.13.130, applicable Development Code standards, and other City laws:

- (1) Water-dependent commercial or industrial uses, including in-water log storage and industrial piers and wharves.
- (2) Navigational structures.
- (3) Water-dependent public recreational facilities, including boat ramps, docks, moorages and marinas for commercial and recreational marine craft.
- (4) Shoreline stabilization.
- (5) Flowlane disposal of dredged material.
- (6) Pipelines, cables, and utility crossings.
- (7) Stormwater and treated waste water outfalls.
- (8) Temporary dike for emergency flood protection limited to 60 days subject to state and federal requirements.
- (9) New dike construction.
- (10) Maintenance and repair of existing structures or facilities.

- (11) Dredging and filling, pursuant to the applicable standards in Section 3.11.4 for any of the permitted uses 1 through 11 listed above.
- (12) The following water-related commercial and industrial uses:
 - a. Boat and/or marine equipment sales;
 - b. Fish or shellfish retail or wholesale outlet;
 - c. Charter fishing offices;
 - d. Sports fish cleaning, smoking, or canning establishment;
 - e. Retail trade facilities for the sale of products such as ice, bait, tackle, gasoline or other products incidental to or used in conjunction with a water-dependent use;
 - f. Restaurants which provide a view of the waterfront, and which are in conjunction with a water-dependent use such as a marina or seafood processing plant;
 - g. Cold storage and/or ice-processing facilities independent of seafood processing facilities.
- (13) Navigation aids.
- (14) Piling as necessary for any of the permitted uses 1 through 14 listed above.
- (15) Bridge crossings.

2.13.120 Conditional Uses

The following uses and activities and their accessory uses and activities may be permitted in the A-1 zone when approved under Section 4.4, Conditional Uses. These uses and activities are also subject to the provisions of Section 2.13.130, Development Standards. These uses and activities may be permitted if found consistent with the purpose of this zone and with the purpose of adjacent shoreland zones.

- (1) Mining and mineral extraction.
- (2) Active restoration.
- (3) Bridge crossing support structures.
- (4) Aquaculture and water-dependent portions of aquaculture facilities.
- (5) In-water log dump.
- (6) A use for which an exception to the Estuarine Resources Goal has been adopted as an amendment to the Warrenton Comprehensive Plan.

- (7) Dredged material disposal at sites designated for dredged material disposal in the Comprehensive Plan.
- (8) Covered moorage in an approved marina.
- (9) Dredging and filling, pursuant to the applicable standards in Section 3.11, for any of the conditional uses 1 through 8 listed above.
- (10) Water-related recreational uses.
- (11) Water-related commercial or industrial uses other than those listed under Section 2.13.110(13) of this zone.
- (12) Communication facilities subject to the standards of Chapter 3.8.
- (13) Piling as necessary for any of the conditional uses 1 through 12 listed above.
- (14) Temporary uses.

2.13.130 Development Standards

The following standards are applicable in the A-1 zone:

- (1) All uses and activities must satisfy applicable Columbia River Estuary Aquatic and Shoreland Area Development Standards in Chapter 3.11.
- (2) A proposal involving several uses and activities shall be reviewed in aggregate under the more stringent procedure.
- (3) All applicable policies in the City's Comprehensive Plan, Mediation Agreement and Goal Exceptions shall be met.
- (4) All other applicable Code requirements shall be satisfied.
- (5) Uses that are not water-dependent shall be located either on a floating structure or on pilings, and shall not increase the need for fill if in association with a water-dependent use located on fill.
- (6) Uses that are not water-dependent shall not preclude or conflict with existing or probable future water-dependent uses on the site or in the vicinity.
- (7) Maximum height of structures shall be 60 feet above MLLW.
- (8) A proposal which requires new dredging, fill, in-water structures, rip-rap, new log storage areas, water intake, in-water disposal of dredged material, beach nourishment, or other activities which could affect the estuary's physical processes or biological resources is subject to an Impact Assessment, Chapter 3.12.

- (9) Uses that are water-dependent must meet the criteria in Section 3.11.18(1). Uses that are water-related must meet the criteria in Section 3.11.18(2).
- (10) Uses and activities permitted under Sections 2.13.110 or 2.13.120 of this zone are subject to the public notice provisions of Section 4.1.4C if an impact assessment is required pursuant to Section 3.12.1 through 3.12.3, or if a determination of consistency with the purpose of the A-1 Zone is required pursuant to Section 3.12.2(4), or if the zoning administrator determines that the permit decision will require interpretation or the exercise of factual, policy or legal judgment.

Chapter 2.14 — Aquatic Conservation (A-2) District

Sections:

2.14.100	Purpose
2.14.110	Permitted Land Uses
2.14.120	Conditional Uses
2.14.130	Development Standards

2.14.100 Purpose

The purpose of the Aquatic Conservation Zone is to conserve designated areas for long-term uses of renewable resources that do not require major alterations of the estuary, except for the purpose of restoration. They are managed for the protection and conservation of the resources found in these areas. The Aquatic Conservation Zone includes areas needed for the maintenance and enhancement of biological productivity, recreational resources, aesthetic features and aquaculture. The Aquatic Conservation Zone includes areas that are smaller or of less biological importance than Aquatic Natural areas. Areas that are partially altered and adjacent to existing moderate intensity development which do not possess the resource characteristics of other aquatic areas are also included in this Zone.

2.14.110 Permitted Land Uses

The following uses and activities and their accessory uses and activities are permitted in the A-2 Zone if the zoning administrator determines that the uses conform to the standards in Section 2.14.130, applicable Zoning Ordinance standards, and other City laws:

- (1) Estuarine enhancement.
- (2) Projects for the protection of habitat, nutrient, fish, wildlife and aesthetic resources.
- (3) Shoreline stabilization.
- (4) Boat ramps for public use where no dredge or fill is needed for navigational access.
- (5) Maintenance and repair of existing structures or facilities.
- (6) Bridge crossing support structures and dredging necessary for their installation and maintenance.
- (7) Beach nourishment at sites designated in the Comprehensive Plan.
- (8) Active restoration of fish habitat, wildlife habitat, or water quality.
- (9) Filling in conjunction with any of the permitted uses 1 through 9, above, pursuant to the applicable standards in Section 3.11.6.
- (10) Tide-gate installation and maintenance in existing functional dikes.

- (11) Dredging to obtain fill material for dike maintenance pursuant to the dike maintenance dredging standards.
- (12) Navigation aids.
- (13) Pipelines, cables, and utility crossings.
- (14) Water-dependent parts of an aquaculture facility which do not involve dredge or fill or other estuarine alterations other than incidental dredging for harvest of benthic species or removable in-water structures such as stakes or racks.
- (15) Dredging in conjunction with any of the permitted uses 1 through 15, above, pursuant to the applicable standards in Section 3.11.4.
- (16) Undeveloped low intensity water-dependent recreation.
- (17) Research and educational observation.
- (18) Piling in conjunction with any of the permitted uses 1 through 18 above.
- (19) Passive restoration.
- (20) Bridge crossing.
- (21) Temporary uses.

2.14.120 Conditional Uses

The following uses and activities and their accessory uses and activities may be permitted in the A-2 zone when approved under Section 4.4, Conditional Uses. The uses and activities are also subject to the provisions of Section 2.14.130, Development Standards. They are also subject to a Resource Capability Determination (Section 3.12.3) and Impact Assessment (Section 3.12.1).

- (1) High-intensity water-dependent recreation including boat ramps, marinas, and individual docks.
- (2) Aquaculture and water-dependent portions of aquaculture facilities.
- (3) Active restoration for purposes other than protection of habitat, nutrient, fish, wildlife and aesthetic resources.
- (4) Temporary alterations.
- (5) Filling in conjunction with conditional uses 1 through 4, above, pursuant to the applicable standards in Section 3.11.6.
- (6) Minor navigational improvement.
- (7) Mining and mineral extraction.

- (8) Dredging in conjunction with any of the conditional uses 1 through 7, above, pursuant to the applicable standards in Section 3.11.4.
- (9) Low-intensity water-dependent commercial or industrial uses requiring occupation of water-surface area by means other than fill.
- (10) In-water log storage.
- (11) Communication facilities subject to the standards of Chapter 3.8.
- (12) Piling in conjunction with any of the conditional uses 1 through 11, above.

2.14.130 Development Standards

The following standards are applicable in the A-2 zone:

- (1) All uses shall satisfy applicable Columbia River Estuary Aquatic and Shoreland Area Development Standards in Section 3.11.
- (2) A proposal involving several uses shall be reviewed in aggregate under the more stringent procedure.
- (3) All applicable policies in the City's Comprehensive Plan, the Mediation Agreement and Goal Exceptions shall be met.
- (4) A proposal which requires new dredging, fill, in-water structures, rip-rap, new log storage areas, water intake, in-water disposal of dredged material, beach nourishment, or other activities which could affect the estuary's physical processes or biological resources is subject to an Impact Assessment (Section 3.12.1).
- (5) All other applicable Development Code requirements shall also be satisfied.
- (6) The maximum height of structures in the A-2 Zone shall be 45 feet above MLLW.
- (7) Uses that are not water-dependent shall be located on a floating structure or on pilings, and shall not increase the need for fill if in association with a water-dependent use located on fill.
- (8) Uses that are not water-dependent shall not preclude or conflict with existing or probable future water-dependent development on the site or in the vicinity.
- (9) Uses that are water-dependent must meet the criteria in Section 3.11.18(1). Uses that are water-related must meet the criteria in Section 3.11.18(2).
- (10) Uses and activities permitted under Section 2.14.110 of this zone are subject to the public notice provisions of Section 4.1.4C if an impact assessment is required pursuant to Section 3.12.1 through 3.12.3, or if a determination of consistency with the purpose of the A-2 Zone is required pursuant to Section 3.12.2(4), or if the zoning administrator

determines that the permit decision will require interpretation or the exercise of factual, policy or legal judgment.

Chapter 2.15 — Aquatic Natural (A-3) District

Sections:

- 2.15.100 Purpose
- 2.15.110 Permitted Land Uses
- 2.15.120 Conditional Uses
- 2.15.130 Development Standards

2.15.100 Purpose

The purpose of the Aquatic Natural Zone is to assure the protection of significant fish and wildlife habitats; of continued biological productivity within the estuary; and of scientific, research, and educational needs. These areas are managed to preserve natural resources in recognition of dynamic, natural, geological, and evolutionary processes. Natural Aquatic areas include all major tidal marshes, tide flats, and seagrass and algae beds. The designation is intended to preserve those natural aquatic resource systems existing relatively free of human influence.

2.15.110 Permitted Land Uses

The following uses and activities and their accessory uses and activities are permitted in the A-3 Zone if the zoning administrator determines that the uses conform to the standards in Section 2.15.130, applicable Zoning Ordinance standards, and other City laws:

- (1) Low-intensity water-dependent recreation.
- (2) Passive restoration.
- (3) Navigational aid, such as beacons and buoys.
- (4) Vegetative shoreline stabilization.
- (5) Emergency repair to existing dikes.
- (6) Marine research and education.
- (7) Piling installation as necessary for permitted uses 1 through 6, above.

2.15.120 Conditional Uses

The following uses and activities and their accessory uses and activities may be permitted in the A-3 zone when approved under Section 4.4, Conditional Uses. They are also subject to the provisions of Section 2.15.130, Development Standards. These uses and activities are also subject to a Resource Capability determination (Section 3.12.3), and an Impact Assessment (3.12.1).

- (1) Maintenance and repair of existing structures or facilities.
- (2) Fill as necessary for conditional use number 1, above, pursuant to the applicable standards in Section 3.11.6.

- (3) Communication facilities subject to the standards of Chapter 3.8.
- (4) Active restoration.
- (5) Pipeline, cable and utility crossing.
- (6) Dredging as necessary for conditional uses 1 through 5, above, pursuant to the applicable standards in Section 3.11.4.
- (7) Aquaculture facilities limited to temporary removable structures which require no dredge or fill.
- (8) Piling as necessary for conditional uses 1 through 7, above.

2.16.130 Development Standards

The following standards are applicable in the A-3 zone:

- (1) All uses and activities shall satisfy applicable Columbia River Estuary Aquatic and Shoreland Area Development Standards in Section 3.11.
- (2) A proposal involving several uses shall be reviewed in aggregate under the more stringent procedure.
- (3) All applicable policies in the City's Comprehensive Plan, Mediation Panel Agreement and Goal Exceptions shall be met.
- (4) All other applicable Ordinance requirements shall also be satisfied.
- (5) A use which requires new dredging, fill, in-water structures, rip-rap, new log storage areas, water intake, in-water disposal of dredged material, beach nourishment, or other activities which could affect the estuary's physical processes or biological resources is subject to an Impact Assessment (Section 3.12.1).
- (6) Uses that are not water-dependent shall be located either on a floating structure or on pilings, and shall not increase the need for fill if in association with a water-dependent use located on fill.
- (7) Uses that are not water-dependent shall not preclude or conflict with existing or probable future water-dependent uses on the site or in the vicinity.
- (8) Maximum height of structures shall be 35 feet above MLLW.
- (9) Uses that are water-dependent must meet the criteria in Section 3.11.18(1). Uses that are water related must meet the criteria in Section 3.11.18(2).
- (10) Uses and activities permitted under Section 2.15.110 of this zone are subject to the public notice provisions of Section 4.1.4C if an impact assessment is required pursuant

to Section 3.12.1 through 3.12.3, or if a determination of consistency with the purpose of the A-3 Zone is required pursuant to Section 3.12.2(4), or if the zoning administrator determines that the permit decision will require interpretation or the exercise of factual, policy or legal judgment.

Chapter 2.16 — Coastal Lake and Freshwater Wetlands (A-5) District

Sections:

2.16.100	Purpose
2.16.110	Zone Boundaries
2.16.120	Permitted Land Uses
2.16.130	Conditional Uses
2.16.140	Development Standards

2.16.100 Purpose

The purpose of the Coastal Lake and Freshwater Wetland Zone is to assure the conservation of important shoreland and wetland biological habitats and conserve examples of different natural ecosystem types in the Clatsop Plains to assure a diversity of species and ecological relations. Low intensity uses which do not result in major alterations are appropriate in this zone. Low to moderate intensity recreation is appropriate in coastal lakes. This zone includes coastal lakes, significant non-estuarine freshwater marshes and important upland biological habitat.

2.16.110 Zone Boundaries

The A-5 zone shall be designated on the City of Warrenton Comprehensive Plan/Zone Map, and shall conform to the 1"=400' photo-contour maps entitled *Significant Shoreland and Wetland Biological Habitats* on file at the City of Warrenton and hereby adopted by reference.

2.16.120 Permitted Land Uses

The following uses and their accessory uses are permitted in the A-5 Zone if the zoning administrator determines that the uses conform to the standards in Section 2.16.140, applicable Zoning Ordinance Standards, and other City laws:

- (1) Low intensity recreation.
- (2) Passive restoration.
- (3) Vegetative shoreline stabilization.
- (4) Bridges and access roads.
- (5) Individual docks limited to 500 square feet for recreational or fishing use and necessary piling.
- (6) Submerged cable, sewer line, water line or other pipeline.
- (7) Maintenance and repair of existing structures.
- (8) Developed hiking or bicycle trails.

2.16.130 Conditional Uses

The following uses and activities and their accessory uses and activities may be permitted in the A-5 zone when approved under Section 4.4, Conditional Uses. These uses and activities are also subject to the provisions of Section 2.16.140, Development Standards.

- (1) Active restoration.
- (2) Structural shoreline stabilization limited to rip-rap.
- (3) Boat launch.

2.16.140 Development Standards

The following standards are applicable in the A-5 zone:

- (1) All uses shall satisfy applicable aquatic and shoreland standards in Article 5.
- (2) Uses that are not water-dependent or water-related shall be set back to the extent of riparian vegetation identified in the Comprehensive Plan and in accordance with the wetland and riparian area protection area standards of Chapter 3.10.
- (3) At such time that a development is proposed in the vicinity of an area designated Freshwater Wetland, the City may require a site investigation to determine the exact location of the zone boundary. The site investigation shall be performed by a qualified consultant or by a biologist from a state or federal resource management agency.
- (4) Development in this zone is subject to permit approval by the U.S. Army Corps of Engineers and by the Oregon Division of State Lands.
- (5) All other applicable Code requirements shall be met.

Chapter 2.17 — Flood Hazard Overlay (FHO) District

Sections:

- 2.17.100 Purpose
- 2.17.110 General Provisions
- 2.17.120 Administration
- 2.17.130 Standards for Flood Hazard Reduction

2.17.100 Purpose

The purpose of the FH Overlay Zone is to regulate the use of those areas that are subject to periodic flooding in order to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions. In advancing these principles and the general purposes of the Warrenton Comprehensive Plan and Development Code, the specific objectives of this district are:

- (1) To combine with other zoning requirements, certain restrictions made necessary for the known flood hazard areas to promote the general health, welfare and safety of the City;
- (2) To prevent the establishment of certain structures and land uses in areas unsuitable for human habitation because of the danger of flooding, unsanitary conditions or other hazards;
- (3) To minimize the need for rescue and relief efforts associated with flooding;
- (4) To help maintain a stable tax base by providing for sound use and development in flood-prone areas and to minimize prolonged business interruptions;
- (5) To minimize damage to public facilities and utilities located in flood hazard areas;
- (6) To ensure that potential home and business buyers are notified that property is in a flood area; and
- (7) To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

2.17.110 General Provisions

- (1) Areas Affected by FH Zone: This district shall apply to all areas of special flood hazards. Since the FH zone is an overlay zone, one or more other zoning districts will also regulate the use of land in areas of special flood hazards.
- (2) Basis for Establishing the Areas of Special Flood Hazards: Scientific and engineering reports entitled "Flood Insurance Study" for the City of Warrenton, dated 15 May 1978, and for the Town of Hammond, with accompanying Flood Insurance Rate Maps (FIRM) and Flood Boundary Maps and any revision thereto provide the basis for establishing areas of special flood hazards. The Flood Insurance Study is on file at the Warrenton City Hall.

- (3) Prohibited Uses: In an FH zone it shall be unlawful to erect, alter, maintain or establish, in an FH zone, any building, use, or occupancy not permitted by the provisions of this or any other applicable zoning district except existing non-conforming uses and structures, which may continue as specified in Section 5.2.
- (4) Warning and Disclaimer of Liability: The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City of Warrenton or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.
- (5) Compliance: No structure or land shall hereafter be used and no structure shall be located, extended, converted, or structurally altered without full compliance with the terms of this ordinance and other applicable regulations.

2.17.120 Administration

1. Establishment of Floodplain Development Permit: A Floodplain Development Permit, in addition to any regular building permit and/or grading permit that may be required, shall be obtained before construction or development begins in any area of special flood hazard established in Section 2.17.100(2). The permit shall be for all structures including manufactured homes and for all development including fill and other activities. Application for a permit shall be made on forms furnished by the Building Official, or its designee, and shall specifically include the following information (additional information may be required as per application form) :
 - A. Description of proposed development;
 - B. Size and location of proposed development (site plan required);
 - C. Base flood elevation at the site;
 - D. Elevation to which the lowest floor and all attendant utilities will be elevated (if structures and/or utilities are involved);
 - E. Elevation to which flood proofing has occurred (if any);
 - F. Certification by a registered professional engineer or architect that the flood proofing method meets the floodproofing criteria in Section 2.17.130(8).
 - G. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

- H. FEMA/NFIP Elevation Certificate completed by a land surveyor, engineer, or architect who is authorized by law to certify elevation information (for all new structures and substantial improvements unless otherwise exempt from this requirement by state or federal law).
2. Duties and Responsibilities: The duties of the Building Official shall include, but not be limited to, a permit review:
 - A. Review all building permits to determine that the permit requirements of this Ordinance have been satisfied.
 - B. Review all building permits to require that all necessary permits have been obtained from those Federal, State, or local governmental agencies from which prior approval is required.
 - C. Review all building permits in the area of special flood hazard to determine if the proposed development adversely affects the flood carrying capacity of the area.
 3. Use of Other Base Flood Data: When base flood elevation data has not been provided in accordance with Section 2.17.110(2), the Building Official shall obtain, review, and reasonably utilize any base flood elevation data available from a Federal, State, or other source, in order to administer Section 2.17.120(1),(2),(3),(4).
 4. Information to be Obtained and Maintained by Building Official: Where base flood elevation data is provided through the Flood Insurance Study or required as in Section 2.17.120(3), obtain:
 - A. Verify and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
 - B. For all new or substantially improved floodproofed structures:
 - (1) Verify and record actual elevation (in relation to mean sea level), and
 - (2) Maintain the floodproofing certifications required in Section 2.17.120(1)(F).
 - C. Maintain for public inspection all records pertaining to the provisions of this Ordinance.
 - D. In coastal high hazard areas, certification shall be obtained from a registered professional engineer or architect that the structure is

securely anchored to adequately anchored pilings or columns in order to withstand velocity waters.

- E. Interpretations, when needed, as to the exact location of the boundaries of the areas of special flood hazards (i.e., where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given reasonable opportunity to appeal the interpretations to the Planning Commission.

5. Variance Procedures:

- A. Variances shall be issued or denied in accordance with Chapter 5.1 of this Ordinance.
- B. Variances shall only be issued upon:
 - (1) A showing of good and sufficient cause;
 - (2) A determination that the failure to grant the variance would result in exceptional hardship to the applicant.
 - (3) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.
 - (4) A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- C. When a variance is granted, the Zoning Administrator shall give written notice that the structure or manufactured dwelling will be allowed to be built or placed with the lowest floor elevation at or below the base flood elevation and that:
 - (1) The issuance of the variance to construct a structure below the base flood level will result in increased premium rates for flood insurance as high as \$25. for every \$100 of insurance coverage; and
 - (2) Such construction below the base flood level increases risk to life and property. Such notification shall be maintained with a record of all variance actions.
 - (3) Appeals will be conducted in accordance with Section 4.1.4.G of this Code.

2.17.130 Standards for Flood Hazard Reduction

In the Flood Hazard Overlay Zone (FHO Zone) the following provisions are required:

- (1) Anchoring: All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
- (2) Anchoring, Manufactured Homes/Dwellings: All manufactured homes or dwellings shall be anchored to prevent flotation, collapse, lateral movement, land flood damage. Anchoring methods may include, but are not limited to, use of over-the-top and frame ties to ground anchors. (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques). A certificate signed by a registered architect or engineer which certifies that the anchoring system is in conformance with FEMA regulations shall be submitted prior to final inspection approval.

Specific requirements are:

- a. Over-the-top ties shall be provided at each end of the manufactured dwelling, with two additional ties per side at intermediate locations. Manufactured dwellings less than 50 feet long shall have one additional tie per side.
 - b. Frame ties shall be provided at each corner of the manufactured dwelling with five additional ties per side at intermediate locations. Manufactured dwellings less than 50 feet long shall have four additional ties per side.
 - c. All components of the anchoring system shall be capable of carrying a force of 4,800 pounds.
 - d. Additions to the manufactured dwellings shall be similarly anchored.
- (3) Anchoring, Alternatives: An alternative method of anchoring may involve a system designed to withstand a wind force of 90 miles per hour or greater. Certification must be made to the building official that this standard has been met.
 - (4) Construction Materials and Methods:
 - a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
 - b. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
 - c. Electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be elevated to one foot above flood level so as to prevent water from entering or accumulating within the components during conditions of flooding.

- (5) Utilities:

- a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- b. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
- c. On site waste disposal systems shall be located to avoid impairment of them or contamination from them during flooding.

(6) Subdivision Proposals:

- a. All subdivision proposals shall be consistent with the need to minimize flood damage.
- b. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage. A balanced cut and fill approach to grading is recommended.

(7) Alteration of Watercourses:

- A. No watercourse shall be altered until a maintenance plan is provided which assures that the flood-carrying capacity of altered or relocated portions of the watercourse is not diminished.
- B. The Zoning Administrator shall notify the Oregon Department of Land Conservation and Development prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.

(8) Specific Standards, Residential and Non Residential Construction: In all areas of special flood hazards (FH zone) where base flood elevation data has been provided as set forth in Section 2.17.110(2), Basis for Establishing the Areas of Special Flood Hazard, the following provisions shall apply unless a variance is granted in accordance with Section 2.17.120(5) and Chapter 5.1.

- A. Residential Construction: New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to one foot above the base flood elevation. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by flood forces on exterior walls by allowing for the entry and

exit of floodwater. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

- (1) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
- (2) The bottom of all openings shall be no higher than one foot above grade.
- (3) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwater.
- (4) Fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage must have permanent openings designed to allow entry and exit of flood waters.

B. Non-residential Construction. New Construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall either have the lowest floor, including basement, elevated to one foot above the base flood elevation, or, together with attendant utility and sanitary facilities, shall:

- (1) Be floodproofed to that the portion of the structure that lies below the base flood level of the structure is watertight with walls substantially impermeable to the passage of water;
- (2) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
- (3) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and or review of the structural design, specification and plans. Such certification shall be provided to the building official as set forth in Section 4.10.
- (4) Nonresidential structures that are elevated, not floodproofed, must meet the same standards for

space below the lowest floor as described in Section 2.17.130(8)(B).

- (5) Applicants floodproofing nonresidential buildings shall be notified that the flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g., a building constructed to the base flood level will be rated as one foot below that level).
- (6) A variance may be issued for non-residential structures in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry-floodproofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria, and where it is the best flood damage prevention technique. See Section 2.17.120(5) for applicable variance procedures.
- (7) Any applicant to whom a variance is granted shall be given a written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(9) Manufactured Homes/Dwellings:

- A. In all areas of special flood hazards (FH zone) where base flood elevation data has been provided as set forth in Section 2.17.110(2), Basis for Establishing the Areas of Special Flood Hazard, a manufactured home or dwelling shall be elevated to one foot above the base flood elevation and securely anchored in accordance with Section 2.17.130(2).
- B. All manufactured homes or dwellings placed or substantially improved in existing manufactured home parks or subdivisions shall be elevated on reinforced piers or other foundation elements that are no less than 36 inches in height above grade or have their lowest floor at or above the base flood elevation, if this allows for the use of the lower foundation.

A manufactured home or dwelling, which incurs substantial damage as the result of a flood, must be elevated to or above the base flood elevation.

- (10) Specific Standards, Manufactured Dwelling Parks or Subdivisions: All subdivision proposals shall be consistent with the need to minimize flood damage. For expansions to existing manufactured dwelling parks or subdivisions; for existing manufacture dwelling parks or subdivisions where the repair, reconstruction or improvement of the streets, utilities and pads equals or exceeds 50% of value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced; the following shall be required:
- a. Adequate surface drainage and access for a manufactured dwelling hauler;
 - b. Stands or lots will be elevated on compacted fill to or above the base flood level; or
 - c. Stands or lots will be elevated on compacted fill or on piers or pilings so that the lowest floor of the manufactured dwelling will be at or above the base level; and
 - d. In the instance of elevation on piers or pilings: lots will be large enough to permit steps; piers and piling foundations will be placed in stable soil no more than ten feet apart; and reinforcement shall be provided for piers and pilings more than six feet above the ground level.
- (11) In A1-30, AH, and AE Zones, all recreational vehicles to be placed on a site must be elevated and anchored or be on the site for less than 180 consecutive days or be fully licensed and highway ready.
- (12) Review of Flood Hazard Permits: Where elevation data is not available, applications for flood hazard permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test for reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available.

Chapter 2.18 — Airport Hazard Overlay (AHO) District

Sections:

2.18.100	Purpose
2.18.110	Special Definitions
2.18.120	Permitted Uses within the Airport Approach Safety Zone
2.18.130	Conditional Uses Within the Airport Approach Safety Zone
2.18.140	Procedures
2.18.150	Standards

2.18.100 Purpose

In order to carry out the provisions of this overlay zone there are hereby created and established certain zones which include all of the land lying beneath the Airport Imaginary Surfaces as they apply to the Astoria Regional Airport. Such zones are shown on the current Airport Approach and Clear Zone Map. This overlay zone is further intended to prevent the establishment of air space obstructions in airport approaches and surrounding areas through height restrictions and other land use controls as deemed essential to protect the public health, safety and welfare.

2.18.110 Special Definitions

- (1) Airport Approach Safety Zone: A surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the Primary Surface. The inner edge of the approach surface is the same width as the Primary Surface and extends to a width of: 1,510 feet for Runway 8; 4,000 feet for Runway 26, 1,000 feet for Runway 13, and 700 feet for Runway 31. The Airport Approach Safety Zone extends outward a distance of 8,500 feet at a slope of 34:1 for Runway 13; 1,000 feet at a slope of 20:1 for Runway 31; 10,000 feet at a slope of 50:1 for Runway 26; and 1,700 feet at a slope of 34:1 for Runway 8.
- (2) Airport Hazard: Any structure, tree or use of land, which exceeds height limits established by the Airport Imaginary Surfaces.
- (3) Airport Imaginary Surfaces: Those imaginary areas in space which are defined by the Airport Approach Safety Zone, Transitional Zones, Horizontal Zone, Clear Zone and Conical Surface and in which any object extending above these imaginary surfaces is an obstruction.
- (4) Clear Zone: Extends from the primary surface to a point where the approach surface is 50 feet above the runway end elevation.
- (5) Conical Surface: Extends 20 feet outward for each one foot upward (20:1) for 4,000 feet beginning at the edge of the horizontal surface and upward extending to a height of 350 feet above the airport elevation.
- (6) Horizontal Surface: A horizontal plane 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of 5,000 feet from the center of each end of the Primary Surface of each visual or utility runway and 10,000 feet from the

center of each end of the Primary Surface of all other runways and connecting the adjacent arcs by lines tangent to those arcs.

- (7) Noise Sensitive Areas Within 1,500 feet of an airport or within established noise contour boundaries exceeding 55 Ldn.
- (8) Place of Public Assembly: Structure or place, which the public may enter for such purposes as deliberation, education, worship, shopping, entertainment, amusement, awaiting transportation or similar activity.
- (9) Primary Surface: A surface longitudinally centered on a runway. The Primary Surface extends 200 feet beyond each end of that runway. The width of the Primary Surface is 500 feet for Runway 31-13, and 1,000 feet for Runway 8-26.
- (10) Transitional Zones: Extend seven feet outward for each one foot upward (7:1) beginning on each side of the Primary Surface which point is the same elevation as the runway surface, and from the sides of the approach surfaces thence extending upward to a height of 150 feet above the airport elevation (Horizontal Surface).
- (11) Utility Runway: A runway that is constructed and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight or less.

2.18.120 Permitted Uses within the Airport Approach Safety Zone

- (1) Farm use, excluding the raising and feeding of animals which would be adversely affected by aircraft passing overhead.
- (2) Landscape nursery, cemetery or recreation areas, which do not include buildings or structures.
- (3) Roadways, parking areas and storage yards located in such a manner that vehicle lights will not make it difficult for pilots to distinguish between landing lights and vehicle lights or result in glare, or in any way impair visibility in the vicinity of the landing approach. Approach surfaces must clear these by a minimum of 15 feet.
- (4) Pipeline.
- (5) Underground utility wire.

2.18.130 Conditional Uses Within the Airport Approach Safety Zone

- (1) A structure or building accessory to a permitted use.
- (2) Single family dwellings, manufactured dwellings, duplexes and multi-family dwellings, when authorized in the primary zoning district, provided the landowner signs and records in the deed and mortgage records of Clatsop County a Hold Harmless Agreement and Aviation and Hazard Easement and submits them to the Port of Astoria and to the Warrenton Planning Department.

- (3) Commercial and industrial uses, when authorized in the primary zoning district, provided the use does not result in the following:
 - a. Creating electrical interference with navigational signals or radio communication between the airport and aircraft.
 - b. Making it difficult for pilots to distinguish between airports lights or others.
 - c. Impairing visibility.
 - d. Creating bird strike hazards.
 - e. Endangering or interfering with the landing, taking off or maneuvering of aircraft intending to use the airport.
 - f. Attracting large number of people.
- (4) Buildings and uses of a public works, public service or public utility nature.

2.18.140 Procedures

An applicant seeking a Conditional Use under Section 2.18.130 above, shall follow procedures set forth in Chapter 4.4. Information accompanying the application shall also include the following:

- (1) Property boundary lines as they relate to the Airport Imaginary Surfaces;
- (2) Location and height of all existing and proposed buildings, structures utility lines and roads;
- (3) Statement from the Oregon Aeronautics Division indicating that the proposed use will not interfere with operation of the landing facility.

2.18.150 Standards

- (1) To meet the standards and reporting requirements established in FAA Regulations, Part 77, no structure shall penetrate into the Airport Imaginary Surfaces as defined above under Section 4.18.110.
- (2) No place of public assembly shall be permitted in the Airport Approach Safety Zone.
- (3) No structure or building shall be allowed within the Clear Zone.
- (4) Whenever there is a conflict in height limitations prescribed by this overlay zone and the primary zoning district, the lowest height limitation fixed shall govern; provided, however, that the height limitations here imposed shall not apply to such structures customarily employed for aeronautical purposes.

- (5) No glare producing material shall be used on the exterior of any structure located within the Airport Approach Safety Zone.
- (6) In noise sensitive areas (within 1,500 feet of an airport or within established noise contour boundaries of 55 Ldn and above for identified airports) where noise levels are a concern, a declaration of anticipated noise levels shall be attached to any building permit or development approval. In areas where the noise level is anticipated to be 55 Ldn and above, prior to issuance of a building permit for construction of noise sensitive land use (real property normally used for sleeping or normally used as schools, churches, hospitals, or public libraries) the permit applicant shall be required to demonstrate that a noise abatement strategy will be incorporated into the building design which will achieve an indoor noise level equal to or less than 55 Ldn. The planning and building department will review building permits for noise sensitive developments.

Chapter 2.19 — Soils Hazard Overlay (SHO) District

Sections:

2.19.100	Purpose
2.19.110	General Provisions
2.19.120	Regulations Applying to Areas of the City with Braillier and Bergsvik Soils
2.19.130	Areas with Coquille variation or Coquille-Clatsop Complex Soils
2.19.140	Additional Provisions

2.19.100 Purpose

The purpose of this zone is to avoid development hazards in areas of the City which, according to available soils information, may have moderate to highly compressible soils. These regulations apply to areas in the City which have Braillier, Bergsvik, Coquille-Clatsop Complex and Coquille Variant soils. Braillier, and Bergsvik soils are organic soils with high fibrous vegetative content which are highly compressible under structural loads. Coquille soils may be subject to moderate to high compressibility depending on the size and structural load applied by a building due to a high water table and poor drainage. Since these soils can cause severe problems for development, this zone utilizes special regulations designed to minimize hazards by requiring use of sound soils data and engineering principles to determine development techniques and by requiring property developers to assume responsibility for certain hazard-related costs.

2.19.110 General Provisions

- (1) Uses Allowed – Allowable uses in the basic zoning district within which the property is located will be allowed in the SH zone if the use will not violate standards referenced in the applicable basic zoning district, this section, Section 2.19.110 and additional zoning ordinance provisions.
- (2) Zone Boundaries – The boundaries of the SH zone shall be the same as those for areas in the City with Braillier, Bergsvik, Coquille Variant Silt Loam, and Coquille-Clatsop Complex soils identified by the *Soil Survey of Clatsop County, Oregon*, prepared by the Soil Conservation Service February, 1988.
- (3) Warning and Disclaimer of Liability – The degree of protection from problems caused by compressible soils which is required by this ordinance is considered reasonable for regulatory purposes. This ordinance does not imply that property outside the SH zone or uses permitted within the SH zone will be free from soils hazards. This ordinance shall not create a liability on the part of the City of Warrenton or by any officer, employee or official thereof, for any damages due to compressible soils that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

2.19.120 Regulations Applying to Areas of the City with Braillier and Bergsvik Soils

- (1) No building permit will be issued which involves the construction of a new structure or expansion of an existing structure until adequate soil testing and engineering design is completed.

- (2) The City will require that the applicant for a building permit in this zone obtain a detailed soil survey for the proposed building site. The soil survey shall be conducted by a licensed engineer and include test holes placed on a 50 foot grid.
- (3) If the detailed soil survey indicates that significant amounts of compressible soils are in locations desired for development, the City will require the developer or owner to have a report prepared by a licensed engineer which indicates suitable techniques to minimize potential soil hazards to proposed utilities, roads and structures.
- (4) The proposed use will be permitted only if:
 - a. The detailed soil survey indicates that there is not a significant amount of compressible soils on the portion of the site proposed for development, or
 - b. A method of eliminating hazards which could result from soils on the site is proposed by the applicant's engineer or architect and approved by the City.
- (5) The City may choose to utilize the services of an independent licensed engineer to review the findings of the soil survey and the proposed engineering design plan. The City may charge the developer a reasonable fee for the independent review.

2.19.130 Areas with Coquille variation or Coquille-Clatsop Complex Soils

The City may require an on-site soil survey report and a report by a licensed engineer for large-scale commercial, industrial or governmental structures, multifamily residences, or other structures which would cause a heavy loading of soil in areas of the City with Coquille variant silt loam or Coquille-Clatsop complex soils.

2.19.140 Additional Provisions

- (1) The City may charge the owner or developer a reasonable fee for the cost of reviewing the adequacy of the soil survey, the methods proposed to avoid soils hazards and the methods actually used to avoid these hazards.
- (2) The City may require the owner or developer to post a performance bond to assure that adverse effects that may occur from a proposed development in the SH zone can be corrected. The size of the bond shall be no larger than necessary for correcting potential adverse effects. The bond shall be released when the City determines that performance pursuant to the applicant's approved engineered plan is satisfactory.

Chapter 2.20 — Beaches and Dunes Overlay (BDO) District

Sections:

- 2.20.100 Purpose
- 2.20.110 General Provisions
- 2.20.120 BDO Zone Standards

2.20.100 Purpose

The intent of this zone is to regulate actions in beach, active dune, recently stabilized dune, some older stabilized dune, and interdune areas in order to protect the fragile nature of this landscape by ensuring that development is consistent with the natural capabilities of these land forms. When the regulations of this overlay zone conflict with the underlying basic zone criteria {or the regulations of the Clatsop County Soil and Water Conservation District} the conflicts shall be resolved by the application of the more stringent regulations.

2.20.110 General Provisions

- (1) Zone Boundaries: The boundaries of the BDO zone shall extend from the Pacific Ocean low water line landward to the east most limits of Zone One of the Clatsop County Soil and Water Conservation District. It shall also include areas to the north of Zone One which is designated in the Comprehensive Plan map, "Critical Beach and Dune Shoreland Areas." It shall also include areas to the north of Zone One which are designated in the Comprehensive Plan Map "Critical Beach and Dune Shoreland Areas."
- (2) Uses Allowed, "A Zone": The following uses are allowed in beach or upland areas located within the "A Zone" as identified on the F.E.M.A. map titled "Flood Insurance Rate Map, City of Warrenton Oregon Clatsop County", subject to the standards of Section 2.20.120.
 - a. Pedestrian or equestrian beach access, including boardwalks.
 - b. Temporary open sided structures.
 - c. Foredune breaching.
 - d. Beachfront protective structures
 - e. Sand fencing
 - f. Additional uses permitted in the basic zoning district after a site specific investigated by a registered geologist determines that the proposed use is not located in an active foredune, or in a conditionally stable foredune that is subject to ocean under-writing or wave overtopping, or in an interdune area (deflation plains) that is subject to ocean flooding.
 - g. Beach uses permitted by the Parks and Recreation Division of the Transportation Department.

- (3) Uses Allowed Outside of the "A Zone". Uses allowed in the base zoning district are allowed outside of beach and upland areas located within the "A Zone" as identified on the F.E.M.A. maps titled "Flood Insurance Rate Map, City of Warrenton, Oregon, Clatsop County", and "Flood Insurance Rate Map, Town of Hammond, Oregon, Clatsop County", subject to the standards referred to in the applicable base zoning district and the standards of Section 2.20.120 (3) - (10).
- (4) Warning and disclaimers of liability: The degree of protection from erosion or accretion required by this ordinance is considered reasonable for regulatory purposes. This does not imply that land outside the BDO zone or development permitted within such areas will be free from erosion or accretion. This ordinance shall not create a liability on the part of the City of Warrenton or by any officer, employee or official thereof for any damages due to erosion or accretion that result from reliance on this ordinance or any administrative decision lawfully made there under.

2.20.120 BDO Zone Standards

- (1) General standards for uses located in the area described by Section 2.20.110(1).
 - a. The use is adequately protected from any geologic hazard, wind erosion, undercutting, ocean flooding and storm waves; or is of minimal value.
 - c. The use is designed to minimize adverse environmental effects both to the site and adjacent areas.
 - c. Methods have been developed for protecting the surrounding area from any identified adverse effects of the development.
 - d. Temporary and permanent sand stabilization programs have been prepared consistent with Section 2.20.120(3).
- (2) Specific standards for foredune breaching in the area described by Section 2.20.110(1):
 - a. The breaching is required to replenish sand supply in interdune areas, or for an emergency on a temporary basis.
 - b. The breaching does not endanger existing development.
 - c. The breaching does not adversely impact critical wildlife habitat.
 - d. The areas affected by the breaching are restored according to an approved restoration plan.
- (3) Specific Standards for Beachfront protective structures in the area described by Section 2.20.110(1):
 - a. The structure is to protect development existing on January 1, 1977.

- b. Visual impacts are minimized.
 - c. Public access to the beach is preserved.
 - d. Negative impacts on adjacent property are minimized.
 - e. Long-term or recurring costs to the public are avoided.
 - f. Riprap bank protection must be appropriately designed with respect to slope, rock size, placement, underlying material and expected hydraulic conditions. Project design by a licensed engineer shall meet their requirement. The zoning administrator may also find that Riprap projects designed by other qualified individuals such as experienced contractors and soil conservation service personnel, meet this standard.
 - g. All riprap shall be covered with fill material such as soil clay and sand and revegetated with beach grass, with beach grass, willow, or other vegetation approved by the Zoning Administrator
 - h. Emergency maintenance, for the purpose of making repairs or for the purpose of preventing irreparable harm, injury or damage to persons property or shoreline stabilization facilities is permitted, not withstanding the other requirements in there standards, but subject to the regulations imposed by the Corps of Engineers and the Division of State Funds
- (4) Specific Standards for sand fences in the area described by Section 2.20.110(1):
- a. The need for sand fences has been established as the result of a site investigation by a registered geologist as part of an overall dune stabilization program.
 - b. No construction shall be permitted on any accreted areas.
 - c. Accrued areas shall not form the basis for reestablishing the locations of an active foredune.
- (5) If the development involves removal of vegetation in any location or combination of locations larger that 100 square feet which have sandy soils, a satisfactory wind erosion prevention plan will be submitted by the owner or developer which provides for temporary and permanent sand stabilization and maintenance of new and existing vegetation. This plan can be a simple report indicating what types of vegetation will be planted, the spacing of planting, approximately when planting will occur, how vegetation will be preserved and other relevant techniques being used to prevent wind erosion. {The City may refer the report plan to the Clatsop County Soil and Water Conservation District for comments on the appropriateness of the proposed wind erosion prevention techniques}.
- (6) Removal of vegetation in areas with sandy soils shall be kept to the minimum required for building placement or other valid purposes. Removal of vegetation should not occur

more than 30 days prior to grading, construction or landscaping. Permanent revegetation shall be started on the site as soon as practical and should return the site to its preconstruction level of stability or further increase the area's stability.

- (7) Sand removal shall be limited to that necessary for construction of permitted structures on the site or for eliminating hazards. Adequate consideration will be given to removing sand from the least sensitive locations. Disturbed areas shall be properly revegetated unless building is done thereon.
- (8) The proposed development will not result in the drawdown of the groundwater supply in a manner that would lead to: (a) the loss of stabilizing vegetation, (b) the loss of water quality, (c) salt water intrusion into the water supply, or (d) significant lowering of interdune lake water levels.
- (9) Grazing of livestock is prohibited.
- (10) Vehicular transportation facilities and improvements (not multi-use paths or trails) that have been identified in the Warrenton TSP are permitted conditionally subject to the provisions of Chapter 4.4 of this Code. Goal findings or a goal exception that determines the proposed project to be consistent with the adopted goal finding or exception are required. When approved, vehicular traffic will be restricted to hard surfaced roads.
- (11) The City may charge the owner or developer a reasonable fee for the cost of reviewing site specific reports, wind erosion prevention plans and the methods actually used to avoid hazards associated with active dune and interdune areas.
- (12) The City may require the owner or developer to post a performance bond to assure that adverse effects which may occur as a result of a use or action can be corrected. The size of the bond shall be no larger than necessary for correcting potential adverse effects. The bond shall be released when the City determines that performance pursuant to the applicant's approved plan is satisfactory.

Chapter 2.21 — Dredged Material Disposal Site Reservation Overlay (DMDO) District

Sections:

2.21.100	Purpose
2.21.110	District Boundaries
2.21.120	Priority I Dredged Material Disposal Sites
2.21.130	Uses allowed in Priority I Dredged Material Disposal Sites
2.21.140	Removal of Priority I Dredged Material Disposal Site Designation
2.21.150	Priority II Dredged Material Disposal Sites
2.21.160	Uses Allowed in Priority II Dredged Material Disposal Sites
2.21.170	Site Reservation
2.21.180	Preemptive Uses

2.21.100 Purpose

The intent of this zone is to designate dredged material disposal sites in the City with respect to present and expected water-dependent development and navigational access requirements and to protect these sites for dredged material disposal operations.

2.21.110 District Boundaries

The dredged material disposal site reservation zone conforms to the description of sites in the Dredged Material Disposal Element of the Comprehensive Plan. Revisions to this zone must be recorded by amendment to the Comprehensive Plan.

2.21.120 Priority I Dredged Material Disposal Sites

The purpose of Priority I site designations is to protect important dredged material disposal sites from incompatible and preemptive uses that may limit their ultimate use for the deposition of dredged material, and to assure that an adequate number of sites will be reserved in order to accommodate dredged material disposal needs resulting from at least five years of existing and expected water-dependent development and navigation projects.

2.21.130 Uses allowed in Priority I Dredged Material Disposal Sites

Dredged material disposal at Priority I sites designated in the Plan is permitted. In addition, only those development uses and activities allowed in the underlying zone which are determined not to preempt the site's future use for dredged material disposal are allowed, subject to the policies and procedural requirements of the underlying zone.

2.21.140 Removal of Priority I Dredged Material Disposal Site Designation

Priority 1 sites may be removed by amendment to the Comprehensive Plan in the following situations:

- (1) After a Priority 1 dredged material disposal site has been filled to capacity and is no longer available for additional dredged material disposal.
- (2) Before a Priority I dredged material disposal site has been filled to capacity if:

- a. Provision is made for a replacement Priority I dredged material disposal site of suitable characteristics; or
- b. The dredging need for which the Priority I site was initially designated for dredged material disposal is withdrawn or reevaluated.

2.21.150 Priority II Dredged Material Disposal Sites

The purpose of Priority II dredged material disposal site designations is to identify disposal areas necessary to meet projected long-term dredging needs. These sites may be required in the future to provide for disposal associated with long-range water-dependent development and navigational dredging needs. The importance of these sites, as compared with Priority I dredged material disposal sites, does not justify efforts to protect all or portions of each site from potential preemptive uses.

2.21.160 Uses Allowed in Priority II Dredged Material Disposal Sites

Dredged material disposal at Priority II sites designated in the Comprehensive Plan is permitted. In addition, development uses and activities allowed in the underlying zone are allowed, subject to the policies and procedural requirements of the zone. Allowable uses which will preempt use of the site for dredged material disposal shall be subject to the 30 day hold period indicated in Section 2.21.170 below.

2.21.170 Site Reservation

When a valid development permit application is submitted for Planning Department or Planning Commission approval which entails use of a Priority II dredged material disposal site in a way which would be incompatible with or preempt use of the site for dredged material disposal, action on the application shall be suspended for 30 days from the date a complete application is filed. The period of suspension is to allow interested parties time to negotiate for use of the site as a dredged material disposal area. If negotiations are not completed within the 30 day hold period, the development application will be reviewed in accordance with normal procedures.

2.21.180 Preemptive Uses

Incompatible and preemptive use of Priority 1 and Priority II dredged material disposal sites includes the following:

- (1) Uses requiring substantial structural or capital improvements (e.g., construction of permanent buildings);
- (2) Uses that require extensive alteration of the topography of the site, thereby, reducing the potential usable volume of the dredged material disposal area (e.g., extensive site grading, elevation by placement of fill materials other than dredged spoils).
- (3) Uses that include changes made to the site that would prevent expeditious use of the site for dredged material disposal. Such uses would delay deposition of dredged materials on the site beyond the period of time commonly required to obtain the necessary federal, state and local dredging and spoil disposal permits (approximately 90 days).

Chapter 2.22 — Mitigation Site Protection Overlay (MSPO) District

Sections:

- 2.22.100 Purpose
- 2.22.110 Designation of Mitigation Sites
- 2.22.120 Uses Allowed
- 2.22.130 Removal of the Mitigation Site Protection Overlay Zone
- 2.22.140 Preemptive Uses

2.22.100 Purpose

The purpose of the Mitigation Site Protection Overlay Zone is to protect identified mitigation sites from incompatible and preemptive development and to implement mitigation and restoration actions in areas designated in the zone. There are three priority categories and three protection levels for mitigation sites in this zone.

2.22.110 Designation of Mitigation Sites

This overlay zone includes mitigation sites designated in the Comprehensive Plan. New sites may be added to the overlay zone through an amendment to the Comprehensive Plan.

2.22.120 Uses Allowed

The Priority and Level of protection for a designated mitigation site may be determined from the Mitigation Section of the City's Comprehensive Plan. The following uses are allowable in this overlay zone:

- (1) Priority one, Level one sites:
 - a. Uses allowed in the underlying zone that do not preempt the use of the site for mitigation purposes, subject to the underlying zone's development standards.
 - b. Mitigation as a Review Use subject to the Mitigation and Restoration Standards in Section 3.11.11.
- (2) Priority two, Level three sites:
 - a. Uses allowed in the underlying zone that do not preempt the use of the site for mitigation purposes, subject to the underlying zone's development standards.
 - b. Mitigation as a Review Use subject to the Mitigation and Restoration Standards in Section 3.11.11.
 - c. Restoration, creation and enhancement outside of the context of the mitigation as a Conditional Use pursuant to Chapter 4.4, and subject to the Mitigation and Restoration Standards in Section 3.11.10.
 - d. Preemptive uses allowed in the underlying zone, subject to the zone's development standards, under the additional condition that a 30 day freeze is

placed on permit issuance, starting from the date that a complete application is accepted. The purpose of the 30-day freeze is to give parties interested in the site time to review the need for use of the site for mitigation. If at the close of the 30-day period no satisfactory means of preserving the site is established, the permit will be processed under the normal procedures.

- (3) Priority three, Level four sites:
 - a. All uses allowed in the underlying zone, subject to the underlying zone's development standards.
 - b. Mitigation as a Review Use subject to the Mitigation and Restoration Standards in Section 3.11.11.
 - c. Restoration, creation, and enhancement outside of the context of mitigation as a Conditional Use pursuant to Chapter 4.4, and subject to the Mitigation and Restoration Standards in Section 3.11.11.

2.22.130 Removal of the Mitigation Site Protection Overlay Zone

Removal of designated mitigation sites shall be subject to the following criteria:

- (1) Priority one, Level one sites:
 - a. Removal of the Mitigation Site Protection Overlay Zone shall be allowed for any portion of the site where a mitigation action has occurred. The site shall be removed by an amendment to the Comprehensive Plan.
 - b. Removal of the Mitigation Site Protection Overlay Zone before the site has been used wholly or in part for mitigation shall be done by an amendment to the Comprehensive Plan only where:
 - (i) Provision is made for a replacement mitigation site of suitable characteristics; or
 - (ii) The development need for which the mitigation site was initially designated as a compensating action is withdrawn or reevaluated.
- (2) Priority two, Level three sites:
 - a. The Mitigation Site Protection Overlay Zone shall be removed from any portion of a site where a mitigation action has occurred or preemptive uses have been implemented, including restoration, creation or enhancement outside of the context of mitigation. The site shall be removed by an amendment to the Comprehensive Plan.
 - b. Removal of the Mitigation Site Protection Overlay Zone for all or portions of a designated mitigation site before the site has been used wholly or in part for

mitigation shall be done by an amendment to the Comprehensive Plan and Zoning Ordinance where:

- (i) Provision is made for a replacement of adequate mitigation area of suitable characteristics in another suitable location; or
 - (ii) The development need for which the mitigation site was initially designated for compensatory purposes is withdrawn or reevaluated.
- (3) Priority three, Level four sites: The Mitigation Site Protection Overlay Zone shall be removed from any portion of the site that a mitigation action has occurred on, or where preemptive uses (including restoration, creation or enhancement) have occurred. The site will be removed by an amendment to the Comprehensive Plan.
- (4) After a mitigation site has been used for mitigation or restoration, creation, or enhancement action outside of the context of mitigation and all or a portion of the site is no longer available for mitigation, the Mitigation Site Protection Overlay Zone designation shall be removed and the wetland or aquatic area created through the mitigation action shall be placed in the appropriate Aquatic designation. These changes shall be made by means of an amendment to the Comprehensive Plan.

2.22.140 Preemptive Uses

Incompatible and preemptive use of mitigation sites includes the following:

- (1) Uses requiring substantial structural or capital improvements (e.g., construction of permanent buildings) but not including dike maintenance.
- (2) Uses that require extensive alteration of the topography of the site, thereby reducing the potential for mitigation (e.g., extensive site grading, elevation of the site by placement of fill materials).

Chapter 2.23 - Growth Management (GM) Zone Standards

Sections:

2.23.1	Purpose
2.23.2	Boundaries of the Growth Management (GM) Zone
2.23.3	Standards
2.23.4	Exceptions
2.23.5	Land Divisions
2.23.6	Cost Allocation
2.23.7	Administration of GM Standards
2.23.8	Public Improvement Guarantee

2.23.1 Purpose

The purpose of this section is to set forth growth management standards to insure the orderly conversion of the large amount of urbanizable residential land within the City to urban uses. The standards will apply to outlying areas of the City which 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 four units per acre. This section is intended to insure that public facilities adequate to serve development at this density are provided, either before or concurrent with development.

2.23.2 Boundaries of Growth Management Areas

The Growth Management Standards in this section shall apply to areas designated on the Comprehensive Plan/Zone Map with the symbol "GM".

2.23.3 Growth Management Standards

The following standards shall apply to development within Growth Management 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, school, 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.
- d. Encourage the development within urban areas before the conversion of urbanizable areas.

2.23.4 Exceptions to Growth Management Standards

Growth Management Standards shall not apply to the following land-use actions:

- a. Construction of a single-family residence on a buildable lot.
- b. Exceptions approved by the Zoning Administrator, or in the case of a conditional use, an exception approved by the Planning Commission. In either case, the following findings must be made to support the exception to Growth Management standards:
 1. That the impact of the proposed development or land partition upon the unacceptable service(s) will be similar to that of a single-family residence;
 2. That the approval of the development or land division without the particularly unacceptable service(s) will not impede the orderly, efficient provision of any primary or secondary service to that area;
 3. That the public or nearby residents will not be endangered by the granting of the exception; and
 4. That it is consistent with the intent and purpose of Statewide Planning Goals 11 and 14, and the purpose of this Section stated in 2.23.1.

2.23.5 Land Divisions

1. All land divisions which would create a parcel under five acres in size shall be subject to approval under the appropriate procedures in this Code (Chapter 4.3). Land divisions which would create a parcel under five acres in size in Growth Management areas shall be approved only if:

- a. The lots created are at R-10 urban densities, and
- b. Primary and secondary urban services are supplied in accordance with Section 3.21.3.
- c. An exception is approved as provided in Section 2.23.4(b).

2. All land divisions that would create parcels between five and ten acres in size shall be reviewed to insure that the proposed parcel layout (i.e., relationship to roads, easements and utilities) and building placement is such that the parcel can be re-divided at urban densities.

2.23.6 Cost Allocation

The cost of providing the required urban services for a particular land use proposal under consideration shall be borne by the applicant or benefited properties unless otherwise authorized by the City Commission.

2.23.7 Administration of Growth Management Standards

Compliance with the Growth Management Standards shall be determined in conjunction with any land use application in accordance with the same procedural requirements as the accompanying land use request, except that the following shall also apply:

- a. Any published notice required of the accompanying land use request shall indicate compliance with the Growth Management Standards will be considered.

2.23.8 Public Improvement Guarantee

For the purposes of this section, the word "insure" shall mean a legal and enforceable document, contract or process which guarantees to the City a public improvement will be accomplished. Assurances include, but are not limited to the following:

- a. Performance Bond
- b. Cash in escrow, assignment of letter of credit, etc.
- c. Establishment of an LID (post remonstrance period).
- d. Evidence of formal action by other public or private agencies or companies authorizing monies or scheduling of a requisite public improvement.
- e. The requisite improvement is included in an adopted capital improvement program with funds assured by the City.
- f. Any other legally binding agreement which assures the improvement will be made.