

ORDINANCE No. 1221

Introduced by All Commissioners

An ordinance amending Warrenton Municipal Code Chapter 16.12.010 Definitions, Land Use Districts Section 16.24.020, 16.24.030, 16.28.020, 16.28.030, 16.32.020, 16.32.030, 16.36.020, 16.36.030, and Airport Hazard Overlay District 16.92.

WHEREAS, the Warrenton Development Code needs to be updated periodically to reflect changing needs in the community, to protect public safety, and respond to changes required by the Oregon Legislature;

WHEREAS, the City of Warrenton must incorporate new accessory dwelling unit provisions into the Warrenton Development Code in order to satisfy SB 1051.

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

Section 1. Warrenton Municipal Code Section 16.12.010 Definitions, is amended as follows:

Hotel: A building in which lodging is provided for guests for compensation. Also includes motel, youth hostel and dormitory.

Section 2. Warrenton Municipal Code Section 16.24.020, 16.24.030, 16.28.020, 16.28.030, 16.32.020, 16.32.030, 16.36.020, 16.36.030, is amended as follows:

16.24.020 Permitted Uses.

The following uses and their accessory uses are permitted in the R-40 zone if the Community Development Director determines that the uses conform to the standards in Sections 16.24.040 through 16.24.050, applicable Development Code standards, and other City laws:

- A. Single-family detached dwelling.
- B. Modular home.
- C. Manufactured home subject to the standards in Chapter 16.168.
- D. Residential home.
- E. Residential (care) facility.
- F. Day care.
- G. Farming, grazing, truck gardening, orchards and production of nursery stock.
- H. A temporary dwelling for no more than six months while building a permanent residence.
- I. 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 16.180.
- J. Transportation facilities and improvements subject to the standards of Section 16.20.040.
- K. Similar uses as stated above.
- L. Community garden(s) (see definitions).

- M. Incidental sales of firewood, cut flowers, produce grown on the premises, lemonade, and similar items.
- N. Home occupations. (Ord. 1175-A § 2, 2013)
- O. Accessory dwelling that complies with Section 16.180.040.**

16.32.020 Permitted Uses

The following uses and their accessory uses are permitted in the R-10 zone if the Community Development Director determines that the uses conform to the standards in Sections 16.28.040 through 16.28.050, applicable Zoning Ordinance standards, and other City laws:

- A. Single-family detached dwelling.
- B. Modular home.
- C. Manufactured home subject to standards in Chapter 16.168.
- D. Residential home.
- E. Residential (care) facility.
- F. Day care.
- G. Cemetery.
- H. Farming, grazing, truck gardening, orchards and production of nursery stock.
- I. A temporary dwelling for no more than six months while building a permanent residence.
- J. 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 16.180.
- K. Transportation facilities and improvements subject to the standards of Section 16.20.040.
- L. Similar uses as stated above.
- M. Community garden(s) (see definitions).
- N. Incidental sales of firewood, cut flowers, produce grown on the premises, lemonade, and similar items.
- O. Home occupations. (Ord. 1175-A § 4, 2013)
- P. Accessory dwelling that complies with Section 16.180.040.**

16.32.020 Permitted Uses.

The following uses and their accessory uses are permitted in the R-M Zone if the Community Development Director determines that the uses conform to the standards in Sections 16.32.040 through 16.32.050, and any other applicable Development Code standards, and other City laws:

- A. Single-family detached dwelling.
- B. Modular home.
- C. Manufactured home subject to the standards in Chapter 16.168.
- D. Duplex and townhome subject to standards of Chapter 16.184.
- E. Residential home.

- F. Residential (care) facility.
- G. Day care.
- H. Master planned development with a minimum lot size of three contiguous acres, subject to provisions in Chapter 16.224.
- I. A temporary dwelling for no more than six months while building a permanent residence.
- J. 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 16.180.
- K. Transportation facilities and improvements subject to the standards of Section 16.20.040.
- L. Dredge material disposal (DMD) subject to Section 16.32.050 (Sites 19S and 21S) and Chapter 16.104.
- M. Similar uses as those stated above.
- N. Community garden(s) (see definitions).
- O. Incidental sales of firewood, cut flowers, produce grown on the premises, lemonade, and similar items.
- P. Home occupations. (Ord. 1175-A § 6, 2013)
- P. Accessory dwelling that complies with Section 16.180.040.**

16.36.020 Permitted Uses.

The following uses and their accessory uses are permitted in the R-H zone if the Community Development Director determines that the uses conform to the standards in Sections 16.36.040 through 16.36.050, applicable Development Code standards, and other City laws:

- A. Single-family detached dwelling.
- B. Modular housing.
- C. Manufactured home.
- D. Duplex and townhome subject to standards of Chapter 16.184.
- E. Triplex subject to standards of Chapter 16.184.
- F. Multifamily housing development subject to standards of Chapter 16.188.
- G. Residential home.
- H. Residential (care) facility.
- I. Day care.
- J. A temporary dwelling for no more than six months while building a permanent residence.
- K. 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 16.180.
- L. Master planned development with a minimum lot size of three contiguous acres, subject to the provisions in Chapter 16.224.
- M. Transportation facilities and improvements subject to the standards of Section 16.20.040.
- N. Similar uses as stated above.

- O. Incidental sales of firewood, cut flowers, produce grown on the premises, lemonade, and similar items.
- P. Home occupations. (Ord. 1175-A § 8, 2013)
- Q. Accessory dwelling that complies with Section 16.180.040.**

Section 3. Warrenton Municipal Code Section 16.92 Airport Hazard **Operations** Overlay District is amended as follows:

16.92.010 Purpose. The purpose of the Airport Operations Zone is to encourage and support the continued operation and vitality of Port of Astoria Regional Airport in the City of Warrenton, Clatsop County, OR, by allowing certain airport-related commercial, recreational and industrial uses in accordance with state law. 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 current Airport Approach and Clear Zone Map. This overlay zone is further intended to prevent the establishment of air space obstructions I airport approaches and surrounding areas through restrictions and other land use controls as deemed essential to protect health, safety, and welfare.

16.92.015 Application & Conformance. This zoning district applies to Port of Astoria Regional Airport in the City of Warrenton, Clatsop County, OR. All uses, activities, facilities and structures allowed in the Airport Zone shall comply with the requirements of the Airport Safety and Compatibility Overlay Zone. In the event of a conflict between the requirements of this zone and those of the Airport Safety and Compatibility Overlay Zone, the requirements of the overlay zone shall control.

16.92.020 Special Definitions.

- A. Aircraft. Includes airplanes, helicopters, and unmanned aerial vehicles (UAV), but not hot air balloons or ultralights.**
- B. Airport sponsor. The owner, manager, person or entity designated to represent the interests of an airport.**
- C. Approach Surfaces. A surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. The Federal Aviation Administration establishes and can potentially amend the following standards. The Approach Surfaces are described:**

| Approach Surface Runway | MSL Elev. At Primary Surface | Width at Primary Surface | Slope of Surface | Extended Horizontal Distance | Terminal Width | MSL Terminal Elevation |
|-------------------------|------------------------------|--------------------------|------------------|------------------------------|----------------|------------------------|
| 8 | 14.9' | 1,000' | 34:1 | 10,000' | 4,000' | 308.2' |
| 26 | 14.9' | 1,000' | 50:1 | 10,000' | 4,000' | 214.9' |
| 14 | 14.9' | 500' | 20:1 | 5,000' | 1,500' | 263.7' |
| 32 | 14.9' | 500' | 20:2 | 5,000' | 1,500' | 264.9' |

- D. Airport Imaginary Surfaces. Those imaginary areas in space which are defined by the approach surface, transitional surface, horizontal surface, and conical surface.
- E. Conical Surface. A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.
- F. 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.
- G. Noise Sensitive Areas. Within 1,500 feet of an airport **or** within established noise contour boundaries exceeding **65** Ldn.
- H. 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.
- I. **Runway Protection Zone (RPZ). An area off the runway end to enhance the protection of people and property on the ground.**
- J. Sponsor. The owner, manager, other person, or entity designated to represent the interests of an airport [OAR 660-013-0020(6)].
- K. Transitional Surface. These surfaces 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).

16.92.030 Uses Permitted Outright Within Airport Imaginary Surfaces. The following uses and activities are permitted outright in the Airport Zone:

- A. Farm use, excluding the raising and feeding of animals which would be adversely affected by aircraft passing overhead.
- B. Landscape nursery, cemetery or recreation areas, which do not include buildings or structures.
- C. 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. The approach surface must clear these by a minimum of 15 feet.
- D. Pipeline.
- E. Underground utility wire.
- F. Customary and usual aviation-related activities, including but not limited to takeoffs and landings; aircraft hangars and tie-downs; construction and maintenance of airport facilities; fixed based operator facilities; a residence for an airport caretaker or security officer; and other activities incidental to the normal operation of an airport. Except as provided in this ordinance, "customary and usual aviation-related activities" do not include residential, commercial, industrial, manufacturing and other uses.**
- G. Air passenger and air freight services and facilities, at levels consistent with the classification and needs identified in the Oregon Department of Aviation Airport System Plan.**
- H. Emergency medical flight services, including activities, aircraft, accessory structures, and other facilities necessary to support emergency transportation for medical purposes. Emergency medical flight services do not include hospitals, medical offices, medical labs, medical equipment sales, and other similar uses.**
- I. Law enforcement and firefighting activities, including aircraft and ground-based activities, facilities and accessory structures necessary to support federal, state or local law enforcement or land management agencies engaged in law enforcement or firefighting activities. Law enforcement and firefighting activities include transport of personnel, aerial observation, and transport of equipment, water, fire retardant and supplies.**
- J. Search and rescue operations, including aircraft and ground-based activities that promote the orderly and efficient conduct of search or rescue related activities.**

- K. Flight instruction, including activities, facilities, and accessory structures located at airport sites that provide education and training directly related to aeronautical activities. Flight instruction includes ground training and aeronautic skills training, but does not include schools for flight attendants, ticket agents or similar personnel.**
- L. Aircraft service, maintenance and training, including activities, facilities and accessory structures provided to teach aircraft service and maintenance skills and to maintain, service, refuel or repair aircraft or aircraft components. "Aircraft service, maintenance and training" includes the construction and assembly of aircraft and aircraft components for personal use, but does not include activities, structures or facilities for the manufacturing of aircraft or aircraft related products for sale to the public.**
- M. Aircraft rental, including activities, facilities and accessory structures that support the provision of aircraft for rent or lease to the public.**
- N. Aircraft sales and the sale of aeronautic equipment and supplies, including activities, facilities and accessory structures for the storage, display, demonstration and sales of aircraft and aeronautic equipment and supplies to the public but not including activities, structures or facilities for the manufacturing of aircraft or aircraft related products for sale to the public.**
- O. Crop dusting activities, including activities, facilities and structures accessory to crop dusting operations. Crop dusting activities include, but are not limited to, aerial application of chemicals, seed, fertilizer, defoliant, and other chemicals or products used in a commercial agricultural, forestry or rangeland management setting.**
- P. Agricultural and Forestry Activities, including activities, facilities and accessory structures that qualify as a "farm use" as defined in *ORS 215.203* or "farming practice" as defined in *ORS 30.930*.**

16.92.035 Uses Permitted Subject to the Acceptance of the Port of Astoria. The following uses and activities and their associated facilities and accessory structures are permitted in the Airport Zone upon demonstration of acceptance by the airport sponsor.

- A. Aeronautic recreational and sporting activities, including activities, facilities and accessory structures at airports that support recreational usage of aircraft and sporting activities that require the use of aircraft or other devices used and intended for use in flight. Aeronautic recreation and sporting activities authorized under this paragraph include, but are not limited to, fly-ins; glider flights; hot air ballooning; ultralight aircraft flights; displays of aircraft; aeronautic flight skills contests; and gyrocopter flights, but do not include flights carrying parachutists or parachute drops (including all forms of skydiving).**
- B. Event camping in a designated area on the airport for transient aircraft.**

16.92.040 Uses Permitted Under Prescribed Conditions Within Airport Imaginary Surfaces. The following uses and activities and their associated facilities are permitted conditionally in the Airport Zone upon demonstration of compliance with the standards of subsection ~~16.080~~ ^{16.92.060} (Scrivener's error)

- A. A structure or building accessory to a permitted use.
- B. Single-family dwellings, manufactured dwellings, duplexes and multifamily 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.
- C. 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.
- D. Buildings and uses of a public works, public service or public utility nature.
- E. Production, processing, assembling, packaging or treatment of such products as food products, pharmaceutical, hardware and machine products.**
- F. 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.**
- G. Research and development laboratories.**

- H. Printing facilities.**
- I. Public utility facilities such as power stations, sewage and water treatment plants.**
- J. Storage and distribution services and facilities (i.e., truck terminals, warehouses and storage buildings and yards, contractor's establishments, lumber yards and sales) or similar uses.**
- K. Vehicle repair (welding, painting and service, and parts facilities).**
- L. Airport support structures: hangars, weather stations, fuel terminals and storage buildings, etc.**
- M. Mini-warehouses or similar storage uses.**
- N. Contractor shop or equipment storage yard for storage and rental of equipment commonly used by a contractor.**
- O. Cabinet, carpenter, woodworking, sheet metal shops or similar establishments.**
- P. Professional, financial or business offices.**
- Q. Public utilities, including structures, pipelines, cables, and utility crossings.**
- R. Government buildings and uses.**
- S. Passive restoration**
- T. Transportation facilities and improvements subject to the standards of Section 16.20.040.**
- U. Dredge material disposal (DMD) subject to Section 16.60.040 (site 20S), and Chapter 16.104.**
- V. Food and/or beverage trucks or carts, or restaurant in connection with the operation of an FBO or terminal facility.**
- W. Military facilities.**
- X. On airport camping by occupants of transient aircraft.**

16.92.45 Uses Permitted Under Prescribed Conditions Acceptable to the Port of Astoria

- A. 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.**
- B. Noise. As may be permitted under all applicable laws and regulations.**

- C. 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.
- D. 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.
- E. Buffer.** Where this zone adjoins another non-industrial zone there shall be a buffer area at least 10 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.
- F. 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.
- G. Airport Interference.** No use shall create electrical or lighting interference with the operations of the Port of Astoria Airport.
- H. Setbacks.** The minimum front, side and rear yard setbacks shall be 10 feet. When across a street from a non-industrial zone, the setback from the property line shall be 10 feet. When a property abuts a non-industrial zone, the setback shall be as follows:
1. 50 feet for buildings and other structures more than 10 feet in height;
 2. 30 feet for buildings and structures more than six feet high but not more than 10 feet high; and
 3. 10 feet for structures no more than six feet high (except fences no more than six feet high may be on the property line).
- I.** All development shall comply with the wetland and riparian area protection standards of Chapter 16.156.
- J. Building Height.** The maximum building height shall be 45 feet, except that it may be lower under either of the following circumstances:

1. **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.**
 2. **Within the Airport Operations Overlay Zone, where the maximum building height is described by the Airport Operations Overlay Zone.**
- K. All other applicable Code requirements shall be satisfied.**
- L. All new sewer and water connections for a proposed development shall comply with all City regulations.**
- M. Prior to undertaking disposal, the dredging project proponent shall consult with the Army Corps and Oregon DSL to determine if the disposal site contains wetlands that are regulated under permit programs administered by those agencies. If the site contains regulated wetlands, the dredging project proponent shall either alter the disposal site boundaries to avoid the wetlands and leave an acceptable protective buffer, or obtain the necessary Corps and DSL permits to fill the wetlands.**

Section 4. This ordinance shall become effective 30 days after second reading.

First Reading: August 14, 2018

Second Reading: August 28, 2014

ADOPTED by the City Commission of the City of Warrenton, Oregon this 28th day August of 2018.

APPROVED



Henry A. Balensifer, Mayor

Attest:



Dawne Shaw, City Recorder