

ORDINANCE No. 787-A

Introduced by Commissioner George W. Cooper

AMENDING THE CITY OF WARRENTON COMPREHENSIVE PLAN, THE COMPREHENSIVE PLAN/LAND USE MAP AND THE ZONING ORDINANCE TO ALLOW FOR MITIGATION IN THE AIRPORT INDUSTRIAL ZONE (I-4); CLARIFY POLICIES IN THE COMPREHENSIVE PLAN CONCERNING MITIGATION; AND AMENDING THE MITIGATION SITE PROTECTION ZONE (MP).

WHEREAS, the City of Warrenton, State of Oregon and Port of Astoria are proposing to establish a mitigation area adjacent to the Port of Astoria Airport; and

WHEREAS, the present comprehensive plan and zoning ordinance does not permit mitigation as a use in the I-4 zone;

NOW, THEREFORE, BE IT ORDAINED AS FOLLOWS:

SECTION 1. Amend Comprehensive Plan Policy Number 12 - Mitigation and Mitigation Site Selection to read as follows:

Necessary new development projects in the Columbia River estuary will have adverse environmental impacts, regardless of how carefully the projects are designed and constructed. The adverse effects of such development can be mitigated by the creation, restoration or enhancement of other estuarine areas.

- 1) The adverse impacts arising from dredge or fill activities in intertidal or tidal marsh areas shall be mitigated by creation, restoration or enhancement of another estuarine area; dredge or fill activities shall be exempt from this regulation if mitigation is waived by the Director of the Division of State Lands.
- 2) The City shall rely upon the Director to determine the adequacy of a mitigation proposal.
- 3) Through CREST, the City of Warrenton will cooperate with other jurisdictions on the Columbia River estuary and with state and federal resource management agencies in the periodic review of the region's mitigation plan. Such a review will be undertaken at five-year intervals. The scope of the review will include re-examination of site availability, degree of plan implementation, new requirements and possible new projects that may require mitigation.
- 4) Estuarine alterations for development in one state can be mitigated in the other state. Mitigation in the State of Washington for an estuarine alteration permitted in the State of Oregon may be allowed only if:
  - a) Oregon State agencies with statutory responsibility for administering mitigation requirements approve the site selected for mitigation, and
  - b) the mitigation action is provided for prior to the issuance of a permit for an alteration in the State of Oregon.
- 5) Mitigation sites which generally correspond to the types and quantity of estuarine intertidal or tidal marsh area proposed for dredging or filling shall be placed in a mitigation overlay zone to protect them from incompatible and preemptive uses that may prevent their ultimate restoration, enhancement or addition to the estuarine ecosystem.

6) The inventory of mitigation site identified in the comprehensive plan is not exhaustive. Use of sites not identified in the comprehensive plan for purposes of mitigation shall be allowed, without an amendment to the comprehensive plan, subject to:

a) approval by the Director of the Division of State Lands under the requirements of ORS 541.626, and

b) a determination by the city that the proposal is compatible with adjacent land uses and with significant natural values identified in the comprehensive plan.

SECTION 2. Amend the City of Warrenton Zoning Ordinance to read as follows:

a) Section 3.141 Airport Development Zone, I-4, Permitted Uses

(1) Passive restoration

b) Section 3.142 Review Uses

(1) Active restoration, estuarine enhancement or creation

c) Section 4.082 Uses Allowed in the MP Zone

The following uses and their accessory uses are permitted in the MP Zone, subject to the requirements and procedures in the underlying zone:

(1) Review and conditional uses permitted in the underlying zone which are determined not to preempt the site's future use as a mitigation site.

Incompatible and preemptive use of mitigation sites includes:

(1) Uses requiring substantial structural or capital improvements (e.g., construction of permanent buildings).

(2) Elevation of the site by the placement of fill.

(3) Uses that include changes made to the site that would prevent expeditious use of the site for mitigation. Such uses would delay use of the site for mitigation beyond the period of time commonly required to obtain the necessary federal, state and local development permits (approximately 90 days).

d) Section 4.083 Additional Review Uses and Activities Permitted

The following uses and their accessory uses are allowed as review uses when authorized in accordance with Article 13, Review Uses:

(1) Uses and activities necessary to accomplish an approved mitigation project.

SECTION 3. Renumber the following sections of the Airport Development Zone (I-4) as follows:

- a. Change Conditional Uses from 3.142 to 3.143.
- b. Change Use Requirements from Section 3.143 to Section 3.144.
- c. Change Off-Street Parking Requirements from Section 3.144 to Section 3.145.

Passed by the Warrenton City Commission on this 4th day of December 1985.

Approved by the Mayor of the City of Warrenton this 4th day of December 1985.

  
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Mayor

ATTEST:

  
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City Manager/Auditor

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