

Ordinance No. 1196A

An Ordinance Amending Warrenton Municipal Code (WMC) Sections 16.40.020, 16.40.060, 16.60.020, and 16.60.040 to govern the location of marijuana production, processing, wholesale, and retail facilities, and medical marijuana dispensaries.

The City of Warrenton ordains as follows:

Section 1. WMC Section 16.40.020 Permitted Uses is hereby amended as follows:

C-1 General Commercial Zoning District 16.40.020 Permitted Uses.

The following uses and their accessory uses are permitted in the C-1 zone if the uses conform to the standards in Sections 16.40.040 through 16.40.060, Chapters 16.124, 16.212 and other applicable Development Code standards, and other City laws:

A. Only the following uses and their accessory uses are permitted along Highway 101, SE Marlin, SE Ensign Drive, SE Discovery Lane, and SE Dolphin Avenues and shall comply with the above noted sections as well as Chapter 16.132:

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, and/or service and parts establishment.
10. Boat and marine equipment sales, service or repair facilities.

11. Building material sales yard.
12. Government buildings and uses.
13. Transportation facilities and improvements subject to the standards of Section 16.20.040.
14. Dredge material disposal (DMD) subject to Section 16.40.050 (site 27S located within this area zoned C-1) and Chapter 16.104.
15. Community garden(s) (see definitions).
16. Hospital, medical offices, sanitarium, rest home, nursing or convalescent home.
17. Congregate care or assisted living facility.
18. Public utilities, including pipelines, cables, and utility crossings but not structures.
19. Medical marijuana dispensaries and recreational marijuana retail outlets licensed by the State of Oregon and subject to Section 16.040.060.I.
21. Similar uses as those stated above.

B. For all other C-1 zoned areas within the City limits of Warrenton, the following uses and their accessory uses are permitted and shall comply with the above noted sections:

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. Residential home.
13. Residential (care) facility.
14. Home occupations (must comply with paragraph 19 of this subsection).
15. Child care center.
16. Government buildings and uses.
17. Public utilities, including structures, pipelines, cables, and utility crossings.
18. Hospital, medical offices, sanitarium, rest home, nursing or convalescent home.
19. Congregate care or assisted living facility.
20. Single-family residences existing prior to April 2, 1997 may be repaired, remodeled, expanded, or replaced if damaged.
21. Transportation facilities and improvements subject to the standards of Section 16.20.040.
22. Community garden(s) (see definitions).
23. Similar uses as those stated in this section. (Ord. 1186-A § 1, 2014; Ord. 1177-A § 2, 2013)

Section 2. WMC Section 16.40.060 Other Applicable Standards is hereby amended as follows:

Other Applicable Standards.

- A. Outside sales and service areas shall be approved by the Warrenton Planning Commission if not enclosed by suitable vegetation, fencing or walls.

- B. Outside storage areas shall be enclosed by suitable vegetation, fencing or walls, in conformance with Chapter 16.124.
- C. All uses shall comply with access and parking standards in Chapters 16.116 and 16.128 except as may be permitted by conditional use or variance.
- D. Signs shall comply with standards in Chapter 16.144.
- E. All development shall comply with the wetland and riparian area protection standards of Chapter 16.156.
- F. All other applicable Development Code requirements shall also be satisfied.
- G. RV parks shall comply with Chapter 16.176 and all applicable state and federal laws and regulations.
- H. 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.
- I. State licensed medical marijuana dispensaries and recreational marijuana retail outlets shall be located only east of Highway 101 and at least 1,000 feet from any public or private school, church, public park, or child care center, and operate exclusively as a single building occupant or with other licensed medical marijuana dispensaries or recreational marijuana retail outlets.

Section 3. WMC Section 16.60.020 is hereby amended as follows:

I-1, General Industrial Zoning District 16.60.020 Permitted Uses.

The following uses and activities and their accessory uses and activities are permitted in the I-1 zone if the Community Development Director determines that the uses conform to the standards of Section 16.60.040, applicable Development Code standards, and other City regulations:

- A. Production, processing, assembling, packaging or treatment of such products as food products, pharmaceutical, hardware and machine products.

- B. 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.
- C. Research and development laboratories.
- D. Printing facilities.
- E. Public utility facilities such as power stations, sewage and water treatment plants.
- F. 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.
- G. Vehicle repair (welding, painting and service, and parts facilities).
- H. Airport support structures: hangars, weather stations, fuel terminals storage buildings, etc.
- I. Mini-warehouses or similar storage uses.
- J. Contractor shop or equipment storage yard for storage and rental of equipment commonly used by a contractor.
- K. Cabinet, carpenter, woodworking, sheet metal shops or similar establishments.
- L. Professional, financial or business offices.
- M. Public utilities, including structures, pipelines, cables, and utility crossings.
- N. Government buildings and uses.
- O. Passive restoration.
- P. Government buildings and uses.
- Q. Transportation facilities and improvements subject to the standards of Section 16.20.040.
- R. Dredge material disposal (DMD) subject to Section 16.60.040 (site 20S), and Chapter 16.104.

- S. Community garden(s) (see definitions).
- T. Recreational marijuana production, recreational marijuana processing, or recreational marijuana wholesale activities, subject to the Section 16.60.040.N.
- U. Similar uses to those listed in this section. (Ord. 1186-A § 5, 2014)

Section 4. WMC Section 16.60.040 Development Standards is hereby amended as follows:

Development Standards.

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

- 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 Hazard Overlay Zone, where the maximum building height is described by the Airport Hazard 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.

N. Recreational marijuana production, recreational marijuana processing, and recreational marijuana wholesale activities shall be located only east of Highway 101 and at least 1,000 feet from any public or private school, church, public park or child care center, and shall exclusively as a

single building occupant or with other licensed medical marijuana dispensaries or recreational marijuana retail outlets.

Section 5. Severability. If any section sentence, clause or phase of this ordinance is ruled invalid by a court of competent jurisdiction, the remaining portion of this ordinance shall remain valid and in full force and effect.

Section 6. Effective Date. This ordinance shall be effective 30 days after the second reading.

ADOPTED by the City of Warrenton, Oregon, this 10th day of November, 2015.

First Reading: October 27, 2015

Second Reading as Revised: November 10, 2015

Approved:



Mark Kujala, Mayor

Attest:



Linda Engbretson, City Recorder