

Ordinance 1258
Introduced by All Commissioners

**AN ORDINANCE AMENDING ARTICLE 9 OF THE COMPREHENSIVE PLAN,
ADOPTING THE ECONOMIC OPPORTUNITIES ANALYSIS AND PROVIDE
REGULATION FOR FOOD TRUCKS, AMENDING WARRENTON MUNICIPAL
CODE CHAPTER 16.12, 16.40, 16.44, 16.60, and 16.240**

WHEREAS, the City of Warrenton received generous support from the Department of Land Conservation & Development to update Goal 9: Economic Development of the Comprehensive Plan in 2020, which needs to be updated periodically to reflect changing economic conditions in the community; and

WHEREAS, the City of Warrenton supports traded sector industries and small businesses while creating local economic development opportunities through sound policies, supportive regulations, quality infrastructure, and focused public private partnerships; and

WHEREAS, the City of Warrenton completed a required Economic Opportunities Analysis in September 2020, held multiple public meetings, open to public comment, to shape economic development policies and strategies; and

WHEREAS, the Planning Commission held a public hearing on April 14, 2022 and recommended it for consideration by the City Commission on May 12, 2022.

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

Section 1. Article 9 of the Comprehensive Plan shall include the Economic Opportunities Analysis by reference and the policies shall be revised with the following:

ARTICLE 9 ~~ECONOMY (2007 Buildable Lands Inventory does not apply to a developer/property owner's right to development. The Zoning and Wetland Maps apply to ability to develop.)~~

SECTION 9.100 FINDINGS

Statewide Planning Goal 9 is intended to identify existing and emerging economic opportunities within the Warrenton Urban Growth Boundary (UGB). This work includes a buildable lands inventory and an Economic Opportunities Analysis consistent with the rules and requirements of Oregon Land Use Planning Goal 9 (Economy), OAR 660-009-0015, and the "Industrial and Other Employment Lands Analysis Guidebook." A goal is to establish a clear economic development direction for Warrenton that is consistent with local, regional, and state market trends and planning policies. To this end, the City was awarded a grant from the Department of Land Conservation & Development in 2020 to update its Comprehensive Plan Economic Element. The Economic Opportunities Analysis was completed in 2021 hereby referenced. The EOA verified the City has an adequate supply of commercial and industrial lands. It also provided an opportunity for policymakers and stakeholders to review economic development policies, strategies, and potential implementation measures to support a more diverse economic future that is resilient to global market fluctuations.

The following steps have been taken to ensure that the City of Warrenton meets these objectives:

- Identify employment opportunities and trends for the next 20 years.
- Ensure an adequate supply of land within the City's urban growth boundary (UGB) to meet 20-year employment needs.
- Identify long-term (20-year) land needs for additional employment, considering the following factors:
 - Projected 20-year employment forecasts, considering population projections, current mix of employment, projected future industry trends and other factors.
 - Factors that determine land needs for specific types of employment uses.
 - Locational factors related to different types of businesses and employment areas.
 - Identify amount of land in each zoning designation needed to accommodate projected employment.
- Conduct an inventory of "buildable" land within the City's UGB that is zoned to allow for employment development.
- Compare the supply of land in different employment zones to the estimated need for employment in each zone to ensure that there is enough land within the City's UGB and that it is zoned appropriately to meet long term employment needs.

SECTION 9.200 GOAL

- (1) Retain, strengthen and expand the City's economic development activities to ensure that adequate land, capital, infrastructure, and services are available to meet the needs for jobs and industry.
- (2) Promote cooperative economic development partnerships.
- (3) Strengthen and enhance a strong commercial core **in the traditional downtown, Hammond, as well as the commercial corridor along Highway 101.**

SECTION 9.300 POLICIES

Section 9.310 City Economy

- (1) Ensure sufficient land is zoned for business development, expanding public facilities and services, carrying out various economic growth projects, obtaining adequate funding for activities to achieve economic gains, and undertaking other appropriate economic development actions.
- (2) Encourage and support local industrial development in order to diversify beyond the City's three predominant industrial sectors (wood processing, seafood processing, and commercial fishing), while maintaining strong support for these sectors. **These traded sectors could include metal fabrication, fermentation, and small-scale consumer product manufacturing.**
- (3) Work closely with individuals and organizations to increase desired industrial,

general commercial and tourist commercial activities in Warrenton. Tourist-oriented establishments shall be encouraged to locate in Warrenton **and Hammond to support a thriving and healthy downtown core.**

(4) Encourage present employers to expand their operations and aid them in doing what is necessary to maintain an economic base for employment within the City.

(5) Work with the local business community and community partners to strengthen the downtown commercial area as an important tourist and commercial center.

(6) Maintain an adequate supply of vacant commercial, industrial and waterfront development property to provide for the economic growth of the community.

(7) Work with the ~~Clatsop county Economic Development Council~~ **economic development organizations, such as Clatsop Economic Development Resources (CEDR)** and other related non-profits and agencies and to strengthen Warrenton's economy.

(8) Encourage residents, businesses and civic organizations to shop locally.

(9) Encourage successful home-based businesses **through sensible regulations that protect neighborhoods while encouraging cottage industries.**

~~(10) Institute a business license requirement for individuals and companies conducting business in Warrenton.~~

(11) Ensure public facilities and services are available to serve existing and prospective new businesses.

(12) Work with the Port of Astoria, community groups, and local businesses to identify and implement effective economic development strategies **to support the airport business park and other Port of Astoria owned property.**

(13) Maintain and enhance all public infrastructure to create a pleasant and convenient business environment (from signage and pocket parks to sidewalks and parking lots).

(14) Concentrate/encourage small business and infill development in the core and not on the edges of the community.

(15) Ensure zoning allows for higher density, mixed-use development in the commercial core.

(16) **Continue to** protect the remaining historic resources such as downtown buildings to maintain local character and attract visitors.

~~(17) Support the development and maintenance of a property inventory.~~

Section 9.320 Strategies

- (1) Sufficient space shall be zoned for business growth and development activities and, to the extent practical, the capacity of streets and public facilities and services will be expanded to meet their needs. Expansion of water and sewer system capacity and the efficient use of the present capacity will be particularly critical for some establishments, such as fish processing firms.
- (2) The City will encourage the development of the area between East Harbor Drive, Marlin Avenue and US Highway 101 as a regional shopping center complex.
- (3) Undertake activities to provide, protect, and enhance scenic and recreational attractions in the area. The City Commission will choose a committee or organization to help evaluate, initiate and carry out appropriate tourist-oriented projects.
- (4) A group will be appointed by the City Commission to assist in selecting economic development projects for the COL-PAC sponsored federal Economic Development Administration (EDA) funding list. It should also investigate other potential sources of non-local funds for these projects.
- (5) Fees from business licenses and/or transient lodging taxes should be used primarily to benefit the local economy, and may help pay for tourist-oriented projects **and support implementation of an economic development strategies.**
- (6) The City will cooperate with the Port of Astoria to improve road access, utility service levels and other infrastructure to help develop the airport industrial park **and maintain a viable and competitive master plans for the airport and community at large.**
- (7) ~~The City supports efforts by Clatsop County to develop a new county fairgrounds site and light industrial park at the Alumax property in the UGB.~~ **The City will support a collaborative effort by Clatsop County to master plan and develop a new light industrial park on County owned land. Any strategy developed by the County should be aligned with City economic development policies and strategies.**
- (8) Prepare and keep updated a current inventory of available buildings and land with complete data, including price, features, utilities, infrastructure, maps, photos or contact information. If selected properties are known to soon be vacant, include those in the review.
- (9) Determine which properties are ready for occupancy and which need renovation or complete site prep and development. Evaluate the condition, property owner tenure, price competitiveness and other factors to assess true market readiness.
- (10) Select and target the top five properties for tenants and property improvements. Work with property owners on an action plan for improvement and/or to sell the property. Identify incentives for ~~rapid change~~ **new private investment using available urban renewal tools and financing.**

(11) The City will work through ~~CEEDC~~ local economic development organizations and chamber of commerce to achieve many regional economic objectives beneficial to the City and County as a whole, such as:

- (a) Increasing the emphasis on production of lumber and value-added wood products in the County instead of log exports;
- (b) Expanding ~~CEEDC and other~~ fish hatchery, research and development, and habitat restoration programs in the Columbia River Estuary area;
- (c) Relieving the shortage of moorage spaces, particularly moorages for commercial fishing boats;
- (d) Improving the understanding of, and commitment to, the sustained yield concept, a concept which, when applied, means that resources (forestry, fishing or others) will not be overused for short-term gains;
- (e) Increasing the number of tourists that visit Clatsop County during the off-season, including development of motels and tourist-oriented shopping facilities;
- (f) Provide and support more training opportunities for people who want to learn skills needed for local economic activities, including all local secondary and post-secondary career technical education programs; and
- (g) Expanding existing business operations and encouraging other firms to locate in the area.

(12) Enhance urban design of the downtown core, while still recognizing the city's historic character through the provision of street furnishings, planters, way-finding and directional signage, paving and other features.

(13) Continue a strong partnership with local non-profit organizations dedicated to main street and neighborhood improvement to revitalize the downtown and attract more private investment and visitors.

(14) Develop an economic development strategy with a five year action plan based on the results of the EOA and to grow and expand specific traded sector industries.

(15) In general, the City will strive to support traded sector industries (export-based economy) that facilitate skill advancement and career ladder opportunities for local youth and residents as well as circulate resources back to the local community through supply chain opportunities.

(16) The City will strive to add a feasible conference center at the Hammond Marina to support tourism related investments and additional visitors to the Hammond neighborhood.

(17) The City will explore innovative strategies for wetland mitigation and enhancement to support economic development activities while protecting critical Goal 5 resources.

Section 2. The Warrenton Municipal Code shall be revised with the following:

Underline/Bold – New Language

~~Strikethrough~~— Deleted Language

16.12.010 Definitions

Cottage Manufacturing - a small-scale, decentralized manufacturing business often operated out of a home rather than a purpose-built facility.

Food Cart – a vehicle from which food stuffs and/or refreshments are sold or offered for sale for human consumption, primarily operating from a single location for more than a month;

Food Pod - a site containing two or more food carts and associated amenities on private or public property.

Temporary Food Vendor - Temporary Restaurant, Seasonal Temporary Restaurant, Single Event Temporary Restaurant, or Mobile Unit as regulated by WMC. 16.240.010.D

Chapter 16.40 GENERAL COMMERCIAL (C-1) DISTRICT

16.40.010 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.

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, funeral home **and pet grooming.**
 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, **including food carts and food pods.**
 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. Commercial uses with a ~~second floor~~ residential use(s) [apartment(s)] **located either above or behind the commercial use so that the commercial use is the predominate use on the property, or on same lot with existing single family detached built prior to April 2, 1997.**
20. Homestay lodging subject to the standards in Chapter 8.24.
21. Vacation rental dwelling subject to the safety regulations in Section 8.24.030.
22. 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, **and pet grooming.**
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, **including food carts and food pods.**
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. Commercial uses with second floor residential use(s) [apartment(s)] or on the same lot with existing single-family detached built prior to April 2, 1997.
24. Homestay lodging subject to the standards in Chapter 8.24.
25. Vacation rental dwelling subject to the safety regulations in Section 8.24.030.
26. Similar uses as those stated in this section. (Ord. 1248 § 2, 2021; Ord. 1234 § 1, 2020; Ord. 1196-A § 1, 2015; Ord. 1186-A § 1, 2014; Ord. 1177-A § 2, 2013)

16.40.030 Conditional Uses.

The following uses and their accessory use may be permitted in the C-1 zone when approved under Chapter 16.220 and shall comply with Sections 16.40.040 through 16.40.060 and Chapters 16.124 (Landscaping) and 16.212 (Site Design Review):

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

1. Cabinet, carpenter, woodworking or sheet metal shops.
2. Processing uses such as bottling plants, bakeries and commercial laundries.
3. Research and development establishments, **laboratories, and similar facilities.**
4. Wholesale storage and distribution facilities, including cold storage.
5. RV Park.
6. New drive-through/drive-up facility or substantially improved as defined by 25% of assessed value.
7. Medical marijuana dispensaries and recreational marijuana retail outlets licensed by the State of Oregon and subject to Section 16.40.060(I).
8. Similar uses as those stated in this section.

B. The following uses and their accessory uses are permitted in all other C-1 zoned areas within the City limits of Warrenton:

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, coffee roasters, and commercial laundries.
5. Research and development establishments, laboratories, and similar uses.
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, subject to the requirements in Section 16.116.030(G).
10. Church, synagogue, or other place of worship.
- ~~11. Commercial uses with 2nd floor residential use(s) [apartment(s)].~~
12. RV Park.
13. Multifamily housing development subject to the development and other applicable standards of Chapter 16.36, Section 16.124.070 generally and Section 16.124.070(C)(1) specifically, and Chapter 16.188.
14. Cottage manufacturing that occurs in tenant spaces or structures that are less than 2,000 SF.
15. Fermentation enterprises, such as breweries and distillers, may also include a taproom as an accessory use.
16. Similar uses to those listed in this section. (Ord. 1242 § 1, 2020; Ord. 1225 § 3, 2019; Ord. 1211-A § 1, 2017)

J. The following standards shall be met by all food cart placements in the C-1 Zoning District

1. Prior to operation, the owner shall obtain a city business license and complete the required food cart application
2. The placement and operation of the cart shall meet the operational requirements found in Section 16.240.010.D

Chapter 16.44 COMMERCIAL MIXED USE (C-MU) DISTRICT

16.44.010 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:
1. Use land and urban services efficiently;
 2. Support a mixture of land uses to encourage walking as an alternative to driving, and provide more employment and housing options; and

3. 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 (Fort Stevens Highway/State Highway 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.

16.44.020 Permitted Uses.

The following uses and their accessory uses are permitted in the C-MU district if the Community Development Director determines that the uses conform to the standards in Sections 16.44.040 and 16.44.050, applicable Development Code standards, and other City laws. All new sewer and water connections for a proposed development shall comply with all City regulations:

A. Residential.

1. Single-family detached dwelling with covered parking in accordance with Chapter 16.180 on lots not having direct frontage on, or taking direct access from, a State highway.
2. Duplex, townhome, triplex, multifamily and rowhouse with garage (attached or detached) in accordance with Chapter 16.180 and subject to standards of Chapter 16.184.
3. Daycare center.
4. Home occupation, shall comply with Section 16.44.020(A)(5).
5. Single-family residences existing prior to April 2, 1997 may be repaired, remodeled, expanded, or replaced if damaged so long as building permits are obtained within 12 months of the date of discontinuance.
6. Homestay lodging subject to the standards in Chapter 8.24.
7. **Accessory dwelling subject to standards of Section 16.180.040.**
8. Similar uses as those listed in this section.

B. Public and Institutional.

1. Church, synagogue, or other place of worship.
2. Clubs, lodges, similar uses.
3. Government buildings and uses.
4. Libraries, museums, community centers, and similar uses.
5. Public parking lots and garages, subject to design standards in Chapter 16.128.
6. Public utilities, including structures, pipelines, cables, and utility crossings.
7. Transportation facilities and improvements subject to the standards of Section 16.20.040.
8. Community garden(s) (see definitions) **and public parks.**
9. Similar uses as those listed in this section.

C. Commercial.

1. Personal and business service establishments such as a barber or beauty shop, clothes cleaning or a funeral home.

2. Professional, financial, business and medical offices. Drive-through facilities are not permitted within the C-MU district.
3. Retail business establishments and processing uses (e.g., bakery) of goods sold on site.
4. Amusement enterprises such as a theater or bowling alley.
5. Technical, professional, vocational and business schools.
6. Eating and drinking establishments. Drive-through facilities are not permitted within the C-MU district.
7. Hotel, motel or other tourist accommodation, including bed and breakfast.
8. **Multiple (or mixed) uses on the same or adjoining lot or parcel.**
9. Commercial uses with a ~~second floor~~ residential use(s) [apartment(s)] **located either above or behind the commercial use so that the commercial use is the predominate use on the property.** ~~or on same lot with existing single family detached built prior to April 2, 1997."~~
10. Similar uses as those listed in this section. (Ord. 1248 § 2, 2021; Ord. 1186-A § 2, 2014)

16.44.030 Conditional Uses.

The uses listed under Section 16.44.020 and their accessory uses may be permitted in the C-MU district when approved under Chapter 16.220, Conditional Use Permits:

- A. Cabinet, carpenter, woodworking or sheet metal shops, fully enclosed in a building.
- B. Building contractor shops, including plumbing, electrical and HVAC.
- C. **Cottage manufacturing that occurs in tenant spaces or structures that are less than 2,000 SF.**
- D. Research and development establishments, **laboratories, and similar facilities.**
- E. ~~Drive through/drive up facility.~~
- F. Accessory dwelling subject to standards of Section 16.180.040.
- G. Vacation rental dwelling subject to the safety regulations in Section 8.24.030.
- H. Fermentation enterprises, such as breweries and distillers, may also have a Taproom as an accessory use.**
- I. Food carts and pods.**
- J. Similar uses as those listed in this section. (Ord. 1248 § 2, 2021; Ord. 1225 § 4, 2019)

Chapter 16.60 GENERAL INDUSTRIAL (I-1) DISTRICT

16.60.010 Purpose.

The purpose of the General Industrial Zone is to provide sites **for employment related industries such** as 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.

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 **and beverage** products, pharmaceutical, hardware and machine products. **Retail of products made on site is permitted as an accessory use.**
- 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 **and similar uses.**
- 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 and 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, metal **fabrication** shops or similar establishments.
- L. Professional, financial, medical, 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. Food and/or beverage trucks or carts.
- U. Similar uses to those listed in this section. (Ord. 1605-A § 1, 2016; Ord. 1196-A § 3, 2015; Ord. 1186-A § 5, 2014)

16.60.030 Conditional Uses.

The following uses and activities and their accessory uses and activities may be permitted in the I-1 zone when approved under Chapter 16.220, and subject to the provisions in Section 16.60.040, Development Standards:

- A. Heavy fabrication of finished or semi-finished products from raw materials.
- B. Airport runway extensions or relocations.

- C. One caretaker unit for each primary industrial use on a lot or parcel subject to the following conditions:
 - 1. The unit shall be served with public water and sanitary sewerage disposal, in conformance with City engineering and public works requirements.
 - 2. The unit shall meet all applicable fire, safety, and building code requirements.
 - 3. The unit shall be located no closer than 10 feet to any property line.
- D. **New community college or similar campus type facilities subject to institutional master plan standards in Section 16.224.**
- E. **New mini warehouse or similar storage facilities.**
- F. Recreational marijuana production, recreational marijuana processing, or recreational marijuana wholesale activities, subject to Section 16.60.040(N).
- G. Similar uses as those listed in this section.

16.116.030 Architectural and Site Design Standards.

G. **Storage Unit Facilities.** Where allowed, storage unit facilities shall be subject to the following design, siting, and location standards:

- 1. **Setbacks.** New storage unit facilities shall be constructed no closer than 100 feet from the East Harbor Drive right-of-way line. This setback area shall be used for landscaping, open space, public or private amenities, off-street parking, other businesses allowed in the zone; or a combination thereof.
- 2. **Design Standards.** New storage unit facilities shall be subject to the following design standards:
 - a. Building material requirements in Section ~~16.434~~ **116.030(C)(3)**;
 - b. Building color standards in Section ~~16.434~~ **116.030(C)(5)**;
 - c. Mechanical equipment, outdoor storage and service area standards in Section ~~16.434~~ **116.030(C)(6)**;
 - d. Building mass requirements in Section ~~16.434~~ **116.030(C)(7)**;
 - e. Outdoor lighting standards in Section ~~16.76.134~~ **16.116.030(E)**; and
 - f. Other applicable design requirements of this section.

16.240.010 Temporary Use Permits.

Temporary uses are characterized by their short term or seasonal nature and by the fact that permanent improvements are not made to the site. Temporary uses include, but are not limited to: construction trailers, leasing offices, temporary carnivals and fairs, parking lot sales, retail warehouse sales, and seasonal sales such as Christmas tree sales and vegetable stands, **and temporary food vendors.** ~~Three~~ **Four** types of temporary uses require permit approval (see subsections A, B, ~~and C,~~ **and D** of this section):

D. Temporary Food Vendors (Food Carts)

1. Definitions. Temporary Food Vendor. A person or persons, including a business entity, who operates an Intermittent Temporary Restaurant, Seasonal Temporary Restaurant, Single Event Temporary Restaurant, or Mobile Unit as defined below:

a) Intermittent Temporary Restaurant. An establishment that operates temporarily at a specific location in connection with multiple public gatherings, entertainment events, food product promotions or other events, at least two of which are arranged for by different oversight organizations; and where food is prepared or served for consumption by the public.

b) Seasonal Temporary Restaurant. An establishment that operates at a specific location in connection with multiple public gatherings, entertainment events, food product promotions or other events that are arranged for by the same oversight organization; and where food is prepared or served for consumption by the public.

c) Single Event Temporary Restaurant. An establishment that operates in connection with a single public gathering, entertainment event, food product promotion or other event; and where food is prepared or served for consumption by the public.

d) Mobile Unit. Any vehicle on which food is prepared, processed or converted or which is used in selling and dispensing food to the ultimate consumer.

2) Registration Required. No person shall operate as a Temporary Food Vendor without first registering with the City of Warrenton. Registration shall be on forms provided by the City. All Temporary Food vendors shall be required to provide the following information:

a) Official picture identification in the form of a valid state issued driver's license, state issued identification card, or valid passport;

b) Current contact information, including a valid mailing address and phone number;

c) A current Oregon State food handler's certification if handling food;

d) The location of vending;

e) If vending on private property, the street vendor must provide a copy of the affected property owner's written permission for placement of a temporary shelter, stand, vehicle or cart; and

f) Any other information deemed necessary to enforce this Ordinance.

3) Oregon Revised Statutes Chapter 624 requires all food service vendors to be licensed in advance of operation. In accordance with ORS 624.020, all food service vendors shall display their license in clear view of the public during any food service. The following restaurant activities shall operate as set forth below:

a) Intermittent Temporary Restaurant (ORS 624.082): A person may not operate an intermittent temporary restaurant without first procuring a license to do so from the Oregon Health Authority. The intermittent temporary restaurant license shall be posted in a conspicuous place on the premises of the licensee.

b) Seasonal Temporary Restaurant (ORS 624.084): A person may not operate a seasonal temporary restaurant without first procuring a license to do so from the Oregon Health Authority. The seasonal temporary restaurant license shall be posted in a conspicuous place on the premises of the licensee.

c) Single Event Temporary Restaurant (ORS 624.086): A person may not operate a single-event temporary restaurant without first procuring a license to do so from the Oregon Health Authority. The single-event temporary restaurant license shall be posted in a conspicuous place on the premises of the licensee.

d) Mobile Unit (ORS 624.320): A person may not operate mobile unit without first procuring a license to do so from the Oregon Health Authority. The operator shall post the license in a conspicuous place on the mobile unit; or, if the operator has multiple mobile units, the operator shall affix a card, emblem or other device clearly showing the name and address of the licensee to each mobile unit.

e) Mobile Unit Carts/Trucks/Units may move around Oregon. Out-of-state licenses are not transferable to Oregon. Mobile Units from out-of-state, do not have license reciprocity in Oregon. Out-of-state mobile units shall contact the Clatsop County Public Health Office and get an Oregon license before operating.

f) Mobile Food Carts/Trucks/Units may be licensed in other Oregon Counties, but they are still required to contact the Clatsop County Public Health Office prior to arrival at any location to discuss their operations.

4) All temporary food vendors cooking with propane shall obtain a Portable Propane Cooking Devices Permit from the Warrenton Fire and Rescue Department.

5) Standards of Operation.

A) No Temporary Food Vendor shall:

1) Occupy an area within ten (10) feet of a crosswalk, alleyway or building doorway;

2) Obstruct or impede vehicular or pedestrian traffic;

3) Leave a location without first picking up, removing and disposing of all trash and refuse remaining within a twenty-five foot (25') radius of their vending area. Each vendor shall be responsible for maintaining a twenty-five foot (25') radius around their vending area clean of any trash or debris;

4) Make any loud noise for the purpose of advertising or attracting attention to their wares;

5) Leave their shelter, stand, vehicle or cart unattended;

6) Sell from any location other than the registered location;

7) Solicit or conduct business with any persons in motor vehicles located within any traffic lane on a public street;

8) Unreasonably interfere with or obstruct the free flow of pedestrian traffic or access to businesses; or

9) Violate any federal, state or local ordinance, statute or regulation.

B) If vending on private property, the street vendor must prominently display a copy of the affected property owner's written permission for placement of the street vendor's temporary shelter, stand, vehicle or cart at the vending location.

C) Signage. No street vendor shall:

1) Place signs anywhere other than the street vendor's place of business;

2) Place more than one sign on each of four sides of the street vendor's temporary shelter, stand, vehicle or cart.

3) Place a sign greater than ten square feet on any side of the street vendor's temporary shelter, stand, vehicle or cart.

4) Place signs on vehicles other than the vendor's registered sales structure or within the road right-of-way;

5) Place signs within ten feet (10') of a crosswalk, alleyway, or fire hydrant; or

6) Place signs in any way that obstructs or impedes vehicular or pedestrian traffic.

7) One hand held sign is allowed for each approaching travel direction but in no instance shall more than two hand held signs be allowed.

8) Hand held signs may only be used on the sidewalk; they shall not be used in the vehicular right of way; including travel lanes, bike lanes, or parking areas.

6) Violation of this Section. Any temporary shelter, stand, vehicle, cart or sign in violation of this ordinance may be removed by the City Administrator or designee twenty-four (24) hours after written notice is delivered to the vendor in person or five (5) days after written notice is mailed to the address registered with the City.

A) Any item(s) removed may be stored by the City up to 30 days or until the owner redeems the property by paying a storage and removal charge as established by the City Administrator. The City may dispose of items left longer than 30 days from the date of notice provided in this section.

B) Written notice shall include at least the following:

1) A statement that the item(s) are in violation of this ordinance;

2) The approximate location of the violation;

3) Date the item(s) will be removed;

4) Statement that the removal and storage costs are the responsibility of the owner or vendor;

5) Statement that the item(s) shall be disposed of after thirty (30) days of storage;

6) Cost of removal and storage;

7) Location of storage or person to contact concerning storage;

8) Statement that the owner or vendor may remove the item(s) at their own expense prior to the date of removal; and

9) Statement that further violation will result in immediate removal without prior notification.

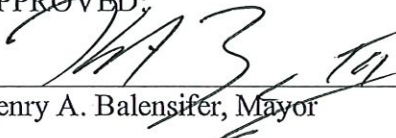
7) Exemption. This section does not apply to non-public events. Non-public events include sporting events where only the participants, support staff, and invited guests are served food. This section does not apply to food carts placed within approved food pods in the C-1 zoning district.

First Reading: October 11, 2022

Second Reading: October 25, 2022

ADOPTED by the City Commission of the City of Warrenton, Oregon this 25th day of October 2022.

APPROVED:


Henry A. Balensifer, Mayor

ATTEST:


Dawne Shaw, City Recorder