



Oregon

Theodore R. Kubongski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

8/3/2009

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Warrenton Plan Amendment
DLCD File Number 001-09

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Friday, August 14, 2009

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. Pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE:** THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

Cc: Carol Parker, City of Warrenton
Gloria Gardiner, DLCD Urban Planning Specialist
Laren Woolley, DLCD Regional Representative

<paa> YA

2 Notice of Adoption

DEPT OF

JUL 27 2009

THIS FORM **MUST BE MAILED** TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18

LAND CONSERVATION
AND DEVELOPMENT

For DLCD Use Only

Jurisdiction: Warrenton Local file number: DCR-09-1
Date of Adoption: July 14th, 2009 Date Mailed: July 23, 2009
Date original Notice of Proposed Amendment was mailed to DLCD: April 15, 2009 + Revised April 29, 2009

- Comprehensive Plan Text Amendment
- Land Use Regulation Amendment
- New Land Use Regulation
- Comprehensive Plan Map Amendment
- Zoning Map Amendment
- Other: _____

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Revised DC Sections 1.2, 1.3, 2.18, 2.2, 2.5, 2.9, 3.15 & 4.1.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "SAME". If you did not give Notice for the Proposed Amendment, write "N/A".

Same.

Plan Map Changed from: N/A to: N/A
Zone Map Changed from: N/A to: N/A
Location: N/A Acres Involved: N/A
Specify Density: Previous: N/A New: N/A

Applicable Statewide Planning Goals: 1, 2 & 12

Was and Exception Adopted? YES NO

DLCD File No.: 001-09 (17514) [15640]

Did the Department of Land Conservation and Development receive a Notice of Proposed Amendment.....

- Forty-five (45) days prior to first evidentiary hearing? Yes No
If no, do the statewide planning goals apply? Yes No
If no, did Emergency Circumstances require immediate adoption? Yes No

Affected State or Federal Agencies, Local Governments or Special Districts:

DLCD

Local Contact: Carol Parker Phone: (503) 861-0920 Extension: ---
Address: PO Box 250 City: Warrenton
Zip Code + 4: 97146 Email Address: cparker@ci.warrenton.or.us

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. **Send this Form and TWO (2) Copies of the Adopted Amendment to:**

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. **Please Note:** Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only; or call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to mara.ulloa@state.or.us - ATTENTION: PLAN AMENDMENT SPECIALIST.

ORDINANCE No. 1136-A
Introduced by Commissioner: Terry Ferguson

Amending the City of Warrenton's Development Code Sections 1.2 (General Administration), 1.3 (Definitions), 2.2 (R-10 Zoning District), 2.5 (C-1 Zoning District), 2.9 (RC Zoning District), 2.18 (Airport Hazard Overlay), 3.3 (Vehicle and Bicycle Parking), 3.15 (RV Park Design Standards), and 4.1 (Application Types and Review Procedures). Revised language is attached as Exhibit "A".

WHEREAS, certain changes are necessary to revise, update and amend the Warrenton's Development Code in order to comply with Statewide Planning Goals, Oregon Administrative Rules, and Oregon Revised Statutes; and

WHEREAS, the Warrenton City Commission received the Planning Commission's recommendation on this matter, and conducted a public hearing on June 9, 2009 and closed the public hearing on that date; and

WHEREAS, the Warrenton City Commission has determined to approve these revisions to the Development Code as described in Exhibit "A" which will amend the afore-mentioned sections of the Development Code.

NOW, THEREFORE, The City of Warrenton ordains as follows:

Section 1: The City of Warrenton's Development Code (Exhibit "A") is amended as described in the attached exhibit.

Section 2: This ordinance shall become a final land use decision upon its second reading, enactment, and its signing by the Mayor.

Section 3: This ordinance shall become effective thirty (30) days from the date of its adoption.

Section 4: If any article, section, subsection, phrase, clause, sentence or word in this ordinance shall, for any reason, be held invalid or unconstitutional by a court of competent jurisdiction, it shall not nullify the remainder of the ordinance but shall be confined to the article, section, subdivision, clause, sentence or word so held invalid or unconstitutional.

First Reading: June 23, 2009

Second Reading: July 14, 2009


ADOPTED by the City Commission of the City of Warrenton, Oregon, this 14th day of July, 2009.

APPROVED



Gil Gramson, Mayor

ATTEST:



Linda Engbretson, City Recorder

Date the City mailed the Notice of Decision to parties with standing and to the Department of Land Conservation and Development on the required form:

1.2.7. Official Action.

A. Official Action. All officials, departments, employees (including contractor-officials), of the City vested with authority to issue permits or grant approvals shall adhere to and require conformance with this Code, and shall issue no permit or grant approval for any development or use which violates or fails to comply with conditions or standards imposed to carry out this Code.

B. Notice. The failure of any person to receive mailed notice or failure to post a notice shall not invalidate any actions pursuant to this Code.

1.2.8. Planning Director Authority - The Planning Director shall have the authority to schedule any review of an administrative land use application before the Planning Commission or Hearings Officer for a determination.

WDC Chapter 3.16, Accessory Structures, Garages, and Carports and other applicable sections of this Code.

Accessory Use - A use incidental and subordinate to the primary use of the property and located on the same lot.

Accretion - The buildup of land along a beach or shore by the deposition of waterborne or airborne sand, sediment, or other material.

Adjacent - Abutting or located directly across a street right-of-way.

Administrative - A discretionary action or permit decision made without a public hearing, but requiring public notification and an opportunity for appeal. See also *WDC Chapter 4.1.4*.

Adult Foster Home - A family home or facility in which 24-hour care is provided for five or fewer adults who are not related to the provider by blood or marriage.

Adverse impact - Negative affect of development that can be measured (e.g., noise, air pollution, vibration, dust, etc.).

Affordable - Means housing affordable to a certain percentage of the population earning a specified level of income and spending no more than 30 percent of their income on housing expenses. For more information, refer to the Federal Department of Housing and Urban Development and the Oregon Department of Housing and Community Services.

Agitation Dredging - Dredging by displacement of sediments out of a shoaled area using currents generated by a ship's propeller or large pump. Also referred to as propwash dredging and sandwave skimming, depending on the gear and techniques used.

Agriculture - As used in this Code, "agriculture" is the same as "farm use" as defined by ORS 215.203(2)(a). See also *WDC Chapter 3.20, Agriculture, Horticulture, and Livestock*.

Airport -

- Approach Surface: 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 Approach Surface extends outward a distance of 8,500 feet at a slope of 34:1 for Runway 13; 1,000 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.

- Hazard: Any structures, trees or other objects of natural growth from penetrating airport imaginary surfaces.
- Imaginary Surfaces: Those imaginary areas in space which are defined by the Approach Surface, Transitional Surface, Horizontal Surface, Clear Surface and Conical Surface
- Clear Surface: Extends from the Primary Surface to a point where the Approach Surface is 50 feet above the runway end elevation.
- 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.
- 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.
- Noise Sensitive Areas Within 1,500 feet of an airport or within established noise contour boundaries exceeding 55 Ldn.
- 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.
- 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.
- Sponser: the owner, manager, other person, or entity designated to represent the interests of an airport [OAR 660-013-0020(6)].
- 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).

- **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.

Alley - A street that affords only a secondary means of access to the property. *See WDC Section 3.1.2.F.*

Ambient - Something that surrounds, as in the level of light, dust or noise.

Apartment - A portion of a building which is occupied or which is intended or designed to be occupied as an independent dwelling unit and contains separate housekeeping facilities for living, sleeping, cooking, and eating. As used in this Code, apartment refers to a secondary and accessory use of a portion of an otherwise non-residential building although apartment, as it is commonly used, may refer to an individual unit within a multi-family dwelling.

Aquaculture - The raising, feeding, planting and harvesting of fish, shellfish, aquatic plants, or other aquatic organisms, including associated facilities necessary to engage in the use.

Aquatic Area - In the Columbia River Estuary, the tidal waters, including subtidal areas and wetlands, and the land underlying these waters. The upper limit of aquatic areas is the upper limit of aquatic vegetation or, where vegetation does not exist, Mean Higher High Water.

Arcade - An arched or covered passageway; often along building fronts or between streets.

Area of Shallow Flooding - A designated AO or AH zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly-defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. AO is characterized as sheet flow and AH indicated ponding.

Area of Special Flood Hazard - The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. Areas so designated on Flood Insurance Rate Maps (FIRM) always include the letters A or V.

Arterial - A street or road of considerable continuity which is primarily a traffic artery for intercommunication among large areas. *See WDC Chapter 3.5.1.*

Articulate/articulation - The jointing and interrelating of building spaces through offsets, projections, overhangs, extensions and similar features.

Grade, Ground Level - The average elevation of the finished ground elevation at the centers of all walls of a building, except that if a wall is parallel to and within five feet of a sidewalk, the sidewalk elevation nearest the center of the wall shall constitute the ground elevation.

Ground cover - A plant material or non-plant landscape material (e.g., mulch, bark chips/dust, hardscape materials) that is used to cover bare ground. See also, *WDC Chapter 3.2 – Landscaping*.

Habitable Floor - Any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used only for storage purposes is not a habitable floor.

Hammerhead turnaround - A “T” or “L” shaped dead-end street that allows for vehicles to turn around. See also *WDC Section 3.5.1*.

Hardscape - Non-plant landscape materials, including pathways, decorative pavers, benches, drinking fountains, arbors, pergolas, playgrounds, plazas, and similar amenities.

Hazardous Soils - Soils which may be hazardous to facilities on the parcel or to nearby property due to the soil's load bearing capacity, the potential for wind or water erosion, or the soil's wetness or slope characteristics.

Hearings Officer - an independent land use consultant or attorney hired to conduct public hearings on Type III land use applications and to make final decisions, which if appealed will be appealed to City Commission.

Height of Building - The vertical distance from the grade to the highest point of the coping of a flat roof, to the deck line of a mansard roof, or to the center height between the highest and lowest point of other types of roofs. See “Building Height”.

Historic Structure - any structure that is: (a) listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (1) by an approved state program as determined

Public Utility - A private business or organization such as a public service corporation, performing some public service and subject to governmental regulation; or a governmental agency performing similar public services. Such services shall include, but are not limited to, electricity, gas, and telephone.

Quasi-judicial - Refers to an action or decision that requires substantial discretion or judgment in applying the standards or criteria of this Code, and usually involves a public hearing. See *WDC Chapter 4.1.5*.

Recreation - Any experience voluntarily engaged in largely during leisure time from which the individual derives satisfaction.

Recreation, Coastal - Recreation occurring in offshore ocean waters, estuaries and streams; along beaches and bluffs; and in adjacent shorelands. It includes a variety of activities, from swimming, SCUBA diving, boating, fishing, hunting, use of dune buggies, shell collecting, painting, wildlife observation, and sightseeing; to coastal resorts and water-oriented restaurants.

Recreation, Low-Intensity - Recreation not requiring developed facilities and accommodated without change to the area or resource. For example, boating, hunting, hiking, wildlife photography, and beach or shore activities can be low-intensity recreation. Facilities included as low-intensity recreation include picnic tables, trail signs, unpaved trails and portable restrooms.

Recreation, High-Intensity - Recreation using specially built facilities, or occurring in such density or form that it requires or results in a modification of the area or resource. Campgrounds, golf courses, public beaches, and marinas are examples of high-intensity recreation.

Recreation Vehicle - A vehicle which is: (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towable by a light duty truck; and (d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Recreation Vehicle Park - A plot of land upon which two or more recreational vehicle sites are located, established or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreational or vacation purposes.

- 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 3.16.
- J. 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:

- A. Government buildings and uses.
- B. Hospital, sanitarium, rest home, nursing or convalescent home.
- C. Public utility structure.
- D. School: nursery, primary, elementary, junior or senior high; public or private.
- E. Child care center.
- F. Golf course.
- G. Home Occupations
- H. Parks, playgrounds and community centers.
- I. Church, synagogue, or other place of worship.
- J. Bed and breakfast.
- K. Master planned development with a minimum lot size of three contiguous acres, subject to the provisions in Chapter 4.5.
- L. Accessory dwelling that complies with Section 3.16.4.
- M. RV Park

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

- A. Density provisions:
 - 1. Minimum lot area for residences: 10,000 square feet.

- H. All other applicable Development Code requirements must be met.
- I. All new sewer and water connections for a proposed development shall comply with all city regulations.
- J. RV Park shall comply with Section 3.15 and all applicable State and Federal laws and regulations.

12. Residential home, and residential facility (Care Facilities).
13. Home Occupations (must comply with #19 of this section).
14. Child care center.
15. Government buildings and uses.
16. Public utility structures.
17. Hospital, medical offices, sanitarium, rest home, nursing or convalescent home.
18. Congregate care or assisted living facility.
19. Single Family Residences existing prior to April 2, 1997 may be repaired, remodeled, expanded, or replaced if damaged.
20. Transportation facilities and improvements subject to the standards of Section 2.0.4.
21. Similar uses as those stated in this section.

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 and shall comply with Sections 2.5.130 thru 2.5.140, 3.2 (Landscaping) and 4.2 (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 Section 3.04:

1. Cabinet, carpenter, woodworking or sheet metal shops;
2. Processing uses such as bottling plants, bakeries and commercial laundries;
3. Research and development establishments;
4. Wholesale storage and distribution facilities, including cold storage.
5. Similar uses as those stated in this section.
6. RV Park

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 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 2nd floor residential use(s) (apartment(s)).
12. Similar uses to those listed in this section
13. RV Park

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

A. Density Provisions:

1. Minimum lot size, commercial uses: none.
2. Minimum lot width, commercial uses: none.
3. Minimum lot depth, commercial uses: none.
4. Maximum building height: 45 feet.

C. All uses shall comply with access and parking standards in Chapters 3.04.6, 3.04.7, and 3.3 except as may be permitted by conditional use or variance.

D. Signs shall comply with standards in Chapter 3.7.

E. All development shall comply with the wetland and riparian area protection standards of Chapter 3.10.

F. All other applicable Development Code requirements shall also be satisfied.

G. RV Park shall comply with Section 3.15 and all applicable state and federal laws and regulations.

G. 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.

H. Mitigation, restoration, creation and enhancement.

K. Residences as an accessory use to another permitted use, and occupied by the owner or operator of the primary use.

L. RV Park

2.9.130 Development Standards - The following standards are applicable in the RC zone:

A. No use will be allowed in the RC zone unless it meets one or more of the following criteria:

1. The use is water-dependent— 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.

2. 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.

3. The use can demonstrate that it provides a needed service for users of the Marinas.

4. The use is an accessory use important to the operations of the principal use.

5. The use is a temporary use meeting the requirements of Section 4.9.1.

B. Yards: the minimum yard depth for portions of the property abutting a public right-of-way or non-commercial district is 15 feet.

C. Lot Coverage: Buildings shall cover not more than 75 percent of the lot area.

D. Landscaped open area: A minimum of five percent of the total lot area will be maintained as landscaped open area.

E. Building heights: No building shall exceed a height of 40 feet above grade.

- F. 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.)
- G. 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.
- H. All uses shall comply with access requirements, signs standards, parking and loading standards in Chapter 3.7.
- I. Conditional Uses shall meet the requirements in Chapter 4.4.
- J. Large-scale developments shall satisfy requirements in Chapter 3.19.
- K. Multi-family dwellings and multi-family housing developments shall meet the development standards of Section 2.5.130 and Chapter 3.18.
- L. Attached single-family dwellings shall comply with development standards of Section 2.5.130 and design standards of Chapter 3.17.
- M. All development shall comply with the wetland and riparian area protection standards of Chapter 3.10.
- N. All other applicable Code requirements shall be satisfied.
- O. Standards for approval of nonwater-dependent uses:
1. Nonwater-dependent uses shall be constructed at the same time as or after the water-dependent use of the site is established, and must be carried out together with the water-dependent use.
 2. The ratio of the square footage of ground-level indoor floor space plus outdoor acreage distributed between the nonwater-dependent uses and the water-dependent uses at the site shall not exceed one to three (nonwater-dependent to water-dependent).
 3. Such nonwater-dependent uses shall not interfere with the conduct of the water-dependent use.
- P. Standards for approval of a temporary use: Temporary nonwater-dependent uses that involve minimal capital investment and no permanent

structures may be allowed. The intent of allowing such uses is to avoid posing a significant economic obstacle to attracting water-dependent uses. Tools for implementing this approach include “vacate” clauses in leases on public lands, as well as requiring “vacate” clauses for land use approvals involving leasing of private lands.

Q. RV Park shall comply with Section 3.15 and all applicable state and federal laws and regulations.

Chapter 2.18 — Airport Hazard Overlay (AHO) District

Sections:

- 2.18.100 Purpose**
- 2.18.110 Special Definitions**
- 2.18.120 Permitted Uses within Airport Imaginary Surfaces**
- 2.18.130 Conditional Uses Within Airport Imaginary Surfaces**
- 2.18.140 Conditional Use Procedures**
- 2.18.150 Conditional Use Standards**
- 2.18.160 Marking and Lighting**

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

- A. Approach Surface: 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 Approach Surface extends outward a distance of 8,500 feet at a slope of 34:1 for Runway 13; 1,000 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.
- B. Airport Hazard: Any structures, trees or other objects of natural growth from penetrating airport imaginary surfaces.
- C. Airport Imaginary Surfaces: Those imaginary areas in space which are defined by the Approach Surface, Transitional Surface, Horizontal Surface, Clear Surface and Conical Surface.
- D. Clear Surface: Extends from the Primary Surface to a point where the Approach Surface is 50 feet above the runway end elevation.

- 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 55 Ldn.
- H. 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.
- I. 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.
- 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).
- L. 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 Imaginary Surfaces

- 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.

2.18.130 Conditional Uses Within Airport Imaginary Surfaces

- A. A structure or building accessory to a permitted use.
- B. 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.
- C. Commercial and industrial uses, when authorized in the primary zoning district, provided the use does not result in the following:
 - 1. Creating electrical interference with navigational signals or radio communication between the airport and aircraft.
 - 2. Making it difficult for pilots to distinguish between airports lights or others.
 - 3. Impairing visibility.
 - 4. Creating bird strike hazards.
 - 5. Endangering or interfering with the landing, taking off or maneuvering of aircraft intending to use the airport.
 - 6. Attracting large number of people.
- D. Buildings and uses of a public works, public service or public utility nature.

2.18.140 Conditional Use Procedures

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

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

2.18.150 Conditional Use Standards

- A. No object of natural growth or terrain, nor any structure, equipment, or materials shall be permitted to extend above the applicable Airport Imaginary Surface without a determination from the Federal Aviation Administration and the Oregon Department of Aviation and supported by the airport sponsor that such object, structure, equipment or materials would not pose a hazard to air navigation.
- B. No place of public assembly shall be permitted in the Approach Surface.
- C. No structure or building shall be allowed within the Clear Surface.
- D. 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.
- E. No glare producing material shall be used on the exterior of any structure located within the Approach Surface.
- F. 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.

2.18.160 Marking and Lighting

As a condition of any permit or land use approval, the city shall require the owner of any object of natural growth, terrain, structure, equipment, or materials to install, operate, and maintain, at the owner's expense, such marking and lightings as recommended or required by the Federal Aviation Administration and the Oregon Department of Aviation.

44. RV Park

One (1) off-street parking space shall be provided for each RV space, plus one (1) additional space for each six (6) RV spaces to provide for guest parking. Grouped parking spaces shall be located within one hundred fifty (150) feet of the RV spaces served.

B. Parking Location and Shared Parking.

1. Location. Vehicle parking is allowed only on approved parking shoulders (streets), within garages, carports and other structures, or on driveways or parking lots that have been developed in conformance with this code. Specific locations for parking are indicated in Chapter 2 for some land uses (e.g., the requirement that parking be located to side or rear of buildings, with access from alleys, for some uses). See also, Chapter 3.1 - Access and Circulation.

2. Off-site parking. Except for single-family, two-family, and three-family dwellings, the vehicle parking spaces required by this Chapter may be located on another parcel of land, provided the parcel is within 200 feet or a reasonable walking distance of the use it serves. The distance from the parking area to the use shall be measured from the nearest parking space to a building entrance, following a sidewalk or other pedestrian route. The right to use the off-site parking must be evidenced by a recorded deed, lease, easement, or similar written instrument.

3. Mixed uses. If more than one type of land use occupies a single structure or parcel of land, the total requirements for off-street automobile parking shall be the sum of the requirements for all uses, unless it can be shown that the peak parking demands are actually less (i.e., the uses operate on different days or at different times of the day). In that case, the total requirements shall be reduced accordingly.

4. Shared parking. Required parking facilities for two or more uses, structures, or parcels of land may be satisfied by the same parking facilities used jointly, to the extent that the owners or operators show that the need for parking facilities does not materially overlap (e.g., uses primarily of a daytime versus nighttime nature),

Chapter 3.15 — Recreational Vehicle Park Design Standards

Sections:

3.15.1 Standards and Requirements

The use of any parcel for an RV park and any modifications to an existing RV park shall comply with the following standards and requirements:

- A. Minimum parcel area shall be five (5) acres;
- B. Maximum density of RV spaces shall not exceed twenty-five (25) per acre of gross land area;
- C. No RV shall be located anywhere but in an RV space and one (1) RV shall be located within any RV space;
- D. The only structures or vehicles which may be placed in an RV space, other than storage structures provided by the management of the park, are one (1) RV and one (1) motor vehicle;
- E. The minimum width for a parcel containing an RV park shall be one hundred (100) feet, except that portions of the parcel intended only for general vehicular entrances and exits may be as narrow as fifty (50) feet;
- F. Permitted accessory uses for a commercial service nature and parking areas serving such accessory uses shall not occupy more than five (5) percent of the gross area of the RV park, and shall be sized, laid out and designed to serve only the frequent trade or service needs of travelers patronizing the RV park; this does not include any of the recreational uses within the RV park.
- G. No part of any RV park shall be used for the parking or storage of any construction equipment;
- H. No home occupation or business shall be operated from an RV park;
- I. An onsite caretaker, owner, or manager residence shall be allowed as part of the RV Park;
- J. The RV park manager, caretaker, or owner shall keep all grounds, facilities and equipment in a clean, orderly, and sanitary condition.
- K. A storage area for RVs shall be allowed with the RV park;

L. Camping cabins, yurts, tents, or park models shall be allowed within an RV Park and shall count as an RV space.

3.15.2 Layout and Design Specifications

A. A buffer area shall be provided immediately within all boundaries, all of which shall be loamed, seeded and planted with grass and at least one row of deciduous and/or evergreen trees spaced not more than twenty (20) feet apart, and one or more rows of bushy shrubs or hedge capable of attaining a height of at least five (5) feet within three (3) years. Plantings shall be hardy, appropriate for the use and location, and planted so as to thrive with normal maintenance. The required buffer area shall be a minimum of twenty (20) feet in depth within all boundaries common to a residential zoning district or public street, other than an alley; and the required buffer area shall be a minimum of ten (10) feet in depth within all other boundaries;

B. No recreation or service area, except for waterfront recreation, may be located within a buffer area;

C. No RV may be located within a buffer area;

D. No building or structure may be erected or placed within a buffer area, except a sign, fence or wall;

E. No refuse-disposal area shall be located within a buffer area;

F. No plant materials or land may be deposited or removed within a buffer area except as a part of a recognized landscaping scheme or except for emergency access;

G. No street or private access shall traverse the buffer area and give direct access from any public street to any RV space;

H. Access within an RV park shall be treated as a driveway or private easement;

I. One (1) off-street parking space shall be provided for each RV space plus one (1) additional space for each six (6) RV spaces to provide for guest parking. Grouped parking spaces shall be located within one hundred Fifty (150) feet of the RV spaces served;

J. All recreation areas shall be well-drained, grassed and dust-free;

K. Each RV space shall have sufficient unobstructed access to, or frontage on, an RV park access so as to permit movement of RVs;

L. Each RV space shall have a minimum area of seven hundred (700) square feet and shall have one (1) conveniently located automobile parking space;

M. Within an RV park, minimum setbacks shall be provided as follows:

- i. RVs shall be located at least five (5) feet from any buffer area;
- ii. ten (10) feet from any private road,
- iii. ten (10) feet from any service building, service area, recreation area, or from another RV space, and
- iv. twenty-five (25) feet from any boundary of the RV park.
- v. Service buildings, service areas, and recreation areas shall be located ten (10) feet from any private access, RV space, or grouped parking area.

N. No structural addition to any RV shall be permitted;

O. All refuse containers shall have an animal-proof lid and shall be maintained in a clean and sanitary condition. Garbage and refuse shall be disposed of in such a manner to control flies, rodents and odors;

P. All utilities, including electrical power and telephone lines, shall be installed underground;

Q. All lighting shall be arranged so far as possible to reflect away from RV spaces.

Section 3.15.3 Applications

All applications for an RV park shall be reviewed as a conditional use and shall be a Type III application procedure as set forth in Section 4.1.5 of the Warrenton Development Code and shall include:

A. Any applicable section(s) of the Development Code for review of the proposed RV park, such as access, site design, parking, and landscaping.

ii. Hearings Officer -

1. City Commission may appoint, upon recommendation by the Planning Director, a Hearings Officer by General Resolution;
2. Review and Decision-making responsibilities - the Hearings Officer shall conduct hearings and may render decisions for such classes of land use applications (Type III) which shall be carried out in accordance with the terms of this code;
3. Decisions are final - the Hearings Officer shall have the authority to render a final decision on quasi-judicial land use applications. Appeals of these decisions shall be directly to the City Commission.

Type III decisions generally use discretionary approval criteria.

D. Type IV Procedure (Legislative and Map Amendments). Type IV procedures apply to legislative matters and map amendments. Legislative matters involve the creation, revision, or large-scale implementation of public policy (e.g., adoption of land use regulations and comprehensive plan amendments which apply to entire districts). The Type IV procedure is also used for land use district map amendments and comprehensive plan map amendments. Type IV matters are considered initially by the Planning Commission with final decisions made by the City Commission.

**Table 4.1.2
Summary of Development Decisions and
Permit by Type of Decision-Making Procedure**

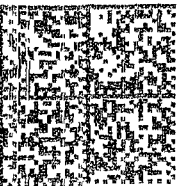
Permit Type or Development Decision	Decision-Making Procedure	Code, Statute, or Ordinance Reference
Access Permit	Type I	WDC Chapters 3.1, 4.2, and 4.3
Address Assignment	Type I	City Ordinance No. 359-A
Annexation	Type IV	Section 4.14
Appeal	Type III	WDC Chapter 4.1
Business License	Type I	City Ordinance 857-A
Building Permit	N/A	Uniform Building Code (requires a development or site design review)
Code Interpretation	Type II	WDC Chapter 4.8
Code Amendment	Type IV	WDC Chapter 4.7

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