

Routine Program Change

Seeking to Incorporate the City of Warrenton Comprehensive Plan and Development Code Into the Oregon Coastal Management Program

May 21, 2014

The Oregon Department of Land Conservation and Development (DLCD) seeks approval from the National Oceanic and Atmospheric Administration (NOAA) Office of Ocean and Coastal Resource Management (OCRM) to incorporate the current version of the **City of Warrenton Comprehensive Plan (WCP, or plan) and City of Warrenton Development Code (WDC, or code)** into the Oregon Coastal Management Program (OCMP). DLCD requests OCRM's concurrence that the incorporation is a Routine Program Change to the OCMP. This analysis identifies and describes the enforceable policies that DLCD will apply to federal consistency reviews, and explains why their incorporation constitutes a routine program change to the OCMP.

The Land Conservation and Development Commission (LCDC) acknowledged the WCP and WDC as being in compliance with Oregon's Statewide Planning Goals on July 14, 1983. OCRM approved these documents as components of the OCMP on July 24, 1984, via a routine program change request. The City subsequently has revised and updated many provisions in the plan and related code. In 1991, the city of Hammond merged with the City of Warrenton. The Warrenton plan and code incorporated provisions applicable to Hammond, and now govern land uses in what was formerly Hammond.¹ In February 2012, the city renumbered and codified the provisions of its Development Code as Title 16 of the Warrenton Municipal Code.

The State of Oregon (through the LCDC) has approved the changes as meeting the statewide planning goals. However, DLCD has not submitted the current versions of the plan and code to NOAA/OCRM for review and approval. DLCD is now submitting the current version of the plan and code, reflecting all changes subsequent to OCRM's 1984 approval, for incorporation into the OCMP. The submittal includes the city's comprehensive plan and development code, including policies and land use designations that apply to the Columbia River estuary within city jurisdiction.

Section II of this analysis describes the legal and policy framework of Oregon's Coastal Management Program, summarizes the key elements of Oregon's land use planning system and the relationship between state requirements and local land use plans and regulations, lists the statewide planning goals, and describes the relationship between the statewide program and the OCMP. Section III lists and briefly describes the enforceable policies of the plan and code that DLCD seeks to incorporate into the OCMP. Section IV analyzes the five CZMA program approvability areas potentially impacted, and determines that this request qualifies as a routine program change. Finally, Section V contains a table of all City of Warrenton enforceable policies that Oregon seeks to incorporate into the OCMP.

¹ OCRM approved the Town of Hammond Comprehensive Plan and Land Use Regulations as part of the OCMP on 10/20/1983.

II. Framework for Oregon’s Approved Coastal Management Program

A. Oregon’s land use planning program: state-local relationship

As noted in OCRM’s review and approval of the Oregon Coastal Management Program in 1977, the Statewide Planning Program (ORS Chapter 197, Comprehensive Land Use Planning Coordination), is the principal mechanism by which the state ensures that local governments, with state oversight, balance conservation and development of coastal and other resources via statewide goals for land use planning. Local governments, such as the City of Warrenton, are required to adopt comprehensive land use plans that meet the statewide requirements and to make the day-to-day land use decisions in conformance with state-approved, goal-based plans. Since the mid-1980s, the LCDC has found the plans and ordinances of all cities and counties in Oregon to be in compliance with the goals. The state, through the LCDC and DLCD, also reviews changes to local plans and ordinances for compliance with state requirements.

B. Statewide Planning Goals

The nineteen statewide planning goals (<http://www.oregon.gov/LCD/goals.shtml>), which are adopted as administrative rules (Oregon Administrative Rules Chapter 660, Division 015), express the state’s policies on land use and (along with additional administrative rules) provide standards for local land use planning and decision-making. Some goals set standards for how certain types of land are to be planned and zoned; for example, Goal 18 sets specific standards for development on various types of dunes. NOAA/OCRM has approved these statewide planning goals and related administrative rules as core components of the OCMP.

The central purpose and requirements of the statewide planning goals are:

Goal 1 CITIZEN INVOLVEMENT: requires local governments to provide "the opportunity for citizens to be involved in all phases of the planning process;" requires each city and county to have a citizen involvement program and a committee for citizen involvement (CCI) to monitor and encourage public participation in planning.

Goal 2 LAND USE PLANNING: outlines procedures for planning; specifies elements of comprehensive planning and requires local jurisdictions to adopt enforceable "implementation ordinances" to carry out the plan's policies; requires local land use decisions to conform with adopted comprehensive plan and ordinances.

Goal 3 AGRICULTURAL LANDS: defines "agricultural lands;" requires counties to inventory soil types and designate such lands as agricultural lands based on soil type and actual use and to "preserve and maintain" those lands through zoning.

Goal 4 FOREST LANDS: defines "forest lands;" requires counties to inventory forest capability, identify forest land, and adopt policies and ordinances to "conserve forest lands for forest uses."

Goal 5 OPEN SPACES, SCENIC AND HISTORIC AREAS AND NATURAL RESOURCES: requires local plans to address more than a dozen natural and cultural resources (e.g. wildlife habitats, wetlands, historic sites); establishes a process for each resource is to be

inventoried and evaluated by local governments; creates options for local governments to protect identified significant resources.

Goal 6 AIR, WATER AND LAND RESOURCES QUALITY: requires local comprehensive plans and ordinances to be consistent with state and federal regulations on solid waste, groundwater pollution, municipal sewerage discharge, air emissions, etc.

Goal 7 AREAS SUBJECT TO NATURAL DISASTERS AND HAZARDS: seeks to protect development from natural hazards (e.g. floods, landslides, and erosion); requires jurisdictions to use hazard inventories supplied by state agencies and apply "appropriate safeguards" (i.e. floodplain zoning) to those areas.

Goal 8 RECREATION NEEDS: requires jurisdictions to plan for recreational opportunities based on an inventory of recreational resources, evaluation of areas and facilities for recreation, and projected demand for recreation.

Goal 9 ECONOMY OF THE STATE: calls for diversification and improvement of the economy; requires local jurisdictions to inventory existing and potential commercial and industrial lands, determine future needs for such lands, and plan and zone lands sufficient to meet those needs.

Goal 10 HOUSING: specifies that each city must plan for and accommodate needed housing types, such as multifamily and manufactured housing.

Goal 11 PUBLIC FACILITIES AND SERVICES: calls for efficient planning of public services such as sewers, water, law enforcement, and fire protection; links provision of new services to urbanization policies in Goal 14.

Goal 12 TRANSPORTATION: aims to provide "a safe, convenient and economic transportation system;" requires consideration of multiple transportation modes; links funding for transportation facilities to transportation plans.

Goal 13 ENERGY: seeks to use land use plans to control development to "maximize the conservation of all forms of energy, based upon sound economic principles."

Goal 14 URBANIZATION: requires cities to work with counties to estimate future population growth and related needs for land in unincorporated areas and to jointly designate sufficient land to meet those needs; requires each city jointly with its county, to establish an "urban growth boundary" (UGB) to "identify and separate urbanizable land from rural land."

Goal 15 WILLAMETTE GREENWAY: pertains only to those jurisdictions that touch on or include the Willamette River Greenway; not applicable in the Coastal Zone.

Goal 16 ESTUARINE RESOURCES: establishes state-level estuary classification system and designates each of 22 estuaries into one of four categories: Natural, Conservation, Shallow-draft Development, and Deep-draft Development; establishes planning and management requirements

for each category; specifies land uses and activities permissible in those areas; emphasizes habitat protection; links closely to Goal 18.

Goal 17 COASTAL SHORELANDS: defines a shoreland planning area along the ocean shore, estuaries, and other water bodies and requires local governments to map the shoreland boundary; specifies how certain types of land and resources within the shoreland area are to be managed; emphasizes unique coastal land uses (e.g. port facilities) and requires protection of sites for "water-dependent" or "water related" uses.

Goal 18 BEACHES AND DUNES: specifies planning standards for protecting or developing various types of dunes; prohibits most development on beaches and active foredunes; prohibits ocean shorefront protective structures for most development built after 1977; establishes standards for dune grading, groundwater drawdown in dunal aquifers, and the breaching of foredunes.

Goal 19 OCEAN RESOURCES: seeks to “conserve the long-term values, benefits, and natural resources of the nearshore ocean and the continental shelf;” creates basis for planning and management of state ocean waters through the state Territorial Sea Plan; establishes requirements for state agencies rather than cities and counties.

C. The Oregon Coastal Management Program

NOAA’s 1977 approval of the Oregon Coastal Management Program pre-dated development and state approval of coastal local government plans and ordinances (most of which occurred between 1978 and 1985), but was predicated on the understanding that “the central authority by which Oregon will implement the program is SB 100” (subsequently codified as ORS Chapter 197). NOAA approval also included the statewide planning goals, including the coastal goals, and the statutory authorities of several state agencies (e.g. Department of Environmental Quality). In the years following this 1977 approval, all coastal local governments created and adopted comprehensive plans and ordinances, which LCDC reviewed and approved, and which OCRM approved for incorporation into the OCMP via routine program changes.

Local land use plans and ordinances were expected to be reviewed and amended in response to individual situations or pursuant to ORS Chapter 197, which requires local plans to be periodically reviewed and amended to reflect changes in laws, requirements for meeting the statewide planning goals, community needs, development, and other factors. Many local plan changes are minor in nature and do not involve substantive policy changes. Although the underlying policies have not substantively changed, DLCD would like to incorporate the most recent versions of the WCP and WDC into the OCMP. The analysis below discusses the current plan policies that DLCD seeks to incorporate as enforceable policies.

III. Warrenton Comprehensive Plan and Development Code Sections Incorporated as Enforceable Policies

While DLCD seeks to incorporate the WCP and WDC into the OCMP in their entirety, DLCD has identified specific sections of each to be used as “enforceable policies” for federal consistency purposes. As required by 16 USC 1453(6a) and OCRM guidance, the enforceable policies are legally binding and contain standards of sufficient specificity to guide private and

public uses. These policies, contained in discrete sections of the plan and ordinance, are briefly discussed in subsections A and B, below, and listed in table form in Section V.

Any plan and code provisions not part of this submittal and that have not changed substantively since OCRM's 1984 approval remain enforceable elements of the OCMP.

A. CITY OF WARRENTON COMPREHENSIVE PLAN

The city's comprehensive plan establishes the basis for land use regulation throughout the city. Some policy statements are enforceable by describing clear standards to be implemented by the development code and other specific actions. Other policy statements are directed at the city itself and frame future actions that the city will take via the plan, code, ancillary plans, and other implementation steps, and thus are not "enforceable" in the meaning of 16 USC 1453(6a). DLCD has identified the provisions below as enforceable policies for federal consistency purposes.

[NOTE: To enable enforceable policies to be highlighted and to facilitate review by DLCD and OCRM, DLCD formatted the attached copy of the plan from a scanned hard copy. All text in the submitted document is identical to the original, but the graphic translation of some tables and small-scale maps was not entirely successful. However, the content of these is still readable and none are necessary to support an enforceable policy. The Table of Contents contains bookmarked hyperlinks to those sections that contain enforceable policies identified in this analysis. These enforceable provisions are highlighted in yellow.]

DLCD seeks to include the following as enforceable policies:

Article 2: Community Development

Section 2.310 - Land and Water Use Classification specifies required characteristics of five major land use categories (urban development, rural development, aquatic development, conservation, natural areas).

Article 3: Land and Water Use

Article 3 prescribes requirements for various land use categories throughout the city that are subsequently carried out in the development code. Subsections with enforceable policies are:

Section 3.310 – Residential Lands specifies four residential land use categories and requirements for residential lands.

Section 3.320 – Commercial Lands specifies five commercial land use categories and requirements for commercial lands.

Section 3.330 – Industrial Lands specifies four industrial land use categories and requirements for industrial lands.

Article 4: Natural Features

Section 4.310 – Soils prescribes requirements for considering soil characteristics in development decisions.

Section 4.320 – Flood Hazards prescribes requirements for identifying flood hazard areas and approving development in those areas.

Section 4.330 – Drainage and Erosion requires controls on development related to impacts from drainage and erosion.

Section 4.340 – Topography requires consideration of impacts on neighboring properties from certain site development situations.

Section 4.350 – Water Quality requires sanitary sewer or demonstration of acceptable subsurface disposal prior to approval.

Section 4.360 – Air Quality and Noise asserts city compliance with applicable state and federal regulations.

Section 4.370 – Fish and Wildlife requires protection of riparian areas, with exceptions.

Section 4.380 – Scenic and Historic Resources requires buffers in certain instances, underground utilities in new development, and Goal 5 analysis for archaeological resources that may be affected by development.

Article 5: Columbia River Estuary and Estuary Shorelands

The City of Warrenton implements provisions of the *Columbia River Estuary Regional Management Plan* (CREMP) for areas of the estuary and estuarine shorelands that are within city jurisdiction.

Section 5.100 - Findings describes six aquatic and shoreland area designations, and defines the purposes and objectives of each area:

- Natural Aquatic
- Conservation Aquatic
- Development Aquatic
- Rural Shoreland
- Development Shoreland
- Water-Dependent Development Shoreland.

The following sections delineate eight planning subareas. Each section describes a subarea, specifies which of the area designations apply, and lists other enforceable policies that pertain to that subarea:

Section 5.110 – Estuary Channels Subarea Findings. This area contains deepwater portions of the estuary from Jetty A (RM 3) to the upper end of Rice Island (RM 22.5). The subarea contains the authorized navigation channel.

Section 5.120 – Tansy Point/Alder Cove Subarea Findings. This area contains both shoreland and aquatic areas in Alder Cove and the Columbia River out to the pierhead line. See Section 5.343 for specific enforceable development policies.

Section 5.130 – North Warrenton Subarea Findings. This area consists entirely of shorelands that contain rural, residential, and commercial development within the city.

Section 5.140 – Middle Skipanon River Subarea Findings. This area consists of shorelands, diked lands, and aquatic lands and includes a mix of land uses including commercial development in downtown Warrenton, a shopping center, residential and vacant land. See Section 5.341 for specific enforceable development policies.

Section 5.150 – Mouth of the Skipanon River Subarea Findings. This area consists of diked and filled shorelands as well as aquatic areas in the Columbia River.

Section 5.160 – Youngs Bay Subarea Findings. This large subarea consists of a mix of biologically productive aquatic areas, mudflats, and fringing marshes.

Section 5.170 – Airport and Vicinity Subarea Findings. This subarea consists primarily of diked and filled shorelands that support the airport.

Section 5.180 – Hammond Subarea Findings. This subarea consists of shoreland and aquatic areas within the former Town of Hammond, now part of the City of Warrenton and includes an active mooring basin primarily for commercial and recreational fishing boats.

The following policies provide the primary guidance for all development activities within the estuarine and shoreland environment of the City of Warrenton:

Section 5.301 – Deep Water Navigation, Port and Industrial Development. Policies in this subsection apply to port and industrial development occurring in and over Columbia River Estuary waters, and on adjacent shorelands. This section also applies to navigation projects related to deep draft maritime activities, such as channel, anchorage and turning basin development or expansion. This subsection lists five sites within the City that are either “current” or “former” water-dependent development sites

Section 5.303 – Diking. Policies in this subsection apply to the construction, maintenance and repair of flood control dikes in Columbia River Estuary shoreland and aquatic areas. These policies do not apply to dredged material containment dikes.

Section 5.305 – Dredging and Dredged Material Disposal. Policies in this subsection are applicable to all estuarine dredging operations and to both estuarine shoreland and aquatic dredged material disposal in the Columbia River Estuary. Policies in this subsection also address a range of dredged material disposal site-selection criteria and evaluation requirements.

Section 5.307 – Estuarine Construction. Policies in this subsection apply to over-water and in-water structures involving installation of piling or placement of riprap in Columbia River Estuary aquatic areas, and to excavation of shorelands for creation of new water surface area. They do not apply to structures located entirely on shorelands or uplands, but do apply to structures, such as boat ramps, that are in both aquatic and shoreland designations.

Section 5.309 – Fill. Policies in this subsection apply to the placement of fill material in the tidal wetlands and waters of the Columbia River Estuary.

Section 5.311 – Fish and Wildlife Habitat. Policies in this subsection apply to uses and activities with potential adverse impacts on fish or wildlife habitat, both in Columbia River estuarine aquatic areas and in estuarine shorelands.

Section 5.313 – Fisheries and Aquaculture. Policies in this subsection apply to all projects that could conceivably affect fisheries (either commercial or recreational) or aquaculture in the

Columbia River Estuary. This subsection is also applicable to the development of aquaculture facilities and to fisheries enhancement projects.

Section 5.315 – Land Transportation System. Policies in this subsection apply to the maintenance and construction of railroads, roads and bridges in Columbia River estuary shoreland and aquatic areas.

Section 5.317 – Log Storage. Policies in this subsection apply to the establishment of new and the expansion of existing log storage and sorting areas in the Columbia River Estuary aquatic and shoreland areas.

Section 5.319 – Mining and Mineral Extraction. Policies in this subsection apply to the extraction of sand, gravel, petroleum, and other minerals from both submerged lands under aquatic areas and from shoreland areas in the Columbia River Estuary.

Section 5.321 – Mitigation and Restoration. Policies in this subsection apply to estuarine restoration and mitigation projects on Columbia River Estuary aquatic areas, including those applicable to estuarine mitigation projects, mitigation banks, restoration of tidal and non-tidal wetlands, and long-term planning issues.

Section 5.323 – Public Access. Policies in this subsection apply to uses and activities in Columbia River Estuary shoreland and aquatic areas that directly or indirectly affect public access. "Public access" is used broadly to include direct physical access to estuary aquatic areas, aesthetic access, and other facilities that provide some degree of public access to Columbia River Estuary shorelands and aquatic areas.

Section 5.325 – Recreation and Tourism. These policies apply to recreational and tourist oriented facilities in the Columbia River Estuary and shorelands.

Section 5.327 – Residential, Commercial and Industrial Development Policies. Policies in this subsection apply to construction or expansion of residential, commercial or industrial facilities in Columbia River Estuary shoreland and aquatic areas.

Section 5.329 – Shallow Draft Port and Marinas. Policies in this subsection apply to development of new marinas and improvement of existing marinas in aquatic areas of the Columbia River Estuary, as well as adjacent shoreland support facilities constructed in conjunction with or incidental to the marina.

Section 5.331 – Significant Areas. Policies in this subsection apply only to activities and uses that potentially affect certain shoreland and aquatic resources that have been identified in the area and subarea description as having estuary-wide significance. Only those resources identified as significant under Statewide Planning Goal 17 are covered by these policies and standards.

Section 5.333 – Water Quality Maintenance Policies. Policies in this subsection are aimed at protecting and enhancing water quality in the Columbia River Estuary.

Section 5.335 – Water-Dependent Development Area Policies. Policies in this subsection apply only to those Columbia River Estuary Shorelands that are in the Marine Commercial Shorelands Zone or Water Dependent Industrial Shorelands Zone. The purpose of these policies and standards is to assure that adequate sites are available for water-dependent uses.

Sections 5.341 through 5.351 – Subareas. These sections contain specific policies regarding development and use of the following areas:

- 5.341 Middle Skipanon River Subarea
- 5.343 Tansy Point/Alder Cove Subarea
- 5.345 North Warrenton Subarea
- 5.347 Mouth of the Skipanon River Subarea
- 5.349 Youngs Bay Subarea
- 5.351 Airport and Vicinity Subarea

Article 6 Beach and Dune Shorelands

The City of Warrenton contains a significant amount of ocean beach and shoreland dune areas. Thus, the city’s plan contains a number of provisions deriving from the requirements of Statewide Planning Goals 17, Coastal Shorelands, and 18, Beaches and Dunes.

Section 6.300 – Policies. Policies 1 – 12 regulate development in beach and dune areas through various devices such as prohibiting residential, commercial, and industrial development in certain areas; requiring findings for any development in beach and dune areas; requiring site investigations by a certified geologist; and requiring minimized disturbance or removal of vegetation.

6. Comprehensive Plan Map

While not an “enforceable policy” *per se*, the Comprehensive Plan Map is none-the-less a necessary component of the plan’s enforceable provisions by depicting the physical location of land use designations, associated public infrastructure, natural resources, and geophysical conditions that affect interpretation and enforcement of the comprehensive plan. The city maintains a current copy of this plan in the city Planning Department.

B. CITY OF WARRENTON DEVELOPMENT CODE (Title 16 of City Code)

Title 16 of the City of Warrenton Municipal Code implements the comprehensive plan by specifying zoning requirements for various land use districts and standards for development, subdivisions, and land partitions. The code is divided into five divisions. Division 1 provides definitions and covers enforcement and administrative provisions. Division 2 identifies the land uses that are permitted within each zone, or land use district, and the standards that apply to each zone (e.g., lot standards, setbacks, and use-specific design standards). Division 3 contains design standard applicable throughout the City. Division 4 provides application requirements and permitting procedures. Division 5 provides standards and procedures for variances and nonconforming uses.

NOTE: The City of Warrenton Development Code is extensive (355 pages). DLCD has created a table of contents with hyperlinks to the various articles that contain enforceable policies. Hyperlinks back to the table of contents and various section headers are embedded throughout these documents. Enforceable policies are highlighted in yellow.

DLCD seeks to incorporate the following as enforceable policies:

DIVISION 1 INTRODUCTION

Chapter 16.12 – Definitions

Subsection 16.12.010 defines an extensive list of terms that are not, in themselves, enforceable policies but are necessary to the interpretation and application of other enforceable policies throughout Title 16.

DIVISION 2 LAND USE DISTRICTS

The chapters in this division specify various land use zones and the regulations that apply to each.

Chapter 16.20 – Land Use Administration

Sections 16.20.010 – 16.20.040 classify areas within the city limits into land use districts (zones) and identify the boundaries of each district on a Land Use District (Zoning) Map. The code incorporates the map by reference. The City recorder maintains the official City of Warrenton Zoning Map; a copy is available online at <http://www.ci.warrenton.or.us/GIS/mapindex.php>. This section also discusses transportation facilities and improvements.

Chapter 16.24 – Low Density Residential (R-40) District

Sections 16.24.010 – 16.24.050 specify the purpose, permitted uses, conditional uses, development standards, and other applicable standards for uses in the R-40 district.

Chapter 16.28 – Intermediate Density Residential (R-10) District

Sections 16.28.010 – 16.28.050 specify the purpose, permitted uses, conditional uses, development standards, and other applicable standards for uses in the R-10 district.

Chapter 16.32 – Medium Density Residential (R-M) District

Sections 16.32.010 – 16.32.050 specify the purpose, permitted uses, conditional uses, development standards, and other applicable standards for uses in the R-M district.

Chapter 16.36 – High Density Residential (R-H) District

Sections 16.36.010 – 16.36.050 specify the purpose, permitted uses, conditional uses, development standards, and other applicable standards for uses in the R-H district.

Chapter 16.40 – General Commercial (C-1) District

Sections 16.40.010 – 16.40.060 specify the purpose, permitted uses, conditional uses, development standards, design standards, and other applicable standards for uses in the C-1 district.

Chapter 16.44 – Commercial Mixed Use (C-MU) District

Sections 16.44.010 – 16.44.050 specify the purpose, permitted uses, conditional uses, development standards, and other applicable standards for uses in the C-MU district.

Chapter 16.48 – Marine Commercial (C-2) District

Sections 16.48.010 – 16.48.040 specify the purpose, permitted uses, conditional uses, and development standards for uses in the C-2 district.

Chapter 16.52 – Open Space and Institutional (OSI) District

Sections 16.52.010 – 16.52.040 specify the purpose, permitted uses, conditional uses, and development standards for uses in the OSI district.

Chapter 16.56 – Recreational-Commercial (R-C) District

Sections 16.56.010 – 16.56.040 specify the purpose, permitted uses, conditional uses, and development standards for uses in the R-C district.

Chapter 16.60 – General Industrial (I-1) District

Sections 16.60.010 – 16.60.040 specify the purpose, permitted uses, conditional uses, and development standards for uses in the I-1 district.

Chapter 16.64 – Water-Dependent Industrial Shorelands (I-2) District

Sections 16.64.010 – 16.64.040 specify the purpose, permitted uses, conditional uses, and development standards for uses in the I-2 district.

Chapter 16.72 – Aquatic Development (A-1) District

Sections 16.72.010 – 16.72.040 specify the purpose, permitted uses, conditional uses, and development standards for uses in the A-1 district.

Chapter 16.76 – Aquatic Conservation (A-2) District

Sections 16.76.010 – 16.76.040 specify the purpose, permitted uses, conditional uses, and development standards for uses in the A-2 district.

Chapter 16.80 – Aquatic Natural (A-3) District

Sections 16.80.010 – 16.80.040 specify the purpose, permitted uses, conditional uses, and development standards for uses in the A-3 district.

Chapter 16.84 – Coastal Lake and Freshwater Wetlands (A-5) District

Subsections 16.84.010 – 16.84.050 specify the purpose, zone boundaries, permitted uses, conditional uses, and development standards for uses in the A-5 district.

Chapter 16.88 – Flood Hazard Overlay (FHO) District

Sections 16.88.010 – 16.88.040 specify the purpose, general provisions, administration, and standards for flood hazard reduction for uses in the FHO overlay.

Chapter 16.92 – Airport Hazard Overlay (AHO) District

Sections 16.92.010 – 16.92.070 specify the purpose, special definitions, permitted uses within airport imaginary surfaces, conditional uses within airport imaginary surfaces, conditional use procedures, conditional use standards, and marking and lighting requirements for uses in the AHO overlay.

Chapter 16.96 – Soils Hazard Overlay (SHO) District

Sections 16.96.010 – 16.96.050 specify the purpose, general provisions, regulations applying to areas of the city with Braillier and Bergsvik soils, areas with Coquille variation or Coquille Clatsop Complex soils, and additional provisions for uses in the SHO overlay.

Chapter 16.100 – Beaches and Dunes Overlay (BDO) District

Sections 16.100.010 – 16.100.030 specify the purpose, general provisions, and Zone standards for uses in the BDO overlay.

Chapter 16.104 – Dredged Material Disposal Site Locations (DMD)

Sections 16.104.010 – 16.104.020 specify the purpose and DMD site locations.

Chapter 16.108 – Mitigation Site Protection Overlay (MSPO) District

Sections 16.108.010 – 16.108.050 specify the purpose, designation of mitigation sites, uses allowed, removal of the mitigation site overlay protection zone, and preemptive uses.

Chapter 16.112 – Growth Management (GM) Zone Standards

Sections 16.112.010 – 16.112.080 specify the purpose, boundaries of growth management areas, exceptions to growth management standards, land divisions, cost allocations, administration of growth management standards, and public improvement guarantee.

DIVISION 3 DESIGN STANDARDS

The chapters in this division contain regulations that apply to development decisions and development activities.

Chapter 16.120 – Access and Circulation

Section 16.120.020 provides requirements to help manage and maintain vehicle access in new developments. Chapter 16.136 provides further standards.

Section 16.120.030 provides requirements to ensure safe pedestrian circulation.

Chapter 16.136 – Public Facilities Standards

Sections 16.136.010 – 16.136.090 specify planning and design standards for public and private transportation facilities and utilities, including streets and other transportation options. Also includes sanitary sewer and water service, storm drain, and utilities requirements. This chapter implements portions of the City’s Transportation System Plan.

Chapter 16.140 – Stormwater and Surface Water Management

Sections 16.140.010 - 16.140.060 specify requirements to minimize impacts of excavation, grading, and construction; to prevent transport of sediment and soil borne pollutants into the Columbia River estuary, wetlands, riparian areas, and City rights of way and storm systems; and reduce the amount of soil exposure during construction.

Chapter 16.148 – Wireless Communication Facilities

Sections 16.148.010 – 16.148.070 regulate the location, construction, and operation of wireless communication service facilities while protecting the public health, safety and general welfare, and visual and aesthetic environment of the City.

Chapter 16.152 – Grading, Excavating, and Erosion Control Plans

Sections 16.152.010 – 16.152.150 specify regulations to control development-related activities such as clearing, grading, stripping, excavating, and filling of land that lead to soil erosion and sedimentation into watercourses, wetlands, riparian areas, and public and private roadways.

Chapter 16.156 – Wetland and Riparian Corridor Development Standards

Sections 16.156.010 – 16.156.090 include regulations to protect twenty-six wetland and riparian corridors, and development standards for each unit.

Chapter 16.160 – Columbia River Estuary Shoreland and Aquatic Area Development Standards

Section 16.160.010 – Aquaculture and Fisheries provides standards for projects that could conceivably affect fisheries (either commercial or recreational) or aquaculture in the

Columbia River Estuary, including development of aquaculture facilities and fisheries enhancement projects.

Section 16.160.020 – Deep-Water Navigation, Port and Industrial Development specifies port or industrial development activities subject to an impact assessment; lists criteria for approval of in-water, navigation, port or industrial development requiring aquatic area dredging or filling or installation of new piling or dolphins.

Section 16.160.030 – Diking provides standards for construction, maintenance and repair of flood control dikes in Columbia River Estuary shoreland and aquatic areas.

Section 16.160.040 – Dredging and Dredged Material Disposal provides standards for approving estuarine dredging operations and for estuarine shoreland and aquatic dredged material disposal in the Columbia River Estuary.

Section 16.160.050 – Dredged Material Disposal Standards regulates various disposal techniques including in-water, flow-lane, ocean, and beach disposal.

Section 16.160.060 – Estuarine Construction provides standards for over-the-water and in-water structures such as docks, bulkheads, and other structures involving installation of piling or placement of riprap in Columbia River Estuary aquatic areas. Also governs shoreline stabilization and aquatic area fills.

Section 16.160.070 – Filling of Aquatic Areas and Non-Tidal Wetlands regulates placement of fill material in the tidal wetlands and waters of the Columbia River Estuary.

Section 16.160.080 – Fish and Wildlife Habitat specifies standards to reduce potential adverse impacts on fish or wildlife habitat, both in Columbia River estuarine aquatic areas and in estuarine shorelands.

Section 16.160.090 – Land Transportation Systems sets standards for maintaining and constructing railroads, roads and bridges in Columbia River estuary shoreland and aquatic areas.

Section 16.160.100 – Log Storage provides standards for the establishment of new, and the expansion of existing, log storage and sorting areas in Columbia River Estuary aquatic and shoreland areas.

Section 16.160.110 – Mining and Mineral Extraction regulates extraction of sand, gravel, petroleum products and other minerals from both submerged lands under aquatic areas and from shoreland areas in the Columbia River Estuary.

Section 16.160.120 – Mitigation and Restoration provides standards applicable to estuarine restoration and mitigation projects in aquatic areas and adjacent shorelands.

Section 16.160.130 – Public Access to the Estuary and its Shoreline sets standards for all uses and activities in Columbia River Estuary shoreland and aquatic areas that directly or indirectly affect “public access,” a term used broadly to include direct physical access, aesthetic access, and other facilities that provide some degree of public access to Columbia River Estuary shorelands and aquatic areas.

Section 16.160.140 – Recreation and Tourism sets standards for recreational and tourist-oriented facilities in Columbia River estuary shoreland and aquatic areas.

Section 16.160.150 – Residential, Commercial and Industrial Development provides requirements for construction or expansion of residential, commercial or industrial facilities in Columbia River Estuary shoreland and aquatic areas whether water-dependent, water-related, or non-dependent, non-related.

Section 16.160.160 – Shallow-Draft Ports and Marinas sets standards for development of new marinas and improvement of existing marinas in aquatic areas of the Columbia River Estuary, as well as support facilities in conjunction with or incidental to the marina.

Section 16.160.170 – Significant Areas sets standards to protect shoreland and aquatic resources with estuary-wide significance.

Section 16.160.180 – Water Quality Maintenance provides standards to help protect and enhance the quality of water in aquatic areas and in tidewater sloughs.

Section 16.160.190 – Water-Dependent and Water-Related Use Criteria specifies criteria for determining whether a use is water-dependent, water-related, or non-dependent, non-related.

Chapter 16.164 – Impact Assessment and Resource Capability Determination

Section 16.164.020 – Applicability of Impact Assessment Requirement specifies uses and activities subject to impact assessment requirements.

Section 16.164.030 – Information Needed for an Impact Assessment specifies information required to complete the impact assessment.

Section 16.164.040 – Impact Assessment Conclusion specifies the conclusions to be reached through the impact assessment.

Section 16.164.050 – Resource Capability Determination specifies procedures and standards for making required resource capability determination.

DIVISION 4 APPLICATIONS AND REVIEW PROCEDURES

The chapters in this division contain regulations that are primarily procedural. While the procedural chapters are administrative in nature and not enforceable policies, their requirements and procedures form the enforceable mechanisms that guide the City of Warrenton’s land use review and permitting processes, and thus provide the context for how the City applies the enforceable policies outlined in this document. DLCD seeks to incorporate the following chapters as enforceable policies:

Chapter 16.216 Land Divisions and Lot Line Adjustments

Sections 16.216.010 – 16.216.120 provide standards for approval of subdivisions and partitions.

Chapter 16.220 Conditional Use

Sections 16.220.010 – 16.220.080 are enforceable policies typical of local land development or zoning codes that specify standards for approving a conditional use in a zone where the use is not otherwise permitted.

Chapter 16.248 Protection of Historic Buildings

Section 16.248.010 specifies standards for protection of historic properties and structures identified in the comprehensive plan.

Chapter 16.252 Protection of Archaeological Sites

Section 16.252.010 sets standards for protecting known archaeological sites or previously unknown sites that may be discovered in the course of development activities.

DIVISION 5 EXCEPTIONS TO CODE STANDARDS

The chapters in this division contain regulations that are primarily procedural. DLCD seeks to incorporate the following chapter as an enforceable policy:

Chapter 16.272 Variances

Sections 16.272.010 – 16.272.030 specify enforceable policies that provide relief from strict application of the zoning requirements that would impose unnecessary hardships resulting from the size, shape, or dimensions of a site or the location of structures thereon and from geographic, topographic, or other factors.

IV. This Action is a Routine Program Change

Incorporation of the enforceable policies listed above into the OCMP does not substantially alter any of the five program areas detailed in 15 CFR 923:

1. Uses subject to management (Subpart B)

This action does not substantially change the uses subject to management specified in the OCMP (navigation and transportation; residential/urban/industrial, including energy production; agriculture and forestry; recreation; fish and wildlife production and utilization; public facilities; mining and minerals; and restoration) or those originally included in the City of Warrenton Comprehensive Plan and Development Code approved by OCRM 1984. The State of Oregon requires the plan and ordinance to implement Oregon's statewide planning goals, which require local jurisdictions to set standards for various uses, including those set forth in the OCMP. Because the uses permitted by the plan and ordinance must be consistent with the statewide planning goals and because the city has not added any new uses, incorporation of the updated plan and ordinance into the OCMP merely refines and does not substantially change the uses subject to management.

2. Special management areas (Subpart C)

This action does not change the criteria for designating areas of particular concern, or areas for preservation or restoration. Statewide planning goals 16 through 18 set the criteria and procedures for establishing and managing estuarine areas (Goal 16), coastal shorelands (Goal 17), and beaches and dunes (Goal 18). The City of Warrenton plan and ordinance merely set policies and standards for designating and managing these areas within city jurisdiction.

3. Boundaries (Subpart D)

This action applies only to lands under the jurisdiction of the City of Warrenton. It does not change Oregon's inland or seaward coastal zone boundary, nor does it change the status of excluded lands.

4. Authorities and organization (Subpart E)

This action does not change Oregon's authority or organization, nor does it alter Oregon's administration of the OCMP. Oregon's land use system and statewide planning goals establish criteria and standards for local planning; the city plan and development code simply implement those standards.

5. Coordination, public involvement and national interest (Subpart F)

This action does not change any coordination, public involvement, or national interest provisions of the OCMP.

V. Enforceable Policies Table

Changes to the OREGON COASTAL MANAGEMENT PROGRAM				
The OREGON COASTAL MANAGEMENT PROGRAM (OCMP) seeks to incorporate the following provisions of the City of Warrenton Comprehensive Plan (WCP) and Development Code (WDC) into its federally-approved coastal management program. The following table identifies specific provisions that DLCD seeks to incorporate as enforceable policies and that DLCD anticipates using for Federal Consistency review purposes.				
State/Local Legal Citation	Name/Description of State or Local Law/Regulation/Policy/ Program Authority or Change	Enforcement Mechanism(s)	Date Adopted by State	Date Effective in State
ADDED:			mm/dd/yyyy	mm/dd/yyyy
City of Warrenton Comprehensive Plan and Development Code (Title 16 of City Code)	* DLCD seeks to incorporate the City of Warrenton Comprehensive Plan (WCP) and Development Code (WDC) into the OCMP in their entirety. However, DLCD only seeks to incorporate the provisions listed below as enforceable policies.	ORS Chapter 197; WCP; WDC 16.08.020(A) ² (via City planning and permit process, hereinafter planning /permit process.	1983-2014	1983-2014
WARRENTON COMPREHENSIVE PLAN				
Article 2: Community Development				
2.310	Land and Water Use Classification	ORS Chapter 197; city planning/permit process	7/14/1983	1983 - 2014
Article 3: Land and Water Use				
3.310	Residential Lands	ORS Chapter 197; city planning/permit process	7/14/1983	1983 - 2014
3.320	Commercial Lands	ORS Chapter 197; city planning/permit process	7/14/1983	1983 - 2014
3.330	Industrial Lands	ORS Chapter 197; city planning/permit process	7/14/1983	1983 - 2014
Article 4: Natural Features				

² “Land and structures may be used or developed by construction, reconstruction, alteration, occupancy, use or otherwise, only as this Development Code (“Code”) or any amendment thereto permits.

4.310	Soils	ORS Chapter 197; city planning/permit process	7/14/1983	1983 - 2014
4.320	Flood Hazards	ORS Chapter 197; city planning/permit process	7/14/1983	1983 - 2014
4.330	Drainage and Erosion	ORS Chapter 197; city planning/permit process	7/14/1983	1983 - 2014
4.340	Topography	ORS Chapter 197; city planning/permit process	7/14/1983	1983 - 2014
4.350	Water Quality	ORS Chapter 197; city planning/permit process	7/14/1983	1983 - 2014
4.360	Air Quality and Noise	ORS Chapter 197; city planning/permit process	7/14/1983	1983 - 2014
4.370	Fish and Wildlife	ORS Chapter 197; city planning/permit process	7/14/1983	1983 - 2014
4.380	Scenic and Historic Resources	ORS Chapter 197; city planning/permit process	7/14/1983	1983 - 2014
Article 5: Columbia River Estuary and Estuary Shorelands				
5.100	Findings	ORS Chapter 197; city planning/permit process	7/14/1983	1983 - 2014
5.110	Estuary Channels Subarea	ORS Chapter 197; city planning/permit process	7/14/1983	1983 - 2014
5.120	Tansy Point/Alder Cove Subarea	ORS Chapter 197; city planning/permit process	7/14/1983	1983 - 2014
5.130	North Warrenton Subarea	ORS Chapter 197; city planning/permit process	7/14/1983	1983 - 2014
5.140	Middle Skipanon River Subarea	ORS Chapter 197; city planning/permit process	7/14/1983	1983 - 2014
5.150	Mouth of the Skipanon River Subarea	ORS Chapter 197; city planning/permit process	7/14/1983	1983 - 2014
5.160	Youngs Bay Subarea	ORS Chapter 197; city	7/14/1983	1983 - 2014

		planning/permit process		
5.170	Airport and Vicinity Subarea	ORS Chapter 197; city planning/permit process	7/14/1983	1983 - 2014
5.180	Hammond Subarea	ORS Chapter 197; city planning/permit process	7/14/1983	1983 - 2014
5.301	Deep Water Navigation, Port and Industrial Development	ORS Chapter 197; city planning/permit process	7/14/1983	1983 - 2014
5.303	Diking	ORS Chapter 197; city planning/permit process	7/14/1983	1983 - 2014
5.305	Dredging and Dredged Material Disposal	ORS Chapter 197; city planning/permit process	7/14/1983	1983 - 2014
5.307	Estuarine Construction	ORS Chapter 197; city planning/permit process	7/14/1983	1983 - 2014
5.309	Fill	ORS Chapter 197; city planning/permit process	7/14/1983	1983 - 2014
5.311	Fish and Wildlife Habitat	ORS Chapter 197; city planning/permit process	7/14/1983	1983 - 2014
5.313	Fisheries and Aquaculture	ORS Chapter 197; city planning/permit process	7/14/1983	1983 - 2014
5.315	Land Transportation System	ORS Chapter 197; city planning/permit process	7/14/1983	1983 - 2014
5.317	Log Storage	ORS Chapter 197; city planning/permit process	7/14/1983	1983 - 2014
5.319	Mining and Mineral Extraction	ORS Chapter 197; city planning/permit process	7/14/1983	1983 - 2014
5.321	Mitigation and Restoration	ORS Chapter 197; city planning/permit process	7/14/1983	1983 - 2014
5.323	Public Access	ORS Chapter 197; city planning/permit process	7/14/1983	1983 - 2014
5.325	Recreation and Tourism	ORS Chapter 197; city	7/14/1983	1983 - 2014

		planning/permit process		
5.327	Residential, Commercial and Industrial Development	ORS Chapter 197; city planning/permit process	7/14/1983	1983 - 2014
5.329	Shallow Draft Port and Marinas	ORS Chapter 197; city planning/permit process	7/14/1983	1983 - 2014
5.331	Significant Areas	ORS Chapter 197; city planning/permit process	7/14/1983	1983 - 2014
5.333	Water Quality Maintenance	ORS Chapter 197; city planning/permit process	7/14/1983	1983 - 2014
5.335	Water-Dependent Development	ORS Chapter 197; city planning/permit process	7/14/1983	1983 - 2014
5.341	Middle Skipanon River Subarea	ORS Chapter 197; city planning/permit process	7/14/1983	1983 - 2014
5.343	Tansy Point/Alder Cove Subarea	ORS Chapter 197; city planning/permit process	7/14/1983	1983 - 2014
5.345	North Warrenton Subarea	ORS Chapter 197; city planning/permit process	7/14/1983	1983 - 2014
5.347	Mouth of the Skipanon River Subarea	ORS Chapter 197; city planning/permit process	7/14/1983	1983 - 2014
5.349	Youngs Bay Subarea	ORS Chapter 197; city planning/permit process	7/14/1983	1983 - 2014
5.351	Airport and Vicinity Subarea	ORS Chapter 197; city planning/permit process	7/14/1983	1983 - 2014
Article 6 Beach and Dune Shorelands				
6.300	Policies	ORS Chapter 197; city planning/permit process	7/14/1983	1983 - 2014
WARRENTON DEVELOPMENT CODE				
Division 1				
16.12.010	Definitions	ORS Chapter 197; city planning/permit process	7/14/1983	1983 - 2014

Division 2 Land Use Districts				
16.20.010 – 16.20.040	Land Use Administration	ORS Chapter 197; city planning/permit process	7/14/1983	1983 – 2014
16.24.010 – 16.24.050	R-40: Low Density Residential District	ORS Chapter 197; city planning/permit process	7/14/1983	1983 – 2014
16.28.010 – 16.28.050	R-10: Intermediate Density Residential District	ORS Chapter 197; city planning/permit process	7/14/1983	1983 – 2014
16.32.010 – 16.32.050	R-M Medium Density Residential District	ORS Chapter 197; city planning/permit process	7/14/1983	1983 – 2014
16.36.010 – 16.36.050	R-H: High Density Residential District	ORS Chapter 197; city planning/permit process	7/14/1983	1983 – 2014
16.40.010 – 16.40.060	C-1: General Commercial District	ORS Chapter 197; city planning/permit process	7/14/1983	1983 – 2014
16.44.010 – 16.44.050	C-MU: Commercial Mixed Use District	ORS Chapter 197; city planning/permit process	7/14/1983	1983 – 2014
16.48.010 – 16.48.040	C-2: Marine Commercial District	ORS Chapter 197; city planning/permit process	7/14/1983	1983 – 2014
16.52.010 – 16.52.040	OSI: Open Space and Institutional District	ORS Chapter 197; city planning/permit process	7/14/1983	1983 – 2014
16.56.010 – 16.56.040	RC: Recreational Commercial District	ORS Chapter 197; city planning/permit process	7/14/1983	1983 – 2014
16.60.010 – 16.60.040	I-1: General Industrial District	ORS Chapter 197; city planning/permit process	7/14/1983	1983 – 2014
16.64.010 – 16.64.040	I-2: Water-Dependent Industrial Shorelands District	ORS Chapter 197; city planning/permit process	7/14/1983	1983 – 2014
16.72.010 – 16.72.040	A-1: Aquatic Development District	ORS Chapter 197; city planning/permit process	7/14/1983	1983 – 2014
16.76.010 – 16.76.040	A-2: Aquatic Conservation District	ORS Chapter 197; city planning/permit process	7/14/1983	1983 – 2014
16.80.010 – 16.80.040	A-3: Aquatic Natural District	ORS Chapter 197; city	7/14/1983	1983 – 2014

		planning/permit process		
16.84.010 – 16.84.050	A-5: Coastal Lake and Freshwater Wetlands District	ORS Chapter 197; city planning/permit process	7/14/1983	1983 – 2014
16.88.010 – 16.88.040	FHO: Flood Hazard Overlay District	ORS Chapter 197; city planning/permit process	7/14/1983	1983 – 2014
16.92.010 – 16.92.070	AHO: Airport Hazard Overlay District	ORS Chapter 197; city planning/permit process	7/14/1983	1983 – 2014
16.96.010 – 16.96.050	SHO: Soil Hazards Overlay District	ORS Chapter 197; city planning/permit process	7/14/1983	1983 – 2014
16.100.010 – 16.100.030	BDO: Beaches and Dunes Overlay District	ORS Chapter 197; city planning/permit process	7/14/1983	1983 – 2014
16.104.010 – 16.104.020	DMD: Dredged Material Disposal Site Locations	ORS Chapter 197; city planning/permit process	7/14/1983	1983 – 2014
16.108.010 – 16.108.050	MSPO: Mitigation Site Protection Overlay District	ORS Chapter 197; city planning/permit process	7/14/1983	1983 – 2014
16.112.010 – 16.112.080	GM: Growth Management District	ORS Chapter 197; city planning/permit process	7/14/1983	1983 – 2014
Division 3 Design Standards				
16.120.020 – 16.120.030	Access and Circulation	ORS Chapter 197; city planning/permit process	7/14/1983	1983 – 2014
16.136.010 – 16.136.090	Public Facilities Standards	ORS Chapter 197; city planning/permit process	7/14/1983	1983 – 2014
16.140.010 – 16.140.060	Stormwater and Surface Water Management	ORS Chapter 197; city planning/permit process	7/14/1983	1983 - 2014
16.148.010 – 16.148.070	Wireless Communication Facilities	ORS Chapter 197; city planning/permit process	7/14/1983	1983 – 2014
16.152.010 – 16.152.150	Grading, Excavating, and Erosion Control Plans	ORS Chapter 197; city planning/permit process	7/14/1983	1983 – 2014
16.156.010 – 16.156.090	Wetland and Riparian Corridor Development Standards	ORS Chapter 197; city planning/permit process	7/14/1983	1983 – 2014

16.160.010 – 16.160.190	Columbia River Estuary Shorelands and Aquatic Area Development Standards	ORS Chapter 197; city planning/permit process	7/14/1983	1983 – 2014
16.164.020 – 16.164.050	Impact Assessment and Resource Capability Determination	ORS Chapter 197; city planning/permit process	7/14/1983	1983 – 2014
Division 4 Applications and Review Procedures				
16.216.010 – 16.216.120	Land Divisions and Lot Line Adjustments	ORS Chapter 197; city planning/permit process	7/14/1983	1983 - 2014
16.220.010 – 16.220.080	Conditional Use	ORS Chapter 197; city planning/permit process	7/14/1983	1983 – 2014
16.248.010	Protection of Historic Buildings	ORS Chapter 197; city planning/permit process	7/14/1983	1983 - 2014
16.252.010	Protection of Archaeological Sites	ORS Chapter 197; city planning/permit process	7/14/1983	1983 - 2014
Division 5 Exceptions to Code Standards				
16.272.010 – 16.272.030	Variances	ORS Chapter 197; city planning/permit process	7/14/1983	1983 – 2014
REMOVED:				
City of Warrenton Comprehensive Plan and Development Code			7/14/1983	
Town of Hammond Comprehensive Plan and Development Code			7/8/1982	