

"Making a difference through excellence of service"

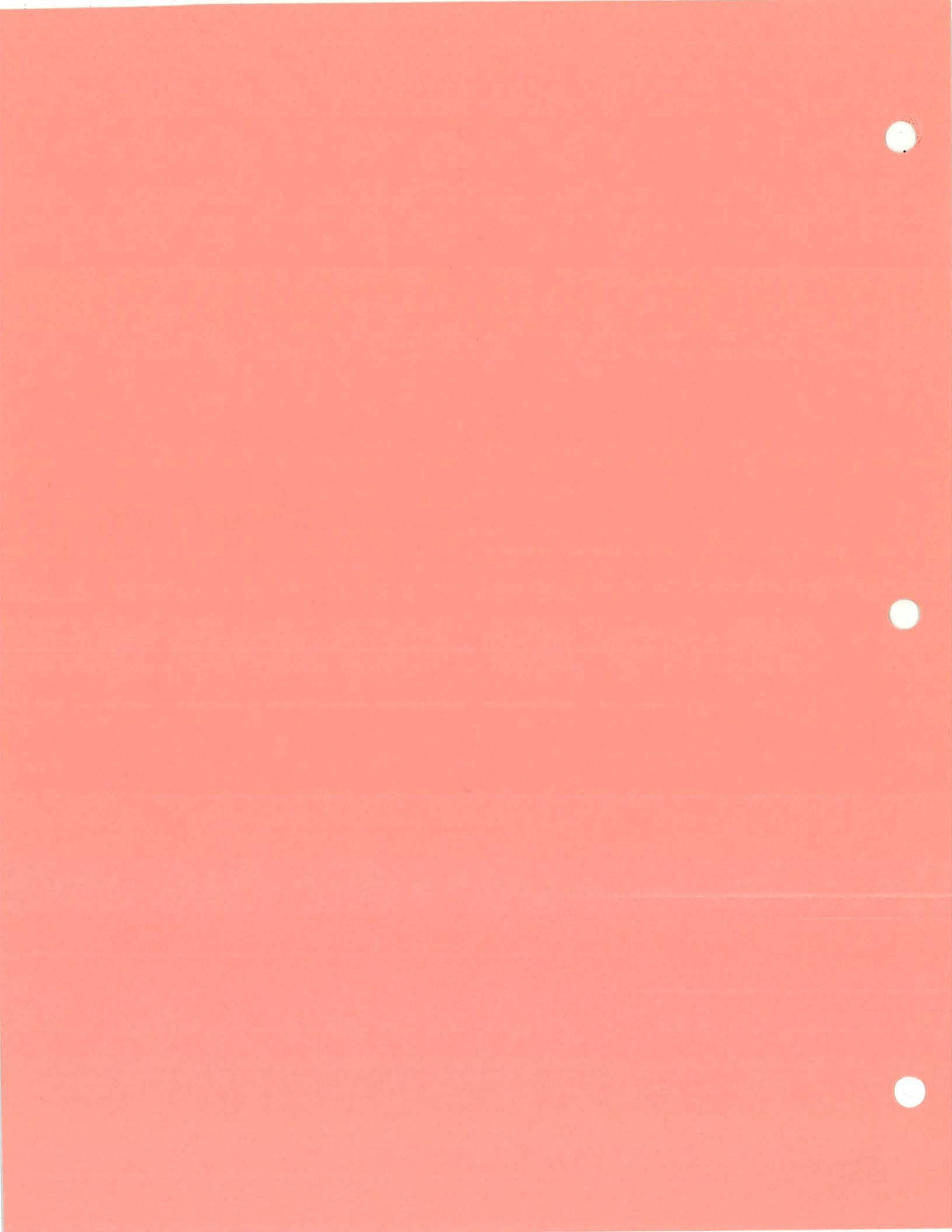


CITY OF WARRENTON

**Ordinance No.
1064-A**

Exhibit C –

**Updated Warrenton
Development Code**



"Making a difference through excellence of service"



CITY OF WARRENTON

**DEVELOPMENT
CODE**

ORDINANCE No. 1058-A

MARCH 2003

(as amended by Ordinance No.'s 1064-A & 1065-A)



ORDINANCE NO. 1058-A

INTRODUCED BY COMMISSIONER Gramson

AN ORDINANCE ADOPTING THE WARRENTON DEVELOPMENT CODE DATED MARCH 2003 AND REPEALING THE WARRENTON ZONING ORDINANCE (NO. 911-A AND ALL AMENDMENTS THERETO) AND WARRENTON SUBDIVISION ORDINANCE (NO. 612-A AND ALL AMENDMENTS THERETO). AN ORDINANCE ADOPTING AMENDMENTS TO THE WARRENTON COMPREHENSIVE PLAN (NO. 911-A AND ALL AMENDMENTS THERETO), AND WARRENTON ZONING MAP (A COMBINED COMPREHENSIVE PLAN MAP AND ZONING ORDINANCE MAP; NO. 934-A AND ALL AMENDMENTS THERETO) AND ADOPTING FINDINGS OF FACT. AN ORDINANCE MANDATED BY THE OREGON LAND CONSERVATION AND DEVELOPMENT COMMISSION IN ITS OVERDUE PERIODIC REVIEW WORK TASK ORDER (PR#001284, AMENDMENT #2) AGAINST THE CITY OF WARRENTON PURSUANT TO ORS 197.628 TO 197.644 AND OAR 660, DIVISION 025

WHEREAS, the City of Warrenton has found it necessary to review and update its zoning ordinance, subdivision ordinance, and comprehensive plan as mandated by the Oregon Land Conservation and Development Commission Overdue Periodic Review Work Task Order No. 001284, Amendment #2; and

WHEREAS, the City of Warrenton finds it necessary to update and amend the Warrenton Zoning Ordinance and Warrenton Subdivision Ordinance and merge these documents into one text known as the "Warrenton Development Code"; and

WHEREAS, the City of Warrenton finds it necessary to update and amend the Warrenton Comprehensive Plan and Warrenton Zoning Map (a combined Comprehensive Plan Map and Zoning Ordinance Map); and

WHEREAS, the City of Warrenton Planning Commission conducted public hearings on September 11th, October 9th, November 13th, and December 11, 2002 to consider proposed changes to the Warrenton Zoning Ordinance, Subdivision Ordinance, Comprehensive Plan, and Zoning Map, and forwarded a recommendation to approve said changes to the Warrenton City Commission; and

WHEREAS, the Warrenton City Commission conducted public hearings on February 5th, March 5th, and March 19, 2003 to consider the proposed changes and has approved the proposed amendments adopting the findings of fact included in the March 12, 2003 updated staff report.

NOW THEREFORE, the Warrenton City Commission does ordain as follows:

Section 1. Update and amend the City of Warrenton Zoning Ordinance and Subdivision Ordinance as described in the March 12, 2003 updated staff report and findings of fact (attached hereto as Exhibit "A" and by reference incorporated herein) and merge these documents into one text known as the "Warrenton Development Code" dated March 2003 (attached hereto as Exhibit "B" and by reference incorporated herein).

Section 2. Amend the City of Warrenton Comprehensive Plan as follows:

Section 3.320(1)(d) of the Warrenton Comprehensive Plan shall read:

The purpose of the Mixed Use Commercial Zone is to strengthen certain established residential areas having frontage on state highways as transition areas between commercial centers and outlying residential areas. The District is intended to support this goal through elements of design and appropriate mixed-use development. Mixed-use development features design standards that allow residential and commercial uses to occur simultaneously on the same lot.

Section 3. Amend the Warrenton Zoning Map (a combined Comprehensive Plan Map and Zoning Ordinance Map) as follows:

Revise the zoning map to designate properties bounded by 4th and 9th Streets along S. Main Avenue (Ft. Stevens Hwy.) extending west to, and including, the easterly half of the old railroad right-of-way and extending east to the Skipanon River's A-2, Aquatic Conservation, zoning district boundary as shown on Exhibit "C" which is attached hereto and by reference incorporated herein.

Section 4. This ordinance shall become effective thirty days after its adoption.

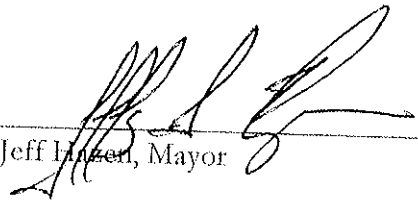
Section 5. If any article, section, subsection, subdivision, phrase, clause, sentence or word in this ordinance shall, for any reason, be held invalid or unconstitutional by a court of competent jurisdiction, it shall not nullify the remainder of this ordinance but shall be confined to the article, section, subdivision, clause, sentence, or word so held invalid or unconstitutional.

First Reading: March 5, 2003

Second Reading: March 19, 2003


PASSED by the City Commission of the City of Warrenton, Oregon, this 19~~th~~ day of March, 2003.

APPROVED by the Mayor of the City of Warrenton this 19~~th~~ day of March 2003.



Jeff Hazer, Mayor

ATTEST:



Scott Derickson, City Manager

ORDINANCE NO. 1064 - A

Introduced by Commissioner Jeff Hazen

An Ordinance Amending the Warrenton Comprehensive Plan and Warrenton Development Code, Ordinance 1058-A, adoption of a Transportation System Plan, complying with a Periodic Review Order, complying with the Oregon Transportation Planning Rule (OAR 660-012-045) and adopting findings.

WHEREAS, the City of Warrenton has found it necessary to amend its Development Code and Comprehensive Plan as mandated by the Oregon Land Conservation and Development Commission Overdue Periodic Review Work Task Order No. 001284 - Amendment #2, and make other amendments to its Comprehensive Plan and Development Code in order to comply with the Oregon Transportation Planning Rule (OAR 660-012-045); and,

WHEREAS, the City of Warrenton has found it necessary to adopt the Warrenton Transportation System Plan as an addendum to the Warrenton Comprehensive Plan; and,

WHEREAS, the Warrenton Planning Commission conducted a public hearing on November 12, 2003, to consider proposed changes to the Warrenton Development Code and Comprehensive Plan, and forwarded a recommendation to approve said changes to the Warrenton City Commission; and,

WHEREAS, the Warrenton City Commission conducted a public hearing on December 17, 2003, to consider the proposed changes.

NOW, THEREFORE, the Warrenton City Commission does ordain as follows:

Section 1. The Comprehensive Plan of the City of Warrenton (Ord. 1058-A) is amended by the deletion of Article 8, Transportation, and replacing it in its entirety by a revised Article 8, Transportation, as set forth in Ex. A.

Section 2. The Comprehensive Plan of the City of Warrenton (Ord. 1058-A) is amended by the addition of an addendum entitled Warrenton Transportation System Plan as set forth in Ex. B.

Section 3. The Warrenton Development Code is hereby amended by deletions or additions to Sections 1.3, 2.0, 2.1, 2.2, 2.3, 2.4, 2.5, 2.6, 2.7, 2.8, 2.9, 2.10, 2.11, 2.12, 2.13, 2.14, 2.15, 2.16, 2.20, 3.1.2, 3.3.4, 3.5.1, 4.1.2, 4.1.4, 4.1.5, 4.1.6, 4.1.7, 4.3.200, 4.4.3, 4.7.2, 4.7.3, 4.7.6, 4.13, and 5.2.100, as set forth in Ex. C.

Section 4. The Findings of Fact and Agenda Memorandum, File No. CPA-03-1, dated December 12, 2003, are hereby adopted.

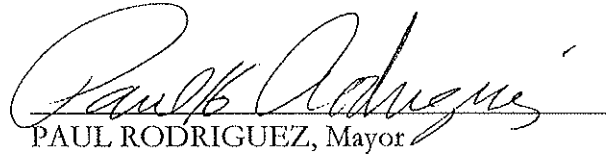
Section 5. This ordinance shall take effect thirty days after its passage.

First Reading: February 18, 2004

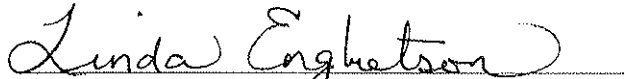
Second Reading: March 3, 2004

PASSED by the City Commission of the City of Warrenton, Oregon, this 3rd day of
March, 2004.

APPROVED by the Mayor of the City of Warrenton, Oregon, this 3rd day of
March, 2004.


PAUL RODRIGUEZ, Mayor

ATTEST:


LINDA ENGBRETSON, City Recorder

ORDINANCE NO. 1065-A

Introduced by Commissioner ~~All Commissioners~~

An Ordinance Amending the Warrenton Comprehensive Plan and Warrenton Development Code, Ordinance 1058-A, to comply with Periodic Review Order and Goal 5 relating to protection of wetlands and riparian corridors, and adopting findings.

WHEREAS, the City of Warrenton has found it necessary to amend its Comprehensive Plan and Development Code as mandated by the Oregon Land Conservation and Development Commission Overdue Periodic Review Work Task Order No. 001284 - Amendment #2, and make amendments to comply with statewide Planning Goal 5 relating to wetlands and riparian corridors; and,

WHEREAS, the City of Warrenton has found it necessary to adopt a local wetland inventory map, a locally significant wetland map, a riparian corridor map, and a riparian corridor inventory and ESEE analysis as addendas to the Warrenton Comprehensive Plan; and,

WHEREAS, the Warrenton Planning Commission conducted a public hearing on November 12, 2003, and December 10, 2003, to consider proposed changes to the Warrenton Comprehensive Plan and Warrenton Development Code, and forwarded a recommendation to approve said changes to the Warrenton City Commission; and,

WHEREAS, the Warrenton City Commission conducted a public hearing on December 17, 2003 and January 7, 2004 to consider the proposed changes.

NOW, THEREFORE, the Warrenton City Commission does ordain as follows:

Section 1. The Comprehensive Plan of the City of Warrenton (Ord. 1058-A) is amended by the adoption of the following addenda:

City of Warrenton Wetland Conservation Plan Inventory dated October 17, 1997, (also referred to as the City of Warrenton Local Wetland Inventory), as set forth in Exhibit A.

City of Warrenton Locally Significant Wetland Map dated January 21, 2004, as set forth in Exhibit B.

City of Warrenton Riparian Corridor Map, dated January 21, 2004, as set forth in Exhibit C.

The City of Warrenton Riparian Corridor Inventory and ESEE (Economic, Social, Environmental, and Energy) Analysis dated January 21, 2004, as set forth in Exhibit D.

Section 2. The Comprehensive Plan of the City of Warrenton (Ord. 1058-A) is amended by adding to Section 5.100, Findings, of Article 5, Columbia River Estuary and Estuary Shorelands, the following:

“The City of Warrenton treats significant wetlands and riparian corridors that are located in the City’s Goal 17, Shoreland, zone as Goal 5 resources.”

Section 3. The Comprehensive Plan of the City of Warrenton (Ord. 1058-A) is amended by adding to Section 6.100, Findings, on Article 6, Beach and Dune Shoreland, the following:

“The City of Warrenton treats significant wetlands and riparian corridors that are located in the City’s Goal 17, Shoreland, zone as Goal 5 resources.”

Section 4. The Development Code of the City of Warrenton (Ord.1058-A) is amended by the deletion of Chapter 3.10, the Wetland and Riparian Area Protection Ordinance effective March 2003 and replacing it in its entirety with Chapter 3.10 Wetland and Riparian Corridor Development Standards Ordinance, as set forth in Exhibit 1.

Section 5. The Development Code of the City of Warrenton (Ord.1058-A), Chapter 1.3, Definitions, is amended by adding the following definitions:

“Bankfull Stage” – The stage or elevation at which water overflows the natural banks of streams or other waters of this state and begins to inundate the upland. In the absence of physical evidence, the two-year recurrence interval flood elevation may be used to approximate the bankfull stage.

“Fish Habitat” – Those areas upon which fish depend in order to meet their requirements for spawning, rearing, food supply, and migration.

“Jurisdictional Wetland Delineation” – A wetland delineation that has been approved by the Oregon Division of State Lands.

“Riparian Area” – The area adjacent to a river, lake, or stream, consisting of the area of transition from an aquatic ecosystem to a terrestrial eco system.

“Riparian Corridor” – A Goal 5 resource that includes the water areas, fish habitat, adjacent riparian areas, and wetlands within the riparian area boundary.

“Riparian Corridor Boundary” – An imaginary line that is a certain distance upland from the top of bank, as specified in Section 3.10.4 of this Code.

“Stream” – A channel such as a river or creek that carries flowing surface water, including perennial streams and intermittent streams with defined channels, and excluding man-made irrigation and drainage channels.

"Top of Bank" – The stage or elevation at which water overflows the natural banks of streams or other waters of this state and begins to inundate upland. In the absence of physical evidence, the two-year recurrence interval flood elevation may be used to approximate the top of bank, also referred to as the bankfull stage.

"Water Area" – The area between the banks of a lake, pond, river, or perennial or fish bearing intermittent stream, excluding man-made farm ponds.

"Wetland Delineation" – The determination of the location, geographic extent, and boundaries of a wetland, considering such factors as hydrology, soils, and vegetation.

Section 6. The Development Code of the City of Warrenton (Ord. 1058-A), Table 4.1.2, Summary of Development Decisions and Permit by Type of Decision-Making Procedure, is amended by adding the following Permit Type or Development Decision, Decision-Making Procedure, and Code Reference:

<u>Permit Type or Development Decision</u>	<u>Procedure</u>	<u>Code Reference</u>
Hardship (Wetland) Variance	Type III	WDC Chapter 3.10.7
Wetland Area Boundary Adjustment	Type I	WDC Chapter 3.10.8
Wetland Significance Determination Amendment	Type III	WDC Chapter 3.10.9

Section 7. The Findings of Fact and Agenda Memoranda, File No. CPA-03-02, dated December 11, 2003 and December 31, 2003, are hereby adopted.

Section 8. This ordinance is effective thirty days from the date it is enacted.

First Reading: January 7, 2004


Second Reading: January 21, 2004

PASSED by the City Commission of the City of Warrenton, Oregon, this 21st day of January, 2004.

APPROVED by the Mayor of the City of Warrenton, Oregon, this 21st day of January, 2004.


PAUL RODRIGUEZ, Mayor

ATTEST:


LINDA ENGBRETSON, City Recorder

WARRENTON DEVELOPMENT CODE

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Chapter 1.0 — Introduction

1.1 – How to Use the Development Code

1.2 – General Administration

1.3 – Definitions

1.4 – Enforcement

Chapter 1.1 — How to Use the Development Code

Welcome to the Warrenton Development Code. This is a comprehensive land use and development code that governs all of the land within the incorporated limits of Warrenton and Warrenton's urban growth boundary (UGB). The five chapters of the code are used together to review land use applications and other applications for development within the Warrenton city limits and UGB. They are organized as follows:

Chapter 1 - In addition to this brief introduction, Chapter 1 provides definitions for selected terms and information on the legal construct of the code. It also explains the city authority to enforce the Development Code.

Chapter 2 - Every parcel, lot, and tract of land within the city's incorporated boundaries is also within a "land use district". (Land use districts are shown on the city's official zoning map.) Chapter 2 identifies the land uses that are permitted within each district, and the standards that apply to each type of land use (e.g., lot standards, setbacks, and use-specific design standards). As required by state law, the zones or "land use districts" conform to the Warrenton Comprehensive Plan. The districts reserve land for planned land uses, provide compatibility between different uses, and implement planned housing densities.

Chapter 3 - The design standards contained in Chapter 3 apply throughout the city. They are used in preparing development plans, and reviewing applications, to ensure compliance with city standards for access and circulation, landscaping, parking, public facilities, surface water management, housing densities, and sensitive lands.

Chapter 4 - Chapter 4 provides all of the application requirements and procedures for obtaining permits required by this code. Four types of permit procedures are covered: Type I (non-discretionary, "ministerial" decision); Type II (discretionary, "administrative" decision); Type III (discretionary, "quasi-judicial" decision with public hearing); and Type IV ("legislative" decision by City Commission).

Chapter 5 - Chapter 5 provides standards and procedures for variances and non-conforming situations (i.e., existing uses or development that do not comply with the code). This code cannot provide standards to fit every potential development situation. The city's varied geography, and complexities of land development, requires flexibility. Chapter 5 provides that flexibility, while maintaining the purposes and intent of the code.

Chapter 1.2 — General Administration

Sections:

- 1.2.1 Severability.
- 1.2.2 Compliance and Scope.
- 1.2.3 Consistency with Plan and Laws.
- 1.2.4 Use of a Development.
- 1.2.5 Pre-Existing Approvals.
- 1.2.6 Building Permit and Certificate of Occupancy.
- 1.2.7 Official Action.

1.2.1 Severability.

The provisions of this title are severable. If any section, sentence, clause or phrase of this title is adjudged to be invalid by a court of competent jurisdiction, that decision shall not affect the validity of the remaining portion of this title.

1.2.3 Compliance and Scope.

- A. Compliance with the provisions in the Development Code. 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. No plat shall be recorded or no building permit shall be issued without compliance with the provisions of this Code.
- B. Obligation by successor. The requirements of this Code apply to the owner(s) of record, persons undertaking the development or the use of land, and to those persons’ successors in interest.
- C. Most restrictive regulations apply. Where this Code imposes greater restrictions than those imposed or required by other rules or regulations, the most restrictive or that imposing the higher standard shall govern.
- D. Variances. Variances shall be governed by the provisions of Chapter 5.1.
- E. Transfer of development standards prohibited. No lot area, yard or other open space or off-street parking or loading area which is required by this Code for one use shall be a required lot area, yard or other open space or off-street parking or loading area for another use, except as otherwise specifically allowed by this Code.

1.2.4 Consistency With Plan and Laws.

Each development and land use application and other procedure initiated under this Code shall be consistent with the adopted comprehensive plan of Warrenton as implemented by this Code, and with applicable state and federal laws and regulations. All provisions of this Code shall be construed in conformity with the adopted comprehensive plan.

1.2.5 Use of a Development.

A development shall be used only for a lawful use. A lawful use of a development is one that is permitted by this Code (including non-conforming uses, subject to Chapter 5.2), and is not prohibited by law.

1.2.6 Pre-Existing Approvals.

- A. Legality of pre-existing approvals. Developments including subdivisions, projects requiring development review or site design review approval, or other development applications for which approvals were granted prior to the effective date of this Code, may occur pursuant to such approvals; except that modifications to development approvals shall comply with Chapter 4.6 - Modifications to Approved Plans and Conditions of Approval.
- B. Subsequent development applications. All development proposals received by the City of Warrenton after the adoption of this Code shall be subject to review for conformance with the standards under this Code or as otherwise provided by state law.

1.2.7 Building Permit and Certificate of Occupancy.

- A. Building permit. A building permit shall not be issued until the zoning administrator has issued a development permit in accordance with the provisions of Chapter 4 - Administration of Land Use and Development Review, or otherwise found that a development permit is not required.
- B. Certificate of occupancy required. To ensure completion of a development or use in the manner approved, a development shall not be occupied and a use shall not begin until the building official has issued a certificate of occupancy following completion of the work in substantial conformance to the applicable land use and building permits.
- C. Prior to final completion. Prior to the final completion of all work, a certificate of occupancy may be issued for a portion of the structure conditioned upon further work being completed by a date certain.

1.2.8 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.

Chapter 1.3 — Definitions

Abutment - A substructure composed of stone, concrete, brick or timber supporting the end of a single-span bridge or the ends of a multi-span superstructure and, in general, retaining or supporting the approach embankment placed in contact therewith.

Abutting - Contiguous or adjoining. It shall include the terms adjacent, adjoining and contiguous.

Access - The right to cross between public and private property allowing pedestrians and vehicles to enter and leave property.

Access easement - An easement recorded for the purpose of providing vehicle, bicycle, and/or pedestrian access from a public street to a parcel across intervening property under separate ownership from the parcel being provided access.

Access management - The control of street (or highway) access for the purpose of improving the efficiency, safety and/or operation of the roadway for vehicles; may include prohibiting, closing, or limiting direct vehicle access to a roadway from abutting properties, either with physical barriers (curbs, medians, etc.) or by land dedication or easement. See also *WDC Chapter 3.1, Section 2*.

Access / Road Approach Permit - The authorization to connect the edge of a driveway or road approach to a public right-of-way in accordance with applicable city, county, state, or federal access permit requirements.

Accessible - Approachable and useable by people with disabilities. Complies with the Americans With Disabilities Act.

Accessory Dwelling - A small, secondary housing unit, usually the size of a studio apartment, located on the same lot as an established detached single-family residence. The accessory dwelling can be a detached cottage, a unit attached to a garage, or in a portion of an existing house. An accessory dwelling is an accessory structure and shall comply with the accessory structure standards of *WDC Chapter 3.16* and more particularly *WDC Chapter 3.16.4, Accessory Dwelling Standards*.

Accessory Structure - A structure incidental and subordinate to the main use of the property, located on the same lot as the main use. A detached garage used for storage of personal property with a floor area less than or equal to 1,200 square feet is an accessory structure to a residence. Other accessory structures include, but are not limited to fences, flagpoles, patios, carports, personal workshops, and swimming pools. All accessory structures shall comply with the standards of *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 main use of the property, located on the same lot as the main use.

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*.

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 depth range is 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 flood plain 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.

Arts and Crafts Establishment - The sales, teaching, practice, production, and repair of articles in the arts and crafts field, providing that such establishments shall be limited to those requiring special artistic skills or manual skills of a handicraft nature.

Automobile-Oriented Uses - "Automobile-oriented uses" means automobiles and/or other motor vehicles are an integral part of the use; includes drive-up, drive-through, vehicle sales, service, or repair, and similar uses. These uses may be restricted when they detract from the pedestrian-friendly, storefront character of the district and can consume large amounts of land relative to other permitted uses.

Automobile Sales or Service Establishment - A business engaged in the storage, sales or servicing of automobiles, trucks, recreation vehicles, or other vehicles. Gasoline service stations are not included in this definition.

Automobile Wrecking Yard or Junk Yard - Any property where two or more motor vehicles not in running condition or the parts thereof, are wrecked, dismantled, disassembled, substantially altered or stored in the open and are not to be restored to operation.

Avulsion - A tearing away or separation by the force of water. Land which is separated from uplands or adjacent properties by the action of a stream or river cutting through the land to form a new stream bed.

Bankline Alteration - Realignment of a stream bank or the entire stream, either within or outside of its normal high water boundaries.

Bankfull Stage - The stage or elevation at which water overflows the natural banks of streams or other waters of this state and begins to inundate the upland. In absence of physical evidence, the two-year recurrence interval flood elevation may be used to approximate the bankfull stage.

Base Flood - A flood having a one percent chance of being equaled or exceeded in any given year.

Base Zone - The underlying (or base) zoning district for a particular lot or land area. *WDC Chapters 2.1 - 2.17* lists all of the city's base zones. Not included in this definition are "overlay zones" which are listed in *WDC Chapters 2.18 - 2.23*.

Basement – Any area of the building having its floor subgrade (below ground level) on all sides.

Beach - Gently sloping areas of loose material (e.g., sand, gravel, and cobbles) that extend landward from the low-water line to a point where there is a definite change in the material type or landform, or to the line of vegetation.

Beach Nourishment - Placement of sand material on actively eroding beach sites identified in the Dredged Material Management Plan to maintain the historic beach profile. Beach nourishment does not include creation of new land area or beaches and must provide for the protection of estuarine resources (including habitat, nutrient, fish, wildlife, and aesthetic resources). Dredged material may be used for beach nourishment.

Bed and breakfast inn - An owner- or operator-occupied dwelling where no more than five rooms are available for transient lodging and where a morning meal is provided. See Section

Berm - A small rise or hill in a landscape, which is intended to buffer or visually screen certain developments, such as parking areas.

Beveled building corner - A rounded or flat edge on a building, usually at a street corner; may include an entrance, windows, pillars, or other architectural details and ornamentation.

Bicycle – A vehicle designed to operate on the ground on wheels, propelled solely by human power, upon which persons or person may ride and with two tandem wheels of at least 4 inches in diameter.

Bicycle facilities – A general term denoting improvements and provisions made to accommodate or encourage bicycling, including parking facilities and all bikeways.

Bikeway - Any road, path, or way that is in some manner specifically open to bicycle travel, regardless of whether such facilities are designated for the exclusive use of bicycles or are shared with other transportation modes. The five types of bikeways are:

- a. Multi-use Path. A paved way (typically 10 to 12-feet wide) that is physically separated from motorized vehicular traffic; typically shared with pedestrians, skaters, and other non-motorized users.
- b. Bike Lane. A portion of the roadway (typically 4 to 6-feet wide) that has been designated by permanent striping and pavement markings for the exclusive use of bicycles.
- c. Shoulder Bikeway. The paved shoulder of a roadway that is 4 feet or wider; typically shared with pedestrians in rural areas.
- d. Shared Roadway. A travel lane that is shared by bicyclists and motor vehicles.
- e. Multi-use Trail. An unpaved path that accommodates all-terrain bicycles; typically shared with pedestrians.

Block - A parcel of land or group of lots bounded by intersecting streets. See also, Chapter 3.1, Section 2.J.

Boarding, lodging or rooming house - A residential type of building or portion thereof, other than a hotel or motel, where lodging with or without meals is provided for not less than two persons nor more than ten persons, not including members of the owner- or tenant-occupied family.

Boat House - A floating or pile-supported structure used for the protection and storage of a boat or boats.

Boat Ramp – An improved sloped surface extending from a shoreland area into an aquatic area suitable for removing a boat from the water and launching a boat into the water from a trailer.

Bollard - A post of metal, wood or masonry that is used to separate or direct traffic (vehicles, pedestrians and/or bicycles). Bollards are usually decorative, and may contain sidewalk or pathway lighting.

Boulevard - A street with broad open space areas; typically with planted medians. See Chapter 3.4, Section 1.F.

Bridge Crossing - The portion of a bridge spanning a waterway, not including supporting structures or fill located in the waterway or adjacent wetlands.

Bridge Crossing Support Structure - Piers, piling, abutments, and similar structures necessary to support a bridge span, but not including fill for causeways or approaches.

Buildable Lot – A legal lot which is proposed for use in compliance with this Code and has received approval of the water supply and sewerage disposal method as appropriate to such use.

Building - Any structure used or intended for supporting or sheltering any use or occupancy. Recreational vehicles and fences are not included in this definition.

Building footprint - The outline of a building, as measured around its foundation.

Building height – The vertical distance above a reference datum measured to the highest point of the coping of a flat roof, to the declivity of a mansard roof, or to the average height (the center height between the highest and lowest point) of the highest gable of a pitched or hipped roof. The height of a stepped or terraced building is the maximum height of any segment of that building. The reference datum shall be whichever of the following two measurements results in the greater building height:

- a. The reference datum is the lowest grade when the highest ground surface within a five (5) foot horizontal distance of the exterior wall of the building is not more than ten (10) feet above that lowest grade. (See also definition of “Grade”.)

- b. The reference datum is ten (10) feet higher than the lowest grade when the ground surface described in Item A above is ten (10) feet or more above that lowest grade. (See also definition of “Grade”.)

Building mass - The aggregate size of a building, or the total height, width, and depth of all its parts.

Building scale - The dimensional relationship of a building and its component parts to other buildings.

Bulkhead - A vertical wall of steel, timber or concrete used for erosion protection or as a retaining wall.

Business Service Establishment - Businesses primarily engaged in rendering services to other business establishments. These services include, but are not limited to employment services, advertising services, consumer credit and reporting services, collection services, mailing services, and building maintenance services. Not included in this definition are repair, professional, educational or contract construction services.

Capacity - Maximum holding or service ability, as used for transportation, utilities, parks and other public facilities.

Cellular Tower – See “Wireless Communication Facility”.

Centerline radius - The radius of a centerline of a street right-of-way.

Child care center, family child care - Facilities that provide care and supervision of minor children for periods of less than 24 hours. “Family child care providers” provide care for not more than 12 children in a home. See also, ORS 657A for certification requirements.

Clear and objective - Relates to decision criteria and standards that do not involve substantial discretion or individual judgment in their application.

Coastal Shorelands - Those areas immediately adjacent to the ocean, estuaries, associated wetlands, and coastal lakes. Coastal Shorelands are limited in landward extent by the coastal shorelands boundary, described in the Comprehensive Plan.

Collector - A street or road supplementary to the arterial street system and a means of interconnection between this system and smaller areas used to some extent for through traffic and to some extent for access to abutting properties. *See WDC Section 3.5.1.F.*

Commercial - Land use involving buying/selling of goods or services as the primary activity.

Commercial Timber Harvesting - The harvesting of timber for commercial purposes on tracts of land larger than one acre.

Common area - Land commonly owned to include open space, landscaping or recreation facilities (e.g., typically owned by homeowners associations).

Communication Facility - Power and communication lines and towers, antennas, microwave receivers and transmitters, and wireless communication facilities.

Communication Service Establishment - Businesses primarily engaged in communication activities, including newspaper and printing services, television and radio services, and telephone and telegraphy services.

Comprehensive Plan - The comprehensive development plan for the City of Warrenton, comprising plans, maps and reports or any combination thereof, relating to the City's economy, physical growth, development, and re-development.

Conditional use - A use, which requires a Conditional Use Permit. See Section 4.4.

Condominium - A building, or group of buildings, in which dwelling units, offices, or floor area are owned individually, and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis. Condominium means unit ownership pursuant to Oregon Revised Statutes, including multiple-unit buildings or single-unit buildings, or any combination thereof. See also "Multi family housing development".

Consensus - Agreement or consent among participants.

Conservation easement - An easement that protects identified conservation values of the land, such as wetlands, woodlands, significant trees, floodplains, wildlife habitat, and similar resources.

Corner clearance - The distance from an intersection of a public or private street to the nearest driveway or other access connection, measured from the closest edge of the pavement of the intersecting street to the closest edge of the pavement of the connection along the traveled way.

Corner radius - The radius of a street corner, as measured around the curb or edge of pavement.

Cornice - The projecting horizontal element that tops a wall or flat roof.

Courtyard - A court or enclosure adjacent to a building, which usually provides amenities such as gardens, planters, seating, or art.

Cross Access - A service drive providing vehicular access between two or more contiguous sites so the driver need not enter the public street system.

Curb cut - A driveway opening where a curb is provided along a street.

Day Care Center - A facility other than the residence of the day care provider which receives three or more children for a part of the 24 hours of the day for the purpose of providing care and board apart from the children's parents or guardians.

Deciduous - Tree or shrub that sheds its leaves seasonally.

Dedication - The designation of land by its owner for any public use as shown on a subdivision plat or deed. The term may also be used for dedications to a private homeowners association.

Density(ies) - A measurement of the number of dwelling units in relationship to a specified amount of land. As used in this Code, density does not include land devoted to street right-of-way. Density is a measurement used generally for residential uses.

Department Store - A store that carries several lines of merchandise and is organized into separate departments for the purpose of promotion, service, accounting and control.

Development - Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, landscaping, drilling, paving, or excavation. Also includes the dividing of land.

Dike, Dredged Material Disposal - A structure consisting of sediments, rock, or other material designed to contain the dredged material and allow for settling of solids in a specific area while it is being deposited and after deposition has occurred.

Dike, Flood Protection – A structure designed and built to prevent inundation of a parcel of land by water.

Discontinued – With regard to residential structures in the general commercial (C-1) zoning district, a discontinued building is one that can be classified as a dangerous building and/or can no longer be used for habitation purposes, as determined by the building official. For general regulatory purposes, discontinue means: To interrupt the continuance of; to put an end to; to cause to cease; to cease using, to stop; to leave off. See *WDC Sections 2.6.110(23) and 2.7.110(8)*. See also *WDC Chapter 5.2, Non-Conforming Uses and Developments*.

Discretionary - Describes a permit action or decision that involves substantial judgment or discretion.

Dividing Land - The process of separating a parcel of land or a lot into a number of lots or parcels by partitioning or subdividing. The dividing has occurred when an approved plat or map has been filed. See *WDC Chapter 4.3, Land Divisions and Lot Line Adjustments*.

Dock - A pier or secured float for vessel moorage, fishing, or other water use.

Dolphin - A structure consisting of two or more wood, concrete or steel piling, usually fastened together by means of cable, and driven into the bottom of an aquatic area.

Double Frontage Lot –A lot having frontage on two parallel (or near parallel) streets other than alleys. See “Lot, Through”.

Dredged Material - Sediments, gravel, and other solids removed from an aquatic area.

Dredged Material Disposal – The deposition of dredged materials in aquatic or land areas. Methods include land disposal (deposition in specific land areas or on the tops and landward

side of flood protection dikes) and in-water disposal (including beach nourishment, flowlane disposal, estuarine open water disposal, agitation dredging, and ocean disposal).

Dredging – The extraction or displacement of aquatic sediment or other material for the purpose of deepening an area, obtaining fill material, or mining and mineral extraction.

Drift Right - A specific area or section of river bottom that has been cleared of snags and sunken debris and is shared and actively maintained by a group of fishermen as their fishing grounds.

Drip-line – The distance around a tree or shrub from the trunk to the canopy (leaf and branch) spread.

Drive lane/travel lane - An improved (e.g., paved) driving surface for one line vehicles.

Driveway - Areas that provide vehicular access to a site, except for public and private streets. A driveway begins at the property line and extends into the site. Driveways do not include parking, maneuvering, or circulation areas in parking space areas. See *WDC Chapter 3.1, Access and Circulation*.

Driveway apron/approach - The edge of a driveway where it abuts a public way; usually constructed of concrete. See *WDC Chapter 3.1.2K*.

Drought-tolerant/drought-resistant plants - Refer to *Sunset Western Garden Book* (latest edition).

Dune - A hill or ridge of sand built up by wind along sandy coasts.

Dune, Active - A dune that migrates, grows and diminishes from the force of wind and supply of sand. Active dunes include all open sand dunes, active hummocks and active foredunes.

Dune, Conditionally Stable - A dune presently in a stable condition, but vulnerable to becoming active due to fragile vegetative cover.

Dune, Older Stabilized - A dune that is stable from wind erosion and that has significant soil development and that may include diverse forest cover. May include older foredunes.

Dune, Open Sand - A collective term for active unvegetated dune land forms.

Dune, Recently Stabilized - A dune with sufficient vegetation to be stabilized from wind erosion, but with little, if any, development of soil or cohesion of sand under the vegetation. Recently stabilized dunes include conditionally stable foredunes, conditionally stable dunes, dune complexes, and younger stabilized dunes.

Dune, Younger Stabilized - A wind stable dune with weakly developed soils and vegetation.

Duplex - A detached building located on a single legal lot that contains two attached dwelling units designed for occupancy by two families.

Dwelling, Accessory – A small, secondary housing unit, usually the size of a studio apartment, located on the same legal lot as a detached single-family residence. The accessory dwelling can be a detached cottage, a unit attached to a garage, or in a portion of an existing house. For purposes of this Code, an accessory dwelling is an accessory structure and shall comply with the accessory structure standards of *WDC Chapter 3.16* and more particularly *WDC Chapter 3.16.4, Accessory Dwelling Standards*.

Dwelling, Multi-Family – A building located on a single legal lot designed and used for occupancy by four or more families, all living independently of each other, and having separate housekeeping facilities for each family.

Dwelling, Single-Family – An attached or detached building located on a single legal lot designed and used for occupancy by one family.

Dwelling, Single-Family Attached (Townhome, Rowhouse) – Two or more single-family dwellings with common end walls. See *WDC Chapter 3.17, Single-Family Attached, Duplex, and Triplex Design Standards*.

Dwelling, Single-Family Detached- A detached building located on a single legal lot that contains one dwelling unit designed for occupancy by one family.

Dwelling, Two-family (Duplex) - A detached building located on a single legal lot that contains two attached dwelling units designed for occupancy by two families. See *WDC Chapter 3.17, Single-Family Attached, Duplex, and Triplex Design Standards*.

Dwelling, Three-family (Triplex) – A detached building located on a single legal lot that contains three attached dwelling units designed for occupancy by three families. See *WDC Chapter 3.17, Single-Family Attached, Duplex, and Triplex Design Standards*.

Dwelling Unit - A “dwelling unit” is a living facility that includes provisions for sleeping, eating, cooking and sanitation, as required by the Uniform Building Code, for not more than one family, or a congregate residence for 10 or less persons. (UBC 205) Recreational vehicles or temporary structures are not included in this definition.

Easement - A right of usage of real property granted by an owner to the public or to specific persons, firms, and corporations.

Educational Service Establishment - Businesses primarily engaged in education, including vocational and trade schools, business and stenographic schools, art and music schools, dancing schools, and correspondence schools.

Effluent - With respect to water quality in general, treated or untreated liquid discharged from a point source. With respect to dredging, water, including dissolved and suspended materials, which flows from a dredged material disposal site.

Elevation - Refers to a building face, or scaled drawing of the same, from grade to roof ridgeline.

Emergency - With respect to permit requirements in the Columbia River Estuary, emergency conditions are limited to: (a) severe bankline or dike erosion during a storm event or a high tide that threatens property or public safety; or (b) oil or hazardous waste spills subject to U.S. Coast Guard Captain of the Port (COTP) authority; or (c) a 100 year (or more severe) flood event; or (d) flooding caused by a tsunami; or (e) extreme sedimentation, such as that caused by the eruption of Mt. St. Helens.

Environmentally sensitive areas - See “sensitive lands”.

Estuarine Enhancement - An action which results in a long-term improvement of existing estuarine functional characteristics and processes that is not the result of a creation or restoration action.

Estuarine Open -Water Dredged Material Disposal - All types of in-water dredged material disposal within the estuary which do not fall into the classifications of flowlane disposal, beach nourishment, sump disposal, agitation dredging and disposal to provide fill material for an approved aquatic area fill project.

Estuary - A body of water semi-enclosed by land, connected with the open ocean, and within which salt water is usually diluted by freshwater derived from the land. The estuary includes: estuarine water, inter-tidal areas, and submerged lands.

Evidence - Application materials, plans, data, testimony and other factual information used to demonstrate compliance or non-compliance with a code standard or criterion.

Family – One person or two or more persons related by blood, marriage, legal adoption, or guardianship; or a group of not more than five persons (excluding employees) all or part of whom are not related by blood, marriage legal adoption or guardianship, living together as a single housekeeping unit in a dwelling unit. For purposes of “accessory dwellings”, family members shall include only those persons related by blood, marriage, legal adoption, or guardianship. “Household” may be used interchangeably with “Family”.

Family day care - See “child care facilities”.

Fence - An accessory structure designed and intended to serve as a barrier or as a means of enclosing a yard or other area or other structure; or to serve as a boundary feature separating two or more properties.

Fence, Sight-obscuring - A fence designed to obstruct vision.

Fill - The placement by man of sand, sediment, or other material to create new uplands or raise the elevation of land.

Fire apparatus lane - As defined by the Uniform Fire Code.

Fish Habitat – Those areas upon which fish depend in order to meet their requirements for spawning, rearing, food supply, and migration.

Flag lot - A lot or parcel which has access to a road, street or easement, by means of a narrow strip of lot or easement.

Flood Insurance Rate Map (FIRM) - The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

Flood or Flooding - A general and temporary condition of partial or complete inundation of normally dry land areas from:

- a. the overflow of inland or tidal waters and/or
- b. the unusual and rapid accumulation or runoff of surface waters from any source.

Flood Insurance Study - The official report in which the Federal Insurance Administration has provided flood profiles, as well as the Flood Hazard Boundary-Floodway map and the water surface elevation of the base flood.

Flood Zone, One-Hundred Year - The land in the flood plain 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.

Floor Area - The area of the building, exclusive of porches and exterior stairs which shall extend to the exterior faces of all walls. Floor area shall include all levels within a structure, including mezzanines and additional stories above the first floor.

Flowlane Dredged Material Disposal - Deposition of dredged material in or adjacent to a natural or maintained navigation channel in an area where the prevailing sediment transport will carry the material down-stream.

Foredune, Active - An unstable barrier ridge of sand paralleling the beach and subject to wind erosion, water erosion, and growth from new sand deposits. Active foredunes may include areas with beach grass and occur on sandspits and at river-mouths as well as elsewhere.

Foredune, Conditionally Stable - An active foredune that has ceased growing in height and that has become conditionally stable with regard to wind erosion.

Foredune, Older - A conditionally stable foredune that has become wind stabilized by diverse vegetation and soil development.

Frontage - The dimension of a property line abutting a public or private street.

Frontage street or road - A minor street which parallels an arterial street in order to provide access to abutting properties and minimize direct access onto the arterial.

Functional classification - The classification given to streets (e.g., “local/collector/arterial”) by the City’s Comprehensive Plan, Transportation System Plan, adopted County plans, and Oregon Department of Transportation.

Gasoline Service Station - A business primarily engaged in the retail sale and dispensing of internal combustion fuels and lubricating oils for use in automobiles, light trucks, and recreation vehicles. A gasoline service station may also service vehicles (tune-up, brake work, lubrication, minor engine repair, electrical system work, etc.) if such work is conducted in an enclosed structure built especially for that purpose.

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.H*.

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.

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”.

Home Occupation - Any lawful business, profession, occupation, or trade conducted for gain or support entirely within a dwelling unit (or a structural accessory thereto) by its inhabitants only, which use is accessory, incidental, and secondary to the use of the building for dwelling purposes and does not change the essential residential character or appearance of such building. Home occupations are permitted conditionally in all residential zones when authorized by the Planning Commission and determined to be consistent with the provisions of *WDC Chapter 4.9.2*. Not included in this definition is “Home Office”.

Home Office – That portion of a primary residence (not accessory structure) that is used for client meetings, bookkeeping, internet-only businesses, telecommuting, or other similar activity that is accessory, incidental, and secondary to the primary business use that is conducted off-site or in cyberspace. Home offices are differentiated from home occupations by having no measurable affect on the traffic, noise, and appearance of the residence and surrounding area. Home offices are permitted uses in all residential zones when a City of Warrenton business

license has been attained. Compliance with the minimum standards of *WDC Chapter 4.9.3, Home Office Permits*, is required.

Household – See “Family”.

Human-scale design/development - Site and building design elements that are dimensionally related to pedestrians, such as: small building spaces with individual entrances (e.g., as is typical of downtowns and main street developments); larger buildings which have articulation and detailing to break up large masses; narrower streets with tree canopies; smaller parking areas or parking areas broken up into small components with landscaping; and pedestrian amenities, such as sidewalks, plazas, outdoor seating, lighting, weather protection (e.g., awnings or canopies), and similar features. These features are all generally smaller in scale than those which are primarily intended to accommodate automobile traffic.

Impervious surface - Development which does not allow for water infiltration (e.g., pavement, roofs, compacted gravel (as in a gravel driveway or roadway), etc.).

Incidental and subordinate to - A use or portion of a development that is secondary to, and less apparent, than the primary use or other portion of the development.

Incidental Use - A use that is in conjunction with, and smaller than, the main part of the facility or use.

Infill - The development of vacant, bypassed lands located in an area that is mainly developed.

In-Water Dredged Material Disposal - Deposition of dredged materials in an aquatic area. Methods include beach nourishment, flowlane disposal, estuarine open-water disposal, in-water sump disposal, agitation dredging and ocean disposal.

Intertidal - Between extreme low tide and the landward limit of aquatic vegetation or, where vegetation is absent, Mean Higher High Water.

Jurisdictional Wetland Delineation – A wetland delineation that has been approved by the Oregon Division of State Lands.

Land Disposal - Deposition of dredged material on uplands or shorelands, including on the top or landward sides of flood control dikes.

Land Division - The process of dividing land to create parcels or lots.

Land Transportation Facility - Highways, railroads, bridges and associated structures and signs which provide for land transportation of motorized and nonmotorized vehicles. Logging roads are not included in this definition.

Land Use - The main activity that occurs on a piece of land, or the structure in which the activity occurs (e.g., residential, commercial, mixed use, industrial, open space, recreation, street rights-of-way, vacant, etc.).

Land Use District - As used in this code, a land use district is the same as a zone district.

Landing - A level part of a staircase, as at the end of a flight of stairs.

Landscaping - Any combination of living plants such as trees, shrubs, plants, vegetative ground cover or turf grasses, and may include structural features such as walkways, fences, benches, plazas, works of art, reflective pools, fountains or the like. Landscaping also includes irrigation systems, mulches, topsoil, and revegetation or the preservation, protection and replacement of existing trees.

Lane, mid-block lane - A narrow, limited use roadway facility usually used to access a limited number of dwelling units, similar to an alley in design.

Large Scale Development - A development which is:

- a. a planned unit development, manufactured dwelling park, recreational vehicle park, or campground; or
- b. a multi-family housing development or row house/townhouse (single-family attached) development which within two calendar years will have ten or more dwelling units; or
- c. a commercial, industrial, public or institutional development which within two calendar years will use two or more acres of land or will have buildings with 10,000 square feet or more of floor area; or
- d. dependent on the expansion of city utility system(s) to service the development, including, but not limited to, development (or improvement) of transportation facilities or water and/or sewer mainline extensions.

Legal Lot - A unit of land that meets the minimum requirements of the zone in which it is situated. See *WDC Chapter 4.8, Code Interpretations*, for additional information on legal lot determination procedures.

Legislative - A legislative action or decision is the making of law, as opposed to the application of existing law to a particular use (e.g., adoption of, or amendment to, a comprehensive plan or development regulation). See Chapter 4, Section 1.6.

Level of service - For transportation, a standard of a street's carrying capacity, based upon prevailing roadway, traffic and traffic control conditions during a given time period. The Level of Service range, from LOS A (free flow) to LOS F (forced flow) describes operational conditions within a traffic stream and their perception by motorists/passengers. Level of Service is normally measured for the peak traffic hour, at intersections (signalized or unsignalized) or street segments (between signalized intersections).

Livestock - Domestic animal types customarily raised or kept on farms.

Local Improvement District (LID) - A small public district formed for the purpose of carrying out local improvements (paving of streets, construction of storm sewers, development

of a park, etc.). Property owners within the LID are assessed for the cost of the improvements in accordance with ORS 223.387-223.485. See also Chapter 3, Section 4.1.

Log Dump or Sort Area - The use of an area to transfer logs between land and water, normally associated with log storage/sort yards, log booming or processing/shipping facilities where rafts are built or dismantled.

Log Storage (In-water) - The use of water surface area to store commercial logs in rafts until ready for market.

Lot - A single unit of land that is created by a subdivision of land.

Lot of Record – Any lot or parcel lawfully created by subdivision or partition plat of record in the County Clerk’s Office, or lawfully created by deed or land sales contract prior to land use partitioning requirements, and of record in the Deed Records of Clatsop County. Development of a “lot of record” is contingent on compliance with all applicable development standards of this Code, state and federal statutes, and administrative rules. See *WDC Chapter 4.8, Code Interpretations*, for additional information about lot of record determination procedures.

Lot, Buildable – A legal lot which is proposed for use in compliance with this Code and has received approval of the water supply and sewerage disposal method as appropriate to such use.

Lot, Corner – A lot abutting on two or more streets, other than an alley, at their intersection.

Lot, Legal - A unit of land that meets the minimum requirements of the zone in which it is situated.

Lot, Through – A lot with frontage on two parallel streets, other than alleys.

Lot Area - The total surface area (measured horizontally) within the lot lines of a lot exclusive of streets and easements of access to other property.

Lot Coverage - The area of a lot covered by a building or buildings expressed as a percentage of the total lot area.

Lot Depth. The average distance measured from the front lot line to the rear lot line.

Lot Line Adjustment - The adjustment of a property line by the relocation of a common line where no additional lots are created. This development code also defines the consolidation of lots (i.e., resulting in fewer lots) as a lot line adjustment. See Section 4.3.210.

Lot Line - The property line bounding a lot.

Lot Line, Front - The lot line separating the lot from the street, other than an alley. In the case of a corner lot, the front lot line is the shortest lot line along a street other than an alley. In the case of a through lot, each street has a front lot line.

Lot Line, Rear - The lot line which is opposite and most distant from the front lot line. In the case of an irregular, triangular or other shaped lot, a line ten feet in length within the lot parallel to and at a maximum distance from the front lot line.

Lot Line, Side - Any lot line not a front or rear lot line.

Lot Width - The average horizontal distance between the side lot lines, ordinarily measured parallel to the front lot line.

Lowest Floor – The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered the building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Code.

Main/Primary entry/entrance - A main entrance is the entrance, or entrances, to a building that most pedestrians are expected to use. Generally, smaller buildings have one main entrance. Main entrances may also be the widest entrance of those provided for use by pedestrians. In multi-tenant buildings, main entrances open directly into the building's lobby or principal interior ground level circulation space. When a multi-tenant building does not have a lobby or common interior circulation space, each tenant's outside entrance is a main entrance. Buildings may also have main entrances opening directly into a reception or sales areas, a courtyard, or plaza.

Maintenance and Repair - Routine upkeep of an existing structure or remedial restoration of a damaged structure. Maintenance and repair may involve changes in the structure's location, configuration, orientation, or alignment if these changes are limited to the minimum amount necessary to retain or restore its operation or function or to meet current building, engineering or safety standards.

Maintenance Dredging - Dredging of a channel, basin, or other facility which has been dredged before and is currently in use or operation or has been in use or operation sometime during the past five years, provided that the dredging does not deepen the facility beyond its previously authorized or approved depth plus customary over-dredging.

Major Utility - Towers, facilities and lines for communication or power transmission; wastewater treatment plants; stormwater and treated wastewater outfalls, both municipal and industrial; and major water, sewer and gas lines.

Maneuvering area/aisle - Refers to the driving area in a parking lot where motor vehicles are able to turn around and access parking spaces.

Manufactured Dwelling -

(A) Residential trailer, a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed before January 1, 1962.

(B) Mobile home, a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.

(C) Manufactured home, a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction.

"Manufactured dwelling" does not mean any building or structure constructed to conform to the State of Oregon Structural Specialty Code or the One and Two Family Dwelling Code adopted pursuant to ORS 455.100 to 455.450 and 455.610 to 455.630 or any unit identified as a recreational vehicle by the manufacturer.

Manufactured Dwelling Park - As defined by ORS 446.003(27): Any place where four or more manufactured dwellings are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent or lease space or keep space for rent or lease to any person for a charge or fee paid or to be paid for the rental or lease or use of facilities or to offer space free in connection with securing the trade or patronage of such person. "Manufactured dwelling park" does not include a lot or lots located within a subdivision being rented or leased for occupancy by no more than one manufactured dwelling per lot if the subdivision was approved by the local government unit having jurisdiction under an ordinance adopted pursuant to ORS 92.010 to 92.190. See *WDC Chapter 3.14*.

Marina - A facility which provides moorage, launching, storage, supplies and a variety of services for recreational, commercial, and fishing vessels. They are differentiated from individual docks and moorages by their larger scale, the provision of significant landside services or the use of a solid breakwater (rock, bulkheading, etc.).

Mean Sea Level (MSL) - The average height of the sea for all stages of the tide.

Mining and Mineral Extraction - The removal for economic use of minerals, petroleum resources, sands, gravel or other naturally occurring materials from shorelands or submerged lands.

Ministerial - A routine governmental action or decision that involves little or no discretion. The issuance of a building permit is such an action. See also, Chapter 4, Section 1.4.

Minor Navigation Improvements - Alterations necessary to provide water access to existing or permitted uses including dredging for access channels and for maintaining existing navigation but excluding fill and in-water navigational structures other than floating breakwaters or similar permeable wave barriers.

Mitigation - To avoid, rectify, repair, or compensate for negative impacts which result from other actions (e.g., "Improvements to a street may be required to mitigate for transportation impacts resulting from development.").

Mitigation, In-Kind - Any actions that duplicate the full array of wetland and aquatic area characteristics that are lost or impaired by a development action.

Mitigation, Off-Site - An area separated from the impact area by a significant distance and that offers little or no opportunity for reestablishing lost values and functions to organisms which originally benefited from the lost habitat.

Mitigation, On-Site - An area adjacent to or near the impact area that offers a reasonable opportunity for reestablishing lost values and functions to organisms which originally benefited from the lost habitat.

Mitigation, Out-of-Kind - Any action that replaces wetland or aquatic area characteristics that have been impaired or lost due to a development action with a different set of characteristics that are judged to be of equal resource value.

Mitigation, Wetland - The reduction of adverse effects of a proposed development project in wetlands by considering, in the following order: a) avoiding the impact altogether by not taking a certain action or parts of an action; b) minimizing impacts by limiting the degree or magnitude of an action and its implementation; c) rectifying the impact by repairing, rehabilitating or restoring the affected environment; d) reducing or eliminating the impact over time by preservation and maintenance operations; and e) compensating for the impact by creation, restoration, or enhancement of wetlands and aquatic areas to maintain their functional processes, such as natural biological productivity, habitat and species diversity, unique features and water quality. Any mitigation action or combination of actions may involve monitoring and remedial follow up measures.

Modular Home - A dwelling unit manufactured off-site, built to be used for permanent residential occupancy, to be set on a permanent foundation, and conforming to the Uniform Building Code.

Moorage - Piling, a dock, or buoys or some combination of these used to secure a boat, ship or barge.

Multi-family housing development – A building or grouping of related buildings that contain four or more dwelling units (total) located on a single legal lot and sharing common walls, floor/ceilings, courtyard, playground, parking area, or other communal amenity. Included in this definition is “Condominium”. Unless otherwise permitted by this code (i.e., master planned developments), single family dwellings are not permitted in multi-family housing developments. See WDC Chapter 3.18 for multi-family housing design standards.

Multi-use pathway - See *WDC Section 3.1.3.A.4.*

Municipal Support Structure - City-owned buildings used for the purpose of fire protection, police, administration, municipal court, public works, recycling, and similar uses.

Natural hazard - Natural areas that can cause dangerous or difficult development situations. For example, natural hazard areas include steep slopes, unstable soils, landslides, flood areas.

Navigation Aid - Beacons, buoys, lights, range markers and other objects providing directional assistance for air or water navigation.

Navigational Structures - Jetties, groins, pile dikes, breakwaters and other in-water structures designed to change or moderate hydraulic characteristics for the purpose of improving navigation.

Neighborhood - A geographic area lived in by neighbors and usually having distinguishing character.

Neighborhood-scale design - Site and building design elements that are dimensionally related to housing and pedestrians, such as narrower streets with tree canopies, smaller parking areas, lower building heights (as compared to downtown areas) and similar neighborhood characteristics. These features are generally smaller in scale than those which are primarily intended to accommodate automobile traffic.

New Construction - Structures on which building was commenced on or after the effective date of this Development Code.

New Dredging - Dredging in an area that has not been dredged before; or deepening an existing dredged channel, basin, or other facility beyond its previously authorized or approved depth; or dredging a channel, basin, or other facility that has not been in use or operation in the past five years.

Nonconforming Structure or Use - A lawful, existing structure or use at the time this Development Code or any amendment thereto becomes effective, which does not conform to the requirements of the zone in which it is located. See WDC Chapter 5.2.

Non-native invasive plants - See Oregon State University Extension Service Bulletin for your area.

Ocean Flooding - The flooding of lowland areas by salt water owing to tidal action, storm surge, or tsunamis (seismic sea waves). Land forms subject to ocean flooding include beaches, marshes, coastal lowlands, and low lying interdune areas. Areas of ocean flooding are mapped by the Federal Emergency Management Agency (FEMA). Ocean flooding includes areas of velocity flooding and associated shallow marine flooding.

Off-street parking - All off-street areas designed, used, required or intended to be used for the parking of motor vehicles. Off-street parking areas shall conform to the requirements of WDC Chapter 3.3.

On-street parking - Parking in the street right-of-way, typically in parking lanes or bays. Parking may be “parallel” or “angled” in relation to the edge of the right-of-way or curb. See also, WDC Chapter 3.3.

Open Space - Lands, excluding streets, which remain substantially undeveloped for one or more of the following reasons:

- a. public or private outdoor recreation (passive or active);
- b. a buffer or separation between uses (excluding private yards and setbacks); or
- c. managed resource preservation (such as freshwater wetlands).

Open Space Buffer - That area between two otherwise conflicting land uses which is designated to remain in open space in order to absorb sound, screen visual clutter and reduce other potential nuisances of the more intensive land use.

Orientation - To face toward a particular point of reference (e.g., “A building oriented to the street”).

Oriented to a street - See Orientation.

Outdoor commercial use - A use supporting a commercial activity which provides goods or services, either wholesale or retail, where the amount of site area used for outdoor storage of materials or display of merchandise exceeds the total floor area of all buildings on the site. Examples of outdoor commercial uses include automobile sales or services, nurseries, lumber yards and equipment rental businesses.

Overlay zone/district - Overlay zones provide regulations that address specific subjects that may be applicable in more than one land use district. See also Sections 2.18 through 2.23.

Owner - One who possesses title in property, or to whom property belongs with the requisite intent to own. This definition includes an authorized agent of the owner.

Parcel - A parcel is a single unit of land that is created by a partitioning of land.

Parking lot perimeter - The boundary of a parking lot area which usually contains a landscaped buffer area.

Parking Space - An enclosed or unenclosed surfaced area, exclusive of maneuvering and access area, permanently reserved for the temporary storage of one motor vehicle, and connected with a street, driveway or alley which affords ingress and egress for motor vehicles.

Parking vs. Storage - Parking is the area used for leaving motor vehicles for a temporary time. Storage is to place or leave in a location for maintenance, repair, sale, rental, or future use.

Partition - An act of partitioning land or an area or tract of land partitioned.

Partition land - To divide land into two or three parcels of land within a calendar year, but does not include:

- (a) A division of land resulting from a lien foreclosure, foreclosure of a recorded contract for the sale of real property or the creation of cemetery lots;

(b) Any adjustment of a property line by the relocation of a common boundary where an additional unit of land is not created and where the existing unit of land reduced in size by the adjustment complies with any applicable provision of this Code;

(c) The division of land resulting from the recording of a subdivision or condominium plat;

(d) A sale or grant by a person to a public agency or public body for state highway, county road, city street or other right of way purposes provided that such road or right of way complies with the applicable comprehensive plan and ORS 215.213 (2)(p) to (r) and 215.283 (2)(q) to (s). However, any property divided by the sale or grant of property for state highway, county road, city street or other right of way purposes shall continue to be considered a single unit of land until such time as the property is further subdivided or partitioned; or

(e) A sale or grant by a public agency or public body of excess property resulting from the acquisition of land by the state, a political subdivision or special district for highways, county roads, city streets or other right of way purposes when the sale or grant is part of a property line adjustment incorporating the excess right of way into adjacent property. The property line adjustment shall be approved or disapproved by the applicable local government. If the property line adjustment is approved, it shall be recorded in the deed records of the county where the property is located.

Pathway/walkway/access way - See Section 3.1.3A. As defined in this code, a pathway or multi-use pathway may be used to satisfy the requirements for “accessways” in the Transportation Planning Rule. (OAR 660-012-045).

Pedestrian Facilities - Improvements and provisions made to accommodate or encourage walking, including sidewalks, access ways, crosswalks, ramps, paths, and trails.

Permit – *verb*: To consent to; to allow. *noun*: Permission, especially in written form; a document or certificate giving permission to do something; a license or warrant. The Warrenton Development Code provides for:

- (a) Development for which a permit is granted as of right on compliance with the terms of the Code;
- (b) Development for which a permit is granted discretionarily in accordance and consistent with the requirements of the Code and ORS 227.173;
- (c) Development which need not be under a development permit but shall comply with the Code; and
- (d) Development which is exempt from the Code.

Person - A natural person, firm, partnership, association, social or fraternal organization, corporation, trust, estate receiver, syndicate, branch of government, or any group or combination acting as a unit.

Personal Service Establishment - Businesses primarily engaged in providing services involving apparel or the care of a person, including laundering and dry cleaning services, beauty and barber services, garment alterations, and funeral homes.

Pier - Exterior vertical building elements that frame each side of a building or its ground-floor windows (usually decorative).

Piling - Wood, concrete or steel posts driven into the bottom in aquatic areas either as mooring devices, or to support a dock, float, range marker, or other structure.

Planter strip, tree cut-out, bulb-out - A landscape area for street trees and other plantings within the public right-of-way, usually between the street and a sidewalk.

Plat - A final subdivision plat, replat or partition plat, prepared as specified in ORS 92.080, and recorded with the Clatsop County Assessor's Office. All plats shall also conform to Section 4.3 - Land Divisions.

Plaza - A public square or extra-wide sidewalk (e.g., as on a street corner) that allows for special events, outdoor seating, sidewalk sales, and similar pedestrian activity.

Pocket park - A small park, usually less than one-half acre.

Primary - The largest or most substantial element on the property, as in "primary": use, residence, entrance, etc. All other similar elements are secondary in size or importance.

Professional Office - A room, rooms or building used for administrative, record-keeping, consulting, management or related purposes by administrative, technical, managerial, executive or clerical staff.

Professional Service Establishment - Businesses primarily engaged in providing services such as medical and other health services, engineering and other architectural services, and accounting and bookkeeping services.

Public facilities - See *WDC Chapter 3.5*.

Public improvements - Development of public facilities. See *WDC Chapter 3.5*.

Public Use - A structure or use intended or used for a public purpose by a City, school district, county, state, or by any other public agency or by a public utility.

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 vacation trailer or other vehicular or portable unit which is either self-propelled or towed or is carried by a motor vehicle and which is intended for human occupancy and is designed for vacation or recreational purposes but not residential use as a manufactured home.

Recreation Vehicle Park - A lot which is licensed by the state and operated on a fee or other basis as a place for parking of occupied recreational vehicles. See *WDC Chapter 3.15*.

Repair Service Establishment - Businesses engaged primarily in repairing items and which undertake no more than a minimal amount of manufacturing.

Residence - Same as "dwelling unit".

Residential Facility - A facility licensed by or under the authority of the Department of Human Resources under ORS 443.400 to 443.460 which provides residential care alone or in conjunction with training or treatment or a combination thereof for six to fifteen individuals who need not be related. Staff persons required to meet Department of Human Resources licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential facility.

Residential Home - A home licensed by or under the authority of the Department of Human Resources under ORS 443.400 to 443.825 which provides residential care alone or in conjunction with training or treatment or a combination thereof for five or fewer individuals who need not be related. Staff persons required to meet Department of Human Resources licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential home.

Restoration - Revitalizing, returning, or replacing original attributes and amenities, such as natural biological productivity, aesthetic and cultural resources, which have been diminished or

lost by past alterations, activities, or catastrophic events. For the purpose of Oregon Statewide Planning Goal 16, estuarine restoration means to revitalize or reestablish functional characteristics and processes of the estuary diminished or lost by past alterations, activities, or catastrophic events. A restored area must be a shallow subtidal or an intertidal or tidal marsh area after alteration work is performed, and may not have been a functioning part of the estuarine system when alteration work began.

Restoration, Active - Active restoration involves the use of specific remedial actions, such as removing fills, installing water treatment facilities, rebuilding deteriorated urban waterfront areas, or returning diked areas to tidal influence.

Restoration, Passive - Passive restoration is the use of natural processes, sequences, and timing which occurs after the removal or reduction of adverse stresses without other specific positive remedial action.

Restoration as Mitigation - For the purposes of Statewide Planning Goal 16 estuarine restoration means to revitalize or reestablish functional characteristics and processes of the estuary diminished or lost by past alterations, activities, or catastrophic events. A restored area must be a shallow subtidal or an intertidal or tidal marsh area after alteration work is performed, and may not have been a functioning part of the estuarine system when alteration work began.

Retail Sales Establishment - Businesses, including restaurants or bars, which are primarily engaged in selling merchandise to customers for personal, household or farm use.

Retail Store - A store or place of business engaged in the sale of commodities or goods to final consumers.

Ridge line (building) - The top of a roof at its highest elevation.

Right-of-way - Land that is owned in fee simple by the public, usually for transportation facilities.

Riparian - Of, pertaining to, or situated on the edge of the bank of a river or other body of water, such as a lake or stream.

Riparian Area - The area adjacent to a river, lake, or stream consisting of the area of transition from an aquatic ecosystem to a terrestrial ecosystem.

Riparian Corridor - A Goal 5 resource that includes the water areas, fish habitat, adjacent riparian areas, and wetlands within the riparian area boundary.

Riparian Corridor Boundary - An imaginary line that is a certain distance upland from the top of bank, as specified in Section 3.10.4 of this Code.

Riparian Vegetation - Grasses, shrubs and trees growing in riparian areas.

Riprap - A layer, facing, or protective mound of stones selectively placed to prevent erosion, scour or sloughing of a structure or embankment; also, the stone so used. In local usage, the similar use of other hard material, such as concrete rubble, is also frequently included as riprap.

Roadway – That part of a road or street that actually carries traffic. This term distinguishes the paved surface of a road or street from the broader term “right-of-way”.

Roof Pitch - The slope of a roof, usually described as ratio (e.g., 1 foot of rise per 2 feet of horizontal distance).

Roof-top Garden - A garden on a building terrace, or at top of a building with a flat roof (usually on a portion of a roof).

Semi-Public Use - A structure or use intended or used for a semi-public purpose by a church, lodge, club or any other non-profit organization.

Senior Housing - Housing designated and/or managed for persons over the age of 55. (Specific age restrictions vary.)

Sensitive lands - Wetlands, riparian areas, significant trees, steep slopes, floodplains and other natural resource areas designated for protection or conservation by the Warrenton Comprehensive Plan.

Setback - The distance between a building (or other feature of development) and a property line.

Shared Driveway - When land uses on two or more lots or parcels share one driveway. An easement or tract (owned in common) may be created for this purpose.

Shared Parking - See *WDC Section 3.3, Subsection 3.C.4.*

Shopping Center - A group of stores sharing a common off-street parking facility and leasing or sharing common property ownership.

Shoreland Resources, Significant - Significant shoreland resources are described in subarea plans, and are included in the Coastal Shorelands Boundaries. Significant shoreland resources include significant non-tidal wetlands, significant shoreland fish and wildlife habitat, significant riparian vegetation, exceptional aesthetic resources and coastal headlands.

Shoreline - The boundary line between a body of water and the land, measured on tidal waters at the landward limit of aquatic vegetation or, where aquatic vegetation is absent, Mean Higher High Water; and on non-tidal waterways at the ordinary high water mark.

Shoreline Stabilization - The protection from erosion and sloughing of ocean and estuary shorelines and the banks of tidal and non-tidal streams, rivers or lakes by vegetative or structural means.

Shoreline Stabilization, Vegetative - Use of plants that anchor the soil to prevent shoreline erosion and sloughing.

Shoreline Stabilization, Structural - Use of riprap, bulkheads, seawalls or other non-vegetative material to prevent shoreline erosion.

Sign - An identification, description, illustration or device which is affixed to, or represented directly or indirectly upon, a building, structure or land and which directs attention to a product, place, activity, person, institution or business. See Chapter 3.7.

Significant Trees, Significant Vegetation – Individual trees with a trunk diameter of 18 inches or greater, as measured four feet above the ground (DBH), and all plants within the drip line of such trees and shrubs, shall be protected. See *WDC Section 3.2.2B.1*. See also Chapter 3.10, Protection of Wetland Areas and Riparian Vegetation, for additional protection measures for riparian and wetland vegetation.

Site - A property (or group of adjacent parcels or lots under the same ownership) that is subject to a permit application under this Code.

Site design review, development review - See *WDC Chapter 4.2*.

Specific Area Plan - See *WDC Chapter 2.5*.

Standards and criteria - Standards are code requirements. Criteria are the elements required to comply with a particular standard.

Start of Construction - The first placement or permanent construction of a structure (other than a manufactured home) on a site, such as the pouring of slabs or footings, or any work beyond the state of excavation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor excavation for a basement, footings, piers, accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the main structure. For a structure (other than a manufactured home) without a basement or poured footings, the start of construction includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation. For manufactured homes not within a manufactured dwelling park or manufactured home parks or manufactured home subdivisions, start of construction is the date on which the construction of facilities for servicing the site on which the manufactured home is to be affixed, (including, at a minimum the construction of streets, either final site grading or the pouring of concrete pads, and installation of utilities) is completed.

Steep slopes - Slopes of greater than 25 percent.

Storefront character - The character expressed by buildings placed close to the street with ground-floor display windows, weather protection (e.g., awnings or canopies), corner building entrances or recessed entries, and similar features.

Storm water facility - A detention and/or retention pond, swale, or other surface water feature that provides storage during high-rainfall events and/or water quality treatment.

Story - That portion of a building included between the upper surface of any floor and the upper floor next above, except that the top story shall be that portion of a building included between the upper surface of the top floor and the ceiling above. If the finished floor level directly above a basement or cellar is more than six feet above grade, each basement or cellar shall be considered a story.

Stream – A channel such as a river or creek that carries flowing surface water, including perennial streams and intermittent streams with defined channels, and excluding man-made irrigation and drainage channels.

Street/road - A public or private way for travel by vehicles, bicycles, and pedestrians that meets the city design standards and fire and emergency protection standards of this Code, and complies with the adopted Uniform Fire Code and combined ODOT/APWA construction standards.

Street access - See WDC Chapter 3.1.2.

Street connectivity - The number of street connections within a specific geographic area. Higher levels of connectivity provide for more direct transportation routes and better dispersion of traffic, resulting in less traffic on individual streets and potentially slower speeds through neighborhoods.

Street furniture/furnishings - Benches, lighting, bicycle racks, drinking fountains, mail boxes, kiosks, and similar pedestrian amenities located within a street right-of-way.

Street stub - A temporary street ending; i.e., where the street will be extended through adjacent property in the future, as those properties develop. Not a permanent street-end or dead-end street.

Street tree - A tree planted in a planter strip or tree cut-out.

Structural Alteration - A change to the supporting members of a structure, including foundations, bearing walls or partitions, columns, beams girders or any structural change in the roof or in the exterior walls.

Structure – That which is built or constructed, an edifice or building of any kind, or any piece or work artificially built up or composed of parts joined together in some definite manner.

Substantial Improvement - Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50% of the fair market value of the structure as determined either:

- a. before the improvement or repair is started, or
- b. if the structure has been damaged and is being restored, before the damage occurred.

For the purposes of this definition, substantial improvement begins when the first alteration of any wall, ceiling, floor or other structural part of the building begins, whether or not that alteration affects the external dimensions of the structure. The term does not include:

- c. any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or
- d. any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

Subdivide Land – To divide land into four or more lots within a calendar year.

Subdivision - Either an act of subdividing land or an area or tract of land subdivided.

Subtidal - Below the level of extreme low tide. In the Columbia River Estuary this is generally three feet below Mean Lower Low Water.

Sump Dredged Material Disposal - Deposition of dredged materials in a temporary in-water holding area and subsequently rehandling the material to place it on a land disposal site.

Swale - A type of storm water facility. Usually a broad, shallow depression with plants that filter and process contaminants.

Tangent - Meeting a curve or surface in a single point.

Temporary Estuarine Alteration - Dredging, filling, or other estuarine alteration occurring over a specified short period of time which is needed to facilitate an allowed use. Temporary alterations may not be for more than three years and the affected area must be restored to its previous condition. Temporary alterations include: a) alterations necessary for federally authorized navigation projects (e.g., access to dredged material disposal sites by barge or pipeline and staging areas or dredging for jetty maintenance), b) alterations to establish mitigation sites, alterations for bridge construction or repair and for drilling or other exploratory operations, and c) minor structures (such as blinds) necessary for research and educational observation.

Temporary Use - A non-permanent structure, use or activity involving minimal capital investment that does not result in the permanent alteration of the site and is removed from the site within one year.

Temporary Sign – A sign not permanently attached to a building, structure, or the ground.

Terrace - A porch or promenade supported by columns, or a flat roof or other platform on a building.

Tidal Marsh - Tidal wetlands vegetated with emergent vascular plants lying between extreme low tide and the landward limit of aquatic vegetation.

Tidegate - A device placed in a dike or dam that allows the passage of water through a culvert in a single direction.

Top of Bank – The stage or elevation at which water overflows the natural banks of streams or other waters of this state and begins to inundate upland. In the absence of physical evidence, the two-year recurrence interval flood elevation may be used to approximate the top of bank, also referred to as the bankfull stage.

Topographical constraint - Where existing slopes prevent conformance with a Code standard.

Tract: private/public - A piece of land set aside in a separate area for dedication to the public, a homeowner's association, or other entity (e.g., open space, recreation facilities, sensitive lands, etc.).

Transportation facilities and improvements - The physical improvements used to move people and goods from one place to another; i.e., streets, sidewalks, pathways, bike lanes, airports, transit stations and bus stops, etc.). Included in this definition are land transportation facilities. Transportation improvements include the following:

- a. Normal operation, maintenance, repair, and preservation activities of existing transportation facilities.
- b. Installation of culverts, pathways, medians, guardrails, lighting, and similar types of improvements within the existing right-of-way.
- c. Projects specifically identified in the City's adopted Transportation System Plan as not requiring further land use review and approval.
- d. Landscaping as part of a transportation facility.
- e. Emergency measures necessary for the safety and protection of property.
- f. Construction of a street or road as part of an approved subdivision or partition.
- g. Construction, reconstruction, or widening of highways, roads or bridges, or other transportation projects that are not designated improvements in the Transportation System Plan.
- h. Construction, reconstruction, or widening of highways, roads or bridges, or other transportation projects that are not designed and constructed as part of an approved subdivision or partition.

Transportation Facilities and Improvements in Subsections g. and h. require a Conditional Use Permit (CUP) under Chapter 4.4.

Transportation mode - The method of transportation (e.g., automobile, bus, walking, bicycling, etc.)

Triplex - A building with three attached housing units located on one lot or parcel designed for occupancy by three families.

Upland – Those areas that are not inundated or saturated by surface or ground water at frequency or duration sufficient to support, and that under normal circumstances do not support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

Use - The purpose for which land or a structure is designed, arranged or intended, or for which it is occupied or maintained.

Vacate plat/street - To abandon a subdivision or street right-of-way. For example, *vacation* of a public right-of-way that is not needed or cannot be used for a street or other public purpose. A plat may be vacated, returning the property to an undivided condition.

Variance - An administrative or quasi-judicial decision to lessen or otherwise modify the requirements of this Code. See *WDC Chapter 5.1*.

Vision clearance area – A triangular area of clear vision maintained at the intersection of two streets or a street and a railroad to provide a clear view of streets to motorists, pedestrians, and bicyclists. See *WDC Figure 3.1.2.N*.

Warehouse - A structure used exclusively or principally for the storage of commercial goods, machinery, equipment, fishing gear or other items of a commercial or industrial nature.

Water Area – The area between the banks of a lake, pond, river, or perennial or fish-bearing intermittent stream, excluding man-made farm ponds.

Water-Dependent - A use or activity which can be carried out only on, in, or adjacent to water areas because the use requires access to the water body for water-borne transportation, recreation, energy production, or source of water.

Water-Oriented - A use whose attraction to the public is enhanced by a view of or access to coastal waters.

Water-Related - Uses which are not directly dependent upon access to a water body, but which provide goods or services that are directly associated with water-dependent land or waterway use, and which, if not located adjacent to water, would result in a public loss of quality in the goods or services offered. Except as necessary for water-dependent or water-related uses or facilities, residences, parking lots, spoil and dump sites, roads and highways, restaurants, businesses, factories, and trailer parks are not generally considered dependent on or related to water location needs.

Watercourses - Rivers, sloughs, creeks and major drainage ditches.

Wetland - Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

Wetland Creation - Alteration, by excavation or other means, of upland areas to allow local hydrologic conditions to convert soils and vegetation to a hydric character.

Wetland Delineation – The determination of the location, geographic extent, and boundaries of a wetland, considering such factors as hydrology, soils, and vegetation.

Wetland Enhancement - An action which results in a long term improvement of existing wetland functional characteristics and processes that is not the result of a creation or restoration action.

Wholesale Trade Establishments - Businesses which generally have substantial quantities of merchandise on the premises and which are primarily engaged in selling merchandise to other wholesalers, retailers, manufacturers, other businesses, governments, or institutions.

Window hood - An architectural detail placed above a window, used as an accent.

Wireless Communication Facilities – An unstaffed facility for the transmission and reception of radio or microwave signals used for commercial communications. WCFs are composed of two or more of the following components: (1) antenna; (2) support structure; (3) equipment enclosures; and (4) security barrier. See Chapter 3.8.

Yard - The area defined by setbacks (i.e., between the setback line and respective property line that is unobstructed by any structure from the ground upward except as otherwise provided in this Ordinance. Fences, posts, poles, yard accessories, landscaping, ornaments, furniture which do not violate height limitations or obstruct clear vision areas may be included in these areas.

Yard, Front - A yard between side lot lines and measured horizontally at right angles from the front lot line to the nearest point of a building or other structure.

Yard, Rear - A yard between side lot lines and measured horizontally at right angles from the rear lot line to the nearest point of a building or other structure.

Yard, Side - A yard between the front and rear yard measured horizontally at right angles from the side lot line to the nearest point of a building or other structure.

Yard, Street Side - A yard adjacent to a street between the front yard and rear lot line measured horizontally and at right angles from the side lot line to the nearest point of a building or other structure.

Chapter 1.4 — Enforcement

Sections:

- 1.4.1 Provisions of this Code Declared to be Minimum Requirements.
- 1.4.2 Violation of Code Prohibited.
- 1.4.3 Penalty.
- 1.4.4 Complaints Regarding Violations.
- 1.4.5 Inspection and Right of Entry.
- 1.4.6 Abatement of Violations.
- 1.4.7 Stop-Order Hearing.

1.4.1 Provisions of this Code Declared to be Minimum Requirements.

- A. Minimum requirements intended. In their interpretation and application, the provisions of this Code shall be held to be minimum requirements, adopted for the protection of the public health, safety, and general welfare.
- B. Most restrictive requirements apply. When the requirements of this Code vary from other provisions of this Code or with other applicable standards, the most restrictive or that imposing the highest standard shall govern.

1.4.2 Violation of Code Prohibited

No person shall erect, construct, alter, maintain or use any building or structure or shall use, divide or transfer any land in violation of this Code or any amendment thereto.

1.4.3 Penalty

- A. A person violating a provision of this Code shall, upon conviction, be subject to a fine of not less than one hundred (\$100.00) dollars, nor more than one thousand (\$1,000.00) dollars.
- B. Each violation a separate infraction. Each violation of a separate provision of this Code shall constitute a separate infraction, and each day that a violation of this Code is committed or continued shall constitute a separate infraction.
- C. Abatement of violation required. A finding of a violation of this Code shall not relieve the responsible party of the duty to abate the violation. The penalties imposed by this section are in addition to and not in lieu of any remedies available to the City.
- D. Responsible party. If a provision of this Code is violated by a firm or corporation, the officer or officers, or person or persons responsible for the violation shall be subject to the penalties imposed by this section.

1.4.4 Complaints Regarding Violations

- A. Filing written complaint. Whenever a violation of this Code occurs, or is alleged to have occurred, any person may file a signed, written complaint.
- B. File complaint with zoning administrator. Such complaints, stating fully the causes and basis thereof, shall be filed with the zoning administrator. The zoning administrator shall properly record such complaints, investigate and take action thereon as provided by this Code.

1.4.5 Inspection and Right of Entry

When it is necessary to make an inspection to enforce the provisions of this code, or when the building official or zoning administrator have reasonable cause to believe that there exists in a building or upon a premises or parcel a condition contrary to or in violation of this code that makes the building or premises or parcel unsafe, dangerous, or hazardous, the building official or zoning administrator may enter the building or premises, or enter upon the parcel at reasonable times to inspect or to perform other duties imposed by this code, provided that if such building or premises or parcel is occupied or attended that credentials are presented to the occupant and/or attendant and entry requested. If such building or parcel is unoccupied or unattended, the building official or zoning administrator shall make a reasonable effort to locate the owner or person having charge or control of the building or premises and request entry. If entry is refused, the building official or zoning administrator shall have recourse to the remedies provided by law to secure entry.

1.4.6 Abatement of Violations.

Any development or use which occurs contrary to the provisions of this Code or contrary to any permit or approval issued or granted under this Code is unlawful, and may be abated by appropriate proceedings.

1.4.7 Stop-Work Order Hearing.

- A. Stop-Work Order issued. Whenever any work is being done in violation of the provisions of this Code or a condition of any permit or other approval granted pursuant hereto, the zoning administrator may order the work stopped by notice in writing served on persons engaged in doing such work or causing such work to be done. The stop-work order shall be posted in a conspicuous location on the development site and a certified mailing containing a copy of the order shall be provided to the property owner at the earliest practicable time. All work under the permit or approval shall cease until the zoning administrator has authorized its continuance.
- B. Stop-Work Order Hearing. The zoning administrator shall schedule a public hearing before the Planning Commission if the purported violation is not removed or corrected following due warning from the City, typically 30 days from the date of the stop-work order. If the violation is not removed or corrected within the time specified, the zoning administrator shall schedule a hearing before the Planning Commission, with no requirement for public notice. The hearing shall be held in accordance with the procedures of Section 4.1.5D. At the discretion of the zoning administrator, such hearing may be:

1. Part of a hearing on revocation of the underlying development approval; or
2. Solely to determine whether a violation has occurred. The Planning Commission shall hold this hearing and shall make written findings as to the violation within 10 business days. Upon a finding of no violation, the Planning Commission shall require the issuance of a resume work order. Upon finding a violation, the stop-order shall continue to be effective until the violating party furnishes sufficient proof to the Planning Commission or its designee that the violation has been abated. The Planning Commission decision is subject to notice and appeal procedures prescribed by Sections 4.1.5.E-H of this Code

