

## 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.

  
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PAUL RODRIGUEZ, Mayor

ATTEST:

  
LINDA ENGBRETSON, City Recorder

ATTACHMENTS AND MAPS  
TO ORDINANCE NO 1065-A  
FILED IN STORAGE ROOM

- NOTEBOOK -

ALSO ORDINANCE NO. 1065-A  
IN IT'S ENTIRETY FILED  
IN PLANNING OFFICE