

ORDINANCE No. 1153-A  
Introduced by Commissioner: Frank Orrell

Amending the City of Warrenton's Comprehensive Plan, Article 2 (Community Development), Section 2.320 (Urban Development), Article 3 (Land and Water Use), Section 3.400 (Strategies), Article 5 (Columbia River Estuary and Shorelands), Section 4.305 (Dredging and Dredged Material Disposal), Appendix II (Comprehensive Plan's Background Document), Attachment 1 to Appendix II (Comprehensive Plan's Background Document), and DMD maps (Comprehensive Plan' Background Document) and adopting by reference, CREST 2002 DMD Management Plan in its entirety as it pertains to the City of Warrenton; and Warrenton's Development Code Chapter 1 (Section 1.3-Definitions), Chapter 2 (Sections 2.1.110 through 2.21), Chapter 3 (Section 3.1.2 and 3.5), and Chapter 4 (Sections 4.1 through 4.15) specific amendments within the appropriate sections are attached as Exhibit "B". Revised language in the Comprehensive Plan is attached as Exhibit "A" and revised language in the Development Code is attached as Exhibit "B".

WHEREAS, certain changes are necessary to revise, update and amend Warrenton's Comprehensive Plan and Background Document, Development Code, and adopt by reference CREST 2002 DMD Management Plan in order to comply with revised Federal regulations, Statewide Planning Goals, Oregon Administrative Rules, and Oregon Revised Statutes; and

WHEREAS, the Warrenton City Commission received the Planning Commission's recommendation on this matter, and conducted a public hearing on January 11, 2011, and closed the public hearing on January 11, 2011; and

WHEREAS, the Warrenton City Commission has determined to approve adopting the revisions to the Comprehensive Plan and Background Document, and Development Code as described in Exhibits "A, and B", which will amend the afore-mentioned sections of the Comprehensive Plan, Background Document, and Development Code.

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

Section 1: The City of Warrenton's Comprehensive Plan and Background Document (Exhibit "A") is amended as described in the attached exhibits.

Section 2: The City of Warrenton's Development Code (Exhibit "B") is amended as described in the attached exhibit.

Section 3: This ordinance shall become a final land use decision upon its second reading, enactment, and its signing by the Mayor.

Section 4: This ordinance shall become effective thirty (30) days from the date of its adoption.

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

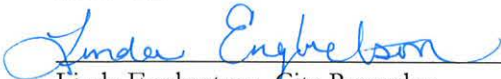
First and Second Readings:        January 25, 2011

ADOPTED by the City Commission of the City of Warrenton, Oregon, this 25th day of January, 2011.

APPROVED

  
\_\_\_\_\_  
Mark Kujala, Mayor

ATTEST:

  
\_\_\_\_\_  
Linda Engbretson, City Recorder

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

- (c) Orderly and economic provision for public facilities and services.
- (d) Maximum efficiency of land uses within and on the fringe of the existing urban area.
- (e) Environmental, energy, economic and social consequences.
- (f) Retention of agricultural land as defined, with Class I being the highest priority and Class VI the lowest priority.
- (g) Compatibility of the proposed urban uses with nearby agricultural or forestry activities.
- (h) Changes to the urban growth boundary shall also conform to the procedures and requirements of Statewide Planning Goal 2, Part II, Exceptions.

(4) The City may adjust the Urban Growth Boundary to make minor additions or subtractions of lands from the Urban Growth Boundary consistent with OAR 660-024-0070. Such adjustment may include an exchange of lands inside the Urban Growth Boundary for lands outside the Urban Growth Boundary pursuant to a voluntary Transfer of Development Rights agreement.

#### Section 2.330 Annexation

- (1) Annexation will be based, in part, on consideration of:
  - (a) Orderly and economic provision of public facilities and services.
  - (b) Availability of sufficient land for various uses to insure choices in the real estate market.
  - (c) Encouragement of new urban uses within the City limits before conversion of unincorporated land.
- (2) City water service will be extended to unincorporated areas only if adequate system capacity for the extension exists. Property owners affected may be required to pay for the total cost of the extension. Once annexation occurs, water policies for locations inside the City will apply. All other City public facilities and services not already provided to the area will become available after annexation takes place.
- (3) Annexation of a particular area in the Urban Growth Boundary will be considered only after the costs of providing city public facilities and services to the area have been studied and estimated. Before annexation occurs, the method or methods of allocating the cost of new or expanded public facilities and services needed in the five years following annexation shall be determined,

(10) Consider waiving or deferring city fees such as development fees or system development charges for affordable housing projects that meet defined criteria and result in permanently affordable housing.

(11) Support mechanisms and organizations that help reduce the cost of or leverage other monies to develop affordable housing such as community land trust, housing trust funds or similar entities.

(12) Consider the use of density bonuses or other incentives to encourage the development of affordable housing.

(13) Work with other public agencies and/or other organizations to provide or assist in paying for technical assistance for housing projects targeted to households with low or moderate incomes developed by nonprofit organizations.

(14) Work with state and federal agencies, and other organizations to acquire and bank vacant or underutilized properties, including urban reserve lands, for the future development of housing affordable to households with low and very low incomes.

(15) Negotiate agreements to develop housing affordable to residents with low or moderate incomes on lands to be annexed.

(16) Advocate for national and state funding from the National Housing Trust Fund, Oregon Housing Trust Fund, and Lenders Tax Credit.

(17) Encourage and facilitate Transfer of Development Rights ("TDR") transactions to preserve agricultural, natural resource and open space lands and promote efficient development.

### Section 3.320 Commercial Lands

(1) It is the City's policy to promote convenient and attractive commercial areas that, along with other commercial facilities in the County, provide an adequate level of trade and services for local citizens, other County residents and tourists. Commercial enterprises may be permitted in these three kinds of areas.

(a) The Marine Commercial Shorelands Zone is reserved for water-dependent developments and associated uses on shorelands adjoining certain portions of the Skipanon waterway. A mixture of water-dependent uses are allowed, including commercial service and storage, and recreation-oriented uses. Marine Commercial Shoreland areas have unique characteristics that make them especially suited for water-dependent development. Characteristics that contribute to suitability for water-dependent development include:

Based on this analysis, the Goal 17 administrative rule requires that Warrenton protect at least 202 acres of shorelands for water-dependent use. Under the current zoning, the City protects about 403 acres for water-dependent uses. See Table 2 below.

Table 2: Current Water-Dependent Zoning

SITE	CURRENT (acres)
East Skipanon Peninsula	40
West Skipanon Peninsula	122
Warrenton Mooring Basin	30
Tansy Point	173
Hammond Mooring Basin	39
TOTAL	403

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

- (1) Dike breaching or removal may be permitted as part of a restoration or mitigation project subject to the applicable Mitigation and Restoration Policies.
- (2) New dike alignment or configuration shall not cause an increase in erosion or shoaling in adjacent areas, or an appreciable increase in seasonal water levels behind dikes. Waterway channelization shall be avoided.
- (3) New dikes shall be placed on shorelands rather than in aquatic areas unless part of an approved fill project, as a temporary flood protection measure, or subject to an exception to the Statewide Planning Goal 16.
- (4) The effects of limited intertidal dredging along fringing marshes for the purposes of dike maintenance are not well-known. A small pilot project to determine these impacts should be undertaken.

Section 5.305 Dredging and Dredged Material Disposal - These policies are applicable to all estuarine dredging and dredged material disposal in the Columbia River Estuary, shall be allowed only:

- (1) If, allowed by the applicable zone and required for one or more of the following uses and activities:
  - (a) Navigation, navigational access, or an approved water-dependent use of aquatic areas or adjacent shorelands requiring an estuarine location; and
  - (b) A need (i.e., a substantial public benefit) is demonstrated and the

use or alteration does not unreasonably interfere with public trust rights; and

- (c) No feasible alternative upland locations exist; and
  - (d) Adverse impacts are minimized, avoided, and mitigated; and
  - (e) an approved restoration project; and
  - (f) excavation necessary for approved bridge crossing support structures, pipeline, cable, or utility crossing; and
  - (g) maintenance of existing tidegates and tidegate drainage channels where a Goal 16 exception has been approved; and
  - (h) aquaculture facilities.
- (2) The appropriate review/permitting process for impacts to an ESA-listed species has been followed and is approved/permited by the appropriate Fisheries agency; and
- (3) The activity abides by all required local, state and federal permits.
- (4) Dredging and dredged material disposal shall not disturb more than the minimum area necessary for the project and shall be conducted and timed so as to minimize impacts on wetlands and other estuarine resources. Loss or disruption of fish and wildlife habitat and damage to essential properties of the estuarine resources shall be minimized by careful location, design, and construction of:
- (a) Facilities requiring dredging; and
  - (b) Sites designated to receive dredged material disposal; and
  - (c) Dredging operation staging areas and equipment marshalling yards.

Dredged materials shall not be placed in intertidal or tidal marsh habitats or in other areas that local, state, or federal regulatory agencies determine to be unsuitable for dredged material disposal. Exceptions to the requirement concerning disposal in an intertidal or tidal marsh area include use of dredged material as a fill associated with an approved fill project or placement of dredged materials in the sandy intertidal area of a designated beach nourishment site. Land disposal shall enhance or be compatible with the final use of the site area.

- (5) The effects of both initial and subsequent maintenance dredging, as well as dredging equipment marshalling and staging, shall be considered prior to

approval of new projects or expansion of existing projects. Projects shall not be approved unless disposal sites with adequate capacity to meet initial excavation dredging and at least five years of expected maintenance dredging requirements are available.

(6) Dredging subtidal areas to obtain fill material for dike maintenance may be allowed under some circumstances (see the Development Code). Some dikes in the estuary are not accessible by barge-mounted dredges or land-based equipment. Dredging intertidal areas to obtain fill material may be the only option for maintaining these dikes. Approval of intertidal dredging will require an exception to Statewide Planning Goal 16.

(7) Where a dredged material disposal site is vegetated, disposal should occur on the smallest land area consistent with sound disposal methods (e.g., providing for adequate de-watering of dredged sediments, and avoiding degradation of receiving waters). Clearing of land should occur in stages and only as needed. It may, however, be desirable to clear and fill an entire site at one time, if the site will be used for development immediately after dredged material disposal. Reuse of existing disposal sites is preferred to the creation of new sites provided that the dikes surrounding the site are adequate or can be made adequate to contain the dredged materials.

#### Dredged Material Disposal Site Selection and Location Policies

(8) When identifying land dredged material disposal sites, emphasis shall be placed on sites where (not in priority order):

- (a) The local designation is Development provided that the disposal does not preclude future development at the site;
- (b) The potential for the site's final use will benefit from deposition of dredged materials;
- (c) Material may be stockpiled for future use;
- (d) Dredged spoils containing organic, chemical, and/or other potentially toxic or polluted materials will be properly contained, presenting minimal health and environmental hazards due to leaching or other redistribution of contaminated materials;
- (e) Placement of dredged material will help restore degraded habitat; or where
- (f) Wetlands would not be impacted.

Important fish and wildlife habitat, or areas with scenic, recreational, archaeological, or historical values that would not benefit from dredged material disposal and sites where the present intensity or type of use is

inconsistent with dredged material disposal shall be avoided. The use of agricultural or forest lands for dredged material disposal shall occur only when the project sponsor can demonstrate that the soils can be restored to agricultural or forest productivity after disposal use is completed. In cases where this demonstration cannot be made, an exception to the Oregon Statewide Planning Goal 3 or 4 must be approved prior to the use of the site for dredged material disposal. The use of shoreland water-dependent development sites for dredged material disposal shall occur only when the project sponsor can demonstrate that the dredged material placed on the site will be compatible with current and future water-dependent development. Dredged material disposal shall not occur in major marshes, significant wildlife habitat and exceptional aesthetic resources designated under Oregon Statewide Planning Goal 17.

Engineering factors to be considered in site selection shall include: size and capacity of the site; dredging method; composition of the dredged materials; distance from dredging operation; control of drainage from the site; elevation; and the costs of site acquisition, preparation and revegetation.

(9) Estuarine in-water disposal sites shall be in Development Aquatic areas identified as low in benthic productivity, unless the disposal is to provide fill material for an approved fill project, and where disposal at the site will not have adverse hydraulic effects. Estuarine in-water disposal sites shall only be designated and used when it is demonstrated that no feasible land or ocean disposal sites with less damaging environmental impacts can be identified and biological and physical impacts are minimal. An in-water disposal site shall not be used if sufficient sediment type and benthic data are not available to characterize the site.

(10) Flowlane disposal sites shall only be allowed in Development Aquatic areas within or adjacent to a channel. The Development Aquatic area adjacent to the channel shall be defined by a line 600 feet from either side of the channel or the 20-foot bathymetric contour, whichever is closer to the channel. Flowlane disposal within this area shall only be allowed where:

- (a) Sediments can reasonably be expected to be transported downstream without excessive shoaling,
- (b) Interference with recreational and commercial fishing operations, including snag removal from gillnet drifts, will be minimal or can be minimized by applying specific restrictions on timing or disposal techniques,
- (c) Adverse hydraulic effects will be minimal,
- (d) Adverse effects on estuarine resources will be minimal, and
- (e) The disposal site depth is between 20 and 65 feet below MLLW.



(11) Beach nourishment sites shall only be designated on sandy beaches currently experiencing active erosion. Dredged material disposal at beach nourishment sites shall only be used to offset the erosion and not to create new beach or land areas. Beach nourishment sites shall not be designated in areas where placement or subsequent erosion of the dredged materials would adversely impact tidal marshes or productive intertidal or shallow subtidal areas. Designation of new beach nourishment sites shall require an exception to Statewide Planning Goal 16.

(12) Dredged material disposal sites with adequate capacity to accommodate anticipated dredging needs for at least a five year period shall be identified and designated.

(13) In order to ensure the adequacy of identified dredged material disposal site capacities for anticipated five-year disposal requirements, an analysis of the dredge material disposal site inventory shall be completed every five years. The analysis shall include:

(a) A determination of the sites utilized for dredged material disposal and the volume received by each site during the preceding period, noting also the project source of the dredged material and the interval separating the most recent from the next anticipated dredging event.

(b) A determination of the number and usable volume of sites remaining in the inventory, and the relationship between these sites and present or expected navigation-related dredging or water-dependent development projects in the following five year period.

(c) An analysis of the adequacy of the dredged material site inventory shall include notification of updating inventory information to affected property owners and local, state and federal agencies. Of particular importance, is the addition, and/or deletion, of dredged material disposal sites.

(d) The City of Warrenton shall cooperate with other jurisdictions and CREST on the Columbia River Estuary in monitoring of dredged material site availability and in dredged material disposal plan update.

(14) The City shall keep an official list of Dredged Material Disposal (DMD) sites in Appendix II of the Warrenton Comprehensive Plan, as amended.

Section 5.307 Estuarine Construction - These policies apply to over-water and in-water structures such as docks, bulkheads, moorages, boat ramps, boat houses, jetties, pile dikes, breakwaters and other structures involving installation of piling or placement of riprap in Columbia River Estuary aquatic areas, and to excavation of shorelands for creation of new water surface area. This section does not apply to structures located entirely on shorelands or

APPENDIX II  
DREDGED MATERIAL MANAGEMENT PLANNING

INTRODUCTION

In 1979 the Columbia River Estuary Study Taskforce (CREST) completed a Dredged Material Management Plan for the Columbia River Estuary. The purpose of the plan is to establish policies and standards for regulating dredging and disposal in the estuary and to identify an adequate number of sites with sufficient capacity to meet projected disposal needs over a 20-year period. The original plan established priorities for their use, and recommended techniques for their protection and control.

In 1986 CREST re-evaluated and updated the plan to produce the Columbia River Estuary Dredged Material Management Plan (DMMP). Since 1986, there have been changes in the dredged material disposal needs, limitations, and opportunities in the Columbia River Estuary. Some identified sites are not developed with permanent structures in place; other sites have received more material than was outlined in the DMMP, are currently at capacity, are no longer used or are not practical for dredged material placement. Updating the policies and disposal site inventory to reflect the changes that have occurred over the past 14 years will ensure that the DMMP remains useful. The purpose of this revised DMMP is to refine the dredging and disposal policies and to inventory an adequate number of disposal sites with sufficient capacity to accommodate projected disposal needs for at least a 5-year period.

The plan recognizes that the vast majority of dredging and disposal policies in the estuary are related to the federal deep draft navigation channel. The Army Corps of Engineers completed a Dredged Material Management Plan (USACE 1998) for channel maintenance in 1998. The plan identified dredged material disposal needs for a 20-year period. The updated site inventory incorporates Corps disposal sites identified in their DMMP.

The designations of "site priority" was removed from the plan. Most of the sites designated "Priority 2" in the previous plan were not required to meet the dredged material disposal needs of the past 15 years. Dredging project proponents indicated that they would not be required for projected dredging needs either. Likewise, the sites presented as "Additional Dredged Material Disposal Sites" were removed from the inventory due to significant environmental, land use or engineering issues related to those sites.

Flow-lane disposal is the preferred alternative of the Port of Astoria and the Corps of Engineers for dredging projects. Consequently, many of the smaller sites that had not received dredged material in many years and/or were no longer required for any of the projected dredging projects were removed from the site inventory.

OBJECTIVES

The Plan is also intended to serve as a guide to dredging project proponents and regulatory agencies in planning and reviewing dredging projects. In order to be useful, it focuses on disposal sites that are both in the proximity of dredging areas and appear approvable under existing regulatory and zoning requirements. In this way, the plan can be used to expedite the

dredging project proponents' search for appropriate disposal sites and regulatory agencies' permit review process.

Dredged material disposal activities in Warrenton shall comply with applicable state and federal requirements as well as the following:

- 1) Provides the opportunity for the beneficial use of dredged material.
- 2) Important fish and wildlife habitat or areas with scenic, recreational, archaeological, or historical values that would not benefit from dredged material disposal and sites where the present intensity of type of use is inconsistent with dredged material disposal shall be avoided.
- 3) The use of shoreland water-dependent development sites for dredged material disposal shall occur only when the dredging project proponent can demonstrate that the dredged material placed on the site will be compatible with current or future water-dependent development. Dredged material disposal shall not occur in any significant Goal 17 resource areas, without an exception to this goal.
- 4) Wetlands will not be impacted.
- 5) Placement of dredged material will help restore degraded habitat.
- 6) Dredged spoils containing organic, chemical, and/or other potentially toxic or polluted materials will be properly contained, presenting minimal health and environmental hazards due to leaching or other redistribution of contaminated materials.
- 7) The potential for the site's final use will benefit from deposition of dredged materials.
- 8) Engineering factors to be considered in site selection shall include: size and capacity of the site; dredging method; composition of dredged materials; distance from dredging operation; control of drainage from the site; elevation; and costs of site acquisition, preparation and revegetation.
- 9) Flow land disposal site shall only be allowed in development designate areas within or adjacent to the Federally Authorized Navigation channel where: sediments can reasonably be expected to be transported without excessive shoaling; interference with recreational and commercial fishing operations will be minimal or can be minimized by applying specific timing restrictions; adverse hydraulic effects will be minimal; adverse effects on estuarine resources can be shown to be minimal; the disposal site depth is between 20 and 65 feet below MLLW; and the disposal site does not create a hazard for safe navigation.

#### DREDGING AND DREDGE MATERIAL DISPOSAL

1) Dredging - Today dredging in the Northwest includes pipeline dredges, sea-going hopper dredges, clamshell and barge dredges, and land-based equipment such as drag lines and back hoes. The pipeline and hopper dredges are commonly used for port development and maintenance in larger dredging projects such as navigation channel maintenance by the ACOE. Clamshell and barge equipment is typically involved in smaller port and private dredging jobs but is sometimes used in larger navigation channel maintenance jobs. Land-based equipment is usually used for very small projects such as maintenance dredging at boat ramps.

2) Dredge Material Disposal -

a) Upland Disposal - The major factors controlling choice of upland (including shoreland) sites are cost, land use, and availability. Increased distance from a dredging operation and extensive site preparation both increase costs. The sediment to be deposited must be compatible with the future use of the site; for example, fine sediments will not always produce stable land for industrial development while coarse sands may not enhance productive farmland or be useful for levee maintenance.

The primary engineering consideration is the degree of confinement that the site and the proposed deposition will require. The ACOE has developed specific guidelines for designing containment areas at the disposal site that both maximize the site's capacity and control effluent quality. The guidelines address technical issues, such as, possible geochemical changes subsequent to disposal that causes the release of contaminants and effective dewatering of sediments. In general, diking around the site offers maximum confinement while berming (the creation of mounds of sediment during deposition) may suffice for certain sediments.

b. Levee Disposal - Dredged material disposal on levees may prove cost effective for the combined goals of levee maintenance and disposal of otherwise unused dredged materials. The major environmental consideration is that the material be disposed in such a way that it not run-off into productive aquatic areas. The major engineering issues are effective dewatering of the sediments and careful levee stabilization, preferably through revegetation, after disposal.

c. In-water Disposal - Regardless of the type of in-water disposal, placing dredged materials in the aquatic area raises several key concerns, including sediment and water quality, sediment transport, water circulation, impacts to fisheries, and impacts to biological communities, especially endangered/threatened species. Sediments placed in-water must meet sediment quality regulations outlined in the Dredged Material Evaluation Framework. The majority of sediment disposed in the estuary's aquatic area consists of coarse, clean sand dredged from maintained navigation channels. This material must meet the water and sediment quality standards.

ATTACHMENT 1 to APPENDIX II

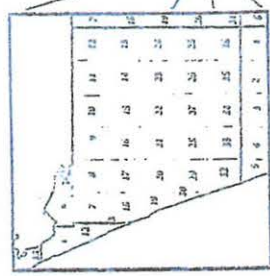
DREDGED MATERIAL DISPOSAL SITES

PROJECT	AMOUNT DREDGED	SITE IDENTIFICATION	ACREAGE/CAPACITY
Outer Channel (Mile 0 to 1.0 at minus 16-18' MLLW)	110,000 cy/yr 550,000 cy/5yr 2,200,000 cy/20yr	Estuary Disposal (11E) or Ocean Disposal	
Inner Channel (Mile 1.0 to 2.0 at minus 16-18' MLLW)	800,000 cy/20yr	19(S)	19 acres/306,000 cy
Warrenton Lumber Company Deep-draft log and lumber facility, North Tip of West Skipanon Peninsula	200,000 cy initial construction	20(S)	32 acres/516,000 cy
	75,000 cy/yr maintenance 375,000 cy/5yr 1,500,000 cy/20yr	19(S)	31 acres/500,000 cy
Other dredged material disposal sites in the vicinity of the Skipanon Waterway and near the development sites associates with the Skipanon Peninsulas		21(S)	18 acres/290,000 cy
		27(S)	9 acres/145,000 cy
On the northwest side of the Hammond Marina	~100,000cy	O-7.6	9.5 acres/150,000 cy/10' above elevation 6.0 acres/145,000 cy/15' above elevation

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Shoreline  
Setbacks

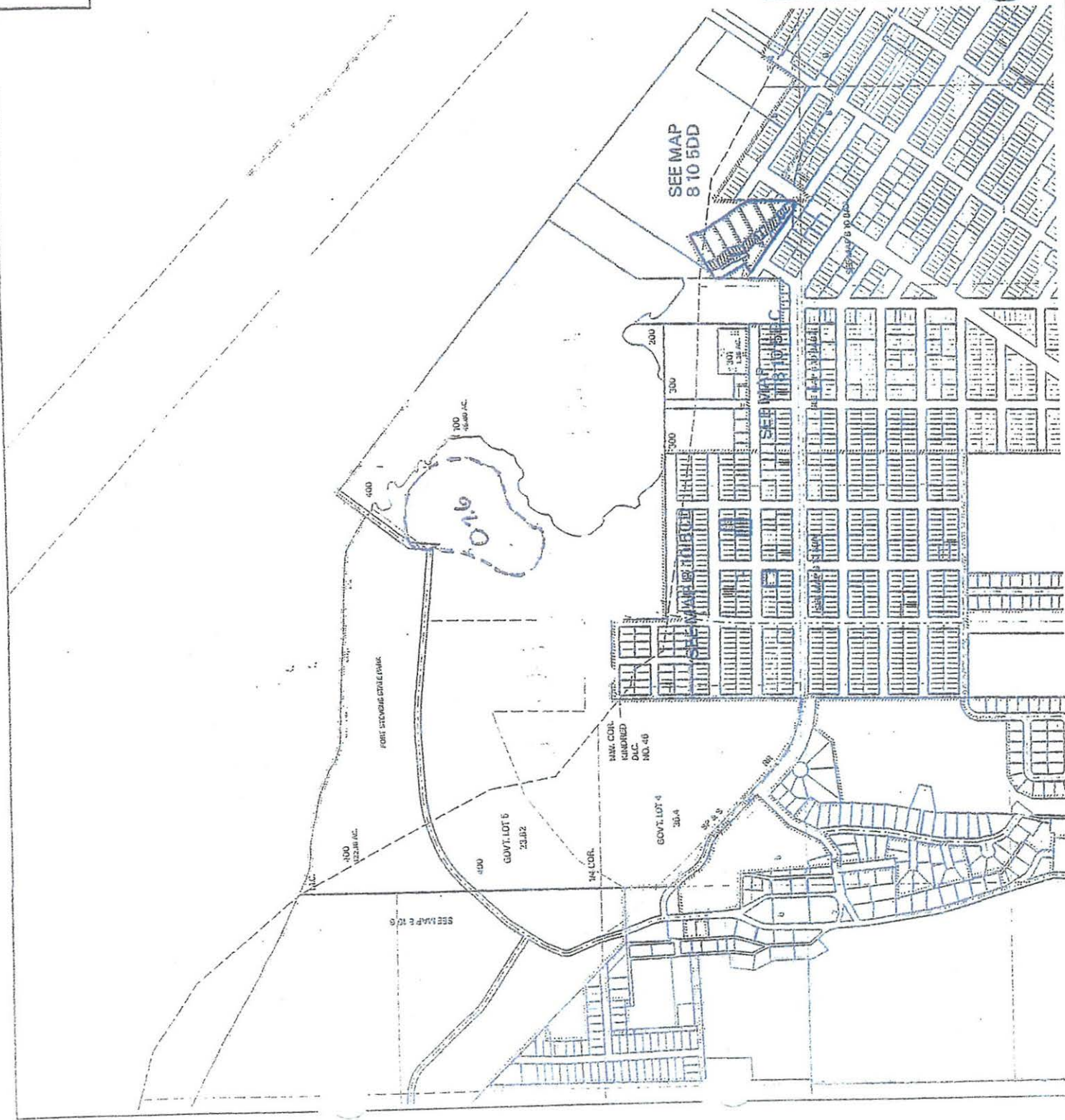


April 06, 2010

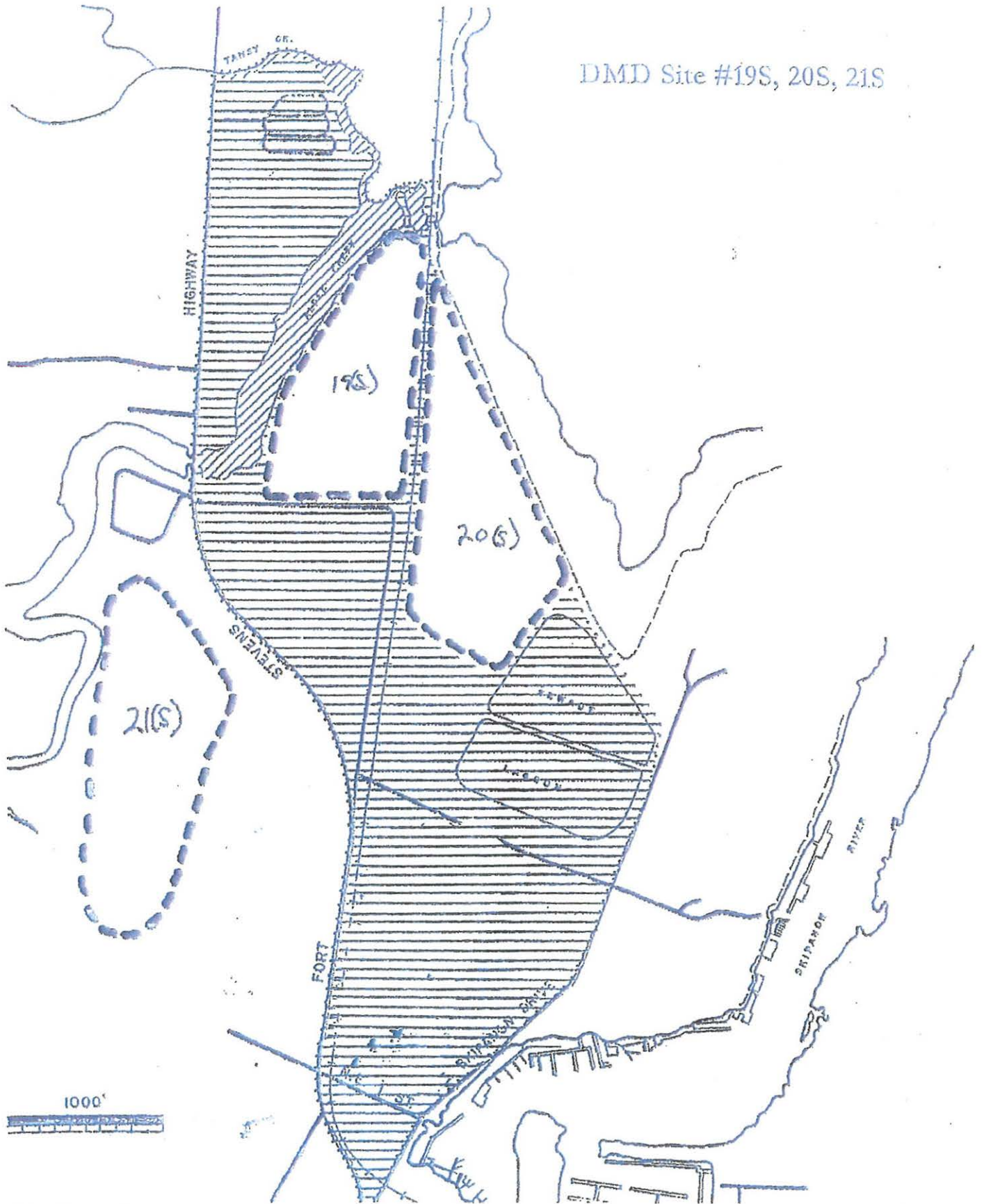
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Address of the applicant: \_\_\_\_\_  
City/County/State: \_\_\_\_\_  
City/County/State/Zip: \_\_\_\_\_  
Address of the property: \_\_\_\_\_



DMD Site #19S, 20S, 21S



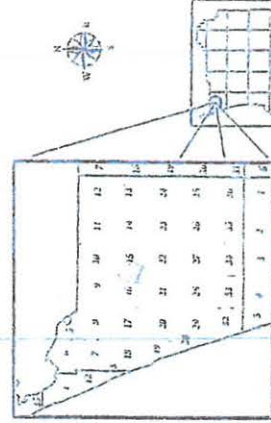
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1403 (MCS) 1998 Standard Conditions of Sale, with 2001 Addendum

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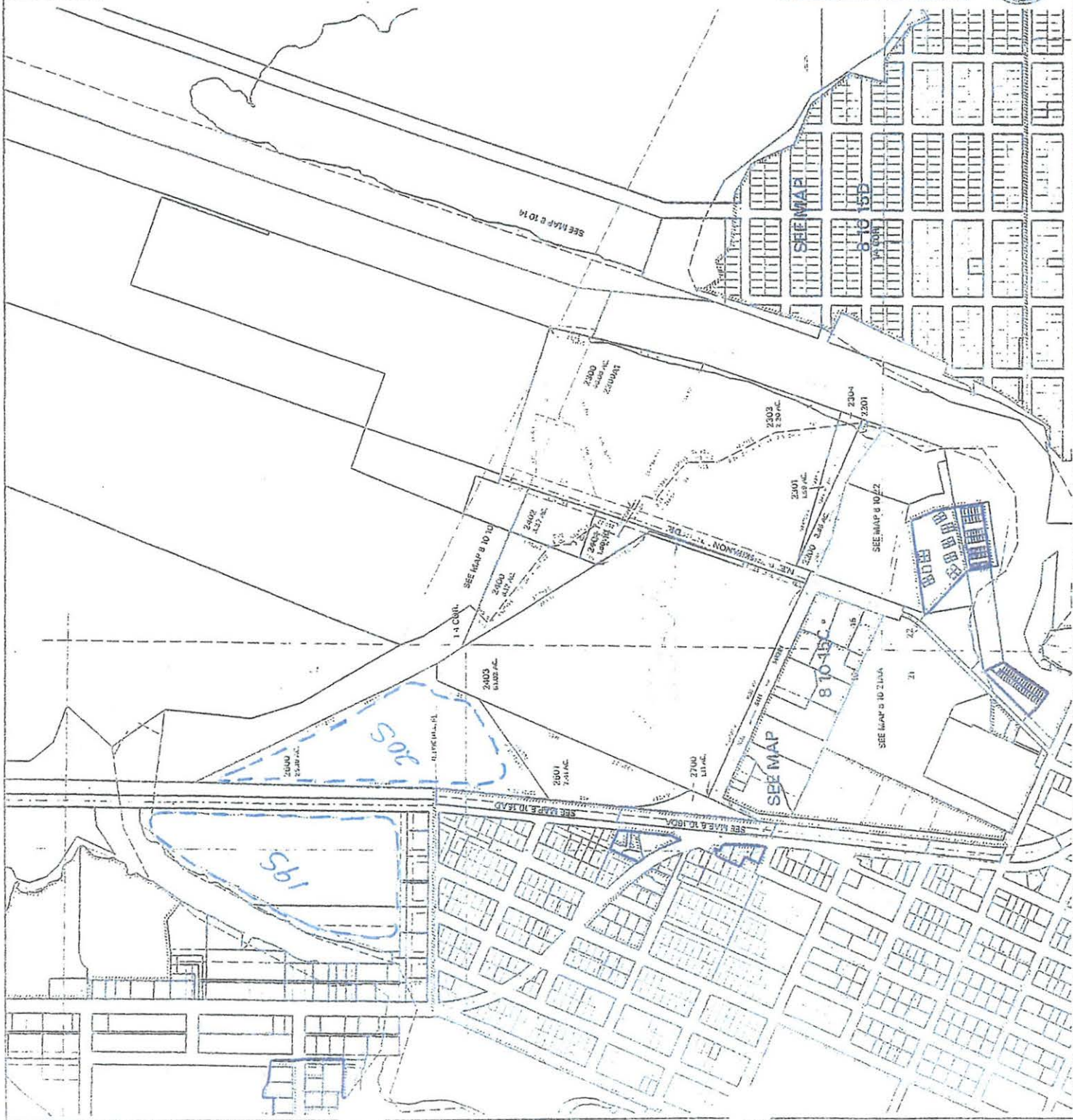


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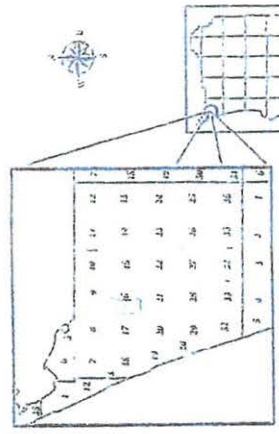
Clatsop County, Oregon  
County Clerk's Office  
1000 Commercial Street, Astoria, Oregon 97103  
Phone: (503) 325-2222  
Fax: (503) 325-2223  
www.clatsopcounty.org





T8N R10W SEC 16 WM  
CLATSOP COUNTY

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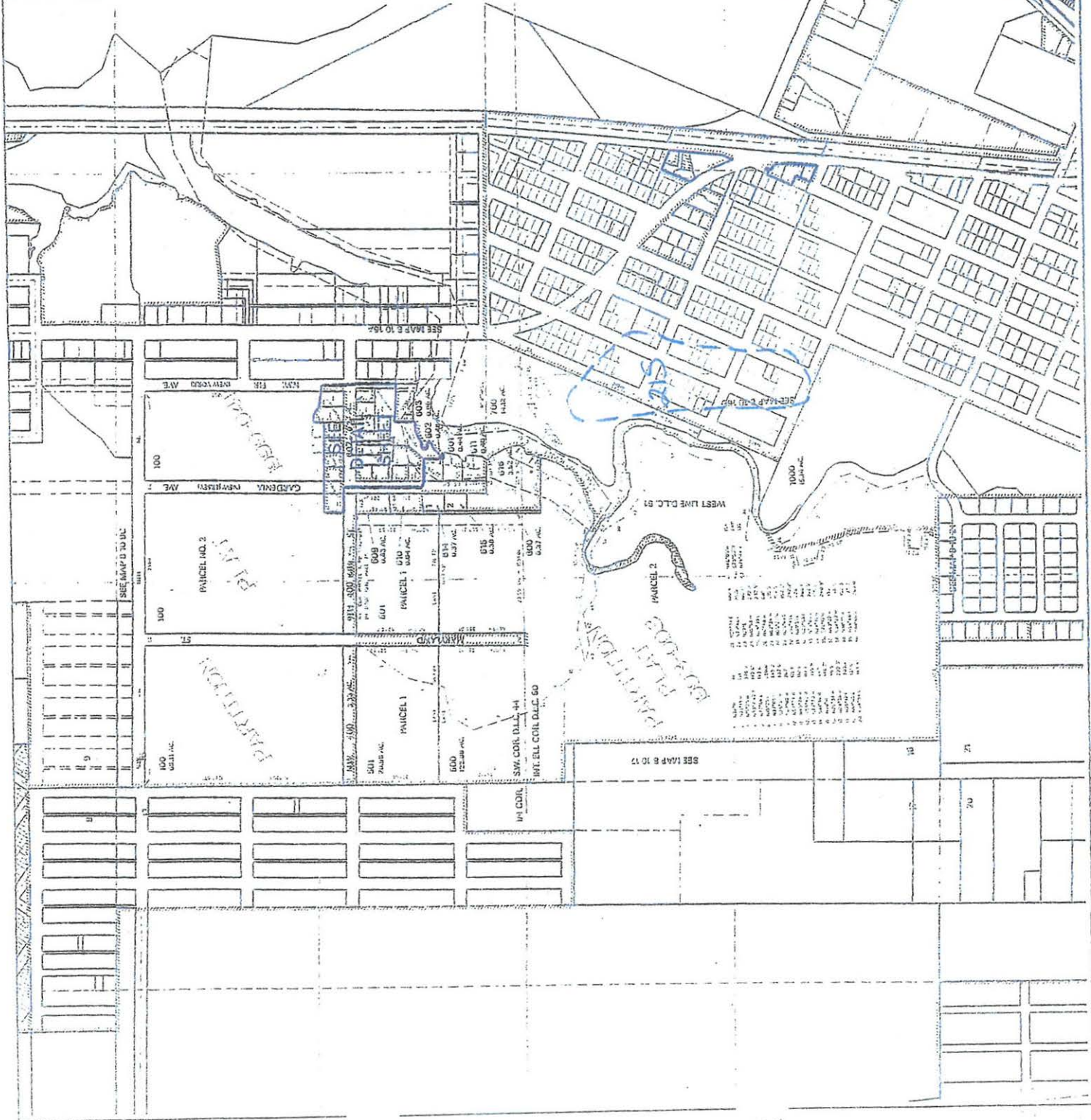


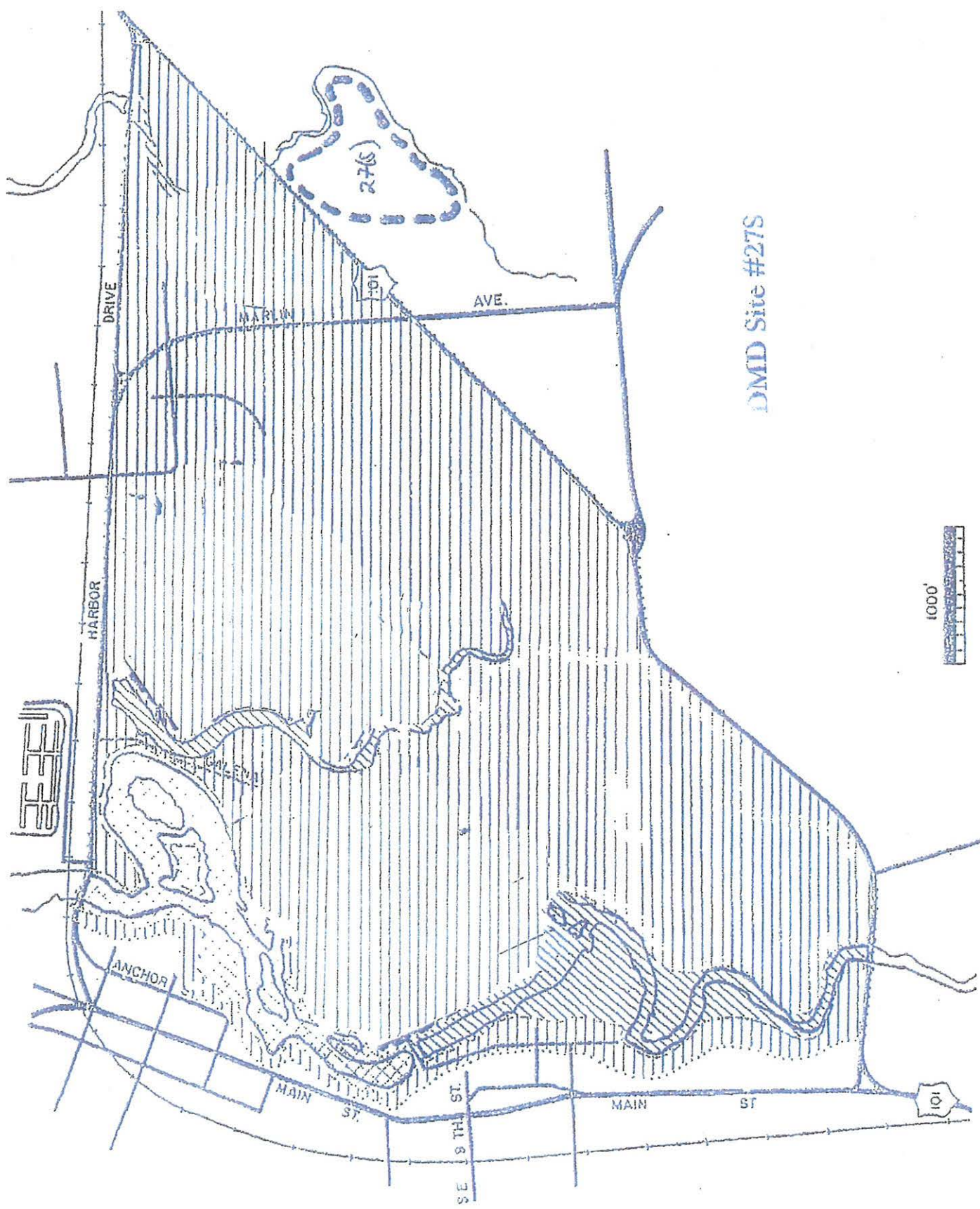
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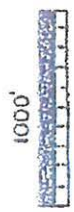


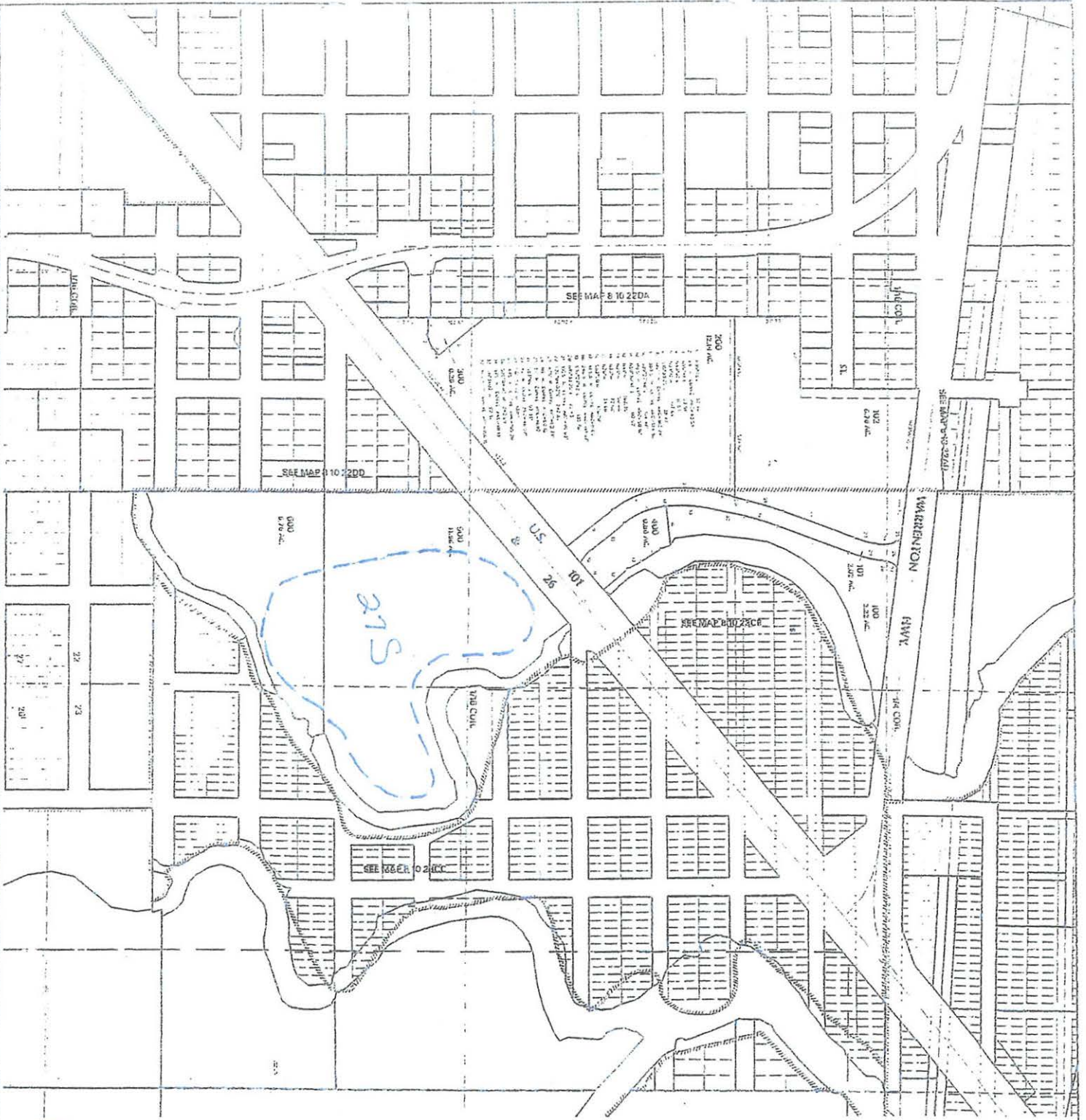
Map is prepared for publication by Clatsop County Assessor. It is not a legal document. It is not a substitute for a deed or other legal instrument. It is not a guarantee of accuracy. It is not a warranty of any kind. It is not a contract. It is not a representation of any kind. It is not a statement of any kind. It is not a declaration of any kind. It is not a promise of any kind. It is not a commitment of any kind. It is not a liability of any kind. It is not a responsibility of any kind. It is not a duty of any kind. It is not a right of any kind. It is not a power of any kind. It is not a privilege of any kind. It is not a benefit of any kind. It is not a loss of any kind. It is not a damage of any kind. It is not a compensation of any kind. It is not a payment of any kind. It is not a receipt of any kind. It is not a record of any kind. It is not a document of any kind. It is not a paper of any kind. It is not a thing of any kind. It is not a person of any kind. It is not a place of any kind. It is not a time of any kind. It is not a manner of any kind. It is not a means of any kind. It is not a method of any kind. It is not a measure of any kind. It is not a mode of any kind. It is not a motion of any kind. It is not a movement of any kind. It is not a change of any kind. It is not a transfer of any kind. It is not a conveyance of any kind. It is not a delivery of any kind. It is not a possession of any kind. It is not a use of any kind. It is not an enjoyment of any kind. It is not a benefit of any kind. It is not a loss of any kind. It is not a damage of any kind. It is not a compensation of any kind. It is not a payment of any kind. It is not a receipt of any kind. It is not a record of any kind. It is not a document of any kind. It is not a paper of any kind. It is not a thing of any kind. It is not a person of any kind. It is not a place of any kind. It is not a time of any kind. It is not a manner of any kind. It is not a means of any kind. It is not a method of any kind. It is not a measure of any kind. It is not a mode of any kind. It is not a motion of any kind. It is not a movement of any kind. It is not a change of any kind. It is not a transfer of any kind. It is not a conveyance of any kind. It is not a delivery of any kind. It is not a possession of any kind. It is not a use of any kind. It is not an enjoyment of any kind.





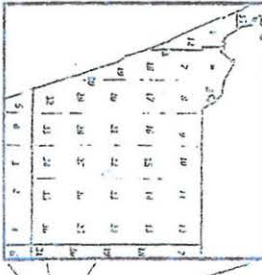
DMD Site #27S





18th ROW SEC 22D WM  
 CLATSOP COUNTY  
 Scale 1:2400

Clatsop  
 Assessor



April 06, 2010

8.10.22D



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

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

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

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

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

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

**Advance Maintenance Dredging** - Dredging with the aim of providing year-round channel availability and to allow for an annual dredging cycle. Will not deepen the facility beyond its previously authorized depth.

**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** - A sand bypasser dredge uses a propwash to stir up sediments. The current will then carry the sediments downstream away from the shoal area.

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

**Airport** -

- Approach Surface: A surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the Primary Surface. The inner edge of the Approach Surface is the same width as the Primary Surface and extends to a width of: 1,510 feet for Runway 8;

of the approach surfaces thence extending upward to a height of 150 feet above the airport elevation (Horizontal Surface).

- **Utility Runway:** A runway that is constructed and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight or less.

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

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

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

**Appeal** - means a request for a review of the interpretation of any provision of this ordinance or a request for a variance.

**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** - The tidal waters and wetlands, and the land underlying these waters. The upper limit of aquatic areas is the upper limit of aquatic vegetation or, where such a line cannot be accurately determined, Mean Higher High Water.

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

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

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

**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 as a means of preventing further erosion of the bankline and 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.

**Below-grade crawl space** - an enclosed area below the base flood elevation in which the interior grade is not more than two feet below the lowest adjacent exterior grade and the height, measured from the interior grade of the crawlspace to the top of the crawlspace foundation, does not exceed 4 feet at any point.

**Beneficial Use** - Placement or use of dredged material for some productive purpose. These uses may involve either the dredged material or the placement site as the integral component of the beneficial use.

**Berm** - A sloped wall or embankment used to prevent inflow or outflow of material and/or water into or from an area.

**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.

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

**Boarding, lodging or rooming house** - A residential type of building or portion thereof, other than a hotel or motel, where lodging with or without

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.

**Care Facility** - see definition "Residential Facility"

**Cellular Tower** - See "Wireless Communication Facility".

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

**Child care center** - Provides care and supervision of four (4) or more, not to exceed 12 minor children for periods of less than 24 hours. See also, ORS 657A for certification requirements.

**Clamshell Dredge** - A mechanical cable excavator dredge that uses a single bucket attached to the dredge crane with cables. The dredge operates by lifting the bucket (the clamshell), dropping it into the bottom sediments, lifting the bucket and dredged material to the surface, and emptying the



dredged material into a nearby disposal facility or barges for transportation to either an upland or in-water site disposal facility.

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

**Coastal high hazard area** - an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. The area is designated on the FIRM as Zone V1-V30, VE or V.

**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.*

**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.

**Community Garden** - A piece of land cultivated and planted with fruits and vegetables by members of a community. May also include structures for storage of garden equipment and cleaning of fruits and vegetables (ie., garden shed, gazebo, etc).

**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".

**Confined Aquatic Disposal (CAD)** - An in-water disposal location where dredged material is contained (see Confined Disposal Facility). Contaminated and capping material is placed in a natural or man-made bottom depression providing lateral support to the capped mound.

**Confined Disposal Facility (CDF)** - Include any disposal location where dredged material is contained, upland, in-water, or near-shore. Such disposal involves the controlled placement of the dredged material at a designated dredged material disposal site. Such a process may involve the construction of levees or other holding facilities as a means of containing the material.

**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 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.

**Critical Facility** - a facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to schools, nursing homes, hospitals, police, fire and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste.

*WDC Sections 2.6.110 and 2.7.110. 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, sand, gravel, and other solids removed from an aquatic area.

**Dredged Material Disposal** - The deposition of dredged materials in aquatic or upland areas.

**Dredged Material Evaluation Framework (DMEF)** - The DMEF provides a consistent technical framework to follow in identifying environmentally acceptable alternatives for the management of dredged material. This document represents the best available knowledge regarding dredged material assessment. As new information and technologies become available the document will be updated. The DMEF was prepared by a working group of the following agencies ACOE, EPA, and DEQ.

**Dredging** - The removal of sediment or other material from an aquatic area for the purpose of deepening the area, obtaining fill material, or maintaining existing structures.

**Dredging Project Proponent** - The entity that is undertaking the dredging and dredged material disposal project.

**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.

**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 (Duplex, Townhome, Triplex, Rowhouse)** – Two (duplex, townhome) or more (triplex, rowhouse) single-family dwellings with common end walls. 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** -

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

**Elevated Building** - for insurance purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.

**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 flow-lane disposal, beach nourishment, sump disposal, 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.

**Existing manufactured home park or subdivision** - see “manufactured home park”.

**Expansion to an existing “manufactured home park or subdivision”** - see “manufactured home park”.

**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** - Shall be as defined in the Uniform Fire Code, as amended.

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

**Flood Insurance Study** - The official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Hazard Boundary-Floodway map, and the water surface elevation of the base flood.

**Floodway** - the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

**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.

**Flow-lane Disposal** - In-water deposition of dredged material in or adjacent to the maintained navigation channel. Flow-lane disposal is allowed only in development management units between 20 and 65 feet below MLLW.

residence and surrounding area. Home offices are permitted uses in all residential zones. Compliance with the minimum standards of *WDC Chapter 4.9.3, Home Office Permits*, is required.

**Hopper Dredge** - A hopper dredge is a type of hydraulic dredging consisting of a propelled floating plant, capable of dredging material, storing it onboard, transporting it to the disposal area, and dumping it. Material from hopper dredges is disposed of in deep water in or alongside the navigation channel.

**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 Disposal** - Deposition of dredged materials in a body of water. Methods include beach nourishment, flow-lane 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.

- 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.

**Levee** -

- (a) a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding; or
- (b) With regard to 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. Flood control levees are sometimes repaired or reinforced with dredged material.

**Levee System** - a flood protection system which consists of a levee or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

**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.



**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 water-dependent facility, which has been dredged before and is currently in use, or operation, or has been in use of 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 advanced maintenance 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

**New manufactured home park or subdivision** - see “manufactured home park or subdivision”.

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

**Non-conforming 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 Warrenton.

**Ocean Disposal** - The deposition of dredged material in approved ocean disposal sites.

**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.

**Park Host** - An approved RV site for a “park host” in a designated area of the city’s dedicated parks, and the Hammond and Warrenton Marinas. A “park host” structure may be a RV or a park model approved by the City Manager.

**Park Model** - A structure designed for temporary use as a dwelling; less than 400 square feet in size and has a State license as a “recreational vehicle”.

**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.

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.

**Pipeline Dredge** - Pipeline dredges usually consist of a large centrifugal pump mounted on a non-propelled, specially designed barge. The bottom materials are then pumped up through a large diameter suction pipe to the barge, and then to the disposal area through a pipeline. The dredging end of the suction pipe is equipped with a revolving cutter-head that breaks up the bottom for easier transport.

**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 allowed in the zoning district: use, residence, entrance, etc. All other similar elements are secondary (see definition of “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,

**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 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).

**Sand Dunes** - naturally occurring accumulations of sand in ridges or mounds landward of the beach.

**Secondary** - Not primary as allowed in the zoning district (see definition of "primary"); minor or lesser use.

**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.

basement or cellar is more than six feet above grade, each basement or cellar shall be considered a story.

**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 Uniform Fire Code, as amended and combined ODOT/APWA construction standards, as amended.

- Arterial - primary function of an arterial is to provide mobility; therefore, arterials typically carry higher traffic volumes and allow higher travel speeds while providing limited or no access to adjacent properties.
- Collector - collects traffic from local streets and provides connections to arterial streets; generally operates with moderate speeds and provides more access in comparison to arterials.
- Local - provides access to local traffic and routes users to collector streets; generally, operates with low speeds, providing limited mobility, and carries low traffic volumes in comparison to other street classifications.

**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** - A walled and roofed building including a gas or liquid storage tank that is principally above ground.



**Substantial Damage** - Means damage of any origin sustained by a structure whereby the cost of restoring the structure to its original condition before damaged would equal or exceed 50 percent of the market value of the structure before the damage occurred.

**Substantial Improvement** - Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure, 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" is considered to occur 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 correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum 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 Disposal** - Deposition of dredged materials in a temporary in-water site. The material is subsequently rehandled to an upland 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 flood control structure designed to regulate tidal exchange between the ocean or estuary and inland sloughs.

**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** - 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.).

**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.

**Upland Disposal** - Deposition of dredged material on uplands or shorelands, including on the top and landward sides of flood control levees.

**Use** - To bring or put into service or action. 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** - a grant of relief from the requirements of this ordinance which permits construction in a manner that would otherwise be prohibited by this development 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*.

**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, 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. In addition, the following definitions apply:

- a. Access means physical contact with or use of the water.
- b. Requires means the use either by its intrinsic nature (e.g., fishing, navigation, boat moorage) or at the current level of technology cannot exist without water access.
- c. Water-borne transportation means uses of water access:
  - i. which are themselves transportation (e.g. navigation);
  - ii. which require the receipt of shipment of goods by water;or

## **Chapter 2.0 — Land Use Districts**

- 2.0 – Land Use District Administration
- 2.1 – Low Density Residential (R-40)
- 2.2 – Intermediate Density Residential (R-10) District
- 2.3 – Medium Density Residential (R-M) District
- 2.4 – High Density Residential (R-H) District
- 2.5 – General Commercial (C-1) District
- 2.6 – Commercial Mixed Use (C-MU) District
- 2.7 – Marine Commercial (C-2) District
- 2.8 – Open Space and Institutional (OSI) District
- 2.9 – Recreational Commercial (RC) District
- 2.10 – General Industrial (I-1) District
- 2.11 – Water Dependent Industrial Shorelands (I-2) District
- 2.12 – RESERVED
- 2.13 – Aquatic Development (A-1) District
- 2.14 – Aquatic Conservation (A-2) District
- 2.15 – Aquatic Natural (A-3) District
- 2.16 – Coastal Lake and Freshwater Wetlands (A-5) District
- 2.17 – Flood Hazard Overlay (FHO) District
- 2.18 – Airport Hazard Overlay (AHO) District
- 2.19 – Soils Hazard Overlay (SHO) District
- 2.20 – Beaches and Dunes Overlay (BDO) District
- 2.21 – Dredged Material Disposal Site Locations
- 2.22 – Mitigation Site Protection Overlay (MSPO) District
- 2.23 – Growth Management (GM) Zone Standards

- I. Transportation facilities and improvements subject to the standards of Section 2.0.4.
- J. Similar uses as stated above.
- K. Community garden(s) (see definitions)

**2.1.120 Conditional Uses** - The following uses and their accessory uses may be permitted in the R-40 zone when approved under Chapter 4.4:

- A. Government buildings and uses, subject to standards of Sections 2.1.130(C), 2.1.135 and 2.1.140.
- B. Public utility structure.
- C. Golf course.
- D. Parks, playground and community center.
- E. Bed and breakfast.
- F. Church, synagogue, or other place of worship.
- G. Home Occupations
- H. Master planned development with a minimum lot size of three contiguous acres, subject to the provisions in Section 4.5.
- I. Accessory dwelling that complies with Section 3.16.4.
- J. Child care center.
- K. Similar uses as stated above.

**2.1.130 Development Standards** - The following development standards are applicable in the R-40 zone:

- A. Density provisions
  - 1. Minimum lot area for residences with on-site sewage disposal systems: 40,000 square feet.
  - 2. Minimum lot area for residences connected to the City of Warrenton sewer system: 10,000 square feet.
  - 3. Minimum lot width at the front building line: 50 feet.

- I. Accessory structure no larger than 1,200 square feet, in conjunction with an existing residence on the same property, and subject to standards of Chapter 3.16.
- J. Transportation facilities and improvements subject to the standards of Section 2.0.4.
- K. Similar uses as stated above.
- L. Community garden(s) (see definitions)

**2.2.120 Conditional Uses** - The following uses and their accessory uses may be permitted in the R-10 zone when approved under Chapter 4.4:

- A. Government buildings and uses subject to standards of Sections 2.2.130(C), 2.2.135, and 2.2.140.
- B. Hospital, sanitarium, rest home, nursing or convalescent home.
- C. Public utility structure.
- D. School: nursery, primary, elementary, junior or senior high; public or private.
- E. Child care center.
- F. Golf course.
- G. Home Occupations
- H. Parks, playgrounds and community centers.
- I. Church, synagogue, or other place of worship.
- J. Bed and breakfast.
- K. Master planned development with a minimum lot size of three contiguous acres, subject to the provisions in Chapter 4.5.
- L. Accessory dwelling that complies with Section 3.16.4.
- M. RV Park
- N. Similar uses as stated above.

2. Setback requirements:
  - i. Minimum front and rear yard setback, government building: 15 feet.
  - ii. Minimum side yard setbacks, government building: 10 feet
3. Landscaping requirements shall comply with Chapter 3.2 of the Development Code.
4. Any government building shall comply with Chapter 3.0 of the Development Code.

**2.2.135 Other Applicable Standards**

- A. Outside sales and service areas shall be approved by the Warrenton Planning Commission if not enclosed by suitable vegetation, fencing or walls.
- B. Outside storage areas shall be enclosed by suitable vegetation, fencing or walls, in conformance with Chapter 3.2, and Section 3.4.3.
- C. All uses shall comply with access and parking standards in Chapters 3.04.6, 3.04.7, and 3.3 except as may be permitted by conditional use or variance.
- D. Signs shall comply with standards in Chapter 3.7.
- E. All development shall comply with the wetland and riparian area protection standards of Chapter 3.10.
- F. Manufactured Homes must comply with the criteria of Section 3.13.1.
- G. A garage or carport is required and shall conform to the standards of Chapter 3.16.
- H. All other applicable Development Code requirements must be met.
- I. All new sewer and water connections for a proposed development shall comply with all city regulations.
- J. RV Park shall comply with Section 3.15 and all applicable State and Federal laws and regulations.

- I. Accessory structure no larger than 1,200 square feet, in conjunction with an existing residence on the same property, and subject to standards of Chapter 3.16.
- J. Transportation facilities and improvements subject to the standards of Section 2.0.4.
- K. Dredge Material Disposal (DMD) subject to Sections 2.3.140 (Sites 19S and 21S) and 2.21
- L. Similar uses as those stated above.
- M. Community garden(s) (see definitions)

**2.3.120 Conditional Uses** - The following uses and their accessory uses may be permitted when approved under Section 4.4:

- A. Church, synagogue, or other place of worship.
- B. Government buildings and uses subject to applicable standards of Sections 2.3.130(C), and 2.3.140.
- C. Hospital sanitarium, rest home, nursing or convalescent home.
- D. School: nursery, primary, elementary, junior or senior high; private or public.
- E. Child care center.
- F. Public utility structure.
- G. Parks, playgrounds, and community centers.
- H. Bed and breakfast.
- I. Home Occupation.
- J. Manufactured dwelling park subject to standards in Chapter 3.14.
- K. Accessory dwelling that complies with Section 3.16.4.
- L. Similar uses as those stated above.

**2.3.130 Development Standards** - The following development standards are applicable in the R-M zone:



- iv. Maximum building height: 45 feet.
- v. Maximum lot coverage, government building/uses: none.
- 2. Setback requirements:
  - i. Minimum front and rear yard setback, government building: 15 feet.
  - ii. Minimum side yard setbacks, government building: 10 feet
- 3. Landscaping requirements shall comply with Chapter 3.2 of the Development Code.
- 4. Any government building shall comply with Chapter 3.0 of the Development Code.

#### **2.3.140 Other Applicable Standards**

- A. Outside sales and service areas shall be approved by the Warrenton Planning Commission if not enclosed by suitable vegetation, fencing or walls.
- B. Outside storage areas shall be enclosed by suitable vegetation, fencing or walls, in conformance with Chapter 3.2, and Section 3.4.3.
- C. All uses shall comply with access and parking standards in Chapters 3.04.6, 3.04.7, and 3.3 except as may be permitted by conditional use or variance.
- D. Signs shall comply with standards in Chapter 3.7.
- E. All development shall comply with the wetland and riparian area protection standards of Chapter 3.10.
- F. All other applicable Development Code requirements shall also be satisfied.
- G. All uses must comply with the criteria of Chapter 3.2, Landscaping, Trees, Fences and Walls.
- H. Manufactured homes must comply with the criteria of Section 3.13.
- I. Manufactured dwelling parks shall comply with the criteria of Chapter 3.14.

- J. Duplexes and townhomes shall comply with standards of Chapter 3.17.
- K. A garage or carport is required for each dwelling unit and shall conform to the standards of Chapter 3.16.
- L. All other applicable Development Code requirements must be met.
- M. All new sewer and water connections for a proposed development shall comply with all city regulations.
- N. Master planned development with a minimum lot size of three contiguous acres, subject to provisions in Chapter 4.5.
- O. Accessory structures no larger than 1,200 square feet, in conjunction with an existing residence on the same property, and subject to standards of Chapter 3.16.
- P. Manufactured dwelling placed in an approved manufactured dwelling park subject to standards in Chapter 3.14 and ORS Chapter 446.
- Q. Accessory dwelling that complies with Section 3.16.4.
- R. Prior to undertaking disposal, the dredging project proponent shall consult with the Army Corps and Oregon DSL to determine if the disposal site contains wetlands that are regulated under permit programs administered by those agencies. If the site contains regulated wetlands, the dredging project proponent shall either alter the disposal site boundaries to avoid the wetlands and leave an acceptable protective buffer, or obtain the necessary Corps and DSL permits to fill the wetlands.

- K. Master planned development with a minimum lot size of three contiguous acres, subject to the provisions in Section 4.5.
- L. Transportation facilities and improvements subject to the standards of Section 2.0.4.
- M. Similar uses as stated above.
- N. Community garden(s) (see definitions)

**2.4.120 Conditional Uses** - The following uses and their accessory uses may be permitted when approved under Section 4.4:

- A. Boarding, lodging or rooming houses.
- B. Hospitals, sanitariums, rest homes, nursing or convalescent homes, medical clinic or office in conjunction with a residential facility.
- C. Churches, synagogues, or other places of worship.
- D. Parks, playgrounds and community centers.
- E. Government buildings and uses subject to standards of Sections 2.4.130(C), and 2.4.140.
- F. Public utility structure.
- G. School: nursery, primary, elementary, junior or senior high: public or private.
- H. Child care center.
- I. Bed and breakfast.
- J. Home Occupation.
- K. Accessory dwelling subject to standards of Section 3.16.4.
- L. Similar uses as stated above.

**2.4.130 Development Standards** - The following development standards are applicable in the RH zone:

- A. Density provisions.

C. Design Standards:

1. An entry door of 36" minimum width must face the front yard setback or onto a driveway.
2. A minimum of 20 square feet of glazing must be on the side of the dwelling facing a street.
3. Duplexes, townhomes, rowhouses and triplexes shall comply with the standards of Chapter 3.17.
4. Multi-family housing developments shall comply with the standards of Chapter 3.18.

D. The following development standards are applicable:

1. Density Provisions:

- i. Minimum lot size, government building/uses: none.
- ii. Minimum lot width, government building/uses: none.
- iii. Minimum lot depth, government building/uses: none.
- iv. Maximum building height: 45 feet.
- v. Maximum lot coverage, government building/uses: none.

2. Setback requirements:

- i. Minimum front yard setback, government building: 15 feet.
  - ii. Minimum side yard setbacks, government building: 10 feet
3. Landscaping requirements shall comply with Chapter 3.2 of the Development Code.
  4. Any government building shall comply with Chapter 3.0 of the Development Code.

**2.4.140 Other Applicable Standards**

- A. Outside sales and service areas shall be approved by the Warrenton Planning Commission if not enclosed by suitable vegetation, fencing or walls.

- B. Outside storage areas shall be enclosed by suitable vegetation, fencing or walls, in conformance with Chapter 3.2, and Section 3.4.3.
- C. All uses shall comply with access and parking standards in Chapters 3.04.6, 3.04.7, and 3.3 except as may be permitted by conditional use or variance.
- D. Signs shall comply with standards in Chapter 3.7.
- E. All development shall comply with the wetland and riparian area protection standards of Chapter 3.10.
- F. All other applicable Development Code requirements shall also be satisfied.
- G. For any common boundary between an R-H zone and any other residential zone there shall be a visual buffer strip of at least ten feet wide to provide a dense evergreen landscape buffer which attains a mature height of at least eight feet.
- H. All uses must comply with the criteria of Chapter 3.2, Landscaping, Trees, Fences and Walls.
- I. Manufactured homes must comply with the criteria of Chapter 3.13.
- J. A garage (attached or detached) or carport is required for each dwelling unit, including multi-family dwelling units, and shall conform to the standards of Chapter 3.16.
- K. All new sewer and water connections for a proposed development shall comply with all city regulations.

9. Automobile sales, and/or service and parts establishment;
10. Boat and marine equipment sales, service or repair facilities;
11. Building material sales yard;
12. Government buildings and uses;
13. Transportation facilities and improvements subject to the standards of Section 2.0.4.
14. Dredge Material Disposal (DMD) subject to Sections 2.5.140 (site 27S located within this area zoned C-1) and 2.21.
15. Similar uses as those stated above.
16. Community garden(s) (see definitions).

B. For all other C-1 zoned areas within the City limits of Warrenton, the following uses and their accessory uses are permitted and shall comply with the above noted sections:

1. Personal and business service establishments such as barber or beauty shop, clothes cleaning or funeral home.
2. Professional, financial, business and medical offices.
3. Retail business establishments.
4. Amusement enterprises such as theater or bowling alley.
5. Technical, professional, vocational and business schools.
6. Membership organizations such as unions, lodge hall, club or fraternal buildings.
7. Eating and drinking establishment.
8. Hotel, motel or other tourist accommodation, including bed and breakfast.
9. Automobile sales, service or repair establishment.
10. Boat and marine equipment sales, service or repair facilities.

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

**2.5.120 Conditional Uses** - The following uses and their accessory use may be permitted in the C-1 zone when approved under Section 4.4 and shall comply with Sections 2.5.130 thru 2.5.140, 3.2 (Landscaping) and 4.2 (Site Design Review):

- A. Only the following uses and their accessory uses are permitted along Highway 101, SE Marlin and SW Dolphin Avenues, and shall comply with the above noted sections and Section 3.04:
  1. Cabinet, carpenter, woodworking or sheet metal shops;
  2. Processing uses such as bottling plants, bakeries and commercial laundries;
  3. Research and development establishments;
  4. Wholesale storage and distribution facilities, including cold storage.

- B. Outside storage areas shall be enclosed by suitable vegetation, fencing or walls, in conformance with Chapter 3.2, and Section 3.4.3.
- C. All uses shall comply with access and parking standards in Chapters 3.04.6, 3.04.7, and 3.3 except as may be permitted by conditional use or variance.
- D. Signs shall comply with standards in Chapter 3.7.
- E. All development shall comply with the wetland and riparian area protection standards of Chapter 3.10.
- F. All other applicable Development Code requirements shall also be satisfied.
- G. RV Park shall comply with Section 3.15 and all applicable state and federal laws and regulations.
- H. Prior to undertaking disposal, the dredging project proponent shall consult with the Army Corps and Oregon DSL to determine if the disposal site contains wetlands that are regulated under permit programs administered by those agencies. If the site contains regulated wetlands, the dredging project proponent shall either alter the disposal site boundaries to avoid the wetlands and leave an acceptable protective buffer, or obtain the necessary Corps and DSL permits to fill the wetlands.



A. Residential

1. Single-family detached dwelling with covered parking in accordance with Chapter 3.16 on lots not having direct frontage on, or taking direct access from, a state highway.
2. Duplex, townhome, triplex, multifamily and rowhouse with garage (attached or detached) in accordance with Chapter 3.16 and subject to standards of Chapter 3.17.
3. Daycare center.
4. Home Occupation, shall comply with Section 2.6.110,A,#5.
5. Single Family Residences existing prior to April 2, 1997 may be repaired, remodeled, expanded, or replaced if damaged so long as building permits are obtained within 12 months of the date of discontinuance.
6. Similar uses as those listed in this section.

B. Public and Institutional

1. Church, synagogue, or other place of worship.
2. Clubs, lodges, similar uses.
3. Government buildings and uses.
4. Libraries, museums, community centers, and similar uses.
5. Public parking lots and garages, subject to design standards in Section 3.2.3.
6. Public and private utility structures.
7. Transportation facilities and improvements subject to the standards of Section 2.0.4.
8. Similar uses as those listed in this section.
9. Community garden(s) (see definitions).

C. Commercial

6. Cold storage, ice manufacturing
  7. Warehousing or storage for marine equipment or seafood
  8. Charter fishing services
  9. Seafood processing.
- B. Navigation aids.
  - C. Repair and maintenance of existing structures or facilities.
  - D. Land falls and access corridors for submerged cable, sewer line, water line or other pipeline crossing.
  - E. New dikes limited to those in conjunction with uses permitted in the C-2 Zone.
  - F. Storm water or waste-water outfall.
  - G. Structural shoreline stabilization.
  - H. Water-dependent portions of an aquaculture facility.
  - I. Public utility structure.
  - J. Marine research and education facility.
  - K. Excavation to create new water surface area.
  - L. Public access improvements, as specified in public access plans.
  - M. Land transportation facilities and improvements.
  - N. Passive restoration facilities.
  - O. Communication facilities.
  - P. Park host (one site) is an ancillary use for water-dependent commercial uses within the Warrenton Marina only, and located on a city approved RV site. Subject to provisions of Section 2.7.130.P. Also, see Definitions.
  - Q. Similar uses as those listed in this section.
  - R. Community garden(s) (see definitions).

J. Community garden(s) (see definitions).

**2.8.120 Conditional Uses** - The following uses and activities and their accessory uses and activities may be permitted in the OSI Zone when approved under Section 4.4, and subject to the provisions in Section 2.8.130, Development Standards:

- A. Development of new facilities or uses not included in the applicable City-approved management plan.
- B. Amendments to a site management plan.
- C. Golf Course
- D. Communication facilities subject to the standards of Chapter 3.8.
- E. Construction of new park facilities or existing public recreational park expansions which increase overall visitor capacity or which have significant land use impact (e.g., new campgrounds, picnic areas, new roads).
- F. Similar uses as those listed in this section.

**2.8.130 Development Standards** - The following standards are applicable in the OSI zone:

- A. Setbacks: the minimum setback from the property line for buildings is 15 feet.
- B. Lot Coverage: Buildings shall cover not more than 50 percent of the lot area.
- C. Building heights: No building shall exceed a height of 30 feet above grade.
- D. All uses shall comply with access requirements, signs standards, parking and loading standards in Chapters 3.3 and 3.7.
- E. Conditional Uses shall meet the requirements in Section 4.4.
- F. Large scale developments shall satisfy requirements in Section 4.5, Master Planned Developments.
- G. All development shall comply with the wetland and riparian area protection standards of Chapter 3.10.

## Chapter 2.9 — Recreational Commercial (R-C) District

### Sections:

- 2.9.100 Purpose**
- 2.9.110 Permitted Uses**
- 2.9.120 Conditional Uses**
- 2.9.130 Development Standards**

**2.9.100 Purpose** - The purpose of the Recreational - Commercial zone is to provide for water-dependent and water-related development along certain shorelands in Warrenton near the Hammond Marina and the Skipanon River marinas. Water-dependent recreational and tourist-related commercial development have the highest priority in the Recreational — Commercial zone. Other uses may be allowed so long as they do not pre-empt water-dependent uses. Lands in the Town of Hammond's C-2 zone are in this zone.

**2.9.110 Permitted Uses** - The following uses and activities and their accessory uses and activities are permitted in the RC Zone if the Community Development Director determines that the uses conform to the standards of Section 2.9.130, applicable Development Code standards, and other City regulations:

- A. Low-intensity water-dependent recreation.
- B. Navigational aids.
- C. Passive restoration measures.
- D. Maintenance and repair of existing structures and facilities.
- E. Temporary dike for emergency flood protection, limited to 60 days, subject to state and federal regulations.
- F. Hotel/conference center and associated facilities subject to the standards in Section 2.9.130.
- G. Shoreline stabilization.
- H. Water-related recreational, commercial and industrial uses, subject to the standards in Section 2.9.130, including, but not limited to:
  - 1. Seafood market;
  - 2. Boat and/or marine equipment sales establishments;

3. Retail trade facilities used for the sale of products such as ice, bait, tackle, charts, groceries and gasoline;
  4. Cold storage facility;
  5. Warehousing and/or other storage areas for marine equipment;
  6. Charter fishing office;
  7. Sports fish cleaning establishment.
- I. Landfalls and access corridors for submerged cable, sewer line, water line or other pipeline crossing.
  - J. Dredged material disposal.
  - K. Excavation to create new water surface area.
  - L. Beach nourishment at a designated site.
  - M. Transportation facilities and improvements subject to the standards of Section 2.0.4.
  - N. Park host is an ancillary use for water-dependent commercial uses within the Hammond and Warrenton Marinas only. There shall be one host site located on an approved RV site for each marina. Subject to provisions of Section 2.9.130.O. Also, see Definitions.
  - O. Similar uses as those listed in this section.
  - P. Dredge Material Disposal (DMD) subject to Sections 2.9.130 (portion of site O 7.6 within the city limits) and 2.21.
  - Q. Community garden(s) (see definitions).

**2.9.120 Conditional Uses** - The following uses and activities and their accessory uses and activities may be permitted in the RC Zone when approved under Chapter 4.4, and subject to the provisions in Section 2.9.130, Development Standards:

- A. Water-dependent recreation.
- B. Storm water and waste water outfall; tidegates
- C. Public utility structures.

1. Non-water-dependent uses shall be constructed at the same time as or after the water-dependent use of the site is established, and must be carried out together with the water-dependent use.
  2. The ratio of the square footage of ground-level indoor floor space plus outdoor acreage distributed between the non-water-dependent uses and the water-dependent uses at the site shall not exceed one to three (non-water-dependent to water-dependent).
  3. Such non-water-dependent uses shall not interfere with the conduct of the water-dependent use.
- P. Standards for approval of a temporary use: Temporary non-water-dependent uses that involve minimal capital investment and no permanent structures may be allowed. The intent of allowing such uses is to avoid posing a significant economic obstacle to attracting water-dependent uses. Tools for implementing this approach include “vacate” clauses in leases on public lands, as well as requiring “vacate” clauses for land use approvals involving leasing of private lands.
- Q. The City of Warrenton shall provide the Park Host RV site, within the Hammond & Warrenton Marinas, connections to utilities (city water and sewer, and electricity). Length of stay per host shall not exceed 6 months in a calendar year, and shall be in a state licensed RV.
- R. DMD site shall comply with:
1. Prior to undertaking disposal, the dredging project proponent shall consult with the Army Corps and Oregon DSL to determine if the disposal site contains wetlands that are regulated under permit programs administered by those agencies. If the site contains regulated wetlands, the dredging project proponent shall either alter the disposal site boundaries to avoid the wetlands and leave an acceptable protective buffer, or obtain the necessary Corps and DSL permits to fill the wetlands.
  2. The dredging project proponent shall coordinate site preparation and disposal plans with Coast Guard and Fort Stevens State Park representatives.

## Chapter 2.10 — General Industrial (I-1) District

### **Sections:**

- 2.10.100 Purpose**
- 2.10.110 Permitted Uses**
- 2.10.120 Conditional Uses**
- 2.10.130 Development Standards**

**2.10.100 Purpose** - The purpose of the General Industrial Zone is to provide sites for light, heavy, and airport-related industrial activities in the City of Warrenton. These areas are suitable for uses involving manufacturing, fabrication, processing, transshipment and bulk storage. General Industrial areas are near or adjacent to arterial transportation corridors.

**2.10.110 Permitted Uses** - The following uses and activities and their accessory uses and activities are permitted in the I-1 Zone if the Community Development Director determines that the uses conform to the standards of Section 2.10.130, applicable Development Code standards, and other City regulations:

- A. Production, processing, assembling, packaging or treatment of such products as food products, pharmaceutical, hardware and machine products.
- B. Production, processing, assembling, packaging or treatment of articles and products from previously-prepared or semi-finished materials, such as paper, wood, rubber, plastics, fibers and sheet metal.
- C. Research and development laboratories.
- D. Printing facilities.
- E. Public utility facilities such as power stations, sewage and water treatment plants.
- F. Storage and distribution services and facilities (ie., truck terminals, warehouses and storage buildings and yards, contractor's establishments, lumber yards and sales) or similar uses.
- G. Vehicle repair (welding, painting and service, and parts facilities).
- H. Airport support structures: hangars, weather stations, fuel terminals storage buildings, etc.
- I. Mini-warehouses or similar storage uses.

- J. Contractor shop or equipment storage yard for storage and rental of equipment commonly used by a contractor.
- K. Cabinet, carpenter, woodworking, sheet metal shops or similar establishments.
- L. Professional, financial or business offices.
- M. Public utility structure.
- N. Government buildings and uses.
- O. Passive restoration.
- P. Government buildings and uses.
- Q. Transportation facilities and improvements subject to the standards of Section 2.0.4.
- R. Similar uses to those listed in this section.
- S. Dredge Material Disposal (DMD) subject to Sections 2.10.130 (site 20S), and 2.21
- T. Community garden(s) (see definitions).

**2.10.120 Conditional Uses** - The following uses and activities and their accessory uses and activities may be permitted in the I-1 Zone when approved under Section 4.4, and subject to the provisions in Section 2.10.130, Development Standards:

- A. Heavy fabrication of finished or semi-finished products from raw materials.
- B. Airport runway extensions or relocations.
- C. One caretaker unit for each primary industrial use on a lot or parcel subject to the following conditions:
  1. The unit shall be served with public water and sanitary sewerage disposal, in conformance with city engineering and public works requirements.
  2. The unit shall meet all applicable fire, safety, and building code requirements.



2. 30 feet for buildings and structures more than six feet high but not more than ten feet high; and
  3. Ten feet for structures no more than six feet high (except fences no more than six feet high may be on the property line).
- I. All development shall comply with the wetland and riparian area protection standards of Chapter 3.10.
  - J. Building height: the maximum building height shall be 45 feet, except that it may be lower under either of the following circumstances:
    1. Within 100 feet of a non-industrial zone, where the maximum building height shall be the same as the maximum building height in that zone.
    2. Within the Airport Hazard overlay zone, where the maximum building height is described by the Airport Hazard overlay zone.
  - K. All other applicable Code requirements shall be satisfied.
  - L. All new sewer and water connections for a proposed development shall comply with all city regulations.
  - M. Prior to undertaking disposal, the dredging project proponent shall consult with the Army Corps and Oregon DSL to determine if the disposal site contains wetlands that are regulated under permit programs administered by those agencies. If the site contains regulated wetlands, the dredging project proponent shall either alter the disposal site boundaries to avoid the wetlands and leave an acceptable protective buffer, or obtain the necessary Corps and DSL permits to fill the wetlands.

- B. Navigation aids.
- C. Repair and maintenance of existing structures or facilities.
- D. Land falls and access corridors for submerged cable, sewer line, water line, or other pipeline crossing.
- E. New dikes limited to those in conjunction with uses permitted in the I-2 Zone.
- F. Land transportation facilities and improvements.
- G. Storm water or waste water outfall.
- H. Shoreline stabilization.
- I. Water-dependent portions of an aquaculture facility.
- J. Public utility structure.
- K. Marine research and education facility.
- L. Similar uses as those listed in this section.
- M. Community garden(s) (see definitions).

**2.11.120 Conditional Uses** - The following uses and activities and their accessory uses and activities may be permitted in the I-2 zone when approved under Section 4.4, Conditional Uses. These uses are also subject to the provisions of Section 2.11.130, Development Standards.

- A. Temporary uses, subject to the standards in Section 2.11.130, involving an existing structure; a removable structure (such as a trailer); or involving minimal capital investment.
- B. Beach nourishment at sites designated in this plan.
- C. Mitigation, restoration, creation and enhancement.
- D. Dredged material disposal.
- E. Water-related uses subject to the standards in Section 2.11.130.
- F. Water-dependent commercial uses.
- G. Passive restoration measures.

# Chapter 2.21 — Dredged Material Disposal Site Locations (DMD)

**Sections:**

**2.21.100 Purpose**

**2.21.110 DMD Site Locations**

**2.21.100 Purpose** - The intent of this designation is to show the location of the Dredged Material Disposal (DMD) sites in the City with respect to present and expected water-dependent development and navigational access requirements and to protect these sites for dredged material disposal operations.

**2.21.110 DMD Site Locations** - The Dredged Material Disposal site locations are shown on the DMD map in this section of the Development Code and in the Dredged Material Disposal (DMD) Element of the Comprehensive Plan, and the CREST 2002 Management Plan as it references the City of Warrenton and its sites therein. Revisions to the DMD sites or to the DMD language within the Comprehensive Plan shall be through an adoption of an amendment to the Comprehensive Plan.

TS&N R10W SEC 5 WM  
 CLATSOP COUNTY  
 Scale 1:4300

400 800 1600 A  
 ROAD MILES TO CLATSOP COUNTY COURTHOUSE 2001 BUREAU

Clatsop  
 County



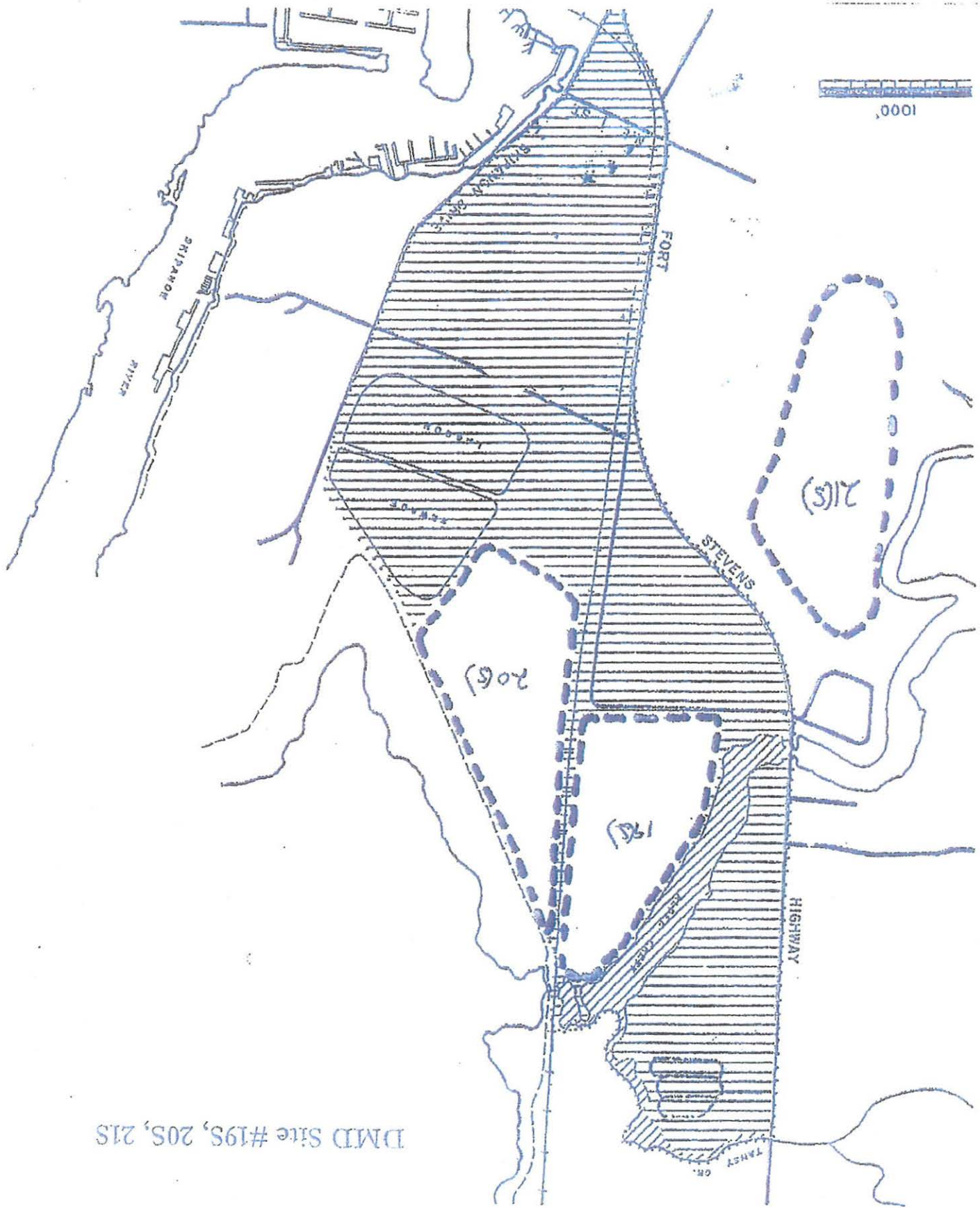
North arrow pointing North.

Grid map showing the location of the main map within a larger grid. The main map is located in the center of the grid, between columns 10 and 11 and rows 20 and 21.

April 06, 2010

8.10.5

Map prepared for review by the Clatsop County Planning Commission on April 06, 2010. The map is subject to the Clatsop County Comprehensive Zoning Ordinance and the Clatsop County Subdivision Ordinance.



DMD Site #198, 205, 215

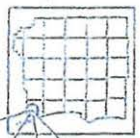
TSN R10W SEC 15 WM  
CLATSOP COUNTY

Scale 1:4800



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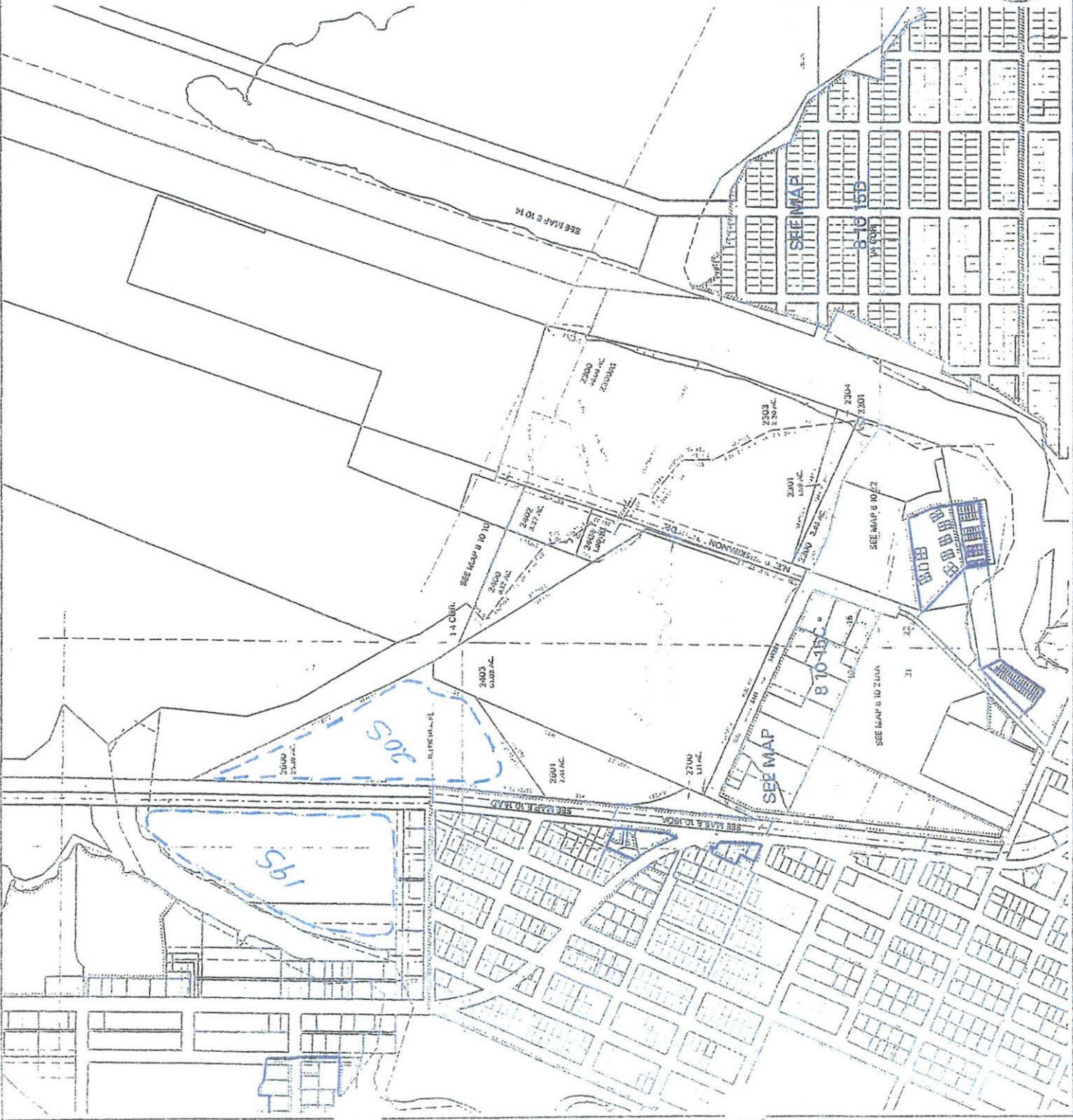


April 06, 2010

8.10.15



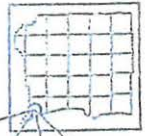
This map was prepared by the  
Clatsop County Assessor's Office  
Clatsop County, Oregon  
Clatsop County Assessor's Office  
1000 1st Street, Astoria, OR 97103  
503.325.3100



T8N R10W SEC 16 WM  
CLATSOP COUNTY

Scale 1"=800'

CLATSOP COUNTY  
PLAT MAP NO. 100  
APRIL 06, 2010

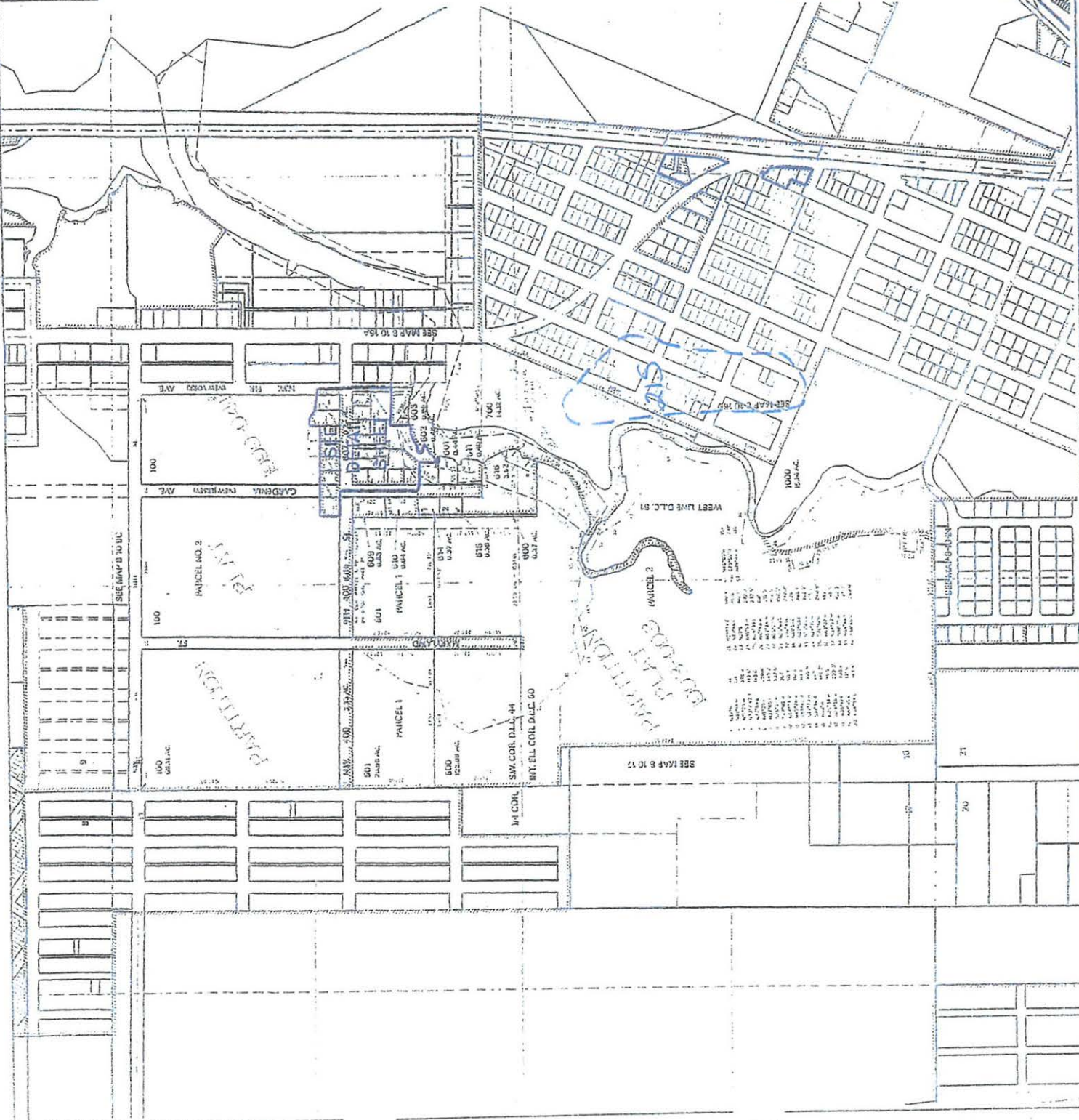


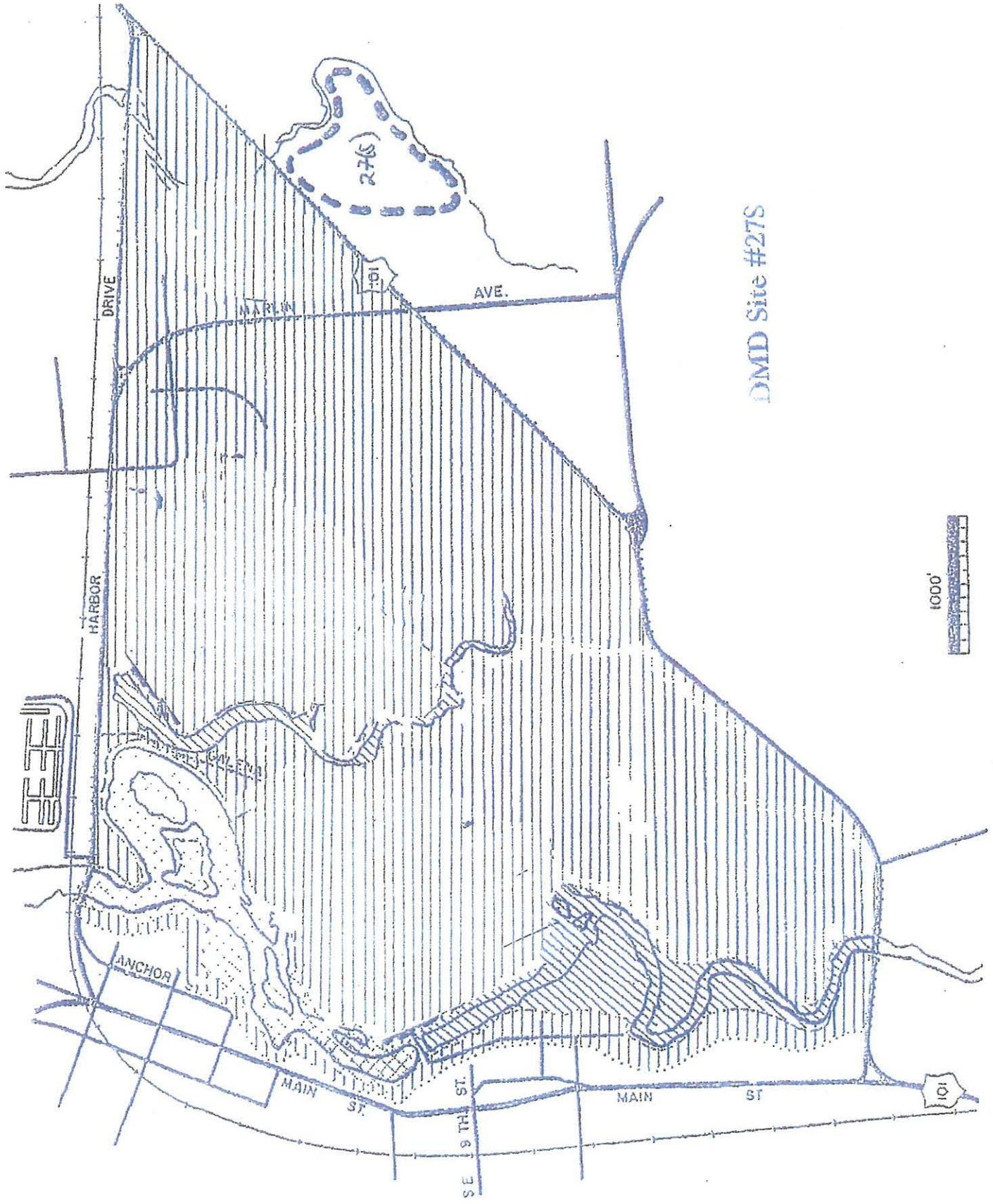
April 06, 2010

8.10.16

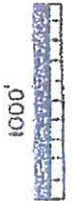


State of Oregon  
County of Clatsop  
Plat Map No. 100  
April 06, 2010





DMD Site #27S



DRIVE

HARBOR

MARLIN

AVE.

27S

101

ANCHOR

MAIN ST.

SE 9 TH ST.

MAIN ST

101

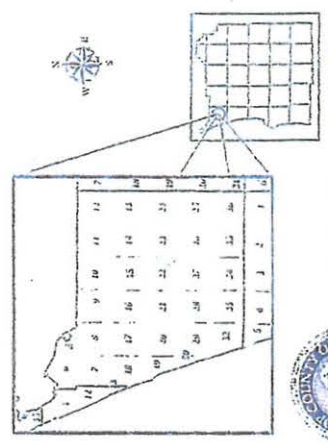


T8N R10W SEC 22D WM  
CLATSOP COUNTY

Scale 1:2400



CLATSOP COUNTY  
SAVINGS



April 06, 2010

8.10.22D



Clatsop County, Oregon  
County Auditor  
1000 Commercial Street, Astoria, Oregon 97103  
503.325.4100  
www.clatsopcounty.gov



conform to ADA standards for sidewalks and pathways, which require a continuous route of travel that is a minimum of 3 feet in width, with a cross slope not exceeding 2 percent.

7. Driveway Approaches. Driveway approaches should be designed and located to provide an existing vehicle with an unobstructed view. Construction of driveways along acceleration or deceleration lanes or tapers should be avoided due to potential for vehicle conflicts.

8. Loading area design. The design of driveways and on-site maneuvering and loading areas for commercial and industrial developments shall consider the anticipated storage length for entering and exiting vehicles, in order to prevent vehicles from backing into the flow of traffic on the public street or causing unsafe conflicts with on-site circulation.

**L. Fire Access and Circulation.** The City of Warrenton adopts the Uniform Fire Code, as amended - including Administrative Sections and all Appendices and all the State of Oregon revisions. All development in the City of Warrenton is required to meet these minimum adopted standards.

1. Required Access. A fire equipment access drive that meets city construction standards shall be provided for any portion of an exterior wall of the first story of a building that is located more than 150 feet from an improved public street or approved fire equipment access drive. Plans for fire apparatus access roads shall be submitted to the Warrenton Fire Department and Warrenton City Engineer for review and approval prior to issuance of building permits, grading permits, or start of construction. When fire apparatus access road(s) are required, the road(s) shall be installed and made serviceable prior to and during time of construction. Fire department access roads shall be provided and maintained in accordance with the fire department access requirements of the *Uniform Fire Code, as amended*.

2. Dimensions. Fire apparatus roads shall have an unobstructed width of not less than 20 feet and unobstructed vertical clearance of not less than 13 feet 6 inches. Fire apparatus roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with a surface so as to provide all-weather driving capabilities.

d. The improvement is associated with an approved land partition on property zoned residential and the proposed land partition does not create any new streets.

B. Variations. Variations to the transportation design standards in this Section may be granted by means of a Class 2 Variance, as governed by Chapter 5.1 - Variations. A variance may be granted under this provision only if a required improvement is not feasible due to topographic constraints or constraints posed by sensitive lands (see Chapter 3.10).

C. Creation of Rights-of-Way for Streets and Related Purposes. Streets shall be created through the approval and recording of a final subdivision or partition plat; except the City may approve the creation of a street by acceptance of a deed, provided that the street is deemed essential by the City Commission for the purpose of implementing the Transportation System Plan, and the deeded right-of-way conforms to the standards of this Code. All deeds of dedication shall be in a form prescribed by the city attorney and shall name "the public," as grantee.

D. Creation of Access Easements. The City may approve an access easement established by deed when the easement is necessary to provide for access and circulation in conformance with Chapter 3.1 - Access and Circulation. Access easements shall be created and maintained in accordance with the Uniform Fire Code, as amended.

E. Street Location, Width and Grade. Except as noted below, the location, width and grade of all streets shall conform to the Transportation System Plan and Comprehensive Plan, as applicable; and an approved street plan or subdivision plat. Street location, width and grade shall be determined in relation to existing and planned streets, topographic conditions, public convenience and safety, and in appropriate relation to the proposed use of the land to be served by such streets:

1. Street grades shall be approved by the city engineer in accordance with the design standards in Section 'N', below; and

2. Where the location of a street is not shown in an existing street plan (See Section 'H'), the location of streets in a development shall either:

a. Provide for the continuation and connection of existing streets in the surrounding areas, conforming to the street standards of this Chapter, or

1. All cul-de-sacs shall terminate with a circular turnaround. Circular turnarounds shall have a radius of no less than 40 feet from center to edge of pavement except that turnarounds that contain a landscaped island or parking bay in their center shall have a minimum radius of 45 feet. When an island or parking bay is provided, there shall be a fire apparatus lane of at least 20 feet in width; and
2. The length of the cul-de-sac shall be measured along the centerline of the roadway from the near side of the intersecting street to the farthest point of the cul-de-sac.

See Section 3.1.2. for fire access and parking area turnaround requirements based on Uniform Fire Code standards, as amended.

N. Grades and Curves. Grades shall not exceed 10 percent on arterials, 12% on collector streets, or 12% on any other street (except that local or residential access streets may have segments with grades up to 15% for distances of no greater than 250 feet), and:

1. Centerline curve radii shall not be less than 700 feet on arterials, 500 feet on major collectors, 350 feet on minor collectors, or 100 feet on other streets; and
2. Streets intersecting with a minor collector or greater functional classification street, or streets intended to be posted with a stop sign or signalization, shall provide a landing averaging five percent or less. Landings are that portion of the street within 20 feet of the edge of the intersecting street at full improvement.

O. Curbs, Curb Cuts, Ramps, and Driveway approaches. Concrete curbs, curb cuts, wheelchair, bicycle ramps and driveway approaches shall be constructed in accordance with standards specified in Section 3.1 - Access and Circulation and city construction standards.

P. Streets Adjacent to Railroad Right-of-Way. Wherever the proposed development contains or is adjacent to a railroad right-of-way, a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the land shall be created. New railroad crossings and modifications to existing crossings are subject to review and approval by Oregon Department of Transportation.

## **Chapter 4.0 — Applications and Review Procedures**

- 4.0 – Administration of Land Use and Development Permits
- 4.1 – Types of Applications and Review Procedures
- 4.2 – Site Design Review
- 4.3 – Land Divisions and Lot Line Adjustments
- 4.4 – Conditional Use Permits
- 4.5 – Planned Unit Developments
- 4.6 – Modifications to Approved Plans and Conditions of Approval
- 4.7 – Amendments to Comprehensive Plan Text and Map, Rezone, and Development Code
- 4.8 – Code Interpretations
- 4.9 – Miscellaneous Permits (Temporary Use, Home Occupation & Home Office)
- 4.10 – Coastal Zone Consistency Review
- 4.11 – Protection of Historic Buildings
- 4.12 – Protection of Archaeological Sites
- 4.13 – Traffic Impact Study
- 4.14 – Annexation
- 4.15 – Transfer of Development Rights (TDR)

<b>Permit Type or Development Decision</b>	<b>Decision-Making Procedure</b>	<b>Code, Statute, or Ordinance Reference</b>
Land Use District Map Amendment (Legislative)	Type IV	WDC Chapter 4.7
Large-Scale Development	Type II/III	WDC Chapter 3.19
Legal Lot / Lot of Record Determination	Type I	WDC, Clatsop County Deed Records, and ORS Chapter 92
Lot Line Adjustment	Type I	WDC Chapter 4.3
Manufactured Dwelling Park	Type III	WDC Chapter 3.14, ORS Chapter 446, and OAR Division 918
Transfer of Development Rights (TDR)	Type III	WDC Chapter 4.15
Modification to Approval	Type II/III	WDC Chapters 4.1 and 4.6
Non-Conforming Use or Development Confirmation	Type II	WDC Chapter 5.2
Planned Unit Development	Type III	WDC Chapter 4.5
Urban Growth Boundary Adjustment/Amendment	Type III/IV	Comprehensive Plan Article 2.320
Street development (classification and design standards)	Type II/III	WDC Chapter 3.(applicable sections)
Sign Permit	Type I	WDC Chapter 3.6
Site Design Review	Type II/III	WDC Chapters 3.0, 4.1, and 4.2
Subdivision (Preliminary Plat)	Type III	WDC Chapters 3.0, 4.1, and 4.3
Subdivision (Final Plat)	N/A	WDC Chapter 4.3
Plat Vacation	Type III	WDC Chapter 4.1 and 4.3.200
Temporary Use Permit	Type II/III	WDC Chapter 4.9
Vacation (Street)	Type I or III and City Commission Public Hearing per ORS 271	WDC Section 4.3.200(F) ORS Chapter 271
Variance	Type II/III	WDC Chapter 5.1
Wetland Boundary Adjustment	Type I	WDC Chapter 3.10.8
Wetland Significance Determination Amendment	Type III	WDC Chapter 3.10.9

4. Decision-making time limits. A final order for any Type I or II Appeal or Type III action shall be filed with the Community Development Director within ten business days after the hearings body decision.

F. Notice of Decision. Written notice of a Type I or II Appeal decision or a Type III decision shall be mailed to the applicant and to all participants of record within ten business days after the hearings body decision. Failure of any person to receive mailed notice shall not invalidate the decision, provided that a good faith attempt was made to mail the notice.

G. Final Decision and Effective Date. The decision of the hearings body on any Type I or II appeal or any Type III application is final for purposes of appeal on the date it is mailed by the City. The decision is effective on the day after the appeal period expires. If an appeal is filed, the decision becomes effective on the day after the appeal is decided by the City Commission.

H. Appeal. A Type III decision may be appealed to the City Commission following the same procedure as appeals of a Type II decision (see Section 4.1.4.). The notification and hearings procedures for appeals of Type III applications shall be the same as for the initial hearing (see Sections 4.1.5).

I. Appeal to Land Use Board of Appeals (LUBA). The decision of an appeal to the City Commission is final unless appealed to LUBA. An appeal to LUBA shall be filed pursuant to ORS 197.830.

#### **4.1.6 Type IV Procedure (Legislative and Map Amendments)**

A. Pre-Application conference. A pre-application conference is required for all Type IV applications. The requirements and procedures for a pre-application conference are described in Section 4.1.7.

B. Application requirements.

1. Application forms. Type IV applications shall be made on forms provided by the Community Development Director;

2. Submittal Information. The application shall contain:

i. The information requested on the application form;

ii. A map and/or plan addressing the appropriate criteria and standards in sufficient detail for review and decision (as applicable);

- iii. The required fee; and
- iv. a letter or narrative statement that explains how the application satisfies each and all of the relevant approval criteria and standards.

C. Notice of Hearing.

1. Required hearings. A minimum of two hearings, one before the Planning Commission and one before the City Commission, are required for all Type IV applications.

2. Notification requirements. Notice of public hearings for the request shall be given by the Community Development Director in the following manner:

i. At least 20 days, but not more than 40 days, before the date of the first hearing on an ordinance that proposes to amend the comprehensive plan or any element thereof, or to adopt an ordinance that proposes to rezone property, a notice shall be prepared in conformance with ORS 227.175 and mailed to:

(A) Each owner whose property would be rezoned in order to implement the ordinance (i.e., owners of property subject to a comprehensive plan amendment shall be notified if a zone change would be required to implement the proposed comprehensive plan amendment). For quasi-judicial map amendments only, all property owners within 200 feet of the site;

(B) Any affected governmental agency;

(C) Recognized neighborhood groups or associations affected by the ordinance;

(D) Any person who requests notice in writing;

(E) For a zone change affecting a manufactured home or mobile home park, all mailing addresses within the park, in accordance with ORS 227.175.

(F) Owners of airports shall be notified of a proposed zone change in accordance with ORS 227.175.



amount not greater than 100% or other adequate assurances as a condition of site development approval in order to guarantee the public improvements;

B. Release of Performance Bonds. The bond or assurance shall be released when the city engineer finds the completed project conforms to the site development approval, including all conditions of approval.

C. Completion of Landscape Installation. Landscaping shall be installed prior to final building inspections and issuance of occupancy permits, unless security equal to the cost of the landscaping as determined by the Community Development Director, city engineer, planning commission, or a qualified landscape architect is filed with the City Recorder assuring such installation within six months after occupancy. If the installation of the landscaping is not completed within the six-month period, the security may be used by the City to complete the installation.

D. Business License Filing. The applicant shall ensure that all contractors and sub-contractors, and business occupants of the completed project, whether permanent or temporary, apply for and receive a City business license prior to initiating work on the site or conducting business from the site.

#### **4.2.8 Development in Accordance With Permit Approval -**

Development shall not commence until the applicant has received all of the appropriate land use and development approvals (i.e., site design review approval) and building permits. Construction of public improvements shall not commence until the City has approved all required public improvement plans (e.g., utilities, streets, public land dedication, etc.). The City may require the applicant to enter into a development agreement (e.g., for phased developments and developments with required off-site public improvements), and may require bonding or other assurances for improvements, in accordance with Section 4.2.7. Site Design Review approvals shall be subject to all of the following standards and limitations:

A. Modifications to Approved Plans and Developments. Minor modifications of an approved plan or existing development, as defined in Chapter 4.6, shall be processed as a Type I procedure. Major modifications, as defined in Section 4.6, shall be processed as a Type II or Type III procedure and shall require Site Design Review. For information on Type I, Type II and Type III procedures, please refer to Chapter 4.1. For Modifications approval criteria, please refer to Chapter 4.6.

B. Approval Period. Site Design Review approvals shall be effective for a period of one year from the date of approval, unless otherwise specified in the City's site plan approval decision. The approval shall lapse if:

1. A grading permit or building permit has not been issued within the applicable approval period, as defined above; or
2. Construction on the site is in violation of the approved plan.

C. Extension. The Community Development Director shall, upon written request by the applicant, grant an extension of the approval period, provided that:

1. No changes are made on the original approved site design review plan;
2. The applicant can show intent of initiating construction on the site within the extension period;
3. There have been no material changes to the applicable Code provisions on which the approval was based. If there have been material changes to the applicable Code provisions and the expired plan does not comply with those changes, then the extension shall not be granted; in this case, a new site design review shall be required; and
4. The applicant demonstrates that failure to obtain grading permits and/or building permits and substantially begin construction within the applicable approval period was beyond the applicant's control.

The Community Development Director may grant subsequent extensions after the initial extension upon written request of the applicant provided that the application continues to meet criteria 1-4 above.

D. Phased Development. Phasing of development may be approved with the Site Design Review application, subject to the following standards and procedures:

1. A phasing plan shall be submitted with the Site Design Review application.
2. The Planning Commission shall approve a time schedule for developing a site in phases, but in no case shall the total time period for all phases be greater than two (2) years without reapplying for site design review.
3. Approval of a phased site design review proposal requires satisfaction of all of the following criteria:

Industrial zoning districts (see also, Chapter 2 - Land Use Districts, and Chapter 3.2 - Landscaping.

d. In conformance with the Uniform Fire Code, as amended, a minimum 20-foot width fire apparatus access drive shall be provided to serve all portions of a building that are located more than 150 feet from a public right-of-way or approved access drive. See Section 3.1.2., Fire Access and Circulation.

e. Where a common drive is to be provided to serve more than one lot, a reciprocal easement which will ensure access and maintenance rights shall be recorded with the approved subdivision or partition plat.

B. Conditions of Approval. The City may attach such conditions as are necessary to carry out provisions of this Code, and other applicable ordinances and regulations, and may require reserve strips be granted to the City for the purpose of controlling access to adjoining undeveloped properties. See also, Chapter 3.5 (Public Facilities Standards).

**4.3.150 Variances Authorized** - Adjustments to the standards of this Chapter shall be processed in accordance with Chapter 5.1 - Variances. Applications for variances shall be submitted at the same time an application for a land division is submitted.

**4.3.160 Final Plat Requirements (Partition and Subdivision)**

A. Requirements. Final plats shall be reviewed and approved by the Warrenton Community Development Director prior to recording with Clatsop County. The applicant shall submit the final plat within two years of the approval of the preliminary plat as provided by Section 4.3.120. Specific information about the format and size of the plat, number of copies and other detailed information can be obtained from the Warrenton Planning Department.

B. The final plat complies with the approved preliminary plat, and all conditions of approval have been satisfied;

C. All public improvements required by the preliminary plat have been installed and approved by an appointed city engineer; or, the developer has provided a performance guarantee in accordance with Section 4.3.180.

D. The street(s) for public use are dedicated without reservation or restriction other than reversionary rights upon vacation of any such street or road and easements for public utilities;

of Section 4.1.5. Conditional use decisions by the Planning Commission will become final after an elapsed period of 14 days from the date of the decision unless appealed to the City Commission within that 14 day period.

C. Notice of the Planning Commission decision will be provided in accordance with Section 4.1.5.

D. A decision of the Planning Commission on a conditional use request may be appealed to the City Commission in accordance with Section 4.1.5 and 4.1.4.

E. A request for a conditional use which is not acted upon by the Planning Commission within 75 days from the receipt of the application may be deemed denied and may be appealed to the City Commission.

F. The Community Development Director shall forward a copy of the final decision, including findings and required conditions, within seven days, to the appropriate state and/or federal agencies where a use or activity involves a state or federal permit which requires a determination of consistency with the local comprehensive plan. The response shall contain a statement of whether or not approval of the permit would be consistent with the comprehensive plan, the reasons the development is or is not so considered, and standards and conditions, which should apply if a state or federal permit is granted.

**4.4.6 Compliance With Conditions of Approval** - Compliance with conditions established for a conditional use and adherence to the submitted plans as approved is required. Any departure from these conditions of approval and approved plans constitutes a violation of this ordinance.

**4.4.7 Time Limit on a Permit for a Conditional Use** - Except as otherwise noted in this Chapter (Chapter 4.4), authorization of a conditional use shall be void after either one year or such other time period specified in the conditional use permit unless substantial construction has taken place. However, the Community Development Director may extend authorization for an additional period upon written request. The Community Development Director may grant additional extensions upon written request if the applicant demonstrates good cause for the delay.

**4.4.8 Limitations for Refiling an Application** - Applications for which a substantially similar application has been denied will be heard by the Planning Commission only after a period of one year has elapsed from date of the earlier decision.

## Chapter 4.5 — Planned Unit Developments

### Sections:

- 4.5.1 **Planned Unit Developments (PUD)**
- 4.5.2 **Purpose**
- 4.5.3 **Permitted Building and Uses**
- 4.5.4 **Development Standards**
- 4.5.5 **Procedure - Preliminary Development Plan**
- 4.5.6 **Procedure - Final Approval**
- 4.5.7 **Adherence to Approved Plan and Modification Thereof**

**4.5.1 Planned Unit Developments (PUD)** - This is intended to provide for developments incorporating a single type or variety of housing types and related uses, which are planned and developed as a unit. Such developments may consist of individual lots or of common buildings sites. Commonly-owned land which is an essential and major element of the plan should be related to and preserve the long-term value of the homes and other developments.

**4.5.2 Purpose** - The purpose is to provide a more desirable environment through the application of flexible and diversified land development standards following an overall comprehensive site development plan.

**4.5.3 Permitted Building and Uses** - The following buildings and uses may be permitted as hereinafter provided. Buildings and uses may be permitted either singly or in combination provided the overall density of the planned development does not exceed the density of the zoning district as provided by Section 4.5.4.

- A. Single-family dwellings.
- B. Duplexes, Triplexes, and multi-family dwellings.
- C. Accessory buildings and uses.
- D. Commercial uses only when supported mainly by the planned development and only when economic feasibility can be shown.
- E. Buildings or uses listed as permitted outright or conditionally in the parent zone on which the planned development is located.
- F. Recreational Vehicle (RV) Parks when the applicant provides findings of fact that demonstrate consistency with applicable provisions of the

## **Chapter 4.6 — Modifications to Approved Plans and Conditions of Approval**

### **Sections:**

- 4.6.1 Purpose**
- 4.6.2 Applicability**
- 4.6.3 Major Modifications**
- 4.6.4 Minor Modifications**

**4.6.1 Purpose** - The purpose of this Chapter is to provide an efficient process for modifying land use decisions and approved development plans, in recognition of the cost and complexity of land development and the need to conserve City resources.

### **4.6.2 Applicability**

A. This Chapter applies to all development applications approved through the applicable provisions of the Warrenton Development Code:

1. Site Design Review;
2. Subdivisions and Partitions;
3. Conditional Uses;
4. Planned Unit Developments;
5. Variance;
6. Rezones; and
7. Conditions of approval on any of the above application types.

B. This Chapter does not apply to development code and/or comprehensive plan text amendments, or temporary use permits.

### **4.6.3 Major Modifications**

A. The Community Development Director may determine that a major modification(s) is required if one or more of the changes listed below are proposed:

1. A change in land use;

2. An increase in the number of dwelling units;
3. A change in the type and/or location of access ways, drives or parking areas that affect off-site traffic;
4. An increase in the floor area proposed for non-residential use by more than 10 percent where previously specified;
5. A reduction of more than 5 percent of the area reserved for common open space and/or usable open space;
6. A reduction to specified setback requirements by more than 20 percent, or to a degree that the minimum setback standards of the land use district cannot be met; or
7. Changes similar to those listed in 1-6, which are likely to have an adverse impact on adjoining properties.

B. In making a determination under Subsection A above, the Community Development Director shall consider the reason for the requested change, the scope of the requested change and the amount of its potential impact on the surrounding area.

C. Major Modification Request. An applicant may request a major modification as follows:

1. Upon the Community Development Director's determining that the proposed modification is a major modification, the applicant shall submit an application for the major modification.
2. The modification request shall be subject to the same review procedure (Type II, III, or IV) and approval criteria used for the initial project approval, however, the review shall be limited in scope to the modification request. For example, a request to modify a parking lot shall require site design review only for the proposed parking lot and any changes to associated pathways, lighting and landscaping. Notice shall be provided in accordance with the applicable review procedure.

#### **4.6.4 Minor Modifications**

A. Minor modification defined. Any modification to a land use decision or approved development plan which is not within the description of a major modification as provided in Section 4.6.3 shall be considered a minor modification.

## **Chapter 4.7 — Amendments to Comprehensive Plan Text and Map, Rezone, and Development Code**

### **Sections:**

- 4.7.1 Purpose**
- 4.7.2 Legislative Amendments**
- 4.7.3 Quasi-Judicial Amendments**
- 4.7.4 Conditions of Approval**
- 4.7.5 Record of Amendments**
- 4.7.6 Transportation Planning Rule Compliance**

**4.7.1 Purpose** - The purpose of this chapter is to provide standards and procedures for legislative and quasi-judicial amendments to the Comprehensive Plan, Development Code and the land use (zoning) district map, also referred to as the official “Warrenton Zoning Map”. Amendments may be necessary from time to time to reflect changing community conditions, needs and desires, to correct mistakes, or to address changes in State law (ie., ORS, OAR and Statewide Planning Goals).

**4.7.2 Legislative Amendments** - Legislative amendments are policy decisions made by the City Commission. They are reviewed using the Type IV procedure in Section 4.1.6 and shall conform to Section 4.7.6, as applicable.

### **4.7.3 Quasi-Judicial Amendments**

A. Quasi-Judicial Amendments. Quasi-judicial amendments are those that involve the application of adopted policy to a specific development application or Code revision. Quasi-judicial map amendments shall follow the Type IV procedure, as governed by Section 4.1.6, using standards of approval in Subsection “B” below. The approval authority shall be as follows:

1. The Planning Commission shall make a recommendation to the City Commission on an application for a land use district map changes which does not involve a comprehensive plan map amendment. The City Commission shall decide such application; and
2. The Planning Commission shall make a recommendation to the City Commission on an application for a comprehensive plan and/or map amendment. The City Commission shall decide such application; and



3. The Planning Commission shall make a recommendation to the City Commission on a rezone application, which also involves a comprehensive plan map amendment. The City Commission shall decide both applications.

B. Criteria for Quasi-Judicial Amendments. A recommendation or a decision to approve, approve with conditions or to deny an application for a quasi-judicial amendment shall be based on all of the following criteria:

1. Demonstration of compliance with all applicable comprehensive plan policies and map designations. Where this criterion cannot be met, a comprehensive plan amendment shall be a pre-requisite to approval;
2. Demonstration of compliance with all applicable standards and criteria of this Code, and other applicable implementing ordinances;
3. Evidence of change in the neighborhood, or community, or a mistake or inconsistency in the comprehensive plan or land use district map regarding the property which is the subject of the application; and the provisions of Section 4.7.6, as applicable.

**4.7.4 Conditions of Approval** - A quasi-judicial decision may be for denial, approval, or approval with conditions. A legislative decision may be approved or denied.

**4.7.5 Record of Amendments** - The Community Development shall maintain a record of all amendments to the Comprehensive Plan text and/or map, rezones, and Development Code in a format convenient for public use.

**4.7.6 Transportation Planning Rule Compliance.**

A. When a development application includes a proposed comprehensive plan amendment or rezone, the proposal shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with Oregon Administrative Rule (OAR) 660-012-0060. See also Chapter 4.13, Traffic Impact Study. Significant means the proposal would:

1. Change the functional classification of an existing or planned transportation facility. This would occur, for example, when a proposal causes future traffic to exceed the capacity of a "collector" street classification, requiring a change in the classification to an "arterial" street, as identified by the Transportation System Plan, or

2. Change the standards implementing a functional classification system; or
3. Allow types or levels of land use that would result in levels of travel or access that are inconsistent with the functional classification of a transportation facility; or
4. Reduce the level of service of the facility below the minimum acceptable level identified in the Transportation System Plan.

B. Amendments to the comprehensive plan and land use standards which significantly affect a transportation facility shall assure that allowed land uses are consistent with the function, capacity, and level of service of the facility identified in the Transportation System Plan. This shall be accomplished by one of the following:

1. Limiting allowed land uses to be consistent with the planned function of the transportation facility; or
2. Amending the Transportation System Plan to ensure that existing, improved, or new transportation facilities are adequate to support the proposed land uses consistent with the requirement of the Transportation Planning Rule; or,
3. Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes of transportation.

## Chapter 4.15 - Transfer of Development Rights (TDR)

### Sections:

- 4.15.1 Purpose
- 4.15.2 Definitions
- 4.15.3 Sending Area Eligibility Criteria
- 4.15.4 Receiving Area Eligibility Criteria
- 4.15.5 TDR Transaction
- 4.15.6 Sending Area Monitoring and Recordkeeping

**4.15.1 Purpose** - This purpose of this chapter enables the City to utilize a TDR program as a tool to simultaneously promote city policies for efficiently planned development and the protection of significant resource areas. TDR transactions can be an effective means of aligning land use economics in particular locations with the City's larger development policies.

### **4.15.2 Definitions** -

- A. Conservation Easement - a legal instrument imposing restrictions on future development on lot(s) or parcel(s) of land in a Sending Area in order to protect natural, scenic, maintaining or enhancing air or water quality, or preserving the historical, architectural, archaeological, or cultural aspects, or open space values of real property (see ORS 271.715).
- B. Receiving Area - a designated area of land to which a holder of development rights generated from a sending area may transfer the development rights, and in which additional residential uses or development, not otherwise allowed, are allowed by reason of the transfer.
- C. Sending Area - a designated area of resource land from which development rights generated from forgone development are transferable, for residential uses or development not otherwise allowed, to a receiving area.
- D. Transferable Development Right (TDR) - a severable residential development interest in real property that can be transferred from a lot(s), parcel(s) or tract(s) in a sending area to a lot(s), parcel(s) or tract(s) in a receiving area. This term has the same meaning as "transferable development credit (TDC)" under Oregon Laws 2009, Chapter 504, Section 2(10), except that, "severable development interests" are limited to residential uses, including ancillary uses subordinate to residential uses.

- E. TDR Transaction - an agreement between landowners to transfer development rights between a Sending Area and a Receiving Area consistent with this Chapter and approved by the City Hearings Body.

**4.15.3 Sending Area Eligibility Criteria** - A lot(s) or parcel(s) is eligible to become a Sending Area if it meets the following criteria:

- A. The lot(s) or parcel(s) zoned for a more intensive use than currently exists on the lot(s) or parcel(s); and
- B. The hearings body determines that the lot(s) or parcel(s) contain significant natural, scenic, maintaining or enhancing air or water quality, or preserving the historical, architectural, archaeological, or cultural aspects, or open space values that would be lost if the lot(s) or parcel(s) were developed for the land use as designated on the zoning map.

**4.15.4 Receiving Area Eligibility Criteria** - A lot or parcel is eligible to become a Receiving Area if it meets the following criteria:

- A. The lot(s) or parcel(s) is inside the Urban Growth Boundary or City limits; and
- B. The hearings body determines that a more intensive development than is currently allowed on the lot(s) or parcel(s) under the Zoning Map and Development Code would be appropriate and suitable; and
- C. The lot(s) or parcel(s) is not subject to limitations designed to protect natural resources, scenic and historic areas, maintaining or enhancing air or water quality, or preserving the historical, architectural, archaeological, or cultural aspects, open spaces or other resources protected under the Statewide Planning Goals; and

**4.15.5 TDR Transactions**

- A. The property owner of the lot(s) or parcel(s) in a Sending Area, shall sever TDCs by placing the land into a Conservation Easement held by the City, or a third party approved by the City. The amount of TDCs generated by a Conservation Easement shall be determined by the City Hearings Body, but shall be a function of the density and intensity of development precluded as a result of the Conservation Easement and the acreage subject to the Conservation Easement.
- B. The property owner of lot(s) or parcel(s) in a Receiving Area may purchase TDCs generated by a Sending Area in order to enable greater development than allowed by the zoning in the Receiving Area. The

amount of TDCs necessary to enable a particular development in a Receiving Area shall be determined by the City Hearings Body. In no circumstance, however, shall the hearings body permit a larger or greater density or intensity of development in a Receiving Area than that precluded in the Sending Area by the purchased TDCs.

- C. A TDR Transaction is subject to a Type III procedure. In addition, all holders of recorded encumbrances on the Sending Area must be given prior written notice of the proposed TDR Transaction and the opportunity to approve or disapprove the TDR Transaction.
- D. Upon Hearings Body approval of a TDR Transaction, the Hearings Body may rezone the Sending Area as appropriate and shall rezone the Receiving Area and/or make other appropriate changes to relevant land use regulations to enable development in the Receiving Area.
- E. If the Approved Receiving Area is located outside the City limits, the City shall commence annexation procedures pursuant to Chapter 4.14.

#### **4.15.6 Sending Area Monitoring and Recordkeeping**

- A. All Conservation Easements in the Sending Area shall be recorded with the property records [deeds of the subject property(ies)] in Clatsop County. The City shall maintain a registry of all Sending Areas subject to Conservation Easements.
- B. The holder of a Conservation Easement in a Sending Area, shall monitor the Sending Area and enforce the terms of the Conservation Easement.