

## SECTION 3.050: WATER-DEPENDENT DEVELOPMENT ZONE (WDD)

- (1) **PURPOSE AND AREAS INCLUDED:** The purpose of this zone is to designate shoreland areas which are especially suited for water-dependent recreational , commercial and industrial uses. Areas within the WDD zone may include, but are not limited to:
  - (a) Areas with deep water close to shore and supporting land transportation facilities.
  - (b) Areas with potential for aquaculture.
  - (c) Areas adjacent to protected areas subject to scour which would require little dredging for use as marinas.
  - (d) Areas with potential for recreational utilization of coastal water resources or riparian resources.
  
- (2) **USES PERMITTED WITH STANDARDS (PS):** In a WDD zone the following uses and their accessory uses are permitted with standards (PS), provided that any applicable development standards in Section 3.140 have been met.
  - (a) Maintenance and repair of either existing structures or facilities which are in conformance with Goals 17 requirements or nonconforming structures or facilities.
  - (b) Water-dependent industrial uses, including, but not limited to:
    1. Piers, wharves and other terminal and transfer facilities for passengers or water-borne commerce such as fish, shellfish, timber or timber products.
    2. Water intake and discharge structures.
    3. Facilities for the extraction of minerals, aggregate, petroleum, natural gas, earth products or geothermal resources (as defined by Subsection 4 of ORS 533.010) which require access to a water body during the extraction procedure.
    4. Water access structure of facilities which require access to a water body as a part of the manufacture, assembly, fabrication or repair of marine equipment, due to the size of the craft or equipment.
    5. Aquaculture facilities, including hatchery sites or fish release/recapture sites, which require access to or use of water.

- (c) Water-dependent commercial facilities, including commercial marinas, docks and moorages (including seaplane moorages).
  - (d) Water-dependent recreational facilities, including private docks and moorages in conjunction with a residence or group of residences.
  - (e) Other water-dependent uses. A use is determined to be water-dependent when it can be carried out only on, in or adjacent to water, and the location or access is needed for:
    - 1. Water-borne transportation.
    - 2. Recreation.
    - 3. A source of water (such as energy production, cooling of industrial equipment or wastewater, or other industrial processing).
  - (f) Structural shoreline stabilization, subject to Shoreline Stabilization Standards in Section 6.050.
  - (g) Temporary uses not requiring substantial structural or capital improvements prior to development; including but not limited to:
    - 1. Farm uses.
    - 2. Forest uses.
    - 3. Public open space and low-intensity outdoor recreation.
  - (h) Signs subject to Section 4.020.
- (3) **USES PERMITTED CONDITIONALLY:** In a WDD zone the following conditional uses and their accessory uses are permitted subject to the provisions of Article 6 only if they will not preclude or unduly conflict with existing or potential water-dependent use on the site or in the vicinity.
- (a) Water-related uses. A use is determined to be water-related when in use:
    - 1. Provides goods and/or services that are directly associated with water-dependent uses (supplying materials to, or using products of, water-dependent uses); and
    - 2. If not located near the water, would experience a public loss of quality in the goods and services offered. Evaluation of public loss of quality will involve

a subjective consideration of economic, social and environmental consequences of the use.

(b) Water-related uses can include, but are not limited to, the following:

1. Water-related industrial uses such as:

a. Fish or shellfish processing plants; or

b. Warehousing and/or other storage areas for marine equipment or water-borne commerce.

2. Water-related commercial uses, such as:

a. Fish or shellfish retail or wholesale outlets;

b. Marine craft or marine equipment sales establishments;

c. Sport fish cleaning, smoking or canning establishments;

d. Charter fishing offices;

e. Retail trade facilities in which the majority of products such as ice, bait, tackle, nautical charts, gasoline, or other products incidental to or used in conjunction with water-dependent use;

f. Restaurants which provide a view of the waterfront, and which are in conjunction with a water-dependent or other water-related uses, such as a seafood processing plant or a charter office.

(c) Energy facilities and utilities.

(d) Land transportation facilities.

(e) New dike construction, if required for a water-dependent use.

(f) Residential structure for a owner or caretaker of an approved water-dependent or water related uses.

(g) Restoration actions subject to the restoration standards in Section 3.140.

(4) STANDARDS:

(a) The minimum yards for any structure on a lot adjacent to a residential zone shall be

a 5 foot side yard on the side adjacent to the residential zone. The front yard setback shall be one-half of the front yard requirement in the adjacent residential zone. Setback requirements of Section 4.080 shall also be met.

- (b) For commercial-residential structures, no yards shall be required except as provided in (a) above.
  - (c) The maximum building height shall be 24 feet. Higher structures may be permitted by the Planning Department according to the provisions of Article 8.
  - (d) Outdoor storage shall be screened with a sight-obscuring fence.
  - (e) Accessory uses or structures are limited in size of lot coverage to a maximum of ten percent of the lot or parcel size.
  - (f) If applicable, the standards and requirements of Sections 4.070, 4.080 and 4.090 shall be met.
- (5) ADMINISTRATIVE PROVISIONS:
- (a) The following public agencies shall be notified according to the procedures of Article VI of all conditional use applications in the WDD zone; The Oregon Department of Fish and Wildlife, Oregon Division of State Lands, Oregon Department of Land Conservation and Development, Oregon Department of Economic Development, U. S. Fish and Wildlife Service, National Marine Fisheries Service, Environmental Protection Agency, U. S. Army Corps of Engineers and the locally affected Port District.