



CLATSOP COUNTY PLANNING COMMISSION

REGULAR MEETING AGENDA

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Tuesday, June 09, 2020 at 10:00 AM

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FLAG SALUTE

CALL MEETING TO ORDER

ROLL CALL

ADOPT AGENDA

BUSINESS FROM THE PUBLIC: This is an opportunity for anyone to give a brief presentation about any land use planning issue or county concern that is not on the agenda.

MINUTES:

- [1. May 12, 2020 Regular Meeting Minutes](#)

CODE CONSOLIDATION AND MODERNIZATION

- [2. Articles 1 and 6](#)
- [3. Articles 2 and 3](#)
- [4. Article 5](#)
- [5. Article 4 - Zone Regulations](#)

COMPREHENSIVE PLAN UPDATE

SPECIAL PROJECTS UPDATE (verbal updates provided at meeting, unless otherwise noted.)

PROJECT STATUS REPORT

- [6. June 2020](#)

OTHER BUSINESS

ADJOURN

NOTE TO PLANNING COMMISSION MEMBERS: Please contact the Community Development Department (503-325-8611) if you are unable to attend this meeting.

ACCESSIBILITY: This meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours prior to the meeting by contacting the Community Development Land Use Planning Division, 503-325-8611.

During the COVID-19 pandemic, the Clatsop County Planning Commission remains committed to broad community engagement and transparency of government. To provide an opportunity for public testimony while physical distancing guidelines are in effect, the Commission will host virtual meetings on GoToMeeting.

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Access Code: 717-331-381

Those wishing to provide testimony on public hearings or provide oral communication at the designated time must register in advance by calling 503-325-8611 or emailing ghenrikson@co.clatsop.or.us. You will be notified when your two-minute presentation is scheduled; comments may also be submitted via email to ghenrikson@co.clatsop.or.us

Minutes of May 12, 2020
Clatsop County Planning Commission Regular Session
Online Meeting

The regular meeting was called to order at 10:02 a.m. by Chair Francis.

Commissioners Present

Bruce Francis
Myrna Patrick
Robert Stricklin
Christopher Farrar
Nadia Gardner
John Orr

Commissioners Excused

Mike Magyar

Staff Present

Ian Sisson
Gail Henrikson
Clancie Adams

Adopt Agenda:

Commissioner Stricklin moved and Commissioner Patrick seconded to adopt the agenda as presented. Motion passed unanimously.

Business from the Public:

There was no business from the public.

Minutes:

Commissioner Stricklin moved and Commissioner Farrar seconded to adopt the March 10, 2020 Clatsop County Planning Commission Regular Meeting minutes as presented. Motion passed unanimously.

Code Consolidation and Modernization, Gail Henrikson, Community Development Director:

Community development is currently assisting other county departments such as public health and elections but is still attempting to present this to the commission in June for their recommendation to the Board of Commissioners. Code citations are currently being checked to ensure they are up to date but with the current pandemic situation this may not be available for review prior to the July meeting.

Comprehensive Plan Update, Gail Henrikson, Community Development Director:

In person meetings will not be starting up again right away but staff will be checking in with committee members in June to see when and how they would like to move forward. A couple of members have resigned; one from the Lewis and Clark\Olney\Wallooskee committee and one from the Elsie\Jewell\Seaside Rural committee.

Special Projects Update, Gail Henrikson, Community Development Director:

The Solutions Oregon Elk Project is still moving forward and the final declaration of cooperation between the cities, county and other agencies has tentatively been moved from May to September 2020.

Other Business:

- Commissioner Gardner requested additional conversation regarding short term rentals and how they related to affordable housing be included in the agenda of a future meeting.
- Gail Henrikson related the following:
 - Community Development has had contact with a group looking to locate a meteorological testing tower for a future wind turbine project located on Nicolai Ridge in east county.
 - The planning Commission has two upcoming vacancies. Applications are due by June 5, 2020 by 4:00 p.m.
- The county signed a memorandum of understanding with the Department of Land Conservation and Development to conduct an audit of the county's zoning codes to verify if and where we are out of compliance with state laws regarding family childcare and childcare facilities. The project is expected to

- 1 begin in the next couple of months, take approximately one year, and identify how we can strengthen our
2 code to encourage more childcare facilities in the county.
- 3 • Commissioner Gardner advised she had received notice from Oregon Health Authority regarding the Marine
4 Water Monitoring Program. The Program has been suspended for the foreseeable future due to the current
5 pandemic conditions. Discussion regarding land-based water pollution, a recent incident with the Arch Cape
6 Fire Department, and ongoing problems in Cannon Beach ensued.
 - 7 • Chair Francis inquired when the Clatsop County Department of Health would allow pools and hot tubs under
8 their jurisdiction to reopen. Ms. Henrikson did not have any information on this but felt that it would most
9 likely be addressed by the Governor's reopening plan.

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11 ***As there was no further business or discussion, Chair Francis adjourned the meeting at 10:31 a.m.***

12
13 Respectfully Submitted,
14
15

16
17 _____
18 Bruce Francis
Chairperson - Planning Commission



Clatsop County

Community Development – Planning Division

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TO: Clatsop County Planning Commission

FROM: Julia Decker, Planning Manager

DATE: June 1, 2020

RE: **CODE MODERNIZATION AND CONSOLIDATION, Article 1. Introductory Provisions Revisions and Article 6. Environmental and Resource Protection**

Revisions to combine the Land and Water Development Ordinance (LWDUO) and Clatsop County Standards Document include devising new articles 1 and 6. The revisions below outline the changes proposed and align with the proposed revised Table of Contents.

Where whole sections are moved, only the new section numbering is listed.

The following revisions are proposed:

1. Renumber Sections 1.010 to 1.050 to 1.0100 through 1.1140. Delete references to “Ordinance” and replace with “Code” in Section 1.0300. Scope of Regulations and Section 1.0400. Application. Delete Reference to “Revision of Standards,” a section which no longer exists, in Section 1.0300 2).
2. Delete from the Clatsop County Standards Document and add to Article 1, Section 1.0500 Definitions the following terms and their definitions: Substantial Construction and Clear Vision Areas.
3. Delete from Standards Document Chapter 1. Site Orientation and add to Article, Section 1, new Section 1.1010. Basic Characteristics and a Residential Site and 1.1020. General Exception to Lot Size Requirements.
4. Renumber Article 1 Section 1.035 Rules of Construction to 1.1030. Rules of Construction.
5. Renumber Article 1 Section 1.040 Scope and Compliance to 1.1040 Scope and Compliance.
6. Renumber Article 1 Section 1.050 Consistency with Comprehensive Plan to 1.1050 Consistency with Comprehensive Plan.
7. Revise items currently listed as Article 6 General Provisions, to Article 1. Section 1.1000. General Provisions, including revising 6.010. Authorization of Similar Use to 1.1060; 6.015. Maintenance of Ordinance Requirements, to 1.1070; 6.020. Access to 1.1080; 6.110. Bond or Cash Deposit to 1.1090; 6.120. Non-Compliance with provisions Under Obligation, to 1.1100; 6.150. Adjusting Bond or Deposit for Future Obligation, to 1.1110; 6.180. Fees and Deposits, to 1.1120; and 6.210. Interpretation, to 1.1130.
8. Revise Article 6 General provisions, Section 6.220. Severability, to Article 1. Section 1.1140. Severability.
9. Update citations within Article 1:
 - a. Replace LWDUO 1.030 with LWDUO 1.0500 under 1.0500 Agricultural Exempt Building (2).
 - b. Remove reference to Clatsop County Standards Document, Section S2.012 in 1.0500 Clear Vision Areas and add Section 3.9530 for citation.
 - c. Replace citation of S202(1) with Section 3.0060 under 1.0500. Dwelling Unit, Accessory (ADU) 8).
 - d. Under Health Hardship, Section 1.0500, replace S3.025 with 3.0190.
 - e. Under Home Occupation, Section 1.0500, replace Sections 5.000 through 5.030 with 2.4000 through 2.4050; and replace S3.460 through S3.462 with 3.8000 through 3.8050.

- f. Under Home Occupation, Conditional Use, Section 1.0500, replace Sections 5.000 through 5.030 with 2.4000 through 2.4050; and replace S3.460 through S3.462 with 3.8000 through 3.8050.
 - g. Under Lot of Record, Section 1.0500, replace reference to Section S1.030 with Section 1.1020.
 - h. Under Lot Line Adjustment, Section 1.0500, replace Section 5.202 reference with Section 2.9020.
 - i. Under Lot Line, Front, Section 1.0500, replace Section 1.030 with Section 1.0500.
 - j. Under Lot Types – 6) Ocean Front Lot, replace Standards Document S3.030 with 3.0150.
 - k. Under Ocean Yard, Section 1.0500, replace Section S3.015 with 3.0150.
 - l. Under Partition Land, Section 1.0500, replace 1.030 with 1.0500, 5.200-5.212 with 2.9000-2.9120, 6.000 with 3.9800.
 - m. Under Windmill, Section 1.0500, replace Clatsop County Standards Document, Section S3.020, with 3.0170.
10. Under 1.1010, replace reference to S1.030 with 1.1020.
 11. Under 1.1100, 2), (E), replace Section 6.110 with 1.1090.
 12. Under 1.1110, 3), replace Section 6.120 with 1.1100.
 13. Add new Article 6. Environmental and Resource Protection.
 14. Move Standards Document S2.100. Special Site Development for Environmental Protection, to new Article 6 Environmental and Resource Protection, Section 6.1000. Replace reference to Chapter 4 with Article 6.
 - a. Under 6.1000, 1-4, replace 4.050 through 4.059 with 5.4000 through 5.4090; S4.200 to S4.282 with 6.2000 through 6.6020; S4.300 to S4.310 with 3.9650, which was deleted by Ordinance 03-08 but remains as a placeholder; and S4.400 to S4.404 with 6.8000 to 6.8010.
 15. Move Standards Document Chapter 4. Environmental Protection to new Article 6. Environmental and Resource Protection and combine with elements of Article 5. Permit and Issue Determinations, including: moving 5.800. Columbia River Estuary Impact Assessment and Resource Capability Determination to become 6.3000; Section S2.100 Special Site Development for Environmental Protection to Section 6.1000; 6.3010. Impact Assessment; Section 6.3020. Impact Assessment Requirements; Section 6.3030. Use of Impact Assessment; Section 6.3040. Information to be Provided in the Impact Assessment; Section 6.3050. Impact Assessment Conclusion; Section 6.3060. Resource Capability Determination; Section 6.3070. Resource Capability Procedure; and Section 6.3080. Determining Consistency with the Purpose of the Zone, as well as:
 - a. Moving Section 5.950 to become Section 6.2000. Ecola Creek Estuary and Necanicum Estuary Impact Assessment and Resource Capability Determination;
 - b. Section 6.2010. Purpose; Section 6.2020. Resource Capability Determination; Section 6.2030. Revocation of Permits;
 - c. Moving S4.260 Ecola Creek and Necanicum Estuarine Standards to Section 6.204000; Section 6.2050. Aquaculture; Section 6.2060. Boat Ramp; Section 6.02070. Dock/Moorage; Section 6.2080. Fill; Section 6.2090. Land Transportation Facilities; Section 6.2100. Maintenance Dredging; Section 6.2110. Marinas; Section 6.2120. Piling; Section 6.2130. Restoration/Resource Enhancement – Active; Section 6.2140. Necanicum Estuary Shoreline Stabilization; and Section 6.2150. Utilities.
 - d. Move S4.011. Standards for Area Protection Conditions to Article 6, Section 6.2160.
 16. Move S4.200. Columbia River Estuary Shoreland and Aquatic Use and Activity Standards to Section 6.4000, including: Section 6.4010. Purpose; Section 6.4020. General Standard; Section 6.4030. General Development Zone Standards; Section 6.4040. Agriculture and Forestry; Section 6.4050. Airports; Section 6.4060. Aquaculture and Fisheries; Section 6.4070. Residential, Commercial and Industrial Development; Section 6.4080. Estuarine Construction; Section 6.4090. Deep-Water Navigation, Port and Industrial Development; Section 6.4100. Land Transportation Systems; Section 6.4110. Log Storage; Section 6.4120. Shallow Draft Ports and Marinas; Section 6.4130. Mining and Mineral Extraction; Section 6.4140. Recreation and Tourism; Section 6.4150. Mitigation and Restoration; Section 6.4160. Solid Waste Disposal; Section 6.4170. Utility; Section 6.4180. Bankline and Streambed Alteration; Section 6.4190. Diking; Section 6.4200. Dredging and Dredged Material Disposal; Section 6.4210. Filling of Aquatic Areas and Non-Tidal Wetlands; Section 6.4220.

Riparian Vegetation Protection; Section 6.4230. Fish and Wildlife Habitat; Section 6.4240. Public Access to the Estuary and its Shoreline; Section 6.4250. Significant Areas; Section 6.4260. Water Quality Maintenance; and Section 6.4270. Water-Dependent and Water-Related Use Criteria.

17. Move S4.500 Protection of Riparian Vegetation from the Standards Document to Article 6, Section 6.5000, including 6.5010. Purpose and Areas Included and 6.5020. Development Standards.
18. Move S4.600. Agricultural and Timber Standards within a Goal 5 Wetland, to 6.6000, including new 6.6010. Standards for Low Intensity Non-Structural Agricultural Uses within a Goal 5 Wetland and 6.6020. Standards for Selective Harvesting of Timber within a Goal 5 Wetland.
19. Move S3.530. Development of Historic and/or Archeological Sites to Article 6, Section 6.7000, including Section 6.7010. Development of Historic and/or Archeological Sites
20. Move S3.192. Historic Site Protection, to Article 6, Section 6.7020.
21. Move S3.194. Archeological Site Protection, to Article 6, Section 6.7030.
22. Move S4.400. Rock and Mineral Resource Use, to Article 6, Section 6.8000, including 6.8010. Purpose. Development Standards – Extraction Area.

ARTICLE 6. ENVIRONMENTAL AND RESOURCE PROTECTION

ARTICLE 6. ENVIRONMENTAL AND RESOURCE PROTECTION

SECTION 6.1000. SPECIAL SITE DEVELOPMENT FOR ENVIRONMENTAL PROTECTION

Special requirements for environmental protection are specified in Chapter 4 in this document. In addition, in all areas of the County, sewage systems shall be allowed in those areas outside the Urban Growth Boundary only to alleviate a health hazard or water pollution problem which has been identified by the Environmental Quality Commission and will be used only as a last resort.

- 1) Beach and dune areas: 5.4000 through 5.4090.
- 2) Shoreland and aquatic areas: 6.2000 through 6.3080.
- 3) Rock and mineral resource areas: 6.6800 to 6.6810.

SECTION 6.2000. ECOLA CREEK ESTUARY AND NECANICUM ESTUARY IMPACT ASSESSMENT AND RESOURCE CAPABILITY DETERMINATION

Section 6.2010. Purpose

The purpose of this section is to provide an assessment process for development alterations which could potentially alter the integrity of the estuarine ecosystem. Further, certain uses and activities proposed for particular management areas and zones will require an assessment of resource capability of the zone. The impact assessment procedure is intended to be a comprehensive presentation of the impacts expected from a particular development proposal. This procedure will provide the information necessary to judge the capability of the resource to accommodate the identified impacts without altering the integrity of the resource as it relates to the stated purpose of the particular management area or zone.

- 1) Impact Assessment Requirement. An Impact Assessment in accordance with the provisions of this section shall be required for the following uses and activities when proposed for estuarine aquatic areas:
 - (A) Filling or dredging
 - (B) In-water structures
 - (C) Riprap
 - (D) Water intake or withdrawal
 - (E) Pesticide application
 - (F) Effluent discharge
 - (G) Other activities which could affect the estuary's physical processes or biological resources

Further, an Impact Assessment shall be required:

- (A) When a use or activity requires a determination of consistency with resource capability.

ARTICLE 6. ENVIRONMENTAL AND RESOURCE PROTECTION

Note that Federal Environmental Impact Statement or Environmental Assessments may substitute for this requirement if available at the time of permit review. The Community Development Director may require an impact assessment for uses not listed above when the Director believes the use may involve significant impacts.

Use of Impact Assessment.

- (A) Information contained in impact assessments shall be used in the evaluation of a use or activity during permit review procedure. The Impact Assessment shall be used to:
 - 1. identify potential development alterations of significant estuarine fish and wildlife habitats and disturbances of essential properties of the estuarine resource,
 - 2. determine whether potential impacts can be avoided and minimized, and
 - 3. to provide a factual base of information that will ensure that applicable standards in Section 6.2000 are met.
- (B) Where a use requires a Resource Capability Determination, information in the Impact Assessment will be used to determine consistency of proposed uses and activities with the resource capability and purpose of the affected management area or zone. Resource capability analysis shall be based on the requirements of the "Information to be Provided in the Impact Assessment" section.
- (C) Information to be Provided in the Impact Assessment. Information compiled in the Impact Assessment may be drawn from available data and analysis contained in: Ecola Estuary Inventory, Necanicum Estuary Inventory, environmental impact statements of environmental assessments prepared for previous projects in the vicinity of the present development proposal; or other published environmental and estuarine studies pertaining to the estuary. The Impact Assessment should apply available information to the following general areas of analysis. The County may waive inapplicable items for any particular use or project.
- (D) Aquatic life forms and habitat, including information on: habitat type and use (e.g. rearing, spawning, feeding/resting area, migration route), species present, seasonal abundance, sediment type and characteristics, vegetation present. Type of alteration, including information detailing the extent of alteration (e.g. area measurement, depths to which alteration will extend, volumes of materials removed and/or placed as fill), impacted species (including threatened or endangered species), life stages and life cycles affected with regard to timing of the proposed alteration, percent of total available habitat type subject to alteration.

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- (E) Shoreland life forms and habitat, including information on: habitat type and use (e.g. feeding, resting or water areas, flyways), species present, seasonal abundance, soil types and characteristics, vegetation present. Type of alteration, including information detailing the extent of alteration (e.g. area measurement, extent of grading and excavation, removal of riparian vegetation), impacted species (including threatened or endangered species), life stages and cycles affected with regard to timing of the proposed alteration, percent of total available habitat type subjected to alteration.
- (F) Water quality, including information on: increases in sedimentation and turbidity, decreases in dissolved oxygen concentration, changes in biological and chemical oxygen demand, contaminated sediments, alteration of salinity regime, disruption of naturally occurring water temperatures, changes due to reduction, diversion or impoundment of water.
- (G) Hydraulic characteristics, including information on: changes in water circulation patterns, shoaling patterns, potential of erosion or accretion in adjacent areas, changes in the floodplain, decreases in flushing capacity or decreases in rate of water flow from reduction or diversion or impoundment of water sources.
- (H) Air quality, including information on: quantities of emissions of particulates, expected inorganic and organic airborne pollutants.
- (I) The impact of the proposed project on navigation and public access to shoreline and aquatic areas.
- (J) Demonstration that any proposed structures or devices are properly engineered.
- (K) Demonstration that the project's potential public benefits will equal or exceed expected adverse impacts.
- (L) Demonstration that non-water dependent uses will not preempt existing or future water-dependent utilization of the area.
- (M) Determination of the potential cumulative impact of the proposed development, including alteration of adjacent significant estuarine fish and wildlife habitat and disturbance of essential properties of the estuarine resources.
- (N) Determination of methods for accommodation of the proposed development alteration, based on items (A) through (J) above, in order to minimize preventable adverse impacts. Determination of need for mitigation.
- (O) Impact Assessment Findings. Resulting from the analysis of the information presented in the Impact Assessment, one of the following findings shall be concluded:

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1. The proposed uses and activities are in conformance with all Comprehensive Plan policies and standards and do not represent a potential degradation or reduction of significant fish and wildlife habitats and essential properties of the estuarine resource. Where an Impact Assessment is required for a resource capability determination, the proposed uses are consistent with the resource capability and purpose of the affected management area or zone.
2. The proposed uses and activities are in conformance with all Comprehensive Plan policies and standards, but represent a potential degradation or reduction of significant fish and wildlife habitats and essential properties of the estuarine resource. The Impact Assessment is required for a resource capability determination, the adverse environmental impacts have been minimized to be consistent with the resource capability of the management area or zone. The proposed uses and activities may be accommodated and found to be consistent with resource capabilities and meet the purposes of the management.
3. The proposed uses and activities are not in conformance with all Comprehensive Plan policies and standards. The Impact Assessment and analysis indicate that unacceptable loss will result from the proposed development alteration. The proposed uses and activities represent irreversible changes and actions and unacceptable degradation or reduction of significant estuarine fish and wildlife habitats and essential properties of the estuarine resource will result; or, that the adverse consequences of the proposed uses and activities, while unpredictable and not precisely known, would result in irreversible trends or changes in estuarine resource properties and functions.
4. Available information is insufficient for predicting and evaluating potential impacts. More information is needed before the project can be approved.

Section 6.2020. Resource Capability Determination

- 1) Purpose. Certain uses and activities in Conservation and Natural aquatic management units are allowed only if determined to meet the resource capability and purpose of the zone in which the use or activity occurs. The purpose of this section is to establish procedures for making a resource capability determination.
- 2) Definition of Resource Capability. Resource capability is defined as the degree to which the natural resource can be physically, chemically, or biologically altered, or otherwise assimilate an external use and still function to achieve the purpose of the zone in which it is located.
- 3) Purpose of Different Estuarine Zones.

ARTICLE 6. ENVIRONMENTAL AND RESOURCE PROTECTION

- (A) Aquatic Conservation zone: The purpose of the Aquatic Conservation zone is to designate areas for long term uses of renewable resources that do not require major alteration of the estuary, except for the purpose of restoration. These areas shall be managed to conserve the natural resources and benefits. These shall include areas needed for maintenance and enhancement of biological productivity, recreational and aesthetic uses, and aquaculture. Included are tracts of significant habitat, and recreational shellfish beds. Areas which are partially altered and adjacent to existing development of moderate intensity are also included.
- (B) Aquatic Natural zone: The purpose of the Aquatic Natural zone is to provide for preservation and protection of estuarine resources, including significant fish and wildlife habitats, essential properties of the estuary, such as dynamic geological processes, continued biological productivity, unique communities of organisms, maintenance of species diversity. Low intensity uses consistent with the protection of natural values are appropriate.
- (C) Resource Capability Procedure. In order to determine whether a use or activity is consistent with the resource capability and purpose of the zone for which the use or activity is proposed, the following procedure is required:
 - 1. Identification of the zone and area in which the activity is proposed and the resources in the area;
 - 2. Identification of adverse impacts of the proposed use or activity on the resources identified in (A) above. This information is included in the Impact Assessment Section 6.2000.
 - 3. Determination of whether the resources can continue to achieve the purpose of the zone in which the use or activity is proposed.
- (D) Identification of Resources and Impacts. The applicant for a proposed use or activity in which a resource capability determination must be made shall submit the following:
 - 1. Information on resources present in zone in which the use or activity is proposed;
 - 2. Impact assessment as specified in Section 6.2000, Impact Assessment Procedure. (Federal Environmental Impact Statements or Environmental Assessments may be substituted if available at the time of the permit request).

If in the course of review, additional information is required to satisfy the provisions of this ordinance, notification shall be made to the applicant outlining the additional information needed and the reason. Although the applicant shall be responsible for providing all necessary information, the Planning Division will assist the applicant in identifying inventory sources and information. Sources which can be used to identify resources included: Necanicum Estuary Inventory, environmental impact statements for project in same areas, or other published

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studies concerning the Necanicum Estuary. Identification of resources shall include both environmental (e.g. aquatic life and habitat present, benthic populations, migration routes) and social and economic factors (navigation channels, public access facilities).

- (E) Resource Capability Administrative Provisions. A resource capability determination for a use or activity identified in this ordinance as a Conditional Use shall be made in accordance with the Conditional Use procedure set forth in Section 2.4000. Public notice of development proposals which require determination of consistency with resource capabilities shall be sent to all affected parties. State and federal resource agencies with mandates and authorities for planning, permit issuance and resource decision-making, including the following, will be notified: Oregon Department of Fish and Wildlife, Oregon Division of State Lands, Oregon Department of Land Conservation and Development, U.S. Fish and Wildlife Service, National Marine Fisheries Service, Environmental Protection Agency, U.S. Army Corps of Engineers.

Section 6.2030. Revocation of Permits

- 1) Any conditions placed upon a development permit by this ordinance, the Planning Director, the Hearings Officer, the Planning Commission and/or the Board of Commissioners shall be strictly followed. In the event that the permit holder, or his assignee, fails to comply with any such conditions the underlying development permit may be revoked or modified as set forth below.
- 2) When it comes to the attention of the Community Development Director that the permit holder, or his assignee, is not complying with any conditions of the permit, the Community Development Director shall undertake an investigation. If the Community Development Director determines that one or more conditions are not being met he shall cause a notice to be mailed to the permit holder or his assignee by regular mail advising him of the deficiency and requiring that the deficiency be remedied within fourteen (14) days from the date the notice is mailed or such longer period as the Community Development Director may deem appropriate.
- 3) Should the permit holder or his assignee fail to remedy the deficiency within the time period set by Section 6.2030(2) then the Community Development Director shall cause a notice to be mailed to the permit holder and/or his assignee advising him of his intent to revoke the development permit. Such notice shall provide that to avoid such action the permittee must request, in writing, a hearing before the Hearings Officer and then appear and show cause why his permit should not be revoked. Such a hearing request must be filed within fourteen (14) days of the date of the notice of intent to revoke. Upon appeal the Hearings Officer may uphold the permit should it determine that all conditions have been met or no longer need to be met; modify or add conditions to the permit; or revoke the permit. Appeals to the Hearings Officer shall be handled as a Type IIa

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proceeding. Should a permittee fail to file a timely request for hearing, then the Community Development Director shall send him a notice advising him that his development permit has been revoked and that any further action thereon would be in violation of Clatsop County Land and Water Development and Use Ordinance.

- 4) The provisions of Section 6.2030 shall apply to all development permits issued prior to the date of its enactment, as well as all development permits issued thereafter.

SECTION 6.2040. ECOLA CREEK AND NECANICUM ESTUARINE STANDARDS

Section 6.2050. Aquaculture

- 1) Structures and activities associated with an aquaculture operation shall not unduly interfere with navigation.
- 2) Water diversion or other shoreline structures shall be located so as not to unduly interfere with public shoreline access. Public access to the facility shall be provided consistent with safety and security considerations.
- 3) Aquaculture facilities shall be constructed to blend in, and not detract from the aesthetic qualities of the area. In developed areas, views of upland owners shall be given consideration in facility design.
- 4) Water diversion structures or man-made spawning channels shall be constructed so as to maintain minimum required stream flows for aquatic life in the adjacent stream.
- 5) The potential impacts of introducing a new fish or shellfish species (or race within a species) shall be carefully evaluated so as to protect existing aquatic life in the stream and estuary.
- 6) Aquaculture facilities shall be located far enough away from sanitary sewer outfalls to the extent that there will be no potential health hazard.
- 7) Water discharged from the facility shall meet all federal and state water quality standards, and any conditions attached to a waste discharge permit.

Section 6.2060. Boat Ramp

- 1) Boat ramps requiring fill or dredging shall be evaluated under fill or dredging requirements. (Fill or removal of 50 cubic yards or less does not require permits from the U.S. Army Corps of Engineers or the Division of State Lands). Necessary permits will be obtained.
- 2) Boat ramps shall not be located in marsh areas or tideflats. Water depths shall be adequate so that dredging is not necessary.
- 3) Boat ramps shall be compatible with surrounding uses, such as natural areas or residential areas.

Section 6.2070. Dock/Moorage

- 1) Community docks or moorages shall be given higher priority than private individual docks or moorages.

ARTICLE 6. ENVIRONMENTAL AND RESOURCE PROTECTION

- 2) Where a private individual dock is proposed, the applicant must provide evidence that alternative moorage sites, such as nearby marinas, community docks or mooring buoys are not available, are impracticable or will not satisfy the need.
- 3) Evidence shall be provided by the applicant that the size of the dock or moorage is the minimum necessary to fulfill the purpose.
- 4) Covered or enclosed moorage shall not be allowed except in connection with a commercial or industrial use where such shelter is necessary for repair and maintenance of vessels and associated equipment, such as fishing nets, etc.
- 5) Open pile piers or secured floats shall be used for dock construction. Fills in aquatic areas to create a dock or moorage are not permitted.
- 6) Piers and floats shall extend no further out into the water than is needed to affect navigational access. Conflicts with other water surface uses such as fishing or recreational boating shall be minimized.
- 7) Floats in tidally-influenced areas shall be located such that they do not rest on the bottom at low water.

Section 6.2080. Fill

- 1) Fill shall be permitted for active restoration, aquaculture, placement of communications facilities, water dependent recreation such as marinas, and flood control and erosion control structures.
- 2) Where fills are permitted, the fill shall be the minimum necessary to accomplish the proposed use.
- 3) Fill shall be permitted only after it is established through environmental impact assessment that negative impacts on the following factors will be minimized:
 - (A) Navigation.
 - (B) Productive estuarine habitat.
 - (C) Water circulation and sedimentation patterns.
 - (D) Water quality.
 - (E) Recreation activities.
- 4) Where existing public access is reduced, suitable public access as part of the development project shall be provided.
- 5) Aquatic areas shall not be used for sanitary landfills or the disposal of solid waste.
- 6) Fill in intertidal or tidal marsh areas shall not be permitted.
- 7) Fills in CONSERVATION Shorelands and Aquatic areas shall be allowed only if consistent with the resource capabilities of the area and the purpose of the CONSERVATION designation. Fills are not permitted in natural areas.
- 8) Fills shall be permitted only in areas where alteration has taken place in the past, such as the riprap bank of the Necanicum River in downtown Seaside.
- 9) The following uses and activities shall be permitted with the following findings of fact:
 - (A) Maintenance and protection of man-made structures (riprap or other shoreline protection) existing as of October 7, 1977.
 - (B) Active restoration if a public need is demonstrated.

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- (C) Aquaculture if:
 - 1. an estuarine location is required;
 - 2. a public need is demonstrated;
 - 3. no alternative upland locations exist for the portion of the use requiring fill, and
 - 4. adverse impacts are minimized as much as feasible.
- (D) High intensity water-dependent recreation and minor navigational improvements if:
 - 1. The findings of (9)(C)1)-4) are made, and
 - 2. If consistent with the resource capabilities of the area and the purposes of the management unit, and
- (E) Flood and erosion control structures if:
 - 1. Required to protect a water-dependent use, as otherwise allowed in (9)(B)-(D);
 - 2. Land use management practices and non-structural solutions are inadequate to protect the use;
 - 3. There is no alternative upland locations for the portion of the use being protected;
 - 4. An estuarine location is required by the use;
 - 5. a public need is demonstrated; and
 - 6. Adverse impacts to include those on water currents, erosion and accretion patterns, are minimized as much as feasible.

Section 6.2090. Land Transportation Facilities

- 1) Land transportation facilities shall not be located in wetlands or aquatic areas except where bridge crossing on pilings are needed.
- 2) Highways, railroads and bridges should be designed and located to take advantage of the natural topography so as to cause minimum disruption of the shoreline area. Causeways across aquatic areas shall not be permitted.
- 3) The impacts of proposed rail or highway facilities on land use patterns and physical/visual access shall be evaluated.
- 4) Culverts shall be permitted only where bridges are not feasible, and shall be large enough to protect water quality, salinity regime and wildlife habitat.

Section 6.2100. Maintenance Dredging

- 1) Dredging shall not occur in marshes, tide flats or other productive subtidal areas as determined by the state and federal permit process.
- 2) Dredging shall be permitted in areas of the Necanicum River with lower productivity and only to the extent necessary to achieve minor navigational improvement.
- 3) Dredging shall be permitted for high intensity recreation purposes, including a moorage or small marina, where such use conforms with the above standards and the goals of this plan.

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- 4) Dredging other than for aquaculture or restoration shall be limited to the main channel of the Necanicum River.

Section 6.2110. Marinas

- 1) The applicant shall provide evidence to show that existing marina facilities are inadequate to meet the demand and that existing facilities cannot feasibly be expanded.
- 2) Marina facilities shall be designed and constructed so as to minimize negative impacts on navigation, water quality, sedimentation rates and patterns, fish rearing or migration routes, important sediment-dwelling organisms, birds, other wildlife, tidal marshes and other important vegetative habitat. An impact assessment shall normally be required.
- 3) Flushing and water circulation adequate to maintain ambient water quality shall be provided by design or artificial means. a calculated flushing time shall be presented as evidence that this standard has been met.
- 4) The size of the proposed facility, particularly that portion occupying the water surface, shall be the minimum required to meet the need. In this regard, new facilities shall make maximum use of dry boat moorage on existing shoreland areas.
- 5) Means for preventing contaminants from entering the water shall be provided. Equipment shall be available on-site for clean-up of accidental spills of contaminants. Sewage, storm drainage and fish wastes shall not be discharged directly into the water.
- 6) Marina facilities should provide for maximum public access and recreation use, consistent with safety and security considerations. Walkways, seating, fishing areas and similar facilities should be provided.
- 7) Covered or enclosed water moorage shall be minimized, except as needed for maintenance, repair or construction activities.
- 8) Marina facilities shall be located only in areas of existing shoreline development on the Necanicum River where its location would not eliminate marsh areas, and where water depths are sufficient so that new dredging is not required.

Section 6.2120. Piling

- 1) Piling for a use permitted in the estuary shall be approved only after the applicant has established that adverse impacts on navigation, estuarine habitat and processes, water circulation and sedimentation patterns, water quality and recreation activities are minimized.
- 2) The piling will meet all state and federal engineering standards.
- 3) Piling shall be used in lieu of fill wherever the use is engineering feasible. The number of pilings shall be the minimum necessary to accomplish the proposed use.

Section 6.2130. Restoration/Resource Enhancement - Active

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- 1) Conditional use application for active restoration/resource enhancement should be accompanied by an explanation of the purpose of the project and the resource(s) to be restored or enhanced. The project shall be allowed only if consistent with the resource capabilities and purpose of the designation of the area and the other adjacent uses.
- 2) Aquaculture shall be evaluated under those standards.

Section 6.2140. Necanicum Estuary Shoreline Stabilization

- 1) General Standards.
 - (A) Preferred Methods.

Proper management of existing stream side vegetation is the preferred method of stabilization followed by planting of vegetation. Where vegetative protection is inappropriate (because of the high erosion rate, the use of the site or other factors) structural means such as riprap may be used as a last resort.

In the placement of stabilization materials, factors to be considered include, but are not limited to: effects on birds and wildlife habitat, uses of lands and waters adjacent to the bank, effects on fishing areas, effects on aquatic habitat, relative effectiveness of the various structures, engineering feasibility, cost and erosion, flooding and sedimentation of adjacent areas.
 - (B) Emergency repair to shoreline stabilization facilities is permitted, notwithstanding the other regulations in these standards subject to these standards imposed by the State of Oregon, Division of State Lands and the U.S. Army Corps of Engineers.
 - (C) Conditional use application for shoreline stabilization shall be based on a demonstration of need and consistency with the intent of the designation of the area and the resource capabilities of the area. Impacts shall be minimized.
- 2) Standards for Revegetation and Vegetation Management.
 - (A) Plant species shall be selected to insure that they provide suitable stabilization and value for wildlife. Justification shall be presented as to the necessity and feasibility for use of a bank with a slope greater than 2:1 (horizontal to vertical). Trees, shrubs and grasses native to the area are generally preferred.
 - (B) The area to be revegetated should be protected from excessive livestock grazing or other activities that would hinder plant growth.
- 3) Standards for Riprap.

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- (A) Good engineering and construction practices shall be used in the placement of riprap, with regard to slope, size, composition and quality of material, excavation of the toe trench, placement of gravel fill blanket and operation of equipment in the water. State and federal agency regulations should be consulted in this regard.
- (B) Riprapped banks should be vegetated to improve bird and wildlife habitat, where feasible.
- (C) Shoreline protection measures shall not restrict existing public access to public shorelines.
- (D) Shoreline protection measures should be designed to minimize their impacts on the aesthetic qualities of the shoreline.
- (E) Bankline protection is not in itself a way to increase land surface area. Where severe erosion has occurred, fill may be used to obtain the desired bank slope and restore the previous bank line. Any extension of the bankline into traditional aquatic areas shall be subject to the standards for fill. Disruption of tidal marsh, tidal flat and productive subtidal areas shall not be permitted.
- (F) Construction of shoreline protection measures shall be coordinated with state and federal agencies and local interests to minimize the effects on aquatic resources and habitats. Relevant state and federal water quality standards shall be met. Stream channelization should be avoided.
- (G) Use of fill material for shoreline protection shall be permitted for maintenance of man-made structures existing as of October 7, 1977.

Section 6.2150. Utilities

- 1) Overhead electrical or communications transmission lines shall be located so as not to unduly interfere with migratory bird flyways and significant habitat or residential waterfowl, birds of prey and other birds. In cases of serious conflict, utility facilities should be located underground.
- 2) Applicants for utility facility, including cable crossings, shall provide evidence as to why an aquatic site is needed, the alternative locations considered, and the relative impacts of each. Crossings shall avoid disrupting marsh areas wherever it is engineering feasible.
- 3) Utility facilities shall not be located on new fill land unless part of an otherwise approved project and no other alternative exists.
- 4) Above ground utility facilities shall be designed to have the least adverse effect on visual and other aesthetic characteristics of the area.
- 5) Effluents from point-source discharges shall meet all applicable state and federal water and air quality standards. Monitoring shall be carried out so as to determine the on-going effects on the estuarine environment.
- 6) After installation or maintenance is completed, banks shall be replanted with native species or otherwise protected against erosion. The pre-project bankline shall be maintained as closely as possible.

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- 7) Storm water shall be directed into existing natural drainages wherever possible, and shall be dispersed into several locations so as to minimize the impact on the estuary. When adjacent to salt marshes and/or natural areas, special precautions shall be taken to insure contamination of the marsh by oil, sediment or other pollutants does not occur. This may be through use of holding ponds, weirs, dry wells, or other means.

Section 6.2160. Standards for Area Protection Conditions

When the imposition of discretionary standards is authorized to avoid detrimental impacts to the public, the standards should be designed to:

- 1) Designate the size, number, location and nature of vehicle access points.
- 2) Increase the amount of street dedication, roadway width or improvements within the street right-of-way.
- 3) Protect vegetation, water resource, wildlife habitat or another significant natural resource.

SECTION 6.3000. COLUMBIA RIVER ESTUARY IMPACT ASSESSMENT AND RESOURCE CAPABILITY DETERMINATION

Section 6.3010. Impact Assessment

The purpose of this section is to provide an assessment process for development alterations which could potentially alter the estuarine ecosystem. Oregon Statewide Planning Goal 16, Estuarine Resources, requires that actions which would potentially alter the Columbia River estuarine ecosystem be preceded by an assessment of potential impacts. The Impact Assessment need not be lengthy and complex, but it should enable reviewers to gain a clear understanding of the impacts expected.

Section 6.3020. Impact Assessment Requirements

The following uses and activities, in addition to those so indicated in the aquatic zones, all require an Impact Assessment at the time a permit is reviewed:

- 1) Dredging
- 2) Aquatic area fill
- 3) In-water structures
- 4) Riprap
- 5) New in-water log storage areas
- 6) Application of pesticides and herbicides
- 7) Water intake or withdrawal
- 8) Effluent discharges
- 9) In-water dredged material disposal
- 10) Beach nourishment
- 11) Other uses or activities which could affect estuarine physical or biological resources
- 12) Uses or activities that require a Resource Capability Determination

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Section 6.3030. Use of Impact Assessment

Information contained in an Impact Assessment shall be used during the evaluation of a use or activity's significant impacts on the estuarine ecosystem; in determining whether potential impacts can be avoided or minimized; and for providing a factual base of information needed to address applicable standards in Section 6.4000 through 6.4270.

Where a use or activity requires a Resource Capability Determination, information in the impact assessment can be used to satisfy the requirements of Section 6.3070.

Section 6.3040. Information to be Provided in the Impact Assessment

Information needed to complete the Impact Assessment should be obtained from sources other than the permit application (i.e. environmental impact statements, Columbia River Estuary Data Development Program data, other reports or data applicable to the Columbia River Estuary). An assessment of impacts of aquatic area pesticide and herbicide application may be provided by the Oregon Department of Agriculture and the Oregon Department of Environmental Quality. An assessment of the impacts of new point-source waste water discharges into the Columbia River Estuary may be provided through the National Pollution Discharge Elimination System (NPDES) permit program.

A complete Impact Assessment includes the following information:

- 1) Aquatic life forms and habitat, including information on both the extent of and impacts on: habitat type and use, species present (including threatened or endangered species), seasonal abundance, sediments, and vegetation.
- 2) Shoreland life forms and habitat, including information on both the extent of and impacts on: habitat type and use, species present (including threatened or endangered species), seasonal abundance, soil types and characteristics, and vegetation present.
- 3) Water quality, including information on: sedimentation and turbidity, dissolved oxygen, biochemical oxygen demand, contaminated sediments, salinity, water temperatures, and expected changes due to the proposed use or activity.
- 4) Hydraulic characteristics, including information on: water circulation, shoaling patterns, potential for erosion or accretion in adjacent areas, changes in flood levels, flushing capacity, and water flow rates.
- 5) Air quality, including information on quantities of particulates and expected airborne pollutants.
- 6) Public access to the estuary and shoreline, including information on: proximity to publicly-owned shorelands and public street ends; effect of public boat launches, marinas and docks; and impact on inventoried public access opportunities.
- 7) Navigation, including information on: distance from navigation channels, turning basins and anchorages; proximity to range markers.
- 8) Demonstration that proposed structures or devices are properly engineered.
- 9) Demonstration that the project's potential public benefits will equal or exceed expected adverse impacts.

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- 10) Demonstration that non-water dependent uses will not preempt existing or future water-dependent utilization of the area.
- 11) Determination of methods for mitigation and accommodation of the proposed development, based on items (1) through (10) above, in order to avoid or minimize preventable adverse impacts.

Section 6.3050. Impact Assessment Conclusion

Based on the information and analysis in Section 6.3040, one of the following four conclusions shall be reached:

- 1) The proposed uses and activities do not represent a potential degradation or reduction of estuarine resource.
- 2) The proposed uses and activities represent a potential degradation or reduction of estuarine resources. The Impact Assessment identifies reasonable alterations or conditions that will eliminate or minimize to an acceptable level expected adverse impacts.
- 3) The proposed uses and activities will result in unacceptable losses. The proposed development represents irreversible changes and actions and unacceptable degradation or reduction of estuarine resource properties will result.
- 4) Available information is insufficient for predicting and evaluating potential impacts. More information is needed before the project can be approved.

Section 6.3060. Resource Capability Determination

Some uses and activities in Columbia River Estuary Natural and Conservation Aquatic zones are allowed only if determined to meet the resource capabilities of the area and if determined to be consistent with the purpose of the affected zone. Some uses and activities in Development Aquatic zones are allowed only if determined to be consistent with the purpose of the zone.

Section 6.3070. Resource Capability Procedure

A completed Resource Capability Determination consists of the following elements:

- 1) Identification of the affected area's zone, and its purpose.
- 2) Identification of the types and extent of estuarine resources present and expected adverse impacts. This information is included in the Impact Assessment, Section 6.3040.
- 3) A determination of whether the use or activity is consistent with the resource capabilities of the affected zone. A use or activity is consistent with the resource capabilities of the area when either:
 - (A) Impacts on estuarine resources are not significant; or
 - (B) Resources of the area will be able to assimilate the use and activity and their effects and continue to function in a manner which:
 1. In Aquatic Natural designations, protects significant fish and wildlife habitats, natural biological productivity, and values for scientific research and education; or

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2. In Aquatic Conservation designations, conserves long term use of renewable resources, natural biological productivity, recreation and aesthetic values and aquaculture.
- (C) For temporary alterations, the Resource Capability Determination must also include:
- (D) Determination that potential short term damage to estuary and shoreland resources is consistent with the resource capabilities of the area; and
- (E) Determination that the area and affected resources can be restored to their original condition.

Section 6.3080. Determining Consistency with the Purpose of the Zone

Certain uses in Aquatic Development, Aquatic Conservation and Aquatic Natural zones may be permitted only if they are consistent with the purpose of the aquatic zone in which they occur. A Consistency Determination consists of the following elements:

- 1) Identification of the affected zone and its purpose.
- 2) Description of the proposed project's potential impact on the purposes of the affected zone.

Determination that the proposal is either:

- (A) Consistent with the purpose of the affected zone;
- (B) Conditionally consistent with the purpose of the affected zone; or
- (C) Inconsistent with the purpose of the affected zone.

SECTION 6.4000. COLUMBIA RIVER ESTUARY SHORELAND AND AQUATIC USE AND ACTIVITY STANDARDS

Section 6.4010. Purpose

Columbia River Estuary shoreland and aquatic area standards are requirements which apply to development uses and activities proposed in one or more of the following management designations: Marine Industrial Shorelands Zone (MI); Conservation Shorelands Zone (CS); Natural Shorelands Zone (NS); Aquatic Development Zone (AD); Aquatic Conservation Two Zone (AC-2); Aquatic Conservation One Zone (AC-1); Aquatic Natural Zone (AN); and those areas included in the Shorelands Overlay District (/SO). These standards are intended to protect the unique economic, social, and environmental values of the Columbia River Estuary.

Section 6.4020. General Standard

Proposed uses and activities in the Columbia River Estuary shoreland and aquatic areas may only be approved when it is determined that such uses or activities are consistent with the purposes of the Columbia River Estuary management areas in which they are proposed and satisfy all applicable Comprehensive Plan policies and Columbia River Estuary Shoreland and Aquatic Activity and Use Standards. In addition, some uses and activities in the Columbia River Estuary which could potentially alter the estuarine ecosystem are also subject to an Impact Assessment and Resource Capability Determination.

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Section 6.4030. General Development Zone Standards

The standards in this subsection apply to all development activities and uses in Columbia River Estuary shoreland and aquatic development zones, where appropriate.

- 1) Shoreland and aquatic area uses and activities that are not water-dependent shall not preclude or unduly conflict with existing, proposed or potential future water-dependent uses or activities on the site or in the vicinity.
- 2) Uses will be designed and located so as not to unduly interfere with adjacent uses (particularly adjacent historic structures). Appropriate landscaping, fencing, and/or other buffering techniques shall be used to protect the character of adjacent uses.
- 3) Waterfront access for the public, such as walkways, trails, waterfront seating or landscaped areas, shall be provided except when proven to be inconsistent with security and safety factors. Industrial and port facilities should designate public viewing points, for viewing waterfront and/or port operations in areas which would not interfere with operations. Provisions of public access shall not result in enlargement of development areas requiring dredge or fill activities or other alteration of estuarine resources.
- 4) Joint use of parking, moorage and other commercial support facility is encouraged where feasible and where consistent with local ordinance requirements.
- 5) In some locations maintenance, placement or replacement of riparian vegetation may be required to enhance visual attractiveness or assist in bank stabilization.

Section 6.4040. Agriculture and Forestry

Standards in this subsection are applicable to agricultural and forestry activities on Columbia River Estuary shorelands. Activities outside of the coastal shorelands boundary are not covered by this subsection. Certain activities associated with agriculture and forestry (i.e. log storage, dike maintenance and shipping facilities for agricultural and forest products, are covered under different subsections).

- 1) Tillage and drainage practices should minimize sedimentation and control surface water runoff of animal wastes and excess fertilizers, herbicides and pesticides. Agriculture chemicals shall be applied so as to minimize the amount that is lost to the aquatic environment.
- 2) A buffer strip of permanent vegetation shall be maintained between cultivated or pasture areas and an undiked body of water, so as to filter surface runoff and retard sedimentation.
- 3) Feed lots or other confinement lots for livestock shall be:
 - (A) Located at least 100 feet from streams or waterbodies;
 - (B) Away from hillsides leading directly to streams;
 - (C) Outside the 100 year floodplain;
 - (D) Located so as to protect groundwater supplies; and
 - (E) Designed such that runoff is controlled with diversion structures, settling ponds or other land management practices.

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- 4) Forest practices and forest road building will comply with rules established under the Oregon Forest Practices Act, administered by the Oregon Department of Forestry.
- 5) On Development and Water-dependent Development Shorelands, agriculture uses shall be undeveloped and low intensity to reserve these areas for intensive residential, commercial or industrial use, as appropriate.
- 6) On Conservation Shorelands, agriculture uses shall be low intensity and consistent with maintenance of the forest resource and recreational values of these lands.

Section 6.4050. Airports

Terminal stations for aircraft, passenger and cargo operations, including runways, towers, and associated structures and systems shall comply with the following standard:

- 1) Airports and associated facilities shall be located away from migratory bird flyways and habitat used by resident waterfowl and other birds, in the interest of air safety and wildlife conservation.

Section 6.4060. Aquaculture and Fisheries

The standards in this subsection apply to all projects that could affect commercial or recreational fisheries or aquaculture in the Columbia River Estuary. This section is also applicable to the development of aquaculture facilities and to fisheries enhancement projects.

- 1) Water diversion structures or man-made spawning channels shall be designed and built to maintain minimum stream flows for aquatic life in affected streams.
- 2) Water discharged from aquaculture or hatchery facilities shall comply with state and federal water quality standards and any waste discharge permit conditions.
- 3) Aquaculture facilities shall be located far enough from sanitary sewer outfalls to avoid potential health hazards.
- 4) Aquaculture facilities shall be constructed to blend in with and not detract from the aesthetic qualities of the area. In developed areas, views from upland property shall be given consideration in facility design.
- 5) In-water construction activity in aquatic areas shall follow the recommendations of state and federal fisheries agencies with respect to project timing to avoid unnecessary impacts on migratory fish.
- 6) Commercial fish drifts shall be protected from conflicting in-water activity, including dredging, in-water dredged material disposal, and aquatic area mining and mineral extraction, by coordinating review of such activity with fishery regulatory agencies, fishing organizations, drift captains and drift right owners, and other interested parties.
- 7) Prior to approval of in-water activities with the potential for affecting commercial fishing activities, the project sponsor shall notify local drift captains, the Columbia River Fisherman's Protective Union and the Northwest Gillnetters Association and the state fishery agency.

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Section 6.4070. Residential, Commercial and Industrial Development

The standards in this subsection are applicable to construction or expansion of residential, commercial or industrial facilities in shoreland and aquatic areas of the Columbia River Estuary. Within the context of this section, residential uses include single and multi-family structures, mobile homes, and floating residences (subject to an exception to Oregon Statewide Planning Goal 16). Duck shacks, recreational vehicles, hotels, motels and bed and breakfast facilities are not considered residential structures for purposes of this section. Commercial structures and uses include all retail or wholesale storage, service or sales facilities and uses, whether water- dependent, water-related, or non-dependent, non-related. Industrial uses and activities include facilities for fabrication, assembly, and processing, whether water-dependent, water-related, or non-dependent, non-related.

- 1) Sign placement shall not impair views of water areas. Signs shall be constructed against existing buildings whenever feasible. Off-premise outdoor advertising shall not be allowed in aquatic areas.
- 2) Off-street parking may be located over an aquatic area only if all of the following conditions are met:
 - (A) Parking will be on an existing pile-supported structure; and
 - (B) Suitable shoreland areas are not available; and
 - (C) The amount of aquatic area committed to parking is minimized; and
 - (D) The aquatic area is in an Aquatic Development zone; and
 - (E) Applicable off-street parking standards, Section 3.0050, are met.
- 3) Joint uses of parking, moorage and other commercial support facility is encouraged where feasible and where consistent with local ordinance requirements.
- 4) Uses on floating structures shall be located in areas protected from currents and wave action. The floats shall not rest on the bottom during low tidal cycles or low-flow periods.
- 5) Where groundwater is or may be used as a water supply, the groundwater table shall not be significantly lowered by drainage facilities, or be affected by salt water intrusion due to groundwater mining.
- 6) Fill in estuarine aquatic areas or in significant non-tidal wetlands in shoreland areas shall not be permitted for residential uses.
- 7) Piling or dolphin installation, structural shoreline stabilization, and other structures not involving dredge or fill, but which could alter the estuary may be allowed only if all of the following criteria are met:
 - (A) If a need (i.e. a substantial public benefit) is demonstrated; and
 - (B) The proposed use does not unreasonably interfere with public trust right; and
 - (C) Feasible alternative upland locations do not exist; and
 - (D) Potential adverse impacts, as identified in the impact assessment, are minimized.

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- 8) Residential, commercial or industrial development requiring new dredging or filling of aquatic areas may be permitted only if all of the following criteria are met:
 - (A) The proposed use is required for navigation or other water-dependent use requiring an estuarine location, or if specifically allowed in the applicable aquatic zone; and
 - (B) If a need (i.e. a substantial public benefit) is demonstrated; and
 - (C) The proposed use does not unreasonably interfere with public trust rights; and
 - (D) Feasible alternative upland locations do not exist; and
 - (E) Potential adverse impacts, as identified in the impact assessment, are minimized.
- 9) Commercial or industrial developments with ship receiving facilities shall provide facilities for disposing of vessel solid wastes. Disposal of fish wastes associated with commercial or industrial development, shall comply with state and federal regulations.

Section 6.4080. Estuarine Construction

Piling and Dolphin Installation, Shoreline Stabilization, and Navigational Structures. The standards in this subsection apply to over-the-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. This subsection not apply to structures located entirely on shorelands or uplands, but does apply to structures, such as boat ramps, that are in both aquatic and shoreland designations. Standards in this subsection also apply to excavation for creation of new water surface area.

- 1) When land use management practices and vegetative shoreline stabilization are shown to be infeasible (in terms of cost, effectiveness or other factors), structural means may be approved subject to applicable policies, standards and designation use restrictions.
- 2) Where structural shoreline stabilization is shown to be necessary because of the infeasibility of vegetative means, the choice among various structural means shall be made on a case by case basis. Factors to be considered include, but are not limited to:
 - (A) Hydraulic features;
 - (B) Shoreland habitat;
 - (C) Adjacent land and water uses;
 - (D) Aquatic habitat;
 - (E) Water quality;
 - (F) Engineering feasibility;
 - (G) Navigation;
 - (H) Impacts on public shoreline access.

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- 3) Jetties, groins and breakwaters shall be constructed of clean, erosion-resistant materials from upland sources. In-stream gravels shall not be used, unless part of an approved mining project. Material size shall be appropriate for predicted wave, tide and current conditions.
- 4) Where a jetty, groin, breakwater or other in-water structure is proposed for erosion or flood control, the applicant shall demonstrate that non-structural solutions, such as land use management practices, or other structural solutions, such as riprap, will not adequately address the problem.
- 5) Piling or dolphin installation, structural shoreline stabilization, and other structures not involving a dredge or fill, but which could alter the estuary may be allowed only if the following criteria are met:
 - (A) If a need (i.e. a substantial public benefit) is demonstrated; and
 - (B) The proposed use does not unreasonably interfere with public trust rights; and
 - (C) Feasible alternative upland locations do not exist; and
 - (D) Potential adverse impacts, as identified in the impact assessment, are minimized.
- 6) Jetties, groins, breakwaters and piers requiring aquatic fill may be allowed only if all of the following criteria are met:
 - (A) The proposed use is required for navigation or other water-dependent use requiring an estuarine location, or if specifically allowed in the applicable aquatic zone; and
 - (B) If a need (i.e. a substantial public benefit) is demonstrated; and
 - (C) The proposed use does not unreasonably interfere with public trust rights; and
 - (D) Feasible alternative upland locations do not exist; and
 - (E) Potential adverse impacts, as identified in the impact assessment, are minimized.
- 7) Proposals for bulkheads may be approved only if it is demonstrated that sloped riprap will not adequately fulfill the project's objectives.
- 8) Proposals for new bulkheads or for new riprap bankline slopes steeper than 1.5 to 1 (horizontal to vertical) must demonstrate that adequate shallow areas will be available for juvenile fish shelter, or that the area is not typically used for juvenile fish shelter.
- 9) Plant species utilized for vegetative stabilization shall be selected on the basis of potential sediment containment and fish and wildlife habitat values. Trees, shrubs and grasses native to the region should be considered for vegetative stabilization; however, plant species and vegetation stabilization techniques approved by the Soil Conservation Service, the U.S. Army Corps of Engineers and other participating federal and state resource agencies are also appropriate. Stabilization of dike slopes must not include vegetation (particularly trees) which jeopardize the dike.
- 10) Riprap bank protection must be appropriately designed with respect to slope, rock size, placement, underlying material and expected hydraulic conditions.

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- Project design by a licensed engineer shall meet this requirement. Riprap projects designed by other individuals, such as experienced contractors, soil conservation service personnel or others, may meet this standard.
- 11) New shoreline stabilization projects shall not restrict existing public access to public shorelines.
 - 12) Shoreline stabilization shall not be used to increase land surface area. Where an avulsion has occurred, fill may be used to restore the previous bankline, so long as the corrective action is initiated within one year of the date of the avulsion. Any other extension of the bankline into aquatic areas shall be subject to the policies and standards for fill.
 - 13) Structural shoreline stabilization measures shall be coordinated with state and federal agencies to minimize adverse effects on aquatic and shoreland resources and habitats.
 - 14) Bulkheads installed as a shoreland stabilization and protective measure shall be designed and constructed to minimize adverse physical effects (i.e. erosion, shoaling, reflection of wave energy or interferences with sediment transport in adjacent shoreline areas) resulting from their placement.
 - 15) Emergency maintenance, for the purpose of making repairs or for the purpose of preventing irreparable harm, injury or damage to persons, property or shoreline stabilization facilities is permitted, notwithstanding the other requirements in these standards, but subject to those regulations imposed by the Corps of Engineers and the Division of State Lands.
 - 16) Revegetated shoreline areas shall be protected from excessive livestock grazing or other activities that would prevent development of effective stabilizing plant cover.
 - 17) The size and shape of a dock or pier shall be the minimum required for the intended use.
 - 18) Proposals for new docks and piers may be approved only after consideration of alternatives such as mooring buoys, dryland storage, and boat ramps.
 - 19) Individual single-user docks and piers are discouraged in favor of community moorage facilities common to several users and interests.
 - 20) With regard to excavation of shorelands to create new estuarine aquatic surface area, the following provisions are applicable. The maximum feasible amount of the new water surface area shall be excavated as an upland site, behind protective berms. The new aquatic area shall be connected to adjacent water areas as the excavation is completed. Excavation in this manner shall not result in channelization of the waterway.
 - 21) Sediments and materials generated by the excavation to create new estuarine water surface area shall be deposited on land in an appropriate manner.
 - 22) Water quality degradation due to excavation to create new estuarine water surface area shall be minimized. Adverse effects on water circulation and exchange, increase in erosion and shoaling conditions, and introduction of contaminants to adjacent aquatic areas resulting from excavation of the area and presence of the new aquatic area will be minimized to the extent feasible.

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Section 6.4090. Deep-Water Navigation, Port and Industrial Development

The standards in this subsection apply to port and industrial development occurring in and over Columbia River estuarine waters, and on adjacent shorelands. This section also applies to navigation projects related to deep-draft maritime activities, such as channel, anchorage and turning basin development or expansion.

- 1) New or expanded shoreland and aquatic area facilities for the storage of transmission of petroleum products must have on-site equipment for the containment of oil spills. a contingency plan for containment and clean-up of oil spills shall be provided.
- 2) New or expanded facilities for deep-water navigation, port or industrial development requiring aquatic area dredging or filling may be allowed only if all of the following criteria are met:
 - (A) The proposed use is required for navigation or other water-dependent use requiring an estuarine location, or if specifically allowed in the applicable aquatic zone; and
 - (B) If a need (i.e. a substantial public benefit) is demonstrated; and
 - (C) The proposed use does not unreasonably interfere with public trust rights; and
 - (D) Feasible alternative upland locations do not exist; and
 - (E) Potential adverse impacts, as identified in the impact assessment are minimized.
- 3) Deep-water navigation, port or industrial development requiring new piling or dolphin installation, construction of pile-supported structures, or other uses or activities which could alter the estuary may be permitted only if all of the following criteria are met:
 - (A) A need (i.e. a substantial public benefit) is demonstrated; and
 - (B) The proposed use does not unreasonably interfere with public trust rights; and
 - (C) Feasible alternative upland locations do not exist; and
 - (D) Potential adverse impacts, as identified in the impact assessment are minimized.
- 4) Off-street parking may be located over an aquatic area only if all of the following conditions are met:
 - (A) Parking will be on an existing pile-supported structure; and
 - (B) Suitable shoreland areas are not available; and
 - (C) The amount of aquatic area committed to parking is minimized; and
 - (D) The aquatic area is in an Aquatic Development zone; and
 - (E) Applicable off-street parking standards Section 3.0050 are met.
- 5) New or expanded ports or ship receiving facilities shall provide facilities for collecting, handling and disposing of vessel wastes.
- 6) Port or industrial development in or over estuarine aquatic areas involving the following activities shall be subject to an impact assessment.

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- (A) Dredging.
- (B) Aquatic area fill.
- (C) In-water structures.
- (D) Structural shoreline stabilization.
- (E) New in-water log storage areas.
- (F) Water in-take pipes.
- (G) Effluent discharge.
- (H) In-water dredged material disposal.
- (I) Beach nourishment.
- (J) Other activity which could adversely affect estuarine physical or biological resources.

Section 6.4100. Land Transportation Systems

Standards in this subsection are applicable to the maintenance and construction of railroads, roads and bridges in Columbia River Estuary shoreland and aquatic areas. Public, as well as private facilities are covered under this section. Forest roads, however, are excluded.

- 1) New or relocated land transportation routes shall be designed and sited so as to:
 - (A) Enhance areas in the Marine Industrial Shorelands zone when possible; and
 - (B) Direct urban expansion toward areas identified as being suitable for development; and
 - (C) Take maximum advantage of the natural topography and cause minimum shoreline disruption; and
 - (D) Preserve or improve public estuary access where existing or potential access sites are identified; and
 - (E) Avoid isolating high-intensity waterfront use areas of water-dependent development areas from water access.
- 2) Maintenance and repair of roads and railroads and maintenance and replacement of bridges shall be permitted regardless of the plan designation through which the road or railroad passes, provided:
 - (A) The same alignment is maintained; and
 - (B) The same width is maintained, except that necessary enlargements to meet current safety and engineering standards may be permitted; and
 - (C) The number of travel lanes is not increased.
- 3) Fill-supported causeways or bridge approach fills across significant non-tidal wetlands in shoreland areas shall not be permitted; bridge abutments may, however, be approved.
- 4) Removal of riparian vegetation along transportation rights-of-way may be permitted in order to maintain clear vision.

Section 6.4100. Log Storage

This subsection includes standards for the establishment of new, and the expansion of

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existing, log storage and sorting areas in Columbia River Estuary aquatic and shoreland areas.

- 1) New aquatic log storage areas shall be located such that logs will not go aground during tidal changes or during low flow periods.
- 2) Proposals for reestablishment of previously used aquatic log storage areas must meet standards applied to new log storage areas, unless such areas have been abandoned for fewer than 36 months.
- 3) New aquatic log storage areas shall not be located in areas which would conflict with active development fish drifts or with other commercial or recreational fishing activities.
- 4) New aquatic log storage areas shall be located where water quality degradation will be minimal and where good flushing conditions prevail.
- 5) Unpaved shoreland log yards underlaid by permeable soils shall have at least four feet of separation between the yard surface and the winter water table.
- 6) Log storage and sorting facilities in Marine Industrial Shorelands, shall not preclude or conflict with existing or possible future water-dependent uses at the site or in the vicinity, unless the log storage or sorting facility is itself an essential part of a water-dependent facility.

Section 6.4120. Shallow Draft Ports and Marinas

The standards in this subsection apply to development of new marinas and improvements to existing marinas in aquatic areas of the Columbia River Estuary. Also covered are adjacent shoreland support facilities that are in conjunction with or incidental to the marina. Included under this section's coverage are both public and private marinas for either recreational, charter or commercial shallow draft vessels.

- 1) New marinas may be approved only when existing marinas are inadequate with respect to location, support services or size; or cannot expand to meet area moorage needs.
- 2) New marinas shall be located in or adjacent to areas of extensive boat usage, and in areas capable of providing necessary support services (including street access, upland parking, water, electricity and waste disposal).
- 3) The feasibility of upland boat storage shall be evaluated concurrent with proposals for new or expanded marina facilities.
- 4) Marina development and expansion may require some filling and dredging of presently undeveloped areas. Significant aquatic and shorelands resources shall be protected from preventable adverse impacts in the design, construction, and maintenance of marina facilities.
- 5) Marina development requiring filling or dredging in estuarine aquatic areas may be permitted only if all of the following criteria are met:
 - (A) If required for navigation or for other water-dependent uses requiring an estuarine location, or if specifically allowed under the applicable aquatic zone; and
 - (B) If a need (i.e. a substantial public benefit) is demonstrated; and

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- (C) The proposed dredging or filling does not unreasonably interfere with public trust rights; and
 - (D) Feasible upland alternative sites do not exist; and
 - (E) Adverse impacts, as identified in the impact assessment are minimized.
- 6) New, expanded or renovated marinas shall be designed to assure adequate water circulation and flushing.
 - 7) New or expanded marinas shall provide facilities for collecting, handling and disposing of vessel wastes.
 - 8) Disposal of fish wastes shall comply with federal and state regulations.
 - 9) Covered moorages may be permitted in marinas subject to the following requirements:
 - (A) Information is provided on existing water quality and habitat conditions in the aquatic area proposed for the covered moorage; and
 - (B) Data on existing aquatic vegetation, and an analysis of the proposed covered moorages' impact on aquatic vegetation are provided; and
 - (C) Information is provided on light penetration, both with and without the proposed covered moorage; and
 - (D) No more than 20% of the marina's aquatic surface is occupied by the covered moorage.
 - 10) New or expanded marina fuel docks shall maintain on-site equipment for the containment of spilled fuel. A contingency plan for containment and cleanup of accidental spills shall be provided.
 - 11) Floating docks in marinas shall be located such that they do not rest on the bottom during low tides.
 - 12) New individual docks outside of marinas may only be built when it is shown that existing marinas cannot reasonably accommodate the proposed use. Factors to be considered in this determination include, but are not limited to:
 - (A) distance between proposed dock and nearest marina;
 - (B) availability and cost of moorage space in marinas;
 - (C) area where the boat will be used; and
 - (D) presence of other individual docks in the area.
 - 13) The size and shape of docks and piers in marinas shall be limited to that required for the intended use.
 - 14) Alternatives to new docks and piers, such as mooring buoys, dry land storage and launching ramps, shall be investigated and considered before new docks are permitted in a marina.
 - 15) Off-street parking may be located over an aquatic area only if all of the following conditions are met:
 - (A) Parking will be on an existing pile-supported structure; and
 - (B) Suitable shoreland areas are not available; and
 - (C) The amount of aquatic area committed to parking is minimized; and
 - (D) The aquatic area is in an Aquatic Development zone; and
 - (E) Applicable off-street parking standards, Section 3.0050, are met.

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Section 6.4130. Mining and Mineral Extraction

Standards in this subsection are applicable to the extraction of sand, gravel, petroleum products and other minerals from both submerged lands under Columbia River Estuary aquatic areas and from shoreland areas. These standards are also applicable to outer continental shelf mineral development support facilities built in the estuary.

- 1) Aquatic area mining and mineral extraction shall only occur in aquatic areas deeper than ten (10) feet below MLLW, where estuarine resource values are low, and when no feasible upland sources exist.
- 2) Proposed mining and mineral extraction activities with potential impacts on estuary shoreland and aquatic areas shall provide the local government with a copy of a proposed or approved surface mining plan.
- 3) Project sponsors proposing estuarine shoreland or aquatic area mining or mineral extraction shall demonstrate that the activity is sited, designed and operated to minimize adverse impacts on the following:
 - (A) Significant fish and wildlife habitat; and
 - (B) Hydraulic characteristics; and
 - (C) Water quality.
- 4) Petroleum extraction and drilling operations shall not be allowed in estuarine aquatic areas. Petroleum may, however, be extracted from beneath estuarine aquatic areas using equipment located on shorelands or uplands. Petroleum exploration activities, with the exception of exploratory drilling, may be permitted in estuarine aquatic areas and in estuarine shoreland areas.
- 5) Unless part of an approved fill project, spoils and other material removed from aquatic areas shall be subject to Dredging and Dredged Material Disposal Standards in Section 6.4200.

Section 6.4140. Recreation and Tourism

Standards in this subsection are applicable to recreational and tourist-oriented facilities in Columbia River Estuary shoreland and aquatic areas.

- 1) Off-street parking may be located over an aquatic area only if all of the following conditions are met:
 - (A) Parking will be on an existing pile-supported structure; and
 - (B) Suitable shoreland areas are not available; and
 - (C) The amount of aquatic area committed to parking is minimized; and
 - (D) The aquatic area is in an Aquatic Development zone; and
 - (E) Applicable off-street parking standards, Section 3.0050, are met.
- 2) New or expanded recreation developments shall be designed to minimize adverse effects on surface and groundwater quality. Adverse effects of storm run-off from parking lots shall be minimized.
- 3) New or expanded recreational developments shall be designed and located so as not to unduly interfere with adjacent land uses.
- 4) Structures developed for use as a duck shack may be permitted subject to the following requirements:
 - (A) They may be used to store recreational equipment for hunting waterfowl;

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- (B) They will have a holding tank so sewage is not disposed of directly into the river;
- (C) The duck shack will not exceed 500 square feet if constructed on a float, or 750 square feet if constructed on a pier; and
- (D) An individual may not occupy the structure for more than fifteen (15) days of any consecutive thirty (30) day period.

Section 6.4150. Mitigation and Restoration

Standards in this subsection are applicable to estuarine restoration and mitigation projects in Columbia River Estuary aquatic areas and adjacent shorelands.

- 1) Any fill activities that are permitted in estuarine aquatic areas or dredging activities in intertidal and shallow to medium depth estuarine subtidal areas shall be mitigated through project design and/or compensatory mitigation (creation, restoration or enhancement of another area) to ensure that the integrity of the estuary ecosystem is maintained. The Comprehensive Plan shall designate and protect specific sites for mitigation which generally correspond to the types and quantity of aquatic area proposed for dredging or filling.
- 2) Mitigation for fill in the aquatic areas or dredging in intertidal and shallow to medium depth subtidal areas shall be implemented, to the extent feasible, through the following mitigation actions:

Project Design Mitigation Actions

- (A) Avoiding the impact altogether by not taking a certain action or parts of an action;
- (B) Minimizing impacts by limiting the degree or magnitude of action and its implementation;
- (C) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment (this would include removing wetland fills, rehabilitation of a resource use and/or extraction site when its economic life is terminated, etc.);
- (D) Reducing or eliminating the impact over time by preservation and maintenance operations;

Compensatory Mitigation Actions

- (E) Creation, restoration or enhancement of an estuarine area to maintain the functional characteristics and processes of the estuary, such as its natural biological productivity, habitats, and species diversity, unique features and water quality.

Any combination of the above actions may be required to implement mitigation requirements. The compensatory mitigation actions listed in part (e) shall only be considered when, after consideration of impact avoidance, reduction or rectification, there are still unavoidable impacts.

- 4) If compensatory mitigation actions are required, the U.S. Fish and Wildlife Service shall be asked to make a Resource Category determination for the site proposed for development. The classification shall be listed on the permit application and review notice. If the area subject to impact is in a Resource Category 2 of lower (4 =lowest), the following sequence of mitigation options

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shall be considered:

- (A) In-Kind/On-Site
- (B) In-Kind/Off-Site
- (C) Out-of-Kind/On-Site
- (D) Out-of-Kind/Off-Site

Generally, the requirements for considering each option before moving on to the next shall be stricter for higher Resource Categories.

The following list summarizes the mitigation goal for each resource category:

- (A) Resource Category 1: Habitat to be impacted is of high value for evaluation species and is unique and irreplaceable on a national basis or in the Columbia River Estuary area.
Mitigation goal: No loss of existing habitat value.
 - (B) Resource Category 2: Habitat to be impacted is of high value for evaluation species and is relatively scarce or becoming scarce on a national basis or in the Columbia River Estuary area.
Mitigation goal: No net loss of in-kind habitat value.
 - (C) Resource Category 3: Habitat to be impacted is of high to medium value for evaluation species and is relatively abundant on a national basis and in the Columbia River Estuary area.
Mitigation goal: No net loss of habitat value while minimizing loss of in-kind habitat value.
 - (D) Resource Category 4: Habitat to be impacted is of medium to low value for evaluation species.
Mitigation goal: Minimize loss of habitat value.
- 4) Permit applicants shall submit a mitigation plan for each project proposal that requires mitigation. The mitigation plan shall define specific goals and objectives of the proposed mitigation action. The plan shall also address where applicable, performance specifications that include but are not necessarily limited to the following:
- (A) starting date;
 - (B) completion date;
 - (C) grade specifications.
 - (D) area and elevation specifications;
 - (E) channel specifications;
 - (F) buffers;
 - (G) vegetation plantings;
 - (H) monitoring;
 - (I) contingency plan (outline of potential remedial work and specific remedial contingency actions);
 - (J) accountability requirements (e.g. bonding or any mechanism that serves as a bond).

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Goals, objectives and performance specifications shall be defined for both project design and compensatory mitigation. These components of the plan shall be developed in cooperation with relevant state and federal resource and regulatory agencies.

- 5) Each mitigation action shall be reviewed against its goal, objectives, and performance specifications.
- 6) All compensatory mitigation site plans shall include a contingency plan. The contingency plan shall include corrective measures to be taken in the event of suboptimal project performance (based on project goals and objectives). a list of remedial follow-up action strategies shall be specified in the contingency plan. These remedial strategies shall specifically address the goals, objectives and performance specifications of the mitigation site plan.
- 7) Post-mitigation monitoring for project design mitigation, when relevant, and compensatory mitigation shall be required over a 2-5 year time period, depending on the size and complexity of the mitigation project. Local governments, in coordination with state and federal resource agencies, shall design and implement the monitoring. Monitoring requirements may be waived as follows:
 - (A) a waiver of the 2-5 year monitoring requirements shall be granted if, at any time during the 2-5 year period, the project is judged successful; or
 - (B) If a mitigation project fails to satisfy the original goals and objectives after the designated time period, and the developer has met all the site design and contingency plan requirements, then the developer is not responsible for remedial action. However monitoring may still be required up to a predetermined time period to help agencies determine workable strategies for future mitigation efforts.
- 8) All mitigation actions shall begin prior to or concurrent with the associated development action.
- 9) For estuarine wetlands, once a compensatory mitigation action is required, the habitat types displayed in OAR 141-85-254 shall provide the basis for comparing development activities and possible mitigation areas. The mitigation trade method described in OAR 141-85-256 shall be used to determine acreage and credit requirements for mitigation sites.
- 10) For non-tidal wetlands, once a compensatory mitigation action is required, habitat trade requirements shall be determined in coordination with appropriate state and federal agencies. Mitigation requirements shall be made on a case by case basis using determinations made by these agencies.
- 11) Removal and fill actions potentially exempt from estuarine mitigation requirements include:
 - (A) Removal or fill of less than 50 cubic yards of material;
 - (B) Filling for repair and maintenance of existing functional dikes where there is negligible physical or biological damage to tidal marsh or intertidal area;

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- (C) Riprap to allow protection of existing bank line with clean, durable erosion resistant material provided that the need for riprap protection is demonstrated and that this need cannot be met with natural vegetation, and no appreciable increase in upland occurs;
- (D) Filling for repair and maintenance of existing roads where there is negligible physical or biological damage to tidal marsh or intertidal areas;
- (E) Dredging for authorized navigational channels, jetty or navigational aid installation, repair or maintenance contract with the Army Corps of Engineers;
- (F) Any proposed alteration that would have negligible adverse physical or biological impact on estuarine resources.
- (G) Dredging or filling required as part of an estuarine resource creation, restoration, or enhancement project agreed to by local, state, and federal agencies; and
- (H) Beach nourishment, subject to Dredging and Dredged Material Disposal Standards, Section 6.4200.

Any waiver of mitigation shall be coordinated with state and federal agencies.

- 12) Activities that do not require mitigation even though they involve intertidal removal include:
 - (A) Maintenance dredging - dredging a channel basin, or other facility which has been dredged before and is currently in use or operation or has been in use or operation sometime during the past five years, provided that the dredging does not deepen the facility beyond its previously authorized or approved depth plus customary over- dredging; and
 - (B) Aggregate mining - provided the site has historically been used for aggregate removal on a periodic basis.
- 13) Actions not considered as mitigation include:
 - (A) As a general rule, conversion of an existing wetland type to another wetland type as mitigation for impacts on another wetland shall not be allowed. However, diked non-tidal wetlands with low wildlife value can be discounted and restored to tidal influence as mitigation for impacts in diked non-tidal wetlands. Also, enhancement of an existing wetland can be considered mitigation for impacts in another wetland;
 - (B) Transfer of ownership of existing wetlands to public ownership;
 - (C) Dedication of existing wetlands for natural uses;
 - (D) Provision of funds for research; or
 - (E) Monetary compensation for lost wetlands except where monies are used to purchase mitigation credits at a mitigation bank.
- 14) The following criteria shall be considered when selecting and including potential mitigation sites in the Mitigation and Restoration Plan for the Columbia River Estuary (not in order of priority):
 - (A) Proximity to potential development sites;

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- (B) Opportunity to create to restore habitat conditions and other values similar to those at the impacted sites or historically and presently scarce habitat types;
 - (C) Character of potential sites (e.g. low habitat value and no conflicting uses);
 - (D) Potential for protection through zoning; and
 - (E) Amount of new dike requirements, if any.
- 15) A plan amendment shall be required to remove any mitigation site from the mitigation plan. For a Priority 1 mitigation site the plan amendment shall require a demonstration that there is no longer a need for the site or that a suitable alternative mitigation site has been designated and protected. a Priority 2, Level 3 site shall be partially or totally removed from the mitigation plan if the landowner proposed a development that would preclude all or part of its use for mitigation and, if 30 days after the permit application has been circulated, a negotiated agreement to sell the land or certain land ownership rights for mitigation use, has not been made. The negotiation shall be between the landowner and any interested buyer. The site shall not be removed from the plan until the development is completed. a Priority 2, Level 4 or Priority 3 site shall be partially or totally removed from the mitigation plan if the landowner chooses to develop part or all of the site to a degree that would preclude its availability for mitigation use.
- 16) Clatsop County shall make the determination of whether a development will preclude all or some of the potential use of the site for mitigation purposes.
- 17) After a mitigation action takes place, Clatsop County shall amend its plan and change the designation to reflect its aquatic character.
- 18) The developer implementing a mitigation action shall be responsible for all costs associated with the mitigation project unless an alternative agreement for cost responsibility is negotiated between the landowner and the developer.
- 19) Shorelands in the Marine Industrial Shorelands zone can only be used for mitigation subject to a finding that the use of the site for mitigation will not preclude or conflict with water-dependent uses.
- 20) Significant Goal 17 resource areas (major marshes, significant wildlife habitat, and exceptional aesthetic resources) can only be used for mitigation subject to a finding that the use of the site for mitigation will be consistent with protection of natural values.
- 21) For mitigation sites on Exclusive Farm Use land, construction of new farm related structures valued at \$5,000 or less shall be exempt from mitigation overlay district protection.
- 22) Shorelands in the Marine Industrial Shorelands zone can only be used for restoration subject to a finding that the use of the site for restoration will not preclude or conflict with water-dependent uses.

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- 23) Priority 2, Level 3 and 4 mitigation sites shall be designated as mitigation sites until they are proposed for restoration outside of the context of mitigation. At this time restoration shall be considered an allowed use subject to the 30-day freeze restrictions presented in mitigation standard 17. Restoration shall only be allowed at Priority 2 sites subject to a finding that the site is no longer required for mitigation.
- 24) Priority 3, Level 4 mitigation sites shall be designated as mitigation sites until they are specified for restoration outside of the context of mitigation. At this time, restoration shall be considered an allowed use. Restoration shall only be allowed at Priority 3 sites subject to a finding that the site is no longer required for mitigation.
- 25) Significant Goal 17 resource areas (major marshes, significant wildlife habitat, and exceptional aesthetic resources) can only be used for restoration subject to a finding that the use of the site for restoration will be consistent with protection of its natural values.

Section 6.4160. Solid Waste Disposal

Standards in this subsection are applicable to disposal of solid waste in the Columbia River Estuary aquatic and shoreland zones:

- 1) Solid waste disposal on shorelands shall be allowed only when an alternative upland location is demonstrated to be infeasible. Solid waste deposited in a shoreland disposal site shall be strictly confined to the site with the stipulation that all leachates be controlled by impermeable dike structures with appropriate treatment and outfall facilities. Disposal shall comply with state and federal waste disposal requirements.
- 2) Solid waste material shall not be deposited in aquatic areas.
- 3) Aesthetic impacts of shoreland solid waste disposal sites shall be minimized by screening the site with natural or planted vegetation.

Section 6.4170. Utility

Standards in this subsection are applicable to utility structures and uses in the Columbia River Estuary aquatic and shoreland zones.

- 1) Electrical or communication transmission lines shall be located underground, unless burial is demonstrated as economically infeasible. Routes for major overhead electrical and communication transmission lines shall be chosen which minimize interference with migratory bird flyways and significant habitat of waterfowl, birds of prey and other birds.
- 2) Utilities shall not be located on new land unless part of an otherwise approved development fill project and no other alternative is feasible.
- 3) Above-ground utilities shall be designed to have the least adverse effect on visual and other aesthetic characteristics of the area. Interference with public uses and public access to the estuary shall be minimized.

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- 4) After installation or maintenance of existing utility structures is completed, disturbed stream banks and aquatic and riparian vegetation shall be stabilized and restored.

Section 6.4180. Bankline and Streambed Alteration

Standards in this subsection are applicable to an alteration of a stream bank or streambed in the Columbia River Estuary, either within or outside of its normal high water boundary.

- 1) Alterations to stream banks or streambeds shall:
 - (A) Maintain stream surface area where feasible; and
 - (B) Make maximum use of natural or existing deepwater channels; and
 - (C) Avoid creation of undesirable hydraulic conditions; and
 - (D) Minimize impacts on estuarine aquatic and shoreland resources.
- 2) Excavation activities in stream bankline areas resulting in expansion of existing aquatic area shall comply with standards regulating excavation of shorelands for the creation of new water surface area in Estuarine Construction, Section 6.4080.

Section 6.4190. Diking

The standards in this subsection apply to the construction, maintenance and repair of flood control dikes in Columbia River Estuary shoreland and aquatic areas. The standards do not apply to dredged material containment dikes.

- 1) Dike maintenance and repair may be allowed under any of the following circumstances:
 - (A) Dikes which have been inadvertently breached may be repaired, subject to state and federal permit requirements, if the repair is commenced within 36 months of the breach, regardless of whether the property has reverted to estuarine habitat.
 - (B) Existing serviceable dikes (including those that allow some seasonal inundation) may be repaired.
 - (C) Dikes which have been inadvertently breached may be repaired, subject to state and federal permit requirements, if the property has not reverted to estuarine habitat (as determined by U.S. Army Corps of Engineers and the Oregon Division of State Lands).

Dike repair projects that do not fit under (A), (B), or (C) above; that is projects where the property has reverted and more than 36 months have elapsed; must be reviewed as new dikes.

- 2) Dike maintenance and repair are distinguished from new dike construction. To qualify as maintenance and repair, changes in the location, size, configuration, orientation and alignment of the dike must be limited to the minimum amount necessary to retain or restore its operation or function or to meet current engineering standards. Filling aquatic areas for dike maintenance may be allowed only if it can be clearly demonstrated that there are no feasible engineering alternatives which would avoid the use of aquatic area fill.

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- 3) The outside dike face shall be suitably protected from erosion during construction and maintenance operations. Shoreline stabilization standards shall be met.
- 4) New dikes in aquatic areas may be permitted either;
 - (A) As part of an approved fill project; or
 - (B) As a temporary flood protection measure needed to promote public safety and welfare, subject to applicable U.S. Army Corps of Engineers, and Oregon Division of State Lands rules; or
 - (C) Subject to an exception to Statewide Planning Goal 16.
- 5) Dredging of subtidal estuarine areas as a source of fill material for dike maintenance, in all aquatic area designation, may be allowed upon the applicant's demonstration that:
 - (A) Alternative methods of accomplishing dike maintenance are infeasible (i.e. dikes proposed for receiving dredged material are remote from upland sources of fill material and that land-based heavy equipment access to the dike area is not possible);
 - (B) Dredging in all cases will be limited to that necessary to maintain the dikes. Dredging as a source of fill material for dike maintenance does not include enlarging or changing the bottom contour of natural aquatic areas for navigation of any other aquatic area use;
 - (C) Dredging will not disturb or excavate emergent vegetation, intertidal flats, or other adjacent intertidal estuarine resources;
 - (D) Dredging as a source of fill material for dike maintenance will, in all cases, take place in subtidal aquatic areas, and shall be limited to the deepest subtidal aquatic area accessible to float-mounted dredging equipment. In narrow tributary areas of the estuary, dredging shall be limited to the deepest subtidal areas nearest the centerline of the waterway. In reaches of the estuary exceeding 200 feet in width, dredging shall be limited to subtidal areas greater than 80 feet in distance from the waterward toe of the dikes. The intent of this standard is to protect the dike structures from sloughing, maintain existing berms and shoal water immediately adjacent to dikes, and limit dredge excavations to subtidal areas below the level of effective light penetration.
 - (E) Dredging will not be confined to localized areas of river bottom. All excavations as a source of fill material shall be linearly dispersed along the entire dike maintenance area. Dredging shall not alter the existing contour of the river bottom such that deep trenches and pockets capable of stranding or impeding estuarine life forms will be created.
 - (F) Dredging operations shall be consistent with state and federal resource agency conditions, the requirements of local governments, and concerns of private interests, to ensure that project timing and dredging conditions protect estuarine resources (e.g. fish runs, spawning activity, benthic productivity, wildlife habitat, etc.).

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Section 6.4200. Dredging and Dredged Material Disposal

Standards in this subsection are applicable to all Columbia River Estuary estuarine dredging operations and to both estuarine shoreland and aquatic dredged material disposal.

- 1) Dredging in estuarine aquatic areas, subject to dredging and dredged material disposal policies and standards, shall be allowed only:
 - (A) If specifically allowed by the applicable aquatic zone and required for one or more of the following uses and activities:
 1. Navigation or navigational access;
 2. An approved water-dependent use of aquatic areas or adjacent shorelands that requires an estuarine location;
 3. An approved restoration project;
 4. Mining or mineral extraction;
 5. Excavation necessary for approved bridge crossing support structures, or pipeline, cable, or utility crossing;
 6. Obtaining fill material for dike maintenance where an exception to Oregon Statewide Planning Goal 16 has been approved;
 7. Maintenance and installation of tidegates and in existing functional dikes tidegate drainage channels;
 8. Aquaculture facilities;
 9. Temporary alterations; and
 10. Incidental dredging for harvest of benthic species or removable in-water structures such as stakes or racks.
 - (A) If a need (i.e. a substantial public benefit) is demonstrated; and
 - (B) If the use or alteration does not unreasonably interfere with public trust rights; and
 - (C) If no feasible alternative upland locations exist; and
 - (D) If adverse impacts, as identified in the impact assessments, are minimized.
- 2) When dredging is permitted, the dredging shall be the minimum necessary to accomplish the proposed use.
- 3) Undesirable erosion, sedimentation, increased flood hazard, and other changes in circulation shall be avoided at the dredging and disposal site and in adjacent areas.
- 4) The timing of dredging and dredged material disposal operations shall be coordinated with state and federal resource agencies, local governments, and private interests to protect estuarine aquatic and shoreland resources, minimize interference with commercial and recreational fishing, including snag removal from development drifts, and insure proper flushing of sediment and other materials introduced into the water by the project.
- 5) Bottom sediments in the dredging area shall be characterized by the applicant in accordance with U.S. Environmental Protection Agency, and Oregon Department of Environmental Quality standards. Information that may be required includes, but is not limited to, sediment grain size distribution, organic content, oil and

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grease, selected heavy metals, pesticides and other organic compounds, and benthic biological studies.

The types of sediment tests required will depend on dredging and disposal techniques, sediment grain size, available data on the sediments at the dredging site, and proximity to contaminant sources. Generally, projects involving in-water disposal of fine sediments will require a higher level of sediment testing than projects involving disposal of coarse sediments. Projects involving upland disposal may be exempted from the testing requirement, depending on the nature of the sediments and the amount of existing sediment data available.

Unavailable burdens on the permit applicant shall be minimized by considering the economic cost of performing the sediment evaluation, the utility of the data to be provided, and the nature and magnitude of any potential environmental effect.

- 6) Adverse short term effects of dredging and aquatic area disposal such as increased turbidity, release of organic and inorganic materials or toxic substances, depletion of dissolved oxygen, disruption of the food chain, loss of benthic productivity, and disturbance of fish runs and important localized biological communities shall be minimized.
- 7) Impacts on areas adjacent to the dredging site such as destabilization of fine textured sediments, erosion, siltation and other undesirable changes in circulation patterns shall be minimized.
- 8) The effects of both initial and subsequent maintenance dredging, as well as dredging equipment marshaling and staging, shall be considered prior to approval of new projects or expansion of existing projects. Projects will 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.
- 9) Dredging for maintenance of existing tidegate drainage channels and drainage ways is limited to the amount necessary to maintain and restore flow capacity essential for the function (the drainage service provided by the tidegate) of tidegates and to allow drainage and protection of agricultural and developed areas. Tidegate maintenance dredging does not include enlarging or extending the dimensions of, or changing the bottom elevations of, the affected tidegate drainage channel or drainage way as it existed prior to the accumulation of sediments.
- 10) Dredging of subtidal estuarine areas as a source of fill material for dike maintenance, in all aquatic area designation, may be allowed upon the applicant's demonstration that:
 - (A) Alternative methods of accomplishing dike maintenance are infeasible (i.e. dikes proposed for receiving dredged material are remote from upland sources of fill material and that land based heavy equipment access to the dike area is not possible);

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- (B) Dredging in all cases will be limited to that necessary to maintain the dikes. Dredging as a source of fill material for dike maintenance does not include enlarging or changing the bottom contour of natural aquatic areas for navigation of any other aquatic area use;
 - (C) Dredging will not disturb or excavate emergent vegetation, intertidal flats, or other adjacent intertidal estuarine resources;
 - (D) Dredging as a source of fill material for dike maintenance will, in all cases, take place in subtidal aquatic areas, and shall be limited to the deepest subtidal aquatic area accessible to float-mounted dredging equipment. In narrow tributary areas of the estuary, dredging shall be limited to the deepest subtidal areas nearest the centerline of the waterway. In reaches of the estuary exceeding 200 feet in width, dredging shall be limited to subtidal areas greater than 89 feet in distance from the waterward toe of the dikes. The intent of this standard is to protect the dike structures from sloughing, maintain existing berms and shoal water immediately adjacent to dikes, and limit dredge excavations to subtidal areas below the level of effective light penetration.
 - (E) Dredging will not be confined to localized areas of river bottom. All excavations as a source of fill material shall be linearly dispersed along the entire dike maintenance area. Dredging shall not alter the existing contour of the river bottom such that deep trenches and pockets capable of stranding or impeding estuarine life forms will be created.
 - (F) Dredging operations shall be consistent with state and federal resource agency conditions, the requirements of local governments, and concerns of private interests, to ensure that project timing and dredging conditions protect estuarine resources (e.g. fish runs, spawning activity, benthic productivity, wildlife habitat, etc.).
- 11) Dredging for mining and mineral extraction, including sand extraction, shall only be allowed in areas deeper than 10 feet below MLLW where the project sponsor demonstrates that mining and mineral extraction in aquatic areas is necessary because no feasible upland sites exist and that the project will not significantly impact estuarine resources. The estuary bottom at the project site shall be sloped so that sediments from areas shallower than 10 feet below MLLW and other areas not included in the project do not slough into the dredged area. Dredging as part of an approved dredging project which also provided fill for an approved fill project shall not be subject to this standard.
- 12) When proposing dredging for sand extraction, the project sponsor shall first consider obtaining the material from a shoaled area within a federally authorized navigation channel that is currently shallower than its authorized depth. Said dredging shall be coordinated with the U.S. Army Corps of Engineers. The dredging depth shall not exceed the authorized channel depth plus any over-dredging that the Corps would normally perform while maintaining the site.

Dredged Material Disposal Standards

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- 13) Dredged material disposal shall occur only at designated sites or at new sites which meet the requirements of the Dredged Material Disposal Site Selection Policies.
- 14) Proposals for in-water disposal of dredged materials, including flowlane disposal, beach nourishment, estuarine open-water disposal, ocean disposal, and agitation dredging, shall:
 - (A) Demonstrate the need for the proposed action and that there are no feasible alternative disposal sites or methods that entail less damaging environmental impacts; and
 - (B) Demonstrate that the dredged sediments meet state and federal sediment testing requirements and water quality standards (see Dredging Standard 5); and
 - (C) Not be permitted in the vicinity of a public water intake.
- 15) Proposals for in-water estuary disposal shall be coordinated with commercial fishing interests, including, but not limited to: development drift captains at the dredging and disposal site, the Columbia River Fisherman's Protective Union, Northwest Gillnetters Association, and the State fishery agencies. In-water disposal actions shall avoid development drifts whenever feasible. When it is not feasible to avoid development drifts, impacts shall be minimized in coordination with fisheries interests through:
 - (A) Disposal timing,
 - (B) Gear placement,
 - (C) Choice of disposal area within the drift, and
 - (D) Disposal techniques to avoid snag placement.
- 16) Flowlane disposal, estuarine open water disposal and agitation dredging shall be monitored to assure that estuarine sedimentation is consistent with the resource capabilities and purposes of affected natural and conservation designations. The monitoring program shall be established prior to undertaking disposal. The program shall be designed to both characterize baseline conditions prior to disposal and monitor the effects of the disposal. The primary goals of the monitoring are to determine if the disposal is resulting in measurable adverse impacts and to establish methods to minimize impacts. Monitoring shall include, at a minimum, physical measurements such as bathymetric changes and may include biological monitoring. Specific monitoring requirements shall be based on, at a minimum, sediment grain size at the dredging and disposal site, presence of contaminants, proximity to sensitive habitats and knowledge of resources and physical characteristics of the disposal site.

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- 17) Flowlane disposal shall be in Aquatic Development areas identified as low in benthic productivity and use of these areas shall not have adverse hydraulic effects. Use of flowlane disposal areas in the estuary shall be allowed only when no feasible alternative land or ocean disposal sites with less damaging environmental impacts can be identified and the biological and physical impacts of flowlane disposal are demonstrated to be insignificant. The feasibility and desirability of alternative sites shall take into account, at a minimum:
- (A) Operational constraints such as distance to the alternative sites;
 - (B) Sediment characteristics at the dredging site;
 - (C) Timing of the operation;
 - (D) Environmental Protection Agency constraints on the use of designated ocean disposal sites;
 - (E) The desirability of reserving some upland sites for potentially contaminated material only.

Long term use of a flowlane disposal area may only be allowed if monitoring confirms that the impacts are not significant. Flowlane disposal is contingent upon demonstration that:

- (F) Significant adverse effects due to changes in biological and physical estuarine properties will not result; and
 - (G) Flowlane disposal areas shall be shown able to transport downstream without excessive shoaling, interference with recreational and commercial fishing operations, including the removal of snags from development drifts, undesirable hydraulic effects, or adverse effects on estuarine resources (fish runs, spawning activity, benthic productivity, wildlife habitat, etc.).
- 18) Ocean disposal shall be conducted such that:
- (A) The amount of material deposited at a site is compatible with benthic productivity, other marine resources, and other uses of the area;
 - (B) Interference with sport and commercial fishing is minimized;
 - (C) Disposal is strictly confined to the sites designated by the U.S. Environmental Protection Agency; and
 - (D) The disposal site does not shoal excessively and create dangerous wave and swell conditions.
- 19) Beach nourishment shall only be conducted at sites identified in the Dredged Material Management Plan. New sites may be added to the Plan by amendment after an exception to Oregon Statewide Planning Goal 16 for the site has been approved. Beach nourishment shall be conducted such that:
- (A) The beach is not widened beyond its historical profile. The historical profile shall be defined as the widest beach profile that existed prior to June 1986.
 - (B) The material placed on the beach consists of sand of equal or greater grain size than the sand existing on the beach.
 - (C) Placement and subsequent erosion of the materials does not adversely impact tidal marshes or productive intertidal and shallow subtidal areas.

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- (D) Efforts are made to maintain a stable beach profile.
- (E) Dredged material is graded at a uniform slope and contoured to minimize juvenile fish stranding and hazards to beach users.

Use of beach nourishment sites shall be allowed only when no feasible land or ocean sites with less damaging environmental impacts can be identified. The feasibility and desirability of alternative sites shall take into account, at a minimum:

- (A) Operational constraints such as distance to the alternative sites;
 - (B) Sediment characteristics at the dredging site;
 - (C) Timing of the operation;
 - (D) Environmental Protection Agency constraints on the use of designated ocean disposal sites;
 - (E) The desirability of reserving some upland sites for potentially contaminated material only.
- 20) Except as noted below, land disposal and site preparation shall be conducted such that:
- (A) Surface runoff from disposal sites is controlled to protect water quality and prevent sedimentation of adjacent water bodies, wetlands, and drainage ways. Disposal runoff water must enter the receiving waterway through a controlled outfall at a location with adequate circulation and flushing characteristics. Underground springs and aquifers must be identified and protected;
 - (B) Dikes are constructed according to accepted engineering standards and are adequate to support and contain the maximum potential height and volume of dredged materials at the site, and form a sufficiently large containment area to encourage proper ponding and to prevent the return of dredged materials into the waterway or estuary. Containment ponds and outfall weirs shall be designed to maintain adequate standing water at all times to further encourage settling of dredged materials. The dikes shall be constructed within the boundaries of the disposal site and shall be constructed of material obtained from within the site or other approved source. Clean dredged material placed on land disposal sites located directly adjacent to designated beach nourishment sites may be allowed to flow directly into the waterway without conforming to (A) and (B) of this Section, provided that all policies and standards for in-water disposal and beach nourishment are met and the dredged materials are not allowed to enter wetlands or the waterway in areas other than the designated beach nourishment site.
- 21) Land disposal sites which are not intended for dredged material disposal or development use within a two-year period following disposal shall be revegetated as soon as site and weather conditions allow, unless habitat management plans agreed upon by resource management agencies specify that open sand areas should remain at the site. The project sponsor shall notify the City and state and

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federal permitting and resource management agencies when disposal is completed and shall coordinate revegetation with these agencies. The notification shall be sent to at least the following agencies: the local jurisdiction, U.S. Army Corps of Engineers, Soil Conservation Service, Division of State Lands, Oregon Department of Fish and Wildlife. Revegetation of a disposal site does not preclude future use of the sites for dredged material disposal.

The disposal site design shall be reviewed to determine if wetlands or other habitats will form on the site during the period between disposal actions. The disposal permit may be conditioned to allow future disposal actions to fill the created wetlands or habitats.

- 22) The final height and slope after each use of a land dredged material disposal site shall be such that:
- (A) The site does not enlarge itself by sloughing and erosion into adjacent areas;
 - (B) Loss of materials from the site during storms and freshets is minimized; and
 - (C) Interference with the view from nearby residences, scenic points, and parks does not occur.

Section 6.4210. Filling of Aquatic Areas and Non-Tidal Wetlands

This subsection applies to the placement of fill material in tidal wetlands and waters of the Columbia River Estuary. These standards also apply to fill in non-tidal wetlands in shoreland designations that are identified as "significant" wetlands under Statewide Planning Goal 17.

- 1) Fill in estuarine aquatic areas may be permitted only if all of the following criteria are met:
 - (A) If required for navigation or for other water-dependent uses requiring an estuarine location, or if specifically allowed under the applicable aquatic zone; and
 - (B) If a need (i.e. a substantial public benefit) is demonstrated; and
 - (C) The proposed fill does not unreasonably interfere with public trust rights; and
 - (D) Feasible alternative upland locations do not exist; and
 - (E) Adverse impacts, as identified in the impact assessment, are minimized.
- 2) A fill shall cover no more than the minimum necessary to accomplish the proposed use.
- 3) Aquatic area fills using either dredged material or other easily erodible material shall be surrounded by appropriately stabilized dikes.
- 4) Aquatic areas shall not be used for disposal of solid waste.
- 5) Projects involving fill may be approved only if the following alternatives are examined and found to be infeasible:
 - (A) Construct some or all of the project on piling;

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- (B) Conduct some or all of the proposed activity on existing upland;
- (C) Approve the project at a feasible alternative site where adverse impacts are less significant.

Section 6.4220. Riparian Vegetation Protection

The standards in this subsection apply to any development use and activity affecting vegetation adjacent to and bordering Columbia River estuarine aquatic areas.

- 1) Riparian vegetation resources are described in the County's Comprehensive Plan and identified on Columbia River Estuary Resource Base Maps. These resources shall be maintained through the use of protective setbacks, except where direct water access is required for water-dependent and water-related uses. Development shall be setback 50 feet from all identified significant wetland and biological habitat and from the shoreline.

Pasture land, land managed for agricultural crops, landscaped area or unvegetated areas which do not function as riparian vegetation may, in particular locations, be included as part of the 50-foot protection buffer. Upon request, the County may undertake a site investigation to establish the extent of riparian vegetation requiring protection in a particular location.

- 2) Temporary removal of riparian vegetation due to construction or landscaping may be permitted subject to revegetation plan approved by the County specifying: (a) temporary stabilization measures and (b) methods and timing of restoration of riparian vegetation. Native plant species should be considered for revegetation; however, plant species and revegetation techniques approved by the Soil Conservation Service, the US Army Corps of Engineers, and other participating federal and state agencies are appropriate.

Section 6.4230. Fish and Wildlife Habitat

This subsection applies to uses and activities with potential adverse impacts on fish or wildlife habitat in Columbia River Estuary aquatic and shoreland areas.

- 1) Projects affecting endangered, threatened or sensitive species habitat, as identified by the US Fish and Wildlife Service or Oregon Department of Fish and Wildlife, shall be designed to minimize potential adverse impacts. This shall be accomplished by one or more of the following:
 - (A) Soliciting and incorporating agency recommendations into local permit reviews;
 - (B) Dedicating and setting aside undeveloped on-site areas for habitat;
 - (C) Providing on or off-site compensation for lost or degraded habitat;
 - (D) Retaining key habitat features (for example: roosting trees, riparian vegetation, feeding areas).
- 2) In-water construction activity in aquatic areas shall follow the recommendation of state and federal fisheries agencies with respect to project timing to avoid unnecessary impacts on migratory fish.

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- 3) Uses and activities with the potential for adversely affecting fish and wildlife habitat may be approved only if the following impact mitigation actions are incorporated into the permit where feasible. These impact mitigation actions are listed from highest to lowest priority:
 - (A) Avoiding the impact altogether by not taking a certain action or parts of an action;
 - (B) Minimizing impacts by limiting the degree or magnitude of an action and its implementation;
 - (C) Rectifying the impact by repairing, rehabilitating, restoring the affected environment (this may include removing wetland fills, rehabilitation of a resource use and/or extraction site when its economic life is terminated, etc.);
 - (D) Reducing or eliminating the impact over time by preservation and maintenance operations.
- 4) Projects involving subtidal or intertidal aquatic area fill or intertidal aquatic dredging with the potential for adversely affecting aquatic habitat must provide compensatory mitigation, consistent with Mitigation and Restoration Standards (subsection 6.4150).

Section 6.4240. Public Access to the Estuary and its Shoreline

Standards in this subsection apply to all uses and activities in Columbia River Estuary shoreland and aquatic areas which directly or indirectly affect public access. "Public access" is used broadly here to include director physical access to estuary aquatic areas (boat ramps, for example), aesthetic access (viewing opportunities, for example), and other facilities that provide some degree of public access to shorelands and aquatic areas.

- 1) Projects to improve public access shall be designed to assure that adjacent privately owned shoreland is protected from public encroachment.
- 2) Clatsop County will implement its Public Access Plan.
- 3) Clatsop County shall review under the provisions of ORS 271.300-271.360, proposals for the sale, exchange or transfer of public ownership which provides public access to estuarine waters.

Section 6.4250. Significant Areas

The standards in this subsection are intended to protect certain Columbia River shoreland and aquatic resources with estuary-wide significance. Significant shoreland and aquatic resources are identified as such in the Estuarine Resources and Coastal Shoreland Elements of the Comprehensive Plan. Significant aquatic resources are found in Natural Aquatic areas. This section applies only to activities and uses that potentially affect significant shoreland or aquatic resources. Other resources without estuary-wide significance are not covered by this section. Only those resources identified as significant under Statewide Planning Goal 17 are covered by these standards.

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- 1) Temporary removal of riparian vegetation may be permitted in conjunction with a water- dependent use where direct access to the water is required for construction or for a temporary use. Riparian vegetation removed for these reasons must be replaced upon project completion. Permanent removal of riparian vegetation may be approved for a water-dependent project.
- 2) Permanent removal of riparian vegetation may be permitted along transportation rights- of-way for purposes of maintaining clear vision. Riparian vegetation that threatens the stability of flood control dikes may be removed.
- 3) Public access to significant scenic areas shall be provided in a manner consistent with the preservation of the scenic area and other significant resources.
- 4) Tidegated sloughs and drainage ditches identified as having significant aquatic habitat value, significant riparian vegetation, or other significant shoreland resource value may be maintained with respect to depth, but their bankline location and configuration may not be altered, unless part of an approved fill or shoreline stabilization project.
- 5) Riparian vegetation may be removed as necessary for approved mitigation, restoration or creation projects.
- 6) Timber may be harvested in the AN zone and adjacent riparian areas under the following conditions:
 - (A) Any timber harvesting operations must be carried out in accordance with a harvest plan approved by the Oregon Department of Forestry; and
 - (B) Selection of trees for harvest shall be done with consideration of retaining natural values.

Section 6.4260. Water Quality Maintenance

The standards in this subsection are intended to help protect and enhance the quality of water in the Columbia River Estuary. Impacts on water quality in aquatic areas and in tidegated sloughs in shoreland areas are covered.

- 1) New and expanded marinas shall provide facilities for collecting, handling and depositing of all vessel wastes.
- 2) Thermal effluents shall be cooled before they are returned to the estuary.
- 3) The potential adverse impacts on water quality from dredging, fill, in-water dredged material disposal, in-water log storage, water intake or withdrawal, and slip or marina development will be assessed during permit review. Parameters to be addressed include:
 - (A) Turbidity
 - (B) Dissolved oxygen
 - (C) Biochemical oxygen demand
 - (D) Contaminated sediments
 - (E) Salinity
 - (F) Water temperature
 - (G) Flushing

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- 4) New or expanded marine fuel docks must provide on-site equipment for the containment of spilled fuels. A contingency plan for containment and clean-up of accidental spills shall be required.
- 5) New point-source waste water discharges into the Columbia River will be controlled through the National Pollution Discharge Elimination System (NPDES) permit program.
- 6) Estuarine aquatic area pesticide and herbicide application will be controlled by the Department of Environmental Quality and by the Department of Agriculture.

Section 6.4270. Water-Dependent and Water-Related Use Criteria

Shoreland and Aquatic zones must differentiate between water-dependent uses, water-related uses and other uses when establishing procedures and requirements for proposed uses. The level of development must be compatible with the purpose and characteristics of the shorelands and adjacent waters.

- 1) A use is water-dependent when it can only be accomplished on, in, or adjacent to water, or direct water access is required for any of the following:
 - (A) Waterborne transportation (such as navigation; moorage, fueling and servicing of ships or boats; terminal and transfer facilities; fish or other material receiving and shipping), or;
 - (B) Recreation (active recreation such as swimming, boating and fishing or passive recreation such as viewing and walking), or;
 - (C) a source of water (e.g. energy production, cooling of industrial equipment or wastewater, other industrial processes, aquaculture operations), or;
 - (D) Marine research or education (such as observation, sampling, recording information, conducting field experiments and teaching).
- 2) A use is water-related when it:
 - (A) Provides goods and/or services that are directly associated with water-dependent uses, supplying materials to, or using products of water-dependent commercial and industrial uses; or offering services directly tied to the functions of water-dependent; and
 - (B) If not located adjacent to water, would experience a public loss of quality in the goods and services offered (evaluation of public loss of quality in the goods and services offered (evaluation of public loss of quality will involve subjective consideration of economic, social and environmental value).

SECTION 6.5000. PROTECTION OF RIPARIAN VEGETATION

Section 6.5010. Purpose and Areas Included

Riparian vegetation is important for maintaining water temperature and quality, providing bank stabilization, thus minimizing erosion, providing habitat for the feeding, breeding, and nesting of aquatic and terrestrial wildlife species, and protecting and buffering the aquatic ecosystem from human disturbances. This section establishes standards to protect riparian vegetation on lands not subject to the requirements of the Oregon Forest Practices Act.

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Areas of riparian vegetation are identified as follows:

- 1) Estuarine and Coastal Shoreland rivers and sloughs: a riparian vegetation zone of 50 feet wide shall be maintained except where shown on the County's estuarine resource base maps.
- 2) Lakes, reservoirs, and river segments outside of Estuarine or Coastal Shoreland areas: a riparian vegetation zone 50 feet wide shall be maintained. Where emergent wetland vegetation exists adjacent to a lake, reservoir, or river, the 50 feet shall be measured from the landward extent of the emergent wetland area. If a shrub or forested wetland area exists adjacent to the lake, reservoir or river, the zone of riparian vegetation shall be the entire area of the shrub or forested wetland.

Measurements are taken horizontally and perpendicular from the line of non-aquatic vegetation. Where no aquatic vegetation is present, the measurement shall occur in estuarine and coastal shoreland areas from the mean higher high water line and from the ordinary high water line in non-estuarine areas.

Section 6.5020. Development Standards

- 1) All development, as defined by LWDUO section 1.0500, shall be located outside of the zone of riparian vegetation areas defined in 6.5000 above, unless direct water access is required in conjunction with a water dependent or water-related use or as otherwise provided by this Ordinance.
- 2) Because the zone of riparian vegetation is a uniform width, it may in particular locations include pasture land, land managed for agricultural crops, landscaped area or unvegetated areas which do not function as riparian vegetation. Upon request, the County may undertake a site investigation to establish the extent of riparian vegetation requiring protection in a particular location.
- 3) Exemptions from (1) and (2) above and from the applicable setback requirement for the front or rear yard that is opposite the riparian area may be granted without a variance for uses on:
 - (A) Lots located in areas identified in the Comprehensive Plan's Goal 2 exception element as "built and committed" and which existed as of the date of adoption of this ordinance, and single family residential "lots of record" as defined and used in Chapter 884 Oregon Laws 1981 as amended, where the lot depth resulting from the riparian setback and the opposite front/rear yard setback is less than 45 feet.
 - (B) Other lots in identified "built and committed" areas and other "lot of record" where the combination of setbacks required by this section result in a buildable lot depth of less than 45 feet.

Exemptions from the riparian setback shall be the minimum necessary to accommodate the proposed use after the yard opposite the riparian area has been reduced to a width of no less than ten feet.

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- 4) Vegetation within the riparian setback shall be maintained with the following exceptions:
 - (A) The removal of dead, diseased or dying trees that pose an erosion or safety hazard.
 - (B) Vegetation removal necessary to direct water access to the Columbia River Estuary for an approved water dependent or water-related use that meets the criteria in Section 6.4270.
 - (C) Removal of vegetation necessary for the placement of structural shoreline stabilization.
- 5) The requirements of this section shall not apply to actions covered by the Oregon Forest Practices Act.

SECTION 6.6000. AGRICULTURAL AND TIMBERS STANDARDS WITHIN A GOAL 5 WETLAND

Section 6.6010. Standards for Low Intensity, Non-Structural Agricultural Uses within a Goal 5 Wetland

- 1) No man-made forms of drainage to be employed.
- 2) A 50-foot strip of natural vegetation shall be left along any year round standing or running water area.
- 3) The number of animals to be grazed on a parcel and the times of year they will be on the parcel shall be set out in the permit. The applicant must show that the area has the carrying capacity for the number of animals proposed without major modifications to the parcel and without significantly affecting the integrity of the wetland area.

Section 6.6020. Standards for Selective Harvesting of Timber Within a Goal 5 Wetland

- 1) Any harvesting of timber shall be according to a plan approved with the Conditional Use Permit.
- 2) Selection of trees to harvest shall be done with consideration of retaining wetland values.
- 3) Exemptions from (1) and (2) above and from the applicable setback requirement for the front or rear yard that is opposite the riparian area may be granted without a variance for uses on:
 - (A) Lots located in areas identified in the Comprehensive Plan's Goal 2 exception element as "built and committed" and which existed as of the date of adoption of this ordinance, and single family residential "lots of record" as defined and used in Chapter 884 Oregon Laws 1981 as amended, where the lot depth resulting from the riparian setback and the opposite front/rear yard setback is less than 45 feet.
 - (B) Other lots in identified "built and committed" areas and other "lots of record" where the combination of setbacks required by this section result in a buildable lot depth of less than 45 feet.

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Exemptions from the riparian setback shall be the minimum necessary to accommodate the proposed use after the yard opposite the riparian area has been reduced to a width of no less than ten feet.

SECTION 6.7000. DEVELOPMENT OF HISTORIC AND/OR ARCHEOLOGICAL SITES

Section 6.7010. Development of Historic and/or Archeological Sites

- 1) No development shall be allowed on land which has been identified as a historical- archeological site without review and approval by the Director and appropriate agencies. Development adjacent to lands identified as historical- archeological sites shall be subject to the Director's review and shall not adversely impact the adjacent historical- archeological site.
- 2) The County shall work with the local Historical Advisory Committee and other organizations to identify and protect important local historical and archeological sites. Compatible uses and designs of uses should be encouraged for property adjacent to important historical or archeological sites.
- 3) Clatsop County shall protect significant historical resources by:
 - (A) encouraging those programs that make preservation economically possible;
 - (B) implementing measures for preservation when possible;
 - (C) recognizing such areas in public and private land use determinations subject to County review.

Section 6.7020. Historic Site Protection

The following regulations apply to historic structures and sites identified in the Comprehensive Plan as having potential conflicting uses (Tillamook Rock Lighthouse, the Morrison House, the Clatsop Plains Memorial Church, and the Westport Log Tunnel).

- 1) The Community Development Director shall review, under Type II procedure, all building permit applications that propose the following changes to a historic building: exterior alterations (except painting), additions to the building, and construction of auxiliary buildings.
- 2) The Community Development Director shall review under a Type II procedure, all proposed activities that may alter the character of historic sites.
- 3) The Community Development Director shall notify the Clatsop County Historical Society and the State Historic Preservation Office of the proposed alterations. Comments received on the compatibility of a proposed alteration with the maintenance of a historic building or site's character shall be considered by the Community Development Director in making his determination.
- 4) The Community Development Director shall consider the following criteria in conducting this review:
 - (A) Compatibility of the proposed alteration with the site's historical character
 - (B) Use of exterior material and details that are consistent with the building's historic character

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- (C) The maintenance of the building's predominant architectural features.
- 5) The Community Development Director shall review under a Type II procedure all demolition permits for historic buildings.
- 6) The Community Development Director shall notify the Clatsop County Historical Society and the State Historical Preservation Office of the proposed demolition.
- 7) The Community Development Director shall consider the following criteria in conducting his review of a demolition permit:
 - (A) The state of repair of the building
 - (B) The feasibility of restoring or moving the building
 - (C) The interest of public or private individuals or groups in the structure
- 8) The Community Development Director may approve the issuance of a demolition permit, or may deny an application based on adequate findings of fact that the demolition would be detrimental to the County's historical heritage. In order to obtain additional information, the Community Development Director may suspend the application for a demolition permit for a period not to exceed 120 days. During this period, the Community Development Director shall attempt to determine if public or private acquisition and restoration is feasible, or other alternatives are possible which could be carried out to prevent demolition of the structure. If, during this period a feasible alternative is found, the Community Development Director may extend the suspension of the application for a period not to exceed one year. If no significant activities are undertaken during the one-year period toward the acquisition of the structure, the suspension shall expire and the demolition permit shall be issued by the Building Official, subject to other pertinent requirements.

Section 6.7030. Archeological Site Protection

- 1) The Community Development Director and Building Official shall review building permits, excavation permits or other land use actions that may affect known archeological sites. If it is determined that a proposed building permit, excavation permit or other land use action may affect the integrity of an archeological site, the Community Development Director shall consult with the State Historic Preservation Office on appropriate measures to preserve or protect the site and its contents. No permit shall be issued until either the State Historic Preservation Office determines that the proposed activity will not adversely affect the archeological site, or the State Historic Preservation Office has developed a program for the preservation or excavation of the site.
- 2) Indian cairns, graves and other significant archeological resources uncovered during construction or excavation shall be preserved intact until a plan for their excavation or reinternment has been developed by the State Historic Preservation Office.

SECTION 6.8000. ROCK AND MINERAL RESOURCE USE

Section 6.8010. Purpose. Development Standards - Extraction Area

ARTICLE 6. ENVIRONMENTAL AND RESOURCE PROTECTION

A development plan shall be submitted to the County Community Development Department for any activity allowed as a conditional use. The development plan shall provide the necessary documents, permits, and maps to demonstrate compliance with the following standards and requirements:

- 1) Screening and Fencing.
 - (A) An earthen berm and buffer of existing or planted trees or vegetation shall be maintained to fully screen the view of any mineral and aggregate activity and all related equipment from any public road, public park, or residence within 1000 feet. Where screening is shown to be impractical because of topography or other physical characteristics of the site, the screening requirements may be waived by the Community Development Director.
 - (B) Sight obscuring fencing or approved barrier type shrubs shall be required to eliminate any safety hazards that use of the site may create. Fencing, if required, shall be sight obscuring and a minimum of six (6) feet high.
- 2) Access.
 - (A) All private access roads from mineral and aggregate sites to public roads shall be paved or graveled. If graveled, the access road shall be graded and maintained as needed to minimize dust.
 - (B) Improvement or fees in lieu of improvements of public roads, County roads and state highways may be required when the Community Development Director or hearings body, in consultation with the appropriate road authority, determines that the increased traffic on the roads resulting from the surface mining activity will damage the sufficiently to warrant off-site improvement. If the fee in lieu of improvements is required, the amount of the fee shall reflect the applicant's pro-rata share of the actual total cost of the capital expenditure of the road construction or reconstruction project necessitated by and benefiting the surface mining operation. Discounts for taxes and fees already paid for such improvements, such as road taxes for vehicles and for property already dedicated or improved, shall be applied.
 - (C) Any internal road at a mineral and aggregate site within 250 feet of a Sensitive Use shall be paved or graveled, and shall be maintained at all times to reduce noise and dust in accordance with County or DEQ standards specified in the ESEE analysis.
 - (D) An effective vehicular barrier or gate shall be required at all access points to the site.
- 3) Hours of Operation.
 - (A) Blasting shall be restricted to the hours of 8:00 a.m. to 5:00 p.m. Monday through Friday. No blasting shall occur on Saturdays, Sundays, or any recognized legal holiday.

ARTICLE 6. ENVIRONMENTAL AND RESOURCE PROTECTION

- (B) Mineral and aggregate extraction, drilling, processing and equipment operation located within 1000 feet of a Sensitive Use is restricted to the hours of 7:00 a.m. to 6:00 p.m. Monday through Friday, and 8:00 a.m. to 5:00 p.m. Saturday. All other sites are limited to operating hours of 7:00 a.m. to 10:00 p.m. Monday through Saturday. No operation shall occur on Sundays or recognized legal holidays.
 - (C) An increase in operating time limits shall be granted for all activities except blasting if:
 - 1. There are no Sensitive Uses within 1000 feet of the mining site; or if
 - 2. There are Sensitive Uses within 1000 feet, the increased activity will not exceed noise standards established by the County or DEQ; and
 - 3. The operator shall notify the owners and occupants of all Sensitive Uses within 1000 feet by first class mail which is mailed at least 96 hours prior to the date and approximate time of the activity for which the operator receives an exception.
 - (D) The operating time limits may be waived in the case of an emergency as determined by the County governing body.
4. Environmental Standards.
- (A) DEQ Standards. Mineral and aggregate extraction, processing and other operations shall conform to all applicable environmental standards of the County and State. Any crusher, asphalt, concrete, ready-mix or other machinery shall submit an approved DEQ permit(s) at the time of development plan application.
 - (B) DOGAMI Standards. Mineral and aggregate extraction, processing, other operations and site reclamation shall conform to the requirements of the Department of Geology and Mineral Industries (DOGAMI).
 - (C) Permits Required. Mining shall not commence until all applicable State and Federal permits, if any, are provided to the County.
- 5) Equipment Removal. All surface mining equipment, machinery, vehicles, buildings, man-made debris and other material related to the mineral and aggregate activity shall be removed from the site within 30 days of completion of all mining, processing and reclamation, except for structures which are permitted uses in the underlying zone.
- 6) Performance Agreement.
- (A) The operator of a mineral and aggregate site shall provide the County with annual notification of DOGAMI permits.

ARTICLE 6. ENVIRONMENTAL AND RESOURCE PROTECTION

- (B) Mineral and aggregate operations shall be insured for \$500,000.00 against liability and tort arising from production activities or operations incidental thereto conducted or carried on by virtue of any law, ordinance or condition, and such insurance shall be kept in full force and effect during the period of such operations. a prepaid policy of such insurance which is effective for a period of one year shall be deposited with the County prior to commencing any mineral and aggregate operations. The owner or operator shall annually provide the County with evidence that the policy has been renewed.
- 7) Significant Resource Area Protection. Conflicts between inventoried mineral and aggregate resource sites and significant fish and wildlife habitat, riparian areas and wetlands, and ecologically and scientifically significant natural areas and scenic areas protected by the Clatsop Plains Community Plan or other provision of the County Comprehensive Plan, shall be addressed in the application and findings for the conditional use.
- 8) Site Reclamation. a reclamation plan shall be submitted concurrently with the development plan required in Section 5.4645. The reclamation plan shall include a schedule showing the planned order and sequence of reclamation, shall assure that the site will be restored or rehabilitated for the land uses anticipated after the quarry operation, and shall meet DOGAMI requirements.
- 9) Water Management.
 - (A) Surface water shall be managed in a manner which meets all applicable DEQ, DOGAMI, and ODFW water quality standards. Approval may be conditioned upon meeting such standards by a specified date. Discharge across public roads shall be prohibited. Existing natural drainages on the site shall not be changed in a manner which substantially interferes with drainage patterns on adjoining property, or which drains waste materials or waste water onto adjoining property or perennial streams. Where the mineral and aggregate operation abuts a lake, river, or perennial stream, all existing vegetation within 100 feet of the mean high water mark shall be retained unless otherwise authorized in accordance with the ESEE analysis and the development plan.
 - (B) All water required for the mineral and aggregate operation, including dust control, landscaping and processing of material, shall be legally available and appropriated for such use. The applicant shall provide written documentation of water rights from the State Department of Water Resources and/or local water district prior to any site operation.
- 10) Floodplain. Any quarry operation located wholly or in part in a Special Flood Hazard Area as shown on the Federal Insurance Rate Map (FIRM) shall receive approval in accordance with Section 5.1000 of this Ordinance prior to any site operation.

ARTICLE 1. INTRODUCTORY PROVISIONS

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Section 1.0100. Title

This Ordinance shall be known as the Clatsop County *Land and Water Development and Use Code (LAWDUC)*.

SECTION 1.0200. PURPOSE

The purpose of this Ordinance is to coordinate County regulations governing the development and use of land and water, and to implement the objectives, goals and policies set forth in the Clatsop County Comprehensive Plan.

SECTION 1.0300. SCOPE OF REGULATIONS

- 1) This document contains standards applicable to development.
- 2) If there is a conflict between a provision of this Development Code and a requirement adopted under an approval procedure of the Development Ordinance, the requirement resulting from application of the Development Code shall apply.
- 3) The standards established by this initial enactment shall be revised and extended as specified in the following section of and by decisions authorized by the Development Code and other ordinances of the County.
- 4) The standards contained within this document may be revised or deleted and new standards may be added when such action will improve enforcement of the Land and Water Development and Use Code.
- 5) The Community Development Director or Planning Commission shall make recommendations for revision of the Development Code to the Board of Commissioners. The recommendations shall contain a description of the proposed revision and evidence and factual information which supports the action. The potential impacts of the revisions shall be described.
- 6) The Board of Commissioners shall hold a public hearing on the proposed revisions with the notice of the hearing published in a newspaper of general circulation. Action to approve the proposed revisions of standards shall be taken through an Order of the Board of Commissioners.

SECTION 1.0400. APPLICATION

This Code shall apply to all land or water within Clatsop County.

ARTICLE 1. INTRODUCTORY PROVISIONS

SECTION 1.0500. DEFINITIONS

As used in this Ordinance, the following words and phrases shall have the following meanings:

ABANDONMENT OF SURFACE MINING -- A cessation of surface mining, not set forth in an operator's plan of operation or by any other sufficient written notice, extending for more than six

(6) consecutive months or when, by reason of examination of the premises or by any other means, it becomes the opinion of the Community Development Director that the operation has in fact been abandoned by the operator. The operator may, within thirty (30) days of receipt of written notification from the Community Development Director of its intent to declare the operation abandoned, submit evidence to the Community Development Director's satisfaction that the operation is in fact not abandoned.

ABSENTEE OWNER -- Any real property owner(s) who customarily resides some place other than the property (whether an estate or business) in question.

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

ACCEPTED FARMING PRACTICES -- A mode of operation that is common to farms of a similar nature, necessary for the operation of such farms to obtain a profit in money, and customarily utilized in conjunction with farm use. As applied to composting operations on high-value farmland, "accepted farming practice" includes composting operations that either 1) compost only materials produced on the subject tract, or 2) compost materials brought from off-site and processed alone or in conjunction with materials generated on the subject tract, and use all on-site generated compost for on-farm production in conjunction with, and auxiliary to, the farm use on the subject tract. [Ord. 18-02]

ACCESS -- The way or means by which pedestrians and vehicles enter and leave property.

ACCESSORY BUILDING - A detached structure, the use of which is customarily incidental and subordinate to that of the main building or to the main use of the land and which is located on the same tract with the main building or use. In the farm and forest zones, the landowner files a restrictive covenant in the deed records of the county, stating that the accessory structure will not be used as a residence or rental unit. Accessory structure includes, but is not limited to: [Ord. 18-02]

BARN -- A structure used for the storage of farm products, feed, and for housing farm animals and light farm equipment. Allowed in Forest, Exclusive Farm Use, Rural Agriculture and Open Space zones.

CARETAKER'S RESIDENCE -- A single dwelling unit which is used exclusively by the

ARTICLE 1. INTRODUCTORY PROVISIONS

owner, manager or operator of a principal permitted use and which is located on the same parcel as the principal use. A maximum of one caretaker's residence per principal use may be permitted in lieu of other residential uses allowed in the zone. Allowed in Forest, Commercial, Industrial and Open Space zones.

GARAGE, PRIVATE -- A deck, building, or part thereof customarily used for the parking and storage of vehicles.

PERSONAL STORAGE STRUCTURE -- A structure over 1,000 square feet for the storage of the owner's personal possessions which is located on the same property as the owner's residence. The owner may not lease the structure or any portion of the storage area to a second party. The structure shall not be used for any form of commercial activities.

SHED, FARM STORAGE -- A structure large enough to store or repair a property owner's machinery and heavy equipment used in conjunction with agricultural/forestry practices on the same property on which the structure is located or on adjacent property under the same ownership. Allowed in Forest, Exclusive Farm Use, Rural Agriculture and Open Space zones.

SHED, STORAGE -- A structure up to 1,000 square feet in which possessions are kept for future use and which is constructed on the owner's property. The owner may not lease the structure or any portion of the storage area to a second party. The structure shall not be used for any form of commercial activities.

ACCESSORY BUILDING, ATTACHED -- An accessory building which is attached to the main building through common wall construction or by the roof over a breezeway connecting the accessory building and the main building. An attached accessory building shall be considered as a part of the main building both as to area coverage and yard regulations.

ACCESSORY TO -- With respect to forest management dwellings, accessory to means that a forest dwelling is incidental and subordinate to the main forest use.

ACCESSORY USE -- A use customarily incidental and subordinate to the principal use and located on the same lot, tract or parcel.

ACCESSWAY -- An unobstructed right-of-way of specified width containing a drive or roadway which provides vehicular access within a mobile home park and connects to a public street. (See Alley)

ACCRETION -- The build-up of land along a beach or shore by the deposition of waterborne or airborne sand, sediment, or other material.

ACTIVITY -- See Development.

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ADJUSTED PROPERTY LINE -- See property line adjustment.

AGITATION DREDGING -- Dredging by displacement of sediments out of a shoaled area using currents generated by a ship's propeller or large pump. Also referred to as propwash dredging and sandwave skimming, depending on the gear and techniques used.

AGRICULTURAL EXEMPT BUILDING – Any structure that is considered to be an “agricultural building” as defined in ORS 455.315 and is on a lot or parcel that is:

- (1) Enrolled in a farm or forest deferral program with the County Assessor; or
- (2) Not enrolled in a farm or forest deferral program with the County Assessor and for which the owner submits a signed statement along with documentation such as a business plan, profit/loss statements, tax returns or advertising, to demonstrate the lot or parcel(s) are in Farm Use as defined in LAWDUC 1.0500. [Ord. 18-02]

AGRICULTURAL LAND --

- 1)
 - (A) Lands classified by the U.S. Soil Conservation Service (SCS) or Natural Resources Conservation Service (NRCS) as predominantly Class I-IV soils;
 - (B) Land in other soil classes that is suitable for farm use as defined in ORS 215.203(2)(a), taking into consideration soil fertility; suitability for grazing; climatic conditions; existing and future availability of water for farm irrigation purposes; existing land use patterns; technological and energy inputs required; and accepted farming practices; and
 - (C) Land that is necessary to permit farm practices to be undertaken on adjacent or nearby agricultural lands.
- 2) Land in capability classes other than I-IV that is adjacent to or intermingled with lands in capability classes I-IV within a farm unit, shall be inventoried as agricultural lands even though this land may not be cropped or grazed;
- 3) “Agricultural Land” does not include land within acknowledged urban growth boundaries or land within acknowledged exception areas for Goal 3 or 4.

AGRI-TOURISM -- A common, farm-dependent activity that is incidental and subordinate to a working farm and that promotes successful agriculture and generates supplemental income for the owner. Such uses may include hay rides, corn mazes and other similar uses that are directly related to on-site agriculture. Any assembly of persons shall be for the purpose of taking part in agriculturally-based activities such as animal or crop care, tasting farm products or learning about farm or ranch operations. Agri-tourism may include farm-to-plate meals. Except for small, farm-themed parties, Agri-tourism does not include weddings, celebratory gatherings, parties or regularly occurring similar uses. [Ord. 18-02]

AIRPORT -- Any land area, runway or other facility designed, used or intended to be used either publicly or by any person or persons for the landing and taking off of aircraft, including all necessary taxiways, aircraft storage and tie-down areas, hangars, and

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other necessary buildings and open spaces.

ALL TERRAIN VEHICLE (ATV) -- A vehicle defined in ORS 801.190-801.194.

ALL TERRAIN VEHICLE (ATV) RECREATION AREA -- An area or tract of land where ATVs have been approved by Clatsop County for use.

ALLEY -- A public right-of-way of not over twenty-five (25) feet wide providing a secondary means of access to private property. (see Accessway).

ALTERATION, STRUCTURAL -- Any change or repair which would tend to prolong the life of the supporting members of a building or structure, such as alteration or bearing walls, foundation, columns, beams, or girders. In addition, any change in the external dimensions of the building shall be considered a structural alteration.

APPEAL -- A request for review of a decision concerning matters addressed by the Comprehensive Plan and Ordinance.

APPLICANT -- Any person who makes an application to the Clatsop County Department of Community Development for a Development Permit.

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 AREAS -- Aquatic areas include the tidal waters, including subtidal areas and wetlands of the estuaries and non-tidal sloughs, streams, and wetlands within the shorelands area boundary. The lands underlying the waters are also included. 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 (MHHW) in tidal areas or Ordinary High Water (OHW) in non-tidal areas.

ARCHAEOLOGICAL RESOURCES -- Districts, sites, building, structures, and artifacts with material evidence of prehistoric human life and culture.

AUTO WRECKING YARD -- Any property where two or more motor vehicles not in running condition, or the parts thereof, are stored in the open and are not being restored to operation; or any land, building or structure used for the wrecking or storing of such motor vehicles or the parts thereof.

AUTOMOBILE SERVICE STATION -- Any premises used for supplying gasoline, oil, minor accessories and services, excluding body and fender repair, for automobiles at retail direct to the customer.

ARTICLE 1. INTRODUCTORY PROVISIONS

AUTOMOBILE AND OTHER VEHICLE SALES AREA -- An open area, other than a street, used for the display, sale or rental of new or used motor vehicles or trailers and where no repair work is done except minor incidental repair of motor vehicles or trailers to be displayed, sold or rented on the premises.

AUXILIARY -- With respect to uses in the F-80 and AF zones, auxiliary means a use or alteration of a structure or land which provides help or is directly associated with the conduct of a particular forest practice. An auxiliary structure is located on site, temporary in nature, and is not designed to remain for the forest's entire growth cycle from planting to harvesting. An auxiliary use is removed when a particular forest practice has concluded.

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

AWNING -- Any stationary structure used in conjunction with a mobile home, other than a window awning for the purpose of providing shelter from the sun and rain, and having a roof with supports and not more than one wall or storage cabinet substitution for a wall.

BANKLINE ALTERATION -- Realignment of a stream bank or the entire stream, either within or without its normal highwater boundaries.

BASEMENT -- A portion of a building which has less than one-half ($\frac{1}{2}$) of its height measured from finished floor to finished ceiling above the average grade of the adjoining ground, and not deemed a story unless the ceiling is six (6) feet or more above the grade.

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

BEACH ACCESS, PUBLIC OR PRIVATE -- Trails or roads which provide access for the public to the beach.

BEACH NOURISHMENT -- Placement of sand material on actively eroding beach sites identified in the Dredged Material Management Plan to maintain the historic beach profile.

Beach nourishment does not include creation of new land area or beaches and must provide for the protection of estuarine resources (including habitat, nutrient, fish, wildlife, and aesthetic resources). Dredged material may be used for beach nourishment.

BED AND BREAKFAST FACILITY -- An accessory use in a single-family dwelling in which lodging and a morning meal for guests only are offered for compensation, having

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no more than five (5) sleeping rooms for this purpose. A bed and breakfast facility must be within the residence of the operator and be compliant with the requirements of ORS 624.010 to 624.130. [Ord. 18-02]

BENEFICIAL USE -- The using of dredged material for some productive or beneficial purpose in a manner consistent with applicable laws, not harmful to the environment, and not in conflict with other uses authorized in this plan, such as fisheries and ports. "Beneficial use" includes the use of dredged materials to improve or enhance upland sites; to protect or stabilize beaches or shorelines; to enhance native and natural wildlife habitat; to enhance or create aquatic habitat; disposal at ocean beaches; or for construction purposes (for a road foundation, for example).

BLOCK -- All land along one side of a street which is between two (2) intersections or intercepting streets, or interrupting streets and a railroad right-of-way, or unsubdivided land or water course.

BOARD -- The Board of County Commissioners, Clatsop County, Oregon.

BOARDING HOUSE -- A building or premises where meals or lodging are offered for compensation for three (3) or more persons but not more than nine (9) persons, and having no more than five (5) sleeping rooms for this purpose. An establishment where meals are served for compensation for more than nine (9) persons shall be deemed a restaurant. An establishment with more than five (5) sleeping rooms shall be deemed a hotel.

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

BOAT RAMP OR LAUNCH -- An improved sloped surface extending from a shoreland area into an aquatic area suitable for removing a boat from the water and launching a boat into the water from a trailer.

BREAKWATER -- A protective navigational structure built of rock, concrete, steel, piling or constructed to float for the purpose of protecting the shore or facility behind the structure.

BRIDGE CROSSING -- The portion of a bridge spanning a waterway not including supporting structures or fill located in the water or adjacent wetlands.

BRIDGE CROSSING SUPPORT STRUCTURES -- Piers, piling, abutments, and similar structures necessary to support a bridge span but not including fill for causeways or approaches.

BUILDING -- A structure built or placed for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind.

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BUILDING LINE -- A line on the Comprehensive Plan, Zoning Map, or plat, parallel to the street right-of-way, indicating the limit beyond which buildings or structures may not be erected, or the minimum distance as prescribed by the provisions of this Ordinance between the front property line abutting a street and the closest point of the roof line of any building or structure related thereto.

BUILDING PERMIT-- Written permission by the Clatsop County Building Department for the construction, repair, alteration or addition to a structure.

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

CAMPGROUND -- An area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes. [Ord. 18-02]

CAMPGROUND, PRIMITIVE -- Any area or tract of land where two or more campsites are located for both tent or trailer camping purposes or tent camping only. The campground is characterized by no sewage disposal hookups, no utilities, running water and pit toilets are provided nearby, and it may or may not include a flush toilet.

CAMPSITE -- A space provided in a campground, primitive campground or recreational vehicle (RV) park which usually contains a table, stove, parking place and space for a tent to accommodate a one-family group.

CARPORT -- A covered shelter for an automobile open on two or more sides.

CEMETERY -- Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbariums, mausoleums and mortuaries, when operated in conjunction with and within the boundary of such cemetery.

CHANNELIZATION -- Diversion of flow from shallow areas into the main channel by dredging, pile dikes or other means to the degree that circulation is markedly decreased and sedimentation increased in the shallow areas.

CLEAR-VISION AREAS -- A triangular shaped portion of land established at street intersections in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection. (See 3.9530)

CLUSTER DEVELOPMENT -- A development technique wherein house sites or structures are grouped together around accessways or cul-de-sacs, with the remainder of the tract left in open space or common open space. Clustering can be carried out in the context of a major or minor partition, subdivision, planned development or through the replatting of existing lots. No commercial or industrial uses are permitted in a cluster development.

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COASTAL SHORELANDS -- Those areas immediately adjacent to the ocean, estuaries, associated wetland and coastal lakes. The extent of shorelands shall include at least:

- 1) Areas subject to ocean flooding and lands within 100 feet of the ocean shore or within 50 feet of an estuary or coastal lake;
- 4) Adjacent areas of geologic instability where the geologic instability is related or will impact a coastal water body;
- 5) Natural or man-made riparian resources, especially vegetation necessary to stabilize the shoreline and to maintain water quality and temperature necessary for the maintenance of fish habitat and spawning areas;
- 6) Areas of significant shoreland and wetland biological habitats whose habitat quality is primarily derived from or related to the association with coastal water areas;
- 7) Areas necessary for water-dependent and water-related uses including areas of recreational importance which utilize coastal water or riparian resources; areas appropriate for navigation and port facilities, dredged material disposal and mitigation sites, and areas having characteristics suitable for aquaculture;
- 8) Areas of exceptional aesthetic or scenic quality, where the quality is primarily derived from or related to the association with coastal water areas.
- 9) Coastal headlands.
- 10) Dikes and their associated inland toe drains; and
- 11) Locations of archaeological or historical importance associated with the estuary.

COMMERCIAL DAIRY FARM: A commercial dairy farm is a dairy operation that owns a sufficient number of producing dairy animals capable of earning the gross annual income required by this Article/Chapter from the sale of fluid milk. [Ord. 18-02]

COMMERCIAL POWER GENERATING FACILITY -- A facility for the production of energy and its related or supporting facilities that:

- 1) Generates energy using means listed in ORS or OAR such as solar power, wind power, fuel cells, hydroelectric power, thermal power, geothermal power, landfill gas, digester gas, waste, dedicated energy crops available on a renewable basis or low-emission, nontoxic biomass based on solid organic fuels from wood, forest or field residues but not including the production of biofuel as authorized by ORS 215.203(2)(b)(K) in all zones that allow "Farm Use" and 215.283(1)(r) and 215.283(2)(a) in the EFU zone;
 - 2) Is intended to provide energy for sale; and
 - 3) Does not include a net metering project established consistent with ORS 757.300 and OAR chapter 860, division 39 or a Feed-in-Tariff project established consistent with ORS 757.365 and OAR chapter 860, division 84.
- [Ord. 18-02]

COMMERCIAL TREE SPECIES -- Trees recognized for commercial production under rules adopted by the State Board of Forestry pursuant to ORS 527.715. [Ord. 18-02]

COMMON OPEN SPACE -- See Open Space definition.

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COMMUNICATION FACILITIES -- Power and communication lines and towers, antennas and microwave receivers.

COMPREHENSIVE PLAN -- A generalized, coordinated land use map and policy statement of the governing body of a local government that interrelates all functional and natural systems and activities relating to the use of lands, including but not limited to sewer and water systems, transportation systems, educational facilities, recreational facilities, and natural resources and air and water quality management programs.

“Comprehensive” means all-inclusive, both in terms of geographic area covered and functional and natural activities and systems occurring in the area covered by the plan.

“General nature” means a summary of policies and proposals in broad categories and does not necessarily indicate specific locations of any area, activity or use. A plan is “coordinated” when the needs of all levels of governments, semi-public and private agencies and citizens of Oregon have been considered and accommodated as much as possible. “Land” includes water, both surface and subsurface, and the air.

COMPUTATION OF TIME -- A designated period of time used in determining public notice requirements and appeal deadlines. The date of the act from which the designated period of time begins to run shall not be included, unless it is a Saturday or legal holiday, including Sunday in which event the period runs until the end of the next day which is not a Saturday or legal holiday.

CONDITIONAL USE -- A type of development which requires special consideration prior to being permitted in a particular zone because of its possible impact on adjacent developments, land and water resources and the growth and development of the County. The characteristics of designated conditional developments shall be reviewed to determine whether or not the development is appropriate and compatible in the particular location proposed and what, if any, conditions are necessary to ensure compatibility. A conditional development may be permitted or denied at the discretion of the Community Development Director or hearings body based on findings of fact.

CONDOMINIUM -- Ownership in common with others of a parcel of land and certain parts of a building, together with individual ownership in fee of a particular unit in such building or of an individual detached unit.

CONTESTED CASE -- A proceeding in which the legal rights, duties, or privileges of specific parties under general rules or policies provided under ORS 215.010 to 215.422, or an ordinance, rule of regulation adopted pursuant thereto, are required to be determined only after a hearing at which specific parties are entitled to appear and be heard.

CONTIGUOUS – Tax lots or parcels that have a common boundary. Contiguous lots or parcels include those that are under common ownership and separated by a public road. [Ord. 18-02]

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COOKING FACILITIES – Are defined as stoves, ovens or other equipment designed to prepare hot meals including a 220-volt outlet and any non-electrical fuel sources, but does not include a single hot plate, microwave or toaster.

COUNTY -- The County of Clatsop, Oregon.

COUNTY ROAD -- See Road, County.

COURT -- An open occupied space, other than a yard, on the same lot with a building and enclosed on two (2) or more sides by such building.

CUBIC FOOT PER ACRE -- The average annual increase in cubic foot volume of wood fiber per acre for fully stocked stands at the culmination of mean annual increment as reported by the USDA Natural Resource Conservation Service (NRCS) soil survey. The cubic foot per acre value is calculated by dividing the total volume of the stand by its age, at the point where the stand reaches its maximum annual rate of growth. [Ord. 18-02]

CUBIC FOOT PER ACRE PER YEAR -- The average annual increase in cubic foot volume of wood fiber per acre for fully stocked stands at the culmination of mean annual increment as reported by the USDA Natural Resource Conservation Service (NRCS) soil survey. [Ord. 18-02]

CULTURED CHRISTMAS TREES -- Means trees:

- 1) Grown on lands used exclusively for that purpose, capable of preparation by intensive cultivation methods such as plowing or turning over the soil;
- 2) Of a marketable species;
- 3) Managed to produce trees meeting U.S. No. 2 or better standards for Christmas trees as specified by the Agriculture Marketing Services of the U.S. Department of Agriculture; and
- 4) Evidencing periodic maintenance practices of shearing for Douglas Fir and pine species, weed and brush control and one or more of the following practices: Basal pruning, fertilizing, insect and disease control, stump culture, soil cultivation, irrigation.

DATE OF CREATION AND EXISTENCE – In farm and forest zones, when a lot, parcel or tract is reconfigured pursuant to applicable law after November 4, 1993, the effect of which is to qualify a lot, parcel or tract for the siting of a dwelling, the date of the reconfiguration is the date of creation or existence. Reconfigured means any change in the boundary of the lot, parcel, or tract. [Ord. 18-02]

DECK -- A flat floored, roofless area adjoining a house, greater than 30 inches above finished grade. (see Patio).

DESTINATION RESORTS -- A destination resort is a self-contained development providing primarily visitor-oriented accommodations and developed recreation facilities

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which have the following characteristics:

- 1) It is located on a large site (e.g. 160 acres or more) with high natural amenities.
- 2) A majority of the site is maintained as common open space, and the design, density and layout of the development maintain the resource-oriented character of the site.
- 3) Taken together, developed recreation facilities and natural amenities are primarily an attraction for visitors rather than year-round residents.
- 4) It is located at least 25 road miles from an urban growth boundary with a population of 50,000 or more.

The following uses are not considered destination resorts:

| | | |
|--|------------------------------|--|
| -Cities or planned communities | - recreational vehicle parks | -campgrounds |
| - rural subdivisions or planned developments | - amusement parks | - schools or academies |
| - hunting, fishing lodges, or cabins | - hotels or motels | - organization camps, campgrounds or centers |

These uses by themselves do not constitute a destination resort, but may be part of a destination resort:

Developed recreation facilities require a significant investment and are provided on site and at least in proportion to the number of accommodations in the development. Included are golf courses, high intensity marinas, tennis courts, swimming pools.

Self-contained development means that sewer, water and recreational facilities are provided on-site and are limited to meet the needs of the destination resort.

Visitor-oriented accommodations are lodging, restaurants, meeting facilities and other facilities which are designed to and provide for the needs of visitors rather than year-round residents. Visitor oriented accommodations must be a majority of the uses provided.

DEVELOPMENT -- Any man-made change to improved or unimproved real estate, including but not limited to: construction, reconstruction, conversion, relocation or enlargement of any structure; any mining, excavation, landfill or land disturbance, any use or extension of the use of land.

DIKES -- With regard to flood protection, a structure designed and built to prevent inundation of a parcel of land by water. 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. A dike is considered new when placed on an area which: (1) has never previously been diked, or (2) has previously been diked,

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but all or a substantial part of the area is subject to daily inundation and tidal marsh has been established. Maintenance and repair refer to: (1) existing serviceable dikes (including those that allow some seasonal inundation), and (2) those that have been damaged by flooding, erosion, tide gate failure, etc., but where reversion to tidal marsh has not yet occurred, or where repair work is commenced within 36 months of the breach regardless if the area has reverted to estuarine habitat. Dike is synonymous with levee as defined in CREST's 2002 Columbia River Estuary Dredged Material Management Plan.

DIRECTOR -- The Community Development Director, the administrative official of Clatsop County, or his duly authorized representative, designated to administer the responsibilities of the Department of Community Development.

DISPOSAL SITE -- Land and facilities used for the disposal, handling or transfer of resource recovery from solid wastes, including but not limited to dumps, landfills, sludge lagoons, sludge treatment facilities, disposal sites for septic tank pumping or cesspool cleaning service, transfer stations, resource recovery facilities, incinerators for solid waste delivered by the public or by a solid waste collection service, composting plants and land and facilities previously used for solid waste disposal at a land disposal site; but the term does not include a facility subject to the permit requirements of ORS 468.740 (wastewater disposal); a landfill site which is used by the owner or person in control of the premises to dispose of soil, rock, concrete, or other similar on decomposable material, unless the site is used by the public either directly or through a solid waste collection service; or a site operation by a wrecker issued a certificate under ORS 822.110.

DISTRIBUTION LINES -- For natural gas - the act of distributing gas from the plant to the customer. For electric - the act of distributing electric power using low voltage transmission lines that deliver power to retail customers.

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

DREDGED MATERIAL -- Sediments, gravels and other solids removed from an aquatic area.

DREDGED MATERIAL DISPOSAL -- The deposition of dredged material in aquatic areas or land areas. Methods include land disposal (deposition in specific land areas or on the tops and landward sides of flood protection dikes) and in-water disposal (including beach nourishment, flowlane disposal, ocean disposal, estuarine open-water disposal, and agitation dredging).

DREDGING -- The extraction or displacement of aquatic sediment or other material for the purpose of maintaining or deepening a navigation channel, mooring basin or other navigational areas, obtaining fill material or mining and mineral extraction.

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DRIFT RIGHT -- A specific area or section of river bottom that has been cleared of snags and sunken debris and is shared and actively managed by a group of fisherman as their fishing grounds.

DRIVEWAY -- An improved travel surface, on privately owned property and maintained by private funds for the exclusive use of private parties, that is intended to provide access from a federal, state, county, public, or private road to no more than two lots, parcels, areas or tracts of land.

DUCK SHACK -- A structure having no permanent water or sewage treatment connection which is used to store recreational equipment meant for hunting waterfowl.

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

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

DUNE, CONDITIONALLY STABLE -- A dune which is presently in a stable condition, but vulnerable to becoming active due to fragile vegetative cover.

DUNE, INTERDUNE AREA -- A low lying area between higher sand land forms which is generally under water during part of the year. Interdune areas are characterized by a deflation plain which is wind scoured to the level of the summer water table.

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

DUNE, OPEN SAND -- A collective term for active unvegetated dune land forms.

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

DUNE, YOUNGER STABILIZED -- A wind stable dune with weakly developed soils and vegetation.

DWELLING TYPES -- For the purpose of this Ordinance, dwellings are separated into the

Following categories and herewith defined accordingly:

- 1) One Family Dwelling - a single household unit other than a mobile home whose construction is characterized by no common wall or ceiling with another unit.

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- 2) One Family Dwelling Detached - An attached building containing two or more dwelling units other than a mobile home which are individually owned with each owner having a recordable deed enabling the unit to be sold, mortgaged or exchanged independently.
- 3) Two Family (Duplex) - An attached building containing two dwelling units in single ownership.
- 4) Multiple Family Dwelling -- Three or more household units with common walls or ceilings common to another unit in single ownership.

DWELLING UNIT -- A permanent structure constituting a separate independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly, or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities. [Ord. 18-02]

DWELLING UNIT, ACCESSORY (ADU) – For the purposes of clarity, a single-family dwelling with an accessory dwelling unit (ADU), as defined herein, located within one of the rural community zones shall not be considered a duplex or multiple-family dwelling. In addition to other standards of this code, ADUs shall comply with the following development standards:

- 1) ADUs shall be allowed only on lots or parcels serviced by a State approved Sanitary Sewer.
- 2) ADUs shall be allowed only in conjunction with parcels containing one single-family dwelling (the "primary dwelling"). A maximum of one ADU or Guesthouse (see "Guesthouse") is permitted per lot or parcel. ADUs shall not be permitted in conjunction with a duplex or multi-family dwelling.
- 3) ADUs shall comply with maximum lot coverage and setback requirements applicable to the parcel containing the primary dwelling.
- 4) The ADU may be created through conversion of an existing structure, or construction of a new structure that is either attached to the primary dwelling or detached.
- 5) The maximum gross habitable floor area (GHFA) of the ADU shall not exceed 75 percent of the GHFA of the main floor of the primary dwelling on the lot, or 900 square feet, whichever is less. The floor area of any garage shall not be included in the total GHFA.
- 6) Only one entrance may be located on the front of the existing dwelling unless the existing dwelling contained more than one entrance before the addition of the ADU.
- 7) In order to maintain a consistent architectural character, Accessory dwellings shall be constructed with similar building materials, architectural design and colors that generally match those used on the primary dwelling, except where the approving hearing body requires different materials and/or detailing to promote compatibility with single family dwellings on abutting lots.
- 8) A parcel containing a primary dwelling unit and an ADU shall provide a minimum of three off-street parking spaces designed in accordance with Section 3.0060.

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EASEMENT -- A non-possessory interest in the land of another which entitles the owner of the interest to a limited use or enjoyment of the other's land and protection from interference with this use.

EFFLUENT -- With regard to water quality, treated or untreated liquid entering the estuary from a point source. With regard to dredging, water, including dissolved and suspended materials, which flows from a dredged material disposal site.

EMERGENCY -- Emergency conditions are limited to activities such as bankline or streamline alteration, dike repair, fill, and shoreline stabilization undertaken during high water and/or storm conditions. Emergency activities affecting removal of material from estuarine aquatic areas or filling of estuarine aquatic areas are those necessary for preventing irreparable harm, injury or damage to persons or property. The Oregon Division of State Lands requires notification within 24 hours following the start of emergency activities. Measures taken as a result of emergency conditions will be inspected following notification and denied or approved.

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 type of in-water dredged material disposal within the estuary which do not fall into the classifications of flowlane disposal, beach nourishment, sump disposal, agitation dredging and disposal to provide fill material for an approved aquatic area fill project.

ESTUARY -- A body of water semi-enclosed by land, connecting with the open ocean, and within which salt water is diluted by freshwater derived from the land. The estuary includes: estuarine water, intertidal areas, and submerged lands. The Columbia River Estuary, for regulatory purposes, extends to the western edge of Puget Island as defined by the north/south line between Section 21 and 22, Township 8 North, Range 6 West on the Oregon side, to the Wahkiakum-Cowlitz County line on the Washington side, and to the head of tide for all tributaries.

EVENT, TEMPORARY – An event that is held primarily on or is using Public Property that has an expected attendance of more than [50], but no more than [500] people, that will not continue for more than [72] hours in any three month period, and that will be located in a rural or resource area. Temporary Events are permitted through a ministerial/Type I or Temporary Use process and are not considered “outdoor mass gatherings” as defined by ORS 433.735 or Agri-tourism events as provided for by ORS 215.283(4). [Ord. 18-02]

EXCAVATE -- The removal by man of sand, sediment, or other material from an area of land or water for other than commercial or industrial use.

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EXCEPTION AREA -- An area no longer subject to the requirements of one or more of the Statewide Planning Goals because the area is the subject of a site specific exception acknowledged pursuant to ORS 197.732 and OAR Chapter 660, Division 4.

EXPLORATION FOR MINERAL AND AGGREGATE RESOURCES -- All activities conducted on or beneath the surface of the earth for the purpose of determining presence, location, extent, grade, or economic viability of a deposit. "Exploration" does not include prospecting or chemical processing of minerals. "Minerals" includes soil, coal, clay, stone, sand, gravel, metallic ore and any other solid material or substance excavated for commercial, industrial or construction use from natural deposits situated within or upon lands in this state.

FAMILY -- An individual or two or more persons related by blood, marriage, adoption or legal guardianship, living together as one housekeeping units using one kitchen, and providing meals or lodging to not more than two additional persons, excluding servants; or a group of not more than five (5) unrelated persons, excluding servants, living together as one housekeeping unit using one kitchen. Every additional group of five (5) or less persons living in such housekeeping unit shall be considered as a separate family.

FARM OPERATOR -- A person who operates a farm, doing the work and making the day-to-day decisions about such things as planting, harvesting, feeding and marketing. [Ord. 18-02]

FARM OR RANCH OPERATION -- All lots or parcels of land in the same ownership that are used by the farm or ranch operator for farm use as defined in ORS 215.203(2). [Ord. 18-02]

FARM STAND STRUCTURE -- A structure that is designed and used for the sale of farm crops and livestock as provided in the definition of FARM USE. A food stand is considered to be a farm stand structure. [Ord. 18-02]

FARM USE -- The current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting and selling crops or the feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof. "Farm use" includes the preparation and storage of the products raised on such land for human use and animal use and disposal by marketing or otherwise. "Farm use" also includes the current employment of land for the primary purpose of obtaining a profit in money by stabling or training equines including but not limited to providing riding lessons, training clinics and schooling shows. "Farm use" also includes the propagation, cultivation, maintenance and harvesting of aquatic species. It does not include the use of land subject to the provisions of ORS Chapter 321, except land used exclusively for growing cultured Christmas subsection ORS 215.203(3) or land described in ORS 321.267(1)(e) or 321.415(5). "Current Employment", as used in this definition, includes:

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- 1) Farmland, the operation or use of which is subject to any farm-related government program;
- 2) Land lying fallow for one year as a normal and regular requirement of good agricultural husbandry;
- 3) Land planted in orchards or other perennials, other than land specified in subparagraph (4) of this paragraph, prior to maturity;
- 4) Land not in an Exclusive Farm Use zone which has not been eligible for assessment at special farm use value in the year prior to planting the current crop and has been planted in orchards, cultured Christmas trees or vineyards for at least three years;
- 5) Wasteland, in an Exclusive Farm Use zone, dry or covered with water, neither economically tillable nor grazeable, lying in or adjacent to and in common ownership with a farm use land and which is not currently being used for an economic farm use;
- 6) Land under buildings supporting accepted farm practices;
- 7) Water impoundments lying in or adjacent to and in common ownership with farm use land;
- 8) Any land constituting a woodlot, not to exceed 20 acres, contiguous to and owned by the owner of land specially valued for farm use even if the land constituting the woodlot is not utilized in conjunction with farm use;
- 9) Land lying idle for no more than one year where the absence of farming activity is due to the illness of the farmer or member of the farmer's immediate family. For purposes of the paragraph, illness includes injury or infirmity whether or not such illness results in death;
- 10) Any land described under ORS 321.267(1)(e) or 321.415(5); and
- 11) Any land in an Exclusive Farm Use zone used for the storage of agricultural products that would otherwise be disposed of through open field burning or propane flaming.

FARM USE, COMMERCIAL ACTIVITY IN CONJUNCTION WITH -- The processing, packaging, treatment, wholesale distribution and storage of a product primarily derived from farm activities in the local agricultural community. Also includes retail sales of products, supplies and services, which may be offered in a farm stand structure, to the agricultural community that support the production and harvesting of agricultural products. [Ord. 18-02]

FARMWORKER HOUSING-- Housing limited to occupancy by farmworkers and their immediate families, no dwelling unit of which is occupied by a relative of the owner or operator of the farmworker housing. [Ord. 18-02]

FENCE, SIGHT OBSCURING -- A fence consisting of wood, metal or masonry, or an evergreen hedge or other evergreen planting, arranged in such a way as to obstruct vision.

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

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FLATS -- Intertidal and all subtidal areas with low slopes and current velocities, and usually consisting of relatively fine sediments.

FLOATING RESIDENCE -- A dwelling unit which floats on a water body and is designed such that it does not come into contact with land except by ramp. Floating residences may also be referred to as floating homes or houseboats. A floating residence is not equivalent to a duck shack or other similar recreational structure designed for temporary use. It is also not equivalent to a boathouse, designed for storage of boats.

FLOOD INSURANCE RATE MAP (FIRM) -- An official map of a community, on which the Federal Insurance administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. [Ord. 18-02]

FLOOR AREA -- The sum of the gross horizontal areas of the several floors of a building, measured from the exterior faces of the exterior walls or from the center line of walls separating two buildings, but not including:

- 1) Attic space providing headroom of less than seven feet.
- 2) Basement, if more than 50% of the basement is less than grade.
- 3) Uncovered steps or fire escapes.
- 4) Private garages, carports or porches.
- 5) Accessory water towers or cooling towers.
- 6) Accessory off-street parking or loading spaces.

FLOW-LANE DISPOSAL -- Disposal of dredged material in the flow lane, in a location where the prevailing sediment transport is in a downstream direction.

FLOW-LANE DREDGED MATERIAL DISPOSAL -- Deposition of dredged material in or adjacent to a natural or maintained navigational channel in a location where the prevailing sediment transport will carry the material downstream. Note: Downstream from the Astoria-Megler Bridge, flow-lane disposal is allowed only in Development management units in water depths between 20 and 65 feet below MLLW. Upstream from the Astoria-Megler Bridge, flow-lane disposal is allowed only in Development management units in water depths of 20 feet below MLLW and deeper. See Plan Policy P 20.5(11)(e).

FLUSHING TIME -- The length of time required to remove an introduced pollutant from a body of water through tidal or fresh water flow.

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

FOREDUNE BREACHING -- The alteration of the crest of an active foredune or conditionally stable foredune or conditionally stable foredune where alteration is not

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conducted as part of a foredune grading plan or remedial grading.

FOREDUNE, CONDITIONALLY STABLE -- An active foredune that has ceased growing in height, and that has become conditionally stable with regard to wind erosion.

FOREDUNE GRADING -- The alteration of active dunes in a manner that changes their shape and height. Foredune grading is intended to be preventative and is undertaken primarily for view enhancement.

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

FOREST LANDS -- Those lands acknowledged as forest lands in the Comprehensive Plan. Where a plan amendment involving forest lands is proposed, forest land shall include lands which are suitable for commercial forest uses including adjacent or nearby lands which are necessary to permit forest operations or practices and other forested land that maintain soil, air, water, scenic resources, and fish and wildlife resources. Land use exclusively for growing cultured Christmas trees is not included in this definition of forest lands.

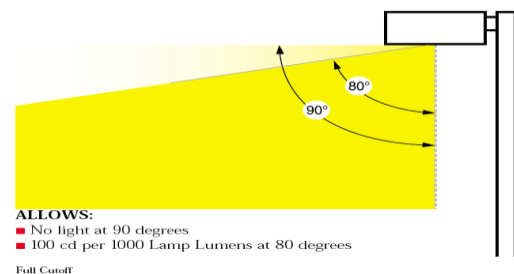
FOREST MANAGEMENT FACILITY -- Permanent or temporary structure(s) to provide workspace, storage, repair, operational base, communication site and support for the management of public or private forest lands.

FOREST MANAGEMENT, RESEARCH AND EXPERIMENTATION FACILITIES -- Facilities needed by the State Board of Higher Education to conduct research and experimentation programs to develop the maximum yield from the forest lands of Oregon to obtain the fullest utilization of the forest resource, and to study air and water pollution as it relates to the forest products industries.

FOREST OPERATION -- Any commercial activity relating to the growing, harvesting or management of any forest tree species as defined in ORS 527.620(6). [Ord. 18-02]

FRONTAGE -- All the property fronting on one (1) side of a street between intersecting or intercepting streets or between a street and right-of-way, waterway and/or dead-end street or county boundary, measured along the street line. An intercepting street shall determine only the boundary of the frontage on the side of the street which it intercepts.

FULL CUT-OFF LIGHTING -- A luminaire light distribution where zero candela intensity occurs at an angle of 90 degrees above nadir, and at all greater angles from nadir. Additionally, the candela per 1000 lamp lumens does not exceed 100 (10 percent) at a vertical angle of 80 degrees above nadir. This applies to all lateral angles around the luminaire. (See Image)



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GARAGE, PRIVATE -- See Accessory Building.

GARAGE, PUBLIC -- A deck, building or part thereof used for repair or storage of vehicles for remuneration by the owner and/or employees of said garage.

GAS -- All natural gas and all other fluid hydrocarbons not defined as oil, including condensate originally in the gaseous phase in the reservoir.

GAS OIL WELL -- A well from which oil or gas is obtained.

GEOLOGIC -- Relating to the occurrence and properties of earth. Geologic hazards include faults, land and mudslides, and earthquakes.

GOLF COURSE -- An area of land with highly maintained natural turf laid out for the game of golf with a series of nine or more holes, each including a tee, a fairway, a putting green, and often one or more natural or artificial hazards. A "golf course" for purposes of this ordinance means a nine- or 18-hole regulation golf course or a combination nine- and 18-hole regulation golf course consistent with the following:

- 1) A regulation 18-hole golf course is generally characterized by a site of about 120 to 150 acres of land, has a playable distance of 5,000 to 7,200 yards, and a par of 64 to 73 strokes;
- 2) A rule nine-hole golf course is generally characterized by a site of about 65 to 90 acres of land, has a playable distance of 2,500 to 3,600 yards, and a par of 32 to 36 strokes.

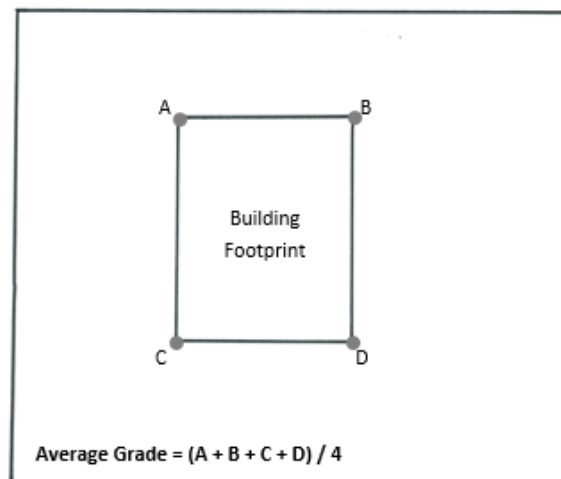
[Ord. 18-02]

GOLF COURSE, NON-REGULATION -- A golf course or golf course-like development that does not meet the definition of golf course in this rule, including but not limited to executive golf courses, par 3 golf courses, pitch and putt golf courses, miniature golf courses, driving ranges and Frisbee golf. Non-regulation golf courses are not permitted on lands zoned EFU or AF. [Ord. 18-02]

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GOVERNING BODY -- A City Council, County Board of Commissioners, or County Court or its designate, including Community Development Director, Hearings Office, Planning Commission or as provided by Oregon law.

GRADE, AVERAGE -- The average elevation of the undisturbed ground prior to construction at the four principal corners of the proposed structure. See diagram at right.



GRAZING -- The use of land for pasture of horses, cattle, sheep, goats and/or other domestic herbivorous animals, alone or in conjunction with agricultural pursuits.

GROINS -- A partial barrier to waterflow, that is constructed of rock and designed to interrupt sand movement along a shore.

GROSS FLOOR AREA (GFA) -- Total gross floor area including exterior building walls of all floors of a building or structure. Also referred to as gross square feet, or GSF.

GROSS LEASABLE AREA (GLA) -- The portion of GFA that is available for leasing to a tenant. Generally, GLA is equal to GFA less common areas that are not leased to tenants, including spaces for circulation between tenant spaces (lobbies, elevator cores, stairs, corridors, and atriums, for example), utility / mechanical spaces and parking areas.

GUEST HOUSE -- An accessory building, studio, or other habitable space/structure, used in conjunction with the main dwelling for the temporary housing of non-paying visitors and guests, subject to the following provisions:

- 1) The maximum gross habitable floor area (GHFA) shall not to exceed 75 percent of the GHFA of the main floor of the primary dwelling on the lot, or 600 square feet, whichever is less. The floor area of any garage shall not be included in the total GHFA.
- 2) Metering devices shall not be permitted on guesthouses.
- 3) Cooking Facilities shall not be permitted in guesthouses. (See "Cooking Facilities")
- 4) A maximum of one ADU or Guesthouse is permitted per lot or parcel and must accompany a primary residence
- 5) Guesthouses shall only be allowed in rural community and rural residential zones as designated by this ordinance.

GUEST ROOMS -- Any room or rooms used or intended to be used by a guest for sleeping purposes. Every 100 square feet of superficial floor area in a dormitory shall be

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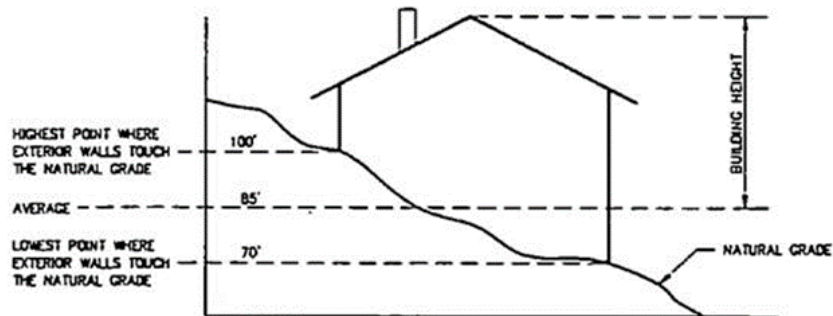
considered to be a guest room.

HANDICAPPED HOUSING FACILITY -- A residential home for five (5) or fewer handicapped persons and for staff who need not be related to each other or to any other home resident. As used herein, a handicapped person is an individual who has a physical or mental impairment which for the individual constitutes or results in a functional limitation to one or more major life activities (these are self-care, ambulation, communication, transportation, education, socialization, employment and the ability to acquire and maintain adequate, safe and decent shelter).

HEALTH HARDSHIP -- Circumstances where the temporary placement of a manufactured dwelling or recreational vehicle to accommodate a seriously ill person or their attendant is justified by the absence of a reasonable alternative and subject to the standards in 3.0190.

HEIGHT, BUILDING --

The vertical distance measured from the average grade to the highest point on the building or structure excluding chimneys, utility vents, and antennas, except dish antennas. See diagram at right.



HIGH VALUE FARM LAND -- Is described as:

- 1) High Value Farmland: Land in a tract composed predominantly of soils that are:
 - a) Irrigated and classified prime, unique, Class I or II; or
 - b) Not irrigated and classified prime, unique, Class I or II.
- 2) In addition to that land described in Subsection 1), high-value farmland, if outside the Willamette Valley, includes tracts growing specified perennials as demonstrated by the most recent aerial photography of the Agricultural Stabilization and Conservation Service of the U.S. Department of Agriculture taken prior to November 4, 1993. "Specified perennials" means perennials grown for market or research purposes including, but not limited to, nursery stock, berries, fruits, nuts, Christmas trees, or vineyards, but not including seed crops, hay, pasture or alfalfa;
- 3) In addition to that land described in Subsection 1), high-value farmland, if west of the summit of the Coast Range and used in conjunction with a dairy operation on January 1, 1993, includes tracts composed predominantly of the following soils in Class III or IV or composed predominantly of a combination of the soils described in Subsection 1) and the following soils:

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- a) Subclassification IIIe, specifically, Astoria, Hembre, Knappa, Meda, Quillayutte and Winema;
 - b) Subclassification IIIw, specifically, Brenner and Chitwood;
 - c) Subclassification IVe, specifically, Astoria, Hembre, Meda, Nehalem, Neskowin and Winema; and
 - d) Subclassification IVw, specifically, Coquille.
- [Ord. 18-02]

HISTORICAL RESOURCE -- Those districts, sites, buildings, structures, and artifacts which have a relationship to events or conditions of the human past.

HOME OCCUPATION -- Any occupation or profession carried on by a member of the family residing on the premises, if the occupation or profession:

- 1) will be operated by a resident of the property on which the business is located and the resident files an annual report verifying that the home occupation complies with the conditions originally imposed;
- 2) will employ no more than five full or part-time persons;
- 3) will be operated in:
 - (A) the dwelling; or
 - (B) other buildings normally associated with uses permitted in the zone in which the property is located; and
- 4) will not interfere with existing uses on nearby land or with other uses permitted in the zone in which the property is located;
- 5) will comply with all conditions imposed pursuant to Sections 2.4000 through 2.4050 and all standards as set forth in 3.8000 through 3.8050.

The existence of home occupations shall not be used for justification for a zone change.

HOME OCCUPATION, CONDITIONAL USE -- Any occupation or profession carried on by a member of the family residing on the premises, if the occupation or profession:

- 1) will be operated by a resident of the property on which the business is located and the resident files an annual report verifying that the home occupation complies with the conditions originally imposed;
- 2) will employ no more than five full or part-time persons;
- 3) will be operated in:
 - (A) the dwelling; or
 - (B) other buildings normally associated with uses permitted in the zone in which the property is located; and
- 4) will not interfere with existing uses on nearby land or with other uses permitted in the zone in which the property is located;
- 5) will comply with all conditions imposed pursuant to Sections 2.4000 through 2.4050 and all standards as set forth in 3.8000 through 3.8050.

The existence of home occupations shall not be used for justification for a zone change.
[Ord. 18-02]

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HOME OCCUPATION, LIMITED -- Any lawful activity commonly carried on within a dwelling by a member or members of a family, no employee or other person being engaged in the same and in which said activity is secondary to the use of the dwelling for living purposes; provided that the home occupation:

- 1) Be operated in its entirety within the principal dwelling;
- 2) Not have a separate entrance from outside the building;
- 3) Not involve alteration or construction not customarily found in dwellings;
- 4) Not using any mechanical equipment except that which is used normally for purely domestic or household purposes;
- 5) Not using more than twenty-five percent (25%) of the total actual floor area of the dwelling.
- 6) Not display, or create outside the structure any external evidence of the operation of the home occupation except for one unanimated, non-illuminated wall sign having an area of not more than one (1) square foot.

HOTEL -- A building or portion thereof of more than five (5) sleeping rooms designated or used for occupancy of individuals who are lodged with or without meals, and in which no provision is made for cooking in any individual room or suite.

IN-KIND -- With respect to mitigation, any actions that duplicate the full array of wetland and aquatic area characteristics that are lost or impaired by a development action.

INTERTIDAL -- Between extreme low water and the landward limit of aquatic vegetation, or where vegetation is absent, mean higher high water.

IN-WATER DISPOSAL -- The disposal of dredged material in the estuary, river or ocean.

IN-WATER DREDGED MATERIAL DISPOSAL -- Deposition of dredged materials in an aquatic area. Methods include beach nourishment, flowlane disposal, estuarine open-water disposal, in-water sump disposal, agitation dredging and ocean disposal.

IRRIGATED -- Agricultural land watered by an artificial or controlled means, such as sprinklers, furrows, ditches, or spreader dikes. An area or tract is "irrigated" if it is currently watered, or has established rights to use water for irrigation, including such tracts that receive water for irrigation from a water or irrigation district or other provider. An area or tract within a water or irrigation district that was once irrigated shall continue to be considered "irrigated" even if the irrigation water was removed or transferred to another tract. [Ord. 18-02]

JETTY -- A barrier to waterflow that is constructed of rock or concrete and used to stabilize the navigation channel and improve scour at the mouth of the estuary. Jetties must be able to withstand extreme wave conditions and may alter littoral drift.

KENNEL -- Any lot or premises in which four (4) or more dogs or cats at least four months of age are kept commercially for board, propagation, training or sale.

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LAND DISPOSAL -- Deposition of dredged material on upland areas or on shorelands, including on the top and landward sides of flood control dikes.

LAND DIVISION -- A lot or parcel of land created through the process of dividing land.

LOADING SPACE, OFF-STREET -- In space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such deliveries when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space.

LOG DUMP/SORT AREA (IN WATER) -- The use of an area to transfer logs to or from the land to water, normally associated with log storage/sort yards, log booming or processing/shipping facilities where rafts are built or dismantled.

LOG STORAGE (IN WATER) -- The use of water surface area to store commercial logs in rafts until ready for market.

LOG STORAGE/SORTING AREA (DRY LAND) -- An area where logs are gathered from surrounding harvest areas, weighed, sorted for species, size and quality, and stored until ready for transfer to water storage areas or to market.

LOT -- A single unit of land that is created by a subdivision of land as defined under ORS 92.010. In certain instances, this ordinance also uses the term "lot" in a broader sense inclusive of the terms parcel, unit of land, and tract of land. [Ord. 18-02]

LEGAL LOT -- A unit of land which meets the minimum requirements of the zone in which it is situated and is provided with a minimum 25-foot frontage upon a state, county or public road or which has access to a state, county, or public road by means of a private road easement.

BUILDABLE LOT -- A legal lot which is proposed for use in compliance with this Ordinance, and has received approval of the water supply and sewage disposal method as appropriate to such use.

LOT OF RECORD -- Any lot or parcel lawfully created by a subdivision or partition plat of record in the County Clerk's Office, or lawfully created by deed or land sales contract prior to land use partitioning requirements, and of record in the Deed Records of Clatsop County.

Development of a "lot of record" must meet all other applicable development standards, except for the minimum lot size or lot dimensions of the zone. Development standards include all applicable requirements of the zone, overlay district, the Land and Water Development and Use Ordinance and the Standards Document, and state and federal statutes and administrative rules. Lot of record status does not authorize development

ARTICLE 1. INTRODUCTORY PROVISIONS

of a lot or parcel without compliance with the requirements in Section 1.1020.

LOT AREA -- The total area of a lot or tract of land exclusive of (1) public and county road rights-of-way, (2) bodies of water normally greater than 20% of the total lot area.

LOT CORNER -- A lot abutting on two or more streets, other than an alley, at their intersection.

LOT COVERAGE -- The area of a lot covered by a building or buildings, expressed as a percentage of the total lot area.

LOT DEPTH -- The perpendicular distance measured from the mid-point of the front lot line to the mid-point of the opposite lot line.

LOT INTERIOR -- A lot other than a corner lot.

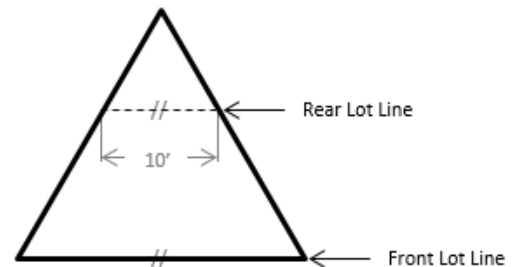
LOT LINE -- The property line bounding a lot.

LOT LINE ADJUSTMENT -- See Property Line Adjustment. Also see Section 2.9020.

LOT LINE, FRONT -- The property line separating the lot from the street, as defined in Section 1.0500, other than an alley, from which access is provided to the lot. For the purpose of establishing setback requirements, orientation of the dwelling unit is independent of access to the parcel. In the case of a corner lot, the front lot line is the property line with the narrow dimension adjacent to the street.

LOT LINE, REAR -- The lot line which is opposite and most distant from the front lot line and which is in the same plane and runs parallel to the front lot.

In the case of an irregular, triangular or other-shaped lot, as shown at right, a line ten (10) feet in length within the lot, parallel to and at a maximum distance from the front lot line.



LOT LINE, SIDE -- Any property line which is neither a front nor a rear lot line.

LOT TYPES --

- 1) Corner lot: A lot of which at least two (2) adjacent sides border public or private streets or roads, other than alleys.
- 2) Interior Lot: A lot with frontage only on one (1) street.
- 3) Double-Frontage Lot: A lot other than a corner lot with frontage on more than one (1) street.

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- 4) Cul-de-sac Lot: A lot which has a front lot line contiguous with the outer radius of the turn-around portion of a cul-de-sac. Such lots have a minimum street frontage of forty- five (45) feet. The calculation of lot width is made by measuring width at the midpoint of side lot lines.
- 5) Flag Lot: A lot with a minimum access way and frontage of twenty-five (25) feet which provides an access way from a public road or street to a site located behind other lots which have road or street frontage. Calculations of lot area shall include the access way or “staff” portion of the flag lot. The buildable or “flag” portion of the lot shall meet the dimensional standards of the zone in which it is located. The front lot line for the purposes of setbacks shall be designated as that property line which intersects the access way for the flag lot.
- 6) Ocean Front Lot -- A lot, parcel, or unit of land where no residence may be legally placed or constructed between the subject lot and the ocean. Often creating an unobstructed view of, and/or access to, the ocean beaches and headlands. See also 3.0150.

LOT, THROUGH -- An interior lot having frontage on two streets.

LOT WIDTH -- The average horizontal distance between the side lot lines, ordinarily measured parallel to the front lot lines.

LOW WATER BRIDGES -- A specific type of bridge crossing. Low water bridges are temporarily placed by private property owners across minor streams and sloughs during periods of low or intermittent water flow in order to provide access for farm machinery and other uses. Low water bridges are generally constructed of logs or planking and cable, and, as such, fill required for approaches to these bridges will in all cases be minimal (e.g. grading of a road approach) and consistent with the resource capabilities of the area and the purpose of the management unit. Low water bridges are removed during periods of high water flow and are replaced in the same location in subsequent seasons. Note that in sloughs behind tidegates, where water levels are regulated and changes in seasonal water heights are minimal low water bridges may be in place year-round.

MAINTENANCE -- Routine upkeep of existing structure or facilities which are in current use or operation.

MAINTENANCE AND REPAIR -- Routine upkeep of an existing structure or remedial restoration of a damaged structure in current use or operation. 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.

MANUFACTURED DWELLING (as per ORS 197.475) includes:

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- 1) Residential trailer: A structure, greater than 400 square feet, 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.
- 2) Mobile home: A structure having at least 400 square feet of floor area and which is transportable in one or more sections. 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.
- 3) Manufactured home: A structure constructed for movement on the public highways, after June 15, 1976, 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 PARK: A place where either four or more manufactured dwellings are located on one or more contiguous lots, tracts, or parcels of land under a single ownership, the purpose of which is to provide permanent residential spaces for charge or fee paid for the use of facilities, or to offer space free of charge in connection with securing the trade, patronage or services of the occupant.

MANUFACTURED HOME -- (used in connection with flood hazard regulations only) A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. It includes recreational vehicles or travel trailers that are placed on a site for more than 180 consecutive days.

MARINA -- Facilities which provide moorage, launching, storage, supplies and a variety of services for recreational, commercial and fishing vessels. They are differentiated from docks and moorages by their larger scale, the provision of significant land side services and/or the use of a solid breakwater (rock, bulkheading, etc.).

MAXIMUM OCCUPANCY -- For each rental unit shall be calculated on the basis of two (2) persons per sleeping room plus an additional four (4) persons, up to a maximum of fourteen (14) persons. For this purpose, a sleeping room is defined as fully- enclosed habitable space with a heat source, and an emergency escape or rescue opening.

MEAN HIGH WATER (MHW) -- The average height of all high waters over a 19-year period.

MEAN HIGHER HIGH WATER (MHHW) -- The average height of the higher high waters over a 19-year period.

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MEAN LOW WATER (MLW) -- The average height of all low waters over a 19-year period.

MEAN LOWER LOW WATER (MLLW) -- The average height of the lower low waters over a 19-year period.

MEAN SEA LEVEL -- The average height of the sea for all states of the tide.

MILITARY ACTIVITIES -- The movement of equipment and/or personnel related to the military including but not limited to the following (allowed in Military Reserve (MR) and EFU, and AF zones):

- 1) Combat exercises.
- 2) Air and ground combat exercises.
- 3) Transport of military property.

MINE -- Premises from which any rock, sand, gravel, stone, topsoil, clay, mud, peat, organic, or mineral is removed or excavated for sale, or other reasons, and exclusive of excavating and grading for streets and roads and the process of grading a lot preparatory to the construction of a building for which a permit has been issued by a public agency. [Ord. 18-02]

MINERAL RESOURCES -- Soil, coal, clay, stone, sand, gravel, metallic ore and any other solid material or substance excavated for commercial, industrial or construction uses from natural deposits situated within or upon lands in this state.

MINING -- "Mining" includes all or any part of the process of mining by the removal of overburden and the extraction of natural mineral deposits thereby exposed by any method including open pit mining operations, auger mining operations, processing, surface impacts of underground mining, production of surface mining refuse and the construction of adjacent off-site borrow pits except those constructed for use as access roads. "Mining" does not include excavations of sand, gravel, clay, rock, organic or other similar materials conducted by a landowner or tenant on the landowner or tenant's property for the primary purpose of reconstruction or maintenance of access roads and excavation or grading operations conducted in the process of farming, forestry or cemetery operations, on-site road construction or other on-site construction or non-surface impacts of underground mines. [Ord. 18-02]

MINING AND PROCESSING OF AGGREGATE AND MINERAL RESOURCES -- "Processing" includes, but is not limited to, crushing, washing, milling and screening as well as the batching and blending of mineral aggregate into asphalt and Portland cement concrete located within the operating permit area. "Mining" includes all or any part of the process of mining by the removal of overburden and the extraction of natural mineral deposits thereby exposed by any method including open pit mining operations, auger mining operations, processing, surface impacts of underground mining, production of surface mining refuse and the construction of adjacent off-site borrow pits except those constructed for use as access roads.

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“Mining” does not include excavations of sand, gravel, clay, rock or other similar materials conducted by a landowner or tenant on the landowner or tenant’s property for the primary purpose of reconstruction or maintenance of access roads and excavation or grading operations conducted in the process of farming or cemetery operations, on-site road construction or other on-site construction of non-surface impacts of underground mines. [Ord. 18-02]

MINING AND PROCESSING OF AGGREGATE, MINERAL, OIL, GAS OR OTHER SUBSURFACE RESOURCES -- Processing of aggregate includes, but is not limited to, crushing, washing, milling and screening as well as the batching and blending of mineral aggregate into asphalt and Portland cement concrete located within the operating permit area. “Gas” means all natural gas and all other fluid hydrocarbons not defined as oil, including condensation originally in the gaseous phase in the reservoir. “Oil” means crude petroleum oil and all other hydrocarbons, regardless of gravity, which are produced in liquid form by ordinary production methods, but does not include liquid hydrocarbons that were originally in a gaseous phase in the reservoir. [Ord. 18-02]

MINING/MINERAL EXTRACTION -- The removal for economic use of minerals, petroleum resources, sands, gravels or other naturally occurring materials from the shorelands or submerged lands.

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

MITIGATION -- Any action that, to some degree, softens the impact of development on wetlands and aquatic areas. This may include all or any one of the following actions: (1) avoiding the impact altogether by not taking a certain action or parts of an action; (2) minimizing impacts by limiting the degree or magnitude of an action and its implementation; (3) rectifying the impact by repairing, rehabilitating, or restoring the affected environment; (4) reducing or eliminating the impact over time by preservation and maintenance operations; and (5) compensating for the impact by creation, restoration, or enhancement of wetlands and aquatic areas to maintain their functional processes, such as natural biological productivity, habitat, and species diversity, unique features and water quality. Any mitigation action or combination of actions may involve monitoring and remedial follow-up measures.

MOORAGE -- Piling or a dock, or both, used to secure a boat or barge.

MOTEL – A building or group of buildings on the same lot, containing guest units with separate entrances and consisting of individual sleeping quarters detached or in connected rows, with or without cooking facilities, for rental to transients.

NAVIGATION AIDS -- Beacons, buoys, range markers and other objects providing directional assistance.

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NAVIGATION CHANNEL -- Authorized channel(s) maintained by the Corps of Engineers, and other natural or locally maintained channels.

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

NECESSARY FOR -- With respect to forest management dwellings, "necessary for" means the dwelling will contribute substantially to effective and efficient management of the forest land to be managed by the resident(s) of the dwelling.

NEIGHBORHOOD/COMMUNITY ORGANIZATION: A non-profit, tax-exempt organization, including private homeowners' associations where membership goes with ownership (501 (c)(7)), and associations open to everyone in the community (501 (c)(4)). Such organizations need to provide the Community Development Department an Oregon Secretary of State certificate, tax exemption certificate, a copy of the bylaws showing the boundaries of the organization, and the person designated to receive mailed notices.

NEIGHBORHOOD PARK OR PLAYGROUND -- An area for intense recreational activities, such as but not limited to field games, court games, crafts, playground apparatus area, skating, walking, viewing, picnicking, wading pools, swimming pools.

NET METERING POWER FACILITY -- A facility for the production of energy that:

- 1) Generates energy using means listed in ORS or OAR such as solar power, wind power, fuel cells, hydroelectric power, landfill gas, digester gas, waste, dedicated energy crops available on a renewable basis or low-emission, nontoxic biomass based on solid organic fuels from wood, forest or field residues; but not including the production of biofuel as authorized by ORS 215.203(2)(b)(K) in all zones which allow "Farm Use" and 215.283(1)(r) in the Exclusive Farm Use zone;
 - 2) Is intended to offset part of the customer-generator's requirements for energy;
 - 3) Will operate in parallel with a utility's existing transmission and distribution facilities;
 - 4) Is consistent with generating capacity as specified in ORS 757.300 and/or OAR 860-039-0010 as well as any other applicable regulations;
 - 5) Is located on the same tract as the use(s) to which it is accessory and the power generating facility, tract, and use(s) are all under common ownership and management.
- [Ord. 18-02]

NEW CONSTRUCTION -- Structures for which the start of construction commenced on or after the effective date of this ordinance.

NEW DREDGING -- Dredging in an area that has not been dredged before; or deepening an existing dredged channel, basin, or other facility beyond its previously

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authorized or approved depth; or dredging a channel, basin, or other facility that has not been in use or operation in the past five years.

NON-COMMERCIAL/STAND-ALONE POWER GENERATING FACILITY -- A facility for the production of energy that:

- 1) Generates energy using means listed in ORS or OAR such as solar power, wind power, fuel cells, hydroelectric power, landfill gas, digester gas, waste, dedicated energy crops available on a renewable basis or low-emission, nontoxic biomass based on solid organic fuels from wood, forest or field residues but not including the production of biofuel as authorized by ORS 215.203(2)(b)(K) in all zones which allow "Farm Use" and 215.283(1)(r) in the Exclusive Farm Use zone;
- 2) Is intended to provide all of the generator's requirements for energy for the tract or the specific lawful accessory use that it is connected to;
- 3) Operates as a stand-alone power generator not connected to a utility grid; and
- 4) Is located on the same tract as the use(s) to which it is accessory and the power generating facility, tract, and use(s) are all under common ownership and management.

[Ord. 18-02]

NOXIOUS MATTER -- Materials which are capable of causing injury to living organisms by chemical reaction or is capable of causing detrimental effects upon the psychological, social, or economic well-being of human beings.

NURSERY, HORTICULTURAL -- A place where trees, shrubs, vines, etc. are propagated for transplanting or for use as stocks for grafting and where such flora can be sold.

OCCUPATION -- refers to any service, trade or business which has employees, manufactures a product or provides service to the public.

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.

OCEAN YARD -- a yard measured horizontally and at a right angle from the Statutory Vegetation Line established and described by ORS 390.770 to the nearest point of a building, as building is defined in Section 3.0150. An ocean yard may be a front yard, rear yard, or a side yard.

OFF-SITE -- With respect to mitigation, an area separated from the impact area by a significant distance and that offers little or no opportunity for reestablishing lost values and functions to organisms which originally benefited from the lost habitat.

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OIL -- Crude petroleum oil and all other hydrocarbons, regardless of gravity, which are produced in liquid form by ordinary production methods, but not including liquid hydrocarbons that were originally in a gaseous phase in the reservoir.

OIL AND GAS, GEOTHERMAL PRODUCTION -- Liquid or vaporous hydrocarbon substances, when at normal temperatures, which are removed from the earth by means other than mining (Conditional use in resource zones).

ON-SITE -- With respect to mitigation, an area adjacent to or near the impact area that offers a reasonable opportunity for reestablishing lost values and functions to organisms which originally benefited from the lost habitat.

OPEN PLAY FIELD -- A large, grassy area with no structural improvements intended for outdoor games and activities within a park by park visitors. The term does not include developed ball fields, golf courses or courts for racquet sports. [Ord. 18-02]

OPEN SPACE -- Land used for farm or forest uses, and any land area that would, if preserved and continued in its present use:

- 1) Conserve and enhance natural or scenic resources;
- 2) Protect air or streams or water supply;
- 3) Promote conservation of soils, wetlands, beaches or tidal marshes;
- 4) Conserve landscape areas, such as public or private golf courses, that reduce air pollution and enhance the value of abutting or neighboring property;
- 5) Enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries or other open space;
- 6) Promote orderly urban development.

OPEN SPACE, COMMON -- A parcel of land together with any improvements that are to be used, maintained and enjoyed by the owners and occupants of the individual building units (Homeowners Association) in subdivisions with common open space, planned development or cluster development.

OPERATOR -- Any individual, public or private corporation, political subdivision, agency, board or department of this State, any municipality, partnership, association, firm, trust, estate or any other legal entity whatsoever that is engaged in mining operations.

ORIGINAL PARCEL -- The tract of land referred to prior to dividing.

OUT-OF-KIND -- With respect to mitigation, any action that replaces wetland or aquatic area characteristics that have been impaired or lost due to a development action with a different set of characteristics that are judged to be of equal resource value.

OUTDOOR MASS GATHERING -- A gathering, as defined by ORS 433.735, that is an actual or reasonably anticipated assembly of more than 3,000 persons which continues or can reasonably be expected to continue for more than 24 consecutive hours but less

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than 120 hours within any three-month period and which is held primarily in open spaces and not in any permanent structure. Any decision for a permit to hold an outdoor mass gathering as defined by statute is not a land use decision and is appealable to circuit court. Outdoor mass gatherings do not include agri-tourism events and activities as defined under ORS 30.671 and 215.283. [Ord. 18-02]

OVER-CHANNELIZATION -- Diversion of flow from shallow areas into the main channel by dredging, pile dikes or other means to the degree that circulation is markedly decreased and sedimentation increased in the shallow areas.

OVERLAY DISTRICT -- A supplementary district which places special restrictions or preempts the use of land beyond those required in the underlying zones.

OWNER -- The owner of record of real property as shown on the tax rolls of the County, or a person who is purchasing a piece of property under contract.

OWNERSHIP -- The existence of a legal or equitable title to land.

PARCEL --

- 1) Includes a unit of land created:
By partitioning of land as defined in ORS 92.010;
(A) In compliance with all applicable planning, zoning and partitioning ordinances and regulations; or
(B) By deed or land sales contract, if there were no applicable planning, zoning or partitioning ordinances or regulations.
- 2) Does not include a unit of land created solely to establish a separate tax account.

PARK, PRIVATE -- Land that is used for low impact casual recreational uses such as picnicking, boating, fishing, swimming, camping, and hiking or nature-oriented recreational uses such as viewing and studying nature and wildlife habitat, and may include play areas and accessory facilities that support the activities listed above, but does not include tracks for motorized vehicles or areas for target practice or the discharge of firearms. [Ord. 18-02]

PARK, PUBLIC -- A public area intended for open space and outdoor recreation use that is owned and managed by a city, county, regional government, state or federal agency, or park district and that may be designated as a public park in the applicable comprehensive plan and zoning ordinance. [Ord. 18-02]

PARKING SPACE -- An enclosed or unenclosed surface area of not less than twenty (20) feet by eight (8) feet in size, or not less than eighteen (18) feet by seven (7) feet where compact spaces are authorized by this code, exclusive of maneuvering and access area, permanently reserved for the temporary storage of one automobile, and connected with a street or alley which affords ingress and egress for automobiles.

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PARKS AND CAMPGROUNDS -- An area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes. A camping site may be occupied by a tent, travel trailer or recreational vehicle. Campgrounds shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations.

PARTITION -- Either an act of partitioning land or an area or tract of land partitioned.

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

- 1) A division of land resulting from a lien foreclosure, foreclosure of a recorded contract for the sale of real property or the creation of cemetery lots;
- 2) An adjustment of a property line by the relocation of a common boundary where an additional unit of land is not created and where the existing unit of land reduced in size by the adjustment complies with any applicable zoning ordinance; or
- 3) A sale or grant by a person to a public agency or public body for state highway, county road, city street or other right-of-way purposes provided that such road or right-of-way complies with the comprehensive plan and ORS 215.213(2)(q) to (s) and 215.283(2)(p) to (r). However, any property divided by the sale or grant of property for state highway, county road, city street or other right-of-way purposes shall continue to be considered a single unit of land until such time as the property is further subdivided or partitioned.

Partitioned lots are subject to the standards of Section 1.0500, 2.9000-2.9120, and 3.9800 of this Ordinance.

PARTITION PLAT -- A final map and other writing containing all the descriptions, locations, specifications, provisions and information concerning a partition.

PATIO -- A recreation area adjoining a dwelling which is often paved or a wood platform. Patio surface is not higher than 30 inches above finished grade (see Deck).

PERFORMANCE STANDARDS -- A criterion to control noise, odor, smoke, toxic or noxious matter, vibration, fire and explosive hazards, or glare or heat generated by or inherent in uses of land or buildings.

PERMIT -- Discretionary approval of a proposed development of land under ORS 227.215.

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

PERSONAL STORAGE STRUCTURE -- See Accessory Structure. [Ord. 18-02]

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PERSONAL USE AIRPORT -- An airstrip restricted, except for aircraft emergencies, to use by the owner, and on an infrequent and occasional basis, by invited guests, and by commercial aviation activities in connection with agricultural operations. No aircraft may be based on a personal use airport other than those owned or controlled by the owner of the airstrip.

PILE DIKE -- A partial barrier to water flow, constructed of piling, that is designed to direct river flow in a particular direction.

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.

PILING/DOLPHIN INSTALLATION -- The driving of wood, concrete or steel piling into the bottom in aquatic areas to support piers or docks, structures, moored floating structures, vessels or log rafts or for other purposes. A dolphin is a group of piling held together by steel cable and used for mooring vessels, log rafts or floating structures.

PLAT -- A final subdivision plat, replat or partition plat.

POTABLE WATER SUPPLY -- See Water Supply, Potable.

PREPARATION -- As it applies to the definition of "Farm use" in ORS 215.203, preparation includes but is not limited to the cleaning, treatment, sorting or packaging of farm products or by-products. [Ord. 18-02]

PRIMARY PROCESSING OF A FOREST PRODUCT -- The use of a portable chipper or stud mill or other similar methods of initial treatment of a forest product in order to enable its shipment to market.

PRINCIPAL USE -- The main use to which the premises are devoted and the principal purpose for which the premises exist.

PRINCIPALLY ABOVE GROUND -- At least 51 percent of the actual cash value of the structure, less land value, is above ground.

PRINCIPALLY ENGAGED IN FARM USE -- As it refers to primary farm dwellings and accessory farm dwellings, a person is principally engaged in the farm use of the land when the amount of time that an occupant of the dwelling is engaged in farm use of the property is similar to the average number of hours that is typically required for a full-time employee of the relevant type of farm use, whether that person is employed off the farm or not. Only one resident of a household need meet the "principally engaged" test, or the test may be met collectively by more than one household member. [Ord. 18-02]

PRIVATE ROAD -- See Road, Private.

PROCESSED -- As it applies to farm stands, processed crops and livestock means

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farm products that have been converted into other products through canning, drying, baking, freezing, pressing, butchering or other similar means of adding value to the farm product, including the addition of incidental ingredients, but not including the conversion of farm products into food items that are prepared on-site or intended for on-site consumption. [Ord. 18-02]

PROFESSION -- A personal service or services rendered to the public which may only be lawfully rendered pursuant to a license issued by the State of Oregon.

PROPERTY LINE ADJUSTMENT -- The relocation or elimination of all or a portion of the common property line between abutting properties that does not create an additional lot or parcel.

PUBLIC ACCESS -- Public access to shoreline and aquatic areas either may be achieved through:

- 1) direct physical access to shoreland and aquatic areas (i.e. boat ramps);
- 2) aesthetic access (i.e. viewing opportunities); and
- 3) other facilities providing some degree of access to shorelands and aquatic areas.

PUBLIC GAIN -- The net gain from combined economic, social, and environmental effects which accrue to the public because of a use or activity and its subsequent resulting effects.

PUBLIC ROAD -- A road over which the public has a right of use that is a matter of public record.

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 OR SEMI-PUBLIC USE -- A structure or use, owned or operated by a state, county, city, school district or other public or private agency or concern for the benefit of the public generally including schools, fire stations, libraries, community building, museums, child care centers, fairgrounds, and churches but does not include specific uses or structures which are defined separately in this section.

PUBLIC UTILITY -- A private business or organization such as a public service corporation, performing some public service and subject to special governmental regulations, or a governmental agency performing similar public services, the service by either of which are paid for directly by the recipients thereof. Such services shall include, but are not limited to, water supply electric power, gas and transportation of persons or freight.

REACH -- A hydraulic engineering term used to describe longitudinal segments along a stream or a river. A reach will generally include the segment of the flood hazard area where flood heights are primarily controlled by man-made or natural obstructions or constrictions. In an urban area an example of reach would be the segment of a stream

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or river between two consecutive bridge crossings.

RECLAMATION -- The employment in a surface mining or mining operation or procedures, reasonably designed to minimize as much as practicable the disruption from the surface mining operation and to provide for the rehabilitation of any such surface and resources adversely affected by such surface mining operations through the rehabilitation of plant cover, soil stability, water resources, and other measures appropriate to the subsequent beneficial use of such mined and reclaimed lands.

RECORD -- To submit instrumentation to, and have such instrumentation accepted by, the Office of the County Clerk for the purpose of placing an instrumentation, or copies thereof, in official plat evidence.

RECREATION, HIGH INTENSITY -- Uses involving specially built facilities, or occurring in such density or form that is requires or results in a modification of the area or resource.

Campgrounds, golf courses, public beaches, and marinas are examples of facilities for high intensity recreation.

RECREATION, LOW INTENSITY -- Recreation that does not require developed facilities and can be accommodated without change to the area or resource. For example, boating, hunting, hiking, wildlife photography, and beach or shore activities can be low intensity recreation. Facilities included as low-intensity recreation include picnic tables, trail signs, unpaved trails and portable restrooms.

RECREATIONAL VEHICLE - A portable temporary dwelling unit, with a gross floor area not exceeding 400 square feet in the set-up mode, which is intended for vacation, emergency or recreational use, but not for permanent residential use. Recreational Vehicle includes the following:

- 1) **CAMPER** - A structure containing a floor that is designed to be temporarily mounted upon a motor vehicle, and which is designed to provide facilities for temporary human habitation.
- 2) **MOTOR HOME** - A motor vehicle with a permanently attached camper, or that is originally designed, reconstructed or permanently altered to provide facilities for temporary human habitation.
- 3) **TRAVEL TRAILER** - A trailer that is capable of being used for temporary human habitation, which is not more than eight feet wide, and except in the case of a tent trailer, has four permanent walls when it is in the usual travel position.
- 4) **SELF-CONTAINED RECREATIONAL VEHICLE** - A vehicle that contains a factory-equipped, on board system for the storage and disposal of gray water and sewage.

RECREATIONAL VEHICLE PARK -- An area of ground upon which two or more recreational vehicles are located, established or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreational, education or vacation purposes.

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RECYCLING CENTER -- A center for the receiving and storage of recyclable materials such as paper, glass and aluminum. The center would receive materials from the general public. This use may involve some outside storage.

REHABILITATION -- Infrequent, extensive repair of more than routine nature to existing structures or facilities which are in current use or operation.

RELATIVE -- A spouse, child, stepchild, parent, stepparent, grandchild, grandparent, stepgrandparent, sibling, stepsibling, aunt, uncle, niece, nephew or first cousin of the farm operator or the farm operator's spouse. [Ord. 18-02]

REMEDIAL DUNE GRADING - Grading that is undertaken on an active dune in order to protect existing improvements from the effects of wind-borne sand. The grading is intended to remedy the effect of sand inundation that has already occurred.

RENTAL, SHORT-TERM -- A dwelling unit that is rented to any person or entity for a period of up to thirty (30) consecutive nights.

RENTED -- The use and possession of a residence is granted to one or more persons in exchange for consideration valued in money, goods, labor, credits, property or other consideration valued in money, without any deduction.

REPLAT -- The act of platting the lots, parcels and easements in a recorded subdivision or partition plat to achieve a reconfiguration of the existing subdivision or partition plat or to increase or decrease the number of lots in the subdivision.

RESERVE STRIP -- A strip of land one (1) foot in width which may overlay the outer one (1) foot of any public road right-of-way and over which authority is reserved to the Board specifically for the control of access to adjacent lands. Such control remains in effect until a plan for logical development of adjacent lands is accepted by the County or until adjacent right-of-way is accepted by the County for the continuation or widening of the street.

RESORT -- Any area of land or water used for open land commercial or private recreation where overnight lodging, meals and related tourist services are provided in conjunction with such recreational use.

RESOURCE ZONES -- The following zones shall be considered resource zones: EFU, AF, F- 80, OPR, RM, LW, AN, AC-1, AC-2, NU, QM, NS, CS, NAC-1, NAC-2, EAC.

RESTORATION -- Revitalizing, returning or replacing attributes and amenities such as natural biological productivity and aesthetic or cultural resources which have been diminished or lost by past alterations, activities or catastrophic events. For the purpose of Oregon Statewide Planning Goal 16, estuarine restoration means to revitalize or reestablish functional characteristics and processes of the estuary diminished or lost by

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past alterations, activities, or catastrophic events. A restored area must be a shallow subtidal or an intertidal or tidal marsh area after alteration work is performed, and may not have been a functioning part of the estuarine system when alteration work began.

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

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

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

RETAIL SALES – In-person sales of items for a customer’s personal use but does not include the sale of a seasonal use manufactured on the premises in Residential Agriculture (i.e. RA-1, RA-2, RA-5, RA-10) or resource zone (i.e. EFU, AF, F-80).

RIPARIAN -- Of, pertaining to, or situated on the edge of the bank of a river or other body of water.

RIPRAP -- A layer, facing, or protective mound of stones randomly 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.

ROAD, COUNTY -- An improved travel surface placed within a dedicated public right-of-way which has been formally accepted by the county for access purposes and which is maintained by the county.

ROAD, PRIVATE -- An improved travel surface placed within a private road easement that is intended to provide access from a state, county, or public road to one or more lots, parcels, areas or tracts of land and which is maintained by private funds for the exclusive use of private parties.

ROAD, PUBLIC -- A road over which the public has a right of use that is a matter of public record.

ROAD, STATE -- An improved travel surface placed within a dedicated public right-of-way which is maintained by the state.

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ROOMING HOUSE -- Same as Boarding House.

SAND DUNES -- The accumulation of sand in ridges or mounds, usually by natural means, landward of the beach.

SEASONAL FARMWORKER HOUSING -- Housing limited to occupancy by seasonal farmworkers and their immediate families which is occupied no more than nine months a year. For purposes of this definition, "nine months" means 273 days within any calendar year.

SEASONAL USE -- A use carried on for only a part of the year during a designated season, such as the spring, summer, the fall or the winter months.

SENSITIVE USE -- A conflicting use or structure considered sensitive to dust, odor, vibration, and/or noise, including an office, business, residence, school, park, church or hospital. Industrial, agricultural and forestry activities are not sensitive uses unless the activity includes an accessory residential use.

SHARED USE PATH: A facility for non-motorized access conforming to County standards and separated from the roadway, either in the roadway right-of-way, independent public right-of-way, or a public access easement. It is designed and constructed to allow for safe walking, biking, and other human-powered travel modes.

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

SHORELINE STABILIZATION -- The protection from erosion and sloughing of ocean and estuary shorelines and the banks of tidal or non-tidal streams, rivers or lakes by vegetative or structural means. Vegetative shoreline stabilization is the use of lands that anchor the soil to prevent shoreline erosion and sloughing. Structural shoreline stabilization is the use of riprap, bulkheads, sea walls, or other non-vegetative material to prevent shoreline erosion.

SIGN -- Any letter, figures, symbols, or designs which are intended to convey a message or to attract the attention of a person on a public street.

SIGN, FLASHING -- Any illuminated sign on which the artificial light is not maintained stationary and/or constant in intensity and color at all times when such sign is in use. For the purpose of this ordinance, any moving, illuminated sign shall be considered a flashing sign.

SIGNIFICANT AREAS -- An area of more than local significance; so designated because it possesses important natural, scientific, historical, cultural and/or archaeological resources.

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SIGNIFICANT SHORELAND RESOURCES -- Are described in subarea plans, and are included in the Coastal Shorelands boundaries. Significant shoreland resources include significant non-tidal wetlands, significant shoreland fish and wildlife habitat, significant riparian vegetation, exception aesthetic resources and coastal headlands.

SOLAR ACCESS -- The exposure of a building to the sun which enables such building to obtain south-facing surface area exposure, in excess of 50% on the date of the winter solstice, adequate for solar space heating or water heating purposes.

SOLID WASTE -- All putrescible and non-putrescible wastes including but not limited to garbage, rubbish, refuse, ashes, waste paper and cardboard; sewage sludge, septic tank and cesspool plumbing and other sludge; commercial, industrial demolition and construction wastes, discarded or abandoned vehicles or parts thereof; discarded home and industrial appliances; manure, vegetable or animal solid and semi-solid wastes, dead animals and other wastes; but the term does not include:

- 1) Environmentally hazardous wastes as defined in Ordinance 72-3, pertaining to Solid Waste Nuisance Abatement.
- 2) Materials used for fertilizer for other productive purposes or which are salvageable as such materials are used on land in agricultural operations and the growing or harvesting of crops and raising of fowl or animals.

SOLID WASTE TRANSFER STATION -- This use would involve the transfer of solid waste materials from route collection trucks to larger capacity semi-trailers for transport to a solid waste disposal site. The transfer activities would be conducted entirely within an enclosed structure. The use may involve a service area for the repair and maintenance of trucks and an outside parking area for trucks.

STABILIZATION -- The process of controlling soil or sand activity (i.e. stilling the movement of sand and eroding soil) by natural vegetative growth, planting of grasses and shrubs, or mechanical means (e.g. wire net, fencing).

START OF CONSTRUCTION –

- 1) For a structure other than a mobile home "start of construction" means the first placement of permanent construction on a site, such as the pouring of slabs or footings or any work beyond the state of excavation. Permanent construction does not include land preparation, such as clearing, grading or filling; nor does it include the installation of streets and/or walkways; nor does it include the excavation for a basement; footing, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the main structure. For a structure without a basement or poured footings, the "start of construction" includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation.
- 2) For mobile homes not within a mobile home park/subdivision "start of construction" means the placing of the mobile home on the property.

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- 3) For mobile homes within mobile home park/subdivision "start of construction" means the date on which the construction of facilities for servicing the site on which the mobile home is to be affixed (including at a minimum, the construction of streets, either final site grading or the pouring of concrete pads, and the installation of utilities) is completed.

STATE ROAD -- See Road, State.

STORAGE -- To keep for future use. Placement of a structure, excluding mobile homes, RVs and trailers in residential zones in which valued possessions are kept for use at a future date.

STORAGE STRUCTURES FOR EMERGENCY SUPPLIES -- Structures to accommodate those goods, materials and equipment required to meet the essential and immediate needs of an affected population in a disaster. Such supplies include food, clothing, temporary shelter materials, durable medical goods and pharmaceuticals, electric generators, water purification gear, communication equipment, tools and other similar emergency supplies.

STREET -- A roadway dedicated to the public, which has been accepted by the Board that is created to provide ingress and/or egress to one (1) or more lots, parcels, areas or tracts of land including the terms road, highways, lanes, avenue, or similar designation.

Classification:

- 1) Principal Arterial: Streets which form a connected rural network of continuous routes having the following characteristics:
 - (A) Serve projected corridor movements having trip length and travel density characteristics indicative of substantial statewide or interstate travel.
 - (B) Serve all, or virtually all, year 2000 urban areas of 50,000 and over population and a large majority of those with population of 25,000 and over.
 - (C) Provide an integrated network with stub connections except where unusual geographic or traffic flow conditions dictate otherwise (e.g. international boundary connections and connections to coastal cities).
- 2) Minor Arterial: Streets which, in conjunction with principal arterials, form a rural network having the following characteristics:
 - (A) Link cities and larger towns (and other traffic generators, such as major resort areas, that are capable of attracting travel over similarly long distances) and form an integrated network providing interstate and intercounty service.
 - (B) Be spaced at such intervals, consistent with population density, so that all developed areas of the State are within a reasonable distance of an arterial highway.

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- (C) Provide (because of the two characteristics defined in A and B above) service to corridors with trip lengths and travel density greater than those predominantly served by rural collector or local systems. Minor arterials therefore constitute routes whose design should be expected to provide for relatively high overall travel speeds, with minimum interference to through movement.
- 3) Major Collectors: These routes should: (1) provide service to any County seat not on an arterial route, to the larger towns not directly served by the higher systems, and to other traffic generators of equivalent intracounty importance, such as consolidated schools, shipping points, etc.; (2) link these places with nearby larger towns or cities, or with routes of higher classification; and (3) serve the more important intracounty travel corridors.
- 4) Minor Collectors: These routes should: (1) be spaced at intervals, consistent with population density, to collect traffic from local roads and bring all developed areas within a reasonable distance of a collector road; (2) provide service to the remaining smaller communities; and (3) tend to feed predominately residential traffic from local roads into major collectors or arterials.
- 5) Local Road or Street: A road or street which a) serve primarily to provide access to adjacent land; and b) provide service to travel over relatively short distances as compared to collectors or other higher systems. They are designed specifically to have high accessibility and to connect to collector and arterial roads, and are typically not used for through traffic.

Types:

- 1) Cul-de-sac: A street having only one (1) outlet for vehicular traffic, with a turnaround at the opposite end, which is not to be extended or continued to serve future subdivisions or development on adjacent lands.
- 2) Frontage Road: A street which is parallel and adjacent to an arterial, and which provides access to abutting properties while relieving them of the effect of through traffic.
- 3) Stubbed Street: A street having only one (1) outlet for vehicular traffic and which is to be extended or continued to serve future subdivisions or development on adjacent property.

STRUCTURE -- Anything constructed, erected or air-inflated, permanent or temporary, which requires location on the ground or water, or attached to an existing structure. Among other things, structure includes residences, apartments, barns, cabins, buildings, walls, fences, billboards, poster panels, food stands and parking lots. [Ord. 18-02]

SUBDIVIDE LAND -- To divide an area or tract of land into four or more lots within a calendar year when such area or tract of land exists as a unit or contiguous units of land under a single ownership at the beginning of such year (revised as per ORS 92).

SUBDIVIDER -- Any person who undertakes the subdivision of land for the purpose of ownership or development at any time, whether immediate or future.

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SUBDIVISION -- Either an act of subdividing land or an area of tract of land subdivided as defined in this section (revised as per ORS 92).

SUBMERGED LANDS -- Lands lying below the line of Mean Low Water in tidal areas and the line of Ordinary Low Water in non-tidal areas.

SUBMERSIBLE LANDS -- Land lying between Extreme Low Water and Extreme High Water.

SUBSTANTIAL CONSTRUCTION – Any development-related activity (site preparation or construction activities), including any combination of development, building, or septic permits, septic construction, clearing, grading, excavation or other earthwork, road construction, utility placement, surveying, engineering and architectural design, that has been met prior to the expiration of the specific development permit as outlined below:

Substantial construction shall be defined to have occurred for construction when any of the following have been met prior to the expiration of the specific development permit:

- 1) Building, development and septic permits have been obtained and a foundation completed for a conventionally built dwelling; or
- 2) Substantial construction, as defined above, has been completed at a cost in excess of 10% of the construction value of the proposed structure as determined by Uniformed Building Code calculations. Documentation of the cost of improvements for the dwelling shall be in writing (i.e., receipts, canceled checks, etc.) and shall be submitted to the Community Development Department with a time schedule of the activities/expenditures.

SUBSTANTIAL IMPROVEMENT -- Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either:

- 1) Before the improvement or repair is started, or
- 2) If the structure has been damaged and is being restored, before the damage occurred.

For the purpose 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 commences, whether or not the alteration affects the external dimensions of the building. The term does not, however, include:

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

SUBTIDAL -- Below the level of mean lower low tide. In the Columbia River Estuary this is generally three (3) feet below mean lower lot water.

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SUMP DREDGED MATERIAL DISPOSAL, IN-WATER -- Deposition of dredged materials in a temporary in-water holding area and subsequently rehandling the material to place it on a land disposal site.

SURVEY AND MONUMENT -- To locate and monument the boundaries of a partition parcel, road right-of-way or road easement. A survey shall be completed by a state licensed surveyor and be such that the error of closure shall not exceed one foot in 5,000 feet. At a minimum, the corners of all parcels and the boundaries of all roads which are created or easements which are utilized shall be monumented. Points shall be monumented along road boundaries at the point of beginning, at road intersections and where the boundary line changes direction. If a cul-de-sac is proposed, the center of the cul-de-sac shall be monumented.

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: (1) alterations necessary for disposal sites by barge or pipeline and staging areas or dredging for jetty maintenance, (2) alterations to establish mitigation sites, alterations for bridge construction or repair and for drilling or other explanatory operations, and (3) minor structures (such as blinds) necessary for research and educational observation.

TEMPORARY STRUCTURE OR 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. [Ord. 18-02]

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

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

TOWNHOUSE -- A building or structure that has two (2) or more one (1) family dwelling units erected as a single-family building, each being separated from the adjoining unit or units by an approved fire wall or walls along individual property lines and provided for fee simple ownership of land and dwelling unit.

TOXIC MATERIALS -- A substance (liquid, solid, or gaseous) which by reason of an inherent deleterious property tends to destroy life or impair health.

TRACT OF LAND -- One or more contiguous lots or parcels under the same ownership, as defined in ORS 215.010(2). [Ord. 18-02]

TRANSMISSION LINES -- Lines designated to move bulk energy products from where they are produced, generated or stored in bulk to distribution lines that carry the energy

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products to consumers.

TREE -- any woody plant having at least one well-defined stem at least six inches in diameter measured at a height of four and one-half feet above the natural grade.

USE -- See Development.

UTILITIES -- Local sewer, water, gas, telephone and power distribution lines necessary for local utility service. Included in this definition are uses needed to operate transmission and distribution lines including pumping stations, repeater stations, and water storage tanks.

UTILITIES NECESSARY FOR PUBLIC SERVICE -- Unless otherwise specified in this Article/Chapter, any facility owned or operated by a public, private or cooperative company for the transmission, distribution or processing of its products or for the disposal of cooling water, waste or by-products, and including, major trunk pipelines, water towers, sewage lagoons, cell towers, electrical transmission facilities (except transmission towers over 200' in height) including substations not associated with a commercial power generating facilities and other similar facilities. [Ord. 18-02]

VARIANCE -- A grant of relief to a person from the quantifiable standards of this ordinance in a manner that would otherwise be prohibited by this ordinance. "Variance" does not include grants of relief from standards regulating uses, minimum lot size or density.

VEGETATIVE HEDGE -- One or more species of shrubs or trees, growing or planted along a line to create a dense boundary to buffer adjacent property or to screen out objectionable views. [Ord. 18-02]

VEHICLE -- Any device in, upon or by which any person or property is or may be transported or drawn and includes vehicles that are propelled or powered by any means.

VETERINARY CLINIC -- Any building or portion thereof designed or used for the care, observation or treatment of animals.

WAREHOUSE -- A structure or part of a structure, for storing goods, wares, and merchandise, whether for the owner or for others, and whether it is a public or private warehouse.

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

WATER-ORIENTED -- A use whose attraction to the public is enhanced by a view or access to coastal waters.

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

WATER SUPPLY, POTABLE -- A water source that complies with appropriate state agency regulations as to quality and quantity.

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

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

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

WETLANDS, SIGNIFICANT NON-TIDAL -- Non-tidal wetlands described as significant in Coastal Shorelands boundary descriptions or protected by the County's Goal 5 element.

WINDMILL -- A structure designed to generate power or pump water through the action of wind on vanes or sails (see 3.0170).

WINERY -- A facility that produces wine with a maximum annual production of:

- 1) Less than 50,000 gallons and that:
 - (A) owns an on-site vineyard of at least 15 acres;
 - (B) owns a contiguous vineyard of at least 15 acres;
 - (C) has a long-term contract for the purchase of all of the grapes from at least 15 acres of a vineyard contiguous to the winery; or
 - (D) obtains grapes from any combination of subparagraph (A), (B) or (C) of this paragraph; or
- 2) At least 50,000 gallons and no more than 100,000 gallons and that:
 - (A) owns an on-site vineyard of at least 40 acres;
 - (B) owns a contiguous vineyard of at least 40 acres;
 - (C) has a long-term contract for the purchase of all of the grapes from at least 40 acres of a vineyard contiguous to the winery; or
 - (D) obtains grapes from any combination of subparagraph (A), (B) or (C) of this paragraph.

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YARD -- An open area on a lot with a building and bounded on one (1) or more sides by such building, such space being unoccupied land unobstructed from the ground upward.

YARD, FRONT -- A yard between the front line of the main building (exclusive of steps) and the front property line.

YARD, SIDE -- An open, unoccupied space on the same lot with the main building, between the side wall line of the main building and the side line of the lot.

YARD, STREET SIDE -- A yard adjacent to a street between the front yard and the rear lot line measured horizontally and at right angles from the side lot line to the nearest point of the building.

YOUTH CAMP -- A facility either owned or leased, and operated by a state or local government, or a nonprofit corporation as defined under ORS 65.001, to provide an outdoor recreational and educational experience primarily for the benefit of persons 21 years of age and younger. Youth camps do not include any manner of juvenile detention center or juvenile detention facility. [Ord. 18-02]

SECTION 1.1000. GENERAL PROVISIONS

1.1010. Basic Characteristics of a Residential Site

Except as otherwise provided by 1.1020, a lot or parcel to be developed for residential use shall comply with the following:

- 1) In a location that will not be served by a public sewer, a lot or parcel shall have sufficient size to permit compliance with the requirements of the Department of Environmental Quality for sewage disposal by septic tank and drain field or other alternative system and permit continued reliance on that method of sewage disposal. If the location will not be served by a community water system, a lot or parcel shall have sufficient additional size to permit an on-site water supply for each lot or parcel without conflict between water supply and sewage disposal facilities.
- 2) In a location that will be served by public or private sewer, the standards of each zone shall apply.

1.1020 General Exception to Lot Size Standards

- 1) A lot of record with an area or dimension which does not meet the requirements of the zone may be developed as allowed by the zone subject to all other applicable county development standards and requirements, provided the lot of record:
 - (A) Is located within a Rural Community or residential zone that has a minimum lot size standard of one (1) acre or greater; and,
 - (B) Is located in an area for which an exception to Goal 3 or Goal 4 has been acknowledged; and,
 - (C) Does not abut Camp Rilea.
- 2) In all other areas:

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- (A) If, at the time the applicable zone or an amendment to the applicable lot size or dimension standards was adopted, a lot of record has an area or dimension that does not meet the requirements of the zone, and the lot of record was not in the same ownership with a contiguous lot or parcel which does not meet the minimum area or dimension requirements, the lot of record may be developed as allowed by the applicable zone and county development standards.
- (B) If, at the time the applicable zone or an amendment to the applicable lot size or dimension standards was adopted, a lot of record has an area or dimension that does not meet the requirements of the zone, and the lot or parcel was in the same ownership as any contiguous lots or parcels which do not meet the minimum area or dimension requirements, the contiguous properties constitute one land use lot of record that may be developed as allowed by the applicable zone and county development standards.

Section 1.1030. Rules of Construction

Unlisted words and phrases: The definition of any word or phrase not listed in this chapter which is in question when administering this Ordinance shall be defined from one of the following sources. The sources shall be consulted in the order listed.

- 1) Clatsop County Comprehensive Plan.
- 2) Any other Clatsop County resolution, Ordinance, codes or regulation.
- 3) Any statute or regulation of the State of Oregon (including the Uniform Building Code and LCDC Goals and Guidelines).
- 4) Legal definition from case law or law dictionary.

Section 1.1040. Scope and Compliance

The provisions of this Ordinance shall apply to all unincorporated areas of Clatsop County, Oregon which are not within the urban growth boundary of an incorporated city or town. The procedural provisions of this ordinance will continue to be utilized for unincorporated areas within urban growth boundaries. A parcel of land or water area may be used, developed by land division or otherwise, and a structure may be used or developed by construction, reconstruction, alteration, occupancy or otherwise only as this Ordinance permits. In addition to complying with the criteria and other provisions within this Ordinance, each development shall comply with the applicable standards set forth in County Development and Use Standards Document. The requirements of this Ordinance apply to the person undertaking a development or the user of a development and to the person's successors in interest.

Section 1.1050. Consistency with Comprehensive Plan

Actions initiated under this Ordinance shall be consistent with the Clatsop County Comprehensive Plan as adopted or hereafter amended. Where a provision of this Ordinance is in conflict with the Comprehensive Plan, the Comprehensive Plan shall apply. A provision of this Ordinance that is in addition to another requirement is not in conflict.

ARTICLE 1. INTRODUCTORY PROVISIONS

Section 1.1060. Authorization of Similar Development

If development that has been referred to a hearing body by the Director for evaluation under the Type III procedure is found comparable to development that is allowed in an area under the Type I or II procedure, the hearing body may rule that future development of the same kind shall be approved under the Type I or II procedure in the specified district or zone. To make such a ruling, the hearing body shall do the following:

- 1) Make a determination as part of a Type III decision in conjunction with approval of a development that is substantially the same as an earlier development approved under the Type III procedure.
- 2) Determine that the development is comparable to other development allowed in the area by either the Type I or II procedure. Similarity can be based on compliance with plan policy and standards, if appropriate within the context of the requirements for the area and type of development, as well as on language interpretation similarity.
- 3) If approval and classification as a Type I or II development is dependent upon compliance with standards beyond those contained in the Development and Use Standards Document, prepare and add to the standards document the appropriate standards to be applicable to all future development.
- 4) Report the determination to the Board of Commissioners at least thirty (30) days prior to the effective date of the ruling. The ruling will not become effective if the Board of Commissioners moves to have the matter addressed as an Ordinance amendment.

Section 1.1070. Maintenance of Ordinance Requirements

No lot area (except as may be permitted under a lot line adjustment), yard, or other open space, required off-street parking or loading area or other site condition existing on or after the effective date of this Ordinance shall be reduced in area, dimension or size below the minimum required by this Ordinance, nor shall any site condition which is required by this Ordinance for one development be used to meet a requirement for any other development except as authorized.

Section 1.1080. Access

Every lot shall abut a street, other than an alley, for at least twenty-five (25) feet. Lots which were created prior to adoption of Ordinance No. 66-2 which do not meet this provision may be built on if it is determined by the Community Development Director under a Type I procedure that:

- 1) Access to be provided is adequate to handle the types and amount of traffic expected for the use.
- 2) Access width is adequate for fire protection vehicles.

Section 1.1090. Bond or Cash Deposit

Before issuing or renewing a development permit when the applicant has an obligation to construct or improve public facilities to serve the development and use or to reclaim land such as that due to surface mining operations or to fulfill requirements for revegetation, or for any development and use that the Community Development

ARTICLE 1. INTRODUCTORY PROVISIONS

Director, Planning Commission or Board of Commissioners deem necessary, the obligation shall either be fulfilled prior to the issuance of the development permit or the applicant shall be required to file with the County Clerk and acknowledgment of obligation. The acknowledgment shall contain the time within which it is to be met and a surety bond or cash or negotiable security deposit sufficient to cover the cost of the work as estimated by the County Engineer for the year fulfillment of the obligation is anticipated. The bond shall be conditioned upon the permittee carrying out the obligation and fulfilling the other requirements of this Ordinance that bear on the approval of the development. The deposit or bond shall be forfeited to the County if the permittee does not fulfill the requirements. The bond or deposit shall remain in the custody of the County until the obligation is completed or the bond or deposit is forfeited, or shall be placed in an escrow account subject to County control.

Section 1.1100. Non-Compliance with Provisions Under Obligation

- 1) If the Director finds that a permittee is not fulfilling an obligation, the Director shall, in written notice to the permittee and the permittee's surety, specify the details of non-compliance. Unless the Director allows more time for compliance because of circumstances beyond the permittee's control, within thirty (30) days after receiving the notice, the permittee or the permittee's surety shall commence the compliance and proceed diligently to complete fulfillment of the obligation.
- 2) If the permittee or the permittee's surety does not commence the compliance within the thirty (30) days or the additional time allowed by the Director, or has so commenced but fails diligently to complete the compliance, or the compliance is otherwise not completed within the time specified in granting the development permit, the County may take the following action:
 - (A) Enter upon the site of the development and carry out the obligation in accordance with the provisions agreed upon under the acknowledgment.
 - (B) Notify the permittee and the permittee's surety of the permittee's failure to perform as required by this Ordinance.
 - (C) Demand payment from the permittee for the unfulfilled obligation.
 - (D) If the security for the obligation is a bond, notify the surety that has furnished the bond that reimbursement for the expense for fulfillment of the obligation is due and payable to the County or, if the security is a deposit of cash or other assets, appropriate as much of the deposit as is necessary to recoup the expenses.
 - (E) If a bond or other security required by Section 1.1090 is not sufficient to compensate the County for expenses necessary to fulfill the obligation, the amount due to the County for the obligation is a lien in favor of the County and upon the entire contiguous real property of the owner of the land subject to the obligation.

ARTICLE 1. INTRODUCTORY PROVISIONS

- (F) The lien attaches upon the filing with the County Clerk of notice of the claim for the amount due for the fulfillment of the obligation. The notice shall demand the amount due, allege the insufficiency of the bond or other security to compensate the County fully for the expense of the fulfillment of the obligation, and allege the permittee's failure to do the required obligation.
- (G) The lien may be foreclosed in the manner prescribed by law for foreclosing other liens on real property.

Section 1.1110. Adjusting Bond or Deposit for Future Obligation

- 1) In the case of an obligation to perform at a future date, such as a surface mining reclamation obligation, the amount of bond or deposit shall be adjusted annually to reflect changing estimates of the costs of fulfilling the obligation.
- 2) In the case of a surface mining reclamation obligation the bond shall be no less than an amount comparable to \$600 per acre in 1978, and the minimum bond shall be adjusted by the County Engineer annually on the basis of changes in generally accepted economic indices of construction costs and costs of living. If the acreage to which the bond or deposit pertains and is designated by the permittee, excavation may take place only within the acreage so designated. Otherwise, the acreage to which the bond or deposit pertains and on which excavation may take place in the entire mining site. The permittee may apply for release of a bond or deposit pertaining to an area that has not been mined and is not intended to be mined or that has been mined and reclaimed in conformity to these standards. Within thirty (30) days after the application is filed, the Director shall consider the application. If the Director determines that the area, if unmined, is expected to remain so for the foreseeable future or if mined has been reclaimed in conformity to this Ordinance, the Director shall release the bond or deposit to the extent that is pertains to that area.
- 3) Where the County carries out the obligation because the permittee has failed to do so under Section 1.1100, the County may expend funds only to the extent necessary to complete the obligation. If the amount specified in the notice to the surety is not paid within thirty (30) days after that notice is given the surety, the County shall institute proceedings to recover the amount.
- 4) A lien created under this Section is prior to all other liens and encumbrances, except that the lien has equal priority with tax liens.

Section 1.1120. Fees and Deposits

Fees and deposits shall be set and adjusted by Board of Commissioners resolution.

Section 1.1130. Interpretation

Where the conditions imposed by a provision of this Ordinance are less restrictive than comparable conditions imposed by any other provisions of this Ordinance or any other Ordinance, the provisions which are more restrictive shall govern.

Section 1.1140. Severability

The provisions of this Ordinance are severable. If any section, sentence, clause or

ARTICLE 1. INTRODUCTORY PROVISIONS

phrase of this Ordinance is adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of the remaining portions of this Ordinance.



Clatsop County

Community Development – Planning

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TO: Clatsop County Planning Commission

FROM: Ian Sisson, AICP, Planner

RE: **CODE MODERNIZATION AND CONSOLIDATION – SUMMARY OF REVISIONS TO ARTICLE 2 AND ARTICLE 3**

Article 2 Procedures for Land Use Applications:

The revised Article 2 is a consolidation of Article 2 and several sections of Article 5, LWDUO.

- Renumbered all sections
- Moved Section 2.050 Development Permit Required to beginning
 - *Now Section 2.0100*
- Added Section 2.0200 State and Federal Permit Requirements
 - *The text of this section was previously included in each zoning district.*
- Moved Section 2.052 Exclusions from Development Permit Requirement to beginning
 - *Now Section 2.0300*
- Added Section 2.4000 Conditional Development and Use
 - *Formerly Section 5.000 LWDUO*
- Added Section 2.5000 Development and Use Permitted with Review
 - *Formerly Section 5.040 LWDUO*
- Added Section 2.6000 Developments and Uses of the Same Type
 - *Formerly Section 5.060 LWDUO*
- Added Section 2.7000 Coastal Zone Consistency Review
 - *Formerly Section 5.120 LWDUO*
- Added Section 2.8000 Variance
 - *Formerly Section 5.130 LWDUO*
- Added Section 2.8100 Zone Changes
 - *Formerly Section 5.400 LWDUO*
- Added Section 2.8200 Temporary Use Permits
 - *Formerly Section 5.500 LWDUO*
- Added Section 2.9000 Subdivisions, Partitions and Property Line Adjustments
 - *Formerly Section 5.200 LWDUO*
- Added Section 2.9400 Site Plan Review
 - *Formerly Section 5.300 LWDUO*
- Added Section 2.9500 Transportation System Impact Review
 - *Formerly Section 5.350 LWDUO*



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Article 3 Structure Siting and Development Standards:

The revised Article 3 is a consolidation of Chapters 2, 3, 5, and 6, Standards Document.

- Renumbered all sections
- Added Section 3.0010 Calculating Average Grade and Building Height
 - *The text of this section was derived from the definition of "height, building" and existing development standards for calculating average grade.*
- Added Section 3.0020. Grading of Building Site
 - *Formerly Section S2.010 Standards Document*
- Added Section 3.0030. Special Site Development for Environmental Protection
 - *Formerly Section S2.100 Standards Document*
- Added Section 3.0040. Water Improvement Standards
 - *Formerly Section S2.010 Standards Document*
- Added Section 3.0050. Off-Street Parking Required
 - *Formerly Section S2.200 Standards Document*
- Added Section 3.0060. Minimum Off-Street Parking Space Requirements
 - *Formerly Section S2.202 Standards Document*
- Added Section 3.0070. Off-Street Parking Restrictions
 - *Formerly Section S2.204 Standards Document*
- Added Section 3.0080. Off-Street Parking Plan
 - *Formerly Section S2.206 Standards Document*
- Added Section 3.0090. Off-Street Parking Construction
 - *Formerly Section S2.208 Standards Document*
- Added Section 3.0100. Design Requirements for Off-Street Parking
 - *Formerly Section S2.210 Standards Document*
- Added Section 3.0110. Bicycle Parking Requirements
 - *Formerly Section S2.211 Standards Document*
- Added Section 3.0120. Loading Facilities
 - *Formerly Section S2.212 Standards Document*
- Added Section 3.0130. Sign Requirements
 - *Formerly Section S2.300 Standards Document*
- Added Section 3.0140. General Exception to Yard Standards
 - *Formerly Section S3.010 Standards Document*
- Added Section 3.0150. Oceanfront Setback
 - *Formerly Section S3.015 Standards Document*
- Added Section 3.0160. Application of Building Heights to Ocean Front Lots
 - *Formerly Section S3.030 Standards Document*
- Added Section 3.0170. Height Limitations for Non-habitable and Non-storage Structures



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- *Formerly Section S3.020 Standards Document*
- Added Section 3.0180. Accessory Dwelling Units
 - *Formerly Section S3.035 Standards Document*
- Added Section 3.0190. Temporary Health Hardship
 - *Formerly Section S3.025 Standards Document*
- Added Section 3.1000. Non-Conforming Uses and Structures
 - *Formerly Section 5.600 LWDUO*
- Added Section 3.2000. Erosion Control Development Standards
 - *Formerly Section S2.500 Standards Document*
- Added Section 3.3000. Cluster Development and Density Transfer
 - *Formerly Section S3.150 Standards Document*
- Added Section 3.4000. Mobile Homes, which includes
 - *Section 3.4010 Mobile Home Park Development (formerly Section S3.200 Standards Document), and*
 - *Section 3.4100 Standards for Mobile Homes on Individual Lots (formerly Section S3.190 Standards Document)*
- Added Section 3.5000. Recreation Vehicle Parks
 - *Formerly Section S3.550 Standards Document*
- Added Section 3.6000. Beach Front Motel Development
 - *Formerly Section S3.250 Standards Document*
- Added Section 3.7000. Amusement Establishment
 - *Formerly Section S3.640 Standards Document*
- Added Section 3.8000. Home Occupation
 - *Formerly S3.460 Home Occupation*
- Added Section 3.9000. Farm and Forest Zone Standards
 - *Consolidates Standards Document Sections S3.500 Farm and Forest Zone Dwelling and/or Use Standards and S3.520 Forest Zone Standards.*
- Added Section 3.9300. Youth Camps
 - *Formerly Section S3.528 Standards Document*
- Added Section 3.9400. Communication Facilities Siting Standards
 - *Formerly Section S4.700 Standards Document*
- Added Section 3.9500. Vehicle Access Control and Circulation
 - *Formerly Sections S5.030 through S5.033*
- Added Section 3.9550 Pedestrian and Bicycle Access and Circulation
 - *Formerly Section 5.040 Standards Document*
- Added Section 3.9600. Subdivision Design Standards
 - *Formerly Section S5.100 Standards Document*
- Added Section 3.9800. Transportation Improvements and Road Standard Specifications for



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Design and Construction

- *Formerly Section S6.000 Standards Document*
- Added graphics and diagrams to illustrate:
 - Average grade; building height; off-street parking plan; area calculation and placement of signs; oceanfront setback and construction setback; cluster development; clear vision area; cross-sections for A-14, A-20, and A-22 road standards

ARTICLE 2. PROCEDURES FOR LAND USE APPLICATIONS

ARTICLE 2. PROCEDURES FOR LAND USE APPLICATIONS

SECTION 2.0100. DEVELOPMENT PERMIT REQUIRED

- 1) Except as excluded by Section 2.0300, no person shall engage in or cause to occur a development for which a development permit has not been issued. The Building Official shall not issue a permit for the construction, reconstruction or alteration of a structure or a part of a structure for which a development permit has not been issued.
- 2) A development permit shall be issued by the Community Development Director according to the provisions of this Ordinance. The Director shall not issue a development permit for the improvement or use of land that has been previously divided or otherwise developed in violation of this Ordinance, regardless of whether the permit applicant created the violation, unless the violation can be rectified as part of the development.
- 3) A decision on a development permit shall be final upon expiration of the period provided for filing an appeal or, if appealed, upon rendering of the decision by the reviewing body.
- 4) Authorization of a development permit shall be void after 180 days unless substantial construction or action has taken place.

SECTION 2.0200. STATE AND FEDERAL PERMIT REQUIREMENTS

If any state or federal permit is required for a development or use, and applicant, prior to issuance of a development permit or action, shall submit to the Planning Division a copy of the state or federal permit.

SECTION 2.0300. EXCLUSIONS FROM DEVELOPMENT PERMIT REQUIREMENT

The activities listed below do not require a development permit. Exclusion from the requirement for a development permit does not exempt the development or its use from the other applicable requirements of the Ordinance.

- 1) Landscaping, gardening or other similar treatment or use of the land surface not involving the placement of a structure.
- 2) Fences less than or equal to 6.0 feet in height and not located on the portion of a corner lot so as to obstruct the clear line of vision of vehicular traffic approaching on either of two opposing streets (see Section 3.9530 - Clear Vision Area) or located in a designated floodway. Fences greater than 6.0 feet in height require a development permit and must meet applicable setback standards.
- 3) A change internal to a building or other structure that does not substantially affect the use of the structure and that does not require a building permit.
- 4) Residential accessory structures less than 200 square feet and less than 10 feet in height are not subject to a development permit when placed on the owner's property where said owner resides. No structures may be placed on a corner lot so as to obstruct the clear line of vision of vehicular traffic approaching on either of two opposing streets (see Section 3.9530 - Clear Vision Area).

ARTICLE 2. PROCEDURES FOR LAND USE APPLICATIONS

- 5) A temporary emergency measure necessary for the safety or protection of property in the event of a natural disaster or catastrophic event, until appropriate permits may be obtained, if state, federal or local permits are required for the activity, structure or use.
- 6) Erection of a tent or similar portable structure for not more than 30 days.
- 7) Farming, except in the F-80 zone.
- 8) Seasonal flower stands, selling flowers produced on the property on which the stand is located and which stand is no larger than 10 square feet in size or over 10 feet in height.
- 9) The propagation, management, or harvest of timber regulated by the Oregon Department of Forestry under the Oregon Forest Practices Act. This exclusion does not include those lands for which an exception to State Planning Goal 4 has been taken.
- 10) Structures (excluding mobile homes but including campers, trailers, motor homes, boats and other recreational vehicles) may be temporarily occupied by the property owners or their family or guests for not more than 30 days out of any 90-day period. No more than three recreational vehicles may be used for temporary occupancy purposes on said property at any time, and shall be removed from the property at the end of each occupancy period.
- 11) The establishment, construction or termination of a public facility or utility that directly serves a limited area of authorized development including such facilities as a private or public street, sewer, water line, electrical power or gas distribution line, or telephone or television cable system. This activity requires a development permit in special purpose districts and resource zones.

SECTION 2.1000. PROCEDURE TYPES AND DETERMINATION OF PROPER PROCEDURE

An application for a development permit or land use action shall be processed under either a Type I, II, IIa, III or IV procedure as stated within the procedures under Sections 2.1010 to 2.1050.

All land use actions shall be classified as one of the following unless State law mandates different or additional procedures for particular land use actions or categories of land use actions or specified otherwise by this Code:

Section 2.1010. Type I Procedure

- 1) Type I development actions involve permitted uses or developments governed by clear and objective review criteria. Type I actions do not encompass discretionary land use decisions. Impacts have been recognized by the development standards within each zone.
- 2) Those actions identified in this code as development and uses permitted under the Type I procedure are Type I actions.
- 3) Under the Type I procedure, an application shall be processed without a need for public hearing or notification of other property owners. As provided for by other provisions of this Ordinance, the nature of the development proposed may

ARTICLE 2. PROCEDURES FOR LAND USE APPLICATIONS

require a review committee to determine compliance with standards. When that is required, the action of the Director to issue or deny the development permit pursuant to Sections 2.1110 to 2.1170 will consider the determination of the committee.

- 4) A decision of the Community Development Director may be appealed by the applicant to the Hearings Officer, pursuant to Section 2.2190.

Section 2.1020. Type II Procedure

- 1) Type II land use actions generally involve uses or development for which review criteria are reasonably objective, requiring only limited discretion. Impacts on nearby properties may be associated with conditions of approval to minimize those impacts or ensure compliance with this code.
- 2) Those actions identified in this code as a conditional development and use, development permitted with review, subdivisions containing six lots or less, partitions, and applications related to non-conforming uses/structures under the Type II procedure are Type II actions.
- 3) Except as provided in subsection (5), under the Type II procedure an application for a development permit shall be processed without a need for public hearing. The Community Development Director shall determine whether or not the proposed development meets the required development standards. The Director may obtain technical assistance from a review committee or local or state agencies.
- 4) If the Director finds that the development appears to satisfy the required standards, the Director shall mail a notice of intent to issue a development permit to the applicant and to other persons pursuant to Sections 2.2040 to 2.2050.
- 5) If the Community Development Director believes that persons other than the applicant can be expected to question the application's compliance with the Ordinance, the Director may treat the application as a Type Ila procedure.
- 6) The Community Development Director shall review any information received under subsection (4) and make a finding for each of the points in dispute. The Director shall make a decision on the application by approving, conditionally approving, or denying the application.
- 7) A decision by the Community Development Director may be appealed to the Hearings Officer by the applicant or by a person who responded to the notice, pursuant to Section 2.2190.

Section 2.1030. Type Ila Procedure

- 1) Type Ila land use actions involve development or uses which require the exercise of discretion and judgment when applying the development criteria contained in this Code, the Comprehensive Plan or the applicable Community Plan. Impacts may be significant and the development issues complex. Extensive conditions of approval may be imposed to mitigate impacts or ensure compliance with this Code and the Comprehensive Plan. Under the Type Ila procedure, an application for a land use action shall be processed by the Hearings Officer after holding a public hearing. The Hearings Officer shall determine whether or not the proposed

ARTICLE 2. PROCEDURES FOR LAND USE APPLICATIONS

- development meets the required development standards.
- 2) Those actions identified in this Code as a variance or conditional use under the Type IIa procedure are Type IIa actions.
 - 3) Once an application is determined by the Community Development Director to be complete, it is scheduled for public hearing pursuant to Section 2.2010 before the Hearings Officer.
 - 4) The Director shall provide notice (published and mailed) of intent to hold a public hearing and issue a decision on a land use application pursuant to Section 2.2020 and Section 2.2060.
 - 5) The Hearings Officer shall review any information that has been made a part of the official record and make a finding for each of the points in dispute. The Hearings Officer shall make a decision on the application by approving, conditionally approving, or denying the application.
 - 6) A decision by the Hearings Officer may be appealed by a party of record to the Board of Commissioners in accordance with Section 2.2190.

Section 2.1040. Type III Procedure

- 1) Type III actions involve complex or subjective decisions which may impose possible significant effects on some persons or a broad effect on a number of persons. Often these applications include subdivisions with seven or more lots, similar use, quasi-judicial zoning map amendments that do not involve any change to the comprehensive plan or designation. Once an application is determined by the Community Development Director to be complete, it is scheduled for public hearing pursuant to Section 2.2010 before the Planning Commission.
- 2) The Director shall mail and publish a notice pursuant to Section 2.2020 and Section 2.2060.
- 3) At the public hearing, the staff, the applicant, and interested persons may present information relevant to the criteria and standards pertinent to the proposal, given reasons why the application should or should not be approved or proposing modifications and the reasons the person believes the modifications are necessary for approval. The Planning Commission may attach certain development or use conditions beyond those warranted for compliance with the Development and Use Standards Document in granting an approval if the Planning Commission determines the conditions are necessary to avoid imposing burdensome public service obligations on the County, to mitigate detrimental effects to others where such mitigation is consistent with an established policy of the County and to otherwise fulfill the criteria for approval.
- 4) A decision of the Planning Commission may be appealed by a party of record to the Board of Commissioners in accordance with Section 2.2190

Section 2.1050. Type IV Procedure

- 1) Type IV actions will involve either a legislative or quasi-judicial process as appropriate to the circumstances. They may involve the creation, broad scale implementation or revision of public policy such as amendments to the text of the

ARTICLE 2. PROCEDURES FOR LAND USE APPLICATIONS

Comprehensive Plan, Community Plans, Zoning Code, or Comprehensive Plan Zoning Map are generally processed as legislative. Large scale changes in Community Development maps also may be characterized as legislative where a larger number of property owners are directly affected. Requests for changes affecting specific properties, a limited number of property owners and/or a specific project are considered quasi-judicial. The Type IV procedure is to be used where indicated in this Ordinance.

- 2) Under the Type IV procedure, the Director shall schedule a public hearing pursuant to Section 2.2010 before the Planning Commission.
- 3) The Director shall mail and publish a notice pursuant to Section 2.3020.
- 4) At the public hearing, the staff, the applicant, and interested persons may present testimony relevant to the proposal. If pertinent, they may give information on whether the proposal does or does not meet appropriate criteria and standards for approval or their proposals for modifications they consider would be necessary for approval. If criteria are involved, the Planning Commission shall have made a finding for each of the criteria applicable, including whether the proposal conforms to criteria found in the Comprehensive Plan. A written report and recommendation shall be submitted to the Board of Commissioners.
- 5) If the Planning Commission has recommended against or has failed to act on a legislative proposal, the Board of Commissioners may terminate further consideration of the proposal. For quasi-judicial proposals and legislative proposals on which the Planning Commission has made a favorable recommendation and for other proposals that have not been terminated, the Board of Commissioners shall conduct a public hearing. The Director shall set a date for the hearing, pursuant to Section 2.2010. The form of notice and persons to receive notice are as required by the relevant sections of this Ordinance. At the public hearing, the staff shall review the report of the Planning Commission and provide other pertinent information, and interested persons shall be given the opportunity to present new testimony and information relevant to the proposal that was not heard before the Planning Commission and make final arguments why the matter should or should not be approved, and if approved, the nature of the provisions to be contained in approving action.
- 6) To the extent that a finding of fact is required, the Board of Commissioners shall make a finding for each of the criteria applicable and in doing so may sustain or reverse a finding of the Planning Commission. The Board of Commissioners may delete, add or modify any of the provisions pertaining to the proposal or attach certain development or use conditions beyond those warranted for compliance with standards in granting an approval if the Board of Commissioners determines the conditions are appropriate to fulfill the criteria for approval.
- 7) To the extent that a policy is to be established or revised, the Board of Commissioners shall make its decision after information from the hearing has been received. The decision shall become effective by passage of an Ordinance.
- 8) Unless specifically provided otherwise, the procedures of this Article do not apply to legislative action which shall be adopted in accordance with the Clatsop County Charter and State Law.

ARTICLE 2. PROCEDURES FOR LAND USE APPLICATIONS

Section 2.1060. Legislative Enactments Not Restricted

Nothing in Article 2 shall limit the authority of the Board of Commissioners to make changes in district or zone designations or requirements as part of some more extensive revision of the Comprehensive Plan or ~~this~~ implementing ordinance or to make changes in the ~~Development and Use Standards Document~~. Nothing in this article shall relieve a use or development from compliance with other applicable laws.

Section 2.1070. Pre-application Conference

- 1) An applicant or the applicant's authorized representative shall request the Director to arrange a pre-application conference. Unless the applicant and Director agree that a conference is not needed, the conference shall be held within 15 days of the request. The purpose of the conference shall be to acquaint the applicant with the substantive and procedural requirements of the Ordinance, provide for an exchange of information regarding applicable elements of the Comprehensive Plan and development requirements, arrange such technical and design assistance as will aid the applicant, and to otherwise identify policies and proposed development. The Director, if requested by the applicant, shall provide the applicant with a written summary of the conference within 5 days of the conference. The summary shall include confirmation of the procedures to be used to process the application, a list of materials to be submitted and the criteria and standards which may apply to the approval of the application.
- 2) The Director shall invite applicable service agencies, such as Clatsop County Public Works and the Oregon Department of Transportation, to the pre-application conference if it is determined that the agencies' facilities or services may be significantly impacted by the proposed development.

Section 2.1080. Applicant-Neighborhood Meeting [Ord. #17-02]

The purpose of a neighborhood meeting is to ensure that applicants pursue early and effective citizen participation in conjunction with their applications, giving them the opportunity to understand and try to mitigate any real or perceived impacts their proposed development may have on the neighborhood. The meeting is not intended to produce complete consensus on all applications; it is intended to encourage applicants to be good neighbors. Applicants are encouraged to reconcile as many public concerns as possible before submitting their land use application(s). County staff may attend the neighborhood meeting in an advisory capacity to answer questions.

- 1) The applicant shall hold a neighborhood meeting before submitting the following types of land use applications:
 - (A) Multi-family development that abuts a single-family zoning district;
 - (B) Commercial or industrial development that abuts any residential zoning district;
 - (C) Manufactured home park adjacent to any residential zoning district;
 - (D) Major subdivisions;

ARTICLE 2. PROCEDURES FOR LAND USE APPLICATIONS

- (E) Cluster and planned development;
 - (F) Quasi-judicial map amendments;
 - (G) For other applications or revisions to applications that the Director determines may have a significant neighborhood impact, such as conditional uses, expansion of nonconforming uses, rezones, goal exceptions, variances. In these cases, the Director shall determine the minimum notice area for the neighborhood meeting.
- 2) Neighborhood Meetings must meet the following requirements:
- (A) The applicant shall consult with County staff to determine an appropriate meeting date, time, and place given the location of the proposed development and availability of staff to attend.
 - (B) The applicant shall send mailed notice of the public meeting to the Community Development Department Director and all property owners within a minimum distance of 300 feet of the boundaries of the subject property with the specific area to be determined by the Director based on the project scale, land use and transportation patterns or anticipated public interest in the project. If any part of the subject property is within the boundaries of a neighborhood or community organization as defined by Section 1.030, notice shall be sent to the designated representative(s) of such neighborhood or community organization. The property owner list shall be provided by the county and shall be compiled from county tax assessor's property owners of record from the most recent property tax assessment roll. The notice shall be sent a minimum of 10 days and no more than 30 days before the meeting, and shall include:
 - 1) Date, time and location of the public meeting;
 - 2) A brief written description of the development proposal and proposed use(s) with enough specificity so that the project is easily discernable;
 - 3) The location of the subject property(ies), including address (if applicable), nearest cross streets and any other easily understood geographical references, and a map that depicts the subject property.
 - (C) The applicant's presentation at the neighborhood meeting shall include:
 - 1) A map depicting the location of the subject property(ies) proposed for development.
 - 2) A visual description of the project including a site plan, tentative subdivision plan and elevation drawings of any proposed structures, when applicable.
 - 3) A description of the nature of the proposed use(s) including but not limited to, sizes and heights of structures, proposed lot sizes, density, etc.
 - 4) The expected or anticipated impacts from the proposed development (e.g. traffic, storm drainage, tree removal, etc.).

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- 5) Mitigation proposed by the applicant to alleviate the expected/anticipated impacts.
 - 6) An opportunity for the public to provide comments.
- (D) The applicant shall take meeting notes and submit them to the County, including:
 - 1) Meeting date and time;
 - 2) Name and address of all in attendance;
 - 3) Summary of issues raised and comments made at the meeting, and the applicant's responses.
- 3) A land use application will not be deemed complete until the applicant demonstrates substantial compliance with this section by including the results of the neighborhood meeting and supporting documentation with the application. This includes:
 - (A) A copy of the notice to surrounding property owners;
 - (B) A signed affidavit of mailing the required notice of neighborhood meeting;
 - (C) A copy of any verbal or written comments received, including any issues raised via telephone, fax, email at the meeting, and the applicant's responses;
 - (D) A copy of the meeting notes as described in Subsection (2)(D) above.
 - (E) If responses to the meeting notice were not received by the applicant and no one attended the neighborhood meeting, the applicant shall submit evidence as indicated above with the meeting notes reflecting the absence of comment and/or attendance.

Section 2.1090. Effective Date of Development Permits

- 1) A decision on a Type II, IIa, III or IV request shall not become final until expiration of the period provided for filing an appeal, pursuant to Section 2.2190 or ORS 197.830, whichever applies, has elapsed.
- 2) If appealed, the decision rendered pursuant to Section 2.1090(1) shall not become final until rendering of the decision by the reviewing body.

Section 2.1100. Use of a Development

A development may be used only for a lawful use. A lawful use of a development is one that is not prohibited by law and for which the development is designed, arranged and intended or which is non-conforming (See Section 3.100 Nonconforming uses and structures).

Section 2.1110. Procedures for Processing Development Permits

- 1) An application for a development permit shall be processed under either a Type I, II, IIa or III procedure as these procedures are described in Section 2.1000 to 2.1040.
- 2) When an application and proposed development is submitted, the Director shall

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determine the appropriate procedure. When an application includes procedures that call for different procedure types they shall be considered by a single hearing body. When there is a question as to the appropriate type procedure, the question shall be resolved in favor of the higher type number. An application shall be processed under the highest numbered procedure required for any part of the development proposal.

Section 2.1120. Coordination of Development Permit Procedure

The Director shall be responsible for the coordination of the development permit application and decision-making procedure and shall issue a development permit to an applicant whose application and proposed development is in compliance with the provisions of this Ordinance. Sufficient information shall be submitted to resolve all determinations that require furnishing notice to persons other than the applicant. In the case of a Type II, IIa, or Type III procedure, an applicant may defer submission of details demonstrating compliance with standards where such detail is not relevant to the approval under those procedures. Before issuing the development permit the Director shall be provided with the detail required to establish full compliance with the requirements of this Ordinance.

Section 2.1130. Development Permit Application

An application for a development permit shall consist of the materials specified in this Section, plus any other materials required by this Ordinance.

- 1) A completed development permit application form with a site map drawn to scale.
- 2) An explanation of intent, stating the nature of the proposed development, reasons for the permit request, pertinent background information, information required by this Ordinance and other information that may have a bearing in determining the action to be taken.
 - (A) Applications for permits, excluding land divisions, requesting the construction of a dwelling unit, whether the dwelling be seasonal or year-round, or other development requiring the following services, shall be accompanied by the following proofs of services:
 - 1) Proof that a year-round source of potable water has been obtained pursuant to Section 3.0040.
 - 2) There shall be verification of septic approval or hook-up to a state approved sewer system.
- 3) Proof that the property affected by the application is in the exclusive ownership of the applicant, or that the applicant has the consent of all partners in ownership of the affected property.
- 4) Proof of legal access to the property:
 - (A) If access is taken directly from a State, County, or Public road, documentation from the appropriate agency verifying legal access.
 - (B) If access is taken from a Private road or across property not in exclusive ownership of the applicant, proof of easement shall be provided.
- 5) Legal description of the property affected by the application.

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- 6) Authorization from the local fire official.
- 7) Additional information required by other sections of this Ordinance because of the type of development proposal or the area involved.

Section 2.1140. Submission of Development Permit Application

Application materials shall be submitted to the Director who shall have the date of submission indicated on each copy of the materials submitted. The Director shall have 30 days from the date the application is submitted in which to determine if the application is complete. If the application is deemed incomplete the Director shall notify the applicant in writing of exactly what information is missing. Within 180 days the application shall be deemed complete if the applicant: (a) provides all of the missing information; or (b) provides some of the missing information and written notice that no other information will be provided; or (c) provides written notice that none of the information will be provided.

Section 2.1150. Referral and Review of the Development Permit Applications

- 1) Transmit one copy of the application, or appropriate parts of the application, to appropriate referral agencies for review and comment and for determination of compliance with state and federal requirements. If the referral agency does not comment within ten (10) days, unless an extension of up to ten (10) days is requested by the agency and granted by the Director, the referral agency is presumed to have no comment. The Director shall grant an extension only if the application involves unusual circumstances or if due to circumstances related to a Type III procedure.
- 2) Transmit an application involving review or approval by others for disposition as provided by the applicable sections of this Ordinance. The Director shall, whenever feasible, consolidate action on approvals.
- 3) If a Type III procedure is required, the Director shall provide for notice and hearing as set forth in Section 2.2020 and Section 2.2060.

Section 2.1160. Development Permit Decision

- 1) The Director shall issue a development permit if the Director finds that applicable approvals by others have been granted and the proposed development otherwise conforms to the requirements of this Ordinance.
- 2) The Director shall deny the development permit if required approvals are not obtained or the application otherwise fails to comply with Ordinance requirements. The notice shall describe the reason for denial.
- 3) Within forty-five (45) days of the date of accepting a permit application not involving approval by others or within ten (10) days of receiving required approval by others, the Director shall grant or deny the application, the evidence, comments from referral agencies and review committees and approvals required by others. The Director shall notify the applicant and, if required, others entitled to notice of the disposition of the application. The notice shall indicate the date that the decision will take effect and describe the right of appeal pursuant to Section 2.190.

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- 4) An application for a Development Permit may be processed using abbreviated findings when the proposed development is found to meet all of the following:
 - (A) The proposed development is in compliance with the zoning regulations of this ordinance if:
 - 1) The use is allowed, and
 - 2) Meets lot width/depth ratio, and
 - 3) All setbacks are adequate, and
 - 4) An approved access is available, and
 - 5) Potable water supply is present pursuant to Clatsop County Standards Document, Section 3.0040 (does not apply to land partitions), and
 - 6) Proof of sewage disposal acceptable to DEQ.
 - (B) The proposed development is not in a floodway or floodplain as shown on the County floodway maps.
 - (C) The proposed development is not in a hazards zone as shown on the County's hazard map.
 - (D) No other agencies need to be notified of the development prior to the County issuing a development permit.

In the event of an appeal, the Community Development Director may expand upon the abbreviated findings used when making the original determination.

Abbreviated findings shall be restricted to Type I and Type II procedures where no or little discretion is needed to make a decision and shall serve as a development permit if all questions are answered positively.

- 5) Except for Type IV procedures, all County actions on development permits, including resolution of all appeals at the Planning Commission and Board of Commissioners must be complete within 150 days of receipt of a completed application (see Section 2.1140 for determination of completed application). This 150-day period may be extended no more than 215 days at the request of the applicant.

Section 2.1170. Action on Resubmission of Denied Application

After sixty (60) days from the date of final determination denying an application, an applicant may make appropriate alterations to a proposal and resubmit it with payment of any additional fees required. If a previously denied application is resubmitted within one year, previous approvals need not be reconsidered unless the Director finds that changed conditions or changes in the proposal warrant such reconsideration.

Section 2.1180. Remand

The director shall submit to the Planning Commission remands made to the Planning Commission by the Board of Commissioners pursuant to Section 2.2240(1) and 2.3060(2)(B). If no additional information is required from the applicant, the remand will be scheduled for the next Planning Commission hearing and will be subject to time limitations as set out in Section 2.1160. If additional information is required from the

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applicant concerning the items on remand, the Department shall notify the applicant within ten (10) days of the Board of Commissioners written action. The applicant has from the date of notification to the 30th day after the Board's written action to submit all the requested information. The application is considered complete for the remand when all the requested information is submitted or, on the 31st day after the Board's written action, whichever comes first. The remand shall then be scheduled for the next Planning Commission hearing and shall be subject to the time limitations of Section 2.1160.

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SECTION 2.2000. PUBLIC DELIBERATIONS AND HEARINGS

Section 2.2010. Responsibility of Director for Hearings

The Director, subject to further direction of the governing body, shall provide for the following duties pertaining to a hearing, all in accordance with other provisions of this Ordinance.

- 1) Schedule and assign the matter for review and hearing.
- 2) Conduct the correspondence of the hearing body.
- 3) Give notice.
- 4) Maintain a record and enter into the record relevant dates such as those of giving notice, hearings, postponement and continuances and a summary of action taken by the hearings body.
- 5) Prepare minutes to include the decision on the matter heard and the reasons for the decision.
- 6) Reduce the decisions of the hearings body to writing within a reasonable time.
- 7) Mail a copy of the decision to a party requesting the same upon payment of a reasonable fee, if a fee has been established.

Section 2.2020. Mailed Notice of a Public Hearing

- 1) Mailed notice of a hearing shall be reasonably calculated to give actual notice and, other than for a legislative action under Sections 2.3010 to 2.3060, shall:
 - (A) Explain the nature of the application and the proposed use or uses, which could be authorized;
 - (B) List the applicable criteria from the Ordinance and the Plan that apply to the application at issue;
 - (C) Set forth the street address or other easily understood geographical reference to the subject property;
 - (D) State the date, time and location of this hearing;
 - (E) State that failure of an issue to be raised in a hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the decision maker an opportunity to respond to the issue precludes an appeal based on that issue;
 - (F) Be mailed at least:
 - 1) Twenty days before the evidentiary hearing; or
 - 2) If two or more evidentiary hearings are allowed, 10 days before the first evidentiary hearing;
 - (G) Include the name of a local government representative to contact and the telephone number where additional information may be obtained;
 - (H) State that a copy of the application, all documents and evidence submitted by or on behalf of the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost;
 - (I) State that a copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and will be provided at reasonable cost; and

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- (J) Include a general explanation of the requirements for submission of testimony and the procedure for conduct of hearings.
- 2) Notice of the hearings governed by this section shall be provided:
 - (A) To the applicant; and
 - (B) To owners of record of property on the most recent property tax assessment roll where such property is located:
 - (C) within 100 feet of the property which is the subject of the notice where the subject property is wholly or in part within an urban growth boundary; or
 - (D) within 250 feet of the property which is the subject of the notice where the subject property is outside an urban growth boundary and not within a farm or forest zone; or
 - (E) within 750 feet of the property which is the subject of the notice where the subject property is within a farm or forest zone; and
 - (F) To any Neighborhood /Community Organization whose boundaries include the site; and
 - (G) To the Oregon Department of Transportation (ODOT) for Type II A and Type III applications related to property within 750 feet of a state highway or that in the opinion of the Community Development Director may be found to have a significant impact on State facilities.

Section 2.2030. Posted Notice of a Public Hearing [Ord. #17-02]

Development sites that are the subject of quasi-judicial public hearings shall be posted unless otherwise noted in this Code.

- 1) County and Applicant's Responsibilities:
 - (A) The County shall supply the notices that the applicant is required to post on the subject property and shall specify the dates the notices are to be posted and the earliest date on which they may be removed.
 - (B) The County shall provide an affidavit to be signed and returned by the applicant certifying that the notice(s) were posted at the correct time and that if there is any delay in the County's land use process caused by the applicant's failure to correctly post the subject property for the required period of time and in the correct location, the applicant agrees to extend the 150-day period in a timely manner.
 - (C) The Applicant shall post the notice either ten or twenty consecutive days before the first scheduled public hearing on the matter in accordance with Section 2.2020.
 - (D) The Applicant shall return the signed affidavit of posting, with a photo of the sign attached, at least seven full days before any hearing.
 - (E) If the subject property is not properly posted as described in Section 2 below, the Director may postpone the hearing until such provisions are met.
- 2) Number and Location. The applicant must place the notices:

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- (A) On each frontage of the subject property in a location visible from a traveled public road or street abutting the property. If no public street abuts the property, the notice shall be placed so as to be generally visible to the public.
- (B) Notices shall not be posted within the public right-of-way or on trees.
- (C) The applicant shall remove all signs and return them to the County within ten days following the public hearing that is the subject of the notice.
- (D) If the subject property is located where the posting would not be visible to anyone other than adjacent property owners who received written notice, alternative locations visible to the public may be determined by the Community Development Director. These may include posting in a conspicuous place at the point the property obtains access to a County or public road.

Section 2.2040. Mailed Notice for a Type II procedure

- 1) Notice of intent to issue a Development Permit shall be provided:
 - (A) To the applicant; and
 - (B) To owners of record of property on the most recent property tax assessment roll where such property is located:
 - 1) within 100 feet of the property which is the subject of the notice where the subject property is wholly or in part within an urban growth boundary; or
 - 2) within 250 feet of the property which is the subject of the notice where the subject property is outside an urban growth boundary and not within a farm or forest zone; or
 - 3) within 750 feet of the property which is the subject of the notice where the subject property is within a farm or forest zone; and
 - (C) To any Neighborhood/Community Organization whose boundaries include the site.
 - (D) To the Oregon Department of Transportation (ODOT) for applications related to property within 750 feet of a state highway or that in the opinion of the Community Development Director may be found to have a significant impact on State facilities.
- 2) The notice shall:
 - (A) Describe the proposed development;
 - (B) Summarize the standards and facts that justify approval of the permit;
 - (C) Invite persons to submit information relevant to the proposed development and applicable standards within ten (10) days giving reasons why the permit application should or should not be approved or proposing modifications the person believes are necessary for approval according to the standards;
 - (D) Advise of the right and the procedure to appeal the decision on the proposed development if the person's concerns are not resolved.

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Section 2.2050. Procedure for Mailed Notice

Unless otherwise provided, addresses for a mailed notice required by this Ordinance shall be obtained from the County Assessor's real property tax records. Unless the address is on file with the Director, a person whose name is not in the tax records at the time of filing of an application, or of initiating other action not based on an application, need not be furnished mailed notice. The failure of a property owner to receive notice shall not invalidate an action if a good faith attempt was made to comply with the requirements of this Ordinance for notice. In addition to persons who receive notice as required by the matter under consideration, the Director may provide notice to others he has reason to believe are affected or otherwise represent an interest that may be affected by the proposed development.

Section 2.2060. Procedure for Published Notice

Notice shall be published at least once in a newspaper of general circulation for a public hearing. The notice shall identify the time, date, location and agenda of the public hearing.

Section 2.2070. Challenges to Impartiality

Except for Type IV hearings conducted by the governing body, a party to a hearing or a member of a hearing body may challenge the qualifications of a member of the hearing body to participate in the hearing and decision regarding the matter. The challenge shall state by affidavit the facts relied upon by the challenger relating to a person's bias, prejudgment, personal interest, or other facts from which the challenger has concluded that the member of the hearing body cannot participate in an impartial manner. Except for good cause shown, challenge shall be delivered by personal service to the Community Development Director not less than (48) hours preceding the time set for public hearing. The Director shall attempt to notify the person whose qualifications are challenged prior to the meeting. The challenge shall be incorporated into the record of the hearing.

Section 2.2080. Disqualification

Except for Type IV hearings conducted by the governing body, no member of a hearing body shall participate in a discussion of the proposal or vote on the proposal when any of the following conditions exist:

- 1) Any of the following have a direct or substantial financial interest in the proposal: the hearing body member or the member's immediate family member, any business in which the member is then serving or has served within the previous two years, or any business with which the member is negotiating for or has an arrangement or understanding concerning prospective partnership or employment.
- 2) The member owns property within the area entitled to receive notice of the public hearing.
- 3) The member has a direct private interest in the proposal.
- 4) For any other valid reason, the member has determined that participation in the

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hearing and decision cannot be in an impartial manner.

Section 2.2090. Participation by Interested Officers or Employees

No officer or employee of the County who has a financial or other private interest in a proposal shall participate in discussion with or give an official opinion to the hearing body on the proposal without first declaring for the record the nature and extent of each interest.

Section 2.2100. Ex Parte Contacts

Except for Type IV hearings conducted by the governing body, the general public has a right to have hearing body members free from prehearing or ex parte contacts on matters heard by them. It is recognized that a public right is free access to public officials on any matter.

No decision or action of a Planning Commission or County governing body shall be invalid due to ex parte contact or bias resulting from ex parte contact with a member of the decision-making body, if the member of the decision-making body receiving the contact:

- 1) Places on the record the substance of any written or oral ex parte communications concerning the decision or action; and
- 2) Has a public announcement of the content of the communication and of the parties' right to rebut the substance of the communication made at the first hearing following the communication where action will be considered or taken on the subject to which the communication related. Hearing body members shall reveal any prehearing or ex parte contacts with regard to any matter at the commencement of the public hearing on the matter. If such contacts have not impaired the member's impartiality or ability to vote on the matter, the member shall so state and shall participate or abstain in accordance with Section 2.2120.

Section 2.2110. Staff Contacts

A communication between County staff and the Planning Commission or governing body shall not be considered an ex parte contact for the purposes of Section 2.2100.

Section 2.2120. Abstention or Disqualification

Except for Type IV hearings conducted by the governing body, disqualification for reasons other than the member's own judgment may be ordered by a majority of the members of a hearing body present and voting. The member who is the subject of the motion for disqualification may not vote on the motion.

Section 2.2130. Rights of Disqualified Member of the Hearing Body

- 1) An abstaining or disqualified member of the hearing body may be counted for purposes of forming a quorum. A member who represents personal interest at a hearing may do so only by abstaining from voting on the proposal, physically joining the audience and vacating the seat on the hearing body, and making full disclosure of his or her status and position at the time of addressing the hearing

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- body.
- 2) If all members of the hearing body abstain or are disqualified, the administrative rule of necessity shall apply. All members present who declare their reasons for abstention or disqualification shall thereby be requalified to act.
 - 3) Except for Type IV hearings conducted by the governing body, a member absent during the presentation of evidence in a hearing may not participate in the deliberations or final decision regarding the matter of the hearing unless the member has reviewed the evidence received.

Section 2.2140. Burden and Nature of Proof

- 1) Except as otherwise provided, the applicant shall bear the burden of proof that the proposal is in compliance with the applicable standards. In addition, evidence of mistake of adoption of the plan designation or development regulations or subsequent change in the affected area are relevant considerations.
- 2) Unless specifically identified as jurisdictional, failure to comply with a provision of this Article shall invalidate an action only if it prejudices the substantial rights of the person alleging the error. Persons alleging procedural error shall have the burden of proof as to whether the error occurred and whether the error has prejudiced the person's substantial rights.

Section 2.2150. Quasi-Judicial Hearing Procedure

- 1) At any quasi-judicial hearing held under this Ordinance, the hearing body shall have authority to conduct a public hearing and;
 - (A) Determine who qualifies as a party;
 - (B) Regulate the course, sequence and decorum of the hearing;
 - (C) Dispose of procedural requirements or similar matters;
 - (D) Rule on offers of proof and relevancy of evidence and testimony;
 - (E) Impose reasonable limitations on the number of witnesses heard and set reasonable time limits for oral presentation and rebuttal testimony;
 - (F) Take such other action appropriate for conduct commensurate with the nature of the hearing.
- 2) Any hearing that is held to receive evidence shall be conducted as follows:
 - (A) Announce the nature and purpose of the hearing and summarize the rules of conducting the hearing.
 - (B) Allow the Director or a representative to summarize the application.
 - (C) Allow the applicant or a representative to be heard.
 - (D) Allow the opponent or representative to be heard.
 - (E) Allow parties or witnesses in favor of the applicant to be heard.
 - (F) Allow parties or witnesses in favor of the opponent to be heard.
 - (G) Allow the applicant to offer rebuttal evidence and testimony limited to rebuttal of points raised. New testimony will not be heard.
 - (H) Conclude the hearing and announce a decision or take the matter under advisement.
- 3) A hearing that is to be held on an existing record shall be conducted as follows:
 - (A) Announce the nature and purpose of the hearing and summarize the rules

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- of conducting the hearing.
 - (B) Allow the Director or representative to summarize the application.
 - (C) Allow the applicant or a representative to be heard.
 - (D) Allow the opponent or a representative to be heard.
 - (E) Conclude the hearing and announce a decision or take the matter under advisement.
- 4) The announcement described in paragraphs (2)(A) and (3)(A) shall at a minimum:
- (A) List the applicable substantive criteria.
 - (B) State that testimony and evidence must be directed toward the criteria described in paragraph (A) of this subsection or other criteria in the Plan or land use regulation which the person believes to apply to the decision; and
 - (C) State that failure to raise an issue accompanied by statements or evidence sufficient to afford the decision maker and the parties an opportunity to respond to the issue precludes appeal based on that issue.
- 5) Prior to the conclusion of any initial evidentiary hearing, any participant may request an opportunity to present additional evidence or testimony regarding the application. The hearing body shall grant such request by continuing the public hearing pursuant to paragraph (6) of this subsection or leaving the record open for additional written evidence or testimony pursuant to paragraph (7) of this subsection.
- 6) If the hearing body grants a continuance, the hearing shall be continued to a date, time and place certain at least seven days from the date of the initial evidentiary hearing. An opportunity shall be provided at the continued hearing for persons to present and rebut new evidence and testimony. If new written evidence is submitted at the continued hearing, any person may request, prior to the conclusion of the continued hearing, that the record be left open for at least seven days to submit additional written evidence or testimony for the purpose of responding to the new written evidence.
- 7) If the hearing body leaves the record open for additional written evidence or testimony, the record shall be left open for at least seven days. Any participant may file a written request with the hearing body for an opportunity to respond to new evidence submitted during the period the record was left open. If such a request is filed, the hearing body shall reopen the record pursuant to subsection (8) of this section.
- (A) A continuance or extension granted pursuant to this section shall be subject to the limitations of ORS 215.248, unless the continuance or extension is requested or agreed to by the applicant.
 - (B) Unless waived by the applicant, the hearing body shall allow the applicant at least seven days after the record is closed to all other parties to submit final written arguments in support of the application. The applicant's final submittal shall be considered part of the record, but shall not include any new evidence.
- 8) When the hearing body reopens a record to admit new evidence or testimony,

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any person may raise new issues which relate to the new evidence, testimony or criteria for decision making which apply to the matter at issue.

- 9) A decision under this Ordinance shall be final when it has been reduced to writing and either:
 - (A) Mailed to an affected party; or
 - (B) Publicly recorded; or
 - (C) The affected party has actual notice of the written decision.

Section 2.2160. Decision

Following the hearing procedure described in Section 2.2150, the hearing body shall approve, approve with conditions, or deny the application or if the hearing is in the nature of an appeal, affirm with modifications or additional conditions, reverse or remand the decision that is on appeal. A decision on a hearing or an application for a development permit shall be made within the time limitation set out in Section 2.1160.

Section 2.2170. Findings and Order

The hearing body shall prepare findings of fact and an order which shall include:

- 1) A statement of the applicable criteria and standards against which the proposal was tested, and of the hearing body's interpretation of what would be required to achieve compliance with the criteria and standards.
- 2) A statement of the facts which the hearing body found establishing compliance or noncompliance with each applicable criteria and assurance of compliance with applicable standards.
- 3) The reasons for a conclusion to approve or deny.
- 4) The decision to deny or approve the proposed change with or without conditions.

Section 2.2180. Record of Proceedings

The hearing body shall cause the proceedings to be recorded stenographically or electronically.

- 1) Testimony shall be transcribed if required for judicial review or if ordered by the hearing body.
- 2) The hearing body shall, where practicable, retain as part of the hearing record each item of physical or documentary evidence presented and shall have the items marked to show the identity of the person offering the same and whether presented on behalf of a proponent or opponent. Exhibits received into evidence shall be retained in the hearing file until after the applicable appeal period has expired, at which time the exhibits may be released to the person identified thereon, or otherwise disposed of.
- 3) The findings and order shall be included in the record.
- 4) A person shall have access to the record of the proceedings at reasonable times, places and circumstances. A person shall be entitled to make copies of the record at the person's own expense.

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Section 2.2190. Request for Review / Appeal

- 1) The Hearings Officer shall hear appeals from Type I and Type II decisions of the Director
- 2) The Board of Commissioners shall hear appeals of decisions of the Hearings Officer (Type IIa) and Planning Commission (Type III).
- 3) The affected party shall file an appeal with the Director within twelve (12) days of a final decision. An additional five days after filing of an appeal may be granted to allow the appellant to submit additional justification for the appeal. The actual appeal, however, must be filed within the twelve-day limit.
- 4) At its discretion, the reviewing body may, after considering the application and appeal, and finding that the facts therein stated do not warrant further hearing, summarily affirm the action and deny the appeal. The Board of Commissioners, if it believes the matter warrants review, may limit an appeal or review to a review of the record and a hearing for receipt of oral arguments regarding the record, or may accept new evidence and testimony. If new evidence is to be received, a hearing shall be conducted pursuant to this article.
- 5) A final decision of the Board of Commissioners may be appealed to the Land Use Board of Appeals, pursuant to ORS 197.829.

Section 2.2200. Requirements of Notice of Appeal

A notice of appeal shall contain:

- 1) An identification of the decision sought to be reviewed, including the date of the decision.
- 2) A statement of the standing of the person seeking review.
- 3) The specific grounds relied upon for review.
- 4) If de novo review or review by additional testimony and other evidence is requested, a statement relating the request to the factors listed in Section 2.2230(1).

Section 2.2210. Review

The Board of Commissioners shall issue an order stating the scope of review to be one of the following:

- 1) Denying review.
- 2) Restricting review to the record made by the hearing body.
- 3) Limit review to such issues as the Board of Commissioners determines necessary for a proper resolution of the matter.
- 4) De novo hearing on the merits.

Section 2.2220. Review on the Record

Unless otherwise provided for by the Board of Commissioners, review of the decision on appeal shall be confined to the record of the proceeding as specified in this section. The record shall include:

- 1) A factual report prepared by the Community Development Director.
- 2) All exhibits, materials, pleadings, memoranda, stipulations and motions

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submitted by any party and received or considered in reaching the decision under review.

- 3) The transcript of the hearing, if previously prepared; otherwise, a detailed summary of the evidence, but the details need not be set forth verbatim.

Section 2.2230. Review Consisting of Additional Evidence or De Novo Review

- 1) The reviewing body may hear the entire matter de novo; or it may admit additional testimony and other evidence without holding a de novo hearing if it is satisfied that the additional testimony or other evidence could not reasonably have been presented at the prior hearing. The reviewing body shall consider all of the following in making such a decision.
 - (A) Prejudice to the parties.
 - (B) Convenience or availability of evidence at the time of the initial hearing.
 - (C) Surprise to opposing parties.
 - (D) The competency, relevancy and materiality of the proposed testimony or other evidence.
- 2) "De novo hearing" shall mean a hearing by the reviewing body as if the action had not been previously heard and as if no decision has been rendered, except that all testimony, evidence and other material from the record of the previous consideration shall be included in the record of the review.

Section 2.2240. Review Body Decision

- 1) Upon review, the review body may by order affirm, reverse or modify in whole or part a determination or requirement of the decision that is under review. When the review body modifies or renders a decision that reverses a decision of the hearing body, the review body, in its order, shall set forth its findings and state its reasons for taking the action encompassed in the order. When the review body elects to remand the matter back to the hearing body for such further consideration as it deems necessary, it shall include a statement explaining the error found to have materially affected the outcome of the original decision and the action necessary to rectify such.
- 2) Action by the review body shall be decided by a majority vote of its members present at the meeting at which review was made and shall be taken either at that or any subsequent meeting. The review body shall render its decision no later than sixty (60) days after the filing of the request for review.
- 3) The Director shall by written notice send by first class mail the decision arrived at by the Director or hearing body to the applicant, to any participant in the proceeding leading to the decision and any person, entity or organization requesting information pertaining to a final decision on the application.

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SECTION 2.3000. LEGISLATION

Section 2.3010. Legislative Action Under This Ordinance

- 1) The following are legislative actions under this Ordinance:
 - (A) An amendment to this Ordinance.
 - (B) A district or zone change action the County Commission has designated as legislative after finding the matter at issue involves such a substantial area and number of property owners or such broad public policy changes that administrative processing would be inappropriate.
- 2) A legislative action shall follow the Type IV procedure subject to the modifications and supplements of Sections 2.3010 to 2.3060.

Section 2.3020. Legislative Hearing Notice

Notice of a hearing on a legislative decision under this Ordinance need not include a mailing to property owners where the matter at issue does not relate to a specific geographic area. Where such mailing or posting is omitted, the Community Development Director shall prepare a notice program designed to reach persons believed to have a particular interest and to provide the general public with a reasonable opportunity to be aware of the hearings on the proposal.

Section 2.3030. Arguments on Policy

In addition to matters pertaining to compliance with criteria and consistency with the Comprehensive Plan, a person may provide information and opinion regarding the desirable policy of the County relevant to the proposed legislative matter.

Section 2.3040. Information at Planning Commission Hearing

The Planning Commission shall afford an interested person the opportunity to submit written recommendations and comment in advance of the hearing and this information shall be available for public inspection. At the hearing, written recommendations and other information will be received and oral statements will be permitted.

Section 2.3050. Planning Commission Recommendation

In preparing its recommendation the Planning Commission shall do the following:

- 1) Identify the provisions of the Comprehensive Plan that govern the decision and prepare findings describing how the proposal complies or fails to comply with these Plan provisions.
- 2) Review the nature of the proposal and describe whether the proposal warrants processing as a legislative matter.
- 3) State reasons for the recommendations and make the recommendations. Recommendations may include policy advice of the Planning Commission in addition to determinations described in (1) and (2) above.

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Section 2.3060. Board of Commissioners Legislative Action

- 1) The Board of Commissioners may limit the nature of the information it will receive at the hearing and may establish separate rules for consideration of each of the following:
 - (A) Compliance with the Plan.
 - (B) Refinements proposed.
 - (C) After confirming Appropriateness of the legislative process.
- 2) Policy changes or, amending or reversing the recommendations of the Planning Commission, the Board of Commissioners may take any of the following steps:
 - (A) Enact or defeat an Ordinance on all or part of the proposal under consideration.
 - (B) Refer some or all of the proposal back to the Planning Commission for further consideration. If such referral is subsequently returned, no further hearing need be conducted if the proposal is processed under the County procedure for Ordinance enactment.

SECTION 2.4000. CONDITIONAL DEVELOPMENT AND USE

Section 2.4010. General

Although each zoning district is primarily intended for a predominate type of use and development, there are a number of uses which may or may not be appropriate in a particular district depending upon all the circumstances of the individual case. For example, the location, nature of the proposed use, character of the surrounding development, traffic capacities of adjacent streets, and potential environmental effects, all may indicate that the circumstances of the development and use needs to be individually reviewed. It is the intent of this section to provide a system of review of such uses so that the community is assured that the uses are compatible with their locations and with surrounding land uses, and will further the purpose of this ordinance and the objectives of the comprehensive plan.

Section 2.4020. Application for a Conditional Development and Use

If a development and use is classified as conditional in a zone, it is subject to approval under Sections 2.4000 to 2.4050. An applicant for a proposed conditional development and use shall provide facts and evidence and a site plan in compliance with Section 2.9400 sufficient to enable the Community Development Director or hearing body to make a determination.

Section 2.4030. Authorization of a Conditional Development and Use

- 1) A new, enlarged or otherwise altered development classified by this Ordinance as a conditional development and use may be approved by the Community Development Director under a Type II procedure except that the following conditional developments and uses may be approved by the Hearings Officer under a Type IIa procedure:
 - (A) Dog kennel or Kennel;
 - (B) Airport;
 - (C) Bed & Breakfast over 3 units;

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- (D) Golf courses;
 - (E) Automobile service station or repair shop, including body work, used car sales, wrecking yard;
 - (F) Public or private recreation such as riding stable, fishing or boating docks or ramps, gun club, golf course, or resort type establishment in association with recreation;
 - (G) Non-farm partition;
 - (H) Non-farm dwelling;
 - (I) Farm help relative dwelling;
 - (J) Home occupations related to auto/machinery repair or painting;
 - (K) Firearms training facility;
 - (L) Solid waste disposal site;
 - (M) Small scale, light industrial developments such as assembly, fabricating, processing, compounding, packing and similar operations within an enclosed building.
 - (N) Automobile wrecking yard.
 - (O) Amusement enterprises such as games of skill and science, thrill rides, penny arcades, and shooting galleries.
- 2) Where the proposed development involves a non-water dependent use or activity in the Marine Industrial Shorelands Zone, [Section 4.1700](#), mailed notice shall also be provided to any interested party who has submitted a written request concerning the proposed development, and to state and federal agencies with statutory planning and permit issuance authority in aquatic areas, including the Oregon Division of State Lands, Department of Fish and Wildlife, U.S. Fish and Wildlife Service, National Marine Fisheries Service, Corps of Engineers, and the Environmental Protection Agency.
- 3) In addition to the other applicable standards of this ordinance, the hearing body must determine that the development will comply with the following criteria to approve a conditional development and use.
- (A) The proposed use does not conflict with any provision, goal, or policy of the Comprehensive Plan.
 - (B) The proposed use meets the requirements and standards of is Ordinance.
 - (C) The site under consideration is suitable for the proposed use considering:
 - 1) The size, design, and operating characteristics of the use, including but not limited to off-street parking, fencing/buffering, lighting, signage, and building location.
 - 2) The adequacy of transportation access to the site, including street capacity and ingress and egress to adjoining streets.
 - 3) The adequacy of public facilities and services necessary to serve the use.
 - 4) The natural and physical features of the site such as topography, natural hazards, natural resource values, and other features.
 - (D) The proposed use is compatible with existing and projected uses on surrounding lands, considering the factors in (C) above.
 - (E) The proposed use will not interfere with normal use of coastal shorelands.

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- (F) The proposed use will cause no unreasonably adverse effects to aquatic or coastal shoreland areas, and
- (G) The use is consistent with the maintenance of peripheral and major big game habitat on lands identified in the Comprehensive Plan as Agricultural Lands or Conservation Forest Lands. In making this determination, consideration shall be given to the cumulative effects of the proposed action and other development in the area on big game habitat.
- (H) In addition to compliance with the criteria as determined by the hearing body and with the requirements of Sections 1.1040 and 1.1050, the applicant must accept those conditions listed in Section 2.4040 that the hearing body finds are appropriate to obtain compliance with the criteria.

Section 2.4040. Requirements for Conditional Development and Use

In permitting a conditional development and use, the hearing body may impose any of the following conditions as provided by Section 2.4030:

- 1) Limit the manner in which the use is conducted, including restricting the time an activity may take place and restraints to minimize such environmental effects as noise, vibration, air pollution, glare and odor.
- 2) Establish a special yard or other open space or lot area or dimension.
- 3) Limit the height, size or location of a building or other structure.
- 4) Designate the size, number, location or nature of vehicle access points.
- 5) Increase the amount of street dedication, roadway width or improvements within the street right-of-way.
- 6) Designate the size, location, screening, drainage, surfacing or other improvement of a parking or truck loading areas.
- 7) Limit or otherwise designate the number, size, location, height of or lighting of signs.
- 8) Limit the location and intensity of outdoor lighting or require its shielding.
- 9) Require diking, screening, landscaping or another facility to protect adjacent or nearby property and designate standards for installation or maintenance of the facility.
- 10) Designate the size, height, location or materials for a fence.
- 11) Require the protection of existing trees, vegetation, water resources, wildlife habitat or other significant natural resources.
- 12) Require provisions for public access (physical and visual) to natural, scenic and recreational resources.
- 13) Specify other conditions to permit the development of the County in conformity with the intent and purpose of the classification of development.

Section 2.4050. Time Limit on Permit for Conditional Use

- 1) Authorization of a conditional use shall be void after two years unless substantial construction or action pursuant thereto has taken place as defined in Section 1.0500. However, the County may, at the discretion of the Community Development Director, extend authorization for an additional one year upon request, provided such request is submitted in writing at least 10 days and not

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more than 30 days prior to expiration of the permit. The County may grant conditional use approvals for activities such as dike maintenance for a period of time up to five years; such approvals will normally correspond with parallel state and/or federal permits.

- 2) Authorization of a conditional use dwelling in the AF, EFU and F-80 zones shall be void after four years unless substantial construction or action pursuant thereto has taken place as defined in Section 1.0500. However, the County may, at the discretion of the Community Development Director, extend authorization for an additional two years upon request, provided such request is submitted in writing at least 10 days and not more than 30 days prior to expiration of the permit.

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SECTION 2.5000. DEVELOPMENT AND USE PERMITTED WITH REVIEW

Section 2.5010. Application for a Development and Use Permitted with Review

If a development and use is listed as a development and use permitted with review, it is subject to approval under Section 2.5020 and 2.5030. An applicant for a proposed development and use permitted with review shall provide facts and evidence and a site plan in compliance with Section 2.9400 sufficient to enable the Community Development Director or hearing body to make a determination.

Section 2.5020. Authorization of a Development and Use Permitted with Review

A new, enlarged or otherwise altered development listed in this Ordinance as a development and use permitted with review shall be approved by the Community Development Director under a Type II procedure with posted notice and mailed notice to the owners of property situated within (250) feet of the property of the applicant and with published notice in a newspaper of general distribution. After taking into account location, size, design and operation characteristics of the proposed development, the Director shall determine whether or not the proposed development complies with the requirements of Sections 1.1040 and 1.1050. The Director may require changes in the proposed development to ensure that it will meet applicable standards. Where the proposed development involves a nonwater dependent use or activity in the Marine Industrial Shorelands zone, Section 4.1700, mailed notice shall also be provided to any interested party who has submitted a written request concerning the proposed development, and to state and federal agencies with statutory planning and permit issuance authority in aquatic areas, including the Oregon Division of State Lands, Department of Fish and Wildlife, U.S. Fish and Wildlife Service, National Marine Fisheries Service, Corps of Engineers, and the Environmental Protection Agency.

Section 2.5030. Requirements for Development and Use Permitted with Review

Proposed developments must be consistent with the Clatsop County Comprehensive Plan and must satisfy applicable development standards in this Ordinance. Developments in the AF zone must be found to be consistent with the maintenance of big game habitat. In making this determination, consideration shall be given to the cumulative effects of the proposed action and other development in the area on big game habitat. Developments requiring a state or federal permit are subject to the Consistency Review Procedure set forth in Section 2.7000. In permitting a development, the Director may impose any of the conditions listed in Section 2.4040 to ensure that the development is consistent with the resource capabilities of the particular areas and the purpose of the zoning and special district classifications.

Section 2.5040. Time Limit on Permit for Review Use

Authorization of a review use shall be void after two (2) years unless substantial construction or action pursuant thereto has taken place. However, the County may, at the discretion of the Community Development Director, extend authorization for an additional one year upon request, provided such request is submitted in writing at least 10 days and not more than 30 days prior to expiration of the permit. The County may grant review use approvals for activities such as dike maintenance for a period of time

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up to five years; such approvals will normally correspond with parallel state and/or federal permits.

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SECTION 2.6000. DEVELOPMENTS AND USES OF THE SAME TYPE

Section 2.6010. Determination of Nature of Unlisted Developments and Uses

The Planning Commission shall examine the characteristics of developments and uses not listed in any zone and shall make a determination as to what zone the development and use may be allowed as a development and use permitted, permitted with review, or conditional development and use. The Planning Commission shall base its decision on findings that the development is consistent with the purposes of the zoning classification and is similar to the types of development and use permitted or conditional in the zone. The decision shall be made under a Type III procedure with notice provided only in newspapers of general distribution per Section 2.2060.

Section 2.6020. Authorization of the Development and Use

An unlisted development and use shall be approved for the zone determined by the Planning Commission through separate action under the appropriate procedures specified in Sections 2.1010-2.1040.

Section 2.6030. Record of Determination

Unlisted developments and uses for which the Planning Commission has made a determination as to appropriate zone and type similarity shall be maintained in the Land Use Planning Division, for future reference.

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SECTION 2.7000. COASTAL ZONE CONSISTENCY REVIEW

Section 2.7010. Applicability

This section applies to the following activities that directly affect the coastal zone:

- 1) Actions requiring federal permits or licenses
- 2) Federal activities and development projects
- 3) Outer continental shelf activities
- 4) Federal grants or financial assistance.

Section 2.7020. Consistency Review Procedure for Activities Requiring State or Federal Permits or Licenses

Applicants for activities in Clatsop County's coastal zone which require a state or federal permit or license shall submit to the Community Development Director a copy of the completed permit application, other supporting material provided to the permit granting agency and a set of findings which demonstrate that the development would be consistent with the applicable elements of the Comprehensive Plan and this Ordinance.

If the activity requires a local permit, the applicant shall apply for the local permit under the established permit program. Approval of the permit shall constitute a ruling that the action is consistent with the applicable elements of the Comprehensive Plan and Ordinance. If the action does not require a local permit, the County may make an investigation to provide information on the project's conformance with the Plan and Ordinance standards and provisions. The investigation can be done administratively or through public hearings.

The Community Development Director shall respond to the state or federal public permit granting agency within seven working days of the local actions. The response shall contain a statement of whether the permit is consistent with the applicable elements of the Comprehensive Plan, the reasons development is or is not consistent, standards and conditions which apply if the permit is granted, and the need for local permits for developments associated with the activity.

Section 2.7030. Consistency Review Procedure for Federal Activities and Development Projects

Federal activities in the Coastal Zone are not subject to the established local permit procedures. Federal activities which directly affect the coastal zone of the county must be consistent, to the maximum extent practicable, with the coastal zone management program. The coastal zone management programs include the County's Comprehensive Plan and this Ordinance. The federal consistency determination is reviewed by the Oregon Department of Land Conservation and Development.

Consistency determinations for federal activities shall be reviewed for conformance with the mandatory enforceable policies of the County's Comprehensive Plan and Ordinance. The review may be done administratively or through public hearings. The federal agency has the option of applying for a local permit to demonstrate consistency with the Plan and Ordinance.

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The Community Development Director shall communicate concurrence or disagreement with the consistency determination, and recommendations for conditions of project approval to the Oregon Department of Land Conservation and Development within 21 days of receiving the notice for reviewing the federal consistency determination.

Section 2.7040. Outer Continental Shelf Activities

Federally licensed or permitted activities described in Outer Continental Shelf plans and which affect Clatsop County's coastal zone shall be conducted in a manner consistent with the coastal zone management program. The applicant's consistency certification is reviewed by the Department of Land Conservation and Development. The Community Development Director may review these activities for consistency with the Plan and Zoning Ordinance. The review may be done administratively or through public hearings. The Community Development Director may communicate concurrence or disagreement with the consistency certification to the Oregon Department of Land Conservation and Development within the time specified on the Oregon Department of Land Conservation and Development notice for the activities.

Section 2.7050. Federal Grants and Financial Assistance

Federal financial assistance of grants to state agencies, cities, counties, special purpose districts, or regional bodies, for activities which affect the coastal zone shall be granted only when the activities are consistent with the coastal zone management program. The Community Development Director may review the grants and financial assistance for consistency with the Plan and Ordinance. The review may be done administratively or through public hearings. The Community Development Director may communicate the review findings to the Intergovernmental Relations Division Clearinghouse within the time specified on the Clearinghouse notice.

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SECTION 2.8000. VARIANCE

Section 2.8010. Variance Procedure

- 1) A variance may be appropriate where: by reason of exceptional configuration, or by reason of other extraordinary and exceptional situations or conditions existing on a piece of property, the strict application of any regulations enacted under this Ordinance would result in peculiar, exceptional and undue hardship upon the owner of such property for which a variance is requested. Undue hardship upon adjacent property owners may also be considered. The Hearings Officer may vary or adopt the strict application of any of the requirements of this Ordinance.
- 2) Variances will be considered under a Type IIa procedure pursuant to Section 2.1030. An applicant may request a variance whether before or after the denial of a development permit.
- 3) Standards for a Variance. The requirements for a Variance are listed below. It is the intent of this Ordinance that a variance only be granted to overcome some exceptional physical condition related to a parcel of land posing practical difficulty to development and preventing the owner from using the property as intended by the Zoning Ordinance. Any variance granted shall be the minimum adjustment necessary for the reasonable use of the land.
 - (A) There must be proof of exceptional and extraordinary circumstances which apply to the property and which do not apply to other properties in the same zone or vicinity, and result from lot size or shape legally existing in accordance with land use laws prior to September 30, 1980, topography, geology, or other circumstances over which the applicant has no control. These circumstances or conditions must be such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of the land and/or structure.
 - (B) The granting of a variance shall neither be injurious to the neighborhood or community nor otherwise detrimental to the public welfare or to public safety.
 - (C) The granting of the variance will not permit the establishment of any development or use which is not permitted by the Ordinance, nor confer upon the applicant any special privilege that is denied by this Ordinance to other lands, structures or buildings in the area.
 - (D) There must be proof of significant hardship if the variance is not granted. It is not sufficient proof of hardship to show that a greater profit would result if a variance were granted. Nor shall loss of value be a valid reason to grant a variance. Furthermore, the hardship cannot be self-created or self-imposed, nor can it be created by one who purchases property with or without the knowledge of restrictions present. The hardship must result from the strict application of this Ordinance, and be suffered directly by the property in question. Evidence of a variance granted under similar circumstances shall not be considered as a solely sufficient cause to grant hardship relief.

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- (E) The granting of a variance is necessary for the reasonable use of land or building, and the variance granted by the hearing body is the minimum variance that will accomplish this purpose.
- (F) The hardship does not arise from a violation of the provisions of this Ordinance.
- (G) The development will occur on a parcel of land that in conjunction with adjacent land in the same ownership is not otherwise reasonably capable of development and use under the provisions of this Ordinance.

Section 2.8020. Notification

In addition to the notice required to be sent to property owners pursuant to Section 2.1030 and Section 2.2020, notice of variances to yard setbacks and height variances shall be sent to the fire district in which the property is served for review and comment. If a response is not received by the Department of Community Development within 20 days of the notice it will be assumed that the District has no negative concerns regarding the request.

Section 2.8030. Expiration/Extension

Authorization of a variance shall be void after one year unless substantial construction or action pursuant thereto has taken place. However, the County may, at the discretion of the Planning Director, extend authorization for an additional six (6) months upon request, provided such request is submitted in writing at least 10 days and not more than 30 days prior to expiration of the variance.

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SECTION 2.8100. ZONE CHANGES

Section 2.8110. Purpose

This section provides the criteria for amending the boundaries of any base zone or overlay district delineated on the official Clatsop County "Comprehensive Plan/Zoning Map". A change in a base zone or overlay district may be made according to the criteria set forth in Section 2.8120.

The process for changing a base zone designation or overlay district that does not involve a change to the comprehensive plan or comprehensive plan designation shall be a Type III procedure. All changes involving comprehensive plan amendments or comprehensive plan designation shall be a Type IV procedure. Changes to a base zone or overlay district may be initiated by the governing body, Planning Commission, or by petition of a majority of property owners in the area proposed for change. Mailed notice of the hearing shall include the owners of property within (250) feet of the area proposed for change. If the change involves a Goal 5 resource, a Plan amendment must also be requested and the Goal 5 Administrative Rule used to justify the decision.

Section 2.8120. Zone Change Criteria

The governing body shall approve a non-legislative zone designation change if it finds compliance with Section 1.1040, and all of the following criteria:

- 1) The proposed change is consistent with the policies of the Clatsop County Comprehensive Plan.
- 2) The proposed change is consistent with the statewide planning goals (ORS 197).
- 3) The property in the affected area will be provided with adequate public facilities and services including, but not limited to:
 - (A) Parks, schools and recreational facilities
 - (B) Police and fire protection and emergency medical service
 - (C) Solid waste collection
 - (D) Water and wastewater facilities
- 4) The applicant shall demonstrate consistency with the Transportation Planning Rule, specifically by addressing whether the proposed amendment creates a significant effect on the transportation system pursuant to OAR 660-012-0060. If required, a Traffic Impact Study (TIS) shall be prepared in accordance with Section 2.9500.
- 5) The proposed change will not result in over-intensive use of the land, will give reasonable consideration to the character of the area, and will be compatible with the overall zoning pattern.
- (6) The proposed change gives reasonable consideration to peculiar suitability of the property for particular uses.
- (7) The proposed change will encourage the most appropriate use of land throughout Clatsop County.
- (8) The proposed change will not be detrimental to the health, safety and general welfare of Clatsop County.

Section 2.8130. Effective Date of Zone Changes

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A change in a zone or special purpose district designation of an area shall take effect thirty (30) days after the date of approval, unless adopted by emergency clause.

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SECTION 2.8200. TEMPORARY USE PERMITS

Section 2.8210. Purpose and Intent

It is the intent of the temporary use permit section to provide procedures and standards for land or structures which possess unique characteristics requiring special consideration for temporary usage. The provisions of this section are to apply when the proposed use does not qualify as a continuation of a non-conforming use. Temporary use permits are not to be construed, permitted nor utilized as a means to abrogate the intent, purpose or procedures of Clatsop County's Comprehensive Plan or Ordinance regulations.

No temporary permit shall be granted which would have the effect of creating a permanent rezoning or result in a hardship when the use is not permitted to continue at the expiration of the permit periods. Further, no temporary permit may be granted which has the effect of conferring a special privilege for which other property within the same zone may not be equally eligible.

Section 2.8220. Goals

The provisions of this section are designed to provide standards and criteria for temporary relief to hardship situations which result from strict Ordinance application. The reasons for the temporary relief shall be to provide an applicant an opportunity for a solution to a temporary land use problem or sufficient time to develop a permanent solution to the land use problem which will result in compliance with the relative zoning regulations.

The provisions of this Section are designed to provide criteria for granting and administering temporary use permits and to provide guidelines for the imposition of additional conditions. The temporary use should be as consistent with intent and purpose of the zone as possible and comply with the requirements of the zone, except as may be additionally provided for under the provisions of Section 2.8200.

Section 2.8230. Permitted Temporary Uses, Criteria and Limitations

The following temporary uses may be permitted under a Type I procedure. A temporary use permit for such uses may be permitted in any zone, subject to those specified criteria and limitations described in conjunction with the temporary use pursuant to the General Standards of subsection 2.8240 and subject to the condition provisions of subsection 2.8250.

- 1) Non-Conforming Uses. A different use for non-conforming uses of structures and/or land may be permitted by the Community Development Director provided it is determined by the Planning Director that the character and nature of the proposed temporary use will be more compatible to the surrounding vicinity than the existing non-conforming use.
- 2) Existing Structures and/or Premises. Existing structures and/or premises which do not have a qualified nonconforming use status and which were designed and

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- intended for use not allowable in their respective zone may be granted a temporary use permit to provide a solution to a temporary land use problem or to provide a temporary solution to enable a permanent solution to be developed.
- 3) New Structures. A use involving a new structure of a temporary nature necessary for the physical or economic welfare and development of the primary permitted use of the property may be granted a temporary permit by the Community Development Director subject to a finding that the new structure permitted by the temporary use permit shall be removed at the end of the temporary permit period.
 - 4) Accessory Structures. Existing or new structures may be utilized in conjunction with or support of the primary permitted use of the property on a temporary basis. The Planning Director may grant a temporary use permit for the structure which shall be brought into conformity with the Ordinance provisions in effect.
 - 5) Open Land Uses. Open land uses which do not involve structures or involve structures which create an improvement value to the combined land and structures of less than \$1,000 may be permitted by temporary use permit by the Community Development Director.
 - 6) Manufactured dwelling or recreational vehicle for a period not to exceed one year, used during the construction of a residential structure for which a building permit has been issued.
 - 7) Real estate office in a legally recorded subdivision.

Section 2.8240. General Standards

The following standards shall be utilized by the Community Development Director in reaching its decision on every application for a temporary use permit:

- 1) A proposed use shall be compatible with and will not create a material adverse effect on the livability or appropriate development of abutting properties and the surrounding community.
- 2) The proposed use will not be adversely affected by the permitted development of abutting properties and the surrounding vicinity.
- 3) In applying specific temporary use criteria and limitations, these general standards, and determinations of appropriate conditions, consideration shall be given, but not limited to:
 - (A) The harmony and scale, bulk, coverage, and density;
 - (B) The availability of public facilities and utilities;
 - (C) The harmful effect, if any, upon a desirable neighborhood character;
 - (D) The generation of traffic and the capacity of surrounding streets and roads;
 - (E) The creation of noise, vibration, odors, or other similar nuisances;
 - (F) Any other relevant impact on the peace, quiet, comfort, and enjoyment by and of the abutting properties and the surrounding community.
 - (G) No structural alterations may be made to a non-conforming use structure nor may new structures be placed upon premises to be utilized by a temporary use permit which materially prolongs the economic hardship by the discontinuance of such use and conformance with the provisions of

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the applicable zone.

- (H) No temporary use permit shall be granted which is inconsistent with the purpose and intent set forth in subsection 2.8210 or is inconsistent with the goals set forth in subsection 2.8220.

Section 2.8250. Conditions

- 1) Required Conditions. All temporary permits issued by the Community Development Director shall be subject to the following conditions:
 - (A) Restoration and Bond. Where new structures and uses thereof and new open land uses are permitted by the temporary use permit, the premises shall be required to be restored to the same or better state of condition existing prior to the granting of the temporary use permit within three (3) months of the termination of the permit. A performance bond subject to Section 1.1090 shall be required, if determined necessary by the Community Development Director at the time of approval in sufficient amount to cover the estimated costs of such restoration.
 - (B) Time Limit. Temporary permits shall be granted for no longer than a one (1) year period of time.
 - (C) Temporary Permit Renewal. Temporary permits may be renewed up to four (4) times, provided however, prior to the first renewal the applicant must submit plans to the Community Development Director demonstrating how he intends to resolve the problem after his permit expires and providing a time table for activity to accomplish his plan. No further extension shall be granted unless applicant demonstrates compliance with such time table. No parcel of property, regardless of succession of ownership, or control, shall be eligible for receiving temporary use permits, for the same or different uses, more than five (5) years out of any ten (10) year period of time. It is the intent of this Ordinance that renewals of temporary permits within the terms of this Ordinance shall not be subject to the full requirements necessary for the establishment of a temporary permit but rather, shall be reviewed for the purposes of determination of whether additional conditions need be added in order to maintain compatibility of the temporarily permitted use with the surrounding area and to determine compliance with the plan for resolution of the problem for which the temporary permit was necessary.
- 2) Additional Conditions.
 - (A) The Community Development Director may attach conditions to temporary use permits in addition to those conditions enumerated in the applicable paragraphs of subsection 2.8250(1). of this section. Some of these may include, but are not limited to:
 - 1) Setbacks, special yards, and spaces;
 - 2) Screening, fences, and walls;
 - 3) Off-street parking and loading;
Control of points of vehicular ingress and egress;
 - 4) Construction standards and maintenance.

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- (B) No temporary use permit shall be issued until the applicant demonstrates how the hardship associated with the temporary use will be resolved and has submitted a written statement indicating by what date the abatement will occur.

Section 2.8260. Revocation

- 1) Basis for Revocation. Except as provided in subsection (2), temporary use permits are automatically revoked and void without special action if:
 - (A) The permit has not been exercised within six (6) months of the date of approval; or
 - (B) The use approved by the temporary permit is discontinued for any reason for six (6) continuous months, or more; or
 - (C) Applicant, his agents or successors fail or refuse to comply with the conditions imposed in a temporary permit and/or to refuse to adhere to the plan as approved.
 - (D) Standing to Request Hearing. A hearing for revocation of a temporary permit may be requested of the Hearings Officer by an affected citizen or by an administrative officer of the County who is of the opinion that one or all of the basis for revocation as stated in subsection (1) exists. Requests for revocation hearings shall be accomplished by submitting a letter to the Hearings Officer stating the basis for requesting the hearing for revocation. The Hearings Officer shall then set a hearing for the revocation if it so determines a hearing is warranted.
 - (E) Hearing Procedure. Public hearing, notification, and appeal procedures for revocation hearings by the Hearings Officer and the Board of Commissioners shall be held subject to Article 2 of this Ordinance.

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SECTION 2.9000. SUBDIVISIONS, PARTITIONS AND PROPERTY LINE ADJUSTMENTS

Section 2.9010. Purpose

In accordance with the provisions of ORS 92 and 215, this section sets forth the minimum standards governing the approval of land divisions, including subdivisions, partitions and property line adjustments within Clatsop County as necessary to carry out the County's Comprehensive Plan and to promote the public health, safety and general welfare.

No person may subdivide, partition land or perform a property line adjustment within Clatsop County except in accordance with ORS 92 and 215 and the provisions of this ordinance.

Section 2.9020. Applicability.

Whenever land owners wish to sell part of their property or place a second home on property that already has a home on it, a land division is necessary with the exception of the following:

- 1) A division of land resulting from a lien foreclosure of a recorded contract for the sale of real property or the creation of cemetery lots; or
- 2) the relocation of a common property line between two abutting properties.

Land divisions can be in the form of partitions or subdivisions. No land shall be divided prior to approval of a partition or subdivision.

Oregon Revised Statutes (ORS) 92.025 states:

- 1) A person may not sell any lot in any subdivision or convey any interest in a parcel in any partition until the plat of the subdivision or partition has been acknowledged and recorded with the recording office of the county in which the lot or parcel is situated.
- 2) A person may not sell any lot in any subdivision or convey any interest in a parcel in any partition by reference to or exhibition or other use of a plat of the subdivision or partition before the plat for such subdivision or partition has been so recorded. In negotiating to sell a lot in a subdivision or convey any interest in a parcel in any partition under ORS 92.016(1) and (2), a person may use the approved tentative plan for the subdivision or partition.

Partitions are divided into two types, minor and major, depending on road access. For the purposes of this Ordinance access ways shall be categorized as follows:

Private road -- an improved travel surface placed within a private road easement that is intended to provide access from a state, county, or public road to three or more lots, parcels, areas or tracts of land and which is maintained by private funds for the exclusive use of private parties.

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Public road -- an improved travel surface placed within a dedicated public right-of-way which is maintained by private funds.

County road -- an improved travel surface placed within a dedicated public right-of-way which has been formally accepted by the county for and which is maintained by the county.

Minor Partitions -- occur when a tract of land is divided into no more than three (3) parcels, including the parent parcel, in a calendar year when such tract of land existed at the beginning of the year and each parcel has a minimum of 25 feet of frontage on a state, county or public road and access to each parcel is taken from that frontage and within that parcel. A minor partition shall be processed by the Director under a Type II procedure as outlined in Section 2.9030 through 2.9080 of this Ordinance.

Major Partitions -- occur when a tract of land is divided into no more than three (3) parcels, including the parent parcel, in a calendar year when such tract of land existed at the beginning of the year and any parcel has less than 25 feet of frontage on a state, county or public road. Any partition which requires the creation of a state, county or public or private road or the utilization of a private road is also considered a major partition. Both minor and major partitions shall be processed by the Director under a Type II procedure as outlined in Section 2.9050 through 2.9130.

Line Adjustment -- is the relocation or elimination of all or a portion of the common property line between abutting properties that does not create an additional lot or parcel.

Subdivisions -- occur when a tract of land is divided into four (4) or more lots, including the parent parcel, within a calendar year. A proposed subdivision for six (6) or less lots shall be processed by the Director under a Type II procedure. Any larger subdivision shall be processed by the Director under a Type III procedure. Section 2.9140 through 2.9300 of this Ordinance pertains to the processing of subdivision requests.

Section 2.9030. Processing Property Line Adjustments

Proposed property line adjustment requests will be processed by the Department Director under a Type I procedure and include the following steps:

- 1) The applicant will submit a tentative property line adjustment, completed application and filing fee, to the Department of Community Development. The tentative property line adjustment shall follow the format outlined in Section 2.9090.
- 2) The Director shall evaluate the tentative property line adjustment to determine conformity with lot size and dimension standards of the base zone of the proposed partition. The tentative plan may be modified, if needed, to meet these standards. The Director shall apply conditions as required by Section 2.9070 and conditionally approve, or deny the application.

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- 3) Conditional approval of a tentative property line adjustment shall be valid for two years from the date of recording of the conditional approval. The applicant shall meet the conditions of approval attached by the Director prior to expiration of the conditional approval. The Director may, upon written request by the applicant, grant an extension of the expiration date of up to one (1) year upon a written finding that the facts upon which the approval was based have not changed to an extent sufficient to warrant refiling of the tentative plan and after finding no other development approval would be affected. If all conditions of approval for a property line adjustment are not completed prior to expiration of the tentative plan the approval shall be considered void as of the applicable expiration date.

Section 2.9040. General Standards for Property Line Adjustments

- 1) For all areas except those identified as a Resource Zone in Section 1.0500 of this Ordinance, all property which is the subject of a property line adjustment shall be located within the same zone.
- 2) For all areas except those zoned AF, F-80 and EFU:
 - (A) Property line adjustments may be allowed between undersized lots or parcels in the above zones provided that the resulting lots or parcels satisfy the minimum width, depth, frontage, lot width/depth ratio, yard requirements of the zone and setbacks to existing structures are not reduced by the property line adjustment below the minimum setback requirements.
 - (B) Property line adjustments may be allowed between undersized lots or parcels and lots or parcels conforming as to lot size provided the undersized lot meets the requirements in (1) above, and the resulting conforming lot or parcel if partitioned or subdivided would not result in a density greater than the zone(s) in which the property has been designated.
- 3) For all areas zoned AF, F-80 and EFU the adjustment may be approved provided:
 - (A) the remaining substandard parcel is not used as a basis for considering and approving a built upon or irrevocably committed exception, and
 - (B) the substandard parcel is not permitted to have more than one non-farm or non-forest dwelling on it, and
 - (C) it is determined that the tract proposed for transfer can be better managed for resource use, and
 - (D) the tract proposed for transfer may not be used in calculating the lot size of a parcel or parcels for purposes of future land divisions.

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Section 2.9050. Processing Minor and Major Partitions

The processing of proposed minor and major partition requests will include the following steps:

- 1) The applicant will submit a tentative partition plan completed application and filing fee, to the Department of Community Development. The tentative partition plan shall follow the format outlined in Section 2.9090.
- 2) The Director shall evaluate the tentative partition plan to determine conformity with lot size and dimension standards of the base zone of the proposed partition. Where a partition is located within 750 feet of a state highway, the Community Development Director will notify the Oregon Department of Transportation (ODOT) of the application and will consider its comments in taking action on the partition request. The tentative plan may be modified, if needed, to meet these standards. The Director, through a Type II procedure in accordance with Section 2.1020, shall apply conditions as required by Section 2.9050 and conditionally approve or deny the tentative plan.
- 3) Conditional approval of a tentative partition plan shall be valid for two years from the date of the conditional approval. The applicant shall meet the conditions of approval attached by the Director and submit a final partition plat prior to expiration of the conditional approval. The final partition plat shall follow the format outlined in Section 2.9080. The Director may, upon written request by the applicant, grant an extension of the expiration date of up to one (1) year upon a written finding that the facts upon which the approval was based have not changed to an extent sufficient to warrant refiling of the tentative plan and after finding no other development approval would be affected. Any partition not completed prior to expiration of the tentative plan shall be considered void.
- 4) The Director shall review the final partition plat to determine that it conforms with the tentative plan and any applicable conditions. Prior to recording of any partition plat, it must be approved by the County Surveyor.
- 5) If the Director or the County Surveyor determines that the partition plat submitted does not conform to the tentative plan or applicable conditions, the applicant shall be afforded an opportunity to make corrections prior to the expiration date.
- 6) If the final partition plat conforms to the tentative plan and applicable conditions, the Director shall sign and date the final plat. The applicant will be notified that the plat is ready for recording in the County Clerk's Office.

Section 2.9060. Appeal of Partitions or Property Line Adjustments

Any appeals of partitions or property line adjustment shall be done after approval or denial of the tentative partition plan map or property line adjustment decision and follow the process as set forth in Section 2.2190.

Section 2.9070. General Standards for Minor and Major Partitions

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Land within resource zones is evaluated by different standards than land in non-resource zones. This is because land divisions in resource zones are considered to be primarily for resource use in resource areas, not for development. Specific road improvement standards are not required except for cluster land divisions, which are evaluated as residential parcels since their purpose is for residential use. As a condition of approving residences as conditional uses in resource zones, road improvements will be required.

- 1) Standards for partitions in resource zones (as defined in Section 1.0500):
 - (A) Minor Partitions in Resource Zones shall meet the following standards:
 - 1) Road approach approval from the appropriate agency shall be demonstrated.
 - 2) Clustering in resource zones shall be subject to the standards for partitioning of non-resource lands in (2) below as well as any other applicable standards.
 - 3) County-wide Forest Lands Policy #22 shall be applied to all AF and F-80 partitions.
 - (B) Major Partitions in Resource Zones shall meet the following standards:
 - 1) Standards in Section 2.9050(1)(A)(1-3) above shall be met.
 - 2)
 - (a) If a County road is created, the right-of-way shall meet the standards from the "Basic Major Partition Improvement Standards Table" and the boundaries of the road right-of-way shall be surveyed and monumented. The road shall be improved to a standard established by the Board of Commissioners.
 - b) If a public road is created, the right-of-way shall meet the standards from the "Basic Major Partition Improvement Standards Table" and the boundaries of the road right-of-way shall be surveyed and monumented.
 - c) If a private road or easement is created or utilized, the easement shall meet the standards from the "Basic Major Partition Improvement Standards Table". Easements which bind all involved property owners and which specify the perpetual, non-exclusive nature of the roadway easement shall be signed and recorded with the County Clerk.
- 2) Standards for Partitions in Non-Resource Zones (as defined in Section 1.0500):
 - (A) Minor Partitions in All Zones other than Resource Zones shall meet the following standards:
 - 1) Road approach approval from the appropriate agency shall be demonstrated.
 - 2) Except as set out in Section 5.9070(1) the boundaries of all parcels shall be surveyed and monumented.
 - (B) Major Partitions in Non-Resource Zones shall meet the following

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standards

- 1) Standards in 5.9050(2)(A)(1-2) above shall be met.
- 2) (a) If a County Road is created, the right-of-way shall meet the standards from the "basic Major Partition Improvement

Standards

Table" and the boundaries of the road right-of-way shall be surveyed and monumented. The road shall be improved to a standard established by the Board of Commissioners. All

such

roads shall be improved at least to the County's A-20 road standard.

- (b) If a public road is created, the right-of-way shall meet the standards from the "Basic Major Partition Improvement Standards Table" and the boundaries of the road right-of-way shall be surveyed and monumented. The road shall be improved to the County's A-20 road standard. An agreement shall be signed and recorded with the County Clerk outlining the responsibility of the private parties maintaining the road improvements. These maintenance responsibilities shall be enforced by the individual parties or the County at its discretion.
- (c) If a private road or easement is created or utilized, the road easement shall meet the standards from the "Basic Major Partition Improvement Standards Table" and the boundaries of the road easement shall be surveyed and monumented. The road shall be improved to the County's A-12 road standard and one vehicle turnout shall be provided for every 250' of road and within 50' of each sight obscuring corner. If the travel surface width of the private road exceeds 18 feet no turnouts will be required. Easements which bind all involved property owners and which specify the perpetual, non-exclusive nature of the road way easement shall be signed and recorded with the County Clerk. An agreement shall also be signed and recorded with the County Clerk outlining the responsibilities of the private parties maintaining the road improvements. These maintenance responsibilities shall be enforced by the individual parties and not the County.
- (d) Any required road improvements shall meet the applicable road standards from Section 3.9800. Required road improvements shall be completed or bonded prior to the sale of any of the partitioned parcels. In the event that the partitioning party intends to retain ownership of a partitioned parcel, required road improvements shall be completed prior to the issuance of any development permit involving the

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partitioned parcel. Road improvements must be completed to the extent necessary to provide legal access frontage to the parcel proposed for sale or for second home placement. If the partitioning party has not completed required road improvements at the time of final partition approval, the Department of Community Development will record a development restriction upon the involved parcels to require the completion of these improvements prior to the sale of the parcels or prior to the issuance of a development permit to the partitioning party; whichever comes first. The restriction will be removed upon completion of the improvements prior to the sale of the parcels or prior to the issuance of any development permit involving the partitioned parcel.

Section 2.9080. Extent of Road Improvements

- 1) Required access road improvements shall be completed to provide access from the partitioned parcels to an existing public, county or state road.

Section 2.9090. Exceptions to General Standards for Minor and Major Partitions and Property Line Adjustments

- 1) Surveys for Large Parcel Partitions and Property Line Adjustments.
 - (A) When a partition is proposed which includes parcels that are greater than ten (10) acres in size no survey of the parcel is required. However, a partition plat must still be submitted and approved. For a major partition the entire roadway being created shall be surveyed and monumented.
 - (B) Partitions creating parcels in excess of 80 acres do not need to be shown on a partition plat. Nothing in this subsection shall exempt Clatsop County from minimum area requirements established in the Clatsop County Comprehensive Plan and this Ordinance.
 - (C) A property line adjustment created by the relocation of a common boundary as described in ORS 92.010(7)(b) shall be surveyed and monumented in accordance with Oregon law and it shall be filed with the County Surveyor.
 - (D) The provisions of Section 5.9090(1)(C) shall not apply to the relocation of a common boundary of a lot in a subdivision or a parcel in a partition when the adjusted property line is a distance of even width along the common boundary except for the following reasons:
 - 1) if the Community Development Director determines that a yard setback requirement might be violated; or
 - 2) if the Community Development Director determines that the lot size requirement of the zone might be violated; or
 - 3) if the Community Development Director determines that a dimensional requirement of the zone might be violated.
 - (E) No survey or monumentation is required for a property line adjustment when both parcels affected are greater than 10 acres. Nothing in this

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subsection shall exempt Clatsop County from minimum area requirements established in the Clatsop County Comprehensive Plan and this Ordinance.

- (F) Altering Access to Improve Public Safety. If, in reviewing a minor partition application, the Community Development Director, in conjunction with the County Roadmaster or State Highway Engineer, determines that a consolidated, single access would better serve the public health, safety and welfare by reducing access points onto a public road such a condition of approval may be attached. The area utilized for such a consolidated access shall not be reduced from a parcel's lot area for the purpose of determining minimum lot size. Such a consolidated access shall serve a minimum of 3 parcels; if additional partitioning is proposed off a consolidated access, major partition road standards will be applied. Access easements shall be provided for the involved parcels.
- (G) A shared common driveway may be utilized in a proposed minor partition if the following circumstances exist:
- (H) Each parcel in the minor partition has the required 25 foot minimum frontage on a state, county or public road.
- (I) Each parcel has an alternate means of access to the adjoining state, county or public road within its own boundaries.
- (J) The shared common driveway serves no more than three parcels.
- (K) Recorded access easements shall be provided for the involved parcels.

Section 2.9100. Tentative Partition Plan Submission Requirements

An applicant for a minor or major partition shall submit a copy of a plan for partitioning showing the following information (except as otherwise provided herein, the following does not require a survey):

- 1) A sketch of the original parcel of land (all contiguously owned land) on an 8 ½" x 11" sheet of paper.
- 2) The date, north point, and scale of the drawing.
- 3) The amount of acreage in the original parcel and the acreage of the resulting parcels, and dimensions of all parcels.
- 4) The location, names and widths of all roads and easements adjacent to and within the parcel to be partitioned.
- 5) The existing use or uses of the property, including approximate locations of all structures on the property.
- 6) The width and location of all easements for drainage or public utilities.
- 7) The location of zoning boundaries on the property, to the detail provided by the Department of Community Development.
- 8) Approximate location of physical features on the property, such as wetlands and streams.

Section 2.9110. Submission of Final Partition Plat

Prior to expiration of a tentative partition approval, a final plat shall be submitted subject

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to the Standards of Section 2.9210.

Section 2.9120. Submission and Review of Final Plat

A final plat shall be submitted and within ten (10) days of submission, the Director shall determine whether the material conforms with the approved tentative plan and with the applicable requirements of this Ordinance. If the Director determines that there is a failure to conform, the applicant shall be advised and afforded an opportunity to make corrections. When the plat is found to conform, it shall be signed and dated by the Director if other requirements for a development permit have been fulfilled.

Section 2.9130. Approval Signature for Final Partition Plat

Following review and approval of a final partition plat, the Director shall take the following actions:

- 1) Obtain the approval signature thereon by the County Surveyor certifying that it complies with all applicable survey laws. The Surveyor may cause field investigations to be made to certify that the map survey is sufficiently accurate. If it is determined that there has been a failure to comply, the applicant shall be notified and afforded an opportunity to make corrections. When the plat is found to conform, it shall be signed and dated by the Surveyor.
- 2) The County Surveyor shall submit the final partition plat to the Clatsop County Department of Community Development. The Planning Division will review the file for completion of conditions of approval.
- 3) The Clatsop County Department of Community Development shall notify the applicant that the approved partition plat has been signed by the Community Development Director.
- 4) The Department of Community Development will forward the Plat to the County Tax Office for review of payment of taxes. The County Tax Office shall notify the applicant that all taxes must be paid prior to final plat recording with the County Clerk. The private surveyor shall provide a signature line on the final plat for the County Assessor/Tax Collector. The County Tax Office shall notify the applicant when the Plat is ready for recording.
- 5) The applicant shall take the final partition plat to the County Clerk's Office for recording.

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Section 2.9140. Subdivisions

An applicant for a subdivision for six (6) or less lots shall be processed by the Director under a Type II procedure. Any larger subdivision shall be processed by a Type III procedure. A subdivision occurs when four (4) or more lots are created, including the parent parcel, within a calendar year.

- 1) No one subdivision, contiguous group of subdivisions or planned development shall create greater than thirty (30) lots within the same calendar year, (January 1-December 31), in the Rural designation in the Clatsop Plains planning area; and
- 2) The applicant when applying for a subdivision or planned development in the Clatsop Plains Rural designation, shall show how the request addresses the NEED issue of the Clatsop Plains Community Plan below:
"6. Clatsop County intends to encourage a majority of the County's housing needs to occur within the various cities' urban growth boundaries. Approval of subdivisions and planned developments shall relate to the needs for rural housing. Through the County's Housing Study, the County has determined the Clatsop Plains rural housing needs to be approximately 900 dwelling units for both seasonal and permanent by the year 2000."

Section 2.9150. Preliminary Plat

An applicant for a subdivision shall submit nine (9) copies of the Preliminary Plat, together with improvement plans and other supplementary information required by this Ordinance to indicate the design and objectives of the subdivision.

Section 2.9160. Form and Scale of Preliminary Plat

The Preliminary Plat shall be clearly and legibly drawn. It shall show all pertinent information to scale so that the Commission may have an adequate understanding of what is proposed during the review process. Under ordinary circumstances, the scale of the drawing is to be one (1) inch equals fifty (50) feet or one-hundred (100) feet, or for areas over one-hundred (100) acres; one (1) inch equals two-hundred (200) feet.

Section 2.9170. Preliminary Plat Information

The Preliminary Plat of the proposed subdivision shall include the following information:

- 1) Proposed name of subdivision. Subdivision plat names shall be subject to the approval of the County Surveyor or, in the case where there is no County Surveyor, the County Assessor. No tentative subdivision plan or subdivision plat of a subdivision shall be approved which bears a name similar to or pronounced the same as the name of any other subdivision in the same county, unless the land platted is contiguous to and platted by the same party that platted the subdivision bearing that name or unless the party files and records the consent of the party that platted the contiguous subdivision bearing that name. All subdivision plats must continue the lot numbers and, if used, the block numbers of the subdivision plat of the same name last filed. On or after January 1, 1992, any subdivision submitted for final approval shall not use block number or letters

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unless such subdivision is a continued phase of a previously recorded subdivision, bearing the same name, that has previously used block numbers or letters.

- 2) Northpoint, scale, and date of the completed drawing, approximate acreage, and boundary lines.
- 3) Appropriate identification clearly stating the map is a Preliminary Plat.
- 4) Location of the subdivision by section, township, range, tax lot or lots and donation land claim sufficient to define the location and boundaries of the proposed subdivision.
- 5) Names, addresses and zip codes of all owners, subdividers, and engineers or surveyors responsible for laying out the subdivision.
- 6) Existing locations, widths, names of both opened and unopened streets within or adjacent to the subdivision, together with easements, or rights-of-way and other important features, such as section lines, corners, city boundary lines and monuments.
- 7) A vicinity map showing the relationship of the proposed subdivision to surrounding development, streets, and sewer and water services, within one-quarter (1/4) mile of the exterior boundaries of the proposed development.
- 8) Location of at least one (1) temporary bench mark within the plat boundaries.
- 9) Contour lines related to the temporary bench mark or other datum approved by the County Surveyor and having contour intervals together with the calculated degrees of slope as follows:
 - (A) For slopes not in excess of 10 percent: two-foot contours.
 - (B) For slopes over 10 percent: five-foot contours.
 - (C) Location of significant natural features such as rock outcroppings, marshes, wooded areas and isolated preservable trees.
 - (D) Location of any rare, threatened and endangered species (plant or animal) located on or within 1,000 feet of the proposed subdivision.
 - (E) Location and direction of all water courses and/or bodies and the location of all areas subject to flooding.
 - (F) Existing uses on the property, including location of all existing structures.
 - (G) Location, width, name, approximate grade, and radii of curves of all proposed streets, their relationship of such streets to any projected or existing streets adjoining the proposed subdivision. The subdivider shall submit documented preliminary approval, from the County Roadmaster, of his road design.
 - (H) Location, width, and purpose of proposed easements and private roads for private use, where permitted, and all reservations or restrictions relating to such easements and private roads.
 - (I) Proposed plan for draining surface water, including the location and type of drainage ways to carry surface water from the development without adversely affecting adjacent properties. If any filling is proposed, the drainage plan must demonstrate that adequate provisions have been made for the prevention of backup or ponding of surface water on adjacent properties as well as within the proposed development.

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- (J) Location, acreage and dimensions of lots and the proposed lot numbers.
- (K) Site, if any, allocated for a purpose other than single family dwellings.
- (L) Location, acreage and dimensions of areas proposed for public use.
- (M) Location, acreage and dimensions of areas proposed for common open space (30% in the Rural designation of the Clatsop Plains planning area).
- (N) Any subdivision may be platted in as many as three (3) phases. All phases must be submitted on the Preliminary Plat with proposed time limitations for the recording of the various phases. However, phasing must meet the following time limitations:
 - (O) Phase I - shall be recorded within twelve (12) months of preliminary approval.
 - (P) Phase II - shall be recorded within thirty-six (36) months of preliminary approval.
 - (Q) Phase III - shall be recorded within sixty (60) months of preliminary approval.

The Planning staff shall review each phase prior to recording to make sure the phase, as recorded, is in accord with the preliminary approval given by the Planning Commission. Any submitted phase which does not coincide with the approval as given by the Planning Commission shall be referred to the Planning Commission for a hearing. At such hearing, the Commission shall have the authority to revoke, revise, amend or alter the prior approval. Notice shall be sent subject to Sections 2.2020-2.2050.

For any subdivision which has an approved phasing plan as granted by the Commission under the Preliminary Plat approval, all parts of the subdivision shall fall under control of the various Ordinances in effect at the time of preliminary approval, unless state or local law shall determine that newer or current Ordinances or laws are to be followed.

If any time limitation is exceeded, preliminary approval for the subdivision or any phase of the subdivision shall be void. The subdivider shall submit any future proposals for development of the property to the Commission for approval.

Agreement for improvements for each phase shall comply with this Ordinance prior to the Final Plat approval of such phase. If a bond is required, such bond shall be for a sum determined by the County Engineer to be sufficient to cover costs of construction for that phase.

- 10) Technical documentation shall be supplied to the Commission by the subdivider at the time of submittal of the Preliminary Plat, addressing the following items:
 - (A) An acceptable and approved method of sewage disposal for each proposed lot which meets the rules and regulations of the Environmental Quality Commission of the State of Oregon as administered by the Department of Environmental Quality or its contract agent.
 - (B) An acceptable and approved method of water supply.

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- (C) The nature and type of improvements proposed for the subdivision, and a timetable for their installation.
 - (D) A description of community facilities which would serve the subdivision, and a timetable for the completion or installation of the facilities.
 - (E) Where a surface or subsurface water problem may exist, as determined by the Department of Environmental Quality, County Sanitarian, or other qualified specialist, a complete report by an independent, qualified hydrologist or hydrogeologist or other qualified specialist shall be required prior to any hearing on the Preliminary Plat by the Commission. The fee for such study shall be paid by the subdivider.
 - (F) Subdividers shall provide a list of any restrictive covenants which are to be recorded.
 - (G) A demonstration that lot size and use are in compliance with the applicable zone.
- 11) Compliance with the Clatsop County Comprehensive Plan and Land and Water Development and Use Ordinance, and ORS 92 and 215.
 - 12) Lots not intended for sale shall be designated by alphabetic symbol which indicates the intended usage. The acreage for each dedicated lot, if any, is to be shown.
 - 13) Notations indicating any limitations on rights-of-access to or from streets and lots or other parcels of land proposed by the developer or established by the Board.
 - 14) A quotation from the Clatsop County Assessor on taxes to be paid on a proposed subdivision before final platting shall take place in accordance with ORS 92.095.
 - 15) If any federal or state permit is required to carry out the preliminary plat approval, approval shall be subject to a condition requiring the subdivision to comply with any applicable federal and state laws.
 - 16) In areas subject to the geologic hazard overlay zone, a grading plan prepared in conformance with Section 5.3000.

Section 2.9180. Preliminary Plat Review

- 1) Upon receipt of a completed Preliminary Plat, the Planning Division shall set a date for a public hearing before the Planning Commission. Copies of the Preliminary Plat shall be furnished to all affected city, county, state and federal agencies and special districts for review and comment. Failure to provide written comment to the Planning Division within fifteen (15) working days thereof may be deemed a recommendation for approval unless an additional review period is requested by the jurisdiction and approved.
- 2) The Preliminary Plat, supplementary information and recommendations of the Planning staff and other reviewing agencies shall be submitted to the Commission for review at a public hearing. The Commission shall review the plat and other data submitted, taking action upon the proposal within sixty (60) days from the date of the first hearing at which the request was heard.

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- 3) The Commission may approve, conditionally approve or disapprove the proposed subdivision. The Commission may attach as a condition of approval those conditions reasonably necessary to carry out the provisions of this Ordinance and may require the developer to post a bond of an amount set by the County Engineer, for all improvements or construction within the proposed subdivision. The Commission may also require the subdivider to file a map within thirty (30) days of the date of conditional approval showing the design approved by the Planning Commission.
- 4) If the Commission has approved or conditionally approved a subdivision, it shall make specific findings indicating that sufficient water supply is available, that each lot has an approved sewage disposal site or will have access to an area for sewage disposal, and that an approved road system will provide access or will be constructed to provide access to each lot in the subdivision. In addition to those specific findings, the Commission shall make its findings in regard to the standards as set forth in Section 2.9140 to and including Section 2.9170 and Section 3.9600 to and including Section 3.9720 of this Ordinance, and the road standards as set forth in Section 3.9800.
- 5) Preliminary Plat approval shall be binding on the Commission and the subdivider for the purpose of preparing the Final Plat, provided that there are no changes of the plan of the subdivision, and that it complies with all conditions as set forth by the Commission in its preliminary approval and Section 3.9600 to and including Section 3.9720 and road standards as set forth in Section 3.9800. Such approval of Preliminary Plat shall be valid for two (2) years from the date of the approval of the Preliminary Plat.

Section 2.9190. Granting of Extensions

- 1) The Community Development Director may grant an extension of up to twelve (12) months to the Preliminary Plat approval and of up to twelve (12) months to any subdivision being developed in phases. The Director shall have the authority to attach whatever conditions are necessary to carry out the provisions of the Comprehensive Plan and this Ordinance but in no event shall more than two (2) extensions be granted by the Community Development Director. Any request for an extension shall be processed under a Type I procedure, 2.1010.
- 2) A subdivider who is developing his subdivision in phases may seek an extension of time from the Director on the phase then under development. The Director upon the facts presented may grant an extension of time of up to twelve (12) months. This extension of time shall not affect any other phases not under development.
- 3) The granting of an extension by the Director shall be noted on two (2) copies of the Preliminary Plat, including any conditions imposed. One signed copy is to be given to the subdivider while the other copy is retained in the Planning Division file.

Section 2.9200. Submission of Final Plat

Within two (2) years after approval of the Preliminary Plat, or within such time as set

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forth by the Commission under the provisions of Section 2.9190(2) of this Ordinance, the subdivider shall cause the subdivision to be surveyed and a plat prepared in accord with the approved Preliminary Plat. Before approval by any County official, the Final Plat shall be approved and signed by all persons and must also have the signature and seal of the registered professional land surveyor responsible for the laying out of the subdivision. All signatures must be with black India ink.

Section 2.9210. Form and Scale of Final Plat

- 1) The Final Plat offered for approval and recording shall be made pursuant to the following standards and shall be surveyed pursuant to ORS 92.
- 2) At the time of filing the Final Plat, the surveyor who made the plat shall furnish the County Clerk and/or County Surveyor with an exact copy of the Final Plat offered for recording. This copy shall be made with black India ink or silver halide permanent photocopy on polyester film having the same or better characteristics of strength, stability and transparency, and shall have an affidavit that the photocopy or tracing is an exact copy of the Plat.
- 3) The scale on the Final Plat will be one (1) inch to one-hundred (100) feet or, one (1) inch to fifty (50) feet. The scale may be increased or decreased if necessary to fit the legal sized 18" x 24" plat, but in all cases the scale shall be in multiples of ten.
- 4) The subdivider shall provide, at his/her own expense, up to six (6) prints at the request of the Commission and/or Board.
- 5) Pursuant to ORS 92.080 and notwithstanding ORS 205.232 and 205.234, all plats subdividing or partitioning any land in any county in this state, and dedications of streets or roads or public parks and squares and other writing made a part of such subdivision or partition plats offered for record in any county in this state shall be made in permanent black India type ink or silver halide permanent photocopy, upon material that is 18 inches x 24 inches in size with an additional three-inch binding edge on the left side when required by the County Clerk or the County Surveyor, that is suitable for binding and copying purposes and that has such characteristics of strength and permanency as may be required by the County Surveyor. All signatures on the original subdivision or partition plat shall be in permanent black India type ink. The subdivision or partition plat shall be of such a scale as required by the County Surveyor. The lettering of the approvals, the declaration, the surveyor's certificate, and all other information shall be of such a size or type as will be clearly legible, but no part shall come nearer any edge of the sheet than one inch. The subdivision or partition plat may be placed on as many sheets as necessary, but a face sheet and an index page shall be included for subdivision or partitions plats placed upon three or more sheets.
- 6) In addition to standards and requirements of the Oregon Revised Statutes, the County Surveyor may set other requirements for surveys of final plats including but not limited to type of ink, how corrections are to be conducted, margins, scale, etc.

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Section 2.9220. Information on Final Plat

The following information shall be shown on the Final Plat and is required by ORS 92.

- 1) The name of the subdivision, the date the plat was prepared, the scale, north point, legend and existing features such as highways and railroads.
- 2) Legal description of the subdivision boundaries.
- 3) Reference, by distance and bearings, to adjoining recorded surveys, if any, and referenced to a field book or map as follows:
 - (A) Stakes, monuments or other evidence found on the ground and used to determine the boundaries of the subdivision.
 - (B) Adjoining corners of adjoining subdivision.
 - (C) Other monuments found or established in making the survey of the subdivision or required to be installed by provisions of this Ordinance.
 - (D) Exact location and width of streets and easements intersecting the boundary of the subdivision.
 - (E) Subdivision boundaries, lot or tract boundaries, and street right-of-way and centerlines with dimensions to the nearest 1/100th of a foot and bearings in degrees, minutes and seconds, pursuant to the requirements of ORS 92.
 - (F) Names and width of the portion of streets being dedicated, the width of any existing right-of-way, and the width on each side of the center line. For streets on curvature, curve data shall be based on the street center line. In addition to the center line dimensions, the radius, central angle, long chord bearing and distance shall be indicated.
 - (G) Easements denoted by fine dotted lines, clearly identified and, if already of record, there shall be written statement of the easement. The width of the easement, its length and bearing, and sufficient ties to locate the easement with respect to the subdivision must be shown. If the easement is being dedicated by the map, it shall be properly referenced in the owner's certificates of dedication.
 - (H) Locations and widths of drainage channels, railroad rights-of-way, reserve strips at the end of stubbed streets or along the edge of partial width streets on the boundary of the subdivision.
 - (I) Location of all permanent monuments within the proposed subdivision.
 - (J) Ties to any city, county, or adjacent subdivision's boundary lines.
 - (K) Acreage of each parcel to the nearest 1/100th of an acre.
 - (L) Any conditions specified by the Commission or Board upon granting preliminary approval.
 - (M) A statement of water rights noted on the subdivision plat or partition plat.
 - (N) A copy of the acknowledgment from the State Water Resources Dept. under ORS 92.122, if the person offering the subdivision or partition plat for filing indicates on the statement of water rights that a water right is appurtenant to the subdivision or partition.

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Section 2.9230. Survey Requirements

A complete and accurate survey of the land to be subdivided shall be made by a registered professional land surveyor licensed to practice in the State of Oregon, in accordance with ORS 92.

Section 2.9240. Supplementary Information with Final Plat

- 1) Evidence of Title. The Commission shall require Evidence of Title accompanying the Final plat by a letter or Final plat report in the name of the subdivider. Such evidence shall indicate that the title company has issued a preliminary report for the parcel being subdivided and shall state that the Final plat and certificates have been reviewed. It shall also list exceptions, if any, that will be imposed by the County when the Final plat is recorded.
- 2) Restrictive Covenants. A copy of any Restrictive Covenant(s) is to be filed with the Final plat. On Final plats showing areas which will be jointly owned or used by the various owners in the subdivision, a covenant document will be mandatory as part of the Final plat. For other Final plats, the covenants are optional with the subdivider.
- 3) Traverse Data. The subdivider shall provide traverse data on form work sheets or complete computer printouts showing the closure of the exterior boundaries of the subdivision and of each lot and each block of the subdivision.
- 4) Improvement Plans. Improvement plans shall be submitted for various facilities that are to be constructed by the subdivider, including drainage plans, sewer plans, water plans, curb and gutter, sidewalk and street plans, and any other construction plans that may be required. These plans shall indicate design criteria, assumptions and computations for proper analysis in accordance with sound engineering practice. Where such plans are or would be the same as those included in the County's Standard Specifications, they may be submitted by reference to such Standard Specifications.
- 5) Dedication of Land, Rights, Easements, and Facilities for Public Ownership, Use and Utility Purposes.
 - (A) All land shown on the Final Plat intended for dedication to the public for public use shall be offered for dedication at the time the plat is filed and must be expressly accepted by the Board prior to the Final Plat being accepted for recording. Land dedicated for public use, other than roads, shall be accepted by the Board by the acceptance of a deed and by no other means.
 - (B) All streets, pedestrian ways, drainage channels, easements and other rights-of-way shown on the Final Plat as intended for public use, shall be offered for dedication for public use at the time the Final Plat is filed.
 - (C) Rights of access to and from streets, lots and parcels shown on the Final Plat shall not have final approval until such time as the County Engineer is satisfied that the required street improvements are completed in accordance with applicable standards and specifications. The subdivider must petition separately to the Board for acceptance of any dedicated

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land, access rights or facilities. Acceptance of the Final Plat shall not be construed as approval of dedicated land rights, easements or other facilities.

- (D) Reserve Strips. One (1) foot reserve strips shall be provided across the end of stubbed streets adjoining unsubdivided land or along streets or half streets adjoining unsubdivided land and shall be designated as a reserve strip on the plat. The reserve strip shall be included in the dedication granting to the Board the authority to control access over the reserve strip to assure the continuation or completion of the street. This reserve strip shall overlay the dedicated street right-of-way. The Board may require a reserve strip in other areas of the subdivision in order to control access.
- (E) Drainage Plan. The Final Plat shall be accompanied by a drainage plan showing street grades, curbs, natural drainageways and other drainage works in sufficient detail to enable the engineer to determine the adequacy of provisions for drainage and the disposal of surface and storm waters within the subdivision and other adjoining areas. Subsequent changes to the drainage plan may be approved by separate action by the Board after receiving the recommendation by the County Engineer.
- (F) Common Open Space. Maintenance of common open space shall be subject to Section 3.3060.

Section 2.9250. Agreement for Improvements

The subdivider shall improve or agree to improve lands dedicated for streets, alleys, pedestrian ways, drainage channels, easements and other rights-of-way to County Standards as a condition preceding the acceptance and approval of the Final Plat. Before the Commission approval is certified on the Final Plat, the subdivider shall either install required improvements and repair existing streets and other public facilities damaged in the development of the subdivision; or he/she shall execute and file with the Board an agreement between himself and the County specifying the period within which required improvements and repairs shall be completed. The agreement shall provide that if the work is not completed within the period specified, the County may complete the work and recover the full cost and expense thereof from the subdivider.

A performance bond, as provided in Section 2.9260 of this Ordinance, shall be required with such agreement. Provisions for the construction of the improvements in phases and for an extension of time under specified conditions may be made upon prior agreement by, or application to, the Commission or Board.

Section 2.9260. Performance Bond

- 1) The subdivider shall file with the agreement to assure full and faithful performance thereof, one of the following:
 - (A) A surety bond executed by a surety company authorized to transfer business in the State of Oregon on a form approved by the District Attorney.
 - (B) In lieu of a surety bond, (a) the subdivider may deposit with the County

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Treasurer cash money in an amount fixed by the County Engineer, or (b) file certification by a bank or other reputable lending institution that money is being held to cover the costs of the improvements and incidental expenses. Said money will only be released upon authorization of the County Engineer.

- (C) Such assurance of full and faithful performance shall be for a sum determined by the County Engineer as sufficient to cover the cost of the improvements and repairs that may be required prior to acceptance including related engineering, and may include an additional percentage as determined by the County Engineer to cover any inflationary costs which may be incurred during the construction period to the full and final completion of the project.
- (D) If the subdivider fails to carry out provisions of the agreement and the County has unreimbursed costs of expenses resulting from failure, the County shall call on the bond or cash deposit for reimbursement. If the amount of the bond or cash deposit exceeds the cost and expense incurred, the remainder shall be released. If the amount of the bond or cash deposit is less than the cost and expense incurred, the subdivider shall be liable to the County for the difference.
- (E) If subdivision extensions are granted, the bond may need to be revised.

Section 2.9270. Final Plat Approval

Upon receipt of the Final Plat, the exact transparent copy thereof, prints and supplementary information, the Community Development Director shall review the Final Plat and documents to determine that the plat conforms with the approved Preliminary Plat and that there has been compliance with provisions of the law and this Ordinance.

If the County Surveyor, Sanitarian and Engineer and the Community Development Director or the Commission determine that the Final Plat conforms fully with the approved Preliminary Plat and all applicable regulations and standards for final platting, the Community Development Director shall advise the Chairperson of the Commission. The Chairperson of the Commission may then have the plat signed in order of signatures listed below in this Ordinance, without further action by the Commission. If the Final Plat is not in such conformance, it shall be submitted to the Commission. When submitted to the Commission for review, approval of the Final Plat shall be by a majority of those present. If the Plat is signed without further review by the Commission, the action shall be reported to the Commission at the next regular meeting. In the absence of the Chairperson, his duties and powers with respect to action of Final Plats shall revert to the Vice- Chairperson of the Commission.

Approval of a Final Plat by the Commission shall constitute an acceptance by the public of the dedication of any street or way shown on the Plat. Acceptance of a street or way by approval of the Final Plat shall not constitute an acceptance to maintain the street or way. Acceptance of the maintenance of any street or way accepted by approval of the Final Plat, shall be by a separate process of petitioning the Board of acceptance of road

ARTICLE 2. PROCEDURES FOR LAND USE APPLICATIONS

maintenance. Approval of the Final Plat shall not act as an acceptance by the public of any other land for public purposes.

Section 2.9280. Filing of Final Plat

The subdivider shall, without delay, submit the Final Plat for signature of the following County officials in the order listed:

- 1) Surveyor, in accordance with the provisions of ORS 92.100;
- 2) Community Development Director;
- 3) Assessor;
- 4) Board of Commissioners or its designee (upon consent of the Board);
- 5) Clerk.

Section 2.9290. Time Limit for Recording of a Plat

The Final Plat shall be recorded within thirty (30) days of the date that the signatures and approvals as required in Section 2.9280 of this Ordinance, has been obtained. In the event the Final Plat is not recorded within the time herein provided, it will be resubmitted to the Commission, which may require changes or alterations deemed necessary because of changed conditions within the general area of the subdivision.

Section 2.9300. Partial Platting

If desired by the subdivider, individual phases of an approved Preliminary Plat may be recorded with the approval of the Commission and in the same manner as a Final Plat.

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SECTION 2.9400. SITE PLAN REVIEW

Section 2.9410. Site Plan Review Requirements

Before a permit can be issued for development in a special purpose district or for a conditional development and use or a development and use permitted with review, a site plan for the total parcel and development must be approved by the Community Development Director or Planning Commission. Information on the proposed development shall include sketches or other explanatory information the Director may require or the applicant may offer that present facts and evidence sufficient to establish compliance with Sections 1.1040, 1.1050 and the requirements of this Section.

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SECTION 2.9500. TRANSPORTATION SYSTEM IMPACT REVIEW

The following section incorporates requirements for developments that have the potential to impact the county's transportation system.

Section 2.9510. Traffic Impact Study

1) Purpose.

The purpose of this section of the code is to implement Section 660-012-0060 of the State Transportation Planning Rule that requires the County to adopt a process to apply conditions to development proposals in order to minimize adverse impacts to and protect transportation facilities. This section establishes the standards for when a proposal must be reviewed for potential traffic impacts; when a Traffic Impact Study must be submitted with a development application in order to determine whether conditions are needed to minimize impacts to and protect transportation facilities; what must be in a Traffic Impact Study; and who is qualified to prepare the Study.

2) When Required.

A Traffic Impact Study may be required to be submitted to the County with a land use application, when the following conditions apply:

- (A) The road authority indicates in writing that the proposal may have operational or safety concerns along its facilities; or,
- (B) A traffic impact study is required by the Oregon Department of Transportation (ODOT) pursuant to OAR 734-051; or,
- (C) The development application involves one or more of the following actions:
 - 1) A change in zoning or a plan amendment designation; or
Change in use or intensity of use; or
Potential impact to residential or mixed-use areas; or
Potential impacts to key walking and biking routes, including but not limited to school routes and multimodal street improvements identified in the Transportation System Plan; or
 - 2) Any proposed development or land use action that ODOT states may have operational or safety concerns along a state highway; and
 - 3) The development shall cause one or more of the following effects, which can be determined by field counts, site observation, traffic impact analysis or study, field measurements, or crash history. The Institute of Transportation Engineers Trip Generation manual shall be used for determining vehicle trip generation:
 - (a) An increase in site traffic volume generation by 400 Average Daily Trips (ADT) or more (or as required by the County Engineer); or
 - (b) Location of existing or proposed driveways or access connections; or
 - (c) An increase in ADT hour volume of a particular movement to and from the State highway by 20 percent or more; or

ARTICLE 2. PROCEDURES FOR LAND USE APPLICATIONS

- (d) An increase in use of adjacent streets by vehicles exceeding the 20,000 pound gross vehicle weights by 10 vehicles or more per day; or
 - (e) Potential degradation of intersection level of service (LOS); or
 - (f) The location of the access driveway does not meet minimum site distance requirements, or is located where vehicles entering or leaving the property are restricted, or such vehicles queue or hesitate on the State highway, creating a safety hazard; or
 - (g) A change in internal traffic patterns that may cause safety problems, such as back up onto the highway or traffic crashes in the approach area.
- 3) Traffic Impact Study Requirements:
 - (A) Preparation. A Traffic Impact Study shall be prepared by a professional engineer in accordance with OAR 734-051-1070.
 - (B) Transportation Planning Rule Compliance.
 - (C) If the proposed development may cause one or more of the effects in Section 2.9510(2), above, or other traffic hazard or negative impact to a transportation facility, the Traffic Impact Study shall include recommended mitigation measures.
- 4) Approval Criteria:
 - (A) Criteria. When a Traffic Impact Study is required, approval of the development proposal requires satisfaction of the following criteria, in addition to other criteria applicable to the proposal:
 - 1) The proposed site design and traffic and circulation design and facilities, for all transportation modes, including any mitigation measures, are designed to:
 - (a) Have the least negative impact on all applicable transportation facilities; and
 - (b) Accommodate and encourage non-motor vehicular modes of transportation to the extent practicable; and
 - (c) Make the most efficient use of land and public facilities as practicable; and
 - (d) Provide the most direct, safe and convenient routes practicable between on- site destinations, and between on-site and off-site destinations; and
 - (e) Otherwise comply with applicable requirements of the Clatsop County Land and Water Development Use Ordinance and the Standards Document.
- 5) Conditions of Approval:
 - (A) In approving an action that requires a Traffic Impact Study, the County may condition that approval on identified mitigation measures.

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Section 2.9520. Amendments Affecting the Transportation System

- 1) Review of Applications for Effect on Transportation Facilities.
When a development application includes a proposed comprehensive plan amendment, zone change or land use regulation change, the proposal shall be reviewed to determine whether it significantly affects a transportation facility. An amendment significantly affects a transportation facility if it would:
 - (A) Change the functional classification of an existing or planned transportation facility;
 - (B) Change standards implementing a functional classification system; or
 - (C) Result in any of the effects listed below in 1) through 3) based on projected conditions measured at the end of the planning period identified in TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.
 - 1) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility; or
 - 2) Degradation of the performance of an existing or planned transportation facility such that it would not meet the performance standards in the TSP or comprehensive plan; or
 - 3) Degradation of the performance of an existing or planned transportation facility that is otherwise projected not to meet the performance standards identified in the TSP or comprehensive plan.
 - (D) 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
 - (E) Reduce the performance standards of the facility below the minimum acceptable level identified in the Transportation System Plan.
- 2) Amendments That Affect Transportation Facilities.
If it is determined that there would be a significant effect, the approved amendments must ensure that allowed land uses are consistent with the identified function, capacity, and performance standards of the facility measured at the end of the planning period identified in the TSP through one or a combination of the remedies listed in (A) through (E) below, unless the amendment meets the balancing test in subsection (E) or qualifies for partial mitigation in (3) below. An amendment that is approved using (2)(E) or (3), must recognize that additional motor vehicle traffic congestion may result and that other facility providers would not be expected to provide additional capacity for motor vehicles in response to this congestion.
 - (A) Adopting measures that demonstrate allowed land uses are consistent with the planned function, capacity, and performance standards of the

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- transportation facility.
- (B) Amending the TSP or comprehensive plan to provide transportation facilities, improvements or services adequate to support the proposed land uses consistent with the requirements of this division; such amendments shall include a funding plan or mechanism pursuant to OAR 660-012-0060 or include an amendment to the transportation finance plan so that the facility, improvement, or service will be provided by the end of the TSP planning period.
 - (C) Amending the TSP to modify the planned function, capacity or performance standards of the transportation facility.
 - (D) Providing other measures as a condition of development or through a development agreement or similar funding method, including, but not limited to, transportation system management measures or minor transportation improvements. Local governments shall, as part of the amendment, specify when measures or improvements provided pursuant to this subsection will be provided.
 - (E) Providing improvements that would benefit modes other than the significantly affected mode, improvements to facilities other than the significantly affected facility, or improvements at other locations, if the provider of the significantly affected facility provides a written statement that the system-wide benefits are sufficient to balance the significant effect, even though the improvements would not result in consistency for all performance standards.
- 3) Notwithstanding sections (1) and (2), an amendment may be approved that would significantly affect an existing transportation facility without assuring that the allowed land uses are consistent with the function, capacity and performance standards of the facility in accordance with OAR 660-012-0060.

ARTICLE 3. STRUCTURE SITING AND DEVELOPMENT STANDARDS

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SECTION 3.0000. SITE ORIENTED IMPROVEMENTS

Section 3.0010. Calculating Average Grade and Building Height

The height of a structure is measured from the average grade of the undisturbed ground at the four principal corners of the proposed structure. To determine height:

- A. Construction/building plans submitted for use permitted in any zone may be required to show the elevations of the undisturbed ground prior to construction as measured at the four principal corners of the proposed structure on a plot plan. A permanently accessible control point shall be established outside of the building's footprint (*Figure 1*).
- B. Photographs of the undisturbed site may be required. Photographs need not be professional or aerial photographs.
- C. To verify the height (*Figure 2*), a survey by a registered surveyor may be required by the Community Development Director.

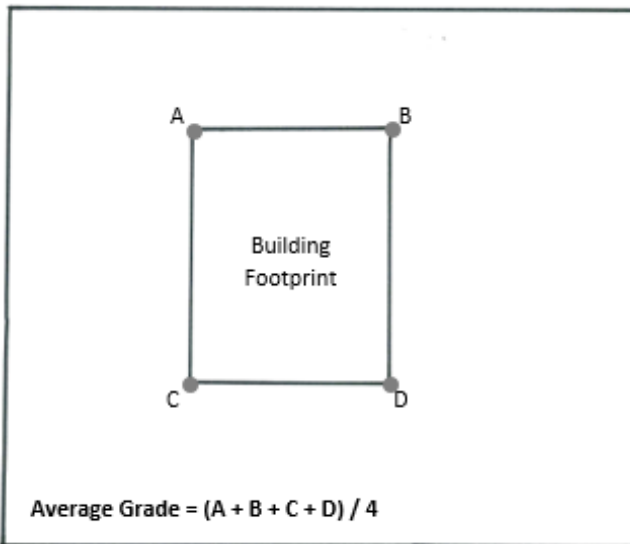


Figure 1: Calculating Average Grade

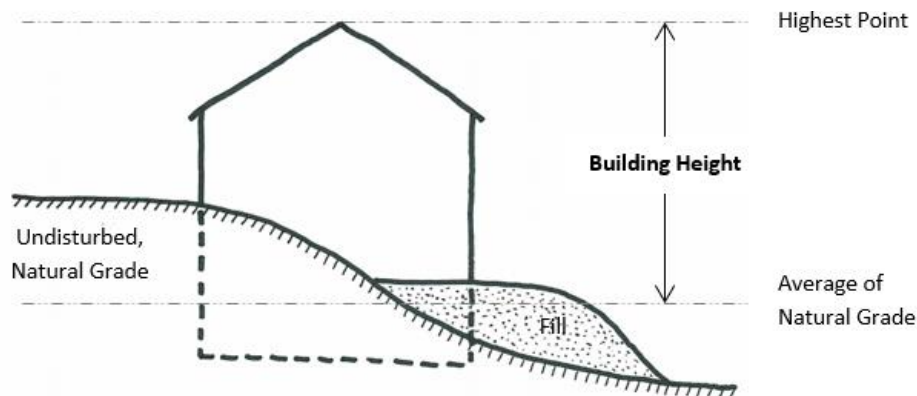


Figure 2: Measuring Building Height

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Section 3.0020. Grading of Building Site.

The grading of a building site shall conform to the standards contained in this Ordinance.

Section 3.0030. Special Site Development for Environmental Protection

Special requirements for environmental protection are specified in Article 6 of this document. In addition, in all areas of the County, sewage systems shall be allowed in those areas outside the Urban Growth Boundary only to alleviate a health hazard or water pollution problem which has been identified by the Department of Environmental Quality and will be used only as a last resort.

Section 3.0040. Water Improvement Standards

A year-round supply of at least 250 gallons of water per day by one of the following sources:

| Source | Standard | Proof |
|---|---|---|
| Public or Community Water | Within Water Utility or area of service | Written correspondence from Water Utility stating water is available at the property line or conditions to the satisfaction of the Water Utility to make water available at the property line |
| Well | Existing well or easement provided no more than three (3) households use one well as a potable water source. Over three households must meet state potable requirements (ORS 448.115) | Well log data as to required quantity from certified well driller. Potability test from certified water lab. |
| Spring | Application from the State of Oregon Water Dept. for domestic water rights of at least .005 CFS (2.25 gals/min). Existing spring on property or easement to spring on adjacent property. Minimal development collection system and sediment box | Permit from the State of Oregon Water Resources Department for domestic water right. Certified to required quantity by Oregon Registered Engineer, Land Surveyor or qualified hydrologist. Potability test from certified water lab |
| River, stream, pond or hand dug well | Application from the State of Oregon Water | Permit from the State of Oregon Water Resources |

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| Source | Standard | Proof |
|-----------------------------------|--|--|
| | Department for domestic water right of at least .005 CFS (2.25 gals/min) | Department for domestic water right. Potability test from certified water lab. |
| Rainwater Catchment System | Oregon Building Codes | Design approved by Clatsop County Building Codes |

Compliance with this standard does not insure a year-round source of potable water but establishes at a given time that the standard was met.

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Section 3.0050. Off-Street Parking Required

Off-street parking and loading shall be provided for all development requiring a development permit according to Sections 3.0050 to 3.0120.

Section 3.0060. Minimum Off-Street Parking Space Requirements

Any uses described herein may provide up to 30% of the required number of parking spaces, except ADA-required spaces, as compact spaces, measuring no less than seven feet wide by eighteen feet long. Compact spaces shall be clearly marked accordingly. The minimum off-street parking space requirements are as follows:

1) Residential type of development and number of parking spaces.

| | |
|--|--|
| Single family dwelling | (2) per dwelling unit |
| Accessory dwelling unit | (1) per dwelling unit |
| Multi-family dwelling | (3 per 2) dwelling units |
| Sorority, fraternity or dorm | (1 per 2) occupants |
| Residential hotel, rooming or boarding house or club | (2 per 3) guest rooms |
| Hotel or motel | (1.25) per guest room or suite plus 10 per ksf ¹ restaurant/lounge, plus 30 per ksf meeting/banquet room (<50 ksf per guest room) or 20per ksf meeting/banquet room (>50 ksf per guest room). |
| Mobile home park | (1) per mobile home site, plus (1 per site) for guest parking at a convenient location |
| Planned development | In addition to the requirements for dwelling units, (1 per 2) units for guest parking at a convenient location |

2) Commercial type of development and number of parking spaces.

| | |
|--|------------------------------|
| General retail or personal service | 3.5 per ksf GFA ² |
| Grocery, Discount Superstores/Clubs (freestanding) | 6.0 per ksf GFA |
| Home Improvement Superstores | 5.0 per ksf GFA |

¹ KSF: 1000 Square Feet

² GFA: Ground Floor Area

ARTICLE 3. STRUCTURE SITING AND DEVELOPMENT STANDARDS

| | |
|--|--|
| Other Heavy/Hard Goods (Furniture, appliances, Building Materials, Etc.) | 3.0 per ksf GFA |
| Shopping Centers | 4.0 per ksf GLA ³ up to 400 ksf; 4.0 to 4.5 per ksf GLA sliding scale between 400 and 600 ksf; 4.5 per ksf GLA over 600 ksf |
| Coin operated Laundries | 1 per 2 washing and drying machines |
| Auto, boat or trailer sales, or nursery | 2.7 per ksf GFA interior sales area, plus 1.5 per ksf GFA interior or storage/display area, plus 2 per service bay |
| Barber shop or beauty parlor | (1 per 100) sq.ft. floor area |
| Professional | |
| General Business Offices | 3.6 per ksf for GFA<250 ksf, 3.35 per ksf GLA>250 ksf |
| Bank Branch w/ Drive In | 5.5 per ksf GFA |
| Data Processing/ Telemarketing | 6.0 per ksf GFA |
| Medical or dental offices | 4.5 per ksf GFA |
| Clinic (medical offices w/ outpatient treatment; no overnight stays) | 5.5 per ksf GFA |
| Food & Beverage | |
| Fine Dining | 21.5 per ksf GFA |
| Casual Restaurant (w/ Bar) | 22.5 per ksf GFA |
| Family Restaurant (w/out Bar) | 16.0 per ksf GFA |
| Fast Food | 15.0 per ksf GFA |
| Entertainment | |
| Theater, gymnasium, racetrack, stadium or similar use | .4 per seat |
| Amusement park | (1 per 1,000) sq.ft. floor area plus (1 per 2) employees |

3) Institutional, public and quasi-public type of development and number of parking spaces.

| | |
|-----------------------------------|--|
| Child care center or kindergarten | .35 per person (licensed capacity) |
| Elementary and Secondary Schools | .35 per student |
| College and University | Determined by parking study specific to subject institution. |

³ GLA: Gross Leasable Area

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| | |
|--------------------------------------|--|
| Church, chapel, mortuary, auditorium | .6 per seat |
| Elderly Housing, Independent Living | .6 per dwelling unit |
| Elderly Housing, Assisted Living | .4 per dwelling unit |
| Nursing or convalescent home | 1 per room |
| Hospital | .4 per employee, plus 1 per 3 beds, plus 1 per 5 average daily outpatient treatments, plus 1 per 4 medical staff, plus 1 per student/faculty/staff |
| Golf course | (8) per hole |

4) **Industrial type of development and number of parking spaces.**

| | |
|--|-----------------------------------|
| Industrial / Storage / Wholesale Utility | 2 per ksf GFA |
| Manufacturing / Light Industrial (single-use) | 1.5 per ksf |
| Industrial Park (multitenant or mix of service, warehouse) | 2 per ksf |
| Warehouse | .7 per ksf GFA |
| Mini-Warehouse | .25 per ksf |
| Air, rail or trucking freight terminal | (1) per employee on largest shift |

- 5) Requirements for building or development not specifically listed herein shall be determined by the Community Development Director based upon the requirements of comparable uses listed.
- 6) Any uses described herein may provide up to 30% of the required number of parking spaces, except ADA-required spaces, as compact spaces, measuring no less than 7 feet 5 inches wide by 15 feet long. Compact spaces shall be clearly marked accordingly.
- 7) The number of minimum required parking spaces may be reduced by up to 10% if:
- A. The proposal is located within a ¼ mile of an existing or planned transit route, and;
 - B. Transit-related amenities such as transit stops, pull-outs, shelters, park-and-ride lots, transit-oriented development, and transit service on an adjacent street are present or will be provided by the applicant, or,
 - C. Site has dedicated parking spaces for motorcycles.

Section 3.0070. Off-Street Parking Restrictions

- 1) Parking spaces in a public street, including an alley, shall not be eligible as fulfilling any part of the parking requirements.

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- 2) Required parking facilities may be located on an adjacent parcel of land or separated only by an alley, provided the adjacent parcel is maintained in the same ownership as the use it is required to serve.
- 3) Except for industrial uses, required parking shall not be located in a required front or side yard setback area abutting a public street, unless there is a five(5) foot sidewalk in accordance with County standards, and a five(5) foot landscaped buffer separating the parking from on street traffic.
- 4) Required parking facilities of two or more uses, structures, or parcels of land may be satisfied by the same parking facilities used jointly, to the extent that it can be shown by the owners or operators that the need for the facilities does not materially overlap (e.g. uses primarily of a daytime vs. nighttime nature) and provided that such right of joint use is evidenced by a deed, lease, contract, or similar written instrument establishing such joint use.
- 5) Required parking shall be available for parking of operable passenger vehicles of residents, customers and employees only, and shall not be used for the storage or display of vehicles or materials.

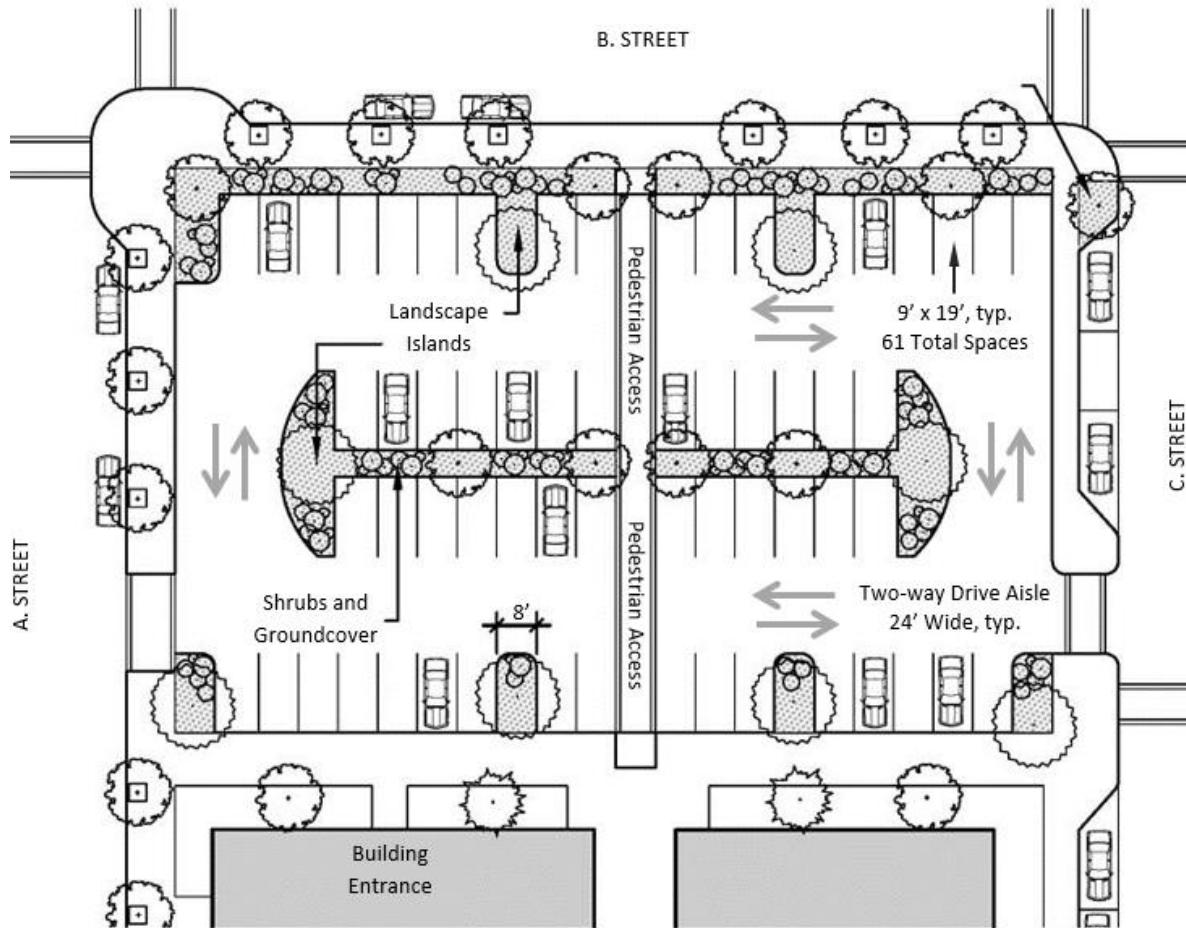
Section 3.0080. Off-Street Parking Plan

A plan indicating how the off-street parking and loading requirement is to be fulfilled, shall accompany the application for a development permit. The plan shall show all those elements necessary to indicate that these requirements are being fulfilled and shall include but not be limited to:

- 1) Delineation of individual parking spaces.
- 2) Circulation area necessary to serve spaces.
- 3) Access to streets, alleys, and properties to be served.
- 4) Curb cuts.
- 5) Dimensions, continuity and substance of screening.
- 6) Grading, drainage, surfacing and subgrading details.
- 7) Delineations of all structures or other obstacles to parking and circulation on the site.
- 8) Specifications as to signs and bumper guards.
- 9) Pedestrian access ways.

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Figure 3: Example Off-Street Parking Plan



Section 3.0090. Off-Street Parking Construction

Required parking spaces shall be improved and available for use at the time of final building inspection.

Section 3.0100. Design Requirements for Off-Street Parking

Parking spaces shall be a minimum of 9 feet by 19 feet in size. Driveways and turnarounds providing access to parking areas shall conform to the following provisions:

- 1) Except for a single or two family dwelling, groups of more than three parking spaces shall be provided with adequate aisles or turnaround areas so that all vehicles may enter the street in a forward manner.
- 2) Except for a single or two family dwelling, more than three parking spaces shall be served by a driveway designed and constructed to facilitate the flow of traffic on and off the site, with due regard to pedestrian and vehicle safety, and shall be clearly and permanently marked and defined. In no case shall two-way and one way driveways be less than eighteen (18) feet and twelve (12) feet in width respectively.

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- 3) Driveways, aisles, turnaround areas and ramps shall have a minimum vertical clearance of twelve (12) feet for their entire length and width but such clearance may be reduced in parking structures.
- 4) Service drives and accessways to public streets shall have minimum vision clearance area formed by the intersection of the driveway center line, the street right-of-way line, and straight line joining said lines through points twenty (20) feet from their intersection (see diagram). No obstruction including plantings, fences, walls, or temporary or permanent structures, exceeding 2.5 feet in height that has a cross section over one (1) foot shall be located in a clear vision area, except that trees exceeding this height may be located in this area, provided all branches and foliage are removed to a height of eight feet above the grade.
- 5) The following off-street parking development and maintenance shall apply in all cases, except single and two family dwellings:
 - (A) Parking areas, aisles and turnarounds for standing and maneuvering of vehicles shall have durable and dustless surfaces or be graveled to a two inch depth and maintained adequately for all weather use.
 - (B) Parking areas, aisles and turnarounds shall have provisions made for the on-site collection of drainage waters to eliminate sheet flow of such waters onto sidewalks, public rights-of-ways, and abutting private property.
 - (C) Spaces shall be permanently and clearly marked.
 - (D) Wheel stops and bumper guards shall be provided where appropriate for spaces abutting a property line or building, and no vehicle shall overhang a public right-of- way and other property line.
 - (E) Where parking abuts a public right-of-way, a wall or screen planting shall be provided sufficient to screen the parking facilities but without causing encroachment into vision clearance areas. Except in residential areas, where a parking facility or driveway is serving other than a one or two family dwelling and is located adjacent to residential, agricultural or institutional uses, a site obscuring fence, wall or evergreen hedge shall be provided on the property line. Such screening shall be maintained in good condition and protected from being damaged by vehicles using the parking area.
 - (F) Artificial lighting which may be provided shall be deflected so as not to shine directly into adjoining dwellings or other types of living units and so as not to create hazard to the public use of a street.
 - (G) In parking lots three acres and larger intended for use by the general public, the walkway shall be raised or separated from parking, parking aisles and travel lanes by a raised curb, concrete bumpers, bollards, landscaping or other physical barrier. If a raised walkway is used, curb ramps shall be provided in accordance with the Americans With Disabilities Act Accessibility Guidelines.
 - (H) Parking lots for commercial and office uses that have designated employee parking and more than 20 parking spaces shall provide at least 10% of the employee parking spaces (with a minimum of one space) as

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preferential long-term carpool and vanpool parking spaces. Preferential carpool and vanpool parking spaces shall be closer to the entrances of the building than other parking spaces, with the exception of ADA accessible parking spaces.

Section 3.0110. Bicycle Parking Requirements

In rural communities, new multi-family residential developments of four or more units, retail, office and institutional developments shall provide at least one bicycle parking space for every ten required off-street parking spaces. Transit transfer and park and ride lots, wherever located shall also provide at least one bicycle parking space for every ten off-street parking spaces.

- 1) Bicycle parking facilities shall be placed in a convenient location near the main entrance of the site's principal use. Where possible, bicycle-parking facilities shall be placed under cover. Bicycle parking areas shall not interfere with parking aisles, landscape areas, or pedestrian ways. For security and convenience purposes, bicycle-parking facilities shall be located in areas visible to the adjacent sidewalks and/or vehicle parking areas within the site.
- 2) Community Development Director may reduce the number of required bicycle parking spaces on a case-by-case basis if the applicant can demonstrate that the proposed use by its nature would be reasonably anticipated to generate a lesser need for bicycle parking.

Section 3.0120. Loading Facilities

- 1) The minimum area required for commercial and industrial loading spaces is as follows:
 - (A) 250 sq.ft. for buildings of (5,000 to 20,000) sq.ft. of gross floor area.
 - (B) 500 sq.ft. for buildings of (20,000 to 50,000) sq.ft. of gross floor area.
 - (C) 750 sq.ft. for buildings in excess of (50,000) sq.ft. of gross floor area.
- 2) The required loading area shall not be less than ten feet in width by twenty-five feet in length and shall have an unobstructed height of fourteen feet.
- 3) If possible, required loading areas shall be screened from public view, from public streets and adjacent properties.
- 4) Required loading facilities shall be installed prior to final building inspection and shall be permanently maintained as a condition of use.
- 5) A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading children shall be located on the site of a school having a capacity greater than twenty-five students.

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SECTION 3.0130. SIGN REQUIREMENTS.

Purpose: These regulations are intended to promote scenic values; prevent unsafe driver distractions; provide orientation and directions; facilitate emergency response; and generally provide useful signs in appropriate areas.

- 1) **Sign placement:** No permanent sign or temporary sign in excess of six (6) square feet may be placed in or extend over a required non-street side yard or a street right-of-way, or within 10 feet of the front property line in a required front yard. Temporary signs of no larger than six (6) square feet may be placed in or extend over a required non-street side yard or a street right-of-way, or within 10 feet of the front property line in a required front yard. No sign may be located in a manner that will impair the use of an existing solar energy system on adjoining property. A minimum of 8 feet above sidewalks and 15 feet above driveways shall be provided under free-standing signs.
- 2) **Sign lighting/Movement:** Any lighting of signs must be directed away from adjacent residential uses and so shielded, installed and aimed that the lighting does not project past the object being illuminated. Illumination of billboards shall be limited to commercial and industrial zoning districts. Except for traffic control signs or traffic hazard warning signs, no sign shall include or be illuminated by a flashing, intermittent, revolving, rotating or moving light or move or have any animated or moving parts.
- 3) **Signs in any zone:** The following signs are permitted in any zoning district without the need for a permit:
 - (A) City limits signs and public notice signs.
 - (B) Directional signs for public facilities.
 - (C) Traffic control and safety signs.
 - (D) Signs placed by the owner to restrict or limit trespassing, hunting or fishing.
- 4) **Signs in Residential zones:** In Residential zones, signs shall be directed towards facing streets or located at needed points of vehicular access but no closer than 200 feet apart. Signage shall be limited to activities occurring on the property upon which the sign is located as follows:
 - (A) A single name plate not exceeding three (3) square feet.
 - (B) A sign not exceeding thirty-two square feet pertaining to the or to a construction project, lease, rental, or sale of the property.
 - (C) A sign not exceeding 90 square feet advertising a subdivision.
 - (D) A sign not exceeding 150 square feet, identifying a multi-family dwelling or motel.
 - (E) A sign not exceeding 24 square feet identifying a non-residential use.
 - (F) A sign not exceeding 24 square feet identifying a cottage industry.
 - (G) A sign not exceeding 24 square feet directing traffic to places of interest to the public, such as tourist accommodations and recreation sites, which would otherwise be difficult to find.
 - (H) A sign identifying a home occupation up to 6 square feet in size.

ARTICLE 3. STRUCTURE SITING AND DEVELOPMENT STANDARDS

- (I) Signage not exceeding a total of two hundred (200) square feet identifying a mobile home park, recreational campground, primitive campground, commercial farm, or community identification. Individual signs shall not exceed thirty-two (32) square feet in size.
- (J) A sign not exceeding 16 square feet for a bed & breakfast.

The size limitations described in (B) through (J) above apply to each side of a single-sided or double-sided sign.

- 5) **Signs in Resource zones:** Except for the AF, F-80 and EFU zones signs are not permitted in resource zones. Individual signs may not exceed thirty-two (32) square feet and are limited as follows:
 - (A) Signs pertaining to permitted uses in the zone.
 - (B) Road identification signs.
- 6) **Signs in Commercial and Industrial zones:** The following signs are permitted in Commercial and Industrial zones for activities occurring on the property upon which the sign is located:
 - (A) Signage not exceeding 200 square feet for commercial establishments. Individual signs may not exceed thirty-two square feet, unless otherwise provided by these regulations.
 - (B) Signage not exceeding sixty (60) square feet (including any signage in the canopy, windows or other display areas) for retail or light industrial lease spaces in multi-tenant buildings.
 - (C) A temporary sign not exceeding thirty-two square feet in area pertaining either to the lease, rental or sale of the property or to a construction project.
- 7) **Temporary (including campaign) signs:** In residential, commercial and industrial zones signs placed for a period of not more than six consecutive months are allowed provided they meet the following standards:
 - (A) The sign may not exceed thirty-two (32) square feet.
 - (B) The sign may not be illuminated.
 - (C) The sign shall be removed from the premises fifteen (15) days following the event being advertised or six months after first placement, whichever is earliest.
- 8) **Calculating Sign Area:** The structure supporting or appearing to support a freestanding sign need not be included in the area of the sign, unless that structural element is conveying information as part of the sign. In calculating the square footage, the width shall be measured at the widest part of the sign, including any cut-outs, and the length shall be measured at the longest part of the sign, including any cut-outs. For multiple-sided signs (signs having 3 or more faces) the area size standard shall be applied to the cumulative total of all sides of the sign.
- 9) **Copy Area:** Copy is allowed only on the face of the sign. Copy is prohibited in the ledger area of the sign, on the post of the sign, or other structure of the sign,

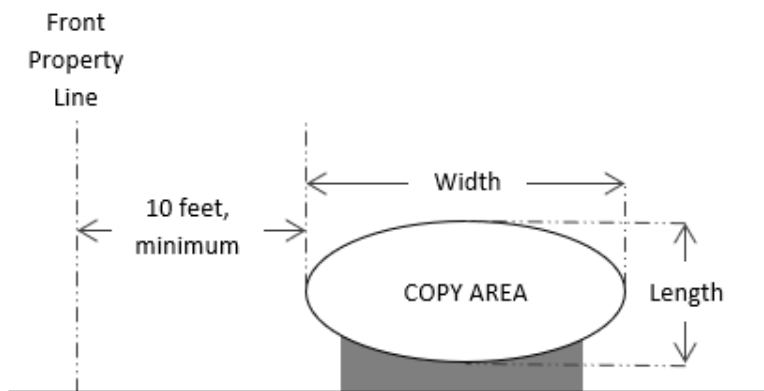
ARTICLE 3. STRUCTURE SITING AND DEVELOPMENT STANDARDS

except to the extent that the sign owner's logo or other disclosure is required by law to be placed on the ledger, post or other structure of the sign. For purposes of this Section, "copy" is defined as any text or image.

- 10) **Non-conforming signs:** Signs and sign structures not conforming to the requirements of this ordinance shall be subject to the following:
 - (A) Text or images on the face of a legal non-conforming sign may be changed but the sign may not be expanded.
 - (B) A legal non-conforming sign will be considered abandoned and discontinued if there is no text or image on the display surface for a period of six (6) consecutive months.
- 11) **Permit required:** Except as otherwise provided, a Type I development permit is required for the following activities:
 - (A) Installation of a new permanent sign;
 - (B) A Type 1 permit shall be required for an increase in the face of any permanent sign face by fifty (50) percent or more;
 - (C) Expanding the text or images of any non-conforming sign.

The Department shall review any proposed sign for conformance with the standards of this section and any requirements under the State building codes.

Figure 4: Area Calculation and Placement of Signs



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Section 3.0140. General Exception to Yard Standards

- 1) Cornices, eaves, canopies, sunshades, gutters, chimneys, flues, belt courses, leaders, sills, plasters, lintels, ornamental features, and other similar architectural features may project not more than two (2) feet into a required yard or into required open space as established by coverage standards and must comply with the setback requirements from property line as stated in this Ordinance.
- 2) The following are exceptions to the front yard requirement for a dwelling:
 - (A) If there are dwellings on both abutting lots with front yards of less than the depth otherwise required, the front yard for a lot need not exceed the average front yard of the abutting dwellings.
 - (B) If there is a dwelling on one abutting lot with a front yard of less than the depth otherwise required, the front yard for a lot need not exceed a depth of one-half way between the depth of the abutting lot and the required front yard depth.
- 3) In zones where front, side or rear setbacks are required, structures up to 2.5 feet (30 inches) in height may be located within that setback area.
- 4) Following are requirements for fences within yard setbacks:
 - (A) Fences over 6 feet in height must be located at or behind the building setback line.
 - (B) Fences 6 feet or less may be placed on the property line except within clear vision areas.

Section 3.0150. Oceanfront Setback

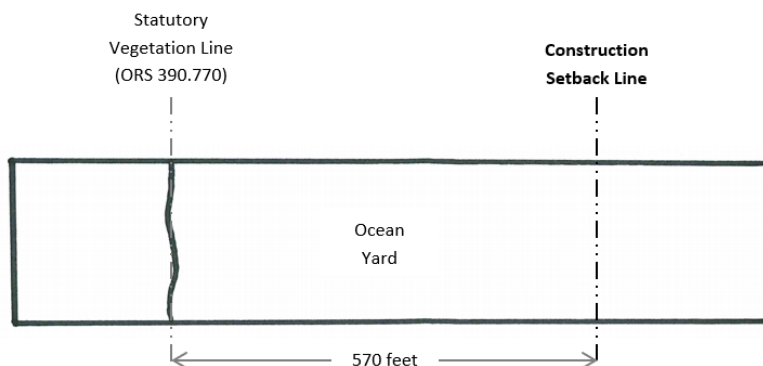
For lots abutting the ocean shore, the ocean yard shall be determined by the oceanfront setback line.

- 1) The location of the oceanfront setback line for a given lot depends on the location of buildings on lots abutting the ocean shore in the vicinity of the proposed building site and:
 - (A) For the Clatsop Plains area the location and orientation of the following reference lines:
 1. Described as the construction setback line in Section 5.4020: A line 570 feet landward of the Statutory Vegetation Line established and described by ORS 390.770, or the circa 1920's shoreline, whichever is further inland for the area north of Surf Pines to Columbia River south Jetty.
 2. Described as the Pinehurst construction setback line, in Ordinance 92-90; and
 3. Described as the Surf Pines construction setback line, in Ordinance 83-17.
 - (B) For the Southwest Coastal Planning Area and elsewhere along the Clatsop County coast, the location and orientation of the Statutory Vegetation Line or the line of Oceanfront Averaging established upland shore vegetation, whichever is further inland.

ARTICLE 3. STRUCTURE SITING AND DEVELOPMENT STANDARDS

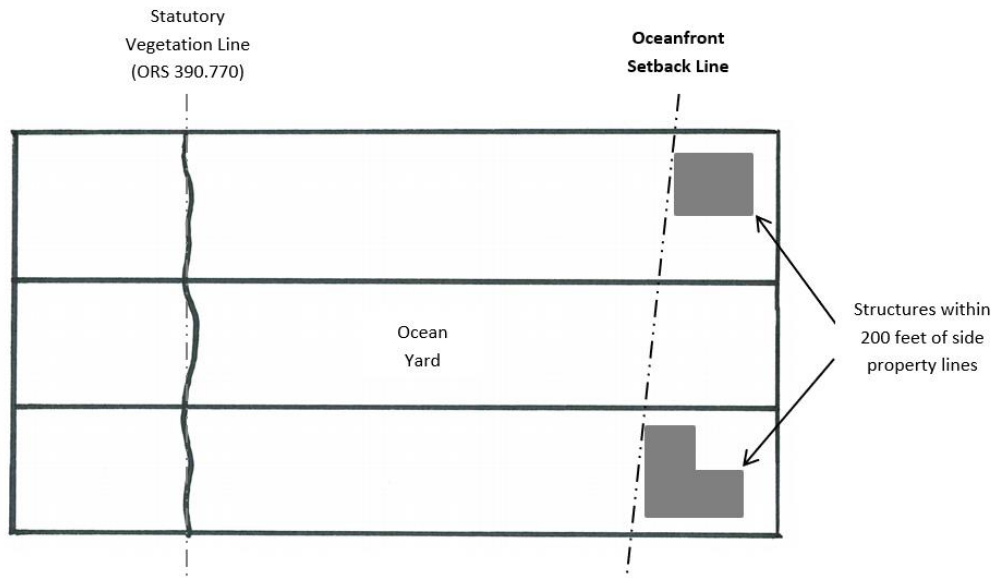
- 2) For the purpose of determining the oceanfront setback line, the term “building” refers to a permanent residential or commercial structure attached to a fixed foundation on a lot. The term “building” does not include accessory structures or uses.
- 3) The oceanfront setback line that is established shall be parallel with the reference lines established in the preceding Section 3.0150(1) and measurements from buildings shall be perpendicular to these reference lines.
- 4) The setback of a building from these reference lines is measured from the most seaward point of the building’s foundation. A buildings foundation excludes decks, porches, and similar building additions.
- 5) The oceanfront setback line for a parcel is determined as follows:
 - (A) If there are legally constructed buildings within 200 feet of the exterior boundary (side lot lines) of the subject property to both the north and south, the oceanfront setback line for the subject property is the average oceanfront setback of the nearest buildings to the north and south.
 - (B) If there are legally constructed buildings within 200 feet of the exterior boundary (side lot lines) of the subject property in only one direction, either the north or south, the oceanfront setback line for the subject property is that of the nearest building.
 - (C) If there are no legally constructed buildings within 200 feet of the exterior boundary (side lot lines) of the subject property, the oceanfront setback line for the subject property shall be established by the geotechnical report.
- 6) Notwithstanding the above provisions, the Director shall require a greater oceanfront setback where information in a geotechnical report prepared pursuant to Section 5.3000 indicates that a greater oceanfront setback is required to protect the proposed building from an identified coastal erosion hazard.

Figure 5: Construction Setback Line (north of Surf Pines to Columbia River South Jetty):



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Figure 6: Calculating Oceanfront Setback



Section 3.0160. Application of Building Heights to Ocean Front Lots

- 1) Building height restrictions applicable to ocean front lots are intended to apply to property immediately in land of the ocean beach. Partitions or property line adjustments may not be used to change an ocean front lot into a non-ocean front lot.

Section 3.0170. Height Limitations for Non-habitable and Non-storage Structures

- 1) **Flag poles:** No flag poles shall be greater than six inches in diameter and shall not exceed the maximum height allowed by the zone in which it is located by more than 10 feet. All such poles shall be placed so as to neither obstruct nor obscure the adjacent property owner's lines of vision. Such poles shall not display more than two flags at any one time.
- 2) **Windmills:** Such structures shall not be any higher than 35 feet above either the average surrounding tree line or the highest structure within 250 feet of the windmill site. If no structure exists within 250 feet of the site of the windmill, the windmill shall not exceed 70 feet in height. A windmill shall be placed such that minimal impact on views from adjacent lots result. All such structures shall be subject to a Type II application procedure.

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Section 3.0900. Accessory Dwelling Units.

- 1) ADUs shall be allowed only on lots or parcels serviced by a State approved Sanitary Sewer.
- 2) ADUs shall be allowed only in conjunction with parcels containing one single-family dwelling (the "primary dwelling"). A maximum of one ADU or Guesthouse (see "Guesthouse") is permitted per lot or parcel. ADUs shall not be permitted in conjunction with a duplex or multi-family dwelling.
- 3) ADUs shall comply with maximum lot coverage and setback requirements applicable to the parcel containing the primary dwelling.
- 4) The ADU may be created through conversion of an existing structure, or construction of a new structure that is either attached to the primary dwelling or detached.
- 5) The maximum gross habitable floor area (GHFA) of the ADU shall not exceed 75 percent of the GHFA of the main floor of the primary dwelling on the lot, or 900 square feet, whichever is less. The floor area of any garage shall not be included in the total GHFA.
- 6) Only one entrance may be located on the front of the existing dwelling unless the existing dwelling contained more than one entrance before the addition of the ADU.
- 7) In order to maintain a consistent architectural character, Accessory dwellings shall be constructed with similar building materials, architectural design and colors that generally match those used on the primary dwelling, except where the approving hearing body requires different materials and/or detailing to promote compatibility with single family dwellings on abutting lots.

A parcel containing a primary dwelling unit and an ADU shall provide a minimum of three off-street parking spaces designed in accordance with Section 3.0060(1).

ARTICLE 3. STRUCTURE SITING AND DEVELOPMENT STANDARDS

Section 3.0190. Temporary Health Hardship

1. One manufactured dwelling or recreational vehicle shall be placed on the same parcel as an existing dwelling for the term if a hardship suffered by the existing resident or a relative of the resident as defined in ORS 215.213 and 215.283.
2. The applicant must be a relative and must submit certification from a physician that there is a necessity for them to reside on the same premises as the relative in order to receive necessary care.
3. The manufactured dwelling or recreational vehicle must be hooked to the existing septic system and water supply on the property. No new systems or hookups may be installed.
4. The permit is effective for one (1) year. No public notice is required in residential zones. Public notice is required in resource zones pursuant to Section 2.2040.
5. Permits for temporary health hardships shall be renewed by January 31st of each year, provided that information, as identified in (2) above, is submitted with the renewal request verifying that the hardship still exists.
6. The applicant shall submit a statement indicating that “the residence for which the health hardship was issued will be removed when the health hardship no longer exists.” When the health hardship is resolved, the manufactured dwelling or recreational vehicle shall be removed.
7. For purposes of guaranteeing removal of a manufactured dwelling once the health hardship no longer exists, a performance bond shall be required as per Section 1.1090.
8. The health hardship must meet all other applicable standards in the zone.

ARTICLE 3. STRUCTURE SITING AND DEVELOPMENT STANDARDS

SECTION 3.1000. NON-CONFORMING USES AND STRUCTURES

Section 3.1010. Purpose

The purpose of the Non-conforming uses and structures provisions are to establish standards and procedures regulating the continuation, improvement and replacement of structures and uses which do not comply with this Ordinance.

Section 3.1020. Definitions.

The following definitions are applicable to the provisions of Section 3.1000, Non-conforming Uses and Structures.

ALTERATION. A change to a structure, not involving enlargement of the external dimensions of the structure.

EXPANSION. Any increase in any external dimension of a Non-conforming structure.

FLOATING RECREATIONAL CABIN: A moored floating structure used wholly or in part as a dwelling, not physically connected to any upland utility services except electricity, and is used only periodically or seasonally.

FLOATING RESIDENCE: A dwelling unit which floats on a water body and is designed such that it does not come into contact with land except by ramp. Floating residences may also be referred to as floating homes or houseboats. A floating residence is not equivalent to a floating recreational cabin or other similar recreational structure designed for temporary use. It is also not equivalent to a boathouse, designed for storage of boats.

LAWFULLY MOORED: To be lawfully moored, a floating recreational cabin or floating residence must be constructed upon or attached to piling or a dock by the owner or with the permission of the owner or lawful lessee of the piling or dock. If moored to piling or a dock, such piling or dock must have been installed or constructed and be maintained in compliance with all Federal, State and County requirements. If the floating recreational cabin or floating residence is attached to the shore, such attachment must also be by or with the permission of the owner or lawful lessee of the area of attachment.

LEGAL NON-CONFORMING STRUCTURE: A building or structure that does not conform to one or more standards of the zoning district in which it is located, but which legally existed at the time the applicable section(s) of the zoning district took effect.

LEGAL NON-CONFORMING USE: A use which does not conform to the use regulations of the zoning district in which it is located, but which lawfully occupied a building or land at the time the applicable use regulation took effect.

NON-CONFORMING STRUCTURE: A building or structure that does not conform to one or more standards of the zoning district in which it is located, and which did not legally exist at the time the applicable section(s) of the zoning district took effect.

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NON-CONFORMING USE: A use which does not conform to the use regulations of the zoning district in which it is located, and which did not lawfully occupy a building or land at the time the applicable use regulation took effect.

Section 3.1030. Continuance

- 1) A Non-conforming use legally established prior to the adoption date of this Ordinance may be continued at the level of use (e.g., hours of operation) existing on the date that the use became Non-conforming.
- 2) A Non-conforming structure legally constructed prior to the effective date of this Ordinance may continue within the building dimensions (height, width and length) in existence on the date that the structure became Non-conforming.
- 3) The applicant shall bear the burden of proof for establishing that the structure or use was lawfully established.
- 4) The applicant shall bear the burden of proof for establishing the level of use that existed at the time the use became Non-conforming.
- 5) The county may allow a property owner, under a Type II procedure, to prove the existence, continuity, nature and extent of the use for the 10-year period immediately preceding the date of application. If the county finds evidence proving the existence, continuity, nature and extent of the use for the ten-year period preceding application, then such findings shall create a rebuttable presumption that the use, as proven, lawfully existed at the time the applicable Ordinance provision was adopted and has continued uninterrupted until the date of application.

Section 3.1040. Alteration

- 1) Through Type I procedures alterations shall be permitted to a non-conforming structure, or to a structure devoted to a non-conforming use. Alteration of any such use shall be permitted when necessary to comply with any lawful requirement for alteration in the use. Except as provided in ORS 215.215, a county shall not place conditions upon the continuation or alteration of a use described under this subsection when necessary to comply with state or local health or safety requirements, or to maintain in good repair the existing structures associated with the use. A change of ownership or occupancy shall be permitted.
- 2) If in a three-year period, alterations to a Non-conforming structure, or to a structure devoted to a Non-conforming use exceeds 75% of the market value of the structure, as indicated by the records of the County Assessor, the structure shall be brought into conformance with the requirements of the Ordinance. [Ord #17-02]

Section 3.1050. Expansion

- 1) Through a Type II procedure an expansion of a Legal Non-Conforming Structure shall be in conformance with the requirements of this Ordinance, and satisfy the criteria under Section 3.1050(3)(A)-(C) or a variance for the expansion shall be required pursuant to Section 2.8000 Variances.

ARTICLE 3. STRUCTURE SITING AND DEVELOPMENT STANDARDS

- 2) Through a Type IIA procedure an expansion of a Non-Conforming Structure or Use shall be in conformance with the requirements of this Ordinance, and satisfy the criteria under Section 3.1050(3)(A)-(C) below or a variance for the expansion shall be requires pursuant to Section 2.8000 Variances.
- 3) An expansion of a Legal Non-Conforming Use, or a change in the characteristics of a Legal Non-Conforming Use, (i.e. hours of operation or levels of service provided) may be approved, pursuant to a Type IIA procedure, where the following standards are met:
 - (A) The floor area of a building(s) shall not be increased by more than 20%.
 - (B) The land area covered by structures shall not be increased by more than 10%.
 - (C) The proposed expansion, or proposed change in characteristics of the use will have no greater adverse impact on neighboring areas than the existing use, considering:
 1. Comparison of the following factors:
 - (a) Noise, vibration, dust, odor, fume, glare, or smoke detectable at the property line.
 - (b) Numbers and kinds of vehicular trips to the site.
 - (c) Amount and nature of outside storage, loading and parking.
 - (d) Visual impact.
 - (e) Hours of operation.
 - (f) Effect on existing vegetation.
 - (g) Effect on water drainage and water quality.
 - (h) Service or other benefit to the area.
 - (i) Other factors relating to conflicts or incompatibility with the character or needs of the area.
 2. The character and history of the use and of development in the surrounding area.
 3. An approval may be conditioned to mitigate any potential adverse impacts that have been identified.

Section 3.1060. Changes to a Non-conforming Use

- 1) A Non-conforming use may only be changed to that of a conforming use. Where such a change is made, the use shall not thereafter be changed back to a Non-conforming use.

Section 3.1070. Replacement and Damage

- 1) Legal Non-conforming structures and uses.

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- (A) If a legal non-conforming structure or a structure occupied by a legal non-conforming use is damaged or destroyed by any cause other than an action of the property owner or his authorized agent, it may be reconstructed in conformance with the dimensional standards of the building prior to its destruction. A building permit for its reconstruction shall be obtained within one year of the date of the damage. If a building permit is not obtained within one year, the reconstruction shall be in conformance with the current requirements of this Ordinance. However, by a Type IIa procedure, the planning commission may grant an extension of the one-year period.
 - (B) If a legal non-conforming structure or a structure devoted to a legal non-conforming use is damaged by an action of the property owner or his authorized agent, to an extent amounting to seventy-five percent (75%) or more of its fair market value as indicated by the records of the County Assessor, it shall be reconstructed in conformance with the current requirements of this Ordinance. The determination of the percentage of fair market value loss shall be based on either square footage of all floor areas or on a third-party appraisal.
 - (C) If a legal non-conforming structure or a structure devoted to a legal non-conforming use is damaged by an action of the property owner or his authorized agent, to an extent amounting to less than seventy-five percent (75%) of its fair market value as indicated by the records of the County Assessor, a building permit for its reconstruction shall be obtained within one year of the date of the damage. The determination of the percentage of fair market value loss shall be based on either square footage of all floor areas or on a third-party appraisal. If a building permit is not obtained within one year, the reconstruction shall be in conformance with the current requirements of this Ordinance. However, by a Type IIa procedure, the planning commission may grant an extension of the one-year period.
- 2) Non-conforming structures and uses.
- (A) If a non-conforming structure or a structure devoted to a non-conforming use is damaged or destroyed by any cause other than an action of the property owner or his agent, to an extent amounting to fifty percent (50%) or more of its fair market value as indicated by the records of the County Assessor, it shall be reconstructed in conformance with the current requirements of this Ordinance. The determination of the percentage of fair market value loss shall be based on either square footage of all floor areas or on a third-party appraisal.
 - (B) If a non-conforming structure or a structure devoted to a non-conforming use is damaged by any cause other than an action of the property owner or his agent, to an extent amounting to less than percent (50%) of its fair market value as indicated by the records of the County Assessor, a building permit for its reconstruction shall be obtained within one year of the date of the damage. The determination of the percentage of fair

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market value loss shall be based on either square footage of all floor areas or on a third-party appraisal. If a building permit is not obtained within one year, the reconstruction shall be in conformance with the current requirements of this Ordinance. However, by a Type IIa procedure, the planning commission may grant an extension of the one-year period.

Section 3.1080. Completion

A development that is lawfully under construction on the effective date of an ordinance that makes that use or structure Non-conforming may be completed. The use or structure may be used for the purpose for which it was designed, arranged or intended.

Section 3.1090. Discontinuance of Use

If a Non-conforming use is discontinued for a period of one year, subsequent use of the property shall conform to this Ordinance.

Section 3.1100. Compliance with Other Requirements

Notwithstanding the provisions of this section, alteration of a Non-conforming use or a Non-conforming structure shall be allowed if necessary to comply with state or local health or safety requirements.

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SECTION 3.2000. EROSION CONTROL DEVELOPMENT STANDARDS

Section 3.2010. Purpose

The objective of this section is to manage development activities including clearing, grading, excavation and filling of the land, which can lead to soil erosion and the sedimentation of watercourses, wetlands, riparian areas, public and private roadways. The intent of this section is to protect the water quality of surface water, improve fish habitat, and preserve top soil by developing and implementing standards to help reduce soil erosion related to land disturbing activities. In addition, these standards are to serve as guidelines to educate the public on steps to take to reduce soil erosion.

Section 3.2020. Definitions

Certain terms used herein are defined below for the purposes of Section 3.2000.

CLEARING: Any development activity that removes vegetative ground cover.

EROSION/ SOIL EROSION:

- 1) The wearing away of the land surface by running water, wind, ice, or other geologic agents, including such processes as gravitational creep.
- 2) Detachment and movement of soil or rock fragments by water, wind, ice, or gravity.

EXCAVATION: Any act by which organic matter, earth, sand, gravel, rock, or any other materials are cut into, dug, uncovered, removed, displaced, relocated, or bulldozed.

FILL: Any human activity by which earth, sand, gravel, rock, or any other materials are deposited, placed, replaced, pushed, dumped, pulled, transported or moved to a new location, including the conditions resulting therefrom.

GRADING: Excavation or fill or any combination thereof, including the conditions resulting from any excavation or fill such as clearing and stripping.

LAND DISTURBING ACTIVITY: Any development activity which removes, disturbs or covers existing vegetative ground cover by physical means including, but not limited to, clearing, grading, stripping, excavation, or fill.

COMMUNITY DEVELOPMENT DIRECTOR: The Community Development Director is that person designated to act as the Clatsop County Community Development Director, any person designated by the Community Development Director to act as the Erosion Control Specialist, or any other agent authorized by Clatsop County to perform those duties relating to erosion control.

ROADWAY: All travel surfaces used for ingress and egress of a site, recorded easements for access purposes or platted roads, developed or undeveloped; including but not limited to, driveways, easements, access points, private roads, public roads, and County roads.

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ROUTINE MAINTENANCE: Actions taken on a periodic basis to repair and/or improve the function of existing roadways including, but not limited to, patching, paving, grading of existing road surfaces and the addition of gravel, placement or replacement of signs, traffic delineators or site posts, and repair or replacement of existing guardrails. The construction of new roadways or improvements to existing roadways including, but not limited to, the creation of new travel lanes, turn lanes, or deceleration lanes, or the addition of new pull-outs, roadside drainage ditches or guardrails; do not constitute routine maintenance.

SEDIMENTATION: The depositing of solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, or gravity.

STRIPPING: Any activity that removes the vegetative surface cover including tree removal, clearing, and storage or removal of top soil.

WATERCOURSE: Any established channel, bed or drainage way where water draining from a land area collects and/or flows on the ground surface including, but not limited to, bays, lakes, rivers, streams, wetlands, channels, gullies and other natural drainage ways.

Section 3.2030. Erosion Control Plan

- 1) An Erosion Control Plan shall be required for land disturbing activities, in conjunction with a development permit.
- 2) Creation and Submittal of Plan: An Erosion Control Plan shall be submitted by the property owner or their agent with the development permit application to the Clatsop County Department of Community Development. This Erosion Control Plan shall be approved by the Community Development Director prior to any development activity on the site. The Erosion Control Plan shall be prepared in accordance with the requirements of this section and the "Erosion Control Guidance" published by the Columbia River Estuary Study Taskforce (CREST). The Plan shall contain the following elements, drawn at an appropriate scale. The level of erosion control activity detail is determined by site conditions and project complexity. The area map and site map may be one document if all elements listed below are addressed.
 - (A) An Area Map depicting accurate size and distances for the following elements:
 - 1) The location of the development site in relation to the property boundaries.
 - 2) The location of all adjacent roadways.
 - 3) The location, size and design of all existing and proposed structures.
 - 4) The location of any lakes, rivers, streams, wetlands, channels, ditches or other watercourses on or near the development site.
 - 5) The direction surface water flows.

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- 6) Indication of the north direction.
 - (B) A Site Map containing the following elements:
 - 1. The location of existing vegetation adjacent to any watercourse.
 - 2. Areas where vegetative cover will be retained and the type and location of measures taken to protect vegetation from damage.
 - 3. Areas where vegetative cover will be removed and the location of temporary and permanent erosion control measures to be used including, but not limited to: silt fencing, straw bales, graveling, mulching, seeding, and sodding.
 - 4. Indication of the north direction.
 - 5. Indication of slope steepness. Include gradient of surface water flow.
 - 6. The general slope characteristics of adjacent property.
 - 7. Location of the construction access driveway(s) and vehicle parking area(s).
 - 8. Location of soil stockpiles.
 - (C) An Erosion Control Statement containing the following elements:
 - 1. A schedule of land disturbance activities, project phasing and the time frame for placement of both temporary and permanent erosion and sediment control measures.
 - 2. The name, address and phone number of the person(s) responsible for placement, inspection and maintenance of the temporary and permanent erosion control measures.
 - 3. A statement signed by the property owner and building contractor/ developer certifying that any land clearing, construction, or development involving the movement of earth shall conform to the Erosion Control Plan as approved by the Clatsop County Community Development Director.
- 3) Plan Review and Approval: Each Erosion Control Plan shall be reviewed, in conjunction with a development permit, pursuant to the standards listed in this section.
- (A) The Community Development Director will review each plan to determine if the applicant has adequately addressed the erosion control standards. Approval of this plan will only indicate that the applicant has addressed minimal County standards regarding erosion control and the approval is not a guarantee that erosion will not occur. The burden is upon the applicant to take the necessary measures to reduce soil erosion.
 - (B) Any disturbance of land in the Beaches and Dunes Overlay (BDO) larger than 3,000 square feet should also have the plan reviewed and approved by the Clatsop Soil and Water Conservation District. The Clatsop Soil and Water Conservation District should be informed at the start of work and also upon completion of site stabilization after the completion of construction.

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Section 3.2040. Design and Operation Standards and Requirements

All clearing, grading, stripping, excavation, and filling activities which are subject to the requirement of an Erosion Control Plan under Section 3.2030(1) shall be subject to the applicable standards and requirements set forth in this section. The standards imposed and the level of erosion control activity detail depend on the site conditions and complexity of the project required to reduce the movement of soil off of the site.

1) Development Site Erosion Control Guidelines

(A) It is the responsibility of the property owner or their agent such as a contractor to take whatever actions necessary to reduce movement of soil off of the site and/or into a watercourse or roadway. These actions include:

1. All riparian areas should have functioning erosion protection measures in place within 24 hours of initiating clearing, grading, stripping, excavation or fill activities on the site.
2. Other on-site erosion control measures should be constructed and functional in accordance with the time schedule approved in the Erosion Control Plan.
3. All required local, state and federal permits and approvals shall be obtained prior to any land disturbance activity on the site. Copies of applicable state and federal permits shall be provided to the County Community Development Department.

(B) Erosion Sediment Control Standards: The standards imposed and the level of erosion control activity detail depend on the site conditions and complexity of the project required to reduce the movement of soil off of the site.

1. At a minimum, the following elements should be addressed in an Erosion Control Plan:
 - (a) Erosion control measures should be designed and maintained to insure on-site activities do not impact other properties.
 - (b) The use of vegetated buffers is encouraged. The vegetative buffer should be relative in area to the uphill disturbed construction area draining into it. Vegetation along a watercourse shall be subject to the standards in Section 6.2000.
 - (c) Permanent soil stabilization measures should be completed within 30 days after completion of construction or development activity ceases on the site.
 - (d) All temporary erosion and sediment control measures/ materials should be disposed of within 30 days after final site stabilization is achieved with permanent soil stabilization measures. Trapped sediment and other disturbed soils resulting from temporary sediment control measures should

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- be permanently stabilized to prevent further erosion and sedimentation.
2. Depending on the complexity of the project, the following elements may need to be addressed in an Erosion Control Plan:
 - (a) Construct properly installed filter barriers (including filter fences, straw bales, or equivalent control measures) to control off-site runoff as specified in the CREST Erosion Control Guidance.
 - (b) Protect storm sewer inlets and culverts by sediment traps or filter barriers.
 - (c) Install a graveled (or equivalent) entrance road(s) of sufficient length, depth and width to reduce mud, dirt or other sediment from being tracked onto roadways. If necessary, any sediment reaching a roadway should be removed by shoveling or street cleaning (not flushing) before the end of each workday and transported to a controlled sediment deposit area.
- (C) Erosion Prevention Standards: The standards imposed and the level of erosion control activity detail depend on the site conditions and complexity of the project required to reduce the movement of soil off of the site.
1. A minimum amount of vegetation should be disturbed during site preparation.
 2. Site clearing should occur no sooner than is necessary prior to construction.
 3. Disturbed areas should be stabilized with temporary and/or permanent measures as specified in the time schedule of the approved Erosion Control Plan, or as otherwise required by the Community Development Director, following the end of active disturbance or redistribution, in accordance with the following criteria:
 - (a) Appropriate temporary stabilization measures should include seeding, mulching, sodding, and/or non-vegetative measures such as sediment blankets.
 - (b) Appropriate permanent stabilization measures should include seeding, mulching combined with seeding, sodding, landscaping, and non-vegetative measures such as paving, gravel, etc. In dune areas, planting of dune grass may be required.
 - (c) Areas having slopes greater than 12 percent should be stabilized with mulch, sod, mat or blanket in combination with seeding, or equivalent.
 - (d) Roadway improvement projects resulting in disturbed slopes steeper than 2:1 should be stabilized with sod, mat or sediment blanket in conjunction with seeding, or equivalent.

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4. Soil storage piles containing more than 10 cubic yards of material should be covered with a sediment blanket, impervious cover, or shall incorporate hay or straw into the surface of the soil pile to stabilize it. The pile shall not be placed in a location with a downslope gradient of less than 50 feet to a watercourse, unless the pile is contained by a sediment barrier at the toe of the slope.
5. Land disturbance activities in riparian areas shall be avoided, unless the Community Development Department in conjunction with the other appropriate state, federal and local agencies determines that the development requires the disturbance in the proposed location. If disturbance activities are unavoidable, the following requirements shall be met.
 - (a) Construction activity shall be kept out of the stream channel and riparian area to the maximum extent possible. Where construction crossings are necessary, additional state, federal and/or local permits may be required. The property owner or agent shall demonstrate compliance with all applicable regulations and obtain all applicable permits for the project, prior to any land disturbing activity on the site.
 - (b) The time and area of disturbance of stream channels and riparian areas shall be kept to the minimum necessary for the project. Instream work shall follow Oregon Department of Fish and Wildlife (ODFW) Guidelines for timing of in-water work to protect fish and wildlife resources. An ODFW fish biologist shall be consulted and approve the erosion control and streambank restabilization plan, prior to the use of fords across fish bearing streams. The stream channel, including bed and banks, shall be restabilized within 24 hours after channel disturbance is completed, interrupted or stopped.
- 2) Guidance Adopted by Reference: The standards and specifications contained in the "Erosion Control Guidance" cited in Section 3.2040 is hereby incorporated into this section and made a part hereof by reference for the purpose of delineating procedures and methods of operation under erosion and sediment control plans approved under Section 3.2030. In the event of a conflict between the provisions of said guidance and this ordinance, the ordinance shall govern.
- 3) Maintenance of Control Measures: All soil erosion and sediment control measures necessary to meet the requirements of this ordinance should be maintained to ensure proper function. Maintenance should include, but not be limited to, the following standards:
 - (A) Erosion control and prevention measures should be inspected periodically, with a frequency of no less than every 7 days; and
 - (B) Erosion control and prevention measures shall be inspected every 24 hours during storm events to insure the measures are functioning properly; and

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- (C) Any sediment build up behind sediment barriers shall be removed and the sediment shall be placed in a controlled sediment area; and
 - (D) Erosion and sediment control and prevention measures shall be repaired or replaced as frequently as necessary to ensure optimal functioning of the measures.
- 4) Amendments of Plans: Amendments to a reviewed Erosion Control Plan shall be submitted to the Community Development Director and shall be processed in the same manner as the original plan.
- 5) Responsibility:
- (A) It will be the responsibility of the property owner to comply with the submitted Erosion Control Plan.
 - (B) The person submitting the erosion control plan shall not be relieved of responsibility for damage to persons or property otherwise imposed by law, and the County or its officers or agents will not be made liable for such damage, by:
 - (1) the approval of a submittal under this ordinance;
 - (2) compliance with the provisions of the submitted plan or with conditions attached to it by the County;
 - (3) failure of County officials to observe or recognize hazardous or unsightly conditions;
 - (4) failure of County officials to disapprove an erosion control plan submittal; or
 - (5) exemptions from erosion control plan submittal requirements of this ordinance.

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SECTION 3.3000. CLUSTER DEVELOPMENT AND DENSITY TRANSFER

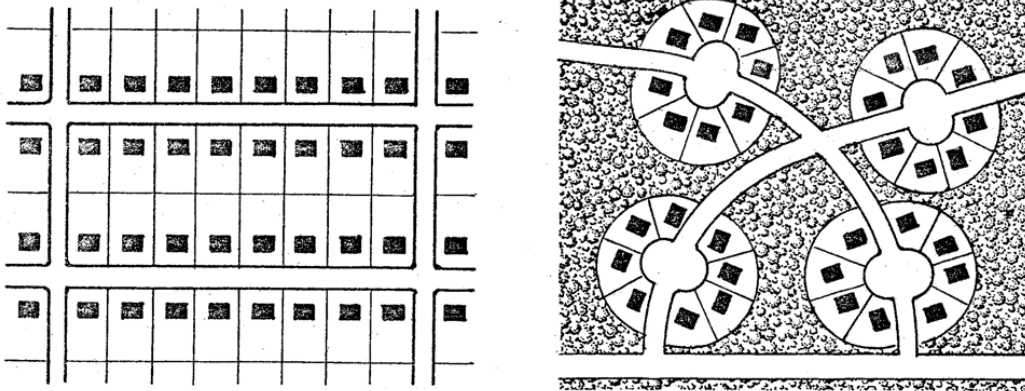


Figure 7: Traditional Subdivision vs. Cluster Development (Image: American Planning Association)

Section 3.3010. Purpose

The intent of these standards is to preserve lands suitable for open space by providing an alternative to the division of rural residential lands into the minimum sized lots allowed in the appropriate zones, and to apply standards to rural residential lands consistent with state administrative rules governing cluster developments.

Section 3.3020. Procedures for Cluster Development

A cluster development shall comply with the procedures and standards in this section.

- 1) The applicant shall discuss the proposed cluster development with the staff of the Clatsop County Department of Community Development in a pre-application conference pursuant to Section 2.1070.
- 2) An applicant for a cluster development must submit a development plan and receive approval of the plan prior to development.
- 3) As soon as plan approval is given, the plan and any conditions of approval shall be recorded in the Office of the County Clerk by book and page and shall constitute an agreement not to divide the property as long as it remains in its present zoning.
- 4)
 - (A) As a condition to the approval that may be given for partitioning under this section, the applicant shall provide all deeds or contracts affecting the original farm use parcel to assure that the maximum density will not be exceeded.
 - (B) For each partition application under this Standard the Community Development Director or designate shall determine and include with the approved plan map a statement including:
 - 1) the number of homesite lots allowable on the original parcel,
 - 2) a legal description of the original parcel,

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- 3) the number of homesite lots that will result from the proposed partition, and
- 4) the number of homesite lots, if any, that could be allowed in the future on the original parcel.

Section 3.3030. Residential Cluster Development Standards

- 1) The tract of land to be developed shall not be less than 4 contiguous acres in size, provided that land divided by a road shall be deemed to be contiguous.
- 2) The development may have a density not to exceed the equivalent of the number of dwelling units allowed per acre in the zone or zones.
- 3) The cluster development shall not contain commercial or industrial developments.
- 4) The minimum percentage of common open space shall be 30% excluding roads and property under water (MHHW).
- 5) Attached residences are permitted provided the density allowed per acre in the zone is not exceeded (this does not apply in the Clatsop Plains planning area).
- 6) The prescribed common open space may be used to buffer adjacent forest, farm, hazard areas or other resource lands such as but not limited to archeological and historical sites, water bodies, etc.
- 7) Land in the same ownership or under a single development application that is divided by a road can be used in calculating the acreage that can be used in the clustering option.
- 8) For lands zoned primarily for rural residential uses located outside urban growth boundaries, unincorporated community boundaries, and located outside non-resource lands as defined in OAR660-004-000(5)(3), the following additional conditions must be met.
 - (A) The number of new dwellings units to be clustered does not exceed 10;
 - (B) None of the new lots or parcels created will be smaller than two acres;
 - (C) The development is not served by a new community sewer system or by any extension of a sewer system from within an urban growth boundary or from within an unincorporated community, unless the new service or extension is authorized consistent with OAR 660-011-0060;
 - (D) The overall density of the development will not exceed one dwelling for each unit of acreage specified in the base zone designations effective on October 4, 2000 as the minimum lot size for the area;
 - (E) Any group or cluster of two or more dwelling units will not force a significant change in accepted farm or forest practices on nearby lands devoted to farm or forest uses and will not significantly increase the cost of accepted farm or forest practices there; and
 - (F) For any open space or common area provided as part of the cluster development under this subsection (8), the owner shall submit proof of non-revocable deed restrictions recorded in the deed records. The deed restrictions shall preclude all future rights to construct a dwelling on the lot,

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parcel or tract designated as open space or common area for as long as the lot, parcel or tract remains outside an urban growth boundary.

Section 3.3040. Additional Residential Cluster Development Standards for the Clatsop Plains Planning Area

- 1) All planned developments and subdivisions shall designate and retain areas as permanent common open space.
- 2) The minimum percentage of common open space shall be 30% excluding roads.
- 3) Permanent common open space shall include, whenever possible, steep dunes which would require substantial alterations for building, buffers along streams, water bodies, deflation plains, and farm and forest lands.
- 4) Buffers (screening) shall be provided in all subdivisions and planned developments along all property lines adjacent to arterials and/or collectors.
- 5) Permanent common open space as part of subdivisions or planned developments adjoining one another shall be interrelated and continuous whenever possible. This could mean that the common open space could continuously follow ridge tops, deflation plains or shorelands. The Clatsop County Department of Community Development shall prepare a map of potential systems of common open space to be used as a guide for developers.
- 6) Streams and drainages which form a system of common open space shall be preserved.

Section 3.3050. Density Transfer Standards for the Clatsop Plains Planning Area

- 1) Transfer of residential development rights between sites in the Clatsop Plains Planning Area is allowed as follows:
 - (A) The remaining lot or parcel of the sending site shall be rezoned to either the Open Space Parks and Recreation zone or Natural Uplands zone or Conservation Shorelands zone or Natural Shorelands zone. The applicant shall file the rezone request at the same time as the density transfer request is submitted, and
 - (B) Prior to final approval of a density transfer the County shall require that deed restrictions be filed in the Clatsop County Deed Records in a form approved by County Counsel, that prohibits any further development beyond that envisioned in the approved density transfer until such time as the entire area within the density transfer approval has been included within an urban growth boundary; and
 - (C) The Community Development Director shall demarcate the approved restrictions on the official Zoning Map, and
 - (D) No lot or parcel of land shall be involved in more than one (1) density transfer transaction, and
 - (E) Density transfer goes with the property - not the owner; and
 - (F) Minimum lot or parcel size shall be one (1) acre for the receiving site.

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- 2) All lots or parcels sending or receiving density credits shall be recorded in the "Density Table". If a receiving site cannot be identified for all density credits created by the application the applicant shall prepare a notarized affidavit identifying the sending site and number of credits that are not being assigned. This affidavit shall be kept on file with the Community Development Department. The remaining credits may be assigned at a later time to a cluster development in the Clatsop Plains subject the applicable standards of this section.
- 3) The table tracking all density transfers is maintained administratively by the Clatsop County Community Development Department.

Section 3.3060. Maintenance of Common Open Space and Facilities

Whenever any lands or facilities, including streets or ways, are shown on the final development plan as being held in common, the tenants be created into a non-profit corporation under the laws of the State of Oregon, and that such corporation shall adopt articles of incorporation and by- laws and adopt and impose a declaration of covenants and restrictions on such common areas and facilities to the satisfaction of the Planning Commission. Said association shall be formed and continued for the purpose of maintaining such common open spaces and facilities. It shall be created in such a manner that owners of property shall automatically be members and shall be subject to assessment levies to maintain said areas and facilities for the purposes intended. The period of existence of such associations shall not be less than twenty (20) years, and it shall continue thereafter until a majority vote of the members shall terminate it.

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SECTION 3.4000. MOBILE HOMES

SECTION 3.4010. MOBILE HOME PARK DEVELOPMENT

Section 3.4020. Standards for a Mobile Home Park

A mobile home park shall be built to state standards in effect at the time of construction and shall comply with the following additional standards.

Section 3.4030. Permitted Uses Within a Mobile Home Park

No building, structure or land within the boundaries of a mobile home park shall be used for any purpose except for the uses permitted by this article as follows:

- 1) Mobile homes for residential use only, together with the normal accessory uses such as a cabana, ramada, patio slab, carport, or garage, and storage or washroom building.
- 2) Private and public utilities.
- 3) Community recreation facilities, including swimming pools, for residents of the park and guests only.
- 4) A mobile home park may have one residence for the use of a caretaker or manager responsible for maintaining or operating the property.
- 5) Occupied, abandoned or unoccupied mobile homes may be abated if they constitute a menace to the public health, safety and welfare.

Section 3.4040. General Conditions and Limitations Within a Mobile Home Park

- 1) **Area** - The parcel of land to be used for mobile home park purposes shall contain not less than four (4) acres.
- 2) **Density** - In no event shall the density exceed eight (8) mobile homes per gross acre. Density requirements shall be established as the minimum square footage of gross site area for each mobile home.
- 3) **Yard Regulations** - For the purposes of this Ordinance, the setback required in each instance shall be a line parallel to and measured at right angles from the front, side or rear property line. The front and rear building setback lines shall extend the full width of the property. The depth of the lot shall not exceed two times the average width. No building, structure or mobile home shall be located so that any part thereof extends into the area between the building setback line and the property line. Fences and signs may be placed within the aforementioned area as an exception to this subsection. Mobile home parks shall set back at least thirty (30) feet from any interior property line abutting residential zoned property. The setback shall be at least fifteen (15) feet from any interior property line abutting commercial or industrial zoned property. The setback from any abutting public street or highway shall be at least twenty-five (25) feet.
- 4) No mobile home shall occupy more than forty (40) percent of the space provided for it.
- 5) **Screening** - A sight-obscuring fence or wall of not less than five (5) feet nor more than six (6) feet in height, and/or evergreen planting of not less than five (5) feet in height, shall surround the mobile home park. Such fence, wall or planting may

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- be placed up to the front property line if adequate vision clearance for entrances and exists is maintained.
- 6) **Access to a Public Street** - A mobile home park shall not be established on any site that does not have access to any public street which does not meet the County Road Standards in Section S6.000.
 - 7) **Service Buildings** - Service buildings housing sanitation facilities shall be permanent structures, complying with all applicable County and State ordinances and statutes regulating building, electrical installations and plumbing and sanitation systems.
 - 8) **Structures** - Structures located in any mobile home space shall be limited to a storage building, ramada or carport. The storage building, ramada or carport may be combined as one structure. No structural additions shall be built onto or become a part of any mobile home, and no mobile home shall support any building in any manner. The words "structural additions" shall not be construed to exclude the construction of an awning, patio cover, or cabana adjacent to a mobile home. There shall be no outdoor storage of furniture, tools, equipment, building materials or supplies belonging to the occupants or management of the park.
 - 9) A mobile home permitted in the park, if not resting on continuous foundation, shall be provided with a continuous skirting of non-decaying, non-corroding material extending at least six (6) inches into the ground or to an impervious surface. The skirting or continuous foundation shall have provisions for ventilation and access to the space under the unit.

Section 3.4050. Site Requirements Within a Mobile Home Park

The following shall be considered the minimum site requirements for a new mobile home park or the expansion of an existing mobile home park.

- 1) **Accessway** - Accessways shall connect each mobile home space to a public street and shall have a minimum right-of-way width of thirty-six (36) feet.
- 2) **Walkways** - Walkways of not less than three (3) feet in width shall be provided from each mobile home space to the service buildings and recreational area or areas, and from the patio to the accessway. A walkway system shall be provided which gives safe, convenient access and should be so designed to be located through interior area, and removed and kept separate from vehicular traffic.
- 3) **Recreation Area** - A minimum of two hundred (200) square feet of recreation area shall be provided for each mobile home space. The recreation area may be in one or more locations in the park. At least one (1) recreational area shall have a minimum size of five thousand (5,000) square feet (and be of a shape that will make it usable for its intended purpose) and at least fifty (50) percent of the required recreation area shall be provided for use by residents of the entire park.
- 4) **Electrical** - Approved underground electrical hookups shall be provided for each mobile home space.

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- 5) **Sewage** - Each mobile home space shall be provided with a sewage connection which complies with Oregon State Department of Environmental Quality regulations.
- 6) **Water Supply** - A continuous supply of pure water for drinking and domestic purposes that meet Oregon State standards shall be supplied by underground facilities to all buildings and mobile home spaces within the park.
- 7) **Anchors and Tie-Downs** - Each mobile or trailer space shall be equipped with ground anchors of sufficient number and design to accommodate "over the top" and "frame" type tie-downs to anchor the mobile home or trailer in winds up to and including 100 miles per hour. Anchors and tie-downs shall be in place and installed on said mobile home within thirty (30) days of placement on a site.

Section 3.4060. Mobile Home Space Requirements

The minimum mobile home space requirements for a new mobile home park or the expansion of an existing mobile home park are as follows:

- 1) The average size of a mobile home space in a mobile home park shall not be less than four thousand (4,000) square feet and no space shall be smaller than three thousand (3,000) square feet. No space shall have a width of less than forty (40) feet, nor less than eighty-five (85) feet in depth.
- 2) No mobile home space shall have a paved stand of less than ten (10) feet in width and less than thirty (30) feet in length.
- 3) Occupied mobile homes shall be parked only on stands provided, shall be setback a minimum of ten (10) feet from the edge of all accessways, and shall observe the setbacks as established in subsection (e) of Section 7.
- 4) Each mobile home space shall be provided with a patio having a minimum area of one hundred forty (140) square feet. The patio shall have a minimum width of seven (7) feet and a minimum length of twenty (20) feet and shall be constructed adjacent and parallel to each mobile home parking space.
- 5) One (1) permanent storage building containing a minimum of thirty-two (32) square feet of floor area shall be provided for each mobile home space. The building height shall not be less than seven (7) feet nor more than nine (9) feet.
- 6) Minimum space requirements between mobile homes:
 - (A) End-to-end, twenty-five (25) feet.
 - (B) Temporary or permanent structures situated in one (1) space shall be separated by at least fifteen (15) feet from temporary or permanent structures, or mobile homes in an adjoining space.

Section 3.4070. Improvement Requirements Within a Mobile Home Park

Improvement requirements for a new mobile home park or the expansion of an existing park are as follows:

- 1) Roadways within an accessway and sidewalk shall be paved with a crushed rock base and asphalt or concrete surfacing according to structural specifications required by the County Roadmaster.

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- 2) The minimum surfaced width of the roadway within an accessway shall be twenty (20) feet if there is no parking allowed, and thirty (30) feet if parking is allowed. The first fifty (50) feet of the accessway measured from the street shall be surfaced to a width of thirty (30) feet and shall be connected to an existing street according to place approved by County Roadmaster or State Highway Engineer.
- 3) Patios shall be paved with asphalt, concrete, or suitable hard surfaced material.
- 4) All accessways and walkways within the park shall be lighted at night to provide a minimum of 1.5 foot candles of illumination.
- 5) Wires for service to light poles and mobile home spaces shall be underground.
- 6) Mobile home stands shall be paved with asphalt or concrete surfacing, or with crushed rock contained with concrete curbing or pressure treated wooded screens.
- 7) The mobile home park shall be well drained. Provisions for drainage shall be made in accordance with plans approved by the County Engineer.
- 8) Recreation areas shall be suitably improved and maintained for recreational purposes as the Planning Commission finds necessary for the types of residents for whom the mobile home park is intended.
- 9) Public telephone service shall be made available for the mobile home park residents.
- 10) Adequate and property equipped laundry room facilities shall be made available to the residents of the mobile home park.

Section 3.4080. Plot Plans Required for a Mobile Home Park

The application for a permit to construct a new mobile home park or to expand an existing mobile home park, shall be accompanied by seven (7) copies of the plot plan of the proposed park. The plot plan should show the general layout of the entire mobile home park, and should be drawn to scale not smaller than one (1) inch representing fifty (50) feet. The drawing shall be placed on substantial tracing paper, and shall show the following information:

The planning process for development shall include:

- 1) Professional Design Team. The applicant for all proposed mobile home parks, pursuant to Section S3.200 shall certify that the talents of one of the following professionals shall be used in the planning process for development:
 - (A) An architect licensed by the State of Oregon.
 - (B) A registered engineer or registered engineer and land surveyor licensed by the State of Oregon.

The professional chosen by the applicant(s) from (A) or (B) above shall be designated to be responsible for conferring with the Community Development staff with respect to concept and details of the plan. The selection of the professional coordinator of the design team will not limit the owner of the developer in consulting with the Community Development staff or the Planning Commission.

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- 2) Plot plan of land in area to be developed indicating location of adjacent streets and all private rights-of-way existing and proposed within four hundred (400) feet of the development site as well as topographical lines for each five (5) foot contour.
- 3) A legal boundary survey.
- 4) Boundaries and dimensions of the mobile home park.
- 5) Location and dimensions of each mobile home space. Designate each space by number, letter or name.
- 6) Name of mobile home park and address.
- 7) Scale and north point of plan.
- 8) Location and dimensions of each existing or proposed structure, together with the usage to be contained therein, and approximate location of all entrances thereto, and height and gross floor area thereof.
- 9) Location and width of access ways.
- 10) Location and width of walkways.
- 11) Extent, location, arrangement and proposed improvements of all off-street parking and loading facilities.
- 12) Extent, location, arrangement, type and proposed improvements of all open space, landscaping, fences and walls.
- 13) Architectural drawings and sketches demonstrating the planning and character of the proposed development.
- 14) Total number of mobile home spaces.
- 15) Location of each lighting fixture for lighting the mobile home spaces and grounds.
- 16) Location of recreation areas and buildings and area of recreation space in square feet.
- 17) Location and type of landscaping, fence, wall or combination of any of these or other screening materials.
- 18) Location of point where mobile home park water and sewer system connects with the public system.
- 19) Location of available fire and irrigation hydrants.
- 20) Location of public telephone service for the park.
- 21) Enlarged plot plan of a typical mobile home space showing location of the stand, patio, storage space, parking, sidewalk, utility connections and landscaping.
- 22) Detailed plans required - at the time application for a permit to construct a new mobile home park or to expand an existing park, the applicant shall submit seven (7) copies of the required detailed plans:
 - (A) New structures.
 - (B) Water and sewer systems.
 - (C) Electrical systems.
 - (D) Road, sidewalk and patio construction.
 - (E) Drainage system, including existing and proposed finished grades.
 - (F) Recreation area improvements.

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- 23) Before construction of a swimming pool in a mobile home park, two (2) copies of plans approved by the Oregon State Board of Health shall be filed with the Building Inspector.

Section 3.4090. Improvement Requirements for Expansion of Existing Mobile Home Parks

- 1) Sewers - Existing sewer lines within the park which do not meet the minimum requirements of this article may remain in use so long as they function properly and the park conforms to the County and State regulations governing sewage and waste water. Any replacement of sewer facilities shall conform to the requirements of new mobile home parks.
- 2) Water Supply - An existing water supply system which does not meet minimum requirements of this article with respect to general availability, etc. may remain in use so long as it continues to function properly and the park conforms to the County and State regulations governing water supply. Any replacement of water supply facilities shall conform to the requirements for new mobile home parks.
- 3) Lighting and Wiring - The electrical and lighting systems shall be made to conform to the Uniform Building Code of the State of Oregon.
- 4) Service Building - Service buildings shall be made to conform to the standards for new mobile home parks.
- 5) Surfacing for accessways, patios and stands shall be made to conform to the following standards:
 - (A) Accessways shall be surfaced to a minimum width of twenty (20) feet with a crushed rock base and asphalt or concrete surfacing according to structural specifications established by the County Engineer. If parking is to be allowed, the minimum surfaced width of the roadway shall be thirty (30) feet.
 - (B) Mobile home standards shall be surfaced with crushed gravel to a size equal to or greater than the dimensions of the trailer located on the stand, but shall not be less than ten (10) feet by thirty (30) feet.
 - (C) Patios shall have a surface area of at least one hundred forty (140) square feet and a minimum width of seven (7) feet, paved with concrete, asphalt, flagstone or the equivalent.
 - (D) Walkways shall have a minimum width of three (3) feet with a paved surface of concrete, asphalt or the equivalent. Walkways shall be provided from each mobile home space to the service buildings. From the patio to the surfaced part of the accessways may be considered as part of the walkway to the service building.
- 6) Outside Storage - All outside storage in a mobile home park shall be in an enclosed building as required for new mobile home parks.

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SECTION 3.4100. STANDARDS FOR MOBILE HOMES ON INDIVIDUAL LOTS.

- 1) The mobile home shall bear an Oregon "Insignia of Compliance" with a date not prior to 1972.
- 2) Reconstruction or equipment installation shall be State approved as evidences by an appropriate insignia.
- 3) Mobile homes shall be installed in accordance with State standards and shall be tied down with one of the following:
 - (A) A galvanized steel cable of not less than 7/32" diameter having approved clamps and connecting hardware.
 - (B) A galvanized aircraft cable of not less than 1/4" diameter having approved clamps and connecting hardware.
 - (C) A galvanized steep strap 1-1/4" x .035" having approved clamps and connecting Hardware.
 - (D) Any other approved cable or strap with a breaking strength of not less than 4,800 pounds with approved clamps and connecting hardware.
- 4) Mobile homes shall have continuous skirting of compatible siding material.
- 5) All mobile homes (whether of residential or storage purposes) shall be securely anchored and tied down within thirty (30) days of being placed on the site.
- 6) Mobile home add-ons subject to the following:
 - (A) The siding on the addition and the siding on the rest of the mobile home should match each other as close as possible.
 - (B) The addition should be located on a foundation approved by the Department of Commerce, Building Codes Division.
 - (C) Any alteration to the mobile home shall be approved by the Department of Commerce.
 - (D) The Department of Community Development will review the request within 180 days of permit issuance for conformance to 1-3 above. If conformance has not occurred within the 180 days permit issuance the matter will be referred to the Planning Commission at its earliest convenience for a hearing to determine how to resolve the issue.

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SECTION 3.5000. RECREATION VEHICLE PARKS

Section 3.5010. Purpose

The purpose of the regulations imposed upon recreation vehicle parks is to assure that each park provides safe and sanitary accommodations for the campers, travel trailers and other vehicles which are located temporarily in the park; that the support services provided tourists (utility conveniences and facilities) are adequate for the period of their stay in the park; and that the park does not permit the use of any of its accommodations for mobile home or recreational vehicles which are used for permanent occupancy.

The scope of the park is to encompass additional recreation activities such as overnight tent camping and picnicking, and to only provide those in-park services and supplies required by the clientele.

Section 3.5020. Standards and Requirements

The following standards and requirements shall govern the application of a park in an area in which it is permitted:

1) **Duration of Occupancy**

No recreation vehicle shall remain the park for more than thirty (30) days in any sixty (60) day period. No habitable vehicle, which is not a recreation vehicle, shall be allowed in the park for any period with the exception of one mobile home unit for the exclusive use of the park manager and/or caretaker.

2) **Size, Density, Lot Dimension and Setbacks**

- (A) Size. Minimum total acreage shall not be less than five (5) acres.
- (B) Density. Maximum recreational vehicle spaces per gross acre shall not exceed ten (10) spaces.
- (C) The minimum lot area for any recreation vehicle or travel trailer space shall not be less than 3,500 square feet.
- (D) The minimum lot width shall be forty (40) feet.
- (E) The minimum lot length shall be seventy (70) feet.
- (F) The minimum distance between recreation vehicles, and a public street, arterial or highway right-of-way shall be sixty (60) feet.
- (G) The minimum distance between recreation vehicles and all property lines shall be ten (10) feet.
- (H) The minimum distance between recreation vehicles and other like units shall be twenty- five (25) feet.
- (I) The minimum distance between recreation vehicles and public services buildings shall be twenty-five (25) feet.
- (J) No recreation vehicle site or structure shall be placed closer than 30 feet to perennial streams or lakes (high water mark) or other bodies of water.
- (K) The space provided for a recreation vehicle shall be covered with crushed gravel, or paved with asphalt, concrete or similar material and be designed to provide run-off of surface water. The part of the space which is not occupied by the recreation vehicle, or not part of an outdoor patio, need

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not be paved or covered with gravel provided the area is landscaped or otherwise treated to prevent dust.

3) **Plot and Building Plans**

Seven (7) copies of the plans drawn to scale required by the Oregon State Health Division shall be submitted to the Clatsop County Community Development Office.

4) **Recreation Areas**

Recreation areas and facilities such as playgrounds, swimming pools and community buildings should be provided to the extent necessary to meet the anticipated needs of the clientele the recreation park is designed to serve.

(A) A developed recreation area shall be provided which contains a minimum of 2,500 square feet or 200 square feet per site space, whichever is the greater.

(B) Provide separate adult and tot recreation areas.

(C) Playground areas shall be protected from main thoroughfares and parking areas.

(D) Recreation areas shall be centrally located to the spaces they are to serve. At least one recreation area shall have a minimum size of five thousand (5,000) square feet and be of a shape that will make is usable for its intended purpose.

5) **Utilities and Sanitation**

(A) All facilities and service structures including each recreation vehicle/travel trailer space shall be provided with underground water and utilities.

(B) Approved public drinking fountains are to be located in playground and service building area.

(C) Recreation vehicles without bathroom facilities shall be parked within two hundred (200) feet of the park utility building.

6) **Lighting**

Lighting is required for all common walkways, toilet facilities, service buildings, service building areas and roadways.

7) **Access and Circulation**

(A) The recreation vehicle park shall be served by hard surfaced roads.

(B) The recreation vehicle park shall not be located where it will have a hazardous entrance or exit onto a road or onto a road that has a hazardous intersection with a major arterial.

(C) The amount of traffic generated by the recreation vehicle park shall not exceed the capability of roads serving the development.

(D) Off highway entry (ingress and egress) shall be provided by the park owner in order to permit entrance/access, as well as parking, through the park toll booth without causing traffic stoppage or unsafe traffic movement on public roads.

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- (E) Roadways within the park shall be hard surfaced to a width of twenty (20) feet if no parking is permitted on the roadway, and thirty (30) feet if parking is permitted on the roadway.
 - (F) The first fifty (50) feet of access (for ingress and egress) measured from the street shall be hard surfaced to a width of thirty-six (36) feet and shall be connected to an existing street according to plans approved by the County Roadmaster and/or the Oregon State Highway Engineer.
 - (G) Street grades shall not be in excess of eight (8) percent at any given point.
- 8) **Parking**
- (A) The total number of parking spaces in the park, exclusive of parking provided for the use of the manager, employees or specialized additional parking, shall be equal to one 10' x 20' space per camping space. All parking spaces shall be covered with crushed gravel or paved with asphalt, concrete or similar material.
 - (B) Additional parking areas for boats, trailers, etc. shall be conveniently located for supervision, but these specialized parking areas shall be separated from all other parking facilities. The ratio of one 10' x 20' additional parking space for every eight (8) camping spaces shall be observed.
- 9) **Walkways**
- (A) A walkway system shall be provided and maintained which gives safe, convenient access to park spaces.
 - (B) Common trails and walkways shall be provided to connect recreational vehicle sites to common areas, bathroom facilities, service buildings and natural amenities.
 - (C) Common walkways shall be located through interior areas and be kept separated from vehicular traffic.
- 10) **Greenbelts, Natural Screening and Open Space**
- (A) Ten (10) percent of the gross area of the recreation park must be reserved for open space. This open space is in addition to areas used for lots, roads, walkways, play areas and service areas.
 - (B) A sight obscuring greenbelt buffer strip shall be required around all sides of the recreation park to a height of eight (8) feet above ground level. This buffer strip shall be composed of natural screening, plantings, or other screens of a material type, size and located as recommended by the Planning Commission.
 - (C) Vegetative screening is to be provided between recreation park spaces, between spaces and service buildings, as well as between park and commercial activities, etc.

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SECTION 3.6000. BEACH FRONT MOTEL DEVELOPMENT

Section 3.6010. Purpose

The purpose of this section is to set forth standards by which resort motels can be placed in beach front areas without resulting in conflicts with the low intensity residential uses and the natural and recreational resources of the area.

Section 3.6020. Development Standards

All beach front resort motel development in the TC zone shall comply with the following standards:

- 1) Adequate off-street parking for guests and employees shall be provided consistent with parking standards of this Ordinance. The parking areas shall be screened from adjacent residential uses and shall be landscaped.
- 2) A minimum of 25% of the property shall be retained in landscaping.
- 3) Service areas, garbage disposal areas and other similar portions of the development shall be screened from view.
- 4) The height of the development shall not exceed the average height of the residential uses of the area and no parts of the development shall block views of the ocean from residential uses in the area.
- 5) The construction materials used in the development shall be similar in appearance to material used in neighboring residential dwellings.
- 6) Exterior lighting for signs, parking area, walkways and other areas shall be lower intensity so as not to create a distraction to adjacent residential uses.
- 7) Access to and from the development shall be by improved streets having a direct connection to major arterials and/or Highway 101.
- 8) The development shall not block public access to ocean beaches unless an alternate, suitable access is provided as part of the development.
- 9) Natural resources and features on or adjacent to the site prior to development shall be retained to the maximum extent possible.

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SECTION 3.7000. AMUSEMENT ESTABLISHMENT

Amusement establishment - a commercial amusement establishment may be authorized after consideration of the following factors:

- 1) Adequacy of access from principal street, together with the probable effect on traffic volumes of abutting and nearby streets;
- 2) Adequacy of off-street parking;
- 3) Adequacy of building and site design provisions to minimize glare from the building and site;
- 4) Noise levels shall not exceed Department of Environmental Quality standards

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SECTION 3.8000. HOME OCCUPATION

Section 3.8010. Purpose

The purpose of this section is to establish standards by which limited small-scale business activities, hereafter referred to as Home Occupation, could operate in non-commercial and non-industrial zones. Special standards apply to ensure that home occupations will not be a detriment to the character and livability of the surrounding neighborhood. The standards ensure that the home occupation remains subordinate to the residential use, and that the residential viability of the dwelling is maintained.

Section 3.8020. Home Occupation Standards

The following limitations and requirements shall apply to all Home Occupations:

- 1) Parking of 1 space per employee must be provided on the same tract of land. Parking spaces needed for employees of a home occupation shall be provided in defined areas of the property which are accessible, usable, designed and surfaced for that purpose.
- 2) No more than two vehicles or trailers are to be used in the operation of the Home Occupation.
- 3) No modification shall be made to the dwelling to establish or operate the Home Occupation that would cause it to resemble anything other than a dwelling.
- 4) All materials, parts, tools and other equipment used in the operation of the Home Occupation shall be stored entirely within the dwelling or accessory building.
- 5) The Home Occupation shall not involve operations or use of equipment or processes which would produce or cause the emission of gasses, dust, odors, vibration, electrical interference, smoke, noise, or light in a manner likely to cause offense to irritation to neighboring residents. The Home Occupation shall comply with the applicable federal, state and local regulations.
- 6) No more than one unlighted sign with a combined area on all surfaces of 6 square feet shall be used to identify the Home Occupation. No other form of identification or advertisement shall be used.
- 7)
 - (A) Retail Sales shall be allowed provided the activity does not give the outward appearance or manifest the characteristics of a retail business, such as signs other than those permitted under S3.462(6), advertising the dwelling as a business location, generate noise or traffic that adversely affects neighbors, or cause other adverse off-site impacts.
 - (B) A Complaint from neighbors shall be cause for review of any Home Occupation conducted as a retail business. The review may be a Type II County enforcement proceeding. In such proceeding, the Compliance Order may impose any of the conditions described in 5.025 of the Clatsop County Land and Water Development and Use Ordinance.
- 8) A Home Occupation in or adjacent to the AF, F-80 and EFU zones shall not involve activities which might disrupt or adversely impact forest use of the parcel or adjacent parcels. The Home Occupation shall also not involve activities sensitive to standard farm or forest management practices.
- 9) Repair or assembly of any vehicles or engines is not allowed.

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- 10) Deliveries or pick-ups of supplies or products, associated with the home occupation, are allowed to occur between 8:00 a.m. and 6:00 p.m.
- 11) No outside storage, display of goods or merchandise, or external evidence of a home occupation shall occur except as otherwise permitted in this section.
- 12) The premises upon which the home occupation is conducted shall be the residence of the person conducting the home occupation.
- 13)
 - (A) Not more than three (3) non-resident employees or vehicles are allowed on the premises at any one time in conjunction with a home occupation in the RSA-MFR, RA-1, RA-2 and RA-5 zones.
 - (B) Not more than five (5) non-resident employees or vehicles are allowed on the premises at any one time in conjunction with a home occupation in the AF, F-80 and EFU zones.
- 14) Parking of any trailers associated with the home occupation shall be within an enclosed building or screened from view by adjoining properties.

Section 3.8030. Bed & Breakfast Establishment Standards

The following standards shall apply to all bed & breakfast establishments in order to preserve the character of the neighborhood or area in which it is to be located. Bed and breakfast establishments shall be allowed in the zones as permitted by this section and as defined by ORS 215.448 (Home Occupations). The regulations have been established to provide an alternative form of lodging for visitors who prefer a residential setting.

- 1) Number of rental units
 - (A) 1-5 unit establishment is subject to approval of a Type I development permit and Section 2.070 in the following zones: NC, TC and GC.
 - (B) 1-5 unit establishment is subject to approval of a Type II conditional use permit and Section 5.000-5.030 in the following zones: RSA-SFR, RSA-MFR, CR, SFR-1, RA-1, RA-2, RA-5, RA-10, EFU, AF, F-80.
- 2) Establishment shall be operated substantially in:
 - (A) The dwelling unit, and historical resource buildings; and
 - (B) It shall not unreasonably interfere with other uses permitted in the zone in which the property is located; and
 - (C) Will employ not more than three full or part-time persons; and
 - (D) The premises upon which the bed and breakfast establishment is conducted shall be the residence of the person conducting the establishment.
- 3)
 - (A) One off-street parking space shall be provided for each rental unit plus the 2 required spaces for the residence of the person conducting the establishment. Off-street parking requirements are subject to the standards in Section 3.0050-3.0120 (Off-Street Parking Required).
 - (B) Additional parking shall be provided for employees subject to the standards in Section 3.0050-3.0120 (Off-Street Parking Required).
 - (C) A reduction in the number of rental units may be required if the impacts of the parking area cannot be mitigated.

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- 4) Signing is limited to a six (6) square foot nameplate, non-illuminated (replaces Section 3.8020(6)).
- 5) All Bed and breakfast establishments shall comply with the applicable state and local health, building and fire code requirements.
- 6) Bed and breakfast establishments shall comply with the development standards of the base zone, and overlay zone where applicable.
- 7) Any expansion of an existing building or alterations that increase the intensity of the establishment, may require, at the discretion of the Community Development Director, a Type II conditional use permit subject to Section 2.4000-2.4050, in the following zones:
 - A. RSA-SFR, RSA-MFR, CR, SFR-1, RA-1, RA-2, RA-5, RA-10, EFU, AF, F-80.
- 8) Residential structures may be remodeled for the development of a bed and breakfast establishment. However, structural alteration may not be made which prevent the structure from being used as a residence in the future. Internal or external changes which will make the dwelling appear less residential in nature or function are not allowed.
- 9) An establishment in or adjacent to the AF, F-80 and EFU zones shall not involve activities which might disrupt or adversely impact farm or forest use of the parcel or adjacent parcels.
- 10) Access to serve a bed and breakfast establishment shall be designed to meet the criteria within Standards Section 3.6520 and Section 3.9540 (Access Control) and the applicable standards within Section 3.9800 (Road Standard Specifications for Design and Construction).

Section 3.8040. Bed & Breakfast Establishment Standards for Standard Sized Lots or Parcels

Bed and breakfast establishments may be considered on parcels or lots that meet the minimum lot size in the following zones as provided by this section:

| Zone | Standard |
|---------|------------------------|
| RSA-SFR | Conditional use permit |
| RSA-MFR | Conditional use permit |
| CR | Conditional use permit |
| SFR-1 | Conditional use permit |
| RA-1 | Conditional use permit |
| RA-2 | Conditional use permit |
| RA-5 | Conditional use permit |
| RA-10 | Conditional use permit |
| CBR | Not permitted |
| NC | Permitted use |

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| Zone | Standard |
|------|------------------------|
| TC | Permitted use |
| GC | Permitted use |
| EFU | Conditional use permit |
| AF | Conditional use permit |
| F-80 | Conditional use permit |

Section 3.8050. Bed & Breakfast Establishment Standards for Substandard Sized Lots or Parcels

Bed & breakfast establishments may only be considered on parcels or lots that are less than the minimum lot size in the following circumstances:

| Zone | Standard |
|---------|------------------------|
| RSA-SFR | Not permitted |
| RSA-MFR | Conditional use permit |
| CR | Conditional use permit |
| SFR-1 | Not permitted |
| RA-1 | Conditional use permit |
| RA-2 | Conditional use permit |
| RA-5 | Conditional use permit |
| RA-10 | Conditional use permit |
| CBR | Not permitted |
| NC | Conditional use permit |
| TC | Conditional use permit |
| GC | Conditional use permit |
| EFU | Conditional use permit |
| AF | Conditional use permit |
| F-80 | Conditional use permit |

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SECTION 3.9000. FARM AND FOREST ZONE STANDARDS [ORD. 18-02]

Section 3.9010. Farm, Forest and Natural Resource Uses

- 1) A farm on which a processing facility is located must provide at least one-quarter of the farm crops processed at the facility. A farm may also be used for an establishment for the slaughter, processing or selling of poultry or poultry products pursuant to ORS 603.038. If a building is established or used for the processing facility or establishment, the farm operator may not devote more than 10,000 square feet of floor area to the processing facility or establishment, exclusive of the floor area designated for preparation, storage or other farm use. A processing facility or establishment must comply with all applicable siting standards but the standards may not be applied in a manner that prohibits the siting of the processing facility or establishment. A county may not approve any division of a lot or parcel that separates a processing facility or establishment from the farm operation on which it is located.
- 2) A facility for the primary processing of forest products shall not seriously interfere with accepted farming practices and shall be compatible with farm uses described in Section 1.0500. Such facility may be approved for a one-year period that is renewable and is intended to be only portable or temporary in nature. The primary processing of a forest product, as used in this Section, means the use of a portable chipper or stud mill or other similar methods of initial treatment of a forest product in order to enable its shipment to market. Forest products as used in this Section means timber grown upon a tract where the primary processing facility is located.

Section 3.9020 Residential Uses

- 1) To qualify for a relative farm help dwelling,
 - (A) A dwelling shall be occupied by relatives whose assistance in the management and farm use of the existing commercial farming operation is required by the farm operator. However, farming of a marijuana crop may not be used to demonstrate compliance with the approval criteria for a relative farm help dwelling. The farm operator shall continue to play the predominant role in the management and farm use of the farm.
 - (B) A relative farm help dwelling must be located on the same lot or parcel as the dwelling of the farm operator and must be on real property used for farm use.
- 2) A temporary hardship dwelling is subject to the following:
 - (A) One manufactured dwelling, or recreational vehicle, or the temporary residential use of an existing building may be allowed in conjunction with an existing dwelling as a temporary use for the term of the hardship suffered by the existing resident or relative, subject to the following:
 1. The manufactured dwelling shall use the same subsurface sewage disposal system used by the existing dwelling, if that disposal system is adequate to accommodate the additional dwelling. If the manufactured home will use a public sanitary sewer system, such

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- condition will not be required;
 - 2. The county shall review the permit authorizing such manufactured homes every two years; and
 - 3. Within three months of the end of the hardship, the manufactured dwelling or recreational vehicle shall be removed or demolished or, in the case of an existing building, the building shall be removed, demolished or returned to an allowed nonresidential use.
- (B) A temporary residence approved under this Section is not eligible for replacement under [Section 4.3100\(25\)](#). Department of Environmental Quality review and removal requirements also apply.
- (C) As used in this Section "hardship" means a medical hardship or hardship for the care of an aged or infirm person or persons.

Section 3.9030. Commercial Uses

- 1) Dog training classes or testing trials conducted outdoors, or in farm buildings that existed on January 1, 2013, are limited as follows:
- (A) The number of dogs participating in training does not exceed 10 per training class and the number of training classes to be held on-site does not exceed six per day; and
 - (B) The number of dogs participating in a testing trial does not exceed 60 and the number of testing trials to be conducted on-site does not exceed four per calendar year.
- 2) A farm stand structure may be approved if:
- (A) The structures are designed and used for sale of farm crops and livestock grown on the farm operation, or grown on the farm operation and other farm operations in the local agricultural area, including the sale of retail incidental items and fee-based activity to promote the sale of farm crops or livestock sold at the farm stand if the annual sales of the incidental items and fees from promotional activity do not make up more than 25 percent of the total annual sales of the farm stand; and
 - (B) The farm stand structure does not include structures designed for occupancy as a residence or for activities other than the sale of farm crops and livestock and does not include structures for banquets, public gatherings or public entertainment.
 - (C) As used in this Section, "farm crops or livestock" includes both fresh and processed farm crops and livestock grown on the farm operation, or grown on the farm operation and other farm operations in the local agricultural area.
 - (D) As used in this Subsection, "processed crops and livestock" includes jams, syrups, apple cider, animal products and other similar farm crops and livestock that have been processed and converted into another product but not prepared food items.
 - (E) As used in this Section, "local agricultural area" includes Oregon or an adjacent county in Washington, Idaho, Nevada or California that borders

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- the Oregon county in which the farm stand is located.
- (F) A farm stand structure may not be used for the sale, or to promote the sale, of marijuana products or extracts.
- (G) Farm stand structure development standards
1. Adequate off-street parking will be provided pursuant to provisions of Sections 3.0050-3.0090.
 2. Roadways, driveway aprons, driveways and parking surfaces shall be surfaces that prevent dust, and may include paving, gravel, cinders, or bark/wood chips.
 3. All vehicle maneuvering will be conducted on site. No vehicle backing or maneuvering shall occur within adjacent roads, streets or highways.
 4. No farm stand structure, accessory structure or parking is permitted within the right-of-way.
 5. Approval is required from the County Public Works Department regarding adequate egress and access. All egress and access points shall be clearly marked.
 6. Vision clearance areas. No visual obstruction (e.g., sign, structure, solid fence, wall, planting or shrub vegetation) may exceed three (3) feet in height within "vision clearance areas" at street intersections.
 - a) Service drives shall have a minimum clear-vision area formed by the intersection of the driveway centerline, the road right-of-way line, and a straight line joining said lines through points twenty (20) feet from their intersection.
 - b) Height is measured from the top of the curb or, where no curb exists, from the established street center line grade.
 - c) Trees exceeding three (3) feet in height may be located in this area, provided all branches and foliage are removed to a height of eight (8) feet above grade.
 7. All outdoor light fixtures shall be directed downward, and have full cutoff and full shielding to preserve views of the night sky and to minimize excessive light spillover onto adjacent properties, roads and highways.
 8. Signs are permitted consistent with Section 3.0130.
- (H) Permit approval is subject to compliance with the County On-site Septic Program or Department of Agriculture requirements and with the development standards of this zone.
- 3) A destination resort is not permitted on high-value farmland except that existing destination resorts may be expanded subject to Section 3.9080(3).
- 4) Home occupations shall be subject to the following in addition to Section 3.8000:
- (A) Be operated by a resident or employee of a resident of the property on which the business is located;
 - (B) Employ on the site no more than five full-time or part-time persons at any

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- given time;
- (C) Be operated substantially in:
 - 1. The dwelling; or
 - 2. Other buildings normally associated with uses permitted in the zone in which the property is located, except that such other buildings may not be utilized as bed and breakfast facilities or rental units unless they are legal residences.
- (D) Not unreasonably interfere with other uses permitted in the zone in which the property is located.
- (E) When a bed and breakfast facility is sited as a home occupation on the same tract as a winery established pursuant to Section 3.515 and is operated in association with the winery:
 - 1. The bed and breakfast facility may prepare and serve two meals per day to the registered guests of the bed and breakfast facility; and
 - 2. The meals may be served at the bed and breakfast facility or at the winery.
- 5) Commercial activities in conjunction with farm use may be approved when:
 - (A) The commercial activity is either exclusively or primarily a customer or supplier of farm products;
 - (B) The commercial activity is limited to providing products and services essential to the practice of agriculture by surrounding agricultural operations that are sufficiently important to justify the resulting loss of agricultural land to the commercial activity; or
 - (C) The commercial activity significantly enhances the farming enterprises of the local agricultural community, of which the land housing the commercial activity is a part. Retail sales of products or services to the general public that take place on a parcel or tract that is different from the parcel or tract on which agricultural product is processed, such as a tasting room with no on-site winery, are not commercial activities in conjunction with farm use.

Section 3.9040. Mineral, Aggregate, Oil And Gas Uses

- 1) Facilities that batch and blend mineral and aggregate into asphalt cement may not be authorized within two miles of a planted vineyard. Planted vineyard means one or more vineyards totaling 40 acres or more that are planted as of the date the application for batching and blending is filed.
- 2) Mining, crushing or stockpiling of aggregate and other mineral and subsurface resources are subject to the following:
 - (A) A land use permit is required for mining more than one thousand (1,000) cubic yards of material or excavation preparatory to mining of a surface area of more than one (1) acre.
 - (B) A land use permit for mining of aggregate shall be issued only for a site included on the mineral and aggregate inventory in an acknowledged Comprehensive Plan.

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Section 3.9050. Transportation Uses

- 1) A personal-use airport, as used in this Section, prohibits aircraft other than those owned or controlled by the owner of the airstrip. Exceptions to the activities allowed under this definition may be granted through waiver action by the Oregon Department of Aviation in specific instances. A personal-use airport lawfully existing as of September 13, 1975, shall continue to be allowed subject to any applicable rules of the Oregon Department of Aviation.

Section 3.9060. Utility/Solid Waste Disposal Facilities

- 1) Subject to the issuance of a license, permit or other approval by the Department of Environmental Quality under ORS 454.695, 459.205, 468B.050, 468B.053 or 468B.055, or in compliance with rules adopted under 468B.095, and with the requirements of ORS 215.246, 215.247, 215.249 and 215.251, the land application of reclaimed water, agricultural process or industrial process water or biosolids, or the onsite treatment of septage prior to the land application of biosolids, for agricultural, horticultural or silvicultural production, or for irrigation in connection with a use allowed in an exclusive farm use zone under this division is allowed. For the purposes of this section, onsite treatment of septage prior to the land application of biosolids is limited to treatment using facilities that are portable, temporary and transportable by truck trailer, as defined in ORS 801.580, during a period of time which land application of biosolids is authorized under the license, permit or other approval.
- 2) Utility facility service lines are utility lines and accessory facilities or structures that end at the point where the utility service is received by the customer and that are located on one or more of the following:
 - (A) A public right of way;
 - (B) Land immediately adjacent to a public right of way, provided the written consent of all adjacent property owners has been obtained; or
 - (C) The property to be served by the utility.
- 3) A utility facility that is necessary for public service.
 - (A) A utility facility is necessary for public service if the facility must be sited in the exclusive farm use zone in order to provide the service.
 1. To demonstrate that a utility facility is necessary, an applicant must show that reasonable alternatives have been considered and that the facility must be sited in an exclusive farm use zone due to one or more of the following factors:
 - a) Technical and engineering feasibility;
 - b) The proposed facility is locationally-dependent. A utility facility is locationally-dependent if it must cross land in one or more areas zoned for exclusive farm use in order to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands;
 - c) Lack of available urban and nonresource lands;
 - d) Availability of existing rights of way;

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- e) Public health and safety; and
 - f) Other requirements of state and federal agencies.
 - 2. Costs associated with any of the factors listed in Subsection (1 of this subsection may be considered, but cost alone may not be the only consideration in determining that a utility facility is necessary for public service. Land costs shall not be included when considering alternative locations for substantially similar utility facilities and the siting of utility facilities that are not substantially similar.
 - 3. The owner of a utility facility approved under Subsection (A) shall be responsible for restoring, as nearly as possible, to its former condition any agricultural land and associated improvements that are damaged or otherwise disturbed by the siting, maintenance, repair or reconstruction of the facility. Nothing in this Subsection shall prevent the owner of the utility facility from requiring a bond or other security from a contractor or otherwise imposing on a contractor the responsibility for restoration.
 - 4. The county shall impose clear and objective conditions on an application for utility facility siting to mitigate and minimize the impacts of the proposed facility, if any, on surrounding lands devoted to farm use in order to prevent a significant change in accepted farm practices or a significant increase in the cost of farm practices on surrounding farmlands.
 - 5. Utility facilities necessary for public service may include on-site and off-site facilities for temporary workforce housing for workers constructing a utility facility. Such facilities must be removed or converted to an allowed use under the EFU Zone or other statute or rule when project construction is complete. Off-site facilities allowed under this Subsection are subject to Subsection S3.509 Conditional Use Review Criteria. Temporary workforce housing facilities not included in the initial approval may be considered through a minor amendment request. A minor amendment request shall have no effect on the original approval.
 - 6. In addition to the provisions of Section S3.5013)(A)1 through 4, the establishment or extension of a sewer system as defined by OAR 660-011-0060(1)(f) shall be subject to the provisions of 660-011-0060.
- (B) An associated transmission line is necessary for public service upon demonstration that the associated transmission line meets either the following requirements of Subsection 1 or Subsection 2 of this Subsection.
- 1. An applicant demonstrates that the entire route of the associated transmission line meets at least one of the following requirements:
 - a) The associated transmission line is not located on high-value farmland, as defined in ORS 195.300, or on arable land;

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- b) The associated transmission line is co-located with an existing transmission line;
 - c) The associated transmission line parallels an existing transmission line corridor with the minimum separation necessary for safety; or
 - d) The associated transmission line is located within an existing right of way for a linear facility, such as a transmission line, road or railroad, that is located above the surface of the ground.
- 2. After an evaluation of reasonable alternatives, an applicant demonstrates that the entire route of the associated transmission line meets, subject to Sections S3.5013)(B)3 and 4, two or more of the following criteria:
 - a) Technical and engineering feasibility;
 - b) The associated transmission line is locationally-dependent because the associated transmission line must cross high-value farmland, as defined in ORS 195.300, or arable land to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands;
 - c) Lack of an available existing right of way for a linear facility, such as a transmission line, road or railroad, that is located above the surface of the ground;
 - d) Public health and safety; or
 - e) Other requirements of state or federal agencies.
- 3. As pertains to Subsection 2, the applicant shall demonstrate how the applicant will mitigate and minimize the impacts, if any, of the associated transmission line on surrounding lands devoted to farm use in order to prevent a significant change in accepted farm practices or a significant increase in the cost of farm practices on the surrounding farmland.
- 4. The county may consider costs associated with any of the factors listed in Subsection 2, but consideration of cost may not be the only consideration in determining whether the associated transmission line is necessary for public service.
- 4) Composting operations and facilities shall meet the performance and permitting requirements of the Department of Environmental Quality under OAR 340-093-0050 and 340-096-0060. Buildings and facilities used in conjunction with the composting operation shall only be those required for the operation of the subject facility. Onsite sales shall be limited to bulk loads of at least one unit (7.5 cubic yards) in size that are transported in one vehicle. This use is not permitted on high value farmland except that existing facilities on high value farmland may be expanded subject to Section S3.5013).
 - (A) Compost facility operators must prepare, implement and maintain a site-specific Odor Minimization Plan that:

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1. Meets the requirements of OAR 340-096-0150;
 2. Identifies the distance of the proposed operation to the nearest residential zone;
 3. Includes a complaint response protocol;
 4. Is submitted to the DEQ with the required permit application; and
 5. May be subject to annual review by the county to determine if any revisions are necessary.
- (B) Compost operations subject to Section S3.5014)(A) include:
1. A new disposal site for composting that sells, or offers for sale, resulting product; or
 2. An existing disposal site for composting that sells, or offers for sale, resulting product that:
 3. Accepts as feedstock nonvegetative materials, including dead animals, meat, dairy products and mixed food waste (type 3 feedstock); or
 4. Increases the permitted annual tonnage of feedstock used by the disposal site by an amount that requires a new land use approval.
- 5) Solid waste disposal facilities shall meet the performance and permitting requirements of the Department of Environmental Quality under ORS 459.245, shall meet the requirements of Section 3.9090 and shall comply with the following requirements.
- (A) The facility shall be designed to minimize conflicts with existing and permitted uses allowed under plan designations for adjacent parcels as outlined in policies of the Comprehensive Plan.
- (B) The facility must be of a size and design to minimize noise or other detrimental effects when located adjacent to farm, forest and grazing dwellings(s) or a residential zone.
- (C) The facility shall be fenced when the site is located adjacent to dwelling(s) or a residential zone and landscaping, buffering and/or screening shall be provided.
- (D) The facility does not constitute an unnecessary fire hazard. If located in a forested area, the county shall condition approval to ensure that minimum fire safety measures will be taken, which may include but are not limited to the following:
1. The area surrounding the facility is kept free from litter and debris.
 2. Fencing will be installed around the facility, if deemed appropriate to protect adjacent farm crops or timber stand.
 3. If the proposed facility is located in a forested area, construction materials shall be fire resistant or treated with a fire retardant substance and the applicant will be required to remove forest fuels within 30 feet of structures.
- (E) The facility shall adequately protect fish and wildlife resources by meeting minimum Oregon State Department of Forestry regulations.
- (F) Access roads or easements for the facility shall be improved to the

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- county's Transportation System Plan standards and comply with grades recommended by the Public Works Director.
- (G) Road construction for the facility must be consistent with the intent and purposes set forth in the Oregon Forest Practices Act to minimize soil disturbance and help maintain water quality.
 - (H) Hours of operation for the facility shall be limited to 8 am – 7 pm.
 - (I) Comply with other conditions deemed necessary.

Section 3.9070. Parks/Public/Quasi-Public

- 1) Buildings and facilities associated with a site for the takeoff and landing of model aircraft shall not be more than 500 square feet in floor area or placed on a permanent foundation unless the building or facility preexisted the use approved under this Section. The site shall not include an aggregate surface or hard surface area unless the surface preexisted the use approved under this Section. An owner of property used for the purpose authorized in this Section may charge a person operating the use on the property rent for the property. An operator may charge users of the property a fee that does not exceed the operator's cost to maintain the property, buildings and facilities. As used in this Section, "model aircraft" means a small-scale version of an airplane, glider, helicopter, dirigible or balloon that is used or intended to be used for flight and is controlled by radio, lines or design by a person on the ground.
- 2) A living history museum shall be related to resource based activities and shall be owned and operated by a governmental agency or a local historical society. A living history museum may include limited commercial activities and facilities that are directly related to the use and enjoyment of the museum and located within authentic buildings of the depicted historic period or the museum administration building, if areas other than an exclusive farm use zone cannot accommodate the museum and related activities or if the museum administration buildings and parking lot are located within one quarter mile of an urban growth boundary. "Local historical society" means the local historical society, recognized as such by the county governing body and organized under ORS Chapter 65.
- 3) A community center may provide services to veterans, including but not limited to emergency and transitional shelter, preparation and service of meals, vocational and educational counseling and referral to local, state or federal agencies providing medical, mental health, disability income replacement and substance abuse services, only in a facility that is in existence on January 1, 2006. The services may not include direct delivery of medical, mental health, disability income replacement or substance abuse services.
- 4) Public parks may include:
 - (A) All outdoor recreation uses allowed under ORS 215.213 or 215.283.
 - (B) The following uses, if authorized in a local or park master plan that is adopted as part of the local comprehensive plan, or if authorized in a state park master plan that is adopted by OPRD:
 - 1. Campground areas: recreational vehicle sites; tent sites; camper

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- cabins; yurts; teepees; covered wagons; group shelters; campfire program areas; camp stores;
 - 2. Day use areas: picnic shelters, barbecue areas, swimming areas (not swimming pools), open play fields, play structures;
 - 3. Recreational trails: walking, hiking, biking, horse, or motorized off-road vehicle trails; trail staging areas;
 - 4. Boating and fishing facilities: launch ramps and landings, docks, moorage facilities, small boat storage, boating fuel stations, fish cleaning stations, boat sewage pumpout stations;
 - 5. Amenities related to park use intended only for park visitors and employees: laundry facilities; recreation shops; snack shops not exceeding 1500 square feet of floor area;
 - 6. Support facilities serving only the park lands wherein the facility is located: water supply facilities, sewage collection and treatment facilities, storm water management facilities, electrical and communication facilities, restrooms and showers, recycling and trash collection facilities, registration buildings, roads and bridges, parking areas and walkways;
 - 7. Park Maintenance and Management Facilities located within a park: maintenance shops and yards, fuel stations for park vehicles, storage for park equipment and supplies, administrative offices, staff lodging; and
 - 8. Natural and cultural resource interpretative, educational and informational facilities in state parks: interpretative centers, information/orientation centers, self-supporting interpretative and informational kiosks, natural history or cultural resource museums, natural history or cultural educational facilities, reconstructed historic structures for cultural resource interpretation, retail stores not exceeding 1500 square feet for sale of books and other materials that support park resource interpretation and education.
- (C) Visitor lodging and retreat facilities if authorized in a state park master plan that is adopted by OPRD: historic lodges, houses or inns and the following associated uses in a state park retreat area only:
- 1. Meeting halls not exceeding 2000 square feet of floor area;
 - 2. Dining halls (not restaurants).
- 5) Schools as formerly allowed pursuant to ORS 215.283(1)(a) that were established on or before January 1, 2009, may be expanded if:
- (A) The Conditional Use Review Criteria in Section 3.9090 are met; and
 - (B) The expansion occurs on the tax lot on which the use was established on or before January 1, 2009 or a tax lot that is contiguous to the tax lot and that was owned by the applicant on January 1, 2009.
- 6) Private Campgrounds are subject to the following:
- (A) Except on a lot or parcel contiguous to a lake or reservoir, private campgrounds shall not be allowed within three miles of an urban growth

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boundary unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4. A campground shall be designed and integrated into the rural agricultural and forest environment in a manner that protects the natural amenities of the site and provides buffers of existing native trees and vegetation or other natural features between campsites. Campgrounds shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations. Overnight temporary use in the same campground by a camper or camper's vehicle shall not exceed a total of 30 days during any consecutive six-month period.

- (B) Campsites may be occupied by a tent, travel trailer, yurt or recreational vehicle. Separate sewer, water or electric service hook-ups shall not be provided to individual camp sites except that electrical service may be provided to yurts allowed by Subsection (C).
 - (C) A private campground may provide yurts for overnight camping. No more than one-third or a maximum of 10 campsites, whichever is smaller, may include a yurt. The yurt shall be located on the ground or on a wood floor with no permanent foundation.
- 7) Accessory uses provided as part of a golf course shall be limited consistent with the following standards:
- (A) An accessory use to a golf course is a facility or improvement that is incidental to the operation of the golf course and is either necessary for the operation and maintenance of the golf course or that provides goods or services customarily provided to golfers at a golf course. An accessory use or activity does not serve the needs of the non-golfing public. Accessory uses to a golf course may include: Parking; maintenance buildings; cart storage and repair; practice range or driving range; clubhouse; restrooms; lockers and showers; food and beverage service; pro shop; a practice or beginners course as part of an 18 hole or larger golf course; or golf tournament. Accessory uses to a golf course do not include: Sporting facilities unrelated to golfing such as tennis courts, swimming pools, and weight rooms; wholesale or retail operations oriented to the non-golfing public; or housing;
 - (B) Accessory uses shall be limited in size and orientation on the site to serve the needs of persons and their guests who patronize the golf course to golf. An accessory use that provides commercial services (e.g., pro shop, etc.) shall be located in the clubhouse rather than in separate buildings; and
 - (C) Accessory uses may include one or more food and beverage service facilities in addition to food and beverage service facilities located in a clubhouse. Food and beverage service facilities must be part of, and incidental to, the operation of the golf course and must be limited in size and orientation on the site to serve only the needs of persons who patronize the golf course and their guests. Accessory food and beverage

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service facilities shall not be designed for or include structures for banquets, public gatherings or public entertainment.

Section 3.9080. General Standards

- 1) Three-mile setback. For uses subject to this Subsection:
 - (A) No enclosed structure with a design capacity greater than 100 people, or group of structures with a total design capacity of greater than 100 people, shall be approved in connection with the use within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4, or unless the structure is described in a master plan adopted under the provisions of OAR chapter 660, division 34.
 - (B) Any enclosed structures or group of enclosed structures described in Subsection (A) within a tract must be separated by at least one-half mile. For purposes of this Subsection, "tract" means a tract that is in existence as of June 17, 2010.
 - (C) Existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law, but enclosed existing structures within a farm use zone within three miles of an urban growth boundary may not be expanded beyond the requirements of this ordinance.
- 2) Single-family dwelling deeds. The landowner shall sign and record in the deed records for the county a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.
- 3) Expansion standards. Existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law. An existing golf course may be expanded consistent with the requirements of Section 3.9090 and [Section 4.3100\(22\)](#).

Section 3.9090. Conditional Use Review Criteria

- 1) These requirements are designed to make the use compatible with forest operations and agriculture and to conserve values found on forest lands. The use will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; and
- 2) The use will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.
- 3) The proposed use will be compatible with vicinity uses, and satisfies all relevant requirements of this ordinance and the following general criteria:
 - (A) The use is consistent with those goals and policies of the Comprehensive Plan which apply to the proposed use;
 - (B) The parcel is suitable for the proposed use considering its size, shape,

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- (C) location, topography, existence of improvements and natural features; The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs or prevents the use of surrounding properties for the permitted uses listed in the underlying zoning district;
- (D) The proposed use is appropriate, considering the adequacy of public facilities and services existing or planned for the area affected by the use; and
- (E) The use is or can be made compatible with existing uses and other allowable uses in the area.

Section 3.9100. Dwellings Customarily Provided in Conjunction with Farm Use

- 1) Large Tract Standards. On land not identified as high-value farmland as defined in Section 1.0500, a dwelling may be considered customarily provided in conjunction with farm use if:
 - (A) The parcel on which the dwelling will be located is at least 160 acres.
 - (B) The subject tract is currently employed for farm use.
 - (C) The dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the subject tract, such as planting, harvesting, marketing or caring for livestock, at a commercial scale.
 - (D) Except for seasonal farmworker housing approved prior to 2001, there is no other dwelling on the subject tract.
- 2) Farm Income Standards (non-high value). On land not identified as high-value farmland, a dwelling may be considered customarily provided in conjunction with farm use if:
 - (A) The subject tract is currently employed for the farm use on which, in each of the last two years or three of the last five years, or in an average of three of the last five years, the farm operator earned the lower of the following:
 1. At least \$40,000 in gross annual income from the sale of farm products; or
 2. Gross annual income of at least the midpoint of the median income range of gross annual sales for farms in the county with gross annual sales of \$10,000 or more according to the 1992 Census of Agriculture, Oregon; and
 - (B) Except for seasonal farmworker housing approved prior to 2001, there is no other dwelling on lands designated for exclusive farm use pursuant to ORS Chapter 215 owned by the farm or ranch operator or on the farm or ranch operation;
 - (C) The dwelling will be occupied by a person or persons who produced the commodities that grossed the income in Subsection (A); and
 - (D) In determining the gross income required by Subsection (A):
 1. The cost of purchased livestock shall be deducted from the total gross income attributed to the farm or ranch operation;

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2. Only gross income from land owned, not leased or rented, shall be counted; and
 3. Gross farm income earned from a lot or parcel that has been used previously to qualify another lot or parcel for the construction or siting of a primary farm dwelling may not be used.
- 3) Farm Income Standards (high-value). On land identified as high-value farmland, a dwelling may be considered customarily provided in conjunction with farm use if:
 - (A) The subject tract is currently employed for the farm use on which the farm operator earned at least \$80,000 in gross annual income from the sale of farm products in each of the last two years or three of the last five years, or in an average of three of the last five years; and
 - (B) Except for seasonal farmworker housing approved prior to 2001, there is no other dwelling on lands designated for exclusive farm use owned by the farm or ranch operator or on the farm or ranch operation; and
 - (C) The dwelling will be occupied by a person or persons who produced the commodities that grossed the income in Subsection (A);
 - (D) In determining the gross income required by Subsection (A):
 1. The cost of purchased livestock shall be deducted from the total gross income attributed to the farm or ranch operation;
 2. Only gross income from land owned, not leased or rented, shall be counted; and
 3. Gross farm income earned from a lot or parcel that has been used previously to qualify another lot or parcel for the construction or siting of a primary farm dwelling may not be used.
- 4) Farm Capability Standards.
 - (A) On land not identified as high-value farmland, a dwelling may be considered customarily provided in conjunction with farm use if:
 1. The subject tract is at least as large as the median size of those commercial farm or ranch tracts capable of generating at least \$10,000 in annual gross sales that are located within a study area that includes all tracts wholly or partially within one mile from the perimeter of the subject tract;
 2. The subject tract is capable of producing at least the median level of annual gross sales of county indicator crops as the same commercial farm or ranch tracts used to calculate the tract size in Subsection 1;
 3. The subject tract is currently employed for a farm use at a level capable of producing the annual gross sales required in Subsection 1;
 4. The subject lot or parcel on which the dwelling is proposed is not less than 10 acres;
 5. Except for seasonal farmworker housing approved prior to 2001, there is no other dwelling on the subject tract;

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6. The dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the subject tract, such as planting, harvesting, marketing or caring for livestock, at a commercial scale; and
 7. If no farm use has been established at the time of application, land use approval shall be subject to a condition that no building permit may be issued prior to the establishment of the farm use required by Subsection 3.
 8. In determining the gross sales capability required by Subsection 3:
 - a) The actual or potential cost of purchased livestock shall be deducted from the total gross sales attributed to the farm or ranch tract;
 - b) Only actual or potential sales from land owned, not leased or rented, shall be counted; and
 - c) actual or potential gross farm sales earned from a lot or parcel that has been used previously to qualify another lot or parcel for the construction or siting of a primary farm dwelling may not be used.
- (B) In order to identify the commercial farm or ranch tracts to be used in Subsection 1, the potential gross sales capability of each tract in the study area, including the subject tract, must be determined, using the gross sales figures prepared by the county pursuant to OAR 660-033-0135(2)(c).
- 5) Additional Farm Income Standards.
- (A) For the purpose of Subsections 2) or 3), noncontiguous lots or parcels zoned for farm use in the same county or contiguous counties may be used to meet the gross income requirements. Lots or parcels in eastern or western Oregon may not be used to qualify a dwelling in the other part of the state.
- (B) Prior to the final approval for a dwelling authorized by Subsections 2) and 3) that requires one or more contiguous or non-contiguous lots or parcels of a farm or ranch operation to comply with the gross farm income requirements, the applicant shall complete and record with the county clerk the covenants, conditions, and restrictions form provided by the county (Exhibit A to OAR Chapter 660 Division 33). The covenants, conditions and restrictions shall be recorded for each lot or parcel subject to the application for the primary farm dwelling and shall preclude:
1. All future rights to construct a dwelling except for accessory farm dwellings, relative farm assistance dwellings, temporary hardship dwellings or replacement dwellings allowed by ORS Chapter 215; and
 2. The use of any gross farm income earned on the lots or parcels to qualify another lot or parcel for a primary farm dwelling.
- (C) The covenants, conditions and restrictions are irrevocable, unless a

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statement of release is signed by an authorized representative of the county or counties where the property subject to the covenants, conditions and restrictions is located;

- 6) Commercial Dairy Farm Standards. A dwelling may be considered customarily provided in conjunction with a commercial dairy farm and capable of earning the gross annual income requirements by Subsections 2) or 3) above, subject to the following requirements:
 - (A) The subject tract will be employed as a commercial dairy as defined in Subsection (G);
 - (B) The dwelling is sited on the same lot or parcel as the buildings required by the commercial dairy;
 - (C) Except for seasonal farmworker housing approved prior to 2001, there is no other dwelling on the subject tract;
 - (D) The dwelling will be occupied by a person or persons who will be principally engaged in the operation of the commercial dairy farm, such as the feeding, milking or pasturing of the dairy animals or other farm use activities necessary to the operation of the commercial dairy farm;
 - (E) The building permits, if required, have been issued for and construction has begun for the buildings and animal waste facilities required for a commercial dairy farm; and
 - (F) The Oregon Department of Agriculture has approved the following:
 1. A permit for a "confined animal feeding operation" under ORS 468B.050 and 468B.200 to 468B.230; and
 2. A Producer License for the sale of dairy products under ORS 621.072.
 - (G) As used in this Section, "commercial dairy farm" is a dairy operation that owns a sufficient number of producing dairy animals capable of earning the gross annual income required by Subsections 2) or 3), whichever is applicable, from the sale of fluid milk.
- 7) Relocated Farm Operations. A dwelling may be considered customarily provided in conjunction with farm use if:
 - (A) Within the previous two years, the applicant owned and operated a different farm or ranch operation that earned the gross farm income in each of the last five years or four of the last seven years as required by Subsection 2) or 3), whichever is applicable;
 - (B) The subject lot or parcel on which the dwelling will be located is:
 1. Currently employed for the farm use that produced in each of the last two years or three of the last five years, or in an average of three of the last five years the gross farm income required by Subsection 2) or 3), whichever is applicable; and
 2. At least the size of the applicable minimum lot size under **Section 4.3100**;
 - (C) Except for seasonal farmworker housing approved prior to 2001, there is no other dwelling on the subject tract;

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- (D) The dwelling will be occupied by a person or persons who produced the commodities that grossed the income in Subsection (A); and
- (E) In determining the gross income required by Subsection (A) and Subsection (B):
 - 1. The cost of purchased livestock shall be deducted from the total gross income attributed to the tract; and
 - 2. Only gross income from land owned, not leased or rented, shall be counted.
- 8) Farming of a marijuana crop, and the gross sales derived from selling a marijuana crop, may not be used to demonstrate compliance with the approval criteria for a primary farm dwelling.

Section 3.9110. Accessory Farm Dwellings

- 1) Accessory farm dwellings may be considered customarily provided in conjunction with farm use if each accessory farm dwelling meets all the following requirements:
 - (A) The accessory farm dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land and whose seasonal or year-round assistance in the management of the farm use, such as planting, harvesting, marketing or caring for livestock, is or will be required by the farm operator;
 - (B) The accessory farm dwelling will be located:
 - 1. On the same lot or parcel as the primary farm dwelling;
 - 2. On the same tract as the primary farm dwelling when the lot or parcel on which the accessory farm dwelling will be sited is consolidated into a single parcel with all other contiguous lots and parcels in the tract;
 - 3. On a lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is limited to only a manufactured dwelling with a deed restriction. The deed restriction shall be filed with the county clerk and require the manufactured dwelling to be removed when the lot or parcel is conveyed to another party. The manufactured dwelling may remain if it is reapproved under these provisions;
 - 4. On any lot or parcel, when the accessory farm dwelling is limited to only attached multi-unit residential structures allowed by the applicable state building code or similar types of farmworker housing as that existing on farm or ranch operations registered with the Department of Consumer and Business Services, Oregon Occupational Safety and Health Division under ORS 658.750. A county shall require all accessory farm dwellings approved under this Subsection to be removed, demolished or converted to a nonresidential use when farmworker housing is no longer required. "Farmworker housing" shall have the meaning set forth in 215.278

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- and not the meaning in 315.163; or
- 5. On a lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is located on a lot or parcel at least the size of the applicable minimum lot size under ORS 215.780 and the lot or parcel complies with the gross farm income requirements in OAR 660-033-0135(3) or (4), whichever is applicable; and
- (C) There is no other dwelling on the lands designated for exclusive farm use owned by the farm operator that is vacant or currently occupied by persons not working on the subject farm or ranch and that could reasonably be used as an accessory farm dwelling.
- 2) In addition to the requirements in Subsection 1), the primary farm dwelling to which the proposed dwelling would be accessory, meets one of the following:
 - (A) On land not identified as high-value farmland, the primary farm dwelling is located on a farm or ranch operation that is currently employed for farm use, as defined in ORS 215.203, on which, in each of the last two years or three of the last five years or in an average of three of the last five years, the farm operator earned the lower of the following:
 - 1. At least \$40,000 in gross annual income from the sale of farm products. In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract; or
 - 2. Gross annual income of at least the midpoint of the median income range of gross annual sales for farms in the county with gross annual sales of \$10,000 or more according to the 1992 Census of Agriculture, Oregon. In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract;
 - (B) On land identified as high-value farmland, the primary farm dwelling is located on a farm or ranch operation that is currently employed for farm use, as defined in ORS 215.203, on which the farm operator earned at least \$80,000 in gross annual income from the sale of farm products in each of the last two years or three of the last five years or in an average of three of the last five years. In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract; or
 - (C) It is located on a commercial dairy farm as defined in [Section 3.510\(6\)\(g\)](#); and
 - 1. The building permits, if required, have been issued and construction has begun or been completed for the buildings and animal waste facilities required for a commercial dairy farm;
 - 2. The Oregon Department of Agriculture has approved a permit for a "confined animal feeding operation" under ORS 468B.050 and 468B.200 to 468B.230; and

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3. A Producer License for the sale of dairy products under ORS 621.072.
- 3) No division of a lot or parcel for an accessory farm dwelling shall be approved pursuant to this Subsection. If it is determined that an accessory farm dwelling satisfies the requirements of this ordinance, a parcel may be created consistent with the minimum parcel size requirements in [Section 4.3100\(1\)](#).
- 4) An accessory farm dwelling approved pursuant to this Section cannot later be used to satisfy the requirements for a dwelling not provided in conjunction with farm use pursuant to [Section 4.3100\(23\)](#).
- 5) For purposes of this Subsection, "accessory farm dwelling" includes all types of residential structures allowed by the applicable state building code.
- 6) Farming of a marijuana crop shall not be used to demonstrate compliance with the approval criteria for an accessory farm dwelling.
- 7) No accessory farm dwelling unit may be occupied by a relative of the owner or operator of the farmworker housing. "Relative" means a spouse of the owner or operator or an ancestor, lineal descendant or whole or half sibling of the owner or operator or the spouse of the owner or operator.

Section 3.9120. Lot of Record Dwellings

- 1) A lot of record dwelling may be approved on a pre-existing lot or parcel if:
 - (A) The lot or parcel on which the dwelling will be sited was lawfully created and was acquired and owned continuously by the present owner as defined in Subsection 5):
 1. Prior to January 1, 1985; or
 2. By devise or by intestate succession from a person who acquired and had owned continuously the lot or parcel prior to January 1, 1985.
 - (B) The tract on which the dwelling will be sited does not include a dwelling;
 - (C) The lot or parcel on which the dwelling will be sited was part of a tract on November 4, 1993, no dwelling exists on another lot or parcel that was part of that tract;
 - (D) The proposed dwelling is not prohibited by, and will comply with, the requirements of the acknowledged comprehensive plan and land use regulations and other provisions of law;
 - (E) The lot or parcel on which the dwelling will be sited is not high-value farmland except as provided in Subsections 3) and 4); and
 - (F) When the lot or parcel on which the dwelling will be sited lies within an area designated in the comprehensive plan as habitat of big game, the siting of the dwelling is consistent with the limitations on density upon which the acknowledged comprehensive plan and land use regulations intended to protect the habitat are based.
- 2) When the lot or parcel on which the dwelling will be sited is part of a tract, the remaining portions of the tract are consolidated into a single lot or parcel when the dwelling is allowed;

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- 3) Notwithstanding the requirements of Section S3.5011)(E), a single-family dwelling may be sited on high-value farmland if:
- (A) It meets the other requirements of Subsections 1) and 2);
 - (B) The lot or parcel is protected as high-value farmland as defined in OAR 660-033-0020(8)(a);
 - (C) The county determines that:
 - 1. The lot or parcel cannot practicably be managed for farm use, by itself or in conjunction with other land, due to extraordinary circumstances inherent in the land or its physical setting that do not apply generally to other land in the vicinity.
 - a) For the purposes of this Section, this criterion asks whether the subject lot or parcel can be physically put to farm use without undue hardship or difficulty because of extraordinary circumstances inherent in the land or its physical setting. Neither size alone nor a parcel's limited economic potential demonstrates that a lot or parcel cannot be practicably managed for farm use.
 - b) Examples of "extraordinary circumstances inherent in the land or its physical setting" include very steep slopes, deep ravines, rivers, streams, roads, railroad or utility lines or other similar natural or physical barriers that by themselves or in combination separate the subject lot or parcel from adjacent agricultural land and prevent it from being practicably managed for farm use by itself or together with adjacent or nearby farms.
 - c) A lot or parcel that has been put to farm use despite the proximity of a natural barrier or since the placement of a physical barrier shall be presumed manageable for farm use;
 - 2. The dwelling will comply with the provisions of Section 3.9090; and
 - 3. The dwelling will not materially alter the stability of the overall land use pattern in the area by applying the standards set forth in Section 3.9130(2).
- 4) Notwithstanding the requirements of Section S3.5011)(E), a single-family dwelling may be sited on high-value farmland if:
- (A) It meets the other requirements of Subsections 1) and 2);
 - (B) The tract on which the dwelling will be sited is:
 - 1. Identified in OAR 660-033-0020(8)(d);
 - 2. Not high-value farmland defined in subsection 1 of the High-Value Farmland definition in Section 1.0500; and
 - 3. Twenty-one acres or less in size; and
 - (C) The tract is bordered on at least 67 percent of its perimeter by tracts that are smaller than 21 acres, and at least two such tracts had dwellings on January 1, 1993; or
 - (D) The tract is not a flag lot and is bordered on at least 25 percent of its

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perimeter by tracts that are smaller than 21 acres, and at least four dwellings existed on January 1, 1993, within one-quarter mile of the center of the subject tract. Up to two of the four dwellings may lie within an urban growth boundary, but only if the subject tract abuts an urban growth boundary; or

- (E) The tract is a flag lot and is bordered on at least 25 percent of its perimeter by tracts that are smaller than 21 acres, and at least four dwellings existed on January 1, 1993, within one-quarter mile of the center of the subject tract and on the same side of the public road that provides access to the subject tract. The governing body of a county must interpret the center of the subject tract as the geographic center of the flag lot if the applicant makes a written request for that interpretation and that interpretation does not cause the center to be located outside the flag lot. Up to two of the four dwellings may lie within an urban growth boundary, but only if the subject tract abuts an urban growth boundary:
1. "Flag lot" means a tract containing a narrow strip or panhandle of land providing access from the public road to the rest of the tract.
 2. "Geographic center of the flag lot" means the point of intersection of two perpendicular lines of which the first line crosses the midpoint of the longest side of a flag lot, at a 90-degree angle to the side, and the second line crosses the midpoint of the longest adjacent side of the flag lot.
- 5) For purposes of Subsection 1), "owner" includes the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent or grandchild of the owner or a business entity owned by any one or a combination of these family members;
- 6) The county assessor shall be notified that the governing body intends to allow the dwelling.
- 7) An approved single-family dwelling under this Section may be transferred by a person who has qualified under this Section to any other person after the effective date of the land use decision.
- 8) The county shall provide notice of all applications for lot of record dwellings on high value farmland to the State Department of Agriculture. Notice shall be provided in accordance with land use regulations and shall be mailed at least 20 calendar days prior to the public hearing.

Section 3.9130. Dwellings Not in Conjunction with Farm Use

Non-farm dwelling. A non-farm dwelling is subject to the following requirements:

- 1) The dwelling or activities associated with the dwelling will not force a significant change in or significantly increase the cost of accepted farming or forest practices on nearby lands devoted to farm or forest use;
 - (A) The dwelling is situated upon a new parcel, or a portion of an existing lot or parcel, that is generally unsuitable land for the production of farm crops

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and livestock or merchantable tree species, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the tract. A new parcel or portion of an existing lot or parcel shall not be considered unsuitable solely because of size or location if it can reasonably be put to farm or forest use in conjunction with other land; and

- (B) A new parcel or portion of an existing lot or parcel is not "generally unsuitable" simply because it is too small to be farmed profitably by itself. If a parcel or portion of a lot or parcel can be sold, leased, rented or otherwise managed as a part of a commercial farm or ranch, then it is not "generally unsuitable." A new parcel or portion of an existing lot or parcel is presumed to be suitable if it is composed predominantly of Class I-IV soils. Just because a new parcel or portion of an existing lot or parcel is unsuitable for one farm use does not mean it is not suitable for another farm use; or
 - (C) If the lot or parcel is under forest assessment, the dwelling shall be situated upon generally unsuitable land for the production of merchantable tree species recognized by the Forest Practices Rules, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the parcel. If a lot or parcel is under forest assessment, the area is not "generally unsuitable" simply because it is too small to be managed for forest production profitably by itself. If a lot or parcel under forest assessment can be sold, leased, rented or otherwise managed as a part of a forestry operation, it is not "generally unsuitable". If a lot or parcel is under forest assessment, it is presumed suitable if it is composed predominantly of soils capable of producing 50 cubic feet of wood fiber per acre per year. If a lot or parcel is under forest assessment, to be found compatible and not seriously interfere with forest uses on surrounding land it must not force a significant change in forest practices or significantly increase the cost of those practices on the surrounding land.
- 2) The dwelling will not materially alter the stability of the overall land use pattern of the area. In determining whether a proposed nonfarm dwelling will alter the stability of the land use pattern in the area, a county shall consider the cumulative impact of nonfarm dwellings on other lots or parcels in the area similarly situated by applying the standards set forth in (A) through (C) below. If the application involves the creation of a new parcel for the nonfarm dwelling, a county shall consider whether creation of the parcel will lead to creation of other nonfarm parcels, to the detriment of agriculture in the area by applying the standards set forth in (A) through (C) below;
- (A) Identify a study area for the cumulative impacts analysis. The study area shall include at least 2,000 acres or a smaller area not less than 1,000 acres, if the smaller area is a distinct agricultural area based on topography, soil types, land use pattern, or the type of farm or ranch

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operations or practices that distinguish it from other, adjacent agricultural areas. Findings shall describe the study area, its boundaries, the location of the subject parcel within this area, why the selected area is representative of the land use pattern surrounding the subject parcel and is adequate to conduct the analysis required by this standard. Lands zoned for rural residential or other urban or nonresource uses shall not be included in the study area;

- (B) Identify within the study area the broad types of farm uses (irrigated or non-irrigated crops, pasture or grazing lands), the number, location and type of existing dwellings (farm, nonfarm, hardship, etc.), and the dwelling development trends since 1993. Determine the potential number of nonfarm/lot-of-record dwellings that could be approved under Sections 3.9120(1) and 3.9130, including identification of predominant soil classifications, the parcels created prior to January 1, 1993 and the parcels larger than the minimum lot size that may be divided to create new parcels for nonfarm dwellings under ORS 215.263(4). The findings shall describe the existing land use pattern of the study area including the distribution and arrangement of existing uses and the land use pattern that could result from approval of the possible nonfarm dwellings under this Subsection; and
 - (C) Determine whether approval of the proposed nonfarm/lot-of-record dwellings together with existing nonfarm dwellings will materially alter the stability of the land use pattern in the area. The stability of the land use pattern will be materially altered if the cumulative effect of existing and potential nonfarm dwellings will make it more difficult for the existing types of farms in the area to continue operation due to diminished opportunities to expand, purchase or lease farmland, acquire water rights or diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the study area; and
- 3) If a single-family dwelling is established on a lot or parcel as set forth in 3.9120 or 3.9190(1) through (3), no additional dwelling may later be sited under the provisions of this Section.

Section 3.9140. Alteration, Restoration or Replacement Of A Lawfully-Established Dwelling

- 1) A lawfully established dwelling may be altered, restored or replaced if, when an application for a permit is submitted, the permitting authority finds to its satisfaction, based on substantial evidence that:
 - (A) The dwelling to be altered, restored or replaced has, or formerly had:
 - 1. Intact exterior walls and roof structure;
 - 2. Indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;
 - 3. Interior wiring for interior lights;
 - 4. A heating system; and

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5. The dwelling was assessed as a dwelling for purposes of ad valorem taxation for the previous five property tax years, or, if the dwelling has existed for less than five years, from that time.
- (B) Notwithstanding Section S3.5011)(A)5, if the value of the dwelling was eliminated as a result of either of the following circumstances, the dwelling was assessed as a dwelling until such time as the value of the dwelling was eliminated:
 1. The destruction (by fire or natural hazard), or demolition in the case of restoration, of the dwelling; or
 2. The applicant establishes to the satisfaction of the permitting authority that the dwelling was improperly removed from the tax roll by a person other than the current owner. "Improperly removed" means that the dwelling has taxable value in its present state, or had taxable value when the dwelling was first removed from the tax roll or was destroyed by fire or natural hazard, and the county stopped assessing the dwelling even though the current or former owner did not request removal of the dwelling from the tax roll.
- 2) For replacement of a lawfully established dwelling under [Section 4.3100\(24\)](#):
 - (A) The dwelling to be replaced must be removed, demolished or converted to an allowable nonresidential use:
 1. Within one year after the date the replacement dwelling is certified for occupancy pursuant to ORS 455.055; or
 2. If the dwelling to be replaced is, in the discretion of the permitting authority, in such a state of disrepair that the structure is unsafe for occupancy or constitutes an attractive nuisance, on or before a date set by the permitting authority that is not less than 90 days after the replacement permit is issued; and
 3. If a dwelling is removed by moving it off the subject parcel to another location, the applicant must obtain approval from the permitting authority for the new location.
 - (B) The applicant must cause to be recorded in the deed records of the county a statement that the dwelling to be replaced has been removed, demolished or converted.
 - (C) As a condition of approval, if the dwelling to be replaced is located on a portion of the lot or parcel that is not zoned for exclusive farm use, the applicant shall execute and cause to be recorded in the deed records of the county in which the property is located a deed restriction prohibiting the siting of another dwelling on that portion of the lot or parcel. The restriction imposed is irrevocable unless the county planning director, or the director's designee, places a statement of release in the deed records of the county to the effect that the provisions of 2013 Oregon Laws, chapter 462, Section 2 and ORS 215.283 regarding replacement dwellings have changed to allow the lawful siting of another dwelling.

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- 3) A replacement dwelling must comply with applicable building codes, plumbing codes, sanitation codes and other requirements relating to health and safety or to siting at the time of construction. However, the standards may not be applied in a manner that prohibits the siting of the replacement dwelling.
 - (A) The siting standards of Subsection (B) apply when a dwelling qualifies for replacement because the dwelling:
 1. Formerly had the features described in Section S3.5011)(A);
 2. Was removed from the tax roll as described in Section S3.5011)(B); or
 3. Had a permit that expired as described under Section S3.5014)(C).
 - (B) The replacement dwelling must be sited on the same lot or parcel:
 1. Using all or part of the footprint of the replaced dwelling or near a road, ditch, river, property line, forest boundary or another natural boundary of the lot or parcel; and
 2. If possible, for the purpose of minimizing the adverse impacts on resource use of land in the area, within a concentration or cluster of structures or within 500 yards of another structure.
 - (C) Replacement dwellings that currently have the features described in Section S3.5011)(A) and that have been on the tax roll as described in Section S3.5011)(B) may be sited on any part of the same lot or parcel.
- 4) A replacement dwelling permit that is issued under **Section 4.3100(24)**:
 - (A) Is a land use decision as defined in ORS 197.015 where the dwelling to be replaced:
 1. Formerly had the features described in Section S3.5011)(A); or
 2. Was removed from the tax roll as described in Section S3.5011)(B);
 - (B) Is not subject to the time to act limits of ORS 215.417; and
 - (C) If expired before January 1, 2014, shall be deemed to be valid and effective if, before January 1, 2015, the holder of the permit:
 1. Removes, demolishes or converts to an allowable nonresidential use the dwelling to be replaced; and
 2. Causes to be recorded in the deed records of the county a statement that the dwelling to be replaced has been removed, demolished or converted.

Section 3.9150. Wineries

- 1) A winery may be established as a permitted use if the proposed winery will produce wine with a maximum annual production of:
 - (A) Less than 50,000 gallons and the winery owner:
 1. Owns an on-site vineyard of at least 15 acres;
 2. Owns a contiguous vineyard of at least 15 acres;
 3. Has a long-term contract for the purchase of all of the grapes from at least 15 acres of a vineyard contiguous to the winery; or
 4. Obtains grapes from any combination of Subsection 1, 2, or 3; or
 - (B) At least 50,000 gallons and the winery owner:

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1. Owns an on-site vineyard of at least 40 acres;
 2. Owns a contiguous vineyard of at least 40 acres;
 3. Has a long-term contract for the purchase of all of the grapes from at least 40 acres of a vineyard contiguous to the winery;
 4. Owns an on-site vineyard of at least 15 acres on a tract of at least 40 acres and owns at least 40 additional acres of vineyards in Oregon that are located within 15 miles of the winery site; or
 5. Obtains grapes from any combination of Subsection 1, 2, 3 or 4.
- 2) In addition to producing and distributing wine, a winery established under this Section may:
 - (A) Market and sell wine produced in conjunction with the winery.
 - (B) Conduct operations that are directly related to the sale or marketing of wine produced in conjunction with the winery, including:
 1. Wine tastings in a tasting room or other location on the premises occupied by the winery;
 2. Wine club activities;
 3. Winemaker luncheons and dinners;
 4. Winery and vineyard tours;
 5. Meetings or business activities with winery suppliers, distributors, wholesale customers and wine-industry members;
 6. Winery staff activities;
 7. Open house promotions of wine produced in conjunction with the winery; and
 8. Similar activities conducted for the primary purpose of promoting wine produced in conjunction with the winery.
 - (C) Market and sell items directly related to the sale or promotion of wine produced in conjunction with the winery, the marketing and sale of which is incidental to on-site retail sale of wine, including food and beverages:
 1. Required to be made available in conjunction with the consumption of wine on the premises by the Liquor Control Act or rules adopted under the Liquor Control Act; or
 2. Served in conjunction with an activity authorized by Section S3.5012)(B), (D), or (E).
 - (D) Carry out agri-tourism or other commercial events on the tract occupied by the winery subject to subsection 5.
 - (E) Host charitable activities for which the winery does not charge a facility rental fee.
- 3) A winery may include on-site kitchen facilities licensed by the Oregon Health Authority under ORS 624.010 to 624.121 for the preparation of food and beverages described in Section S3.5012)(C). Food and beverage services authorized under Section S3.5012)(C) may not utilize menu options or meal services that cause the kitchen facilities to function as a café or other dining establishment open to the public.
- 4) The gross income of the winery from the sale of incidental items or services

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provided pursuant to Section S3.5012)(C) to (E) may not exceed 25 percent of the gross income from the on-site retail sale of wine produced in conjunction with the winery. The gross income of a winery does not include income received by third parties unaffiliated with the winery. At the request of the county, the winery shall submit to the county a written statement that is prepared by a certified public accountant and certifies the compliance of the winery with this Subsection for the previous tax year.

- 5) A winery may carry out up to 18 days of agri-tourism or other commercial events annually on the tract occupied by the winery. If a winery conducts agri-tourism or other commercial events authorized under this Section, the winery may not conduct agri-tourism or other commercial events or activities authorized by Section S3.5151) to 4). The requirements of the Agri-tourism permit must be met.
- 6) A winery operating under this Section shall provide parking for all activities or uses of the lot, parcel or tract on which the winery is established.
- 7) Events described in S3.5015) are subject to the requirements of Section S3.5158), Agri-Tourism and other Commercial Events or Activities Permit.
- 8) Prior to the issuance of a permit to establish a winery under Section S3.5011), the applicant shall show that vineyards described in Section S3.5011) have been planted or that the contract has been executed, as applicable.
- 9) Standards imposed on the siting of a winery shall be limited solely to each of the following for the sole purpose of limiting demonstrated conflicts with accepted farming or forest practices on adjacent lands:
 - (A) Establishment of a setback of at least 100 feet from all property lines for the winery and all public gathering places unless the local government grants an adjustment or variance allowing a setback of less than 100 feet; and
 - (B) Provision of direct road access and internal circulation.
- 10) In addition to a winery permitted in Sections S3.5011) to S3.5019), a winery may be established if:
 - (A) The winery owns and is sited on a tract of 80 acres or more, at least 50 acres of which is a vineyard;
 - (B) The winery owns at least 80 additional acres of planted vineyards in Oregon that need not be contiguous to the acreage described in Section S3.50110)(A); and
 - (C) The winery has produced annually, at the same or a different location, at least 150,000 gallons of wine in at least three of the five calendar years before the winery is established under this Subsection.
- 11) In addition to producing and distributing wine, a winery described in Section S3.50110) may:
 - (A) Market and sell wine produced in conjunction with the winery;
 - (B) Conduct operations that are directly related to the sale or marketing of wine produced in conjunction with the winery, including:
 1. Wine tastings in a tasting room or other location on the premises occupied by the winery;

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2. Wine club activities;
 3. Winemaker luncheons and dinners;
 4. Winery and vineyard tours;
 5. Meetings or business activities with winery suppliers, distributors, wholesale customers and wine-industry members;
 6. Winery staff activities;
 7. Open house promotions of wine produced in conjunction with the winery; and
 8. Similar activities conducted for the primary purpose of promoting wine produced in conjunction with the winery;
- (C) Market and sell items directly related to the sale or promotion of wine produced in conjunction with the winery, the marketing and sale of which is incidental to retail sale of wine on-site, including food and beverages:
1. Required to be made available in conjunction with the consumption of wine on the premises by the Liquor Control Act or rules adopted under the Liquor Control Act; or
 2. Served in conjunction with an activity authorized by Section S3.50111)(B)2, 4, or 5;
- (D) Provide services, including agri-tourism or other commercial events, hosted by the winery or patrons of the winery, at which wine produced in conjunction with the winery is featured, that:
1. Are directly related to the sale or promotion of wine produced in conjunction with the winery;
 2. Are incidental to the retail sale of wine on-site; and
 3. Are limited to 25 days or fewer in a calendar year; and
 4. Host charitable activities for which the winery does not charge a facility rental fee.
- 12) Income requirements:
- (A) The gross income of the winery from the sale of incidental items pursuant to Section S3.50111)(C) and services provided pursuant to Section S3.50111)(D) may not exceed 25 percent of the gross income from the on-site retail sale of wine produced in conjunction with the winery.
- (B) At the request of a local government with land use jurisdiction over the site of a winery, the winery shall submit to the local government a written statement, prepared by a certified public accountant, that certifies compliance with Subsection (A) for the previous tax year.
- 13) A winery permitted under Subsection 10):
- (A) Shall provide parking for all activities or uses of the lot, parcel or tract on which the winery is established.
- (B) May operate a restaurant, as defined in ORS 624.010, in which food is prepared for consumption on the premises of the winery.
- 14) Permit requirements:
- (A) A winery shall obtain a permit if the winery operates a restaurant that is open to the public for more than 25 days in a calendar year or provides for

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- agri-tourism or other commercial events authorized under Section S3.50111)(D) occurring on more than 25 days in a calendar year.
- (B) In addition to any other requirements, a local government may approve a permit application under this Subsection if the local government finds that the authorized activity:
1. Complies with the standards described in Sections S3.5011) and 2);
 2. Is incidental and subordinate to the retail sale of wine produced in conjunction with the winery; and
 3. Does not materially alter the stability of the land use pattern in the area.
- (C) If the local government issues a permit under this Subsection for agri-tourism or other commercial events, the local government shall review the permit at least once every five years and, if appropriate, may renew the permit.
- 15) A person may not have a substantial ownership interest in more than one winery operating a restaurant, as permitted in Subsection 13).
- 16) Prior to the issuance of a permit to establish a winery under Subsection 10), the applicant shall show that vineyards described in Subsection 10) have been planted.
- 17) A winery operating under Subsection 10) shall provide for:
- (A) Establishment of a setback of at least 100 feet from all property lines for the winery and all public gathering places; and
 - (B) Direct road access and internal circulation.
- 18) A winery operating under Subsection S3.50110) may receive a permit to host outdoor concerts for which admission is charged, facility rentals or celebratory events if the winery received a permit in similar circumstances before August 2, 2011.
- 19) As used in this Section:
- (A) "Agri-tourism or other commercial events" includes outdoor concerts for which admission is charged, educational, cultural, health or lifestyle events, facility rentals, celebratory gatherings and other events at which the promotion of wine produced in conjunction with the winery is a secondary purpose of the event.
 - (B) "On-site retail sale" includes the retail sale of wine in person at the winery site, through a wine club or over the Internet or telephone.

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Section 3.9160. Agri-Tourism and Other Commercial Events

The following agri-tourism and other commercial events or activities that are related to and supportive of agriculture may be established:

- 1) A single agri-tourism or other commercial event or activity on a tract in a calendar year that is personal to the applicant and is not transferred by, or transferable with, a conveyance of the tract, if the agri-tourism or other commercial event or activity meets any local standards that apply and:
 - (A) The agri-tourism or other commercial event or activity is incidental and subordinate to existing farm use on the tract;
 - (B) The duration of the agri-tourism or other commercial event or activity does not exceed 72 consecutive hours;
 - (C) The maximum attendance at the agri-tourism or other commercial event or activity does not exceed 500 people;
 - (D) The maximum number of motor vehicles parked at the site of the agri-tourism or other commercial event or activity does not exceed 250 vehicles;
 - (E) The agri-tourism or other commercial event or activity complies with the standards described in Sections S3.5011) and 2);
 - (F) The agri-tourism or other commercial event or activity occurs outdoors, in temporary structures, or in existing permitted structures, subject to health and fire and life safety requirements; and
 - (G) The agri-tourism or other commercial event or activity complies with conditions established for:
 - 1) Planned hours of operation;
 - 2) Access, egress and parking;
 - 3) A traffic management plan that identifies the projected number of vehicles and any anticipated use of public roads;
 - 4) Sanitation and solid waste; and]
 - 5) Must comply with the requirements in S3.5152).
- 2) In the alternative to Subsections 1) and 3), the county may authorize, through an expedited, single-event license, a single agri-tourism or other commercial event or activity on a tract in a calendar year by an expedited, single-event license that is personal to the applicant and is not transferred by, or transferable with, a conveyance of the tract. A decision concerning an expedited, single-event license is not a land use decision, as defined in ORS 197.015. To approve an expedited, single-event license, the governing body of a county or its designee must determine that the proposed agri-tourism or other commercial event or activity meets any local standards that apply, and the agri-tourism or other commercial event or activity:
 - (A) Must be incidental and subordinate to existing farm use on the tract;
 - (B) May not begin before 6 a.m. or end after 10 p.m.;
 - (C) May not involve more than 100 attendees or 50 vehicles;
 - (D) May not include the artificial amplification of music or voices before 8 a.m. or after 8 p.m.;

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- (E) May not require or involve the construction or use of a new permanent structure in connection with the agri-tourism or other commercial event or activity;
 - (F) Must be located on a tract of at least 10 acres unless the owners or residents of adjoining properties consent, in writing, to the location; and
 - (G) Must comply with applicable health and fire and life safety requirements.
- 3) In the alternative to Subsections 1) and 2), the county may authorize up to six agri-tourism or other commercial events or activities on a tract in a calendar year by a limited use permit that is personal to the applicant and is not transferred by, or transferable with, a conveyance of the tract. The agri-tourism or other commercial events or activities must meet any local standards that apply, and the agri-tourism or other commercial events or activities:
- (A) Must be incidental and subordinate to existing farm use on the tract;
 - (B) May not, individually, exceed a duration of 72 consecutive hours;
 - (C) May not require that a new permanent structure be built, used or occupied in connection with the agri-tourism or other commercial events or activities;
 - (D) Must comply with the standards described in Sections S3.5011) and 2);
 - (E) May not, in combination with other agri-tourism or other commercial events or activities authorized in the area, materially alter the stability of the land use pattern in the area; and
 - (F) Must comply with conditions established for:
 - 1) The types of agri-tourism or other commercial events or activities that are authorized during each calendar year, including the number and duration of the agri-tourism or other commercial events and activities, the anticipated daily attendance and the hours of operation;
 - 2) The location of existing structures and the location of proposed temporary structures to be used in connection with the agri-tourism or other commercial events or activities;
 - 3) The location of access and egress and parking facilities to be used in connection with the agri-tourism or other commercial events or activities;
 - 4) Traffic management, including the projected number of vehicles and any anticipated use of public roads; and
 - 5) Sanitation and solid waste
 - 6) Must comply with the requirements of S3.5158).
 - (G) A permit authorized by this Subsection shall be valid for two calendar years. When considering an application for renewal, the county shall ensure compliance with the provisions of Subsection 3), any local standards that apply and conditions that apply to the permit or to the agri-tourism or other commercial events or activities authorized by the permit.
- 4) In addition to Subsections 1) to 3), the county may authorize agri-tourism or other commercial events or activities that occur more frequently or for a longer period

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or that do not otherwise comply with Subsections 1) to 3) if the agri-tourism or other commercial events or activities comply with any local standards that apply and the agri-tourism or other commercial events or activities:

- (A) Are incidental and subordinate to existing commercial farm use of the tract and are necessary to support the commercial farm uses or the commercial agricultural enterprises in the area;
 - (B) Comply with the requirements of S3.5153)(C), (D), (E), and (F);
 - (C) Occur on a lot or parcel that complies with the acknowledged minimum lot or parcel size; and
 - (D) Do not exceed 18 events or activities in a calendar year.
- 5) A holder of a permit authorized by a county under Subsection 4) must request review of the permit at four-year intervals. Upon receipt of a request for review, the county shall:
- (A) Provide public notice and an opportunity for public comment as part of the review process; and
 - (B) Limit its review to events and activities authorized by the permit, conformance with conditions of approval required by the permit and the standards established by Subsection 4).
- 6) Temporary structures established in connection with agri-tourism or other commercial events or activities may be permitted. The temporary structures must be removed at the end of the agri-tourism or other event or activity. Alteration to the land in connection with an agri-tourism or other commercial event or activity including, but not limited to, grading, filling or paving, are not permitted.
- 7) The authorizations provided by Section are in addition to other authorizations that may be provided by law, except that “outdoor mass gathering” and “other gathering,” as those terms are used in ORS 197.015 (10)(d), do not include agri-tourism or other commercial events and activities.
- 8) Conditions of Approval. Agri-tourism and other commercial events permitted under Subsections 3 and 4 are subject to the following standards and criteria:
- (A) A permit application for an agri-tourism or other commercial event or activity shall include the following:
 - 1) A description of the type of agri-tourism or commercial events or activities that are proposed, including the number and duration of the events and activities, the anticipated daily attendance and the hours of operation and, for events not held at wineries, how the agri-tourism and other commercial events or activities will be related to and supportive of agriculture and incidental and subordinate to the existing farm use of the tract.
 - 2) The types and locations of all existing and proposed temporary structures, access and egress, parking facilities, sanitation and solid waste facilities to be used in connection with the agri-tourism or other commercial events or activities;
 - 3) Authorization to allow inspection of the event premises. The applicant shall provide in writing a consent to allow law

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enforcement, public health, and fire control officers and code enforcement staff to come upon the premises for which the permit has been granted for the purposes of inspection and enforcement of the terms and conditions of the permit and the Exclusive Farm Use Zone and any other applicable laws or ordinances.

(B) Approval Criteria.

- 1) The area in which the agri-tourism or other commercial events or activities are located shall be setback at least 100 feet from the property line.
- 2) No more than two agri-tourism or commercial events or activities may occur in one month.
- 3) The maximum number of people shall not exceed 500 per calendar day.
- 4) Notification of agri-tourism and other commercial events or activities.
 - a) The property owner shall submit in writing the list of calendar days scheduled for all agri-tourism and other commercial events or activities by April 1 of the subject calendar year or within 30 days of new or renewed permits to County's Planning Department and a list of all property owners within 500 feet of the subject property, as notarized by a title company.
 - b) The list of calendar dates for all agri-tourism, commercial events and activities may be amended by submitting the amended list to the Department at least 72 hours prior to any change in the date of approved dates.
 - c) If notice pursuant to a) is not provided, the property owner shall provide notice by Registered Mail to the same list above at least 10 days prior to each agri-tourism and other commercial event or activity.
 - d) The notification shall include a contact person or persons for each agri-tourism and other commercial event or activity who shall be easily accessible and who shall remain on site at all times, including the person(s) contact information.
- 5) Hours of Operation. No agri-tourism and other commercial event or activity may begin before 7:00 a.m. or end after 10:00 p.m.
- 6) Overnight camping is prohibited.
- 7) Noise Control:
 - a) All noise, including the use of a sound producing device such as, but not limited to, loud speakers and public address systems, musical instruments that are amplified or unamplified, shall be in compliance with applicable state regulations.
 - b) A standard sound level meter or equivalent, in good

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condition, that provides a weighted sound pressure level measured by use of a metering characteristic with an "A" frequency weighting network and reported as dBA shall be available on-site at all times during agri-tourism and other commercial events or activities.

- 8) Transportation Management
 - a) Roadways, driveway aprons, driveways and parking surfaces shall be surfaces that prevent dust, and may include paving, gravel, cinders, or bark/wood chips.
 - b) Driveways extending from paved roads shall have a paved apron, requiring review and approval by the County Road Department.
 - c) The parcel, lot or tract must have direct access from a public road or is accessed by an access easement or private road, whereby all underlying property owners and property owners taking access between the subject property and the public road consent in writing to the use of the road for agri-tourism and other commercial events or activities at the time of initial application.
 - d) Adequate traffic control must be provided by the property owner and must include one traffic control person for each 250 persons expected or reasonably expected to be in attendance at any time. All traffic control personnel shall be certified by the State of Oregon and shall comply with the current edition of the Manual of Uniform Traffic Control Devices.
 - e) Adequate off-street parking will be provided pursuant to provisions of the County Off-Street Parking requirements in Section 3.0050-3.0090.
- 9) Health and Safety Compliance
 - a) Sanitation facilities shall include, at a minimum, portable restroom facilities and stand-alone hand washing stations.
 - b) All permanent and temporary structures and facilities are subject to fire, health and life safety requirements, and shall comply with all requirements of the County Building Code Division any other applicable federal, state and local laws.
 - c) Compliance with the requirements of the Building Codes Division shall include meeting all building occupancy classification requirements of the State of Oregon adopted building code.

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Section 3.9170. Commercial Facilities for Generating Power

- 1) Commercial Power Generating Facility.
 - (A) Permanent features of a power generation facility shall not preclude more than:
 1. 12 acres from use as a commercial agricultural enterprise on high value farmland unless an exception is taken pursuant to ORS 197.732 and OAR chapter 660, division 4; or
 2. 20 acres from use as a commercial agricultural enterprise on land other than high-value farmland unless an exception is taken pursuant to ORS 197.732 and OAR chapter 660, division 4.
 - (B) A power generation facility may include on-site and off-site facilities for temporary workforce housing for workers constructing a power generation facility. Such facilities must be removed or converted to an allowed use under OAR 660-033-0130(19) or other statute or rule when project construction is complete. Temporary workforce housing facilities not included in the initial approval may be considered through a minor amendment request. A minor amendment request shall be subject to 660-033-0130(5) and shall have no effect on the original approval.
- 2) Wind Power Generation Facility.
 - (A) For purposes of this ordinance a wind power generation facility includes, but is not limited to, the following system components: all wind turbine towers and concrete pads, permanent meteorological towers and wind measurement devices, electrical cable collection systems connecting wind turbine towers with the relevant power substation, new or expanded private roads (whether temporary or permanent) constructed to serve the wind power generation facility, office and operation and maintenance buildings, temporary lay-down areas and all other necessary appurtenances, including but not limited to on-site and off-site facilities for temporary workforce housing for workers constructing a wind power generation facility.
 1. Temporary workforce housing described in Section S3.5151)(B) must be removed or converted to an allowed use under OAR 660-033-0130(19) or other statute or rule when project construction is complete.
 2. Temporary workforce housing facilities not included in the initial approval may be considered through a minor amendment request filed after a decision to approve a power generation facility. A minor amendment request shall be subject to 660-033-0130(5) and shall have no effect on the original approval.
 - (B) For wind power generation facility proposals on high-value farmland soils, as described at ORS 195.300(10), the governing body or its designate must find that all of the following are satisfied:
 1. Reasonable alternatives have been considered to show that siting the wind power generation facility or component thereof on high-

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value farmland soils is necessary for the facility or component to function properly or if a road system or turbine string must be placed on such soils to achieve a reasonably direct route considering the following factors:

- a) Technical and engineering feasibility;
 - b) Availability of existing rights of way; and
 - c) The long-term environmental, economic, social and energy consequences of siting the facility or component on alternative sites, as determined under Subsection 2;
2. The long-term environmental, economic, social and energy consequences resulting from the wind power generation facility or any components thereof at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located on other agricultural lands that do not include high-value farmland soils;
 3. Costs associated with any of the factors listed in Subsection 1 may be considered, but costs alone may not be the only consideration in determining that siting any component of a wind power generation facility on high-value farmland soils is necessary;
 4. The owner of a wind power generation facility approved under Subsection (B) shall be responsible for restoring, as nearly as possible, to its former condition any agricultural land and associated improvements that are damaged or otherwise disturbed by the siting, maintenance, repair or reconstruction of the facility. Nothing in this Subsection shall prevent the owner of the facility from requiring a bond or other security from a contractor or otherwise imposing on a contractor the responsibility for restoration; and
 5. The criteria of Subsection (C) are satisfied.
- (C) For wind power generation facility proposals on arable lands, meaning lands that are cultivated or suitable for cultivation, including high-value farmland soils described at ORS 195.300(10), the governing body or its designate must find that:
1. The proposed wind power facility will not create unnecessary negative impacts on agricultural operations conducted on the subject property. Negative impacts could include, but are not limited to, the unnecessary construction of roads, dividing a field or multiple fields in such a way that creates small or isolated pieces of property that are more difficult to farm, and placing wind farm components such as meteorological towers on lands in a manner that could disrupt common and accepted farming practices;
 2. The presence of a proposed wind power facility will not result in unnecessary soil erosion or loss that could limit agricultural

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- productivity on the subject property. This provision may be satisfied by the submittal and county approval of a soil and erosion control plan prepared by an adequately qualified individual, showing how unnecessary soil erosion will be avoided or remedied and how topsoil will be stripped, stockpiled and clearly marked. The approved plan shall be attached to the decision as a condition of approval;
3. Construction or maintenance activities will not result in unnecessary soil compaction that reduces the productivity of soil for crop production. This provision may be satisfied by the submittal and county approval of a plan prepared by an adequately qualified individual, showing how unnecessary soil compaction will be avoided or remedied in a timely manner through deep soil decompaction or other appropriate practices. The approved plan shall be attached to the decision as a condition of approval; and
 4. Construction or maintenance activities will not result in the unabated introduction or spread of noxious weeds and other undesirable weeds species. This provision may be satisfied by the submittal and county approval of a weed control plan prepared by an adequately qualified individual that includes a long-term maintenance agreement. The approved plan shall be attached to the decision as a condition of approval.
- (D) For wind power generation facility proposals on non-arable lands, meaning lands that are not suitable for cultivation, the requirements of Section S3.5152)(C)4 are satisfied.
 - (E) In the event that a wind power generation facility is proposed on a combination of arable and non-arable lands as described in Subsections (C) and (D), the approval criteria of Subsection (C) shall apply to the entire project.
- 3) Photovoltaic Solar Power Generation Facility. A proposal to site a photovoltaic solar power generation facility shall be subject to the following definitions and provisions:
 - (A) "Arable land" means land in a tract that is predominantly cultivated or, if not currently cultivated, predominantly comprised of arable soils.
 - (B) "Arable soils" means soils that are suitable for cultivation as determined by the governing body or its designate based on substantial evidence in the record of a local land use application, but "arable soils" does not include high-value farmland soils described at ORS 195.300(10) unless otherwise stated.
 - (C) "Non-arable land" means land in a tract that is predominantly not cultivated and predominantly comprised of non-arable soils.
 - (D) "Non-arable soils" means soils that are not suitable for cultivation. Soils with an NRCS agricultural capability class V–VIII and no history of irrigation shall be considered non-arable in all cases. The governing body

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or its designate may determine other soils, including soils with a past history of irrigation, to be non-arable based on substantial evidence in the record of a local land use application.

- (E) “Photovoltaic solar power generation facility” includes, but is not limited to, an assembly of equipment that converts sunlight into electricity and then stores, transfers, or both, that electricity. This includes photovoltaic modules, mounting and solar tracking equipment, foundations, inverters, wiring, storage devices and other components. Photovoltaic solar power generation facilities also include electrical cable collection systems connecting the photovoltaic solar generation facility to a transmission line, all necessary grid integration equipment, new or expanded private roads constructed to serve the photovoltaic solar power generation facility, office, operation and maintenance buildings, staging areas and all other necessary appurtenances. For purposes of applying the acreage standards of this Section, a photovoltaic solar power generation facility includes all existing and proposed facilities on a single tract, as well as any existing and proposed facilities determined to be under common ownership on lands with fewer than 1320 feet of separation from the tract on which the new facility is proposed to be sited. Projects connected to the same parent company or individuals shall be considered to be in common ownership, regardless of the operating business structure. A photovoltaic solar power generation facility does not include a net metering project established consistent with ORS 757.300 and OAR chapter 860, division 39 or a Feed-in-Tariff project established consistent with ORS 757.365 and OAR chapter 860, division 84.
- (F) For high-value farmland described at ORS 195.300(10), a photovoltaic solar power generation facility shall not preclude more than 12 acres from use as a commercial agricultural enterprise unless an exception is taken pursuant to ORS 197.732 and OAR chapter 660, division 4. The governing body or its designate must find that:
1. The proposed photovoltaic solar power generation facility will not create unnecessary negative impacts on agricultural operations conducted on any portion of the subject property not occupied by project components. Negative impacts could include, but are not limited to, the unnecessary construction of roads dividing a field or multiple fields in such a way that creates small or isolated pieces of property that are more difficult to farm, and placing photovoltaic solar power generation facility project components on lands in a manner that could disrupt common and accepted farming practices;
 2. The presence of a photovoltaic solar power generation facility will not result in unnecessary soil erosion or loss that could limit agricultural productivity on the subject property. This provision may be satisfied by the submittal and county approval of a soil and erosion control plan prepared by an adequately qualified individual,

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showing how unnecessary soil erosion will be avoided or remedied and how topsoil will be stripped, stockpiled and clearly marked. The approved plan shall be attached to the decision as a condition of approval;

3. Construction or maintenance activities will not result in unnecessary soil compaction that reduces the productivity of soil for crop production. This provision may be satisfied by the submittal and county approval of a plan prepared by an adequately qualified individual, showing how unnecessary soil compaction will be avoided or remedied in a timely manner through deep soil decompaction or other appropriate practices. The approved plan shall be attached to the decision as a condition of approval;
4. Construction or maintenance activities will not result in the unabated introduction or spread of noxious weeds and other undesirable weed species. This provision may be satisfied by the submittal and county approval of a weed control plan prepared by an adequately qualified individual that includes a long-term maintenance agreement. The approved plan shall be attached to the decision as a condition of approval;
5. The project is not located on high-value farmland soils unless it can be demonstrated that:
 - a) Non high-value farmland soils are not available on the subject tract;
 - b) Siting the project on non-high-value farmland soils present on the subject tract would significantly reduce the project's ability to operate successfully; or
 - c) The proposed site is better suited to allow continuation of an existing commercial farm or ranching operation on the subject tract than other possible sites also located on the subject tract, including those comprised of non-high-value farmland soils; and
6. A study area consisting of lands zoned for exclusive farm use located within one mile measured from the center of the proposed project shall be established and:
 - a) If fewer than 48 acres of photovoltaic solar power generation facilities have been constructed or received land use approvals and obtained building permits within the study area, no further action is necessary.
 - b) When at least 48 acres of photovoltaic solar power generation have been constructed or received land use approvals and obtained building permits, either as a single project or as multiple facilities within the study area, the local government or its designate must find that the photovoltaic solar energy generation facility will not materially alter the

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stability of the overall land use pattern of the area. The stability of the land use pattern will be materially altered if the overall effect of existing and potential photovoltaic solar energy generation facilities will make it more difficult for the existing farms and ranches in the area to continue operation due to diminished opportunities to expand, purchase or lease farmland or acquire water rights, or will reduce the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the study area.

- (G) For arable lands, a photovoltaic solar power generation facility shall not preclude more than 20 acres from use as a commercial agricultural enterprise unless an exception is taken pursuant to ORS 197.732 and OAR chapter 660, division 4. The governing body or its designate must find that:
1. The project is not located on high-value farmland soils or arable soils unless it can be demonstrated that:
 - a) Non-arable soils are not available on the subject tract;
 - b) Siting the project on non-arable soils present on the subject tract would significantly reduce the project's ability to operate successfully; or
 - c) The proposed site is better suited to allow continuation of an existing commercial farm or ranching operation on the subject tract than other possible sites also located on the subject tract, including those comprised of non-arable soils;
 2. No more than 12 acres of the project will be sited on high-value farmland soils described at ORS 195.300(10) unless an exception is taken pursuant to 197.732 and OAR chapter 660, division 4;
 3. A study area consisting of lands zoned for exclusive farm use located within one mile measured from the center of the proposed project shall be established and:
 - a) If fewer than 80 acres of photovoltaic solar power generation facilities have been constructed or received land use approvals and obtained building permits within the study area no further action is necessary.
 - b) When at least 80 acres of photovoltaic solar power generation have been constructed or received land use approvals and obtained building permits, either as a single project or as multiple facilities, within the study area the local government or its designate must find that the photovoltaic solar energy generation facility will not materially alter the stability of the overall land use pattern of the area. The stability of the land use pattern will be materially altered if the overall effect of existing and potential photovoltaic solar energy generation facilities will make it more difficult for the

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- existing farms and ranches in the area to continue operation due to diminished opportunities to expand, purchase or lease farmland, acquire water rights or diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the study area; and
4. The requirements of Sections S3.5153)(F)1, 2, 3, and 4 are satisfied.
- (H) For non-arable lands, a photovoltaic solar power generation facility shall not preclude more than 320 acres from use as a commercial agricultural enterprise unless an exception is taken pursuant to ORS 197.732 and OAR chapter 660, division 4. The governing body or its designate must find that:
1. The project is not located on high-value farmland soils or arable soils unless it can be demonstrated that:
 - a) Siting the project on non-arable soils present on the subject tract would significantly reduce the project's ability to operate successfully; or
 - b) The proposed site is better suited to allow continuation of an existing commercial farm or ranching operation on the subject tract as compared to other possible sites also located on the subject tract, including sites that are comprised of non-arable soils;
 2. No more than 12 acres of the project will be sited on high-value farmland soils described at ORS 195.300(10);
 3. No more than 20 acres of the project will be sited on arable soils unless an exception is taken pursuant to ORS 197.732 and OAR chapter 660, division 4;
 4. The requirements of Section S3.5153)(F)4 are satisfied;
 5. If a photovoltaic solar power generation facility is proposed to be developed on lands that contain a Goal 5 resource protected under the county's comprehensive plan, and the plan does not address conflicts between energy facility development and the resource, the applicant and the county, together with any state or federal agency responsible for protecting the resource or habitat supporting the resource, will cooperatively develop a specific resource management plan to mitigate potential development conflicts. If there is no program present to protect the listed Goal 5 resource(s) present in the local comprehensive plan or implementing ordinances and the applicant and the appropriate resource management agency(ies) cannot successfully agree on a cooperative resource management plan, the county is responsible for determining appropriate mitigation measures; and
 6. If a proposed photovoltaic solar power generation facility is located on lands where the potential exists for adverse effects to state or

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federal special status species (threatened, endangered, candidate, or sensitive), or to wildlife species of concern identified and mapped by the Oregon Department of Fish and Wildlife (including big game winter range and migration corridors, golden eagle and prairie falcon nest sites, and pigeon springs), the applicant shall conduct a site-specific assessment of the subject property in consultation with all appropriate state, federal, and tribal wildlife management agencies. A professional biologist shall conduct the site-specific assessment by using methodologies accepted by the appropriate wildlife management agency and shall determine whether adverse effects to special status species or wildlife species of concern are anticipated. Based on the results of the biologist's report, the site shall be designed to avoid adverse effects to state or federal special status species or to wildlife species of concern as described above. If the applicant's site-specific assessment shows that adverse effects cannot be avoided, the applicant and the appropriate wildlife management agency will cooperatively develop an agreement for project-specific mitigation to offset the potential adverse effects of the facility. Where the applicant and the resource management agency cannot agree on what mitigation will be carried out, the county is responsible for determining appropriate mitigation, if any, required for the facility.

7. The provisions of Section S3.5153)(H)6 are repealed on January 1, 2022.
 - (I) The project owner shall sign and record in the deed records for the county a document binding the project owner and the project owner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices as defined in ORS 30.930(2) and (4).
 - (J) Nothing in this Section shall prevent the county from requiring a bond or other security from a developer or otherwise imposing on a developer the responsibility for retiring the photovoltaic solar power generation facility.

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SECTION 3.9180. FOREST ZONE STANDARDS. [ORD. 18-02]

Section 3.9190. Residential Uses

- 1) A large tract forest dwelling authorized under ORS 215.740 may be allowed on land zoned for forest use if it is sited on a tract that does not include a dwelling and complies with other provisions of law, including the following:
 - (A) The tract is at least 160 contiguous acres or 200 acres in one ownership that are not contiguous but are in the same county or adjacent counties and zoned for forest use. A deed restriction shall be filed pursuant to subsection (C) for all tracts that are used to meet the acreage requirements of this subsection.
 - (B) A tract shall not be considered to consist of less than 160 acres because it is crossed by a public road or a waterway.
 - (C) Where one or more lots or parcels are required to meet minimum acreage requirements:
 1. The applicant shall provide evidence that the covenants, conditions and restrictions form adopted as "Exhibit A" in OAR chapter 660, division 6 has been recorded with the county clerk of the county or counties where the property subject to the covenants, conditions and restrictions is located.
 2. The covenants, conditions and restrictions are irrevocable, unless a statement of release is signed by an authorized representative of the county or counties where the property subject to the covenants, conditions and restrictions is located.
- 2) Lot of Record Dwelling.
 - (A) The lot or parcel on which the dwelling will be sited was lawfully created and was acquired and owned continuously by the present owner as defined in paragraph (D):
 1. Since prior to January 1, 1985; or
 2. By devise or by intestate succession from a person who acquired and had owned continuously the lot or parcel since prior to January 1, 1985.
 - (B) The tract on which the dwelling will be sited does not include a dwelling;
 - (C) The lot or parcel on which the dwelling will be sited was part of a tract on November 4, 1993, no dwelling exists on another lot or parcel that was part of that tract.
 - (D) For purposes of this subsection, "owner" includes the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent or grandchild of the owner or a business entity owned by any one or combination of these family members.
 - (E) The dwelling must be located on a tract that is composed of soils not capable of producing 5,000 cubic feet per year of commercial tree species and is located within 1,500 feet of a public road as defined under ORS

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368.001 that provides or will provide access to the subject tract. The road shall be maintained and either paved or surfaced with rock and shall not be:

1. A United States Bureau of Land Management road; or
 2. A United States Forest Service road unless the road is paved to a minimum width of 18 feet, there is at least one defined lane in each direction and a maintenance agreement exists between the United States Forest Service and landowners adjacent to the road, a local government or a state agency.
- (F) When the lot or parcel on which the dwelling will be sited lies within an area designated in an acknowledged comprehensive plan as habitat of big game, the siting of the dwelling shall be consistent with the limitations on density upon which the acknowledged comprehensive plan and land use regulations intended to protect the habitat are based; and
- (G) When the lot or parcel on which the dwelling will be sited is part of a tract, the remaining portions of the tract shall be consolidated into a single lot or parcel when the dwelling is allowed.
- 3) A single family "template" dwelling authorized under ORS 215.750 on a lot or parcel located within a forest zone if the lot or parcel is predominantly composed of soils that are:
- (A) Capable of producing zero to 49 cubic feet per acre per year of wood fiber if:
 1. All or part of at least three other lots or parcels that existed on January 1, 1993, are within a 160 acre square centered on the center of the subject tract; and
 2. At least three dwellings existed on January 1, 1993 and continue to exist on the other lots or parcels.
 - (B) Capable of producing 50 to 85 cubic feet per acre per year of wood fiber if:
 1. All or part of at least seven other lots or parcels that existed on January 1, 1993, are within a 160 acre square centered on the center of the subject tract; and
 2. At least three dwellings existed on January 1, 1993 and continue to exist on the other lots or parcels.
 - (C) Capable of producing more than 85 cubic feet per acre per year of wood fiber if:
 1. All or part of at least 11 other lots or parcels that existed on January 1, 1993, are within a 160 acre square centered on the center of the subject tract; and
 2. At least three dwellings existed on January 1, 1993 and continue to exist on the other lots or parcels.
 - (D) Lots or parcels within urban growth boundaries shall not be used to satisfy eligibility requirements.
 - (E) A dwelling is in the 160-acre template if any part of the dwelling is in the 160-acre template.

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- (F) Except as provided by paragraph (G), if the subject tract abuts a road that existed on January 1, 1993, the measurement may be made by creating a 160 acre rectangle that is one mile long and 1/4 mile wide centered on the center of the subject tract and that is to the maximum extent possible, aligned with the road.
- (G) The following applies where a tract 60 acres or larger abuts a road or perennial stream.
 - 1. The measurement shall be made in accordance with paragraph (F). However, one of the three required dwellings shall be on the same side of the road or stream as the tract, and:
 - a) Be located within a 160-acre rectangle that is one mile long and one-quarter mile wide centered on the center of the subject tract and that is, to the maximum extent possible aligned with the road or stream; or
 - b) Be within one-quarter mile from the edge of the subject tract but not outside the length of the 160 acre rectangle, and on the same side of the road or stream as the tract.
 - 2. If a road crosses the tract on which the dwelling will be located, at least one of the three required dwellings shall be on the same side of the road as the proposed dwelling.
- (H) A proposed "template" dwelling under this ordinance is not allowed:
 - 1. If it is prohibited by or will not comply with the requirements of an acknowledged comprehensive plan, acknowledged land use regulations, or other provisions of law;
 - 2. Unless it complies with the requirements of Sections 3.9240 and 3.9250;
 - 3. Unless no dwellings are allowed on other lots or parcels that make up the tract and deed restrictions established under Sections 1.1)(C) or 4.3300(4) for the other lots or parcels that make up the tract are met; or
 - 4. If the tract on which the dwelling will be sited includes a dwelling.
- (I) Where other lots or parcels that make up a tract in Section 3.9190(3)(H):
 - 1) The applicant shall provide evidence that the covenants, conditions, and restrictions form adopted as "Exhibit A" in OAR Chapter 660, Division 6 has been recorded with the county clerk of the counties where the property subject to the covenants, conditions, and restrictions is located.
 - 2) The covenants, conditions, and restrictions are irrevocable, unless a statement of release is signed by an authorized representative of the county or counties where the property subject to the covenants, conditions, and restrictions is located.
- 4) Alteration, restoration or replacement of a lawfully established dwelling, where Subsections (A) or (B) apply:
 - (A) Alteration or restoration of a lawfully established dwelling that:

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1. Has intact exterior walls and roof structures;
2. Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;
3. Has interior wiring for interior lights; and
4. Has a heating system.
- (B) In the case of replacement, is removed, demolished or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling.
- 5) A temporary hardship dwelling is subject to the following:
 - (A) One manufactured dwelling, or recreational vehicle, or the temporary residential use of an existing building may be allowed in conjunction with an existing dwelling as a temporary use for the term of the hardship suffered by the existing resident or relative, subject to the following:
 1. The manufactured dwelling shall use the same subsurface sewage disposal system used by the existing dwelling, if that disposal system is adequate to accommodate the additional dwelling. If the manufactured home will use a public sanitary sewer system, such condition will not be required;
 2. The county shall review the permit authorizing such manufactured homes every two years; and
 3. Within three months of the end of the hardship, the manufactured dwelling or recreational vehicle shall be removed or demolished or, in the case of an existing building, the building shall be removed, demolished or returned to an allowed nonresidential use.
 - (B) A temporary residence approved under this section is not eligible for replacement under [Section 4.3300\(18\)](#). Department of Environmental Quality review and removal requirements also apply.
 - (C) As used in this section "hardship" means a medical hardship or hardship for the care of an aged or infirm person or persons.
- 6) For single-family dwellings, the landowner shall sign and record in the deed records for the county a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

Section 3.9200. Commercial Uses

- 1) A home occupation shall be subject to the requirements of [Section 3.8000](#) and:
 - (A) Shall be operated by a resident or employee of a resident of the property on which the business is located;
 - (B) Shall employ on the site no more than five full-time or part-time persons at any given time;
 - (C) Shall be operated substantially in:
 1. The dwelling; or

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2. Other buildings normally associated with uses permitted in the zone in which the property is located, except that such other buildings may not be utilized as bed and breakfast facilities or rental units unless they are legal residences; and
 - (A) Shall not unreasonably interfere with other uses permitted in the zone in which the property is located.
 - (B) The home occupation shall be accessory to an existing, permanent dwelling on the same parcel.
 - (C) No materials or mechanical equipment shall be used which will be detrimental to the residential use of the property or adjoining residences because of vibration, noise, dust, smoke, odor, interference with radio or television reception, or other factors.
 - (D) All off-street parking must be provided on the subject parcel where the home occupation is operated.
 1. Employees must use an approved off-street parking area.
 2. Customers visiting the home occupation must use an approved off-street parking area. No more than 5 vehicles from customers/visitors of the home occupation can be present at any given time on the subject parcel.
 - (E) Retail sales shall be limited or accessory to a service.
 - (F) Prohibited Home Occupations
 1. Retail sales or professional services, other than by appointment only.
 2. Auto or vehicle oriented activities (repair, painting, detailing, wrecking, transportation services, or similar activities).
 - (G) Permitting.
 1. Home occupations shall be subject to a conditional use permit process, pursuant to Section 2.4000 and Section 3.8000, unless all of the requirements of 2 can be met.
 2. An in-home commercial activity is not considered a home occupation and does not require a land use permit where all of the following criteria can be met. The in-home activity:
 - a) Meets the criteria under Section 3.9200(5) (A) and (C).
 - b) Is conducted within a dwelling only by residents of the dwelling.
 - c) Does not occupy more than 25 percent of the combined floor area of the dwelling including attached garage and one accessory structure.
 - d) Does not serve clients or customers on-site.
 - e) Does not include the on-site advertisement, display or sale of stock in trade, other than vehicle or trailer signage.
 - f) Does not include the outside storage of materials, equipment or products.
2. A permanent facility for the primary processing of forest products may be

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permitted, where the facility is:

- (A) Located in a building or buildings that do not exceed 10,000 square feet in total floor area; or
 - (B) Located in an outdoor area that does not exceed one acre excluding laydown and storage yards; or
 - (C) Located in a combination of indoor and outdoor areas described in Subsections (A) and (B); and
 - (D) Adequately separated from the surrounding properties to reasonably mitigate noise, odor, and other impacts generated by the facility that adversely affect forest management and other existing uses, as determined by the governing body.
3. Private seasonal accommodations for fee hunting operations are subject to the following requirements:
- (A) Accommodations are limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code;
 - (B) Only minor incidental and accessory retail sales are permitted; and
 - (C) Accommodations are occupied temporarily for the purpose of hunting during either or both game bird or big game hunting seasons authorized by the Oregon Fish and Wildlife Commission.
4. Private accommodations for fishing occupied on a temporary basis are subject to the following requirements:
- (A) Accommodations limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code;
 - (B) Only minor incidental and accessory retail sales are permitted;
 - (C) Accommodations occupied temporarily for the purpose of fishing during fishing seasons authorized by the Oregon Fish and Wildlife Commission; and
 - (D) Accommodations must be located within one-quarter mile of fish-bearing Class I waters.

Section 3.9210. Utility, Power Generation, Solid Waste Uses

- 1) A Commercial Utility Facility for the purpose of generating power shall not preclude more than 10 acres from use as a commercial forest operation.
- 2) Solid waste disposal facilities shall meet the performance and permitting requirements of the Department of Environmental Quality under ORS 459.245, the requirements of Section 3.9230 and shall comply with the following requirements.
 - (A) The facility shall be designed to minimize conflicts with existing and permitted uses allowed under plan designations for adjacent parcels as outlined in policies of the Comprehensive Plan.
 - (B) The facility must be of a size and design to minimize noise or other detrimental effects when located adjacent to farm, forest and grazing dwellings(s) or a residential zone.
 - (C) The facility shall be fenced when the site is located adjacent to dwelling(s)

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- or a residential zone and landscaping, buffering and/or screening shall be provided.
- (D) The facility does not constitute an unnecessary fire hazard. If located in a forested area, the county shall condition approval to ensure that minimum fire safety measures will be taken, which may include but are not limited to the following:
 - 1. The area surrounding the facility is kept free from litter and debris.
 - 2. Fencing will be installed around the facility, if deemed appropriate to protect adjacent farm crops or timber stand.
 - 3. If the proposed facility is located in a forested area, construction materials shall be fire resistant or treated with a fire retardant substance and the applicant will be required to remove forest fuels within [30 feet] of structures.
 - (E) The facility shall adequately protect fish and wildlife resources by meeting minimum Oregon State Department of Forestry regulations.
 - (F) Access roads or easements for the facility shall be improved to the county's Transportation System Plan standards and comply with grades recommended by the Public Works Director.
 - (G) Road construction for the facility must be consistent with the intent and purposes set forth in the Oregon Forest Practices Act to minimize soil disturbance and help maintain water quality.
 - (H) Hours of operation for the facility shall be limited to 8 am – 7 pm.
 - (I) Comply with other conditions deemed necessary.

Section 3.9220. Public and Quasi-public Uses

- 1) Storage structures for emergency supplies are subject to the following requirements:
 - (A) Areas within an urban growth boundary cannot reasonably accommodate the structures;
 - (B) The structures are located outside tsunami inundation zones and consistent with evacuation maps prepared by Department of Geology and Mineral Industries (DOGAMI) or the local jurisdiction;
 - (C) Sites where the structures could be co-located with an existing use approved under this subsection are given preference for consideration;
 - (D) The structures are of a number and size no greater than necessary to accommodate the anticipated emergency needs of the population to be served;
 - (E) The structures are managed by a local government entity for the single purpose of providing for the temporary emergency support needs of the public; and
 - (F) Written notification has been provided to the County Office of Emergency Management of the application for the storage structures.
- 2) Public parks may include:
 - (A) All uses allowed under Statewide Planning Goal 4;

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- (B) The following uses, if authorized in a local or park master plan that is adopted as part of the local comprehensive plan, or if authorized in a state park master plan that is adopted by OPRD:
 - 1. Campground areas: recreational vehicle sites; tent sites; camper cabins; yurts; teepees; covered wagons; group shelters; campfire program areas; camp stores;
 - 2. Day use areas: picnic shelters, barbecue areas, swimming areas (not swimming pools), open play fields, play structures;
 - 3. Recreational trails: walking, hiking, biking, horse, or motorized off-road vehicle trails; trail staging areas;
 - 4. Boating and fishing facilities: launch ramps and landings, docks, moorage facilities, small boat storage, boating fuel stations, fish cleaning stations, boat sewage pumpout stations;
 - 5. Amenities related to park use intended only for park visitors and employees: laundry facilities; recreation shops; snack shops not exceeding 1500 square feet of floor area;
 - 6. Support facilities serving only the park lands wherein the facility is located: water supply facilities, sewage collection and treatment facilities, storm water management facilities, electrical and communication facilities, restrooms and showers, recycling and trash collection facilities, registration buildings, roads and bridges, parking areas and walkways;
 - 7. Park Maintenance and Management Facilities located within a park: maintenance shops and yards, fuel stations for park vehicles, storage for park equipment and supplies, administrative offices, staff lodging; and
 - 8. Natural and cultural resource interpretative, educational and informational facilities in state parks: interpretative centers, information/orientation centers, self-supporting interpretative and informational kiosks, natural history or cultural resource museums, natural history or cultural educational facilities, reconstructed historic structures for cultural resource interpretation, retail stores not exceeding 1500 square feet for sale of books and other materials that support park resource interpretation and education.
- (C) Visitor lodging and retreat facilities if authorized in a state park master plan that is adopted by OPRD: historic lodges, houses or inns and the following associated uses in a state park retreat area only:
 - 1. Meeting halls not exceeding 2000 square feet of floor area;
 - 2. Dining halls (not restaurants).
- 3) Private Campgrounds and Campsites.
 - (A) Campgrounds in private parks may be permitted, subject to the following:
 - 1. Except on a lot or parcel contiguous to a lake or reservoir, campgrounds shall not be allowed within three miles of an urban growth boundary unless an exception is approved pursuant to

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- ORS 197.732 and OAR chapter 660, division 4.
2. A campground shall be designed and integrated into the rural agricultural and forest environment in a manner that protects the natural amenities of the site and provides buffers of existing native trees and vegetation or other natural features between campsites.
 3. Campgrounds authorized by this rule shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations.
 4. Overnight temporary use in the same campground by a camper or camper's vehicle shall not exceed a total of 30 days during any consecutive six-month period.
- (B) Campsites within campgrounds meeting the requirements of Section 3.9220(3)(A) and permitted pursuant to Section 3.9230 must comply with the following:
1. Allowed uses include tent, travel trailer or recreational vehicle; yurts are also allowed uses, subject to Section 3.9220(B)(3).
 2. Separate sewer, water or electric service hook-ups shall not be provided to individual camp sites except that electrical service may be provided to yurts.
 3. No more than one-third or a maximum of 10 campsites, whichever is smaller, may include a yurt. The yurt shall be located on the ground or on a wood floor with no permanent foundation.

Section 3.9230. Conditional Use Review Criteria

A use authorized in a forest zone by Sections 4.3300 and 4.3300 may be allowed provided the following requirements or their equivalent are met. These requirements are designed to make the use compatible with forest operations and agriculture and to conserve values found on forest lands.

- 1) The proposed use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands.
- 2) The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel.
- 3) A written statement recorded with the deed or written contract with the county or its equivalent is obtained from the land owner that recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and Rules for uses authorized in OAR 660-006-0025 Subsection 5(c).
- 4) The proposed use will be compatible with vicinity uses, and satisfies all relevant requirements of this ordinance and the following general criteria:
 - (A) The use is consistent with those goals and policies of the Comprehensive Plan which apply to the proposed use;

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- (B) The parcel is suitable for the proposed use considering its size, shape, location, topography, existence of improvements and natural features;
- (C) The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs or prevents the use of surrounding properties for the permitted uses listed in the underlying zoning district;
- (D) The proposed use is appropriate, considering the adequacy of public facilities and services existing or planned for the area affected by the use; and
- (E) The use is or can be made compatible with existing uses and other allowable uses in the area.

Section 3.9240. Siting Standards for Dwellings And Structures

The following siting criteria or their equivalent shall apply to all new dwellings and structures in forest zones. These criteria are designed to make such uses compatible with forest operations, to minimize wildfire hazards and risks and to conserve values found on forest lands. A governing body shall consider the criteria in this section together with the requirements of Section 3.9250 to identify the building site:

- 1) Dwellings and structures shall be sited on the parcel so that:
 - (A) They have the least impact on nearby or adjoining forest or agricultural lands;
 - (B) The siting ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized;
 - (C) The amount of forest lands used to site access roads, service corridors, the dwelling and structures is minimized; and
 - (D) The risks associated with wildfire are minimized.
- 2) Siting criteria satisfying Subsection 1) may include setbacks from adjoining properties, clustering near or among existing structures, siting close to existing roads and siting on that portion of the parcel least suited for growing trees.
- 3) The applicant shall provide evidence to the governing body that the domestic water supply is from a source authorized in accordance with the Water Resources Department's administrative rules for the appropriation of ground water or surface water and not from a Class II stream as defined in the Forest Practices rules (OAR chapter 629). For purposes of this section, evidence of a domestic water supply means:
 - (A) Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water;
 - (B) A water use permit issued by the Water Resources Department for the use described in the application; or
 - (C) Verification from the Water Resources Department that a water use permit is not required for the use described in the application. If the proposed water supply is from a well and is exempt from permitting requirements

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under ORS 537.545, the applicant shall submit the well constructor's report to the county upon completion of the well.

- 4) As a condition of approval, if road access to the dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the U.S. Bureau of Land Management, or the U.S. Forest Service, then the applicant shall provide proof of a long-term road access use permit or agreement. The road use permit may require the applicant to agree to accept responsibility for road maintenance.
- 5) Approval of a dwelling shall be subject to the following requirements:
 - (A) Approval of a dwelling requires the owner of the tract to plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet Department of Forestry stocking requirements at the time specified in department of Forestry administrative rules;
 - (B) The planning department shall notify the county assessor of the above condition at the time the dwelling is approved;
 - (C) Stocking survey report:
 1. If the lot or parcel is more than 10 acres in western Oregon or more than 30 acres in eastern Oregon, the property owner shall submit a stocking survey report to the county assessor and the assessor will verify that the minimum stocking requirements have been met by the time required by Department of Forestry rules;
 2. Upon notification by the assessor the Department of Forestry will determine whether the tract meets minimum stocking requirements of the Forest Practices Act. If that department determines that the tract does not meet those requirements, that department will notify the owner and the assessor that the land is not being managed as forest land. The assessor will then remove the forest land designation pursuant to ORS 321.359 and impose the additional tax; and
 - (D) The county governing body or its designate shall require as a condition of approval of a single-family dwelling under ORS 215.213, 215.383 or 215.284 or otherwise in a farm or forest zone, that the landowner for the dwelling sign and record in the deed records for the county a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937. A governing body shall consider the criteria in this section together with the requirements of Section 3.9250 to identify the building site.

Section 3.9250. Fire Protection Standards For Dwellings And Structures

The following fire-siting standards or their equivalent shall apply to all new dwelling or structures in a forest zone:

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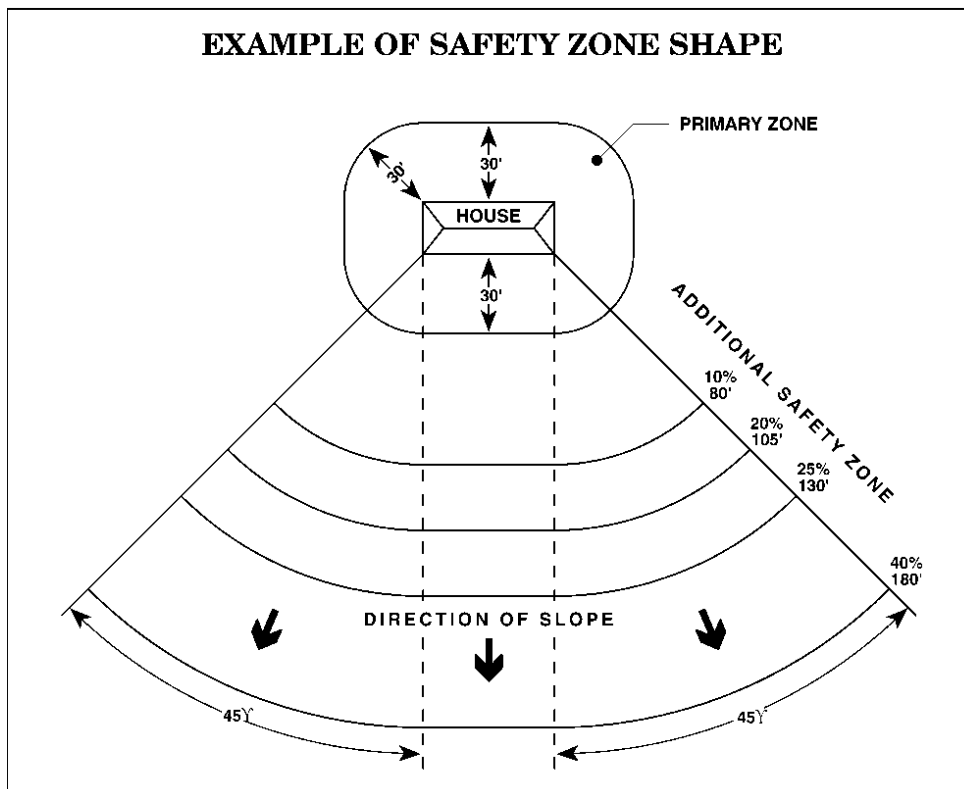
- 1) The dwelling shall be located upon a parcel within a fire protection district or shall be provided with residential fire protection by contract. If the dwelling is not within a fire protection district, the applicant shall provide evidence that the applicant has asked to be included within the nearest such district. If the governing body determines that inclusion within a fire protection district or contracting for residential fire protection is impracticable, the governing body may provide an alternative means for protecting the dwelling from fire hazards that shall comply with the following:
 - (A) The means selected may include a fire sprinkling system, onsite equipment and water storage or other methods that are reasonable, given the site conditions;
 - (B) If a water supply is required for fire protection, it shall be a swimming pool, pond, lake, or similar body of water that at all times contains at least 4,000 gallons or a stream that has a continuous year-round flow of at least one cubic foot per second;
 - (C) The applicant shall provide verification from the Water Resources Department that any permits or registrations required for water diversion or storage have been obtained or that permits or registrations are not required for the use; and
 - (D) Road access shall be provided to within 15 feet of the water's edge for firefighting pumping units. The road access shall accommodate the turnaround of firefighting equipment during the fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.
- 2) Road access to the dwelling shall meet road design standards described in OAR 660-006-0040.
- 3) The owners of the dwellings and structures shall maintain a primary fuel-free break area surrounding all structures and clear and maintain a secondary fuel-free break area on land surrounding the dwelling that is owned or controlled by the owner in accordance with the provisions in "Recommended Fire Siting Standards for Dwellings and Structures and Fire Safety Design Standards for Roads" dated March 1, 1991, published by the Oregon Department of Forestry; and shall also *demonstrate compliance with Table 3.1*.
- 4) The dwelling shall have a fire-retardant roof.
- 5) The dwelling shall not be sited on a slope of greater than 40 percent.
- 6) If the dwelling has a chimney or chimneys, each chimney shall have a spark arrester.

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Table 3.1. Minimum Primary Safety Zone.

| Slope | Feet of Primary Safety Zone | Feet of Additional Primary Safety Zone Down Slope |
|-------|-----------------------------|---|
| 0% | 30 | 0 |
| 10% | 30 | 50 |
| 20% | 30 | 75 |
| 25% | 30 | 100 |
| 40% | 30 | 150 |

Figure 8. Example of Safety Zone Shape.



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SECTION 3.9300. YOUTH CAMPS

- 1) The purpose of this section is to provide for the establishment of a youth camp that is generally self-contained and located on a parcel suitable to limit potential impacts on nearby and adjacent land and to be compatible with the forest environment.
- 2) Changes to or expansions of youth camps established prior to the effective date of this section shall be subject to the provisions of ORS 215.130.
- 3) An application for a proposed youth camp shall comply with the following:
 - (A) The number of overnight camp participants that may be accommodated shall be determined by the governing body, or its designate, based on the size, topography, geographic features and any other characteristics of the proposed site for the youth camp. Except as provided by Section 3.9300(3)(B) a youth camp shall not provide overnight accommodations for more than 350 youth camp participants, including staff.
 - (B) The governing body, or its designated may allow up to eight (8) nights during the calendar year when the number of overnight participants may exceed the total number of overnight participants allowed undersection 3.9300(3)(A).
 - (C) Overnight stays for adult programs primarily for individuals over 21 years of age, not including staff, shall not exceed 10 percent of the total camper nights offered by the youth camp.
 - (D) The use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands.
 - (E) A campground as described in Section 4.3300(20) shall not be established in conjunction with a youth camp.
 - (F) A youth camp shall not be allowed in conjunction with an existing golf course.
 - (G) A youth camp shall not interfere with the exercise of legally established water rights on adjacent properties.
- 4) The youth camp shall be located on a lawful parcel that is:
 - A. Suitable to provide a forested setting needed to ensure a primarily outdoor experience without depending upon the use or natural characteristics of adjacent and nearby public and private land. This determination shall be based on the size, topography, geographic features and any other characteristics of the proposed site for the youth camp, as well as, the number of overnight participants and type and number of proposed facilities. A youth camp shall be located on a parcel of at least 40 acres.
 - B. Suitable to provide a protective buffer to separate the visual and audible aspects of youth camp activities from other nearby and adjacent lands. The buffers shall consist of forest vegetation, topographic or other natural features as well as structural setbacks from adjacent public and private lands, roads, and riparian areas. The structural setback from roads and adjacent public and private property shall be 250 feet unless the governing body, or its designate sets a different setback based upon the following

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criteria that may be applied on a case-by-case basis:

- 1) The proposed setback will prevent conflicts with commercial resource management practices;
 - 2) The proposed setback will prevent a significant increase in safety hazards associated with vehicular traffic; and
 - 3) The proposed setback will provide an appropriate buffer from visual and audible aspects of youth camp activities from other nearby and adjacent resource lands.
- C. Suitable to provide for the establishment of sewage disposal facilities without requiring a sewer system as defined in OAR 660-011-0060(1)(f). Prior to granting final approval, the governing body or its designate shall verify that a proposed youth camp will not result in the need for a sewer system.
- 5) A youth camp may provide the following facilities:
- A. Recreational facilities limited to passive improvements, such as open areas suitable for ball fields, volleyball courts, soccer fields, archery or shooting ranges, hiking and biking trails, horseback riding or swimming that can be provided in conjunction with the site's natural environment. Intensively developed facilities such as tennis courts, gymnasiums, and golf courses shall not be allowed. One swimming pool may be allowed if no lake or other water feature suitable for aquatic recreation is located on the subject property or immediately available for youth camp use.
 - B. Primary cooking and eating facilities shall be included in a single building. Except in sleeping quarters, the governing body, or its designate, may allow secondary cooking and eating facilities in one or more buildings designed to accommodate other youth camp activities. Food services shall be limited to the operation of the youth camp and shall be provided only for youth camp participants. The sale of individual meals may be offered only to family members or guardians of youth camp participants.
 - C. Bathing and laundry facilities except that they shall not be provided in the same building as sleeping quarters.
 - D. Up to three camp activity buildings, not including primary cooking and eating facilities.
 - E. Sleeping quarters including cabins, tents or other structures. Sleeping quarters may include toilets, but, except for the caretaker's dwelling, shall not include kitchen facilities. Sleeping quarters shall be provided only for youth camp participants and shall not be offered as overnight accommodations for persons not participating in youth camp activities or as individual rentals.
 - F. Covered areas that are not fully enclosed.
 - G. Administrative, maintenance and storage buildings; permanent structure for administrative services, first aid, equipment and supply storage, and for use as an infirmary if necessary or requested by the applicant.
 - H. An infirmary may provide sleeping quarters for the medical care provider

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- (e.g. Doctor, Registered Nurse, Emergency Medical Technician, etc.).
- I. A caretaker's residence may be established in conjunction with a youth camp prior to or after June 14, 2000, if no other dwelling exists on the subject property.
- 6) A proposed youth camp shall comply with the following fire safety requirements:
- A. The fire siting standards in Section 3.9250.
 - B. A fire safety protection plan shall be developed for each youth camp that includes the following:
 - 1) Fire prevention measures;
 - 2) On site pre-suppression and suppression measures; and
 - 3) The establishment and maintenance of fire safe area(s) in which camp participants can gather in the event of a fire.
 - C. Except as determined under paragraph (6)(D), a youth camp's on-site fire suppression capability shall include:
 - 1) A 1000 gallon mobile water supply that can access all areas of the camp;
 - 2) A 30 gallon-per-minute water pump and an adequate amount of hose and nozzles;
 - 3) A sufficient number of fire-fighting hand tools; and
 - 4) Trained personnel capable of operating all fire suppression equipment at the camp during designated periods of fire danger.
 - D. An equivalent level of fire suppression facilities may be determined by the governing body, or it's designate. The equivalent capability shall be based on the Oregon Department of Forestry's (ODF) Wildfire Hazard Zone rating system, the response time of the effective wildfire suppression agencies, and consultation with ODF personnel if the camp is within an area protected by ODF and not served by a local structural fire protection provider.
 - E. The provisions of paragraph (6)(C) may be waived by the governing body, or its designate, if the youth camp is located in an area served by a structural fire protection provider and that provider informs the governing body in writing that on-site fire suppression at the camp is not needed.
7. The governing body, or its designate, shall require as a condition of approval of a youth camp, that the land owner of the youth camp sign and record in the deed records for the county a document binding the land owner, or operator of the youth camp if different from the owner, and the land owner's or operator's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

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SECTION 3.9400. COMMUNICATION FACILITIES SITING STANDARDS

Section 3.9410. Purpose

To accommodate the increasing communications needs of Clatsop County residents, businesses, and visitors, while protecting the public health, safety and general welfare and visual environment of the County, these regulations are established to:

- 1) Enhance the ability to provide communications services to County residents, businesses and visitors;
- 2) Simplify the process for obtaining permits for Communication Facilities, while at the same time protecting the legitimate interests of County residents;
- 3) Protect the County's natural resources and visual environment from the potential adverse visual effects of Communication Facilities, through careful design and siting standards;
- 4) Limit the number of towers needed to serve the County, by requiring facilities to be placed on existing buildings and structures where possible, and requiring co-location of wireless communication providers on existing and new towers.

These standards shall be construed to be consistent with any federal or state standards regulating communication facilities which pre-empt or take precedence over the standards herein. In the event that either the federal or state government adopt mandatory or standards more stringent than those described herein, these standards shall be revised accordingly.

Section 3.9415. Applicability

All communication facilities towers or antennas located within Clatsop County, whether upon private or public lands shall be subject to Section 3.9400.

Only the following facilities shall be exempted from the application of this section:

- 1) Pre-existing towers or antenna. Towers and antenna existing prior to the date of this ordinance shall not be required to meet the requirements of this section, so long as the pre-existing towers and antenna were in compliance with all applicable permitting requirements in effect at the time of installation and are currently in compliance with all other required approvals, permits and exceptions.
- 2) Amateur (ham) and citizen band transmitters or radio stations, antennas and microwave dishes or receivers.
- 3) Maintenance or repair. Maintenance, repair or reconstruction of a communication facility and related equipment, provided that there is no change in the height or any other dimension of the facility.
- 4) Emergency Communication Facilities. Temporary communication facilities for emergency communications by public officials.

Section 3.9420. Definitions

The following definitions shall apply:

ANTENNA: An exterior transmitting or receiving device used in telecommunications that radiates or captures radio frequency signals or electromagnetic waves, including but not

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limited to directional antenna, such as panels, microwave dishes, and satellite dishes and omni-directional antenna, such as whip antenna but not including satellite earth stations.

ANTENNA, ATTACHED: An antenna mounted on an existing building, silo, smokestack, water tower, utility or power pole, or other support structure other than an antenna tower.

ANTENNA, CONCEALED (STEALTH): An antenna with a support structure that screens or camouflages the presence of antennas and/or towers from public view, in a manner appropriate to the site's context and surrounding environment. Examples of concealed antennas include manmade trees, clock towers, flag poles, light structures, and similar structures that camouflage or conceal the presence of antennas or towers.

ANTENNA TOWER: A freestanding structure, including monopole, guyed and lattice towers, designed and constructed primarily to support antennas and transmitting and receiving equipment. The term includes microwave towers, common-carrier towers, cellular telephone towers, and the like. The term includes the structure and any support thereto.

ANTENNA TOWER HEIGHT: The distance from the average grade at the antenna tower base to the highest point of the tower. Overall antenna tower height includes the base pad, mounting structures and panel antennas, but excludes lighting rods and whip antennas.

CO-LOCATION: Locating wireless communications equipment for more than one Communications Provider on a single structure.

COMMUNICATION FACILITIES (SECTION 1.030): Communication lines and towers, antennas and microwave receivers.

FACILITY (COMMUNICATION): The equipment, physical plant and portion of the property and/or building used to provide power and communication services, including but not limited to cables and wires, conduits, pedestals, antennas, towers, concealed structures, electronic devices, equipment buildings and cabinets, landscaping, fencing and screening, and parking areas.

MICROCELL: A low power facility used to provide increased capacity to telecommunications demand areas or provide infill coverage in areas of weak reception, including a separate transmitting and receiving station serving the facility.

UNREASONABLE ADVERSE IMPACT: The proposed project would produce an end result which is:

1. out-of-character with the designated scenic, natural, historic, and cultural resources affected, including existing buildings, structures, and features within the designated resource area, and

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2. would diminish the scenic, natural, historic, and cultural value of the designated resource.

Section 3.9425. Zoning/Where Permitted

Communication Facilities are permitted as a principal or conditional use on a property as follows:

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| Zoning District | Attached Antennas | Concealed (stealth) antennas | Microcell Towers | Antenna Towers-New Facilities |
|--|-------------------|------------------------------|---------------------------------------|--|
| CBR, CR, RSA-SFR, SFR-1 | -- | -- | -- | -- |
| RA-1, RA-2, RA-5, RSA-MFR, RC-MFR, KS-RCR, RCR, AC-RCR | P | P | -- | -- |
| F-80 | P | P ⁽¹⁾ | P(80' or less in height) ¹ | CUP II (100' or less in height) ¹ CUP IIa (Towers > 100') ¹ |
| AF, EFU | P | P ⁽¹⁾ | P(80' or less in height) ¹ | CUP II (Towers < 200' in height) ¹ CUP IIa (Towers >200' in height) ¹ |
| TC, NC | P | P | P (60' or less in height) | P(60' or less in height) CUP II (Towers >60') |
| GC, RCC | P | P | P(80' or less in height) | P(80' or less in height) CUP II (Towers > 80') |
| HI | P | P | P(80' or less in height) | P(100' or less in height) CUP II (Towers > 100') |
| MI | P | P | P(80' or less in height) | P(80' or less in height) CUP II (Towers > 80') |
| LI, RCI, RCC-LI | P | P | P(80' or less in height) | P(80' or less in height) CUP II (Towers > 80') |
| QM, UGB | -- | -- | -- | -- |
| OPR, RM | -- | -- | -- | -- |
| LW | -- | -- | -- | -- |
| CS, NS, EAC | -- | -- | -- | -- |
| AD | P | P | P (60' or less in height) | RUII (Towers 60' or less in height) |
| AC-2, AC-1, AN, NU | -- | -- | -- | -- |
| NAC-2, MR | -- | -- | -- | -- |
| P- Permitted by Type I Administrative Review {Section 2.1010} CUP (II)- Type II Conditional Use Permit Review {Section 2.1020, 2.4000-2.4050} CUP(IIa)- Type II(a) Hearing's Officer Conditional Use Permit Review {Section 2.1030, 2.4000-2.4050} RU(II)- Type II Review Use Permit Review {Section 2.1020, 2.5000-2.5040} -- Not Permitted | | | | |
| Special Conditions (1): Project shall comply with Standards Section 3.9090 (Farm/Forest Zone Use Standards) | | | | |

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Section 3.9430. Preferred Communication Facilities

The order of preference for new permanent Communication Facilities is, from most preferred to least preferred.

- 1) Co-location on existing Communication Facilities; (if not technically feasible, then;)
- 2) Attached antennas (if not technically feasible, then;)
- 3) Concealed antennas (if not technically feasible, then;)
- 4) Microcell antenna towers (if not technically feasible; then;)
- 5) New Communication Facilities tower.

New Communication Facilities shall use the most preferred facility type where technically feasible. A lesser preferred facility type shall only be allowed if the applicant provides substantial evidence as outlined in Section 3.9450(5)(C),1)-7), or it can be demonstrated that the proposed facility will have a lesser visual impact than the use of more preferred facilities.

Section 3.9435. Facilities on Residential Properties

Communication Facilities may not be placed on properties or buildings zoned primarily for residential purposes, except as permitted by Section 3.9425 (Zoning/Where Permitted). This does not apply to buildings on farm and forest parcels containing dwelling units.

Section 3.9440. Facilities at Scenic, Natural, Historic and Cultural Areas

Communication Facilities may be located on a scenic, natural, historic and cultural site or structure subject to approval of a Type II(a) conditional use permit by the County Hearing's Officer. Communication Facilities shall not create an unreasonable adverse impact toward the view from any public park, natural scenic vista, historical building, major scenic and view corridor or residential area. In determining the potential unreasonable adverse impact of the proposed facility upon designated scenic, natural, historic and cultural resources, the Hearing's Officer shall consider the following factors:

- 1) The extent to which the proposed communications facility is visible from the viewpoint(s) of the impacted designated resource;
- 2) The type, number, height and proximity of existing structures and features, and background features within the same line of sight as the proposed facility;
- 3) The amount of vegetative screening;
- 4) The distance of the proposed facility from the impacted designated resource;
- 5) The presence of reasonable alternatives that allow the facility to function consistently with its purpose.

Section 3.9445. Communication Facilities Spacing

Antenna towers over 60 feet in height shall be located at least 2,640 feet from other Communication Facilities over 60 feet in height. Alternative spacing requirements may only be approved under the Conditional Development and Use process in accordance with Section 2.4050 and where it is demonstrated that the location of the towers will

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take advantage of an existing natural or artificial feature to conceal the facility or minimize its visual impacts.

Section 3.9450. Requirements and Performance Standards

All Communication Facilities must demonstrate compliance with the following standards prior to County approval.

1) Antenna Tower and Equipment Setbacks.

- (A) Attached antennas. Attached antennas and other appurtenances may encroach up to 2 feet into the minimum building setbacks in the underlying zoning district, but shall not extend over property lines.
- (B) Concealed (stealth) antennas. Minimum setbacks for concealed antennas are the same as the minimum building setbacks in the underlying zone.
- (C) Communication Facilities, other than attached and concealed antennas. Minimum setbacks for Communication Facilities are as follows:
 - 1. From property lines or dedicated public right-of-way of properties zoned GC, TC, NC, HI, MI, LI, AF, F-80, EFU, TC, NC and AD when located adjacent to residential zoning- facilities shall be set back by a distance greater than or equal to two times the height of the structure.
 - 2. From property lines or dedicated public right-of-way of properties adjacent to the Oregon Department of Transportation's Scenic Byways for Highway 101 (Pacific Coast Scenic Byway) and Highway 30 (All American Road) (Refer to Figure 11- Oregon Scenic Byways)- facilities shall be set back by a distance greater than or equal to two times the height of the structure.
 - 3. All Communication Facilities, other than attached and concealed antennas, not located adjacent to residential zoning or the Oregon Scenic Byways of Highway 101 or 30, shall comply with the minimum setback requirements of the underlying zoning district.
 - 4. Alternative setbacks may only be approved under the Conditional Development and Use process in accordance with Section 5.030 and where it is demonstrated that the location of the proposed facility will take advantage of an existing natural or artificial feature to conceal the facility or minimize its visual impacts.
- (D) Guy wires and equipment buildings and cabinets. Minimum setbacks for guy wires and equipment buildings and cabinets are the same as the minimum building setbacks in the underlying zone.

2) Equipment Design.

- (A) Attached antennas on a roof may extend up to 15 feet over the height of the building or structure, and may exceed the underlying zone height limit. Alternative height limits for attached antennas may only be approved under the Type I Administrative Review process (Section 2.015) and where it is demonstrated that the location of the antenna(s) will take

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advantage of an existing natural or artificial feature to conceal the facility or minimize its visual impacts. Attached antennas on a roof shall be located as close to the center of the roof as possible. Attached antennas mounted on a building or structure wall shall be as flush to the wall as technically possible, and shall not project above the top of the wall. Attached antennas and equipment shall be located, painted and/or screened to be architecturally and visually compatible with the building or structure it is attached on.

- (B) Microcell antenna towers may contain up to three whip or panel antennas. Microcell antenna towers shall be painted or coated in a uniform non-reflective color that blends with the surrounding built and natural environment. The use of wood poles is further encouraged.
 - (C) Communication Facility antenna towers shall be painted or coated in a uniform non- reflective metallic color or other color that blends with the surrounding built and natural environment, unless state or federal regulations require different colors.
 - (D) Communication Facility antenna towers shall not be artificially lighted except as required by the FAA or other state or federal agency. If safety lighting is required by the FAA, the use of red beacons is preferred to flashing strobe lights. Security lighting on the site may be mounted up to 20 feet in height, and shall be directed towards the ground to reduce light pollution, prevent offsite light spillage, and avoid illuminating the tower.
 - (E) Equipment buildings shall be compatible with the architectural style of the surrounding built environment considering exterior materials, roof form, scale, mass, color, texture and character. Equipment buildings shall be constructed with materials that are equal to or better than the materials of the principal use. Equipment cabinets shall be located, painted and/or screened to be architecturally and visually compatible with the surrounding built and natural environment.
 - (F) Equipment shall not generate noise in excess of federal, state and local noise regulations. This does not apply to generators used in emergency situations where the regular power supply for a facility is temporarily interrupted.
- 3) **Site Design.** All Communication Facilities shall be designed to blend into the surrounding environment to the greatest extent feasible. The following measures shall be implemented:
- (A) Screening and landscaping appropriate to the context of the site and in harmony with the character of the surrounding environment is required when any part of the Communication Facility is visible from a public right-of-way or adjacent properties. Fencing may be up to 8 feet in height. Natural materials shall be used for screening and fencing to the maximum extent possible. Wire fencing, if utilized, shall be screened from public view. If a facility fronts on a public street or abuts a residential zone, a combination of hedges and/or evergreen trees (at least 4 feet in height

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- when planted) shall be planted along the roadway or around the facility to provide a continuous visual screen.
- (B) Existing vegetation and grades on the site shall be preserved as much as possible.
 - (C) Signage at the site is limited to non-illuminated warning and equipment identification signs. This does not apply to concealed antennas that are incorporated into freestanding signs. Signs shall be designed subject to the standards in Section 3.0130.
 - (D) Communication Facilities shall not include staffed offices, long term vehicle storage or other outdoor storage, or other uses not needed to send, receive or relay transmissions.
- 4) **Radio Frequency Emission Standards.** All existing and proposed Communication Facilities are prohibited from exceeding or causing other facilities to exceed the radio frequency emission standards specified by Part 1, Practice and Procedure, Title 47 of the Code of Federal Regulations, Section 1.1310, Radio Frequency Radiation Exposure Limits. A statement by a licensed professional engineer shall be provided demonstrating that the proposed facility complies with all FCC standards for radio emissions.
- 5) **Co-location Requirements for Communication Facilities.**
- (A) Communication Facilities providers shall cooperate to achieve co-location of facilities and equipment. Communication Facilities providers shall not act to exclude other providers from co-locating on the same tower when co-location is structurally and technically possible. Competitive conflict shall not be considered an adequate reason to preclude co-location.
 - (B) In addition to equipment proposed for the applicant's use, proposed Communication Facilities shall be designed in all respects to accommodate both the applicant's antenna and comparable antenna for at least two (2) additional users if the antenna tower is over 100 feet in height or for at least one (1) additional comparable antenna if the antenna tower is between 60 feet and 100 feet in height.
 - (C) Availability of suitable existing towers or other structures for co-location. No new tower shall be permitted unless the applicant demonstrates that no existing tower or structure can accommodate the applicant's proposed antenna by co-locating. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed antenna may consist of the following:
 - 1. No existing towers or structures are located within the geographic area required to meet the applicant's engineering requirements.
 - 2. Existing towers or structures are not of sufficient height to meet the applicant's engineering requirements.
 - 3. Existing towers or structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment and cannot be reinforced to provide sufficient structural strength.

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4. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing tower and structures, or the antenna on the existing towers and structures would cause interference with the applicant's proposed antenna.
 5. The fees or costs required to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs below new tower development are presumed reasonable.
 6. Property owners or owners of existing towers or structures that are unwilling to accommodate the applicant's needs.
 7. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
- 6) **Exceptions to Co-location.**
 - (A) The Community Development Director may reduce the required shared capacity described in Section 3.9450(5), if an antenna tower necessary to provide for such sharing dominates and adversely alters the areas visual character.
 - (B) If conditions for approval of a Communication Facilities include co-location, and:
 1. The tower owner is not willing to provide space for other carriers when it would not impair the structural integrity of the tower or cause interference; or
 2. The tower owner modifies the structure in a way to make co-location impractical or impossible; then the development and building permit and any related administrative or conditional use review or variance may be revoked by the Board of County Commissioners after a notice and a hearing. If approval is revoked, the Communication Facilities shall be removed at the owner's expense.
- 7) **Abandonment.** Communication Facilities will be considered abandoned if they are unused by all providers at the facility for a period of 180 consecutive days. Determination of abandonment shall be made by the Community Development Director, who shall have the right to demand documentation from the facility owner regarding the tower or antenna usage. Upon determination of abandonment, the facility owner shall have 90 days to:
 - (A) Reuse the facility, or transfer the facility to another owner who will reuse it; or
 - (B) Remove the facility. If the facility is not reused or removed within 90 days of determination of abandonment County approval shall expire, and the County may remove the facility at the facility and/or property owner's expense.
- 8) **Modification to Existing Facilities or Pre-existing Facilities.**
 - (A) Addition of equipment for co-location of additional Communication Facility providers on existing antenna towers and sites are not subject to the

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conditional use review process, if the tower height remains unchanged. Addition of equipment for co-location of additional Communication Facility providers on existing legal nonconforming antenna towers is not considered a nonconforming use expansion, and is exempt from Section 3.1000 (Nonconforming Uses), if the tower height remains unchanged. Minor modifications to an existing Communications Facility shall be subject to the Type I Administrative Review process as outlined in Section 2.1010 (Type I Procedure). Proposed modifications or additions shall be submitted to the Community Development Director for approval if consistent with provisions of applicable communication facility siting standards.

- (B) Minor and Major Modifications; the following definitions shall apply:
1. Minor modifications: The addition of equipment and no more than two (2) antenna arrays to any existing tower, so long as the addition of the antenna arrays add no more than twenty (20) feet in height to the facility. Minor modifications requested by the applicant may be approved under Section 2.1010 (Type I Procedure) if such changes are consistent with the purposes and general character of the original application.
 2. Major modifications: Major modifications are any that exceed the definition of minor modifications. Major modifications to towers allowed under these regulations shall be subject to conditional use review.

- 9) **Building Codes and Safety Standards.** To insure the structural integrity of communication facilities, the owner of a facility shall insure that it is constructed, operated, and maintained in compliance with the standards contained in applicable local, state and federal building codes and the applicable standards for telecommunication facilities, as amended from time to time.

Section 3.9455. Application Submittal Requirements

- 1) **Application Contents:** Applications for administrative or conditional use review of proposed Communication Facilities, and additions or modifications to existing facilities, shall include the following:
- (A) A site plan showing the location and legal description of the site; on-site land uses and zoning; adjacent roadways; parking and access; areas of vegetation and landscaping to be added, retained, replaced or removed; setbacks from property lines; and the location of the facility, including all related improvements and equipment.
 - (B) A vicinity map showing adjacent properties, land uses, zoning and roadways: within 500 feet of the proposed attached antenna site, proposed concealed (stealth) antenna, microcell antenna tower or a proposed Communication Facility tower.
 - (C) Elevation drawings of the proposed facility showing all antennas, towers, structures, equipment buildings and cabinets, fencing, screening,

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- landscaping, lighting, and other improvements related to the facility, showing specific materials, placement and colors.
- (D) Photorealistic renderings (photo simulations) of the site after antenna tower construction, demonstrating the true impact of the antenna on the surrounding visual environment. The Community Development Director may request photorealistic renderings of the site from specific vantage points. This requirement does not apply to facilities permitted under the administrative review process, unless such information is requested by the Community Development Director.
 - (E) A report describing the facility and the technical, economic and other reasons for its design and location, the need for the facility and its role in the network; and describing the capacity of the structure, including the number and type of antennas it can accommodate.
 - (F) The FAA response to the Notice of Proposed Construction of Alteration (FAA Form 7460-1), if the facility is located near an airport or a flight path.
 - (G) A statement from the applicant verifying that the request has been submitted to the Oregon State Aeronautics Division for a formal response.
 - (H) A copy of the provider's Federal Communication Commission (FCC) license verifying that the applicant is authorized by the licensing guidelines of the FCC.
 - (I) A letter of intent to allow co-location on the antenna tower as provided in Section 3.9450(5)(Co-Location), if the Communication Facility is taller than 60 feet.
 - (J) A letter of intent to remove the facility at the expense of the facility and/or property owner if it is abandoned, as provided by Section 3.9450(7)(Abandonment). The letter shall include a signed statement by the property owner consenting the County entry to the property to remove an abandoned facility.
 - (K) Proof of ownership of the land upon which a Communication Facility is proposed to be constructed, or installed, or a copy of an appropriate easement, lease or rental agreement.
 - (L) A statement by a licensed professional engineer shall be provided demonstrating that the proposed facility complies with all FCC standards for radio emissions.
- 2) **Copies.** The Community Development Director may request additional copies of any submittal item for staff and agency review.
 - 3) **Facility Inventory.** The first application for a proposed Communication Facility by a provider shall include a detailed inventory of all the provider's existing and approved facilities within Clatsop County, and all incorporated areas within the County.

Section 3.9460. Application Review

- 1) **Administrative Type I Review.** Applications for proposed Communications Facilities subject to administrative review shall be reviewed by the Community

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Development Director for conformity with the requirements of 3.9425 (Zoning/Where Permitted) and 4.9450 (Requirements and Performance Standards) as well as the criteria identified in Section 2.1160 (Development Permit Decision). The Community Development Director shall render a decision to approve, approve with conditions or deny approval of the proposal within 45 days of submittal of the application. Any decision to deny a request to place, construct or modify facilities shall be in writing and shall include specific reasons for the action. A decision by the Community Development Director may be appealed by the applicant within 10 days of the decision to the County Hearing's Officer as specified in Section 2.2190 (Request for Review). The fee for Type I administrative review of a proposed Communication Facility shall be paid when the application is submitted. A Pre-application conference may be required at the discretion of the Community Development Director in accordance with Section 2.1070 (Preapplication conference).

- 2) **Conditional Use Permit Review.** Applications for proposed Communications Facilities subject to Type II (Section 2.1020) or Type II(a) (Section 2.1030) conditional use review shall be reviewed for conformity with the requirements of 3.9425 (Zoning/Where Permitted) and 3.9450 (Requirements and Performance Standards) as well as the criteria set forth within Section 2.4000-2.4050 (Conditional Use). The Community Development Director or Hearing's Officer shall render a decision within 150 days of receipt of a complete application. Any decision to deny a request to place, construct or modify facilities shall be in writing and shall include specific reasons for the action. A decision by the Community Development Director or Hearing's Officer may be appealed within 10 days of the decision to the Board of County Commissioners as specified in Section 2.2190 (Request for Review). The fee for the conditional use review of a proposed Communication Facility shall be paid when the application is submitted. A Pre-application conference may be required at the discretion of the Community Development Director in accordance with Section 2.1070 (Pre-application conference).
- 3) **Technical Issues and Expert Review.** Communications Facilities may involve complex technical issues that require review and input by independent experts. The Community Development Director may require the applicant to pay reasonable costs of a third party technical study for a proposed Communication Facility. Selection of expert(s) to review the proposal shall be the sole discretion of the County.
- 4) **Development and Building Permits.** Development and/or building permits shall not be issued until the facility is approved through the administrative or conditional use review process.

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SECTION 3.9500. VEHICLE ACCESS CONTROL AND CIRCULATION

Section 3.9510. Purpose

The following access control standards apply to industrial, commercial and residential developments including land divisions as noted in the Land and Water Development and Use Ordinance. Access shall be managed to maintain an adequate “level of service” and to maintain the “functional classification” of roadways as required by the Clatsop County Transportation System Plan. Major roadways, including arterials, and collectors, serve as the primary system for moving people and goods within and through the county. “Access management” is a primary concern on these roads. Local streets and alleys provide access to individual properties. If vehicular access and circulation are not properly designed, these roadways will be unable to accommodate the needs of development and serve their transportation function.

The regulations in this section further the orderly layout and use of land, protect community character, and conserve natural resources by promoting well-designed road and access systems and discouraging the unplanned subdivision of land.

Section 3.9520. Definitions

The following definitions apply to this section.

ACCESS. The place, means, or way by which pedestrians, bicycles, and vehicles enter or leave property.

ACCESS MANAGEMENT. The control of street (or highway) access for the purpose of improving the efficiency safety, and/or operation of the roadway of vehicles; may include prohibiting, closing, or limiting direct vehicle access to a roadway from abutting properties, either with physical barriers (curbs, medians, etc.) or by land dedication or easement.

FIRE EQUIPMENT ACCESS DRIVE. A road which complies with the requirements for fire apparatus access roads as described in the Uniform Fire Code.

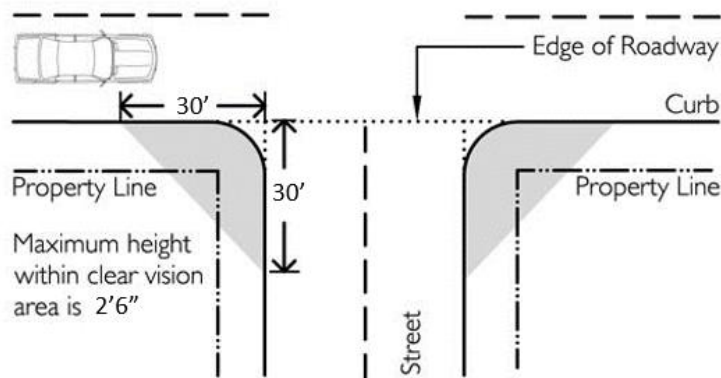
FLAG LOT. A lot not meeting minimum frontage requirements and where access to the public road is by a narrow private right-of-way line.

FRONTAGE STREET. A public or private drive which generally parallels a public street between the right-of-way and the front building setback line. The frontage street provides access to private properties which separating them from an arterial street.

SHARED DRIVEWAY. A driveway connecting two or more contiguous sites to the public street system.”

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Section 3.9530. Clear Vision Area



A clear vision area shall be maintained on the corners of all property at the intersection of two streets or a street and a railroad.

- 1) A clear vision area shall consist of a triangular areas, two sides of which are lot lines measured from the corner intersection of the street lot lines for a distance specified in this regulation, or, where the lot lines have rounded corners, the lot lines extended in a straight line to a point of intersection and so measured, and the third side of which is a line across the corner of the lot joining the non-intersecting ends of the other two sides.
- 2) A clear vision area shall contain no planting, fence, wall, structure or temporary or permanent obstruction exceeding 2.5 feet in height, measured from the top of the curb or, where no curb exists, from the established street center line grade, except that trees exceeding this height may be located in this area, provided all branches and foliage are removed to a height of eight (8) feet above the grade.
- 3) The following measurements shall establish clear vision areas:
 - A. In an agricultural or residential zone the minimum distance shall be thirty (30) feet or, at intersections including an alley, ten (10) feet.
 - B. In all other zones where yards are required, the minimum distance shall be fifteen (15) feet or, at intersections including an alley, ten (10) feet, except that when the angle of intersection between streets, other than an alley, is less than thirty (30) degrees, the distance shall be twenty-five (25) feet.

Section 3.9540. Access Control Standards

- 1) **Traffic Impact Study Requirements.** The County or other agency with access jurisdiction may require a traffic impact study prepared by a qualified professional to determine access, circulation and other transportation requirements. (See, Section 2.9510 – Traffic Impact Study.)
- 2) The County or other agency with access permit jurisdiction may require the closing or consolidation of existing curb cuts or other vehicle access points, recording of reciprocal access easements (i.e., for shared driveways), development of a frontage street, installation of traffic control devices, and/or

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- other mitigation as a condition of granting an access permit, to ensure the safe and efficient operation of the street and highway system.
- 3) **Access Options.** When vehicle access is required for development (i.e., for off-street parking, delivery, service, drive-through facilities, etc.), access shall be provided by one of the following methods (a minimum of 10 feet per lane is required). These methods are “options” to the developer/subdivider.
- (A) **Option 1.** Access is from an existing or proposed alley or mid-block lane. If a property has access to an alley or lane, direct access to a public street is not permitted.
 - (B) **Option 2.** Access is from a private street or driveway connected to an adjoining property that has direct access to a public street (i.e., “shared driveway”). A public access easement covering the driveway shall be recorded in this case to assure access to the closest public street for all users of the private street/drive.
 - (C) **Option 3.** Access is from a public street adjacent to the development parcel. If practicable, the owner/developer may be required to close or consolidate an existing access point as a condition of approving a new access. Street accesses shall comply with the access spacing standards in Subsection (6) below.
 - (D) Access to and from off-street parking areas shall not permit backing onto a public street. Except that in limited situations where no alternative design is possible and sight distances are acceptable, parking areas having three or fewer spaces may allow for backing onto a collector or local street subject to the approval of the Public Works Director.
- 4) **Subdivisions Fronting onto an Arterial Street.** New residential land divisions fronting onto an arterial street shall be required to provide alleys or secondary (local or collector) streets for access to individual lots. When alleys or secondary streets cannot be constructed due to topographic or other physical constraints, access may be provided by consolidating driveways for clusters of two or more lots (e.g., includes flag lots and mid-block lanes).
- 5) **Double-Frontage Lots.** When a lot has frontage onto two or more streets, access shall be provided first from the street with the lowest classification. For example, access shall be provided from a local street before a collector or arterial street. Except for corner lots, the creation of new double-frontage lots shall be prohibited in the RSA-SFR, RSA-MFR, CR, SFR-1, RA-1, RA-5, or CBR Zones, unless topographic or physical constraints require the formation of such lots. When double-frontage lots are permitted in the RSA- SFR, RSA-MFR, CR, SFR-1, RA-1, RA-5, or CBR Zones, a landscape buffer with trees and/or shrubs and ground cover not less than 20 feet wide shall be provided between the back yard fence/wall and the sidewalk or street; maintenance shall be assured by the owner (i.e., through homeowner’s association, etc.).
- 6) **Reverse Frontage Lots.** When a lot has frontage opposite that of the adjacent lots, access shall be provided from the street with the lowest classification.

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- 7) **Access Spacing.** The access spacing standards below shall apply to newly established public street intersections, private drives, and non-traversable medians unless the Public Works Director determines that site and or road conditions make it impractical to meet the access spacing standard.

| Access Spacing | | | |
|---------------------------|----------------|--|---|
| Functional Classification | Posted Speed | Minimum Spacing Between Driveways and/or Streets | Minimum Spacing Between Traffic Signals |
| Arterial | 35 mph or less | 265 feet | Per ODOT Standards |
| | 40 mph | 265 feet | |
| | 45 mph | 265 feet | |
| | 50 mph | 265 feet | |
| | 55 mph | 265 feet | |
| Major Collector | 25-35 mph | 130 feet | Per ODOT Standards |
| Minor Collector | 25-35 mph | 65 feet | |
| Local Street | 25 mph | Access to each lot permitted | |
| Subdivision (10+ lots) | 25 mph | Access to each lot permitted | N/A |
| Subdivision (4-9 lots) | 20 mph | | |
| Partition (> 3 ***) | 20 mph | | |
| Partition (1-3 lots) | 15 mph | | |

- 8) **Number of Access Points.** For single-family (detached and attached), two-family, and three-family housing types, one street access point is permitted per lot, when alley access cannot otherwise be provided; except that two access points may be permitted for two-family and three-family housing on corner lots (i.e., no more than one access per street), subject to the access spacing standards above. The number of street access points for multiple family,

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- commercial, industrial, and public/institutional developments shall be minimized to protect the function, safety and operation of the street(s) and sidewalk(s) for all users. Shared access may be required, in conformance with Section 3.9540(9), below, in order to maintain the required access spacing, and minimize the number of access points. An additional access point may be allowed on a case-by-case basis by permit issued by the Public Works Director or County Engineer.
- 9) **Shared Driveways.** The number of driveway and private street intersections with public streets shall be minimized by the use of shared driveways with adjoining lots where feasible. The County shall require shared driveways as a condition of land division or site design review, as applicable, for traffic safety and access management purposes in accordance with the following standards:
- (A) Shared driveways and frontage streets may be required to consolidate access onto a collector or arterial street. When shared driveways or frontage streets are required, they shall be stubbed to adjacent developable parcels to indicate future extension. "Stub" means that a driveway or street temporarily ends at the property line, but may be extended in the future as the adjacent parcel develops. "Developable" means that a parcel is either vacant or it is likely to receive additional development (i.e., due to infill or redevelopment potential).
 - (B) Access easements (i.e., for the benefit of affected properties) shall be recorded for all shared driveways, including pathways, at the time of final plat approval or as a condition of site development approval.
 - (C) Exception. Shared driveways are not required when existing development patterns or physical constraints (e.g., topography, parcel configuration, and similar conditions) prevent extending the street/driveway in the future.
- 10) **Street Connectivity and Formation of Blocks Required.** In order to promote efficient vehicular and pedestrian circulation throughout the county, land divisions and large site developments, as determined by the Community Development Director, shall produce complete blocks bounded by a connecting network of public and/or private streets, in accordance with the following standards:
- (A) **Block Length and Perimeter.** No block shall be more than 1,000 feet in length between street corner lines unless it is adjacent to an arterial street. The recommended minimum length of blocks along an arterial street is 1,800 feet. An exception to the above standard may be granted, as part of the applicable review process, when blocks are divided by one or more pathway(s); pathways shall be located to minimize out-of-direction travel by pedestrians and may be designed to accommodate bicycles; or where the site's topography or the location of adjoining streets makes it impractical to meet the standard.
 - (B) **Street Standards.** Public and private streets shall also conform to Sections 3.9800 – Transportation Improvements and Road Standard Specifications for Design and Construction and Section 3.9550 - Pedestrian and Bicycle Access and Circulation, and applicable Americans With Disabilities Act (ADA) of 1990 design standards.

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- (C) **Driveway Openings.** Driveway openings or curb cuts shall be the minimum width necessary to provide the required number of vehicle travel lanes (12 feet for each travel lane). The following standards (i.e., as measured where the front property line meets the sidewalk or right-of-way) are required to provide adequate site access, minimize surface water runoff, and avoid conflicts between vehicles and pedestrians:
1. Single family, two-family, and three-family uses shall have a minimum driveway width of 10 feet, and a maximum width of 24 feet.
 2. Multiple family uses with between 4 and 7 dwelling units shall have a minimum driveway width of 20 feet, and a maximum width of 24 feet.
 3. Multiple family uses with more than 8 dwelling units, and off-street parking areas with 16 or more parking spaces, shall have a minimum driveway width of 24 feet, and a maximum width of 30 feet. These dimensions may be increased if the Community Development Director determines that more than two lanes are required based on the number of trips generated or the need for turning lanes.
 4. Access widths for all other uses shall be based on 12 feet of width for every travel lane, except that driveways providing direct access to parking spaces shall conform to the parking area standards in Sections 3.9800 – Transportation Improvements and Road Standard Specifications for Design and Construction.
 5. **Driveway Aprons.** Driveway aprons (when required) shall be constructed of concrete or asphalt and shall be installed between the street right-of-way and the private drive, as shown above. Driveway aprons shall conform to ADA standards for sidewalks and pathways, which require a continuous route of travel that is a minimum of 4 feet in width, with a cross slope not exceeding 2 percent.
- 11) **Fire Access and Parking Area Turn-Arounds.** A fire equipment access drive 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 existing public street or approved fire equipment access drive, or an alternative acceptable to the local Fire District and Public Works Director. Parking areas shall provide adequate aisles or turn-around areas for service and delivery vehicles so that all vehicles may enter the street in a forward manner. For requirements related to cul-de-sacs, please refer to Section 3.9620(10) - Cul-de-Sac.
- 12) **Vertical Clearances.** Driveways, private streets, aisles, turn-around areas and ramps shall have a minimum vertical clearance of 13' 6" for their entire length and width.
- 13) **Vision Clearance.** See Section 3.6530. Clear Vision Area.

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- 14) **Construction.** The following development and maintenance standards shall apply to all driveways and private streets, except that the standards do not apply to driveways serving one single-family detached dwelling:
- (A) **Surface Options.** Driveways, parking areas, aisles, and turn-arounds may be paved with asphalt, concrete or comparable surfacing, or a durable non-paving material may be used to reduce surface water runoff and protect water quality. Paving surfaces shall be subject to review and approval by the Public Works Director.
 - (B) **Surface Water Management.** When a paved surface is used, all driveways, parking areas, aisles and turn-arounds shall have on-site collection or infiltration of surface waters to eliminate sheet flow of such waters onto public rights-of-way and abutting property. Surface water facilities shall be constructed in conformance with standards approved by the Public Works Director.
 - (C) **Driveway Aprons.** When driveway approaches or “aprons” are required to connect driveways to the public right-of-way, they shall be paved with concrete or asphalt surfacing.

SECTION 3.9550. PEDESTRIAN AND BICYCLE ACCESS AND CIRCULATION

Section 3.9560. Purpose

To ensure safe, direct and convenient pedestrian and bicycle circulation, all new development in rural communities, except single family detached housing (i.e., on individual lots), shall provide a continuous pedestrian and/or shared use pathway system. (Pathways only provide for pedestrian circulation. Shared use pathways accommodate pedestrians and bicycles.) The system of pathways shall be designed based on the standards below:

- 1) **Continuous Pathways.** The pathway system shall extend throughout the development site, and connect to all future phases of development, adjacent trails, public parks and open space areas whenever possible. The developer may also be required to connect or stub pathway(s) to adjacent streets and private property, in accordance with the provisions of Section 3.9540 - Access Control Standards, and Section 3.9800 - Transportation Improvements and Road Standard Specifications for Design and Construction
- 2) **Safe, Direct, and Convenient Pathways.** Pathways within developments shall provide safe, reasonably direct and convenient connections between primary building entrances, and all adjacent streets based on the following definitions:
 - (A) **Reasonably direct.** A route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for likely users.
 - (B) **Safe and convenient.** Bicycle and pedestrian routes that are reasonably free from hazards and provide a reasonably direct route of travel between destinations.
- 3) **Connections Within Development.** For all developments subject to Site Design Review, pathways shall connect all building entrances to one another. In

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addition, pathways shall connect all parking areas, storage areas, recreational facilities and common areas (as applicable), and adjacent developments to the site.

- 4) **Street Connectivity.** Shared use pathways (for pedestrians and bicycles) shall be provided at or near mid-block where the block length exceeds the length required by Section 3.9630. Pathways shall also be provided where cul-de-sacs or dead-end streets are planned, to connect the ends of the streets together, to other streets, and/or to other developments. Pathways used to comply with these standards shall conform to all of the following criteria:
- (A) Shared use pathways (i.e., for pedestrians and bicyclists) are no less than 10-feet wide and located within a 14 foot right-of-way or easement that allows access for emergency vehicles;
 - (B) If streets within a subdivision or neighborhood are lighted, pathways shall also be lighted;
 - (C) Stairs or switchback paths using a narrower right-of-way/easement may be required in lieu of a shared use pathway where grades are steep;
 - (D) The decision-maker may determine, based upon facts in the record, that a pathway is impracticable due to: physical or topographic conditions (e.g., freeways, railroads, extremely steep slopes, sensitive lands, and similar physical constraints); buildings or other existing development on adjacent properties that physically prevent a connection now or in the future, considering the potential for redevelopment; and sites where the provisions of recorded leases, easements, covenants, restrictions, or other agreements recorded as of the effective date of this Code prohibit the pathway connection.
 - 1. **Vehicle/Pathway Separation.** Where pathways are parallel and adjacent to a driveway or street (public or private), they shall be raised 6 inches and curbed, or separated from the driveway/street by a 5-foot minimum strip with bollards, a landscape berm, or other physical barrier. If a raised path is used, the ends of the raised portions must be equipped with curb ramps.
 - 2. **Housing/Pathway Separation.** Pedestrian pathways shall be separated a minimum of 5 feet from all residential living areas on the ground floor, except at building entrances. Separation is measured from the pathway edge to the closest dwelling unit. The separation area shall be landscaped. No pathway/building separation is required for commercial, industrial, public, or institutional uses.
 - 3. **Crosswalks.** Where pathways cross a parking area, driveway, or street ("crosswalk"), they shall be clearly marked with contrasting paving materials, humps/raised crossings, or painted striping. An example of contrasting paving material is the use of a concrete crosswalk through an asphalt driveway. If painted striping is used, it

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should consist of thermo-plastic striping or similar type of durable application.

4. **Pathway Surface.** Pedestrian pathway surfaces shall be concrete, asphalt, brick/masonry pavers, or other durable surface, at least 5 feet wide, and shall conform to ADA requirements. Multi-use paths (i.e., for bicycles and pedestrians) shall be the same materials, at least 8 feet wide.
5. **Accessible routes.** Pathways shall comply with the federal Americans With Disabilities Act (ADA), which requires accessible routes of travel from the parking spaces to the accessible entrance. The route shall be compliant with the following standards:
 - (a) Shall not contain curbs or stairs;
 - (b) Must be at least 3 feet wide;
 - (c) Is constructed with a firm, stable, slip resistant surface; and
 - (d) The slope shall not be greater than 1:12 in the direction of travel.

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SECTION 3.9600. SUBDIVISION DESIGN STANDARDS

Section 3.9610 Principles of Acceptability

A subdivision shall conform to the current Comprehensive Plan and shall take into consideration preliminary plans made in anticipation thereof a subdivision shall conform to the requirements of state law and the standards established by this Ordinance.

Section 3.9620. Streets

- 1) **General.** The location, width, and grade of streets shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed use of the land to be served by the streets. Where location is not shown in a comprehensive development plan, the arrangement of streets in a subdivision shall either:
 - (A) Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or
 - (B) Conform to a plan for the neighborhood approved or adopted by the Planning Commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical.
- 2) **Minimum right-of-way and roadway widths.** The width of streets and roadways shall be adequate to fulfill County specifications as provided in Section 3.9800 of this Ordinance.
- 3) Where existing conditions, such as the topography or the size or shape of land parcels, make it otherwise impractical to provide buildable lots, the Planning Commission may accept a narrower right-of-way. If necessary, special slope easements may be required.
- 4) **Reserve strips.** Reserve strips or street plugs controlling access to streets will not be approved unless necessary for the protection of the public welfare or of substantial property rights and in these cases they may be required. The control and disposal of the land comprising such strips shall be placed within the jurisdiction of the County under conditions approved by the Planning Commission.
- 5) **Alignment.** As far as practical, streets other than minor streets shall be in alignment with existing streets by continuations of the center lines thereof. Staggered street alignment resulting in "T" intersections shall wherever practical leave a minimum distance of 200 feet between the center lines of streets having approximately the same direction and otherwise shall not be less than 125 feet.
- 6) **Future extension of streets.** Where necessary to give access to or permit a satisfactory future subdivision or adjoining land, streets shall be extended to the boundary of the subdivision and the resulting dead-end streets may be approved without a turnaround. Reserve strips and street plugs may be required to preserve the objectives of street extensions.
- 7) **Intersection angles.** Streets shall be laid out to intersect at angles as near to right angles as practical except where topography requires a lesser angle, but in no case shall the acute angle be less than 60 degrees unless there is a special

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intersection design. The intersection of an arterial or collector street with another street shall have at least 100 feet of tangent adjacent to the intersection unless topography requires a lesser distance. Other streets, except alleys, shall have at least 50 feet of tangent adjacent to the intersection unless topography requires a lesser distance. Intersections which contain an acute angle of less than 80 degrees or which include an arterial street shall have a minimum corner radius sufficient to allow for roadway radius of 20 feet and maintain a uniform width between the roadway and the right-of-way line.

- 8) **Existing streets.** Whenever existing streets adjacent to or within a tract are of inadequate width, additional right-of-way shall be provided at the time of subdivision.
- 9) **Half streets.** Half streets, while generally not acceptable, may be approved where essential to the reasonable development of the subdivision, when in conformity with the other requirements of these regulations, and when the Planning Commission finds it will be practical to require the dedication of the other half when the adjoining property is subdivided. Whenever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract. Reserve strips and street plugs may be required to preserve the objectives of half strips.
- 10) **Cul-de-sacs.** a cul-de-sac shall be as short as possible and shall terminate with a turnaround.
- 11) **Street names.** Except for extensions of existing streets, no street shall be used which will duplicate or be confused with the names of existing streets. Street names and numbers shall conform to the established pattern in the surrounding area and, if near a city, to the pattern in the city, and shall be subject to the approval of the Planning Commission.
- 12) **Grades and curves.** Grades shall not exceed 6 percent on arterials, 10 percent on collector streets, 12 percent on any other street. Center line radii of curves shall not be less than 300 feet on major arterials, 200 feet on secondary arterials, or 100 feet on other streets, and shall be to an even 10 feet. Where existing conditions, particularly topography, make it otherwise impractical to provide buildable lots, the Planning Commission may accept steeper grades and sharper curves.
- 13) **Streets adjacent to railroad right-of-way.** Wherever the proposed subdivision contains or is adjacent to a railroad right-of-way, provision may be required for 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 between the streets and the railroad. The distance shall be determined with due consideration at cross streets of the minimum distance required for approach grades to a future grade separation and to provide sufficient depth to allow screen planting along the railroad right-of-way.
- 14) **Marginal access streets.** Where a subdivision abuts or contains an existing or proposed arterial street, the Planning Commission may require marginal access streets, reverse frontage lots with suitable depth, screen planting contained in a

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non-access reservation along the rear or side property line, or other treatment necessary for adequate protection of residential properties and to afford separation of through and local traffic.

- 15) **Alleys.** Alleys shall be provided in commercial and industrial districts, unless other permanent provisions for access to off-street parking and loading facilities are approved by the Planning Commission.

Section 3.9630. Blocks

- 1) **General.** The length, width, and shape of blocks shall take into account the need for adequate lot size and street width and shall recognize the limitations of the topography.
- 2) **Size.** No block shall be more than 1,000 feet in length between street corner lines unless it is adjacent to an arterial street or unless the topography or the location of adjoining street justifies an exception. The recommended minimum length of blocks along an arterial street is 1,800 feet.
- 3) **Easements.**
 - (A) **Utility lines.** Easements for sewers, water mains, electric lines, or other public utilities shall be dedicated whenever necessary. The easements shall be at least 12 feet wide and centered on lot lines where possible, except for utility pole tieback easements which may be reduced to six feet in width.
 - (B) **Water courses.** If a subdivision is traversed by a water course such as a drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of the water course, and such further width as will be adequate for the purpose. Streets or parkways parallel to major water courses may be required.
 - (C) **Pedestrian ways.** When desirable for public convenience, pedestrian pathways shall be required to connect to cul-de-sacs or to pass through unusually long or oddly shaped blocks in accordance with Section 3.9550.

Section 3.9640. Lots

- 1) **Size and shape.** Lot size, width, shape, and orientation shall be appropriate for the location of the subdivision and for the type of use contemplated. An interior lot shall have a minimum average width of 50 feet and a corner lot a minimum average width of 60 feet. a lot shall have a minimum average of 100 feet, and the depth shall not ordinarily exceed two times the average width. These minimum standards shall apply with the following exceptions:
 - (A) In areas that will not be served by a public water supply or a sewer, minimum lot sizes shall conform to the requirements of the County Health Department and shall take into consideration requirements for water supply and sewage disposal, as specified in Section 34. The depth of such lots shall not ordinarily exceed two times the average width.

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- (B) Where property is zoned, lot sizes shall conform to the zoning requirement. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street parking and service facilities required by the type of use contemplated.
- 2) **Access.** Each lot shall abut upon a street other than an alley for a width of at least 25 feet.
- 3) **Through lots.** Through lots shall be avoided except where they are essential to provide separation of residential development from traffic arteries or adjacent non-residential activities or to overcome specific disadvantages of topography and orientation. a planting screen easement at least 10 feet wide and across, which there shall be no right of access may be required along the line of lots abutting such a traffic artery or other incompatible use.
- 4) **Lot side lines.** The side lines of lots, as far as practicable, shall run at right angles to the street upon which the lots face.

Section 3.9650. General Soil Development

Lot grading in areas subject to the geologic hazard overlay zone shall conform to the standards of Section 5.3000.

Section 3.9660. Building Lines

If special building setback lines are to be established in the subdivision, they shall be shown on the subdivision plat or included in the deed restriction.

Section 3.9670. Large Lot Subdivision

In subdividing tracts into large lots which at some future time are likely to be resubdivided, the Planning Commission may require that the blocks be of such size and shape, be so divided into lots, and contain such building size restrictions as will provide for extension and opening of streets at intervals which will permit a subsequent division of any parcel into lots of smaller size.

Section 3.9680. Land for Public Purposes

If the County has an interest in acquiring any portion of the proposed subdivision for a public purpose, or if the County has been advised of such interest by a school district or other public agency, and there is reasonable assurance that steps will be taken to acquire the land, then the Planning Commission may require that those portions of the subdivision be reserved for public acquisition, for a period not to exceed one year.

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SECTION 3.9690. SUBDIVISION IMPROVEMENTS

Section 3.9700. Improvement Procedures

In addition to other requirements, improvements shall conform to the requirements of this ordinance and improvement standards or specifications adopted by the County and shall be installed in accordance with the following procedure:

- 1) Work shall not be commenced until plans have been reviewed for adequacy and approved by the County. To the extent necessary for evaluation of the subdivision proposal, the plans may be required before approval of the final map. All plans shall be prepared on tracing cloth in accordance with requirements of the County.
- 2) Work shall not be commenced until the County has been notified in advance, and if work has been discontinued for any reason it shall not be resumed until the County has been notified.
- 3) Required improvements shall be inspected by and constructed to the satisfaction of the County. The County may require changes in typical sections and details if unusual conditions arising during construction warrant such change in the public interest.
- 4) Underground utilities, sanitary sewers, and storm drains installed in streets by the subdivider shall be constructed prior to the surfacing of the streets. Stubs for service connections for underground utilities and sanitary sewers shall be placed to lengths that will avoid the need to disturb street improvements when service connections are made.
- 5) A map showing public improvements as built shall be filed with the County Engineer upon completion of the improvements.

Section 3.9710. Specifications for Improvements

The County Engineer shall prepare and submit to the Board of County Commissioners specifications to supplement the standards of this ordinance based on engineering standards appropriate for the improvements concerned. Specifications shall be prepared for the construction of the following:

- 1) Streets including related improvements such as curbs, shoulders, median strips and sidewalks, and including suitable provisions for necessary slope easements.
- 2) Drainage facilities.
- 3) Sidewalks in pedestrian ways.
- 4) Sewers and sewage disposal facilities.
- 5) Public water supplies and water distribution systems.

Section 3.9720. Improvement Requirements

The following improvements shall be installed at the expense of the subdivider:

- 1) **Water supply.** Lots within a subdivision shall either be served by a public domestic water supply system conforming to state or County specifications or the lot size shall be increased to provide such separation of water sources and

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- sewage disposal facilities as the County Sanitarian considers adequate for soil and water conditions.
- 2) **Sewage.** Lots within a subdivision either shall be served by a public sewage disposal system conforming to state or County specifications or the lot size shall be increased to provide sufficient area for a septic tank disposal system approved by the County Sanitarian as being adequate for soil and water conditions considering the nature of the water supply.
 - 3) **Drainage.** Such grading shall be performed and drainage facilities installed conforming to County specifications as necessary to provide proper drainage within the subdivision and other affected areas in order to secure healthful, convenient conditions for the residents of the subdivision and for the general public. Drainage facilities in the subdivision shall be connected to drainage ways or storm sewers outside the subdivision. Dikes and pumping systems shall be installed if necessary to protect the subdivision against flooding or other inundation.
 - 4) **Streets.** Where streets are to be accepted into the County road system, the subdivider shall grade and improve streets in the subdivision and the extension of such streams to the paving line of existing streets with which such streets intersect in conformance with County specifications. Street improvements shall include related improvements such as curbs, shoulders, sidewalks and median strips to the extent these are required. All other streets shall be improved in accordance with minimum road standards as set forth in 3.9800.
 - 5) **Pedestrian ways.** A sidewalk in conformance with the standards of Section S5.034 shall be installed in the center of pedestrian ways.
 - 6) **Underground utilities.** Underground utilities shall be required.

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SECTION 3.9800. TRANSPORTATION IMPROVEMENTS AND ROAD STANDARD SPECIFICATIONS FOR DESIGN AND CONSTRUCTION

Section 3.9810. General Road and Access Policies

- 1) **Purpose.** The establishment of the criteria to be used in Clatsop County for evaluating the appropriateness of proposed roads which are intended to provide access to lots or parcels. These criteria shall form the basis for determining what requirements are necessary to ensure that there will be adequate provisions available now, and in the future, to provide for the transportation needs of lots, parcels, or developments.

The Clatsop County Road Standards are intended to provide access to new development in a manner which reduces construction cost, makes efficient use of land, allows emergency vehicle access while discouraging inappropriate traffic volumes and speeds, and which accommodates convenient pedestrian and bicycle circulation. The standards apply to County roads, dedicated roads and private roads.

The Road Standards to be applied are based on the density of the zone in which it will be built and shall be constructed to that standard. The Clatsop County Department of Community Development, Planning Commission or Board of County Commissioners will on a case by case basis consider possible future land divisions and whether or not the road being built should be private or dedicated.

Where a partition is proposed in Major or Peripheral Big Game Range areas, the road shall be located to minimize its impact on big game range.

- 2) **Conditions of Development Approval.** No development may occur unless required transportation facilities are in place or guaranteed, in conformance with the provisions of this document. Improvements required as a condition of development approval, when not voluntarily accepted by the applicant, shall be roughly proportional to the impact of development on public facilities and services. Findings in the development approval shall indicate how the required improvements are roughly proportional to the impact.
- 3) **Criteria.** Roads in Clatsop County shall be designed, constructed, and maintained to:
 - (A) Be capable of ensuring unrestricted travel to and from a property.
 - (B) Provide adequate, safe, and legal access with minimum public cost.
 - (C) Place the burden of the costs on the benefited person(s).
 - (D) Provide access for fire protection, ambulance, police, mail, school bus, public transit, and garbage services.
 - (E) Provide for drainage ways and utility services.
 - (F) Be compatible with adjoining land use.
 - (G) Minimize, with the constraints of reasonable engineering practices and costs, the creation of roads within lands designated for Exclusive Farm

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- Use, Forest Resource, Open Space Reserve, Rural and Rural Service Areas designated by the Clatsop County Comprehensive Plan.
- (H) Ensure that the new road will minimize interference with forest management or harvesting practices.
 - (I) Minimize within the constraints of reasonable engineering practices and costs the loss of productive agricultural or forest land, and be located on that portion of such land that is least suitable for timber or agricultural production, taking into consideration, but not limited to, the following: topography, soil capability or classification, erosion potential, and the size and resultant configuration of the affected tracts.
 - (J) Minimize the loss of important wildlife habitat, such as sensitive deer and elk range, identified natural areas, and other significant natural features.
 - (K) Facilitate safe and convenient pedestrian and bicycle trips to meet local travel needs in developed areas.
 - (L) Streets within or adjacent to a development shall be improved in accordance with the Transportation System Plan and the provisions of this Section.
- 4) **Standards, Generally:**
- (A) The following are a variety of types or forms of access used to gain ingress and egress to property within Clatsop County:
 - 1. County roads
 - 2. Federal roads
 - 3. State highways
 - 4. Dedicated ways
 - 5. Flag lots
 - 6. Ways of necessity
 - 7. Public roads
 - 8. Private roads
 - 9. Prescriptive roads
 - (B) Publicly dedicated and maintained roads provide superior access.
 - (C) Flag lots may provide access, but can hinder future development of the surrounding area.
 - (D) Private roads function best if they are designed to serve a predetermined, limited amount of development.
 - (E) Paved roads are safer, less of a nuisance, and more economical to maintain than gravel roads.
 - (F) Road requirements should support a complete transportation network, and not inhibit new land development innovations and concepts.
 - (G) Dedicated ways or County roads shall be the ordinary standard recommended for subdivisions, except as may be dictated by natural hazards, topography, or other special circumstances.
- 5) **Standards, Specifically:**
- (A) As far as is feasible, roads shall be in alignment with existing or appropriate projections of existing roads by continuation of their centerline.

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- (B) When necessary to give access to, or permit a satisfactory future division of adjoining lands, rights-of-way or easements shall be extended to the boundary of a major partition, subdivision, or development. The County may also require the improvement of such rights-of-way or easements in a Class "a" division. a temporary turnaround may be required for the resulting dead end road.
- (C) Frontage roads, or double frontage parcels or lots may be required by the County when a proposed parcel or lot would otherwise abut an arterial or collector road in order to effect separation of through and local traffic. In addition, screening or other treatments may be required along arterials and collectors in order to provide adequate noise and visual protection to adjacent properties.
- (D) Whenever a proposed division or development is intended to abut a public road, the County shall restrict or limit as to location and number, vehicular access points unless specifically exempted in any approval thereof.
- (E) Where a cut or fill road slope is outside the normal right-of-way, a slope easement shall be required of sufficient width to permit maintenance of the cut or fill and drainage structure.

Section 3.9820. Improvement Plans

The Improvement Plans will include, but not be limited, to the following:

- 1) **A plan view showing:**
 - (A) Dimensioning necessary to survey and relocate the roadway.
 - (B) Right-of-way lines as shown on the final plat.
 - (C) Proposed drainage structures, showing both size and type of structure.
 - (D) Location of all existing and proposed utilities.
 - (E) Location and dimensions of the pedestrian circulation system.
 - (F) Location of bicycle parking.
 - (G) Location and type of signs.
 - (H) Toe of slope and top of cut lines showing the limits of the construction area within the dedication.
 - (I) Section lines, fractional section lines and/or Donation Land Claim lines tie to corner from which dedication description is prepared.
 - (J) Vicinity map in the upper left hand corner of the first plan sheet showing roughly the relationships of the proposed road to cities, state highways, county roads, or other well defined topographical features.
 - (K) The stamp and signature of the Registered Professional Engineer preparing the plans.
- 2) **A profile showing:**
 - (A) Centerline grades and vertical curves.
 - (B) Curb profiles where curbs are required.
 - (C) Super elevation transition diagrams for horizontal curves shall be shown if curbs are not required.
- 3) **Typical roadway cross-section showing:**

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- (A) Width and depth of base.
- (B) Width and depth of paving.
- (C) Curbs if required.
- (D) Side slopes.
- (E) Ditch section in cut areas.
- 4) Detail plans of all bridges, stamped by a registered professional engineer.
- 5) Detail plans of any drainage and irrigation structures, sewer lines, or other structures.
- 6) Any other information required by the County Road Department.

Section 3.9830. Public and County Road Standards

1) Road Design:

- (A) The radius of curvature, grade and intersection curb return radius of streets shall conform to the minimum standards prescribed in Tables 3.2, 3.3, and 3.4 of these standards.
- (B) Alignment of streets: Streets located on opposite sides of an intersecting street shall have their centerlines directly opposite each other where possible; otherwise, the centerlines shall be separated by not less than 125 feet.
- (C) Intersection angles: Street intersections shall be as near right angles as possible except where topography requires a lesser angle, but in no case shall the acute angle be less than 60 degrees.
- (D) Location of centerline: The centerline of the paving shall correspond to the centerline of the right-of-way where possible and practical.
- (E) Continuation of streets: Subdivision streets which constitute the continuation of streets in contiguous territory shall be aligned so that their centerlines coincide. Where straight-line continuations are not possible, such centerlines shall be continued by curves. New streets or the continuation of a street in contiguous territory may be required by the Planning Commission where such continuation is necessary to maintain the function of the street or a desirable existing or planned pattern of streets and blocks in the surrounding area. Any road or street which does not connect directly to a County maintained road, City maintained street or state highway will not be accepted for maintenance by the County.
- (F) Streets in Subdivision Adjoining Unsubdivided Land:
 - 1. Stubbed streets: Where a subdivision adjoins unsubdivided land, streets which may be necessary to assure the proper subdivision of the adjoining land or the continuation of the function of a major arterial or collector street shall be provided through to the boundary line of the subdivision.
 - 2. Half streets: Half streets proposed adjacent and parallel to the boundary line of the subdivision, while generally not acceptable, may be approved where essential to the reasonable development of the subdivision when in conformity with other requirements of

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this ordinance and when the Planning Commission finds it will be practical to require the dedication and improvement of the other half when the adjoining property is subdivided. Half streets shall not be permitted where lots would front on such streets. Where half streets are provided, a performance bond may be required to insure all improvements until such time as the remaining half street on adjacent property is dedicated and improved. Whenever an existing half street is adjacent and parallel to the boundary line of a proposed subdivision, the subdivider shall dedicate and improve such additional right-of-way as may be necessary to meet the standards for the type of streets involved.

- (G) Subdivision roads: All roads not to be maintained by the County shall be posted with an approved sign stating roads are not County maintained.
 - (H) Existing streets: Whenever existing streets adjacent to or within a tract are of inadequate width, additional right-of-way shall be provided at the time of the subdivision. When existing streets are to be used as access to the subdivision they shall be constructed as to provide reasonable access as determined by the County Public Works Director or County Engineer.
 - (I) Cross Sections and Tables. All new arterials, collectors, and local streets must conform with design standards of Table 3.2 Road Right-of-Way and Improvement Standards.
- 2) **Improvement Plans:** A complete set of Improvement Plans shall be submitted and approved by the County Public Works Director prior to the start of construction on any County maintained road, public way or subdivision road which is to become a public way.
 - 3) **Surveying:** All roads shall be located by a survey crew so as to insure that the road is constructed in the location shown on the improvement plans. The construction of the road improvement shall be within 0.3' more or less of the horizontal and vertical location shown on the improvement plans.
 - 4) **Monumentation:** All P.C. and P.T. points on horizontal curves shall be referenced with a 5/8" x 30" steel rod driver twenty-four (24) inches into the ground set at the intersection of the R/W line and a line perpendicular to the tangent at the P.C. or P.T. point and shall be witnessed by a white 4" x 4" cedar post forty-eight (48) inches in length set eighteen (18) inches into the ground set twelve (12) inches from and in line with the P.C. or P.T. point. As an alternative to the white cedar posts, a forty-eight (48) inch steel post painted white may be used for such witness posts.
 - 5) **Standard Specifications:** All roadway excavation, fill construction, subgrade preparation, aggregate bases, surfacing, prime coats and paving will be built in accordance with the current edition of the Oregon Department of Transportation "Oregon Standard Specifications for Construction". Whenever these specifications refer to the State, consider that to mean the County of Clatsop, the appropriate County Department or appropriate County address. In case of discrepancy or conflict in the plans, standard specifications, supplemental standard

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specifications and special provisions, they shall govern in the following order:

- A. Special Provisions
 - B. Plans specifically applicable to the project.
 - C. Standard or general plans.
 - D. Supplemental Standard Specifications.
 - E. Standard Specifications.
- 6) **Testing:** All testing except as herein noted, will conform to methods described in "A.A.S.H.T.O. Materials, Part 11, Tests", current Edition. All lab costs for testing will be borne by the developer.
 - 7) **Inspection:** The County Road Department shall be notified 48 hours in advance of the time for subgrade inspection, 48 hours in advance of the time for base inspection and 48 hours in advance of the time for paving inspection. The subgrade is to be inspected before placing the base. The base is to be inspected before placing the pavement. If proper notification for inspection has not been given, the Clatsop County Road Department will not grant approval of the road for twelve months. In this way, the County can observe any deficiencies that may develop in the road and have them corrected before acceptance.
 - 8) **Subgrade:** All subgrades will be compacted in accordance with the Standard Specifications.
 - 9) **Aggregate Base:** Aggregates for aggregate base shall be gravel or rock, crushed or uncrushed, including sand, reasonably well graded from coarse to fine. The grading shall be such that the maximum size shall not exceed 75 percent of the compacted thickness of the layer in which it is incorporated. The aggregate fraction passing a 1/4" sieve shall constitute not less than 10 percent nor more than 50 percent of the whole, by weight, and not more than 8 percent of the total aggregate shall pass a no. 200 sieve. Within the above limits, the subbase aggregate shall be so graded that the materials will be dense and firm when watered and compacted. If crushed aggregate meeting the requirements of Standard Specifications is used, a 2-inch reduction in aggregate base depth will be allowed.
 - 10) **Asphalt Prime Coat:** For all roadway sections using an oil mat, an asphalt prime coat will be applied to the aggregate base in addition to the oil mat. The prime coat will be applied in accordance with Section 408 of the Standard Specifications. Application rate and type of oil will be as approved by the County Public Works Director. The aggregate shall be 3/4 to 1/2 or as approved by the County Public Works Director and specified in Section 703.12 of the Standard Specifications. The aggregate shall be applied approximately at the rate of 0.01 cubic yards/square yard. A three-day curing period will be required.
 - 11) **Asphalt Penetration Macadam:** Where any oil mat is required it shall be applied in accordance with the Standard Specifications. The bituminous material used in the first two spreads shall be as approved by the County Public Works Director. The bituminous material used in the seal coat may be as approved by the Public Works Director.
 - 12) **Asphalt Concrete Pavement:** Where asphalt concrete pavement is required it

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shall be done in accordance with the Standard Specifications. The asphalt cement shall be as approved by the County Public Works Director. The class of asphalt concrete shall be Class B.

- 13) Where required Portland cement concrete curbs shall be constructed in accordance with Clatsop County "curb-driveway" Standard Drawing and the Standard Specifications. The concrete shall be Class 3300 as specified in the Standard Specifications.
- 14) **Select Backfill:** The curbs shall be backfilled in the areas shown on the plans with select backfill. This select backfill shall consist of materials with a maximum size of three inches. The material shall compacted to at least 90 percent of its relative maximum density.
- 15) **Clearing:** The right-of-way shall be cleared of all trees. However, in subdivisions where traffic safety would not be involved and a lesser requirement would not create a hazard, the right-of-way shall be cleared a minimum of forty-feet (40) or four-feet (4) beyond the edge of shoulder or curb line or the finished road. Also in subdivision, the case of an individual tree which is considered an exceptional or stately tree, an allowance can be made to leave the tree within the above mentioned four (4) foot area. In some instances, consideration can also be given to allow the prism of the road to shift slightly toward one side of the right-of-way. Any change in the alignment should be done to provide a safe and aesthetic looking roadway.
- 16) **Signs:** Clatsop County has jurisdiction concerning the location of all signs on County maintained roads and public ways.

When in the Public Works Director's opinion there may be a need for a change in the speed limit for a road, he shall request the Oregon State Speed Control Board to study the road in question. If the Speed Control Board issues an order to post a speed limit on the road, Clatsop County will furnish and install the speed limit signs at the County's expense.

Name signs for County maintained roads shall have reflective green background with reflective white letters.

Signing at intersections will be paid for as follows:

- (A) Intersection of two County maintained roads:
 1. Stop signs - County
 2. Name signs - County
- (B) Intersection of a County maintained road and a public way:
 1. Stop signs - County
 2. Name signs - County
- (C) Intersection of two public ways:
 1. Stop signs - Others
 2. Name signs - Others
- (D) Intersection of two private ways:

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1. Stop signs - Others
 2. Name signs - Others
- (E) Intersection of private way and public way:
1. Stop signs - Others
 2. Name signs - Others

Clatsop County Road Department may furnish and install the signs which were referred to above as paid for by "others". However, they shall be paid by "others" for the County's expense.

17) **Drainage:**

- (A) **Size of culverts:** The design and construction of all drainage facilities within a project shall be of sufficient size and quality to receive and transport, at a 25 year storm frequency standard all surface drainage and natural drainage course waters coming to and passing through the project from the watershed or watersheds to which it is servient, when the lands located in such are at full planned development, according to the Comprehensive Framework Plan. The minimum diameter pipe to be used shall be 12 inches.

Prior to approval being granted for a project, it must be shown that the existing downstream facilities be adequate to receive and pass storm water runoff discharged through and from the proposed project from a 25 year storm based on the present development plus any proposed developments of the lands of the watershed or watersheds to which the proposed project is servient.

In those areas located in the 100-year floodplain, the design and construction of all drainage facilities shall be of sufficient size and quality to receive and transport the 100- year storm without raising the floodplain elevation. The drainage facilities may be designed to pass less than a 100-year storm provided retention or detention of the runoff is designed and that such retention or detention does not raise the floodplain upstream.

- (B) **Drainage easements:** When, due to topographical or other reason, all or any portion of the water collected in the project must be discharged at the boundary of the project, such that it is concentrated and must run across other private property before reaching a natural or existing drainage course, the developer shall make all necessary arrangements with the affected property owner or owners. Arrangements shall include, but are not limited to, a proper easement for drainage in favor of the public executed by the affected owner or owners and a method of transporting the water, i.e. ditch, sewer, etc., satisfactory to the Department and said owner or owners.

If it is necessary to carry water across portions of the land being developed hereunder, which are not to become public, and a satisfactory easement

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has not been provided in the official plat of the area, the developer shall prepare and cause to be executed a proper easement to the public for such purpose.

- (C) **Connections to roadside ditches:** Where drainage is to be connected to an existing roadside ditch, the ditch shall not be deepened so as to produce a finished ditch more than two (2) feet below the maximum of two (2) foot depth, the developer shall cause to be constructed a proper size storm sewer line in said roadside ditch.

Section 3.9840. Private Road Minimum Requirements

Table 3.4 and the following minimum requirements shall apply for any action relating to the approval of a private road:

- 1) Private roads shall provide access to no more than ten (10) abutting lots or parcels. A private road may serve more than ten (10) lots or parcels when the parcels are within a planned development or subdivision and when such road is constructed to the standards for a public road, and is approved as a part of the planned development or subdivision. Under no circumstances shall a private road serve other roads or areas.
Surf Pines and The Highlands at Gearhart are exempt from this requirement. These two areas are served by private roads and already exceed the 10-lot standard.
- 2) Private roads shall not be approved if the road is presently needed, or is likely to be needed, for development of adjacent property, or to be utilized for public road purposes in the normal development of the area, or if the private road is intended to serve commercial, or industrial district uses. Private roads shall not be approved for commercial or industrial land divisions.
- 3) The minimum easement for a private road shall be 25 feet, except where the natural slope of the land within the easement (cross-slope) is greater than 21 percent, in which case the easement width shall be 50 feet. The minimum right-of-way width shall accommodate required cut and fill slopes, ditches, turnouts and cul-de-sacs.
- 4) A lot or parcel abutting a railroad or limited access road right-of-way may require special consideration with respect to its access requirements.
- 5) Guardrail is required on all bridges and for a distance of 40 feet along the approaches to all bridges. Guardrail is also required along any fill slope or natural ground slope below the road that is steeper than 1:1, over 10 feet high, and is within 10 feet horizontally of the edge of the traveled road surface. The guardrail materials must be approved as conforming to Oregon State Highway Standard Specifications.
- 6) The County may require that the private road being considered be established as a dedicated way or County road and improved to the applicable standards, if it is determined by the County that the access and transportation needs of the public would be better served by such a change.

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The determination made by the County will include the following:

- (A) proximity of other roads being used for the same purpose,
 - (B) topography of the parcel and contiguous parcels,
 - (C) potential development as determined by the existing zoning or proposed zoning if the request involves a zone change,
 - (D) safety factors such as visibility, frequency or road access points.
- 7) All private roads that are dead-end roads shall have a cul-de-sac or other suitable turnaround.
 - 8) A private road shall directly connect only to a public, county or state road.
 - 9) The travel surface of the private road shall be constructed so as to ensure egress and ingress for the parcels served during normal climatic conditions:
 - (A) Twelve (12) inches of pit run base course or equivalent. The grade of rock shall be approved by the County Road Department prior to construction. As an alternate, the depth of the base course containing 4 or 6-inch minus or jaw run may be less than 12 inches as determined on a case-by-case basis by the County Road Department.
 - (B) Two inches of 3/4-inch minus top course.
 - 10) The County shall require that a maintenance agreement be recorded in the records of Clatsop County along with any map or plat creating a private road, and include the following terms:
 - (A) That the agreement for maintenance shall be enforceable by a majority of persons served by the road.
 - (B) That the owners of land served by the road, their successors, or assigns, shall maintain the road, either equally or in accordance with a specific formula.
 - 11) The County shall require that an easement over the private road for ingress and egress, including the right of maintenance, be conveyed to the properties served by the road.

Section 3.9850. Minimum Construction Standards for Private Roads

- 1) Twelve (12) foot wide improved travel surface (see a-12 standard cross-section).
- 2) Turnouts shall be required at 800 feet maximum spacing, or at distances which ensure continuous visual contact between turnouts, and constructed to the following dimensional standards: 50 feet in length and seven (7) feet in width, with 25 foot tapers on each end back from its point of connection with the County or public road.
- 3) Cut and fill slope requirements, and ditch lines as detailed on the a-12 standard cross section. The grade of the ditch slopes parallel to centerline shall be no less than 1% to provide for adequate drainage. The developer shall be required to provide all erosion control measures necessary to maintain the standard cross section and to eliminate any increase in any stream turbidity.

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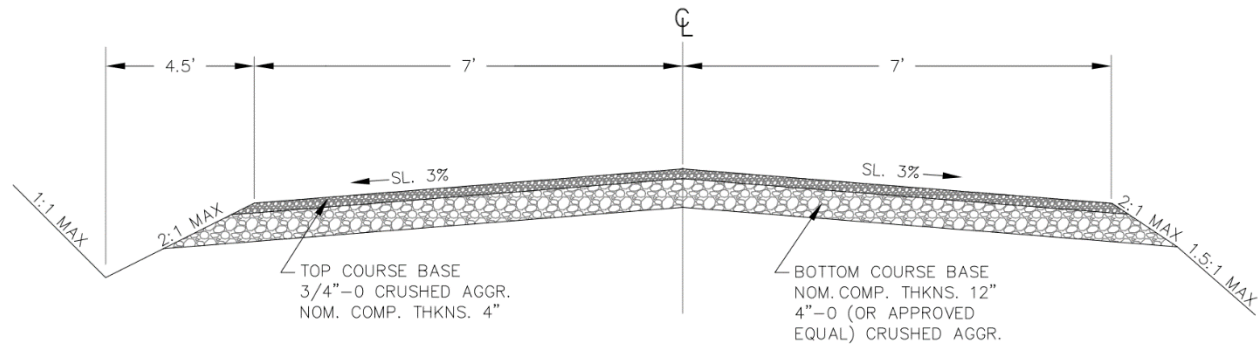
- 4) The width of the road approach at its intersection with the County road, or other public road, shall equal 18 feet, and taper over a distance of 50 feet to the travel surface width back from its point of connection with the County or public road.
- 5) The finished grade within 20 feet of the traveled portion of the roadway shall not exceed +3 percent. Elsewhere the finished grade shall not exceed 18 percent. Any finished grade in excess of 14% shall be paved.
- 6) A 30 foot radius cul-de-sac, or other suitable turnaround, at the terminus of the private road or within 200 feet of its terminus.
- 7) All culverts, bridges and other waterway crossings serving two (2) or more parcels shall be constructed and maintained to carry American Association of State Highway and Transportation Officials (AASHTO) HS-20 loading. a typical acceptable type is 16 gauge, galvanized CMP for small cross drains and drainageway crossings. Twelve inch diameter culverts are the absolute minimum. Bridges and other large waterway crossings shall be certified by a professional registered engineer.
- 8) All private road points of access to public roads shall include a landing area to extend 20 feet minimum beyond the shoulder of the public road on which the profile grade shall not exceed three (3) percent. A greater landing area may be required to allow for future road improvements.

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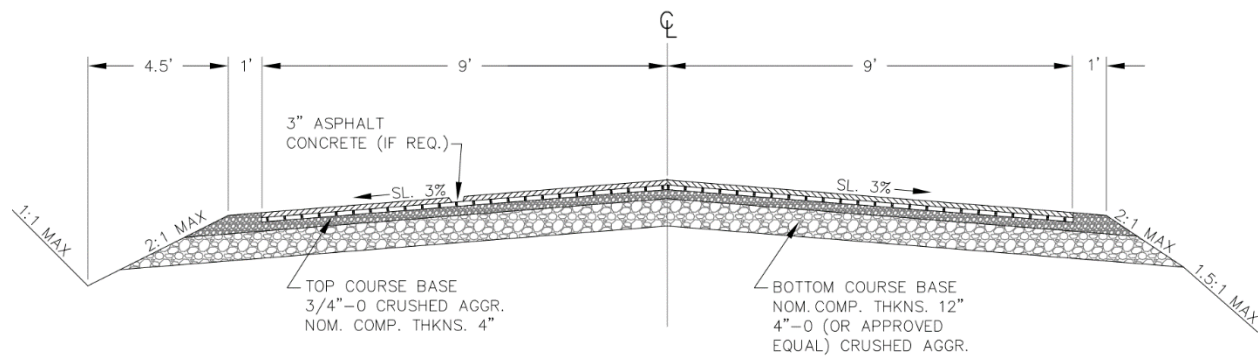
| Table 3.2 - Right-of-Way and Improvement Standards Table | | | | | | | | | |
|---|------------|-------------------------|--------------|-------------|---------------------|------------------|--------------|-------------------|--------------|
| Functional Road Class | A.D.T | Design Standard Typical | Travel Width | R-O-W Width | Surface Type | Design Speed MPH | Max. % Grade | Min. Curve Radius | Street Signs |
| County Road Standards | | | | | | | | | |
| Resource Route | 300-1000 | A-38 | 38 | 48-54 | A.C./Oil | 35 | 12 | 500 | (1) |
| Arterial | >1000 | A - 32 | 24 | 80 | A.C. | 45 | 12 | 750 | (1) |
| Major Collector | 300 – 1000 | A - 30 | 22*** | 60 | A.C. | 40 | 12 | 500 | (1) |
| Minor Collector | | A-28 | 22 | 60 | A.C. | 35 | 12 | 500 | (1) |
| Local | 60 – 300 | A - 24 | 20 | 60 | A.C./Oil | 35 | 12 | 350 | (1) |
| Public and Private Road Standards | | | | | | | | | |
| Subdivision (10+ lots) | >60 | A - 22 | 20 | 50 | A.C. ⁽⁵⁾ | 25 | 12 | 250 | (1) |
| Subdivision (4-9 lots) | 30 – 60 | A - 20 | 18 | 50 | A.C. ⁽⁵⁾ | 20 | 12** | 150 | (1) |
| Partition (> 3 ***) | <60 | A - 20 | 18 | 50 | Gravel | 20 | 12** | 150 | (1) |
| Partition (1-3 lots) | <30 | A – 14 ⁽⁴⁾ | 14 | 25 | Gravel | 15 | 16* | 50 | (1) |
| <p>* If unavoidable conditions exist a grade of 2% greater than that shown may be allowed with A.C. paving.</p> <p>** If unavoidable conditions exist a grade of 4% greater than that shown may be allowed with A.C. paving.</p> <p>*** May be reduced to 22 feet as specified in AASHTO if approved by the County Engineer.</p> <p>(1) One (1) approved street sign will be provided at each intersection for each named street.</p> <p>(2) All dead-end streets will be terminated with a cul-de-sac or approved turnaround. See Design Standard Typical Cul-de-sac for details.</p> <p>(3) Drainage/slope easements may be required if roadway slopes extend beyond the right-of-way.</p> <p>(4) A-14 roads require turn-outs at a maximum distance of 400 feet, or at a lesser interval that will maintain a continuous visual contact between each successive turn-out.</p> <p>(5) Minimum A.C. thickness is 3" nominally compacted ODOT Class C, or approved equal.</p> | | | | | | | | | |

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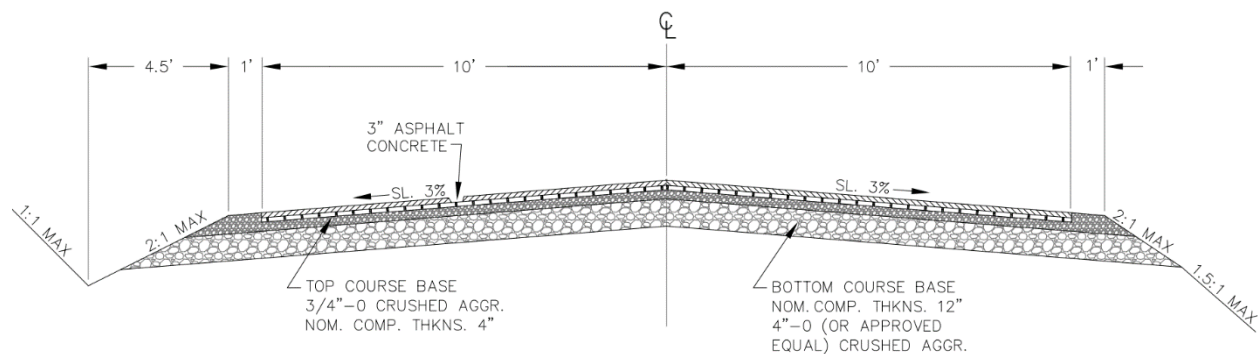
A-14 Cross-Section



A-20 Cross-Section



A-22 Cross-Section



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Table 3.3 - Road Improvement Policy Matrix (For Reference Purposes Only)

| | Resources Zones | Non-Resource Zones | |
|---|-----------------------------------|---------------------|---------------------|
| | New Road Created or Existing Road | New Road Created | Existing Road Used |
| 1. Must a road be improved in conjunction with a partition? | | | |
| A. Private Road | No | Yes | Yes ⁽¹⁾ |
| B. Public Road | No | Yes | No |
| C. County Road | Yes ⁽²⁾ | Yes | No |
| 2. Minimum Road Standard Required? | | | |
| A. Private Road | n/a | A-14 | A-14 ⁽¹⁾ |
| B. Public Road | n/a | A-20 | A-20 |
| C. County Road | ⁽²⁾ | A-20 ⁽³⁾ | A-20 |

⁽¹⁾ If an existing private road provides access to a parcel, this road must be improved to at least an A-14 standard. See Table 3.2, Road Right-of-way and Improvement Standards.
⁽²⁾ If a County road is created or utilized in a resource zone to provide access to a partitioned parcel, the Board of Commissioners shall establish minimum improvement standards and control the timing of the improvement.
⁽³⁾ If a new portion of a County road is created to provide access to a non-resource zone partition, the Board of Commissioners shall set the improvement standards (the minimum improvement shall be an A-20 standard).

Table 3.4- Minimum Road Standards for Private Roads

| Revision Class | Maximum # of Parcels to be Served | Maximum Grade | Lane Width | Minimum Lanes Required | Recommended Easement Width | Design Speed | Top Course | Base Course |
|------------------|---|--------------------|------------|------------------------|----------------------------|--------------|------------|-------------|
| A ⁽⁴⁾ | Private Roads are not allowed within Class "A" Division except as noted | | | | | | | |
| B | 10 | 18% ⁽³⁾ | 10 | 1 ⁽²⁾ | 25 | -- | -- | -- |
| C | 10 | 18% ⁽³⁾ | 10 | 1 ⁽²⁾ | 25 | -- | -- | -- |

⁽¹⁾ "A" - Within an Urban Growth Boundary or Rural Service Area Boundary.
 "B" - Zoned for 5 acres or smaller, excluding Class "A" divisions.
 "C" - Zoned for larger than 5 acres in size.
⁽²⁾ Turnouts shall be provided intervisibly or at 800-foot intervals, whichever is less.

ARTICLE 3. STRUCTURE SITING AND DEVELOPMENT STANDARDS

- (3) Grades greater than 14% shall be paved.
- (4) A private road is not permitted in an Urban Growth Boundary or Rural Service Area except that it may be permitted outside UGBs or RSAs.

Note: See Sections 3.9840 and 3.9850 for complete standards.



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TO: Clatsop County Planning Commission

FROM: Victoria Sage, Planner

RE: **CODE MODERNIZATION AND CONSOLIDATION – SUMMARY OF REVISIONS TO ARTICLE 5**

Article 5. Special Districts

The revised Article 5 is a consolidation and reorganization of former Article 4; sections have been rearranged and re-grouped with like topics, such as hazard areas and development areas. Changes also include the addition of Section L3.900 and L3.920 from the *Land and Water Development and Use Ordinance 80-14*, and the addition of Sections S3.700, S3.650 and S4.250 of the *Standards Document 80-14*,

ARTICLE 5. SPECIAL DISTRICTS

- Formerly ARTICLE 4. SPECIAL DISTRICTS
- Combined all former Article 4 with Sections L3.900 and L3.920 and Sections S 3.700, S3.650 and S4.250 from the Standards Document
- Renumbered all sections.

SECTION 5.0000. SPECIAL PURPOSE DISTRICTS

- TABLE 5.1. SPECIAL PURPOSE OVERLAYS, ABBREVIATIONS, AND BOUNDARIES
 - *Formerly Table 3.030 Special Purpose Districts Abbreviations Designations*

SECTION 5.1000. FLOOD HAZARD OVERLAY DISTRICT (FHO)

- *Formerly SECTION 4.000. FLOOD HAZARD OVERLAY DISTRICT (/FHO). (Ord. 18-03)*
- Section 5.1010. Purpose
 - *Formerly Section 4.010. Purpose*
- Section 5.1020. Definitions
 - *Formerly Section 4.011. Definitions*
- Section 5.1030 Interpretation
 - *Formerly Section 4.015 Interpretation*
- Section 5.1040 Floodplain Administrator Duties and Responsibilities
 - *Formerly Section 4.016 Floodplain Administrator Duties and Responsibilities*
- Section 5.1050 Alteration of Water Courses
 - *Formerly Section 4.017 Alteration of Water Courses*
- Section 5.1060 Non-Conversion of Enclosed areas below the Lowest Floor
 - *Formerly Section 4.018 Non-Conversion of Enclosed areas below the Lowest Floor*



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- Section 5.1070 Floodplain Inspection and Enforcement
 - *Formerly Section 4.019 Floodplain Inspection and Enforcement*
- Section 5.1080 Warning and Disclaimer of Liability
 - *Formerly Section 4.020 Warning and Disclaimer of Liability*
- Section 5.1090 Appeals
 - *Formerly Section 4.021 Appeals*
- Section 5.1100 Permit Procedures
 - *Formerly Section 4.022 Permit Procedures*
- Section 5.1110 Substantial Damage and Substantial Improvement Determination
 - *Formerly Section 4.023 Substantial Damage and Substantial Improvement Determination*
- Section 5.1120 Variances
 - *Formerly Section 4.024 Variances*
- Section 5.1130 Development Standards
 - *Formerly Section 4.025 Development Standards*
- Section 5.1140 Development in Floodways
 - *Formerly Section 4.026 Development in Floodways*
- Section 5.1150 Zones with Base Flood Elevation but no Floodway
 - *Formerly Section 4.027 Zones with Base Flood Elevation but no Floodway*
- Section 5.1160 Zones Without Base Flood Elevations
 - *Formerly Section 4.028 Zones Without Base Flood Elevations*
- Section 5.1170 Coastal High Hazard Area
 - *Formerly Section 4.029 Coastal High Hazard Area*
- Section 5.1180 Non-Coastal High Hazard Areas
 - *Formerly Section 4.030 Non-Coastal High Hazard Areas*
- Section 5.1190 Specific Standards for Areas of Shallow Flooding (AO and AH Zone)
 - *Formerly Section 4.031 Specific Standards for Areas of Shallow Flooding (AO and AH Zone)*
- Section 5.1200 Requirement to Submit New Technical Data
 - *Formerly Section 4.032 Requirement to Submit New Technical Data*

SECTION 5.2000 TSUNAMI INUNDATION ZONE

- *Added from CLATSOP COUNTY STANDARDS DOCUMENT ORDINANCE 80-14*
 - *Formerly SECTION S.3.650 TSUNAMI INUNDATION ZONE*
- Section 5.2010 Review Required
 - *Formerly Section S3.651. Review Required*
- Section 5.2020 Verification of Review
 - *Formerly Section S. 3.655 Verification of Review*



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SECTION 5.3000 GEOLOGIC HAZARDS OVERLAY DISTRICT (GHO).

- *Moved from SECTION 4.040 GEOLOGIC HAZARDS OVERLAY DISTRICT (/GHO).*
- Section 5.3005 Purpose
 - *Formerly Section 4.041 Purpose*
- Section 5.3010 Applicability
 - *Formerly Section 4.042 Applicability*
- Section 5.3015 Geologic Hazard Permit Requirements
 - *Formerly Section 4.043 Geologic Hazard Permit Requirements*
- Section 5.3020 Geotechnical Report Requirements
 - *Formerly Section 4.044 Geotechnical Report Requirements*
- Section 5.3025 Geologic Hazard Permit Review
 - *Formerly Section 4.045 Geologic Hazard Permit Review.*
- Section 5.3030 Independent Review
 - *Formerly Section 4.046 Independent Review*
- Section 5.3035 Standards
 - *Formerly Section 4.047 Standards*
- Section 5.3040. Geologic Hazard Requirements
 - *Moved from S3.700. GEOLOGIC HAZARD REQUIREMENTS CLATSOP COUNTY STANDARDS DOCUMENT ORDINANCE 80-14*
- Section 5.3045 Special Requirements for Hazard Areas
 - *Moved from S3.701. Special Requirements for Hazard Areas.*
- Section 5.3050 Preliminary Site Investigation
 - *Moved from S3.702. Preliminary Site Investigation.*
- Section 5.3055 Detailed Site Investigation for Geologic Hazard Areas
 - *Moved from S3.704. Detailed Site Investigation for Geologic Hazard Areas.*
- Section 5.3060 Site Investigation Report Review
 - *Moved from S3.706 Site Investigation Report Review*
- Section 5.3065 Qualifications
 - *Moved from S3.708. Qualifications*

SECTION 5.4000. BEACH AND DUNE OVERLAY DISTRICT (BDO)

- *Formerly SECTION 4.050. BEACH AND DUNE OVERLAY DISTRICT (/BDO).*
- Section 5.4010 Purpose
 - *Formerly Section 4.051. Purpose.*
- Section 5.4020 Applicability
 - *Formerly Section 4.052. Applicability.*
- Section 5.4030 Relationship to the Underlying Zone



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- *Formerly Section 4.053. Relationship to the Underlying Zone.*
- Section 5.4040 State Parks and Recreation Department Regulated Uses
 - *Formerly Section 4.054 State Parks and Recreation Department Regulated Uses.*
- Section 5.4050 Permitted Development and Uses
 - *Formerly Section 4.055. Permitted Development and Uses.*
- Section 5.4060 Development and Uses Permitted with Review
 - *Formerly Section 4.056 Development and Uses Permitted with Review.*
- Section 5.4070 Conditional Development and Use
 - *Formerly Section 4.057. Conditional Development and Use.*
- Section 5.4080 Prohibited Activities
 - *Formerly Section 4.058 Prohibited Activities.*
- Section 5.4090 General Development and Use Criteria
 - *Formerly Section 4.059. General Development and Use Criteria.*

SECTION 5.4100 SHORELAND OVERLAY DISTRICT (SO)

- *Formerly SECTION 4.080. SHORELAND OVERLAY DISTRICT (/SO).*
- Section 5.4110 Purpose
 - *Formerly Section 4.082. Purpose*
- Section 5.4120 Designation of Shoreland Overlay District
 - *Formerly Section 4.084. Designation of Shoreland Overlay District*
- Section 5.4140 Categories of Coastal Shorelands
 - *Formerly Section 4.086. Categories of Coastal Shorelands.*
- Section 5.4150 Developments Permitted with Category 1 Coastal Shorelands
 - *Formerly Section 4.088. Developments Permitted with Category 1 Coastal Shorelands.*
- Section 5.4160 Developments Permitted within Category 2 Coastal Shorelands
 - *Formerly Section 4.090. Developments Permitted within Category 2 Coastal Shorelands.*
- Section 5.4170 Development Standards
 - *Formerly Section 4.092. Development Standards.*
- Section 5.4180. State and Federal Permits.
 - *Formerly Section 4.095. State and Federal Permits.*

SECTION 5.4200. AQUIFER RESERVE OVERLAY DISTRICT (ARO)

- *Moved from SECTION 4.132. AQUIFER RESERVE OVERLAY DISTRICT (/ARO).*
- Section 5.4210. Purpose
 - *Formerly Section 4.133. Purpose.*
- Section 5.4220. Development and Uses Permitted
 - *Formerly Section 4.134. Development and Uses Permitted.*



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- Section 5.4230. Conditional Development and Use
 - *Formerly Section 4.135. Conditional Development and Use.*
- Section 5.4240 Prohibited Development and Use
 - *Formerly Section 4.136. Prohibited Development and Use.*
- Section 5.4250. Determination by the Community Development Director
 - *Formerly Section 4.137. Determination by the Community Development Director.*

SECTION 5.4300. MITIGATION SITE OVERLAY DISTRICT (MIT)

- *Moved from SECTION 4.180. MITIGATION SITE OVERLAY DISTRICT (/MIT).*
- Section 5.4310. Purpose
 - *Formerly Section 4.182. Purpose.*
- Section 5.4320. Designation of Mitigation Sites
 - *Formerly Section 4.184. Designation of Mitigation Sites.*
- Section 5.4330. Developments Allowed in Mitigation Sites
 - *Formerly Section 4.186. Developments Allowed in Mitigation Sites.*
- Section 5.4340. Removal of the Mitigation Site Overlay District
 - *Formerly Section 4.188. Removal of the Mitigation Site Overlay District.*
- Section 5.4350. Preemptive Uses
 - *Formerly Section 4.189. Preemptive Uses.*

SECTION 5.4400. SENSITIVE BIRD HABITAT OVERLAY DISTRICT (SBHO)

- *Formerly SECTION 4.200. SENSITIVE BIRD HABITAT OVERLAY DISTRICT (/SBHO)*
- Section 5.4410. Purpose
 - *Formerly Section 4.210. Purpose.*
- Section 5.4420. Definition of Nest Sites
 - *Formerly Section 4.220. Definition of Nest Sites.*
- Section 5.4430. Development and Uses Permitted
 - *Formerly Section 4.240. Development and Uses Permitted.*
- Section 5.4440. Development and Use Criteria
 - *Formerly Section 4.260. Development and Use Criteria.*

SECTION 5.4500 DREDGED MATERIAL DISPOSAL SITE RESERVATION OVERLAY DISTRICT (DMD)

- *Formerly SECTION 4.160. DREDGED MATERIAL DISPOSAL SITE RESERVATION OVERLAY DISTRICT (/DMD).*
- Section 5.4510. Purpose
 - *Formerly Section 4.162. Purpose.*
- Section 5.4520. District Boundaries



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- *Formerly Section 4.164. District Boundaries.*
- Section 5.4530. Dredged Material Disposal Sites
 - *Formerly Section 4.166. Dredged Material Disposal Sites*
- Section 5.4540. Uses Allowed in Dredged Material Disposal Sites
 - *Formerly Section 4.168. Uses Allowed in Dredged Material Disposal Sites.*
- Section 5.4550. Removal of Dredged Material Disposal Site Designation
 - *Formerly Section 4.170. Removal of Dredged Material Disposal Site Designation*
- Section 5.4560. Preemptive Uses
 - *Formerly Section 4.172. Preemptive Uses.*

SECTION 5.4600. QUARRY & MINING OVERLAY DISTRICT (QMO)

- *Moved from SECTION 4.400. QUARRY & MINING OVERLAY DISTRICT (/QMO).*
- Section 5.4605. Purpose
 - *Formerly Section 4.402. Purpose*
- Section 5.4610. Definitions
 - *Formerly Section 4.404. Definitions*
- Section 5.4615. Application of Overlay Zone
 - *Formerly Section 4.406. Application of Overlay Zone.*
- Section 5.4620. Exemptions
 - *Formerly Section 4.408. Exemptions.*
- Section 5.4625. Pre-Existing and Non-Conforming Uses
 - *Formerly Section 4.410. Pre-Existing and Non-Conforming Uses.*
- Section 5.4630. Permitted Uses - Extraction Areas
 - *Formerly Section 4.412. Permitted Uses - Extraction Areas.*
- Section 5.4635. Development Standards - Extraction Area
 - *Formerly Section 4.414. Development Standards - Extraction Area.*
- Section 5.4640. Application Process
 - *Formerly Section 4.416. Application Process.*
- Section 5.4645. Site Plan Review
 - *Formerly Section 4.418. Site Plan Review.*
- Section 5.4650. Impact Area - Uses and Standards
 - *Formerly Section 4.420. Impact Area - Uses and Standards.*
- Section 5.4655. Sensitive Uses
 - *Formerly Section 4.421. Sensitive Uses.*
- Section 5.4660. Designation of Overlay Zone
 - *Formerly Section 4.422. Designation of Overlay Zone.*
- Section 5.4665. Determination of Significance
 - *Formerly Section 4.424. Determination of Significance.*



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- Section 5.4670. Termination of QMO Zone
 - *Formerly Section 4.426. Termination of QMO Zone.*

SECTION 5.4700. DESTINATION RESORT OVERLAY DISTRICT (DRO)

- *Moved from SECTION 4.340. DESTINATION RESORT OVERLAY DISTRICT (/DRO).*
- Section 5.4705. Purpose and Intent
 - *Formerly Section 4.342. Purpose and Intent.*
- Section 5.4710. General Provisions
 - *Formerly Section 4.344. General Provisions.*
- Section 5.4715. Development and Use Permitted
 - *Formerly Section 4.346. Development and Use Permitted.*
- Section 5.4720. Application of the District and Procedure
 - *Formerly Section 4.348. Application of the District and Procedure*
- Section 5.4725. Application for Destination Resort Overlay District Zone Change
 - *Formerly Section 4.350. Application for Destination Resort Overlay District Zone Change.*
- Section 5.4730. Approval Criteria for Destination Resort Overlay District Zone Change
 - *Formerly Section 4.352. Approval Criteria for Destination Resort Overlay District Zone Change.*
- Section 5.4735. Contents of Application for Conceptual Plan
 - *Formerly Section 4.354. Contents of Application for Conceptual Plan*
- Section 5.4740. Development Standards
 - *Formerly Section 4.356. Development Standards.*
- Section 5.4745. Conceptual Plan
 - *Formerly Section 4.358. Conceptual Plan.*
- Section 5.4750. Development Plan Contents
 - *Formerly Section 4.360. Development Plan Contents*
- Section 5.4755. Development Plan Approval Criteria
 - *Formerly Section 4.362. Development Plan Approval Criteria.*
- Section 5.4760. Conditions
 - *Formerly Section 4.364. Conditions.*

SECTION 5.4800. PLANNED DEVELOPMENT OVERLAY DISTRICT (PDO)

- *Moved from SECTION 4.140. PLANNED DEVELOPMENT OVERLAY DISTRICT (/PDO).*
- Section 5.4805. Purpose
 - *Formerly Section 4.141. Purpose.*
- Section 5.4810. Applicability
 - *Formerly Section 4.142. Applicability.*



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- Section 5.4815. Approval Criteria
 - *Formerly Section 4.143. Approval Criteria.*
- Section 5.4820. General Development and Use Standards and Requirements
 - *Formerly Section 4.144. General Development and Use Standards and Requirements.*
- Section 5.4825. Development and Use Standards
 - *Formerly Section 4.145. Development and Use Standards.*
- Section 5.4830. Application Procedures
 - *Formerly Section 4.146. Application Procedures.*
- Section 5.4835. Limitation on Resubmission
 - *Formerly Section 4.147. Limitation on Resubmission*
- Section 5.4840. Adherence to Approved Plan and Modification Thereof
 - *Formerly Section 4.148. Adherence to Approved Plan and Modification Thereof.*
- Section 5.4845. Violation of Conditions
 - *Formerly Section 4.149. Violation of Conditions.*
- Section 5.4850. Common Open Space
 - *Formerly Section 4.150. Common Open Space.*

SECTION 5.4900. ARCH CAPE RURAL COMMUNITY OVERLAY DISTRICT (RCO)

Moved from SECTION 4.100. ARCH CAPE RURAL COMMUNITY OVERLAY DISTRICT (/RCO).

SECTION 5.4910. ARCH CAPE SHORT TERM (VACATION) RENTALS

Formerly SECTION 4.109 ARCH CAPE SHORT TERM (VACATION) RENTALS.

- Section 5.4920. Purpose
 - *Formerly Section 4.110 Purpose.*
- Section 5.4930. Permit Required
 - *Formerly Section 4.111 Permit Required.*
- Section 5.4940. Short-Term Rental Permit Application Requirements
 - *Formerly Section 4.112 Short-Term Rental Permit Application Requirements.*
- Section 5.4950. Short Term Rental Standards
 - *Formerly Section 4.113 Short Term Rental Standards*
- Section 5.4960. Conformity Required; Display of Permits
 - *Formerly Section 4.114 Conformity Required; Display of Permits.*
- Section 5.4970. Compliance, Hearings and Penalties
 - *Formerly Section 4.115 Compliance, Hearings and Penalties.*

SECTION 5.5000 NORTH CLATSOP PLAINS OVERLAY DISTRICT (NCP)

- *Moved from SECTION 4.500 NORTH CLATSOP PLAINS OVERLAY DISTRICT (/NCP).*



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- Section 5.5010 Purpose
 - *Formerly Section 4.520 Purpose*
- Section 5.5020 Applicability
 - *Formerly Section 4.530 Applicability*
- Section 5.5030 Development and Uses Permitted
 - *Formerly Section 4.540 Development and Uses Permitted.*
- Section 5.5040 Conditional Development and Use
 - *Formerly Section 4.550 Conditional Development and Use*
- Section 5.5050 Development and Use Standards
 - *Formerly Section 4.560 Development and Use Standards*

SECTION 5.5100. STANDARDS FOR FLOATING RESIDENCES AND FLOATING RECREATIONAL CABINS (FRC)

- *Added new section*
- Section 5.5110. Floating Residences & Floating Recreational Cabins
 - *Moved from S4.250 STANDARDS FOR FLOATING RESIDENCES AND FLOATING RECREATIONAL CABINS, CLATSOP COUNTY STANDARDS DOCUMENT ORDINANCE 80-14*
- Section 5.5120. Standards for Floating Residences and Floating Recreational Cabins
 - *Formerly S4.251. Standards for Floating Residences and Floating Recreational Cabins.*
- Section 5.5130. Access and Parking Standards
 - *Formerly S4.252. Access and Parking Standards.*
- Section 5.5140. Failure to Comply with Floating Residence and Floating Recreational Cabin Standards
 - *Formerly S4.254. Failure to Comply with Floating Residence and Floating Recreational Cabin Standards.*

SECTION 5.5200. PARK MASTER PLAN ZONE (PMP)

- *Moved from SECTION 3.900. PARK MASTER PLAN ZONE (PMP).*
- Section 5.5210. Purpose
 - *Formerly Section 3.910. Purpose.*
- Section 5.5220. Applicability
 - *Formerly Section 3.911. Applicability.*
- Section 5.5230. Park Development and Uses Allowed
 - *Formerly Section 3.912. Park Development and Uses Allowed.*
- Section 5.5240. Park Master Plan
 - *Formerly Section 3.913. Park Master Plan.*
- Section 5.5250. Standards for Reviewing Proposed Variations from Park Master Plans



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- *Formerly Section 3.914. State and Federal Permits.*
- Section 5.5260. Standards for Review Proposed Location Changes and Expansions of Existing Park Uses and Facilities
 - *Formerly Section 3.915. Standards for Reviewing Proposed Variations from Park Master Plans.*

SECTION 5.5300 AIRPORT OVERLAY ZONE (AO)

- *Formerly SECTION 3.920 AIRPORT OVERLAY ZONE (AO).*
- Section 5.5310. Purpose
 - *Formerly Section 3.921. Purpose.*
- Section 5.5320. Special Definitions
 - *Formerly Section 3.923. Special Definitions.*
- Section 5.5330. Permitted Uses Within the Runway Approach Zone (RAZ)
 - *Formerly Section 3.924 Permitted Uses Within the Runway Approach Zone (RAZ).*
- Section 5.5340. Conditional Uses Within the Airport Approach Safety Zone
 - *Formerly Section 3.925 Conditional Uses Within the Airport Approach Safety Zone.*
- Section 5.5350. Procedures
 - *Formerly Section 3.926 Procedures.*
- Section 5.5360. Limitations
 - *Formerly Section 3.927 Limitations.*

ARTICLE 5. SPECIAL DISTRICTS

ARTICLE 5. SPECIAL PURPOSE DISTRICTS

SECTION 5.0000. SPECIAL PURPOSE DISTRICTS

A special purpose district is an overlay district which may be combined with any portion of any zone as appropriate to the purpose of the district. The regulations of a special purpose district may add to or modify the requirements of the underlying zone and the regulations of the special purpose district and the zone shall all apply. Where the requirements of a special purpose overlay district and the underlying base zone conflict, the regulations that are more restrictive shall control. The boundaries of special purpose districts are shown on the Clatsop County Land and Water Development Map and Columbia River Estuary Resource Base Maps. These maps are hereby adopted by this reference as a part of this Ordinance.

Each special purpose district and the abbreviated designation suffix are listed in Table 5.1.

Table 5.1 Special Purpose Overlays, Abbreviations, and Boundaries

| SPECIAL PURPOSE OVERLAY (ABBREVIATION) | BOUNDARY |
|---|---|
| Airport (AO) | |
| Aquifer Reserve (ARO) | |
| Beaches and Dunes (BDO) | All beach and dune landforms to the eastern limit of Highway 101. |
| Destination Resort (DRO) | |
| Dredged Material Disposal (DMD) | The area of Dredged Material Disposal identified on the Columbia River Estuary Resource Base Maps dated September 30, 1983. |

ARTICLE 5. SPECIAL DISTRICTS

| SPECIAL PURPOSE OVERLAY (ABBREVIATION) | BOUNDARY |
|---|--|
| Flood Hazard (FHO) | <p>The areas of flood hazards identified by the Federal Emergency Management Agency (FEMA) in reports entitled:</p> <ul style="list-style-type: none"> <i>The Flood Insurance Study (FIS), #41007CV001B and #41007CV002B, dated June 20, 2018, Version Number 2.3.2.0, for unincorporated areas of Clatsop County and accompanying Digital Flood Insurance Rate Maps (DFIRM) and Flood Boundary and Floodway maps dated effective June 20, 2018; and</i> <i>The Flood Insurance Study (FIS) #41007CV001A and #41007CV002A, dated September 17, 2010, for unincorporated areas of Clatsop County and Flood Boundary and Floodway maps dated effective September 17, 2010.</i> |
| Geologic Hazard (GHO) | Areas identified by the Oregon Department of Geology and Mineral Industries (DOGAMI) as having a moderate, high or very high likelihood of landslide activity. |
| Mitigation Site Reserve (MIT) | The area of Mitigation identified on the Columbia River Estuary Resource Base Maps dated September 30, 1983. |
| Planned Development (PDO) | |
| Quarry and Mining (QMO) | |
| Restoration Inventory Sites (RIS) | The area of Restoration identified on the Columbia River Estuary Resource Base Maps dated September 30, 1983. |
| Rural Community (RCO) | |
| Sensitive Bird Habitat (SBHO) | |

ARTICLE 5. SPECIAL DISTRICTS

| SPECIAL PURPOSE OVERLAY (ABBREVIATION) | BOUNDARY |
|---|---|
| Shoreland (SO) | <ul style="list-style-type: none">• Elk Creek Estuary Coastal Shorelands boundary as identified on the Elk Creek Estuary Map of the Elk Creek Estuary section of the Estuarine Resources and Coastal Shorelands Element of the Clatsop County Comprehensive Plan dated September 30, 1983; and• Necanicum River Estuary Coastal Shorelands boundary as identified on the Elk Creek Estuary Map of the Elk Creek Estuary section of the Estuarine Resources and Coastal Shorelands Element of the Clatsop County Comprehensive Plan dated September 30, 1983; and• Columbia River Estuary Coastal Shorelands boundary as identified on the Columbia River Estuary Resource Maps dated July 2002; and• Coastal Shorelands boundary as identified on the Ocean and Coastal Lake Shorelands Maps of the Ocean and Coastal Lake Shorelands of the Estuarine Resources and Coastal Shorelands Element of the Clatsop County Comprehensive Plan dated September 30, 1983. |

ARTICLE 5. SPECIAL DISTRICTS

SECTION 5.1000. FLOOD HAZARD OVERLAY (FHO)

Section 5.1010. Purpose

The purpose of the flood hazard overlay district is to identify those areas of the County subject to the hazards of periodic flooding and establish standards and regulations to reduce flood damage or loss of life in those areas. This district shall apply to all areas of special flood hazards within the unincorporated areas of Clatsop County as identified on Flood Insurance Rate Maps (FIRM) and Flood Boundary and Floodway Maps. In advancing these principles and the general purposes of the Clatsop County Comprehensive Plan, the specific objectives are:

- 1) To promote the general health, welfare and safety of the County;
- 2) To prevent the establishment of certain structures and land uses unsuitable for human habitation because of the danger of flooding, unsanitary conditions or other hazards;
- 3) To minimize the need for rescue and relief efforts associated with flooding;
- 4) To help maintain a stable tax base by providing for sound use and development in flood-prone areas and to minimize prolonged business interruptions;
- 5) To minimize damage to public facilities and utilities located in flood hazard areas;
- 6) To insure that potential home and business buyers are notified that property is in a flood area.

The areas of special flood hazard are identified in “The Flood Insurance Study (FIS) #41007CV001B and #41007CV002B, dated June 20, 2018, Version Number 2.3.2.0, for unincorporated areas of Clatsop County” and in “The Flood Insurance Study (FIS) #41007CV001A and #41007CV002A, dated September 17, 2010, for unincorporated areas of Clatsop County”.

Section 5.1020. Definitions

The following words and phrases shall be interpreted so as to give them the meanings they have in common usage and to give this chapter its most reasonable application:

“ACCESSORY STRUCTURE” means a structure on the same or adjacent parcel as a principal structure, the use of which is incidental and subordinate to the principal structure. A separate insurable building should not be classified as an accessory or appurtenant structure

“ALTERATION OF A WATERCOURSE” includes, but is not limited to, any dam, culvert, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area or capacity, which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

ARTICLE 5. SPECIAL DISTRICTS

“AREA OF SHALLOW FLOODING” means a designated AO or AH zone on the Flood Insurance Rate Map (FIRM) with a one percent or greater chance of flooding to an average depth of 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 indicates ponding.

“AREA OF SPECIAL FLOOD HAZARD” is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. Zone designations on FIRMs include the letters A or V. Also known as the Special Flood Hazard Area (SFHA)

“BASE FLOOD” means the flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the “100-year flood”. Designation on maps always includes the letters A or V.

“BASE FLOOD ELEVATION (BFE)” means the water surface elevation during the base flood in relation to a specified datum. The Base Flood Elevation (BFE) is depicted on the FIRM to the nearest foot and in the FIS to the nearest 0.1-foot.

“BASEMENT” means any area of the building having its floor subgrade (below ground level) on all sides.

“BELOW-GRADE CRAWLSPACE” means 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.

“BREAKAWAY WALL” means a wall that is not a part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

“BUILDING” means a building or structure subject to building codes.

“BUILDING CODES” means the combined specialty codes adopted under ORS 446.062, 446.185, 447.020 (2), 455.020 (2), 455.496, 455.610, 455.680, 460.085, 460.360, 479.730 (1) or 480.545, but does not include regulations adopted by the State Fire Marshal pursuant to ORS chapter 476 or ORS 479.015 to 479.200 and 479.210 to 479.220.

“COASTAL HIGH-HAZARD AREA” means an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any

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other area subject to high velocity wave action from storms or seismic sources. The area is designated in the FIRM as Zone V1-V30, VE or V.

“CRITICAL FACILITIES” means those structures or facilities which produce, use, or store highly volatile, flammable, explosive, toxic, and/or water-reactive materials; hospitals, nursing homes, and housing likely to contain occupants who may not be sufficiently mobile to avoid death or injury during a flood; police stations, fire stations, vehicle and equipment storage facilities, and emergency operations centers that are needed for flood response activities before, during, and after a flood; and public and private facilities that are vital to maintaining or restoring normal services to flooded areas before, during and after a flood.

“DATUM” is a base measurement point (or set of points) from which all elevations are determined. Historically, that common set of points has been the National Geodetic Vertical Datum of 1929 (NAVD29). The vertical datum currently adopted by the federal government as a basis for measuring heights is the North American Vertical Datum of 1988 (NAVD88).

“DEVELOPMENT” means any manmade change to improved or unimproved real property, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials located within the area of special flood hazard.

“DIGITAL FIRM (DFIRM),” means Digital Flood Insurance Rate Map. It depicts flood risk and zones and flood risk information. The DFIRM presents the flood risk information in a format suitable for electronic mapping applications.

“ENCROACHMENT” means the advancement or infringement of uses, fill, excavation, buildings, permanent structures or other development into a floodway which may impede or alter the flow capacity of a floodplain.

“ELEVATED BUILDING” means a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.

“EXISTING BUILDING OR STRUCTURE” means a structure for which the “start of construction” commenced before July 3, 1978.

“EXISTING MANUFACTURED HOME PARK OR SUBDIVISION” means one in which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed is completed before the effective date of Clatsop County’s floodplain management regulations July 3, 1978. The “construction of facilities includes, at a

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minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.

“FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)” means the agency with the overall responsibility for administering the National Flood Insurance Program.

“FLOOD” or “FLOODING” means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters; and/or
- (2) The unusual and rapid accumulation of runoff of surface waters from any source.

“FLOOD HAZARD BOUNDARY MAP” means the official map used by the Federal Insurance Administrator where the boundaries of the areas of special flood hazard have been designated.

“FLOOD INSURANCE RATE MAP (FIRM)” means an official map of a community, on which the Federal Insurance administrator has delineated both the special hazard areas and the risk premium zones applicable to the community.

“FLOOD INSURANCE STUDY (FIS)” means the official report provided by the Federal Insurance Administrator that includes flood profiles, the flood boundary-floodway map and the water surface elevation of the base flood.

“FLOOD PROOFING” means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

“FLOODPLAIN ADMINISTRATOR” means the Community Development Director, or an individual or committee that is designated by the Director, to implement and administer the provisions of this ordinance.

“FLOODWAY” means 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 foot.

“HIGHEST ADJACENT GRADE” means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

“HISTORIC STRUCTURE” means a structure that is:

- 1) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary

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- of the Interior as meeting the requirements for individual listing on the National Register;
- 2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or to a district preliminarily determined by the Secretary to qualify as a registered historic district;
 - 3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
 - 4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (A) By an approved state program as determined by the Secretary of the Interior, or
 - (B) Directly by the Secretary of the Interior in states without approved programs.

“LATERAL ADDITION” means an addition that requires a foundation to be built outside of the foundation footprint of the existing building.

“LETTER OF MAP CHANGE (LOMC)” means an official FEMA determination, by letter, to amend or revise effective Flood Insurance Rate Maps and Flood Insurance Studies. LOMCs are issued in the following categories:

Letter of Map Amendment (LOMA)

A revision based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property is not located in a special flood hazard area.

Letter of Map Revision (LOMR)

A revision based on technical data showing that, usually due to manmade changes, shows changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. One common type of LOMR, a LOMR-F, is a determination that a structure of parcel has been elevated by fill above the base flood elevation and is excluded from the special flood hazard area.

Letter of Map Revision Based on Fill – (LOMR-F)

A modification of the Special Flood Hazard Area (SFHA) shown on the Flood Insurance Rate Map (FIRM), based on the placement of fill outside the existing regulatory floodway.

Conditional Letter of Map Revision (CLOMR)

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A formal review and comment by FEMA as to whether a proposed project complies with the minimum National Flood Insurance Program floodplain management criteria. A CLOMR does NOT amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, or Flood Insurance Studies.

“LOWEST FLOOR” means 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 a 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 chapter.

“MANUFACTURED DWELLING” (aka manufactured housing) means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term “manufactured dwelling” does not include a recreational vehicle.

“MANUFACTURED HOME PARK OR SUBDIVISION” means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

“MEAN SEA LEVEL (MSL)” means the North American Vertical Datum (NGVD) of 1988 or other datum, to which base flood elevations shown on the flood insurance rate map are referenced.

“NATURAL ELEVATION” means the elevation of natural grade, or the grade in existence before July 3, 1978.

“NEW CONSTRUCTION” means a structure for which the “start of construction” commenced after July 3, 1978 and includes subsequent substantial improvements to the structure.

“NEW MANUFACTURED HOME PARK OR SUBDIVISION” means a manufactured home park or subdivision for which the construction of facilities for serving the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by Clatsop County.

“RECREATION VEHICLE” means a vehicle which is (1) built on a single chassis, (2) four hundred (400) square feet or less when measured at the largest horizontal

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projection, (3) designed to be self-propelled or permanently towed by a light-duty truck, and (4) designed primarily not for use as temporary living quarters for recreational, camping, travel or seasonal use.

“SPECIAL FLOOD HAZARD AREA (SFHA)” means areas subject to inundation from the waters of a one-hundred-year flood.

“START OF CONSTRUCTION” includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement or other improvement was within one hundred eighty days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of a slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and walkways; nor does it include excavation for a basement, footings, piers or foundation or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

“STRUCTURE” means a walled and roofed building, a manufactured dwelling, a modular or temporary building, or a gas or liquid storage tank that is principally above ground.

“SUBSTANTIAL DAMAGE” means the damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed 50-percent of the market value of the structure before the damage occurred.

“SUBSTANTIAL IMPROVEMENT” means any repair, reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “repetitive loss” or “substantial damage,” regardless of the actual repair work performed. The market value of the structure should be:

- (1) the appraised value of the structure prior to the start of the initial repair or improvement, or

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- (2) in the case of damage, the value of the structure prior to the damage occurring. This term includes structures which have incurred “substantial damage”, regardless of the actual amount of repair work performed. The term does not include either:
 - (a) A 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
 - (b) Alteration of an Historic Structure, provided that the alteration will not preclude the structure's continued designation as an Historic Structure.

“VERTICAL ADDITION” means the addition of a room or rooms on top of an existing building.

“WATERCOURSE” means a lake, river, creek, stream, wash, arroyo, channel or other topographic feature in, on, through, or over which water flows at least periodically.

“WATER-DEPENDENT” means a use or use and activity which can only be carried out on, in or adjacent to water areas because the use requires access to the waterbody for water-borne transportation, recreation, energy production, or source of water.

“WATER SURFACE ELEVATION” means the height, in relation to mean sea level, of floods of various magnitudes and frequencies in the flood plains of coastal or riverine areas.

Section 5.1030. Interpretation

In the interpretation and application of this ordinance all provisions shall be:

- 1) Considered as minimum requirements;
- 2) Liberally construed in favor of the governing body, and;
- 3) Deemed neither to limit nor repeal any other powers granted under state statutes, including state building codes.

Section 5.1040. Floodplain Administrator Duties and Responsibilities

- 1) Permit Review
The Floodplain Administrator duties shall include, but not be limited to, the following:
 - (A) Review all development permit applications to determine whether proposed new development will be located in Areas of Special Flood Hazard and to determine that all new development complies with the requirements of this ordinance;

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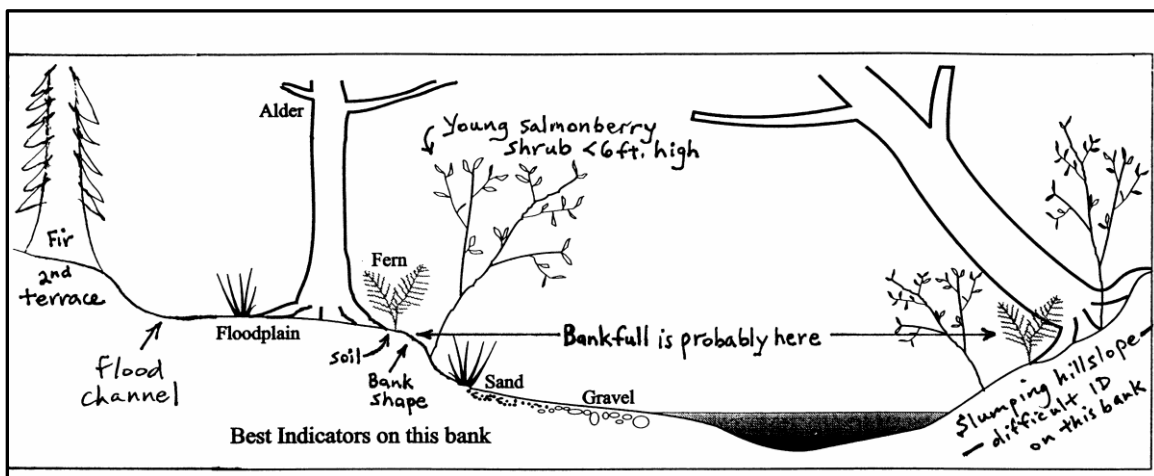
- (B) Review applications for modifications of any existing development in Areas of Special Flood Hazard for compliance with the requirements of this ordinance;
 - (C) Review proposed development to assure that necessary permits have been received from those Federal, State or local governmental agencies from which prior approval is required. Copies of such permits shall be provided and maintained on file.
 - (D) Review all development permit applications for property in a Special Flood Hazard Area to determine if the proposed development is located in the floodplain or floodway, and if located in a floodway, ensure that the encroachment standards of Section 5.1140 are met.
 - (E) Issue floodplain development permits when the provisions of this ordinance have been met, or disapprove the same in the event of noncompliance;
 - (F) Coordinate with the Building Official to assure that applications for buildings permits comply with the requirements of this ordinance.
- 2) Use of Base Flood Data
- (A) Interpret flood hazard area boundaries, provide available flood hazard information, and provide base flood elevations, where they exist;
 - (B) When Base Flood Elevation data or floodway data are not available, then the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source in order to administer the provisions of this ordinance.
 - (C) When Base Flood Elevations or other current engineering data are not available, the Floodplain Administrator shall take into account the flood hazards, to the extent they are known, to determine whether a proposed building site will be reasonably safe from flooding.
- 3) Interpretation of FIRM Boundaries
- (A) Make interpretations, as needed, of the exact location of boundaries of the Areas of Special Flood Hazard, including regulatory floodways (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 5.1090.
- 4) Obtain and Maintain Information
- (A) Obtain, verify and record the actual elevation in relation to the vertical datum used on the effective FIRM, or highest adjacent grade where no BFE is available, of the lowest floor level, including basements and below-grade crawlspaces, of all new construction or substantially improved buildings and structures.
 - (B) Obtain, verify and record the actual elevation, in relation to the vertical datum used on the effective FIRM, or highest adjacent grade where no

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- BFE is available, to which any new or substantially improved buildings or structures have been flood-proofed. When flood-proofing is utilized for a structure, the Floodplain Administrator shall obtain certification of design criteria from a registered professional engineer or architect;
- (C) Ensure that all records pertaining to the provisions of this ordinance are permanently maintained in the office of Community Development and shall be open for public inspection.
 - (D) Make inspections in Areas of Special Flood Hazard to determine whether development has been undertaken without issuance of a floodplain development permit, ensure that development is undertaken in accordance with this ordinance, and verify that existing buildings and structures maintain compliance with this ordinance;
 - (E) Coordinate with the Building Official to inspect areas where buildings and structures in flood hazard areas have been damaged, regardless of the cause of damage, and notify owners that permits may be required prior to repair, rehabilitation, demolition, relocation, or reconstruction of the building or structure;
 - (F) Make Substantial Damage or Substantial Damage determinations based on criteria set forth in Section 5.1110 of this ordinance.

Section 5.1050. Alteration of Water Courses

- 1) The bankfull flood carrying capacity of the altered or relocated portion of the water course shall not be diminished. Prior to issuance of a floodplain development permit, the applicant must submit a description of the extent to which any water course will be altered or relocated as a result of the proposed development and submit certification by a registered professional engineer that the bankfull flood carrying capacity of the water course will not be diminished.



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- 2) The applicant shall notify adjacent communities, the U.S. Army Corps of Engineers, Oregon Department of State Lands, and Oregon Department of Land Conservation and Development prior to any alteration or relocation of a water source. Evidence of notification must be submitted to the floodplain administrator and to the Federal Emergency Management Agency.
- 3) The applicant shall be responsible for providing the necessary maintenance for the altered or relocated portion of the watercourse so that the flood carrying capacity will not be diminished.
- 4) The applicant shall meet the requirements to submit technical data in Section 5.1200 when the alteration of a watercourse, including the placement of culverts, results in the relocation or elimination of the special flood hazard area.

Section 5.1060. Non-Conversion of Enclosed areas below the Lowest Floor

To ensure that the areas below the BFE continue to be used solely for parking vehicles, limited storage, or access to the building and not be finished for use as human habitation without first becoming fully compliant with the floodplain management ordinance in effect at the time of conversion, the Floodplain Administrator shall:

- 1) Determine which applicants for new construction and/or substantial improvements have fully enclosed areas below the lowest floor that are 5 feet or higher;
- 2) Enter into a "NON-CONVERSION AGREEMENT FOR CONSTRUCTION WITHIN FLOOD HAZARD AREAS" or equivalent with Clatsop County. The agreement shall be recorded with the Clatsop County Clerk as a deed restriction. The non-conversion agreement shall be in a form acceptable to the Floodplain Administrator and County Counsel; and
- 3) Have the authority to inspect any area of a structure below the base flood elevation to ensure compliance upon prior notice of at least 72 hours.

Section 5.1070. Floodplain Inspection and Enforcement

- 1) The Administrator or designee shall make periodic inspections of floodplain areas to establish that development activities within the floodplain are being performed in compliance with an approved floodplain development permit. The Administrator or designee shall prepare a field report listing non-complying conditions to be delivered to the Code Compliance Officer within 5 business days.
- 2) Upon receipt of the report the Code Compliance Officer shall take action in accordance with Clatsop County Code of Regulations to effect the abatement of such violation.

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- 3) If the violation is not resolved through code enforcement the Floodplain Administrator shall request to the Administrator of Federal Insurance Administration a declaration for denial of insurance, stating that the property is in violation of a cited statute or local law, regulation or ordinance, pursuant to section 1316 of the National Flood Insurance Act of 1968 as amended.

Section 5.1080. Warning and Disclaimer of Liability

The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based on engineering and scientific considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes.

This Ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create a liability on the part of Clatsop County or by an officer, or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made there under.

Section 5.1090. Appeals

An appeal of a Floodplain Administrator decision pursuant to this chapter may be appealed in accordance with Section 2.2190. Appeals of a decision by the Hearings Officer pursuant to this chapter may be appealed in accordance with Clatsop County Code of Regulations.

Section 5.1100. Permit Procedures

A Floodplain Development Permit shall be obtained before construction or development begins within any area of special flood hazard. Application for a Floodplain Development Permit shall be made to the Floodplain Administrator on forms furnished by the Administrator or the Administrator's designee prior to starting development activities. Specifically, the following information is required:

- 1) Application Stage:
 - (A) Plans in duplicate drawn to scale with elevations of the project area and the nature, location, dimensions of existing and proposed structures, earthen fill placement, storage of materials or equipment and drainage facilities.
 - (B) Delineation of flood hazard areas, floodway boundaries including base flood elevations, or flood depth in AO zones, where available;
 - (C) For all proposed structures, elevation in relation to the highest adjacent grade and the base flood elevation, or flood depth in AO zones, of the:
 1. lowest enclosed area, including crawlspace or basement floor;
 2. bottom of the lowest horizontal structural member in coastal high hazard areas (V Zones);

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3. top of the proposed garage slab, if any, and;
 4. next highest floor
 - (D) Locations and sizes of all flood openings;
 - (E) Elevation to which any non-residential structure will be flood-proofed;
 - (F) Certification from a registered professional engineer or architect that any proposed non-residential flood-proofed structure will meet the flood-proofing criteria of the NFIP and building codes;
 - (G) Description of the extent to which any watercourse will be altered or relocated as a result of a proposed development;
- 2) Construction Stage:
- (A) For all new construction and substantial improvements, the permit holder shall provide to the Floodplain Administrator an as-built certification of the floor elevation or flood-proofing level immediately after the lowest floor or flood-proofing is placed and prior to further vertical construction .
 - (B) Any deficiencies identified by the Floodplain Administrator shall be corrected by the permit holder immediately and prior to work proceeding. Failure to submit certification or failure to make the corrections shall be cause for the Floodplain Administrator to issue a stop-work order for the project.
- 3) Certificate of Occupancy
- (A) In addition to the requirements of the building codes pertaining to certificate of occupancy, prior to the final inspection the owner or authorized agent shall submit the following documentation that has been prepared and sealed by a registered surveyor or engineer;
 1. For elevated buildings and structures in non-coastal Areas of Special Flood Hazard (A zones), the elevation of the lowest floor, including basement or where no base flood elevation is available the height above highest adjacent grade of the lowest floor;
 2. For buildings and structures in coastal Areas of Special Flood Hazard (V zones), the elevation of the bottom of the lowest horizontal structural member supporting the lowest floor.
 - (B) Failure to submit certification or failure to correct violations shall be cause for the Building Official to withhold a certificate of occupancy or delay a final building inspection until such deficiencies are corrected.
- 4) Expiration of Floodplain Development Permit
- (A) Floodplain development permit shall expire 180 days after issuance unless the permitted activity has been substantially begun and thereafter is pursued to completion.
 - (B) Commencement of work includes start of construction, when the permitted work requires a building permit.

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Section 5.1110. Substantial Damage and Substantial Improvement Determination

For applications for permits to improve buildings and structures, including additions, repairs, renovations, and alterations, the Floodplain Administrator, shall:

- 1) Estimate the market value, or require the applicant to obtain a professional appraisal of the market value, of the building or structure before the proposed work is performed; when repair of damage is proposed, the market value of the building or structure shall be the market value before the damage occurred;
- 2) Compare the cost of improvement, the cost to repair the damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;
 - (A) Except as indicated in subsections (D) and (E) below, all costs to repair substantial damage, including emergency repairs, must be included;
 - (B) The costs associated with the correction of pre-existing violations of state or local health, sanitary, or safety code specifications that were identified by the building official, the director of environmental health, or any other local code enforcement official prior to the improvement or repair and that are the minimum necessary to ensure safe living conditions shall not be included;
 - (C) Except as indicated in subsections (d) and (e) below, the costs of complying with any county, state, or federal regulation other than those described in subsection (b) must be included;
 - (D) Costs associated with the following items are not included:
 1. The preparation and approval of all required plans, calculations, certifications, and specifications;
 2. The performance of surveys or other geotechnical or engineering studies and resulting reports;
 3. Permit and review fees;
 4. The construction, demolition, repair, or modification of outdoor improvements, including landscaping, fences, swimming pools, detached garages and sheds, etc.;
 - (E) Proposed alterations of a designated historic building or structure is not to be considered substantial improvement unless the alteration causes a loss of said designation.
- 3) The Floodplain Administrator shall make the final determination of whether the proposed improvement and/or repair constitutes a substantial improvement or substantial damage;
- 4) The Floodplain Administrator shall notify the applicant of the results of the determination by letter,
- 5) Applicant has the right to appeal the determination pursuant to Section 5.1090.

Section 5.1120. Variances

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A request for a variance from a standard contained in this chapter shall be reviewed in accordance with the procedures of Section 2.8000-2.8030. The burden to show that the variance is warranted and meets the criteria is on the applicant.

When considering a variance application, the deciding body shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and:

- 1) The danger that materials may be swept onto other lands to the injury of others;
- 2) The danger to life and property due to flooding or erosion damage;
- 3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- 4) The importance of the services provided by the proposed facility to the community;
- 5) The necessity to the facility of a waterfront location, where applicable;
- 6) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
- 7) The compatibility of the proposed use with existing and anticipated development;
- 8) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- 9) The safety of access to the property in times of flood for ordinary and emergency vehicles;
- 10) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
- 11) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

Upon consideration of the factors identified above and the purposes of this ordinance, the deciding body may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

The floodplain administrator shall maintain a permanent record of all variances and report any variances to the Federal Emergency Management Agency upon request.

The following standards are applicable to a variance request, not those of Section 2.8010:

- 1) Generally, the only condition under which a variance from the elevation standard may be issued is for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing

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- items 1-11 in Section 5.1120 have been fully considered. As the lot size increases the technical justification required for issuing the variance increases
- 2) Variances shall only be issued upon:
 - (A) A showing of good and sufficient cause,
 - (B) A determination that failure to grant the variance would result in exceptional hardship to the applicant, and
 - (C) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.
 - 3) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
 - 4) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - 5) Variances may be issued for a water dependent use provided that
 - (A) The criteria of paragraphs (1) through (4) of this section are met, and;
 - (B) The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.
 - 6) Variances may be issued for the repair restoration or rehabilitation of structures listed on the National Register of Historic Places or the Statewide Inventory of Historic Properties, without regard to the procedures set forth in this section.
 - 7) Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from the flood elevations should be quite rare.
 - 8) Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry-floodproofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria and otherwise complies with building codes.
 - 9) When a variance is granted, the county shall give written notice to the property owner within five days after the decision is final. The notice shall state that:
 - (A) The structure or manufactured home will be allowed to be built or placed with the lowest floor elevation at or below the base flood elevation, and
 - (B) That the issuance of the variance to construct a structure below the base flood level will result in increased premium rates for flood insurance as high as twenty-five dollars for every one hundred dollars of insurance coverage, and

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- (C) Such construction below the base flood level increases the risk to life and property.
- (D) The above notification shall be maintained with a record of all variance actions.
- 10) Variance Time Limit. Authorization of a variance shall conform to the requirements of Section 2.8030.

Section 5.1130. Development Standards

1) General Standards

In all areas of special flood hazards as presented on the FIRM, the following standards shall apply for all new construction and substantial improvements:

(A) Subdivisions:

1. All proposed new development and subdivisions shall be consistent with the need to minimize flood damage and ensure that building sites will be reasonably safe from flooding.
2. Residential building lots shall have adequate buildable area outside of floodways.
3. All new development proposals and subdivision preliminary plats/development plans shall include the mapped flood hazard zones from the effective FIRM.
4. Base flood elevation data shall be generated and/or provided for subdivision proposals and all other proposed development, including manufactured home parks and subdivisions, greater than fifty lots or five acres, whichever is less.
5. Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated and/or provided for subdivision proposals and all other proposed developments that contain at least 50 lots or five acres, whichever is less.
6. All new development in a subdivision shall have public utilities and facilities such as sewer, gas, electric and water systems located and constructed to minimize flood damage.
7. All subdivisions shall have adequate drainage provided to reduce exposure to flood hazards. In AO and AH zones, drainage paths shall be provided to guide floodwater around and away from all proposed and existing structures.

(B) Coastal High Hazard Area:

In coastal high hazard areas (V Zones), alteration of sand dunes shall be prohibited unless it has been demonstrated by engineering analysis that the alteration will not increase potential flood damage.

(C) Tsunami Inundation Zone:

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1. New essential and new special occupancy structures shall not be constructed in the Tsunami Inundation Zone. The Tsunami Inundation Zone may include V, A, and potentially other flood zones. If an exception is granted then the Coastal High Hazard Area construction standards in this ordinance shall apply to the building of these new structures in the Tsunami Inundation Zone.
- (D) Building Design and Construction:
 1. Buildings and structures, including manufactured dwellings, within the scope of the building codes, including repair of substantial damage and substantial improvement of such existing buildings and structures, shall be designed and constructed in accordance with the flood-resistant construction provisions of these codes, including but not limited to Section R322 of the Residential Specialty Code and Section 1612 of the Structural Specialty Code.
- (E) Construction Materials and Methods:
 1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
 2. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
 3. Electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities shall be elevated to one foot above flood level so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (F) Review of Development Permits:
 1. Where elevation data is not available, either through the flood insurance study or from other administrative source, applications for development permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc. where available. Failure to elevate to at least two feet above grade in these zones may result in higher insurance rates.
- (G) Anchoring:
 1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
 2. All manufactured dwellings must likewise be anchored to prevent flotation, collapse, or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

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- (H) Utilities:
 - 1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
 - 2. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and
 - 3. C) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding consistent with the Oregon Department of Environmental Quality regulations.
 - (I) Foundation Protection: A registered professional civil engineer shall develop or review the structural design, specifications and plans for the foundation of the building and shall certify that the design and methods of construction are in accordance with accepted practices to withstand flotation, collapse, lateral movement, erosion and scour, undermining, and the effects of water and wind acting simultaneously on all building components during the base flood.
- 2) Specific Standards
- In all areas of special flood hazards where base flood elevation data has been provided (Zones A1-A30, AH and AE) as set forth in this ordinance, the following provisions are required:
- (A) Manufactured Dwellings:
 - 1. New and replacement manufactured dwellings are within the scope of the building codes; and,
 - 2. All new manufactured dwellings and replacement manufactured dwellings shall be installed using methods and practices which minimize flood damage and shall be securely anchored to prevent flotation, collapse and lateral movement during the base flood. Methods of anchoring include, but are not limited to, use of over-the-top or frame ties to ground anchors. Additional techniques may be found in FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.
 - 3. Manufactured dwellings supported on solid foundation walls shall be constructed with flood openings that comply with Section 5.1130(1)(E), above.
 - 4. Electrical crossover connections shall be a minimum of 12 inches above BFE.
 - (B) Critical Facilities:

Construction of new critical facilities shall be, to the extent possible, located outside the limits of the Special Flood Hazard Area (SFHA).

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Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated three feet above BFE (or depth number in AO zones) or to the height of the 0.2 percent (500-year) flood, whichever is higher. Access to and from the critical facility should also be protected to the height utilized above. Floodproofing and sealing measures must be taken to ensure that toxic substances or persistent organic pollutants as defined by the Oregon Department of Environmental Quality will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible.

(C) Residential Construction:

1. New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to a minimum of one foot above the base flood elevation.
2. Fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
 - a. A minimum of two openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided;
 - b. The bottom of all openings shall be no higher than one (1) foot above grade; and
 - c. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(D) Non-Residential Construction:

New construction or substantial improvement of any commercial, industrial, or other non-residential structure shall either have the lowest floor, including basement, elevated to a minimum of one (1) foot above the base flood elevation or, together with attendant utility and sanitary facilities, shall:

1. Be flood proofed so that below the base flood level the structure is water tight with walls substantially impermeable to the passage of water;
2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
3. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with

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standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certification shall be provided as set forth in Section 5.1060(2).

4. Applicants floodproofing non-residential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g., a building floodproofed to the base flood level will be rated as one foot below).
5. If construction will be elevated instead of floodproofed, fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
 - a. A minimum of two openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided;
 - b. The bottom of all openings shall be no higher than one (1) foot above grade; and
 - c. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(E) Below-grade crawl spaces:

1. The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Hydrostatic loads and the effects of buoyancy can usually be addressed through the required openings stated in 2) below. Because of hydrodynamic loads, crawlspace construction is not allowed in areas with flood velocities greater than five (5) feet per second unless the design is reviewed by a qualified design professional, such as a registered architect or professional engineer. Other types of foundations are recommended for these areas.
2. The crawlspace is an enclosed area below the base flood elevation (BFE) and, as such, must have openings that equalize hydrostatic pressures by allowing the automatic entry and exit of floodwaters. The bottom of each flood vent opening can be no more than one (1) foot above the lowest adjacent exterior grade.
3. Portions of the building below the BFE must be constructed with materials resistant to flood damage. This includes not only the

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foundation walls of the crawlspace used to elevate the building, but also any joists, insulation, or other materials that extend below the BFE. The recommended construction practice is to elevate the bottom of joists and all insulation above BFE.

4. Any building utility systems within the crawlspace must be elevated above BFE or designed so that floodwaters cannot enter or accumulate within the system components during flood conditions. Ductwork, in particular, must be either placed above the BFE or sealed from floodwaters.

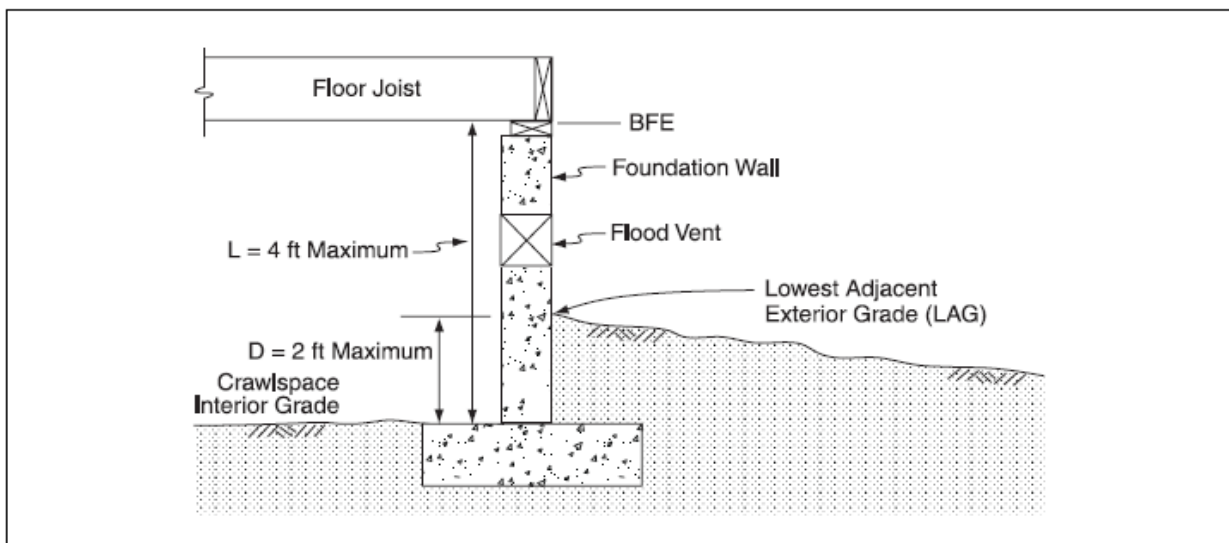


Figure 2: Requirements for below-grade crawlspace construction. (Provided by FEMA)

5. The interior grade of a crawlspace below the BFE must not be more than two (2) feet below the lowest adjacent exterior grade.
6. The crawlspace shall not be temperature controlled.
7. The height of the below-grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall must not exceed four (4) feet at any point. The height limitation is the maximum allowable unsupported wall height according to the engineering analyses and building code requirements for flood hazard areas.

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8. There must be an adequate drainage system that removes floodwaters from the interior area of the crawlspace. The enclosed area should be drained within a reasonable time after a flood event. The type of drainage system will vary because of the site gradient and other drainage characteristics, such as soil types. Possible options include natural drainage through porous, well-drained soils and drainage systems such as perforated pipes, drainage tiles or gravel or crushed stone drainage by gravity or mechanical means.
 9. The velocity of floodwaters at the site should not exceed five (5) feet per second for any crawlspace. For velocities in excess of five (5) feet per second, other foundation types should be used.
 10. If the crawlspace provisions listed in 1) through 8) above are used written notice shall be given that the structure will be rated for flood insurance as having its lowest floor below the base flood elevation, and that the cost of flood insurance will be commensurate with that rating.
- (F) Fences and Walls:
1. New fencing shall be designed to collapse under conditions of the base flood or to allow the passage of water by having flaps or openings in the areas at or below the base flood elevation sufficient to allow flood water and associated debris to pass freely.
- (G) On-site Sewage Systems:
1. Soil absorption systems shall be located outside of flood hazard areas. Where suitable soil absorption sites outside of the flood hazard area are not available, the soil absorption site is permitted to be located within the flood hazard area provided it is located to minimize the effects of inundation under conditions of the base flood.
 2. Mound systems in flood hazard areas shall be prohibited.
- (H) Tanks:
1. Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy assuming the tank is empty, during conditions of the design flood.
 2. Above-ground tanks in flood hazard areas shall be:
 3. Attached to and elevated to or above the base flood elevation (or depth number in AO zones) on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood; or be
 4. Anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic

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and hydrostatic loads, including the effects of buoyancy assuming the tank is empty, during conditions of the design flood.

5. Tank inlets, fill openings, outlets and vents shall be:
 - a. A minimum of 2 feet above BFE or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tank during conditions of the design flood; and
 - b. Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

(I) Recreation Vehicle:

In A1-30, AH, and AE Zones, all recreational vehicles to be placed on a site must:

1. Be on the site for fewer than 180 consecutive days, and
2. Be fully licensed and highway ready; or
3. Be elevated and anchored.

(J) Accessory Structures:

1. Relief from the elevation or dry flood-proofing standards may be granted for an accessory structure containing no more than 200 square feet and not exceeding one story in height. Such a structure must meet the following standards:
2. The accessory structure is not temperature controlled;
3. The accessory structure shall be located on property with a dwelling;
4. The accessory structure shall not be used for human habitation and shall be used solely for parking of vehicles or storage of items having low damage potential when submerged.
5. Toxic material, oil or gasoline, or any priority persistent pollutant identified by the Oregon Department of Environmental Quality shall not be stored below BFE, or where no BFE is available lower than three feet above grade, unless confined in a tank installed in compliance with this ordinance;
6. The accessory structure shall be constructed of flood resistant materials.
7. The accessory structure shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of flood waters;
8. The accessory structure shall be firmly anchored to prevent flotation;
9. All service facilities, such as electrical and heating equipment associated with the accessory structure, shall be elevated or flood proofed to or above the flood protection elevation, and;

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10. It shall be designed to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater. Designs for complying with this requirement must be certified by a licensed professional engineer or architect, or
 - a. Provide a minimum of two openings with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - b. The bottom of all openings shall be no higher than one foot above the higher of the exterior or interior grade or floor immediately below the opening;
 - c. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwater in both directions without manual intervention.
- (K) Temporary Structures, Storage, and Bridges:
 1. A floodplain development permit is required for construction or placement of temporary structures, temporary storage associated with non-residential uses, and temporary bridges located in areas of special flood hazard:
 2. Temporary structures, not including bridges, shall be limited as to time of service, but shall not be permitted for more than 90 days. The Floodplain Administrator is authorized to grant a one-time extension, not to exceed 45 days, for demonstrated cause; such cause shall reaffirm the temporary nature of the structure. Temporary structures shall be anchored to prevent flotation, collapse, or lateral movement.
 3. Temporary storage of materials shall be limited as to time of service, but shall not be permitted for more than 90 days. The Floodplain Administrator is authorized to grant a one-time extension, not to exceed 45 days, for demonstrated cause; such cause shall reaffirm the temporary nature of the storage. Stored material shall be anchored or contained to prevent flotation or release outside the assigned storage area. Hazardous materials or materials deemed to be persistent organic pollutants by the Oregon Department of Environmental Quality shall not be stored in the floodway.
 4. Temporary encroachments in the floodway for the purposes of capital improvement projects (including bridges) require a floodplain development permit. No CLOMR/LOMR is required.

Section 5.1140. Development in Floodways

- 1) Except as provided in paragraphs (3) and (4), encroachments, including fill, new

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construction, substantial improvements, and other development are prohibited unless certification by a registered professional civil engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that such encroachments shall not result in any increase in base flood or floodway elevations when compared to pre-project conditions.

- 2) Any fill allowed to be placed in the floodway shall be designed to be stable under conditions of flooding, including rapid rise and rapid drawdown of floodwaters, prolonged inundation, and flood-related erosion and scour.
- 3) Applicants shall obtain a Conditional Letter of Map Revision (CLOMR) before an encroachment in the floodway is permitted that will cause any increase in the base flood elevation. Applicants must obtain a Letter of Map Revision (LOMR) no later than six months after project completion.
- 4) Construction of new fencing is prohibited, unless the fencing is designed to collapse or break-away, and is anchored at one end and cabled together so as to not create debris. As an alternative to a break-away design, a new fence may be designed to allow the passage of water by having a flap or opening in the areas at or below the base flood elevation sufficient to allow floodwaters to pass freely.

Section 5.1150. Zones with Base Flood Elevation but no Floodway

- 1) In areas within Zones A1-30 and AE on the community's FIRM with a base flood elevation, or where a base flood elevation is developed according to Section 5.1130(2) but where no regulatory floodway has been designated, new construction, substantial improvements, or other development (including fill) shall be prohibited, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.
- 2) Applicants of proposed projects that increase the base flood elevation more than one foot should obtain from FEMA a Conditional Letter of Map Revision (CLOMR) before the project may be permitted. Applicants must obtain a Letter of Map Revision (LOMR) no later than six months after project completion.

Section 5.1160. Zones Without Base Flood Elevations

- 1) These standards apply in riverine areas of special flood hazard where no base flood elevation data have been provided (A Zones):
- 2) When base flood elevation or floodway data have not been identified by FEMA in a Flood Insurance Study and /or Flood Insurance Rate Maps, the Floodplain Administrator shall obtain, review, and reasonably utilize scientific or historic base flood elevation and floodway data available from a federal, state, or other source, in order to administer this ordinance. If data are not available from any source, only then subsection 3 shall apply.

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- 3) Where the floodplain administrator has obtained base flood elevation data, applicants of proposed projects that increase the base flood elevation more than one foot shall obtain from FEMA a Conditional Letter of Map Revision (CLOMR) before the project may be permitted. Applicants must obtain a Letter of Map Revision (LOMR) no later than six months after project completion.
- 4) In special flood hazard areas without base flood elevation data, no encroachments, including structures or fill, shall be located in an Area of Special Flood Hazard within an area equal to the width of the stream or fifty feet, whichever is greater, measured from the ordinary high water mark, unless a base flood elevation is developed by a licensed professional engineer.

Section 5.1170. Coastal High Hazard Area

All other development in coastal high hazard areas (V Zones) for which specific provisions are not specified in this ordinance or building codes, shall:

- 1) All new construction and substantial improvements in Zones V1-V30 and VE (V if base flood elevation data is available) shall be elevated on pilings and columns so that:
 - (A) The bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated a minimum of one foot above the base flood level; and
 - (B) The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Wind and water loading values shall each have a one percent change of being equaled or exceeded in any given year (100-year mean recurrence interval).
- 2) A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of 1(A) and 1(B) of this section.
- 3) Obtain the elevation (in relation to mean sea level) of the bottom of the lowest structural member of the lowest floor (excluding pilings and columns) of all new and substantially improved structures in Zones V1-30, VE and V, and whether or not such structures contain a basement. The local administrator shall maintain a record of all such information.
- 4) All new construction shall be located landward of the reach of mean high tide.
- 5) Provide that all new construction and substantial improvements have the space below the lowest floor either free of obstruction or constructed with non-supporting breakaway walls, open wood lattice-work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building

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or supporting foundation system. For the purpose of this section, a breakaway wall shall have a design safe loading resistance of not less than 10 and no more than 20 pounds per square foot. Use of breakaway walls which exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by local or state codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions:

- (A) Breakaway wall collapse shall result from water load less than that which would occur during the base flood; and
 - (B) The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and non-structural. Maximum wind and water loading values to be used in this determination shall each have a one percent chance of being equaled or exceeded in any given year (100-year mean recurrence interval).
- 6) If breakaway walls are utilized, such enclosed space shall be useable solely for parking of vehicles, building access, or storage. Such space shall not be used for human habitation.
 - 7) Prohibit the use of fill for structural support of buildings.
 - 8) Prohibit man-made alteration of sand dunes which would increase potential flood damage.
 - 9) All manufactured homes to be placed or substantially improved within Zones V1-V30, V and VE that are:
 - (A) Outside of a manufactured home park or subdivision;
 - (B) In a new manufactured home park or subdivision;
 - (C) In an expansion to an existing manufactured home park or subdivision, or
 - (D) In an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as the result of a floodshall comply with the requirements of Section 5.1170(1)-(8). Manufactured homes placed or substantially improved on all other sites in an existing manufactured home park or subdivision shall comply with the requirements of Section 5.1130(2)(A).
 - 10) Recreational vehicles places on sites within Zones V1-V30, V and VE shall:
 - (A) Be on the site for fewer than 180 consecutive days;
 - (B) Be fully licensed and ready for highway use, on its wheels or jacking systems and attached to the site only by quick disconnect type utilities and security devices, and have to permanently attached additions; or
 - (C) Meet the requirements of Section 5.1170(1)-(8).

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Section 5.1180. Non-Coastal High Hazard Areas

- 1) All development in non-coastal high hazard areas (A zones) for which specific provisions are not specified in this ordinance or building codes, shall:
- 2) Be located and constructed to minimize flood damage;
- 3) Be designed so as not to impede flow of flood waters under base flood conditions;
- 4) If located in a floodway, meet the limitations of Section 5.1150 of this ordinance;
- 5) Be anchored to prevent flotation or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;
- 6) Be constructed of flood damage-resistant materials; and
- 7) Have electric service and or mechanical equipment elevated above the base flood elevation (or depth number in AO zones), except for minimum electric service required to address life safety and electric code requirements.

Section 5.1190. Specific Standards for Areas of Shallow Flooding (AO and AH Zone)

Shallow flooding areas appear on FIRMs as AO zones with depth designations. The base flood depths in these zones range from 1 to 3 feet above ground where a clearly defined channel does not exist, or where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is usually characterized as sheet flow. In these areas, the following provisions apply:

- 1) New construction and substantial improvements of residential structures and manufactured homes within AO zones shall have the lowest floor (including basement) elevated above the highest grade adjacent to the building, a minimum of one foot above the depth number specified on the FIRM (at least two feet if no depth number is specified).
- 2) New construction and substantial improvements of nonresidential structures within AO zones shall either:
 - (A) Have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, one foot or more above the depth number specified on the FIRM (at least two feet if no depth number is specified); or
 - (B) Together with attendant utility and sanitary facilities, be completely flood proofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer or architect as in section 5.1130(2)(E).
- 3) Require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

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- 4) Recreational vehicles placed on sites within AO zones on the community's FIRM either:
 - (A) Be on the site for fewer than 180 consecutive days, and
 - (B) Be fully licensed and ready for high use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
 - (C) Meet the requirements of Section 5.1170(1)-(8).

Section 5.1200. Requirement to Submit New Technical Data

- 1) Within six months of project completion, an applicant who obtains an approved Conditional Letter of Map Revision (CLOMR) from FEMA, or whose development modifies floodplain boundaries, modifies base flood elevations, or alters a watercourse, shall obtain from FEMA a Letter of Map Revision (LOMR) reflecting the as-built changes to the FIRM.
- 2) It is the responsibility of the applicant to have technical data prepared in a format required for a Conditional Letter of Map Revision (CLOMR) or Letter of Map Revision (LOMR) and to submit such data to FEMA on the appropriate application forms. Submittal and processing fees for these map revisions shall be the responsibility of the applicant.
- 3) Clatsop County shall be under no obligation to sign the Community Acknowledgement Form, which is part of the CLOMR/LOMR application, until the applicant demonstrates that the project will or has met the requirements of this code and all applicable State and Federal laws

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SECTION 5.2000. TSUNAMI INUNDATION ZONE

Section 5.2010. Review Required

Pursuant to OAR 632-05-050 Tsunami Inundation Zone, persons proposing new construction of or the conversion to essential facilities, hazardous facilities, major structures, or special occupancy structures are required to contact the Oregon Department of Geology and Mineral Industries (DOGAMI) at the earliest reasonable date for a consultation regarding the requirements of ORS 455.446 and 455.447 that pertain to their proposed facility or structure. As used in this section, “essential facility” means hospitals and other medical facilities having surgery and emergency treatment areas, fire and police stations, tanks or other structures containing housing or supporting water or fire suppression materials or equipment required for the protection of essential or hazardous facilities or special occupancy structures, emergency vehicle shelters and garages, structures and equipment in emergency-preparedness centers, standby power generating equipment for essential facilities, and structures and equipment in government communication centers and other facilities required for emergency response. As used in this section, “hazardous facility” means structures housing supporting or containing sufficient quantities of toxic or explosive substances to be of danger to the safety of the public if released. As used in this section, “special occupancy structure” means covered structures whose primary occupancy is public assembly with a capacity greater than 300 persons, buildings with a capacity greater than 250 individuals for every public, private or parochial school through secondary level or child care centers, buildings for colleges or adult education schools with a capacity greater than 500 persons, medical facilities with 50 or more resident, incapacitated patients not included in facilities mentioned above, jails and detention facilities, and all structures and occupancies with a capacity greater than 5,000 persons.

Section 5.2020. Verification of Review

Prior to the issuance of a development permit for a regulated structure or facility, the developer of that structure or facility shall present verification of consultation with DOGAMI, or verification of an exception.

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SECTION 5.3000. GEOLOGIC HAZARDS OVERLAY DISTRICT (/GHO)

Section 5.3005. Purpose

The intent of the geologic hazards overlay is to minimize building hazards and threats to life and property that may be created by landslides, ocean flooding and erosion, weak foundation soils, and other hazards as identified and mapped by the County. This purpose is achieved by basing County decisions on accurate geologic and soils information prepared by qualified professionals.

Section 5.3010. Applicability

This section applies to all development in the following potentially hazardous areas:

- 1) Areas subject to mass wasting including:
 - (A) Active landslides, inactive landslides, landslide topography and mass movement topography identified in the Oregon Department of Geology and Mineral Industries (DOGAMI) Bulletins 74 and 79;



Mass wasting. (Provided by geologyin.com)

- (B) Faults including definite, indefinite, inferred and concealed in the Oregon Department of Geology and Mineral Industries (DOGAMI) Bulletins 74 and 79;
 - (C) All areas identified in the report, *"A Field Inventory of Geologic Hazards from Silver Point to Cove Beach, Clatsop County, Oregon"*, prepared by Martin Ross in 1978, as needing site specific investigations;
 - 2) Areas subject to wave attack, including:
 - (A) All oceanfront lots; and
 - (B) The beach and dune hazard area as defined in Section 5.4020.

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- 3) Areas with compressible soils identified in the Soil Survey of Clatsop County (SCS) and referenced in Clatsop County's Comprehensive Plan Background Report, Natural Hazards.
- 4) The determination of whether a property is located in one of the above referenced potentially hazardous areas shall be made at the sole discretion of the Director. The mapping that forms the basis for the identification of the above areas may be generalized in nature. A specific site may not include the characteristics for which it is mapped. In these circumstances, the Director may grant a waiver from the requirements of Section 5.3000. The waiver shall be in the form of a written finding. The finding shall be based on a report, from a professional specified in Section 5.3020, detailing the basis for the determination that the site does not contain the identified potentially hazardous geologic condition.

Section 5.3015. Geologic Hazard Permit Requirements

All persons proposing any activity requiring a development permit on property located in potentially hazardous areas identified in Section 5.3010 shall obtain a geologic hazard permit.

- 1) Application for a geologic hazard permit shall be on forms provided by the County and shall include a geotechnical report prepared in conformance with the requirements of Section 5.3020.
- 2) Before a development permit can be issued, the geotechnical report must be approved as part of the development permit approval process.
 - (A) Where a geotechnical report recommends that additional site investigations, such as borings or test pits, are undertaken, application for geologic hazard permit will be deemed incomplete until the results of those investigations have been provided to the County.
 - (B) Where an application is made for a conditional use permit, a variance, a subdivision, a partition, or a planned development located in an area identified in Section 5.3010, a geotechnical report in conformance with Section 5.3020 shall be prepared. The Director may also require a geotechnical report in conjunction with a proposed zone change.
- 3) Application for a geologic hazard permit may be made concurrently with an application for a development permit.
- 4) The approved site investigation report shall be referred to in deed and other documents of sale and shall be recorded with the record of deeds.

Section 5.3020 Geotechnical Report Requirements

For areas identified in Section 5.3010(1) and 5.3010(2), the geotechnical report shall be prepared by a certified engineering geologist or a registered professional geologist. If a geotechnical report is prepared by a geologist and structural recommendations are incorporated into that report, those recommendations, must be made in consultation

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with an engineering geologist, structural engineer, or civil engineer.

- 1) For areas identified in Section 5.3010(1), the geotechnical report shall:
 - (A) Identify the hazards to life, public and private property which may be caused by mass movement (landsliding and sloughing), soil erosion or deposition, and earthquakes;
 - (B) Identify the hazards to life, public and private property, and the natural environment which may be caused by the proposed use and other human activities;
 - (C) Describe how the proposed development or use will be adequately protected from geologic hazards, including landsliding and sloughing, soil erosion or deposition, and earthquakes; and
 - (D) Describe how the proposed development is designed to minimize the adverse effects it might have on the site and adjacent areas.
- 2) For areas identified in Section 5.3010(2), and in addition to the standards identified in Section 5.3020(2), the geotechnical report shall identify the hazards to life, public and private property which may be caused by wind erosion or accretion, wave undercutting (erosion), and ocean overtopping (flooding, including tsunami),
- 3) For areas identified in Section 5.3010(1) and 5.3010(2), the geotechnical report shall describe how the proposed development provides for temporary and permanent stabilization and the planned maintenance of new and existing vegetation. Existing stabilizing vegetation, particularly trees, shall not be removed on slopes of 20% or greater.
- 4) For areas identified in Section 5.3010(1) and 5.3010(2), the geotechnical report shall be prepared in conformance with the document "Clatsop County – Geotechnical Report Content Standards".
- 5) For areas identified in Section 5.3010(3), the geotechnical report shall be prepared by a certified engineering geologist, soils engineer, or civil engineer. Geotechnical reports prepared for areas identified in Section 5.3010(3) shall incorporate specific construction and structural recommendations to address the soil characteristics of the site. Where pertinent, the discussion of specific construction and structural recommendations shall include: site preparation such as compaction or replacement of existing soils, bearing loads and the corresponding amount of settlement, steps to be taken with respect to ground and surface water, special foundation requirements, and foundation recommendations based on bearing capacity, design criteria, and the effect of adjacent loads.
- 6) For all areas identified in Section 5.3010, the geotechnical report shall be prepared in conformance with the document "Clatsop County – Geotechnical Report Content Standards".

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Section 5.3025. Geologic Hazard Permit Review

An application for a geologic permit shall be reviewed under a Type I procedure.

- 1) A geologic hazard permit shall be approved by the Director if:
 - (A) The conclusions of the geotechnical report support a finding that there are no adverse effects of the site's geologic characteristics on the proposed development and the proposed site modifications will not adversely affect geologic conditions and processes in the immediate area: or
 - (B) The conclusions of the geotechnical report support a finding that if specified actions are taken to address an identified potential hazard then the effects of the site's geologic characteristics on the proposed development will be at an acceptable level and the effects of the proposed site modifications on the geologic conditions and processes in the immediate area are at an acceptable level.
- 2) Specific recommendations contained in the geologic report shall be incorporated into the approved geologic hazard permit. Based on content, recommendations and conclusions of the geotechnical report, the Director may apply other conditions to the issuance of a geologic hazard permit.
- 3) The specific recommendations contained in the geotechnical report, and conditions applied to the geologic hazard permit shall be incorporated into the plans and specifications of the development which is the subject of the development permit.
- 4) Where there is not a concurrent application for a geologic hazard permit and a development permit for a specified development, the person(s) who prepared the geotechnical report shall submit a letter to the Director verifying that the proposed plans, details, and specifications of the proposed development have been reviewed and are in keeping with the recommendations contained in the geotechnical report that formed the basis for the issuance of the geologic hazard permit, or they shall make recommendations or changes that are needed in the proposed development in order to bring it into conformance with the recommendations contained in the geotechnical report.
- 5) When a geotechnical report submitted in conjunction with a development permit that is more than two years old, a letter shall be submitted to the Director from the person(s) who prepared the report. The letter shall provide verification that the geotechnical report is still valid for the proposed project.

Section 5.300. Independent Review

The Director, at his discretion and at the applicant's expense, may require an evaluation of a geotechnical report by another expert of his choosing. As part of its review of a land use application located in an area subject to Section 5.3010, the Hearings Officer, Planning Commission, or Board of Commissioners may also require, at the applicant's expense, an evaluation of a geotechnical report that was prepared in conjunction with the land use application. The results of that evaluation shall be used in making the final

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decision on the effected land use permit.

Section 5.3035. Standards

The review and approval of development permits in the geologic hazard overlay district shall be based on the conformance of the proposed development plans with the following grading standards. Conditions of approval may be imposed on the development permit to assure that the development plan meets the standards of this section and to prevent the creation of a hazard to public or private property.

- 1) **Site Plan Information Required.** In addition to the information required for a development permit, the site plan shall show where clearing, grading, excavation or filling is to occur, the area where existing vegetative cover will be retained, the location of any streams and wetland areas on immediately adjacent to the property, and the general direction of slopes. A statement shall be provided summarizing the extent of land clearing and grading and the quantity of cut and/or fill material involved.
- 2) **Preparation of Grading Plan Based on the findings and conclusions of the geotechnical report, or the nature of the proposed development,** The Planning Director, at his sole discretion, may require that a grading plan prepared by a registered engineer be submitted with the application for a development permit. The Planning Director may require that such a grading plan, in addition to information required by Section 5.3035(1) include the following additional information:
 - (A) Existing and proposed contours of the property, at two-foot contour intervals;
 - (B) The location of the existing structures and building, including those within twenty- five feet of the property;
 - (C) The location of all surface and subsurface drainage devices to be constructed; and
 - (D) Design details of proposed retaining walls.
- 3) **General Standards.** The proposed development plans shall meet the following general standards:
 - (A) Natural vegetation will be protected and retained wherever possible;
 - (B) To the extent possible, roads and driveways shall follow the natural contours of the site; and
 - (C) An erosion control plan shall be prepared and implemented in conformance with the requirements of Section 3.2000.
- 4) **Cuts.** Proposed cuts shall meet the following standards:
 - (A) The site development shall be designed to minimize the need for cuts.
 - (B) The slope of cut surfaces shall not be steeper than is safe for the intended use and shall not be steeper than two horizontal to one vertical unless an engineering report finds that a cut at a steeper slope will be stable and not create a hazard to public or private property;

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- (C) Cuts shall not remove the toe of any slope where a potential for landslide exists;
 - (D) Cuts shall be setback from property lines so as not to endanger or disturb adjoining property; and
 - (E) Retaining walls shall be constructed in accordance with the Oregon State Structural Specialty Code.
- 5) Fills. Proposed fills shall meet the following standards:
- (A) The site development shall be designed to minimize the need for fill.
 - (B) The slope of fill surfaces shall not be steeper than is safe for the intended uses and shall not be steeper than two horizontal to one vertical unless an engineering report finds that a steeper slope will be stable and not create a hazard to public or private property. Fill slopes shall not be constructed on natural slopes steeper than two horizontal to one vertical.
 - (C) Fill shall be setback from property lines so as not to endanger or disturb adjoining property.
 - (D) The ground surface shall be prepared to receive fill by removing vegetation, noncomplying fill, topsoil and other unsuitable materials, and scarifying to provide a bond with the new fill.
 - (E) Structural fill shall be designed by a registered civil engineer in accordance with standard engineering practices.
- 6) Drainage. The following standards shall be met:
- (A) Proposed grading shall not alter drainage patterns so that additional storm water is directed onto adjoining property.
 - (B) Cut and fill slopes shall be provided with subsurface drainage as necessary for stability.
 - (C) The site grading and drainage improvements shall be designed to carry both concentrated water and surface sheet flow water to the nearest practical drainage way, as specified by the Planning Director.

5.3040. GEOLOGIC HAZARD REQUIREMENTS

5.3045. Special Requirements for Hazard Areas

The special requirements applicable in the Hazard maps in the Comprehensive Plan are set forth in Section 5.3040 to Section 5.3065. The general procedures and requirements for approving development in the district are contained in Sections 5.3000 through 5.3035 of this Ordinance. The standards in Section 5.3040 to Section 5.3065 shall be used in conducting such approvals.

5.3050. Preliminary Site Investigation

Subject to Sections 5.3000-5.3035.

5.3055. Detailed Site Investigation for Geologic Hazard Areas

Development in a Geologic Hazards Overlay District requires a detailed site

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investigation report if the preliminary site investigation report required in Section 5.3050 confirms existence of a geologic hazard area or is in a geologic hazard area identified by Martin Ross' report "*A Field Inventory of Geologic Hazards from Silver Point to Cove Beach, Clatsop County, Oregon*". The report shall contain the information listed below together with appropriate identification of information sources and the date of the information.

Before a development permit can be issued, the site investigation report must be approved as part of the development permit approval process. The approved site investigation report shall be referred to in the deed and other documents of sale and shall be recorded with the record of deeds.

- 1) Background Data in Report. The site investigation report shall contain the following background information:
 - (A) The methods used in the investigation and the approximate number of man-hours spent on the site.
 - (B) A general analysis of the local and regional topography and geology including the faults, folds, geologic and engineering geologic units and any soil, rock and structural details important to engineering or geologic interpretations.
 - (C) A history of problems on and adjacent to the site, which may be derived from discussions with local residents and officials and the study of old photographs, reports and newspaper files.
 - (D) The extent of the surface soil formation and its relationship to the vegetation of the site, the activity of the land form and the location of the site.
 - (E) The following ground photographs of the site with information showing the scale and date of the photographs and their relationship to the topographic map:
 1. A view of the general area.
 2. The site of the proposed development.
 3. Any features which are important to the interpretation of the hazard potential of the site.
 4. Unusual natural features and important wildlife habitat.
- 2) Topography Map. a topography base map of (1 to 100) scale and with a contour interval of (two feet) shall be prepared identifying the following features and shall be accompanied by references to the source and date of information used.
 - (A) The position of the lot line.
 - (B) The boundaries of the property.
 - (C) Species identification of major plant communities.
 - (D) Any springs, streams, marshy areas or standing bodies of water.
 - (E) Areas subject to flooding, including those shown on the flood hazard maps prepared under the HUD National Flood Insurance Program.

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- (F) Areas subject to stream erosion and areas exhibiting significant surface erosion due to improper drainage and runoff concentration.
- (G) Geological information, including lithologic and structural details important to engineering and geologic interpretation.
- 3) Subsurface Analysis. If upon initial investigation it appears there are critical areas where the establishment of geologic conditions at depth is required, a subsurface analysis obtained by drill holes, well logs and other geophysical techniques shall be conducted by the person responsible for the site investigation report to include the following data as appropriate.
 - (A) The lithology and compaction of all subsurface horizons to bedrock.
 - (B) The depth, width, slope and bearing of all horizons containing significant amounts of silt and clay and any other subsurface waters.
 - (C) The depth, bearing and capacity of seasonal and permanent aquifers.
 - (D) Underlying areas of buried vegetation.
- 4) Development Proposal. The site investigation report shall include the following information on the proposed development as applicable. The information will be shown on the maps described above or appropriately referenced.
 - (A) Plans and profiles showing the position and height of each structure, paved area and area where cut and fill is required for the construction.
 - (B) The percent and location of the surface of the site which will be covered by impermeable or semi-impermeable surfaces.
 - (C) Points to preserve for public access.
 - (D) a description of the impact of the development on any critical biological habitats.
 - (E) A stabilization program for the development describing:
 - 1. how much of the site will be exposed during construction and what measures will be taken to reduce erosion.
 - 2. a revegetation program designed to return open areas to a stable condition as soon as possible following construction.
 - 3. the time of commencement of revegetation planting.
 - (F) a description of safeguards that will be provided as part of the proposed development.
 - (G) For a logging or farming operation, areas to be protected from vegetation loss or groundwater pollution shall be identified and means for protection described.
- 5) Special Review for Water Supply or Sewerage. If a well or an on-site sewage disposal system is planned, the proposed location shall be described and the following shall be determined:
 - (A) The maximum and minimum levels (seasonal extreme) in water table height.
 - (B) The expected water needs of the proposed development.

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- (C) The water supply capacity and the expected effect of the increased water consumption on the water table.
- (D) Any detrimental contamination of the groundwater, lakes or marshes that may occur.
- 6) Conclusions in the Report.
 - (A) The site investigation report shall contain conclusions stating the following:
 - 1. How intended use of the land is compatible with the existing conditions.
 - 2. The existing or potential hazards found during the investigation.
 - 3. The manner for achieving compliance with applicable development criteria and standards.
 - (B) Recommended safeguards and mitigation for specific areas and hazards shall be specified.
 - (C) Conclusions shall be based on data included in the report and the sources of information and facts shall be referenced.

5.3060. Site Investigation Report Review

The Community Development Director, Planning Commission or Board of Commissioners may want to have a technical site investigation report reviewed including the methods actually used to avoid hazards. The Community Development Director, Planning Commission or Board of Commissioners may request the owner or developed to pay for a portion or all of the review on behalf of the County.

5.3065. Qualifications

The site investigation report shall be conducted by a registered engineering geologist. The Department of Community Development shall maintain a list of qualified geologists.

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SECTION 5.4000. BEACH AND DUNE OVERLAY DISTRICT (BDO)

Section 5.4010. Purpose

The intent of the beach and dune overlay is to regulate uses and activities in the affected areas in order to: ensure that development is consistent with the natural limitations of the oceanshore; ensure that identified recreational, aesthetic, wildlife habitat and other resources are protected; conserve, protect, where appropriate develop, and where appropriate restore the resources and benefits of beach and dune areas; and to reduce the hazards to property and human life resulting from both natural events and development activities.

Section 5.4020. Applicability

The beach and dune overlay (BDO) includes the following beach and dune areas:

- 1) The beach, which extends from extreme low tide landward to the Statutory Vegetation Line established and described in ORS 390.770, or the line of established upland shore vegetation, whichever is further inland;
- 2) The dune hazard area, which extends from the Statutory Vegetation Line established and described by ORS 390.770 or the line of established upland shore vegetation, whichever is further inland, landward to the construction setback line.
- 3) The construction setback line is established as follows:
 - (A) A line 570 feet landward of the Statutory Vegetation Line established and described by ORS 390.770 for the area north of Surf Pines to the Columbia River south jetty.
 - (B) The Pinehurst construction setback line, established and described in Ordinance 92-90; and
 - (C) The Surf Pines construction setback line, established and described in Ordinance 83-17 and extended north to include T7N, R10W, Section 16C, Tax Lot 300.
- 4) The dune construction area, which extends from the construction setback line as defined in the section above, landward to the eastern limit of Highway 101.

Section 5.4030. Relationship to the Underlying Zone

Uses and activities permitted in the Beach and Dune Overlay (BDO) are subject to the provisions and standards of the underlying zone and this chapter. Where the provisions of this district and the underlying zone conflict, the provisions of this district shall apply.

Section 5.4040 State Parks and Recreation Department Regulated Uses

Uses and activities permitted on the beach, as defined in Section 5.4020(1) are those permitted subject to review and approval by the Oregon Parks and recreation Department consistent with ORS 390.605-390.725 and OAR Divisions 20-30.

Section 5.4050. Permitted Development and Uses

The following developments and uses are permitted under a Type I procedure subject to specific development standards.

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- 1) In the dune hazard area as defined in Section 5.4020(2),
 - (A) Maintenance and repair of existing structures, including roads and subsurface disposal systems.
 - (B) Land transportation facilities as specified in Section 4.0300.
 - (C) Drainage improvements, including storm water outfall.
 - (D) Foredune breaching, where:
 1. The breaching is required to replenish sand supply in interdune areas, or is undertaken on a temporary basis for emergency purposes such as fire control or the alleviation of a flood hazard.
 2. There are no other reasonable alternatives to alleviate the emergency.
 3. The breaching does not endanger existing development.
 4. The area affected by the breaching is restored according to an approved restoration plan prepared by a registered professional geologist or certified engineering geologist, where the restoration plan shall include appropriate revegetation; and
 5. At a minimum, foredunes shall be restored to a dune profile which provides flood protection equivalent to that prior to breaching.
 - (E) Remedial grading, in the following cases:
 1. Clearing of sand which is inundating houses or commercial buildings and their associated improvements. Sand may be graded up to thirty-five feet from a building's foundation subject to the following conditions:
 - a. The area to be graded constitutes open sand dunes or the back slope of a foredune,
 - b. There is no modification to the crest of a foredune,
 - c. At a minimum, the area graded shall maintain the one hundred year flood elevation as established by the county's Flood Insurance Rate Map (FIRM), and
 - d. No grading shall occur seaward of the Statutory Vegetation Line, except for placement of material removed from the structure in question;
 2. Excavation necessary for the purpose of placing a beachfront protective structure;
 3. Clearing of sand which is inundating a public street and is interfering with vehicular or pedestrian traffic, including clearing of sand from a public beach access parking lot.
 4. Excavation of sand necessary to alleviate storm water buildup;
 5. Minor reshaping of the forward portion of a dune necessary to provide an even slope for the planting of stabilizing vegetation; and

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6. Where feasible, all graded sand shall be placed on the beach or foreslope portion of the adjoining dune. Where not feasible, then sand shall be placed at a location approved by the county. In no event shall sand be removed from the beach and dune system.
- (F) Maintenance of existing riparian vegetation, including the planting of additional riparian vegetation.
- 2) In the dune construction area defined in Section 5.4020(3), any permitted uses allowed in the underlying zone subject to the applicable standards of that zone and the applicable general standards of Section 5.4090.

Section 5.4060 Development and Uses Permitted with Review

The following developments and uses are permitted under a Type II procedure, Sections 2.5000 to 2.5030, subject to the applicable general standards of Section 5.4090.

- 1) Beachfront protective structures seaward of the Statutory Vegetation Line established and described by ORS 390.770 or the line established upland shore vegetation, whichever is further inland require a permit from the Oregon Parks and Recreation Department and the County. The County's review of beachfront protective structures shall be coordinated with the Oregon Parks and Recreation Department.
- 2) The emergency placement of riprap on the beach, as defined above and in Section 5.4020(1) requires a permit from the Oregon Parks and Recreation Department (OPRD).
- 3) No construction is permitted prior to the issuance of an OPRD permit.
- 4) On the beach, as defined in Section 5.4020(1), and in the dune hazard area as defined in section 5.4020(2), and in the dune construction area as defined in section 5.4020(3):
 - (A) Pedestrian and Equestrian Trail.
 1. To minimize the loss of vegetation, fencing adjacent to the trail may be required in order to restrict traffic to the designated trail, an
 2. Subdivisions or other developments of ten or more dwelling units shall provide public trails to the beach.
 - (B) Structural shoreline stabilization.
 3. The priorities for beachfront protection, from highest to lowest, are:
 - a. Proper maintenance of existing vegetation.
 - b. Planting of riparian vegetation.
 - c. Rip-rap.
 - d. Bulkhead or seawall.
 4. Proposals for rip-rap, bulkheads, or seawalls shall demonstrate that:

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- a. The beachfront protective structure is located in an area where the county has identified that development existed on or before January 1, 1977.
 - b. The development is being threatened by erosion hazard.
 - c. Non-structural means of shoreline stabilization cannot provide adequate erosion protection.
 - d. The structure is the minimum necessary to provide for the level of protection that has been identified.
 - e. The structure is placed as far landward as is practical, consistent with maintaining existing riparian vegetation.
 - f. Potential adverse impacts on adjacent property are minimized.
 - g. Existing public access is preserved. The county may require that the shoreline stabilization incorporate steps or other improvements to enhance public access to the beach.
 - h. Visual impacts are minimized.
 - i. Any rip-rap shall be covered with sand and revegetated with beach grass, willow or other appropriate vegetation.
- (C) Sand stabilization program
- 1. The program shall be prepared by a qualified individual approved by the County.
 - 2. The program shall be based on an analysis of the area subject to accretion or erosion. The area selected for management shall be found, based on the analysis, to be of sufficient size to successfully achieve the program objectives.
 - 3. The program shall include specifications on how identified activities are to be undertaken. The specifications should address such elements as: the proposed type of vegetation to be planted or removed; the distribution, required fertilization and maintenance of vegetation to be planted; the location of any sand fences; and the timing of the elements of the proposed program.
 - 4. Fire-resistant species are the preferred stabilizing vegetation within twenty- five feet of existing dwellings or structures. Fire resistant vegetation should only be planted when the foreslope and crest of the dune are adequately stabilized to prevent significant accumulation of windblown sand.
 - 5. Where the placement of sand fences is proposed, evidence shall be provided that the planting of vegetation alone will not achieve the stated purpose of the sand stabilization program. Fencing may be permitted on a temporary basis to protect vegetation that is being planted as part of the program, or to control the effects of pedestrian beach access on adjacent areas.

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- 6) In the dune construction area as defined in section 5.4020(3), any permitted uses allowed in the underlying zone subject to the applicable standards of that zone and the applicable standards of Section 5.4090.

Section 5.4070. Conditional Development and Use

The following developments and uses may be permitted under a Type Ila procedure Sections 2.4020 to 2.4040, subject to the applicable general of Section 5.4090.

- 1) On the beach, as defined in section 5.4020(1), and in the dune hazard area as defined in section 5.4020(2):
 - (A) Foredune grading

Foredune grading for view enhancement or to prevent sand inundation may be allowed only in foredune areas that were committed to development on or before January 1, 1977 and where an overall plan for foredune grading is prepared.

 1. A foredune grading plan shall be prepared by a qualified expert approved by the County.
 2. A foredune grading plan shall be based on a consideration of factors affecting the stability of the shoreline to be managed including sources of sand, ocean flooding, and patterns of accretion and erosion (including wind erosion), and the effects of beachfront protective structures and jetties.
 3. The foredune grading plan shall:
 - a. Cover an entire beach and foredune area subject to an accretion problem, including adjacent areas potentially affected by changes in flooding, erosion or accretion as a result of dune grading;
 - b. Specify minimum dune height and width requirements to be maintained for protection from flooding and erosion. The minimum height for flood protection is four feet above the one hundred year flood elevation established by the FEMA flood insurance studies;
 - c. Identify and set priorities for low and narrow dune areas which need to be built up;
 - d. Prescribe standards for redistribution of sand and temporary and permanent stabilization measures including the timing of these activities; and
 - e. Prohibit removal of sand from the beach-foredune system.
- 2) In the dune construction area as defined in section 5.4020(3), any conditional uses allowed in the underlying zone subject to applicable standards of that zone and the applicable general standards of Section 5.4090.

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Section 5.4080. Prohibited Activitiesa

The following activities are prohibited in all areas within the beach and dune overlay (BDO) as defined in Section 5.4020:

- 1) Removal of sand from the beach or dune system.
- 2) Removal of stabilizing vegetation, except in conjunction with a permitted development or use.

Section 5.4090. General Development and Use Criteria

The following criteria are applicable to developments and uses in the BDO, in addition to those specific standards identified in Sections 5.4040 through 5.4070.

- 1) For development located in all areas in the BDO as defined by Section 5.4020, other than older stabilized dunes, findings shall address the following:
 - (A) The adverse effects the proposed development might have on the site and adjacent areas;
 - (B) Temporary and permanent stabilization proposed and the planned maintenance of new and existing vegetation;
 - (C) Methods for protecting the surrounding area from any adverse effects of the development;
 - (D) Hazards to life, public and private property, and the natural environment which may be caused by the proposed use.
 - (E) How the proposed development will not result in the drawdown of the groundwater supply in a manner that would lead to:
 1. The loss of stabilizing vegetation;
 2. The loss of water quality;
 3. Salt water intrusion into the water supply; or
 4. Significant lowering of interdune water level. Building permits for single- family dwellings are exempt from this requirement if appropriate findings are provided at the time of subdivision approval.
- 2) For development on the beach, as defined in section 4.4020(1), and in the dune hazard area as defined in section 5.4020(2) a geotechnical report in conformance with Section 5.3020, shall be required by the Planning Director prior to the issuance of a development permit.
- 3) For development in the dune hazard area as defined in section 5.4020(2) and in the dune construction area as defined in section 5.4020(3) a wind erosion control plan shall be required by the Planning Director prior to the issuance of a development permit. The purpose of the wind erosion control plan is to maintain the stability of the site during periods when the vegetative cover is removed and to ensure that adjacent properties are not adversely affected. The plan shall:
 - (A) Identify areas where vegetation is to be removed and the type of vegetation to be removed;

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- (B) Describe any temporary sand stabilization measures to be used during construction;
- (C) The proposed type of vegetation to be planted to stabilize the site after construction, including the density of planting, proposed fertilization, method of maintenance, and timing of the planting;
- (D) The removal of vegetation shall be kept to a minimum during site preparation and construction; and
- (E) No site clearing is permitted prior to the issuance of the development permit for the proposed development or use. Site clearing shall occur no sooner than is necessary prior to construction. The permanent revegetation of the site shall be started as soon as is practical, but in no event later than six months after the completion of construction.

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SECTION 5.4100. SHORELAND OVERLAY DISTRICT (SO)

Section 5.4110. Purpose

The purpose of this district is to manage uses and activities in coastal shoreland areas which are not designated as a Shoreland Zone in a manner consistent with the resources and benefits of coastal shorelands and adjacent estuarine aquatic areas.

Section 5.4120. Designation of Shoreland Overlay District

This overlay district refers to areas described on official Clatsop County Zoning Maps. It does not include shoreland areas of the Columbia River Estuary designated Marine Industrial Shoreland, Conservation Shoreland, or Natural Shoreland. Included in this overlay district are:

- 1) Areas subject to ocean flooding and lands within 100 feet of the ocean shore or within 50 feet of an estuary or a coastal lake.
- 2) Areas of geological instability in or adjacent to the shoreland boundary when the geologic instability is related to or will impact a coastal water body.
- 3) Natural or man-made riparian resources, especially vegetation which function to stabilize the shoreline or maintain water quality and temperature necessary for the maintenance of fish habitat and spawning areas.
- 4) Areas of significant shoreland and wetland biological habitats whose habitat quality is primarily derived from or related to the association with coastal and estuarine areas.
- 5) Areas necessary for water-dependent and water-related uses, including uses appropriate for port facilities and navigation, dredged material disposal and mitigation sites, and areas suitable for aquaculture.
- 6) Areas of exceptional aesthetic or scenic quality, where the quality is primarily derived from or associated with the coastal or estuarine areas.
- 7) Areas of recreational importance or public access which utilize coastal waters or riparian resources.
- 8) Locations of archaeological or historical importance associated with the estuary.
- 9) Coastal headlands.
- 10) Dikes and their associated inland toe drains.

Section 5.4140. Categories of Coastal Shorelands

There are two categories of Coastal Shorelands as described below:

- 1) Category 1:
 - (A) Those shorelands described in the Estuarine and Coastal Shoreland Element of the Comprehensive Plan as:
 1. Significant, non-estuarine marshes;
 2. Riparian resources;
 3. Significant fish and wildlife habitat;
 4. Exceptional aesthetic resources;
 5. Historical and archaeological sites.
- 2) Category 2:

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- (A) All shorelands which do not fall within 1(A) 1-5 and are not currently designated Marine Industrial Shorelands, Conservation Shorelands or Natural Shorelands are the second category of Coastal Shorelands.

Section 5.4150. Developments Permitted with Category 1 Coastal Shorelands

Only the following uses and activities are permitted under a Type I procedure (Section 2.1010) within shorelands defined in Section 5.4140(1)(A)1)-5):

- 1) Low intensity, water-dependent recreation.
- 2) Existing and compatible farm uses and activities, excluding structures.
- 3) Forest operations only if natural values of the resource are protected, as determined by administration of the Oregon Forest Practices Act, where applicable, otherwise as determined by the Planning Division under a Type II procedure.
- 4) Research or educational activities which maintain or enhance the natural characteristics of the area and its resources.
- 5) Navigational aids.
- 6) Vegetative shoreline stabilization.
- 7) Maintenance and repair of existing and serviceable dikes.
- 8) New dikes.

Section 5.4160. Developments Permitted within Category 2 Coastal Shorelands

Within coastal shorelands defined in Section 5.4140(2) the following uses and activities are permitted if otherwise allowed in the underlying zone, and subject to the requirements and standards of the use in the underlying zone:

- 1) Uses allowed in Section 5.4150 above.
- 2) Single family dwellings, provided that, if possible, the dwelling is to be located on a portion of the property outside of the Coastal Shoreland boundary.
- 3) Limited home occupation.
- 4) Home occupation in an existing building.
- 5) Signs.
- 6) Water-dependent recreation.
- 7) Projects for the protection of habitat, nutrient, fish, wildlife and aesthetic resources.
- 8) Aquaculture.
- 9) Utilities as necessary for public service.
- 10) Water-dependent commercial and industrial uses.

Other uses and activities within Category 2 Coastal Shorelands are allowed under a Type IV procedure upon findings that such uses and activities are compatible with the objectives of the Comprehensive Plan to protect riparian vegetation and wildlife habitat.

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Section 5.4170. Development Standards

- 1) All uses and activities in the Columbia River Estuary Shoreland Overlay District will satisfy applicable Columbia River Estuary Shoreland and Aquatic Area Use and Activity Standards contained in the Development and Use Standards Document.
- 2) If a proposal involves several uses, the standards applicable to each use shall be satisfied.
- 3) For parcels totally within the Coastal Shorelands Boundary, structures shall be sited according to lot line setbacks and Riparian Vegetation Standards in 6.5000 et seq.
- 4) For parcels partially within and partially outside of the Coastal Shorelands boundary, structures shall be located outside the Boundary. This requirement may be waived by the Community Development Director only upon a showing that the portion of the site outside of the Boundary cannot accommodate the use or is of such value for resource purposes that the use would impact resource productivity less if located within Coastal Shorelands.
- 5) Proposed development in shoreland areas within identified hazards to development shall be evaluated prior to construction to assure that new hazards are not created or existing hazards are not worsened on adjacent property.

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SECTION 5.4200. AQUIFER RESERVE OVERLAY DISTRICT (ARO)

Section 5.4210. Purpose

The purpose of the aquifer reserve overlay zoning district is to protect the aquifer as a future drinking water source by controlling activities which may occur on the ground surface. These sections apply as additional restrictions to the underlying zones. Should the regulations of this overlay district be in conflict with the underlying zone, the conflict shall be resolved by the application of the more stringent regulation.

Section 5.4220. Development and Uses Permitted

Unless otherwise listed in Section 5.4240, any use permitted in the underlying zone may be allowed within the boundaries of this special district.

Section 5.4230. Conditional Development and Use

Unless otherwise listed in Section 5.4240, any use conditionally allowed in the underlying zone may be allowed within the boundaries of this special district subject to the applicable standards of that zone.

Section 5.4240. Prohibited Development and Use

The following developments are prohibited in this district unless determined by the Planning Director as set out in Section 5.4250 below that such use will not adversely affect the aquifer:

- 1) Construction of subsurface sewage disposal systems.
- 2) Application of fertilizers in amounts and concentrations which would add nitrates to the groundwater.
- 3) Construction of oil and gas storage facilities unless they are adequately protected to prevent spillage from reaching groundwater.
- 4) Other activities which, in the opinion of the Community Development Director, would cause the degradation of groundwater as a potable water source.

Section 5.4250. Determination by the Community Development Director

Any activities which, in the opinion of the Community Development Director, would adversely affect the aquifer as a potable water source, are prohibited by Section 5.4240 above. To aid in this determination, the Community Development Director may require certification from a qualified professional engineer or hydrologist that a proposed activity will not cause such degradation.

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SECTION 5.4300. MITIGATION SITE OVERLAY DISTRICT (MIT)

Section 5.4310. Purpose

The purpose of the Mitigation Site Overlay District is to protect identified mitigation sites in the Columbia River Estuary from incompatible and preemptive development uses and activities and implement mitigation and restoration actions in designated areas of the zone. There are three priority categories and four protection levels for mitigation sites in this district.

Section 5.4320. Designation of Mitigation Sites

Mitigation sites are described and identified on maps in the background report Mitigation and Restoration Plan for the Columbia River Estuary of the County's Comprehensive Plan. Revisions to mitigation site designations must be recorded by amendment to the Comprehensive Plan and Plan Map.

Section 5.4330. Developments Allowed in Mitigation Sites

The Priority and Level of protection for a designated mitigation site may be determined from the background report *A Mitigation and Restoration Plan for the Columbia River Estuary* of the County's Comprehensive Plan. The following uses are allowable in this overlay district:

- 1) Priority 1, Level 1:
 - (A) Uses allowed in the underlying zone that do not preempt the use of the site for mitigation purposes, subject to the underlying zone's development standards.
 - (B) Mitigation as a Review Use under a Type II procedure pursuant to Section 2.1020 and subject to the Mitigation and Restoration Standards in Section 6.4150.
 - (C) In an Exclusive Farm Use (EFU) zone, farm related structures that are valued at \$5,000 or less, subject to the development standards of the underlying zone.
- (D) Priority 1, Level 2:
 - (E) Uses allowed in the underlying zone that do not preempt the use of the site for mitigation purposes, subject to the underlying zone's development standards.
 - (F) Mitigation as a Review Use under a Type II procedure pursuant to Section 2.1020, and subject to the Mitigation and Restoration Standards in Section 6.4150.
 - (G) In an Exclusive Farm Use (EFU) zone, farm related structures that are valued at \$5,000 or less, subject to the development standards of the underlying zone.
 - (H) Topographical and structural preemptive uses allowed in the underlying zone and subject to the zone's policy and procedural requirements, under the additional conditions that:

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1. if diked, demonstration that a predetermined amount of dike frontage (established in the Plan or during new site designations) and contiguous diked area is retained for mitigation purposes; or
 2. if upland, demonstration that a predetermined amount of contiguous area (established in the Plan or during new site designation) is available for excavation to allow tidal influence or capable of being inundated through some water level control procedure.
- (I) Restoration, creation, or enhancement outside of the context of mitigation as a Conditional Use under the conditions that:
1. if diked, demonstration that a predetermined amount of dike frontage and contiguous diked area is retained for mitigation purposes; or
 2. if upland, demonstration that a predetermined amount of contiguous area is available for excavation to allow tidal influence or capable of being inundated through some water level control procedure. If the underlying zone is Exclusive Farm Use (EFU), Forestry (F-80), and Agricultural/Forestry (AF), a goal exception shall be required to implement restoration, creation or enhancement outside of the context of mitigation.
- (J) Priority 2, Level 3:
- (K) Uses allowed in the underlying zone that do not preempt the use of the site for mitigation purposes, subject to the underlying zone's development standards.
- (L) Mitigation as a Review Use Under a Type II procedure pursuant to Section 2.1020, and subject to the Mitigation and Restoration Standards in Section 6.4150.
- (M) In an Exclusive Farm Use (EFU) zone, farm related structures that are valued at \$5,000 or less, subject to the development standards of the underlying zone.
- (N) Restoration, creation and enhancement outside of the context of the mitigation as a Conditional Use under a Type II procedure pursuant to Section 2.1020, and subject to the Mitigation and Restoration Standards in Section 6.4150. If the underlying zone is Exclusive Farm Use (EFU), Forestry (F-80), or Agricultural/Forestry (AF), a goal exception is required to implement restoration, creation, or enhancement outside of the context of mitigation.

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- (O) Preemptive uses allowed in the underlying zone, subject to the zone's development standards, under the additional condition that action on the application shall be suspended for 30 days from the date a complete application is filed. The period of suspension is to allow interested parties time to review the need and negotiate use of the site for mitigation. If at the close of the 30 day period no satisfactory means of preserving the site is established, the permit will be processed under the normal procedures.
- (P) Priority 3, Level 4:
- (Q) All uses allowed in the underlying zone, subject to the underlying zone's development standards.
- (R) Mitigation as a Review Use under a Type II procedure pursuant to Section 2.1020, and subject to the Mitigation and Restoration Standards in Section 6.4150.
- (S) Restoration, creation, and enhancement outside of the context of mitigation as a Conditional Use under a Type II procedure pursuant to Section 2.1020, and subject to the Mitigation and Restoration Standards in Section 6.4150. If the underlying zone is Exclusive Farm Use (EFU), Forestry (F-80), or Agricultural/Forestry (AF), a goal exception is required to implement restoration, creation, or enhancement outside of the context of mitigation.

Section 5.4340. Removal of the Mitigation Site Overlay District

Removal of designated mitigation sites shall be subject to the following criteria:

- 1) Priority 1, Level 1:
 - (A) Removal of the Mitigation Site Overlay District shall be allowed for any portion of the site where a mitigation action has occurred. The site shall be removed by an amendment to the Comprehensive Plan.
 - (B) Removal of the Mitigation Site Protection Overlay District before the site has been used wholly or in part for mitigation shall be done by an amendment to the Comprehensive Plan only where:
 - 1. Provision is made for a replacement mitigation site of suitable characteristics; or
 - 2. The development need for which the mitigation site was initially designated as a compensating action is withdrawn or reevaluated.
- (C) Priority 2, Level 2:
- (D) Removal of the Mitigation Site Overlay District shall be allowed for any portion of the site where a mitigation action has occurred. The site will be removed by plan amendment during routine plan upkeep.
- (E) Removal of the Mitigation Site Overlay District shall be allowed for any portion of the site where preemptive uses have been implemented, including restoration, creation or enhancement outside of the context of mitigation provided that:

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1. if diked, a demonstration that a predetermined amount of dike frontage and contiguous diked area is retained for mitigation purposes; or
 2. if upland, demonstration that a predetermined amount of contiguous area is available for excavation to allow tidal influence or capable of being inundated through some water level control procedure.
- (F) Removal of all or portions of the Mitigation Site Overlay District from the Comprehensive Plan before the site has been used wholly or in part for mitigation shall be done by Plan amendment and may only be approved if:
1. provision is made for a replacement of adequate mitigation area of suitable characteristics in another suitable location; or
 2. the development need for which the mitigation site was initially designated as a compensating action is withdrawn or reevaluated.
- (G) Priority 2, Level 3:
- (H) The Mitigation Site Overlay District shall be removed from any portion of a site where a mitigation action has occurred or preemptive uses have been implemented, including restoration, creation or enhancement outside of the context of mitigation. The site shall be removed by an amendment to the Comprehensive Plan.
- (I) Removal of the Mitigation Site Overlay District for all or portions of a designated mitigation site before the site has been used wholly or in part for mitigation shall be done by an amendment to the Comprehensive Plan and Zoning Ordinance where:
1. Provision is made for a replacement of adequate mitigation area of suitable characteristics in another suitable location; or
 2. The development need for which the mitigation site was initially designated for compensatory purposes is withdrawn or reevaluated.
- (J) Priority 3, Level 4:
- (K) The Mitigation Site Overlay District shall be removed from any portion of the site that a mitigation action has occurred or preemptive uses have been implemented, including restoration, creation or enhancement outside of the context of mitigation. The site will be removed by an amendment to the Comprehensive Plan.
- (L) After a mitigation site has been used for mitigation or restoration, creation, or enhancement action outside of the context of mitigation and all or a portion of the site is no longer available for mitigation, the Mitigation Site Overlay District designation shall be removed and the wetland or aquatic area created through the mitigation action shall be placed in the appropriate Aquatic designation. These changes shall be made by means of an amendment to the Comprehensive Plan.

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Section 5.4350. Preemptive Uses

Incompatible and preemptive use of mitigation sites includes the following:

- 1) Uses requiring substantial structural or capital improvements (e.g. construction of permanent building) but not including dike maintenance.
- 2) Uses that require extensive alteration of the topography of the site, thereby reducing the potential for mitigation (e.g. extensive site grading, elevation of the site by placement of fill materials).

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SECTION 5.4400. SENSITIVE BIRD HABITAT OVERLAY DISTRICT (SBHO)

Section 5.4410. Purpose

The purpose of the Sensitive Bird Habitat Overlay District is to insure that habitat areas identified as critical for the survival of the Northern Bald Eagle, Great Blue Heron, Band-tailed Pigeon and Snowy Plover are protected from the effects of conflicting uses or activities. This objective shall be achieved through the development of site-specific management plans that are developed to ensure that proposed uses and activities will neither destroy or result in the abandonment of sensitive bird habitat areas.

Section 5.4420. Definition of Nest Sites

All Northern Bald Eagle nests and roosts, Great Blue Heron rookeries, Band-tailed Pigeon mineral springs and Snowy Plover nesting habitat identified in the Clatsop County Comprehensive Plan shall be subject to the requirements of the Sensitive Bird Habitat Overlay District. When additional sites are identified by the Oregon Department of Fish and Wildlife they shall be added to the Comprehensive Plan map titled "Open Space Resources of Clatsop County" and become subject to the requirements of the Sensitive Bird Habitat Overlay District.

Section 5.4430. Development and Uses Permitted

Uses permitted in the underlying zone(s) are permitted or conditionally permitted in the Sensitive Bird Habitat Overlay District subject to the additional procedure and requirements of Section 5.4440. The SBHO does not regulate forest practices, only those development and uses that would require a development on lands designated Conservation Forest Lands.

Section 5.4440. Development and Use Criteria

The following review procedure and criteria shall apply:

- 1) The review procedure is initiated when Clatsop County receives a request for a development permit that may affect a sensitive bird habitat;
- 2) A proposed use or activity is considered to have the potential for affecting a sensitive bird habitat if it is located within a quarter mile of an eagle nest or roosting site, or an osprey nest or it is within 600 feet of a heron rookery, or band-tailed pigeon mineral spring or it is within 400 feet of snowy plover nesting habitat.
- 3) If a proposed use or activity meets the locational criteria of subsection 5.4440(2), Clatsop County or the Oregon Department of Forestry shall notify the Oregon Department of Fish and Wildlife.
- 4) Upon notification, the Oregon Department of Fish and Wildlife shall review the proposed use or activity and make a determination of whether the use or activity has the potential for adversely affecting a sensitive bird habitat area. In making this review and determination the Oregon Department of Fish and Wildlife shall consult with the affected landowner(s) and appropriate state agencies. The determination shall be completed within seven working days of the receipt of notice from Clatsop County.

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- 5) A sensitive bird habitat will be considered affected by a use or activity if it is located within 660 feet of an eagle or osprey site or within 300 feet of a heron rookery or pigeon mineral spring, or within 200 feet of snowy plover nesting habitat. However, the Oregon Department of Fish and Wildlife may determine that uses and activities located further from the sensitive habitat also will affect the site because of unique site conditions such as topography. The basis for such a finding shall be spelled out in the Oregon Department of Fish and Wildlife's determination of impact.
- 6) If the Oregon Department of Fish and Wildlife determines that the sensitive habitat area will not be affected, Clatsop County may proceed with the processing of the permit application.
- 7) If the Oregon Department of Fish and Wildlife determines that the site would be affected, the Oregon Department of Fish and Wildlife shall work with the affected property owner. In the development of a site specific habitat protection plan, the plan shall consider nesting trees, critical nesting periods, roosting sites and buffer areas.
- 8) Clatsop County will not process a development permit or activities detailed in a notification of operation until the required management plan has been completed and submitted to Clatsop County or the Department of Forestry.

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SECTION 5.4500. DREDGED MATERIAL DISPOSAL SITE RESERVATION OVERLAY DISTRICT (DMD)

Section 5.4510. Purpose

The intent of this district is to designate dredged material disposal sites in the County with respect to present and expected water-dependent development and navigational access requirements in the Columbia River Estuary and to protect these sites for dredged material disposal operations.

Section 5.4520. District Boundaries

The DMD Site Reservation District conforms to the description of dredged material disposal sites in the Columbia River Estuary Dredged Material Management Plan of the County's Comprehensive Plan. Revisions to the Columbia River Estuary Dredged Material Management Plan must be recorded by amendment to the Comprehensive Plan.

Section 5.4530. Dredged Material Disposal Sites

The purpose of site designations is to protect important dredged material disposal sites from incompatible and preemptive uses that may limit their ultimate use for the deposition of dredged material, and to ensure that an adequate number of sites will be reserved in order to accommodate dredged material disposal needs resulting from five years of existing and expected water-dependent development and navigation projects.

Section 5.4540. Uses Allowed in Dredged Material Disposal Sites

Dredged material disposal including beach nourishment designated in the Comprehensive Plan's background report Columbia River Estuary Dredged Material Management Plan is permitted with standards under a Type I procedure if the site is located upland or in the coastal shoreland boundary. Dredged material disposal including beach nourishment designated in the Comprehensive Plan and located in aquatic areas may be allowed as a Review Use under a Type II procedure. In addition, only those development uses and activities permitted, permitted with review or conditionally permitted in the underlying zone which are determined not to preempt the site's future use for dredged material disposal are allowed, subject to the policies and procedural requirements of the underlying zone.

Section 5.4550. Removal of Dredged Material Disposal Site Designation

Removal of a dredged material disposal site designation before a site has been filled to capacity shall only be approved if:

- 1) Provision is made for a replacement dredged material disposal site of suitable characteristics; or
- 2) The dredging need for which the site was initially designated for dredged material disposal is withdrawn or reevaluated.

Section 5.4560. Preemptive Uses

Incompatible and preemptive uses of dredged material disposal sites include the

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following:

- 1) Uses requiring substantial structural or capital improvements (e.g. construction of permanent buildings);
- 2) Uses that require extensive alteration of the topography of the site, thereby reducing the potential usable volume of the dredged material disposal area (e.g. extensive site grading, elevation by placement of fill materials other than dredged materials).
- 3) Uses that include changes made to the site that would present expeditious use of the site for dredged material disposal. Such uses would delay deposition of dredged materials on the site beyond the period of time commonly required to obtain the necessary federal, state and local dredging and material disposal permits (approximately 90 days).

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SECTION 5.4600. QUARRY & MINING OVERLAY DISTRICT (QMO)

Section 5.4605. Purpose

The purpose and intent of the Quarry and Mining Overlay District (/QMO) is:

- 1) To allow the development and use of mineral and aggregate resources;
- 2) To provide uniform standards for extraction and processing of mineral and aggregate resources;
- 3) To balance conflicts between mining operations and new and existing surrounding conflicting uses;
- 4) To ensure the rehabilitation and restoration of mining sites; and
- 5) To protect mineral and aggregate resources for future use consistent with Comprehensive Plan goals and policies and Statewide Planning Goal 5.

Section 5.4610. Definitions

CONFLICTING USE -- A use authorized in the underlying zone, which, if allowed, could adversely affect operations at a significant mineral and aggregate resource site, or could be adversely affected by mining or processing activities at a significant site. For purposes of this chapter, another Goal 5 resource located on or adjacent to a significant site may be considered a conflicting use if that resource could be adversely affected by mining or processing at the site.

ESEE ANALYSIS -- The analysis of Economic, Social, Environmental and Energy consequences of (a) allowing mining on a significant site, and (b) allowing conflicting uses to displace mining on a significant site. Based on the results of the ESEE analysis, the County may determine a level of protection for the resource, and implement a program to achieve the designated level of protection.

EXTRACTION AREA -- The area within which mineral and aggregate extraction, processing and storage may take place under the provisions of this Chapter (see Appendix A).

IMPACT AREA -- An area determined on a case-by-case basis through the ESEE analysis, within which sensitive uses are limited or regulated (see Appendix A).

MINERAL AND AGGREGATE -- Includes soil, select fill, coal, metallic ore, and any other inorganic solid excavated from a natural deposit in the earth for commercial, industrial or constructional use.

MINING -- All or any part of the process of mining by the removal of overburden and the extraction of natural mineral deposits thereby exposed by any method including open-pit mining operations, auger mining operations, blasting, processing, surface impacts of underground mining, production of surface mining refuse and the construction of adjacent or off-site borrow pits except those pits developed for use in the construction of access roads for surface mining operations. "Mining" does not include excavations of

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sand, gravel, clay, rock or other similar materials conducted by a landowner or maintenance of access roads, excavation or grading operations conducted in the process of farming or cemetery operations or road construction or other on-site construction, or the non-surface impacts of underground mines.

PROCESSING – Includes, but is not limited to, extraction, washing, crushing, milling, screening, handling, conveying, batching and blending into asphalt or Portland cement, and transportation of mineral and aggregate materials.

SENSITIVE USE -- A conflicting use or structure considered sensitive to dust, odor, vibration and/or noise, such as a residence, school, park or hospital. Industrial, agricultural and forestry activities are not sensitive uses unless the activity includes an accessory residential use.

SIGNIFICANT RESOURCE SITE -- Includes resource sites which meet or exceed location, quality and quantity criteria set forth under Section 5.4665 of this Chapter and are so designated by the County through a legislative or quasi-judicial process.

Section 5.4615. Application of Overlay Zone

The provisions of this Chapter shall apply to all lands zoned Quarry and Mining Overlay. Nothing in this Chapter shall constitute a waiver or suspension of the provisions of any underlying zone or concurrent overlay zone. Any conflicts between the provisions of this Chapter and the provisions of other chapters of this Ordinance, Comprehensive Plan Goals and Policies and the Statewide Planning Goals shall be resolved through the ESEE analysis.

The Quarry and Mining Overlay Zone consists of two distinct areas; the Extraction area and the Impact area.

- 1) **EXTRACTION AREA.** The mineral and aggregate extraction area shall be applied to any site where mining will be permitted and which has been identified as a significant resource area in the Comprehensive Plan Inventory. The area may consist of one or more tax lots or portion(s) of single tax lots, and may be applied to contiguous properties under different ownership. The size of the Extraction Area shall be determined by the Goal 5 process, but between any existing Sensitive Use and the extraction area boundary a general distance of 1,000 feet shall be applied. The exact distance may be varied through the planning process.
- 2) **IMPACT AREA.** The mineral and aggregate Impact Area shall be applied to properties or portions of properties adjacent to and immediately surrounding an Extraction Area. The width of the Impact Area shall be determined through the ESEE analysis prior to application of the QMO Overlay Zone, based on the type of mineral or aggregate resource to be extracted as well as physical features of

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the area which may cause a larger or smaller area to be affected. The minimum width of the impact area shall be 1,000 feet from the Extraction Area boundary unless a reduced distance is justified, based on the ESEE analysis (see example in Appendix A).

Section 5.4620. Exemptions

The following activities are exempt from the requirements of this Chapter. Operators or owners claiming any of these exemptions may be asked to establish the validity of the exemption. Areas which are designated scenic resource areas in the County Comprehensive Plan are not exempt from this chapter.

- 1) In zones qualified under ORS 215 and Statewide Planning Goal 3, mining less than 500 cubic yards of material or excavation preparatory to mining of a surface area of less than one acre. In other zones, mining less than 1,000 cubic yards of material or activities affecting less than one acre of land within a period of 12 consecutive calendar months.
- 2) Forest related quarrying regulated under the Oregon Forest Practices Act.
- 3) Excavations of sand, gravel, clay, rock or other similar materials conducted by a landowner or tenant of a parcel for the primary purpose of reconstruction or maintenance of on-site access roads.
- 4) Excavation or grading operations conducted in the process of farming, forestry or cemetery operations.
- 5) On-site road construction or other on-site construction or non-surface impacts of underground mines.

Section 5.4625. Pre-Existing and Non-Conforming Uses

Mineral and aggregate sites which have a valid County permit on the effective date of this District shall be considered pre-existing sites. Pre-existing sites may continue to operate under the standards of Section 3.1000. However, any expansion of a mineral and aggregate activity on a pre-existing site beyond the boundaries of the surface mining area covered by the County permit or zone, or any activity requiring a new County permit or zone, shall require a new Conditional Use Permit in accordance with Section 2.4000 of this Ordinance. The lawful use of any building, structure or land on the effective date of this Chapter shall be considered a non-conforming use. Any enlargement, alteration or other change in use, or cessation of the nonconforming use shall be in accordance with Section 3.1000.

Section 5.4630. Permitted Uses - Extraction Areas

Any permitted use or conditional use allowed in the underlying zone, except Sensitive Uses as defined in Section 4.404, may be permitted in the QMO Extraction Area subject to the underlying zone criteria and as otherwise authorized by the ESEE analysis.

The following uses may be permitted in the QMO Extraction Area subject to site plan

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approval in accordance with Section 5.4645:

- 1) Mining or extraction of rock, clay, soil, sand, gravel, or other mineral or aggregate material.
- 2) Stockpiling and storage of mineral and aggregate materials.
- 3) Processing of:
 - (A) Materials, including crushing, washing, milling, screening, sizing, batching of Portland cement; and
 - (B) Batching or blending of mineral and aggregate into asphaltic concrete.
 - (C) Buildings, structures and equipment directly related to the above permitted uses.
- 4) One temporary manufactured home or recreational vehicle for a caretaker or watchman in conjunction with a mineral and aggregate activity. The manufactured home shall meet the setbacks of the underlying zone, and shall be removed when the aggregate operation ceases, unless allowed in accordance with the requirements of the underlying zone.
- 5) Storage of transportation equipment or storage of machinery or equipment used in conjunction with the on-site mineral and aggregate activity.
- 6) Sale of products extracted and processed on-site from a mineral and aggregate operation.

Section 5.4635. Development Standards - Extraction Area

A development plan shall be submitted to the County Planning Division for any activity allowed in Section 5.4630. The development plan shall provide the necessary documents, permits, and maps to demonstrate compliance with the following standards and requirements:

- 1) Screening and Buffering:
 - (A) An earthen berm and buffer of existing or planted trees or vegetation shall be maintained to fully screen the view of any mineral and aggregate activity and all related equipment from any public road, public park, or residence within 1,000 feet. Where screening is shown through the ESEE analysis to be unnecessary because of topography or other features of the site, the screening requirements may be waived by the Community Development Director.
 - (B) Sight obscuring fencing or approved barrier type shrubs shall be required to eliminate any safety hazards that use of the site may create. Fencing, if required, shall be sight obscuring and a minimum of 6 feet high.
- 2) Access:
 - (A) All private access roads from mineral and aggregate sites to public roads shall be paved or graveled. If graveled, the access road shall be graded and maintained as needed to minimize dust.
 - (B) Improvements of fees in lieu of improvements of public roads, County roads and State highways may be required when the Community

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Development Director or hearings body, in consultation with the appropriate road authority, determines that the increased traffic on the roads resulting from the surface mining activity will damage the road sufficiently to warrant off-site improvement. If the fee in lieu of improvements is required, the amount of the fee shall reflect the applicant's pro- rated share of the actual total cost of the capital expenditure of the road construction or reconstruction project necessitated by and benefiting the surface mining operation. Discounts for taxes and fees already paid for such improvements, such as road taxes for vehicles and for property already dedicated or improved, shall be applied.

- (C) Any internal road at a mineral and aggregate site within 250 feet of a Sensitive Use shall be paved or graveled, and shall be maintained at all times to reduce noise and dust in accordance with County or DEQ standards specified in the ESEE analysis.
 - (D) An effective vehicular barrier or gate shall be required at all access points to the site.
- 3) Hours of Operation:
- (A) Blasting shall be restricted to the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday. No blasting shall occur on Saturdays, Sundays, or any recognized legal holiday.
 - (B) Mineral and aggregate extraction, drilling, processing and equipment operation located within 1,000 feet or as established by the ESEE analysis of any Sensitive Use is restricted to the hours of 7:00 a.m. to 6:00 p.m. Monday through Friday, and 8:00 a.m. to 5:00 p.m. Saturday. All other sites are limited to operating hours of 7:00 a.m. to 10:00 p.m. Monday through Saturday. No operation shall occur on Sundays or recognized legal holidays.
 - (C) An increase in operating time limits shall be granted for all activities except blasting if:
 - 1. There are no Sensitive Uses within 1,000 feet of the mining site; or if
 - 2. There are Sensitive Uses within 1,000 feet, the increased activity will not exceed noise standards established by the County or DEQ; and
 - 3. The operator shall notify the owners and occupants of all Sensitive Uses within 1,000 feet or the distance established by the ESEE analysis by first class mail which is mailed at least 96 hours prior to the date and approximate time of the activity for which the operator receives an exception.
 - (D) The operating time limits may be waived in the case of an emergency as determined by the County governing body.
- 4) Environmental Standards:

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- (A) DEQ Standards. Mineral and aggregate extraction, processing and other operations shall conform to all applicable environmental standards of the County and State. Any crusher, asphalt, concrete, ready-mix or other machinery shall submit an approved DEQ permit(s) at the time of development plan application.
 - (B) DOGAMI Standards. Mineral and aggregate extraction, processing, other operations and site reclamation shall conform to the requirements of the Department of Geology and Mineral Industries (DOGAMI).
 - (C) Permits Required. Mining shall not commence until all applicable State and Federal permits, if any, are provided to the County.
 - (D) Equipment Removal: All surface mining equipment, machinery, vehicles, buildings, man-made debris and other material related to the mineral and aggregate activity shall be removed from the site within 30 days of completion of all mining, processing and reclamation, except for structures which are permitted uses in the underlying zone.
- 5) Performance Agreement:
- (A) The operator of a mineral and aggregate site shall provide the County with annual notification of DOGAMI permits.
 - (B) Mineral and aggregate operations shall be insured for \$500,000.00 against liability and tort arising from production activities or operations incidental thereto conducted or carried on by virtue of any law, ordinance or condition, and such insurance shall be kept in full force and effect during the period of such operations. A prepaid policy of such insurance which is effective for a period of one year shall be deposited with the County prior to commencing any mineral and aggregate operations. The owner of operator shall annually provide the County with evidence that the policy has been renewed.
 - (C) Significant Resource Area Protection: Conflicts between inventoried mineral and aggregate resource sites and significant fish and wildlife habitat, riparian areas and wetlands, and ecologically and scientifically significant natural areas and scenic areas protected by the Clatsop Plains Community Plan or other provision of the County Comprehensive Plan, shall be balanced as determined by the site-specific ESEE analysis.
 - (D) Site Reclamation: A reclamation plan shall be submitted concurrently with the development plan required in Section 5.4645. The reclamation plan shall include a schedule showing the planned order and sequence of reclamation, shall assure that the site will be restored or rehabilitated for the land uses specified in the underlying zone consistent with the site specific Goal 5 program, and shall meet DOGAMI requirements.
- 6) Water Management:
- (A) Surface water shall be managed in a manner which meets all applicable DEQ, DOGAMI, and ODFW water quality standards. Approval may be

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conditioned upon meeting such standards by a specified date. Discharge across public roads shall be prohibited. Existing natural drainages on the site shall not be changed in a manner which substantially interferes with drainage patterns on adjoining property, or which drains waste materials or waste water onto adjoining property or perennial streams.

- (B) Where the mineral and aggregate operation abuts a lake, river, or perennial stream, all existing vegetation within 100 feet of the mean high water mark shall be retained unless otherwise authorized in accordance with the ESEE analysis and the development plan.
 - (C) All water required for the mineral and aggregate operation, including dust control, landscaping and processing of material, shall be legally available and appropriated for such use. The applicant shall provide written documentation of water rights from the State Department of Water Resources and/or local water district prior to any site operation.
- 7) Floodplain:
- (A) Any QMO Extraction Area located wholly or in part in a Special Flood Hazard Area as shown on the Federal Insurance Rate Map (FIRM) shall receive approval in accordance with Section 5.1000 of this Ordinance prior to any site operation.

Section 5.4640. Application Process

Final development plan approval is required prior to the beginning of any mineral and aggregate activity listed in Section 5.4630, and before any expansion of a pre-existing or non-conforming site. The applicant shall provide the following at the time of application:

- 1) A development plan demonstrating that the development standards required in Section 5.4635 can be met, including:
 - (A) Screening and fencing;
 - (B) Access;
 - (C) Hours of operation;
 - (D) Environmental standards;
 - (E) Equipment removal;
 - (F) Performance agreement;
 - (G) Significant resource area protection;
 - (H) Site reclamation;
 - (I) Water management; and
 - (J) Floodplain.
- (K) A map or diagram showing the location and setbacks of all proposed mineral and aggregate activities and operations and the location and distance to all Sensitive Uses within the Impact Area.

Section 5.4645. Site Plan Review

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- 1) Site plan review is required prior to commencement of mining. Application shall be in the form required by the County, and shall demonstrate compliance with the standards of Section 5.4635 and any requirements adopted as part of the Goal 5 process.
- 2) Applications for site plan approval of surface mining operations and activities authorized by Section 5.4620 in accordance with ORS 215.425 and ORS 917.195.
- 3) The County shall approve, conditionally approve, or deny a site plan based on the ability of the site plan to conform to the standards of Section 5.4635 and other requirements adopted as part of the Goal 5 process.
- 4) If the County determines that the site plan is substantially different from the proposal approved in the Goal 5 process, the application shall be denied or conditioned to comply with the decision adopted as part of the Goal 5 process, or the applicant may choose to apply for a Comprehensive Plan amendment whereby the original decision reached through the Goal 5 process will be reexamined based on the revised site plan.

Section 5.4650. Impact Area - Uses and Standards

Any permitted use or conditional use allowed in the underlying zone, including Sensitive Uses, subject to Section 5.4655, may be allowed in the QMO Impact Area subject to the underlying zone criteria and as otherwise authorized by the ESEE analysis.

Section 5.4655. Sensitive Uses

- 1) The owner of a proposed new Sensitive Use shall sign and record in the County Deed Records an Aggregate Operation Easement, Waiver of Remonstrance and Indemnity which shall state that if the owner (or successors) of the new noise sensitive use object to the allowed mineral and aggregate activities on the adjacent QMO Extraction Area, the owner (or successors) of the new sensitive use shall indemnify the County and the resource owner and operator against all lost cost and expense including attorney's fees arising out of remonstrance proceeding. The Aggregate Operation Easement, Waiver of Remonstrance and Indemnity shall run with the land, until such time as the operation ends and the site has been reclaimed in accordance with the approved reclamation plan. It shall be a requirement of the mineral and aggregate operator to release any restrictions, easements or waivers of remonstrance and indemnity.
- 2) The use will not interfere with or cause any adverse impact on a mineral and aggregate activity allowed under Section 5.4630; and
- 3) The use will not prevent the adjacent mineral and aggregate activity from meeting the standards and conditions set forth in Section 5.4645.

Section 5.4660. Designation of Overlay Zone

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The Quarry and Mining Overlay zone may be applied through the initial legislative planning process, the plan update process or through individual application for a Comprehensive Plan amendment and zone change. The boundary of the Overlay zone shall be all property contained in the Mineral and Aggregate Extraction Area and Mineral and Aggregate Impact Area. Designation shall be carried out in accordance with the LCDC Goal 5 rule, OAR 16, Division 16. Preparation of the ESEE analysis shall be the responsibility of the applicant.

Section 5.4665. Determination of Significance

Only sites deemed significant shall be zoned Quarry and Mining (/QMO) Overlay. Mining and processing activities at sites not zoned QMO may be allowed after conditional use approval under the criteria of Section 2.4000. All sites which have not been evaluated for significance shall be classified "1-B" on the County inventory for purposes of Goal 5. The following criteria shall be used in determining significance:

- 1) Significant Aggregate Resources. An aggregate resource shall have at least 250,000 cubic yards of reserve and meet at least two of the following minimum requirements:
 - (A) Abrasion: Loss of not more than 35% by weight;
 - (B) Oregon Air Degradation: Loss of not more than 35% by weight;
 - (C) Sodium Sulphate Soundness: Not more than 17% by weight.
 - (D) Other mineral resources. Significance of non-aggregate resources shall be determined on a case-by-case basis after consultation with DOGAMI.

Section 5.4670. Termination of QMO Zone

The Quarry and Mining Overlay zone designation shall be removed by the owner or the County through the zone change process when:

- 1) The owner of the mineral and aggregate site submits evidence showing a significant resource no longer exists on the site;
- 2) The mineral and aggregate resource site has been reclaimed in accordance with the approved reclamation plan; and
- 3) The operator has caused to be released any operation easements, restrictions or waivers of remonstrance and indemnity relating to the application of this ordinance.

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SECTION 5.4700. DESTINATION RESORT OVERLAY DISTRICT (DRO)

Section 5.4705. Purpose and Intent

The purpose of the Destination Resort Overlay District is to recognize sites that are suitable and appropriate for the location of recreation oriented tourist and vacation resorts, and to establish standards to guide the development of such facilities. The Destination Resort Overlay District is intended to insure the compatibility of tourist and vacation resorts with the natural resources of the County.

Clatsop County recognizes that ocean shorelands and major rivers (Nehalem and Columbia) constitute outstanding natural scenic and recreational resources. Therefore, the Destination Resort Overlay District is provided for and may be applied only to lands some part of which are on or have a view of ocean or major river shorelines.

When a Destination Resort is requested and it is determined that an Exception is necessary to a Statewide Planning Goal an Exception shall be taken to the appropriate Goal or Goals.

Section 5.4710. General Provisions

- 1) This district may be requested where identified on the Comprehensive Plan/Zoning Map or in the text of the Plan. The establishment of this district requires a public hearing by the Planning Commission in conjunction with a Conceptual Plan.

The developer has three (3) years from the date of approval for the district change and Conceptual Plan to complete a Development Plan and be issued a building permit for a primary use. In the event that the developer has not been issued a building permit prior to the expiration date, the district change and Conceptual Plan are null and void. The Director shall then amend the Comprehensive Plan/Zoning Map to remove the /DRO District.

- (A) The Director may, upon written request by the applicant, grant an extension of the expiration date of up to one year upon the findings that:
- (B) Unforeseen circumstances or conditions have caused the delay;
- (C) The applicant has demonstrated reasonable diligence in attempting to meet the time limits imposed; and
- (D) Facts upon which the approval was based have not changed to an extent sufficient to warrant refiling.

Section 5.4715. Development and Use Permitted

The following developments are permitted subject to the approved Development Plan and to applicable development standards:

- 1) Developed recreation facilities, self-contained development and visitor oriented accommodations as part of one Destination Resort.

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Section 5.4720. Application of the District and Procedure

Application of the zone to a specific property is accomplished through a zone map change. Approval of a zone map change to Destination Resort Overlay District signifies that the affected property is suitable for development pursuant to Section 5.4700 through 5.4760 and subject to the Conceptual Plan approved at the time of zone change, but does not authorize development. The Conceptual Plan may contain phases of development. The zone district or districts applicable to the property preceding the change will be retained on the zoning map. If a proposed Development Plan (at least Phase I if the development is to be phased) is not submitted for a site within three years of the zone change to Destination Resort Overlay District, the Destination Resort Overlay District designation shall be extinguished. The Community Development Director shall then remove the Destination Resort Overlay District from the Comprehensive Plan/Zoning Map.

While the Destination Resort Overlay District is applicable to certain property, no development or use of the property shall occur, except as provided in Sections 5.4700 to 5.4760, in the underlying zone district or districts retained on the zoning maps and except for pre-existing uses which may be continued.

Development pursuant to this Destination Resort Overlay District shall be reviewed and approved without reference to the provisions of the underlying zone or zones except to the extent that the proposed development includes uses permitted in those zones and not otherwise permitted in the Destination Resort Overlay District. The requirements of other applicable overlay districts and supplemental standards shall apply. A proposed zone change from Destination Resort Overlay District to a district or districts other than the underlying zone or zones retained on the Comprehensive Plan/Zoning Map shall be evaluated as a change from such underlying district or districts.

- 1) **Zone Change:** An amendment to the Comprehensive Plan/Zoning Map to apply the Destination Resort Overlay District may be initiated by the Board of Commissioners, by the Planning Commission or by application of the property owner. The procedure shall be as provided in Section 2.8100 through 2.8120 but the matters to be included in an application and considered on review shall be as set forth in Section 5.4725 and the criteria for approval of the change shall be as set forth in Section 5.4730. A Conceptual Plan for the site shall be approved as a part of the zone change. The Conceptual Plan will identify any areas of the site that are not available for development and the general categories of development permissible on the remainder of the site. If development as identified on the Conceptual Plan requires one or more exceptions to Land Conservation and Development Commission Goals 3, 4, 17 or 18, the Goal 2 exception process shall be complied with at the time of the zone change.

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- 2) **Conceptual Plan:** A Conceptual Plan shall determine the nature, location and phasing, if any, of development on property in the designated Destination Resort Overlay District. A property owner may initiate a request for approval of a Conceptual Plan by filing an application with the Department of Community Development. The procedure shall be as provided in Section 5.4720(3) but the matters to be included in an application and considered on review shall be as set forth in Section 5.4735 and the criteria for approval shall be as set forth in Section 5.4745.
- 3) **Development Plan:** A Development Plan shall include the elements provided in Section 5.4750 and shall be the authority for issuance of building and other required development permits. The proposed Development Plan shall be submitted to the Planning Division and approved or denied by the Director pursuant to the criteria set forth in Section 5.4755. If the proposed development will include subdivision or major partition of the property, preliminary approval shall be obtained prior to approval of the Development Plan. If the Conceptual Plan authorized phased development, the Development Plan may be for one or more of the phases. If a Development Plan is not submitted within three years of approval of the Conceptual Plan, the latter shall expire and a new Conceptual Plan shall be required unless prior to the end of the three year period, the property owner submits and receives a one-year extension.
- 4) **Pre-application Conference:** Prior to submitting a zone change application or a Conceptual Plan application, the property owner shall confer with the Community Development Director regarding the proposal and the requisites of the applications.

Section 5.4725. Application for Destination Resort Overlay District Zone Change

The following information shall be provided as part of the application for a zone change to the Destination Resort Overlay District:

- 1) The completed application form.
- 2) A site map, drawn to scale, showing the subject property and all property within 250' of the boundaries of the subject property.
- 3) A vicinity map showing the area and land uses within ½ mile of the property.
- 4) A site inventory and map including the following information as is available in the Comprehensive Plan or other readily available published inventories:
 - (A) SCS soils classifications.
 - (B) Forest site classifications.
 - (C) Goal 5 resources inventoried in the Comprehensive Plan.
 - (D) The shorelands boundary and shorelands resources inventoried in the Comprehensive Plan.
 - (E) Outstanding natural features not included within (C) or (D) above.
 - (F) Beach and dunes land form classifications.
 - (G) Geologic hazards.

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- (H) Areas of the Clatsop Plains Groundwater Aquifer including areas where the greatest amount of water may be withdrawn without damage of salt water intrusion, loss of stabilizing vegetation, loss of water quality or result in a significant and permanent drawdown of the groundwater table.
- (I) A Conceptual Plan, including phases if the project is to be developed in phases, based on the site inventory and showing the general categories of development proposed for the site. The site shall be divided into units having common characteristics for the purpose of the plan. Any areas not suitable for development shall be designated.
- (J) A legal description of the subject property as it appears on the deed or deeds.
- (K) Assessor's maps of the subject property and all property within 250'.
- (L) A written statement providing justification for the proposed zone change according to the approval criteria stated in Section 5.4730.
- (M) A detailed determination of how the site is suitable for the proposed resort development considering:
 - 1. Natural amenities of the site;
 - 2. The type and extent of development proposed, and its direct and indirect on- site and off-site environmental, social and energy impacts;
 - 3. Access to adequate transportation facilities;
 - 4. The physical limitations for development of the site, including natural hazards such as flooding and steep slopes; and
 - 5. Whether or not the effects of the development can be limited to avoid interference with continued resource use of surrounding lands including intensive farming operations, highly sensitive natural resource sites; and
 - 6. Orderly and economic provision of key facilities (water, sewer, fire) assuming full development of the subject site.
- (N) An economic and fiscal impact assessment showing whether or not there are net benefits to the County as a whole. Such an assessment should examine and consider:
 - 1. Changes in employment and income to the area and the County
 - 2. Changes in local revenues and demands for new or increased levels of public facilities and services
 - 3. Indirect economic impacts on the surrounding area including the effect of the loss of resource land
- (O) Types, amounts and ownerships of units to be constructed.

Section 5.4730. Approval Criteria for Destination Resort Overlay District Zone Change

A zone change to Destination Resort Overlay District shall be approved upon findings

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that the following criteria are satisfied:

- 1) The property has beach access or offers substantial views of ocean or major river shorelines.
- 2) The proposed site is suitable to accommodate a variety of amenities in conjunction with the living accommodations, or is located to take advantage of a specific scenic, natural or recreational resource that will constitute a special attraction for vacationers.
- 3) The proposed development of the property in accordance with the Conceptual Plan can be accomplished without substantial interference to or significant adverse effects upon identified sensitive or unique natural areas or ecological features.
- 4) The proposed development of the property can be accomplished in accordance with the Conceptual Plan in a manner than will be compatible with adjacent lands.
- 5) Suitable access exists or can be provided to serve development of the proposed site.
- 6) Adequate public services can be provided to serve full development of the property.
- 7) Required findings for needed Goal exceptions have been made.
- 8) The requirements of Section 5.4725(4)(M) and (N).

Section 5.4735. Contents of Application for Conceptual Plan

The information required as part of the Conceptual Plan shall be as stated in Sections 2.9000 through 2.9300 of the Land and Water Development and Use Ordinance.

Section 5.4740. Development Standards

- 1) Land Coverage Limitation (Density): Living units, enclosed recreation, entertainment or commercial facilities, off loading facilities, parking, roads and streets may occupy a maximum of 35% of the gross land area of the development.
- 2) Destination resorts shall be served by on-site sewage and water systems approved by the DEQ, except in cases where it is beneficial to connect to an existing or previously planned system serving adjacent or surrounding lands and there are no significant adverse consequences therefrom.
- 3) Adequate fire protection shall be available through an existing fire district or provided on site.
- 4) A Destination Resort proposal shall not alter the character of the surrounding area in a manner which substantially limits, impairs or prevents the permitted use of the surrounding properties. A Destination Resort proposal shall not force a significant change in or significantly increase the cost of farm or forest practices on nearby lands devoted to farm or forest uses.
- 5) To the greatest extent possible, significant vegetation and natural features on the

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- property shall be preserved.
- 6) All requirements of other applicable County ordinance provisions shall be satisfied. Commercial services provided as a part of the Destination Resort shall be contained within the development.
 - 7) Commercial buildings shall be designed to be compatible in appearance with the living accommodations, and shall be constructed of similar materials. The commercial services provided shall be in scale with the overall development.
 - 8) A majority of the units must be visitor oriented accommodations. Availability of the units shall be assured by the agreement of the applicant imposed as a condition of Development Plan approval and by restrictive covenants recorded in the County deed records binding living units sold separately pursuant to an approved subdivision or condominium.
 - 9) The Final Plan shall be consistent with the Conceptual Plan approved for the property.
 - 10) Trash receptacles, and parking lots shall be screened from view from public places and neighboring properties, through the use of features such as berms, fences, false facades, and dense landscaping.
 - 11) There shall be a 50 foot wide landscaped area in the boundary area containing trees and shrubs with a fence or a berm.
 - 12) Long expanses of fence or wall along public streets or roads shall be designed to prevent visual monotony through the use of offsets, landscaping, and change in materials.
 - 13) To reduce building scale along the perimeter of the development site, earth sculpturing and other techniques shall be used.
 - 14) The building arrangement shall provide for open space linkages in such a way that the required open space extends from the street into the interior of the site.
 - 15) Access shall be designed to cause minimum interference with traffic movement on abutting streets or roads. Where necessary, additional right-of-way shall be dedicated to maintain adequate traffic circulation.
 - 16) Metal siding and roof surfaces shall be covered and maintained with a non-reflective paint.
 - 17) Artificial lighting shall be so arranged and constructed as to not produce direct glare on adjacent residential properties or otherwise interfere with the use and enjoyment of any property.

Section 5.4745. Conceptual Plan

The Conceptual Plan for a Destination Resort development permitted under Sections 5.4700 through 5.4755 may be approved upon finding that the following criteria have been met:

- 1) The proposed development has been designed to function as an attraction for vacationers and other visitors, and an adequate level and variety of amenities is available in relation to the living accommodations provided to accomplish this

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- purpose.
- 2) The development has been designed to include beach access or views of the ocean or major river shorelands as a major feature of the project.
 - 3) The proposed type and level of development is appropriate to the site, meets the development standards contained herein, and will be compatible with the existing uses of the adjacent lands as well as the potential future uses as indicated by the current Comprehensive Plan and zoning designations.
 - 4) The proposed means of external and internal circulation is adequate to provide for the safe movement of vehicles and pedestrians.
 - 5) Adequate public services will be available to serve the development, including water supply, sewage disposal, electric power, telephone service, police and fire protection.
 - 6) Significant vegetation and natural features on the property have been substantially preserved.
 - 7) The commercial services proposed as a part of the development, if any, are in keeping with the overall scale of the project and have been located and designed to be compatible with the primary purpose of resort development.
 - 8) A detailed determination of how the site is suitable for the proposed resort development considering:
 - (A) Natural amenities of the site;
 - (B) The type and extent of development proposed, and its direct and indirect on-site and off-site environmental, social and energy impacts;
 - (C) Access to adequate transportation facilities;
 - (D) The physical limitations for development of the site, including natural hazards such as flooding and steep slopes; and
 - (E) Whether or not the effects of the development can be limited to avoid interference with continued resource use of surrounding lands including intensive farming operations, highly sensitive natural resource sites; and
 - (F) Orderly and economic provision of key facilities (water, sewer, fire) assuming full development of the subject site.
 - (G) An economic and fiscal impact assessment showing whether or not there are net benefits to the County as a whole. Such an assessment should examine and consider:
 - (H) Changes in employment and income to the area and the County
 - (I) Changes in local revenues and demands for new or increased levels of public facilities and services
 - (J) Indirect economic impacts on the surrounding area including the effect of the loss of resource land.

Section 5.4750. Development Plan Contents

The information required as a part of the Development Plan shall be as stated in the Clatsop County Land and Water Development and Use Code.

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Section 5.4755. Development Plan Approval Criteria

The Development Plan for the site, or for a phase of development if applicable, shall be approved if it contains the information required under Section 5.4750, is consistent with the approved Conceptual Plan and if all other applicable County requirements have been met.

Section 5.4760. Conditions

Clatsop County shall require conditions necessary and sufficient to ensure that the development is compatible with continued resource use of surrounding lands. These measures may include, but are not limited to:

- 1) Limiting the number of dwelling units;
- 2) Limiting the overall density of the development;
- 3) Limiting the location of structures, roads and physical alterations, or otherwise restricting layout to protect important natural features or to buffer the resort from adjacent or nearby uses; and
- 4) Additional planning and zoning controls on nearby land to reduce or manage pressures of off-site development created by the destination resort.

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SECTION 5.4800. PLANNED DEVELOPMENT OVERLAY DISTRICT (PDO)

Section 5.4805. Purpose

It is the intent of the Planned Development special district to encourage appropriate and orderly development of tracts of land sufficiently large to allow comprehensive planning and to provide a degree of flexibility in the application of certain regulations which cannot be obtained through traditional lot-by-lot subdivision. In this manner, environmental amenities may be enhanced by promoting a harmonious variety of uses; the economy of shared service and facilities; compatibility of surrounding areas; and the creation of attractive, healthful, efficient, and stable environments for living, shopping, or working. Specifically, it is the purpose of this section to promote and encourage:

- 1) Comprehensive development equal to or better than that resulting from traditional lot-by-lot land use development.
- 2) Appropriate mixtures of housing types and designs.
- 3) Appropriate mixture of uses.
- 4) More attractive and usable open space.
- 5) Advances in technology, architectural design, functional land use design.
- 6) Recognition of the problems of population density, distribution, and circulation and to allow a deviation from rigid established patterns of land uses, but controlled by defined policies and objectives.
- 7) Flexibility of design in the placement and uses of buildings and open spaces, circulation facilities and off-street parking areas, and to more efficiently utilize potential of sites characterized by special features of geography, topography, size or shape.

It is also not the intention of this section to be a bypass of regular zoning provisions solely to allow increased densities nor is it a means of maximizing densities on parcels of land which have unbuildable or unusable areas.

Section 5.4810. Applicability

A Planned Development may be located in any of the following zones provided that a Planned Development (PDO) suffix has been added to the underlying zone and provided the development is in accordance with the criteria, standards and provisions of this section: AC-RCR, KS-RCR, RCR, RCMFR, RSA- SFR, RSA-MFR, CR, SFR-1, RA-1, RA-2, RA-5, RA-10, RCC, GC, TC RCC-LI, RCI, and LI (except in the Clatsop Plains planning area).

Section 5.4815. Approval Criteria

In addition to the development standards and procedures specified in this special district, the Planning Commission shall require that the following criteria are met prior to approval of a Planned Development:

- 1) The location, size and type of development are consistent with the County Comprehensive Plan.
- 2) Commercial developments part of Planned Developments shall be limited in size

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and service to that appropriate to serve the neighborhood of which the Planned Development is an integral part and shall be designed to provide goods and services primarily to the residents of the Planned Development.

- 3) The location, size and design are such that the development can be well integrated with its surroundings with little if any impact on adjacent properties and development.
- 4) The location, size and type of development are such that traffic generated can be accommodated safely and conveniently on existing or planned arterial or collector streets or on improved roads.
- 5) The development will be adequately served by existing or planned facilities and services.
- 6) Any deviation from the standards of the underlying zone are warranted by the design and amenities incorporated in the development plan and program.
- 7) Adequate provision is made for the preservation of natural resources such as bodies of water, significant vegetation and special terrain features.
- 8) Sufficient financing exists to assure that the proposed development will be substantially completed within four (4) years of approval.
- 9) Permanent common open space as part of subdivisions or planned development adjoining one another shall be integrated and continuous whenever possible. Open space can follow ridge tops, deflation plains or shorelands, forest land (as a buffer) and other resource lands.

Section 5.4820. General Development and Use Standards and Requirements.

- 1) Size:
 - (A) Planned developments may be established in residential districts on parcels of land which are suitable for and of sufficient size to be planned and developed in a manner consistent with the purposes and objectives of Section 4.130 through 4.140. For those planned developments which are located in the RSA-SFR, RSA-MFR, CR, SFR-1, RA-1, GC, TC, and LI zones, the site shall include not less than four acres of contiguous land. For those located in a RA-2 the site shall include not less than eight acres of contiguous land, and for those located in a RA-5 the site shall include not less than twenty acres of contiguous land, unless the Planning Commission or Board of commissioners, upon appeal, find that property of less than the requirement above is suitable by virtue of its unique historical character, topography, or other natural features, or by virtue of its qualifying as an isolated problem area.
 - (B) Combination residential-commercial-industrial developments may be established in residential, commercial and light industrial zones on parcels of land which are suitable for and of a sufficient size.
- 2) Ownership:
 - (A) The tract or tracts of land included in a proposed planned development

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must be in one ownership or control or the subject of a joint application by the owners of all the property included. The holder of a written option to purchase or any governmental agency or redeveloper under contract with a governmental agency, shall be deemed the owner of such land for the purposes of this section.

- (B) Unless otherwise provided as a condition of approval of a planned development permit the permittee may divide and transfer units of any development. The transferee shall use and maintain each such unit in strict conformance with the approved permit and development plan.
- 3) Professional Design:
 - (A) The applicant for all proposed planned developments shall certify that the talents of the following professional will be utilized in the planning process for development: (1) an architect licensed by the state, (2) a landscape architect licensed by the state, and (3) a registered engineer or land surveyor licensed by the state. The Planning Commission may waive this requirement provided the applicant can show that equivalent and acceptable design talents have been utilized in the planning process.
 - (B) One of the professional consultants chosen by the applicant from the above group shall be designated to be responsible for conferring with the Department of Community Development with respect to the concept and details of the plan.
 - (C) The selection of the professional coordinator of the design team will not limit the owner or the developer in consulting with the Department of Community Development or the Commission.
- (4) General Information. The planning process for development shall include:
 - (A) Plot plan of land in area to be developed indicating location of adjacent streets and all private rights-of-way existing and proposed.
 - (B) A legal boundary survey.
 - (C) Existing and proposed finish grades of the property with all drainage features.
 - (D) Location of all proposed structures, together with the usage to be contained therein and approximate location of all entrances thereto and height and gross floor area thereof.
 - (E) Vehicular and pedestrian circulation features within the site and on adjacent streets and alleys.
 - (F) The extent, location, arrangement and proposed improvements of all off-street parking and loading facilities.
 - (G) The extent, location, arrangement, and proposed improvements of all open space, landscaping, fences and walls.
 - (H) Architectural drawings and sketches demonstrating the planning and character of the proposed development.
 - (I) Number of units proposed.

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- (J) Contour lines at 2-foot intervals.

Section 5.4825. Development and Use Standards

In addition to, or as a greater requirement to the regulations normally found in the district, the following guidelines and requirements shall apply to all developments for which a planned development permit is required:

- 1) Outdoor living area guidelines: In all residential developments, or in combination residential-commercial-industrial developments, 40 percent of the total area should be devoted to outdoor living area. Of this area, 25 percent of said outdoor living area may be utilized privately by individual owners or users of the planned development; however, 75 percent of this area should be common or shared outdoor living area.
- 2) Height guidelines: The same restrictions shall prevail as permitted outright in the district in which such development occurs, except that the Commission may further limit heights:
 - (A) Around the site boundaries, and/or
 - (B) To protect scenic vistas from encroachments.
 - (C) Underground utilities: In any development which is primarily designed for or occupied by dwellings all electric and telephone facilities, fire alarm, conduits, street light wiring, and other wiring, conduits and similar facilities shall be placed underground by the developer.
- 3) Density guidelines:
 - (A) The density of a planned development shall not exceed the density of the parent zone, except as more restrictive regulations may be prescribed as a condition of a planned development permit. When calculating density, the gross area is used in the total area including street dedications.
 - (B) Areas of public or semi-public uses may be included in calculating allowable density.
- 4) Distribution of facilities without reference to lot lines: Individual buildings, accessory buildings, off-street parking, and loading facilities, open space, and landscaping and screening may be located without reference to lot lines, save the boundary line of the development, except that required parking spaces serving residential uses shall be located within 200 feet of the building containing the living units served.
- 5) Waiver or reduction of yard and other dimensional requirements: Except as otherwise provided, the minimum lot area, width and frontage, height and yard requirements otherwise applying in the district shall not dictate the strict guidelines for development of the planned development but shall serve to inform the designers of the importance of developing a project that will be in harmony with the character of the surrounding neighborhood.
- 6) Dedication and maintenance of facilities: The Planning Commission, or on appeal, the Board of Commissioners, may, as a condition of approval for any

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development for which a planned development permit is required, require that portions of the tract or tracts under consideration be set aside, improved, conveyed or dedicated for the following uses:

- 7) Recreation facilities: The Planning Commission or Board of Commissioners, as the case may be, may require that suitable area for parks, playgrounds be set aside, improved, or permanently reserved for the owners, residents, employees or patrons of the development.
 - (A) Outdoor living area: Whenever private outdoor living area is provided, the Planning Commission or Board of Commissioners shall require that an association of owners or tenants be created into a non-profit corporation under the laws of the State of Oregon, which shall adopt such Articles of Incorporation and Bylaws and adopt and impose such Declaration of Covenants and Restrictions on such outdoor living area and/or common areas that are acceptable to the Commission. Said association shall be formed and continued for the purpose of maintaining such outdoor living area. Such an association, if required, may undertake other functions. It shall be created in such a manner that owners of property shall automatically be members and shall be subject to assessments levied to maintain said outdoor living areas for the purposes intended. The period of existence of such association shall be not less than 20 years, and it shall continue thereafter and until a majority vote of the members shall terminate it.
 - (B) Streets: The Planning Commission or Board of Commissioners may require that the right-of-way width of such other streets necessary to the proper development of adjacent properties be dedicated to the County.
 - (C) Easements: Easements necessary to the orderly extension of public utilities may be required as a condition of approval.
 - (D) Developments shall be allowed only if services or public facilities (water, sewer, fire protection) are capable of supporting increased loads. Phasing of development may be allowed if improvement of public facilities is assured by the time of construction and the additional loads are anticipated.
 - (E) If water, sewer or public utility systems are utilized either in the development of a subdivision or the building of individual residences, the provider of the services shall approve and show intentions to install services to the new structure(s) prior to the issuance of either plat approvals or development permits.
 - (F) All new development shall install underground utilities such as electric, telephone and television cable.

Section 5.4830. Application Procedures

There shall be a three-stage review process for planned developments consisting of

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Pre- application Conference (Stage One), Preliminary Approval (Stage Two), and Final Approval (Stage Three).

- 1) Pre-application Conference (Stage One): The owner, or his authorized agent, shall submit to the Department of Community Development the following information:
 - (A) A schematic drawing, drawn to a minimum scale of one inch equals 200 feet (1"=200'), showing the general relationship contemplated among all public and private uses and existing physical features.
 - (B) A written statement setting forth the source of water supply, method of sewage disposal, means of drainage, dwelling types, non-residential uses, lot layout, public and private access, height of structures, lighting, landscaped areas to be devoted to various uses, and population densities per net acre and per gross acre contemplated by the applicant.

The developer and the Department of Community Development shall meet together and determine whether the requirements of Section 5.4810 of this Ordinance have been complied with. If there is disagreement on this issue, the applicant, by request, or the Department of Community Development, may take this pre-application information to the Planning Commission for their determination of whether this site qualifies for the contemplated planned development.

The applicant must indicate to the Department of Community Development or Commission his professional design team, as outlined in Section 5.4810(1) during Stage One, and should also designate who is to be his professional coordinator.

The professional coordinator shall be responsible for presenting the developer's plan in all of the broad professional aspects to the Planning Division. If the Department of Community Development and applicant reach a satisfactory agreement the applicant may proceed to prepare data for Stage Two-Preliminary Approval.

- 2) Preliminary Approval (Stage Two):
 - (A) Applicants for planned developments, preliminary approval, shall be made by the owner of all affected property or his authorized agent, and shall be filed on a form prescribed by the Department of Community Development and filed with said department. Applications shall be accompanied by the following information:
 4. Four (4) copies of a preliminary development plan of the entire development, showing streets, driveways, sidewalks, pedestrian ways, off-street parking and loading areas; location and approximate dimensions of structures, utilization of structures,

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including activities and the number of living units; major landscaping features; relevant operational data, drawings and/or elevations clearly establishing the scale, character and relationship of buildings, streets, and open space. Such development plan shall include maps and information on the surrounding area within 400 feet of the development. A boundary survey or a certified boundary description by a registered engineer or licensed surveyor, plus contour information, shall also be submitted.

The elevations of all points used to determine contours shall be indicated on the preliminary plan and said points shall be given true elevation above mean sea level as determined by the County Engineer. The base data used shall be clearly indicated and shall be compatible to County datum, if bench marks are not adjacent. Two-foot contour intervals are required.

All elements listed in this subsection shall be characterized as existing or proposed and sufficiently detailed to indicate intent and impact.

2. A tabulation of the land area to be devoted to various uses, and a calculation of the average residential density per net acre.
 3. A stage development schedule demonstrating that the developer intends to commence construction within one year after the approval of the final development plan and will proceed diligently to completion.
 4. It is proposed that the final development plan will be executed in stages, a schedule thereof will be required.
- (B) An application for a planned development permit shall be considered by the Planning Commission under a Type III procedure. After such hearing, the Commission shall determine whether the proposal conforms to the planned development regulations in Sections 5.4800 through 5.4850, and may approve or disapprove in concept the application and the accompanying preliminary development plan or require changes or impose conditions of approval as are in its judgment necessary to ensure conformity to said criteria and regulations. In so doing, the Commission may, in its discretion, authorize submission of the final development plan in stages corresponding to different units or elements of the development. It may do so only upon evidence assuring completion of the entire development in accordance with the preliminary development plan and stage development schedule. Should a decision not be rendered within 60 days after filing, the application and preliminary development plan shall be

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deemed approved in concept unless said time has been extended by the Commission.

3) Final Approval (Stage Three):

- (A) Within one year after concept approval or modified approval of a preliminary development plan, the applicant shall file with the Planning Division a final plan for the entire development or, when submission in stages has been authorized pursuant to Section 5.4810(2) for the first unit of the development. The final plan shall conform in all major respects with the approved preliminary development plan. The final plan shall include all information included in the preliminary plan plus the following: the location of water, sewerage and drainage facilities; detailed building and landscaping plans and elevations; the character and location of signs; plans for street improvements and grading or earth moving plans. The final plan shall be sufficiently detailed to indicate fully the ultimate operation and appearance of the development. Copies of legal documents required by the Commission for dedication or reservation of public facilities, or for the creation of a non-profit homeowner association, shall also be submitted.
- (B) Within 30 days after the filing of the final development plan, the Commission shall forward such development plan and the original application to the County Road Department for review of public improvements, including streets, sewers and drainage. The Commission shall not act on a development plan until it has first received a report from the County Road Department or until more than 30 days have elapsed since the plan and application were sent to the County Road Department, whichever is the shorter period.
- (C) Upon receipt of the final development plan, the Planning Commission shall examine such plan and determine whether it conforms in all substantial respects to the previously approved planned development permit, or require such changes in the proposed development or impose such conditions of approval as are in its judgment necessary insure conformity to the applicable criteria and standards. In so doing, the Commission may permit the applicant to revise the plan and resubmit it as a final development plan within 30 days.
- (D) After final concept approval by the Planning Commission, the planned development application will be sent to the Board of Commissioners for consideration for final approval. A public hearing shall be held on each such application. After such hearing, the Board of Commissioners shall determine whether the proposal conforms to the permit criteria set forth in the planned development regulations in Sections 5.4800 through 5.4850 and may approve or disapprove the application and the accompanying development plan or require changes or impose conditions of approval as

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are in its judgment necessary to insure conformity to said criteria and regulations. The decision of the Board of Commissioners shall be final.

Section 5.4835. Limitation on Resubmission

Whenever an application for a planned development permit has been denied, no application for the same plan or any portion thereof shall be filed by the same applicant within six months after the date of denial.

Section 5.4840. Adherence to Approved Plan and Modification Thereof

- 1) The applicant shall agree in writing to be bound, for himself and his successors in interest, by the conditions prescribed for approval of a development. The approved final plan and stage development schedule shall control the issuance of all building permits and shall restrict the nature, location, and design of all uses. Minor changes in an approved preliminary or final development plan may be approved by the Zoning and Subdivision Administrator if such changes are consistent with the purposes and general character of the development plan. All other modifications, including extension or revisions of the stage development schedule, shall be processed in the same manner as the original application and shall be subject to the same procedural requirements.
- 2) A performance bond shall be required, in an amount to be determined by the Planning Commission, to ensure that a development proposal is completed as approved and within the time limits agreed to.

Section 5.4845. Violation of Conditions

Failure to comply with the final development plan, any condition of approval prescribed under Section 5.4810(3), or to comply with the stage development schedule, shall constitute a violation of this Ordinance. In this event, the Board of Commissioners may, after notice and hearing, revoke a planned development permit.

Section 5.4850. Common Open Space

Maintenance of common open space shall be subject to Section 3.3060.

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SECTION 5.4900. ARCH CAPE RURAL COMMUNITY OVERLAY DISTRICT (RCO)

SECTION 5.4910. ARCH CAPE SHORT TERM (VACATION) RENTALS

This section regulates the short-term rental of dwelling units within the Arch Cape Rural Community Overlay District.

Section 5.4920. Purpose

The purpose of this section is to regulate short-term rentals to enhance livability and safety in the Arch Cape residential neighborhoods. Rentals of a short-term dwelling unit shall be limited to either a minimum period of seven (7) nights or, if for fewer than seven (7) nights, then to no more than one rental within a seven (7) night period. Use of a short-term rental by a record owner of a property shall not be considered to be a rental under this section.

Section 5.4930. Permit Required

An owner shall obtain a revocable short-term rental permit whenever a dwelling unit (as defined in Section 1.0500) is to be used for short-term rental purposes and shall comply with the requirements of the County's transient room tax ordinance (No. 90-7).

- 1) A short-term rental permit shall be obtained prior to using the unit as a short-term rental.
- 2) Short-term rental permits are issued & renewed annually by July 1st of the given year.
- 3) Short-term rental permits are non-transferable, new owners will be required to attain new permits or register in accordance with 5.4930(2) above.
- 4) The short-term rental permit does not relieve the owner of the obligation to pay county room taxes.
- 5) If the terms of the short-term rental permit are not met, the short-term rental permit may be revoked and the owner subject to penalties per Section 5.4970.

Section 5.4940. Short-Term Rental Permit Application Requirements

An application for a short-term rental permit shall be completed on the form provided by the County and shall provide the following information:

- 1) A list of all the property owners of the short-term rental including names, addresses and telephone numbers. Property ownership, for the purposes of this section, shall consist of those individuals who are listed on the Clatsop County Assessor's tax records.
- 2) The applicant shall provide proof of payment for county room taxes annually pursuant to County Code Chapter 39.
- 3) Completion of the inspection section of the application form by an Oregon Certified Home Inspector as defined by ORS 701.005(4), based on a visual inspection to certify the following:
 - (A) Compliance with the following standards:

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1. There shall be one functioning smoke detector in each sleeping room, with a minimum of two functioning smoke detectors in each dwelling unit. There shall also be one Functioning fire extinguisher at each exit;
 2. Exterior doors shall be operational. All passageways to exterior doors shall be clear and unobstructed.
 3. Electrical systems shall be serviceable with no visible defects or unsafe conditions.
 4. All fireplaces, fireplace inserts or other fuel burning heaters and furnaces shall be vented and properly installed.
 5. Each sleeping room shall have an exterior exit that opens directly to the outside, or an emergency escape or rescue window.
- (B) The number of sleeping rooms within the short-term rental, as defined in Section 5.4950(4).
- (C) The number of parking spaces on the subject property that meet the standards of Section 5.4950(5).
- (D) Inspection certifications shall be valid for a period of five (5) years and shall expire June 30th of the 5th year. Additionally, Inspection certificates shall be required whenever modifications requiring a building permit are made to the dwelling unit(s).
- 4) A site plan, drawn to scale, showing the location of buildings and required parking.
 - 5) The name, address and telephone number of a contact person, who shall be responsible, and authorized, to act on the owner's behalf to promptly remedy any violation of these standards.
 - 6) The contact person may be the owner or the designated agent who shall serve as a contact person.
 - 7) Statement that the applicant has met and will continue to comply with the standards in this section.
 - 8) Other information as requested by the County.

Section 5.4950. Short Term Rental Standards

All short-term rentals shall meet the following standards:

- 1) A Short-Term Rental dwelling unit shall be limited to either a minimum period of seven (7) nights or, if for fewer than seven (7) nights, then to no more than one rental within a seven (7) night period.
- 2) One rental (as defined in Section 1.0500) per lot or parcel, excluding a caretaker residing in the Residence or ADU. A Guesthouse is **not** considered a dwelling unit and shall not be rented separately.
- 3) All applicable County room taxes shall be paid pursuant to County Code Chapter 39.
- 4) The maximum occupancy for each short term rental unit shall be calculated on

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the basis of two (2) persons per sleeping room plus an additional four (4) persons, up to a maximum of fourteen (14) persons. For this purpose, a sleeping room is defined as fully- enclosed habitable space with a heat source, and an emergency escape or rescue opening.

- 5) Off-street parking shall be used if physically available and comply with Section 3.0050-Section 3.0100 applicable to single family or two family dwellings. On-street parking shall be used only when off-street parking spaces are not physically available. Parking is "physically available" when a garage or driveway can be emptied or materials removed so as to allow for the parking. The owner shall notify every renter in writing of these requirements and shall advise the renter where the off-street parking spaces to serve the unit are located. If on-street parking must be used, the renter shall use the parking along the frontage of the rental unit.
- 6) A house number visible from the street shall be maintained.
- 7) Provisions shall be made for weekly garbage removal during rental periods. Garbage containers shall be secured with tight-fitting covers at all times to prevent leakage, spilling or littering and placed where they are not clearly visible from the street except between 5 am on the day prior to pickup and 5 pm on the day of pickup.

Section 5.4960. Conformity Required; Display of Permits

- 1) The issuance of the short-term rental permit shall be subject to the continued compliance with the requirements of this section.
- 2) The current short-term rental permit shall be permanently and prominently displayed inside and near the front entrance of the short term rental and provided to adjacent property owners within 100 feet of the property, and shall list the following:
 - (A) The name, address and phone number of the owner and designated agent;
 - (B) The maximum occupancy and vehicle limits for the short-term rental unit;
 - (C) Identification of the number and location of parking spaces available;
 - (D) A statement regarding how the parking standards under Section 5.4950(4) are to be met;
 - (E) A statement that it is illegal to leave litter on the beach (OAR 736-021-0090(4));
 - (F) A statement that all fires on the beach must be extinguished before leaving the site of the fire (OAR 736-021-0120(4));
 - (G) A statement that the short term rental permit may be revoked for violations;
 - (H) A statement regarding how the garbage removal standards under Section 5.4950(6) are to be met; and
 - (I) Such other information as may be required by the County.

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- 3) The owners are responsible to ensure that current and accurate information is provided to the County.

Section 5.4970. Compliance, Hearings and Penalties

Owners of Short-Term Rental Units shall obey all applicable ordinances and regulations of the County and shall be subject to the enforcement and penalty proceedings contained in the applicable County Ordinances. Any property owner who operates a Short-Term Rental in violation of this section may be subject to the abatement and penalty provisions of ORS 203.065, 203.810, and ordinances adopted under the Clatsop County Charter. The enforcement provisions of Clatsop County Code Compliance Ordinance, Section 38 of the Clatsop County Code shall also apply, except where modified by this section. The following process shall be followed in the event of a complaint alleging a violation of this section or a permit issued under this section:

- 1) The complaining party shall first attempt to contact the contact person designated on the permit and the notice posted on the Short-Term Rental, describe the problem and indicate the desired remedy.
- 2) The contact person shall promptly respond to the complaint and remedy any situation that is out of compliance with this section or permit.
- 3) If the response is not satisfactory to the complaining party, the complaining party may lodge a complaint with the County by submitting a written complaint including the time, date and nature of the alleged violation. The property owner shall allow the County to inspect any records related to the short-term rental dwelling unit upon request of the County.
- 4) The County may initiate enforcement under Section 38 of the Clatsop County Code.
- 5) In addition to any other remedy allow under Section 38 of the Clatsop County Code, the hearings body may do any of the following:
 - (A) Take no action on the request for the revocation of the short-term rental permit;
 - (B) Attach conditions to the existing short-term rental permit;
 - (C) Require a new home inspection under Section 5.4940(3);
 - (D) Suspend the short-term rental permit;
 - (E) Revoke the short-term rental permit; and/or
 - (F) Prohibit an owner from obtaining a short-term rental permit for a period of up to five (5) years.
- 6) Should a permit be revoked, the owner may not obtain any short-term rental permit sooner than one year after the date of revocation.
- 7) Any property owner found in violation of the provisions of this ordinance shall be required to reimburse the County for its costs of enforcement including reimbursement of staff time, investigation costs, mailings, service fees, mileage and other costs related to the investigation and prosecution of the violation in question.

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SECTION 5.5000. NORTH CLATSOP PLAINS OVERLAY DISTRICT (NCP)

Section 5.5010. Purpose

The North Clatsop Plains overlay district NCP implements provisions of the Clatsop Plains Community Plan specific to the North Clatsop Plains Sub-Area. It is intended to provide for the planned and orderly growth of the North Clatsop Plains Sub-Area while protecting and maintaining natural resource values and preserving the semi-rural characteristics of the area. It is further intended to maintain compatibility between land uses in the vicinity of Camp Rilea while maintaining landowners' rights to reasonable use of their land.

Section 5.5020. Applicability

The North Clatsop Plains overlay district (NCP) applies to areas designated NCP on the Clatsop County Zoning Map.



View of elk on the Clatsop Plains

Section 5.5030. Development and Uses Permitted

Development and uses permitted in the underlying zoning district are permitted in the North Clatsop Plains overlay district (NCP).

Section 5.5040. Conditional Development and Use

Developments and uses conditionally allowed in the underlying zoning district are conditionally allowed in the North Clatsop Plains overlay district (NCP), pursuant to procedures outline in Article 2 of this ordinance.

Section 5.5050. Development and Use Standards

- 1) Increases in residential density in the NCP overlay district through zone changes and density transfers are prohibited.

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- 2) Notwithstanding the provisions of Development Standards Section 3.3040, where common open space is required to be designated within the North Clatsop Plains Sub-Area, the location and configuration of such open space shall be prioritized based on the following criteria; open space areas meeting more than one criterion are preferred:
 - (A) Open space buffers between residential uses and Camp Rilea;
 - (B) Wildlife corridors;
 - (C) Trail corridors;
 - (D) Ridge tops, deflation plains, and shorelands.
- 3) New dwellings within the NCP overlay shall comply with the noise attenuation construction standards of Title 15 of the Clatsop County Code of Regulations.
- 4) Notwithstanding the provisions of Section 3.3050, Density Transfer Standards within the NCP district are subject to the following requirements and exceptions:
 - (A) Density may be transferred more than once from a single density transfer sending site within the /NCP overlay until all density is removed from the site;
 - (B) All density transfer receiving sites shall be located outside the NCP overlay district;
 - (C) Density transfer credits need not be applied to a receiving site at the time of transfer but may be saved in a Density Transfer Bank maintained by Clatsop County.

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5.5100. STANDARDS FOR FLOATING RESIDENCES AND FLOATING RECREATIONAL CABINS

Section 5.5110. Floating Residences & Floating Recreational Cabins

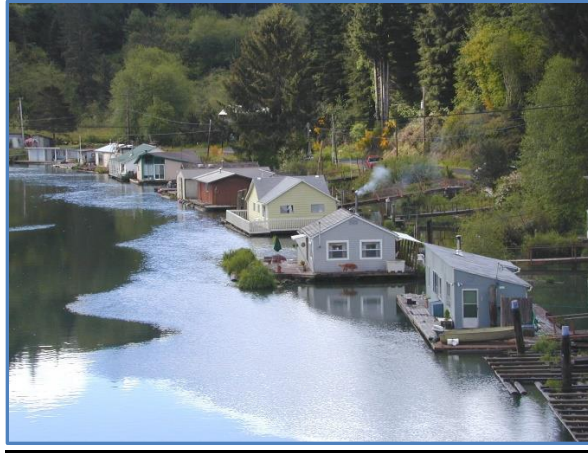
- 1) Except as provided in this Section, floating recreational cabins and floating residences are not allowed in Clatsop County. Existing structures that meet criteria described in this Section shall be allowed subject to the nonconforming use and structure provisions of this Ordinance.
- 2) Floating residences and floating recreational cabins are subject to applicable provisions of the Standards Document of Clatsop County Ordinance 80-14.
- 3) New floating residences and floating recreational cabins are allowed only in zones that specifically allow floating residences and floating recreational cabins by approved County permit.
- 4) Any floating residence or floating recreational cabin in existence and lawfully moored prior to January 1, 2000, that complies with applicable County standards may be considered a legal nonconforming structure, and will be allowed, subject to the provisions of this Section. A property owner wishing to obtain nonconforming structure status shall provide documentation that substantiates that the floating residence or recreational cabin:
 - (A) Was in existence and lawfully moored prior to January 1, 2000;
 - (B) Complies with applicable rules and regulations of the Oregon Division of State Lands; and
 - (C) Complies with applicable rules and regulations of the Oregon Department of Environmental Quality.
 - (D) Acceptable forms of documentation include but are not limited to, lease agreements, legal ownership records on file with the County Clerk, tax records, dated aerial photography, sworn affidavits and/or written reports.
 - (E) A lawfully moored floating residence or recreational cabin in existence prior to January 1, 2000, that does not comply with County standards shall have until January 1, 2006 to demonstrate compliance with those standards and qualify for legal nonconforming status.

5.5120. Standards for Floating Residences and Floating Recreational Cabins

Floating residences and recreational cabins shall demonstrate and maintain at all times:

- (1) Lawful moorage;
- (2) Compliance with rules and regulations of the Oregon Division of State Lands in existence on the date the structure was approved by Clatsop County; and
- (3) Compliance with rules and regulations of the Oregon Department of Environmental Quality in existence on the date the structure was approved by Clatsop County.

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Floating residences along John Day River.

5.5130. Access and Parking Standards

The owner of a floating residence or recreational cabin must demonstrate and at all times maintain lawful access to the structure. In addition, the owner must demonstrate at all times not less than two (2) lawful parking spaces. The parking spaces must be at the normal and customary location at which users park their vehicles to access the structure.

5.5140. Failure to Comply with Floating Residence and Floating Recreational Cabin Standards

If it is determined by the Code Compliance Specialist that the owners or users of a floating residence that is a lawful nonconforming structure are in violation of County standards, the Code Compliance Specialist shall, in addition to any other remedy allowed by law or ordinance, revoke the owner's right to maintain the floating residence.

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SECTION 5.5200. PARK MASTER PLAN ZONE (PMP)

Section 5.5210. Purpose

The purpose of this zone is to provide for the long term protection, management and enjoyment of natural, cultural, scenic, open space and recreational resources within publicly-owned or managed parks. Through the implementation of adopted park master plans, this zone provides for the development of park facilities and the support of recreational uses in a manner that is consistent with defined park management objectives, the County's Comprehensive Plan, and the Statewide Planning Goals.

Section 5.5220. Applicability

This zone will be applied only to public parks which has master plans adopted by Clatsop County pursuant to OAR 660 Division 34. For state parks, the master plans shall also have adopted by the Oregon Parks and Recreation Department (OPRD) pursuant to OAR 736 Division 18. The adoption of this zone for a park shall supersede all previously adopted zones and overlay districts for the subject park property for as long as the property remains in public ownership or management and is used for public park purposes. In the event that such park property is transferred to private ownership or ceases to be managed or used for park purposes, a Comprehensive Plan and Zoning Map amendment shall be applied for and approved, consistent with the Statewide Planning Goals, prior to the approval of any development permits for the subject property.

Section 5.5230. Park Development and Uses Allowed

Park uses and facilities that are consistent with a park master plan adopted pursuant to OAR 660 Division 34, and with applicable development standards, are allowed through the review procedures specified below:

- 1) Uses and facilities described in the park master plan are allowed through the review procedures specified in the master plan for the described projects.
- 2) Minor variations from the uses and facilities described in the park master plan are allowed through the review procedures specified in the master plan for the described projects, unless the master plan language specifically precludes such variations. The standards in Section 3.195 of this ordinance shall be used to determine whether a proposed variation from a planned use or facility is minor.
- 3) Accessory uses and facilities which are incidental and customarily appurtenant to the uses and facilities described in this park master plan are allowed through Type I procedures.
- 4) The repair and renovation of existing park facilities are allowed through Type I procedures.
- 5) The replacement, in the same location and size, of existing park facilities is allowed through Type I procedures.

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- 6) The replacement, with minor location changes, of park facilities that existed on the effective date of this ordinance (October 26, 2001) is allowed through Type 2 procedures. The standards in Section 3.916 of this ordinance shall be used to determine whether a proposed location change for an existing park facility is minor.
- 7) The minor expansion of park uses and facilities that existed on the effective date of this ordinance (October 26, 2001) is allowed through Type 2 procedures. The standards in Section 3.916 of this ordinance shall be used to determine whether a proposed expansion of an existing use or facility is minor.
- 8) Road construction, construction, and maintenance only as provided in paragraph (a) through (c) of this section.
 - (A) A road may be constructed or reconstructed if it is determined through a Type III process that one of the following circumstances exists:
 1. A road is needed to conduct a response action under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) or to conduct a natural resource restoration action under CERCLA, Section 311 of the Clean Water Act, or the Oil Pollution Act;
 2. A road is needed pursuant to reserved or outstanding rights, of as provided for by state statute or treaty;
 3. Road realignment is needed to prevent irreparable resource damage that arises from the design, location, use or deterioration of an existing road that cannot be mitigated by road maintenance. Realignment may occur under this paragraph only if the road is deemed essential for public or private access, natural resource management or public health or safety;
 4. Road reconstruction is needed to implement a road safety improvement project on an existing road determined to be hazardous on the basis of accident experience or accident potential on that road.
 - (B) A road may be constructed or reconstructed if the Oregon Parks and Recreation Department, in consultation with Clatsop County, determines that a road is needed to protect public health and safety in cases of an imminent threat of flood, fire, or other catastrophic event, that, without intervention, would cause the loss of like or property.
 - (C) Maintenance of existing roads is permissible.
- 9) Proposed park uses and facilities that are not provided for in subsections 1 through 8 of this section shall require an amendment to the park master plan adopted through the Plan Amendment process described under OAR 660 Division 34.

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Section 5.5240. Park Master Plan

Each park master plan implemented through this ordinance shall include:

- 1) Findings that describe the park issues regarding the constraints, needs, and opportunities related to the use and development of the park and the protection, management, and interpretation of park resources.
- 2) Maps that adequately illustrate the locations of park resources that are important to the use and development of the park and to the protection, management, and interpretation of resources, including maps that depict significant habitat, protected species, significant plant communities, water features, natural hazards, cultural resource sites, and scenic resources.
- 3) Goals for park use and development for the protection, management, and interpretation of park resources.
- 4) Narrative descriptions, site plans, and illustrations as necessary to adequately describe the types, locations, sizes, capacities, and site designs of the existing and planned park uses and facilities.
- 5) Guidelines for the management of the park's natural, cultural and scenic resources.
- 6) Standards for the development of planned park facilities in identified sensitive resource areas, including riparian areas, wetlands, estuarine areas, coastal lakes, significant upland habitat, coastal dune hazard areas, and flood hazard areas.
- 7) Findings that demonstrate that the park master plan is in compliance with the Statewide Planning Goals.
- 8) Any additional information that the Community Development Director deems necessary to adequately assess the compliance of the park master plan with the Statewide Planning Goals.

Section 5.5250. Standards for Reviewing Proposed Variations from Park Master Plans.

The following standards shall be used to determine whether a proposed variation from a planned park use or facility is minor. A proposed variation may be determined to be minor if it is not expected to cause significant impacts on adjacent land uses, other uses in the park, local public services, transportation systems, or important natural, cultural, or scenic resources. Further:

- 1) A proposed location change for a planned park facility may be determined to be minor if it does not cause the facility to serve a different park use area.
- 2) The following limitations shall apply to determinations involving minor expansions of planned park facilities:
 - (A) A maximum of 20 percent increase in the floor area of any planned permanent building, provided that this limitation shall not apply to the following: toilet and shower buildings, garbage and recycling collection buildings; campground registration and storage buildings; and any other

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- accessory building that does not exceed 120 square feet after expansion;
 - (B) A maximum of 20 percent increase in the number of planned bedrooms in any lodge, inn, bed and breakfast, barracks or bunkhouse, or group of cabins, or in any park use area;
 - (C) A maximum of 20 percent increase in the number of planned camp sites in any general or group camping area;
 - (D) A maximum of 20 percent increase in the number of planned parking spaces in any parking lot or park use area;
 - (E) A maximum of 20 percent increase in the surface area of any planned road for purposes of improving safety, realignment or widening; or
 - (F) Extension of a road to provide access to a planned use that is expanded or relocated under the provisions of this section may be considered minor only to the extent needed to serve the expanded or relocated use.
- 3) A proposal for a different kind or location of park use area from those in the adopted master plan shall not be considered a minor variation.
 - 4) Within an existing or planned park use area, a proposal for a park facility that is different from the kind of park facilities in that park area in the adopted master plan shall not be considered a minor variation, except that proposals for the following different facilities may be considered minor variations: toilet and shower buildings, garbage and recycling facilities; campground registration and storage buildings; any other accessory structure not exceeding 120 square feet; alternative camping structures such as yurts, camper cabins, tepees and covered wagons in planned or existing tent and RV sites; picnic shelters in day use area; and trails.
 - 5) Outside of existing and planned park use areas, new trails located at least 300 feet from the nearest park boundary may be considered minor variations from adopted master plans.

Section 5.5260. Standards for Review Proposed Location Changes and Expansions of Existing Park Uses and Facilities

The following standards shall be used to determine whether a proposed location change or expansion of an existing park use or facility is minor. A proposed location change or expansion may be determined to be minor if it is not expected to cause significant impacts on adjacent land uses, other uses in the park, local public services, transportation systems, or important natural, cultural, or scenic resources. Further:

- 1) A location change for an existing park facility may be determined to be minor if it does not cause the facility to serve a different park use.
- 2) The following limitations shall apply to determinations involving minor expansions of existing park uses and facilities;
 - (A) A maximum of 20 percent increase in the floor area of any permanent building, provided that this limitation shall not apply to the following: toilet and shower buildings, garbage and recycling collection buildings;

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- campground registration and storage buildings; and any other accessory building that does not exceed 120 square feet after expansion;
- (B) A maximum of 20 percent increase in the number of planned bedrooms in any lodge, inn, bed and breakfast, barracks or bunkhouse, or group of cabins, or in any park use area;
 - (C) A maximum of 20 percent increase in the number of planned camp sites in any general or group camping area;
 - (D) A maximum of 20 percent increase in the number of planned parking spaces in any parking lot or park use area; and
 - (E) A maximum of 20 percent increase in the surface area of any road for purposes of improving safety, realignment or widening; or
 - (F) Extension of an existing road to provide access to a that is expanded or relocated under the provisions of this section may be considered minor only to the extent needed to serve the expanded or relocated use.

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SECTION 5.5300 AIRPORT OVERLAY ZONE (AO)

Section 5.5310. Purpose

In order to carry out the provisions of this overlay zone, there are hereby created and established certain zones which include all of the land lying beneath the Airport Imaginary surfaces as they apply to the airport in the (city/county). Such zones are shown on the current airport Airspace and Runway Approach Zone drawings.

Further, this overlay zone is intended to prevent the establishment of airspace obstructions in airport approaches and surrounding areas through height restrictions and other land use controls as deemed essential to protect the health, safety, and welfare of the people of the (city/county).

Section 5.5320. Special Definitions

AIRPORT APPROACH SAFETY ZONE. The land that underlies the approach surface, excluding the RAZ

AIRPORT HAZARD. Any structure, tree, or use of land which exceeds height limits established by the Airport Imaginary Surfaces.

AIRPORT IMAGINARY SURFACES. Those imaginary areas in space which are defined by the Approach Surface, Transitional Surface, Horizontal Surface, and Conical Surface and in which any object extending about these imaginary surfaces is an obstruction.

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: 1,250 feet for utility runway having only visual approaches; 1,500 feet for a runway other than a utility runway having only visual approaches; 2,000 feet for a utility runway having a non-precision instrument approach; 3,500 feet for a non-precision instrument runway other than utility, having visibility minimums greater than three-fourths of a statute mile; 4,000 feet for a non-precision instrument runway having visibility minimums as low as three-fourths statute mile; and 16,000 feet for precision instrument runways. The Approach Surface extends for a horizontal distance of 5,000 feet at a slope of 20 feet outward to each foot upward (20:1) for all utility and visual runways; 10,000 feet at a slope of 34 feet outward for each foot upward (34:10) for all non-precision instrument runways other than utility; and for all precision instrument runways extends for a horizontal distance of 10,000 feet at a slope of 50 feet outward for each foot upward (50:1); thence slopes upward 40 feet outward for each foot upward (40:1) an additional distance of 40,000 feet.

CONICAL SURFACE. Extends 20 feet outward for each one foot upward (20:1) for 4,000 feet beginning at the edge of the horizontal surface (5,000 feet from the center of

ARTICLE 5. SPECIAL DISTRICTS

each of the Primary Surface of each visual and utility runway or 10,000 feet for all non-precision instrument runways other than utility at 150 feet above and airport elevation) and upward extending to a height of 350 feet above the airport elevation.

HORIZONTAL SURFACE. A horizontal plane 150 feet above the established airport elevation, the perimeter of which is constructed by swinging runways 5,000 feet from the center of each end of the Primary Surface of each visual or utility runway and 10,000 feet from the center of each end of the Primary Surface of all other runways and connecting the adjacent arcs by lines tangent to those arcs.

NOISE SENSITIVE AREA. Within 1,500 feet of an airport or within established noise contour boundaries exceeding 55 DNL.

NON-PRECISION INSTRUMENT RUNWAY. A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved, or planned, or indicated on an FAA or state planning document or military service airport planning document.

PLACE OF PUBLIC ASSEMBLY. Structure of place which the public may enter for such purposes as deliberation, education, worship, shopping, entertainment, amusement, awaiting transportation, or similar activity.

PRECISION INSTRUMENT RUNWAY. A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS), Microwave Landing System (MLS), Global Positioning Satellite (GPS) or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is not indicated by a FAA approved airport layout plan; any other FAA or state planning document, or military service airport-planning document.

PRIMARY SURFACE. A surface longitudinally centered on a runway. When the runway has a specifically prepared hard surface, the Primary Surface extends 200 feet beyond each end of that runway. When the runway has no specially prepared hard surface, or planned hard surface, the Primary Surface ends at each end of that runway. The width of the primary Surface is 250 feet for utility runways having only visual approaches, 5,000 feet for utility runways having non-precision instrument approaches, 5,000 feet for other than utility runways having only visual approaches or non-precision instrument approaches with visibility minimums greater than three-fourths of a mile and 1,000 feet for non-precision instrument runways with visibility minimums of three-fourths of a mile or less and for precision instrument runways.

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RUNWAY APPROACH ZONE (RAZ). An area off the runway end (formerly the clear zone) used to enhance the protection of people and property on the ground. The RAZ is trapezoidal in shape and centered about the extended runway centerline. It begins 200 feet (60m) beyond the end of the arcs usable for takeoff or landing. The RAZ dimensions are functions of the type of aircraft and operations to be conducted on the runway.

TRANSITIONAL SURFACE. Extend seven feet outward for each one foot upward (7:1) beginning on each side of the Primary Surface which point is the same elevation as the runway surface, and from the sides 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 for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight or less.

VISUAL RUNWAY. A runway that is intended solely for the operation of aircraft using visual approach procedures when no instrument approach procedures have been approved, or planned, or indicated on an FAA or state planning document or military service airport planning document.

Section 5.5330. Permitted Uses Within the Runway Approach Zone (RAZ)

While it is desirable to clear all objects from the RAZ, some uses are permitted, provided they do not attract wildlife, are below the approach surface and do not interfere with navigational aids.

- 1) Agricultural operations (other than forestry or livestock farms.)
- 2) Golf courses (but not club houses).
- 3) Automobile parking facilities

Section 5.5340. Conditional Uses Within the Airport Approach Safety Zone

- 1) A structure or building accessory to a permitted use.
- 2) Single family dwellings, mobile homes, duplexes, and multifamily dwellings, when allowed by the underlying zone, provided the landowner signs and records in the deed and mortgage records of (city/county) a Hold Harmless Agreement and Aviation and Hazard Easement and submits them to the airport sponsor and the (city/county) Planning Departments.
- 3) Commercial and industrial uses, when allowed by the underlying zone, provided the use does not result in:
 - (A) Creating electrical interference with navigational signals or radio communication between the airport and aircraft.
 - (B) Making it difficult for pilots to distinguish between airport lights and lighting from nearby land uses.
 - (C) Impairing visibility.

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- (D) Creating bird strike or other wildlife hazards.
 - (E) Endangering or interfering with the landing, taking off or maneuvering of aircraft intending to use airport
 - (F) Attracting a large number of people
- 4) Buildings and uses of public works, public service, or public utility nature.

Section 5.5350. Procedures

An applicant seeking a conditional use shall follow procedures set forth in the urban growth management plan/agreement between the (city/county). Information accompanying the application shall also include the following:

- 1) Property boundary lines as they relate to the Airport Imaginary Surfaces.
- 2) Location and height of all existing and proposed buildings, structures, utility lines, and roads.

In accordance with OAR Chapter 738 Division 100, City or County Planning Authority shall notify the owner of the airport and Aeronautics Section on land use permits or zone changes within 5,000 feet of a visual and 10,000 feet of instrument airport so as to provide Oregon Aeronautics Section an opportunity to review and comment.

Section 5.5360. Limitations

- 1) To meet the standards established in FAA Regulations, Part 77 and OAR Chapter 738 Division 70, no structure shall penetrate into the Airport Imaginary Surfaces as defined above.
- 2) No place of public assembly shall be permitted in the Airport Approach Safety Zone or RAZ.
- 3) No structure or building shall be allowed within the RAZ.
- 4) Whenever there is a conflict in height limitations prescribed by this overlay zone and the primary zoning district, the lowest height limitation fixed shall govern; provided, however, that the height limitations here imposed shall not apply to such structures customarily employed for aeronautical purposes.
- 5) No glare producing materials shall be used on the exterior of any structure located within the Airport Approach Safety Zone.
- 6) In noise sensitive areas (within 1,500 feet of an airport or within established noise contour boundaries of 55 DNL and above for identified airports) where noise levels are a concern, a declaration of anticipated noise levels shall be attached to any building permit, land division appeal, deed, and mortgage records. In areas where the noise level is anticipated to be 55 DNL and above, prior to issuance of a building permit for construction of noise sensitive land use (real property normally used for sleeping or normally used as schools, churches, hospitals, or public libraries), the permit application shall be required to demonstrate that a noise abatement strategy will be incorporated into the building design which will achieve an indoor noise level equal to or less than 55 DNL. The planning and

ARTICLE 5. SPECIAL DISTRICTS

- 7) building department will review building permits or noise sensitive developments. No development that attracts or sustains hazardous bird movements from feeding, watering, or roosting across the runways and/or approach and departure patterns of aircraft. Planning authority shall notify Oregon Aeronautics of such development (e.g., waste disposal sites and wetland enhancements) within the airport overlay zone so as to provide Oregon Aeronautics Section an opportunity to review and comment on the side in accordance with FAA AC 150/5200-33.



Clatsop County

Community Development – Planning

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TO: Clatsop County Planning Commission

FROM: Gail Henrikson, AICP, Community Development Director

RE: **CODE MODERNIZATION AND CONSOLIDATION – ARTICLE 4 REVISIONS**

SUMMARY

The County's regulations and standards that guide and govern development in Clatsop County are primarily contained in two documents – the *Land and Water Development and Use Ordinance 80-14* and the *Clatsop County Development Standards*. Both of these documents were originally adopted on September 30, 1980 and have been amended several times over the intervening decades. Currently, staff, developers, realtors and residents are required to search between two separate documents to find information. Oftentimes the information related to the same subject is located in each of these two documents. At other times, information may be outdated, no longer consistent with current practices and contradictory.

Staff has undertaken a Code Modernization and Consolidation project to achieve the following objectives:

- Combine the *Land and Water Development and Use Ordinance* and the *Clatsop County Development Standards* into one document;
- Streamline processes whenever possible
- Update or remove outdated references and terminology
- Combine regulations and standards related to the same topic so that they are addressed in one section of the code
- Revise contradictory or conflicting regulations
- Reformat to increase “user friendliness” and consolidate where information is located (for example, listing all permitted uses by zoning district in a single table)

Over the past several months, staff has provided opportunities for the Planning Commission to review and comment on proposed changes to Articles I-III. This portion of attached Article IV addresses updates to the zoning districts associated with the Development land use category. These 14 districts cover areas where development in the unincorporated areas of the County is encouraged and directed. Generally, these revisions:

- Standardize, as much as possible, terminology used across all zoning districts
- Updates terms to be more concise and reflective of modern terminology
- Color codes the zoning districts to reflect the underlying land use designation
- Relocates permitted and conditional uses from a bulleted format and places them in an alphabetized table

- Places all dimensional standards (lot size, lot width, setbacks) and dimensional standards (noise, vibration, glare, etc.) into a separate table within each zoning designation
- Will update cross-references in the code once all updates have been finalized and sections renumbered
- Standardizes language across zones (Ex: in some zones, the Building Official is responsible for requiring the installation of culverts and storm water management systems, while in other zones that responsibility falls to the Public Works Director and in other zones it falls to the Community Development Director.)
- Corrects typographic errors and scrivener errors
- Identifies areas where additional definitions will be required

Specifically, the following updates and revisions are proposed:

Section 4.0100

- Revise table numbering
- Change section number

Section 4.0200

- Change section number
- Change “special purpose district” to “special purpose overlay” to reflect the actual title of the overlay layer
- Change the abbreviation format to remove the “/” in from of the abbreviation
- Move the list of special purpose overlays from a numbered bullet format to a tabular format.
- Revise table numbering
- Update the Flood Hazard special overlay description to include revised FEMA FIRMs that were adopted in 2018
- Alphabetize the list of special purpose overlays

Section 4.0300

- Change section number

Section 4.0400

- Change section number and combine sections 3.040 and 3.052
- Revise language for clarity
- Update cross-reference number
- Combine information from previous Section 3.052 to eliminate redundancies. Section 3.052 is proposed to be deleted in its entirety.

Section 4.0500

- Change section number
- Revise language for clarity

AC-RCR ZONE

Section 4.0800

- Change section number

Section 4.0810

- Change section number
- Move numbered items from paragraph format to bullet format

- Change commas to semi-colons
- Capitalize first words in each bullet point
- **NOTE:** Staff generally did not correct any grammar or awkward phrasing in the section in order to avoid inadvertently changing the meaning or intent. However, staff does recommend combining the wording in bullets #3 and #4 to increase clarity.

Section 4.0820

- Change section number
- Change section name from “Development and Uses Permitted” to “Permitted and Conditional Uses”
- Move Type I permitted uses to the Development Zones Use Table and alphabetize uses for easier reference
- Change “one family dwelling” to “Dwelling, One Family” in order to locate all dwelling types together when uses are alphabetized
- Change “Accessory Dwelling Unit (ADU)” to “Dwelling, Accessory Unit”
- Change “Handicapped Housing Facility” to “Dwelling, Disable Housing Facility” to incorporate same terminology used in ORS 456.515
- Change “Low Intensity Recreation” to “Recreation, Low Intensity” in order to locate all recreation types together when uses are alphabetized
- Change “Health hardship” to “Dwelling, Health Hardship” and delete language specifically stating that no public notice is required, as public notice is not required for a Type I use and because other districts do not specifically include similar language.

Section 3.066

- Move Type II conditional uses to the Development Zones Use Table and alphabetize uses for easier reference
- Change “Two Family dwelling (duplex) to “Dwelling, Two Family”
- Change “Home occupation” to “Home Occupation, Conditional” to differentiate it from “Home Occupation, Limited” and incorporate standards from definition
- Change “Churches or similar places of worship” to “House of Worship”
- Change “Park, playground, ball fields, or community center” to “Recreation Facility”. Propose new definition: *Recreation Facility*. A public or private facility used for recreational or sporting activities such as parks, playgrounds, ball fields, or community centers. Recreation facility does not include docks or boat ramps.
- Change “Day nursery or day care center” to “Child Care Facility”. Propose new definition: *Child Care Facility*. Any facility that provides child care to children, including a child care center, certified family child care home, and registered family child care home. It includes those known under a descriptive name, such as nursery school, preschool, kindergarten, child play school, before or after school care, or child development center, except those excluded under ORS 657A.250. This term applies to the total child care operation and includes the physical setting, administration, staff, equipment, program, and care of children.
- Change “Buildings and uses of a public works, public service, or public utility nature, but not including equipment storage, repair yards, warehouses, or related activities” to “Public Use, Operations”.
- Change “Temporary real estate office” to “Real Estate Office, Temporary”
- Change “Any new public or private road development or road extension” to “Road Development or Extension, Public or Private”

Section 4.0830

- Change section number
- Change section title from “Development and Use Standards” to “Dimensional and Performance Standards”
- Move numbered standards to tabular format and arrange by type of standard (ex: group all setback requirements together)

Section 3.070

- Delete as this is proposed to be incorporated into Article II as it applies to all zoning districts.

RCR ZONE

Section 4.0900

- Change section number

Section 4.0910

- Change section number
- Move numbered items from paragraph format to bullet format
- Change commas to semi-colons
- Capitalize first words in each bullet point
- **NOTE:** Staff generally did not correct any grammar or awkward phrasing in the section in order to avoid inadvertently changing the meaning or intent.

Section 4.0920

- Change section number
- Change section name from “Development and Uses Permitted” to “Permitted and Conditional Uses”
- Move Type I permitted uses to the Development Zones Use Table and alphabetize uses for easier reference
- Change “one family dwelling” to “Dwelling, One Family”
- Change “Accessory Dwelling Unit (ADU)” to “Dwelling, Accessory Unit”
- Change “Handicapped Housing Facility” to “Dwelling, Disable Housing Facility” to incorporate same terminology used in ORS 456.515
- Change “Low Intensity Recreation” to “Recreation, Low Intensity”
- Change “Health hardship” to “Dwelling, Health Hardship” and delete language specifically stating that no public notice is required, as public notice is not required for a Type I use and because other districts do not specifically include similar language.

Section 3.078

- Move Type II conditional uses to the Development Zones Use Table and alphabetize uses for easier reference
- Change “Two Family dwelling (duplex) to “Dwelling, Two Family”
- Change “Home occupation” to “Home Occupation, Conditional” to differentiate it from “Home Occupation, Limited”
- Change “Churches or similar places of worship” to “House of Worship”
- Change “Park, playground, ball fields, or community center” to “Recreation Facility”. Propose new definition: *Recreation Facility*. A public or private facility used for recreational or sporting activities such as parks, playgrounds, ball fields, or community centers. Recreation facility does not include docks or boat ramps.
- Change “Day nursery or day care center” to “Child Care Facility”. Propose new definition: *Child Care Facility*. Any facility that provides child care to children, including a child care center,

certified family child care home, and registered family child care home. It includes those known under a descriptive name, such as nursery school, preschool, kindergarten, child play school, before or after school care, or child development center, except those excluded under ORS 657A.250. This term applies to the total child care operation and includes the physical setting, administration, staff, equipment, program, and care of children.

- Change “Buildings and uses of a public works, public service, or public utility nature, but not including equipment storage, repair yards, warehouses, or related activities” to “Public Use, Operations”.
- Change “Temporary real estate office” to “Real Estate Office, Temporary”

Section 4.0930

- Change section number
- Change section title from “Development and Use Standards” to “Dimensional and Performance Standards”
- Move numbered standards to tabular format and arrange by type of standard (ex: group all setback requirements together)

Section 3.084

- Delete as this is proposed to be incorporated into Article II as it applies to all zoning districts.

KS-RCR ZONE

Section 4.1000

- Change section number

Section 4.1010

- Change section number
- Move numbered items from paragraph format to bullet format
- Change commas to semi-colons
- Deleted unneeded commas
- Capitalize first words in each bullet point
- Changed language order for clarity
- **NOTE:** Staff generally did not correct any grammar or awkward phrasing in the section in order to avoid inadvertently changing the meaning or intent.

Section 4.1020

- Change section number
- Change section title from “Development and Use Permitted (RSA-SFR)” to “Permitted and Conditional Uses”
- Move Type I permitted uses to the Development Zones Use Table and alphabetize uses for easier reference
- Change “one family dwelling” to “Dwelling, One Family”
- Change “Accessory Dwelling Unit (ADU)” to “Dwelling, Accessory Unit”
- Change “Handicapped Housing Facility” to “Dwelling, Disable Housing Facility” to incorporate same terminology used in ORS 456.515
- Change “Low Intensity Recreation” to “Recreation, Low Intensity”
- Change “Health hardship” to “Dwelling, Health Hardship” and delete language specifically stating that no public notice is required, as public notice is not required for a Type I use and because other districts do not specifically include similar language.

Section 3.092

- Move Type II conditional uses to the Development Zones Use Table and alphabetize uses for easier reference
- Change “Two Family dwelling (duplex) to “Dwelling, Two Family”
- Change “Home occupation” to “Home Occupation, Conditional” to differentiate it from “Home Occupation, Limited”
- Change “Churches or similar places of worship” to “House of Worship”
- Change “Park, playground, ball fields, or community center” to “Recreation Facility”. Propose new definition: *Recreation Facility*. A public or private facility used for recreational or sporting activities such as parks, playgrounds, ball fields, or community centers. Recreation facility does not include docks or boat ramps.
- Change “Day nursery or day care center” to “Child Care Facility”. Propose new definition: *Child Care Facility*. Any facility that provides child care to children, including a child care center, certified family child care home, and registered family child care home. It includes those known under a descriptive name, such as nursery school, preschool, kindergarten, child play school, before or after school care, or child development center, except those excluded under ORS 657A.250. This term applies to the total child care operation and includes the physical setting, administration, staff, equipment, program, and care of children.
- Change “Buildings and uses of a public works, public service, or public utility nature, but not including equipment storage, repair yards, warehouses, or related activities” to “Public Use, Operations”.
- Change “Temporary real estate office” to “Real Estate Office, Temporary”

Section 3.094

- Delete and move Type III uses to the Development Zones Use Table and alphabetize use for easier reference

Section 4.1030

- Change section number
- Change section title from “Development and Use Standards” to “Dimensional and Performance Standards”
- Move numbered standards to tabular format and arrange by type of standard (ex: group all setback requirements together)

Section 3.098

- Delete and incorporate in Dimension and Standards Table

Section 3.099

- Delete as this is proposed to be incorporated into Article II as it applies to all zoning districts.

RSA-SFR ZONE

Section 4.1100

- Change section number

Section 4.1110

- Change section number

Section 4.1120

- Change section number
- Change section title from “Development and Use Permitted (RSA-SFR)” to “Permitted and Conditional Uses”
- Move Type I permitted uses to the Development Zones Use Table and alphabetize uses for easier reference

- Change “one family dwelling” to “Dwelling, One Family”
- Delete “Utilities in conjunction with a permitted use.” from the Type I uses. Utilities are obviously required for permitted uses and this use is not specifically called out in any other zone.
- Change “Low Intensity Recreation” to “Recreation, Low Intensity”
- Delete “Signs subject to the provisions of Clatsop County Standards Document, Section S2.300.” as a Type I use, as this section does not call out any special exceptions to the sign ordinance that is applied countywide.
- Change “Handicapped Housing Facility” to “Dwelling, Disable Housing Facility” to incorporate same terminology used in ORS 456.515

Section 3.106

- Delete and incorporate Type II conditional uses to the Development Zones Use Table and alphabetize uses for easier reference
- Change “Two Family dwelling (duplex) to “Dwelling, Two Family”
- Change “Temporary real estate office” to “Real Estate Office, Temporary”

Section 4.1130

- Change section number
- Change section title from “Development and Use Standards” to “Dimensional and Performance Standards”
- Move numbered standards to tabular format and arrange by type of standard (ex: group all setback requirements together)

Section 3.112

- Delete as this is proposed to be incorporated into Article II as it applies to all zoning districts.

RC-MFR ZONE

Section 4.1200

- Change section number

Section 4.1210

- Change section number

Section 4.1220

- Change section number
- Change section title from “Development and Use Permitted (RC-MFR)” to “Permitted and Conditional Uses”
- Move Type I permitted uses to the Development Zones Use Table and alphabetize uses for easier reference
- Change “one family dwelling” to “Dwelling, One Family”
- Change “Two Family dwelling (duplex) to “Dwelling, Two Family”
- Change “mobile home” to “Dwelling, mobile home”
- Change “Low Intensity Recreation” to “Recreation, Low Intensity”
- Change “Handicapped Housing Facility” to “Dwelling, Disable Housing Facility” to incorporate same terminology used in ORS 456.515

Section 3.117

- Delete and incorporate Type II conditional uses to the Development Zones Use Table and alphabetize uses for easier reference
- Change “Multi-family dwelling” to “Dwelling, Multi-family”

- Divide “Mobile home park or Manufactured home park” into two separate uses as some zones allow both mobile home and manufactured home parks and some only allow mobile home parks
- Change “Temporary real estate office” to “Real Estate Office, Temporary”
- Change “Home occupation” to “Home Occupation, Conditional” to differentiate it from “Home Occupation, Limited”

Section 4.1230

- Change section number
- Change section title from “Development and Use Standards” to “Dimensional and Performance Standards”
- Move numbered standards to tabular format and arrange by type of standard (ex: group all setback requirements together)

Section 3.119

- Delete as this is proposed to be incorporated into Article II as it applies to all zoning districts.

RSA-MFR ZONE

Section 4.1300

- Change section number

Section 4.1310

- Change section number

Section 4.1320

- Change section number
- Change section title from “Development and Use Permitted (RSA-MFR)” to “Permitted and Conditional Uses”
- Move Type I permitted uses to the Development Zones Use Table and alphabetize uses for easier reference
- Change “one family dwelling” to “Dwelling, One Family”
- Change “mobile home” to “Dwelling, mobile home”
- Change “Low Intensity Recreation” to “Recreation, Low Intensity”
- Change “Handicapped Housing Facility” to “Dwelling, Disable Housing Facility” to incorporate same terminology used in ORS 456.515

Section 3.126

- Delete and incorporate Type II conditional uses to the Development Zones Use Table and alphabetize uses for easier reference
- Change “Multi-family dwelling” to “Dwelling, Multi-family”
- Change “Temporary real estate office” to “Real Estate Office, Temporary”
- Change “Home occupation” to “Home Occupation, Conditional” to differentiate it from “Home Occupation, Limited”

Section 4.1330

- Change section number
- Change section title from “Development and Use Standards” to “Dimensional and Performance Standards”
- Move numbered standards to tabular format and arrange by type of standard (ex: group all setback requirements together)
- Change “Building Official” to “County Engineer” as the staff person responsibility for determining required stormwater improvements

RCC ZONE

Section 4.1400

- Change section number

Section 4.1410

- Change section number
- Change “Community” to “Communities” to indicate that Arch Cape, Svensen, Westport, Miles Crossing and Jeffers Gardens are separate rural communities
- Move numbered items from paragraph format to bullet format
- Change commas to semi-colons
- Capitalize first words in each bullet point
- **NOTE:** Staff generally did not correct any grammar or awkward phrasing in the section in order to avoid inadvertently changing the meaning or intent.

Section 4.1420

- Change section number
- Change section title from “Development and Use Permitted” to “Permitted and Conditional Uses”
- Move Type I permitted uses to the Development Zones Use Table and alphabetize uses for easier reference
- Change “Splitting and sale of firewood” to “Firewood, splitting and sale”
- Change “Low Intensity Recreation” to “Recreation, Low Intensity”
- Change “Handicapped Housing Facility” to “Dwelling, Disable Housing Facility” to incorporate same terminology used in ORS 456.515

Section 3.258

- Delete and incorporate Type II conditional uses to the Development Zones Use Table and alphabetize uses for easier reference
- Change “A retail grocery, bakery, delicatessen, confectionary or similar store including the preparation of foodstuffs for sale primarily on the premises, provided building or buildings for each commercial use does not exceed 4,000 square foot of floor area.” to “Retail Sales, Foodstuffs” and put standards in Development Zones Use Table.
- Change “A retail drug, variety, gift, antique, hardware, sporting goods, dry goods, music, florist, book, stationery, art gallery, or similar store provided building or buildings for each commercial use does not exceed 4,000 square foot of floor area.” to “Retail Sales and Services” and put standards in Development Zones Use Table. Create definition.
- Change “A barber, beauty, tailor, shoe repair, laundromat, cleaners, photographic shop or similar personal service business provided building or buildings for each commercial use does not exceed 4,000 square foot of floor area.” to “Personal Services” and put standards in Development Zones Use Table. Create definition.
- Change “An eating or drinking establishment provided building or buildings for each commercial use does not exceed 4,000 square foot of floor area.” to “Restaurant” and put standards in Development Zones Use Table. Create definition.
- Change “Professional offices” to “Office, Professional” and put standards in Development Zones Use Table. Create definition.
- Change “Park, or playground, ball fields, or community center” to “Recreation Facility”.
- Change “Churches or similar places of worship” to “House of Worship”.
- Change “Veterinary clinic” to “Office, Medical”. Create definition.

- Change “Medical and dental offices” to “Office, Medical”.
- Change “Buildings and uses of a public works, public service, or public utility nature, that may include equipment storage, repair yards, warehouses, or related activities” to “Public Use, Operations and Maintenance”.
- Change “Instructional or vocational schools, such as dance studio, karate, theatre, music, computer science” to “Personal Enrichment Establishment”. Create definition.

Section 3.260

- Delete and incorporate Type IIA conditional uses to the Development Zones Use Table and alphabetize uses for easier reference
- Change “hotel, motel, lodge, resort, inn, or other enclosed tourist/traveler accommodations” to “Transient lodging”. Incorporate standards into Development Zones Use Table. Create definition.

Section 4.1430

- Change section number
- Change section title from “Development and Use Standards” to “Dimensional and Performance Standards”
- Move numbered standards to tabular format and arrange by type of standard (ex: group all setback requirements together)

Section 3.264

- Delete as this is proposed to be incorporated into Article II as it applies to all zoning districts.

RCI ZONE

Section 4.1500

- Change section number

Section 4.1510

- Change section number

Section 4.1520

- Change section number
- Change section title from “Development and Use Permitted” to “Permitted and Conditional Uses”
- Move Type I permitted uses to the Development Zones Use Table and alphabetize uses for easier reference
- Change “Splitting and sale of firewood” to “Firewood, splitting and sale”

Section 3.456

- Delete and incorporate Type II conditional uses to the Development Zones Use Table and alphabetize uses for easier reference
- Change “Retail lumberyards” to “Lumberyard, retail”.
- Change “Wholesale storage business or warehouse” into two separate uses: “Wholesale storage business” and “Warehouse”.

Section 3.458

- Delete and incorporate Type III conditional uses to the Development Zones Use Table and alphabetize uses for easier reference.
- Change “Food products manufacturing” to “Manufacturing, Food Products”.
- Change “Concrete, ready-mix or asphalt batching plant” to “Batching Plant, Concrete, Ready-Mix or Asphalt”.

Section 4.1530

- Change section number
- Change section title from “Development and Use Standards” to “Dimensional and Performance Standards”
- Move numbered standards to tabular format and arrange by type of standard (ex: group all setback requirements together)

Section 3.459(a)

- Delete as this is proposed to be incorporated into Article II as it applies to all zoning districts.

RCC-LI ZONE

Section 4.1600

- Change section number

Section 4.1610

- Change section number
- Move numbered items from paragraph format to bullet format
- Capitalize first words in each bullet point
- **NOTE:** Staff generally did not correct any grammar or awkward phrasing in the section in order to avoid inadvertently changing the meaning or intent.

Section 4.1620

- Change section number
- Change section title from “Development and Use Permitted” to “Permitted and Conditional Uses”
- Move Type I permitted uses to the Development Zones Use Table and alphabetize uses for easier reference
- Change “Splitting and sale of firewood” to “Firewood, splitting and sale”
- Change “Low intensity recreation” to “Recreation, Low Intensity”.
- Change “Handicapped Housing Facility” to “Dwelling, Disable Housing Facility” to incorporate same terminology used in ORS 456.515

Section 3.272

- Delete and incorporate Type II conditional uses to the Development Zones Use Table and alphabetize uses for easier reference
- Change “A retail grocery, bakery, delicatessen, confectionary or similar store including the preparation of foodstuffs for sale primarily on the premises, provided building or buildings for each commercial use does not exceed 4,000 square foot of floor area.” to “Retail Sales, Foodstuffs” and put standards in Development Zones Use Table.
- Change “A retail drug, variety, gift, antique, hardware, sporting goods, dry goods, music, florist, book, stationery, art gallery, or similar store provided building or buildings for each commercial use does not exceed 4,000 square foot of floor area.” to “Retail Sales and Services” and put standards in Development Zones Use Table. Create definition.
- Change “A barber, beauty, tailor, shoe repair, laundromat, cleaners, photographic shop or similar personal service business provided building or buildings for each commercial use does not exceed 4,000 square foot of floor area.” to “Personal Services” and put standards in Development Zones Use Table. Create definition.
- Include sporting equipment rental in the definition of “Retail Sales and Services” and delete “Sporting equipment and other recreational equipment rental service provided building or buildings for each commercial use does not exceed 4,000 square foot of floor area.”

- Change “An eating or drinking establishment provided building or buildings for each commercial use does not exceed 4,000 square foot of floor area.” to “Restaurant” and put standards in Development Zones Use Table. Create definition.
- Change “Professional offices” to “Office, Professional” and put standards in Development Zones Use Table. Create definition.
- Change “Park, or playground, ball fields, or community center” to “Recreation Facility”.
- Change “Churches or similar places of worship” to “House of Worship”.
- Change “Veterinary clinic” to “Office, Medical”. Create definition.
- Change “Medical and dental offices” to “Office, Medical”.
- Change “Buildings and uses of a public works, public service, or public utility nature, that may include equipment storage, repair yards, warehouses, or related activities” to “Public Use, Operations and Maintenance”.
- Change “Instructional or vocational schools, such as dance studio, karate, theatre, music, computer science” to “Personal Enrichment Establishment”. Create definition.
- Change “Retail lumberyards” to “Lumberyard, Retail”.

Section 3.273

- Delete and incorporate Type II conditional uses to the Development Zones Use Table and alphabetize uses for easier reference
- Change “Wholesale storage business or warehouse” into two separate uses: “Wholesale storage business” and “Warehouse”.

Section 3.274

- Delete and incorporate Type IIA conditional uses to the Development Zones Use Table and alphabetize uses for easier reference
- Change “hotel, motel, lodge, resort, inn, or other enclosed tourist/traveler accommodations” to “Transient lodging”. Incorporate standards into Development Zones Use Table. Create definition.

Section 3.276

- Delete and incorporate Type III conditional uses to the Development Zones Use Table and alphabetize uses for easier reference.
- Change “Food products manufacturing” to “Manufacturing, Food Products”.
- Change “Concrete, ready-mix or asphalt batching plant” to “Batching Plant, Concrete, Ready-Mix or Asphalt”.

Section 4.1630

- Change section number
- Change section title from “Development and Use Standards” to “Dimensional and Performance Standards”
- Move numbered standards to tabular format and arrange by type of standard (ex: group all setback requirements together)

Section 3.280

- Delete as this is proposed to be incorporated into Article II as it applies to all zoning districts.

LI ZONE

Section 4.1700

- Change section number

Section 4.1710

- Change section number

Section 4.1720

- Change section number
- Change section title from “Development and Use Permitted” to “Permitted and Conditional Uses”
- Move Type I permitted uses to the Development Zones Use Table and alphabetize uses for easier reference
- Delete “Partition” as a Type I use as partitions are allowed in all zones subject to these same requirements.
- Change “Splitting and sale of firewood” to “Firewood, splitting and sale”

Section 3.446

- Delete and incorporate Type II conditional uses to the Development Zones Use Table and alphabetize uses for easier reference
- Change “Food products manufacturing” to “Manufacturing, Food Products”.
- Change “Concrete, ready-mix or asphalt batching plant” to “Batching Plant, Concrete, Ready-Mix or Asphalt”.
- Break “Retail, wholesale or service business establishment” into two separate uses: “Retail sales and services” and “Wholesale sales and services”
- Change “Wholesale business, storage building or warehouse” into two separate uses: “Wholesale storage business” and “Warehouse”.

Section 4.1730

- Change section number
- Change section title from “Development and Use Standards” to “Dimensional and Performance Standards”
- Move numbered standards to tabular format and arrange by type of standard (ex: group all setback requirements together)

Section 3.449

- Delete as this is proposed to be incorporated into Article II as it applies to all zoning districts.

HI ZONE

Section 4.1800

- Change section number

Section 4.1810

- Change section number

Section 4.1820

- Change section number
- Change section title from “Development and Use Permitted” to “Permitted and Conditional Uses”
- Move Type I permitted uses to the Development Zones Use Table and alphabetize uses for easier reference
- Delete “Partition” as a Type I use as partitions are allowed in all zones subject to these same requirements.
- Change “Splitting and sale of firewood” to “Firewood, splitting and sale”

Section 3.405

- Delete and incorporate Type II conditional uses to the Development Zones Use Table and alphabetize uses for easier reference

- Change “Any heavy or light fabrication, production, processing, assembling, packaging, or treatment of materials, goods, foodstuffs and other semi-finished or finished products from semi-finished or raw materials” to “Industry, Heavy” and “Industry, Light” and create definitions.
- Break “Storage, distribution services and fabrication facilities, including terminals, warehouses, storage buildings and yards, contractor's establishments, production mills or similar uses” to “Warehouse”, “Wholesale, Storage Business”, “Industry, Heavy”, “Industry, Light”, “Hauling, Freighting and Trucking Yard Terminal” and Contractor Establishment”. Add definitions.
- Delete “Splitting and sale of firewood” as a Type II use as it is already listed as a Type I use.
- Delete “Communication facilities” as a Type II use as it is already listed as a Type I use.
- Change “Eating or drinking establishment” to “restaurant”

Section 4.1830

- Change section number
- Change section title from “Development and Use Standards” to “Dimensional and Performance Standards”
- Move numbered standards to tabular format and arrange by type of standard (ex: group all setback requirements together)

Section 3.408

- Delete as this is proposed to be incorporated into Article II as it applies to all zoning districts.

MI ZONE

Section 4.1900

- Change section number

Section 4.1910

- Change section number

Section 4.1920

- Change section number
- Change section title from “Development and Use Permitted” to “Permitted and Conditional Uses”
- Move Type I permitted uses to the Development Zones Use Table and alphabetize uses for easier reference
- Change “Low-intensity water-dependent recreation” to “Recreation, low-intensity water-dependent
- Change “Vegetative shoreline stabilization” to “Shoreline Stabilization, Vegetative”
- Change “Passive restoration” to “Restoration, Passive”
- Change “Grazing or other farm uses involving no structures” to “Farm Use and Grazing”
- Change “Temporary dikes” to “Dikes, Temporary”
- Change “Dredged material disposal including beach nourishment at sites designated in the Comprehensive Plan” to “Dredged Materials Disposal, Designated”
- Change “Water-dependent industrial and port uses” to “Industry, Water-Dependent”

Section 3.626

- Delete and incorporate Type II review uses to the Development Zones Use Table and alphabetize uses for easier reference
- Change “Landfalls and access corridors for sewer line, water line, submerged cables or other pipeline crossing” to “Crossing, Utilities, Cable, and Pipelines”
- Change “Structural shoreline stabilization” to “Shoreline Stabilization, Structural”

- Change “Storm water and treated wastewater outfalls” to Outfalls, Stormwater and Wastewater”
- Change “Dredged material disposal at sites not designated in the Comprehensive Plan” to “Dredged Materials Disposal, Undesignated”

Section 3.628

- Delete and incorporate Type II conditional uses to the Development Zones Use Table and alphabetize uses for easier reference
- Change “New dike and tidegate construction” to “Dikes, Permanent” and add construction of tidegates to notes
- Change “Mitigation, restoration, creation and enhancement” to “Restoration, Active”

Section 4.1930

- Change section number
- Change section title from “Development and Use Standards” to “Dimensional and Performance Standards”
- Move numbered standards to tabular format and arrange by type of standard (ex: group all setback requirements together)

Section 3.636

- Delete as this is proposed to be incorporated into Article II as it applies to all zoning districts.

AD ZONE

Section 4.2000

- Change section number

Section 4.2010

- Change section number

Section 4.2020

- Change section number
- Change section title from “Development and Use Permitted” to “Permitted and Conditional Uses”
- Move Type I permitted uses to the Development Zones Use Table and alphabetize uses for easier reference
- Change “Undeveloped low intensity water-dependent recreation” to “Recreation, Low-Intensity Water Dependent”
- Change “Passive restoration measures” to “Restoration, Passive”
- Change “Vegetative shoreline stabilization” to “Shoreline Stabilization, Vegetative”
- Change “Temporary dikes” to “Dikes, Temporary”
- Change “Projects for the protection of habitat, nutrient, fish, wildlife and aesthetic resources” to “Resource Protection Projects”
- Change “Water-dependent industrial and port uses” to “Industry, Water-Dependent”
- Include bullet #33 as a separate standard for each of the listed permitted uses
- Include bullet #34 as a separate standard for each of the listed permitted uses

Section 3.746

- Delete and incorporate Type II review uses to the Development Zones Use Table and alphabetize uses for easier reference
- Change “Pipelines, cables and utility crossings” to Crossing, Utilities, Cable, and Pipelines”
- Change “Installation of tidegates” to “Tidegates”
- Delete “Communication facilities” as a Type II review use as it is already listed as a Type I use.

- Change “Estuarine in-water disposal of dredged material at sites designated in the Comprehensive Plan” to “Dredged Materials Disposal, Designated”
- Change “Minor navigational improvements” to “Navigational Improvements, Minor”
- Change “Structural shoreline stabilization” to “Shoreline Stabilization, Structural”
- Change “Temporary alterations” to “Estuarine Alteration, Temporary”
- Change “Active restoration measures” to “Restoration, Active”
- Change “Bridge crossings” to “Crossings, Bridge”
- Include bullet #14 as a separate standard for each of the listed review uses
- Include bullet #15 as a separate standard for each of the listed review uses
- Include bullet #16 as a separate standard for each of the listed review uses

Section 3.748

- Delete and incorporate Type II conditional uses to the Development Zones Use Table and alphabetize uses for easier reference
- Change “Bridge crossing support structures” to “Crossings, Bridge Support Structures”
- Change “Storm water and treated wastewater outfalls” to “Outfalls, Stormwater and Wastewater”
- Include bullet #37 as a separate standard for each of the listed conditional uses
- Include bullet #38 as a separate standard for each of the listed conditional uses
- Include bullet #39 as a separate standard for each of the listed conditional uses
- Deleted “Communication facilities” as a Type II use as it is already listed as a Type I use

Section 4.2030

- Change section number
- Change section title from “Development and Use Standards” to “Dimensional and Performance Standards”
- Move numbered standards to tabular format and arrange by type of standard (ex: group all setback requirements together)

Section 3.756

- Delete as this is proposed to be incorporated into Article II as it applies to all zoning districts.

UGB ZONE

Section 4.2100

- Change section number

Section 4.2110

- Change section number
- Change “Cities” to “cities:
- Change “Comprehensive Plans” to “comprehensive plans”
- Change “Provisions” to “provisions”

Section 4.2120

- Change section number
- Change “Land and Water Development and Use Map” to “land use and zoning maps”
- Add “Clatsop County and the appropriate municipality. The description of the” for clarity
- Delete “Town of Hammond”

Section 4.2130

- Change section number
- Change section title to “Permitted Uses”
- Add language that refers readers to provisions in the appropriate municipal ordinance.

Section 3.490

- Delete as this is proposed to be incorporated into Article II as it applies to all zoning districts.

CBR ZONE

Section 4.2200

- Change section number

Section 4.2210

- Change section number

Section 4.2220

- Change section number
- Change section name from “Development and Uses Permitted” to “Permitted and Conditional Uses”
- Move Type I permitted uses to the Rural Lands Permitted and Conditional Uses Table and alphabetize uses for easier reference
- Change “one family dwelling” to “Dwelling, One Family” in order to locate all dwelling types together when uses are alphabetized
- Change “Limited home occupation” to “Home Occupation, Limited”
- Change “Handicapped Housing Facility” to “Dwelling, Disabled Housing Facility” to incorporate same terminology used in ORS 456.515
- Change “Low Intensity Recreation” to “Recreation, Low Intensity” in order to locate all recreation types together when uses are alphabetized

Section 3.246

- Delete in its entirety as no conditional uses are permitted in this zone.

Section 4.2230

- Change section number
- Change section title from “Development and Use Standards” to “Dimensional and Performance Standards”
- Move numbered standards to tabular format and arrange by type of standard (ex: group all setback requirements together)
- Change “Community Development Director” to “County Engineer” as that position will determine required stormwater improvements.

Section 3.250

- Delete as this is proposed to be incorporated into Article II as it applies to all zoning districts.

CR ZONE

Section 4.2300

- Change section number

Section 4.2310

- Change section number

Section 4.2320

- Change section number
- Change section name from “Development and Uses Permitted” to “Permitted and Conditional Uses”
- Move Type I permitted uses to the Rural Lands Permitted and Conditional Uses Table and alphabetize uses for easier reference
- Change “one family dwelling” to “Dwelling, One Family”

- Change “Limited home occupation” to “Home Occupation, Limited”
- Change “Low Intensity Recreation” to “Recreation, Low Intensity”
- Delete “Signs” as a Type I use as no specific exceptions or requirements are listed so it will default to the sign ordinance as referenced.
- Change “Handicapped Housing Facility” to “Dwelling, Disabled Housing Facility” to incorporate same terminology used in ORS 456.515

Section 3.146

- Move Type II conditional uses to the Rural Lands Zones Use Table and alphabetize uses for easier reference

Section 3.148

- Relocate to “Dimensional and Performance Standards” table in Section 4.2330

Section 4.2330

- Change section number
- Change section title from “Development and Use Standards” to “Dimensional and Performance Standards”
- Move numbered standards to tabular format and arrange by type of standard (ex: group all setback requirements together)
- Change “Community Development Director” to “County Engineer” as that position will determine required stormwater improvements.

Section 3.152

- Delete as this is proposed to be incorporated into Article II as it applies to all zoning districts.

SFR-1 ZONE

Section 4.2400

- Change section number

Section 4.2410

- Change section number

Section 4.2420

- Change section number
- Change section title from “Development and Use Permitted (RSA-SFR-1)” to “Permitted and Conditional Uses”
- Move Type I permitted uses to the Rural Lands Permitted and Conditional Uses Table and alphabetize uses for easier reference
- Change “one family dwelling” to “Dwelling, One Family”
- Change “Limited home occupation” to “Home Occupation, Limited”
- Change “Handicapped Housing Facility” to “Dwelling, Disabled Housing Facility” to incorporate same terminology used in ORS 456.515
- Change “Low Intensity Recreation” to “Recreation, Low Intensity”

Section 3.166

- Move Type II conditional uses to the Rural Lands Zones Use Table and alphabetize uses for easier reference

Section 4.2430

- Change section number
- Change section title from “Development and Use Standards” to “Dimensional and Performance Standards”

- Move numbered standards to tabular format and arrange by type of standard (ex: group all setback requirements together)

Section 3.170

- Delete and incorporate into Dimension and Standards Table

Section 3.172

- Delete as this is proposed to be incorporated into Article II as it applies to all zoning districts.

RA-1 ZONE

Section 4.2500

- Change section number

Section 4.2510

- Change section number

Section 4.2520

- Change section number
- Change section title from “Development and Use Permitted (RA-1)” to “Permitted and Conditional Uses”
- Move Type I permitted uses to the Rural Lands Zones Use Table and alphabetize uses for easier reference
- Change “one family dwelling” to “Dwelling, One Family”
- Change “Limited home occupation” to “Home Occupation, Limited”
- Change “Low Intensity Recreation” to “Recreation, Low Intensity”
- Change “Horticultural nursery” to “Nursery, Horticultural”
- Change “Handicapped Housing Facility” to “Dwelling, Disabled Housing Facility” to incorporate same terminology used in ORS 456.515
- Change “Health hardship dwelling” to “Dwelling, Health Hardship”

Section 3.190

- Delete and incorporate Type II conditional uses to the Rural Lands Zones Use Table and alphabetize uses for easier reference
- Change “Dog kennel” to “Kennel” as the definition includes both dogs and cats
- Change “Public or private recreation” to “Recreation, Public or Private”
- Change “Home occupation” to “Home Occupation, Conditional” to differentiate it from “Home Occupation, Limited”
- Change “Veterinary clinic” to “Clinic, Veterinary”

Section 4.2530

- Change section number
- Change section title from “Development and Use Standards” to “Dimensional and Performance Standards”
- Move numbered standards to tabular format and arrange by type of standard (ex: group all setback requirements together)
- Change “Community Development Director” to “County Engineer” as that position will determine required stormwater improvements.

Section 3.196

- Delete and incorporate into Dimension and Standards Table

Section 3.198

- Delete as this is proposed to be incorporated into Article II as it applies to all zoning districts.

RA-2 ZONE

Section 4.2600

- Change section number

Section 4.2610

- Change section number

Section 4.2620

- Change section number
- Change section title from “Development and Use Permitted (RA-2)” to “Permitted and Conditional Uses”
- Move Type I permitted uses to the Rural Lands Zones Use Table and alphabetize uses for easier reference
- Change “one family dwelling” to “Dwelling, One Family”
- Change “One mobile home per lot” to “Dwelling, Mobile Home”
- Change “Limited home occupation” to “Home Occupation, Limited”
- Change “Low Intensity Recreation” to “Recreation, Low Intensity”
- Change “Horticultural nursery” to “Nursery, Horticultural”
- Change “Handicapped Housing Facility” to “Dwelling, Disabled Housing Facility” to incorporate same terminology used in ORS 456.515
- Change “Health hardship dwelling” to “Dwelling, Health Hardship”

Section 3.207

- Delete and incorporate Type II conditional uses to the Rural Lands Zones Use Table and alphabetize uses for easier reference
- Change “Dog kennel” to “Kennel” as the definition includes both dogs and cats
- Change “Public or private recreation” to “Recreation, Public or Private”
- Change “Home occupation” to “Home Occupation, Conditional” to differentiate it from “Home Occupation, Limited”
- Change “Veterinary clinic” to “Clinic, Veterinary”

Section 4.2630

- Change section number
- Change section title from “Development and Use Standards” to “Dimensional and Performance Standards”
- Move numbered standards to tabular format and arrange by type of standard (ex: group all setback requirements together)
- Change “Community Development Director” to “County Engineer” as that position will determine required stormwater improvements.

Section 3.209

- Delete and incorporate into Dimension and Standards Table

Section 3.212

- Delete as this is proposed to be incorporated into Article II as it applies to all zoning districts.

RA-5 ZONE

Section 4.2700

- Change section number

Section 4.2710

- Change section number
- Change “lot” to “low”

Section 4.2720

- Change section number
- Change section title from “Development and Use Permitted (RA-5)” to “Permitted and Conditional Uses”
- Move Type I permitted uses to the Rural Lands Zones Use Table and alphabetize uses for easier reference
- Change “one family dwelling” to “Dwelling, One Family”
- Change “One mobile home per lot” to “Dwelling, Mobile Home”
- Change “Limited home occupation” to “Home Occupation, Limited”
- Change “Minor utilities” to “Utilities, Minor”
- Change “Low Intensity Recreation” to “Recreation, Low Intensity”
- Change “Horticultural nursery” to “Nursery, Horticultural”
- Change “Two family dwelling (duplex)” to “Dwelling, Two Family”
- Change “Handicapped Housing Facility” to “Dwelling, Disabled Housing Facility” to incorporate same terminology used in ORS 456.515
- Change “Health hardship dwelling” to “Dwelling, Health Hardship”

Section 3.224

- Delete and incorporate standards under “Dwelling, Mobile Home”

Section 3.225

- Delete and incorporate Type II conditional uses to the Rural Lands Zones Use Table and alphabetize uses for easier reference
- Change “Dog kennel” to “Kennel” as the definition includes both dogs and cats
- Change “Public or private recreation” to “Recreation, Public or Private”
- Change “Home occupation” to “Home Occupation, Conditional” to differentiate it from “Home Occupation, Limited”
- Change “Veterinary clinic” to “Clinic, Veterinary”

Section 4.2730

- Change section number
- Change section title from “Development and Use Standards” to “Dimensional and Performance Standards”
- Move numbered standards to tabular format and arrange by type of standard (ex: group all setback requirements together)
- Change “Building Official” to “County Engineer” as that position will determine required stormwater improvements.

Section 3.228

- Delete and incorporate into Dimension and Standards Table

Section 3.229

- Delete as this is proposed to be incorporated into Article II as it applies to all zoning districts.

RA-10 ZONE

Section 4.2800

- Change section number

Section 4.2810

- Change section number
- Change “lot” to “low”

Section 4.2820

- Change section number
- Change section title from “Development and Use Permitted (RA-5)” to “Permitted and Conditional Uses”
- Move Type I permitted uses to the Rural Lands Zones Use Table and alphabetize uses for easier reference
- Change “one family dwelling” to “Dwelling, One Family”
- Change “One mobile home per lot” to “Dwelling, Mobile Home”
- Change “Limited home occupation” to “Home Occupation, Limited”
- Change “Minor utilities” to “Utilities, Minor”
- Change “Low Intensity Recreation” to “Recreation, Low Intensity”
- Change “Horticultural nursery” to “Nursery, Horticultural”
- Change “Two family dwelling (duplex)” to “Dwelling, Two Family”
- Change “Handicapped Housing Facility” to “Dwelling, Disabled Housing Facility” to incorporate same terminology used in ORS 456.515
- Change “Health hardship dwelling” to “Dwelling, Health Hardship”

Section 3.233

- Delete and incorporate standards under “Dwelling, Mobile Home”

Section 3.234

- Delete and incorporate Type II conditional uses to the Rural Lands Zones Use Table and alphabetize uses for easier reference
- Change “Dog kennel” to “Kennel” as the definition includes both dogs and cats
- Change “Public or private recreation” to “Recreation, Public or Private”
- Change “Home occupation” to “Home Occupation, Conditional” to differentiate it from “Home Occupation, Limited”
- Change “Veterinary clinic” to “Clinic, Veterinary”

Section 4.2830

- Change section number
- Change section title from “Development and Use Standards” to “Dimensional and Performance Standards”
- Move numbered standards to tabular format and arrange by type of standard (ex: group all setback requirements together)
- Change “Building Official” to “County Engineer” as that position will determine required stormwater improvements.

Section 3.236

- Delete and incorporate into Dimension and Standards Table

Section 3.237

- Delete as this is proposed to be incorporated into Article II as it applies to all zoning districts.

NC ZONE

Section 4.2900

- Change section number

Section 4.2910

- Change section number

Section 4.2920

- Change section number
- Change section title from “Development and Use Permitted” to “Permitted and Conditional Uses”
- Move Type I permitted uses to the Rural Lands Zones Use Table and alphabetize uses for easier reference
- Change “Handicapped Housing Facility” to “Dwelling, Disabled Housing Facility” to incorporate same terminology used in ORS 456.515

Section 3.306

- Delete and incorporate Type II conditional uses to the Rural Lands Zones Use Table and alphabetize uses for easier reference
- Change “A general store including retail grocery, bakery, delicatessen, drug, garden, feed and seed, or similar store, including the preparation of foodstuffs for sale primarily on the premises” to “Retail Sales, Foodstuffs”.
- Change “Eating or drinking establishment” to “Restaurant”.
- Change “One residential use in association with a permitted outright or conditional use such as a dwelling for the owner or operator or caretaker of a commercial activity” to “Dwelling, Owner/Operator”
- Change “Sale of pre-split firewood” to “Firewood, Pre-split Sales”

Section 4.2930

- Change section number
- Change section title from “Conditional Development and Use Criteria” to “Dimensional and Performance Standards”
- Move numbered standards to tabular format and arrange by type of standard (ex: group all setback requirements together)

Section 3.314

- Delete as this is proposed to be incorporated into Article II as it applies to all zoning districts.

GC ZONE

Section 4.3000

- Change section number

Section 4.3010

- Change section number

Section 3.344

- Delete and include in Section 4.3010

Section 4.3020

- Change section number
- Change section title from “Development and Use Permitted” to “Permitted and Conditional Uses”
- Move Type I permitted uses to the Rural Lands Zones Use Table and alphabetize uses for easier reference
- Change “Splitting and sale of firewood” to “Firewood, splitting and sale”
- Change “Low intensity recreation” to “Recreation, Low Intensity”.

Section 3.348

- Delete and incorporate Type II conditional uses to the Rural Lands Zones Use Table and alphabetize uses for easier reference
- Change “A general store including retail grocery, bakery, delicatessen, drug, garden, feed and seed, or similar store, including the preparation of foodstuffs for sale primarily on the premises including the preparation of foodstuffs for sale primarily on the premises, provided building or buildings for each commercial use does not exceed 3,000 square foot of floor area.” to “Retail Sales, Foodstuffs” and put standards in Rural Lands Zones Use Table.
- Change “A retail drug, variety, gift, antique, garden, hardware, sporting goods, dry goods, music, florist, book, stationery, art gallery, or similar store provided building or buildings for each commercial use does not exceed 3,000 square foot of floor area.” to “Retail Sales and Services” and put standards in Rural Lands Zones Use Table. Create definition.
- Change “A barber, beauty, tailor, shoe repair, laundromat, cleaners, photographic shop or similar personal service business, provided building or buildings for each commercial use does not exceed 3,000 square foot of floor area.” to “Personal Services” and put standards in Rural Lands Zones Use Table. Create definition.
- Include sporting equipment rental in the definition of “Retail Sales and Services” and delete “Sporting equipment and other recreational equipment rental service, provided building or buildings for each commercial use does not exceed 3,000 square foot of floor area.”
- Change “Eating or drinking establishment, provided building or buildings for each commercial use does not exceed 3,000 square foot of floor area.” to “Restaurant” and put standards in Rural Lands Zones Use Table. Create definition.
- Change “hotel, motel, tourist court, lodge, resort, inn, or other enclosed tourist/traveler accommodations, size limitation maximum of twenty-five units” to “Transient lodging”. Incorporate standards into Rural Lands Zones Use Table. Create definition.
- Change “Builders supplies including retail sales of plumbing, heating, electrical, construction, and painting supplies, provided building or buildings for each commercial use does not exceed 3,000 square foot of floor area” to “Retail Sales, Home Improvement”, Incorporate standards into Rural Lands Zones Use Table.
- Change “Farm and Forestry Supplies and equipment sales and services” to “Retail Sales, Farm and Forestry Supply”
- Change “Extensive commercial services such as cabinet shop, contractor’s offices and storage, equipment, rentals, mini-storage, sheet metal, plumbing and machine shops, tire shops including incidental recapping, printing and publishing provided building or buildings for each commercial use does not exceed 3,000 square foot of floor area” to “Contractor Establishment”. Create separate uses for “tire shops”, “mini-storage”, and “printing and publishing”.
- Delete “Second hand stores operated within an enclosed building provided building or buildings for each commercial use does not exceed 3,000 square foot of floor area” and include with “Retail Sales and Services”
- Change “Veterinary clinic” to “Clinic, Veterinary”
- Change “Small scale, light industrial developments such as assembly, fabricating, processing, compounding, packing and similar operations within an enclosed building, provided the buildings or buildings for each industrial use does not exceed 30,000 square feet of floor area” to “Industry, Light”
- Change “One residential use in association with a permitted outright or conditional use such as a dwelling for the owner or operator or caretaker of a commercial activity” to “Dwelling, Owner/Operator”

- Change “Change Amusement and entertainment enterprises, such as bowling alley, billiard hall, skating rink or theater subject to S3.640-S3.646 provided building or buildings for each commercial use does not exceed 3,000 square foot of floor area” to “Amusement Center”. Create definition for “Amusement Center”
- Change “Amusement enterprises such as games of skill and science, thrill rides, penny arcade, and shooting gallery subject to S3.640-S3.646 provided building or buildings for each commercial use does not exceed 3,000 square foot of floor area” to “Arcade. Create definition for “Arcade”

Section 3.350

- Delete and incorporate into Delete and incorporate into the “Dimensions and Standards Table”

Section 4.3030

- Change section number
- Change section title from “Development and Use Standards” to “Dimensional and Performance Standards”
- Move numbered standards to tabular format and arrange by type of standard (ex: group all setback requirements together)

Section 3.354

- Delete as this is proposed to be incorporated into Article II as it applies to all zoning districts.

TC ZONE

Section 4.3100

- Change section number

Section 4.3110

- Change section number
- Break numbered items into numbered bullet points
- Delete “to” in the second and third bullet points for consistency

Section 3.324

- Delete and include in Section 4.3110

Section 4.3120

- Change section number
- Change section title from “Development and Use Permitted” to “Permitted and Conditional Uses”
- Move Type I permitted uses to the Rural Lands Zones Use Table and alphabetize uses for easier reference
- Change “Residential developments in association with a development that is permitted or conditional such as a dwelling for the owner or operator of a commercial development” to “Dwelling, Owner/Operator”
- Change “Handicapped Housing Facility” to “Dwelling, Disabled Housing Facility” to incorporate same terminology used in ORS 456.515
- Change “Low intensity recreation” to “Recreation, Low Intensity”.

Section 3.328

- Delete and incorporate Type II conditional uses to the Rural Lands Zones Use Table and alphabetize uses for easier reference
- Change “A retail grocery, bakery, delicatessen, confectionary or similar store including the preparation of foodstuffs for sale primarily on the premises including the preparation of foodstuffs for sale primarily on the premises, provided building or buildings for each commercial

use does not exceed 3,000 square foot of floor area.” to “Retail Sales, Foodstuffs” and put standards in Rural Lands Zones Use Table.

- Change “A retail drug, variety, gift, antique, garden, hardware, sporting goods, dry goods, music, florist, book, stationery, art gallery, or similar store, provided building or buildings for each commercial use does not exceed 3,000 square foot of floor area.” to “Retail Sales and Services” and put standards in Rural Lands Zones Use Table. Create definition.
- Change “A barber, beauty, tailor, shoe repair, laundromat, cleaners, photographic shop or similar personal service business, provided building or buildings for each commercial use does not exceed 3,000 square foot of floor area.” to “Personal Services” and put standards in Rural Lands Zones Use Table. Create definition.
- Include sporting equipment rental in the definition of “Retail Sales and Services” and delete “Sporting equipment and other recreational equipment rental service, provided building or buildings for each commercial use does not exceed 3,000 square foot of floor area.”
- Change “Eating or drinking establishment, provided building or buildings for each commercial use does not exceed 3,000 square foot of floor area.” to “Restaurant” and put standards in Rural Lands Zones Use Table. Create definition.
- Change “Drive-in restaurant, provided building or buildings for each commercial use does not exceed 3,000 square foot of floor area” to “Restaurant, Drive-in” and put standards in Rural Lands Zones Use Table.
- Change “hotel, motel, tourist court, lodge, resort, inn, or other enclosed tourist/traveler accommodations, size limitation maximum of twenty-five units” to “Transient lodging”. Incorporate standards into Rural Lands Zones Use Table. Create definition.
- Change “Veterinary clinic” to “Clinic, Veterinary”
- Change “Professional offices such as real estate, legal, medical, planning and accounting provided building or buildings for each commercial use does not exceed 3,000 square foot of floor area” to “Office, Financial”, “Office, Medical” and “Office, Professional”.
- Change “Change Amusement and entertainment enterprises, such as bowling alley, billiard hall, skating rink or theater subject to S3.640-S3.646 provided building or buildings for each commercial use does not exceed 3,000 square foot of floor area” to “Amusement Center”. Create definition for “Amusement Center”
- Change “Amusement enterprises such as games of skill and science, thrill rides, penny arcade, and shooting gallery subject to S3.640-S3.646 provided building or buildings for each commercial use does not exceed 3,000 square foot of floor area” to “Arcade. Create definition for “Arcade”

Section 3.330

- Delete and incorporate into Delete and incorporate into the “Dimensions and Standards Table”

Section 4.3130

- Change section number
- Change section title from “Development and Use Standards” to “Dimensional and Performance Standards”
- Move numbered standards to tabular format and arrange by type of standard (ex: group all setback requirements together)

Section 3.334

- Delete as this is proposed to be incorporated into Article II as it applies to all zoning districts.

MR ZONE

Section 4.3200

- Change section number

Section 4.3210

- Change section number

Section 4.3220

- Change section number
- Change section title from “Development and Use Permitted” to “Permitted and Conditional Uses”
- Move Type I permitted uses to the Rural Lands Permitted and Conditional Uses Table and alphabetize uses for easier reference
- Include all Type I military-related uses under “Military Reserve”
- Change “Low intensity recreation” to “Recreation, Low Intensity”

Section 3.851

- Delete and incorporate Type II conditional uses to the Rural Lands Permitted and Conditional Uses Table and alphabetize uses for easier reference
- Change “Public or private recreation facilities such as riding stables, golf courses, boating docks or ramps etc. subject to the provisions of Section S4.200-S4.234” to “Recreation, Public or Private”.

Section 3.853

- Delete and incorporate Type III conditional uses to the Rural Lands Permitted and Conditional Uses Table and alphabetize uses for easier reference

Section 4.3230

- Change section number
- Change section title from “Development and Use Standards” to “Dimensional and Performance Standards”
- Move numbered standards to tabular format and arrange by type of standard (ex: group all setback requirements together)
- Change “Public Works Director” to “County Engineer” as that position will determine required stormwater improvements.

Section 3.857

- Delete and incorporate into Dimensional and Performance Standards table

Section 3.859

- Delete as this is proposed to be incorporated into Article II as it applies to all zoning districts.

EFU ZONE

Section 4.3300

- Change section number

Section 4.3310

- Change section number

Section 4.3320

- Change section number
- Change section name from “Development and Use Permitted” to “Permitted and Conditional Uses”
- Move Type I permitted uses to the Rural Agricultural Lands Permitted and Conditional Uses Table and alphabetize uses for easier reference

- Change “Propagation or harvesting of a forest product” to “Forest Products, Propagation and Harvesting”
- Change “Creation of, restoration of, or enhancement of wetlands” to “Wetlands, Restoration, Creation or Enhancement”
- Change “Operations for the exploration for and production of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520-005, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the wellhead” to “Resource Exploration and Production”; incorporate ORS citations and language regarding placement and operation of specified equipment into the standards column
- Change “Operations for the exploration for minerals as defined by ORS 517.750” to “Resource Exploration and Production”; incorporate ORS citation
- Change “Climbing and passing lanes within the right of way existing as of July 1, 1987” to “Transportation Facilities (Type I)”
- Change “Reconstruction or modification of public roads and highways, including the placement of utility facilities overhead and in the subsurface of public roads and highways along the public right of way, but not including the addition of travel lanes, where no removal or displacement of buildings would occur, or no new land parcels result” to “Transportation Facilities (Type I); incorporate specified activities into standards column
- Change “Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed” to “Transportation Facilities (Type I)”
- Change “Minor betterment of existing public road and highway related facilities such as maintenance yards, weigh stations and rest areas, within right of way existing as of July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public roads and highways” to “Transportation Facilities (Type I)”
- Change “Irrigation reservoirs, canals, delivery lines and those structures and accessory operational facilities, not including parks or other recreational structures and facilities, associated with a district as defined in ORS 540.505” to “District Improvements”
- Change “Fire service facilities providing rural fire protection services” to “Fire Service Facilities”
- Change “Churches, and cemeteries in conjunction with churches, subject to S3.508(1). This use is not permitted on high value farmland except that existing churches on high value farmland may be expanded subject to S3.508(3)” to “House of Worship”

Section 3.563

- Move Type II conditional uses to the Rural Agricultural Lands Permitted and Conditional Uses Table and alphabetize uses for easier reference
- Change “A facility for the processing of farm crops, biofuel or poultry subject to S3.501(1).” To “Processing Facility”
- Change “Land application of reclaimed water, agricultural or industrial process water or biosolids, or the onsite treatment of septage prior to land application of biosolids subject to S3.506(1)” to “Land Application”
- Change “A site for the takeoff and landing of model aircraft subject to S3.507(1)” to “Model Aircraft”

- Change “The propagation, cultivation, maintenance and harvesting of aquatic species that are not under the jurisdiction of the State Fish and Wildlife Commission or insect species and subject to S3.509” to “Aquatic Species”
- Change “Temporary hardship dwelling subject to S3.502(2), 3.508(2) and S3.509” to “Dwelling, Health Hardship”
- Change “Parking of up to seven log trucks subject to S3.509” to “Parking, Log Trucks”
- Change “Home occupation” to “Home Occupation, Conditional”
- Change “A landscape contracting business, as defined in ORS 671.520, or a business providing landscape architecture services, as described in ORS 671.318, if the business is pursued in conjunction with the growing and marketing of nursery stock on the land that constitutes farm use, and subject to S3.509” to “Landscaping, Contracting or Architecture”
- Change “Commercial activities in conjunction with farm use, including the processing of farm crops into biofuel not permitted under Subsection **Error! Reference source not found.** and subject to S3.503(5) and S3.509, but excluding activities in conjunction with a marijuana crop” to “Farm Use, Commercial Activity in Conjunction With”
- Change “A dwelling on property used for farm use located on the same lot or parcel as the dwelling of the farm operator, and occupied by a relative of the farm operator or farm operator’s spouse if the farm operator does, or will, require the assistance of the relative in the management of the farm use subject to S3.502(1), and S3.508(2)” to “Dwelling, Farm Use”
- Change “A dwelling on property used for farm use located on the same lot or parcel as the dwelling of the farm operator, and occupied by a relative of the farm operator or farm operator’s spouse if the farm operator does, or will, require the assistance of the relative in the management of the farm use subject to S3.502(1), and S3.508(2)” to “Dwelling, Farm Operator Relative”
- Change “Accessory farm dwellings for year-round and seasonal farm workers subject to s3.508(2) and S3.511” to “Dwelling, Accessory Farm
- Change “One single-family dwelling on a lawfully created lot or parcel subject to S3.508(2) and S3.512” to “Dwelling, Lot of Record”
- Change “Single-family residential dwelling, not provided in conjunction with farm use subject to S3.508(2) and S3.513” to “Dwelling, Non-Farm Use”
- Change “Replacement dwelling to be used in conjunction with farm use if the existing dwelling has been listed in a county inventory as historic property as defined in ORS 358.480 and listed on the National Register of Historic Places subject to S3.508(2)” to “Dwelling, Replacement of Historic Structure”
- Change “Alteration, restoration, or replacement of a lawfully established dwelling subject to S3.508(2) and S3.514” to “Dwelling, Replacement, Alteration, Restoration”

Section 3.564

- Move Type IIA conditional uses to the Rural Agricultural Lands Permitted and Conditional Uses Table and alphabetize uses for easier reference
- Change “A facility for the primary processing of forest products subject to S3.501(2) and S3.509” to “Forest Products, Processing”
- Change “Commercial dog boarding kennels or dog training classes or testing trials that cannot be established under **Error! Reference source not found.** and subject to S3.509” to “Dog Boarding Kennels, Commercial”
- Change “Operations conducted for mining and processing of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005 not otherwise permitted and subject to S3.509” to “Mining and Processing”

- Change “Operations conducted for mining, crushing or stockpiling of aggregate and other mineral and other subsurface resources subject to ORS 215.298 and subject to S3.509.
- Processing as defined by ORS 517.750 of aggregate into asphalt or portland cement subject to S3.504(1) and S3.509” to “Mining or Processing”
- Change “Processing of other mineral resources and other subsurface resources, subject to S3.509” to “Mining and Processing”
- Change “Construction of additional passing and travel lanes requiring the acquisition of right of way but not resulting in the creation of new land parcels, subject to S3.509” to “Transportation Facilities (Type II)”
- Change “Reconstruction or modification of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new land parcels, subject to S3.509” to “Transportation Facilities (Type II)”
- Change “Improvement of public road and highway related facilities, such as maintenance yards, weigh stations and rest areas, where additional property or right of way is required but not resulting in the creation of new land parcels, subject to S3.509” to “Transportation Facilities (Type II)”
- Change “Transportation improvements on rural lands allowed by and subject to the requirements of OAR 660-012-0065 and S3.509” to “Transportation Facilities (Type II)”
- Change “Personal-use airports for airplanes and helicopter pads, including associated hangar, maintenance and service facilities subject to S3.505(1) and S3.509” to “Airport”
- Change “Commercial utility facilities for the purpose of generating power for public use by sale, not including wind or solar power generation facilities, subject to S3.517(1) and S3.509” to “Power Generation”
- Change “Wind power generation facilities as commercial utility facilities for the purpose of generating power for public use by sale subject to S3.517(2) and S3.509” to “Power Generation”
- Change “Photovoltaic solar power generation facilities as commercial utility facilities for the purpose of generating power for public use by sale subject to S3.517(3) and S3.509” to “Power Generation”
- Change “A site for the disposal of solid waste for which a permit has been granted under ORS 459.245 by the Department of Environmental Quality together with equipment, facilities or buildings necessary for its operation, subject to S3.509. This use is not permitted on high value farmland except that existing facilities on high value farmland may be expanded subject to S3.506(5) and S3.508(3)” to “Solid Waste Disposal Site”
- Change “Living history museum as defined in ORS 215.283(2)(x) and subject to S3.507(2), S3.508(1) and (3), and S3.509” to “Museum, Living History”
- Change “Public parks and playgrounds subject to S3.507(4), S3.508(1), and S3.509” to “Park or Playground, Public”
- Change “Expansion of existing county fairgrounds and activities directly relating to county fairgrounds governed by county fair boards established pursuant to ORS 565.210, and subject to S3.509” to “Fairgrounds”
- Change “Public or private schools for kindergarten through grade 12, including all buildings essential to the operation of a school, primarily for residents of the rural area in which the school is located, subject to S3.508(1) and S3.509. This use is not permitted on high value farmland except that existing schools on high value farmland may be expanded subject to S3.507(5) and S3.508(3)” to “Schools”

- Change “Private parks, playgrounds, hunting and fishing preserves, and campgrounds subject to S3.507(6), S3.508(1), and S3.509. This use is not permitted on high value farmland except that existing private parks on high value farmland may be expanded subject to S3.508(3)” to “Park or Playground, Private”, “Preserve, Hunting and Fishing, Private” and “Campgrounds, Private”
- Change “Any outdoor gathering of more than 3,000 persons that is anticipated to continue for more than 120 hours in any three-month period is subject to review by a county planning commission under ORS 433.763” to “Outdoor Mass Gathering, More than 120-Hour Duration”; incorporate ORS citation into standards column

Section 4.3330

- Change section number
- Change section title from “Development and Use Standards” to “Land Division and Dimensional Standards”
- Move numbered standards to tabular format and arrange by type of standard (ex: group all setback requirements together)

AF ZONE

Section 4.3400

- Change section number

Section 4.3410

- Change section number
- Delete old language that refers to the AF-20 and F-38 zones.

Section 4.3420

- Change section number
- Change section name from “Development and Uses Permitted” to “State Forestry-Regulated, Permitted and Conditional Uses”
- Move State Forestry-Related uses to the Conservation Forest Lands Permitted and Conditional Uses Table and alphabetize uses for easier reference

Section 3.514

- Move Type I permitted uses to the Conservation Forest Lands Permitted and Conditional Uses Table and alphabetize uses for easier reference
- Change “Temporary portable facility for the primary processing of forest products” to “Forest Products, Temporary Processing”
- Change “Physical alterations to the land auxiliary to forest practices” to “Auxiliary Alterations”
- Change “Local distribution lines” to “Distribution Lines” and add note that it is for local distribution lines for electric, telephone, natural gas and what types of equipment are allowed
- Change “Uses to conserve soil, air and quarter quality” to “Conservation Uses”
- Change “Uninhabitable structures accessory to fish and wildlife enhancement” to “Structures, Uninhabitable”
- Change “Towers and fire stations for forest fire protection” to “Forest Fire Protection”
- Change “Temporary forest labor camps” to “Forest Labor Camps, Temporary”
- Change “Alteration, restoration or replacement of a lawfully established dwelling” to “Dwelling, Replacement, Alteration, Restoration”
- Change “Caretaker residences for public parks and fish hatcheries” to “Dwelling, Caretaker Residence”
- Change “Private hunting and fishing operations without any lodging accommodations” to “Hunting and Fishing Operations, Private”

- Change “Widening of roads within existing rights-of-way in conformance with the Transportation Element of the Comprehensive Plan including public road and highway projects” to “Transportation Facilities (Type I)”
- Change “Temporary on-site structures which are auxiliary to and used during the term of a particular forest operation” to “Auxiliary Structures, Temporary”
- Delete duplicate listing of “Temporary forest labor camps”
- Change “Public or private schools for kindergarten through grade 12” to “Schools”
- Change “Churches and cemeteries in conjunction with churches” to “House of Worship”
- Change “Creation, restoration or enhancement of wetlands” to “Wetlands, Restoration, Creation or Enhancement”
- Change “Operations for the exploration for minerals” to “Exploration and Operations”
- Change “A replacement dwelling to be used in conjunction with farm use if the existing dwelling has been listed in the County’s inventory as historic property or on the National Register of Historic Places” to “Dwelling, Replacement of Historic Structure”
- Change “Accessory farm dwellings for year-round and seasonal farm workers housing” to “Dwelling, Accessory Farm”
- Change “Those uses not listed above that are permitted in Section 3.562 of the Exclusive Farm Use (EFU) Zone and Section 3.553 of the Forest 80 Zone (F-80)” to “EFU Uses, Type I” and F-80 Uses, Type I”
- **Section 3.518**
- Move Type II conditional uses to the Conservation Forest Lands Permitted and Conditional Uses Table and alphabetize uses for easier reference
- Change “Home occupation, not related to auto/machinery repair or painting” to “Home Occupation, Conditional”
- Change “The propagation, cultivation, maintenance and harvesting of aquatic species” to “Aquatic Species”
- Change “New electric transmission lines” to “Transmission Lines, New”
- Change “Reservoirs and water impoundments” to “Water Impoundments or Reservoirs” in order to keep water-related uses together alphabetically
- Delete duplicate transportation improvements that are already listed as a Type I use
- Change “Health hardship dwelling” to “Dwelling, Health Hardship”
- Change “The dwellings and other buildings customarily provided in conjunction with farm use” to “Dwelling, Farm Use”
- Change “A dwelling on real property used for farm use” to “Dwelling, Farm Operator Relative”
- Separate 3.518(14) into three separate listings: “Dwelling, Small Tract/Poor Soils”, “Dwelling, Large Tract” and “Dwelling, Template Test”
- Change “Storage structures for emergency supplies” to “Structures, Emergency Storage”
- Change “Those uses not listed above that are permitted in Section 3.563 of the Exclusive Farm Use (EFU) Zone and Section 3.554 of the Forest 80 Zone (F-80)” to “EFU Uses, Type II” and F-80 Uses, Type II”

Section 3.519

- Move Type IIA conditional uses to the Conservation Forest Lands Permitted and Conditional Uses Table and alphabetize uses for easier reference
- Change “Disposal site for solid waste” to “Solid Waste Disposal Site”

- Change “A facility for the primary processing of forest products” to “Forest Products, Permanent Processing”
- Change “Private seasonal accommodations for fee hunting operations” to “Hunting and Fishing Operations, Private, Seasonal Accommodations” and combined with 3.519(9)
- Separate “Private parks, playgrounds, hunting and fishing preserves and campgrounds” into separate uses “Park, Private”, “Playground, Private”, Preserve, Hunting and Fishing, Private” and “Campground, Private”
- Separate “Parks, playgrounds or community centers owned and operated by a governmental agency or a non-profit community organization” into separate uses: “Park, Public”, “Playground, Public” and “Community Center”
- Change “Utility facilities for the purpose of generating power” to “Power Generation Facility”
- Combine Section 3.519(15) and 3.519(16)
- Combine 3.519(17)-(24) and deleted duplicate uses already listed as Type I
- Change “Fire stations for rural fire protection” to “Fire Stations, New”
- Change “Those uses not listed above that are permitted in Section 3.564 of the Exclusive Farm Use (EFU) Zone and Section 3.555 of the Forest 80 Zone (F-80)” to “EFU Uses, Type IIA” and F-80 Uses, Type IIA”

Section 4.3430

- Change section number
- Change section title from “Development and Use Standards” to “Land Division and Dimensional Standards”
- Move numbered standards to tabular format and arrange by type of standard (ex: group all setback requirements together)

Section 3.524

- Delete as this language has been moved to Article II

F-80 ZONE

Section 4.3500

- Change section number

Section 4.3510

- Change section number

Section 4.3520

- Change section number
- Change section name from “Development and Uses Permitted” to “State Forestry-Regulated, Permitted and Conditional Uses”
- Move State Forestry-Related uses to the Conservation Forest Lands Permitted and Conditional Uses Table and alphabetize uses for easier reference

Section 3.553

- Move Type I permitted uses to the Conservation Forest Lands Permitted and Conditional Uses Table and alphabetize uses for easier reference
- Change “Uses to conserve soil, air and quarter quality” to “Conservation Uses”
- Change “Local distribution lines” to “Distribution Lines” and add note that it is for local distribution lines for electric, telephone, natural gas and what types of equipment are allowed
- Change “Temporary portable facility for the primary processing of forest products” to “Forest Products, Temporary Processing”
- Combine Section 3.553(5)-(8) into “Transportation Facilities, Type I”

- Change “Private hunting and fishing operations without any lodging accommodations” to “Hunting and Fishing Operations, Private”
- Change “Towers and fire stations for forest fire protection” to “Forest Fire Protection”
- Change “Uninhabitable structures accessory to fish and wildlife enhancement” to “Structures, Uninhabitable”
- Change “Temporary forest labor camps” to “Forest Labor Camps, Temporary”
- Change “Alteration, restoration or replacement of a lawfully established dwelling” to “Dwelling, Replacement, Alteration, Restoration”
- Change “Maintenance or in-kind replacement of water intake facilities” to “Water Intake Facilities, Maintenance and Replacement”
- Change “Replacement of existing fire stations” to “Fire Stations, Replacement”

Section 3.554

- Move Type II conditional uses to the Conservation Forest Lands Permitted and Conditional Uses Table and alphabetize uses for easier reference
- Change “A large tract forest dwelling” to Dwelling, Large Tract”
- Change “An ownership of record dwelling” to “Dwelling, Lot of Record” Section 3.518
- Change “A manufactured dwelling or recreational vehicle, or the temporary residential use of an existing building, in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or relative” to “Dwelling, Health Hardship”
- Change “Reservoirs and water impoundments” to “Water Impoundments or Reservoirs” in order to keep water-related uses together alphabetically
- Change “Storage structures for emergency supplies” to “Structures, Emergency Storage”

Section 3.555

- Move Type IIA conditional uses to the Conservation Forest Lands Permitted and Conditional Uses Table and alphabetize uses for easier reference
- Change “Home occupations” to “Home Occupation, Conditional”
- Change “Permanent facility for the primary processing of forest products” to “Forest Products, Permanent Processing”
- Change “Private seasonal accommodations for fee hunting operations” to “Hunting and Fishing Operations, Private, Seasonal Accommodations” and combined with 3.555(6)
- Change “Temporary asphalt and concrete batch plants” to “Asphalt Batching Plant, Temporary”
- Change “Expansion of existing airport” to “Airport” and noted it is for expansion of an existing facility only
- Change “New electric transmission lines” to “Transmission Lines, New”
- Change “Commercial utility facilities for the purpose of generating power” to “Power Generation Facility”
- Change “Disposal site for solid waste” to “Solid Waste Disposal Site”
- Change “Fire stations for rural fire protection” to Fire Stations, New”
- Change “Caretaker residences for public parks and fish hatcheries” to “Dwelling, Caretaker Residence”
- Change “Public parks” to “Parks, Public”
- Change “Private parks and campgrounds” to “Parks, Private” and “Campground, Private”

Section 4.3530

- Change section number

- Change section title from “Development and Use Standards” to “Land Division and Dimensional Standards”
- Move numbered standards to tabular format and arrange by type of standard (ex: group all setback requirements together)

Section 3.558

- Delete as this language has been moved to Article II

AC-1 ZONE

Section 4.3600

- Change section number

Section 4.3610

- Change section number

Section 4.3620

- Change section number
- Change section name from “Permitted Development” to “Permitted and Conditional Uses”
- Move Type I permitted uses to the Conservation Other Resources Permitted and Conditional Uses Table and alphabetize uses for easier reference
- Change “Undeveloped low intensity water dependent” to “Water Dependent Use” and limit to low intensity and undeveloped uses only
- Change “Passive restoration measures” to “Restoration, Passive”
- Change “Vegetative shoreline stabilization” to “Shoreline Stabilization, Vegetative”
- Change “Projects for the protection of habitat, nutrient, fish, wildlife and aesthetic resources” to “Resource Protection Projects”
- Change “Emergency repair to existing functional and serviceable dikes” to “Dikes, Emergency Repair” and note functional and serviceable dikes only
- Change “Temporary dike for emergency flood protection, subject to state and federal requirements” to “Dikes, Temporary” and note state and federal requirements
- Change “Research and educational observations” to “Research and Education Observation” to be consistent with nomenclature used in other zones
- Incorporate “Piling and dredging in conjunction with permitted uses (3), and (5) through (8) listed above, pursuant to the applicable standards in Sections S4.208 and S4.232” into individual uses and add referenced standards to each use
- Incorporate “Filling in conjunction with permitted uses (5) through (7) listed above, pursuant to the applicable standards in Section S4.235” into individual uses and add referenced standards to each use

Section 3.766

- Move Type II review uses to the Conservation Other Resources Permitted and Conditional Uses Table and alphabetize uses for easier reference
- Change “Individual docks and boat ramps for public use where neither dredging nor filling for navigation access is needed” (included with introductory paragraph) to “Boat Docks and Ramps”; include dredging and filling standards
- Change “Pipelines, cables and utility crossings” to “Crossings, Utilities, Cable and Pipelines”
- Change “Maintenance and repair of existing structures or facilities, including dikes” to “Maintenance and Repair of Existing Structures and Facilities”
- Change “Installation of tidegates in existing functional dikes” to “Tidegates” and add “Installation in existing functional dikes” to Standards column

- Change “Structural shoreline stabilization” to “Shoreline Stabilization, Structural”
- Change “Water dependent portions of an aquaculture facility which do not involve dredge or fill or other estuarine alteration other than incidental dredging for harvest of benthic species or removable in-water structures such as stakes or racks” to “Aquatic Facilities” and list requirements in Standards column
- Change “Bridge crossings” to “Crossings, Bridge”
- List “Piling” as a permitted use in conjunction with specified Review Uses and include standards from Section 4.208 with each applicable use
- List “Dredging” as a permitted use in conjunction with specified Review Uses and include standards from Section 4.232 with each applicable use
- List “Filling” as a permitted use in conjunction with specified Review Uses and include standards from Section 4.235 with each applicable use
- Change “Dredging to obtain fill material for dike maintenance” to “Dredging”; list “fill material for dike maintenance” as a standard; include Resource Capability Determination standards
- Change “Temporary alterations” to “Alterations, Temporary” and include Resource Capability Determination standards
- Change “Temporary uses involving an existing structure or involving new facilities requiring minimal capital investment and no permanent structure” to “Uses, Temporary”; list standards; include Resource Capability Determination standards
- Add “Piling”, “Dredging” and “Filling” to list of uses permitted in conjunction with Review Uses listed; add standards from Sections 4.208, 4.232 and 4.235

Section 3.768

- Move Type II conditional uses to the Conservation Other Resources Permitted and Conditional Uses Table and alphabetize uses for easier reference
- Change “Bridge crossing support structures” to “Crossings, Bridge Support Structures” and add Resource Capability Determination standards
- Change “Water dependent portions of an aquaculture facility which do not involve dredge or fill or other estuarine alteration other than incidental dredging for harvest of benthic species or removable in-water structures such as stakes or racks” to “Aquatic Facilities” and list requirements in Standards column. **NOTE: This use was eliminated as a Type IIR and left as a Type II. The Type IIR criteria in Section 3.766(10)-(12) allow piling, dredging and filling, even though 3.766(6) says those activities are not permitted.**
- Change “Active restoration measures” to “Restoration, Active” and include Resource Capability Determination standards
- Change “Storm water and treated wastewater outfalls” to “Outfalls, Stormwater and Wastewater”; include requirement for treated wastewater only in standards column; include Resource Capability Determination standards
- Change “Minor navigational improvements” to “Navigational Improvements, Minor”; include Resource Capability Determination standards
- Add “Piling”, “Dredging” and “Filling” to list of uses permitted in conjunction with Review Uses listed; add standards from Sections 4.232 and 4.235

Section 4.3630

- Change section number
- Move numbered standards to tabular format and arrange by type of standard (ex: group all setback requirements together)

Section 3.772

- Delete as this language has been moved to Article II

AC-2 ZONE

Section 4.3700

- Change section number

Section 4.3710

- Change section number

Section 4.3720

- Change section name from “Permitted Development” to “Permitted and Conditional Uses”
- Move Type I permitted uses to the Conservation Other Resources Permitted and Conditional Uses Table and alphabetize uses for easier reference
- Change “Undeveloped low intensity water-dependent recreation” to “Recreation, Low-Intensity, Water-Dependent”
- Change “Passive restoration measures” to “Restoration, Passive”
- Change “Vegetative shoreline stabilization” to “Shoreline Stabilization, Vegetative”
- Change “Projects for the protection of habitat, nutrient, fish, wildlife and aesthetic resources” to “Resource Protection Projects”
- Change “Emergency repair to existing functional and serviceable dikes” to “Dikes, Emergency Repair” and note functional and serviceable dikes only
- Change “Temporary dike for emergency flood protection, subject to state and federal requirements” to “Dikes, Temporary” and note state and federal requirements
- Change “New floating residences” to “Dwelling, Floating; incorporate standards from Section 4.207.
- Incorporate “Piling and dredging in conjunction with permitted uses (3) and (5) through (9) listed above, pursuant to the applicable standards in Sections S4.208 and S4.232” into individual uses and add referenced standards to each use
- Incorporate “Filling in conjunction with permitted uses (5), (7) and (8) listed above, pursuant to the applicable standards in Section S4.235” into individual uses and add referenced standards to each use

Section 3.786

- Move Type II review uses to the Conservation Other Resources Permitted and Conditional Uses Table and alphabetize uses for easier reference
- Change “Individual docks and boat ramps for public use where neither dredging nor filling for navigation access is needed” to “Boat Docks and Ramps”; include dredging and filling standards
- Change “Pipelines, cables and utility crossings” to “Crossings, Utilities, Cable and Pipelines”
- Change “Maintenance and repair of existing structures or facilities, including dikes” to “Maintenance and Repair of Existing Structures and Facilities”
- Change “Installation of tidegates in existing functional dikes” to “Tidegates” and add “Installation in existing functional dikes” to Standards column
- Change “Structural shoreline stabilization” to “Shoreline Stabilization, Structural”
- Change “Water dependent portions of an aquaculture facility which do not involve dredge or fill or other estuarine alteration other than incidental dredging for harvest of benthic species or removable in-water structures such as stakes or racks” to “Aquatic Facilities” and list requirements in Standards column
- Change “Bridge crossings” to “Crossings, Bridge”

- List “Piling” as a permitted use in conjunction with specified Review Uses and include standards from Section 4.208 with each applicable use
- List “Dredging” as a permitted use in conjunction with specified Review Uses and include standards from Section 4.232 with each applicable use
- List “Filling” as a permitted use in conjunction with specified Review Uses and include standards from Section 4.235 with each applicable use
- Change “Dredging to obtain fill material for dike maintenance” to “Dredging”; list “fill material for dike maintenance” as a standard; include Resource Capability Determination standards
- Change “Temporary alterations” to “Alterations, Temporary” and include Resource Capability Determination standards
- Change “Temporary uses involving an existing structure or involving new facilities requiring minimal capital investment and no permanent structure” to “Uses, Temporary”; list standards; include Resource Capability Determination standards
- Add “Piling”, “Dredging” and “Filling” to list of uses permitted in conjunction with Review Uses listed; add standards from Sections 4.208, 4.232 and 4.235

Section 3.788

- Move Type II conditional uses to the Conservation Other Resources Permitted and Conditional Uses Table and alphabetize uses for easier reference
- Change “Storm water and treated wastewater outfalls” to “Outfalls, Stormwater and Wastewater”; include requirement for treated wastewater only in standards column; include Resource Capability Determination standards
- Change “High intensity water-dependent recreation, including boat ramps and marinas” to “Recreation, High-Intensity, Water-Dependent”; include Resource Capability Determination Standards
- Change “Water dependent portions of an aquaculture facility which do not involve dredge or fill or other estuarine alteration other than incidental dredging for harvest of benthic species or removable in-water structures such as stakes or racks” to “Aquatic Facilities” and list requirements in Standards column. **NOTE: This use was eliminated as a Type IIR and left as a Type II. The Type IIR criteria in Section 3.786(9)-(11) allow piling, dredging and filling, even though 3.786(6) says those activities are not permitted.**
- Change “Minor navigational improvements” to “Navigational Improvements, Minor”; include Resource Capability Determination standards
- Change “Active restoration measures” to “Restoration, Active” and include Resource Capability Determination standards
- Add “Piling”, “Dredging” and “Filling” to list of uses permitted in conjunction with Review Uses listed; add standards from Sections 4.208, 4.232 and 4.235

Section 4.3730

- Change section number
- Move numbered standards to tabular format and arrange by type of standard (ex: group all setback requirements together)

Section 3.792

- Delete as this language has been moved to Article II

CS ZONE

Section 4.3800

- Change section number

Section 4.3810

- Change section number

Section 4.3820

- Change section name from “Permitted Development” to “Permitted and Conditional Uses”
- Move Type I permitted uses to the Conservation Other Resources Permitted and Conditional Uses Table and alphabetize uses for easier reference
- Change “Low intensity recreation” to “Recreation, Low-Intensity”
- Change “Temporary dike for emergency flood protection, subject to state and federal requirements” to “Dikes, Temporary” and note state and federal requirements
- Change “Dredged material disposal including beach nourishment at sites designated in the Comprehensive Plan” to “Beach Nourishment” and “Dredge Material Disposal” and add standards to each use
- Change “Passive restoration measures” to “Restoration, Passive”

Section 3.666

- Move Type II review uses to the Conservation Other Resources Permitted and Conditional Uses Table and alphabetize uses for easier reference
- Change “Structural shoreline stabilization” to “Shoreline Stabilization, Structural”
- Change “Maintenance and repair of existing structures or facilities, including dikes” to “Maintenance and Repair of Existing Structures and Facilities”
- Change “Active restoration, mitigation” to “Restoration, Active” and “Mitigation”
- Change “Individual dock or moorage or public recreational boat ramp with minimal on-shore facilities” to “Boat Docks and Ramps”; add minimal facilities standards

Section 3.668

- Move Type II conditional uses to the Conservation Other Resources Permitted and Conditional Uses Table and alphabetize uses for easier reference
- Change “Marine research and education facilities” to “Research and Education Facility, Marine”
- Change “High intensity water-dependent commercial and recreational facilities including boat ramps, moorages, or marina facilities” to “Recreation, High-Intensity, Water-Dependent”; include Resource Capability Determination Standards
- Change “Public Utility Structure” to “Utility, Public, Structure”
- Eliminated “Land Transportation Facilities” as a Type II use, as it is already listed as a Type I use in the CS zone
- Change “Landfalls and access corridors for sewer line, water line, submerge cables or other pipeline crossing” to “Crossings, Utilities, Cable and Pipelines”; list “landfalls and access corridors in Standards column
- Change “New dike and tide-gate construction” to “Dikes” and “Tidegates” and specify new construction only
- Change “Storm water and treated wastewater outfalls” to “Outfalls, Stormwater and Wastewater”; include requirement for treated wastewater only in standards column

Section 4.3830

- Change section number
- Move numbered standards to tabular format and arrange by type of standard (ex: group all setback requirements together)

Section 3.674

- Delete as this language has been moved to Article II

EAC ZONE

Section 4.3900

- Change section number

Section 4.3910

- Change section number

Section 4.3820

- Change section name from “Permitted Development” to “Permitted and Conditional Uses”
- Move Type I permitted uses to the Conservation Other Resources Permitted and Conditional Uses Table and alphabetize uses for easier reference
- Change “Passive restoration measures” to “Restoration, Passive”
- Change “Vegetative shoreline stabilization” to “Shoreline Stabilization, Vegetative”
- Change “Emergency repair to existing dikes, subject to state and federal requirements” to “Dikes, Emergency Repair”; add existing dikes and state and federal requirements to Standards column
- Change “Temporary dike for emergency flood protection, limited to 60 days, subject to state and federal requirements” to “Dikes, Temporary” and note 60-day and state and federal requirements
- Change “Maintenance and repair of dikes” to “Dikes”; specify dike repair only in Standards column
- Change “Undeveloped low intensity, water-dependent recreation” to “Recreation, Low-Intensity, Water-Dependent” specify undeveloped facilities only in Standards column
- Change “Emergency repair to the existing Highway 101 bridge or in an emergency situation, temporary bridge crossing, bridge crossing support structures and any necessary filling or dredging necessary for their installation, limited to 60 days, subject to state and federal requirements” to “Emergency Repairs”; includes limitations in Standards column
- Deleted “Property line adjustment” as a Type I use as property line adjustments are permitted in all zones subject to property line adjustment regulations and minimum lot size requirements

Section 3.706

- Move Type II conditional uses to the Conservation Other Resources Permitted and Conditional Uses Table and alphabetize uses for easier reference
- Change “Submerged cable, sewer line, water line, or other pipeline” to “Crossing, Utilities, Cable and Pipelines” and specify only submerged cable, sewer, water and pipelines in Standards column
- Change “Maintenance and repair of structures or facilities existing as of October 7, 1977, which no longer meet the purposes of the Ecola Aquatic Conservation zone” to “Maintenance and Repair of Existing Structures and Facilities” and include date limitation in Standards column
- Change “Bridge crossings” to “Crossing, Bridge”

Section 3.708

- Change “Riprap shoreline stabilization” to “Shoreline Stabilization, Structural”; specify riprap only and requirement for Resource Capability Determination in Standards column
- Change “Storm water and treated wastewater outfalls” to “Outfalls, Stormwater and Wastewater”; include requirement for treated wastewater only in standards column
- Change “Active restoration of fish habitat, wildlife habitat or water quality” to “Restoration, Active” and specify fish or wildlife habitat or water quality and requirement for Resource Capability Determination

- Change “Bridge crossing support structures and dredging necessary for their installation” to “Crossings, Bridge Support Structures” and including dredging necessary for installation and Resource Capability Determination requirements in Standards column
- Add “Dredging, fill, or piling installation necessary for the installation of a conditional use listed above” to list of specified conditional uses that require Resource Capability Determinations
- Change “Uses and activities permitted by an approved Goal Exception” to “Other”; specify requirement for goal exception and Resource Capability Determination” in Standards column
- Changed “Temporary alterations” to “Alterations, Temporary”

Section 4.3930

- Change section number
- Move numbered standards to tabular format and arrange by type of standard (ex: group all setback requirements together)

Section 3.711

- Delete as this language has been moved to Article II

LW ZONE

Section 4.4000

- Change section number

Section 4.4010

- Change section number

Section 3.612

- Delete section title and include in the “Purpose” statement

Section 4.4020

- Change section name from “Development and Use Permitted” to “Permitted and Conditional Uses”
- Move Type I permitted uses to the Conservation Other Resources Permitted and Conditional Uses Table and alphabetize uses for easier reference
- Change “Low intensity recreation” to “Recreation, Low-Intensity”
- Change “Passive restoration” to “Restoration, Passive”
- Change “Vegetative shoreline stabilization” to “Shoreline Stabilization, Vegetative”
- Change “Submerged cable, sewer line, water line, or other pipeline” to “Crossing, Utilities, Cable and Pipelines” and specify only submerged cable, sewer, water and pipelines in Standards column
- Change “Cultivation and harvest of cranberries, including irrigation equipment, pumps and ditches necessary for the management and protection of cranberries. This use is permitted only in the Delmoor Loop Road area as described in the County's Goal 5 Element” to “Agriculture” and include specific limitations in Standards column
- Change “Bridges and pile supported walkways or other piling supported structures under 500 sq.ft., other than docks” to “Bridges, Less than 500 SF”; include allowances for other pile-supported walkways and structures in Standards column

Section 3.614

- Move Type II conditional uses to the Conservation Other Resources Permitted and Conditional Uses Table and alphabetize uses for easier reference
- Change “Active restoration” to “Restoration, Active”
- Change “Structural shoreline stabilization limited to riprap” to “Shoreline Stabilization, Structural”; specify riprap only in Standards column

- Change “Bridges and pile supported walkways or other piling supported structures 500 sq.ft. or greater, other than docks” to “Bridges, Greater than 500 SF”; include allowances for other pile-supported walkways and structures in Standards column
- Change “Individual docks limited to 500 square feet for recreational or fishing use and necessary piling” to “Boat Docks and Ramps”; specify individual boat docks only, size limitation and permitted use in Standards column
- Change “Developments necessary for and accessory to cranberry cultivation and harvest, including equipment storage sheds, access roads and temporary cranberry storage facilities, but not including a residence. This use is permitted conditionally only in the Delmoor Loop Road area as described in the County's Goal 5 Plan Element” to “Agriculture, Accessory Uses”; include limitations in Standards column

Section 3.615

- Change “Low Intensity, non-structural agricultural uses subject to standards in S4.602” to “Agriculture, Low-Intensity, Non-Structural”; add ORS citation and S4.602 standards to Standards column
- Change “Selective harvesting of timber, subject to standards in S4.604” to “Logging”; specify selective harvesting of timber only; include ORS citation and S4.604 standards to Standards column

Section 4.4030

- Change section number
- Change section title from “Development and Conditional Development and Use Standards” to “Development Standards”
- Move numbered standards to tabular format and arrange by type of standard (ex: group all setback requirements together)
- Add riparian vegetation protection standards from Section 4.500, Standards Document

Section 3.617

- Delete as this language has been moved to Article II

NAC-2 ZONE

Section 4.4100

- Change section number

Section 4.4110

- Change section number

Section 4.4120

- Change section name from “Development and Use Permitted” to “Permitted and Conditional Uses”
- Move Type I permitted uses to the Conservation Other Resources Permitted and Conditional Uses Table and alphabetize uses for easier reference
- Change “Passive restoration” to “Restoration, Passive”
- Change “Vegetative shoreline stabilization” to “Shoreline Stabilization, Vegetative”
- Change “Temporary dike for emergency flood protection, limited to 60 days subject to state and federal requirements” to “Dikes, Temporary”; and include time limitation and state and federal requirements in Standards column

Section 3.862

- Move Type II conditional uses to the Conservation Other Resources Permitted and Conditional Uses Table and alphabetize uses for easier reference

- Change “Water-dependent portions of aquaculture facilities” to “Aquaculture Facilities”; include water-dependent limitation and requirement for site plan review and Resource Capability Determination in Standards column
- Combine “Boat ramp” and “Docks, piers, moorages” into “Boat Docks and Ramps”; include allowance for piers and moorages; add requirement for site plan review and Resource Capability Determination in Standards column
- Change “Maintenance and repairing structures or facilities existing as of October 7, 1977, which no longer meet the purposes of the Aquatic Conservation zone” to “Maintenance and Repair of Existing Structures and Facilities” and include date limitation and requirement for site plan review and Resource Capability Determination in Standards column
- Change “Storm water and treated wastewater outfalls” to “Outfalls, Stormwater and Wastewater”; include requirement for treated wastewater only; include requirement for site plan review and Resource Capability Determination in standards column
- Change “Submerged cable, sewer line, water line, or other pipeline” to “Crossing, Utilities, Cable and Pipelines” and specify only submerged cable, sewer, water and pipelines allowed; include requirement for site plan review and Resource Capability Determination in Standards column
- Change “Bridge crossings” to “Crossings, Bridge”; include requirement for site plan review and Resource Capability Determination in Standards column
- Change “Active restoration” to “Restoration, Active”; include requirement for site plan review and Resource Capability Determination
- Add “Dredging, fill or piling necessary for the installation of a Conditional Use (1-10)” to each conditional use
- Add “Piling for installation” to “Navigational Aids” and “Boat Docks and Ramps” Standards column
- Change “Structural shoreline stabilization limited to riprap” to “Shoreline Stabilization, Structural”; include riprap limitation and requirement for site plan review and Resource Capability Determination
- Delete “Property line adjustment” as a Type I use as property line adjustments are permitted in all zones subject to property line adjustment regulations and minimum lot size requirements

Section 4.4130

- Change section number
- Change section title from “Development and Use Standards” to “Development Standards”
- Move numbered standards to tabular format and arrange by type of standard (ex: group all setback requirements together)
- Add specific use standards to Conservation Other Resources Permitted and Conditional Uses Table
- Add “marina” standards to Uses Table under “Boat Docks and Ramps”
- Standards that did not have specific uses were included in the Development Standards table (Piling, Filling, Dredging, Utilities)

Section 3.829

- Delete as this language has been moved to Article II

OPR ZONE

Section 4.4200

- Change section number

Section 4.4210

- Change section number

Section 4.3620

- Change section number
- Change section name from “Development and Use Permitted” to “Permitted and Conditional Uses”
- Move Type I permitted uses to the Conservation Other Resources Permitted and Conditional Uses Table and alphabetize uses for easier reference
- Change “Public regional park or recreation area excluding campgrounds” into “Park, Public, Regional” and “Recreation Area” and include limitation on campgrounds in standards column
- Change “Other watersheds” to “Watersheds, Other”.
- Change “Public or private neighborhood park or playground” to “Park or Playground, Public or Private”
- Change “Municipally owned watersheds” to “Watersheds, Municipally-Owned”
- Change “Low intensity recreation” to “Recreation, Low Intensity”

Section 3.826

- Move Type II review uses to the Conservation Other Resources Permitted and Conditional Uses Table and alphabetize uses for easier reference
- Change “Group camping facilities” to “Camping, Group Facilities”
- Change “Hunting and fishing clubs” to “Clubs, Hunting and Fishing”
- Change “Hiking, nature observation or horse trails” to “Trails, Hiking, Nature Observation or Horse”
- Change “Other developments within a historical structure provided the use would not result in the modification of the outward appearance of the structure.” To “Historic Structure, Other Developments” and include limitations in Standards column
- Change “Riding stables” to “Stables, Riding”

Section 3.588

- Move numbered standards to tabular format for easier reference

Section 4.3630

- Change section number
- Change section title from “Development and Use Standards” to “Dimensional and Performance Standards”
- Move numbered standards to tabular format and arrange by type of standard (ex: group all setback requirements together)

Section 3.3.592

- Delete as this language has been moved to Article II

QM ZONE

Section 4.4300

- Change section number

Section 4.4310

- Change section number

Section 3.464

- Delete section heading and include section text in “Section 4.4310. Purpose.”

Section 4.4320

- Change section name from “Permitted Development” to “Permitted and Conditional Uses”
- Move Type I permitted uses to the Conservation Other Resources Permitted and Conditional Uses Table and alphabetize uses for easier reference
- Change “Surface of subsurface mining” to “Mining, Surface or Subsurface”
- Change “Concrete, ready-mix, or asphalt batching plant accessory to and on the same site as an existing or approved surface or subsurface mining operation, and subject to the standards in the Light Industrial (LI) zone Section 3.448(3)” to “Asphalt Batching Plant”; add LI zone standards to Standards column; include concrete and ready-mix as acceptable materials in addition to asphalt
- Change “Low-intensity recreation” to “Recreation, Low Intensity”
- Delete “Property line adjustment” as a permitted use as property line adjustments are permitted in all zones, subject to requirements in Section 5.200

Section 3.786

- Delete in its entirety

Section 4.4330

- Change section number
- Change section title from “Development and Use Standards” to “Dimensional and Performance Standards”
- Move numbered standards to tabular format and arrange by type of standard (ex: group all setback requirements together)
- Move #8 to “Rock Crushing” standard in Conservation Other Resources Permitted and Conditional Uses Table.

Section 3.472

- Delete as this language has been moved to Article II

RCP ZONE

Section 4.4400

- Change section number

Section 4.4410

- Change section number

Section 4.4420

- Change section name from “Permitted Development” to “Permitted and Conditional Uses”
- Move Type I permitted uses to the Conservation Other Resources Permitted and Conditional Uses Table and alphabetize uses for easier reference
- Change “Public regional park or recreation area excluding campgrounds” into “Park, Public, Regional” and “Recreation Area” and include limitation on campgrounds in standards column
- Change “Low intensity recreation” to “Recreation, Low-Intensity”
- Change “Public or private neighborhood park or playground” to “Park or Playground, Public or Private”

Section 3.293

- Move Type II conditional uses to the Conservation Other Resources Permitted and Conditional Uses Table and alphabetize uses for easier reference
- Change “By a Type III procedure, any uses determined by the Planning Commission to be similar in use and compatibility to those uses described under sections 1-3 above subject to the provisions of section 5.060” to “Similar Uses”; add standards to standards column

Section 3.295

- Move Type II-A uses to the Conservation Other Resources Permitted and Conditional Uses Table and alphabetize uses for easier reference

Section 4.4430

- Change section number
- Change section title from “Development and Use Standards” to “Dimensional and Performance Standards”
- Move numbered standards to tabular format and arrange by type of standard (ex: group all setback requirements together)
- Move RV standards to “Conservation Other Resources Permitted and Conditional Uses Table)

Section 3.296

- Delete as this language has been moved to Article II

RM ZONE

Section 4.4500

- Change section number

Section 4.4510

- Change section number

Section 4.4520

- Change section name from “Permitted Development” to “Permitted and Conditional Uses”
- Move Type I permitted uses to the Conservation Other Resources Permitted and Conditional Uses Table and alphabetize uses for easier reference
- Change “Low intensity recreation” to “Recreation, Low-Intensity”
- Change “General maintenance and operation of existing recreation facilities” and “Recreational improvements and additions necessary to serve the same visitor capacity served by the existing facilities provided that off-site impacts are not disturbed” to “Recreational Facilities, Type I” and add restrictions to Standards column

Section 3.597

- Move Type II conditional uses to the Conservation Other Resources Permitted and Conditional Uses Table and alphabetize uses for easier reference

Section 4.4530

- Change section number
- Change section title from “Development and Use Standards” to “Dimensional and Performance Standards”
- Move numbered standards to tabular format and arrange by type of standard (ex: group all setback requirements together)
- Move RV standards to “Conservation Other Resources Permitted and Conditional Uses Table)

Section 3.599

- Delete as this language has been moved to Article II

AN ZONE

Section 4.4600

- Change section number

Section 4.4610

- Change section number
- Change title from “Purpose and Areas Includes” to “Purpose” to be consistent with other zones

Section 4.4620

- Change section number
- Change section name from “Permitted Development” to “Permitted and Conditional Uses”
- Move Type I permitted uses to the Natural Permitted and Conditional Uses Table and alphabetize uses for easier reference
- Change “Undeveloped low intensity water dependent recreation” to “Recreation, Low-Intensity, Water-Dependent” and limit to undeveloped facilities only
- Change “Passive restoration measures” to “Restoration, Passive”
- Change “Vegetative shoreline stabilization” to “Shoreline Stabilization, Vegetative”
- Change “Emergency repair to existing functional and serviceable dikes” to “Dikes, Emergency Repair” and note functional and serviceable dikes only
- Change “Estuarine research and educational observation” to “Research and Education Observation” to be consistent with nomenclature used in other zones
- Change “Projects for the protection of habitat, nutrient, fish, wildlife and aesthetic resources” to “Resource Protection Projects”
- Incorporate “Piling in conjunction with permitted uses (1) through (7) listed above, pursuant to the applicable standards in Section S4.208” into individual uses and add referenced standards to each use
- Incorporate “Dredging in conjunction with permitted uses (4) and (5) listed above, pursuant to the applicable standards in Section S4.232” into individual uses and add referenced standards to each use

Section 3.806

- Move Type II review uses to the Natural Permitted and Conditional Uses Table and alphabetize uses for easier reference
- Change “Structural shoreline stabilization” to “Shoreline Stabilization, Structural” and add riprap limitation to Standards column
- Change “Maintenance and repair of existing structures or facilities, including dikes” to “Maintenance and Repair of Existing Structures and Facilities”
- Change “Bridge crossings” to “Crossings, Bridge”
- List “Piling” as a permitted use in conjunction with specified Review Uses and include standards from Section 4.208 with each applicable use
- List “Dredging” as a permitted use in conjunction with specified Review Uses and include standards from Section 4.232 with each applicable use
- List “Filling” as a permitted use in conjunction with specified Review Uses and include standards from Section 4.235 with each applicable use
- Change “Water dependent portions of an aquaculture facility which do not involve dredge or fill or other estuarine alteration other than incidental dredging for harvest of benthic species or removable in-water structures such as stakes or racks” to “Aquaculture Facilities” and list requirements in Standards column
- Change “Dredging to obtain fill material for dike maintenance” to “Dredging”; list “fill material for dike maintenance” as a standard; include Resource Capability Determination standards
- Change “Boat ramps for public use where neither dredging nor filling for navigation access is needed” to “Boat Ramps”; include piling standards and requirement for Resource Capability Determination
- Change “Temporary alterations” to “Alterations, Temporary” and include Resource Capability Determination standards

- Change “Bridge crossing support structures” to “Crossing, Bridge Support Structures” and add requirement for Resource Capability Determination and citations for piling, dredging and filling standards
- Change “Installation of tidegates in existing functional dikes” to “Tidegates” and add “Installation in existing functional dikes” to Standards column; include requirement for Resource Capability Determination and citations for piling and dredging standards
- Add “Piling”, “Dredging” and “Filling” to list of uses permitted in conjunction with Review Uses listed; add standards from Sections 4.208, 4.232 and 4.235

Section 3.808

- Move Type II conditional uses to the Natural Permitted and Conditional Uses Table and alphabetize uses for easier reference
- Change “Active restoration of fish and wildlife habitat or water quality” to “Restoration, Active” and include requirement for Resource Capability Determination; include piling, dredging and filling standards
- Change “Pipelines, cables and utility crossings” to “Crossings, Utilities, Cable and Pipelines”; include requirement for Resource Capability Determination; includes piling, dredging and filling standards
- Add “Piling”, “Dredging” and “Filling” to list of uses permitted in conjunction with Conditional Uses listed; add standards from Sections 4.208, 4.232 and 4.235

Section 4.4630

- Change section number
- Move numbered standards to tabular format and arrange by type of standard (ex: group all setback requirements together)

Section 3.812

- Delete as this language has been moved to Article II

NS ZONE

Section 4.4700

- Change section number

Section 4.4710

- Change section number
- Change title from “Purpose and Areas Included” to “Purpose” to be consistent with other zones

Section 4.3720

- Change section name from “Permitted Developments” to “Permitted and Conditional Uses”
- Move Type I permitted uses to the Natural Permitted and Conditional Uses Table and alphabetize uses for easier reference
- Change “Low intensity recreation” to “Recreation, Low Intensity”
- Change “Vegetative shoreline stabilization” to “Shoreline Stabilization, Vegetative”
- Change “Emergency repair to existing functional and serviceable dikes” to “Dikes, Emergency Repair” and note functional and serviceable dikes only
- Change “Research and educational observation” to “Research and Education Observation” to be consistent with nomenclature used in other zones

Section 3.686

- Move Type II review uses to the Natural Permitted and Conditional Uses Table and alphabetize uses for easier reference

- Change “Maintenance and repair of existing structures or facilities, including dikes” to “Maintenance and Repair of Existing Structures and Facilities”
- Change “Structural shoreline stabilization” to “Shoreline Stabilization, Structural” and limit to riprap only

Section 3.688

- Move Type II conditional uses to the Natural Permitted and Conditional Uses Table and alphabetize uses for easier reference
- Change “Marine research and/or education facilities” to “Research and Education Facility, Marine”
- Change “Restoration, mitigation” to “Restoration, Active”, “Restoration, Passive” and “Mitigation”
- Change “Landfalls and access corridors for sewer line, water line, submerged cables or other pipeline crossing” to “Crossings, Utilities, Cable and Pipelines”; include allowance for landfalls and access corridors

Section 4.4730

- Change section number
- Move numbered standards to tabular format and arrange by type of standard (ex: group all setback requirements together)

Section 3.694

- Delete as this language has been moved to Article II

NU ZONE

Section 4.4800

- Change section number

Section 4.4810

- Change section number

Section 4.4820

- Change section name from “Development and Use Permitted” to “Permitted and Conditional Uses”
- Move Type I permitted uses to the Natural Permitted and Conditional Uses Table and alphabetize uses for easier reference
- Change “Wildlife sanctuary or preserve” to “Preserve, Wildlife”
- Change “Forest or plant preserve” to “Preserve, Forest or Plant”
- Change “Low intensity recreation” to “Recreation, Low-Intensity”

Section 3.606

- Move Type II review uses to the Natural Permitted and Conditional Uses Table and alphabetize uses for easier reference
- Change “Facilities for scientific and educational observation and experimentation” to “Research and Education Observation”; include allowance for experimentation
- Change “The following public recreational/educational development limited to day use and provided that the development does not destroy or endanger the natural resources” to “Recreational Development”; include limitations in Standards column

Section 3.608

- Delete as this language has been moved to Article II

ARTICLE 4. ZONE REGULATIONS

ARTICLE 4. ZONE REGULATIONS

SECTION 4.0100. ESTABLISHMENT OF ZONES

The classification system used in the Clatsop County Comprehensive Plan was established and mapped as a management tool to implement the policies and intent of the Comprehensive Plan. The classifications are defined in the Land Use Planning Element of the Comprehensive Plan and the Development Patterns section of each of the Community Plans.

With each Plan classification, land use zones are established that are appropriate to carry out the intent and purpose of the Plan classification. The zone and district classification within each of the Comprehensive Plan designations for the County are shown in Table 4.1. The zone boundaries are as shown on the Clatsop County "Comprehensive Plan/Zoning Map" and Columbia River Estuary Resource Maps that in their present form are hereby adopted by reference. Where the abbreviated designation is used in this Ordinance, it has the same meaning as the entire classification title.

ARTICLE 4. ZONE REGULATIONS

Table 4.1 Comprehensive Plan Zoning Designations

| | | |
|-------------------------------------|--------|--|
| Conservation Forest Lands | AF | Agriculture Forest |
| | F80 | Forest 80 |
| Conservation Other Resources | AC1 | Aquatic Conservation One |
| | AC2 | Aquatic Conservation Two |
| | CS | Coastal Shorelands |
| | EAC | Ecola Aquatic Conservation |
| | LW | Lake and Wetland |
| | NAC2 | Necanicum Estuary Aquatic Conservation |
| | OPR | Open Space, Parks and Recreation |
| | QM | Quarry and Mining |
| | RCP | Rural Community Parks |
| | RM | Recreation Management |
| Natural | AN | Aquatic Natural |
| | NS | Natural Shorelands |
| | NU | Natural Uplands |
| Rural Agricultural Lands | EFU | Exclusive Farm Use |
| Rural Lands | CBR | Coastal Beach Residential |
| | CR | Coastal Residential |
| | GC | General Commercial |
| | MR | Military Reserve |
| | NC | Neighborhood Commercial |
| | RA1 | Residential Agriculture 1 |
| | RA2 | Residential Agriculture 2 |
| | RA5 | Residential Agriculture 5 |
| | RA10 | Residential Agriculture 10 |
| | SFR1 | Single Family Residential 1 |
| Development | TC | Tourist Commercial |
| | AC-RCR | Arch Cape Rural Community Residential |
| | AD | Aquatic Development |
| | KS-RCR | Knappa-Svensen Rural Community Residential |
| | HI | Heavy Industrial |
| | LI | Light Industrial |
| | MI | Marine Industrial |
| | RCC | Rural Community Commercial |
| | RCC-LI | Rural Community Light Industrial |

ARTICLE 4. ZONE REGULATIONS

| | | |
|--|---------|--|
| | RCI | Rural Community Industrial |
| | RC-MFR | Rural Community-Multi Family Residential |
| | RCR | Rural Community Residential |
| | RSA-MFR | Rural Service Area-Multi Family Residential |
| | RSA-SFR | Rural Service Area-Single Family Residential |
| | UGB | Urban Growth Boundary |

SECTION 4.0200. INTERPRETATION OF ZONE BOUNDARIES

Land use zone boundary lines shall be deemed to follow property lines, lot lines, or centerlines of streets, unless otherwise specified. Where a boundary line is not indicated as following a street, lot line or property ownership line, the boundary line shall be determined by the use of the scale designated on the zoning map. When questions arise concerning the exact location of a district boundary the Director shall interpret the zone boundaries or if need be, may refer the matter to the Planning Commission.

SECTION 4.0300. REVIEW OF LAND TRANSPORTATION FACILITIES FOR COMPLIANCE WITH LAND USE REGULATIONS

- 1) Except where otherwise specifically regulated by this ordinance, the following improvements are permitted outright uses and activities:
 - (A) Normal operation, maintenance, repair, and preservation activities of existing transportation facilities.
 - (B) Installation of culverts, pathways, medians, fencing, guardrails, lighting, water lines, sewer lines, and similar types of improvements within existing right-of-way.
 - (C) Projects specifically identified in the County's adopted Transportation System Plan including those projects in resource zones where the TSP includes required goal findings or a goal exception and the proposed project is determined to be consistent with the adopted goal findings or exception. Resource zones for the purpose of this section are: Lake and Wetland Zone (LW), Conservation Shoreland Zone (CS), Natural Shoreland Zone (NS), Ecola Aquatic Conservation Zone (EAC), Aquatic Conservation Two Zone (AC-2), Aquatic Conservation One (AC1), Beach and Dune Overlay Zone (BDO).
 - (D) Landscaping as part of a land transportation facility.
 - (E) Emergency measures necessary for the safety and protection of the public and property.
 - (F) Acquisition of right-of-way for public streets, highways, and other transportation improvements designated in the Transportation System Plan (TSP).

SECTION 4.0400. ZONE DESIGNATION OR OVERLAY BOUNDARY CHANGES

The change of a zone designation or in the change of a special purpose overlay

ARTICLE 4. ZONE REGULATIONS

boundary may be made by one of the following procedures, as applicable.

- 1) By the revision procedures of Section 2.8100.
- 2) By legislative action amending the Land Development map.

SECTION 4.0500. UPDATING THE COMPREHENSIVE PLAN AND ZONING MAPS

It shall be the responsibility of the Director to maintain the Comprehensive Plan and Zoning maps and to make any alterations to the map necessary to keep it up-to-date and current. A copy of the map as it existed on the effective date of this Ordinance shall be retained for reference. Amendments shall be made within ten (10) days of the effective date of an action that alters the boundary of a zone or special purpose overlay or which changes the designation of a parcel or parcels. If a discrepancy is found between the classification of land shown on the Comprehensive Plan or Zoning map and a record of action, the record of action shall prevail.

ARTICLE 4. ZONE REGULATIONS

SECTION 4.0600. ARCH CAPE RURAL COMMUNITY RESIDENTIAL ZONE (AC-RCR)

Section 4.0610. Purpose and Intent

The Arch Cape RCR zone is intended to accommodate the immediate and foreseeable demand for low density housing in Clatsop County's rural communities. This zone has been developed with the purpose to:

- (1) Allow residential development that is compatible with rural communities that wish to maintain a primarily single family rural residential character;
- (2) Do not adversely impact adjacent resource lands;
- (3) Allow for minimum lot sizes and densities, that will provide for an ultimate build out that is more commensurate with actual physical and environmental constraints, and the availability of community water and sewer facilities, and may provide for non-residential uses that are small in scale, intended for the needs of the local community or for people traveling through the rural community, and are compatible with surrounding uses.

Section 4.0620. Permitted and Conditional Uses

The uses listed in the Development Zoning Districts Permitted and Conditional Uses Table are allowed in this district.

Section 4.0630. Dimensional and Performance Standards

The following standards in Table are applicable to permitted uses in this zone.

| STANDARD | DIMENSION | NOTES |
|-----------------------|--|--|
| LOT DIMENSIONS | | |
| LOT SIZE: | <ol style="list-style-type: none">1) Parcels not served by an approved public community sewer system: one (1) acre2) Parcels served by an approved community, municipal or public sewer system: 7,500 SF | Lot size for conditional developments shall be based upon: <ol style="list-style-type: none">1) Site size needed for the proposed use;2) Nature of the proposed use in relation to the impacts on nearby properties; and3) Consideration of sewer district impacts and requirements; and4) Local setback and other criteria and standards of this ordinance. |
| LOT WIDTH: | 3) Parcels not served by | |

ARTICLE 4. ZONE REGULATIONS

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| | <p>an approved public community sewer system: 120 feet</p> <p>4) Parcels served by an approved community, municipal or public sewer system: 60 feet</p> | |
| LOT DENSITY: | <p>0-12% Slope</p> <ul style="list-style-type: none"> • 7,500 SF/ 1 DU • 15,000 SF / 2 DU <p>13-25% Slope</p> <ul style="list-style-type: none"> • 7,500 SF/ 1 DU • 15,000 SF / 2 DU <p>>25%</p> <ul style="list-style-type: none"> • 1 DU / acre | |
| LOT COVERAGE: | 40% maximum | |
| LOT WIDTH:DEPTH RATIO: | 1:3 | |
| CLUSTER DEVELOPMENTS: | | Subject to Sections 3.3000-3.3060 |
| GENERAL: | Other development and use standards as required to meet State sanitation requirements and local setback and ordinance requirements. | |
| SETBACKS | | |
| FRONT YARD: | <p>Distance from:</p> <ul style="list-style-type: none"> • Major arterial: 50 feet • Minor arterial: 30 feet. • Major collector: 30 feet • Minor collector: 25 feet. • Local street: 20 feet | Setbacks are measured from the abutting edge of the right-of-way when the front property line abuts one of these road classifications. |
| REAR YARD: | <ul style="list-style-type: none"> • 20 feet <p>Exceptions:</p> <ul style="list-style-type: none"> • Corner lot: 5 feet • Adjacent to resource zones: 50 feet | Resource zone setback applies to all structures. |
| SIDE YARD: | <ul style="list-style-type: none"> • 10 feet <p>Exceptions:</p> <ul style="list-style-type: none"> • Corner lot, street side: 20 feet; OR | Resource zone setback applies to all structures. |

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| | <ul style="list-style-type: none"> • Lots of record created prior to September 30, 1980, AND that are less than the minimum-required lot size: 5 feet • Adjacent to resource zones: 50 feet | |
| LINE OF NON-AQUATIC VEGETATION: | <ul style="list-style-type: none"> • 50 feet | Applies to all structures |
| OCEAN FRONT: | | Determined by the oceanfront setback line established by Section 3.0150 |
| ACCESSORY STRUCTURES: | <ul style="list-style-type: none"> • Accessory structures less than 10 feet tall: 5 feet • Accessory structures more than 10 feet tall: Same setbacks as primary structure • Accessory structures on corner lots: Same setbacks as primary structure | |
| BUILDING HEIGHT (MAXIMUM): | Ocean front lot: 18 feet Non-Ocean front lot: 26 feet | <p>The height of a structure is measured from the average grade of the undisturbed ground at the four principal corners of the proposed structure. To determine height:</p> <ul style="list-style-type: none"> • Construction/building plans shall show the elevations of the undisturbed ground prior to construction • Elevations shall be measured at the four principal corners of the proposed structure • A permanently |

ARTICLE 4. ZONE REGULATIONS

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| | | <p>accessible control point shall be established outside of the building's footprint</p> <ul style="list-style-type: none">• Photographs of the undisturbed site shall be required• Photographs need not be professional or aerial photographs• The Director may require a survey, prepared by a registered surveyor, in order to verify height |
| GENERAL REQUIREMENTS | | |
| STORMWATER RETENTION/DETENTION: | All new developments and cumulative or incremental expansion of an existing development footprint greater than twenty-five percent shall indicate on the development permit application how storm water is to be managed from the property or retained on site. The County Engineer may require the installation of culverts, dry wells, retention facilities, or other mitigation measures, where development may create adverse storm drainage impacts on surrounding properties, adjacent streams or wetlands, and particularly on low lands or on slopes greater than fifteen percent. | |
| FUTURE TRANSPORTATION IMPROVEMENTS: | In areas where the parcel or lot has the potential to be further partitioned or subdivided, the County Engineer shall, where practicable, require that roads be designated and located so as to facilitate the future division of land in a manner that accommodates smaller lot sizes and the extension of street and utilities and may require a potential development plat showing the location of potential lots and the rights-of-way improvements, to include those identified in the County Transportation System Plan (TSP). | |
| REPAIR OF EXISTING TRANSPORTATION IMPROVEMENTS: | Conditional Development and Use are subject to the following limitation and requirement: Prior to final building permit approval any/all road damages created or exacerbated by the development activity shall be repaired, and the road returned to its previous condition | |

ARTICLE 4. ZONE REGULATIONS

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| | or better. |
| EXTERIOR LIGHTING: | <ul style="list-style-type: none">• Exterior lighting shall be of a full cut-off design.• Glare shall be directed away from neighboring property or shielded in a manner not to cause offense (i.e. full cut-off fixtures). |
| VEGETATION: | <ul style="list-style-type: none">• Maintain or plant a 25-foot wide buffer of trees abutting Highway 101, when the property already contains an existing 25-foot wide tree buffer• Maintain a 25-foot wide buffer of native, non-invasive vegetation, combined with proper removal of noxious weeds, along Arch Cape, Asbury Creek, and Shark Creek.• Vegetative hedges and fences that impede or have the potential to impede views shall be maintained at or below six (6) feet.• Hedges and fences extending beyond the ocean front setback shall be maintained at or below four (4) feet.• Preservation of Landscape. The landscape shall be preserved in its natural state to the maximum extent possible by minimizing tree, vegetation and soils removal. Cut and fill construction methods are discouraged. Roads and driveways should follow slope contours in a manner that prevents erosion and rapid discharge into natural drainages. Disturbed areas shall be re-vegetated with native species. |
| PLANNED DEVELOPMENTS AND SUBDIVISIONS: | <p>All planned development and subdivisions shall be required to:</p> <ul style="list-style-type: none">• Cluster land uses• Designate areas as permanent common open space.• Comply with Section 5.4800 for Planned Developments or Section 3.3000 for Cluster Developments.• Provide 30% common open space, excluding roads and lands under water. |
| OTHER STANDARDS: | All other applicable standards as set forth in the Clatsop County <i>Land and Water Development and Use Code</i> , as amended. |

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SECTION 4.0700. MILES CROSSING, JEFFERS GARDENS AND WESTPORT RURAL COMMUNITY RESIDENTIAL ZONE (RCR)

Section 4.0710. Purpose and Intent

The Miles Crossing, Jeffers Gardens and Westport RCR zone is intended to accommodate the immediate and foreseeable demand for low density housing in Clatsop County rural communities. This zone has been developed with the purpose to:

- (1) Allow residential development that is compatible with rural communities that wish to maintain a primarily single-family rural residential character;
- (2) Do not adversely impact adjacent resource lands, e.g. farm or forest;
- (3) Allow for minimum lot sizes and densities, that will provide for an ultimate build out that is more commensurate with actual physical, and environmental constraints, and the availability of community water and sewer; and
- (4) May provide for non-residential uses that are small in scale, intended for the needs of the local community or for people traveling through the rural community, and are compatible with surrounding uses.

Section 4.0720. Permitted and Conditional Uses

The uses listed in the Development Zoning District Permitted Uses Table are allowed in this district.

Section 4.0730. Dimensional and Performance Standards

The following standards are applicable to permitted uses in this zone.

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| STANDARD | DIMENSION | NOTES |
|-------------------------------|---|--|
| LOT DIMENSIONS | | |
| LOT SIZE: | 5) Parcels not served by an approved public community sewer system: one (1) acre 6) Parcels served by an approved community, municipal or public sewer system: 7,500 SF 7) Duplex served by an approved community, municipal or public sewer system: 15,000 SF | Lot size for conditional developments shall be based upon: 1) Site size needed for the proposed use; 2) Nature of the proposed use in relation to the impacts on nearby properties; 3) Consideration of sewer district impacts requirements; and 4) Setbacks and other criteria and standards of this ordinance. |
| LOT WIDTH: | 8) Parcels not served by an approved public community sewer system: 150 feet 9) Parcels served by an approved community, municipal or public sewer system: 75 feet | |
| LOT COVERAGE: | 40% maximum | Includes residential and non-residential development and accessory structures. |
| LOT WIDTH:DEPTH RATIO: | 1:3 | |
| CLUSTER DEVELOPMENTS: | | Subject to Sections 3.3000-3.3060 |
| GENERAL: | <ul style="list-style-type: none"> Other development and use standards as required to meet State sanitation requirements Local setback and ordinance requirements. | |
| SETBACKS | | |

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| FRONT YARD: | Distance from: <ul style="list-style-type: none"> • Major arterial: 50 feet • Minor arterial: 30 feet. • Major collector: 30 feet • Minor collector: 25 feet. • Local street: 20 feet | Setbacks are measured from the abutting edge of the right-of-way when the front property line abuts one of these road classifications. |
| REAR YARD: | <ul style="list-style-type: none"> • 20 feet Exceptions: <ul style="list-style-type: none"> • Corner lot: 5 feet • Adjacent to resource zones: 50 feet | <ul style="list-style-type: none"> • Excluding any portion of the parcel that has a different zone (split zoned parcels) • |
| SIDE YARD: | <ul style="list-style-type: none"> • 10 feet Exceptions: <ul style="list-style-type: none"> • Corner lot, street side: 20 feet • Lots of record created prior to September 30, 1980 that are less than the minimum-required lot size: 5 feet • Adjacent to resource zones: 50 feet | |
| LINE OF NON-AQUATIC VEGETATION: | <ul style="list-style-type: none"> • 35 feet | |
| ACCESSORY STRUCTURES: | <ul style="list-style-type: none"> • Detached accessory structures: 5 feet • Attached accessory structures: Same setbacks as primary structure • Accessory structures on corner lots: Same setbacks as primary structure | |
| BUILDING HEIGHT (MAXIMUM): | 35 feet | <ul style="list-style-type: none"> • |
| GENERAL REQUIREMENTS | | |

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| STORMWATER RETENTION/DETENTION: | All new developments and cumulative or incremental expansion of an existing development footprint greater than twenty-five percent shall indicate on the development permit application how storm water is to be managed from the property or retained on site. The County Engineer may require the installation of culverts, dry wells, retention facilities, or other mitigation measures, where development may create adverse storm drainage impacts on surrounding properties, adjacent streams or wetlands, and particularly on low lands or on slopes greater than fifteen percent. |
| FUTURE TRANSPORTATION IMPROVEMENTS: | In areas where the parcel or lot has the potential to be further partitioned or subdivided, the Community Development Director shall, where practicable, require that roads be designated and located so as to facilitate the future division of land in a manner that accommodates smaller lot sizes and the extension of street and utilities and may require a potential development plat showing the location of potential lots and the rights-of-way improvements, to include those identified in the County Transportation System Plan (TSP). |
| CONDITIONAL USE REQUIREMENTS: | Conditional Development and Use are subject to the following limitation and requirement: <ul style="list-style-type: none">• The proposed development shall be consistent with the Clatsop County Comprehensive Plan.• The proposed development shall include safe ingress and egress. |
| PLANNED DEVELOPMENTS AND SUBDIVISIONS: | All planned development and subdivisions shall be required to: <ul style="list-style-type: none">• Cluster land uses• Designate areas as permanent common open space.• Comply with Section 5.4800 for Planned Developments or Clatsop County Standards Document, Section 3.3000 for Cluster Developments.• Provide 30% common open space, excluding roads and lands under water. |
| OTHER STANDARDS: | All standards as set forth in the Clatsop County Standards Document, as amended. |

ARTICLE 4. ZONE REGULATIONS

SECTION 4.1000. KNAPPA AND SVENSEN RURAL COMMUNITY RESIDENTIAL ZONE (KS-RCR).

Section 4.1010. Purpose and Intent

The Knappa and Svensen RCR zone is intended to accommodate the immediate and foreseeable demand for low density housing in Clatsop County rural communities. This zone has been developed with the purpose to:

- 1) Allow residential development that is compatible with rural communities that wish to maintain a primarily single-family rural residential character;
- 2) Do not adversely impact adjacent resource lands;
- 3) Allow for minimum lot sizes and densities, that will provide for an ultimate build out that is more commensurate with actual physical, and environmental constraints, and the availability of community water and do not exceed the carrying capacity of the property to absorb waste; and
- 4) Provide for non-residential uses that are small in scale, compatible with surrounding uses, and intended for the needs of the local community or for people traveling through the rural community.

Section 4.1020. Permitted and Conditional Uses

The uses listed in the Development Zoning District Permitted Uses Table are allowed in this district.

Section 4.1030. Dimensional and Performance Standards

The following standards are applicable to permitted uses in this zone.

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| STANDARD | DIMENSION | NOTES |
|-------------------------------|--|---|
| LOT DIMENSIONS | | |
| LOT SIZE: | 10) Parcels not served by an approved public community sewer system: 1 acre 11) Two-family dwellings: 2 acres | Lot size for conditional developments shall be based upon: 1) Site size needed for the proposed use; 2) Nature of the proposed use in relation to the impacts on nearby properties; 3) Consideration of sewer district impacts and water district capacity; and 4) Setbacks and other criteria and standards of this ordinance. |
| LOT WIDTH: | 12) Parcels not served by an approved public community sewer system: 150 feet | |
| LOT COVERAGE: | 40% maximum | Includes residential and non-residential development and accessory structures. |
| LOT WIDTH:DEPTH RATIO: | 1:3 | |
| CLUSTER DEVELOPMENTS: | | Subject to Section 3.3000-3.3060 |
| GENERAL: | <ul style="list-style-type: none"> Other development and use standards as required to meet State sanitation requirements Local setback and ordinance requirements. | |
| SETBACKS | | |

ARTICLE 4. ZONE REGULATIONS

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| FRONT YARD: | Distance from: <ul style="list-style-type: none"> • Major arterial: 50 feet • Minor arterial: 30 feet. • Major collector: 30 feet • Minor collector: 25 feet. • Local street: 20 feet | |
| REAR YARD: | <ul style="list-style-type: none"> • 20 feet Exceptions: <ul style="list-style-type: none"> • Corner lot: 5 feet • Adjacent to resource zones: 50 feet | Excluding any portion of the parcel that has a different zone (split zoned parcels) |
| SIDE YARD: | <ul style="list-style-type: none"> • 10 feet Exceptions: <ul style="list-style-type: none"> • Corner lot, street side: 20 feet • Lots of record created prior to September 30, 1980 that are less than the minimum-required lot size: 5 feet • Adjacent to resource zones: 50 feet | |
| LINE OF NON-AQUATIC VEGETATION: | <ul style="list-style-type: none"> • 35 feet | |
| ACCESSORY STRUCTURES: | <ul style="list-style-type: none"> • Detached accessory structures (Rear and Side Setbacks): 5 feet • Detached accessory structures (Front Setback): Same as primary structure • Attached accessory structures: Same setbacks as primary structure • Accessory structures on corner lots: Same setbacks as primary structure | |
| BUILDING HEIGHT (MAXIMUM): | 35 feet | • |
| GENERAL REQUIREMENTS | | |

ARTICLE 4. ZONE REGULATIONS

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|---|--|
| STORMWATER RETENTION/DETENTION: | <ul style="list-style-type: none">• All new developments and cumulative or incremental expansion of an existing development footprint greater than 25% shall indicate on the development permit application how storm water is to be managed from the property or retained on site.• The County Engineer may require the installation of culverts, dry wells, retention facilities, or other mitigation measures, where development may create adverse storm drainage impacts on surrounding properties, adjacent streams or wetlands, and particularly on low lands or on slopes greater than 25%. |
| FUTURE TRANSPORTATION IMPROVEMENTS: | In areas where the parcel or lot has the potential to be further partitioned or subdivided, the Community Development Director shall, where practicable, require that roads be designated and located so as to facilitate the future division of land in a manner that accommodates smaller lot sizes and the extension of street and utilities and may require a potential development plat showing the location of potential lots and the rights-of-way improvements, to include those identified in the County Transportation System Plan (TSP). |
| CONDITIONAL USE REQUIREMENTS: | Conditional Development and Use are subject to the following limitation and requirement: <ul style="list-style-type: none">• The proposed development shall be consistent with the Clatsop County Comprehensive Plan.• The proposed development shall include safe ingress and egress. |
| PLANNED DEVELOPMENTS AND SUBDIVISIONS: | All planned development and subdivisions shall be required to: <ul style="list-style-type: none">• Cluster land uses• Designate areas as permanent common open space.• Comply with Section 4.140 for Planned Developments or Clatsop County Standards Document, Section S3.150 for Cluster Developments.• Provide 30% common open space, excluding roads and lands under water. |

ARTICLE 4. ZONE REGULATIONS

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| OTHER STANDARDS: | All standards as set forth in the Clatsop County Standards Document, as amended. |
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ARTICLE 4. ZONE REGULATIONS

SECTION 4.1100. RURAL SERVICE AREA-SINGLE FAMILY RESIDENTIAL ZONE (RSA-SFR)

Section 4.1110. Purpose

The RSA-SFR zone is intended to accommodate the foreseeable demand for single family residential development in areas where public facilities such as sewer, fire protection and water are available or planned in Rural Service Areas (RSA).

Section 4.1120. Permitted and Conditional Uses

The uses listed in the Development Zoning District Permitted Uses Table are allowed in this district.

Section 4.1130. Dimensional and Performance Standards

The following standards are applicable to permitted and conditional developments in this area:

| STANDARD | DIMENSION | NOTES |
|-------------------------------|---|--|
| LOT DIMENSIONS | | |
| LOT SIZE: | Slope: 13) 0-12% : 7,500 SF/DU 14) 13-25% : 2 DU / acre 15) >25% : 1 DU / acre Lots not served by sewer: 16) 15,000 SF Duplex lots: 17) Double the size requirements above | Lot size for conditional developments shall be based upon: 1) Site size needed for the proposed use; 2) Nature of the proposed use in relation to the impacts on nearby properties; 3) Consideration of state sanitation requirements; and 4) Setbacks and other criteria and standards of this ordinance. |
| LOT WIDTH: | 18) 60 feet | |
| LOT COVERAGE: | 40% maximum | Includes residential and non-residential development |
| LOT WIDTH:DEPTH RATIO: | 1:3 | |
| SETBACKS | | |
| FRONT YARD: | Distance from: • Major arterial: 50 feet • Minor arterial: | |

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| | <p>30 feet.</p> <ul style="list-style-type: none">• Major collector: 30 feet• Minor collector: 25 feet.• Local street: 20 feet• Exception (Fishhawk Lake Estates):• Waterfront property may be less than this ordinance unless prohibited by Covenants/Deed Restrictions | |
| REAR YARD: | <ul style="list-style-type: none">• 20 feet Exceptions: <ul style="list-style-type: none">• Corner lot: 5 feet• Fishhawk Lake Estates: Waterfront property may be less than this ordinance unless prohibited by Covenants/Deed Restrictions• Adjacent to resource zones: 50 feet | Excluding any portion of the parcel that has a different zone (split zoned parcels) |
| SIDE YARD: | <ul style="list-style-type: none">• 5 feet Exceptions: <ul style="list-style-type: none">• Corner lot, street side: 20 feet• Lots of record created prior to September 30, | |

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| | <p>1980 that are less than the minimum-required lot size: 5 feet</p> <ul style="list-style-type: none"> • Adjacent to resource zones: 50 feet | |
| LINE OF NON-AQUATIC VEGETATION: | <ul style="list-style-type: none"> • 35 feet | |
| ACCESSORY STRUCTURES: | <ul style="list-style-type: none"> • Detached accessory structures (Rear and Side Setbacks): 5 feet • Detached accessory structures (Front Setback): Same as primary structure • Attached accessory structures: Same setbacks as primary structure • Accessory structures on corner lots: Same setbacks as primary structure | |
| BUILDING HEIGHT (MAXIMUM): | 35 feet | <p>The height of a structure is measured from the average grade of the undisturbed ground at the four principal corners of the proposed structure. To determine height:</p> <ul style="list-style-type: none"> • Construction/building plans |

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| | | <p>shall show the elevations of the undisturbed ground prior to construction</p> <ul style="list-style-type: none">• Elevations shall be measured at the four principal corners of the proposed structure• A permanently accessible control point shall be established outside of the building's footprint• Photographs of the undisturbed site shall be required• Photographs need not be professional or aerial photographs• The Director may require a survey, prepared by a registered surveyor, in order to verify height |
| GENERAL REQUIREMENTS | | |
| STORMWATER RETENTION/DETENTION: | <ul style="list-style-type: none">• All new development and cumulative or incremental expansion of an existing development footprint greater than 25% shall indicate on the development permit application how storm water is to be managed from the property or retained on site.• The County Engineer may require the installation of culverts, dry wells, retention facilities, or other mitigation measures, where development may create adverse storm drainage impacts on surrounding properties, adjacent streams or wetlands, and particularly on low lands or on slopes greater than 25%. | |
| FUTURE TRANSPORTATION IMPROVEMENTS: | <p>In areas where the parcel or lot has the potential to be further partitioned or subdivided, the Community Development Director shall, where practicable, require that roads be designated and located so as to facilitate the future division of land in a manner that accommodates smaller lot sizes and the extension of street and utilities and may require a potential development plat showing the location of potential lots and the rights-of-way improvements, to include those identified in the County Transportation System Plan (TSP).</p> | |

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| FUTURE SUBDIVISIONS AND PARTITIONS: | All planned development and subdivisions shall be required to: In areas where future partitioning or subdivision may occur, the Director shall, where practicable, require structures to be located to accommodate smaller lot sizes and extension of streets and utilities. |
| OTHER STANDARDS: | All standards as set forth in the Clatsop County Standards Document, as amended. |

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SECTION 4.1200 RURAL COMMUNITY MULTI-FAMILY RESIDENTIAL ZONE (RC-MFR)

Section 4.1210. Purpose

The RC-MFR zone is intended to provide areas suitable for various types of residential development at a rural community density in areas where public facilities such as sewer, fire protection and water are available, or were historically developed with mobile home parks, manufactured home parks and multi-family housing.

Section 4.1220. Permitted and Conditional Uses

The uses listed in the Development Zoning District Permitted Uses Table are allowed in this district.

Section 4.1230. Dimensional and Performance Standards

The following standards are applicable to permitted and conditional developments in this zone:

| STANDARD | DIMENSION | NOTES |
|-----------------------|---|--|
| LOT DIMENSIONS | | |
| LOT SIZE: | Lots served by an approved sewer or approved community septic system: 19) Dwelling, One Family or Mobile Home: 7,500 SF/DU 20) Dwelling, Two Family: 10,000 SF Lots not served by state approved sewer: 21) Dwelling, One Family or Mobile Home: 1 acre 22) Dwelling, Two Family: 2 acres Multi-Family lots: 23) 2 acres for the first 2 units, plus 1 acre for each additional unit. | Lot size for conditional developments shall be based upon: 1) Site size needed for the proposed use; 2) Nature of the proposed use in relation to the impacts on nearby properties; 3) Consideration of state sanitation requirements and potable water; and 4) Setbacks and other criteria and standards of this ordinance. |
| LOT WIDTH: | 24) 75 feet | |
| LOT COVERAGE: | 40% maximum | Includes residential and |

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| | | non-residential development |
| LOT WIDTH:DEPTH RATIO: | 1:3 | |
| SETBACKS | | |
| FRONT YARD: | Distance from: <ul style="list-style-type: none"> • Major arterial: 50 feet • Minor arterial: 30 feet. • Major collector: 30 feet • Minor collector: 25 feet. • Local street: 20 feet | |
| REAR YARD: | <ul style="list-style-type: none"> • 20 feet Exceptions: <ul style="list-style-type: none"> • Corner lot: 5 feet • Adjacent to resource zones: 50 feet | |
| SIDE YARD: | <ul style="list-style-type: none"> • 5 feet Exceptions: <ul style="list-style-type: none"> • Corner lot, street side: 20 feet • Lots of record created prior to September 30, 1980 that are less than the minimum-required lot size: 5 feet • Adjacent to resource zones: 50 feet | |
| LINE OF NON-AQUATIC VEGETATION: | <ul style="list-style-type: none"> • 35 feet | |
| ACCESSORY STRUCTURES: | <ul style="list-style-type: none"> • Detached accessory structures (Rear and Side Setbacks): 5 feet • Detached accessory structures (Front Setback): Same as primary structure • Attached accessory structures: Same setbacks as primary structure • Accessory structures on corner lots: Same | |

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| | setbacks as primary structure | |
| BUILDING HEIGHT (MAXIMUM): | 35 feet | |
| GENERAL REQUIREMENTS | | |
| STORMWATER RETENTION/DETENTION: | <ul style="list-style-type: none"> • All new development and cumulative or incremental expansion of an existing development footprint greater than 25% shall indicate on the development permit application how storm water is to be managed from the property or retained on site. • The County Engineer may require the installation of culverts, dry wells, retention facilities, or other mitigation measures, where development may create adverse storm drainage impacts on surrounding properties, adjacent streams or wetlands, and particularly on low lands or on slopes greater than 25%. | |
| FUTURE TRANSPORTATION IMPROVEMENTS: | In areas where the parcel or lot has the potential to be further partitioned or subdivided, the Community Development Director shall, where practicable, require that roads be designated and located so as to facilitate the future division of land in a manner that accommodates smaller lot sizes and the extension of street and utilities and may require a potential development plat showing the location of potential lots and the rights-of-way improvements, to include those identified in the County Transportation System Plan (TSP). | |
| FUTURE SUBDIVISIONS AND PARTITIONS: | <p>In areas where future partitioning or subdivision may occur, the Director shall, where practicable, require a tentative partition or subdivision plat that:</p> <ul style="list-style-type: none"> • Demonstrates that all structures will be located to accommodate smaller lot sizes; • Show the future extension of streets and utilities; and • Show future right-of-way improvements identified on the County Transportation System Plan (TSP) | |
| OTHER STANDARDS: | All standards as set forth in the Clatsop County Standards Document, as amended. | |

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SECTION 4.1300. RURAL SERVICE AREA - MULTI-FAMILY RESIDENTIAL ZONE (RSA-MFR)

Section 4.1310. Purpose

The RSA-MFR zone is intended to provide areas suitable for various types of residential development at an urban density in areas where public facilities such as sewer, fire protection and water are available or planned in Rural Service Areas (RSA).

Section 4.1320. Permitted and Conditional Uses

The uses listed in the Development Zoning District Permitted Uses Table are allowed in this district.

Section 4.1330. Dimensional and Performance Standards

The following standards are applicable to permitted and conditional developments in this zone:

| STANDARD | DIMENSION | NOTES |
|-------------------------------|---|--|
| LOT DIMENSIONS | | |
| LOT SIZE: | Lots served by state-approved sewer: 25) Dwelling, One Family or Mobile Home: 7,500 SF 26) Dwelling, Two Family: 10,000 SF Lots not served by state-approved sewer: 27) Dwelling, One Family or Mobile Home: 15,000 SF 28) Dwelling, Two Family: 20,000 SF Multi-Family: 29) 15,000 SF for the 1 st unit, plus 5,000 SF for each additional unit | Lot size for conditional developments shall be based upon: 1) Site size needed for the proposed use; 2) Nature of the proposed use in relation to the impacts on nearby properties; 3) Consideration of state sanitation requirements and potable water; and 4) Setbacks and other criteria and standards of this ordinance. |
| LOT WIDTH: | 30) 60 feet | |
| LOT COVERAGE: | 40% maximum | |
| LOT WIDTH:DEPTH RATIO: | 1:3 | |
| SETBACKS | | |
| FRONT YARD: | Distance from: | |

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| | <ul style="list-style-type: none"> • Major arterial: 50 feet • Minor arterial: 30 feet. • Major collector: 30 feet • Minor collector: 25 feet. • Local street: 20 feet | |
| REAR YARD: | <ul style="list-style-type: none"> • 20 feet <p>Exceptions:</p> <ul style="list-style-type: none"> • Corner lot: 5 feet | |
| SIDE YARD: | <ul style="list-style-type: none"> • 5 feet <p>Exceptions:</p> <ul style="list-style-type: none"> • Corner lot, street side: 20 feet • Lots of record created prior to September 30, 1980 that are less than the minimum-required lot size: 5 feet • Adjacent to resource zones: 50 feet | |
| LINE OF NON-AQUATIC VEGETATION: | <ul style="list-style-type: none"> • 35 feet | |
| ACCESSORY STRUCTURES: | <ul style="list-style-type: none"> • Detached accessory structures (Rear and Side Setbacks): 5 feet • Detached accessory structures (Front Setback): Same as primary structure • Attached accessory structures: Same setbacks as primary structure • Accessory structures on corner lots: Same setbacks as primary structure | |
| BUILDING HEIGHT (MAXIMUM): | 35 feet | |
| GENERAL REQUIREMENTS | | |
| STORMWATER RETENTION/DETENTION: | <ul style="list-style-type: none"> • All new development shall indicate on the development permit application how storm water is to be drained from the property. | |

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| | <ul style="list-style-type: none">• The County Engineer shall require the installation of culverts, dry wells, or retention facilities in cases where a development has major storm drainage impacts. |
| FUTURE TRANSPORTATION IMPROVEMENTS: | In areas where the parcel or lot has the potential to be further partitioned or subdivided, the Community Development Director shall, where practicable, require that roads be designated and located so as to facilitate the future division of land in a manner that accommodates smaller lot sizes and the extension of street and utilities and may require a potential development plat showing the location of potential lots and the rights-of-way improvements, to include those identified in the County Transportation System Plan (TSP). |
| FUTURE SUBDIVISIONS AND PARTITIONS: | In areas where future intention of the property or lot is further partitioning or subdivision, the Community Development Director shall, where practicable, require that structures be located so as to facilitate the future division of land in a manner that accommodates smaller lot sizes and the extension of streets and utilities; |
| OTHER STANDARDS: | All standards as set forth in the Clatsop County Land and Water Development and Use Code, as amended. |

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SECTION 4.1400. RURAL COMMUNITY COMMERCIAL ZONE (RCC)

Section 4.1410 Purpose and Intent

This zone is located in the Rural Communities of Arch Cape, Svensen, Westport, Miles Crossing and Jeffers Gardens. The RCC zone is intended to:

- 1) Provide support for existing small concentrations of retail and commercial services;
- 2) Contribute to community identity;
- 3) Provide job opportunities within the community;
- 4) Allow only those uses that are compatible with the surrounding uses considering varying environmental and other site constraints,
- 5) Consider the availability of community water, sewer, or if such services are not available, ensure such uses do not exceed the carrying capacity of the property to provide potable water and absorb waste; and
- 6) Provide services for the community, surrounding rural, farm and forest areas, and traveling public.

New commercial uses are those defined under state law as “small-scale, low impact” with building or buildings not to exceed 4,000 square feet of floor area, unless determined that large buildings are intended to serve the rural community, surrounding rural area or the travel needs of the people passing through the area.

Expansion of an existing commercial use resulting in building or buildings exceeding 4,000 square feet of floor area are appropriate when the use is intended to serve the rural community, surrounding rural area or the travel needs of people passing through the area.

Section 4.1420. Permitted and Conditional Uses

In addition to the uses listed in the Development Zoning Districts Permitted Uses Table, legally existing and allowed uses (as of the effective date of this ordinance) may continue as permitted uses.

Section 4.1430. Dimensional and Performance Standards

The following standards are applicable to all permitted Type II uses in this zone.

| STANDARD | DIMENSION | NOTES |
|-------------------------------|-------------|-------|
| LOT DIMENSIONS | | |
| LOT WIDTH: | 31) 75 feet | |
| LOT WIDTH:DEPTH RATIO: | 1:3 | |
| SETBACKS | | |
| FRONT YARD: | 25 feet | |

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| SIDE AND REAR YARD: | <p>32) Abutting a residence or residential zone: 10 feet</p> <p>33) Lots of record created prior to September 30, 1980 that are less than the minimum-required lot size: 5 feet</p> <p>34) Adjacent to resource zones: 50 feet</p> | |
| LINE OF NON-AQUATIC VEGETATION: | 35 feet | |
| ACCESSORY STRUCTURES: | <ul style="list-style-type: none"> • Detached accessory structures (Rear and side setbacks): 5 feet • Detached accessory structures (Rear and side setbacks, street side on a corner lots): 10 feet • Detached accessory structures (Front setback): Same as primary structure • Attached accessory structures: Same setbacks as primary structure | |
| BUILDING DIMENSIONS | | |
| BUILDING HEIGHT (MAXIMUM): | <ul style="list-style-type: none"> • Commercial uses: 35 feet • Light industrial uses (within 100 feet of a residential zone): 35 feet • Light Industrial Uses (greater than 100 feet from a residential zone): 45 feet | |
| BUILDING SIZE (MAXIMUM) | <ul style="list-style-type: none"> • 4,000 SF | Building size may be increased beyond 4,000 |

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| | | <p>SF if:</p> <ul style="list-style-type: none">• The findings approving the use are included in an amendment to the comprehensive plan, processed under post acknowledgement procedures (ORS 197.610 through 197.625);• The use is limited to a size of building or buildings that is intended to serve the rural community, surrounding rural area of the travel needs of people passing through the area; and• The total floor area of building or buildings does not exceed 12,000 square feet unless an exception to goal 14 has been acknowledged pursuant to ORS 197.625. |
| GENERAL REQUIREMENTS | | |
| PLAN REVIEW | <ul style="list-style-type: none">• Plan review and approval: No building permit or other permit for construction or alteration of any building structure or use in this zone shall be issued until plans have been reviewed and approved by the Community Development Director in order to evaluate the conformity with the performance standards of this zone and the Comprehensive Plan and the compatibility of vehicular access, signs, lighting, building placement and designs, landscaping, adjoining uses and location of water and sewage facilities. | |
| STORMWATER RETENTION/DETENTION: | <ul style="list-style-type: none">• All new developments and cumulative or incremental expansion of an existing development | |

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| | <p>footprint greater than 25% shall indicate on the development permit application how storm water is to be managed from the property or retained on site.</p> <ul style="list-style-type: none">• The County Engineer shall require the installation of culverts, dry wells, retention facilities or other mitigation measures where development may create adverse storm drainage impacts on surrounding properties, adjacent streams or wetlands, and particularly on low lands or on slopes greater than 15%. |
| PERFORMANCE STANDARDS | |
| AIR QUALITY | <ul style="list-style-type: none">• The air quality standards set by the Department of Environmental Quality shall be the guiding standards in this zone, except that open burning is prohibited in any case. |
| NOISE | <ul style="list-style-type: none">• As permitted under all laws and regulations. |
| STORAGE | <ul style="list-style-type: none">• Materials and or equipment shall be enclosed within a structure or concealed behind sight-obscuring screening. |
| FENCING | <ul style="list-style-type: none">• Allowed inside a boundary planting screen and where it is necessary to protect property or to protect the public from a dangerous condition. The proposed fence locations and design will be subject to Community Development Director review and approval. |
| VIBRATION | <ul style="list-style-type: none">• No vibration other than that caused by highway vehicles, trains and aircraft shall be permitted which is discernible without instruments at the property line of the use concerned. |
| HEAT AND GLARE | <ul style="list-style-type: none">• Except for exterior lighting, operations producing heat or glare shall be constructed entirely within an enclosed building. |
| LIGHTING | <ul style="list-style-type: none">• Exterior lighting shall be directed away from adjacent property, with cutoff lighting required, when adjacent to a residential zone. |
| BUFFER | <ul style="list-style-type: none">• Where the RCC zone adjoins a zone other than RCC, there shall be a buffer area of depth adequate to provide for a dense evergreen landscape buffer which attains a minimum height of 8-10 feet, or such other screening measures as may be |

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| | <p>prescribed by the Community Development Director in the event differences in elevation or other circumstances should defeat the purpose of this requirement. In no case shall the buffer area have less width than the required 50-foot setback of this zone.</p> <ul style="list-style-type: none">• Developments adjacent to or across the street from residential zones shall be contained within an enclosed building or screened from the residential district with a sight obscuring fence or vegetation. |
| FUTURE TRANSPORTATION IMPROVEMENTS: | <p>In areas where the parcel or lot has the potential to be further partitioned or subdivided, the Community Development Director shall, where practicable, require that roads be designated and located so as to facilitate the future division of land in a manner that accommodates smaller lot sizes and the extension of street and utilities and may require a potential development plat showing the location of potential lots and the rights-of-way improvements, to include those identified in the County Transportation System Plan (TSP).</p> |
| FUTURE SUBDIVISIONS AND PARTITIONS: | <p>In areas where future intention of the property or lot is further partitioning or subdivision, the Community Development Director shall, where practicable, require that structures be located so as to facilitate the future division of land in a manner that accommodates smaller lot sizes and the extension of streets and utilities;</p> |
| OTHER STANDARDS: | <ul style="list-style-type: none">• All standards as set forth in the Clatsop County Land and Water Development and Use Code, as amended.• Other permitted development standards as required to meet State sanitation requirements |
| ADDITIONAL STANDARDS FOR ARCH CAPE | |
| LANDSCAPE PRESERVATION: | <ul style="list-style-type: none">• The landscape shall be preserved in its natural state to the maximum extent possible by minimizing tree, vegetation and soils removal.• Cut and fill construction methods are discouraged.• Roads and driveways should follow slope contours in a manner that prevents erosion and rapid discharge into natural drainages. |

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| | <ul style="list-style-type: none">• Disturbed areas shall be re-vegetated with native species. |
| UTILITY SERVICE: | <ul style="list-style-type: none">• All new service lines shall be placed underground. |
| EXTERIOR LIGHTING: | <ul style="list-style-type: none">• Shall be of a “full cut-off” design.• Glare shall be directed away from neighboring property or shielded in a manner not to cause offense (i.e. full cut-off fixtures). |

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SECTION 4.1500. RURAL COMMUNITY LIGHT INDUSTRIAL ZONE (RCI).

Section 4.1510. Purpose and Intent

This zone is located in Miles Crossing and Jeffers Gardens and is intended for light industrial development with limited external impacts, such as processing, assembling, and minor manufacturing. The development should be largely contained in buildings, have minimal raw material storage and minimum air, water, and noise nuisance characteristics. The intent of this zone is to provide areas for industrial developments that could be incompatible in a commercial or residential zone but have few objectionable characteristics. Unless authorized pursuant to ORS 197.713 or 197.719, new industrial use building or buildings may not exceed 40,000 square feet of floor area, unless determined through further review that larger buildings will not exceed the carrying capacity of the land to provide adequate water and absorb waste. Expansion of an existing industrial use resulting in building or buildings exceeding 40,000 square feet of floor area are appropriate when the use will not exceed the carrying capacity of the land.

Section 4.1520. Permitted and Conditional Uses

In addition to the uses listed in the Development Zoning Districts Permitted Uses Table, legally existing and allowed uses (as of the effective date of this ordinance) may continue as permitted uses.

Section 4.1530. Dimensional and Performance Standards

The following standards are applicable to permitted and conditional developments in this zone.

| STANDARD | DIMENSION | NOTES |
|------------------------------|---|-------|
| LOT DIMENSIONS | | |
| LOT WIDTH: | 35) 75 feet | |
| SETBACKS | | |
| FRONT YARD: | 25 feet | |
| SIDE AND REAR YARD: | 36) Abutting a residence: 10 feet 37) Abutting a railroad right-of-way: None 38) Abutting a commercial or industrial use: None 39) Adjacent to resource zones: 50 feet | |
| ACCESSORY STRUCTURES: | • Detached accessory structures (Rear and | |

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| | <ul style="list-style-type: none">side setbacks): 5 feet• Detached accessory structures (Rear and side setbacks, street side on a corner lots): 25 feet• Detached accessory structures (Front setback): Same as primary structure• Attached accessory structures: Same setbacks as primary structure | |
| BUILDING DIMENSIONS | | |
| BUILDING HEIGHT (MAXIMUM): | <ul style="list-style-type: none">• 45 feet• If the building is within 100 feet of a zone other than RCI, the maximum building height shall be the same height as the adjacent zone | |
| BUILDING SIZE, COMMERCIAL (MAXIMUM) | <ul style="list-style-type: none">• 4,000 SF | Building size may be increased beyond 4,000 SF if: <ul style="list-style-type: none">• The findings approving the use are included in an amendment to the comprehensive plan, processed under post acknowledgement procedures (ORS 197.610 through 197.625);• The use is limited to a size of building or buildings that is intended to serve the rural community, surrounding rural area of the travel needs of |

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| | | <p>people passing through the area; and</p> <ul style="list-style-type: none">• The total floor area of building or buildings does not exceed 12,000 square feet• A commercial building existing on September 10, 2003, with an existing floor area greater than 4,000 SF, may be expanded if the use is intended to serve the surrounding rural area or the traveling needs of people passing through the area. |
| BUILDING SIZE, INDUSTRIAL (MAXIMUM) | <ul style="list-style-type: none">• 40,000 SF | <ul style="list-style-type: none">• Building size may be increased beyond 40,000 SF if authorized pursuant to ORS 197• An industrial building existing on September 10, 2003, with an existing floor area greater than 40,000 SF, may be expanded if the following can be demonstrated (unless excepted by ORS):<ul style="list-style-type: none">• The size of the building is necessary for the intended use;• The use will not exceed the carrying capacity of the land to provide adequate water and absorb waste |
| GENERAL REQUIREMENTS | | |

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| SITE PLAN REVIEW | <ul style="list-style-type: none">• No building permit or other permit for construction or alteration of any building structure or use in this zone shall be issued until plans have been reviewed and approved by the Community Development Director in order to evaluate the conformity with the performance standards of this zone and the Comprehensive Plan and the compatibility of vehicular access, signs, lighting, building placement and designs, landscaping, adjoining uses and location of water and sewage facilities. |
| OFF-STREET PARKING | <ul style="list-style-type: none">• Subject to Section 3.0050 |
| STORMWATER RETENTION/DETENTION: | <ul style="list-style-type: none">• All new developments and cumulative or incremental expansion of an existing development footprint greater than 25% shall indicate on the development permit application how storm water is to be drained from the property or retained on site.• The County Engineer shall require the installation of culverts, dry wells, retention facilities or other mitigation measures where development may create adverse storm drainage impacts on surrounding properties, adjacent streams or wetlands, and particularly on low lands or on slopes 25% or greater. |
| PERFORMANCE STANDARDS | <ul style="list-style-type: none">• Air quality: The air quality standards set by the Department of Environmental Quality shall be the guiding standards in this zone, except that open burning is prohibited in any case.• Noise: As permitted under all laws and regulations.• Storage: Materials and or equipment shall be enclosed within a structure or concealed behind sight-obscuring screening.• Fencing: Allowed inside a boundary planting screen and where it is necessary to protect property or to protect the public from a dangerous condition. The proposed fence locations and design will be subject to Community Development Director review and approval.• Vibration: No vibration other than that caused by highway vehicles, trains and aircraft shall be permitted which is discernible without instruments at the property line of the use concerned.• Heat and glare: Except for exterior lighting, |

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| | <p>operations producing heat or glare shall be constructed entirely within an enclosed building.</p> <ul style="list-style-type: none">• Lighting: Exterior lighting shall be directed away from adjacent property, with cutoff lighting required, when adjacent to a residential zone. |
| BUFFER | <ul style="list-style-type: none">• Where the RCI zone adjoins a zone other than RCI, there shall be a buffer area of depth adequate to provide for a dense evergreen landscape buffer which attains a minimum height of 8-10 feet, or such other screening measures as may be prescribed by the Community Development Director in the event differences in elevation or other circumstances should defeat the purpose of this requirement. In no case shall the buffer area have less width than the required 50-foot setback of this zone. |
| FUTURE TRANSPORTATION IMPROVEMENTS: | <p>In areas where the parcel or lot has the potential to be further partitioned or subdivided, the Community Development Director shall, where practicable, require that roads be designated and located so as to facilitate the future division of land in a manner that accommodates smaller lot sizes and the extension of street and utilities and may require a potential development plat showing the location of potential lots and the rights-of-way improvements, to include those identified in the County Transportation System Plan (TSP).</p> |
| OTHER STANDARDS: | <ul style="list-style-type: none">• All standards as set forth in the Clatsop County Land and Water Development and Use Code, as amended. |

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SECTION 4.1600. RURAL COMMUNITY COMMERCIAL AND LIGHT INDUSTRIAL ZONE (RCC-LI)

Section 4.1610. Purpose and Intent

This zone is located in the Rural Community of Knappa and Westport. The RCC-LI zone is intended to:

- 1) Provide support for existing small concentrations of retail and commercial services mixed with light industrial;
- 2) Contribute to community identity;
- 3) Provide necessary retail services to the community;
- 4) Provide job opportunities within the community;
- 5) Allow only those uses that are compatible with the surrounding uses considering varying environmental and other site constraints, and the availability of community water, sewer, or if such services are not available, such uses do not exceed the carrying capacity of the property to provide potable water and absorb waste; and
- 6) Provide services for the community, surrounding rural, farm and forest areas, and traveling public.

New commercial uses are those defined under state law as “small-scale, low impact” with building or buildings not to exceed 4,000 square feet of floor area, unless determined that large buildings are intended to serve the rural community, surrounding rural area or the travel needs of the people passing through the area. Expansion of an existing commercial use resulting in building or buildings exceeding 4,000 square feet of floor area are appropriate when the use is intended to serve the rural community, surrounding rural area or the travel needs of people passing through the area.

Section 4.1620. Permitted and Conditional Uses

In addition to the uses listed in the Development Zoning Districts Permitted Uses Table, legally existing and allowed industrial uses (as of the effective date of this ordinance) may continue as permitted uses.

Section 4.1630.-Dimensional and Performance Standards

| STANDARD | DIMENSION | NOTES |
|-------------------------------|--|-------|
| LOT DIMENSIONS | | |
| LOT WIDTH: | 40) 75 feet | |
| LOT WIDTH:DEPTH RATIO: | 1:3 | |
| SETBACKS | | |
| FRONT YARD: | 25 feet | |
| SIDE AND REAR YARD: | 41) Abutting a residential zone: 10 | |

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| | feet 42) Adjacent to resource zones: 50 feet 43) Lots of record created prior to September 30, 1980 that are less than the minimum-required lot size: 5 feet | |
| ACCESSORY STRUCTURES: | <ul style="list-style-type: none"> • Detached accessory structures (Rear and side setbacks): 10 feet • Detached accessory structures (Rear and side setbacks, street side on a corner lots): 25 feet • Detached accessory structures (Front setback): Same as primary structure • Attached accessory structures: Same setbacks as primary structure | |
| LINE OF NON-AQUATIC VEGETATION: | 35 feet | |
| BUILDING DIMENSIONS | | |
| BUILDING HEIGHT, COMMERCIAL (MAXIMUM): | <ul style="list-style-type: none"> • 35 feet • If the building is within 100 feet of a zone other than RCI, the maximum building height shall be the same height as the adjacent zone | |
| BUILDING HEIGHT, INDUSTRIAL (MAXIMUM): | <ul style="list-style-type: none"> • 45 feet • Adjacent to a residential zone: 35 feet | |
| BUILDING SIZE, COMMERCIAL | <ul style="list-style-type: none"> • 4,000 SF | Building size may be increased beyond 4,000 |

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| (MAXIMUM) | | SF if: <ul style="list-style-type: none"> • The findings approving the use are included in an amendment to the comprehensive plan, processed under post acknowledgement procedures (ORS 197.610 through 197.625); • The use is limited to a size of building or buildings that is intended to serve the rural community, surrounding rural area of the travel needs of people passing through the area; and • The total floor area of building or buildings does not exceed 12,000 square feet |
| BUILDING SIZE, INDUSTRIAL (MAXIMUM) | <ul style="list-style-type: none"> • 40,000 SF | <ul style="list-style-type: none"> • Building size may be increased beyond 40,000 SF if authorized pursuant to ORS 197.713 or 197.719 |
| GENERAL REQUIREMENTS | | |
| SITE PLAN REVIEW | <ul style="list-style-type: none"> • No building permit or other permit for construction or alteration of any building structure or use in this zone shall be issued until plans have been reviewed and approved by the Community Development Director in order to evaluate the conformity with the performance standards of this zone and the Comprehensive Plan and the compatibility of vehicular access, signs, lighting, building placement and designs, landscaping, adjoining uses and location of water and sewage facilities or waste water treatment. | |
| OFF-STREET PARKING | <ul style="list-style-type: none"> • Subject to Section 3.0050 | |
| STORMWATER | <ul style="list-style-type: none"> • All new developments and cumulative or | |

ARTICLE 4. ZONE REGULATIONS

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| RETENTION/DETENTION: | <p>incremental expansion of an existing footprint greater than 25% shall indicate on the building permit how storm water is to be drained from the property or retained on site.</p> <ul style="list-style-type: none">• The County Engineer shall require the installation of culverts, dry wells, retention facilities or other mitigation measures where development may create adverse storm drainage impacts on surrounding properties, adjacent streams or wetlands, and particularly on low lands or on slopes 25% or greater. |
| PERFORMANCE STANDARDS: | <ul style="list-style-type: none">• Air quality: The air standards set by the Department of Environmental Quality shall be the guiding standards in this zone, except that open burning is prohibited in any case.• Noise: As permitted under all laws and regulations.• Storage: Materials and or equipment shall be enclosed within a structure or concealed behind sight-obscuring screening.• Fencing: Allowed inside a boundary planting screen and where it is necessary to protect property or to protect the public from a dangerous condition. The proposed fence locations and design will be subject to Community Development Director review and approval.• Vibration: No vibration other than that caused by highway vehicles, trains and aircraft shall be permitted which is discernible without instruments at the property line of the use concerned.• Heat and glare: Except for exterior lighting, operations producing heat or glare shall be constructed entirely within an enclosed building.• Lighting: Exterior lighting shall be directed away from adjacent property, with cutoff lighting required, when adjacent to a residential zone. |
| FUTURE TRANSPORTATION IMPROVEMENTS: | <p>In areas where the parcel or lot has the potential to be further partitioned or subdivided, the Community Development Director shall, where practicable, require that roads be designated and located so as to facilitate the future division of land in a manner that accommodates smaller lot sizes and the extension of street and utilities and may require a potential</p> |

ARTICLE 4. ZONE REGULATIONS

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| | development plat showing the location of potential lots and the rights-of-way improvements, to include those identified in the County Transportation System Plan (TSP). |
| BUFFERS: | <ul style="list-style-type: none">• Developments adjacent to or across the street from residential zones shall be contained within an enclosed building or screened form the residential district with a sight obscuring fence or vegetation.• Where the RCC- LI zone adjoins a zone other than RCC-LI, there shall be a buffer area of depth adequate to provide for a dense evergreen landscape buffer which attains a minimum height of 8-10 feet, or such other screening measures as may be prescribed by the Community Development Director in the event differences in elevation or other circumstances should defeat the purpose of this requirement. In no case shall the buffer area have less width than the required 50-foot setback of this zone. |
| OTHER STANDARDS: | <ul style="list-style-type: none">• All standards as set forth in the Clatsop County Land and Water Development and Use Code, as amended.• Other permitted development standards as required to meet State sanitation requirements and local setback and ordinance requirements. |

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SECTION 4.1700. LIGHT INDUSTRIAL ZONE (LI)

Section 4.1710. Purpose

The intent of this zone is to provide areas for industrial developments that could be incompatible in a commercial or residential zone but have few objectionable characteristics. This zone is intended for development with limited external impacts, such as processing, assembling and minor manufacturing. The development should be largely contained in buildings, have minimal raw material storage and minimal air, water and noise nuisance characteristics. New industrial use building or buildings may not exceed 30,000 square feet of floor area, unless determined through further review that larger buildings will not exceed the carrying capacity of the land to provide adequate water and absorb waste. Expansion of an existing industrial use resulting in building or buildings exceeding 30,000 square feet of floor area are appropriate when the use will not exceed the carrying capacity of the land.

Section 4.1720. Permitted and Conditional Uses

The uses listed in the Development Lands Permitted Uses Table are allowed in this district.

Section 4.1730. Dimensional and Performance Standards

| STANDARD | DIMENSION | NOTES |
|----------------------------|--|-------|
| LOT DIMENSIONS | | |
| LOT WIDTH: | 75 feet | |
| LOT AREA | 10,000 SF | |
| SETBACKS | | |
| FRONT YARD: | 10 feet 44) Abutting or across the street from a zone other than LI or MI: 50 feet | |
| SIDE AND REAR YARD: | 10 feet 45) Abutting or across the street from a zone other than LI or MI: 50 feet 46) Abutting a railroad right-of-way: None 47) Adjacent to resource zones: 50 feet 48) Lots of record created prior to September 30, 1980 that are less than the | |

ARTICLE 4. ZONE REGULATIONS

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| | minimum-required lot size: 5 feet | |
| ACCESSORY STRUCTURES: | <ul style="list-style-type: none"> • Detached accessory structures (Rear and side setbacks): 5 feet • Detached accessory structures (Rear and side setbacks, street side on a corner lots): Same as primary structure • Detached accessory structures (Front setback): Same as primary structure • Attached accessory structures: Same as primary structure | |
| BUILDING DIMENSIONS | | |
| BUILDING HEIGHT, (MAXIMUM): | <ul style="list-style-type: none"> • 45 feet • If the building is within 100 feet of a zone other than LI or MI, the maximum building height shall be the same height as the abutting zone | |
| BUILDING SIZE, (MAXIMUM) | <ul style="list-style-type: none"> • 30,000 SF | Industrial building size may be increased beyond 30,000 SF if authorized pursuant to ORS 197.713 or 197.719. |
| BUILDING SIZE, (MAXIMUM) | <ul style="list-style-type: none"> • 30,000 SF | <ul style="list-style-type: none"> • Building size may be increased beyond 30,000 SF if authorized pursuant to ORS 197.713 or 197.719. |
| GENERAL REQUIREMENTS | | |
| SITE PLAN REVIEW | <ul style="list-style-type: none"> • No building permit or other permit for construction or alteration of any building structure or use in the LI zone shall be issued until plans have been reviewed and approved by the Community Development | |

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| | Director in order to evaluate the conformity with the performance standards of this zone and the Comprehensive Plan and the compatibility of vehicular access, signs, lighting, building placement and designs, landscaping, adjoining uses and location of water and sewage facilities. |
| OFF-STREET PARKING | <ul style="list-style-type: none">• Subject to Section 3.0050 |
| PERFORMANCE STANDARDS: | <ul style="list-style-type: none">• Air quality: The air standards set by the Department of Environmental Quality shall be the guiding standards in this zone, except that open burning is prohibited in any case.• Noise: As permitted under all laws and regulations.• Storage: Materials shall be enclosed within a structure or concealed behind sight-obscuring screening.• Fencing: Will be allowed inside a boundary planting screen and where it is necessary to protect property or to protect the public from a dangerous condition. The proposed fence locations and design will be subject to Community Development Director review and approval.• Vibration: No vibration other than that caused by highway vehicles, trains and aircraft shall be permitted which is discernible without instruments at the property line of the use concerned.• Heat and glare: Except for exterior lighting, operations producing heat or glare shall be conducted entirely within an enclosed building.• Lighting: Exterior lighting shall be directed away from adjacent property, with cutoff lighting required, when adjacent to a residential zone. |
| FUTURE TRANSPORTATION IMPROVEMENTS: | In areas where the parcel or lot has the potential to be further partitioned or subdivided, the Community Development Director shall, where practicable, require that roads be designated and located so as to facilitate the future division of land in a manner that accommodates smaller lot sizes and the extension of street and utilities and may require a potential development plat showing the location of potential lots and the rights-of-way improvements, to include those identified in the County Transportation System Plan (TSP). |

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| BUFFERS: | <ul style="list-style-type: none">Where the LI zone adjoins a zone other than LI or MI, there shall be a buffer area of depth adequate to provide for a dense evergreen landscape buffer which attains a minimum height of 8-10 feet, or such other screening measures as may be prescribed by the Community Development Director in the event differences in elevation or other circumstances should defeat the purpose of this requirement. In no case shall the buffer area have less width than the required 50 foot setback of this zone. |
| EXPANSION: | |
| COMMERCIAL BUILDINGS: | <ul style="list-style-type: none">For buildings existing on September 10, 2003 where the total floor area for the commercial use exceeds 3,000 square feet of floor area or is intended to exceed 3,000 square feet of floor area:<ol style="list-style-type: none">The total floor area of building or buildings does not exceed 10,000 square feet of floor area;The area is necessary for the intended use; andThe applicant can demonstrate that the use will not exceed the carrying capacity of the land to provide adequate water and absorb waste. |
| INDUSTRIAL BUILDINGS: | <ul style="list-style-type: none">Unless authorized pursuant to 197.713 or 197.719 expansion of industrial building or buildings, existing on September 10, 2003 where the total floor area for the industrial use exceeds 30,000 square feet of floor area or is intended to exceed 30,000 square feet of floor area may be permitted, provided:<ol style="list-style-type: none">The area is necessary for the intended use; andThe applicant can demonstrate that the use will not exceed the carrying capacity of the land to provide adequate water and absorb waste. |

ARTICLE 4. ZONE REGULATIONS

SECTION 4.1800. HEAVY INDUSTRIAL ZONE (HI)

Section 4.1810. Purpose

The intent of this zone is to provide areas for industrial activities which may require large land areas for uses involving manufacturing, assembling, heavy fabrications, processing, bulk handling of products and large amounts of storage and warehousing. In addition, it is the purpose of this classification to provide sites for industrial uses which are potentially incompatible with most other establishments and are typically appropriate to areas with extensive rail or shipping facilities. New industrial uses are limited in size with building or buildings not to exceed 30,000 square feet of floor area, unless determined through review that larger building(s) will not exceed the carrying capacity of the land to provide adequate water and absorb waste. Expansion of an existing industrial use resulting in building or buildings exceeding 30,000 square feet of floor area are appropriate when the use will not exceed the carrying capacity of the land.

Section 4.1820. Permitted and Conditional Uses

The uses listed in the Development Zoning Districts Permitted Uses Table are allowed in this district.

Section 4.1830. Dimensional and Performance Standards

The following standards are applicable to permitted and conditional developments in this zone:

| STANDARD | DIMENSION | NOTES |
|----------------------------|--|-------|
| LOT DIMENSIONS | | |
| LOT WIDTH: | 100 feet | |
| LOT AREA | 1 acre | |
| SETBACKS | | |
| FRONT YARD: | 10 feet 49) Abutting or across the street from a zone other than LI or MI: 50 feet | |
| SIDE AND REAR YARD: | 10 feet 50) Abutting or across the street from a zone other than LI or MI: 50 feet 51) Abutting a railroad right-of-way: None 52) Adjacent to resource zones outside RSA | |

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| | designations: 50 feet 53) Lots of record created prior to September 30, 1980 that are less than the minimum-required lot size: 5 feet | |
| ACCESSORY STRUCTURES: | <ul style="list-style-type: none"> • Detached accessory structures (Rear and side setbacks): 5 feet • Detached accessory structures (Rear and side setbacks, street side on a corner lots): Same as primary structure • Detached accessory structures (Front setback): Same as primary structure • Attached accessory structures: Same as primary structure | |
| BUILDING DIMENSIONS | | |
| BUILDING HEIGHT, (MAXIMUM): | <ul style="list-style-type: none"> • No height limit • EXCEPTION: If the building is within 100 feet of a zone other than LI or MI, the maximum building height shall be the same height as the abutting district | |
| BUILDING SIZE, (MAXIMUM) | <ul style="list-style-type: none"> • Commercial: 3,000 SF | Building size may be increased beyond 3,000 SF if: <ul style="list-style-type: none"> • The findings approving the use are included in an amendment to the comprehensive plan, processed under post acknowledgement |

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| | | <p>procedures (ORS 197.610 through 197.625);</p> <ul style="list-style-type: none"> • The use is limited to a size of building or buildings that is intended to serve the surrounding rural area or the travel needs of people passing through the area; and • The total floor area of building or buildings does not exceed 10,000 square feet |
| BUILDING SIZE, (MAXIMUM) | <ul style="list-style-type: none"> • Industrial: 30,000 SF | <ul style="list-style-type: none"> • Building size may be increased beyond 30,000 SF if authorized pursuant to ORS 197.713 or 197.719 |
| GENERAL REQUIREMENTS | | |
| SITE PLAN REVIEW | <ul style="list-style-type: none"> • No building permit or other permit for construction or alteration of any building structure or use in the HI zone shall be issued until plans have been reviewed and approved by the Community Development Director in order to evaluate the conformity with the performance standards of this zone and the Comprehensive Plan and compatibility of vehicular access, signs, lighting, building placement and designs, landscaping, adjoining uses and location of water and sewage facilities. | |
| OFF-STREET PARKING | <ul style="list-style-type: none"> • Subject to Section 3.0050 | |
| PERFORMANCE STANDARDS: | <ul style="list-style-type: none"> • Air quality: The air standards set by the Department of Environmental Quality shall be the building standards in this zone, except that open burning is prohibited in any case. • Noise: As may be permitted under all laws and regulations. • Storage: Materials shall be enclosed within a structure or concealed behind sight-obscuring screening. • Fencing: Will be allowed inside a boundary planting | |

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| | <p>screen and where it is necessary to protect property or to protect the public from a dangerous condition. The proposed fence locations and design will be subject to Community Development Director review and approval.</p> <ul style="list-style-type: none">• Vibration: No vibration other than that caused by highway vehicles, trains and aircraft shall be permitted which is discernible without instruments at the property line of the use concerned.• Heat and glare: Except for exterior lighting, operations producing heat or glare shall be conducted entirely within an enclosed building.• Lighting: Exterior lighting shall be directed away from adjacent property, with cutoff lighting required, when adjacent to a residential zone. |
| FUTURE TRANSPORTATION IMPROVEMENTS: | <p>In areas where the parcel or lot has the potential to be further partitioned or subdivided, the Community Development Director shall, where practicable, require that roads be designated and located so as to facilitate the future division of land in a manner that accommodates smaller lot sizes and the extension of street and utilities and may require a potential development plat showing the location of potential lots and the rights-of-way improvements, to include those identified in the County Transportation System Plan (TSP).</p> |
| BUFFERS: | <ul style="list-style-type: none">• Where the HI zone adjoins a zone other than LI or MI, there shall be a buffer area of depth adequate to provide for a dense evergreen landscape buffer which attains a minimum height of 8-10 feet, or such other screening measures as may be prescribed by the Community Development Director in the event differences in elevation or other circumstances should defeat the purpose of this requirement. In no case shall the buffer area have less width than the required 50 foot setback of this zone. |
| EXPANSION: | |
| COMMERCIAL BUILDINGS: | <ul style="list-style-type: none">• Buildings existing on September 30, 1980 where the total floor area for the commercial use exceeds 3,000 square feet of floor area may be expanded if the use is intended to serve:<ol style="list-style-type: none">1. The surrounding rural area; or |

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| | 2. The traveling needs of the public passing through the area. |
| INDUSTRIAL BUILDINGS: | <ul style="list-style-type: none">• Unless authorized pursuant to 197.713 or 197.719 expansion of industrial building or buildings, existing on September 10, 2003 where the total floor area for the industrial use exceeds 30,000 square feet of floor area or is intended to occupy more than 30,000 square feet of floor area may be permitted, provided:<ul style="list-style-type: none">3. The size is necessary for the intended use; and4. The applicant can demonstrate the use will not exceed the carrying capacity of the land to provide adequate water and absorb waste. |

ARTICLE 4. ZONE REGULATIONS

SECTION 4.1900. MARINE INDUSTRIAL SHORELANDS ZONE (MI)

Section 4.1910. Purpose and Areas Included

The purpose of the MI zone is to manage Columbia River Estuary shorelands in urban and urbanizable areas and shorelands in rural areas especially suited for water-dependent development and to reserve these shorelands for water-dependent industrial, commercial, and high-intensity recreational use. New industrial use building or buildings may not exceed 30,000 square feet of floor area, unless determined through further review that larger buildings will not exceed the carrying capacity of the land to provide adequate water and absorb waste. Expansion of an existing industrial use resulting in building or buildings exceeding 30,000 square feet of floor area are appropriate when the use will not exceed the carrying capacity of the land. Marine Industrial Shoreland areas have unique characteristics that make them especially suited for water-dependent development. Characteristics that contribute to suitability for water-dependent development include:

- 1) Deep water close to shore with supporting land transportation facilities suitable for ship and barge facility.
- 2) Potential for aquaculture.
- 3) Protected areas subject to scour which would require little dredging for use as a marine; and
- 4) Potential for recreational utilization of coastal waters or riparian resources.

Uses of the MI zone shall maintain the integrity of the estuary and coastal waters. Water-dependent development uses receive highest priority, followed by water-related uses. Uses which are not water-dependent or water-related are provided for, only if they do not foreclose options for future higher priority uses and do not limit the potential for more intensive use of the area.

Section 4.1920. Permitted Development

The uses listed in the Development Zoning Districts Permitted Uses Table are allowed in this district.

Section 4.1930. Dimensional and Performance Standards

The following standards are applicable to permitted and conditional developments in this zone:

| STANDARD | DIMENSION | NOTES |
|-----------------------|--|-------|
| LOT DIMENSIONS | | |
| LOT WIDTH: | 150 feet | |
| LOT AREA | 1 acre | |
| SETBACKS | | |
| FRONT YARD: | 0 feet 54) Abutting a zone other | |

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| | than LI: 50 feet | |
| SIDE AND REAR YARD: | 0 feet 55) Abutting a zone other than LI: 50 feet 56) Abutting a railroad right-of-way: None 57) Non-water-dependent and non-water-related uses: 50 feet from Mean Higher High Water or the line of non-aquatic vegetation | |
| BUILDING DIMENSIONS | | |
| BUILDING HEIGHT, (MAXIMUM): | <ul style="list-style-type: none"> No height limit EXCEPTION: If the building is within 100 feet of a zone other than LI, the maximum building height shall be the same height as the abutting zone | |
| BUILDING SIZE, (MAXIMUM) | <ul style="list-style-type: none"> Industrial, outside of urban unincorporated communities: 30,000 SF Industrial, inside unincorporated community: 40,000 SF | <ul style="list-style-type: none"> Old mill sites are exempt from building size requirements, and includes the portion of Bradwood zoned Marine Industrial. New industrial uses shall not exceed the floor area standards listed in Section 4.1500. Maximum building size may be exceeded if: <ol style="list-style-type: none"> The findings approving the use are included in an amendment to the comprehensive plan, processed under post acknowledgement procedures (ORS |

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| | | 197.610 through 197.625); and 2. The size is necessary for the intended use; and 3. The applicant can demonstrate the use will not exceed the carrying capacity of the land to provide adequate water and absorb waste. |
| GENERAL REQUIREMENTS | | |
| SITE PLAN REVIEW | <ul style="list-style-type: none">• A building permit or other permit for construction or alteration of any structure or use in the MI zone will not be issued until plans have been reviewed and approved for conformity with the performance standards of this zone and the policies of the Comprehensive Plan, and for compatibility of the propose structures or uses with surrounding uses considering factors such as transportation, access, signs, lighting, building placement and design, noise, air quality, vibration, storage, landscaping, adjoining uses and location of public utilities including water and sewer facilities. Any activity or structures reviewed and approved by the Community Development Director will be considered a permitted development with review satisfying Section 4.1920. The approved activity or structure must be completed within the time frame specified in the approval, and not to exceed five years. If the permitted use status is lost due to inactivity or lack of construction within the time specified, a new plan must be submitted for review and approval. | |
| PERFORMANCE STANDARDS: | <ul style="list-style-type: none">• Air quality: All uses must meet applicable state and federal laws or regulations.• Noise: All uses must meet applicable state and federal laws and regulations.• Storage: All materials, including wastes, shall be stored and maintained in a manner that will not attract or aid the propagation of insects or rodents or | |

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| | <p>other animals or birds, or otherwise create a health hazard or nuisance.</p> <ul style="list-style-type: none">• Fencing: Will be allowed inside a boundary planting screen and where it is necessary to protect property or to protect the public of the use concerned or to protect the public from a dangerous condition, with the following provisions:<ul style="list-style-type: none">A. No fence shall be constructed in the required setback from the public right-of-way unless otherwise specifically approved by the Community Development Director.B. Fences shall be aesthetically compatible with the surrounding property.• Lighting: Exterior lighting shall be directed away from zones other than LI unless otherwise approved. Cutoff lighting is required when adjacent to a residential zone. |
| BUFFERS: | <ul style="list-style-type: none">• Where the MI zone adjoins a zone other than LI, there shall be an area of depth adequate to provide for a dense evergreen landscaped area which attains a minimum height of 8-10 feet, or such other screening measures as may be prescribed by the Community Development Director. In no case shall the buffer area have less width than the required 50 foot setback of this zone. |
| OTHER: | <ul style="list-style-type: none">• All uses and activities shall satisfy applicable regional policies contained in the Comprehensive Plan, Estuarine Resources and Coastal Shorelands Element.• All uses and activities shall satisfy applicable Columbia River Estuary Shoreland and Aquatic Use and Activity standards contained in the Development and Use Standards Document.• All other applicable ordinance requirements shall be satisfied.• When a proposal includes several uses, the uses shall be reviewed in aggregate under the more stringent procedure.• Uses that are water-dependent must meet the criteria in Section 6.4270(1).• Uses that are water-related must meet the criteria in Section 6.4270(2). |

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| | <ul style="list-style-type: none">• Uses and activities that are not water-dependent shall not preclude or conflict with existing or probably future water-dependent use on the site or in the vicinity. If non-water-dependent development is proposed in the MI zone under Section 4.1920, the County shall provide mailed notice to state and federal agencies with statutory planning and permit issuance authority in aquatic areas, including the Oregon Department of State Lands, Oregon department of Fish and Wildlife, US Fish and Wildlife Service, National Marine Fisheries Service, Army Corps of engineer and the Environmental Protection Agency. |
| EXPANSION: | |
| COMMERCIAL BUILDINGS: | <ul style="list-style-type: none">• Buildings existing on September 30, 1980 where the total floor area for the commercial use exceeds 3,000 square feet of floor area or is intended to exceed 3,000 square feet of floor area, may be expanded if:<ol style="list-style-type: none">1. The total floor area of building or buildings does not exceed 10,000 square feet;2. The size is necessary for the intended use, and3. The applicant can demonstrate the use will not exceed the carrying capacity of the land to provide adequate water and absorb waste. |
| INDUSTRIAL BUILDINGS: | <ul style="list-style-type: none">• Buildings existing on September 30, 1980 where the total floor area for the industrial use exceeds 30,000 square feet of floor area or is intended to exceed 30,000 square feet of floor area, may be expanded if:<ol style="list-style-type: none">1. The size is necessary for the intended use; and2. The applicant can demonstrate the use will not exceed the carrying capacity of the land to provide adequate water and absorb waste. |

ARTICLE 4. ZONE REGULATIONS

SECTION 4.2000. AQUATIC DEVELOPMENT ZONE (AD)

Section 4.2010. Purpose and Areas Included

The purpose of the AD zone is to provide for navigation, and other identified needs for public, commercial, and industrial water-dependent uses, consistent with the level of development or alteration allowed by this zone and the need to minimize damage to the Columbia River estuarine ecosystem. The objective of the AD zone is to ensure optimum utilization of appropriate aquatic areas by providing for intensive development.

Such areas include deep water areas adjacent to or near the shoreline, navigation channels, turning basins, subtidal areas for in- water disposal of dredged materials, areas of minimal biological significance needed for uses requiring alteration of the estuary not included in Aquatic Conservation-Two Zone, Aquatic Conservation-One Zone, and Aquatic Natural Zone, and areas for which an exception to Statewide Planning Goal 16, Estuarine Resources has been adopted.

Uses of the AD zone shall maintain the integrity of the estuary and coastal waters. Water-dependent development uses receive highest priority, followed by water-related uses. Permissible uses in areas managed for water dependent activities include navigation, water-dependent commercial and industrial uses, water transport channels, water-storage areas when needed for products used in or resulting from commerce or recreation, flowlane disposal of dredged material, and marinas. Other uses, including uses which are not water-dependent or water-related are provided for when consistent with the purposes of the AD zone, and if they do not foreclose options for future higher priority uses or do not limit the potential for more intensive use of the area.

Section 4.2020. Permitted and Conditional Uses

The uses listed in the Development Zoning Districts Permitted Uses Table are allowed in this district.

Section 4.2030. Dimensional and Performance Standards

| STANDARD | NOTES |
|--|---|
| COMPREHENSIVE PLAN | |
| GOALS 16/17 | All uses and activities shall satisfy regional policies contained in the Comprehensive Plan, Estuarine Resources and Coastal Shorelands element |
| LAND AND WATER DEVELOPMENT AND USE CODE | |
| COLUMBIA RIVER ESTUARY SHORELAND AND AQUATIC USE AND ACTIVITY STANDARDS | All uses and activities shall satisfy applicable Columbia River Estuary Shoreland and Aquatic Use and Activity Standards |
| IMPACT ASSESSMENT | <ul style="list-style-type: none">• A proposal which requires new dredging, |

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| | <p>fill, in-water structures, riprap, new log storage areas, water intake or withdrawal and effluent discharge, in-water disposal of dredge materials, beach nourishment, application of pesticides and herbicides, or other activities which could affect the estuary's physical processes or biological resources is subject to an Impact Assessment and required by Sections 3.3010-6.3050.</p> <ul style="list-style-type: none">• Piling, dredging, filling or other estuarine alteration permitted as a Type I use under Section 4.2020 of this zone, is subject to the public notice provisions of Section 2.2040, if:<ul style="list-style-type: none">○ an impact assessment is required pursuant to Sections 3.3010-3.3050; or○ a determination of consistency with the purpose of the AD zone is required pursuant to Section 6.0480; or○ The Community Development Director determines that the permit decision will require interpretation or the exercise of factual, policy, or legal judgment. |
| GENERAL REQUIREMENTS | |
| OTHER: | <ul style="list-style-type: none">• All other applicable ordinance requirements shall be satisfied.• When a proposal includes several uses, the uses shall be reviewed in aggregate under the more stringent procedure.• Uses that are water-dependent must meet the criteria in Section 6.4270(1).• Uses that are water-related must meet the criteria in Section 6.4270(2).• Uses and activities that are not water-dependent shall not preclude or conflict with existing or probable future water-dependent use on the site or in the vicinity. |

ARTICLE 4. ZONE REGULATIONS

SECTION 4.2100. URBAN GROWTH BOUNDARY ZONE (UGB)

Section 4.2110. Purpose.

This zone is intended for those areas within Urban Growth Boundaries (UGB) designated by the cities and Clatsop County in their comprehensive plans. The UGB zone is intended to provide joint review and consideration of land use concerns by Clatsop County and the appropriate municipality to insure that land use activities on the urban fringe conforms to orderly growth and extension of city services, facilities, and land use patterns. The UGB zone is also designed to implement provisions of the UGB provisions which the County has entered into with the various municipalities.

Section 4.2120. Land Use and Zoning Maps

All unincorporated areas within the mutually adopted UGB are shown on the Clatsop County land use and zoning maps. The designations used are those agreed upon by Clatsop County and the appropriate municipality. The description of the designations and the listing of permitted and conditional developments and applicable standards are included in the land use ordinances adopted by: City of Astoria, City of Warrenton, City of Seaside, City of Cannon Beach, and City of Gearhart.

Section 4.2130. Permitted Uses

Refer to the provisions in the appropriate municipal Ordinance.

ARTICLE 4. ZONE REGULATIONS

| DEVELOPMENT LANDS PERMITTED USES TABLE | | | AC-RCR | AD | HI | KS-RCR | LI | MI | RC-MFR | RCC | RCC-LI | RCI | RCR | RSA-MFR | RSA-SFR | UGB** |
|---|--|---|--------|----|----|--------|----|----|--------|-----|--------|-----|-----|---------|---------|-------|
| USE | APPLICABLE STANDARDS | NOTES | | | | | | | | | | | | | | |
| Accessory Building | <ul style="list-style-type: none">In conjunction with, or following the permitting or lawful establishment of the principal use on the same tract.Limited to uninhabitable spaces such as detached garages, storage buildings, garden sheds, greenhouses, shops, etc.Subordinate in size to the primary dwelling. | Section 1.0500 | I | | | I | | | I | | | | I | I | I | |
| Accessory Use | <ul style="list-style-type: none">May be permitted prior to the issuance of a development permit for the primary use, subject to an approval by the Community Development DirectorThe applicant submits a letter explaining the unique or unusual circumstances and nature of the intended use; andThe property owner obtains the primary use development permit within 1 year from the date the accessory use development permit is issued; andThe property owner submits a statement that the accessory use is not intended for the storage of, or the establishment of, an RV use prior to completion of the primary useSubject to other conditions of approval deemed necessary to protect the primary purpose and intent of the zone, and to provide for public health, safety and welfare. | | II | | | II | | | II | | | | II | | | |
| Aquaculture Facilities | AD Zone Only <ul style="list-style-type: none">Must be consistent with the purpose of the AD zoneMust consistent with the purpose of the adjacent shoreland zonesIncludes piling, dredging and fill activities associated with use | Section 2.1020 Section 2.4000-2.4050 Section 4.1900 Section 4.2000 Section 6.4080 Section 6.4200 Section 6.4210 | | II | | | | II | | | | | | | | |
| Automobile and Vehicle Repair | <ul style="list-style-type: none">Includes welding and service part facilities | | | | II | | | | | | | | | | | |
| Automobile Service Station | <ul style="list-style-type: none">Excludes auto sales and auto storageIncludes auto fuel, towing and minor repairMaximum floor area for each commercial use limited to 4,000 SF | Section 4.1430 | | | | | | | | II | II | | | | | |
| Automobile Wrecking Yard | | | | | | | II | | | | III | III | | | | |

ARTICLE 4. ZONE REGULATIONS

| DEVELOPMENT LANDS PERMITTED USES TABLE | | | AC-RCR | AD | HI | KS-RCR | LI | MI | RC-MFR | RCC | RCC-LI | RCI | RCR | RSA-MFR | RSA-SFR | UGB** |
|--|--|--|--------|-----|----|--------|----|-----|--------|-----|--------|-----|-----|---------|---------|-------|
| USE | APPLICABLE STANDARDS | NOTES | | | | | | | | | | | | | | |
| Batching Plant, Concrete, Ready-Mix or Asphalt | | | | | | | II | | | | III | III | | | | |
| Bed and Breakfast | | Sections 3.8030-3.8050 | II | | | II | | | II | | | | II | II | II | |
| Boarding House | <ul style="list-style-type: none">Includes rooming house or other group housing | | | | | | | | II | | | | | II | | |
| Boat Ramps | <ul style="list-style-type: none">Only in areas identified as Coastal Shorelands in the Comprehensive Plan | Section 5.4100- 5.4170 Section 2.0200 | | | | II | | | II | | | | II | II | II | |
| Bottling Works | <ul style="list-style-type: none">Maximum floor area for each industrial use limited to 40,000 SF | | | | | | II | | | | II | II | | | | |
| Child Care Facility | <ul style="list-style-type: none">Maximum floor area for each commercial use limited to 4,000 SF | | II | | | II | | | | | | | II | | | |
| Cluster Development | | Section 3.3000 | | | | | | | I | | | | | | | |
| Communication Facilities | | Section 3.9400 TYPE IIR ONLY: Sections 2.5000-2.5040 | | I | I | | II | IIR | I | II | II | II | | I | | |
| Contractor Establishment | <ul style="list-style-type: none">Maximum floor area for each industrial use limited to 30,000 SF | | | | II | | | | | | | | | | | |
| Crossings, Bridge | <ul style="list-style-type: none"> | | | IIR | | | | | | | | | | | | |
| Crossings, Bridge – Support Structures | <ul style="list-style-type: none">Must be consistent with the purpose of the AD zoneMust be consistent with the purpose of the adjacent shoreland zonesIncludes piling, dredging and fill activities associated with use | Sections 2.4000-2.4050 Section 6.4080 Section 6.4200 Section 6.4210 | | II | | | | | | | | | | | | |
| Crossings, Utilities, Cable, and Pipelines | <ul style="list-style-type: none">Includes landfalls and access corridorsIncludes piling in AD zoneIncludes dredging in AD zoneIncludes fill in AD zone | Sections 2.5000-2.5040 LWDUO Section 6.4080 Section 6.4200 Section 6.4210 | | IIR | | | | IIR | | | | | | | | |
| Dike Maintenance | <ul style="list-style-type: none">Includes dredging to obtain fill material | | | IIR | | | | | | | | | | | | |
| Dikes, Permanent | <ul style="list-style-type: none">Includes tidegates | Section 2.1020 Section 2.4000- | | | | | | II | | | | | | | | |

ARTICLE 4. ZONE REGULATIONS

| DEVELOPMENT LANDS PERMITTED USES TABLE | | | AC-RCR | AD | HI | KS-RCR | LI | MI | RC-MFR | RCC | RCC-LI | RCI | RCR | RSA-MFR | RSA-SFR | UGB** |
|---|--|---|--------|-----|----|--------|----|-----|--------|-----|--------|-----|-----|---------|---------|-------|
| USE | APPLICABLE STANDARDS | NOTES | | | | | | | | | | | | | | |
| | | 2.4050 | | | | | | | | | | | | | | |
| Dikes, Temporary | <ul style="list-style-type: none">For emergency flood protectionSubject to state and federal regulationsLimited to 60 days (MI zone only)Includes piling and dredging in AD zoneIncludes fill in AD zone | AD Zone Section 6.4080 Section 6.4200 Section 6.4210 | | I | | | | I | | | | | | | | |
| Dredged Material Disposal, Designated | <ul style="list-style-type: none">Includes beach nourishment at sites designated in the Comprehensive PlanIncludes fill in AD zone | Section 6.4210 | | IIR | | | | I | | | | | | | | |
| Dredged Materials Disposal, Undesignated | For sites not designated in the Comprehensive Plan, provided: <ul style="list-style-type: none">The disposal site does not preempt the use of the site for allowable water-dependent development activities | Sections 2.5000-2.5040 LWDUO | | | | | | IIR | | | | | | | | |
| Dwelling, Accessory Unit | <ul style="list-style-type: none">ADUs shall be allowed only on lots or parcels serviced by a State approved Sanitary Sewer.ADUs shall be allowed only in conjunction with parcels containing one single-family dwelling (the "primary dwelling"). A maximum of one ADU or Guesthouse (see "Guesthouse") is permitted per lot or parcel. ADUs shall not be permitted in conjunction with a duplex or multi-family dwelling.ADUs shall comply with maximum lot coverage and setback requirements applicable to the parcel containing the primary dwelling.The ADU may be created through conversion of an existing structure, or construction of a new structure that is either attached to the primary dwelling or detached.The maximum gross habitable floor area (GHFA) of the ADU shall not exceed 75 percent of the GHFA of the main floor of the primary dwelling on the lot, or 900 square feet, whichever is less. The floor area of any garage shall not be included in the total GHFA.Only one entrance may be located on the front of the existing dwelling unless the existing dwelling contained more than one entrance before the addition of the ADU.In order to maintain a consistent architectural character, Accessory dwellings shall be constructed with similar building materials, architectural design and colors that generally match those used on | Section 1.0500 | I | | | I | | | I | | | | I | | | |

ARTICLE 4. ZONE REGULATIONS

| DEVELOPMENT LANDS PERMITTED USES TABLE | | | AC-RCR | AD | HI | KS-RCR | LI | MI | RC-MFR | RCC | RCC-LI | RCI | RCR | RSA-MFR | RSA-SFR | UGB** |
|---|---|---------------------------------------|--------|-----|----|--------|----|-----|--------|-----|--------|-----|-----|---------|---------|-------|
| USE | APPLICABLE STANDARDS | NOTES | | | | | | | | | | | | | | |
| | the primary dwelling, except where the approving hearing body requires different materials and/or detailing to promote compatibility with single family dwellings on abutting lots. <ul style="list-style-type: none">A parcel containing a primary dwelling unit and an ADU shall provide a minimum of three off-street parking spaces designed in accordance with County Standards Document S2.202§1. | | | | | | | | | | | | | | | |
| Dwelling, Disabled Housing Facility | Five or fewer residents | Section 1.0500 ORS 456.515-456.725 | I | | | I | | | I | I | I | | I | I | I | |
| Dwelling, Health Hardship | | Section 3.0190 | I | | | I | | | | | | | I | | | |
| Dwelling, Mobile Home | | Section 3.4100 | | | | | | | I | | | | | I | | |
| Dwelling, Multi-Family | | | | | | | | | II | | | | | II | | |
| Dwelling, One Family | | | I | | | I | | | I | | | | I | I | I | |
| Dwelling, Owner/Operator | | | | | | | | | | | IIA | | | | | |
| Dwelling, Two Family (Duplex) | | | II | | | II | | | I | | | | II | I | II | |
| Equipment Storage Yard | | | | | | | II | | | | II | II | | | | |
| Estuarine Alteration, Temporary | <ul style="list-style-type: none">Includes piling in AD zoneIncludes dredging in AD zone | Section 6.4080 Section 6.4200 | | IIR | | | | | | | | | | | | |
| Estuarine Enhancement | <ul style="list-style-type: none">Includes piling in AD zoneIncludes dredging in AD zone | Section 6.4080 Section 6.4200 | | IIR | | | | | | | | | | | | |
| Excavation | <ul style="list-style-type: none">To create new water surface area | Sections 2.5000-5.5040 | | | | | | IIR | | | | | | | | |
| Expansion of Commercial Buildings | <ul style="list-style-type: none">Must be existing as of the date of this ordinanceTotal maximum floor area may exceed 4,000 SF provided the use is intended to:<ul style="list-style-type: none">Serve the rural community; or | | | | | | | | | IIA | IIA | | | | | |

ARTICLE 4. ZONE REGULATIONS

| DEVELOPMENT LANDS PERMITTED USES TABLE | | | AC-RCR | AD | HI | KS-RCR | LI | MI | RC-MFR | RCC | RCC-LI | RCI | RCR | RSA-MFR | RSA-SFR | UGB** |
|--|--|---|--------|----|----|--------|----|----|--------|-----|--------|-----|-----|---------|---------|-------|
| USE | APPLICABLE STANDARDS | NOTES | | | | | | | | | | | | | | |
| | <ul style="list-style-type: none">Serve the surrounding rural area; orServe the traveling needs of people passing through the area. | | | | | | | | | | | | | | | |
| Farm or Garden Supply | <ul style="list-style-type: none">Includes equipment sales and repair | | | | | | | | | II | II | | | | | |
| Farm Use | | | | | | I | | | | | | | I | | | |
| Farm Use and Grazing | No structures permitted | | | | | | | I | | | | | | | | |
| Firewood, Splitting and Sale | <ul style="list-style-type: none"> | | | | I | | I | | | I | I | I | | | | |
| Forest Manufacturing | | Section 2.1020 Section 2.4000-2.4050 | | | | | | II | | | | | | | | |
| Forestry Activities | | | | | | | | I | | | | | | | | |
| Golf Course | Includes: <ul style="list-style-type: none">Country ClubDriving RangeTennis ClubSimilar Recreational Uses Building(s) for each commercial use limited to 4,000 SF of floor area | | II | | | II | | | | | | | II | | | |
| Guesthouse | <ul style="list-style-type: none">The maximum gross habitable floor area (GHFA) shall not to exceed 75 percent of the GHFA of the main floor of the primary dwelling on the lot, or 600 square feet, whichever is less. The floor area of any garage shall not be included in the total GHFA.Metering devices shall not be permitted on guesthouses.Cooking Facilities shall not be permitted in guesthouses. (See “Cooking Facilities”)A maximum of one ADU or Guesthouse is permitted per lot or parcel and must accompany a primary residenceGuesthouses shall only be allowed in rural community and rural residential zones as designated by this ordinance. | Section 1.0500 | I | | | I | | | I | | | | I | I | I | |
| Hauling, Freighting and Trucking Yard Terminal | | | | | II | | II | | | | II | II | | | | |

ARTICLE 4. ZONE REGULATIONS

| DEVELOPMENT LANDS PERMITTED USES TABLE | | | AC-RCR | AD | HI | KS-RCR | LI | MI | RC-MFR | RCC | RCC-LI | RCI | RCR | RSA-MFR | RSA-SFR | UGB** |
|---|--|--|--------|----|----|--------|----|----|--------|-----|--------|-----|-----|---------|---------|-------|
| USE | APPLICABLE STANDARDS | NOTES | | | | | | | | | | | | | | |
| Home Occupation, Conditional | <ul style="list-style-type: none">Must be operated by a resident of the property on which the business is located;The resident must file an annual report verifying that the home occupation complies with the conditions originally imposed;Shall not employ more than five full or part-time persons;Must will be operated in:<ul style="list-style-type: none">The dwelling; orOther buildings normally associated with uses permitted in the zone in which the property is located;Shall not interfere with existing uses on nearby land or with other uses permitted in the zone in which the property is located; | Sections 2.4000-2.4050 Sections 3.8000-3.8020 | II | | | II | | | II | | | | II | II | | |
| Home Occupation, Limited | <ul style="list-style-type: none">Be operated in its entirety within the principal dwelling;Not have a separate entrance from outside the building;Not involve alteration or construction not customarily found in dwellings;Not using any mechanical equipment except that which is used normally for purely domestic or household purposes;Not using more than twenty-five percent (25%) of the total actual floor area of the dwelling. <p>Not display, or create outside the structure any external evidence of the operation of the home occupation except for one unanimated, non-illuminated wall sign having an area of not more than one (2) square foot.</p> | Section 1.0500 | I | | | I | | | I | | | | I | I | I | |
| House of Worship | | | II | | | II | | | | II | II | | II | | | |
| Industry, Heavy | <ul style="list-style-type: none">Maximum floor area for each industrial use limited to 30,000 SF | | | | II | | | | | | | | | | | |
| Industry, Light | Maximum floor area for each industrial use limited to 30,000 SF | | | | II | | | | | | | | | | | |
| Industry, Water-dependent | <p>Includes:</p> <ul style="list-style-type: none">Port facilities and/or shipping activitiesFuel storage and dispensing facilitiesVessel construction, maintenance or repair facilitiesMarine railway facilitiesSeafood receiving, processing and storageIntegrated manufacturing and shipping facility where a significant portion of the operation is water-dependentOther water-dependent industrial or port uses meeting the criteria in | Section 6.4080 Section 6.4200 Section 6.4210 | | I | | | | I | | | | | | | | |

ARTICLE 4. ZONE REGULATIONS

| DEVELOPMENT LANDS PERMITTED USES TABLE | | | AC-RCR | AD | HI | KS-RCR | LI | MI | RC-MFR | RCC | RCC-LI | RCI | RCR | RSA-MFR | RSA-SFR | UGB** |
|--|---|--|--------|----|----|--------|----|----|--------|-----|--------|-----|-----|---------|---------|-------|
| USE | APPLICABLE STANDARDS | NOTES | | | | | | | | | | | | | | |
| | Section 4.243(1), Water-dependent Use Criteria <ul style="list-style-type: none">Docks, moorages, piers, or wharvesCargo loading and unloading facilitiesCargo marshaling, assembly and storage facilitiesIce making and sales establishmentsIncludes piling and dredging in AD zoneIncludes fill in AD zone | | | | | | | | | | | | | | | |
| Laboratory | <ul style="list-style-type: none">Includes experimenting, processing, researching or testing | | | | II | | II | | | | | | | | | |
| Land Transportation Facilities | <ul style="list-style-type: none">Excludes new public or private road development | Section 4.0300 | I | | I | I | I | II | I | I | I | I | I | I | I | |
| Legally Existing Uses | <ul style="list-style-type: none">Must be legally existing as of the effective date of the ordinanceAre allowed to continue as permitted uses | | | | | | | | | II | II | II | | | | |
| Logging Operations | <ul style="list-style-type: none">Includes accessory uses such as an office or watchperson’s quartersMaximum floor area for each commercial use limited to 4,000 SFMaximum floor area for each industrial use limited to 40,000 SF | | | | | | | | | | II | II | | | | |
| Lumberyard, Retail | <ul style="list-style-type: none">Includes mill works (LI zone only) | | | | | | II | | | | II | II | | | | |
| Machine Shop | <ul style="list-style-type: none">Maximum floor area for each industrial use limited to 40,000 SF | | | | | | II | | | | II | II | | | | |
| Maintenance and Repair of Existing Structures and Facilities | <ul style="list-style-type: none">Includes dikesIncludes piling and dredging in AD zoneIncludes fill in AD zone | Section 6.4080 Section 6.4200 Section 6.4210 | | I | | | | I | | | | | | | | |
| Manufacturing, Compounding, Assembling, or Treating Products | <ul style="list-style-type: none">Maximum floor area for each industrial use limited to 40,000 SF | | | | | | II | | | | II | II | | | | |
| Manufacturing, Food Products | | | | | | | II | | | | III | III | | | | |
| Marinas | 58) Must be consistent with the purpose of the AD zone 59) Must be consistent with the purpose of the adjacent shoreland zones <ul style="list-style-type: none">Includes piling, dredging and fill activities associated with use | Sections 2.4000-2.4050 Section 6.4080 Section 6.4200 Section 6.4210 | | II | | | | | | | | | | | | |
| Marine Research and Education Facility | | Section 2.1020 Section 2.4000- | | | | | | II | | | | | | | | |

ARTICLE 4. ZONE REGULATIONS

| DEVELOPMENT LANDS PERMITTED USES TABLE | | | AC-RCR | AD | HI | KS-RCR | LI | MI | RC-MFR | RCC | RCC-LI | RCI | RCR | RSA-MFR | RSA-SFR | UGB** |
|---|---|---|--------|-----|----|--------|----|----|--------|-----|--------|-----|-----|---------|---------|-------|
| USE | APPLICABLE STANDARDS | NOTES | | | | | | | | | | | | | | |
| | | 2.4050 | | | | | | | | | | | | | | |
| Mini-Storage | | | | | | | | | | II | IIA | | | | | |
| Mining | 60) Includes mineral extraction processing and differentiation AD Zone 61) Includes mineral extraction 62) Must be consistent with the purpose of the AD zone 63) Must be consistent with the purpose of adjacent shoreland zones 64) Includes piling and dredging activities associated with use | Section 2.1020 Section 2.4000-2.44050 | | II | | | | II | | | | | | | | |
| Mixed Use or Residential Development | 65) Commercial or retail component must be a permitted or conditional use in the zone 66) Residential development shall be located above or behind the non-residential use | | | | | | | | | IIA | IIA | | | | | |
| Mobile Home Park | 67) | Section 3.4000 | | | | | | | III | | | | | III | | |
| Manufactured Home Park | 68) | Section 3.4000 | | | | | | | III | | | | | | | |
| Navigation Projects | • Includes water transport channel improvements • Must be consistent with the purpose of the AD zone • Must be consistent with the purpose of adjacent shoreland zones 69) Includes piling and dredging activities associated with use | Sections 2.400-2.4050 | | II | | | | | | | | | | | | |
| Navigational Aids | 70) Includes piling and dredging in AD zone | Sections 6.4080 Section 6.4200 | | I | | | | I | | | | | | | | |
| Navigational Improvements, Minor | • Includes piling in AD zone • Includes dredging in AD zone | Section 6.4080 Section 6.4200 | | IIR | | | | | | | | | | | | |
| Navigational Structures | • Must be consistent with the purpose of the AD zone • Must be consistent with the purpose of adjacent shoreland zones • Includes piling, dredging and fill associated with use | Sections 2.4000-2.4050 | | II | | | | | | | | | | | | |
| Non-Water-Dependent Uses | • Includes non-related uses involving minimal capital investment • Includes temporary uses AD Zone • Must be consistent with the purpose of the AD zone • Must be consistent with the purpose of the adjacent shoreland zones • Includes piling activities associated with use | Section 2.1020 Section 2.4000-2.4050 Section 6.4080 | | II | | | | II | | | | | | | | |
| Office, Medical | • Maximum floor area for each commercial use limited to 4,000 SF | | | | | | | | | II | II | | | | | |
| Office, Professional | • Maximum floor area for each commercial use limited to 4,000 SF | | | | | | | | | II | II | | | | | |

ARTICLE 4. ZONE REGULATIONS

| DEVELOPMENT LANDS PERMITTED USES TABLE | | | AC-RCR | AD | HI | KS-RCR | LI | MI | RC-MFR | RCC | RCC-LI | RCI | RCR | RSA-MFR | RSA-SFR | UGB** |
|---|---|---|--------|----|----|--------|----|----|--------|-----|--------|-----|-----|---------|---------|-------|
| USE | APPLICABLE STANDARDS | NOTES | | | | | | | | | | | | | | |
| Outfalls, Stormwater and Wastewater | <ul style="list-style-type: none">Treated wastewater only AD zone <ul style="list-style-type: none">Must be consistent with the purpose of the AD zoneMust be consistent with the purpose of the adjacent shoreland zonesIncludes piling and dredging activities associated with use | Section 2.1020 Section 2.4000-2.4050 Section 6.4080 Section 6.4200 | | II | | | | II | | | | | | | | |
| Park or Playground, Neighborhood | <ul style="list-style-type: none">Public or private | | | | | | | | I | | | | | I | I | |
| Personal Enrichment Establishment | <ul style="list-style-type: none">Maximum floor area for each commercial use limited to 4,000 SF | | | | | | | | | II | II | | | | | |
| Personal Services | <ul style="list-style-type: none">Maximum floor area for each commercial use limited to 4,000 SF | | | | | | | | | II | II | | | | | |
| Property Line Adjustments | LI Zone only: <ul style="list-style-type: none">Provided the existing parcel is not reduced below the minimum lot sizeProvided the lot line adjustment is within the same zone | Sections 2.9000-2.9080 | | | I | | I | | | | | | | | | |
| Public/Semi-Public Use | | | | | | | | | II | | | | | II | II | |
| Public Use, Operations | <ul style="list-style-type: none">Excludes equipment storage, repair yards, warehouses, or related activities | | II | | | II | | | | | | | II | | | |
| Public Use, Operations and Maintenance | <ul style="list-style-type: none">Includes equipment storage, repair yards, warehouses, or related activities | | | | | | | | | II | II | | | | | |
| Real Estate Office, Temporary | 71) Must be located in a legally recorded subdivision | | II | | | II | | | II | | | | II | II | II | |
| Recreation Facility | | | II | | | II | | | | II | II | | II | | | |
| Recreation, Low Intensity | | | I | | | I | | | I | I | I | | I | I | I | |
| Recreation, Low Intensity Water Dependent | <ul style="list-style-type: none">Undeveloped in AD zone | | | I | | | | I | | | | | | | | |
| Recreational Vehicle (RV) Park | <ul style="list-style-type: none">Maximum density: 15 RV spaces / acre;Minimum 30-foot setback from adjoining residential zones;Minimum 50-foot setback from adjoining resource zones; and Subject to State Building Code Requirements | Section 3.5000-3.5020 (2)(A)(F)(I)(J)(K) and (3)-(10) SD | | | | | | | | IIA | IIA | | | | | |

ARTICLE 4. ZONE REGULATIONS

| DEVELOPMENT LANDS PERMITTED USES TABLE | | | AC-RCR | AD | HI | KS-RCR | LI | MI | RC-MFR | RCC | RCC-LI | RCI | RCR | RSA-MFR | RSA-SFR | UGB** |
|--|---|---|--------|-----|----|--------|----|-----|--------|-----|--------|-----|-----|---------|---------|-------|
| USE | APPLICABLE STANDARDS | NOTES | | | | | | | | | | | | | | |
| Recycling Collection Center | <ul style="list-style-type: none">Maximum floor area for each industrial use limited to 40,000 SF | | | | II | | II | | | | II | II | | | | |
| Research and Educational Observation | <ul style="list-style-type: none">Includes piling and dredging in AD zone | Sections 6.4080 Section 6.4200 | | I | | | | | | | | | | | | |
| Resource Protection Projects | <ul style="list-style-type: none">Includes habitat, nutrient, fish, wildlife and aesthetic resourcesIncludes piling and dredging in AD zoneIncludes fill in AD zone | Sections 6.4080 Section 6.4200 Section 6.4210 | | I | | | | | | | | | | | | |
| Restoration, Active | <ul style="list-style-type: none">Includes mitigation, creation and enhancementIncludes dredging in AD zoneIncludes fill in AD zone | Section 2.1020 Section 2.4000-2.4050 Section 6.4200 Section 6.4210 | | IIR | | | | II | | | | | | | | |
| Restoration, Passive | | | | I | | | | I | | | | | | | | |
| | | | | | | | | | | | | | | | | |
| Restaurant | <ul style="list-style-type: none">Maximum floor area for each commercial use limited to 4,000 SFMaximum floor area for each commercial use limited to 3,000 SF (HI zone only) | | | | II | | | | | II | II | | | | | |
| Retail Sales, Foodstuffs | <ul style="list-style-type: none">Includes preparation of foodstuffs for sale primarily on-premisesMaximum floor area for each commercial use limited to 4,000 SF | | | | | | | | | II | II | | | | | |
| Retail Sales and Services | <ul style="list-style-type: none">RCC-LI Zone: Maximum floor area for each commercial use limited to 4,000 SFLI Zone: Maximum floor area for each commercial or retail use limited to 3,000 SF | | | | | | II | | | II | II | | | | | |
| Road Development or Extension, Public or Private | | | II | | | | | | | | | | II | | | |
| Roadside Stand | <ul style="list-style-type: none">Products grown on the premises RCC, RCI, and RCC-LI Zones only: <ul style="list-style-type: none">Less than 120 SF in size | Section 3.9520-3.9540 | | | | I | | | | I | I | I | I | | | |
| School | <ul style="list-style-type: none">Public or privateElementary, middle or high school | | II | | | II | | | | | | | II | | | |
| | <ul style="list-style-type: none"> | | | | | | | | | | | | | | | |
| Shoreline | <ul style="list-style-type: none">Includes piling in AD zone | Section 6.4080 | | IIR | | | | IIR | | | | | | | | |

ARTICLE 4. ZONE REGULATIONS

| DEVELOPMENT LANDS PERMITTED USES TABLE | | | AC-RCR | AD | HI | KS-RCR | LI | MI | RC-MFR | RCC | RCC-LI | RCI | RCR | RSA-MFR | RSA-SFR | UGB** |
|---|---|--|--------|-----|-----|--------|-----|----|--------|-----|--------|-----|-----|---------|---------|-------|
| USE | APPLICABLE STANDARDS | NOTES | | | | | | | | | | | | | | |
| Stabilization, Structural | <ul style="list-style-type: none">Includes dredging in AD zoneIncludes fill in AD zone | Section 6.4200 Section 6.4210 | | | | | | | | | | | | | | |
| Shoreline Stabilization, Vegetative | <ul style="list-style-type: none">Includes piling and dredging in AD zone | Type II R: Sections 2.5000-2.5040 AD ZONE: Section 6.4080 Section 6.4200 | | I | | | | I | | | | | | | | |
| Short-Term Rental | | Section 5.4910 | I | | | | | | | | | | | | | |
| Signs | Limited to: <ul style="list-style-type: none">Temporary signsNameplates | Section 3.0130 | I | | | I | | | I | | | | I | | | |
| Similar Uses | <ul style="list-style-type: none">Maximum floor area for each commercial use limited to 4,000 SF (RCC, RCC-LI zones only)Maximum floor area for each industrial use limited to 4,000 SF (RCC-LI zone only)Maximum floor area for each industrial use limited to 40,000 SF (RCI zone only)Maximum floor area for each commercial use limited to 3,000 SF (HI zone only)Maximum floor area for each industrial use limited to 30,000 SF (HI zone only)The Planning Commission must determine that the uses are similar in use and compatibility to those uses currently permitted as conditional uses within the zone. | Section 2.6000 | | | III | III | III | | | III | III | III | III | | | |
| Solid Waste Transfer Stations | <ul style="list-style-type: none">Requires site plan reviewMaximum floor area limited to 40,000 SF (RCC-LI zone only)Maximum floor area limited to 30,000 SF (HI zone only) | | | | II | | II | | | | III | III | | | | |
| | | | | | | | | | | | | | | | | |
| Subdivisions | <ul style="list-style-type: none">Includes uses accessory to a subdivision | Section 2.9000 | | | | III | | | | | | | | | | |
| Temporary Uses | AC-RCR, KS-RCR, and RCR zones only: <ul style="list-style-type: none">Includes use of an RV during construction | Section 2.8200 | I | | | I | | | I | | | | I | I | I | |
| Tidegates | <ul style="list-style-type: none">In existing functional dikes | Section 6.4080 | | IIR | | | | | | | | | | | | |

ARTICLE 4. ZONE REGULATIONS

| DEVELOPMENT LANDS PERMITTED USES TABLE | | | AC-RCR | AD | HI | KS-RCR | LI | MI | RC-MFR | RCC | RCC-LI | RCI | RCR | RSA-MFR | RSA-SFR | UGB** |
|--|---|---|--------|-----|----|--------|----|-----|--------|-----|--------|-----|-----|---------|---------|-------|
| USE | APPLICABLE STANDARDS | NOTES | | | | | | | | | | | | | | |
| | <ul style="list-style-type: none">Includes piling in AD zoneIncludes dredging in AD zone | Section 6.4200 | | | | | | | | | | | | | | |
| Transient Lodging | <ul style="list-style-type: none">Must be served by a community sewer system;Shall not contain more than 35 units; andMaximum floor area for each commercial use associated with the lodging limited to 4,000 square feet | | | | | | | | | IIA | IIA | | | | | |
| Utilities | <ul style="list-style-type: none">Maximum utilization of existing easements and rights-of-way shall be made | | I | | I | I | | I | I | I | I | I | I | | I | |
| Utilities, Minor | | | | | | | | | | | | | | I | | |
| Utilities Necessary for Public Service | | | | | | | | | | | | | | II | II | |
| Utility, Public | | Sections 2.5000-2.5040 | | | | | | IIR | | | | | | | | |
| Warehouse | | Sections 2.5000-2.5040 | | | II | | II | | | | II | II | | | | |
| Water-dependent Commercial and Recreational Facilities, Public | <ul style="list-style-type: none">Boat RampsMoorageDoes not include marinasIncludes Piling in AD zoneIncludes dredging in AD zoneIncludes fill in AD zone | Section 6.4080 Section 6.4200 Section 6.4210 | | IIR | | | | | | | | | | | | |
| Water-dependent High Intensity Commercial or Recreational Facilities | Includes: <ul style="list-style-type: none">Boat RampsCommercial MooragesMarinas, Commercial and RecreationalMaximum floor area for each building limited to 3,000 SF | Section 2.1020 Section 2.4000-2.4050 | | | | | | II | | | | | | | | |
| Water-Related Industrial or Commercial | <ul style="list-style-type: none">Maximum floor area for each commercial use or building limited to 3,000 SFMaximum floor area for each industrial use or building limited to 30,000 SFSecurity guard quarters in conjunction with a water-dependent useMarine craft and/or equipment salesCold storage and/or ice processing facilities independent of seafood processing facilities | Section 2.1020 Section 2.4000-2.4050 Section 6.4080 | | II | | | | II | | | | | | | | |

ARTICLE 4. ZONE REGULATIONS

| DEVELOPMENT LANDS PERMITTED USES TABLE | | | AC-RCR | AD | HI | KS-RCR | LI | MI | RC-MFR | RCC | RCC-LI | RCI | RCR | RSA-MFR | RSA-SFR | UGB** |
|---|---|----------------------------------|--------|-----|----|--------|----|----|--------|-----|--------|-----|-----|---------|---------|-------|
| USE | APPLICABLE STANDARDS | NOTES | | | | | | | | | | | | | | |
| | AD Zone includes: <ul style="list-style-type: none">• Administrative offices of a water-dependent business• Marine hardware sales and repair• Charter fishing offices• Seafood market• Sport fish cleaning, smoking or canning• Net storage• Other water-related industrial and commercial uses meeting the criteria in Section 4.243(2) Water-Related Use Criteria AD Zone <ul style="list-style-type: none">• Must be consistent with the purpose of the AD zone• Must be consistent with the purpose of the adjacent shoreland zones• Includes piling activities associated with use | | | | | | | | | | | | | | | |
| Water Storage Area | <ul style="list-style-type: none">• Where needed for products used in or resulting from industry, commerce and recreation• Includes piling in AD zone• Includes dredging in AD zone | Section 6.4080 Section 6.4200 | | IIR | | | | | | | | | | | | |
| Welding Shop | <ul style="list-style-type: none">• Maximum floor area for each industrial use limited to 40,000 SF | | | | | | II | | | | II | II | | | | |
| Wholesale, Sales and Services | Maximum floor area for each commercial or retail use limited to 3,000 SF (LI zone only) | | | | | | II | | | | | | | | | |
| Wholesale, Storage Business | <ul style="list-style-type: none">• Maximum floor area for each industrial use limited to 40,000 SF• | | | | II | | II | | | | II | II | | | | |

*Type IIR = Review Use
**Refer to provisions of the applicable City ordinance

ARTICLE 4. ZONE REGULATIONS

SECTION 4.2200. COASTAL BEACH RESIDENTIAL ZONE (CBR)

Section 4.2210. Purpose

The CBR zone is intended to accommodate the immediate foreseeable demand for low density residential development in the area commonly known as Surf Pines. Surf Pines covers an area of approximately 1-1/2 square miles and is located south of the community of Sunset Beach and west of Neacoxie Lake and Creek. Surf Pines is an area committed to low density rural residential development. This zone is a Goal 14 exceptions area.

Section 4.2220. Permitted and Conditional Uses

The uses listed in the Rural Lands Permitted and Conditional Uses Table are allowed in this district.

Section 4.2230. Dimensional and Performance Standards

The following standards are applicable to permitted uses in this zone:

| STANDARD | DIMENSION | NOTES |
|-------------------------------|---|----------------------------------|
| LOT DIMENSIONS | | |
| LOT SIZE: | 72) Inside Exception Area: 1 acre 73) Outside Exception Area (T7N, R10W, Sectionj16C, TL 300 and 301): 2 acres | |
| LOT WIDTH: | 74) 100 feet | |
| LOT WIDTH:DEPTH RATIO: | 1:3 | |
| CLUSTER DEVELOPMENTS: | | Subject to Section 3.3000-3.3050 |
| GENERAL: | Other permitted development as required to meet State sanitation requirements and local setback and ordinance requirements. | |
| SETBACKS | | |
| FRONT YARD: | 20 feet | |
| REAR YARD: | 20 feet Exceptions: • Corner lot: 10 feet | |
| SIDE YARD: | 10 feet Exceptions: | |

ARTICLE 4. ZONE REGULATIONS

| STANDARD | DIMENSION | NOTES |
|--|--|---|
| | <ul style="list-style-type: none"> • Corner lot, street side: 20 feet; • Lots of record created prior to September 30, 1980, AND that are less than the minimum-required lot size: 5 feet • Adjacent to resource zones: 50 feet | |
| LINE OF NON-AQUATIC VEGETATION: | <ul style="list-style-type: none"> • 35feet | |
| OCEAN YARD: | | <ul style="list-style-type: none"> • For lots abutting the oceanshore • Determined by the oceanfront setback line established by Section 3.0150 |
| ACCESSORY STRUCTURES: | <ul style="list-style-type: none"> • Detached accessory structures less than 10 feet tall: 5 feet • Detached accessory structures more than 10 feet tall and attached accessory structures: Same setbacks as primary structure • Accessory structures on corner lots: Same setbacks as primary structure | |
| BUILDING HEIGHT (MAXIMUM): | Ocean front lot: 18 feet Non-Ocean front lot: 26 feet | The height of a structure is measured from the average grade of the undisturbed ground at the four principal corners of the proposed structure. To determine height: |

ARTICLE 4. ZONE REGULATIONS

| STANDARD | DIMENSION | NOTES |
|--|--|---|
| | | <ul style="list-style-type: none"> • Construction/building plans submitted for uses permitted in this zone shall show the elevations of the undisturbed ground prior to construction • Elevations shall be measured at the four principal corners of the proposed structure on a plot plan • A control point shall be established outside of the building's footprint • Photographs of the undisturbed site shall be required • Photographs need not be professional or aerial photographs. • The Director may require a survey, prepared by a registered surveyor, in order to verify height |
| GENERAL REQUIREMENTS | | |
| STORMWATER RETENTION/DETENTION: | All new development shall indicate on the building permit how storm water is to be drained from the property. The Community Development Director County Engineer may require the installation of culverts, dry wells or retention facilities in cases where a development has major storm drainage impacts. | |
| LIVESTOCK: | Livestock is prohibited | |
| FENCES: | Fences, walls, hedges or coping shall need exceed 8 feet in height | |
| UTILITIES: | All utility lines shall be placed underground | |
| OTHER STANDARDS: | All standards as set forth in the Clatsop County Land and Water Development and Use Code, as amended. | |

ARTICLE 4. ZONE REGULATIONS

SECTION 4.2300. COASTAL RESIDENTIAL ZONE (CR)

Section 4.2310. Purpose

The CR zone is intended to encourage residential and very limited recreation development in the Southwest Coastal planning area primarily where commitments to such development have been made through existing subdivision, partitioning or development, of where the anticipated magnitude or density of development will not require more than a very basic level of services. This zone is a Goal 14 exceptions area.

Section 4.2320. Permitted and Conditional Uses

The uses listed in the Rural Lands Permitted and Conditional Uses Table are allowed in this district.

Section 4.2330. Dimensional and Performance Standards

The following standards are applicable to permitted and conditional developments in this zone:

| STANDARD | DIMENSION | NOTES |
|-------------------------------|---|--|
| LOT DIMENSIONS | | |
| LOT SIZE: | 75) Inside Exception Area: 20,000 SF 76) Outside Exception Area: 2 acres | Lot size for conditional developments shall be based upon: 5) Site size need of the proposed use; 6) Nature of the proposed use in relation to the impacts on nearby properties; and 7) Consideration of State sanitation requirements; and 8) Local setback and other criteria and standards of this Ordinance. |
| LOT WIDTH: | 100 feet | |
| LOT WIDTH:DEPTH RATIO: | 1:3 | |
| CLUSTER DEVELOPMENTS: | | Subject to Section 3.150-3.161 SD |

ARTICLE 4. ZONE REGULATIONS

| STANDARD | DIMENSION | NOTES |
|--|---|--|
| GENERAL: | Other permitted development as required to meet State sanitation requirements and local setback and ordinance requirements. | |
| SETBACKS | | |
| FRONT YARD: | Distance from: <ul style="list-style-type: none"> • Major arterial: 50 feet • Minor arterial: 30 feet. • Major collector: 30 feet • Minor collector: 25 feet. • Local street: 20 feet | |
| REAR YARD: | 20 feet Exceptions: <ul style="list-style-type: none"> • Corner lot: 5 feet | |
| SIDE YARD: | 10 feet Exceptions: <ul style="list-style-type: none"> • Corner lot, street side: 20 feet; • Lots of record created prior to September 30, 1980, AND that are less than the minimum-required lot size: 5 feet • Adjacent to resource zones: 50 feet | |
| LINE OF NON-AQUATIC VEGETATION: | <ul style="list-style-type: none"> • 35feet | |
| OCEAN YARD: | | <ul style="list-style-type: none"> • For lots abutting the oceanshore • Determined by the oceanfront setback line established by Section S3.0150 |
| ACCESSORY STRUCTURES: | <ul style="list-style-type: none"> • Detached accessory structures less than 10 feet tall (non-corner lots): 5 feet | |

ARTICLE 4. ZONE REGULATIONS

| STANDARD | DIMENSION | NOTES |
|-----------------------------------|--|--|
| | <ul style="list-style-type: none">• Detached accessory structures more than 10 feet tall and attached accessory structures: Same setbacks as primary structure• Accessory structures on corner lots: Same setbacks as primary structure | |
| BUILDING HEIGHT (MAXIMUM): | Ocean front lot: 18 feet Non-Ocean front lot: 26 feet | <p>The height of a structure is measured from the average grade of the undisturbed ground at the four principal corners of the proposed structure. To determine height:</p> <ul style="list-style-type: none">• Construction/building plans submitted for uses permitted in this zone shall show the elevations of the undisturbed ground prior to construction• Elevations shall be measured at the four principal corners of the proposed structure on a plot plan• A control point shall be established outside of the building's footprint• Photographs of the undisturbed site shall be required• Photographs need not be professional or aerial photographs. |

ARTICLE 4. ZONE REGULATIONS

| STANDARD | DIMENSION | NOTES |
|--|--|---|
| | | <ul style="list-style-type: none"> The Director may require a survey, prepared by a registered surveyor, in order to verify height |
| GENERAL REQUIREMENTS | | |
| STORMWATER RETENTION/DETENTION: | All new development shall indicate on the building permit how storm water is to be drained from the property. The County Engineer may require the installation of culverts, dry wells or retention facilities in cases where a development has major storm drainage impacts. | |
| OTHER STANDARDS: | All standards as set forth in the Clatsop County Land and Water Development and Use Code, as amended. | |
| CONDITIONAL USES: | <p>The following limitations and requirements shall apply to conditional developments:</p> <ul style="list-style-type: none"> The proposed development shall be consistent with the Clatsop County Comprehensive Plan. The proposed development shall include safe ingress and egress. The development shall be compatible with and appropriate to the natural resources and features of the area. In no event shall the proposed development destroy or endanger the natural and recreational resources giving value to the area. The proposed development shall include adequate measures to reduce fire hazards and prevent the spread of fire to surrounding areas. The location of buildings, signs, parking, recreation and open space shall be compatible with adjacent areas and the natural scenic amenities of the locality. | |

ARTICLE 4. ZONE REGULATIONS

SECTION 4.2400. SINGLE FAMILY RESIDENTIAL-1 ZONE (SFR-1)

Section 4.2410. Purpose

The SFR-1 zone is intended to accommodate the immediate foreseeable demand for low density rural housing in areas where commitments to such uses have already been made through existing subdivisions, partitioning, development and availability of public services (i.e. fire, protection/ community water system). The zone is intended for those areas that have development or will develop having little or no farm uses and houses constructed in a traditional manner, and tracts of land sold on a lot-by-lot basis together with some typical subdivision development. This zone is a Goal 14 exceptions area.

Section 4.2420. Permitted and Conditional Uses

The uses listed in the Rural Lands Zoning Districts Permitted Uses Table are allowed in this district.

Section 4.2430. Dimensional and Performance Standards

The following standards are applicable to permitted and conditional developments in this zone:

| STANDARD | DIMENSION | NOTES |
|-------------------------------|--|---|
| LOT DIMENSIONS | | |
| LOT SIZE: | 77) Inside Exception Area: 1 acre 78) Outside Exception Area: T4N, R10W, SEC. 7CD, TL 100, 200, 300: 2 acres T7N, R10W, SEC. 34B, TL 3300 and 3400: 2 acres | |
| LOT WIDTH: | 125 feet | |
| LOT WIDTH:DEPTH RATIO: | 1:3 | |
| CLUSTER DEVELOPMENTS: | <ul style="list-style-type: none">• Minimum lot size inside exception area: 1 acre• Minimum lot size outside exception area: 2 acres | <ul style="list-style-type: none">• Subject to Sections 3.3000-3.3050 |

ARTICLE 4. ZONE REGULATIONS

| STANDARD | DIMENSION | NOTES |
|--|---|-------|
| GENERAL: | Other permitted development as required to meet State sanitation requirements and local setback and ordinance requirements. | |
| SETBACKS | | |
| FRONT YARD: | Distance from: <ul style="list-style-type: none"> • Major arterial: 50 feet • Minor arterial: 30 feet. • Major collector: 30 feet • Minor collector: 25 feet. • Local street: 20 feet | |
| REAR YARD: | 20 feet Exceptions: <ul style="list-style-type: none"> • Corner lot: 5 feet • Adjacent to resource zones: 50 feet | |
| SIDE YARD: | 10 feet Exceptions: <ul style="list-style-type: none"> • Corner lot, street side: 20 feet; • Lots of record created prior to September 30, 1980, AND that are less than the minimum-required lot size: 5 feet • Adjacent to resource zones: 50 feet | |
| LINE OF NON-AQUATIC VEGETATION: | <ul style="list-style-type: none"> • 35feet | |
| ACCESSORY STRUCTURES: | <ul style="list-style-type: none"> • Detached accessory structures less than 10 feet tall (non-corner lots): 5 feet | |

ARTICLE 4. ZONE REGULATIONS

| STANDARD | DIMENSION | NOTES |
|-----------------------------------|---|--|
| | <ul style="list-style-type: none"> • Detached accessory structures more than 10 feet tall and attached accessory structures: Same setbacks as primary structure • Accessory structures on corner lots: Same setbacks as primary structure | |
| BUILDING HEIGHT (MAXIMUM): | Ocean front lot: 18 feet Non-Ocean front lot: 26 feet | <p>The height of a structure is measured from the average grade of the undisturbed ground at the four principal corners of the proposed structure. To determine height:</p> <ul style="list-style-type: none"> • Construction/building plans submitted for uses permitted in this zone shall show the elevations of the undisturbed ground prior to construction • Elevations shall be measured at the four principal corners of the proposed structure on a plot plan • A control point shall be established outside of the building's footprint • Photographs of the undisturbed site shall be required • Photographs need not be professional or aerial photographs. |

ARTICLE 4. ZONE REGULATIONS

| STANDARD | DIMENSION | NOTES |
|--|--|---|
| | | <ul style="list-style-type: none">• The Director may require a survey, prepared by a registered surveyor, in order to verify height |
| GENERAL REQUIREMENTS | | |
| STORMWATER RETENTION/DETENTION: | All new development shall indicate on the building permit how storm water is to be drained from the property. The County Engineer may require the installation of culverts, dry wells or retention facilities in cases where a development has major storm drainage impacts. | |
| OTHER STANDARDS: | All standards as set forth in the Clatsop County Land and Water Development and Use Code, as amended. | |
| CLATSOP PLAINS PLANNING AREA | | |
| <p>The following additional limitations and requirements shall apply to development within the Clatsop Plains Planning Area:</p> <ul style="list-style-type: none">• Where a buffer of trees exists along properties abutting Highway 101 at the effective date of this Ordinance, a buffer of trees 25 feet in width shall be maintained or planted when the property is developed. The Community Development Director or designate may waive this requirement where the size of the lot or natural topography would create a hardship.• All planned developments and subdivisions shall be required to cluster land uses and designate areas as permanent common open space. The development shall be reviewed according to Section 4.4800 for Planned Developments or Clatsop County Standards Document, Section S3.3000 for Cluster Developments. The minimum percentage of common open space shall be 30% excluding roads. | | |

ARTICLE 4. ZONE REGULATIONS

SECTION 4.2500. RESIDENTIAL-AGRICULTURE-1 ZONE (RA-1)

Section 4.2510. Purpose

The RA-1 zone is intended to accommodate the immediate foreseeable demand for low-density rural residential development in areas where commitments to such uses have already been made through existing subdivision, partitioning, development and availability of public services (fire protection, community water system and roads). In areas contiguous with RA-2 or Urban Growth Boundary residential zones or similar city zone designations, the RA-1 zone is intended to be a transitional zoning district between the AF, F-80, and EFU zones and is the same as the RA-2 zone, with the conversion of such lands to higher density residential use occurring in an orderly and economical manner.

Section 4.2520. Permitted and Conditional Uses

The uses listed in the Rural Lands Permitted and Conditional Uses Table are allowed in this district.

Section 4.2530. Dimensional and Performance Standards

The following standards are applicable to permitted and conditional developments in this zone:

| STANDARD | DIMENSION | NOTES |
|-----------------------|-------------|--|
| LOT DIMENSIONS | | |
| LOT SIZE: | 79) 2 acres | Lot size for conditional developments shall be based upon: 1) Site size need of the proposed use; 2) Nature of the proposed use in relation to the impacts on nearby properties; and 3) Consideration of State sanitation requirements; and 4) Local setback and other criteria and standards of this Ordinance. |
| LOT WIDTH: | 125 feet | |

ARTICLE 4. ZONE REGULATIONS

| STANDARD | DIMENSION | NOTES |
|--|---|--|
| LOT WIDTH:DEPTH RATIO: | 1:3 | |
| CLUSTER DEVELOPMENTS: | | <ul style="list-style-type: none"> • Subject to Section 3.3000-3.3050 |
| GENERAL: | Other permitted development as required to meet State sanitation requirements and local setback and ordinance requirements. | |
| SETBACKS | | |
| FRONT YARD: | Distance from: <ul style="list-style-type: none"> • Major arterial: 50 feet • Minor arterial: 30 feet. • Major collector: 30 feet • Minor collector: 25 feet. • Local street: 20 feet | |
| REAR YARD: | 20 feet Exceptions: <ul style="list-style-type: none"> • Corner lot: 5 feet • Adjacent to resource zones: 50 feet | |
| SIDE YARD: | 10 feet Exceptions: <ul style="list-style-type: none"> • Corner lot, street side: 20 feet; • Lots of record created prior to September 30, 1980, AND that are less than the minimum-required lot size: 5 feet • Adjacent to resource zones: 50 feet | |
| LINE OF NON-AQUATIC VEGETATION: | <ul style="list-style-type: none"> • 35 feet | |
| ACCESSORY STRUCTURES: | <ul style="list-style-type: none"> • Detached accessory structures less than 10 feet tall (non-corner lots): 5 feet | |

ARTICLE 4. ZONE REGULATIONS

| STANDARD | DIMENSION | NOTES |
|--|--|---|
| | <ul style="list-style-type: none">• Detached accessory structures more than 10 feet tall or attached accessory structures: Same setbacks as primary structure• Accessory structures on corner lots: Same setbacks as primary structure | |
| BUILDING HEIGHT (MAXIMUM): | 35 feet | <ul style="list-style-type: none">• |
| GENERAL REQUIREMENTS | | |
| STORMWATER RETENTION/DETENTION: | All new development shall indicate on the building permit how storm water is to be drained from the property. The County Engineer may require the installation of culverts, dry wells or retention facilities in cases where a development has major storm drainage impacts. | |
| OTHER STANDARDS: | All standards as set forth in the Clatsop County Land and Water Development and Use Code, as amended. | |
| CLATSOP PLAINS PLANNING AREA | | |
| <p>The following additional limitations and requirements shall apply to development within the Clatsop Plains Planning Area:</p> <ul style="list-style-type: none">• Where a buffer of trees exists along properties abutting Highway 101 at the effective date of this Ordinance, a buffer of trees 25 feet in width shall be maintained or planted when the property is developed. The Community Development Director or designate may waive this requirement where the size of the lot or natural topography would create a hardship.• All planned developments and subdivision shall be required to cluster land uses and designate areas as permanent common open space. The development shall be reviewed according to Clatsop County Standards Document, Section 5.4800 for Planned Developments or Section 3.3000 for Clustered Developments. The minimum percentage of common open space shall be 30%, excluding roads and property under water. | | |

ARTICLE 4. ZONE REGULATIONS

SECTION 4.2600. RESIDENTIAL-AGRICULTURE-2 ZONE (RA-2)

Section 4.2610. Purpose.

The RA-2 zone is intended to accommodate the immediate foreseeable demand for very low density rural residential development where commitments to such uses have already been made through existing subdivision, partitioning or development, or in selected, small areas having unique scenic quality and other development that will not require more than a very basic level of services (fire protection or community water). In areas contiguous with the SFR or RA-1 or any Urban Growth Boundary area the RA-2 zone is intended to be a transitional zone between the AF, F-80, EFU zones and said residential zone, with conversion of such lands to higher density residential use occurring in an orderly and economical manner.

Section 4.2620. Permitted and Conditional Uses

The uses listed in the Rural Lands Permitted and Conditional Uses Table are allowed in this district.

Section 4.2630. Dimensional and Performance Standards

The following standards are applicable to permitted and conditional developments in this zone:

| STANDARD | DIMENSION | NOTES |
|-------------------------------|-----------|--|
| LOT DIMENSIONS | | |
| LOT SIZE: | 2 acres | Lot size for conditional developments shall be based upon: 1) Site size need of the proposed use; 2) Nature of the proposed use in relation to the impacts on nearby properties; and 3) Consideration of State sanitation requirements; and 4) Local setback and other criteria and standards of this Ordinance. |
| LOT WIDTH: | 175 feet | |
| LOT WIDTH:DEPTH RATIO: | 1:3 | |

ARTICLE 4. ZONE REGULATIONS

| STANDARD | DIMENSION | NOTES |
|--|---|--|
| CLUSTER DEVELOPMENTS: | | <ul style="list-style-type: none"> • Subject to Section 3.3000-3.3050 |
| GENERAL: | Other permitted development as required to meet State sanitation requirements and local setback and ordinance requirements. | |
| SETBACKS | | |
| FRONT YARD: | Distance from: <ul style="list-style-type: none"> • Major arterial: 50 feet • Minor arterial: 30 feet. • Major collector: 30 feet • Minor collector: 25 feet. • Local street: 20 feet | |
| REAR YARD: | 20 feet Exceptions: <ul style="list-style-type: none"> • Corner lot: 5 feet • Adjacent to resource zones: 50 feet | |
| SIDE YARD: | 10 feet Exceptions: <ul style="list-style-type: none"> • Corner lot, street side: 20 feet; • Lots of record created prior to September 30, 1980, AND that are less than the minimum-required lot size: 5 feet • Adjacent to resource zones: 50 feet | |
| LINE OF NON-AQUATIC VEGETATION: | <ul style="list-style-type: none"> • 35feet | |
| ACCESSORY STRUCTURES: | <ul style="list-style-type: none"> • Detached accessory structures less than 10 feet tall (non-corner lots): 5 feet • Detached accessory structures more than 10 feet tall or attached | |

ARTICLE 4. ZONE REGULATIONS

| STANDARD | DIMENSION | NOTES |
|--|--|-------|
| | accessory structures: Same setbacks as primary structure <ul style="list-style-type: none">• Accessory structures on corner lots: Same setbacks as primary structure | |
| BUILDING HEIGHT (MAXIMUM): | 35 feet | |
| GENERAL REQUIREMENTS | | |
| STORMWATER RETENTION/DETENTION: | All new development shall indicate on the building permit how storm water is to be drained from the property. The County Engineer may require the installation of culverts, dry wells or retention facilities in cases where a development has major storm drainage impacts. | |
| OTHER STANDARDS: | All standards as set forth in the Clatsop County Land and Water Development and Use Code, as amended. | |
| CLATSOP PLAINS PLANNING AREA | | |
| The following additional limitations and requirements shall apply to development within the Clatsop Plains Planning Area: <ul style="list-style-type: none">• Where a buffer of trees exist along properties abutting Highway 101 at the effective date of this Ordinance, a buffer of trees 25 feet in width shall be maintained or planted when the property is developed. The Community Development Director or designate may waive this requirement where the size of the lot or natural topography would create a hardship.• All planned developments and subdivision shall be required to cluster land uses and designate areas as permanent common open space. The development shall be reviewed according to Clatsop County Standards Document, Section 5.4800 for Planned Developments or Section 3.3000 for Clustered Developments. The minimum percentage of common open space shall be 30%, excluding roads and property under water. | | |

ARTICLE 4. ZONE REGULATIONS

SECTION 4.2700. RESIDENTIAL-AGRICULTURE-5 ZONE (RA-5)

Section 4.2710. Purpose.

The RA-5 zone is intended to accommodate the immediate foreseeable demand for very low density rural residential development in designated outlying areas where commitments to such uses have already been made through existing subdivision, partitioning, or development, or in selected small areas having unique scenic, locational and other suitable site qualities. The RA-5 zone is intended to be applied to land where the anticipated magnitude or density of development will not require more than a very basic level of services, such as single local road access, individual domestic wells and sewage disposal systems. The very low density limitation of the RA-5 zone is also based on prevailing lot sizes, limited or undetermined domestic water sources, or limitations of soil conditions for subsurface sewage disposal.

Section 4.2720. Permitted and Conditional Uses

The uses listed in the Rural Lands Permitted and Conditional Uses Table are allowed in this district.

Section 4.2730. Dimensional and Performance Standards

The following standards are applicable to permitted and conditional developments in this zone:

| STANDARD | DIMENSION | NOTES |
|------------------------|---|--|
| LOT DIMENSIONS | | |
| LOT SIZE: | 80) Dwelling, One Family: 5 acres 81) Dwelling, Two Family: 10 acres | Lot size for conditional developments shall be based upon: 1) Site size need of the proposed use; 2) Nature of the proposed use in relation to the impacts on nearby properties; and 3) Consideration of State sanitation requirements; and 4) Local setback and other criteria and standards of this Ordinance. |
| LOT WIDTH: | 275 feet | |
| LOT WIDTH:DEPTH | 1:3 | |

ARTICLE 4. ZONE REGULATIONS

| STANDARD | DIMENSION | NOTES |
|--|---|--|
| RATIO: | | |
| CLUSTER DEVELOPMENTS: | | <ul style="list-style-type: none"> • Subject to Section 3.3000-3.3050 |
| GENERAL: | Other permitted development as required to meet State sanitation requirements and local setback and ordinance requirements. | |
| SETBACKS | | |
| FRONT YARD: | Distance from: <ul style="list-style-type: none"> • Major arterial: 50 feet • Minor arterial: 30 feet. • Major collector: 30 feet • Minor collector: 25 feet. • Local street: 20 feet | |
| REAR YARD: | 20 feet Exceptions: <ul style="list-style-type: none"> • Corner lot: 5 feet • Adjacent to resource zones: 50 feet | |
| SIDE YARD: | 10 feet Exceptions: <ul style="list-style-type: none"> • Corner lot, street side: 20 feet; • Lots of record created prior to September 30, 1980, AND that are less than the minimum-required lot size: 5 feet • Adjacent to resource zones: 50 feet | |
| LINE OF NON-AQUATIC VEGETATION: | <ul style="list-style-type: none"> • 35 feet | |
| ACCESSORY STRUCTURES: | <ul style="list-style-type: none"> • Detached accessory structures less than 10 feet tall (non-corner lots): 5 feet • Detached accessory structures more than | |

ARTICLE 4. ZONE REGULATIONS

| STANDARD | DIMENSION | NOTES |
|---|--|-------|
| | 10 feet tall or attached accessory structures: Same setbacks as primary structure <ul style="list-style-type: none">• Accessory structures on corner lots: Same setbacks as primary structure | |
| BUILDING HEIGHT (MAXIMUM): | 35 feet | |
| GENERAL REQUIREMENTS | | |
| STORMWATER RETENTION/DETENTION: | All new development shall indicate on the building permit how storm water is to be drained from the property. The County Engineer shall require the installation of culverts, dry wells or retention facilities in cases where a development has major storm drainage impacts. | |
| OTHER STANDARDS: | All standards as set forth in the Clatsop County Land and Water Development and Use Code, as amended. | |
| CLATSOP PLAINS PLANNING AREA | | |
| The following additional limitations and requirements shall apply to development within the Clatsop Plains Planning Area: <ul style="list-style-type: none">• Where a buffer of trees exists along properties abutting Highway 101 at the effective date of this Ordinance, a buffer of trees 25 feet in width shall be maintained or planted when the property is developed. The Community Development Director or designate may waive this requirement where the size of the lot or natural topography would create a hardship.• All planned developments and subdivision shall be required to cluster land uses and designate areas as permanent common open space. The development shall be reviewed according to Clatsop County Standards Document, Section 5.4800 for Planned Developments or Section 3.3000 for Clustered Developments. The minimum percentage of common open space shall be 30%, excluding roads and property under water. | | |

ARTICLE 4. ZONE REGULATIONS

SECTION 4.2800. RESIDENTIAL-AGRICULTURE-10 ZONE (RA-10)

Section 4.2810. Purpose

The RA-10 zone is intended to accommodate the immediate foreseeable demand for very low density rural residential development in outlying areas where commitments to such uses have already been made through existing subdivision, partitioning, development, or in selected small areas having unique scenic, locational and other suitable site qualities. The RA-10 zone is intended to be applied to land where the anticipated magnitude or density of development will not require more than a very basic level of services, such as single local road access, individual domestic wells and sewage disposal systems. The low density limitation of the RA-10 zone is also based on prevailing lot sizes, limited or undetermined domestic water sources, or limitations of soil conditions for subsurface sewage disposal.

Section 4.2820. Permitted and Conditional Uses

The uses listed in the Rural Lands Permitted and Conditional Uses Table are allowed in this district.

Section 4.2830. Dimensional and Performance Standards

The following standards are applicable to permitted and conditional developments in this zone.

| STANDARD | DIMENSION | NOTES |
|-----------------------|--|--|
| LOT DIMENSIONS | | |
| LOT SIZE: | 82) Dwelling, One Family: 10 acres 83) Dwelling, Two Family: 20 acres | Lot size for conditional developments shall be based upon: 1) Site size need of the proposed use; 2) Nature of the proposed use in relation to the impacts on nearby properties; and 3) Consideration of State sanitation requirements; and 4) Local setback and other criteria and standards of this Ordinance. |
| LOT WIDTH: | 385 feet | |

ARTICLE 4. ZONE REGULATIONS

| STANDARD | DIMENSION | NOTES |
|--|---|--|
| LOT WIDTH:DEPTH RATIO: | 1:3 | |
| CLUSTER DEVELOPMENTS: | | <ul style="list-style-type: none"> • Subject to Section 3.3000-3.3050 |
| GENERAL: | Other permitted development as required to meet State sanitation requirements and local setback and ordinance requirements. | |
| SETBACKS | | |
| FRONT YARD: | Distance from: <ul style="list-style-type: none"> • Major arterial: 50 feet • Minor arterial: 30 feet. • Major collector: 30 feet • Minor collector: 25 feet. • Local street: 20 feet | |
| REAR YARD: | 20 feet Exceptions: <ul style="list-style-type: none"> • Adjacent to resource zones: 125 feet | |
| SIDE YARD: | 10 feet Exceptions: <ul style="list-style-type: none"> • Corner lot, street side: 20 feet; • Adjacent to resource zones: 125 feet | |
| LINE OF NON-AQUATIC VEGETATION: | <ul style="list-style-type: none"> • 100 feet | |
| ACCESSORY STRUCTURES: | <ul style="list-style-type: none"> • Detached accessory structures less than 10 feet tall (non-corner lots): 5 feet • Detached accessory structures more than 10 feet tall or attached accessory structures: Same setbacks as primary structure • Accessory structures on corner lots: Same | |

ARTICLE 4. ZONE REGULATIONS

| STANDARD | DIMENSION | NOTES |
|---|--|-------|
| | setbacks as primary structure | |
| BUILDING HEIGHT (MAXIMUM): | 35 feet | |
| GENERAL REQUIREMENTS | | |
| STORMWATER RETENTION/DETENTION: | All new development shall indicate on the building permit how storm water is to be drained from the property. The County Engineer shall require the installation of culverts, dry wells or retention facilities in cases where a development has major storm drainage impacts. | |
| OTHER STANDARDS: | All standards as set forth in the Clatsop County Land and Water Development and Use Code, as amended. | |
| CLATSOP PLAINS PLANNING AREA | | |
| The following additional limitations and requirements shall apply to development within the Clatsop Plains Planning Area: | | |
| <ul style="list-style-type: none">• Where a buffer of trees exists along properties abutting Highway 101 at the effective date of this Ordinance, a buffer of trees 25 feet in width shall be maintained or planted when the property is developed. The Community Development Director or designate may waive this requirement where the size of the lot or natural topography would create a hardship.• All planned developments and subdivision shall be required to cluster land uses and designate areas as permanent common open space. The development shall be reviewed according to Clatsop County Standards Document, Section 5.4800 for Planned Developments or Section 3.3000 for Clustered Developments. The minimum percentage of common open space shall be 30%, excluding roads and property under water. | | |

ARTICLE 4. ZONE REGULATIONS

SECTION 4.2900. NEIGHBORHOOD COMMERCIAL ZONE (NC)

Section 4.2910. Purpose

In addition to the purposes listed in the policies of the Comprehensive Plan, the purpose of the Neighborhood Commercial zone (NC) is to provide for small concentrations of retail and commercial service surrounding rural areas; to stabilize existing commercial districts; to contribute to community identify and to protect adjacent residences and resources from adverse hazards, noise, glare, traffic congestion and other effects. New commercial uses are those defined under state law as “small-scale, low impact” with building or buildings not to exceed 3,000 square feet of floor area, unless determined through review that large buildings are intended to serve the surrounding rural area or the travel needs of the people passing through the area. Expansion of an existing commercial use resulting in building or buildings exceeding 3,000 square feet of floor area are appropriate when the use is intended to serve the surrounding rural area or the travel needs of people passing through the area.

Section 4.2920. Permitted and Conditional Uses

The uses listed in the Rural Lands Permitted and Conditional Uses Table are allowed in this district.

Section 4.2930. Dimensional and Performance Standards

| STANDARD | DIMENSION | NOTES |
|-----------------------|---------------|--|
| LOT DIMENSIONS | | |
| LOT SIZE: | 84) 10,000 SF | Lot size for conditional development shall be based upon: 85) The site size needs of the proposed use; 86) The nature of the proposed use in relation to the impacts on nearby properties; 87) Consideration of state sanitation requirements; and 88) Consideration of local setback and other criteria and standards of this ordinance |
| LOT WIDTH: | 100 feet | |

ARTICLE 4. ZONE REGULATIONS

| STANDARD | DIMENSION | NOTES |
|--|---|-------|
| LOT WIDTH:DEPTH RATIO: | 1:3 | |
| SETBACKS | | |
| FRONT YARD: | 25 feet | |
| SIDE AND REAR YARD: | 89) 0 feet Exceptions: 90) Abutting a residence or residential zone: 20 feet 91) Corner lot (side street yard): 5 feet 92) Lots of record created prior to September 30, 1980 that are less than the minimum-required lot size and that abut a residence or residential zone: 5 feet 93) Adjacent to resource zones: 50 feet | |
| LINE OF NON-AQUATIC VEGETATION: | 35 feet | |
| ACCESSORY STRUCTURES: | <ul style="list-style-type: none"> • Detached accessory structures (Rear and side setbacks): 5 feet • Detached accessory structures (Rear and side setbacks, street side on a corner lots): 5 feet • Detached accessory structures (Front setback): Same as primary structure • Attached accessory structures: Same setbacks as primary structure | |
| BUILDING DIMENSIONS | | |

ARTICLE 4. ZONE REGULATIONS

| STANDARD | DIMENSION | NOTES |
|--|--|---|
| BUILDING HEIGHT (MAXIMUM): | 35 feet | |
| BUILDING SIZE, NEW CONSTRUCTION (MAXIMUM) | <ul style="list-style-type: none"> 3,000 SF | <p>Building size may be increased beyond 3,000 SF if:</p> <ul style="list-style-type: none"> The findings approving the use are included in an amendment to the comprehensive plan, processed under post acknowledgement procedures (ORS 197.610 through 197.625); The use is limited to a size of building or buildings that is intended to serve the rural area or the travel needs of people passing through the area; and The total floor area of building or buildings does not exceed 10,000 square feet |
| BUILDING SIZE, EXPANSION OF EXISTING BUILDING (MAXIMUM) | | Expansion of commercial building or buildings, existing on September 10, 2003, where the total floor area for the commercial use exceed 3,000 square feet may be permitted if the use is intended to serve the surrounding rural area or the traveling needs of people passing through the area. |
| GENERAL REQUIREMENTS | | |

ARTICLE 4. ZONE REGULATIONS

| STANDARD | DIMENSION | NOTES |
|---|---|-------|
| OTHER STANDARDS: | <ul style="list-style-type: none">All standards as set forth in the Clatsop County Land and Water Development and Use Code, as amended. | |
| CONDITIONAL USE STANDARDS: | | |
| <p>The following additional limitations and requirements shall apply to conditional development and use:</p> <ul style="list-style-type: none">Developments shall not detract from or conflict with the rural/neighborhood residential character of the area.The development shall be limited in size and function to serve the rural/neighborhood area where it is located. | | |

ARTICLE 4. ZONE REGULATIONS

SECTION 4.3000. GENERAL COMMERCIAL ZONE (GC)

Section 4.3010. Purpose and Intent

The purpose of the GC zone is to provide for commercial developments which require large land area including outdoor merchandise display and storage and for wholesale and heavier commercial developments not suitable for location in other commercial zones; and to reserve land along major thoroughfares for developments which require high traffic volumes and prominent visible locations. New commercial uses are those defined under state law as “small- scale, low impact” with building or buildings not to exceed 3,000 square feet of floor area, unless determined through review that large buildings are intended to serve the surrounding rural area or the travel needs of the people passing through the area. Expansion of an existing commercial use resulting in building or buildings exceeding 3,000 square feet of floor area are appropriate when the use is intended to serve the surrounding rural area, or the travel needs of people passing through the area.

The GC zone is to be applied on major roads adjacent to or within rural communities.

Section 4.3020. Permitted and Conditional Uses

The uses listed in the Rural Lands Permitted and Conditional Uses Table are allowed in this district.

Section 4.3030. Dimensional and Performance Standards

The following standards are applicable for all permitted and conditional development and use.

| STANDARD | DIMENSION | NOTES |
|-----------------------|--|---|
| LOT DIMENSIONS | | |
| LOT SIZE: | 94) Commercial use only: 15,000 SF 95) Commercial use with owner/operator dwelling: 25,000 SF | Lot size for conditional development shall be based upon: 96) The site size needs of the proposed use; 97) The nature of the proposed use in relation to the impacts on nearby properties; 98) Consideration of state sanitation requirements; and |

ARTICLE 4. ZONE REGULATIONS

| STANDARD | DIMENSION | NOTES |
|--|---|---|
| | | 99) Consideration of local setback and other criteria and standards of this ordinance |
| LOT WIDTH: | 75 feet | |
| LOT WIDTH:DEPTH RATIO: | 1:3 | |
| SETBACKS | | |
| FRONT YARD: | <ul style="list-style-type: none"> • 25 feet • Adjacent to resource zones: 50 feet | |
| SIDE AND REAR YARD: | 100) 0 feet Exceptions: 101) Abutting a residence or residential zone: 10 feet 102) Lots of record created prior to September 30, 1980 that are less than the minimum-required lot size: 5 feet 103) Adjacent to resource zones: 50 feet | |
| LINE OF NON-AQUATIC VEGETATION: | 35 feet | |
| ACCESSORY STRUCTURES: | <ul style="list-style-type: none"> • Detached accessory structures (Rear and side setbacks): 5 feet • Detached accessory structures (Rear and side setbacks, street side on a corner lots): 5 feet • Detached accessory structures (Front setback): Same as primary structure | |

ARTICLE 4. ZONE REGULATIONS

| STANDARD | DIMENSION | NOTES |
|-----------------------------------|--|---|
| | <ul style="list-style-type: none"> • Attached accessory structures: Same setbacks as primary structure | |
| BUILDING DIMENSIONS | | |
| BUILDING HEIGHT (MAXIMUM): | 35 feet | |
| BUILDING SIZE, COMMERCIAL | <ul style="list-style-type: none"> • 3,000 SF | <p>Building size may be increased beyond 3,000 SF if:</p> <ul style="list-style-type: none"> • The findings approving the use are included in an amendment to the comprehensive plan, processed under post acknowledgement procedures (ORS 197.610 through 197.625); • The use is limited to a size of building or buildings that is intended to serve the rural area or the travel needs of people passing through the area; and • The total floor area of building or buildings does not exceed 10,000 square feet |
| BUILDING SIZE, INDUSTRIAL | <ul style="list-style-type: none"> • 30,000 SF | <p>Building size may be increased beyond 30,000 SF if authorized pursuant to ORS 197.913 or 197.719:</p> |

ARTICLE 4. ZONE REGULATIONS

| STANDARD | DIMENSION | NOTES |
|---|---|--|
| BUILDING SIZE, EXPANSION OF EXISTING COMMERCIAL BUILDING (MAXIMUM) | | Expansion of commercial building or buildings, existing on September 10, 2003, where the total floor area for the commercial use exceed 3,000 square feet provided the commercial use, intended to occupy more than 3,000 square feet of floor area, is intended to serve the surrounding rural area, or the traveling needs of people passing through the area. |
| BUILDING SIZE, EXPANSION OF EXISTING INDUSTRIAL BUILDING (MAXIMUM) | | Unless authorized pursuant to ORS 197.713 or 197.719, expansion of industrial building or buildings, existing on September 10, 2003 where the total floor area for the industrial use exceeds 30,000 square feet or is intended to occupy more than 30,000 square feet of floor area, providing the size is necessary for the intended use and can demonstrate the use will not exceed the carrying capacity of the land to provide adequate water and absorb waste. |
| GENERAL REQUIREMENTS | | |
| OTHER STANDARDS: | <ul style="list-style-type: none">All standards as set forth in the Clatsop County Land and Water Development and Use Code, as amended. | |
| CONDITIONAL USE STANDARDS: | | |
| The following additional limitations and requirements shall apply to conditional development and use: <ul style="list-style-type: none">Stored materials shall not be exposed to view from outside the property | | |

ARTICLE 4. ZONE REGULATIONS

| STANDARD | DIMENSION | NOTES |
|---|-----------|-------|
| <ul style="list-style-type: none">The development is not objectionable due to odor, dust, smoke noise, vibration or appearance. | | |

ARTICLE 4. ZONE REGULATIONS

SECTION 4.3100. TOURIST COMMERCIAL ZONE (TC)

Section 4.3110. Purpose

The Tourist Commercial (TC) zone is intended to:

- 1) provide for accommodations and facilities serving tourists, the motoring public and other travelers;
- 2) provide basic services for permanent and seasonal residents; and
- 3) concentrate commercial development in appropriate areas so as to maintain the efficiency of major roads.

New commercial uses are those defined under state law as “small-scale, low impact” with building or buildings not to exceed 3,000 square feet of floor area, unless determined through review that large buildings are intended to serve the surrounding rural area or the travel needs of the people passing through the area. Expansion of an existing commercial use resulting in building or buildings exceeding 3,000 square feet of floor area are appropriate when the use is intended to serve the surrounding rural area or the travel needs of people passing through the area.

The TC zone is to be applied at central intervals on major roads in areas with high recreation or tourist uses; adjacent to or within communities; and in similar areas with intensive tourist use.

Section 4.3120. Permitted and Conditional Uses

The uses listed in the Rural Lands Permitted and Conditional Uses Table are allowed in this district.

Section 4.3130. Dimensional and Performance Standards

The following standards are applicable for all permitted and conditional development and use.

| STANDARD | DIMENSION | NOTES |
|-----------------------|--|---|
| LOT DIMENSIONS | | |
| LOT SIZE: | 104) Commercial use only: 15,000 SF 105) Commercial use with owner/operator dwelling: 25,000 SF | Lot size for conditional development shall be based upon: 106) The site size needs of the proposed use; 107) The nature of the proposed use in relation to the impacts on nearby properties; 108) Consideration of |

ARTICLE 4. ZONE REGULATIONS

| STANDARD | DIMENSION | NOTES |
|--|--|--|
| | | state sanitation requirements; and 109) Consideration of local setback and other criteria and standards of this ordinance |
| LOT WIDTH: | 75 feet | |
| LOT WIDTH:DEPTH RATIO: | 1:3 | |
| SETBACKS | | |
| FRONT YARD: | <ul style="list-style-type: none"> • 25 feet • Adjacent to resource zones: 50 feet | |
| SIDE AND REAR YARD: | 110) 0 feet Exceptions: 111) Abutting a residence or residential zone: 10 feet 112) Lots of record created prior to September 30, 1980 that are less than the minimum-required lot size: 5 feet 113) Adjacent to resource zones: 50 feet | |
| LINE OF NON-AQUATIC VEGETATION: | 35 feet | |
| OCEANSHORE | | For lots abutting the oceanshore, the ocean yard shall be determined by the ocean front setback line established by Section 3.0150 Oceanfront Setback. |
| ACCESSORY STRUCTURES: | <ul style="list-style-type: none"> • Detached accessory structures (Rear and side setbacks): 5 feet • Detached accessory | |

ARTICLE 4. ZONE REGULATIONS

| STANDARD | DIMENSION | NOTES |
|-----------------------------------|--|--|
| | structures (Rear and side setbacks, street side on a corner lots): 5 feet <ul style="list-style-type: none"> • Detached accessory structures (Front setback): Same as primary structure • Attached accessory structures: Same setbacks as primary structure | |
| BUILDING DIMENSIONS | | |
| BUILDING HEIGHT (MAXIMUM): | 35 feet | |
| BUILDING SIZE, COMMERCIAL | <ul style="list-style-type: none"> • 3,000 SF | Building size may be increased beyond 3,000 SF if: <ul style="list-style-type: none"> • The findings approving the use are included in an amendment to the comprehensive plan, processed under post acknowledgement procedures (ORS 197.610 through 197.625); • The use is limited to a size of building or buildings that is intended to serve the surrounding rural area or the travel needs of people passing through the area; and • The total floor area of building or buildings does not exceed 10,000 square feet |

ARTICLE 4. ZONE REGULATIONS

| STANDARD | DIMENSION | NOTES |
|---|---|---|
| BUILDING SIZE, EXPANSION OF EXISTING COMMERCIAL BUILDING (MAXIMUM) | | Expansion of commercial building or buildings, existing on September 10, 2003, where the total floor area for the commercial use exceeds 3,000 square feet provided the commercial use, intended to occupy more than 3,000 square feet of floor area, is intended to serve the surrounding rural area, or the traveling needs of people passing through the area. |
| GENERAL REQUIREMENTS | | |
| OTHER STANDARDS: | <ul style="list-style-type: none">• All standards as set forth in the Clatsop County Land and Water Development and Use Code, as amended. | |
| CONDITIONAL USE STANDARDS: | | |
| <p>The following additional limitations and requirements shall apply to conditional developments:</p> <ul style="list-style-type: none">• Conditional developments shall not detract from or conflict with the tourist/traveler oriented commercial developments permitted in this district.• Developments abutting or across the street from residential zones shall be contained within an enclosed building unless screened from the residential district with a sight-obscuring fence or vegetation. | | |

ARTICLE 4. ZONE REGULATIONS

SECTION 4.3200. MILITARY RESERVE ZONE (MR)

Section 4.3210. Purpose.

The MR zone is intended to accommodate the immediate foreseeable demand for military activities in areas where a commitment to such activities has already occurred through existing uses by the military. In areas where residential development has already occurred, the MR zone is intended to separate these uses from conflicting uses that may occur on the Military Reserve.

Section 4.3220. Permitted and Conditional Uses

The uses listed in the Rural Lands Zoning Districts Permitted and Conditional Uses Table are allowed in this district.

Section 4.3230. Dimensional and Performance Standards

The following standards are applicable for all permitted and conditional development and use.

| STANDARD | DIMENSION | NOTES |
|-------------------------------|---|--|
| LOT DIMENSIONS | | |
| LOT SIZE: | 114) 2 acres | Lot size for conditional developments shall be based upon: 1) Site size need of the proposed use; 2) Nature of the proposed use in relation to the impacts on nearby properties; and 3) Consideration of State sanitation requirements; and 4) Local setback and other criteria and standards of this Ordinance. |
| LOT WIDTH: | 125 feet | |
| LOT WIDTH:DEPTH RATIO: | 1:3 | |
| SETBACKS | | |
| FRONT YARD: | Distance from: • Major arterial: 50 feet • Minor arterial: 30 feet. • Major collector: 30 feet | |

ARTICLE 4. ZONE REGULATIONS

| STANDARD | DIMENSION | NOTES |
|--|--|--|
| | <ul style="list-style-type: none"> Minor collector: 25 feet. Local street: 20 feet | |
| REAR YARD: | 20 feet Exceptions: <ul style="list-style-type: none"> Corner lot: 5 feet Adjacent to resource zones: 50 feet | |
| SIDE YARD: | 10 feet Exceptions: <ul style="list-style-type: none"> Corner lot, street side: 20 feet; Lots of record created prior to September 30, 1980, AND that are less than the minimum-required lot size: 5 feet Adjacent to resource zones: 50 feet | |
| LINE OF NON-AQUATIC VEGETATION: | 75 feet | |
| ACCESSORY STRUCTURES: | <ul style="list-style-type: none"> Same as primary structure | |
| BUILDING DIMENSIONS | | |
| BUILDING HEIGHT (MAXIMUM): | 35 feet | Building height does not include: <ul style="list-style-type: none"> Antennas Control towers Field training facilities for military personnel |
| GENERAL REQUIREMENTS | | |
| OTHER STANDARDS: | Development shall be permitted as required to meet State sanitation requirements and local setback and Ordinance requirements. The following shall be the criteria for determining requirements of each development proposed: <ul style="list-style-type: none"> The nature of the proposed use in relation to the impacts on nearby properties, and All residential development shall be subject to the standards of Section 4.2530 (RA-1 Performance and Development Standards) of this Ordinance. | |

ARTICLE 4. ZONE REGULATIONS

| STANDARD | DIMENSION | NOTES |
|--------------------|-----------|---|
| STORMWATER: | | All new development shall indicate on the building permit how storm water is to be drained from the property. The County Engineer shall require the installation of culverts, dry wells or retention facilities in cases where development has major storm drainage impacts. |
| BUFFERS: | | A buffer zone a minimum of 200 feet around the perimeter of any new Military Reserve zone and within the property boundaries of any military use area shall be established. This buffer shall be designated OPR and subject to the restrictions set forth in Article 6 of this Ordinance and subject to Section 4.4000 of this Ordinance. |

ARTICLE 4. ZONE REGULATIONS

| RURAL LANDS ZONING DISTRICTS PERMITTED AND CONDITIONAL USES TABLE | | | CBR | CR | GC | MR | NC | RA-1 | RA-2 | RA-5 | RA-10 | SFR-1 | TC |
|--|--|----------------|-----|----|----|----|----|------|------|------|-------|-------|----|
| USE | APPLICABLE STANDARDS | NOTES | | | | | | | | | | | |
| Accessory Building | <ul style="list-style-type: none">In conjunction with, or following the permitting or lawful establishment of the principal use on the same tract.Limited to uninhabitable spaces such as detached garages, storage buildings, garden sheds, greenhouses, shops, etc.Subordinate in size to the primary dwelling. | Section 1.0500 | I | I | | | | I | I | I | I | I | |
| Accessory Use | <ul style="list-style-type: none">May be permitted prior to the issuance of a development permit for the primary use, subject to an approval by the Community Development DirectorThe applicant submits a letter explaining the unique or unusual circumstances and nature of the intended use; andThe property owner obtains the primary use development permit within 1 year from the date the accessory use development permit is issued; andThe property owner submits a statement that the accessory use is not intended for the storage of, or the establishment of, an RV use prior to completion of the primary useSubject to other conditions of approval deemed necessary to protect the primary purpose and intent of the zone, and to provide for public health, safety and welfare. | | | II | | | | II | II | | | II | |
| Agri-tourism | | | | | | | | II | II | II | II | | |
| Airport | MR Zone Only: Includes heliports | | | | | II | | II | II | II | II | | |
| Amusement Center | <ul style="list-style-type: none">Includes bowling alleys, billiard halls, skating rinks or theatersMaximum floor area for each commercial use limited to 3,000 SF | Section 3.7000 | | | II | | | | | | | | II |
| Arcade | <ul style="list-style-type: none">Maximum floor area for each commercial use limited to 3,000 SF | | | | II | | | | | | | | II |
| Auction | | | | | | | | | | | | | |
| Automobile Rental Agency | <ul style="list-style-type: none">Maximum floor area for each commercial use limited to 3,000 SF | | | | II | | | | | | | | |
| Automobile Sales and Service | <ul style="list-style-type: none">Includes sales of automobiles, trucks, mobile homes and recreation vehiclesIncludes sales, service, repair and towingMaximum floor area for each commercial use limited to 3,000 SF | | | | II | | | | | | | | |
| Automobile Service Station | <ul style="list-style-type: none">Includes minor repair shopDoes not include body work, used car sales or wrecking yardTC Zone Only: Limited to 3,000 SF GC Zone <ul style="list-style-type: none">Includes minor repair shop and towingMaximum building floor area for each commercial use limited to 3,000 SF | | | | II | | II | | | | | | II |
| Bed and Breakfast | | Sections | | II | I | | I | II | II | II | II | II | I |

ARTICLE 4. ZONE REGULATIONS

| RURAL LANDS ZONING DISTRICTS PERMITTED AND CONDITIONAL USES TABLE | | | CBR | CR | GC | MR | NC | RA-1 | RA-2 | RA-5 | RA-10 | SFR-1 | TC |
|--|--|-----------------------|-----|----|----|----|----|------|------|------|-------|-------|----|
| USE | APPLICABLE STANDARDS | NOTES | | | | | | | | | | | |
| | | 3.8030-3.8050 | | | | | | | | | | | |
| Boat Ramps | <ul style="list-style-type: none">Only in areas identified as Coastal Shorelands in the Comprehensive Plan | Section 5.4100-5.4170 | | II | I | | | II | II | II | II | II | I |
| Bus Station | <ul style="list-style-type: none"> | | | | II | | | | | | | | II |
| Campground, Primitive | <ul style="list-style-type: none"> | | | II | | | | II | II | II | II | | |
| Car Wash | <ul style="list-style-type: none">Maximum floor area for each commercial use limited to 3,000 SF | | | | II | | | | | | | | |
| Clinic, Veterinary | <ul style="list-style-type: none"> | | | | II | | | II | II | II | II | | II |
| Cluster Development | | Section 3.3000-3.3050 | I | I | | | | II | II | II | II | | |
| Communication Facilities | | Section 3.9400 | | | II | | | I | I | I | I | | II |
| Contractor Establishment | <ul style="list-style-type: none">Includes extensive commercial services such as:<ul style="list-style-type: none">Cabinet shopContractor's offices and storageEquipmentRentalsSheet metalPlumbingMachine shopsMaximum floor area for each commercial use limited to 3,000 SF | Section 1.0500 | | | II | | | | | | | | |
| Dwelling, Health Hardship | | Section 3.0190 | | | | | | I | I | I | I | | |
| Dwelling, Mobile Home | <p>Clatsop Plains Planning Area:</p> <ul style="list-style-type: none">A mobile home shall be at least 16 feet in widthThe mobile home shall be installed according to State standards, including skirting and tie downs. <p>Seaside Rural Planning Area:</p> <ul style="list-style-type: none">A mobile home shall be at least 12 feet wideA mobile home shall contain at least 600 square feet exclusive of the tongue | Section 3.4000 | | | | | | | | I | I | | |
| Dwelling, One Family | | | I | I | | | | I | I | I | I | I | I |
| Dwelling, Owner/Operator | <ul style="list-style-type: none">In association with a permitted or conditional use allowed within the zone | | | | II | | II | | | | | | |
| Dwelling, Two Family (Duplex) | | | | | | | | | | I | I | | |
| Extraction, Processing and Stockpiling | <ul style="list-style-type: none">Includes rock, sand, mineral and other subsurface materials | | | | | II | | II | II | II | II | | |

ARTICLE 4. ZONE REGULATIONS

| RURAL LANDS ZONING DISTRICTS PERMITTED AND CONDITIONAL USES TABLE | | | CBR | CR | GC | MR | NC | RA-1 | RA-2 | RA-5 | RA-10 | SFR-1 | TC |
|--|---|----------------|-----|----|----|----|----|------|------|------|-------|-------|----|
| USE | APPLICABLE STANDARDS | NOTES | | | | | | | | | | | |
| Farm or Garden Supply | <ul style="list-style-type: none">Includes forestry supplies and equipmentIncludes equipment sales and service | | | | II | | | | | | | | |
| Farm Stand Structure | | | | | | | | II | II | II | II | | |
| Farm Use | | | | | | | | I | I | I | I | | |
| Farm Use, Commercial Activity in Conjunction With | | | | | | | | | | II | II | | |
| Firewood, Pre-split Sales | | | | | | II | | | | | | | |
| Firewood, Splitting and Sale | | | | | I | | | | | | | | II |
| Forestry | | | | | | | | I | I | I | I | | |
| Golf Course | <p>Includes:</p> <ul style="list-style-type: none">Country ClubDriving RangeTennis ClubSimilar Recreational UsesBuilding(s) for each commercial use limited to 4,000 SF of floor area | | | | | | | II | II | II | II | | |
| Golf Driving Range | <ul style="list-style-type: none">Stand alone facility not attached to a golf course | | | | I | | | | | | | | I |
| Guesthouse | <ul style="list-style-type: none">The maximum gross habitable floor area (GHFA) shall not to exceed 75 percent of the GHFA of the main floor of the primary dwelling on the lot, or 600 square feet, whichever is less. The floor area of any garage shall not be included in the total GHFA.Metering devices shall not be permitted on guesthouses.Cooking Facilities shall not be permitted in guesthouses. (See “Cooking Facilities”)A maximum of one ADU or Guesthouse is permitted per lot or parcel and must accompany a primary residenceGuesthouses shall only be allowed in rural community and rural residential zones as designated by this ordinance. | Section 1.0500 | I | I | | | | I | I | I | I | I | |
| Handicapped Housing Facility | Five or fewer residents | Section 1.0500 | I | I | | | I | I | I | I | I | I | I |
| Home Occupation, Conditional | <ul style="list-style-type: none">Must be operated by a resident of the property on which the business is located;The resident must file an annual report verifying that the home occupation complies with the conditions originally imposed; | Section 3.8000 | | | | | | II | II | II | II | | |

ARTICLE 4. ZONE REGULATIONS

| RURAL LANDS ZONING DISTRICTS PERMITTED AND CONDITIONAL USES TABLE | | | CBR | CR | GC | MR | NC | RA-1 | RA-2 | RA-5 | RA-10 | SFR-1 | TC |
|--|---|----------------|-----|----|----|----|----|------|------|------|-------|-------|----|
| USE | APPLICABLE STANDARDS | NOTES | | | | | | | | | | | |
| | <ul style="list-style-type: none">Shall not employ more than five full or part-time persons;Must will be operated in:<ul style="list-style-type: none">The dwelling; orOther buildings normally associated with uses permitted in the zone in which the property is located;Shall not interfere with existing uses on nearby land or with other uses permitted in the zone in which the property is located;Shall comply with all conditions imposed pursuant to Sections 5.000 through 5.030 and all standards as set forth in S3.460 through S3.462. | | | | | | | | | | | | |
| Home Occupation, Limited | <ul style="list-style-type: none">Be operated in its entirety within the principal dwelling;Not have a separate entrance from outside the building;Not involve alteration or construction not customarily found in dwellings;Not using any mechanical equipment except that which is used normally for purely domestic or household purposes;Not using more than twenty-five percent (25%) of the total actual floor area of the dwelling.Not display, or create outside the structure any external evidence of the operation of the home occupation except for one unanimated, non-illuminated wall sign having an area of not more than one (2) square foot. | Section 1.0500 | I | I | | | | I | I | I | I | I | |
| Industry, Light | <ul style="list-style-type: none">Includes assembly, fabrication, processing, compounding, package and similar operationsOperations must be within an enclosed buildingMaximum floor area for each industrial use limited to 30,000 SF | | | | II | | | | | | | | |
| Kennel, Dog | <ul style="list-style-type: none"> | | | | | | | II | II | II | II | | |
| Land Transportation Facilities | <ul style="list-style-type: none">Excludes new public or private road development | Section 4.0300 | I | I | I | | I | I | I | I | I | I | I |
| Military Reserve | 115) Includes directly related activities such as: 116) Training of military personnel 117) Movement of military personnel 118) Dwelling units for military personnel stationed on the military reserve 119) One caretaker's residence for every 100 acres of land in the military reserve 120) Storage facilities for military equipment and supplies | | | | | I | | | | | | | |
| Mini-Storage | 121) | | | | II | | | | | | | | II |

ARTICLE 4. ZONE REGULATIONS

| RURAL LANDS ZONING DISTRICTS PERMITTED AND CONDITIONAL USES TABLE | | | CBR | CR | GC | MR | NC | RA-1 | RA-2 | RA-5 | RA-10 | SFR-1 | TC |
|--|---|-----------------------|-----|----|----|-----|----|------|------|------|-------|-------|----|
| USE | APPLICABLE STANDARDS | NOTES | | | | | | | | | | | |
| Nuclear Power Generation Facilities | <ul style="list-style-type: none"> | | | | | III | | | | | | | |
| Nursery, Horticultural | <ul style="list-style-type: none"> | | | | | | | I | I | I | I | | |
| Office, Financial | <ul style="list-style-type: none">Maximum floor area for each commercial use limited to 3,000 SF | | | | II | | | | | | | | |
| Office, Medical | <ul style="list-style-type: none">Maximum floor area for each commercial use limited to 3,000 SF | | | | | | | | | | | | II |
| Office, Professional | <ul style="list-style-type: none">Maximum floor area for each commercial use limited to 3,000 SF | | | | | | | | | | | | II |
| Park or Playground, Neighborhood | <ul style="list-style-type: none">Public or private | | I | I | I | | | I | I | I | I | I | I |
| Personal Services | <ul style="list-style-type: none">Maximum floor area for each commercial use limited to 3,000 SF | | | | | | | | | | | | II |
| Printing and Publishing | <ul style="list-style-type: none">Maximum floor area for each commercial use limited to 3,000 SF | | | | II | | | | | | | | |
| Public/Semi-Public Development | <ul style="list-style-type: none"> | | | | II | II | | II | II | II | II | | II |
| Recreation, Low Intensity | | | I | I | I | I | | I | I | I | I | I | I |
| Recreation, Public or Private | <ul style="list-style-type: none">Includes riding stables, fishing or boating docks or ramps, gun clubs, golf courses, or resort type establishment in association with recreation. | | | | | II | | II | II | II | II | | |
| Recreational Vehicle (RV) Park | <ul style="list-style-type: none">Not permitted in the Clatsop Plains Planning Area | Section 3.5000-3.5020 | | II | II | | | | | II | II | | II |
| Restaurant | <ul style="list-style-type: none">Maximum floor area for each commercial use limited to 3,000 SFTourist Commercial Only: Includes drive-in restaurant | Section 4.1430 | | | II | | II | | | | | | II |
| Retail, Home Improvement | <ul style="list-style-type: none">Maximum floor area for each commercial use limited to 3,000 SF | | | | II | | | | | | | | |
| Retail Sales, Foodstuffs | <ul style="list-style-type: none">Includes preparation of foodstuffs for sale primarily on-premisesMaximum floor area for each commercial use limited to 3,000 SF | | | | II | | II | | | | | | II |
| Retail Sales and Services | <ul style="list-style-type: none">Maximum floor area for each commercial use limited to 3,000 SF | | | | II | | II | | | | | | II |
| Retail Sales, Tires | <ul style="list-style-type: none">Includes incidental recapping | | | | II | | | | | | | | |
| Road Development or Extension, Public or Private | | | | | | | | | | | | | |
| Roadside Stand | <ul style="list-style-type: none">Products grown on the premisesLess than 120 SF in size | Section 3.9510-3.9540 | | | | | | I | I | I | I | | |
| Signs | CBR and SFR-1 Zones Only <ul style="list-style-type: none">Temporary signsNameplates | Section 3.0130 | I | I | | | | | | | | I | |

ARTICLE 4. ZONE REGULATIONS

| RURAL LANDS ZONING DISTRICTS PERMITTED AND CONDITIONAL USES TABLE | | | CBR | CR | GC | MR | NC | RA-1 | RA-2 | RA-5 | RA-10 | SFR-1 | TC |
|--|--|----------------|-----|----|-----|-----|-----|------|------|------|-------|-------|-----|
| USE | APPLICABLE STANDARDS | NOTES | | | | | | | | | | | |
| Similar Uses | <ul style="list-style-type: none">No commercial use permitted.TC Zone Only:<ul style="list-style-type: none">Commercial uses similar to allowed conditional uses permitted Maximum floor area for each commercial use limited to 4,000 SF | Section 2.6000 | | | III | | III | III | III | III | | | III |
| Storage, Hazardous Waste | <ul style="list-style-type: none"> | | | | | III | | | | | | | |
| Temporary Uses | <ul style="list-style-type: none"> | Section 2.8200 | | | | | | I | I | I | I | | |
| Tourism Information Center | <ul style="list-style-type: none"> | | | | II | | | | | | | | II |
| Transient Lodging | <ul style="list-style-type: none">Shall not contain more than 25 units | | | | II | | | | | | | | II |
| Utilities | <ul style="list-style-type: none">Maximum utilization of existing easements and rights-of-way shall be made | | I | I | I | | I | I | I | | | I | I |
| Utilities, Minor | | | | | | I | | | | I | I | | |
| Utilities Necessary for Public Service | | | | | | II | | | | II | II | | |
| Wholesale Storage Business | <ul style="list-style-type: none">Includes storage, warehousing, transfer company and trucking companyMaximum floor area for each industrial use limited to 3,000 SF | | | | II | | | | | | | | |
| Wrecking Yard, Automobile | | | | | II | | | | | | | | |

ARTICLE 4. ZONE REGULATIONS

SECTION 4.3300. EXCLUSIVE FARM USE ZONE (EFU)

Section 4.3310. Purpose [Ord. 18-02]

The purpose of the Exclusive Farm Use (EFU) Zone is to protect and maintain agricultural lands for farm use, consistent with existing and future needs for agricultural products. The EFU zone is also intended to allow other uses that are compatible with agricultural activities, to protect forests, scenic resources and fish and wildlife habitat, and to maintain and improve the quality of air, water and land resources of the county. It is also the purpose of the EFU zone to qualify farms for farm use valuation under the provisions of ORS Chapter 308.

The provisions of the EFU zone reflect the agricultural policies of the Comprehensive Plan as well as the requirements of ORS Chapter 215 and OAR 660-033. The minimum parcel size and other standards established by this zone are intended to promote commercial agricultural operations.

Section 4.3320. Permitted and Conditional Uses [Ord. 18-02]

The uses listed in the Rural Agricultural Lands Permitted and Conditional Uses Table are allowed in this district.

Section 4.3330. Land Divisions and Dimensional Standards [Ord. 18-02]

The following standards are applicable for all permitted and conditional development and use.

| STANDARD | DIMENSION | NOTES |
|--|---|-------|
| LOT DIMENSIONS | | |
| PARCEL SIZE (NEW PARCELS): | 122) 80 acres | |
| EXCEPTIONS TO MINIMUM PARCEL SIZE REQUIREMENTS: | <ol style="list-style-type: none">1) A division of land to accommodate a use permitted by ORS 215.283(2), smaller than the minimum established parcel size, except a residential use, may be approved if the parcel for the nonfarm use is not larger than the minimum size necessary for the use.2) A division of land to create up to two new parcels smaller than the minimum size established parcel size, each to contain a dwelling not provided in conjunction with farm use, may be permitted if:<ol style="list-style-type: none">(A) The nonfarm dwellings have been approved in conformance with Section 3.9080(2) and Section 3.9130;(B) The parcels for the nonfarm dwellings are divided from a lot or parcel that was lawfully created prior | |

ARTICLE 4. ZONE REGULATIONS

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| | <p>to July 1, 2001;</p> <p>(C) The parcels for the nonfarm dwellings are divided from a lot or parcel that complies with the minimum established parcel size; and</p> <p>(D) The remainder of the original lot or parcel that does not contain the nonfarm dwellings complies with the minimum size established for new minimum parcel size, above.</p> <p>3) A division of land to divide a lot or parcel into two parcels, each to contain one dwelling not provided in conjunction with farm use, may be permitted if:</p> <p>(A) The nonfarm dwellings have been approved in conformance with Section 3.9080(2) and Section 3.9130;</p> <p>(B) The parcels for the nonfarm dwellings are divided from a lot or parcel that was lawfully created prior to July 1, 2001;</p> <p>(C) The parcels for the nonfarm dwellings are divided from a lot or parcel that is equal to or smaller than the minimum size in Subsection A but equal to or larger than 40 acres;</p> <p>(D) The parcels for the nonfarm dwellings are:</p> <ol style="list-style-type: none">Not capable of producing more than at least 50 cubic feet per acre per year of wood fiber; andComposed of at least 90 percent Class VI through VIII soils. <p>(E) The parcels for the nonfarm dwellings do not have established water rights for irrigation.</p> <p>4) This Section does not apply to the creation or sale of cemetery lots, if a cemetery is within the boundaries designated for a farm use zone at the time the zone is established.</p> <p>5) This Section does not apply to divisions of land resulting from lien foreclosures or divisions of land resulting from foreclosure of recorded contracts for the sale of real property.</p> <p>6) This Section does not allow a division or a property line adjustment of a lot or parcel that separates a Temporary Health Hardship Dwelling, a Home Occupation, a Farm Relative Dwelling or a Seasonal Farm Worker Dwelling from the lot or parcel on which the primary residential use exists.</p> |
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ARTICLE 4. ZONE REGULATIONS

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| | <p>7) This Section does not allow a division or a property line adjustment of a lot or parcel that separates a processing facility from the farm operation specified as a facility for the processing of farm crops, biofuel, or poultry.</p> <p>8) A division of land may be permitted to create a parcel with an existing dwelling to be used:</p> <p>(A) As a residential home as described in ORS 197.660 (2) only if the dwelling has been approved in conformance with Section 3.9130; and</p> <p>(B) For historic property that has been listed in a county inventory as historic property as defined in ORS 358.480 and listed on the National Register of Historic Places, subject to 3.9080(2).</p> <p>9) Notwithstanding the minimum lot or parcel size required for newly created parcels,</p> <p>(A) A division of land may be approved provided:</p> <ol style="list-style-type: none">1. The land division is for the purpose of allowing a provider of public parks or open space, or a not-for-profit land conservation organization, to purchase at least one of the resulting parcels; and2. A parcel created by the land division that contains a dwelling is large enough to support continued residential use of the parcel.3. The landowner signs and records in the deed records of the county an irrevocable deed restriction prohibiting the owner, and the owner's successors in interest, from pursuing a cause of action or claim of relief alleging an injury from farming or forest practices for which no claim or action is allowed under ORS 30.936 or 30.937. <p>(B) A parcel created pursuant to this Subsection that does not contain a dwelling:</p> <ol style="list-style-type: none">1) Is not eligible for siting a dwelling, except as may be authorized under ORS 195.120;2) May not be considered in approving or denying an application for siting any other dwelling;3) May not be considered in approving a redesignation or rezoning of forestlands except for a redesignation or rezoning to allow a public |
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ARTICLE 4. ZONE REGULATIONS

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|--|--|
| | <p>park, open space or other natural resource use; and</p> <p>4) May not be smaller than 25 acres unless the purpose of the land division is to facilitate the creation of a wildlife or pedestrian corridor or the implementation of a wildlife habitat protection plan or to allow a transaction in which at least one party is a public park or open space provider, or a not-for-profit land conservation organization, that has cumulative ownership of at least 2,000 acres of open space or park property.</p> <p>10) A division of land smaller than the minimum lot or parcel size required for new parcels, as described above, may be approved provided if:</p> <p>(A) The division is for the purpose of establishing a church, including cemeteries in conjunction with the church;</p> <p>(B) The church has been approved under Section 3.562(17).</p> <p>(C) The newly created lot or parcel is not larger than five acres; and</p> <p>(D) The remaining lot or parcel, not including the church, meets the minimum lot or parcel size required for new parcels as described above, either by itself or after it is consolidated with another lot or parcel.</p> <p>11) Notwithstanding the minimum lot or parcel size described above, a division for fire service facilities providing rural fire protection services, may be approved if the parcel for the nonfarm use is not larger than the minimum size necessary for the use.</p> <p>12) The governing body of a county may not approve a division of land for nonfarm use under Subsection (1), (2), (3), (8), (9), or (10) unless any additional tax imposed for the change in use has been paid.</p> <p>13) Parcels used or to be used for training or stabling facilities may not be considered appropriate to maintain the existing commercial agricultural enterprise in an area where other types of agriculture occur.</p> <p>14) A division of a lawfully established unit of land may occur along an urban growth boundary where the</p> |
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ARTICLE 4. ZONE REGULATIONS

| STANDARD | DIMENSION | NOTES |
|----------------------------|--|-------|
| | <p>parcel remaining outside the urban growth boundary is zoned for agricultural uses and is smaller than the minimum parcel size, provided that:</p> <p>(A) If the parcel contains a dwelling, the parcel must be large enough to support the continued residential use.</p> <p>(B) If the parcel does not contain a dwelling, it:</p> <ol style="list-style-type: none">1) Is not eligible for siting a dwelling, except as may be authorized in ORS 195.120;2) May not be considered in approving or denying an application for any other dwelling; and3) May not be considered in approving a redesignation or rezoning of agricultural lands, except to allow a public park, open space, or other natural resource use4) The landowner signs and records in the deed records of the county an irrevocable deed restriction prohibiting the owner, and the owner's successors in interest, from pursuing a cause of action or claim of relief alleging an injury from farming or forest practices for which no claim or action is allowed under ORS 30.936 or 30.937. <p>15)A land division may not be approved for the land application of reclaimed water, agricultural or industrial process water, or biosolids as described in the Permitted and Conditional Use Table below.</p> | |
| SETBACKS | | |
| FRONT YARD: | <ul style="list-style-type: none">• 30 feet Fences excluded from setback requirement | |
| REAR YARD: | <ul style="list-style-type: none">• Dwellings: 20 feet• Churches, public and private schools, and other non-farm uses: 20 feet | |
| SIDE YARD: | <ul style="list-style-type: none">• Dwellings: 30 feet;• Dwelling (corner lot): 20 feet• Churches, public and private schools, and other non-farm uses: 20 feet | |
| BUILDING DIMENSIONS | | |
| BUILDING HEIGHT (MAXIMUM): | Dwellings or accessory farm dwellings: 45 feet All other structures: No standards | |
| GENERAL REQUIREMENTS | | |

ARTICLE 4. ZONE REGULATIONS

| STANDARD | DIMENSION | NOTES |
|-----------------|---|-------|
| LAND DIVISIONS: | All applicable standards in Sections 2.9000 through 2.9300. | |

ARTICLE 4. ZONE REGULATIONS

| RURAL AGRICULTURAL LANDS PERMITTED AND CONDITIONAL USES TABLE | | | EFU |
|--|---|--|-----|
| USE | APPLICABLE STANDARDS | NOTES | |
| Agricultural Building | <ul style="list-style-type: none">Buildings must be customarily provided in conjunction with farm use | | I |
| Agri-tourism | <ul style="list-style-type: none">Includes other commercial events or activities<ul style="list-style-type: none"> | Section 3.9160 | II |
| Airport | <ul style="list-style-type: none">Personal-use onlyOnly for airplanes and helicopter padsIncludes associated hangarA personal-use airport, as used in this Section, prohibits aircraft other than those owned or controlled by the owner of the airstrip. Exceptions to the activities allowed under this definition may be granted through waiver action by the Oregon Department of Aviation in specific instances. A personal-use airport lawfully existing as of September 13, 1975, shall continue to be allowed subject to any applicable rules of the Oregon Department of Aviation | Section 3.90501) Section 3.9090 | IIA |
| Aquatic Species | <p>Includes:</p> <ul style="list-style-type: none">PropagationCultivationMaintenanceHarvestingDoes not include aquatic species that are under the jurisdiction of the State Fish and Wildlife CommissionDoes not include insect species | Section 3.9090 | II |
| Campground, Private | <ul style="list-style-type: none">New uses not permitted on high value farmland | Section 3.9070(6) Section 3.9080(1) and (3) Section 3.9090 | IIA |
| Community Center | <ul style="list-style-type: none">Must be owned by a governmental agency or non-profit organizationMust be operated primarily by and for residents of the local rural community | Section 3.9070(3) Section 3.9080(1) Section 3.9090 | IIA |
| Composting Facilities | <ul style="list-style-type: none">Permit must have been granted by the Department of Environmental Quality under ORS 459.245 and OAR 340-093-050 and OAR 340-096-0060New facilities not permitted on high value farmlandExisting facilities on high value farmland may be expanded. | Section 3.9060(4) Section 3.9090 Section 3.9080(3) | IIA |
| Destination Resort | <ul style="list-style-type: none">A destination resort is not permitted on high-value farmland except that existing destination resorts may be expanded | Section 3.9030(3) Section 3.9080(3) | II |
| District Improvements | <p>Includes:</p> <ul style="list-style-type: none">Irrigation reservoirsCanalsDelivery lines | District define in ORS 540.505 | I |

ARTICLE 4. ZONE REGULATIONS

| RURAL AGRICULTURAL LANDS PERMITTED AND CONDITIONAL USES TABLE | | | EFU |
|--|---|--|-----|
| USE | APPLICABLE STANDARDS | NOTES | |
| | <ul style="list-style-type: none">Structures and accessory operational facilities associated with a districtDoes not include parks or other recreational structures and facilities | | |
| Dog Boarding Kennels, Commercial | | Section 3.9090 | IIA |
| Dog Training Classes or Testing Trials (Type II) | <ul style="list-style-type: none">Dog training classes or testing trials conducted outdoors, or in farm buildings that existed on January 1, 2013, are limited as follows:<ul style="list-style-type: none">(A) The number of dogs participating in training does not exceed 10 per training class and the number of training classes to be held on-site does not exceed six per day; and(B) The number of dogs participating in a testing trial does not exceed 60 and the number of testing trials to be conducted on-site does not exceed four per calendar year. | Section 3.9030(1) | II |
| Dog Training Classes (Type IIA) | <ul style="list-style-type: none">Includes training classes or testing trials that connect be permitted under a Type II criteria | Section 3.9090 | IIA |
| Dwelling, Accessory Farm | <ul style="list-style-type: none">Only for seasonal and year-round farm workers | Section 3.9080(2) Section 3.9110 | II |
| Dwelling, Customarily Provided with Farm Use | <ul style="list-style-type: none"> | Section 3.9080(2) Section 3.9100 | II |
| Dwelling, Non-Farm Use | | Section 3.9080(2) Section 3.9130 | II |
| Dwelling, Health Hardship | | Section 3.9020(2) Section 3.9080(2) Section 3.9090 | II |
| Dwelling, Lot of Record | | Section 3.9080(2) Section 3.9120 | II |
| Dwelling, Farm Operator Relative | <ul style="list-style-type: none">Must be located on the same lot or parcel as the dwelling of the farm operatorMust be occupied by a relative of the farm operator or farm operator's spouse if the farm operator does, or will, require the assistance of the relative in the management of the farm use | Section 3.9020(1) Section 3.9080(2) | II |
| Dwelling, Replacement, Alteration, Restoration | <ul style="list-style-type: none">Must be a lawfully established dwelling | Section 3.9080(2) Section 3.9140 | II |
| Dwelling, Replacement of Historic Structure | <ul style="list-style-type: none">Must be used in conjunction with a farm use;Existing dwelling must be listed in a county inventory as a historic property as defined in ORS 358.480; andMust be listed on the National Register of Historic Places | Section 3.9080(2) | II |

ARTICLE 4. ZONE REGULATIONS

| RURAL AGRICULTURAL LANDS PERMITTED AND CONDITIONAL USES TABLE | | | EFU |
|--|--|--|-----|
| USE | APPLICABLE STANDARDS | NOTES | |
| | <ul style="list-style-type: none">Single-family dwelling deeds. The landowner shall sign and record in the deed records for the county a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937. | | |
| Fairgrounds | <ul style="list-style-type: none">Expansion onlyMust be an existing county fairgroundIncludes activities directly relating to county fairgrounds governed by county fair boards established pursuant to ORS 565.210 | Section 3.9090 | IIA |
| Farm Stand | | Section 3.9030(2) | II |
| Farm Use | | | I |
| Farm Use, Commercial Activity in Conjunction With | <ul style="list-style-type: none">Includes processing of farm crops into biofuel not otherwise permitted as conditional useExcludes activities in conjunction with a marijuana crop | Section 3.9030(5) Section 3.9090 | II |
| Firearms Training Facility | <ul style="list-style-type: none">Must have been in existence on September 9, 1995 | | I |
| Forest Products, Processing | <ul style="list-style-type: none">A facility for the primary processing of forest products shall not seriously interfere with accepted farming practices and shall be compatible with farm uses described in LWDUO Section 1.030. Such facility may be approved for a one-year period that is renewable and is intended to be only portable or temporary in nature. The primary processing of a forest product, as used in this Section, means the use of a portable chipper or stud mill or other similar methods of initial treatment of a forest product in order to enable its shipment to market. Forest products as used in this Section means timber grown upon a tract where the primary processing facility is located. | Section 3.9010(2) Section 3.9090 | IIA |
| Forest Products, Propagation and Harvesting | | | I |
| Golf Course | <ul style="list-style-type: none">New courses not permitted on high value farmlandExisting golf courses on high value farmland may be expanded | Section 1.0500 Section 3.9070(7) Section 3.9080(1) Section 3.9090 | IIA |
| Home Occupation, Conditional | <ul style="list-style-type: none">Must be operated by a resident of the property on which the business is located;The resident must file an annual report verifying that the home occupation complies with the conditions originally imposed;Shall not employ more than five full or part-time persons;Must will be operated in:<ul style="list-style-type: none">The dwelling; or | Section 3.9030(4) Section 3.9090 | II |

ARTICLE 4. ZONE REGULATIONS

| RURAL AGRICULTURAL LANDS PERMITTED AND CONDITIONAL USES TABLE | | | EFU |
|--|---|--|-----|
| USE | APPLICABLE STANDARDS | NOTES | |
| | <ul style="list-style-type: none">Other buildings normally associated with uses permitted in the zone in which the property is located;Shall not interfere with existing uses on nearby land or with other uses permitted in the zone in which the property is located;Shall comply with all conditions imposed pursuant to Sections 5.000 through 5.030 and all standards as set forth in S3.460 through S3.462. | | |
| House of Worship | <ul style="list-style-type: none">Includes cemeteries in conjunction with a house of workshopNew houses of worship not permitted on high value farmlandExisting houses of worship on high value farmland may be expanded | Section 3.9080(1) Section 3.9080(3) | I |
| Land Application | Includes the application of: <ul style="list-style-type: none">Reclaimed waterAgricultural or industrial process water or biosolidsOnsite treatment of septage prior to land application of biosolids | Section 3.9060(1) | II |
| Landscaping, Contracting or Architecture | 123) Landscape contracting business as defined in ORS 671.520 124) Landscape architecture services as defined in OS 671.318 125) Business must be pursued in conjunction with the growing and marketing of nursery stock on the lan that constitutes farm use | Section 3.9090 | II |
| Mining and Processing | <ul style="list-style-type: none">Includes:<ul style="list-style-type: none">Geothermal resources as defined by ORS 522.005Oil and gas as defined by ORS 520.005Mining, crushing or stockpiling of aggregate and other mineral and subsurface resources subject to ORS 2.15.298<ul style="list-style-type: none">Mining, crushing or stockpiling of aggregate and other mineral and subsurface resources are subject to the following:<ul style="list-style-type: none">(A) A land use permit is required for mining more than one thousand (1,000) cubic yards of martial or excavation preparatory to mining of a surface area of more than one (1) acre.(B) A land use permit for mining of aggregate shall be issued only for a site included on the mineral and aggregate inventory in an acknowledged Comprehensive Plan.Processing of aggregate into asphalt or Portland cement as defined by ORS 517.750<ul style="list-style-type: none">Facilities that batch and blend mineral and aggregate into asphalt cement may not be authorized within two miles of a planted vineyard. Planted vineyard means one or more vineyards totaling 40 acres or more that are planted as of the date the application for batching and blending is filed.Processing of other mineral resources and other subsurface resources | Section 3.9040 Section 3.9090 | IIA |
| Model Aircraft | <ul style="list-style-type: none">Sites for takeoff and landing | Section 3.9070(1) | II |
| Museum, Living History | <ul style="list-style-type: none">As defined in OS 215.283(2)(x)A living history museum shall be related to resource based activities and shall be owned and operated by a governmental | Section 3.9070(3) Section 3.9080(1) | IIA |

ARTICLE 4. ZONE REGULATIONS

| RURAL AGRICULTURAL LANDS PERMITTED AND CONDITIONAL USES TABLE | | | EFU |
|--|---|---|-----|
| USE | APPLICABLE STANDARDS | NOTES | |
| | agency or a local historical society. A living history museum may include limited commercial activities and facilities that are directly related to the use and enjoyment of the museum and located within authentic buildings of the depicted historic period or the museum administration building, if areas other than an exclusive farm use zone cannot accommodate the museum and related activities or if the museum administration buildings and parking lot are located within one quarter mile of an urban growth boundary. "Local historical society" means the local historical society, recognized as such by the county governing body and organized under ORS Chapter 65. | Section 3.9090 | |
| Onsite Filming (45 days or less) | <ul style="list-style-type: none">Includes activities accessory to onsite filmingSubject to standards in ORS 215.306 | | I |
| Onsite Filming (more than 45 days) | <ul style="list-style-type: none">As provided for in ORS 215.306 | Section 3.9090 | II |
| Outdoor Mass Gathering, Less than 120-Hour Duration | <ul style="list-style-type: none">More than 3,000 personsDuration of more than 24 hours but less than 120 hours in any three-month period | ORS 433.735 | I |
| Outdoor Mass Gathering, More than 120-Hour Duration | <ul style="list-style-type: none">More than 3,000 personsDuration of more than 120 hours in any three-month periodSubject to review by Planning Commission | ORS 433.763 | IIA |
| Park or Playground, Private | <ul style="list-style-type: none">New uses not permitted on high value farmlandExisting private parks on high value farmland may be expanded | Section 3.9070(6) Section 3.9080(1) Section 3.9090 Section 3.9080(3) | IIA |
| Park or Playground, Public | | Section 3.9070(4) Section 3.9080(1) Section 3.9090 | IIA |
| Parking, Log Trucks | <ul style="list-style-type: none">Maximum of 7 log trucks | Section 3.9090 | II |
| Power Generation | Includes: <ul style="list-style-type: none">Commercial utility facilities generating power for public use by saleCommercial utility generating wind power for the purpose of public use by sale | Section 3.9170(1) Section 3.9170(2) Section 3.9170(3) Section 3.9090 | IIA |
| Preserve, Hunting and Fishing | <ul style="list-style-type: none">New uses not permitted on high value farmland | Section 3.9070(6) Section 3.9080(1) Section 3.9090 Section 3.9080(3) | IIA |
| Processing Facility | For the processing of: <ul style="list-style-type: none">Farm crops | Section 3.9010(1) | II |

ARTICLE 4. ZONE REGULATIONS

| RURAL AGRICULTURAL LANDS PERMITTED AND CONDITIONAL USES TABLE | | | EFU |
|--|--|---|-----|
| USE | APPLICABLE STANDARDS | NOTES | |
| | <ul style="list-style-type: none">BiofuelPoultry | | |
| Residential Home | <ul style="list-style-type: none">As defined in OS 197.660 | Section 3.9080(2) Section 3.9090 | IIA |
| Resource Exploration and Production | <p>Includes:</p> <ul style="list-style-type: none">Operations for geothermal resources (ORS 522.005)Operations for oil and gas (ORS 520.005)Operations for mineral exploration (ORS 517.750)Placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the wellhead | | I |
| Room and Board Arrangements | <ul style="list-style-type: none">Limited to a maximum of five unrelated personsMust occur in existing residences | Section 3.9080(2) Section 3.9090 | II |
| Schools | <ul style="list-style-type: none">Includes public or private schoolsFor student in kindergarten through grade 12Includes all buildings essential to the operation of a schoolMust be primarily for residents of the rural area in which the school is locatedNew schools not permitted on high value farmlandExisting schools on high value farmland may be expanded | Section 3.9080(1) Section 3.9090 Section 3.9070(5) Section 3.9080(3) | IIA |
| Solid Waste Disposal Site | <ul style="list-style-type: none">Permit must have been granted by the Department of Environmental Quality under ORS 459.245Includes the equipment, facilities or buildings necessary for its operationNew facilities not permitted on high value farmlandExisting facilities on high value farmland may be expanded. | Section 3.9070(5) Section 3.9080(3) | IIA |
| Transmission Tower | <ul style="list-style-type: none">Towers over 200 feet in height | Section 3.9090 | II |
| Transportation Facilities (Type I) | <p>Includes:</p> <ul style="list-style-type: none">Climbing and passing lanes within the right-of-way that were in existence as of July 1, 1987Reconstruction or modification of public roads and highways, including:<ul style="list-style-type: none">Placement of utility facilities overhead and in the subsurface within the right-of-wayExcludes addition of travel lanesNot permitted when displacement of buildings would occurNot permitted if a new land parcel would resultTemporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed.Minor betterment of existing public road and highway-related facilities in existence as of July 1, 1987, including:<ul style="list-style-type: none">Maintenance yards | | I |

ARTICLE 4. ZONE REGULATIONS

| RURAL AGRICULTURAL LANDS PERMITTED AND CONDITIONAL USES TABLE | | | EFU |
|--|---|-------------------|-----|
| USE | APPLICABLE STANDARDS | NOTES | |
| | <ul style="list-style-type: none">○ Weigh stations○ Rest areas○ Facilities on contiguous public-owned property utilized to support the operation and maintenance of public roads and highways | | |
| Utilities Necessary for Public Service | Includes: <ul style="list-style-type: none">• Associated transmission lines• Wetland waste treatment systems• Does not include commercial facilities for the purpose of generating electrical power for public use or sale• Does not include transmission towers over 200 feet in height | Section 3.9060(3) | II |
| Utility Facility Service Lines | Utility facility service lines are utility lines and accessory facilities or structures that end at the point where the utility service is received by the customer and that are located on one or more of the following: <ul style="list-style-type: none">(A) A public right of way;(B) Land immediately adjacent to a public right of way, provided the written consent of all adjacent property owners has been obtained; or(C) The property to be served by the utility. | Section 3.9060(2) | II |
| Wetlands, Restoration, Creation or Enhancement | | | I |
| Winery | | Section 3.9150 | I |

ARTICLE 4. ZONE REGULATIONS

SECTION 4.3400. AGRICULTURE-FORESTRY ZONE (AF)

Section 4.3410. Purpose.

The AF zone is intended to provide for small-scale forest management and agriculture where parcel size and ownership patterns are not appropriate for the larger-scale commercial practices such as those found in the Forest-80 (F-80) or the Exclusive Farm Use (EFU) zones. The purpose of the AF zone is to encourage forestry and agriculture as primary uses of such lands with a view of preserving such land for as long as possible for the production of forest and agricultural products.

Section 4.3420. State Forestry-Regulated, Permitted and Conditional Uses

The uses listed in the Conservation Forest Lands Permitted and Conditional Uses Table are allowed in this district. Uses marked "SFRU" are State Forestry-Related Uses and are subject to the applicable requirements of the Oregon Forest Practices Act and its administrative rules. No County permit is required.

Section 4.3430. Land Division and Dimensional Standards

The following standards are applicable for all permitted and conditional development and uses.

| STANDARD | DIMENSION | NOTES |
|---|---|--|
| LOT DIMENSIONS | | |
| PARCEL SIZE (NEW PARCELS): | 126) 80 acres | Land divisions are subject to the criteria in OAR 660-006-0055. |
| SETBACKS | | |
| FRONT YARD: | • 30 feet | |
| REAR YARD: | • 20 feet | |
| SIDE YARD: | • 20 feet | |
| ACCESSORY STRUCTURE: | Same as primary structure setbacks. | |
| WETLAND AREAS: | Setbacks in wetland areas shall be in accordance with Section 6.5000. | |
| SURFACE AND SUBSURFACE MINING OPERATIONS: | 500 feet from adjacent residences and adjacent residential lands | |
| BUILDING DIMENSIONS | | |
| BUILDING HEIGHT (MAXIMUM): | 45 feet | Dwellings and structures in the AF Zone are subject to the F-80 siting standards in Section 4.3500 and the fire siting standards in Section 3.9250 |
| GENERAL REQUIREMENTS | | |

ARTICLE 4. ZONE REGULATIONS

| STANDARD | DIMENSION | NOTES |
|---|---|-------|
| MAJOR AND PERIPHERAL BIG GAME RANGE: | <ul style="list-style-type: none">• Uses in this zone which are in either a Major or Peripheral Big Game Range, as shown on the map in the County's Comprehensive Plan, are subject to the standards in Section 3.9170.• A copy of each application for a conditional use shall be sent to the Oregon Department of Fish and Wildlife for their comments on the proposed use's potential adverse impacts on Big Game Range and their recommendations for minimizing any adverse impacts. It shall be assumed that the Department of Fish and Wildlife finds the proposed use consistent with the protection of Big Game Range if no comment is received within 7 working days of the date of the notice. | |
| LAWFULLY ESTABLISHED DWELLINGS: | <p>A lawfully established dwelling may be altered, restored or replaced pursuant to Section 3.9140(1) only if the dwelling:</p> <ul style="list-style-type: none">(A) Has intact exterior walls and roof structures;(B) Has indoor plumbing consisting of a kitchen, sink, toilet and bathing facilities connected to a sanitary waste disposal system;(C) Has interior wiring for interior lights;(D) Has a heating system; and(E) In the case of replacement, is removed, demolished or converted to an allowable non-residential use within three months of the completion of the replacement dwelling. | |
| GOOD NEIGHBOR RESTRICTION: | <p>A dwelling may be approved as a conditional use (Type II) under Sections 3.9180(12) or 3.9180(13) of this zone subject to the following approval criteria and standards:</p> <p>The County shall require as a condition of approval of a single family dwelling that the landowner for the dwelling sign and record in the deed records for the County a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injuring from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.</p> | |

ARTICLE 4. ZONE REGULATIONS

SECTION 4.3500. FOREST-80 ZONE (F-80)

Section 4.3510. Purpose

The purpose of the Forest (F-80) Zone is to protect and maintain forest lands for grazing, and rangeland use and forest use, consistent with existing and future needs for agricultural and forest products. The F zone is also intended to allow other uses that are compatible with agricultural and forest activities, to protect scenic resources and fish and wildlife habitat, and to maintain and improve the quality of air, water and land resources of the county.

The F-80 zone has been applied to lands designated as Forest 80 in the Comprehensive Plan. The provisions of the F-80 zone reflect the forest land policies of the Comprehensive Plan as well as the requirements of ORS Chapter 215 and OAR 660-006. The minimum parcel size and other standards established by this zone are intended to promote commercial forest operations. [Ord. 18-02]

SECTION 4.3520. STATE FORESTRY-REGULATED, PERMITTED AND CONDITIONAL USES

The uses listed in the Conservation Forest Lands Permitted and Conditional Uses Table are allowed in this district. Uses marked "SFRU" are State Forestry-Related Uses and are subject to the applicable requirements of the Oregon Forest Practices Act and its administrative rules. No County permit required.

Section 4.3530. Land Divisions and Dimensional Standards. [Ord. 18-02]

The following standards are applicable for all permitted and conditional development and use.

| STANDARD | DIMENSION | NOTES |
|--|---|---|
| LOT DIMENSIONS | | |
| PARCEL SIZE (NEW PARCELS): | 1) 80 acres | Land divisions are subject to the criteria in OAR 660-006-0055. |
| EXCEPTIONS TO MINIMUM PARCEL SIZE REQUIREMENTS: | New land divisions less than the parcel size above may be approved for any of the following circumstances: 2) For the following uses, provided that such uses have been approved pursuant to Section 3.9230 and the parcel created from the division is the minimum size necessary for the use: (A) Exploration for and production of geothermal, gas, oil, and other associated hydrocarbons, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the | |

ARTICLE 4. ZONE REGULATIONS

| STANDARD | DIMENSION | NOTES |
|----------|--|-------|
| | <p>well head.</p> <p>(B) Log scaling and weigh stations.</p> <p>(C) Permanent facility for the primary processing of forest products.</p> <p>(D) Permanent logging equipment repair and storage.</p> <p>(E) Mining and processing of oil, gas, and other subsurface resources.</p> <p>(F) Television, microwave, and radio communication towers.</p> <p>(G) Water intake facilities, related treatment facilities, pumping stations, and transmission towers.</p> <p>(H) Reservoirs and water impoundments.</p> <p>(I) Aids to navigation and aviation.</p> <p>(J) Firearms training facility.</p> <p>(K) Fire stations for rural fire protection.</p> <p>(L) Cemeteries.</p> <p>(M) Destination resorts.</p> <p>(N) Commercial utilities for the purpose of generating power.</p> <p>(O) Public parks.</p> <p>(P) Private parks and campgrounds.</p> <p>(Q) Disposal sites for solid waste.</p> <p>3) For the establishment of a parcel for a dwelling existed prior to June 1, 1995, subject to the following requirements:</p> <p>(A) The parcel established may not be larger than five acres, except as necessary to recognize physical factors such as roads or streams, in which case the parcel shall not be larger than 10 acres; and</p> <p>(B) The parcel that does not contain the dwelling is not entitled to a dwelling unless subsequently authorized by law or goal and the parcel either:</p> <ol style="list-style-type: none"> 1. Meets the minimum land division standards of the zone; or 2. Is consolidated with another parcel, and together the parcels meet the minimum land division standards of the zone. <p>4) To allow a division of forest land to facilitate a forest practice as defined in ORS 527.620 that results in a parcel that does not meet the minimum area requirements of Subsection (1). Approvals shall be based on findings that demonstrate that there are</p> | |

ARTICLE 4. ZONE REGULATIONS

| STANDARD | DIMENSION | NOTES |
|----------|---|-------|
| | <p>unique property-specific characteristics present in the proposed parcel that require an amount of land smaller than the minimum area requirements of Subsection (1) in order to conduct the forest practice. Parcels created pursuant to this paragraph:</p> <p>(A) Are not eligible for siting of a new dwelling;</p> <p>(B) May not serve as the justification for the siting of a future dwelling on other lots or parcels;</p> <p>(C) May not, as a result of the land division, be used to justify redesignation or rezoning of resource lands; and</p> <p>(D) May not result in a parcel of less than 35 acres, unless the purpose of the land division is to:</p> <ol style="list-style-type: none"> 1. Facilitate an exchange of lands involving a governmental agency; or 2. Allow transactions in which at least one participant is a person with a cumulative ownership of at least 2,000 acres of forest land. <p>5) To allow a division of a lot or parcel zoned for forest use if:</p> <p>(A) At least two dwellings lawfully existed on the lot or parcel prior to November 4, 1993;</p> <p>(B) Each dwelling complies with the criteria for a replacement dwelling under paragraph Section 3.9190(4)(A);</p> <p>(C) Except for one parcel, each parcel created under this paragraph is between two and five acres in size;</p> <p>(D) At least one dwelling is located on each parcel created under this paragraph; and</p> <p>(E) The landowner of a parcel created under this paragraph provides evidence that a restriction prohibiting the landowner and the landowner's successors in interest from further dividing the parcel has been recorded with the county clerk of the county in which the parcel is located. A restriction imposed under this paragraph shall be irrevocable unless a statement of release is signed by the county planning director of the county in which the parcel is located indicating that the comprehensive plan or land use regulations</p> | |

ARTICLE 4. ZONE REGULATIONS

| STANDARD | DIMENSION | NOTES |
|----------|---|-------|
| | <p>applicable to the parcel have been changed so that the parcel is no longer subject to statewide planning goals protecting forestland or unless the land division is subsequently authorized by law or by a change in a statewide planning goal for land zoned for forest use.</p> <p>6) To allow a proposed division of land to preserve open space or parks, as provided in ORS 215.783.</p> <p>A lot or parcel may not be divided under Subsection (5), above if an existing dwelling on the lot or parcel was approved under a statute, an administrative rule or a land use regulation as defined in ORS 197.015 that required removal of the dwelling or that prohibited subsequent division of the lot or parcel.</p> <p>Restrictions</p> <p>7) An applicant for the creation of a parcel pursuant to Subsection (3), above, shall provide evidence that a restriction on the remaining parcel, not containing the dwelling, has been recorded with the county clerk. The restriction shall allow no dwellings unless authorized by law or goal on land zoned for forest use except as permitted under Subsection (5), above.</p> <p>8) A restriction imposed under this subsection shall be irrevocable unless a statement of release is signed by the county planning director of the county where the property is located indicating that the comprehensive plan or land use regulations applicable to the property have been changed in such a manner that the parcel is no longer subject to statewide planning goals pertaining to agricultural land or forest land.</p> <p>A landowner allowed a land division under Subsection (2) shall sign a statement that shall be recorded with the county clerk of the county in which the property is located, declaring that the landowner will not in the future complain about accepted farming or forest practices on nearby lands devoted to farm or forest use.</p> <p>The county governing body or its designate may not approve a property line adjustment of a lot or parcel in a</p> | |

ARTICLE 4. ZONE REGULATIONS

| STANDARD | DIMENSION | NOTES |
|-------------|---|---|
| | <p>manner that separates a temporary hardship dwelling or home occupation from the parcel on which the primary residential use exists.</p> <p>A division of a lawfully established unit of land may occur along an urban growth boundary where the parcel remaining outside the urban growth boundary is zoned for forest use and is smaller than the minimum parcel size, provided that:</p> <p>9) If the parcel contains a dwelling, it must be large enough to support continued residential use.</p> <p>10) If the parcel does not contain a dwelling:</p> <p>(A) It is not eligible for siting a dwelling, except as may be authorized under ORS 195.120;</p> <p>(B) It may not be considered in approving a redesignation or rezoning of forest lands, except to allow a public park, open space, or other natural resource use; and</p> <p>(C) The owner of the parcel shall record with the county clerk an irrevocable deed restriction prohibiting the owner and all successors in interest from pursuing a cause of action or claim of relief alleging injury from farming or forest practices for which a claim or action is not allowed under ORS 30.936 or 30.937.</p> <p>11) It may not be considered in approving or denying an application for any other dwelling.</p> | |
| SETBACKS | | |
| FRONT YARD: | • 30 feet | • Fences are excluded from the front yard setback requirement |
| REAR YARD: | • 30 feet | |
| SIDE YARD: | • 30 feet | |

ARTICLE 4. ZONE REGULATIONS

| CONSERVATION FOREST LANDS PERMITTED AND CONDITIONAL USES TABLE | | | AF | F-80 |
|---|---|--|-----|------|
| USE | APPLICABLE STANDARDS | NOTES | | |
| Agricultural Building | <ul style="list-style-type: none">Buildings must be customarily provided in conjunction with farm useAn agricultural building authorized by this section shall not be converted to another use. | | | I |
| Aids to Navigation or Aviation | | Section 3.9090 Section 3.9230 | II | II |
| Airport | <ul style="list-style-type: none">Personal-use onlyOnly for airplanes and helicopter padsIncludes associated hangar, maintenance and service facilitiesIncludes expansion of existing airportsF-80 Zone OnlyExpansion of existing airports | Section 3.909 F-80 Section 3.9230 | IIA | IIA |
| Aquatic Species | Includes: <ul style="list-style-type: none">PropagationCultivationMaintenanceHarvesting | Section 3.909 | II | |
| Asphalt Batching Plant, Temporary | <ul style="list-style-type: none">Temporary asphalt and concrete batch plants as accessory uses to specific highway projects | Section 3.9090 F-80 Section 39230 | IIA | IIA |
| Auxiliary Alterations | Physical alterations to the land auxiliary to forest practices <ul style="list-style-type: none">Includes, but is not limited to: Alterations for the purposes of:<ul style="list-style-type: none">ExplorationMiningcommercial gravel extraction and processinglandfillsdamsreservoirsroad construction, orrecreational facilities AF ZONE ONLY <ul style="list-style-type: none">Auxiliary means a use or alteration of a structure or land which provides help or is directly associated with the conduct of a particular forest practice.An auxiliary structure is located on site, temporary in nature, and is not designed to remain for the forest’s entire growth cycle from planting to harvesting. | | I | SFRU |

ARTICLE 4. ZONE REGULATIONS

| CONSERVATION FOREST LANDS PERMITTED AND CONDITIONAL USES TABLE | | | AF | F-80 |
|---|--|--|-----|------|
| USE | APPLICABLE STANDARDS | NOTES | | |
| | <ul style="list-style-type: none">An auxiliary use is removed when a particular forest practice has concluded. | | | |
| Auxiliary Structures, Temporary | <ul style="list-style-type: none">Auxiliary to and used during the term of a particular forest operation AF Zone Only <ul style="list-style-type: none">“Auxiliary” means a use or alteration of a structure or land which provides help or is directly associated with the conduct of a particular forest practice.Auxiliary structures must be:<ul style="list-style-type: none">(A) Located on site(B) Temporary in nature(C) Not designed to remain for the forest’s entire growth cycle form planting to harvestingAuxiliary structures must be removed when a particular forest practice has concludedA forest operation is any commercial activity relating to the growing or harvesting of any forest tree speciesForest tree species” do not include:<ul style="list-style-type: none">(A) Christmas trees on land used solely for the production of cultured Christmas trees as defined in ORS 215.203(3)(B) Hardwood timber, including but not limited to hybrid cottonwood, which is:<ul style="list-style-type: none">1) Grown or growing on land which has been prepared by intensive cultivation methods and which is cleared of competing vegetation for at least three years after tree planting;2) Of a species marketable as fiber for inclusion in the “furnish” for manufacturing paper products;3) Harvested on a rotation cycle within 12 years after planting; and4) Subject to intensive agricultural practices such as fertilization, insect and disease control, cultivation and irrigation. <u>S3.502</u> | | I | SFRU |
| Bed and Breakfast | | Sections 3.8030-3.8050 Section 3.9090 | II | |
| Campground, Private | F-80 ONLY <ul style="list-style-type: none">(1) Private Campgrounds and Campsites.<ul style="list-style-type: none">(A) Campgrounds in private parks may be permitted, subject to the following:<ul style="list-style-type: none">1) Except on a lot or parcel contiguous to a lake or reservoir, campgrounds shall not be allowed within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4.2) A campground shall be designed and integrated into the rural agricultural and forest environment in a manner that protects the natural amenities of the site and provides buffers of existing native trees and | Section 3.9090 F-80 Section 3.9220(3) Section 3.9230 | IIA | IIA |

ARTICLE 4. ZONE REGULATIONS

| CONSERVATION FOREST LANDS PERMITTED AND CONDITIONAL USES TABLE | | | AF | F-80 |
|---|--|---|----|------|
| USE | APPLICABLE STANDARDS | NOTES | | |
| | <div>vegetation or other natural features between campsites.</div> <div>3) Campgrounds authorized by this rule shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations.</div> <div>4) Overnight temporary use in the same campground by a camper or camper's vehicle shall not exceed a total of 30 days during any consecutive six-month period.</div> <div>(B) Campsites within campgrounds meeting the requirements of Section S3.524(3)(A) and permitted pursuant to Section S3.525 must comply with the following:</div> <div>1) Allowed uses include tent, travel trailer or recreational vehicle; yurts are also allowed uses, subject to Section S3.524(B)(3).</div> <div>2) Separate sewer, water or electric service hook-ups shall not be provided to individual camp sites except that electrical service may be provided to yurts.</div> <div>3) No more than one-third or a maximum of 10 campsites, whichever is smaller, may include a yurt. The yurt shall be located on the ground or on a wood floor with no permanent foundation.</div> | | | |
| Cemeteries | <div>• Not in conjunction with a house of worship</div> | Section 3.9230 | II | II |
| Communication Facilities | <div>• F-80 ZONE ONLY</div> <div>• Includes television, microwave and radio community facilities and transmission towers up to 200 feet above average grade</div> | Section 3.9090 Section 3.9400 F-80 Section 3.9230 | I | II |
| Communication Facilities, Over 200 Feet in Height | <div>• Includes television, microwave and radio community facilities and transmission towers up to 200 feet above average grade</div> | Section 3.9230 | | IIA |
| Conservation Uses | <div>• Uses to conserve soil, air, and water quality</div> <div>• Uses to provide for Fish and wildlife resources</div> | | I | I |
| Destination Resort | <div>• Subject to ORS 197.435 to ORS0197.467</div> <div>• Subject to Goal 8</div> | | | IIA |
| Distribution Lines | <div>• Local distribution lines for electric, telephone, natural, etc</div> <div>Includes accessory equipment such as:</div> <div>(A) Electric distribution transformers</div> <div>(B) Poles</div> <div>(C) Meter cabinets</div> <div>(D) Terminal boxes</div> <div>(E) Pedestals, or</div> | | I | I |

ARTICLE 4. ZONE REGULATIONS

| CONSERVATION FOREST LANDS PERMITTED AND CONDITIONAL USES TABLE | | | AF | F-80 |
|---|--|---|-----|------|
| USE | APPLICABLE STANDARDS | NOTES | | |
| | (F) Equipment that provies service hook-ups, including water service hook-ups | | | |
| Dog Kennels | | Section 3.9090 | IIA | |
| Dwelling, Accessory Farm | <ul style="list-style-type: none">For seasonal and year-round farm workers | | I | |
| <ul style="list-style-type: none"> | <ul style="list-style-type: none">For single-family dwellings, the landowner shall sign and record in the deed records for the county a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937. | F-80 Section 3.9190(6) | I | IIA |
| | | Section 3.9200(9) | II | |
| Dwelling, Lot of Record | | Section 3.9190(2) Section 3.9190(6) | | II |
| Dwelling, Farm Operator Relative | <ul style="list-style-type: none">Must be located on the same lot or parcel as the dwelling of the farm operatorMust be occupied by a relative of the farm operator or farm operator's spouse if the farm operator does, or will, require the assistance of the relative in the management of the farm use"relative" means grandparent, grandchild, parent, child, brother or sister of the farm operator or the farm operator's spouseMust be located on land that was predominantly in farm use on January 1, 1993. | Section 3.9200(9) | II | |
| Dwelling, Health Hardship | | Section 3.0190 Section 3.909 Section 3.9190(5) Section 3.9190(6) Section 3.9230 | II | II |
| Dwelling, Replacement, Alteration, Restoration | | Section 3.9140 Section 3.9190(4) Section 3.9190(6) | I | I |
| Dwelling, Replacement of Historic Structure | <ul style="list-style-type: none">Must be used in conjunction with a farm use;Existing dwelling must be listed in the County's inventory as a historic property, orMust be listed on the National Register of Historic Places | | I | |
| Dwelling, Large Tract | | Section 3.9120 Section 3.9140 F-80 Zone Only Section 3.9190(1) Section 3.9190(6) | II | II |
| Dwelling, Small Tract / Poor Soils | | Section 3.9110 Section 3.9120 | II | |

ARTICLE 4. ZONE REGULATIONS

| CONSERVATION FOREST LANDS PERMITTED AND CONDITIONAL USES TABLE | | | AF | F-80 |
|---|--|--|-----|------|
| USE | APPLICABLE STANDARDS | NOTES | | |
| | | Section 3.9190(3) | | |
| Dwelling, Template Test | | Section 3.9150 Section 3.9120 Section 3.9800 Section 3.9150 Section 3.9190(3) Section 3.9190(6) | II | II |
| EFU Uses, Type I | <ul style="list-style-type: none">Those uses not listed that are permitted in Section 4.3300 of the Exclusive Farm Use (EFU) ZoneSubject to the applicable development standards, conditions and review described therein.Dwelling permitted in Section 4.3300 are subject to the review criteria in either the EFU Zone or the F-80 Zone, based on the predominant use of the subject tract on January 1, 1993. | | I | |
| EFU Uses, Type II | <ul style="list-style-type: none">Those uses not listed that are listed as Type II uses in Section 4.3300 of the Exclusive Farm Use (EFU) ZoneSubject to the applicable development standards, conditions and review described therein.Dwelling permitted in Section 4.3300 are subject to the review criteria in either the EFU Zone or the F-80 Zone, based on the predominant use of the subject tract on January 1, 1993. | | II | |
| EFU Uses, Type IIA | <ul style="list-style-type: none">Those uses not listed that are listed as Type IIA uses in Section 4.3300 of the Exclusive Farm Use (EFU) ZoneSubject to the applicable development standards, conditions and review described therein.Dwelling permitted in Section 4.3300 are subject to the review criteria in either the EFU Zone or the F-80 Zone, based on the predominant use of the subject tract on January 1, 1993. | | IIA | |
| Exploration | <ul style="list-style-type: none">Exploration for mineral and aggregate resources as defined in ORS Chapter 517Exploration is not conducted in conjunction with Auxiliary Alterations | | I | I |
| Exploration and Operations | <ul style="list-style-type: none">Operations for the exploration of minerals as defined by ORS 517.750Activities or construction relating to such operations shall not be a basis for an exception under ORS 197.732(1)(a) or (b) | | I | |
| Exploration and Production | <p>Includes:</p> <ul style="list-style-type: none">GeothermalGasOilOther associated hydrocarbons <ul style="list-style-type: none">Includes the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the well head | | I | I |
| F-80 Uses, Type I | <ul style="list-style-type: none">Those uses not listed that are permitted in Section 4.3500 of the Forest-80 Zone (F-80)Subject to the applicable development standards, conditions and review described therein.Dwelling permitted in Section 4.3500 are subject to the review criteria in either the EFU Zone or the F-80 Zone, based on | | I | |

ARTICLE 4. ZONE REGULATIONS

| CONSERVATION FOREST LANDS PERMITTED AND CONDITIONAL USES TABLE | | | AF | F-80 |
|---|--|---|------|------|
| USE | APPLICABLE STANDARDS | NOTES | | |
| | the predominant use of the subject tract on January 1, 1993. | | | |
| F-80 Uses, Type II | <ul style="list-style-type: none">Those uses not listed that are as Type II uses in Section 4.3500 of the Forest-80 Zone (F-80)Subject to the applicable development standards, conditions and review described therein.Dwelling permitted in Section 4.3500 are subject to the review criteria in either the EFU Zone or the F-80 Zone, based on the predominant use of the subject tract on January 1, 1993. | | II | |
| F-80 Uses, Type IIA | <ul style="list-style-type: none">Those uses not listed that are listed as Type IIA uses in Section 4.3500 of the Forest-80 Zone (F-80)Subject to the applicable development standards, conditions and review described therein.Dwelling permitted in Section 4.3500 are subject to the review criteria in either the EFU Zone or the F-80 Zone, based on the predominant use of the subject tract on January 1, 1993. | | IIA | |
| Farm Stand | | Section 3.9030(2) | I | |
| Farm Use | F-80 Zone <ul style="list-style-type: none">As defined in ORS 215.203 | | I | I |
| Fire Stations, New and Replacement | <ul style="list-style-type: none">For rural fire protection | Section 3.9090 | IIA | I |
| Fire Stations, New | <ul style="list-style-type: none">For rural fire protection | Section 3.9230 | | IIA |
| Fire Stations, Replacement | <ul style="list-style-type: none">Replacement of existing fire stations on the same lot or parcel for rural fire protection | Section 3.9230 | | I |
| Firearms Training Facility | <ul style="list-style-type: none">F-80As provided in ORS 197.770(2) | Section 3.9130 F-80 Section 3.9230 | IIA | IIA |
| Forest Fire Protection | <ul style="list-style-type: none">Towers and fire stations for forest fire protection | | I | I |
| Forest Labor Camps, Temporary | <ul style="list-style-type: none"> | | I | I |
| Forest Management Facility | <ul style="list-style-type: none">Related to and in support of forest operations | | | II |
| Forest Management Research and Experimentation Facilities | <ul style="list-style-type: none">Conducted by the State Board of Higher Education, orWhere necessary to forest operationsF-80 ZONE ONLYAs defined by OS 526.215 | Section 3.9090 | II | II |
| Forest Operations or Practices | <ul style="list-style-type: none">Includes, but is not limited to:<ul style="list-style-type: none">Reforestation of forest landRoad construction and maintenanceHarvesting of a forest tree speciesApplication of chemicals | | SFRU | |

ARTICLE 4. ZONE REGULATIONS

| CONSERVATION FOREST LANDS PERMITTED AND CONDITIONAL USES TABLE | | | AF | F-80 |
|---|--|--|-----|------|
| USE | APPLICABLE STANDARDS | NOTES | | |
| | <ul style="list-style-type: none">○ Disposal of slash• A forest operation is any commercial activity relating to the growing or harvesting of any forest tree species AF ZONE ONLY <ul style="list-style-type: none">• “Forest tree species” does not include:<ul style="list-style-type: none">○ Christmas trees on land uses solely for the production of cultured Christmas trees as defined in ORS 215.203(3)○ Hardwood timber, including but not limited to hybrid cottonwood, which is:<ul style="list-style-type: none">• grown or growing on land which has been prepared by intensive cultivation methods and which is cleared of competing vegetation for at least three years after tree planting;• of a species marketable as fiber for inclusion in the “furnish” for manufacturing paper products;• harvested on a rotation cycle within 12 years after planting; and• subject to intensive agricultural practices such as fertilization, insect and disease control, cultivation and irrigation | | | |
| Forest Products, Temporary Processing | <ul style="list-style-type: none">• Includes a temporary portable facility for the primary processing of forest products.• “Forest products” means timber grown upon a tract where the primary processing facility is located | | I | I |
| Forest Products, Permanent Processing | A permanent facility for the primary processing of forest products may be permitted, where the facility is: <ul style="list-style-type: none">(A) Located in a building or buildings that do not exceed 10,000 square feet in total floor area; or(B) Located in an outdoor area that does not exceed one acre excluding laydown and storage yards; or(C) Located in a combination of indoor and outdoor areas described in Subsections (A) and (B); and(D) Adequately separated from the surrounding properties to reasonably mitigate noise, odor, and other impacts generated by the facility that adversely affect forest management and other existing uses, as determined by the governing body. | Section 3.9090 F-80 Section 3.9230 Section 3.9200(2) | IIA | IIA |
| Forest Products, Propagation and Harvesting | | | I | |
| Golf Course | | Section 3.9090 | IIA | |
| Home Occupation, Conditional | <ul style="list-style-type: none">• Does not include auto/machinery repair or painting | Section 3.9090 Section 3.9200(1) Section 3.9230 | II | IIA |
| House of Worship | <ul style="list-style-type: none">• Includes cemeteries in conjunction with a house of workshop• | | I | |
| Hunting and Fishing Operations, Private | <ul style="list-style-type: none">• Lodging accommodations prohibited | | I | I |
| Hunting and Fishing Operations, Private | <ul style="list-style-type: none">• | Section 3.9090 Section 3.9120 | IIA | IIA |

ARTICLE 4. ZONE REGULATIONS

| CONSERVATION FOREST LANDS PERMITTED AND CONDITIONAL USES TABLE | | | AF | F-80 |
|---|---|---|------------|------------|
| USE | APPLICABLE STANDARDS | NOTES | | |
| Seasonal Accommodations | | F-80 Section 3.9200(3) Section 3.9230 Section 3.9200(4) | | |
| Log Scaling and Weight Stations | | Section 3.9090 Section 3.9230 | IIA | IIA |
| Logging Equipment, Repair and Storage | <ul style="list-style-type: none">Permanent repair and storage | Section 3.9090 F-80 Section 3.9230 | IIA | IIA |
| Mining and Processing | <ul style="list-style-type: none">Includes:<ul style="list-style-type: none">Mining and processing of oil, gas or other subsurface resources, as defined in ORS Chapter 520Mining and processing of aggregate and mineral resources as defined in ORS Chapter 517Does not include compressors, separators and storage serving multiple wellsAF ZONE ONLYMining and processing of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005, and not otherwise permitted in this zoneMining, crushing or stockpiling of aggregate and other mineral and other subsurface resourcesProcessing, as defined by ORS 517.750, of aggregate into asphalt or Portland cementProcessing of other mineral resources and other subsurface resources | Section 3.9090 Section 3.9160 F-80 Zone Section 3.9230 | IIA | IIA |
| Outdoor Mass Gathering, Less than 120-Hour Duration | <ul style="list-style-type: none">More than 3,000 personsDuration of more than 24 hours but less than 120 hours in any three-month period | ORS 433.735 | | I |
| Outdoor Mass Gathering, More than 120-Hour Duration | <ul style="list-style-type: none">More than 3,000 personsDuration of more than 120 hours in any three-month periodSubject to review by Planning Commission | ORS 433.763 | | IIA |
| Park or Playground, Private | | Section 3.9090 | IIA | |
| Park, Public | | Section 3.9220(2) Section 3.9230 | | IIA |
| Playground, Public | <ul style="list-style-type: none">Must be owned and operated by a governmental agency or a non-profit community organization | Section 3.9090 | IIA | |
| Parking | <ul style="list-style-type: none">Maximum of seven dump trucks and seven trailers | Section 3.9230 | | II |
| Power Generation | <ul style="list-style-type: none">A power generation facility shall not preclude more than ten acres from use as a commercial forest operation unless an exception is taken pursuant to OAR Chapter 660, Division 4.F-80 | Section 3.9090 F-80 Section 3.9230 | IIA | IIA |

ARTICLE 4. ZONE REGULATIONS

| CONSERVATION FOREST LANDS PERMITTED AND CONDITIONAL USES TABLE | | | AF | F-80 |
|---|---|--|-----|------|
| USE | APPLICABLE STANDARDS | NOTES | | |
| | <ul style="list-style-type: none">Commercial utility facilities for the purpose of generating power | | | |
| Preserve, Hunting and Fishing | | Section 3.9090 | IIA | |
| Schools | <ul style="list-style-type: none">Includes public or private schoolsFor student in kindergarten through grade 12Includes all buildings essential to the operation of a schoolMust be primarily for residents of the rural area in which the school is locatedNew schools not permitted on high value farmlandExisting schools on high value farmland may be expanded | Section 3.9080(1) Section 3.9090 Section 3.9080(3) | I | |
| Solid Waste Disposal Site | <ul style="list-style-type: none">Must be approved by the governing body of a city or county or bothPermit must have been granted by the Department of Environmental Quality under ORS 459.245Includes the equipment, facilities or buildings necessary for its operation | Section 3.9090 F-80 Section 3.9230 | IIA | IIA |
| Structures, Emergency Storage | <ul style="list-style-type: none">1) Storage structures for emergency supplies to serve communities and households that are located in tsunami inundation zones, if:<ul style="list-style-type: none">(A) Areas within an urban growth boundary cannot reasonably accommodate the structures;(B) The structures are located outside tsunami inundation zones and consistent with evacuation maps prepared by DOGAMI or the local jurisdiction;(C) Sites where the structures could be co-located with an existing use approved under this section are given preference for consideration;(D) The structures are of a number and size no greater than necessary to accommodate the anticipated emergency needs of the population to be served;(E) The structures are managed by a city or county government for the single purpose of providing for the temporary emergency support needs of the public; and(F) Written notification has been provided to the County Office of Emergency Management of the application for the storage structures. | Section 3.9220(1) Section 3.9230 | II | II |
| Structures, Uninhabitable | <ul style="list-style-type: none">Accessory to fish and wildlife enhancement | | I | I |
| Transmission Lines, New | <ul style="list-style-type: none">New electric transmission lines with right-of-widths of up to 100 feetNew gas, oil, geothermal distribution lines with rights-of-way 50 feet or less in width | Section 3.9090 F-80 ORS 772-210 Section 3.9230 | II | IIA |
| Transmission Tower | <ul style="list-style-type: none">Includes communication facilities | Section 3.9090 | II | |

ARTICLE 4. ZONE REGULATIONS

| CONSERVATION FOREST LANDS PERMITTED AND CONDITIONAL USES TABLE | | | AF | F-80 |
|---|--|---|-----|------|
| USE | APPLICABLE STANDARDS | NOTES | | |
| | | Section 3.9400 | | |
| Transmission Tower, Over 200 Feet in Height | <ul style="list-style-type: none">Includes communication facilities | Section 3.9090 Section 3.9400 | IIA | |
| Transportation Facilities (Type I) | <p>Includes:</p> <ul style="list-style-type: none">Widening of roads within existing rights-of-way in conformance with the Transportaton Element of the Comprehensive PlanClimbing and passing lanes within the right-of-way that were in existence as of July 1, 1987Reconstruction or modification of public roads and highways, including:<ul style="list-style-type: none">Placement of utility facilities overhead and in the subsurface of public roads and highwaysExcludes addition of travel lanesNot permitted when displacement of buildings would occurNot permitted if a new land parcel would resultTemporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed.Minor betterment of existing public road and highway-related facilities in existence as of July 1, 1987, including:<ul style="list-style-type: none">Maintenance yardsWeigh stationsRest areasFacilities on contiguous public-owned property utilized to support the operation and maintenance of public roads and highways | | I | I |
| Transportation Improvements and Uses | <p>AF Zone: May be authorized under conditions and standards and set forth in OAR 660-12-035 and 660-12-065</p> <p>F-80 Zone: May be authorized under conditions and standards and set forth in 660-12-065</p> <p>AF-Zone Includes:</p> <ul style="list-style-type: none">Construction of additional passing and travel lanes requiring the acquisition of right- of-way but not resulting in the creation of new land parcelsReconstruction or modification of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new land parcelsImprovement of public road and highway related facilities, such as maintenance yards, weigh stationsRoads, highways and other transportation facilities and improvements not allowed under other provisions of this zone may be established with the approval of an exception to the goal related to agricultural lands and to any other applicable goal with which the facility or improvement does not comply. | Section 3.9090 F-80 Section 3.9230 | IIA | IIA |
| Utilities Necessary for Public Service | <p>Includes:</p> <ul style="list-style-type: none">Communication facilities | Section 3.9090 Section 3.9400 | I | |

ARTICLE 4. ZONE REGULATIONS

| CONSERVATION FOREST LANDS PERMITTED AND CONDITIONAL USES TABLE | | | AF | F-80 |
|---|---|----------------------------------|----|------|
| USE | APPLICABLE STANDARDS | NOTES | | |
| | <ul style="list-style-type: none">Does not include commercial facilities for the purpose of generating power for public use by saleDoes not include transmission towers over 200 feet in height | | | |
| Water Impoundments or Reservoirs | | Section 3.9090 Section 3.9230 | II | II |
| Water Intake Facilities | <ul style="list-style-type: none">AF AND F-80 ZONESIncludes related treatment facilitiesPumping stationsDistribution linesF-80 ZONE ONLYIncludes canals and distribution lines for farm irrigaton and ponds.Includes maintenance or in-kind replacement | Section 3.9090 | II | I |
| Wetlands, Restoration, Creation or Enhancement | | | I | |
| Winery | | Section 3.9150 | I | |
| Youth Camp | | Section 3.9300 | | II |

*SFRU: State Forestry-Regulated Uses: Subject to the applicable requirements of the Oregon Forest Practices Act and its administrative rules. No County permit required.

ARTICLE 4. ZONE REGULATIONS

SECTION 4.3600. AQUATIC CONSERVATION ONE ZONE (AC-1)

Section 4.3610. Purpose and Areas Included

The purpose of the AC-1 zone is to conserve designated areas of the Columbia River Estuary for long term uses of renewable resources that do not require major alterations of the estuary, except for the purpose of restoration. This zone is managed for the protection and conservation of the natural resources and benefits found in these areas. The AC-1 zone includes areas needed for maintenance and enhancement of biological productivity, recreational resources, aesthetic values and aquaculture. They shall include areas of significant habitat smaller or of less biological importance than those in the AN zone. Areas that are partially altered and adjacent to existing development of low intensity which do not possess the resource characteristics of other aquatic areas are also included in this zone.

Section 4.3620. Permitted and Conditional Uses

The uses listed in the Conservation Other Resources Lands Permitted and Conditional Uses Table are allowed in this district.

Section 4.3630. Development Standards.

| STANDARD | |
|---|--|
| COMPLIANCE WITH REGIONAL POLICIES | All uses and activities shall satisfy applicable regional policies contained in the Comprehensive Plan, Estuarine Resources and Coastal Shorelands element |
| COMPLIANCE WITH ESTUARY AND AQUATIC STANDARDS: | All uses and activities shall satisfy applicable Columbia River Estuary Shoreland and Aquatic Use and Activity Standards contained in the Development and Use Standards Document. |
| COMPLIANCE WITH LOCAL ORDINANCE: | All other applicable ordinance requirements shall also be satisfied. |
| IMPACT ASSESSMENT REQUIRED: | A proposal which requires new dredging, fill, in-water structures, riprap, new log storage areas, water intake or withdrawal and effluent discharge, in-water disposal of dredged material, beach nourishment, application of pesticides and herbicides, or other activities which could affect the estuary's physical processes or biological resources is subject to an Impact Assessment, Sections 6.0410-6.0450. |
| CONSOLIDATED REVIEW: | When a development proposal includes several uses, the uses shall be reviewed in aggregate under the more stringent procedure. |
| WATER-DEPENDENT | Uses that are water-dependent must meet the criteria in |

ARTICLE 4. ZONE REGULATIONS

| STANDARD | |
|----------------------------------|--|
| USES: | Section 6.4270(1). Uses that are water-related must meet the criteria in Section 6.4270(2). |
| NON-WATER-DEPENDENT USES: | Uses that are not water-dependent shall not preclude or conflict with existing or probable future water-dependent uses on the site or in the vicinity. |
| TYPE I PUBLIC NOTICE: | Uses and activities permitted under a Type I procedure in this zone, are subject to the public notice provisions of Section 2.2040, if: <ul style="list-style-type: none">• an impact assessment is required pursuant to Sections 6.0410 through 6.0450; or• a resource capability determination is required pursuant to Sections 6.0460-6.0470; or• a determination of consistency with the purpose of the AC-1 zone is required pursuant to Section 6.0480; or• the Community Development Director determines that the permit decision will require interpretation or the exercise of factual, policy, or legal judgment. |

ARTICLE 4. ZONE REGULATIONS

SECTION 4.3700. AQUATIC CONSERVATION TWO ZONE (AC-2)

Section 4.3710. Purpose and Areas Included.

The purpose of the AC-2 zone is to conserve designated areas of the Columbia River Estuary for long term uses of renewable resources that do not require major alterations of the estuary, except for the purpose of restoration. They are managed for the protection and conservation of the natural resources and benefits found in these areas. The AC-2 zone includes areas needed for maintenance and enhancement of biological productivity, recreational resources, aesthetic values, aquaculture and open water portions of the estuary. The AC-2 zone includes areas of smaller or of less biological importance than those in the Aquatic Natural zone and Aquatic Conservation One zone. Areas that are partially altered and adjacent to existing development of low to moderate intensity which do not possess the resource characteristics of other aquatic areas are also included in this zone.

Section 4.3720. Permitted and Conditional Uses

The uses listed in the Conservation Other Resources Lands Permitted and Conditional Uses Table are allowed in this district.

Section 4.3730. Development Standards

| STANDARD | |
|---|--|
| COMPLIANCE WITH REGIONAL POLICIES | All uses and activities shall satisfy applicable regional policies contained in the Comprehensive Plan, Estuarine Resources and Coastal Shorelands element |
| COMPLIANCE WITH ESTUARY AND AQUATIC STANDARDS: | All uses and activities shall satisfy Columbia River Estuary Shoreland and Aquatic Use and Activity Standards contained in the Development and Use Standards Document. |
| COMPLIANCE WITH LOCAL ORDINANCE: | All other applicable ordinance requirements shall also be satisfied. |
| IMPACT ASSESSMENT REQUIRED: | A proposal which requires new dredging, fill, in-water structures, riprap, net log storage areas, water intake or withdrawal and effluent discharge, in-water disposal of dredged material, beach nourishment, application of pesticides and herbicides, or other activities which could affect the estuary's physical processes or biological resources is subject to an Impact Assessment, Sections 6.0410-6.0450. |
| CONSOLIDATED REVIEW: | When a development permit proposal includes several uses, the uses shall be reviewed in aggregate under the more stringent procedure. |

ARTICLE 4. ZONE REGULATIONS

| STANDARD | |
|------------------------------|--|
| WATER-DEPENDENT USES: | <p>For an expanded water-dependent commercial use of surface area (see Section 4.3600(Mining and Mineral Extraction)), the following criteria are established and may be required by the Planning Commission:</p> <p>(A) That the need for additional aquatic area cannot be met at other alternative locations in the County;</p> <p>(B) That the increase in use of estuarine aquatic area will result in minimal additional impacts to fish and wildlife;</p> <p>(C) That the increase in use of estuarine aquatic area will not result in adverse impacts on the navigability of the area or adversely affect other commercial uses of adjacent aquatic areas;</p> <p>(D) That the need for additional surface area to accommodate the proposed activity is precisely delineated and sufficient information presented warranting expansion.</p> <p>Uses that are water-dependent must meet the criteria in Section 6.4270(1). Uses that are water-related must meet the criteria in Section 6.4270(2).</p> |
| TYPE I PUBLIC NOTICE: | <p>Uses and activities permitted as a Type I development under Section 4.3500, are subject to the public notice provisions of Section 2.2040, if:</p> <ul style="list-style-type: none">• an impact assessment is required pursuant to Sections 6.3010 through 6.3050; or• a resource capability determination is required pursuant to Sections 6.3060-6.3070; or• a determination of consistency with the purpose of the AC-2 zone is required pursuant to Section 6.3080; or• the Community Development Director determines that the permit decision will require interpretation or the exercise of factual, policy, or legal judgment. |

ARTICLE 4. ZONE REGULATIONS

SECTION 4.3800. CONSERVATION SHORELANDS ZONE (CS).

Section 4.3810. Purpose and Areas Included.

This zone is intended to conserve Columbia River Estuary shorelands which provide important resource or ecosystem support functions and to designate areas for long term uses of renewable resources that do not require major alterations of the estuary, except for the purpose of restoration. They are managed for the protection and maintenance of water quality, fish and wildlife habitat, water-dependent uses, economic resources, aesthetic values and recreation. Uses of these shorelands shall be compatible with characteristics and uses of the adjacent estuarine waters.

Section 4.3820. Permitted and Conditional

The uses listed in the Conservation Other Resources Lands Permitted and Conditional Uses Table are allowed in this district.

Section 4.3830. Development Standards

| STANDARD | |
|---|--|
| COMPLIANCE WITH REGIONAL POLICIES | All uses and activities shall satisfy applicable regional policies contained in the Comprehensive Plan, Estuarine Resources and Coastal Shorelands element |
| COMPLIANCE WITH ESTUARY AND AQUATIC STANDARDS: | All uses and activities shall satisfy Columbia River Estuary Shoreland and Aquatic Use and Activity Standards contained in the Development and Use Standards Document. |
| COMPLIANCE WITH LOCAL ORDINANCE: | All other applicable ordinance requirements shall also be satisfied. |
| SHORELINE SETBACKS: | Shoreline setbacks shall meet the requirements of development standards 6.4220, Riparian Vegetation Protection. |
| CONSOLIDATED REVIEW: | When a proposal includes several uses, the uses shall be reviewed in aggregate under the more stringent procedure. |
| WATER-DEPENDENT USES: | Uses that are water-dependent must meet the criteria in Section 6.42701). |
| WATER-RELATED USES: | Uses that are water-related must meet the criteria in Section 6.4270(2). |
| NON-WATER-DEPENDENT USES: | Uses that are not water-dependent shall not preclude or conflict with existing or probable future water dependent uses on the site or in the vicinity. |

ARTICLE 4. ZONE REGULATIONS

SECTION 4.3900. ECOLA AQUATIC CONSERVATION ZONE (EAC).

Section 4.3910. Purpose.

The purpose of the EAC zone is to designate areas for long-term uses of renewable resources that do not require major alteration of the estuary, except for the purpose of restoration. These areas shall be managed to conserve the natural resources and benefits. These shall include areas needed for maintenance and enhancement of biological productivity, recreational and aesthetic uses. Included are tracts of significant habitat, and recreational shellfish beds. Areas which are partially altered and adjacent to existing development of moderate intensity are also included.

Section 4.3920. Permitted and Conditional

The uses listed in the Conservation Other Resources Lands Permitted and Conditional Uses Table are allowed in this district.

Section 4.3930. Development Standards and Procedural Requirements

| STANDARD | |
|--|--|
| COMPLIANCE WITH REGIONAL POLICIES | All uses shall satisfy applicable standards of the Standards Document. Where a proposal involves several uses, the standards applicable to each use shall be satisfied. |
| COMPLIANCE WITH LOCAL ORDINANCE: | All applicable policies in the County Comprehensive Plan shall be adhered to. |
| IMPACT ASSESSMENT: | A proposal which requires new dredging, fill, in-water structures, riprap, water in-take or withdrawal and effluent discharge, application of pesticides and herbicides, or other activities which could affect the estuary's physical processes or biological resources is subject to an Impact Assessment, Section 6.2000. |
| CONSOLIDATED REVIEW: | When a proposal includes several uses, the uses shall be reviewed in aggregate under the more stringent procedure. In addition, a proposal with several uses shall be reviewed in aggregate for consistency with the resource capability and purposes of the EAC zone, when a resource capability determination is required. |
| ESTUARY ALTERATION: | No use shall be allowed in the EAC zone which would cause a major alteration of the estuary. |
| PUBLIC NOTICE REQUIREMENT: | Uses and activities permitted as a Type I procedure in this zone, are subject to the public notice provisions of Sections 2.2040, if: <ul style="list-style-type: none">• an impact assessment is required pursuant to Section |

ARTICLE 4. ZONE REGULATIONS

| STANDARD | |
|----------|---|
| | <p>6.2000; or</p> <ul style="list-style-type: none">• a resource capability determination is required pursuant to Section 5.960; or• a determination of consistency with the purpose of the EAC zone is required pursuant to Section 6.2020; or• the Community Development Director determines that the permit decision will require interpretation or the exercise of factual, policy, or legal judgment |

ARTICLE 4. ZONE REGULATIONS

SECTION 4.4000. LAKE AND WETLANDS ZONE (LW).

Section 4.4010. Purpose

The purpose of the LW zone is to assure the conservation of important shoreland and wetland biological habitats and conserve examples of different natural ecosystem types and to assure a diversity of species and ecological relations in Clatsop County.

Low intensity uses which do not result in major alterations are appropriate in this zone. Low to moderate intensity recreation is appropriate in coastal lakes.

This zone includes coastal and non-coastal lakes, significant non-estuarine freshwater marshes and important upland biological habitat.

The freshwater marshes in this district are of two categories: those designated under Goal 17 which were formed by coastal processes, and those designated under Goal 5.

The zone shall be designated on the Clatsop County Land and Water Development and Use Ordinance zoning map, and shall conform to the 1" to 400' photocontour maps entitled "Significant Shoreland and Wetland Biological Habitats" on file at the Clatsop County Department of Community Development office and hereby adopted by reference.

Section 4.4020. Permitted and Conditional Uses

The uses listed in the Conservation Other Resources Lands Permitted and Conditional Uses Table are allowed in this district.

Section 4.4030. Development Standards

| STANDARD | |
|---|---|
| COMPLIANCE WITH LOCAL ORDINANCE: | All development shall comply with applicable standards as set forth in the Clatsop County Land and Water Development and Use Code, as amended. |
| RIPARIAN VEGETATION: | <ul style="list-style-type: none">• Uses that are not water-dependent or water-related shall be set back to the extent of riparian vegetation identified in the Comprehensive Plan.• Riparian vegetation shall be protected in accordance with the following standards:• Riparian vegetation is important for maintaining water temperature and quality, providing bank stabilization, thus minimizing erosion, providing habitat for the feeding, breeding, and nesting of aquatic and terrestrial wildlife species, and protecting and buffering the aquatic ecosystem from human disturbances. |

ARTICLE 4. ZONE REGULATIONS

| STANDARD | |
|----------|--|
| | <p>Riparian vegetation shall be protected in accordance with the following standards on lands not subject to the requirements of the Oregon Forest Practices Act:</p> <p>Areas of riparian vegetation are identified as follows:</p> <ol style="list-style-type: none">(1) Estuarine and Coastal Shoreland rivers and sloughs: a riparian vegetation zone of 50 feet wide shall be maintained except where shown on the County's estuarine resource base maps.(2) Lakes, reservoirs, and river segments outside of Estuarine or Coastal Shoreland areas: a riparian vegetation zone 50 feet wide shall be maintained. Where emergent wetland vegetation exists adjacent to a lake, reservoir, or river, the 50 feet shall be measured from the landward extent of the emergent wetland area. If a shrub or forested wetland area exists adjacent to the lake, reservoir or river, the zone of riparian vegetation shall be the entire area of the shrub or forested wetland. <p>Measurements are taken horizontally and perpendicular from the line of non-aquatic vegetation. Where no aquatic vegetation is present, the measurement shall occur in estuarine and coastal shoreland areas from the mean higher high water line and from the ordinary high water line in non-estuarine areas.</p> <ul style="list-style-type: none">• All development, as defined by LWDUO section 1.0500, shall be located outside of the zone of riparian vegetation areas defined above, unless direct water access is required in conjunction with a water dependent or water-related use or as otherwise provided by this Ordinance.• Because the zone of riparian vegetation is a uniform width, it may in particular locations include pasture land, land managed for agricultural crops, landscaped area or unvegetated areas which do not function as riparian vegetation. Upon request, the County may undertake a site investigation to establish the extent of riparian vegetation requiring protection in a particular location. |

ARTICLE 4. ZONE REGULATIONS

| STANDARD | |
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| | <ul style="list-style-type: none">• Exemptions from (1) and (2) above and from the applicable setback requirement for the front or rear yard that is opposite the riparian area may be granted without a variance for uses on:<ul style="list-style-type: none">(A) Lots located in areas identified in the Comprehensive Plan's Goal 2 exception element as "built and committed" and which existed as of the date of adoption of this ordinance, and single family residential "lots of record" as defined and used in Chapter 884 Oregon Laws 1981 as amended, where the lot depth resulting from the riparian setback and the opposite front/rear yard setback is less than 45 feet.(B) Other lots in identified "built and committed" areas and other "lot of record" where the combination of setbacks required by this section result in a buildable lot depth of less than 45 feet. <p>Exemptions from the riparian setback shall be the minimum necessary to accommodate the proposed use after the yard opposite the riparian area has been reduced to a width of no less than ten feet.</p> <ul style="list-style-type: none">• Vegetation within the riparian setback shall be maintained with the following exceptions:<ul style="list-style-type: none">(A) The removal of dead, diseased or dying trees that pose and erosion or safety hazard.(B) Vegetation removal necessary to direct water access to the Columbia River Estuary for an approved water dependent or water-related use that meets the criteria in Section 6.4270.(C) Removal of vegetation necessary for the placement of structural shoreline stabilization.• The requirements of this section shall not apply to actions covered by the Oregon Forest Practices Act.• At such time that a development is proposed in the vicinity of the wetlands area, the county may require a site investigation to determine the exact location or the boundary. The site investigation shall be performed by a qualified expert, such as a biologist from the U.S. Army Corps of Engineers, Oregon Division of State Lands, or the Oregon Department of Fish and Wildlife. |

ARTICLE 4. ZONE REGULATIONS

| STANDARD | |
|----------|--|
| | <ul style="list-style-type: none">Nothing in this provision shall allow for a redefinition or major alteration of the wetlands boundary. In order to maintain consistency, the site investigation shall employ the same criteria originally used to identify freshwater wetlands in the County. (The study performed by Dr. Duncan Thomas of CREST, entitled <i>Significant Shoreland and Wetland Habitats in the Clatsop Plains</i>). |

ARTICLE 4. ZONE REGULATIONS

SECTION 4.4100. NECANICUM ESTUARY AQUATIC CONSERVATION ZONE (NAC-2).

Section 4.4110. Purpose

To provide for aquatic areas which shall be managed for low to moderate intensities of use. These aquatic areas can withstand limiting amounts of adjacent development or alteration and are consistent with the intent of the overall goals and policies of the estuary section of the Comprehensive Plan. Uses and activities within this zone must be managed for maintenance of resource and recreational benefits. Aquatic conservation areas may include water areas of the estuary and valuable salt marshes and tideflats of lesser biological significance than those in the NAN-1 zone.

Section 4.4120. Development and Conditional Uses

The uses listed in the Conservation Other Resources Lands Permitted and Conditional Uses Table are allowed in this district.

Section 4.4130. Development Standards

The following standards are applicable to developments in this zone:

| STANDARD | |
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| COMPLIANCE WITH LOCAL ORDINANCE: | <ul style="list-style-type: none">• All uses shall satisfy applicable standards in the Land and Water Development and Use Code.• All uses shall also satisfy applicable standards in Section 6.4000.• All policies in the Comprehensive Plan shall be adhered to.• All other applicable ordinance requirements shall also be satisfied. |
| MULTIPLE USES: | <ul style="list-style-type: none">• Where a proposal involves several uses, the standards applicable to each use shall be satisfied (e.g. dredge, fill, shoreline stabilization, piling installation or other activities in conjunction with an aquaculture facility shall be subject to the respective standards for these uses).• When a proposal includes several uses, the uses shall be reviewed in aggregate under the more stringent procedure. In addition, a proposal with several uses shall be reviewed in aggregate for consistency with the resource capability and purposes of the Aquatic Conservation zone, when a resource capability determination is required. |
| IMPACT ASSESSMENT: | <ul style="list-style-type: none">• Uses and activities shall be preceded by a clear presentation of the impacts of the proposed alteration, |

ARTICLE 4. ZONE REGULATIONS

| STANDARD | |
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| | subject to the requirements of Section 6.2000, Impact Assessment. |
| ESTUARY ALTERATION: | <ul style="list-style-type: none">• No use shall be allowed in an Aquatic Conservation zone which would cause a major alteration of the estuary. |
| MAXIMUM BUILDING HEIGHT: | <ul style="list-style-type: none">• The maximum height of structures shall be 20 feet, except where the height is necessary and appropriate. |
| ENVIRONMENTAL IMPACT STUDY: | <ul style="list-style-type: none">• A development project which is determined to require an Environmental Impact Study through the Corps of Engineers permit process shall be allowed only:<ul style="list-style-type: none">(A) if required for navigation or other water-dependent uses that require an estuarine location, and(B) if a public need is demonstrated, and(C) if no alternative upland locations exist, and(D) if adverse impacts are minimized as much as feasible. |
| FILL ACTIVITIES: | <ul style="list-style-type: none">• Where fills are permitted, the fill shall be the minimum necessary to accomplish the proposed use.• Fills shall be permitted only after it is established through environmental impact assessments that negative impacts on the following factors will be minimized:<ul style="list-style-type: none">(A) navigation(B) productive estuarine habitat(C) water circulation and sedimentation patterns(D) water quality(E) recreation activities• Where existing public access is reduced, suitable public access as part of the development project shall be provided.• Aquatic areas shall not be used for sanitary landfills or the disposal of solid waste.• Fill in an intertidal or tidal marsh area shall not be permitted.• Fills shall be permitted only in areas where alteration has taken place in the past, such as the riprap bank of the Necanicum River in downtown Seaside.• The following uses and activities shall be permitted with the following findings of fact:<ul style="list-style-type: none">(A) Maintenance and protection of man-made |

ARTICLE 4. ZONE REGULATIONS

| STANDARD | |
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| | <p>structures (riprap or other shoreline protection)</p> <p>(B) Active restoration if a public need is demonstrated.</p> <p>(C) Aquaculture if:</p> <ol style="list-style-type: none"> 1) an estuarine location is required; 2) a public need is demonstrated; 3) no alternative upland locations exist for the portion of the use requiring fill; and 4) adverse impacts are minimized as much as feasible. <p>(D) High intensity water-dependent recreation and minor navigational improvements if:</p> <ol style="list-style-type: none"> 1) the findings of (7)(C)(1-4) are made; and 2) if consistent with the resource capabilities of the area and the purposes of the management unit. <p>(E) Flood and erosion control structures if:</p> <ol style="list-style-type: none"> 1) required to protect a water-dependent use, as otherwise allowed in (7)(B)-(D); 2) land use management practices and non-structural solutions are inadequate to protect the use; 3) there is no alternative upland locations for the portion of the use being protected; 4) an estuarine location is required by the use; 5) a public need is demonstrated; and 6) adverse impacts, to include those on water currents, erosion and accretion patterns, are minimized as much as feasible. <p>(F) Fill and/or erosion control.</p> |
| DREDGING: | <ul style="list-style-type: none"> • Dredging shall only be permitted when it is shown that there is a public need, that adverse impacts are minimized as much as possible, and that no alternative site can be found. <p>Maintenance Dredging – Necanicum River only</p> <ul style="list-style-type: none"> • Dredging shall not occur in marshes, tide flats, or other productive subtidal areas as determined by the state and federal permit process. • Dredging shall be permitted in areas of the Necanicum River with lower productivity and only to the extent necessary to achieve a minor navigational improvement. • Dredging shall be permitted for high intensity recreation purposes, including a moorage or small |

ARTICLE 4. ZONE REGULATIONS

| STANDARD | |
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| | <p>marina, where such use conforms with the above standards and goals of this plan.</p> <ul style="list-style-type: none">• Dredging other than for aquaculture or restoration shall be limited to the main channel of the Necanicum River.• In evaluation of a proposal for dredging, in conjunction with high intensity recreation or aquaculture, the effects of both the initial dredging and subsequent maintenance dredging must be considered.• Any proposal requiring dredging shall include a long-term program for the disposal of dredged material.• Any dredging proposal shall include a program detailing how effects shall be mitigated by creation or restoration of another area of similar biological potential to ensure that the integrity of the estuarine ecosystem is maintained. |
| PILING: | <ul style="list-style-type: none">• Piling for a use permitted in the estuary shall be approved only after the applicant has established that adverse impacts on navigation, estuarine habitat and processes, water circulation and sedimentation patterns, water quality and recreational activities are minimized.• The piling will meet with all state and federal engineering standards.• Pilings shall be used in lieu of fill wherever the use is engineering feasible. The number of pilings shall be the minimum necessary to accomplish the proposed use. |
| UTILITIES: | <ul style="list-style-type: none">• Overhead electrical or communication transmission lines shall be located so as not to unduly interfere with migratory bird flyways and significant habitat of resident waterfowl, birds of prey and other birds. In cases of serious conflict, utility facilities should be located underground.• Applications for a utility facility, including cable crossings, shall provide evidence as to why an aquatic site is needed, the alternative locations considered, and the relative impacts of each. Crossings shall avoid disrupting marsh areas wherever it is engineering feasible.• Utility facilities shall not be located on new fill land |

ARTICLE 4. ZONE REGULATIONS

| STANDARD | |
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| | <p>unless part of an otherwise approved project and no other alternative exists.</p> <ul style="list-style-type: none">• Aboveground utility facilities shall be designed to have the least adverse effect on visual and other aesthetic characteristics of the area.• Effluents from point-source discharges shall meet all applicable state and federal water and air quality standards. Monitoring shall be carried out so as to determine the on-going effects on the estuarine environment.• After installation or maintenance is completed, banks shall be replanted with native species or otherwise protected against erosion. The pre-project bank line shall be maintained as closely as possible.• Storm water shall be directed into existing natural drainages wherever possible, and shall be dispersed into several locations so as to minimize the impact on the estuary. When adjacent to salt marshes and/or natural areas, special precautions shall be taken to insure contamination of the marsh by oil, sediment or other pollutant does not occur. This may be through use of holding ponds, weirs, dry wells, or other means. |

ARTICLE 4. ZONE REGULATIONS

SECTION 4.4200. OPEN SPACE, PARKS, AND RECREATION ZONE (OPR).

Section 4.4210. Purpose.

The OPR zone is intended to provide for the conservation of open space; the protection and development of areas uniquely suited for outdoor recreation and the protection of designated scenic, natural and cultural resource areas.

Section 4.4220. Permitted and Conditional Uses

The uses listed in the Conservation Other Resources Lands Permitted and Conditional Uses Table are allowed in this district.

Section 4.4230. Dimensional and Performance Standards

The following standards are applicable to permitted and conditional developments in this zone:

| STANDARDS FOR CONDITIONAL USES ONLY | |
|-------------------------------------|--|
| CONDITIONAL USES ONLY: | <ul style="list-style-type: none">• The proposed development shall be consistent with the Clatsop County Comprehensive Plan.• The development shall be compatible with and appropriate to the natural resources and features, recreational characteristics and current predominant land use of the area for which it is proposed.• In no event shall the proposed development destroy or endanger the natural and recreational resources giving value to the area.• The proposed development shall include adequate measures to reduce fire hazards and prevent the spread of fire to surrounding areas.• The location of buildings, signs, parking, recreation areas and open space shall be compatible with adjacent areas and the natural scenic amenities of the locality. |
| STANDARDS FOR ALL DEVELOPMENTS | |
| SETBACKS: | <ul style="list-style-type: none">• No structures shall be placed closer than 100 feet to perennial streams, lakes or other water bodies or closer than 60 feet to arterials, collectors or public roads and highways or closer than 20 feet to other roads and property lines. |
| UTILITY SERVICES: | <ul style="list-style-type: none">• All utility services, including power and telephone, shall be installed underground where physical conditions permit. |
| BUILDING HEIGHT: | <ul style="list-style-type: none">• Maximum height for all structures shall be 35 feet or |

ARTICLE 4. ZONE REGULATIONS

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| | the maximum height allowed in an adjacent zone that has a lower maximum height standard. |
| AREA AND LOT SIZE: | <ul style="list-style-type: none">• The minimum area and lot size shall be that determined to be necessary for the protection of health and natural resources. |
| ACCESSORY STRUCTURES: | <ul style="list-style-type: none">• An accessory structure separated from the main building shall be located in accordance with yard setback requirements. |

ARTICLE 4. ZONE REGULATIONS

SECTION 4.4300. QUARRY AND MINING ZONE (QM).

SECTION 4.4310. PURPOSE.

The intent of this zone is to protect aggregate and other mineral sites from incompatible uses where such material is needed for primarily non-forest uses. Good quality aggregate and mineral sites are uncommon in the County and are vital to a healthy and growing economy. These sites should be protected from conflicting uses, primarily structures which would preempt an extractive resource use.

The QM zone applies to sites shown by a "QM" letter designation on the County zoning map and described on a list in the Department of Community Development. Generally, sites are located to the nearest quarter section, although some sites are listed only by section, as per State Department of Geology and Mineral Industries permits. The QM District applies only to that portion of the listed section upon which the rock resource is located.

There are a number of existing and potential rock pits and stockpile sites which are not designated on the County map due to lack of adequate information concerning the sites. It is anticipated that many of those sites will be designated QM upon further information and a Goal 5 analysis and Comprehensive Plan amendment.

Section 4.4320. Permitted and Conditional Uses

The uses listed in the Conservation Other Resources Lands Permitted and Conditional Uses Table are allowed in this district.

Section 4.4330. Dimensional and Performance Standards

| STANDARDS | |
|------------------|---|
| LOT SIZE: | Lot size shall be based upon: <ul style="list-style-type: none">• The site needs of the proposed use,• The nature of the proposed use in relation to its impact on nearby properties, and• Consideration of state sanitation and other requirements, local setback and other criteria and standards of the Ordinance. |
| SETBACKS: | <ul style="list-style-type: none">• Excavation shall not be conducted closer than 100 feet to any residence or residential district.• Equipment and structures shall not be built or located closer than 50' from the perimeter boundary or the right-of-way of an existing road, except when such boundary adjoins a residence or residentially zoned district, in which case such setback shall be 100'. |

ARTICLE 4. ZONE REGULATIONS

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|------------------------------------|---|
| | <ul style="list-style-type: none">• Stockpiling of sand and gravel and sedimentation ponds shall be located no closer than 25' to the perimeter boundary or the right-of-way of an existing road.• SETBACKS FROM WATERWAYS: No mining or structural improvements shall occur within the riparian setbacks as specified in 6.5000. In no case, however, shall the minimum setback from a waterway be less than 25'. |
| SCREEN LANDSCAPE: | <ul style="list-style-type: none">• Existing trees and natural vegetation shall be preserved along a public road or adjoining a residential district for a width of 50' or within the minimum setback, whichever is less. |
| SCREENING VEGETATION: | <ul style="list-style-type: none">• Any new mining or stockpile site which fronts on a public roadway shall be screened from such roadway by a line of vegetation sufficient to substantially block view of the site from the road. The vegetation shall be either native vegetation which is maintained or vegetation which is planted at the time of permit issuance and maintained for the life of the operation. |
| ROAD CONDITIONS: | <ul style="list-style-type: none">• All private access and service roads shall be maintained in a dust-free condition during intensive operations. |
| SAFETY FENCING: | <ul style="list-style-type: none">• Prior to operations which will result in open excavation with a depth of ten feet or more and a slope steeper than one vertical foot to two horizontal feet and which is located within 100' of a residentially occupied structure, a fence shall be erected at least ten feet outside the edge of the excavation at least four feet in height, to control access to such excavation. |
| OTHER APPLICABLE STANDARDS: | <ul style="list-style-type: none">• State and federal standards regarding air, water and noise discharges and reclamation of the site shall be followed as well as any other applicable state, federal or local standards. |

ARTICLE 4. ZONE REGULATIONS

SECTION 4.4400. RURAL COMMUNITY PARKS ZONE (RCP).

Section 4.4410. Purpose.

The RCP zone is intended to be applied to new and existing public and private parks in Rural Communities that contain significant natural values and recreation opportunities. These areas are intended to accommodate the type of recreational development that insures the maintenance of the site's natural values is intended to serve the rural community, surrounding rural area or the needs of people passing through the area.

Section 4.4420. Permitted and Conditional Uses

The uses listed in the Conservation Other Resources Lands Permitted and Conditional Uses Table are allowed in this district.

Section 4.4430. Dimensional and Performance Standards

The following standards are applicable to all permitted uses in this zone.

| SETBACKS: | <ul style="list-style-type: none">• Front: 25 FT• Side and Rear (abutting a residence or residential zone): 10 FT• Non-aquatic Vegetation: 35 FT• Adjacent Resource Zones: 50 FT |
|-----------------------------------|---|
| BUILDING HEIGHT (MAXIMUM): | <ul style="list-style-type: none">• 35 FT |

ARTICLE 4. ZONE REGULATIONS

SECTION 4.4500. RECREATION MANAGEMENT ZONE (RM).

Section 4.4510. Purpose.

This zone is intended to be applied to existing public and private parks particularly those that contain significant natural values. These areas are intended to accommodate the type of recreational development that insures the maintenance of the site's natural values.

Section 4.4520. Permitted and Conditional Uses

The uses listed in the Conservation Other Resources Lands Permitted and Conditional Uses Table are allowed in this district.

Section 4.4530. Dimensional and Performance Standards

| STANDARDS | |
|-----------------|---|
| GENERAL: | <ul style="list-style-type: none">• As part of either a permitted or conditional use request, the Community Development Director may approve master plans for an entire recreational area. Approval of a master plan would allow all uses provided in the master plan without further review. Minor changes in the master plan which do not increase visitor capacity, or have off-site impacts, or affect areas with significant natural values, may be approved by the Community Development Director under a Type I procedure. Major changes to the master plan including alterations that would increase visitor capacity, off-site impacts, or areas with significant natural values shall be subject to a Type II procedure• An accessory structure separated from the main building shall be located in accordance with yard setback requirements |

ARTICLE 4. ZONE REGULATIONS

| CONSERVATION OTHER RESOURCES PERMITTED AND CONDITIONAL USES TABLE | | | AC-1 | AC-2 | CS | EAC | LW | NAC-2 | OPR | QM | RCP | RM |
|--|--|-------|------|------|----|-----|----|-------|-----|----|-----|----|
| USE | APPLICABLE STANDARDS | NOTES | | | | | | | | | | |
| Accessory Development, Type I | <ul style="list-style-type: none">Customarily provided in conjunction with permitted uses | | | | | | | | I | | I | |
| Accessory Development, Type II | <ul style="list-style-type: none">Customarily provided in conjunction with conditional usesSite plan review required | | | | | | | | II | | | |
| Agriculture | LW ZONE ONLY: <ul style="list-style-type: none">Only cultivation and harvest of cranberriesIncludes irrigation equipment, pumps and ditches necessary for the management and protection of cranberriesOnly permitted in Delmoor Loop Road area, as described in the County’s Goal 5 Element | | | | I | | I | | | | | |
| Agriculture, Accessory Uses | <ul style="list-style-type: none">Limited to developments necessary for and accessory to cranberry cultivation and harvestIncludes:<ul style="list-style-type: none">equipment storage shedsaccess roadstemporary cranberry storage facilitiesDoes not include a dwellingOnly permitted in the Delmoor Loop Road area as described in the County’s Goal 5 Plan Element | | | | | | II | | | | | |
| Agriculture, Low-Intensity, Non-Structural | <ul style="list-style-type: none">Permitted in Goal 5 wetlands subject to Goal 5 Administrative Rule (OAR 660-16) STANDARDS: <p>The standards in this subsection apply to all projects that could affect commercial or recreational fisheries or aquaculture in the Columbia River Estuary. This section is also applicable to the development of aquaculture facilities and to fisheries enhancement projects.</p> <ul style="list-style-type: none">Water diversion structures or man-made spawning channels shall be designed and built to maintain minimum stream flows for aquatic life in affected streams.Water discharged from aquaculture or hatchery facilities shall comply with state and federal water quality standards and any waste discharge permit conditions.Aquaculture facilities shall be located far enough from sanitary sewer outfalls to avoid potential health hazards.Aquaculture facilities shall be constructed to blend in with and not detract from the aesthetic qualities of the area. In developed areas, views from upland property shall be given consideration in facility design. | | | | | | II | | | | | |

ARTICLE 4. ZONE REGULATIONS

| CONSERVATION OTHER RESOURCES PERMITTED AND CONDITIONAL USES TABLE | | | AC-1 | AC-2 | CS | EAC | LW | NAC-2 | OPR | QM | RCP | RM |
|--|---|-------|------|------|----|-----|----|-------|-----|----|-----|----|
| USE | APPLICABLE STANDARDS | NOTES | | | | | | | | | | |
| | <ul style="list-style-type: none">In-water construction activity in aquatic areas shall follow the recommendations of state and federal fisheries agencies with respect to project timing to avoid unnecessary impacts on migratory fish.Commercial fish drifts shall be protected from conflicting in-water activity, including dredging, in-water dredged material disposal, and aquatic area mining and mineral extraction, by coordinating review of such activity with fishery regulatory agencies, fishing organizations, drift captains and drift right owners, and other interested parties.Prior to approval of in-water activities with the potential for affecting commercial fishing activities, the project sponsor shall notify local drift captains, the Columbia River Fisherman's Protective Union and the Northwest Gillnetters Association and the state fishery agency. | | | | | | | | | | | |
| Alterations, Temporary | EAC ZONE ONLY: <ul style="list-style-type: none">Requires Resource Capability Determination AC-1 AND AC-2 ZONES ONLY: <ul style="list-style-type: none">To obtain fill material for dike maintenanceSubject to the following standards:<ul style="list-style-type: none">PILINGDREDGINGFILLING | | IIR | IIR | | II | | | | | | |
| Aquaculture Facilities | CS ZONE ONLY: <ul style="list-style-type: none">Does not require Resource Capability Determination NAC-2 ZONE ONLY: <ul style="list-style-type: none">Water-dependent portions of an aquaculture facility onlyRequires site plan reviewRequires Resource Capability DeterminationIncludes piling, dredging and filling for installationStructures and activities associated with an aquaculture operation shall not unduly interfere with navigation.Water diversion or other shoreline structures shall be located so as not to unduly interfere with public shoreline access. Public access to the facility shall be provided consistent with safety and security considerations.Aquaculture facilities shall be constructed to blend in, and not detract from the aesthetic qualities of the area. In developed areas, views of upland owners shall be given consideration | | IIR | IIR | II | | | II | | | | |

ARTICLE 4. ZONE REGULATIONS

| CONSERVATION OTHER RESOURCES PERMITTED AND CONDITIONAL USES TABLE | | | AC-1 | AC-2 | CS | EAC | LW | NAC-2 | OPR | QM | RCP | RM |
|--|---|-------|------|------|----|-----|----|-------|-----|----|-----|----|
| USE | APPLICABLE STANDARDS | NOTES | | | | | | | | | | |
| | <div>in facility design.</div> <div><div><div>Water diversion structures or man-made spawning channels shall be constructed so as to maintain minimum required stream flows for aquatic life in the adjacent stream.</div><div>The potential impacts of introducing a new fish or shellfish species (or race within a species) shall be carefully evaluated so as to protect existing aquatic life in the stream and estuary.</div><div>Aquaculture facilities shall be located far enough away from sanitary sewer outfalls to the extent that there will be no potential health hazard.</div><div>Water discharged from the facility shall meet all federal and state water quality standards and any conditions attached to waste discharge permit.</div></div></div> <div>AC-1 AND AC-2 ZONES ONLY:<div><div>Water-dependent portions of an aquaculture facility only</div><div>Does not include:<div><div>Dredge</div><div>Fill</div><div>Other estuarine alteration other tan incidental dredging for harvest of benthic species or removable in-water structures such as stakes or racks</div></div></div></div></div> | | | | | | | | | | | |
| Asphalt Batching Plant | <div><div>Includes concrete and ready-mix</div><div>Must be accessory to and located on the same site as an existing or approved surface or subsurface mining operation</div><div>Subject to the standards in the Light Industrial (LI) zone</div></div> | | | | | | | | | I | | |
| Beach Nourishment | <div>ALL ZONES</div> <div>Only at sites designated in the Comprehensive Plan</div> <div>Includes dredge material disposal</div> <div>AC-1 AND AC-2 ZONES ONLY:<div><div>Subject to the following standards:<div><div>PILING</div><div>DREDGING</div></div></div></div></div> | | IIR | I | | | | | | | | |
| Bridges, Greater than 500 SF | <div><div>Includes pile-supported walkways</div><div>Includes other pile-supported structures</div><div>Does not include docks</div></div> | | | | | | II | | | | | |
| Bridges, Less than 500 SF | <div><div>Includes pile-supported walkways</div><div>Includes other pile-supported structures</div><div>Does not include docks</div></div> | | | | | | I | | | | | |

ARTICLE 4. ZONE REGULATIONS

| CONSERVATION OTHER RESOURCES PERMITTED AND CONDITIONAL USES TABLE | | | AC-1 | AC-2 | CS | EAC | LW | NAC-2 | OPR | QM | RCP | RM |
|--|---|-------|------|------|-----|-----|----|-------|-----|----|-----|----|
| USE | APPLICABLE STANDARDS | NOTES | | | | | | | | | | |
| Camping, Group Facilities | <ul style="list-style-type: none">Prohibited in areas identified as Coastal ShorelandsRequires site plan review | | | | | | | | II | | | |
| Campground, Primitive | <ul style="list-style-type: none">Prohibited in areas identified as Coastal ShorelandsRequires site plan review RM ZONE ONLY: <ul style="list-style-type: none">Must be consistent with County Recreation Plan or Master Plan | | | | | | | | II | | II | II |
| Boat Docks and Ramps | NAC-2 ZONE ONLY: <ul style="list-style-type: none">Requires site plan reviewRequires Resource Capability DeterminationIncludes piers and mooragesIncludes piling, dredging and filling for installationBoat ramps requiring fill or dredging shall be evaluated under fill or dredging requirements. (Fill or removal of 50 cubic yards or less do not require permits from the U.S. Army Corps of Engineers or the Division of State Lands). Necessary permits will be obtained.Boat ramps shall not be located in marsh areas or tideflats, and should be located in areas with a significant degree of alteration. Water depths shall be adequate so that dredging is not necessary.Boat ramps shall be compatible with surrounding uses, such as natural areas or residential areas.Community docks or moorages shall be given higher priority than private individual docks or moorages.Where a private individual dock is proposed, the applicant must provide evidence that alternative moorage sites such as nearby marinas, community docks or mooring buoys are not available, are impractical or will not satisfy the need.Evidence shall be provided by the applicant that the size of the dock or moorage is the minimum necessary to fulfill the purpose.Covered or enclosed moorage shall not be allowed except in connection with a commercial or industrial use where such shelter is necessary for repair and maintenance of vessels and associated equipment, such as fishing nets, etc.Open pile piers or secured floats shall be used for dock construction. Fills in aquatic areas to create a dock or moorage are not permitted. | | IIR | IIR | IIR | II | | II | | | II | II |

ARTICLE 4. ZONE REGULATIONS

| | | | | | | | | | | | | | | |
|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|
| | <ul style="list-style-type: none">• Piers and floats shall extend no further out into the water than is needed to affect navigational access. Conflicts with other water surface uses, such as fishing or recreational boating shall be minimized.• Floats in tidally-influenced areas shall be located such that they do not rest on the bottom at low water.• The applicant shall provide evidence to show that existing marina facilities are inadequate to meet the demand and that existing facilities cannot feasibly be expanded.• Marina facilities shall be designed and constructed so as to minimized negative impacts on navigation, water quality, sedimentation rates and patterns, fish rearing or migration routes, important sediment dwelling organisms, birds, other wildlife, tidal marshes and other important vegetative habitat. An impact assessment shall normally be required.• Flushing and water circulation adequate to maintain ambient water quality shall be provided by design or artificial means. A calculated flushing time shall be presented as evidence that this standard has been met.• The size of the proposed facility, particularly that portion occupying the water surface, shall be the minimum required to meet the need. In this regard, new facilities shall make maximum use of dry boat moorage on existing shoreland areas.• Means for preventing contaminants from entering the water shall be provided. Equipment shall be available on-site for clean-up of accidental spills of contaminants. Sewage, storm drainage and fish wastes shall not be discharged directly into the water.• Marina facilities should provide for maximum public access and recreation use, consistent with safety and security considerations. Walkways, seating, fishing areas and similar facilities should be provided.• Covered or enclosed water moorage shall be minimized, except as needed for maintenance, repair or construction activities.• Marina facilities shall be located only in areas of existing shoreline development on the Necanicum River where its location would not eliminate marsh areas, and where water depths are sufficient so that new dredging is not required. <p>LW ZONE ONLY:</p> <ul style="list-style-type: none">• Individual boat docks only• Limited to 500 SF• For recreational or fishing use only• Includes piling necessary for the installation of the dock <p>CS ZONE ONLY:</p> <ul style="list-style-type: none">• Includes individual dock or moorage• Includes public recreational boat ramp with minimal on-shore facilities <p>AC-1 AND AC-2 ZONES ONLY:</p> <ul style="list-style-type: none">• Individual docks and ramps for public use where neither dredging nor filling for navigation access is needed <p>RCP ZONE ONLY:</p> <ul style="list-style-type: none">• Boat ramps only <p>RM ZONE ONLY:</p> | | | | | | | | | | | | | |
|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|

ARTICLE 4. ZONE REGULATIONS

| CONSERVATION OTHER RESOURCES PERMITTED AND CONDITIONAL USES TABLE | | | AC-1 | AC-2 | CS | EAC | LW | NAC-2 | OPR | QM | RCP | RM |
|--|--|-------|------|------|----|-----|----|-------|-----|----|-----|----|
| USE | APPLICABLE STANDARDS | NOTES | | | | | | | | | | |
| | <ul style="list-style-type: none">Boat ramps onlyOnly permitted in areas identified as Coastal Shorelands in the Comprehensive Plan | | | | | | | | | | | |
| Boat Launch | | | | | | | II | | | | | |
| Cemeteries | <ul style="list-style-type: none">Prohibited in areas identified as Coastal ShorelandsRequires site plan review | | | | | | | | II | | | |
| Clubs, Hunting and Fishing | <ul style="list-style-type: none">Prohibited in areas identified as Coastal ShorelandsSie plan review required | | | | | | | | II | | | |
| Crossings, Bridge | NAC-2 ZONE ONLY: <ul style="list-style-type: none">Requires site plan reviewRequires Resource Capability DeterminationIncludes piling, dredging and filling for installation EAC ZONE ONLY: <ul style="list-style-type: none">No requirements for piling, dredging or filling | | IIR | IIR | | II | | II | | | | |
| Crossings, Bridge Support Structures | EAC and AC-1 ZONES ONLY: <ul style="list-style-type: none">Includes dredging, fill or piling necessary for installationRequires Resource Capability Determination | | II | | | II | | | | | | |
| Crossings, Utilities, Cable and Pipelines, | NAC-2 ZONE ONLY: <ul style="list-style-type: none">Limited to submerged cable, sewer line, water line, or other pipelineRequires site plan reviewRequires Resource Capability DeterminationIncludes piling, dredging and filling for installation EAC AND LW ZONES ONLY: <ul style="list-style-type: none">Limited to submerged cable, sewer line, water line, or other pipeline CS ZONE ONLY: <ul style="list-style-type: none">Includes landfalls and access corridors for sewer line, water line, submerged cables or other pipeline crossings AC-1 AND AC-2 ZONES ONLY: <ul style="list-style-type: none">PILINGDREDGINGFILLING | | IIR | IIR | II | II | I | II | | | | |
| Dikes | EAC ZONE ONLY: <ul style="list-style-type: none">Only dike maintenance and repair | | | | II | I | | | | | | |

ARTICLE 4. ZONE REGULATIONS

| CONSERVATION OTHER RESOURCES PERMITTED AND CONDITIONAL USES TABLE | | | AC-1 | AC-2 | CS | EAC | LW | NAC-2 | OPR | QM | RCP | RM |
|--|--|-------|------|------|----|-----|----|-------|-----|----|-----|----|
| USE | APPLICABLE STANDARDS | NOTES | | | | | | | | | | |
| | CS ZONE ONLY: <ul style="list-style-type: none">New dikes only | | | | | | | | | | | |
| Dikes, Emergency Repair | CS ZONE ONLY: <ul style="list-style-type: none">For existing functional and serviceable dikesNo requirements regarding piling, dredging and/or filling EAC ZONE ONLY: <ul style="list-style-type: none">Repairs to existing dikesSubject to state and federal requirements AC-1 AND AC-2 ZONES ONLY: <ul style="list-style-type: none">For existing functional and serviceable dikesIncludes piling and dredging | | I | I | I | I | | | | | | |
| Dikes, Temporary | ALL ZONES: <ul style="list-style-type: none">For emergency flood protectionSubject to state and federal requirements CS, EAC, AND NAC-2 ZONES ONLY: <ul style="list-style-type: none">Limited to 60 daysNo requirements regarding piling, dredging and/or filling AC-1 AND AC-2 ZONES ONLY: <ul style="list-style-type: none">Includes piling and dredging | | I | I | I | i | | I | | | | |
| Dredge Material Disposal | <ul style="list-style-type: none">Includes beach nourishment at sites designated in the Comprehensive Plan | | | | I | | | | | | | |
| Dredging | <ul style="list-style-type: none">NAC-2 ZONE ONLY:Maintenance dredging only of existing facilitiesRequires site plan reviewRequires Resource Capability DeterminationTo obtain fill material for dike maintenanceIncludes piling, dredging and filling | | IIR | IIR | | | | II | | | | |
| Dwelling, Floating | <ul style="list-style-type: none">Includes reorientation of existing floating residences within the John Day exception area as described in the Comprehensive PlanSubject to the following standards: | | | I | | | | | | | | |

ARTICLE 4. ZONE REGULATIONS

| CONSERVATION OTHER RESOURCES PERMITTED AND CONDITIONAL USES TABLE | | | AC-1 | AC-2 | CS | EAC | LW | NAC-2 | OPR | QM | RCP | RM |
|--|--|-------|------|------|----|-----|----|-------|-----|----|-----|----|
| USE | APPLICABLE STANDARDS | NOTES | | | | | | | | | | |
| | <p>The standards in this subsection are applicable to construction or expansion of residential, commercial or industrial facilities in shoreland and aquatic areas of the Columbia River Estuary. Within the context of this section, residential uses include single and multi-family structures, mobile homes, and floating residences (subject to an exception to Oregon Statewide Planning Goal 16). Duck shacks, recreational vehicles, hotels, motels and bed and breakfast facilities are not considered residential structures for purposes of this section. Commercial structures and uses include all retail or wholesale storage, service or sales facilities and uses, whether water-dependent, water-related, or non-dependent, non-related. Industrial uses and activities include facilities for fabrication, assembly, and processing, whether water-dependent, water-related, or non-dependent, non-related.</p> <p>(1) Sign placement shall not impair views of water areas. Signs shall be constructed against existing buildings whenever feasible. Off-premise outdoor advertising shall not be allowed in aquatic areas.</p> <p>(2) Off-street parking may be located over an aquatic area only if all of the following conditions are met:</p> <p>(A) Parking will be on an existing pile-supported structure; and</p> <p>(B) Suitable shoreland areas are not available; and</p> <p>(C) The amount of aquatic area committed to parking is minimized; and</p> <p>(D) The aquatic area is in an Aquatic Development zone; and</p> <p>(E) Applicable off-street parking standards, Section 3.0050, are met.</p> <p>(3) Joint uses of parking, moorage and other commercial support facility is encouraged where feasible and where consistent with local ordinance requirements.</p> <p>(4) Uses on floating structures shall be located in areas protected from currents and wave action. The floats shall not rest on the bottom during low tidal cycles or low-flow periods.</p> <p>(5) Where groundwater is or may be used as a water supply, the groundwater table shall not be significantly lowered by drainage facilities, or be affected by salt water intrusion due to groundwater mining.</p> <p>(6) Fill in estuarine aquatic areas or in significant non-tidal wetlands in shoreland areas shall not be permitted for residential uses.</p> <p>(7) Piling or dolphin installation, structural shoreline stabilization, and other structures not involving dredge or fill, but which could alter the estuary may be allowed only if all of the following criteria are met:</p> <p>(A) If a need (i.e. a substantial public benefit) is demonstrated; and</p> <p>(B) The proposed use does not unreasonably interfere with public trust right; and</p> <p>(C) Feasible alternative upland locations do not exist; and</p> | | | | | | | | | | | |

ARTICLE 4. ZONE REGULATIONS

| CONSERVATION OTHER RESOURCES PERMITTED AND CONDITIONAL USES TABLE | | | AC-1 | AC-2 | CS | EAC | LW | NAC-2 | OPR | QM | RCP | RM |
|--|--|-------|------|------|-----|-----|----|-------|-----|----|-----|----|
| USE | APPLICABLE STANDARDS | NOTES | | | | | | | | | | |
| | <p>(D) Potential adverse impacts, as identified in the impact assessment, are minimized.</p> <p>(8) Residential, commercial or industrial development requiring new dredging or filling of aquatic areas may be permitted only if all of the following criteria are met:</p> <p>(A) The proposed use is required for navigation or other water-dependent use requiring an estuarine location, or if specifically allowed in the applicable aquatic zone; and</p> <p>(B) If a need (i.e. a substantial public benefit) is demonstrated; and</p> <p>(C) The proposed use does not unreasonably interfere with public trust rights; and</p> <p>(D) Feasible alternative upland locations do not exist; and</p> <p>(E) Potential adverse impacts, as identified in the impact assessment, are minimized.</p> <p>(9) Commercial or industrial developments with ship receiving facilities shall provide facilities for disposing of vessel solid wastes. Disposal of fish wastes associated with commercial or industrial development, shall comply with state and federal regulations.</p> <p>PILING</p> <p>DREDGING</p> | | | | | | | | | | | |
| Emergency Repairs | <p>Emergency repairs to the existing Highway 101 bridge</p> <p>Temporary emergency bridge crossing, bridge crossing structures</p> <p>Fill or dredge necessary for emergency bridge crossing and/or bridge crossing structures</p> <p>Limited to 60 days</p> <p>Subject to state and federal requirements</p> | | | | I | | | | | | | |
| Estuarine Enhancement | <p>PILING</p> <p>FILLING</p> | | IIR | IIR | | | | | | | | |
| Excavation | <ul style="list-style-type: none">To create new water surface area | | | | IIR | | | | | | | |
| Farm Use | | | | | | | | | I | I | | |
| Forest Activities | | | | | I | | | | | | | |
| Forest Use | | | | | | | | | I | | | |
| Forestry | | | | | | | | | | I | | |
| Golf Course | <ul style="list-style-type: none">Except in areas defined as Coastal Shorelands | | | | | | | | I | | | |
| Golf Driving Range | | | | | | | | | I | | | |
| Historic or Archaeological Site/Area | | | | | | | | | I | | I | |
| Historic Structure, Other Developments | <ul style="list-style-type: none">Other development within a historic structureUse shall not result in the modification of the outward appearance of the structureRequires site plan review | | | | | | | | II | | | |

ARTICLE 4. ZONE REGULATIONS

| CONSERVATION OTHER RESOURCES PERMITTED AND CONDITIONAL USES TABLE | | | AC-1 | AC-2 | CS | EAC | LW | NAC-2 | OPR | QM | RCP | RM |
|--|---|----------------|------|------|----|-----|----|-------|-----|----|-----|----|
| USE | APPLICABLE STANDARDS | NOTES | | | | | | | | | | |
| Land Transportation Facilities | NAC-2 ZONE ONLY <ul style="list-style-type: none">Land transportation facilities shall not be located in wetlands or aquatic areas except where bridge crossings on pilings are needed.Highways, railroads and bridges should be designed and located to take advantage of the natural topography so as to cause minimum disruption of the shoreline area. Causeways across aquatic areas shall not be permitted.The impacts of proposed rail or highway facilities on land use patterns and physical/visual access shall be evaluated.Culverts shall be permitted only where bridges are not feasible, and shall be large enough to protect water quality, salinity regime and wildlife habitat. | Section 4.0300 | I | I | I | I | I | | | I | I | |
| Legally Existing Uses | <ul style="list-style-type: none">Legally existing and allowed uses as of November 14, 2015, may continue as permitted uses | | | | | | | | | | II | |
| Log Storage | CS ZONE ONLY <ul style="list-style-type: none">Includes sorting yard AC-1 AND AC-2 ZONES ONLY: <ul style="list-style-type: none">Requires Resource Capability Determination PILING | | II | II | II | | | | | | | |
| Logging | <ul style="list-style-type: none">Selective harvesting of timber onlyAllowed in Goal 5 wetlands subject to Goal 5 Administrative Rule (OAR 660-16)Any harvesting of timber shall be according to a plan approved with the Conditional Use Permit.Selection of trees to harvest shall be done with consideration of retaining wetland values.Exemptions from (1) and (2) above and from the applicable setback requirement for the front or rear yard that is opposite the riparian area may be granted without a variance for uses on:<ul style="list-style-type: none">(A) Lots located in areas identified in the Comprehensive Plan's Goal 2 exception element as "built and committed" and which existed as of the date of adoption of this ordinance, and single family residential "lots of record" as defined and used in Chapter 884 Oregon Laws 1981 as amended, where the lot depth resulting from the riparian setback and the opposite front/rear yard setback is less than 45 feet.(B) Other lots in identified "built and committed" areas and other "lots of record" where the combination of setbacks required by this section result in a buildable lot depth of less than 45 feet.Exemptions from the riparian setback shall be the minimum necessary to accommodate the proposed use after the yard opposite the riparian area has been reduced to a width of no less than ten feet. | | | | | | II | | | | | |

ARTICLE 4. ZONE REGULATIONS

| CONSERVATION OTHER RESOURCES PERMITTED AND CONDITIONAL USES TABLE | | | AC-1 | AC-2 | CS | EAC | LW | NAC-2 | OPR | QM | RCP | RM |
|--|--|-------|------|------|-----|-----|----|-------|-----|----|-----|----|
| USE | APPLICABLE STANDARDS | NOTES | | | | | | | | | | |
| Maintenance and Repair of Existing Structures and Facilities | NAC-2 ZONE ONLY: <ul style="list-style-type: none">Allows maintenance and repair of structures or facilities that existed on October 7, 1977, and which no longer meet the purposes of the Ecola Aquatic Conservation zoneRequires site plan reviewRequires Resource Capability Determination⁽¹⁾Includes piling⁽²⁾, dredging⁽³⁾ and filling⁽⁴⁾ for installation EAC ZONE ONLY: <ul style="list-style-type: none">Allows maintenance and repair of structures or facilities that existed on October 7, 1977, and which no longer meet the purposes of the Ecola Aquatic Conservation zoneNo requirements for piling, dredging or filling AC-1 AND AC-2 ZONES ONLY: Includes dikes | | IIR | IIR | IIR | II | I | II | | | | |
| Marina, Boat Launch, and Moorage Facility | <ul style="list-style-type: none">Site plan review required | | | | | | | | II | | | |
| Mining or Mineral Extraction | NAC-2 ZONE ONLY: <ul style="list-style-type: none">Requires site plan reviewResources Resource Capability DeterminationIncludes piling, dredging and filling for installation AC-1 AND AC-2 ZONES ONLY: | | II | II | | | | II | | | | |
| Mining, Surface or Subsurface | | | | | | | | | | I | | |
| Mitigation | | | | | I | | | | | | | |
| Navigational Aids | NAC-2 ZONE ONLY: <ul style="list-style-type: none">Includes piling for installation CS AND NAC-2 ZONES ONLY: <ul style="list-style-type: none">No requirements regarding piling, dredging and/or filling AC-1 AND AC-2 ZONES: <ul style="list-style-type: none">Includes piling and dredging | | I | I | I | | | I | | | | |
| Navigational Improvements, Minor | Resource Capability Procedure PILING DREDGING | | II | II | | | | | | | | |
| Offices, Warehouses and | <ul style="list-style-type: none">Appropriate to uses permitted in the QM district | | | | | | | | | I | | |

ARTICLE 4. ZONE REGULATIONS

| CONSERVATION OTHER RESOURCES PERMITTED AND CONDITIONAL USES TABLE | | | AC-1 | AC-2 | CS | EAC | LW | NAC-2 | OPR | QM | RCP | RM |
|--|--|-------|------|------|----|-----|----|-------|-----|----|-----|----|
| USE | APPLICABLE STANDARDS | NOTES | | | | | | | | | | |
| Maintenance Buildings | | | | | | | | | | | | |
| Other | <ul style="list-style-type: none">Uses and activities permitted by an approved Goal ExceptionEAC ZONE ONLY:Requires a Resource Capability Determination | | | | | II | | | | | | |
| Outfalls, Stormwater and Wastewater | NAC-2 ZONE ONLY: <ul style="list-style-type: none">Requires site plan reviewRequires Resource Capability DeterminationIncludes piling, dredging and filling for installation CS ZONE ONLY: <ul style="list-style-type: none">Does not require Resource Capability Determination EAC ZONE ONLY: S3.502Includes dredging, fill or piling necessary for installation ALL ZONES <ul style="list-style-type: none">Treated wastewater only AC-1 AND AC-2 ZONES ONLY: | | II | II | II | II | | II | | | | |
| Park or Playground, Public or Private | | | | | | | | | I | | I | |
| Park, Public, Regional | <ul style="list-style-type: none">Excludes campgrounds | | | | | | | | I | | I | |
| Recreation Area | <ul style="list-style-type: none">Excludes campgrounds | | | | | | | | I | | | |
| Recreation Facilities, Type I | Includes: <ul style="list-style-type: none">General maintenance and operation of existing recreation facilitiesRecreational improvements and additions necessary to serve the same visitor capacity served by the existing facilities provided that off-site impacts are not disturbed. | | | | | | | | | | | I |
| Recreation Facilities, Type II | Includes: <ul style="list-style-type: none">Recreational improvements and additions that will increase capacity or impact areas exhibiting significant natural values. | | | | | | | | | | | II |
| Recreation, High-Intensity, Water-Dependent | CS ZONE ONLY: <ul style="list-style-type: none">Does not require Resource Capability ProcedureIncludes commercial and recreational facilitiesIncludes boat ramps, moorages, or marina facilities PILING | | | II | II | | | | | | | |

ARTICLE 4. ZONE REGULATIONS

| CONSERVATION OTHER RESOURCES PERMITTED AND CONDITIONAL USES TABLE | | | AC-1 | AC-2 | CS | EAC | LW | NAC-2 | OPR | QM | RCP | RM |
|--|---|-------|------|------|----|-----|----|-------|-----|----|-----|----|
| USE | APPLICABLE STANDARDS | NOTES | | | | | | | | | | |
| | DREDGING FILLING | | | | | | | | | | | |
| Recreation, Low-Intensity | <ul style="list-style-type: none"> | | | | I | | I | | I | I | I | |
| Recreation, Low-Intensity, Water-Dependent | EAC ZONE ONLY: <ul style="list-style-type: none">Limited to undeveloped facilities | | | I | | I | | | | | | |
| Recreational Vehicle Park | <ul style="list-style-type: none">Prohibited in Clatsop Plains Planning AreaThe purpose of the regulations imposed upon recreation vehicle parks is to assure that each park provides safe and sanitary accommodations for the campers, travel trailers and other vehicles which are located temporarily in the park; that the support services provided tourists (utility conveniences and facilities) are adequate for the period of their stay in the park; and that the park does not permit the use of any of its accommodations for mobile home or recreational vehicles which are used for permanent occupancy. <p>The scope of the park is to encompass additional recreation activities such as overnight tent camping and picnicking, and to only provide those in-park services and supplies required by the clientele.</p> <p>(1) Duration of Occupancy. No recreation vehicle shall remain the park for more than thirty (30) days in any sixty (60) day period. No habitable vehicle, which is not a recreation vehicle, shall be allowed in the park for any period with the exception of one mobile home unit for the exclusive use of the park manager and/or caretaker.</p> <p>(2) Size, Density, Lot Dimension and Setbacks.</p> <p>(A) Size. Minimum total acreage shall not be less than five (5) acres.</p> <p>(B) Density. Maximum recreational vehicle spaces per gross acre shall not exceed ten (10) spaces.</p> <p>(C) The minimum lot area for any recreation vehicle or travel trailer space shall not be less than 3,500 square feet.</p> <p>(D) The minimum lot width shall be forty (40) feet.</p> <p>(E) The minimum lot length shall be seventy (70) feet.</p> <p>(F) The minimum distance between recreation vehicles, and a public street, arterial or highway right-of-way shall be sixty (60) feet.</p> <p>(G) The minimum distance between recreation vehicles and all property lines shall be ten (10) feet.</p> | | | | | | I | | IIA | II | | |

ARTICLE 4. ZONE REGULATIONS

| CONSERVATION OTHER RESOURCES PERMITTED AND CONDITIONAL USES TABLE | | | AC-1 | AC-2 | CS | EAC | LW | NAC-2 | OPR | QM | RCP | RM |
|--|----------------------|---|-------|------|----|-----|----|-------|-----|----|-----|----|
| USE | APPLICABLE STANDARDS | | NOTES | | | | | | | | | |
| | (H) | The minimum distance between recreation vehicles and other like units shall be twenty- five (25) feet. | | | | | | | | | | |
| | (I) | The minimum distance between recreation vehicles and public services buildings shall be twenty-five (25) feet. | | | | | | | | | | |
| | (J) | No recreation vehicle site or structure shall be placed closer than 30 feet to perennial streams or lakes (high water mark) or other bodies of water. | | | | | | | | | | |
| | (K) | The space provided for a recreation vehicle shall be covered with crushed gravel, or paved with asphalt, concrete or similar material and be designed to provide run-off of surface water. The part of the space which is not occupied by the recreation vehicle, or not part of an outdoor patio, need not be paved or covered with gravel provided the area is landscaped or otherwise treated to prevent dust. | | | | | | | | | | |
| | (3) | Plot and Building Plans. Seven (7) copies of the plans drawn to scale required by the Oregon State Health Division shall be submitted to the Clatsop County Community Development Office. | | | | | | | | | | |
| | (4) | Recreation Areas. Recreation areas and facilities such as playgrounds, swimming pools and community buildings should be provided to the extent necessary to meet the anticipated needs of the clientele the recreation park is designed to serve. | | | | | | | | | | |
| | (A) | A developed recreation area shall be provided which contains a minimum of 2,500 square feet or 200 square feet per site space, whichever is the greater. | | | | | | | | | | |
| | (B) | Provide separate adult and tot recreation areas. | | | | | | | | | | |
| | (C) | Playground areas shall be protected from main thoroughfares and parking areas. | | | | | | | | | | |
| | (D) | Recreation areas shall be centrally located to the spaces they are to serve. At least one recreation area shall have a minimum size of five thousand (5,000) square feet and be of a shape that will make is usable for its intended purpose. | | | | | | | | | | |
| | (5) | Utilities and Sanitation. | | | | | | | | | | |
| | (A) | All facilities and service structures including each recreation vehicle/travel trailer space shall be provided with underground water and utilities. | | | | | | | | | | |
| | (B) | Approved public drinking fountains are to be located in playground and service building area. | | | | | | | | | | |
| | (C) | Recreation vehicles without bathroom facilities shall be parked within two hundred (200) feet of the park utility building. | | | | | | | | | | |
| | (6) | Lighting. Lighting is required for all common walkways, toilet facilities, service buildings, service building areas and roadways. | | | | | | | | | | |
| | (7) | Access and Circulation. | | | | | | | | | | |
| | (A) | The recreation vehicle park shall be served by hard surfaced roads. | | | | | | | | | | |

ARTICLE 4. ZONE REGULATIONS

| CONSERVATION OTHER RESOURCES PERMITTED AND CONDITIONAL USES TABLE | | | AC-1 | AC-2 | CS | EAC | LW | NAC-2 | OPR | QM | RCP | RM |
|--|----------------------|--|-------|------|----|-----|----|-------|-----|----|-----|----|
| USE | APPLICABLE STANDARDS | | NOTES | | | | | | | | | |
| | (B) | The recreation vehicle park shall not be located where it will have a hazardous entrance or exit onto a road or onto a road that has a hazardous intersection with a major arterial. | | | | | | | | | | |
| | (C) | The amount of traffic generated by the recreation vehicle park shall not exceed the capability of roads serving the development. | | | | | | | | | | |
| | (D) | Off highway entry (ingress and egress) shall be provided by the park owner in order to permit entrance/access, as well as parking, through the park toll booth without causing traffic stoppage or unsafe traffic movement on public roads. | | | | | | | | | | |
| | (E) | Roadways within the park shall be hard surfaced to a width of twenty (20) feet if no parking is permitted on the roadway, and thirty (30) feet if parking is permitted on the roadway. | | | | | | | | | | |
| | (F) | The first fifty (50) feet of access (for ingress and egress) measured from the street shall be hard surfaced to a width of thirty-six (36) feet and shall be connected to an existing street according to plans approved by the County Roadmaster and/or the Oregon State Highway Engineer. | | | | | | | | | | |
| | (G) | Street grades shall not be in excess of eight (8) percent at any given point. | | | | | | | | | | |
| | (8) | Parking. | | | | | | | | | | |
| | (A) | The total number of parking spaces in the park, exclusive of parking provided for the use of the manager, employees or specialized additional parking, shall be equal to one 10' x 20' space per camping space. All parking spaces shall be covered with crushed gravel or paved with asphalt, concrete or similar material. | | | | | | | | | | |
| | (B) | Additional parking areas for boats, trailers, etc. shall be conveniently located for supervision, but these specialized parking areas shall be separated from all other parking facilities. The ratio of one 10' x 20' additional parking space for every eight (8) camping spaces shall be observed. | | | | | | | | | | |
| | (9) | Walkways. | | | | | | | | | | |
| | (A) | A walkway system shall be provided and maintained which gives safe, convenient access to park spaces. | | | | | | | | | | |
| | (B) | Common trails and walkways shall be provided to connect recreational vehicle sites to common areas, bathroom facilities, service buildings and natural amenities. | | | | | | | | | | |
| | (C) | Common walkways shall be located through interior areas and be kept separated from vehicular traffic. | | | | | | | | | | |
| | (10) | Greenbelts, Natural Screening and Open Space. | | | | | | | | | | |

ARTICLE 4. ZONE REGULATIONS

| CONSERVATION OTHER RESOURCES PERMITTED AND CONDITIONAL USES TABLE | | | AC-1 | AC-2 | CS | EAC | LW | NAC-2 | OPR | QM | RCP | RM |
|--|--|--|-------|------|----|-----|----|-------|-----|----|-----|----|
| USE | APPLICABLE STANDARDS | | NOTES | | | | | | | | | |
| | <div>(A) Ten (10) percent of the gross area of the recreation park must be reserved for open space. This open space is in addition to areas used for lots, roads, walkways, play areas and service areas.</div> <div>(B) a site obscuring greenbelt buffer strip shall be required around all sides of the recreation park to a height of eight (8) feet above ground level. This buffer strip shall be composed of natural screening, plantings, or other screens of a material type, size and located as recommended by the Planning Commission.</div> <div>(C) Vegetative screening is to be provided between recreation park spaces, between spaces and service buildings, as well as between park and commercial activities, etc.</div> <div>RCP ZONE ONLY:<ul style="list-style-type: none">Maximum Density: 15 RV spaces per acreMinimum setback adjacent to residential zone: 30 FTMinimum setback adjacent to resource zone: 50 FTSubject to meeting State Building Code RequirementsSubject to provisions (2)(I-K) and (3-10), above</div> <div>RM ZONE ONLY:<ul style="list-style-type: none">Subject to provisions (1)-(10), aboveMust be consistent with County Recreation Plan or Master Plan</div> | | | | | | | | | | | |
| Research and Education Facility, Marine | | | | | II | | | | | | | |
| Research and Educational Observation | <div>EAC AND NAC-2 ZONES ONLY:<ul style="list-style-type: none">Does not include standards for piling, dredging or filling</div> <div>AC-1 AND AC-2 ZONES ONLY:<ul style="list-style-type: none">Includes piling and dredging</div> | | I | I | | I | | i | | | | |
| Resource Protection Projects | <ul style="list-style-type: none">Includes protection of habitat, nutrient, fish, wildlife and aesthetic resourcesIncludes piling and dredging | | I | I | | | | | | | | |

ARTICLE 4. ZONE REGULATIONS

| CONSERVATION OTHER RESOURCES PERMITTED AND CONDITIONAL USES TABLE | | | AC-1 | AC-2 | CS | EAC | LW | NAC-2 | OPR | QM | RCP | RM |
|--|--|-------|------|------|-----|-----|----|-------|-----|----|-----|----|
| USE | APPLICABLE STANDARDS | NOTES | | | | | | | | | | |
| Restoration, Active | NAC-2 ZONE ONLY: <ul style="list-style-type: none">Requires site plan reviewRequires Resource Capability DeterminationIncludes piling, dredging and filling for installationConditional use applications for active restoration/resource enhancement should be accomplished by an explanation of the purpose of the project and the resource(s) to be restored or enhanced. The project shall be allowed only if consistent with the resource capabilities and purpose of the designation of the area and the other adjacent uses.Aquaculture shall be evaluated under those standards. EAC ZONE ONLY: <ul style="list-style-type: none">Restoration of fish habitat, wildlife habitat or water qualityIncludes dredging, fill or piling necessary for installationRequires Resource Capability Determination CS ZONE ONLY: <ul style="list-style-type: none">Includes mitigation AC-2 ZONE ONLY: <ul style="list-style-type: none">For purposes other than for habitat protection, nutrient, fish, wildlife and aesthetic resources ALL ZONES: Resource Capability Procedure | | II | II | IIR | II | II | II | | | | |
| Restoration, Passive | | | I | I | I | I | I | I | | | | |
| Rock Crushing | <ul style="list-style-type: none">The crusher shall be licensed by the Department of Environmental Quality. | | | | | | | | | I | | |
| Shoreline Stabilization, Structural | NAC-2 ZONE ONLY: <ul style="list-style-type: none">Limited to riprapRequires site plan reviewRequires Resource Capability Determination (1)General standards. (A) Preferred methods. 7) Property management of existing streamside vegetation is the preferred method of stabilization, followed by planting of vegetation. Where vegetative protection is inappropriate (because of high erosion rate, the use of the site or other factors) structural means such as riprap may be used as a last resort. | | IIR | IIR | IIR | II | II | II | | | | |

ARTICLE 4. ZONE REGULATIONS

| CONSERVATION OTHER RESOURCES PERMITTED AND CONDITIONAL USES TABLE | | | AC-1 | AC-2 | CS | EAC | LW | NAC-2 | OPR | QM | RCP | RM |
|--|---|-------|------|------|----|-----|----|-------|-----|----|-----|----|
| USE | APPLICABLE STANDARDS | NOTES | | | | | | | | | | |
| | <div>8) In the placement of stabilization materials, factors to be considered include, but are not limited to: effects on bird and wildlife habitat, uses of lands and waters adjacent to the bank, effects on fishing areas, effects on aquatic habitat, relative effectiveness of the various structures, engineering feasibility, cost and erosion, flooding and sedimentation of adjacent areas.</div> <div>(B) Emergency repair to shoreline stabilization facilities is permitted, notwithstanding the other regulations in these standards, subject to those standards imposed by the State of Oregon, Division of State Lands and the U.S. Army Corps of Engineers.</div> <div>(C) Conditional use application for shoreline stabilization shall be based on a demonstration of need and consistency with the intent of the designation of the area and the resource capabilities of the areas. Impacts shall be minimized.</div> <div>2) Standards for riprap.</div> <div>(A) Good engineering and construction practices shall be used in the placement of riprap, with regard to slope, sizes, composition and quality of material, excavation of the toe trench, placement of a gravel fill blanket and operation of equipment in the water. State and federal agency regulations should be consulted in this regard.</div> <div>(B) Riprapped banks should be vegetated to improve bird and wildlife habitat, where feasible.</div> <div>(C) Shoreline protection measures shall not restrict existing public access to public shorelines.</div> <div>(D) Shoreline protection measures should be designed to minimize their impacts on the aesthetic qualities of the shoreline.</div> <div>(E) Bankline protection is not in itself a way to increase land surface area. Where severe erosion has occurred, fill may be used to obtain the desired bank slope and restore the previous bank line. Any extension of the bank line into traditional aquatic areas shall be subject to the standards for fill. Disruption of tidal marsh, tidal flat and productive subtidal areas shall not be permitted.</div> <div>(F) Construction of shoreline protection measures shall be coordinated with state and federal agencies and local interests to minimize the effects on aquatic resources and habitats. Relevant state and federal water quality standards shall be met. Stream channelization should be avoided.</div> <div>(G) Use of fill material for shoreline protection shall be permitted for maintenance of manmade structures existing as of October 7, 1977.</div> <div>LW ZONE ONLY:</div> <div><ul style="list-style-type: none">Limited to riprap</div> <div>EAC ZONE ONLY:</div> | | | | | | | | | | | |

LW ZONE ONLY:

- Limited to riprap

EAC ZONE ONLY:

ARTICLE 4. ZONE REGULATIONS

| CONSERVATION OTHER RESOURCES PERMITTED AND CONDITIONAL USES TABLE | | | AC-1 | AC-2 | CS | EAC | LW | NAC-2 | OPR | QM | RCP | RM |
|--|---|-------|------|------|----|-----|----|-------|-----|----|-----|----|
| USE | APPLICABLE STANDARDS | NOTES | | | | | | | | | | |
| | <ul style="list-style-type: none">Limited to riprapIncludes dredging, fill or piling necessary for installationRequires Resource Capability Determination CS ZONE ONLY: <ul style="list-style-type: none">No standards for piling, dredging or filling AC-1 AND AC-2 ZONES ONLY: PILING DREDGING FILLING | | | | | | | | | | | |
| Shoreline Stabilization, Vegetative | NAC-2 ZONE ONLY: 1) General standards. (A) Preferred methods. 1) Property management of existing streamside vegetation is the preferred method of stabilization, followed by planting of vegetation. Where vegetative protection is inappropriate (because of high erosion rate, the use of the site or other factors) structural means such as riprap may be used as a last resort. 2) In the placement of stabilization materials, factors to be considered include, but are not limited to: effects on bird and wildlife habitat, uses of lands and waters adjacent to the bank, effects on fishing areas, effects on aquatic habitat, relative effectiveness of the various structures, engineering feasibility, cost and erosion, flooding and sedimentation of adjacent areas. (B) Emergency repair to shoreline stabilization facilities is permitted, notwithstanding the other regulations in these standards, subject to those standards imposed by the State of Oregon, Division of State Lands and the U.S. Army Corps of Engineers. (C) Conditional use application for shoreline stabilization shall be based on a demonstration of need and consistency with the intent of the designation of the area and the resource capabilities of the areas. Impacts shall be minimized. 2) Standards for revegetation and vegetation management. (A) Plant species shall be selected to ensure that they provide suitable stabilization and value for wildlife. Justification shall be presented as to the necessity and feasibility for use of a bank with a slope greater than 2:1 (horizontal to vertical). Trees, shrubs and grasses native to the area are generally preferred. (B) The area to be revegetated should be protected from excessive livestock grazing or other activities that would hinder plant growth. | | I | I | I | I | I | I | | | | |
| Similar Use | <ul style="list-style-type: none">For uses similar to other Type II Conditional Uses in this zone | | | | | | | | | | III | |

ARTICLE 4. ZONE REGULATIONS

| CONSERVATION OTHER RESOURCES PERMITTED AND CONDITIONAL USES TABLE | | | AC-1 | AC-2 | CS | EAC | LW | NAC-2 | OPR | QM | RCP | RM |
|--|--|-------|------|------|----|-----|----|-------|-----|----|-----|----|
| USE | APPLICABLE STANDARDS | NOTES | | | | | | | | | | |
| | <ul style="list-style-type: none">Subject to provisions of Section 5.060 | | | | | | | | | | | |
| Stables, Riding | <ul style="list-style-type: none">Prohibited in areas identified as Coastal ShorelandsRequires site plan review | | | | | | | | II | | | |
| Structures for Viewing and Exhibition of Natural Resources | <ul style="list-style-type: none">Site plan review required | | | | | | | | II | | | |
| Tidegates | CS ZONE ONLY: <ul style="list-style-type: none">New tidegates onlyAC-1 AND AC-2 ZONES ONLY:<ul style="list-style-type: none">Installation in existing functional dikesPILINGDREDGING | | IIR | IIR | II | | | | | | | |
| Trails, Hiking, Nature Observation or Horse | <ul style="list-style-type: none">Site plan review required | | | | | | | | II | | | |
| Uses, Temporary | <ul style="list-style-type: none">Includes:<ul style="list-style-type: none">Existing structuresNew facilities requiring minimal capital investment and no permanent structure Resource Capability Determination PILING DREDGING FILLING | | IIR | IIR | | | | | | | | |
| Utilities | Maximum utilization of existing easements and rights-of-way shall be made | | | | | | | | | | I | |
| Utility, Public, Structure | | | | | I | | | | | | | |
| Vegetation Removal | <ul style="list-style-type: none">Allowed in coastal lakes east of U.S. Highway 101Must be approved by the Oregon Department of Fish and WildlifeMust be approved by other state and federal agencies | | | | | | II | | | | | |
| Water Dependent Uses | <ul style="list-style-type: none">Low intensityUndeveloped | | I | | | | | | | | | |
| Watersheds, Municipally-Owned | | | | | | | | | I | | | |

ARTICLE 4. ZONE REGULATIONS

| CONSERVATION OTHER RESOURCES PERMITTED AND CONDITIONAL USES TABLE | | | AC-1 | AC-2 | CS | EAC | LW | NAC-2 | OPR | QM | RCP | RM |
|--|----------------------|-------|------|------|----|-----|----|-------|-----|----|-----|----|
| USE | APPLICABLE STANDARDS | NOTES | | | | | | | | | | |
| Watersheds, Other | | | | | | | | | I | | | |
| Wildlife Refuge or Management Area | | | | | | | | | I | | | |

ARTICLE 4. ZONE REGULATIONS

SECTION 4.4600. AQUATIC NATURAL ZONE (AN)

Section 4.4610. Purpose

The purpose of the AN zone designation is to assure the preservation and protection of significant fish and wildlife habitats; continued biological productivity of the Columbia River estuarine resources; and scientific research and educational opportunities. These areas are managed to preserve natural resources in recognition of dynamic, natural, geological and evolutionary processes. The AN zone includes all tidal marshes, tidal flats, and seagrass and algae beds. AN zones may also include ecologically important subtidal areas. This designation is intended to preserve those natural aquatic resource systems existing relatively free of human influence.

Section 4.4620. Permitted and Conditional Uses

The uses listed in the Natural Permitted and Conditional Uses Table are allowed in this district.

Section 4.4630. Development Standards

| STANDARD | |
|---|---|
| COMPLIANCE WITH REGIONAL POLICIES | All uses and activities shall satisfy applicable regional policies contained in the Comprehensive Plan, Estuarine Resources and Coastal Shorelands element |
| COMPLIANCE WITH ESTUARY AND AQUATIC STANDARDS: | All uses and activities shall satisfy applicable Columbia River Estuary Shoreland and Aquatic Use and Activity Standards. |
| COMPLIANCE WITH LOCAL ORDINANCE: | All other applicable ordinance requirements shall also be satisfied. |
| IMPACT ASSESSMENT REQUIRED: | A proposal which requires dredging, fill, in-water structures, riprap, new log storage areas, application of pesticides and herbicides, water intake or withdrawal and effluent discharge, in-water disposal of dredged material, beach nourishment or other activities which could affect the estuary's physical processes or biological resources is subject to an Impact Assessment, Sections 6.3010-6.3050. |
| CONSOLIDATED REVIEW: | When a proposal includes several uses, the uses shall be reviewed in aggregate under the more stringent procedure. |
| WATER-DEPENDENT USES: | Uses that are water-dependent must meet the criteria in Section 6.4270(1). Uses that are water-related must meet the criteria in Section 6.4270(2). |
| TYPE I PUBLIC | Type I uses and activities permitted under Section 4.4620 |

ARTICLE 4. ZONE REGULATIONS

| STANDARD | |
|----------------|--|
| NOTICE: | <p>of this zone, are subject to the public notice provisions of Section 2.2040, if:</p> <ul style="list-style-type: none">• an impact assessment is required pursuant to Sections 6.3010 through 6.3050; or• a resource capability determination is required pursuant to Sections 6.3060-6.3070; or• a determination of consistency with the purpose of the AN zone is required pursuant to Section 6.3080; or• the Community Development Director determines that the permit decision will require interpretation or the exercise of factual, policy, or legal judgment. |

ARTICLE 4. ZONE REGULATIONS

SECTION 4.4700. NATURAL SHORELANDS ZONE (NS).

Section 4.4710. Purpose

This zone is for Columbia River Estuary shoreland areas which should be managed for resource protection, preservation, restoration, and recreation, with severe restrictions on the intensity and types of uses permitted. Natural Shorelands zone includes areas of unique vegetative or wildlife habitat, and critical habitat of endangered or threatened species. This designation is intended to preserve those natural resource systems existing relatively free of human influence.

Section 4.4720. Permitted and Conditional Uses

The uses listed in the Natural Permitted and Conditional Uses Table are allowed in this district.

Section 4.4730. Development Standards

| STANDARD | |
|---|--|
| COMPLIANCE WITH REGIONAL POLICIES | All uses and activities shall satisfy applicable regional policies contained in the Comprehensive Plan, Estuarine Resources and Coastal Shorelands element |
| COMPLIANCE WITH ESTUARY AND AQUATIC STANDARDS: | All uses and activities shall satisfy applicable Columbia River Estuary Shoreland and Aquatic Use and Activity Standards. |
| COMPLIANCE WITH LOCAL ORDINANCE: | All other applicable ordinance requirements shall be satisfied. |
| SHORELINE SETBACKS: | Shoreline setbacks shall meet the requirements of development standard 6.4220, Riparian Vegetation Protection. |

ARTICLE 4. ZONE REGULATIONS

SECTION 4.4800. NATURAL UPLANDS ZONE (NU)

Section 4.4810. Purpose

The NU zone is intended to provide for the preservation of designated significant natural resource areas in the upland portions of the County. Emphasis is placed on the limitation and regulation of human activity in those areas to protect their unique, irreplaceable or fragile qualities.

Section 4.4820. Permitted and Conditional Uses

The uses listed in the Natural Permitted and Conditional Uses Table are allowed in this district.

ARTICLE 4. ZONE REGULATIONS

| NATURAL PERMITTED AND CONDITIONAL USES TABLE | | | AN | NS | NU |
|--|--|---|-----|----|----|
| USE | APPLICABLE STANDARDS | NOTES | | | |
| Alterations, Temporary | AN ZONE ONLY: <ul style="list-style-type: none">Includes piling activities associated with useIncludes dredging activities associated with useIncludes filling activities associated with useRequires Resource Capability Determination | Section 2.1020 Section 2.5000-2.5040 | IIR | | |
| Aquaculture Facilities | AN ZONE ONLY: <ul style="list-style-type: none">Water-dependent portions of an aquaculture facility which do not include:<ul style="list-style-type: none">Other estuarine alteration other than incidental dredging for harvest of benthic species or removable in-water structures such as stakes or racksIncludes piling activities associated with useIncludes dredging activities associated with useRequires Resource Capability Determination | Section 2.1020 Section 2.5000-2.5040 | IIR | | |
| Boat Ramps | AN ZONE ONLY: <ul style="list-style-type: none">For public use onlyDredging and filling not permittedIncludes piling activities associated with useRequires Resource Capability Determination | | IIR | | |
| Crossings, Bridge | | Section 2.1020 Section 2.5000-2.5040 | IIR | | |
| Crossings, Bridge Support | AN ZONE ONLY: <ul style="list-style-type: none">Includes piling activities associated with use | Section 2.1020 Section 2.5000-2.5040 | IIR | | |

ARTICLE 4. ZONE REGULATIONS

| NATURAL PERMITTED AND CONDITIONAL USES TABLE | | | AN | NS | NU |
|--|---|---|-----|----|----|
| USE | APPLICABLE STANDARDS | NOTES | | | |
| Structures | <ul style="list-style-type: none">Includes dredging activities associated with useIncludes filling activities associated with useRequires Resource Capability Determination | | | | |
| Crossings, Utilities, Cable and Pipelines, | AN ZONE ONLY: <ul style="list-style-type: none">Includes piling⁽¹⁾ activities associated with useIncludes dredging⁽²⁾ activities associated with useIncludes filling⁽³⁾ activities associated with useRequires Resource Capability Determination⁽⁴⁾ NS ZONE ONLY: <ul style="list-style-type: none">Includes landfalls and access corridors for sewer line, water line, submerged cables or other pipeline crossing | Section 2.1020 Section 2.4000-2.4050 | II | II | |
| Dikes, Emergency Repair | <ul style="list-style-type: none">For existing functional and serviceable dikes | | I | I | |
| Dredging | AN ZONE ONLY: <ul style="list-style-type: none">To obtain fill material for dike maintenanceRequires Resource Capability Determination⁽¹⁾Includes dredging⁽²⁾ | Section 2.1020 Section 2.5000-2.5040 | IIR | | |
| Estuarine Enhancement | AN ZONE ONLY: <ul style="list-style-type: none">Piling not permittedIncludes dredging⁽²⁾ associated with useIncludes filling⁽³⁾ associated with useRequires Resources Capability Determination⁽⁴⁾ | Section 2.1020 Section 2.5000-2.5040 | IIR | | |
| Land Transportation Facilities | | Section 4.0300 | | I | |

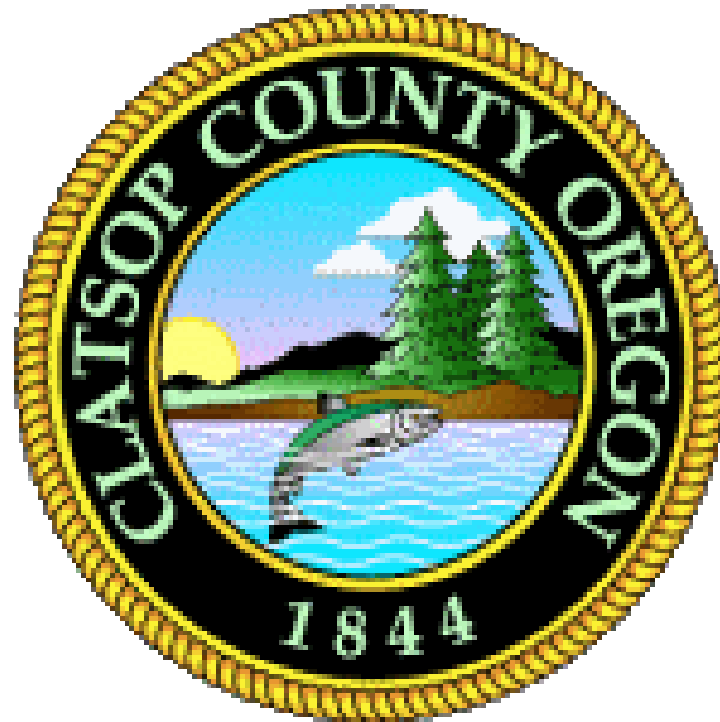
ARTICLE 4. ZONE REGULATIONS

| NATURAL PERMITTED AND CONDITIONAL USES TABLE | | | AN | NS | NU |
|--|---|---|-----|-----|----|
| USE | APPLICABLE STANDARDS | NOTES | | | |
| Maintenance and Repair of Existing Structures and Facilities | AN ZONE ONLY: <ul style="list-style-type: none">Includes dikesIncludes piling⁽¹⁾ activities associated with useIncludes dredging⁽²⁾ activities associated with useIncludes filling⁽³⁾ activities associated with use NS ZONE ONLY: <ul style="list-style-type: none">Includes dikes | Section 2.1020 Section 2.5000-2.5040 | IIR | IIR | |
| Mitigation | | Section 2.1020 Section 2.4000-2.4050 | | II | |
| Navigational Aids | | | I | I | |
| Recreational Development | <ul style="list-style-type: none">Limited to public recreational/educational development, including:<ul style="list-style-type: none">An exhibition of the natural characteristics of the area and the vegetation or wildlife supported by such land and water resourcesAccessory facility for an outdoor recreation activity such as fishing, hiking, or horseback ridingAll non-water related dependent structures shall be 100 feet from bodies of waterLimited to day use onlyDevelopment shall not destroy or endanger the natural resources | Section 2.4000-2.4050 | | | II |
| Recreation, Low-Intensity | | | | I | |
| Recreation, Low-Intensity, Water-Dependent | <ul style="list-style-type: none">Limited to undeveloped facilitiesIncludes piling⁽¹⁾ activities related to useIncludes dredging⁽²⁾ activities related to use | | I | | I |
| Research and Education Facility, Marine | | Section 2.1020 Section 2.4000-2.4050 | | II | |
| Research and Educational Observation | NU ZONE ONLY: <ul style="list-style-type: none">Includes facilities for scientific and education observation and experimentation | | I | I | II |
| Resource Protection Projects | <ul style="list-style-type: none">Includes protection of habitat, nutrient, fish, wildlife and aesthetic resourcesIncludes piling⁽²⁾ and dredging⁽³⁾ | | I | | |
| Restoration, | AN ZONE ONLY: | Section 2.1020 | II | II | |

ARTICLE 4. ZONE REGULATIONS

| NATURAL PERMITTED AND CONDITIONAL USES TABLE | | | AN | NS | NU |
|---|---|---|-----|-----|----|
| USE | APPLICABLE STANDARDS | NOTES | | | |
| Active | <ul style="list-style-type: none">To restore fish and wildlife habitat or water qualityIncludes piling⁽¹⁾ activities associated with useIncludes dredging⁽²⁾ activities associated with useIncludes filling⁽³⁾ activities associated with useRequires Resource Capability Determination⁽⁴⁾ | Section 2.4000-2.4050 | | | |
| Restoration, Passive | | | I | II | |
| Shoreline Stabilization, Structural | AN ZONE ONLY: <ul style="list-style-type: none">Limited to riprapIncludes piling⁽¹⁾ activities associated with useIncludes dredging⁽²⁾ activities associated with useIncludes filling⁽³⁾ activities associated with use NS ZONE ONLY: <ul style="list-style-type: none">Limited to riprap | Section 2.1020 Section 2.5000-2.5040 | IIR | IIR | |
| Shoreline Stabilization, Vegetative | | | I | I | |
| Tidegates | AN ZONE ONLY: <ul style="list-style-type: none">Installation in existing functional dikes onlyIncludes piling⁽¹⁾ activities associated with useIncludes dredging⁽²⁾ activities associated with use | Section 2.1020 Section 2.5000-2.5040 | IIR | | |
| Preserve, Forest or Plant | | | | | I |
| Preserve, Wildlife | <ul style="list-style-type: none">Includes wildlife sanctuary | | | | I |

CLATSOP COUNTY PROJECT UPDATE REPORT



JUNE 2020

PROJECT STATUS REPORT – JUNE 2020

| PERMIT # | PROJECT NAME | LOCATION | DESCRIPTION | PC MEETING DATE | PC DECISION | BOC MEETING DATES | BOC DECISION | STATUS | EXPIRATION DATE* |
|----------|------------------------------|---|---|-----------------|------------------------------|-------------------|--------------|--|------------------|
| 20170352 | Arch Cape Deli | T4N, R10W, Section 30BB, Tax Lots 00601 and 00605, 79330 Hwy 101 | Conditional use permit to construct and operate a restaurant/grocery store/flex space with a manager's living quarters | 11-14-17 | APPROVED WITH CONDITIONS 7-0 | N/A | N/A | No development permits or building permits issued ONE YEAR EXTENSION APPROVED 11-14-19 | 11-27-20 |
| 20180112 | Kinney and Sons Construction | T8N, R7W, Section 21B, Tax Lot 02100 42852 Old Hwy 30 | Conditional use approval of a mixed-use construction/excavation equipment storage, hauling, and trucking yard with mini-storage business and new building | 7-10-18 | APPROVED WITH CONDITIONS 4-0 | N/A | N/A | Development and building permits issued | N/A |
| 20180204 | James Neikes | T8N, R9W, Section 19AD, Tax Lot 01800 35399 Hwy 101 Business | Conditional use permit to expand a single, existing conditional use (3,600 square-foot mini-storage), to a mixed use to include a 900-square-foot residential component | 7-10-18 | APPROVED WITH CONDITIONS 4-0 | N/A | N/A | Under construction | N/A |

PROJECT STATUS REPORT – JUNE 2020

| PERMIT # | PROJECT NAME | LOCATION | DESCRIPTION | PC MEETING DATE | PC DECISION | BOC MEETING DATES | BOC DECISION | STATUS | EXPIRATION DATE* |
|----------------------|---------------------------------|--|---|------------------------|---|-------------------|--------------------|--|------------------|
| 20190251 20190252 | Neikes Similar Use | T8N, R09W, SEC. 30AB, TL00900 AND TL01100 34837 HIGHWAY 101 BUS | Similar use request to determine “commercial freight” use is similar to other uses in the Type II conditional use category in the General Commercial Zone | 7-26-19 | APPROVED WITH CONDITIONS 7-0 | 8-14-19 | AFFIRM PC DECISION | Under construction | 8-29-21 |
| 20190305 | McVay Livery | T8N, R06W, SEC. 36CA, TL00300 49215 HIGHWAY 30 | Conditional use request to change the use of an existing walk-up/drive-through eating and drinking establishment to a mixed-use residential and commercial establishment. | 7-26-19 8-13-19 | CONTINUED TO 8-13-19 MEETING APPROVED WITH CONDITIONS 6-0 | N/A | N/A | Site plan approved Building permits not yet applied for | 8-25-21 |
| 20190512 20190513 | Benesch / Horton Trucking | 34850 HIGHWAY 101 BUSINESS T8N, R092, SEC. 30AC, TL02101 | Similar use request to determine “commercial trucking” use is similar to other uses in the Type II conditional use category in the RCC zone | 12-10-19 | APPROVED WITH CONDITIONS 4-0 | 1-8-20 | AFFIRM PC DECISION | Floodplain permit under review | 1-8-22 |

PROJECT STATUS REPORT – JUNE 2020

| PERMIT # | PROJECT NAME | LOCATION | DESCRIPTION | PC MEETING DATE | PC DECISION | BOC MEETING DATES | BOC DECISION | STATUS | EXPIRATION DATE* |
|-----------|--------------------------|--|---|-----------------|------------------------------|-------------------|--------------|---|------------------|
| 20-000031 | Kinney Watchman Quarters | 42852 OLD HIGHWAY 30 T8N, R07W, SEC. 20B, TL02100 | Conditional use request to establish a night watchman's dwelling, accessory to an existing mixed-use construction / excavation equipment storage and trucking yard. | 3-10-20 | APPROVED WITH CONDITIONS 5-0 | N/A | N/A | No development permits or building permits issued | 3-10-22 |

*Expiration date for projects that are not completed or substantially completed