

1966 ORDINANCE
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CLATSOP COUNTY ZONING
ORDINANCE OF 1966

ORDINANCE NO. 66-2

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CLATSOP COUNTY ZONING ORDINANCE OF 1966

ORDINANCE NO. 66-2

AN ORDINANCE REGULATING THE USE OF LAND AND STRUCTURES IN CLATSOP COUNTY, AND ESTABLISHING ZONES FOR THAT PURPOSE.

The board of county commissioners for Clatsop County, State of Oregon does ordain as follows:

ARTICLE 1. INTRODUCTORY PROVISIONS

Section 1.010. Title. This ordinance shall be known as the Clatsop County Zoning Ordinance of 1966.

Section 1.020. Purpose. The purpose of this ordinance is to encourage appropriate and orderly physical development in the county through standards for provision of adequate open space for light and air, desired levels of population density, workable relationships of land uses to the transportation system, adequate community facilities, assurance of opportunities for effective utilization of land, and to promote in other ways public health, safety, convenience, and general welfare.

Section 1.030. Definitions. As used in this ordinance--

(1) "Access" means the way or means by which pedestrians and vehicles enter and leave property.

(2) "Accessory structure" or "accessory use" means a structure or use incidental and subordinate to the main use of property and located on the same lot as the main use.

(3) "Alley" means a street which affords only a secondary means of vehicular access to property.

(4) "Automobile wrecking yard" means any property where two or more motor vehicles not in running condition, or the parts thereof, are wrecked, dismantled, disassembled, substantially altered, or stored in the open and are not to be restored to operation.

(5) "Boarding, lodging, or rooming house" means a building where lodging with or without meals is provided for compensation for not less than three nor more than 15 persons in addition to members of the family occupying such building.

(6) "Building" means a structure built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind.

(7) "County" means the county of Clatsop, Oregon.

(8) "Dwelling, multi-family" means a building containing three or more dwelling units.

(9) "Dwelling, one-family" means a detached building other than a trailer house containing one dwelling unit.

(10) "Dwelling, two-family" means a detached building containing two dwelling units.

(11) "Dwelling unit" means one or more rooms designed for occupancy by one family and having not more than one cooking facility.

(12) "Family" means an individual or two or more persons related by blood, marriage, adoption, or legal guardianship, living together as one housekeeping unit 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 unrelated persons, excluding servants, living together as one housekeeping unit using one kitchen.

(13) "Farm use" means the use of land for raising and harvesting crops or for the feeding, breeding, and management of livestock or for dairying or any other agricultural or horticultural use of any combination thereof and includes the preparation of the products raised thereon for man's use and disposal by marketing or otherwise. It includes the construction and use of dwellings and other buildings customarily provided in conjunction with the farm use.

(14) "Fence, sight-obscuring" means a fence or evergreen planting arranged in such a way as to obstruct vision.

(15) "Floor area" means 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:

- (a) Attic space providing headroom of less than seven feet
- (b) Basement, if the floor above is less than six feet above grade
- (c) Uncovered steps or fire escapes
- (d) Private garages, carports, or porches
- (e) Accessory water towers or cooling towers
- (f) Accessory off-street parking or loading spaces

(16) "Grade" (ground level) means the average elevation of the finished ground elevation at the centers of all walls of a building, except that if a wall is parallel to and within five feet of a sidewalk, the sidewalk elevation opposite the center of the wall shall constitute the ground elevation.

(17) "Height of building" means the vertical distance from the grade to the highest point of the coping of a flat roof, to the deck line of a mansard

roof, or to the average height of the highest gable of a pitch or hip roof.

(18) "Home occupation" means a lawful occupation carried on by a resident of a dwelling as a secondary use within the same dwelling wherein:

(a) There is no person employed other than a member of the family residing on the premises.

(b) There is no activity conducted in such a manner as to give an outward appearance or manifest any characteristic of a business in the ordinary meaning of the term, such as signs besides those ordinarily permitted or undue amounts of traffic which would infringe upon the right of neighboring residents to enjoy the peaceful occupancy of their homes.

(19) "Junk yard" means any property where any person is engaged in breaking up, dismantling, sorting, storing, distributing, buying, or selling of any scrap, waste material, or junk.

(20) "Kennel" means a lot or building in which four or more dogs, cats, or animals at least four months of age are kept commercially for board, propagation, training, or sale.

(21) "Livestock" means domestic animals of types customarily raised or kept on farms for profit or other purposes.

(22) "Lot" means a parcel or tract of land.

(23) "Lot area" means the total area of a lot measured in a horizontal plane within the lot boundary lines exclusive of public and private roads, and easements of access to other property.

(24) "Lot, corner" means a lot abutting on two or more streets, other than an alley, at their intersection.

(25) "Lot, depth" means the average horizontal distance between the front lot line and the rear lot line.

(26) "Lot, interior" means a lot other than a corner lot.

(27) "Lot line" means the property line bounding a lot.

(28) "Lot line, front" means the property line separating the lot from the street, other than an alley. In the case of a corner lot, the shortest property line along a street, other than an alley.

(29) "Lot line, rear" means a property line which is opposite and most distant from the front lot line. In the case of an irregular, triangular, or other-shaped lot, a line 10 feet in length within the lot parallel to and at a maximum distance from the front lot line.

(30) "Lot line, side" means any property line not a front or rear lot line.

- (31) "Lot, through" means an interior lot having frontage on two streets.
- (32) "Lot width" means the average horizontal distance between the side lot lines, ordinarily measured parallel to the front lot line.
- (32-a) "Mobile Home" means a vehicle or structure constructed with wheels for use on public highways, that has sleeping, cooking and plumbing facilities, is intended for human occupancy and is being used for residential purposes. (This definition added by Ord. No. 67-8, dated August 23, 1967.)
- (33) "Nonconforming structure or use" means a lawful existing structure or use, at the time this ordinance or any amendment thereto becomes effective, which does not conform to the requirements of the zone in which it is located.
- (33-a) "Nursery, Horticultural," means a place where trees, shrubs, vines, etc., are propagated for transplanting or for use as stocks for grafting and where such flora may be sold. (This definition added by Ord. No. 68-5 - 2/1/68)
- (34) "Owner" includes an authorized agent of the owner.
- (35) "Parking space" means an enclosed or unenclosed surface area of not less than 20 feet by 8 feet in size, 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.
- (36) "Person" means 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.
- (37) "Sign" means an identification, description, illustration, or device which is affixed to or represented, directly or indirectly, upon a building, structure, or land, and which directs attention to a product, place, activity, person, institution, or business. Each display surface of a sign other than two surfaces parallel and back to back on the same structure shall be considered a sign.
- (38) "Sign, advertising" means a sign which directs attention to a business, product activity, or service which is not necessarily conducted, sold, or offered upon the premises where such sign is located.
- (39) "Story" means that portion of a building included between the upper surface of any floor and the upper floor next above, except that the top story shall be that portion of a building included between the upper surface of the top floor and the ceiling above. If the finished floor level directly above a basement or cellar is more than six feet above grade, each basement or cellar shall be considered a story.
- (40) "Street" means the entire width between the right of way lines of every way for vehicular and pedestrian traffic and includes the terms "road", "highway", "land", "place", "avenue", "alley" and other similar designations.
- (41) "Street line" means a dividing line between a lot, tract, or parcel of land, and a contiguous street.

(42) "Structural alteration" means any change to the supporting members of a building including foundations, bearing walls or partitions, columns, beams, or girders, or any structural change in the roof or in the exterior walls.

(43) "Structure" means something constructed or built and having a fixed base on, or fixed connection to, the ground or another structure.

(44) "Trailer house" means a building or vehicle originally designed or presently constructed to be used as a human dwelling or lodging place and to be moveable from place to place over streets.

(45) "Trailer park" means a plot of ground upon which two or more trailer houses occupied for dwelling or sleeping purposes are located, regardless of whether a charge is made for such accommodation.

(46) "Use" means the purpose for which land or a structure is designed, arranged, or intended, or for which it is occupied or maintained.

(47) "Yard" means an open space on a lot which is unobstructed from the ground upward except as otherwise provided in this ordinance.

(48) "Yard, front" means a yard between side lot lines and measured horizontally at right angles to the front lot line from the front lot line to the nearest point of the building.

(49) "Yard, rear" means a yard between side lot lines or between a street side yard and opposite side lot line and measured horizontally at right angles to the rear lot line from the rear lot line to the nearest point of a main building.

(50) "Yard, side" means a yard between the front and rear yard measured horizontally and at right angles from the side lot line to the nearest point of the building.

(51) "Yard, street side" means 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.

ARTICLE 2. BASIC PROVISIONS

Section 2.010. Compliance with Ordinance Provisions. A lot may be used and a structure or part of a structure constructed, reconstructed, altered, occupied, or used only as this ordinance permits.

Section 2.020. Classification of Zones. For the purposes of this ordinance the following zones are hereby established in the county:

<u>Zone</u>	<u>Abbreviated Designation</u>
Residential	R-1
Residential	R-2
Residential	R-3
Residential	R-4
Residential - Agricultural	R-A
Agricultural and Forestry	A-1

<u>Zone</u>	<u>Abbreviated Designation</u>
Commercial	C-1
General Commercial - Rural Center	C-2
Industrial	M-1
Heavy Industrial	M-2

Section 2.030. Location of Zones. The boundaries for the zones listed in this ordinance are indicated on maps entitled "Zoning Map of Clatsop County, Oregon" which are a part of this ordinance. Maps may be adopted on the date of this ordinance or at subsequent times. The boundaries of zones shall be modified in accordance with zoning map amendments.

Section 2.040. Zoning Maps. A zoning map or zoning map amendment adopted by Section 2.030 of this ordinance or by an amendment to the section shall be prepared by authority of the county planning commission or be a modification by the board of county commissioners of a map or map amendment so prepared. The map or map amendment shall be dated with the effective date of the ordinance that adopts the map or map amendment. A certified print of the adopted map or map amendment shall be maintained without change in the office of the county clerk as long as this ordinance remains in effect.

ARTICLE 3. USE ZONES

Section 3.010. Residential Zone R-1. In an R-1 zone the following regulations shall apply:

(1) Uses Permitted. In an R-1 zone the following uses and their accessory uses are permitted:

- (a) One-family dwelling
- (b) Home occupation
- (c) Park and publicly owned recreation area
- (d) Utility lines necessary for public service
- (e) A trailer house used during the construction of a permitted use for which a building permit has been issued
- (f) Planned development subject to the provisions of Section 3.110
- (g) Signs subject to the provisions of Section 4.050.

(2) Conditional Uses Permitted. In an R-1 zone the following conditional uses and their accessory uses are permitted subject to the provisions of Article 6:

- (a) Church
- (b) Public or private school or college
- (c) Community meeting building

- (d) Golf course except driving range or miniature course operated as a business
- (e) Utility substation or other facility
- (f) Temporary real estate sales office in a legally recorded subdivision
- (g) Cemetery

(3) Standards. In an R-1 zone the following standards shall apply:

- (a) Minimum lot size:
 - (1) 10,000 square feet
 - (2) Where public sewers are not available, the county sanitarian may establish a minimum lot size greater than 10,000 square feet
 - (3) Where state approved sanitary sewers are available, the minimum lot size may be reduced to 5,000 square feet
- (b) Minimum lot width:
 - (1) 75 feet
 - (2) Where lot sizes are less than 10,000 square feet, the minimum lot width may be reduced to 50 feet
- (c) Minimum lot depth: 100 feet
- (d) Minimum front yard: 20 feet
- (e) Minimum side yard: 5 feet, except on the street side yard of a corner lot it shall be 15 feet
- (f) Minimum rear yard: 20 feet, except on a corner lot it may be 5 feet
- (g) Maximum building height: 35 feet
- (h) Location of livestock: 100 feet away from a residential building on an adjacent lot

Section 3.020. Residential Zone R-2. In an R-2 zone the following regulations shall apply:

(1) Uses Permitted. In an R-2 zone the following uses and their accessory uses are permitted:

- (a) A use permitted in an R-1 zone
- (b) Two-family dwelling.

(2) Conditional Uses Permitted. In an R-2 zone the following conditional uses and their accessory uses are permitted subject to the provisions of Article 6:

- (a) A conditional use permitted in an R-1 zone
- (b) Hospital, sanitarium, rest home, and nursing home
- (c) Governmental structure such as a fire station or library but excluding a storage or repair type facility
- (d) Radio or television transmitter or tower.

(3) Standards. In an R-2 zone the same standards as in an R-1 zone shall apply except there shall be an additional 2,500 square feet of lot area for each additional dwelling unit over one.

Section 3.030. Residential Zone R-3. In an R-3 zone the following regulations shall apply:

(1) Uses Permitted. In an R-3 zone the following uses and their accessory uses are permitted:

- (a) A use permitted in an R-2 zone
- (b) Multi-family dwelling
- (c) Boarding, lodging or rooming house.

(2) Conditional Uses Permitted. In an R-3 zone the following conditional uses and their accessory uses are permitted subject to the provisions of Article 6:

- (a) A conditional use permitted in an R-2 zone
- (b) Trailer park
- (c) Motel, hotel
- (d) Group cottages.

(3) Standards. In an R-3 zone the same standards as in an R-2 zone shall apply.

Section 3.040. Residential Zone R-4. In an R-4 zone the following regulations shall apply:

(1) Uses Permitted. In an R-4 zone the following uses and their accessory uses are permitted:

- (a) A use permitted in an R-3 zone
- (b) Trailer house.

(2) Conditional Uses Permitted. In an R-4 zone the conditional uses and their accessory uses permitted are the same as those permitted in an R-3 zone subject to the provisions of Article 6.

(3) Standards. In an R-4 zone the same standards as in an R-2 zone shall apply.

Section 3.050. Residential - Agricultural Zone R-A. In an R-A zone the following regulations shall apply:

(1) Uses Permitted. In an R-A zone the following uses and their accessory uses are permitted:

- (a) A use permitted in an R-2 zone
- (b) Farming
- (c) Roadside stand for farm produce grown on the premises.

(2) Conditional Uses Permitted. In an R-A zone the following conditional uses and their accessory uses are permitted subject to the provisions of Article 6:

- (a) A conditional use permitted in an R-2 zone.
- (b) Open land recreation such as a boating and fishing establishment and riding stable.
- (c) Resort-type residential establishment when associated with recreation or group-oriented activities on the premises.
- (d) Animal hospital.
- (e) Airport.
- (f) Mobile Home. (This use added by Ord. No. 67-8, Aug. 23, 1967.)

(3) Standards. In an R-A zone the same standards as in an R-2 zone shall apply.

Section 3.060. Agricultural and Forestry Zone A-1. In an A-1 zone the following regulations shall apply:

(1) Uses permitted. In an A-1 zone the following uses and their accessory uses are permitted:

- (a) A use or conditional use permitted in an R-A zone.
- (b) Trailer house.
- (c) Mining except within 500 feet of R-1, R-2, R-3, R-4, R-A, C-1 or C-2 use zones, or any existing dwelling unit.
- (d) Activities related to processing forest, agricultural and other products derived from permitted uses where close proximity to such land use resources is required and appropriate urban industrial areas are not nearby, except when such activities are within 500 feet of R-1, R-2, R-3, R-4, R-A, C-1 or C-2 use zones, or any existing dwelling unit.

(2) Conditional Uses Permitted. In an A-1 zone the following conditional uses and their accessory uses are permitted subject to provisions of Article 6:

- (a) Mining within 500 feet of R-1, R-2, R-3, R-4, R-A, C-1 or C-2 use zones, or any existing dwelling unit.
- (b) Activities related to processing forest, agricultural and other products derived from permitted uses where close proximity to such land use resources is required and appropriate urban industrial areas are not nearby when such activities are within 500 feet of R-1, R-2, R-3, R-4, R-A, C-1 or C-2 use zones, or any existing dwelling unit.
- (c) Garbage dump or refuse disposal site.

(3) Standards. In an A-1 zone the same standards as in an R-2 zone shall apply, except that there shall be no restrictions on the location of livestock.

Section 3.070. Commercial Zone C-1. In a C-1 zone the following regulations shall apply:

(1) Uses Permitted. In a C-1 zone the following uses and their accessory uses are permitted:

- (a) A use or conditional use permitted in an R-3 zone excepting trailer park.
- (b) Retail trade establishment such as food store, drug store, gift shop, hardware store and furniture store
- (c) Repair and maintenance service of the type of goods to be found in the above permitted retail trade establishments provided such service is performed wholly within an enclosed building
- (d) Business, governmental and professional office
- (e) Financial institution
- (f) Eating and drinking establishment
- (g) Personal and business services such as barber shop, tailoring, printing, funeral home or laundry and drycleaning establishment
- (h) Uses similar to those listed above but not similar to those listed in the C-2 zone
- (i) Horticultural Nursery.

(2) Conditional Uses Permitted. In a C-1 zone the following conditional uses and their accessory uses are permitted subject to the provisions of Article 6:

- (a) Commercial amusement establishment
- (b) A use listed in this zone with drive-in service facilities including automobile service station
- (c) Advertising sign
- (d) Marine craft, automobile and trailer sales and their repair and maintenance service provided such service is performed wholly within an enclosed building.
- (e) Plumbing, heating, electrical, or paint contractors storage, repair or sales shop.
- (f) Trailer parks, mobile home courts.

(3) Standards. In a C-1 zone the following standards shall apply:

- (a) Minimum lot size,
shape and yards for
residential uses: same as in an R-2 zone
- (b) Minimum yards
adjacent to a residential zone: same as if the lot were in the
residential zone
- (c) Maximum building
height: 35 feet
- (d) Outdoor storage: outdoor storage shall be screened
with a sight-obscuring fence

Section 3.080. General Commercial-Rural Center Zone C-2. In a C-2 zone the following regulations shall apply:

(1) Uses Permitted. In a C-2 zone the following uses and their accessory uses are permitted:

- (a) A use or conditional use permitted in a C-1 zone
- (b) Animal hospital, provided no noise is audible in an adjacent residential zone
- (c) Wholesale, trucking and storage establishment
- (d) Machine shop, cabinet shop
- (e) Machinery, farm equipment, marine craft, car sales, service and repair
- (f) Building material storage yard
- (g) Laboratory for experiment, research, or testing, except combustion type motor testing
- (h) Government buildings, including maintenance, repair, or storage facilities
- (i) Plumbing, heating, electrical, or paint contractors storage, repair, or sales shop
- (j) Tire retreading or vulcanizing shop
- (k) Uses similar to those listed above but not similar to those listed in an industrial zone.

(2) Conditional Uses Permitted. In a C-2 zone the conditional uses and their accessory uses permitted are the same as those permitted in an A-1 zone subject to the provisions of Article 6.

(3) Standards. In a C-2 zone the same standards as in the C-1 zone shall apply except there shall be no height limitation on buildings and any outdoor storage abutting or facing a lot in a residential zone shall be screened with a sight-obscuring fence.

Section 3.090. Industrial Zone M-1. In an M-1 zone the following regulations shall apply:

(1) Uses Permitted. In an M-1 zone the following uses and their accessory uses are permitted:

(a) A use or conditional use permitted in a C-2 zone except new dwelling units other than those accessory to a permitted use such as accommodations for a caretaker or night watchman

(b) Manufacturing, repairing, compounding, research, assembly, fabricating, processing, packing or storage activities provided such industrial land uses do not create a nuisance to adjacent activities because of excessive noise, odor, dust, or gas and do not constitute a fire, explosion or other physical hazard.

(2) Conditional Uses Permitted. In an M-1 zone the following conditional uses and their accessory uses are permitted subject to the provisions of Article 6:

(a) Automobile wrecking yard, junk yard.

(3) Standards. In an M-1 zone the same standards as in a C-2 zone shall apply.

Section 3.100. Heavy Industrial Zone M-2. In an M-2 zone the following regulations shall apply:

(1) Uses Permitted. In an M-2 zone the following uses and their accessory uses are permitted:

(a) A use or conditional use permitted in an M-1 zone

(b) Any other use, except a use which has been declared a nuisance by statute, by action of the county, or by a court of competent jurisdiction.

(2) Standards. In an M-2 zone the same standards as in a C-2 zone shall apply.

Section 3.110. Planned Development. In a planned development the following regulations shall apply:

(1) Purpose. The purpose of "planned development" is to permit the application of new technology and greater freedom of design in land development than may be possible under a strict interpretation of the provisions of this ordinance. The use of these provisions are dependent upon the submission of an acceptable plan and satisfactory assurance it will be carried out. Such plan should accomplish substantially the same general objectives as proposed by the comprehensive plan for the area.

(2) Standards and Requirements: The following standards and requirements shall govern the application of a planned development in an area in which it is permitted:

(a) A planned development may include any uses and conditional uses permitted in any zone except uses and conditional uses permitted only in the M-1 and M-2 zones. Standards governing area, density, yards, off-street parking, or other requirements shall be guided by the standards of the zone that most nearly portray the character of the zone in which the planned development is proposed.

(b) Planned development shall be not less than 5 acres in area.

(c) Assurances, in the form of performance bonds, may be required to insure that a development proposal as submitted is completed within the time limit agreed on by the developer and the commission.

(3) Planned Development Procedure. The following procedures shall be observed in applying for and acting on a planned development:

(a) An applicant shall submit 4 copies of a preliminary development plan to the planning commission for study at least 10 days prior to the meeting at which it will be discussed. The preliminary plan shall include the following information:

(1) Proposed land uses, building locations and housing unit densities.

(2) Proposed circulation pattern indicating the status of street ownership.

(3) Proposed open space uses.

(4) Proposed grading and drainage pattern.

(5) Proposed method of water supply and sewage disposal.

(6) Economic and supporting data to justify any proposed commercial and industrial elements in an area not so zoned.

(7) Relation of the proposed development to the surrounding area and the comprehensive plan.

(b) Prior to discussion of the plan at a planning commission meeting, the Building and Zoning Official shall distribute copies of the proposal to county agencies for study and comment.

(c) The planning commission shall consider the preliminary development plan at a meeting at which time the comments of persons receiving the plan for study shall be reviewed. In considering the plan, the planning commission shall seek to determine that:

(1) There are special physical conditions or objectives of development which the proposal will satisfy to warrant a departure from the standard ordinance requirements.

(2) Resulting development will not be inconsistent with the comprehensive plan provisions or zoning objectives of the area.

(3) The area around the development can be planned to be in substantial harmony with the proposed plan.

(4) The plan can be completed within a reasonable period of time.

(5) Any proposed commercial or industrial development can be justified economically.

(6) The streets are adequate to support the anticipated traffic and the development will not overload the streets outside the planned area.

(7) Proposed utility and drainage facilities are adequate for the population densities and type of development proposed.

(d) The planning commission shall notify the applicant whether, in its opinion, the foregoing provisions have been satisfied and, if not, whether they can be satisfied with further plan revision.

(e) Following this preliminary meeting the applicant may proceed with his request for approval of the planned development by filing an application for an amendment to this ordinance.

(f) In addition to the requirements of this section, the planning commission may attach conditions it finds are necessary to carry out the purpose of this ordinance.

(g) An approved planned development shall be identified on the zoning map with the letters PD in addition to the abbreviated designation of the existing zoning.

(h) Building permits in a planned development shall be issued only on a basis of the approved plan. Any changes in the approved plan shall be submitted to the planning commission for processing as an amendment to this ordinance.

Section 3.120. Outdoor Advertising Zone S. In an outdoor advertising zone the following regulations shall apply:

(1) Purpose. The purpose of an S zone is to permit the location of outdoor advertising signs in designated areas outside of nearby business or industrial concentrations. The use of these provisions is intended primarily to provide for locational or identifying information concerning business establishments in Clatsop County, at off-premise sites where this is necessary to adequately inform the traveling public. The S zone is applied in combination with existing regular zones, and is not intended to change Sign Requirements as set out in Section 4.050, except where the provisions of Section 4.050 are in conflict with the provisions of Section 3.120, in which case, the provisions of Section 3.120 shall apply.

(2) Uses Permitted. In an S zone the following uses and their accessory uses are permitted:

(a). A use permitted in the existing regular zone.

(b) An advertising sign subject to the limitations of subsection (4) and (5) of this section.

(3) Conditional Uses Permitted. In an S zone, except for advertising signs, the conditional uses and their accessory uses permitted are the same as those permitted in the existing regular zone.

(4) Limitations on Use. In an S zone, an advertising sign shall be subject to the following limitations in addition to those already provided for in the existing regular zone:

(a) No building permit or other permit for construction or alteration of any outdoor advertising sign shall be issued until plans have been reviewed and a permit therefor has been issued by the permit division of the Oregon State Highway Department.

(b) Advertising signs shall be located within 100 feet of, and be primarily designed to be viewed from state highways. No such sign shall be erected or maintained within 50 feet of any side property line, unless a written waiver is obtained from adjoining property owners within 50' of the sign on the same side of the highway. No such sign shall be erected or maintained within 25' of the front property line.

(c) The planning commission may prepare and adopt such additional acceptability guidelines or requirements that it may deem necessary.

(d) Nothing in this section shall permit the erection or maintenance of any advertising signs in violation of ORS Chapter 377 (State Laws regulating outdoor advertising).

(5) Procedures. The following procedures shall govern the application of S zones:

(a) Except as provided in paragraph (e) of this subsection, S zones may be established by enactment of this ordinance or may be established, altered or abolished as amendments subject to the provisions of Article 9.

(b) An S zone shall not be established further than one (1) mile from a commercial or industrial zone existing at the time the S zone is proposed.

(c) Prior to a decision to establish an S zone the planning commission shall request a report and recommendation from the State Highway Department and the State Scenic Area Board.

(d) S zones shall be established in combination with A-1 and R-A zones only, and an area approved as an S zone shall be identified on the zoning map or map amendment with the letter "S" in addition to the abbreviated designation of the existing regular zone.

(e) S zones, or portions thereof, designated as protected scenic areas by the State Scenic Area Board shall be abolished on the effective date of designation.

(f) No S zone shall be established in any area petitioned for designation by the State Scenic Area Board.

ARTICLE 4. SUPPLEMENTARY REGULATIONS

Section 4.010. Access. Every lot shall abut a street, other than an alley, for at least 25 feet.

Section 4.020. Clear-Vision Areas. 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 area, 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 nonintersecting 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 feet above the grade.

(Continued on Page 14)

(3) The following measurements shall establish clear-vision areas:

(a) In an agricultural or residential zone the minimum distance shall be 30 feet or, at intersections including an alley, 10 feet.

(b) In all other zones where yards are required, the minimum distance shall be 15 feet or, at intersections including an alley, 10 feet, except that when the angle of intersection between streets, other than an alley, is less than 30 degrees, the distance shall be 25 feet.

Section 4.030. Maintenance of Minimum Ordinance Requirements. No lot area, yard, other open space, or off-street parking or loading area existing on or after the effective date of this ordinance shall be reduced below the minimum required for it by this ordinance.

Section 4.040. Dual Use of Required Open Space. No lot area, yard, or other open space or off-street parking or loading area which is required by this ordinance for one use shall be a required lot area, yard, or other open space or off-street parking or loading area for another use.

Section 4.050. Sign Requirements.

(1) No sign shall be placed in or extend over a required side yard or street right-of-way or within 10 feet of the front property line in a required front yard.

(2) There shall be no moving or flashing signs and light from a sign shall be directed away from a residential use or zone and shall not be located so as to detract from a motorist's view of a traffic light.

(3) In the R-1, R-2, R-3, R-4, R-A, A-1, C-1, and C-2 zones, signs shall be limited to the following kinds which may be directed towards each facing street or located at needed points of vehicular access where such access points are over 200 feet apart:

(a) A name plate or sign not exceeding $1\frac{1}{2}$ square feet in area for each dwelling.

(b) A temporary sign not exceeding 8 square feet in area pertaining to the lease, rental, or sale of the property or the construction of a structure thereon.

(c) A temporary sign not exceeding 90 square feet advertising a new subdivision.

(d) A sign not exceeding 24 square feet in area identifying a non-residential use such as the sale of farm produce, a golf course, or church.

(e) A sign not exceeding 24 square feet directing vehicular traffic to places of interest to the public, such as tourist accommodations and recreation sites which would otherwise be difficult to find, subject to the provisions of Article 6.

(f) Signs not exceeding a total area of 200 square feet or one square foot for every foot of lot frontage along streets other than alleys which ever is less, for each commercial establishment in a C-1 or C-2 zone.

Section 4.060. Off-Street Parking and Off-Street Loading Requirements.
At the time a new structure is erected or enlarged or the use of an existing structure is changed off-street parking spaces, loading areas and access thereto shall be provided as set forth in this section unless greater requirements are otherwise established. If such facilities have been provided in connection with an existing use they shall not be reduced below the requirements of this ordinance.

(1) Requirements for types of buildings and uses not specifically listed herein shall be determined by the planning commission, based upon the requirements of comparable uses listed.

(2) In the event several uses occupy a single structure or parcel of land, the total requirements shall be the sum of the requirements of the several uses computed separately.

(3) Owners of two or more uses, structures, or parcels of land may agree to utilize jointly the same parking and loading spaces when the hours of operation do not overlap, provided that satisfactory legal evidence is presented to the planning commission in the form of deeds, leases, or contracts to establish the joint use.

(4) Off-street parking spaces for dwellings shall be located on the same lot with the dwelling. Other required parking spaces shall be located not farther than 500 feet from the building or use they are required to serve, measured in a straight line from the building.

(5) Required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons, and employees only, and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business or use.

(6) Areas used for standing and maneuvering of vehicles shall have durable and dustless surfaces maintained adequately for all-weather use and be drained as to avoid flow of water across public sidewalks.

(7) Except for parking to serve dwelling uses, parking and loading areas adjacent to or within residential zones or adjacent to residential uses shall be designed to minimize disturbance of residents by the erection between the uses of a sight obscuring fence of not less than five nor more than six feet in height except where vision clearance is required.

(8) Parking spaces along the outer boundaries of a lot shall be contained by a curb or bumper rail at least four inches high and set back a minimum of four and one-half feet from the property line.

(9) Artificial lighting which may be provided shall not create or reflect substantial glare in a residential zone or on any adjacent dwelling.

(10) Groups of more than four parking spaces shall be served by a driveway so that no backing movements or other maneuvering, within a street other than an alley will be required.

(11) Passengers loading. 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 any school having a capacity greater than 25 students.

(12) Loading of merchandise, materials, or supplies. Buildings or structures which receive and distribute material or merchandise by truck shall provide and maintain off-street loading berths in sufficient numbers and size to adequately handle the needs of the particular use. Off-street parking areas used to fulfill the requirements of this ordinance may be used for loading and unloading operations during periods of the day when not required to take care of parking needs.

(13) Off-street parking space requirements:

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| (a) Dwelling: | One space for each dwelling unit. |
| (b) Boarding, lodging or rooming house: | One space for each guest accommodation. |
| (c) Motel, hotel, or group cottages: | One space for each guest accommodation. |
| (d) Hospital, nursing home or similar institution: | One space for each three beds. |
| (e) Church, club, or similar place of assembly: | One space for each six seats, or one space for each 50 square feet of floor area used for assembly. |
| (f) Library: | One space for each 400 square feet of floor area plus one space for each two employees. |
| (g) Dance hall, skating rink: | One space for each 50 square feet of dance floor or skating area plus one space for each two employees. |
| (h) Bowling alley: | Four spaces for each alley plus one space for each two employees. |
| (i) Retail store, eating and drinking establishment: | One space for each 200 square feet of floor area. |
| (j) Service or repair shop, retail store handling bulky merchandise such as automobiles and furniture: | One space for each 600 square feet of floor area. |
| (k) Bank, office: | One space for each 600 square feet of floor area plus one space for each two employees. |
| (l) Medical and dental clinic: | One space for each 300 square feet of floor area plus one space for each two employees. |

(m) Warehouse, manufacturing establishment, storage and wholesale business:

One space for each two employees plus one space for each 600 square feet of patron serving floor area.

Section 4.070. Distance between Buildings. A minimum distance of six feet shall be maintained between a building designed for dwelling purposes and other buildings on the same lot.

Section 4.080. Distance from Property Line. Where a side or rear yard is not required and a structure is not to be erected at the property line, it shall be set back at least three feet from the property line.

Section 4.090. Storage in Front Yard. Boats and trailers and house trailers shall not be stored in a required front yard.

ARTICLE 5. EXCEPTIONS

Section 5.010. Zone Boundaries. If a zone boundary as shown on the map divides a lot between two zones, the entire lot shall be deemed to be in the zone in which the greater area of the lot lies, provided that this adjustment involves a distance not to exceed 20 feet from the mapped zone boundary.

Section 5.020. Authorization of Similar Uses. The planning commission may permit in a particular zone a use not listed in this ordinance, provided the use is of the same general type as the uses permitted there by this ordinance.

Section 5.030. General Provisions Regarding Accessory Uses. An accessory use shall comply with all requirements for a principal use, except as this ordinance specifically allows to the contrary, and shall comply with the following limitations:

(1) A guest house may be maintained accessory to a dwelling provided there are no cooking facilities in the guest house.

(2) An accessory structure separated from the main building may be located in the required rear and side yard, except in the required street side yard of a corner lot, provided it is no closer than three feet to a property line.

Section 5.040. Projections from Buildings. Architectural features such as cornices, eaves, canopies, sunshades, gutters, signs, chimneys, and flues shall not project more than 18 inches into a required yard.

Section 5.050. General Exception to Lot Size Requirements. If the aggregate of contiguous lots held in a single ownership as recorded in the office of the county clerk at the time of the passage of this ordinance has an area or dimension which does not meet the lot size requirements of the zone in which the property is located, the holdings may be occupied by a use permitted in the zone subject to the other requirements of the zone, provided that, if

there is an area deficiency, residential use shall be limited to a single-family dwelling or to the number of dwelling units consistent with the density requirements of the zone.

Section 5.060. General Exceptions to Yard Requirements. The following exceptions to the front yard requirements for a dwelling are authorized for a lot in any zone:

(1) The required front yard for a dwelling need not exceed the average depth of the nearest front yards of dwellings within 100 feet on both sides of the proposed dwelling.

(2) The required front yard for a dwelling need not exceed the average depth of the nearest front yard of a dwelling within 100 feet on either side of the proposed dwelling and the required front yard depth.

Section 5.070. General Exception to Building Height Limitations. Projections such as chimneys, spires, domes, elevator shaft housings, towers, aeriials, flagpoles, and other similar objects not used for human occupancy are not subject to the building height limitations of this ordinance.

ARTICLE 6. CONDITIONAL USES

Section 6.010. Authorization to Grant or Deny Conditional Uses. Conditional uses listed in this ordinance may be permitted, enlarged, or otherwise altered upon authorization by the planning commission in accordance with the standards and procedures set forth in Section 6.010 through 6.030. In permitting a conditional use or the modification of a conditional use, the planning commission may impose, in addition to those standards and requirements expressly specified by the ordinance, any additional conditions which the planning commission considers necessary to protect the best interests of the surrounding property or the county as a whole. These conditions may include increasing the required lot size or yard dimensions, limiting the height of buildings, controlling the location and number of vehicle access points, increasing the street width, increasing the number of off-street parking and loading spaces required, limiting the number, size and location of signs, and requiring diking, fencing, screening, landscaping, or other facilities to protect adjacent or nearby property. In the case of a use existing prior to the effective date of this ordinance and classified in this ordinance as a conditional use, any change in use or in lot area or an alteration of structure shall conform with the requirements dealing with conditional uses.

Section 6.020. Standards Governing Conditional Uses. A conditional use shall comply with the standards of the zone in which it is located, except as these standards have been modified in authorizing the conditional use and as otherwise modified as follows:

(1) In a residential zone, side and corner lot rear yards shall be at least one half of the height of the principal building.

(2) The size of a lot to be used for a public utility facility may be reduced below the minimum lot required provided it will have no adverse effect upon adjacent uses.

Section 6.030. Conditional Use Procedure. The following procedures shall be followed in applying for and acting on a conditional use:

(1) A property owner may initiate a request for a conditional use or the modification of a conditional use by filing an application with the Building and Zoning Official, using forms prescribed pursuant to Section 10.030. The planning commission may require other drawings or information necessary to an understanding of the proposed use and its relationship to surrounding properties.

(2) Before the planning commission may act on a request for a conditional use, it shall hold a public hearing.

(3) Within five days after a decision has been rendered with reference to a request for a conditional use, the Building and Zoning Official shall provide the applicant with written notice of the decision of the planning commission.

ARTICLE 7. NONCONFORMING USES

Section 7.010. Continuation of Nonconforming Use or Structure. Subject to the provisions of ORS 215.130 and subsequent provisions of this article, a nonconforming structure or use may be continued. The extension of a nonconforming use to a portion of a structure which was arranged or designed for the nonconforming use at the time of passage of this ordinance is not considered an enlargement or expansion of a nonconforming use.

Section 7.020. Discontinuance of Nonconforming Use.

(1) If a nonconforming use involving a structure is discontinued for a period of one year, further use of the property shall conform to this ordinance.

(2) If a nonconforming use not involving a structure is discontinued for a period of six months, further use of the property shall conform to this ordinance.

Section 7.030. Change of Nonconforming Use.

(1) If a nonconforming use not involving a structure is replaced by another use, the new use shall conform to this ordinance.

(2) If a nonconforming use involving a structure is replaced by another use, the new use shall conform to this ordinance unless the planning commission determines that such structure is suitable only for another nonconforming use no more detrimental to surrounding properties than the one to be replaced.

Section 7.040. Destruction of Nonconforming Use. If a nonconforming structure or a structure containing a nonconforming use is destroyed by any cause to an extent exceeding 80 per cent of its fair market value as indicated by the records of the county assessor and is not returned to use within one year from the date of destruction, a future structure or use on the site shall conform to this ordinance.

Section 7.050. Completion of Structure. Nothing contained in this ordinance shall require any change in the plans, construction, alteration, or designated use of a structure for which a building permit has been issued and construction work has commenced prior to the adoption of this ordinance, provided the building, if nonconforming or intended for a nonconforming use, is completed and in use within two years from the time the building permit is issued.

ARTICLE 8. VARIANCES

Section 8.010. Authorization to Grant or Deny Variances. The planning commission may authorize variances from the requirements of this ordinance where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, strict application of the ordinance would cause an undue or unnecessary hardship. No variance shall be granted to allow the use of property for a purpose not authorized within the zone in which the proposed use would be located. In granting a variance the planning commission may attach conditions which it finds necessary to protect the best interests of the surrounding property or neighborhood and otherwise achieve the purposes of this ordinance.

Section 8.020. Circumstances for Granting Variance. A variance may be granted only in the event that all the following circumstances exist:

(1) Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape, legally existing prior to the date of this ordinance, topography, or other circumstances over which the applicant has no control.

(2) The variance is necessary for the preservation of a property right of the applicant substantially the same as owners of other property in the same zone or vicinity possess.

(3) The variance would not be materially detrimental to the purposes of this ordinance, or to property in the zone or vicinity in which the property is located, or otherwise conflict with the objectives of any county plan or policy.

(4) The variance requested is the minimum variance which would alleviate the hardship.

Section 8.030. Variance Procedure. The following procedures shall be followed in applying for and acting on a variance:

(1) A property owner may initiate a request for a variance by filing an application with the Building and Zoning Official, using forms prescribed pursuant to Section 10.030. The application shall be accompanied by a site plan drawn to scale showing the condition to be varied and the dimensions and arrangement of the proposed development. The planning commission may request other drawings or material essential to an understanding of the variance request.

(2) Before the planning commission may act on a request for a variance, it shall hold a public hearing.

(3) Within five days after a decision has been rendered with reference to a request for a variance, the Building and Zoning Official shall provide the applicant with notice of the decision of the planning commission.

ARTICLE 9. AMENDMENT

Section 9.010. Authorization to Initiate Amendments. An amendment to the text of this ordinance or to a zoning map may be initiated by the board of county commissioners, by the planning commission, or by application of a property owner.

Section 9.020. Amendment Procedure. The following procedures shall be followed in applying for and acting on an amendment:

(1) The planning commission shall conduct a public hearing on the proposed amendment at its earliest practicable meeting after it is proposed and shall, within 40 days after the hearing provide a report and recommendation to the board of county commissioners regarding the proposed amendment.

(2) The board of county commissioners shall conduct a public hearing on an amendment initiated by a property owner to modify or change an existing zone on a zoning map subsequent to receiving the report and recommendation of the planning commission.

(3) The county clerk shall maintain records of amendments to the text and map of this ordinance in a form convenient for use by the public.

ARTICLE 10. ADMINISTRATIVE PROVISIONS

Section 10.010. Administration. The Building and Zoning Official shall have the power and duty to enforce the provisions of this ordinance. An appeal from a ruling by him regarding a requirement of the ordinance may be made only to the planning commission.

Section 10.020. Appeal from Ruling of Planning Commission. An action or ruling of the planning commission pursuant to this ordinance may be appealed to the board of county commissioners within 15 days after the planning commission has rendered its decision. Written notice of the appeal shall be filed with the secretary of the board. If the appeal is not taken within the 15-day period, the decision of the planning commission shall be final. If the appeal is filed, the board of county commissioners shall receive a report and recommendation thereon from the planning commission and shall hold a public hearing on the appeal.

Section 10.030. Form of Petitions, Applications, and Appeals. All petitions, applications, and appeals provided for in this ordinance shall be made on forms prescribed by the county. Applications shall be accompanied by plans and specifications, drawn to scale, showing the actual shape and dimensions of the lot to be built upon, the sizes and locations on the lot of the buildings and other structures, existing and proposed, the existing and intended use of each building, structure or part thereof, the number of families, if any, to be accommodated thereon, and such other information as is needed to determine conformance with this ordinance.

Section 10.040. Filing Fees. The following fees shall be paid to the planning commission upon the filing of an application. Such fees shall not be refundable.

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| (1) Amendment proposed by property owner. | \$40.00 |
| (2) Conditional use permit | \$20.00 |
| (3) Variance | \$20.00 |
| (4) Appeal | \$20.00 |

Section 10.050. Notice of Public Hearing.

(1) When the planning commission is required to hold a public hearing, notice of the hearing shall be given in the following manner:

(a) Each notice of a hearing on an amendment to change a map, on a conditional use, and on a variance shall be published in a newspaper of general circulation in the county at least 10 days prior to the date of hearing. In addition, at least 10 days prior to the date of hearing, notices shall be mailed to all owners of property within 250 feet of the exterior boundary of the property for which the application is made. For this purpose the name and addresses of the owners as shown on the records of the county assessor may be used.

(b) Each notice of a hearing regarding an amendment to the text of this ordinance shall be published at least three times in a newspaper of general circulation in the county during the three weeks just before the hearing.

(2) When the board of county commissioners is required to hold a public hearing, notice of the hearing shall be given in the following manner:

(a) Each notice of a hearing on an amendment initiated by a property owner to modify or change an existing zone on a zoning map shall be published in a newspaper of general circulation in the county at least 10 days prior to the date of hearing. In addition, at least 10 days prior to the date of hearing, notices shall be mailed to all owners of property within 250 feet of the exterior boundary of the property for which the application is made. For this purpose the names and addresses of the owners as shown on the records of the county assessor may be used.

(b) Each notice of a hearing on an appeal authorized by this ordinance shall be published in a newspaper of general circulation in the county not more than 10 days or less than 5 days prior to the date of hearing.

(3) Failure of a person to receive the notice prescribed in this section shall not impair the validity of the hearing.

Section 10.060. Recess of Hearing. The planning commission or board of county commissioners may recess a hearing in order to obtain additional information or to serve further notice upon other property owners or persons it decides may be interested in the proposal being considered. Upon recessing, the time and date when the hearing is to be resumed shall be announced.

Section 10.070. Time Limit on a Permit for a Conditional Use or a Variance. Authorization of a conditional use or variance shall be void after six months unless substantial construction pursuant thereto has taken place. However, the planning commission may in its discretion extend authorization for an additional six months on request.

ARTICLE 11. MISCELLANEOUS PROVISIONS

Section 11.010. Interpretation. Where the conditions imposed by any provision of this ordinance are less restrictive than comparable conditions imposed by any other provisions of this ordinance or of any other ordinance, resolution, or regulation, the provisions which are more restrictive shall govern.

Section 11.020. Severability. The provisions of this ordinance are severable. If any section, sentence, clause, or 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.

ARTICLE 12. REMEDIES

Section 12.010. Penalty. Any person violating any of the provisions of this ordinance shall be subject to the provisions of ORS 215.180, 215.185, and 215.990. A violation of this ordinance shall be considered a separate offense for each day the violation continues.

Regularly passed and adopted by the Board of County Commissioners of Clatsop County, Oregon for the State of Oregon this 23rd day of November, 1966.

BOARD OF COUNTY COMMISSIONERS
OF CLATSOP COUNTY, OREGON

/s/ James Scarborough

Commissioner

/s/ Verne Stratton

Commissioner

/s/ Hiram C. Johnson

Commissioner

