

CLATSOP COUNTY

LAND AND WATER  
DEVELOPMENT AND USE ORDINANCE\*

ORDINANCE 80-14

Adopted by:

The Clatsop County Board of Commissioners  
September 30, 1980  
Effective Upon Adoption

Developed By:

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and  
Clatsop County Department of Planning and Development

\*The Land and Water Development and Use Ordinance combines zoning, subdivision, land partitioning, use and activity standards and road and access standards into this one document.

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CLATSOP COUNTY LAND AND WATER DEVELOPMENT

AND USE ORDINANCE

ORDINANCE NO. 80-14

AN ORDINANCE REGULATING THE DEVELOPMENT AND USE OF LAND AND WATER IN CLATSOP COUNTY AND ESTABLISHING ZONES AND SPECIAL DISTRICTS 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 Land and Water Development and Use Ordinance of 1980.

Section 1.020. 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 1.030. 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 Planning Director that the operation has in fact been abandoned by the operator; provided, that the operator does not, within thirty (30) days of receipt of written notification from the Planning Director of its intent to declare the operation abandoned, submit evidence to the Planning Director satisfaction that the operation is in fact not abandoned.

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.

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

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

ACCESSORY BUILDING -- A detached subordinate building, the use of which is customarily incidental 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.

ACCESSORY BUILDING, ATTACHED -- The term "attached accessory building" shall be understood to apply to an accessory building which is attached to the main building 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 USE -- A use customarily incidental and subordinate to the principal use and located on the same lot.

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.

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 other necessary buildings and open spaces.

ALLEY -- A public way of not over thirty (30) feet wide providing a secondary means of access to private property.

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 of bearing walls, foundation, columns, beams or girders. In addition, any change in the external dimensions of the building shall be considered a structural alteration.

ANCHOR -- The device to which tie-downs are secured or fastened having a holding power of not less than 4,800 pounds. They include, but are not necessarily limited to, screw auger, expanding or concrete deadmen type anchors, and are to be constructed as to accommodate "over the top" and "frame" type tie-downs, used singly or in conjunction.

ANIMAL HOSPITAL (INCLUDING VETERINARY CLINIC) -- Any building or portion thereof designed or used for the care, observation or treatment of domestic animals.

APPEAL -- A request for review of the Planning Director's decision concerning matters addressed by the Ordinance to the Planning Commission or a review of the Planning Commission's decision to the Board of County Commissioners.

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

AREA OF SHALLOW FLOODING -- A designated AO or VO zone on Clatsop County's Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident.



AREA OF SPECIAL FLOOD HAZARD -- The land in the floodplain within Clatsop County subject to a one percent or greater change of flooding in any given year. The area may be designated as zone A on the Flood Hazard Boundary Map (FHBM) or as zones A, AO, AI-99, VO and VI-30 on the FIRM.

AQUACULTURE -- The raising, feeding, planting and harvesting of fish and shellfish, including associated facilities necessary to engage in the use.

AQUATIC AREAS -- Aquatic areas include the tidal waters and wetlands of the estuary and non-tidal sloughs, streams, lakes, and wetlands within the shoreland planning boundary. The lands underlying the waters are also included.

The upper limit of aquatic areas is the line of non-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.

Aquatic areas can be divided into wetlands, the upper portion of the aquatic zone, and waters, the lower portion. Wetlands and waters adjoining at Extreme Low Water (ELW) in tidal areas about three feet below Mean Lower Low Water (MLLW), or Columbia River Datum above Altoona on the Washington shore, or at a water depth of six feet relative to Ordinance Low Water (OLW) in non-tidal areas.

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.

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 or motor vehicles or trailers to be displayed, sold or rented on the premises.

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 OR STREAM ALTERATION -- Realignment of a stream bank or the entire stream, either within or without its normal high water boundaries.

BASE FLOOD -- The flood having a one percent chance of being equalled or exceeded in any given year.

BASEMENT -- A portion of a building which has less than one-half (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 (i.e. sand, gravel, and cobbles) that extend landward from the low-water line to a point where there is a definite change in the material type or landform, or to the line of vegetation.

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

BLOCK -- All the 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 meals and 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.

BREACHING -- To make a hole or gap through an area such as a foredune.

BREAKAWAY WALLS -- Any type of walls, whether solid or lattice, and whether constructed of concrete, masonry, wood, metal, plastic, or any other suitable building materials which are not part of the structural support of the building and which are so designed to break away, under abnormally high tides or wave action, without damage to the structural integrity of the building on which they are used or any building to which they might be carried by flood waters.

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

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.

CABANA -- A stationary lightweight structure which may be prefabricated, or demountable, with two or more walls, used adjacent to and in conjunction with a mobile home, to provide additional living space (meant to be moved with the mobile home).

CAMPGROUND -- Any area or tract of land where two or more campsites are located for both tent or trailer camping purposes or tent camping only.

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

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

CARWASH -- Mechanical facilities for the washing or waxing and vacuuming of automobiles, light trucks, and vans.

CEMETARY -- Land use 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.

CLEAR-VISION AREAS --

1. A clear-vision area is 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 Ordinance, 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 contains 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.

CLUSTER DEVELOPMENT -- A development technique wherein house sites or structures are grouped together around access courts or cul-de-sacs, with the remainder of the tract left in 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.

COASTAL HIGH HAZARD AREA -- An area subject to high velocity waters, including but not limited to hurricane wave wash or tsunamis. The area is designated on a FIRM as zone VI-30.

COMPREHENSIVE PLAN -- The Plan adopted by the Board to serve as a guide to the orderly growth, development and improvement of the County in accordance with applicable State Land Use Goals. The Plan includes a written text with goals and policies, a map or maps of desired land and water use allocations and any amendments to such text and map.

COMMON OPEN SPACE -- See Open Space definition.

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. Public need for and 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 hearings body based on findings of fact.

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 215.233 and 215.422, or and ordinance, rule or regulation adopted pursuant thereto, are required to be determined only after a hearing at which specific parties are entitled to appear and be heard.

COTTAGE INDUSTRY -- A small scale business activity which may involve the provision of services or manufacture and sale of products; is carried on by a member of the family living on the premises and persons employed by the family member and is not detrimental to the overall character of the neighborhood.

COUNTY -- The County of Clatsop, Oregon.

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

DECIBEL -- A unit of measurement of the intensity (loudness) of sound. Sound level meters which are employed to measure the intensity of sound are calibrated by decibels.

#### DEVELOPMENT OR USE:

Use: The end to which a land or water area is ultimately employed. A use often involves the placement of structures or facilities for industry, commerce, habitation, or recreation. An accessory use is a use incidental and subordinate to the main use of the property and located on the same lot or parcel as the main use.

Activity: Any action taken either in conjunction with a use or to make a use possible. Activities do not in and of themselves result in a specific use. Several activities -- dredging, piling, fill -- may be undertaken for a single use -- a port facility. Most activities may take place in conjunction with a variety of uses.

DEVELOPMENT OR USE PERMITTED WITH REVIEW -- A type of uses which is permitted in a particular zone if it is able to meet specified standards and criteria. The need for the type of use is generally recognized but establishment of the use must be consistent with standards and criteria to ensure that the impact on adjacent uses and land and water resources are minimized. A review use may be permitted or denied by the Planning Director based on site plan review and findings of compliance or non-compliance with specified standards and criteria.

DIKES -- A structure designed and built to prevent inundation of a parcel of land by water. A dike is considered new when placed on an area which: (1) has never previously been diked, or (2) has previously been diked, 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, tidal gate failure, etc., but where reversion to tidal marsh has not yet occurred.

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

DOCKS -- A pier or secured float or floats for boat tie-up or other water use, often associated with a specific land use on the adjacent shoreland, such as a residence, a group of residences, a commercial use or light industrial facility. Small, commercial moorages (less than 25 berths) with minimal shoreside services, and no solid breakwater are also included in this category. Floathouses, which are used for boat storage, net-drying and similar purposes, must also meet these requirements.

DREDGED MATERIAL DISPOSAL -- The deposition of dredged material in aquatic areas or shorelands. Methods include land disposal, in-water disposal, in-water disposal to create land, beach nourishment, flow-lane disposal, ocean disposal, other in-water disposal.

DREDGING -- The removal of sediment or other material from a stream, river, estuary or other aquatic area for the purpose of deepening a navigation channel, mooring basin or other navigational areas, or obtaining fill material.

DUNE -- A hill or ridge of sand built up by the 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.

DWELLING UNIT -- One room, or rooms connected together, 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.

DWELLING TYPES -- For the purpose of this Ordinance, dwellings are separated into the following categories and herewith defined accordingly:

- a. 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.
- b. 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.
- c. Two Family (Duplex) - An attached building containing two dwelling units in single ownership.
- d. Multiple Family Dwelling - Three or more household units with common walls or ceilings common to another unit in single ownership.

DRIVE-IN -- A business establishment so developed that its retail or service character is dependent on providing a drive-way approach or parking space for motor vehicles so as to serve patrons while in the motor vehicle, or within a building on the same premises and devoted to the same purpose as the drive-in service.

EASEMENT -- The grant of a right-of-way use for a specific purpose through a parcel of land.

EASEMENT OF ROAD ACCESS -- An easement for the specific purpose or providing a roadway to a public street, county road, or approved public way.

ERECT -- The act of placing or affixing a component of a structure upon the ground or upon another such component.

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.

FAMILY -- 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 (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 USE -- The use of land including that portion of such lands under buildings supporting accepted farm practices for the purpose of obtaining a profit in money by raising, harvesting and selling crops or by 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 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 man's use and animal use and disposal by marketing or otherwise. It does not include the use of land subject to the provisions of ORS Chapter 321, except land used exclusively for growing cultured Christmas trees as defined in ORS 215.203(3), or the construction and use of dwellings customarily provided in conjunction with the farm use.

FEDERAL INSURANCE RATE MAP (FIRM) -- The official map on which the Federal Insurance Administration had delineated both the areas of special flood hazards applicable to Clatsop County and the risk premium zones for those areas.

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 sediment or other material in submerged lands, wetlands, aquatic areas or on land in order to create new uplands or raise the elevation of land.

FLOOD OR FLOODING -- A general and temporary condition of partial or complete inundation of normally dry land areas from:

- a. The overflow of inland or tidal waters and/or
- b. The unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD HAZARD BOUNDARY MAP (FHBM) -- The official map issued by the Federal Insurance Administration where the boundaries of the areas of special flood hazards applicable to Clatsop County have been designated as Zone A.

FLOOD INSURANCE STUDY -- The official report provided by the Federal Insurance Administration for Clatsop County. This report contains flood profiles, as well as the Flood Hazard Boundary--Floodway Map and the water surface elevation of the base flood.

FLOODPLAIN -- Any land area susceptible to be inundated by water from any source.

FLOODPLAIN MANAGEMENT REGULATIONS - The provisions of the Development and Use Standards Document in addition to subdivision ordinances, comprehensive plan, building codes, health regulations and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

FLOODPROOFING -- A combination of structural and non-structural 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.

FLOODWAY -- See "Regulatory Floodway".

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:

- a. Attic space providing headroom of less than seven feet.
- b. Basement, if more than 50% of the basement is less than 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.

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.

FOREST MANUFACTURING -- Those processes which convert the log form of timber into a final product for market including but not limited to the following operations; sawmill, planer, plywood factory, paper mill, chipper, stud mill, related transportation facilities and accompanying operations.

**FOREST PROCESSING** -- Those activities, occurring at places other than timber harvest locations, which prepare forest products for shipment to manufacturing locations. Such activities include but are not limited to dry log sorting, rafting, temporary storage, bucking and chipping. Excluded are activities included in the definition of "Forestry" which occur at the timber harvest site.

**FOREST USES** -- (1) the producing of trees and the processing of forest products; (2) open space, buffers from noise, and visual separation of conflicting uses; (3) watershed protection and wildlife and fisheries habitat; (4) soil protection from wind and water; (5) maintenance of clean air and water; (6) outdoor recreational activities and related support services and wilderness values compatible with these uses; and (7) grazing land for livestock.

**FORESTRY** -- Activities needed to grow, manage, and harvest trees and minor forest products and to transport them to processing or manufacturing locations. Such activities include, but are not limited to planting, fertilizing, pre-commercial thinning, use of herbicides, timber harvesting, reforestation, logging, site or stand improvement and disposal of unusual portions of trees by such practices as burning slash, and operating temporary portable processing equipment such as portable chippers that are necessary for processing forest products on the harvest site enabling shipment to processing or manufacturing locations.

**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.

**GARAGE, PRIVATE** -- A building, any part of a building, or an accessory building, not exceeding 1,000 square feet in area, used for the storage of one or more motor vehicles without repair or service facilities.

**GARAGE, PUBLIC** -- A structure in which are provided facilities for the repair of motor vehicles including body and fender repair, painting, rebuilding, reconditioning, upholstering, or other vehicle maintenance or repair.

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

**GRADE (GROUND LEVEL)** -- (1) The average elevation of the undisturbed ground elevation prior to construction in the Arch Cape Rural Service Area and the Structures Allowed, Active Dune Overlay District. (2) The average elevation of the finished ground elevation at the centers of all walls of a building in all other areas of the County.

**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.



GUEST HOUSE -- A building no greater than one-half the size of the ground floor of the main dwelling unit on the property, and commonly used in conjunction with the main dwelling for the temporary housing of non-paying visitors and guests.

HABITABLE FLOOR -- Any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation or a combination thereof. A floor used only for storage purposes is not a "Habitable Floor".

HABITABLE ROOM -- An undivided enclosed space within a dwelling used for sleeping or kitchen facilities. This term does not include attics, cellars, corridors, hallways, laundries, serving or storage pantries, bathrooms or similar places.

HEIGHT, BUILDING -- The vertical distance measured from the adjoining level to the highest point of the roof surface of a flat roof to the deck line of a mansard roof, and to the mean height level between the eaves and ridge for a gable, hip or gambrel roof; provided, however, that where buildings are set back from the street line the height of the building may be measured from the average elevation of the finished grade at the front of the building.

HOME OCCUPATION -- 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:

- a. Be operated in its entirety within the principal dwelling;
- b. Not have a separate entrance from outside the building;
- c. Not involve alteration or construction not customarily found in dwellings;
- d. Not using any mechanical equipment except that which is used normally for purely domestic or household purposes;
- e. Not using more than twenty five percent (25%) of the total actual floor area of the dwelling.
- f. 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.

HORTICULTURE -- The cultivation of plants, garden crops, trees and/or stock.

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.

KENNEL -- Any lot or premises on which four (4) or more dogs (more than four (4) months of age) or ten (10) or more cats are kept for boarding, breeding, training or sales.

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

LAND TRANSPORTATION FACILITIES -- Highways, railroads, bridges and associated structures and signs which provide for land transportation of motorized and/or non-motorized vehicles (excluding logging roads).

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, measured, sorted and stored until ready for transfer to water storage areas or to market.

LOT -- A unit of land that is created by a division, partition, or subdivision of land. LOT is further described as follows:

LEGAL LOT: A tract of land which meets the minimum requirements of the zone where it is situated, is provided with a minimum of 25' frontage upon a street or approve easement of raod access to a public road.

BUILDABLE LOT: A legal lot which is proposed for a 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: A tract of land or a portion of a tract of land which does not meet the minimum area or dimension requirements of the zone where it is situated and has received approval of the water supply and sewage disposal method as appropriate for such use, or through the procedure required in the zones.

GRANDFATHERED LOT: A lot of record which was created as follows:

1. Prior to the adoption of the Communitys Plans for the various areas of the County and,
2. a lot in an existing duly recorded subdivision pursuant to the Clatsop County Subdivision Ordinance No. 69-8 dated December 22, 1969, or

3. a lot in an existing major partition approved pursuant to Ordinance 78-8 dated September 20, 1978, or
4. a lot in an existing minor partition approved pursuant to Ordinance 78-23 dated November 22, 1978 or Ordinance 80-2 dated June 25, 1980,  
and which does not meet the minimum area or dimension requirements of the zone where it is situated but may be determined to be buildable by the procedure established in Section 10.025 of the Ordinance.

LOT AREA -- 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.

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, FRONT -- 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.

LOT LINE, REAR -- The line which is opposite and most distance from the front lot line. In the case of an irregular, triangular or other-shaped lot, 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 not a front and rear lot line.

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

#### LOT TYPES:

1. Corner Lot: A lot of which at least two (2) adjacent sides abut streets 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.
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 accessway and frontage of thirty (30) feet which provides an accessway from a public road or street to a site located behind other lots which have frontage upon said road or street. Lot area, dimensional standards and designation of lot line shall be determined as shown in Section                      Figure

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

LOW INTENSITY RECREATION -- Recreation that does not require developed facilities and can be accommodated without change to the area or resource except for small improvements involving a relatively minimal capital investment and no structures over 500 square feet in size. Examples of the types of small scale facilities involved are trails, picnic tables or shelters, restrooms, and viewing platforms.

LOW-WATER BRIDGE -- A bridge structure generally constructed of logs and planking which is temporarily placed by private property owners across minor streams and sloughs in early summer when flow is very low or intermittent. The bridge is removed when fall freshets occur.

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

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

MAP -- A representation, usually on a flat surface, of the whole or part of an area.

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

MINING -- Premises from which any rock, sand, gravel, stone, topsoil, clay, mud, peat, 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.

MINOR 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.

MOBILE HOME -- A dwelling unit that is manufactured off-site and is transportable over roads and streets on its own wheels or by other means and arrives at the homesite essentially complete. Placement on a foundation piers, final assembly and hookup to utilities prepares it for long term or permanent residential use. The mobile home does not conform with the standards applied to conventionally built dwellings by the Uniform Building Code as adopted by Clatsop County.

MOBILE HOME PARK -- A place where two or more mobile homes are located within 500 feet of one another on a lot, tract(s), or parcel(s), of land under the same ownership for purposes of either temporary or permanent habitation, regardless of whether a charge is made for such accommodation. Provided, however, the use of such lots or combinations of lots for the location of two or more mobile homes within 500 feet of one another within an approved subdivision wherein the lots are owned separately or are under common ownership, is not a mobile home park under this ordinance if no more than one mobile home is located on any single platted lot or combination of lots constituting the minimum lot size under the Zoning Ordinance then in effect, whichever is larger.

MOBILE HOME SPACE -- A plot or parcel of land within the Mobile Home Park designed to accommodate one (1) mobile home.

MOBILE HOME STAND -- That part of a Mobile Home Space which has been reserved for the placement of the mobile home, appurtenant structures, or addition.

MOTEL -- A group of attached or detached buildings of not more than two (2) stories containing housekeeping or sleeping units designed and used for the temporary accommodation of tourists or transients, with off-street parking spaces for each such unit.

NATURAL AREA -- Land or water units which natural processes exist relatively undisturbed or can be restored to a nearly natural state. Such areas include:

1. Native terrestrial, freshwater or marine ecosystems, e.g. a salt marsh or stand of old growth forest.
2. Areas containing significant biological, geologic, hydrologic, paleontologic, archeological or scenic features, e.g., a single fossil bed or waterfall.
3. Areas particularly valuable for plants and wildlife:
  - a. as habitat for rare, endangered, endemic or otherwise unique species,
  - b. as exceptionally productive or diverse habitat,
  - c. as vanishing habitat,
  - d. as habitat crucial to a stage in a species' life-style, e.g., spawning grounds, or wetlands along flyways.

NAVIGATIONAL STRUCTURES -- Structures such as pile dikes, groins, fills, jetties, and breakwaters that are installed to help maintain navigation channels, control erosion or protect marinas and harbors by controlling water flow, wave action and sand movement.

- a. Pile dikes are flow control structures that are used primarily in river systems and are made of closely spaced piling connected by timbers; usually they are perpendicular to the shore. They are constructed to increase scour in the navigation channel and/or control shoreline erosion by interrupting sand transport and

encouraging sedimentation in the sheltered lee of the pile dike. A single pile dike is unusual; they are generally constructed in groups.

- b. Groins are analogous to pile dikes, but are constructed from rocks. They can withstand rougher wave conditions than pile dikes, are often used on beaches, they exert a strong influence on sand transport and extend from the backshore seaward across the beach.
- c. Jetties are the largest of all navigational structures; they are made of rock or concrete and are used to stabilize the channel and improve the scour at the mouth of an estuary. They must be able to withstand extreme wave conditions and may alter longshore sand transport for many miles along the coast.
- d. Breakwaters may be of rock, steel, concrete or piling, or of the floating kind. They are used to protect harbors and marinas against waves and currents.

NON-CONFORMING USE -- A use lawfully existing at the time this ordinance became applicable to the development but that would not otherwise be lawful.

NOXIOUS MATTER -- Material which is 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.

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

- a. Conserve and enhance natural or scenic resources;
- b. Protect air or streams or water supply;
- c. Promote conservation of soils, wetlands, beaches or tidal marshes;
- d. Conserve landscaped areas, such as public or private golf courses, that reduce air pollution and enhance the value of abutting or neighboring property;
- e. Enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries or other open space;
- f. 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.

OVERLAY DISTRICT -- A supplementary district or zone and 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 -- A division of a tract of land created by partitioning.

PARKING SPACE -- An enclosed or unenclosed surface area of not less than twenty (20) feet by eight (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.

PARTITIONING OR PARTITIONED LAND -- To divide a tract of land into two (2) or three (3) parcels within a calendar year when such tract of land existed at the beginning of the year. Minor partitioning occurs when a landowner divides his property into no more than three (3) lots during a calendar year. Major partitioning occurs when a lot is created that does not have frontage on an existing public, county, or state road. "Partitioned Land" does not include:

- a. the division of land resulting from the creation of cemetery lots,
- b. any adjustment of a lot line by the relocation of a common boundary where an additional parcel is not created and where the existing parcel reduced in size by the adjustment is not reduced below the minimum lot size established by this Ordinance.

"Partitioned Land" does not include the sale of a lot in a recorded subdivision, even though the lot may have been acquired prior to sale with other contiguous lots or property by a single ownership.

PEDESTRIAN WAY -- A right-of-way for pedestrian traffic.

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.

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.

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 -- The map, diagram, replat or other writing containing the description, location, specifications, dedications, provisions, and other information concerning a subdivision.

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.

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 -- Any person, firm, corporation, municipal departments or board fully authorized to furnish to the public electricity, gas, steam, sewage, cable TV, telephone, telegraph, transportation or water.

PUBLIC ROAD -- A thoroughfare which has been dedicated to the public and ownership of which has been formally accepted by the County for access purposes only, without any responsibility, obligation or agreement for improvement or maintenance by the County, except as otherwise specified in the formal acceptance by the County.

RAMADA -- A stationary structure having a roof extending over a mobile home or trailer which may also extend over a patio or parking space for motor vehicles, and is used principally for protection from sun and rain.

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 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 Clatsop County Clerk for the purpose of placing that instrumentation, or copies thereof, in official public evidence.

RECREATIONAL VEHICLE -- A vehicular, portable structure with or without motive power, designed to be used as a temporary dwelling for travel, recreational purposes, having a body width not exceeding eight (8) feet. The unit shall be identified as a recreational vehicle by the manufacturer according to State standards.

RECREATIONAL VEHICLE PARK -- A lot which is operated with or without a fee as a place for the parking of two (2) or more occupied recreational vehicles in which residency is of a temporary nature.

REGULATORY FLOODWAY -- The channel or the watercourse reasonably required to carry and discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

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

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.

RESTORATION -- Replacing or restoring original attributes or amenities such as natural biological productivity and aesthetic or cultural resources which have been diminished or lost by past alterations, activities or catastrophic events. 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. Passive restoration is the use of natural processes, sequences or timing to bring about restoration after the removal or reduction of adverse stresses.

RESOURCE ENHANCEMENT -- The use of artificial or natural means to improve the quantity or quality of a specific resource.

RIGHT-OF-WAY -- A street, alley, or other thoroughfare or easement permanently established for passage of persons or vehicles.

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.

ROOM -- The term "room" shall mean any space in a building enclosed or set apart by a partition or partitions which is habitable and shall be deemed to apply to any room used as a bedroom, a dining room, a living room, a sitting room, a parlor, a kitchen, a sewing room, a library, a den, a music room, a dressing room, a sleeping porch, a sun room, a sun porch, a party room, a recreation room, a breakfast room, a study, and similar uses.

ROOMING HOUSE -- Same as Boarding House.

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

SHORELANDS AREAS -- Shoreland areas include forest, cliffs, steep topography, diked farm and urban lands along the estuary and the tidal reaches of the estuary tributaries, and shoreline areas suitable or already developed for water dependent uses.

Shorelands of the estuary extend horizontally from the upper edge of aquatic areas landward to the boundary between tideland soils and upland soils, or landward 200 feet, whichever is greater. In areas suitable for intensive development or already developed, however, urban features such as a railroad or highway may be used to mark the inland shorelands boundary.

SHORELINE STABILIZATION -- The protection of the banks of tidal or non-tidal stream, river or estuarine waters by vegetative or structural means.

SIGN -- 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.

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.

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:

- a. Environmentally hazardous wastes as defined in Ordinance 72-3, pertaining to Solid Waste Nuisance Abatement.
- b. Materials used for fertilizer or 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 fowls or animals.

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

#### START OF CONSTRUCTION --

- a. 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.
- b. For mobile homes not within a mobile home park/subdivision "start of construction" means the placing of the mobile home on the property.
- c. 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.

STREET -- A public roadway 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 and includes 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 without 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.
  - c. Provided (because of the two characteristics defined immediately above) service in 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) link the locally important traffic generators with their rural hinterland.
5. Local Road or Street: A road or street which is used or intended to be used primarily for providing access to abutting properties.

### 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 effects 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.
4. Half Street: A street having only a portion of its width provided in one (1) subdivision, with the remainder of its width to be provided through the subdivision of adjacent property.

STREET LINE -- The dividing line between a lot and street.

STRUCTURAL ALTERATION -- Any change to the supporting members of a structure, including foundations, bearing walls or partitions, columns, beams or girders, or any structural change in the roof or in the exterior walls.

STRUCTURE -- Anything constructed or erected or air inflated, permanent or temporary, which requires location on the ground or attached to something having a location on the ground. Among other things, structures include buildings, walls, decks, and fences over eight (8) feet.

SUBDIVIDE -- To divide an area or tract of land into four (4) or more lots within a calendar year. Four (4) or more lots includes but is not limited to, the creation of three (3) parcels plus the parent parcel.

SUBDIVISION -- An area of land that has been subdivided.

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

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

- a. before the improvement or repair is started, or
- b. if the structure has been damaged and is being restored, before the damage occurred.

"Substantial Improvement" does not include:

- a. 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
- b. any alteration of a structure listed on the National Register of Historical Places or a State Inventory of Historical Places.

SURFACE MINING -- All or any part of the process of mining minerals 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, production of surface mining refuse, the construction of adjacent or off-site barrow pits, except those constructed for use as access roads. Also excluded are excavations of sand, gravel, clay, rock or other

SURFACE MINING (CONTINUED) -- similar materials conducted by the landowner or tenant for the primary purpose of construction, reconstruction or maintenance of access roads and excavation or grading operations conducted in the process of farming, on-site road construction or other on-site construction; and also excluding road, gravel, sand, silt, or other similiary substances removed from the beds or banks of any waters of this State pursuant to permit issued under ORS 541.605 to 541.660.

SURFACE MINIG REFUSE -- All waste materials, soil, rock, mineral, liquid, vegetation and other materials resulting from or displaced by surface mining operations within the operating permit area, including all waste materials deposited in or upon lands within such operating permit area from other sources.

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 -- A contiguous area of land which exists or has existed in single ownership.

USE -- See Development.

UTILITIES NECESSARY FOR PUBLIC SERVICE -- Major structure owned or operated by public, private, or cooperative electric, fuel, communication, sewage or water company for the treatment, storage, transmission, distribution or processing of its products including sewage plants, solid waste disposal sites and transfer stations, dams and reservoirs for community water systems, water treatment plant, sanitary landfill or utility substation.

VARIANCE -- A grant of relief to a person from the requirements of this Ordinance which permits construction in a manner otherwise prohibited by this Ordinance where specific encroachment would result in unnecessary hardship.

VETERINARY CLINIC -- See Animal Hospital.

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

WATER-DEPENDENT -- Use and activities which can only be carried out on, in or adjacent to water and the water location or access must be needed for one of the following:

- a. water-borne transportation (navigation, moorage, fueling and servicing of ships or boats, terminal and transfer facilities, resource and material receiving and shipping), or
- b. recreation (active recreation such as swimming, boating or fishing, or passive recreation such as viewing or walking), or
- c. source of water (energy production, cooling of industrial equipment or wasteland, other industrial processes, aquaculture operations), or

- d. marine research or education (viewing, sampling, recording information, conducting experiments, teaching).

WATER-RELATED -- Uses and activities that do not require direct water access (are not water-dependent) but may be appropriate as consistent with other development criteria because:

- a. they provide goods and/or services that are directly associated with other water-dependent uses (supplying materials or offering commercial or personal services to, or using products off, water-dependent use), and
- b. location other than adjacent to the water would result in a public loss of quality in the goods and services offered (evaluation of public loss of quality will involve a subjective consideration of economic, social and environmental consequences of the use).

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, REAR -- An open unoccupied space on the same lot with the main building, between the rear line of the main building (exclusive of steps, porches, and accessory building) and the rear line of the lot.

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.

Section 1.032. 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, code or regulation.
3. Any statute or regulation of the State of Oregon.
4. Legal definition from case law or law dictionary.
5. Common dictionary.

Section 1.040. Scope and Compliance. The provisions of this Ordinance shall apply to all unincorporated areas of Clatsop County, Oregon. A parcel of land or water areas 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 the 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 1.050. 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.

Section 1.060. Development Permit Required.

- (1) Except as excluded by Section 1.062, 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 Planning 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) Unless appealed, 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.

Section 1.062. Exclusions from Development Permit Requirement. Except as indicated otherwise, an activity or development listed below is excluded from the requirement for a development permit. A listed activity is not excluded from the permit requirement in special purpose districts and resource zones, Section ---- to ---- except for numbers ( ) through ( ) and ( ) and ( ) of the following list.

- (1) Landscaping or other treatment or use of the land surface not involving a structure.



- (2) A change internal to a building or other structure that does not substantially affect the use of the structure or a sign that is accessory to a structure or use and that does not require a building permit.
- (3) An emergency measure necessary for the safety or protection of property.
- (4) Erection of a tent or similar portable structure temporarily.
- (5) Farming.
- (6) The propagation or management of timber or the cutting of timber for other purposes such as erosion control or personal use.
- (7) An alteration that does not substantially affect the use or appearance of land or a structure.
- (8) Storage on the land.
- (9) Clearing of land.
- (10) The establishment, construction or termination of a public facility that directly serves development authorized for an area including such facilities as a private or public street, sewer, water line, electrical power or gas distribution line, or telephone or television cable system.
- (11) Installation or construction of an accessory structure that does not require a building permit.
- (12) Excavation or filling of land except areas under the jurisdiction of the Corps of Engineers and Oregon State Division of Lands or as other provisions of this Ordinance may require.

Exclusion from a permit does not exempt the development or its use from applicable requirements of the Ordinance.

Section 1.070. 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.

Section 1.072. Continuation of a Non-conforming Development. Except as otherwise provided in Sections 1.076 to 1.086, a non-conforming use may continue but be changed only as authorized by this Section.

- (1) With the approval of the Planning Commission, a non-conforming development or use may be changed except that compared to comparable requirements on the date of this Ordinance became

applicable to the development, the maximum amount of special relief that can be given in the following cases is as described.

- (a) The floor area of a building shall not be increased by more than twenty (20) percent.
  - (b) The land area covered by structures shall not be increased by more than ten (10) percent.
  - (c) The standard requirement for land area or width or length of a lot or parcel shall not be reduced by more than ten (10) percent.
- (2) The entire contiguous ownership of land shall be considered as a single parcel for determination of non-conformance as a consideration for approval of any further development. A record of separate lot or parcel boundaries shall be disregarded.

Section 1.074. Completion of a Non-conforming Development. A development that is lawfully under construction on the date this Ordinance is adopted may be completed even though not in compliance with this Ordinance. The development is then non-conforming and may be used for the purpose for which it was designed, arranged and intended. If such use would not otherwise be authorized in the location, the use is then non-conforming.

Section 1.076. Termination of a Non-conforming Development. A non-conforming development or use shall terminate under the following conditions:

- (1) When the use has been discontinued for a period of twelve (12) months.
- (2) When the structure which is non-conforming has been destroyed to an extent exceeding eighty (80) percent of its fair market value as indicated by the records of the County Assessor.
- (3) When it is a sign pertaining to a business product or service and thirty (30) days have transpired since the business product or service has been offered to the public at the location of the sign.

Section 1.080. Previously Conforming Development. Some development and its use that was existing on the date of this Ordinance applied to the development does not conform to the requirements of this Ordinance for new development. Development that came into existence in compliance with the previous Zoning Ordinance adopted by the County on November 23, 1966 is distinguishable from those non-conforming developments and uses that were established prior to zoning under the Ordinance of November 23, 1966. Land subdivided or partitioned in compliance with the previous Subdivision Ordinance adopted by the County on December 22, 1969 is distinguishable from those non-conforming lots and parcels that were established prior to land division regulation under the Ordinance of December 22, 1969. The pre-existing

developments, uses, lot and parcel sizes and public facility improvements are sufficiently consistent with past and present policies of the Comprehensive Plan and this Ordinance that the development and uses are permitted where they are now located, and the lots and parcels may be further developed subject to the special conditions described in Section 1.082 to 1.086.

Section 1.082. Expansion or Reconstruction on the Lot. Expansion or reconstruction of a previously conforming development described in Section 1.080 is permitted on the lot or parcel of record and legally occupied by the development on the effective date of this Section providing the expansion or reconstruction conforms to the following:

- (1) The standards that would be applied to the same type of development in another location.
- (2) The height, setback and similar site oriented standards that new development in the area is required to observe.

Section 1.084. Resumption or Restoration. Resumption of a use or restoration or a previously conforming development described in Section 1.080 after interruption, damage or destruction is permitted if initiated within two years of the time of the interruption, damage or destruction.

Section 1.086. Non-conforming Expansion or Change. A previously conforming development or use described in Section 1.080 may be expanded to an adjacent lot or parcel or changed to serve another use if approved by the Planning Commission under a Type III procedure. Notice shall be served to abutting property owners and posted. The expansion or change shall be found to comply with the following criteria:

- (1) The existing development is sufficiently substantial so that, compared to the cost of the proposed expansion or change, the cost for conversion to comply with requirements for new development makes conversion impractical.
- (2) The proposed development and its use will be more compatible with the surrounding area than the current development and use considering the following:
  - (a) The character and history of the use and of development in the surrounding area.
  - (b) The comparable degree of noise, vibration, dust, odor, fume, glare or smoke detectable at the property line.
  - (c) The comparative amount and nature of outside storage, loading and parking.
  - (d) The comparative visual appearance.
  - (e) The comparative hours of operation.

- (f) The comparative numbers and kinds of vehicular trips to the site.
- (g) The comparative effect on existing vegetation.
- (h) The comparative effect on water drainage.
- (i) The degree of service or other benefit to the area.
- (j) Other factors which tend to reduce conflicts or incompatibility with the character or needs of the area.

## ARTICLE 2. PROCEDURES FOR DECISION MAKING

### Section 2.010. Procedures for Processing Development Permits.

- (1) An application for a development permit shall be processed under either a Type I, II, or III procedure as these procedures are described in Section 2.110 to 2.130. The differences between the procedures are generally associated with the different nature of the decisions as described in Table 2.010 below.

Table 2.010

#### APPLICATION PROCESSING PROCEDURES

<u>Permit Action</u> <u>Type I Procedure</u> (Objective Decisions)	<u>Administrative Action</u> <u>Type II Procedure</u> (Objective Decisions)	<u>Hearing Action</u> <u>Type III Procedure</u> (Complex or Subjective Decisions)	<u>Legislative Action</u> <u>Type IV Procedure</u> (Complex or Subjective Decisions)
Because of minimal or no effect on others, issuance of permit is not dependent on involving others.	Applicant of the standards may require knowing of some effect upon others.	Possible significant effect on some persons or broad effect on a number of persons.	Possible significant effect on some persons or broad effect on a number of persons.
Participation of applicant only.	Nearby property owners invited to respond to a tentative decision.	In addition to applicant others affected invited to present initial information.	Anyone invited present information on implementation.
Example: Building Permit.	Example: Major Partition, most Conditional Development and Use.	Example: New legislative zone changes, some subdivisions.	Example: Ordinance Text or area-wide map change.

- (2) When an application and proposed development is submitted the director shall determine the type procedure the ordinance specifies for its processing and the potentially affected agencies. When there is a question as to the appropriate type procedure, the application proposal 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 2.015. 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, including those set forth in the Development and Use Standards Document. 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 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 2.020. Pre-Application Conference. An applicant or the applicant's authorized representative may 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 regulations that create opportunities or pose significant constraints for the 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.

Section 2.030. 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.
- (2) An explanation of intent, stating the nature of the proposed development, reasons for the permit request, pertinent background information, information required by the Development and Use Standards Document and other information that may have a bearing in determining the action to be taken.
- (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) Legal description of the property affected by the application.
- (5) Additional information required by other sections of this Ordinance because of the type of development proposal or the area involved.

Section 2.040. 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. Within five (5) days from the date of submission, the Director shall determine whether an application is complete. If the Director determines that the application is incomplete or otherwise does not conform to the provisions of this Ordinance, the Director shall immediately notify the applicant of the negative determination by mailing or otherwise conveying an explanation to the applicant. An application for which a negative determination has been made may be resubmitted after revision to overcome the reasons for the negative determination. If a development permit application is complete and in conformance with the provisions of this Ordinance, the Director shall accept it and note the date of acceptance and the approvals needed for granting the permit on the required copies.

Section 2.050. Referral and Review of the Development Permit Applications. Within five (5) days of accepting an application, the Director shall do the following:

- (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, provide for notice and hearing as set forth in Article 6.

Section 2.060. Development Permit Decision.

- (1) Within thirty (30) 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 6.500.
- (2) The Director shall issue a development permit if he finds that applicable approvals by others have been granted and the proposed

development otherwise conforms to the requirements of this Ordinance.

- (3) 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.

Section 2.070. 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 2.110. Type I Procedure.

- (1) 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 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 2.015 to 2.070 will consider the determination of the committee.
- (2) A decision of the Director under the Type I procedure may be appealed by an affected party in accordance with Sections 6.500 to 6.530, except that review of a Type I decision is a review of the record supplemented by oral commentary relevant to the record presented on behalf of the applicant and the Director.

Section 2.120. Type II Procedure.

- (1) Except as provided in subsection (3), under the Type II procedure an application for a development permit shall be processed without a need for public hearing. The Planning 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.
- (2) If the Director finds that the development appears to satisfy the required standards, the Director shall mail and publish a notice of intent to issue a development permit pursuant to Sections 6.100 to 6.115. The notice shall describe the proposed development and shall summarize the standards and facts that justify approval of the permit. The notice shall invite persons to submit information relevant to the proposed development and the applicable standards within ten (10) days giving reasons why the permit application standards should or should not be approved or proposing modifications the person believes are necessary for approval according to the standards. The notice also shall advise of the right and the procedure to appeal the decision on the proposed development if the person's concerns are not resolved.



- (3) If the Planning Director believes that persons other than the applicant can be expected to question the application's compliance with the Ordinance, the Director may schedule a public hearing and include the date and time of the hearing in the notice provided for in subsection (2). At the public hearing, the applicant and interested persons may present information and arguments relevant to the proposed development, including reasons why the permit application should be approved or denied or how the development should be changed before receiving approval.
- (4) The Planning Director shall review any information received under subsections (2) or (3) and make a finding for each of the points in dispute. On the basis of objections or negative comments received, the Director may elect to submit the permit application to a Type III procedure. Otherwise, the Director shall make a decision on the application by approving, conditionally approving, or denying the application.
- (5) A decision by the Planning Director may be appealed by the applicant, by a person who responded to the notice or, if a hearing was conducted, by a party to the hearing. The procedure for appeal is in accordance with Sections 6.500 to 6.530.

#### Section 2.130. Type III Procedure.

- (1) Under the Type III procedure an application is scheduled for public hearing pursuant to Article 6 before the Planning Commission. 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, the applicant, and interested persons may present information relevant to the criteria and standards pertinent to the proposal, giving 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. If the application is approved, the Director will issue a development permit when the applicant has complied with the other requirements of this Ordinance.
- (2) A decision of the Commission may be appealed by a party to the hearing in accordance with Sections 6.500 to 6.530.

#### Section 2.140. Type IV Procedure.

- (1) The Type IV procedure is for use where indicated in this Ordinance. Under the Type IV procedure, the Director shall schedule a public hearing pursuant to Sections 6.010 to 6.405 and this Section before

the Planning Commission. The form of notice and persons to receive are as required by the relevant sections of this Ordinance. At the public hearing, the staff 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 make 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 County Commission.

- (2) If the Planning Commission has recommended against a proposal or has failed to act on a proposal, the County Commission may terminate further consideration of the proposal. For a proposal on which the Planning Commission has made a favorable recommendation and for other proposals that have not been terminated, the County Commission shall conduct a public hearing pursuant to Sections 6.010 to 6.120. The Director shall set a date for the hearing. 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.
- (3) To the extent that a finding of fact is required, the County Commission 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 County Commission 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 County Commission determines the conditions are appropriate to fulfill the criteria for approval.
- (4) To the extent that a policy is to be established or revised, the County Commission shall make its decision after information from the hearing has been received. The decision shall become effective by passage of an Ordinance.

Section 2.150. Legislative Enactments Not Restricted. Nothing in Article 2 shall limit the authority of the County Commission to make changes in district or zone designations or requirements as part of some more extensive revision of the Comprehensive Plan or the 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.

# ARTICLE 3. ZONES AND SPECIAL PURPOSE DISTRICTS

Section 3.010. 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 Development Patterns section of each of the Community Plans.

With each classification, land use zones are established which are appropriate to carry out the intent and purpose of the classification. The zone and district classifications within each of the Comprehensive Plan designations for the County are shown in Table 3.010 below. The zone boundaries are as shown on the Clatsop County Land and Water Development Maps, which in its present form is hereby adopted by reference. Where the abbreviated designation is used in this Ordinance, it has the same meaning as the entire classification title.

Table 3.010

## CLASSIFICATIONS

	Development	Zone and District Classification Title	Abbreviated Designation
	UGB	RSA Single Family Residential	RSA SFR
	RSA	RSA Multi-family Residential	RSA MFR
		Coastal Residential	CR
	Rural	Single Family Residential 1	SFR-1
	Farm Lands	Residential Agriculture-1	RA-1
	Conservation	Residential Agriculture-2	RA-2
	Forest Lands	Residential Agriculture-5	RA-5
	Natural	General Commercial	GC
		Tourist Commercial	TC
		Neighborhood Commercial	NC
		Heavy Industrial	HI
		Light Industrial	LI
		Urban Growth Boundary Area	UGB
		Agriculture-Forest 10	AF-10
		Agriculture-Forest 20	AF-20
		Forest 38	F-38
		Exclusive Farm Use	EFU
		Open Space, Parks and Recreation	OPR
		Natural Uplands	NU
		Marine Industrial Shorelands	M-1
		General Development Shorelands	S-1
		Shorelands Overlay District	/SO
		Conservation Shorelands	S-2
		Natural Shorelands	S-3
		Aquatic Development	A-1
		Aquatic Rural	A-2
		Aquatic Conservation	A-3
		Aquatic Natural	A-4
		Necanicum Estuary Aquatic Conservation	NAC-2
		Necanicum Estuary Aquatic Natural	NAN-1
		Flood Hazard Overlay	/FHO
		Geologic Hazard Overlay	/GHO
		Active Dune Overlay	/ADO
		Structures Allowed, Active Dune Overlay	/SAO
		Planned Development Overlay	/PDO
		Site Design Review Overlay	/SDRO

Section 3.030. 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 consists of additional sections of this Ordinance and additional standards. These shall be supplementary to the regulations of the underlying zone, and the regulations of the special purpose district and the zone shall all apply. Where these regulations conflict the regulations that are most restrictive shall control the boundaries of special purpose districts, except as indicated below are shown on the Clatsop County Land and Water Development Map.

1. The boundaries of the Flood Hazard Overlay (FHO) district shall be the areas of flood hazards identified by the Federal Insurance Administration in a report entitled: Flood Insurance Study, Clatsop County, Oregon Unincorporated Areas, dated January, 1978 and accompanying Flood Insurance Rate Maps (FIRM) and Flood Boundary and Floodway maps dated effective July 3, 1978. This report and maps are hereby adopted by this reference as a part of this Ordinance.
2. The boundaries of the Geologic Hazards Overlay (GHO) district are identified in:
  - a. the Hazards Background Report adopted July 23, 1980 and identified on the "Hazards" map in each of the Clatsop County Community Plans; and
  - b. in a report entitled A Field Inventory of Geologic Hazards from Silver Point to Cove Beach, Clatsop County, Oregon dated February 1978 and accompanying maps on file in the Clatsop County Department of Planning and Development. These reports and maps are hereby adopted by this reference as a part of this Ordinance.
3. The boundaries of the Active Dune Overlay (ADO) district shall be the areas of active dunes identified in a report entitled Stability of Coastal Dunes, Clatsop County, Oregon, Second Draft, by Leonard Palmer, dated January 1978 and accompanying orthophoto maps on file in the Clatsop County Department of Planning and Development. This report and 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 3.030.

Table 3.030

<u>Special Purpose Districts</u>	<u>Abbreviated Designations</u>
Flood Hazard Overlay	/FHO
Geologic Hazard Overlay	/GHO
Active Dune Overlay	/ADO
Structures Allowed Overlay	/SAO
Shorelands Overlay	/SO
Planned Development Overlay	/PDO
Site Design Review Overlay	/SDRO
Dredged Material Disposal, Restoration and Mitigation Reserve Overlay	/RES

Section 3.302. 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 3.040. District Boundary Changes. A change in a special purpose district designation of a portion of the County may be made by one of the following procedures, as applicable.

- (1) By the adjustment procedure of Section 5.412.
- (2) By the revision procedures of Section 5.416.
- (3) By legislative action amending the Land Development Map.

Section 3.052. Zone Changes. A change in the zone designation of a portion of the County may be made by one of the following procedures, as applicable.

- (1) A zone boundary revision can be made under Section 5.460.
- (2) Legislative action can result in a change in the Land Development Map.

Section 3.054. Effective Date of District and Zone Changes. A change in a zone or special purpose district designation of an area shall take effect twenty (20) days after the date of approval, unless appealed.

Section 3.056. Updating the Land and Water Development Map. It shall be the responsibility of the Director to keep the Land and Water Development Map 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. Alterations shall be made within ten (10) days of the effective date of an action authorized by this Ordinance that alters a boundary or a zone or special purpose district. If a discrepancy is found between the classification of land shown on the Land and Water Development Map and a record of action, the record of action shall prevail.

Section 3.100. RSA-Single Family Residential Zone (RSA-SFR).

Section 3.102. Purpose. The RSA 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 3.104. Development and Use Permitted. The following developments and their accessory developments are permitted under a Type I procedure subject to applicable development standards.

1. One family dwelling per lot.
2. Guest house.
3. Home occupation.
4. Utilities in connection with a permitted use.
5. Low intensity recreation.
6. Publicly owned neighborhood park or playground.
7. Signs subject to the provisions of Section S2.300.
8. Cluster development subject to the provisions of Section S3.150.

Section 3.106. Conditional Development and Use. The following developments and their accessory developments may be permitted under a Type II procedure and Sections 5.010 to 5.025 subject to applicable criteria and development standards and site plan review.

1. Public/semi-public uses.
2. Utilities necessary for public service.
3. Temporary real estate office in a legally recorded subdivision.
4. Two family dwelling (duplex).

Section 3.108. Development and Use Standards. The following standards are applicable to permitted and conditional developments in this area:

1. Lot size:

- a. 7,500 square feet with State approved sanitary sewer except in the Arch Cape RSA where the lot size shall vary according to the following requirements:

<u>Slope</u>	<u>Minimum Lot Size/Density</u>
0-12%	7,500 sq.ft./dwelling unit
13-25%	2 dwelling units/acre
>25%	1 dwelling unit/acre

- b. 15,000 square feet for non-sewered lots (not applicable in the Arch Cape RSA).
- c. Double the above requirements (a & b) for two family dwellings (duplex).

2. Minimum lot width - - - - - 60 feet.
3. Lot width/depth dimension shall not exceed a 1:3 ratio.
4. Maximum lot coverage for residential or non-residential use - - 40%.
5. Required front yard when front lot line abuts:
  - a. Major arterial - - - - - 50 feet.
  - b. Major collector - - - - - 30 feet.
  - c. Minor collector - - - - - 25 feet.
  - d. Local street - - - - - 20 feet.
6. Required rear yard - - - - - 20 feet.  
Exception on a corner lot - - - - - 5 feet.
7. Required side yard - - - - - 5 feet.  
Exception on a street side yard of a  
corner lot - - - - - -20 feet.
8. An accessory structure separated from the main building may be located in the required area and side yard except in the required street side of a corner lot provided that it is no closer than three (3) feet to a property line.
9. Maximum building height - - - - - 35 feet except for the Arch Cape RSA where it shall be - - - - - 26 feet, except for ocean frontage lots which shall have a maximum height of - - - 18 feet.
10. All new development shall indicate on the building permit how storm water is to be drained from the property. The Building Official shall require the installation of culverts, dry wells or retention facilities in cases where a development has major storm drainage impacts.
11. Chapters 1, 2, 5, and 6 and Sections of Chapter 3 of the Development and Use Standards Document.
12. Positioning of Structures for Future Subdivision or Partitioning: In areas where the future intention of the property or lot is further partitioning or subdivision, the Planning Director shall, where practicable, require that structures be located so as to facilitate the future division of land in a manner that accomodates smaller lot sizes and the extension of streets and utilities.
13. The setback for all structures shall be thirty-five (35) feet from the line of non-aquatic vegetation.

Section 3.110. Additional Development and Use Standards for Arch Cape RSA.

1. A twenty-five (25) foot buffer of riparian vegetation shall be maintained along Arch Cape and Asbury Creeks. The Planning Commission may grant a variance to this standard when the size of a lot or natural topography would create a hardship.

Section 3.112. State and Federal Permits. Applicants for developments which require a state or federal permit shall submit to the Planning 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 Comprehensive Plan and this Ordinance.



Section 3.120. RSA Multi-Family Residential Zone (RSA-MFR).

Section 3.122. Purpose. The 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 3.124. Development and Use Permitted. The following developments and their accessory developments are permitted under a Type I procedure subject to applicable development standards.

1. One family dwelling per lot.
2. Mobile home subject to the provisions in Section S3.180.
3. Home occupation.
4. Minor utilities.
5. Low intensity recreation.
6. Publicly owned neighborhood park or playground.
7. Signs subject to the provisions of Section S2.300.
8. Temporary mobile home for a period not to exceed one year, used during the construction of a residential structure, for which a building permit has been issued.
9. Cluster developments subject to the provisions of Section S3.150.

Section 3.126. Conditional Development and Use. The following developments and their accessory developments may be permitted under a Type II procedure and Sections 5.010 to 5.025 subject to applicable criteria and development standards and site plan review.

1. Two family dwelling (duplex).
2. Mobile home park (permitted under a Type III procedure) subject to provisions in Section S3.200.
3. Boarding or rooming house or other group housing.
4. Public/semi-public use.
5. Utilities necessary for public service.
6. Temporary real estate office in a legally recorded subdivision.

Section 3.128. Development and Use Standards. The following standards are applicable to permitted and conditional developments in this zone:

1. Lot size with state approved sewer:

- a. One family dwelling - - - - - 7,500 square feet.
- b. Mobile home - - - - - 7,500 square feet.
- c. Duplex - - - - - 10,000 square feet.
- d. Multiple family - - - - - 7,500 square feet for the first unit plus 2,500 square feet for each additional unit.

2. Lot size without state approved sewer:

- a. One family dwelling - - - - - 15,000 square feet.
- b. Mobile home - - - - - 15,000 square feet.
- c. Duplex - - - - - 20,000 square feet.
- d. Multiple family - - - - - 15,000 square feet for the first unit plus 5,000 square feet for each additional unit.

3. Minimum lot width - - - - - 60 feet.

4. Lot width/depth dimension shall not exceed a 1:3 ratio.

5. Maximum lot coverage for residential or non-residential use - - 40%.

6. Required front yard when front lot line abuts:

- a. Major arterial - - - - - 50 feet.
- b. Major collector - - - - - 30 feet.
- c. Minor collector - - - - - 25 feet.
- d. Local street - - - - - 20 feet.

7. Required rear yard - - - - - 20 feet.  
Exception on a corner lot - - - - - 5 feet.

8. Required side yard - - - - - 5 feet.  
Exception on a street side yard of  
a corner lot - - - - - 20 feet.

9. An accessory structure separated from the main building may be located in the required rear and side yard except in the required street side of a corner lot provided that it is no closer than three (3) feet to a property line.

10. Maximum building height - - - - - 35 feet.

11. All new development shall indicate on the building permit how storm water is to be drained from the property. The Building Official shall require the installation of culverts, dry wells or retention facilities in cases where a development has major storm drainage impacts.

12. Chapters 1, 2, 5, and 6 and Sections of Chapter 3 of the Development and Use Standards Document.

13. Positioning of Structures for Future Subdivision or Partitioning.  
In areas where the future intention of the property or lot is further partitioning or subdivision, the Planning 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.

14. The setback for all structures shall be thirty-five (35) feet from the line of non-aquatic vegetation.

Section 3.130. State and Federal Permits. Applicants for developments which require a state or federal permit shall submit to the Planning 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 Comprehensive Plan and this Ordinance.

Section 3.140. Coastal Residential Zone (CR).

Section 3.142. 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 has been made through existing subdivision, partitioning or development, or where the anticipated magnitude or density of development will not require more than a very basic level of services.

Section 3.144. Development and Use Permitted. The following developments and their accessory developments are permitted under a Type I procedure subject to applicable development standards.

1. One family dwelling per lot.
2. Guest house.
3. Home occupation.
4. Utilities in conjunction with a permitted use.
5. Low intensity recreation.
6. Publicly owned neighborhood park or playground.
7. Cluster development subject to the provisions of Section S3.150.
8. Signs subject to provisions of Section S2.300.

Section 3.146. Conditional Development and Use. The following developments and their accessory developments may be permitted under a Type II procedure and Sections 5.010 to 5.025 subject to applicable criteria and development standards and site plan review.

1. Campground.

Section 3.148. Conditional Development and Use Criteria. The following limitations and requirements shall apply to conditional developments:

1. The proposed development shall be consistent with the Clatsop County Comprehensive Plan.
2. The proposed development shall include safe ingress and egress.
3. The development shall be compatible with and appropriate to the natural resources and features of the area.
4. In no event shall the proposed development destroy or endanger the natural and recreational resources giving value to the area.
5. The proposed development shall include adequate measures to reduce fire hazards and prevent the spread of fire to surrounding areas.
6. The location of buildings, signs, parking, recreation and open space shall be compatible with adjacent areas and the natural scenic amenities of the locality.

Section 3.150. Development and Use Standards. The following standards are applicable to permitted and conditional developments in this zone:

1. Chapters 1, 2, 5, and 6 and Section of Chapter 3 of the Development and Use Standards Document.
2. Lot size:
  - a. For residential development - - - - - 20,000 square feet.
  - b. Other permitted development as required to meet State sanitation requirements and local setback and ordinance requirements.
  - c. Conditional developments shall be based upon:
    - (1) the site size need of the proposed use,
    - (2) the nature of the proposed use in relation to the impacts on nearby properties, and
    - (3) consideration of State sanitation requirements, local setback and other criteria and standards of this Ordinance.
3. Minimum lot width - - - - - 100 feet.
4. Lot width/depth dimension shall not exceed a 1:3 ratio.
5. Required front yard when front line abuts:
  - a. Major arterial - - - - - 50 feet.
  - b. Major collector - - - - - 30 feet.
  - c. Minor collector - - - - - 25 feet.
  - d. Local street - - - - - 20 feet.
6. Required rear yard - - - - - 20 feet.  
Exception on a corner lot - - - - - 10 feet.
7. Required side yard - - - - - 10 feet.  
Exception on a street side yard of a corner lot - - - - - 20 feet.
8. An accessory structure separated from the main building may be located in the required rear and side yard except in the required street side of a corner lot provided that it is no closer than three (3) feet to a property line.
9. Maximum building height, ocean frontage lots - - - - 18 feet.  
Others - - - - - 26 feet.
10. All new developments shall indicate on the building permit how storm water is to be drained from the property. The Building Official shall require the installation of culverts, dry wells or retention facilities in cases where a development has major storm drainage impacts.
11. The setback for all structures shall be thirty-five (35) feet from the line of non-aquatic vegetation.

Section 3.152. State and Federal Permits. Applicants for developments which require a state or federal permit shall submit to the Planning 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 Comprehensive Plan and this Ordinance.

Section 3.160. Single Family Residential-1 Zone (SFR-1).

Section 3.162. 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 developed or will develop having little or no farm uses and houses constructed in a traditional manner.

Section 3.164. Development and Use Permitted. The following uses and their accessory uses are permitted under a permit procedure subject to applicable development standards.

1. One family dwelling.
2. Home occupation.
3. Publicly owned neighborhood park or playground.
4. No signs except for:
  - a. Temporary "for sale" signs not larger than 260 square inches subject to the provisions of Section S2.300.
  - b. Political signs subject to the provisions of Section S2.300.
  - c. Name plates subject to the provisions of Section S2.300.

Section 3.166. Conditional Development and Use. None

Section 3.168. Development and Use Standards. The following standards are applicable to permitted uses in this zone:

1. Lot size:
  - a. For residential uses - - - - - 1 acre.
  - b. Other permitted development as required to meet State sanitation requirements and local setback and ordinance requirements.
2. Minimum lot width - - - - - 100 feet.
3. Lot width/depth dimension shall not exceed a 1:3 ratio.
4. Required front yard when front line abuts:
  - a. Major arterial - - - - - 50 feet.
  - b. Major collector - - - - - 30 feet.
  - c. Minor collector - - - - - 25 feet.
  - d. Local street - - - - - 20 feet.

5. Required rear yard - - - - - 30 feet.  
Exception on a corner lot - - - - - 10 feet.  
Exception when adjacent to resource zones, all structures- - 50 feet.
6. Required side yard - - - - - 30 feet.  
Exception on a street side yard of a corner  
lot - - - - - 20 feet.  
Exception when adjacent to resource zones, all structures -- 50 feet.
7. An accessory structure separated from the main building may be located in the required rear and side yard except in the required street side of a corner lot provided that it is no closer than three (3) feet to a property line.
8. Maximum building height - - - - - 26 feet, except for ocean front lots where maximum is 18 feet.
9. All new development shall indicate on the building permit how storm water is to be drained from the property. The Building Official shall require the installation of culverts, dry wells or retention facilities in cases where a development has major storm drainage impacts.
10. Chapters 1, 2, 5 and 6 and Sections of Chapter 3 of the Development and Use Standards Document.
11. The setback for all structures shall be 35 feet from the line of non-aquatic vegetation.

Section 3.170. Additional Development and Use Standards in the Clatsop Plains Planning Area.

1. 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 Planning Director or designate may waive this requirement where the size of the lot or natural topography would create a hardship.
2. 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 3.960 for Planning Developments or Section S3.150 for Cluster Developments. The minimum percentage of common open space shall be 30% excluding roads.

Section 3.172. State and Federal Permits. Applicants for developments which require a state or federal permit shall submit to the Planning 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 Comprehensive Plan and this Ordinance.



Section 3.180. Residential-Agriculture-1 Zone (RA-1).

Section 3.182. 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-10, AF-20, F-38 and EFU zones or the RA-2 zone and said residential zones, with the conversion of such lands to higher density residential use occurring in an orderly and economical manner.

Section 3.184. Development and Use Permitted. The following developments and their accessory developments are permitted under a Type I procedure subject to applicable development standards.

1. One family dwelling per lot.
2. Home occupation.
3. Minor utilities.
4. Farm use, as defined in ORS 215.203(2) (a), for the following purposes only:
  - a. Raising and harvesting of crops;
  - b. Raising of livestock and honey bees; or
  - c. Any other agricultural, horticultural, animal husbandry purpose except as provided in subsection 3.190 (9).
5. Roadside stand for farm products grown on the premises.
6. Forestry.
7. Low intensity recreation.
8. Publicly owned neighborhood park or playground.
9. Horticultural nursery.
10. Temporary mobile home for a period not to exceed one year, used during the construction of a residential structure for which a building permit has been issued.
11. Cluster developments subject to the provisions of Section 3.150.
12. Two family dwelling (duplex) subject to Section 3.194, 1a.

Section 3.186. Additional Development and Use Permitted in the Clatsop Plains Planning Area.

1. One mobile home per lot subject to the following standard:

A mobile home shall be at least 16 feet in width and installed according to State standards including skirting and tie downs.

Section 3.188. Additional Development and Use Permitted in the Northeast, Lewis & Clark, Youngs and Wallooskee River Valleys and Elsie-Jewell Planning Areas.

1. One mobile home per lot.

Section 3.190. Conditional Development and Use. The following developments and their accessory developments may be permitted under a Type II procedure and Sections 5.010 to 5.025 subject to applicable criteria and development standards and site plan review.

1. Public/semi-public development.
2. Utilities necessary for public service.
3. Extraction, processing, and stockpiling of rock, sand, mineral and other subsurface materials.
4. Dog kennel.
5. Airport.
6. Temporary real estate office in a legally recorded subdivision.
7. 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.
8. Campground.
9. Farm use for the following purposes:
  - a. Raising of any type of fowl, or processing the by-products thereof, for wholesale or retail sale;
  - b. Feed lots;
  - c. Raising of a single litter of swine more than four months of age;
  - d. Raising of fur-bearing animals for wholesale or retail sale.
10. Cottage industry subject to standards in Section S3.450.
11. Veterinary clinic.

Section 3.192. Additional Conditional Development and Use Permitted in the Northeast Planning Area.

1. Mobile home park subject to Section S3.200.

Section 3.194. Development and Conditional Development and Use Standards. The following standards are applicable to permitted and conditional developments in this zone.

1. Lot size:
  - a. For one family dwelling - - - - - 1 acre.  
For two family dwelling - - - - - 2 acres.

- b. Other permitted development as required to meet State sanitation requirements and local setback and Ordinance requirements.
- c. Conditional developments shall be based upon:
  - (1) the site size need of the proposed use,
  - (2) the nature of the proposed use in relation to the impacts on nearby properties, and
  - (3) consideration of State sanitation requirements, local setback and other criteria and standards of this Ordinance.
- 2. Minimum lot width - - - - - 150 feet.
- 3. Lot width/depth dimension shall not exceed a 1:3 ratio.
- 4. Required front yard when front line abuts:
  - a. Major arterial - - - - - 50 feet.
  - b. Major collector - - - - - 30 feet.
  - c. Minor collector - - - - - 25 feet.
  - d. Local street - - - - - 20 feet.
- 5. Required rear yard - - - - - 30 feet.  
 Exception on a corner lot - - - - - 10 feet.  
 Exception when adjacent to resource zones -  
     all structures - - - - - 50 feet.
- 6. Required side yard - - - - - 30 feet.  
 Exception on a street side yard of a  
     corner lot - - - - - 20 feet.  
 Exception when adjacent to resource zones -  
     all structures - - - - - 50 feet.
- 7. An accessory structure separated from the main building may be located in the required rear and side yard except in the required street side of a corner lot provided that is is no closer than three (3) feet to a property line.
- 8. Maximum building height - - - - - 35 feet.
- 9. All new development shall indicate on the building permit how storm water is to be drained from the property. The Building Official shall require the installation of culverts, dry wells or retention facilities in cases where a development has major storm drainage impacts.
- 10. The setback for all structures shall be 35 feet from the line of non-aquatic vegetation.
- 11. Chapters 1, 2, 5 and 6 and Section                      of Chapter 3 of the Development and Use Standards Document.

Section 3.196. Additional Development and Use Standards in the Clatsop Plains Planning Area.

1. 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 Planning Director or designate may waive this requirement where the size of the lot or natural topography would create a hardship.
2. 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 S3.960 for Planning Developments or Section S3.150 for Clustered Developments. The minimum percentage of common open space shall be 30%, excluding roads and property under water.

Section 3.198. State and Federal Permits. Applicants for developments which require a state or federal permit shall submit to the Planning 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 Comprehensive Plan and this Ordinance.

Section 3.200. Residential-Agriculture-2 Zone (RA-2).

Section 3.202. 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 residential zones is intended to be a transitional zone between the AF-10, AF-20, F-38, EFU zones and said residential zone, with the conversion of such lands to higher density residential use occurring in an orderly and economical manner.

Section 3.204. Development and Use Permitted. The following developments and their accessory developments are permitted under a Type I procedure subject to applicable development standards.

1. One family dwelling per lot.
2. One mobile home per lot subject to standards in Section S3.180.
3. Home occupation.
4. Minor utilities.
5. Farm use, as defined in ORS 215.203(2) (a), for the following purposes only:
  - a. Raising and harvesting of crops;
  - b. Raising of livestock and honey bees; or
  - c. Any other agricultural, horticultural, animal husbandry purpose except as provided in subsection 3.206(8).
6. Roadside stand for farm products grown on the premises.
7. Forestry.
8. Low intensity recreation.
9. Publicly owned neighborhood park or playground.
10. Horticultural nursery.
11. Cluster developments subject to the provisions of Section S3.250.
12. Two family dwelling (duplex) subject to Section 3.208, 1a.

Section 3.206. Conditional Development and Use. The following developments and their accessory developments may be permitted under a Type II procedure and Sections 5.010 to 5.025 subject to applicable criteria and development standards and site plan review.

1. Public/semi-public development.
2. Utilities necessary for public service.
3. Extraction, processing, and stockpiling of rock, sand, mineral and other subsurface materials.
4. Dog kennel.

5. Airport.
6. Temporary real estate office in a legally recorded subdivision.
7. 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.
8. Farm use for the following purposes:
  - a. Raising of any type of fowl, or processing the by-products thereof, for wholesale or retail sales;
  - b. Feed lots;
  - c. Raising of a single litter of swine more than four months of age;
  - d. Raising of fur-bearing animals for wholesale or retail sale.
9. Cottage industry subject to Section S3.450.
10. Veterinary clinic.

Section 3.208. Development and Conditional Development and Use Standards.

The following standards are applicable to permitted and conditional developments in this zone.

1. Lot size:
  - a. One family dwelling - - - - - 2 acres.  
Two family dwelling - - - - - 4 acres.
  - b. Other permitted development as required to meet State sanitation requirements and local setback and Ordinance requirements.
  - c. Conditional developments shall be based upon:
    - (1) the site size need of the proposed use,
    - (2) the nature of the proposed use in relation to the impacts on nearby properties, and
    - (3) consideration of State sanitation requirements, local setback and other criteria and standards of the Ordinance.
2. Minimum lot width - - - - - 250 feet.
3. Lot width/depth dimension shall not exceed a 1:3 ratio.
4. Required front yard when front line abuts:
  - a. Major arterial - - - - - 50 feet.
  - b. Major collector - - - - - 30 feet.
  - c. Minor collector - - - - - 25 feet.
  - d. Local street - - - - - 20 feet.

5. Required rear yard - - - - - 30 feet.  
     Exception on a corner lot - - - - - 10 feet.  
     Exception when adjacent to resource zones - all  
         structures - - - - - 50 feet.
6. Required side yard - - - - - 30 feet.  
     Exception on a street side yard of a corner lot - -10 feet.  
     Exception when adjacent to resource zones - all  
         structures - - - - - 50 feet.
7. An accessory structure separated from the main building may be located in the required rear and side yard except in the required street side of a corner lot provided that it is no closer than three (3) feet to a property line.
8. Maximum building height - - - - - 35 feet.
9. All new development shall indicate on the building permit how storm water is to be drained from the property. The Building Official shall require the installation of culverts, dry wells or retention facilities in cases where a development has major storm drainage impacts.
10. The setback for all structures shall be 35 feet from the line of non-aquatic vegetation.
11. Chapters 1, 2, 5 and 6 and Section                of Chapter 3 of the Development and Use Standards Document.

Section 3.210. Additional Development and Use Standards in the Seaside Rural Planning Area.

1. Mobile homes shall be at least 12 feet wide and contain 600 square feet exclusive of the tongue.

Section 3.212. State and Federal Permits. Applicants for developments which require a state or federal permit shall submit to the Planning 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 Comprehensive Plan and this Ordinance.

Section 3.220. Residential-Agriculture-5 Zone (RA-5).

Section 3.222. 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 3.224. Development and Use Permitted. The following developments and their accessory developments are permitted under a Type I procedure subject to applicable development standards.

1. One family dwelling per lot.
2. One mobile home per lot subject to standards in Section S3.180.
3. Home occupations.
4. Minor utilities.
5. Farm use, as defined in ORS 215.203(2) (a), for the following purposes only:
  - a. Raising and harvesting of crops;
  - b. Raising of livestock and honey bees; or
  - c. Any other agricultural, horticultural, animal husbandry purpose except as provided in subsection 3.226 (8).
6. Roadside stand for farm products grown on the premises.
7. Forestry.
8. Low intensity recreation.
9. Publicly owned neighborhood park or playground.
10. Horticultural nursery.
11. Cluster developments subject to the provisions of Section S3.150.
12. Two family dwelling (duplex) subject to Section 3.228, 1a.

Section 3.226. Conditional Development and Use. The following developments and their accessory developments may be permitted under a Type II procedure and Sections 5.010 to 5.025 subject to applicable criteria and development standards and site plan review.

1. Public/semi-public development.
2. Utilities necessary for public service.
3. Extraction, processing, and stockpiling of rock, sand, mineral and other subsurface materials.
4. Dog kennel.
5. Airport.



6. Temporary real estate office in a legally recorded subdivision.
7. Public or private recreation such as riding stable, fishing or boating docks or ramps, gun club, golf course, resort type establishment in association with recreation.
8. Farm use for the following purposes:
  - a. Raising of any type of fowl, or processing the by-products thereof, for wholesale or retail sale;
  - b. Feed lots;
  - c. Raising of a single litter of swine more than four months of age;
  - d. Raising of fur-bearing animals for wholesale or retail sale.
9. Cottage industry subject to Section S3.450.
10. Veterinary clinic.

Section 3.228. Development and Conditional Development and Use Standards.

The following standards are applicable to permitted and conditional developments in this zone.

1. Lot size:

- a. One family dwelling - - - - - 5 acres.  
Two family dwelling - - - - - 10 acres.
- b. Other permitted development as required to meet State sanitation requirements and local setback and Ordinance requirements.
- c. Conditional developments shall be based upon:
  - (1) the site size need of the proposed use,
  - (2) the nature of the proposed use in relation to the impacts on nearby properties, and
  - (3) consideration of State sanitation requirements, local setback and other criteria and standards of the Ordinance.

2. Minimum lot width - - - - - 400 feet.

3. Lot width/depth dimension shall not exceed a 1:3 ratio.

4. Required front yard when front line abuts:

- a. Major arterial - - - - - 50 feet.
- b. Major collector - - - - - 30 feet.
- c. Minor collector - - - - - 25 feet.
- d. Local street - - - - - 20 feet.

5. Required rear yard - - - - - 30 feet.  
     Exception on a corner lot - - - - - 10 feet.  
     Exception when adjacent to resource zones -  
         all structures - - - - - 50 feet.
6. Required side yard - - - - - 30 feet.  
     Exception on a corner lot - - - - - 10 feet.  
     Exception when adjacent to resource zones -  
         all structures - - - - - 50 feet.
7. An accessory structure separated from the main building may be located in the required rear and side yard except in the required street side of a corner lot provided that it is no closer than three (3) feet to a property line.
8. Maximum building height - - - - - 35 feet.
9. All new development shall indicate on the building permit how storm water is to be drained from the property. The Building Official shall require the installation of culverts, dry wells or retention facilities in cases where a development has major storm drainage impacts.
10. The setback for all structures shall be 35 feet from the line of non-aquatic vegetation.
11. Chapters 1, 2, 5 and 6 and Section                      of Chapter 3 of the Development and Use Standards Document.

Section 3.230. Additional Development and Use Standards in the Seaside Rural Planning Area.

1. Mobile homes shall be at least 12 feet wide and contain 600 square feet exclusive of the tongue.

Section 3.232. State and Federal Permits. Applicants for developments which require a state or federal permit shall submit to the Planning 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 Comprehensive Plan and this Ordinance.

Section 3.300. Neighborhood Commercial Zone (NC).

Section 3.302. Purpose. In addition to the purposes listed in the policies of the Comprehensive Plan, the purpose of the Neighborhood Commercial Zone (NC) are to provide for small concentrations of retail and commercial service activity necessary to satisfy some of the shopping needs or residents of the surrounding rural area; to stabilize existing commercial districts; to contribute to community identity and to protect adjacent residences and resources from adverse hazards, noise, glare, traffic congestion and other effects.

Section 3.304. Development and Use Permitted. The following developments and their accessory developments are permitted under a Type I procedure subject to applicable development standards.

1. 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.

Section 3.306. Conditional Development and Use. The following developments and their accessory developments may be permitted under a Type II procedure and Sections 5.010 to 5.025 subject to applicable criteria and development standards and site plan review.

1. An automobile service station and minor repair shop, not including body work, used car sales, or wrecking yard.
2. Residential uses in association with a permitted outright or conditional uses, such as dwelling for the owner or operator of a commercial activity.

Section 3.308. Additional Conditional Development and Use Permitted in the Arch Cape RSA area.

Section 3.310. Conditional Development and Use Criteria. The following limitations and requirements shall apply to conditional development and use.

1. Developments shall not detract from or conflict with the rural/neighborhood residential character of the area.
2. The development shall be limited in size and function to serve the rural/neighborhood area where it is located.
3. Developments shall not enclose more than 3,000 square feet of retail or service floor area.

Section 3.312. Development and Conditional Development and Use Standards. The following standards are applicable to permitted and conditional developments in this zone.

1. Chapters 1, 2, 5 and 6 and Section \_\_\_\_\_ of Chapter 3 of the Development and Use Standards Document.
2. Lot size:
  - a. Permitted development - - - - - 10,000 sq.ft.
  - b. Conditional development:
    - (1) One family dwelling or mobile home in addition to permitted development (exception in Southwest Coastal planning area). - - - 10,000 sq.ft.
    - (2) Other developments - - - - - 10,000 sq.ft.
    - (3) 2,500 sq.ft. for each motel unit.
3. Minimum lot width - - - - - 100 feet.
4. Lot width/depth dimension shall not exceed a 1:3 ratio.
5. Setbacks:
  - a. Front yard setback - - - - - 25 feet.
  - b. Side and rear yard when abutting a residence or a residential zone - - - - - 10 feet.
  - c. The setback for all structures shall be 35 feet from the line of non-aquatic vegetation.
6. Maximum building height - - - - - 35 feet.
7. 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 (3) feet to a property line.

Section 3.314. State and Federal Permits. Applicants for developments which require a state or federal permit shall submit to the Planning 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 Comprehensive Plan and this Ordinance.

### Section 3.320. Tourist Commercial Zone (TC).

Section 3.322. Purpose. The Tourist Commercial (TC) zone is intended to provide for accommodations and facilities serving tourists, the motoring public and other travelers; to provide basic services for permanent and seasonal residents; and to concentrate commercial development in appropriate areas so as to maintain the efficiency of major roads.

Section 3.324. Application. 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 3.326. Development and Use Permitted. The following developments and their accessory developments are permitted under a Type I procedure subject to applicable development standards.

1. A retail grocery, bakery, delicatessen, confectionary or similar store including the preparation of food-stuffs for sale primarily on the premises.
2. A retail drug, variety, gift, antique, garden, hardware, sporting goods, dry goods, music, florist, book, stationery, art gallery, or similar store.
3. A barber, beauty, tailor, shoe repair, laundromat, cleaners, photographic shop or similar personal service business.
4. Sporting equipment and other recreational equipment rental service.
5. An eating or drinking establishment.
6. Drive-in restaurant.
7. A hotel, motel, tourist court, lodge, resort, inn or other enclosed tourist/traveler accommodations.
8. An automobile service station, including towing, and a minor repair shop but not including body work, used car sales or wrecking yard.
9. A bus station.
10. Tourist information center.
11. 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.

Section 3.328. Conditional Development and Use. The following developments and their accessory developments may be permitted under a Type II procedure and Sections 5.010 to 5.025 subject to applicable criteria and development standards and site plan review.

1. RV Park subject to Section S3.550.
2. Veterinary clinic or animal hospital.
3. Professional offices such as real estate, legal, medical, planning and accounting.
4. Public or semi-public development.
5. Mini-storage.

Section 3.330. Conditional Development and Use Criteria. The following limitations and requirements shall apply to conditional developments:

1. Conditional developments shall not detract from or conflict with the tourist/traveler oriented commercial developments permitted in this district.
2. 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.
3. Location Criteria of RV Parks:
  - a. The RV Park shall be served by hard surfaced roads.
  - b. The RV 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 RV Park shall not exceed the capability of roads serving the development.

Section 3.332. Development and Conditional Development and Use Standards. The following standards are applicable for all permitted and conditional developments:

1. Chapters 1, 2, 5, and 6 and Section \_\_\_\_\_ of Chapter 3 of the Development and Use Standards Document.
2. Lot size "permitted or conditional development 15,000 square feet plus 10,000 square feet for one family dwelling or mobile home".
3. Minimum lot width - - - - - 75 feet.
4. Lot width/depth dimension shall not exceed a 1:3 ratio
5. Setbacks:
  - a. Front yard for structures - - - - - 25 feet.
  - b. Side and rear yard when abutting a residence or a residential zone - - 10 feet.
  - c. The setbacks for all structures shall be 35 feet from the line of non-aquatic vegetation.
6. 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 (3) feet to a property line.
7. Maximum building height - - - - - 35 feet.

Section 3.334. State and Federal Permits. Applicants for developments which require a state or federal permit shall submit to the Planning Director a copy of: the completed permit application, other surrounding material provided to the permit granting agency and a set of findings which demonstrate that the development would be consistent with the Comprehensive Plan and this Ordinance.



Section 3.340. General Commercial Zone (GC).

Section 3.342. Purpose. 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.

Section 3.344. Application. The GC zone is to be applied on major roads adjacent to or within rural communities.

Section 3.346. Development and Use Permitted. The following developments and their accessory developments are permitted under a Type I procedure subject to applicable development standards.

1. 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.
2. A retail drug, variety, gift, antique, garden, hardware, sporting goods, dry goods, music, florist, book, stationery, art gallery or similar store.
3. A barber, beauty, tailor, shoe repair, laundromat, cleaners, photographic shop or similar personal service business.
4. Sporting equipment and other recreational equipment rental service.
5. An eating or drinking establishment .
6. Drive-in facility or service.
7. A hotel, motel, tourist court, lodge, resort, inn or other enclosed tourist/traveler accommodations.
8. An automobile service station including towing and a minor repair shop but not including body work, used car sales or wrecking yard.
9. A bus station.
10. An automobile rental agency.
11. Tourist information center.
12. Car wash facilities.
13. 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.
14. Automobile, truck, mobile home, recreation vehicle sales, service, repair and towing.
15. Wholesale business, storage, warehousing, transfer company and trucking company.
16. Builders supplies including retail sales of plumbing, heating, electrical, construction, and painting supplies.

17. Farm and forestry supplies and equipment sales and services.
18. 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.
19. Second hand stores operated within an enclosed building.

Section 3.348. Conditional Development and Use. The following developments and their accessory development may be permitted under a Type II procedure and Sections 5.010 to 5.025 subject to applicable criterion and development standards and site plan review.

1. Veterinary clinic.
2. Small scale, light industrial developments such as assembly, fabricating, processing, compounding, packing and similar operations within an enclosed building.
3. Auction house or yard.
4. Developments (retail, wholesale and light industrial) similar to the above and normally located in a commercial district.
5. Automobile wrecking yard.
6. Public or semi-public development.

Section 3.350. Conditional Development and Use Criteria. The following limitations and requirements shall apply to conditional developments.

1. Stored materials shall not be exposed to view from outside the property.
2. The development is not objectionable due to odor, dust, smoke, noise, vibration or appearance.

Section 3.352. Development and Conditional Development and Use Standards. The following standards are applicable for all permitted and conditional development and use.

1. Chapters 1, 2, 5 and 6 and Section \_\_\_\_\_ of Chapter 3 of the Development and Use Standards Document.
2. Lot size "permitted or conditional development 15,000 square feet plus 10,000 square feet for one family dwelling or mobile home".
3. Minimum lot width - - - - - 75 feet.
4. Lot width/depth dimension shall not exceed 1:3 ratio.

5. Setbacks:

- a. Front yard for structures - - - - - 25 feet.
- b. Side and rear yard when abutting a residence  
or a residential zone - - - - - 10 feet.
- c. The setback for all structures shall be 35 feet  
from the line of non-aquatic vegetation.

6. Maximum building height - - - - - 35 feet.

7. 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 (3) feet to a property line.

Section 3.334. State and Federal Permits. Applicants for developments  
which require a state or federal permit shall submit to the Planning  
Director a copy of: the completed permit application; other surrounding  
material provided to the permit granting agency and a set of findings  
which demonstrate that the development would be consistent with the  
Comprehensive Plan and this Ordinance.

### Section 3.400. Heavy Industrial Zone (HI).

Section 3.402. 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.

Section 3.404. Development and Use Permitted. The following developments and their accessory developments are permitted under a Type I procedure subject to applicable development standards.

1. 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.
2. Storage, distribution services and fabrication facilities, including terminals, warehouses, storage buildings and yards, contractor's establishments, production mills or similar uses.
3. Research and development laboratories, including experimental testing and processing facilities.
4. Public utility facilities.
5. Automobile and vehicle repair, welding and service part facilities.

Section 3.406. Development and Use Standards. The following standards are applicable to permitted and conditional developments in this zone.

1. Chapters 1, 2, 5 and 6 and Section \_\_\_\_\_ of Chapter 3 of the Development and Use Standards Document.
2. Plan review and approval:

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 Planning 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.

3. Standards:

- a. Air quality: The air quality 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.

- b. Noise: As may be permitted under all laws and regulations.
  - c. Storage: Materials shall be enclosed within a structure or concealed behind sight-obscuring screening.
  - d. Fencing: Will be allowed inside a boundary planting screen and where it is necessary to protect property of the use concerned or to protect the public from a dangerous condition. The proposed fence locations and design will be subject to Planning Commission review and approval.
  - e. Buffer: 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 Planning Commission 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.
  - f. 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.
  - g. Heat and glare: Except for exterior lighting, operations producing heat and glare shall be constructed entirely within an enclosed building.
  - h. Lighting: Exterior lighting shall be directed away from adjacent property.
4. Density provisions:
- a. The minimum lot area shall be one (1) acre.
  - b. The minimum lot width shall be 100 feet.
5. Setback requirements:
- a. The front, side and rear yard setbacks shall be 10 feet except when abutting or across the street from a zone other than LI or MI, it shall be 50 feet.
  - b. Setbacks are not required where side or rear property lines abut a railroad right-of-way.

6. Building heights:

- a. There is no height limitation except within 100 feet of a zone other than LI or MI, in which case the maximum building height shall be the same height as the abutting district.

7. Off-street parking requirements: Off-street parking shall be subject to Section S2.200 of the Development and Use Standards Document.

8. 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 (3) feet to a property line.

Section 3.408. State and Federal Permits. Applicants for developments which require a state or federal permit shall submit to the Planning Director a copy of: the completed permit application, other surrounding material provided to the permit granting agency and a set of findings which demonstrate that the development would be consistent with the Comprehensive Plan and this Ordinance.

Section 3.440. Light Industrial Zone (LI).

Section 3.442. 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.

Section 3.444. Development and Use Permitted. The following developments and their accessory developments are permitted under a Type I procedure subject to applicable development standards.

1. Retail, wholesale or service business establishment.
2. Lumber yards, retail, including mill works.
3. Machine shops.
4. Bottling works.
5. Equipment storage yard.
6. Hauling, freighting and trucking yard or terminal.
7. Utility substation or other types of facilities.
8. Welding shop.
9. Wholesale business, storage building or warehouse.
10. Manufacturing, compounding, assembling, or treating products.
11. Laboratory for experiment, research or testing.

Section 3.446. Conditional Development and Use. The following developments and their accessory developments may be permitted under a Type II procedure and Sections 5.010 to 5.025 subject to applicable criteria and development standards and site plan review.

1. Automobile wrecking yard.
2. Food products manufacturing.
3. Concrete or ready-mix plant.

Section 3.448. Development and Use Standards. The following standards are applicable to permitted and conditional developments in this zone.

1. Chapters 1, 2, 5 and 6 and Section \_\_\_\_\_ of Chapter 3 of the Development and Use Standards Document.
2. Plan review and approval:

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 Planning 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.

3. Standards:

- a. 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.
- b. Noise: As may be permitted under all laws and regulations.
- c. Storage: Materials shall be enclosed within a structure or concealed behind sight-obscuring screening.
- d. Fencing: Will be allowed inside a boundary planting screen and where it is necessary to protect property of the use concerned or to protect the public from a dangerous condition. The proposed fence locations and design will be subject to Planning Commission review and approval.
- e. Buffer: 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 Planning Commission 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.
- f. 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.
- g. Heat and glare: Except for exterior lighting, operations producing heat or glare shall be constructed entirely within an enclosed building.
- h. Lighting: Exterior lighting shall be directed away from adjacent property.

4. Density provisions:

- a. The minimum lot area shall be 10,000 square feet.
- b. The minimum lot width shall be 75 feet.



5. Setback requirements:

- a. The front, side and rear yard setbacks shall be 10 feet except when abutting or across the street from a zone other than LI or MI, it shall be 50 feet.
- b. Setbacks are not required where side or rear property lines abut a railroad right-of-way.

6. Building height:

- a. The maximum building height shall be 45 feet, except within 100 feet of a zone other than LI or MI, in which case the maximum building height shall be the same height as the abutting district.

7. Off-street parking requirements: Off-street parking shall be subject to Planning Commission approval.

8. 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 (3) feet to a property line.

Section 3.450. State and Federal Permits. Applicants for developments which require a state or federal permit shall submit to the Planning Director a copy of: the completed permit application, other surrounding material provided to the permit granting agency and a set of findings which demonstrate that the development would be consistent with the Comprehensive Plan and this Ordinance.

Section 3.480. Urban Growth Boundary Zone (UGB).

Section 3.482. 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 3.484. Land and Water Development Map. All unincorporated areas within the mutually adopted UGB are shown on the Clatsop County Land and Water Development and Use Map. 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, Town of Hammond and City of Gearhart.

Section 3.486. Administration. Clatsop County administers the zoning provisions within the unincorporated area of the urban growth boundary.

Section 3.488. Permitted Development and Use, Conditional Development and Use, and Development and Use Standards. Refer to the provisions in the appropriate municipal Ordinance.

Section 3.490. State and Federal Permits. Applicants for developments which require a state or federal permit shall submit to the Planning Director a copy of: the completed permit application, other surrounding material provided to the permit granting agency and a set of findings which demonstrate that the development would be consistent with the Comprehensive Plan and this Ordinance.

### Section 3.500. Agriculture-Forest-10 Zone (AF-10).

Section 3.502. Purpose. The AF-10 zone is intended to provide for small scale forestry management or agriculture on small forest or agricultural parcels as the dominant uses of such lands, at the same time allowing for other forest uses and limited non-farm rural residential and recreational development. The AF-10 zone includes land that has direct access to a public improved (paved or oil mat) road and may be within a rural fire or water district or both. In areas immediately adjacent to urban development or when completely surrounded by rural residential development, the AF-10 zone is intended to be a transitional zone, with the conversion of such lands to non-farm rural residential uses, where appropriate, occurring in an orderly and economical manner. This zone also serves as a buffer between rural areas and large blocks of forest land in the AF-20 and F-38 zones.

Section 3.504. Development and Use Permitted. The following developments and their accessory developments are permitted under a Type I procedure subject to applicable development standards.

1. Forestry.
2. Offices, maintenance of storage facilities necessary for the management and protection of forest land.
3. Forest processing, except when located within 50 feet of a residence on an adjacent lot or a residential zone.
4. Extraction, processing, and stockpiling of rock, sand, mineral and other surface materials for use on forest lands in forest zones, except when located within 50 feet of a residence located on an adjacent lot or a residential zone.
5. Low intensity recreation.
6. Farm use.
7. Utilities in conjunction with a permitted use.
8. Single family dwelling or mobile home subject to fire protection standards in Section S3.154.
9. Roadside stand for farm products grown on premises.
10. Horticultural nursery.
11. Aquaculture.
12. Clustering subject to the standards in Section S3.154.

Section 3.506. Conditional Development and Use. The following development and their accessory developments may be permitted under a Type II procedure and Sections 5.010 to 5.025 subject to applicable criteria and development standards and site plan review.

1. Forest processing located within 50 feet of a residential zone or a residence on an adjacent lot.
2. Extraction, processing, and stockpiling of rock, sand, mineral and other surface materials for use in areas other than forest lands in forest zones and/or within 50 feet of a residence located on an adjacent lot or a residential zone.

3. Public or semi-public development.
4. Cottage industry subject to Section S3.450.
5. Kennel.
6. Veterinary clinic.
7. The boarding of horses for profit, including riding stable.
8. Solid waste disposal site.
9. Home occupation.
10. Utilities necessary for public and private service.

Section 3.508. Lot-of-Record Development and Use. The following developments and their accessory development may be permitted under a Type I procedure.

1. One family dwelling or mobile home subject to the standards in Section S3.500.

Section 3.510. Development and Conditional Development and Use Standards. The following standards are applicable to permitted and conditional developments in the zone.

1. Establishing Non-farm or Forest Uses, Section S3.500.
2. Lot size:
  - a. Minimum for division of land - 10 acres or subject to cluster development standards, Section S3.154.
  - b. Other permitted development as required to meet State sanitation requirements and local setback and ordinance requirements.
  - c. Conditional developments shall be a minimum of 2(a) above or greater as based upon:
    - (1) the site size need of the proposed use,
    - (2) the nature of the proposed use in relation to the impacts on nearby properties, and
    - (3) consideration of State sanitation requirements, local setback and other criteria and standards of the Ordinance.
3. Lot width/depth dimension shall not exceed a 1:3 ratio.
4. Setbacks:
  - a. Front yard - - - - - 30 feet.
  - b. Side and rear yard except when adjacent to resource zones - all structures - - 50 feet.
  - c. The setback for all structures shall be 35 feet from the line of non-aquatic vegetation.

5. Maximum building height - - - - - 45 feet.  
Except one family dwelling - - - - - 35 feet.
6. Chapters 1, 2, 5 and 6 and Section of Chapter  
3 of the Development and Use Standards Document.
7. The dwelling shall be located, so as to minimize loss  
of productive forest land, whenever possible, and shall  
be located at least 1,000 feet from a forest processing  
facility.
8. A firebreak of 30 feet shall be provided around the  
dwelling. This firebreak may contain ornamental  
shrubbery, single specimen trees, or similar plants  
used as ground cover, provided they do not provide  
a means of rapidly transmitting fire from native  
growth to the dwelling.

Section 3.512. Exception to Minimum Lot Size. Lots less than the minimum  
lot size may be created under a Type I procedure in the following case:

- a. The division is required to obtain financing for  
structures permitted in the zone. (No transfer  
of property allowed).

Section 3.514. State and Federal Permits. Applicants for developments  
which require a state or federal permit shall submit to the Planning  
Director a copy of: the completed permit application, other surrounding  
material provided to the permit granting agency and a set of findings  
which demonstrate that the development would be consistent with the  
Comprehensive Plan and this Ordinance.

Section 3.520. Agriculture-Forest-20 Zone (AF-20).

Section 3.522. Purpose. The AF-20 zone is intended to provide for small scale forestry management or agriculture where parcel size and ownership patterns may not be appropriate for large scale commercial practices like those found in the Forest-38 (F-38) zone, and to encourage forestry or agriculture as the dominant uses of such lands with a view of preserving such land as long as possible for the production of forestry and agricultural products and ensuring that the conversion of such lands to Development or Rural uses, where necessary and appropriate, occurs in an orderly and economic manner.

Section 3.524. Development and Use Permitted. The following developments and their accessory developments are permitted under a Type I procedure subject to applicable development standards.

1. Forestry.
2. Offices, maintenance of storage facilities necessary for the management and protection of forest land.
3. Forest processing, except when located within 50 feet of a residence on an adjacent lot or a residential zone.
4. Extraction, processing, and stockpiling of rock, sand, mineral and other surface materials for use on forest lands in forest zones except when located within 50 feet of a residence located on an adjacent lot or a residential zone.
5. Low intensity recreation.
6. Farm use.
7. Utilities in conjunction with a permitted development.
8. Single family dwelling or mobile home subject to fire protection standards in Section S3.154.
9. Roadside stand for farm products grown on premises.
10. Horticultural nursery.
11. Aquaculture.
12. Clustering subject to the standards in Section S3.154.

Section 3.526. Conditional Development and Use. The following developments and their accessory developments may be permitted under a Type II procedure and Sections 5.010 to 5.025 subject to applicable criteria and development standards and site plan review.

1. Forest processing located within 50 feet of a residential zone or a residence on an adjacent lot.
2. Extraction, processing, and stockpiling of rock, sand, mineral and other surface materials for use in areas other than forest lands in forest zones and/or within 50 feet of a residence located on an adjacent lot or a residential zone.
3. Public or semi-public development.
4. Cottage industry subject to Section S3.450.
5. Kennel.
6. Veterinary clinic.

7. The boarding of horses for profit, including riding stable.
8. Solid waste disposal site.
9. Home occupation.
10. Utilities necessary for public or private service.

Section 3.528. Lot-of-Record Development and Use. The following development and their accessory developments may be permitted under a Type I procedure:

1. One family dwelling or mobile home subject to the standards in Section S3.500.

Section 3.530. Development and Conditional Development and Use Standards. The following standards are applicable to permitted and conditional developments in the zone.

1. Establishing Non-farm or Forest Uses, Section S3.500.
2. Lot size:
  - a. Minimum for division of land - 20 acres or subject to cluster development standards, Section S3.154.
  - b. Other permitted development as required to meet State sanitation requirements and local setback and Ordinance requirements.
  - c. Conditional developments shall be a minimum of 2(a) above or greater as based upon:
    - (1) the site size need of the proposed use,
    - (2) the nature of the proposed use in relation to the impacts on nearby properties, and
    - (3) consideration of State sanitation requirements, local setback and other criteria and standards of the Ordinance.
3. Lot width/depth dimension shall not exceed a 1:3 ratio.
4. Setbacks:
  - a. Front yard - - - - - 30 feet.
  - b. Side and rear yard - - - - - 30 feet  
Except when adjacent to resource zones - all structures - - - - - 50 feet.
  - c. The setback for all structures shall be 35 feet from the line on non-aquatic vegetation.
5. Maximum building height - - - - - 45 feet.  
Except one family dwelling - - - - - 35 feet.

6. Chapters 1, 2, 5 and 6 and Section of Chapter 3 of the Development and Use Standards Document.
7. The dwelling shall be located, so as to minimize loss of productive forest land, whenever possible, and shall be located at least 1,000 feet from a forest processing facility.
8. A firebreak of 30 feet shall be provided around the dwelling. This firebreak may contain ornamental shrubbery, single specimen trees, or similar plants used as ground cover, provided they do not provide a means of rapidly transmitting fire from native growth to the dwelling.

Section 3.532. Exception to Minimum Lot Size. Lots less than the minimum lot size may be created under a Type I procedure in the following case:

- a. The division is required to obtain financing for structures permitted in the zone. (No transfer of property allowed).

Section 3.534. State and Federal Permits. Applicants for developments which require a state or federal permit shall submit to the Planning 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 Comprehensive Plan and this Ordinance.



Section 3.540. Forest-38 Zone (F-38).

Section 3.542. Purpose. The F-38 zone is intended to conserve large, generally contiguous areas of forest land and to encourage forestry and other forest uses as the dominant use of such lands. Development of land and water not compatible with forestry shall be prohibited. For the purposes of this section, development compatible with forestry shall include uses which promote a sustained yield of forest products, uses which provide grazing for domestic livestock and habitat for wildlife, uses which promote the protection of forest cover, soils and watershed, and uses which promote the preservation of recreational and scenic opportunities.

Section 3.544. Development and Use Permitted. The following developments and their accessory developments are permitted under a Type I procedure subject to applicable development standards.

1. Forestry.
2. Office and maintenance and storage facilities necessary for the management and protection of forest land.
3. Forest processing, except when located within 50 feet of a residence on an adjacent lot of a residential zone.
4. Extraction, processing, and stockpiling of rock, sand, mineral and other surface materials for use on forest lands in forest zones except when located within 50 feet of a residence located on an adjacent lot or a residential zone.
5. Low intensity recreation.
6. Farm use.
7. Utilities in conjunction with a permitted development.
8. Aquaculture.

Section 3.546. Conditional Development and Use. The following developments and their accessory developments may be permitted under a Type II procedure and Sections 5.010 to 5.025 subject to applicable criteria and development standards and site plan review.

1. Forest processing located within 50 feet of a residential zone or a residence on an adjacent lot.
2. Extraction, processing, and stockpiling of rock, sand, mineral and other surface materials for use in areas other than forest lands in forest zones and/or within 50 feet of a residence located on an adjacent lot or a residential zone.
3. Utilities necessary for public and private service.
4. Single family dwelling or mobile home subject to standards in Section S1.014 and fire protection standards in Section S3.154.
5. Solid waste disposal site.

Section 3.548. Lot-of-Record Development and Use. The following development and their accessory developments may be permitted under a Type I procedure.

1. One family dwelling or mobile home subject to the standards in Section S3.500.

Section 3.550. Development and Conditional Development and Use Standards. The following standards are applicable to permitted and conditional developments in the district.

1. Establishing Non-farm or Forest Uses, Section S3.500.
2. Lot size:
  - a. Minimum for division of land - 38 acres, or subject to cluster development standards, Section S3.154.
  - b. Other permitted development as required to meet State sanitation requirements and local setback and Ordinance requirements.
  - c. Conditional developments shall be a minimum of 2(a) above, or greater as based upon:
    - (1) the site size need of the proposed use,
    - (2) the nature of the proposed use in relation to the impacts on nearby properties; and
    - (3) consideration of State sanitation requirements, local setback and other criteria and standards of the Ordinance.
3. Lot width/depth dimension shall not exceed a 1:3 ratio.
4. Setbacks:
  - a. Front yard - - - - - 30 feet.
  - b. Side and rear yard - - - - - 30 feet.  
Except when adjacent to resource zones  
- all structures - - - - - 50 feet.
  - c. The setback for all structures shall be 35 feet from the line of non-aquatic vegetation.
5. Maximum building height - - - - - 45 feet.  
Except one family dwelling - - - - - 35 feet.
6. Chapters 1, 2, 5, and 6 and Section of Chapter 3 of the Development and Use Standards Document.

Section 3.552. Exception to Minimum Lot Size. Lots less than the minimum lot size may be created under a Type I procedure in the following case:

- a. The division is required to obtain financing for structures permitted in the zone. (No transfer of property allowed).

Section 3.554. State and Federal Permits. Applicants for developments which require a state or federal permit shall submit to the Planning 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 Comprehensive Plan and this Ordinance.

Section 3.560. Exclusive Farm Use Zone (EFU).

Section 3.562. Purpose. The purpose and intent of the EFU zone is to provide areas for the continued practice of agriculture and permit the establishment of only those new developments which are compatible to agricultural activities.

Further, it is the intent of this zone classification to provide the automatic farm use valuation for farms which qualify under the provisions of Oregon Revised Statutes (ORS) 308.345-308.406. Therefore, the EFU zone is to be applied in those areas generally well suited for farming, as indicated by the nature and type of soil, size and location of the property, the suitability of the terrain and other similar factors.

Further, the EFU zone is intended to guarantee the preservation and maintenance of the areas so classified for farm use free from conflicting non-farm uses and influences. The zone is subject to change in those instances where there is substantial evidence that such land is no longer suitable for agriculture or that there has been a significant and substantial change in the land needs in the County which clearly demonstrates that such land is needed for development other than agriculture.

It is the purpose and intent of this zone to encourage farm or agricultural use of land.

All partitions of land within an EFU zone shall be subject to the requirements of Sections 3.572 and 5.200 of this Ordinance.

Section 3.564. Development and Use Permitted. The following developments and their accessory developments are permitted under a Type I procedure subject to applicable development standards.

1. Farm uses (see definition) including a roadside stand for farm produce.
2. Public or private school.
3. Churches.
4. Forestry.
5. Utility facilities necessary for public service, except commercial facilities for the purpose of generating power for public use by sale.
6. One family dwelling, or mobile home and other buildings customarily provided in conjunction with farm use.
7. The temporary use of a mobile home or recreational vehicle during a family hardship condition, where such condition relates to the aged, the infirm or to persons otherwise incapable of maintaining a complete separate residence apart from their family and where such use is to be temporary in nature. The mobile home placement permit for such use shall note that it is temporary and subject to renewal annually. In the event the reason for the hardship no longer exists, the removal of the temporary use shall be required.

Section 3.566. Conditional Development and Use. The following developments and their accessory developments may be permitted under a Type II procedure and Sections 5.010 to 5.025 subject to applicable criteria and development standards and site plan review.

1. One family dwelling or mobile home not provided on conjunction with farm use subject to Section S3.500.
2. Commercial developments that are in conjunction with farm use such as a veterinarian office, feed and seed store, farm machinery sales and repair shop, winery, or farmer's market and that serve a need of farm operations in the area.
3. Operations conducted for the exploration, mining and processing of aggregate and other mineral resources or other subsurface resources subject to Section S3.400.
4. Parks, playgrounds, or community centers owned and operated by a governmental agency or non-profit corporation.
5. Golf courses.
6. Home occupations carried on by a member or members of a family, no employee or other person being engaged in the same, within their dwelling or other buildings customarily provided in conjunction with farm use.
7. The board of horses for profit.
8. A facility for forest processing. Such a facility may be approved for a one-year period which is renewable.
9. Personal use airports for airplanes and helicopter pads, including associated hangar, maintenance and service facilities. A personal use airport used in this section means an airstrip restricted, except for aircraft emergencies, to be used by the owner, and, on an infrequent and occasional basis, by his 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. Exceptions to the activities permitted under this definition may be granted through waiver action by the Aeronautics Division in specific instances. A personal use airport lawfully existing as of September 15, 1975, shall continue to be permitted subject to applicable regulations of the Aeronautics Division.
10. Solid waste disposal site.

Section 3.568. Conditional Development and Use Criteria. The following limitations and requirements shall apply to conditional development and use:

1. is compatible with farm uses; and
2. does not interfere seriously with accepted farming practices on adjacent lands devoted to farm use.

Section 3.570. Lot-of-Record Development and Use. The following development and their accessory developments may be permitted under a Type II procedure:

1. One family dwelling or mobile home subject to the standards in Section S3.500.

Section 3.572. Development and Conditional Development and Use Standards. The following standards are applicable to permitted and conditional developments in this zone.

General Standards:

1. Minimum lot size for the division of land except for provisions of Section 3.572 (9) - - - - - 38 acres.
2. Minimum lot size: Domestic lots in Section 3.572 (9) - - 20,000 square feet.
3. Maximum lot size: Homesite lots in Section 3.572 (9) -- 2 acres.
4. Maximum building height: Dwellings - - - - - 35 feet.  
All other structures - - no standard.
5. Minimum front yard: 30 feet for all structures abutting on a street.
6. Minimum rear yard: Dwellings - - - - 30 feet.  
Churches, public and private schools and other non-farm uses - - - 50 feet.
7. Minimum side yard: Dwellings - - - - 30 feet.  
Churches, public and private schools and other non-farm uses - - - 30 feet.
8. No requirement of Section S2.012 Clear Vision Areas shall interfere with growing of farm crops.
9. Maximum Density Standard:

Purpose: The purpose of this provision is to establish criteria for allowing the clustering of non-farm dwellings on small lots using a maximum allowable density in an EFU zone instead of applying a large minimum lot size requirement which may result in fragmented farms. The intent of this standard is to provide for the creation of smaller homesites while retaining a large farm unit and maintaining an overall maximum density for the original parcel. See cluster development standards Section S3.150.

Standards:

- (a) The original farm use parcel must be thirty-eight (38) acres or more in gross acreage.
- (b) The maximum allowable density shall be one dwelling unit per thirty-eight (38) acres. In calculating the maximum density,

farm dwellings and building shall not be considered in the density limitation. The maximum number of homesite lots shall be determined by rounding the gross acreage of the original parcel to the nearest multiple of thirty-eight acres. If no multiple is nearest, then it shall be rounded to the greater multiple of thirty-eight acres.

- (c) The maximum lot size of a homesite shall be two acres.
- (d) Homesite lots, when created, shall whenever possible, be at the periphery of the original parcel and contiguous to each other. One non-farm dwelling shall be permitted on each homesite lot created under this standard excluding the farm unit portion of the original parcel provided that each non-farm dwelling is consistent with the standards of Section S3.500.

Procedures:

- (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 Planning Director or designate shall determine and include with the approved plan map a statement indicating:
    - (1) the number of homesite lots allowable on the original parcel,
    - (2) a legal description of the original parcel,
    - (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.
10. Special Exception. The Planning Commission or its designate may permit the partitioning of land in an EFU zone without applying the Maximum Density Standard when one or more of the following circumstances exist:
- (a) The partition will only remove land from farm use that is unsuitable for the production of farm crops and livestock, considering the terrain, adverse soil or land conditions, drainage, and vegetation.
  - (b) The partition is required to obtain construction financing for a farm dwelling.
  - (c) The partition is for the purpose of establishing an intense agricultural activity such as the growing of cranberries, holly, and other highly managed farm uses.

- (d) The partition is for the purpose of making more efficient use of the land for agricultural purposes and would result in increased agricultural production. A partition under this provision shall not be granted which would result in the construction or placement of a non-farm dwelling unit except when further partitioning would be allowed under Section 3.572 (10) (a) above.

11. Homestead Exception.

Purpose: The purpose of this section is to establish policies, criteria, and procedures for the granting of Homestead Exceptions in the EFU zone for the purpose of disposing of farm acreage while retaining the applicant's personal residence and its surrounding homesite lot.

The Planning Commission or its designate may grant the partitioning of land in an EFU zone without applying the maximum density standard when all of the following conditions have been met:

- (a) A Homestead Exception may be granted only on a lot where the applicant's personal residence is existing on the parcel at the time of adoption of this section.
- (b) The maximum lot size for the homesite lot surrounding the personal residence shall be two (2) acres.
- (c) Only one Homestead Exception may be granted on the same original parcel or the same applicant.
- (d) A Homestead Exception shall not be granted which may result in the construction or placement of non-farm dwelling.

An application to partition under this Homestead Exception shall comply with Section 5.200 of this Ordinance.

12. Chapters 1, 2, 5 and 6 and Section of Chapter 3 of the Development and Use Standards Document.

- 13. An accessory structure separated from the main building may be located in the required rear and side yard, except in the required street side of a corner lot provided it is no closer than three (3) feet to a property line.

Section 3.574. Prohibited Uses. It shall be unlawful to erect, structurally alter, enlarge, maintain or establish in an EFU zone any building, use or occupancy not permitted or allowed in the foregoing provisions of this zone, excepting non-conforming uses which may continue as provided in Section 1.072-1.086. Subdivisions not consistent with the purpose and intent of this zone are prohibited in an EFU zone.



Section 3.576. State and Federal Permits. Applicants for developments which require a state or federal permit shall submit to the Planning 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 Comprehensive Plan and this Ordinance.

Section 3.580. Open Space, Parks, and Recreation Zone (OPR).

Section 3.582. 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 3.584. Development and Use Permitted. The following developments and their accessory developments are permitted under a Type I procedure subject to applicable development standards.

1. Farm use.
2. Forest use.
3. Wildlife refuge or management area.
4. Public regional park or recreation area excluding campgrounds.
5. Historical or archaeological site/area.
6. Golf courses.
7. Municipally owned watersheds.
8. Other watersheds.
9. Accessory development customarily provided in conjunction with the above developments.

Section 3.586. Conditional Development and Use. The following developments and their accessory developments may be permitted under a Type II procedure and Sections 5.010 to 5.025 subject to applicable criteria and development standards and site plan review.

1. Campgrounds.
2. Group camping facilities (e.g. youth, church).
3. RV park subject to Section S3.550.
4. Resorts and associated service facilities.
5. Hunting and fishing clubs.
6. Riding stables and trails.
7. Marinas, boat launchings and moorage facilities.
8. Structures for viewing or exhibition of natural resources.
9. Accessory development customarily provided in conjunction with the above developments.
10. Cemetery.
11. Other developments within a historical structure provided the use would not result in the modification of the outward appearance of the structure.

Section 3.588. Conditional Development and Use Criteria. The following limitations and requirements shall apply to conditional developments.

1. The proposed development shall be consistent with the Clatsop County Comprehensive Plan.
2. 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.
3. In no event shall the proposed development destroy or endanger the natural and recreational resources giving value to the area.
4. The proposed development shall include adequate measures to reduce fire hazards and prevent the spread of fire to surrounding areas.
5. 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.
6. Location Criteria of RV Parks:
  - a. The RV Park shall be served by hard surfaced roads.
  - b. The RV 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 RV Park shall not exceed the capability of roads serving the development.

Section 3.590. Development and Use Standards. The following standards are applicable to permitted and conditional developments in this zone:

1. Setbacks. No structure 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.
2. Utility Services. All utility services, including power and telephone, shall be installed underground where physical conditions permit.
3. Building Height. Maximum height for all structures shall be 35 feet or the maximum height allowed in an adjacent zone that has a lower maximum height standard.
4. Area and Lot Size. The minimum area and lot size shall be that determined to be necessary for the protection of health and natural resources.
5. 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 (3) feet to a property line.

Section 3.592. State and Federal Permits. Applicants for developments which require a state or federal permit shall submit to the Planning 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 Comprehensive Plan and this Ordinance.

Section 3.600. Natural Uplands Zone (NU).

Section 3.602. 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 3.604. Development and Use Permitted. The following developments and their accessory developments are permitted under a Type I procedure subject to applicable development standards.

1. Wildlife sanctuary or preserve.
2. Forest or plant preserve.

Section 3.606. Conditional Development and Use. The following developments and their accessory developments may be permitted under a Type II procedure and Sections 5.010 to 5.025 subject to applicable criteria and development standards and site plan review.

1. Facilities for scientific and educational observation and experimentation.
2. The following public recreational/educational development limited to day use and provided that the development does not destroy or endanger the natural resources.
  - a. An exhibition of the natural characteristics of the area and the vegetation or wildlife supported by such land and water resources;
  - b. Accessory facility for an outdoor recreation activity such as fishing, hiking, or horseback riding.

Section 3.608. State and Federal Permits. Applicants for developments which require a state or federal permit shall submit to the Planning 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 Comprehensive Plan and this Ordinance.

Section 3.620. Marine Industrial Shorelands Zone (M-1).

Section 3.622. Purpose. The intent of this zone is to provide areas for water-dependent industry and supporting development. Due to the zone's classification as an area especially suited for water-dependent development and to environmental considerations, most developments are allowed only if review or conditional development standards and procedures are satisfied.

Section 3.624. Development and Use Permitted. The following developments and their accessory developments are permitted under a Type I procedure subject to applicable development standards.

1. Grazing or other farm use involving no structures.
2. Forestry.
3. Minor utilities.
4. Navigational aides.

Section 3.626. Development and Use Permitted with Review. The following developments and their accessory developments are permitted under a Type II procedure and Sections 5.040 to 5.050 subject to applicable criteria and development standards and site plan review.

1. Ship and boat building and repair.
2. Seafood receiving and/or processing.
3. Petroleum receiving, dispensing and/or storage for marine use.
4. Forest manufacturing.
5. Shipping activities and/or port marine operations.
6. Cold storage and/or ice processing facilities.
7. Dock/moorages.
8. Security guard quarters.
9. Aquaculture.
10. Warehousing and/or other storage areas for marine equipment and/or products.
11. Other water dependent industrial developments meeting the criteria in Section 3.428.
12. Water related developments meeting the criteria in Section 3.428.
13. Temporary developments subject to Section
14. Bankline or stream alteration.
15. New dike construction or maintenance/repair of existing dikes.
16. Dredged material disposal.
17. Excavation to create new water surface.
18. Fill.
19. Shoreline stabilization.
20. Utilities necessary for public service.
21. Mining/mineral extraction and processing.

Section 3.628. Criteria for Determining Water-Dependent and Water-Related Uses.

- (1) A development is determined to be water-dependent when it can only be carried out on, in, or adjacent to water and the location or access is needed for:
  - a. waterborne transportation (such as navigation, moorage, fueling, and servicing of ships or boats; terminal and transfer facilities; fish or other resource and material receiving and shipping, or
  - b. a source of water (such as energy production, cooling of industrial equipment or wastewater, other industrial processes, aquaculture operations).
- (2) A development is determined to be water-related when the development does not require the placement of fill and
  - a. provides goods and/or services that are directly associated with water-dependent developments (supplying materials to, or using products of water-dependent developments); and
  - b. if not located near the water, would experience a public loss of quality in the goods and services offered (evaluation of public loss of quality will involve a subjective consideration of economic, social, and environmental consequences of the development).

Section 3.630. Development and Use Standards. The following standards are applicable to developments permitted with review in this zone.

1. Chapters 1, 2, 5 and 6 and Sections of Chapter 3 of the Development and Use Standards Document; and
2. Section S4.200, Shoreland and Aquatic Development and Section S4.400, Rock and Mineral Resource Use, of the Development and Use Standards Document.
3. Plan review and approval:

No building permit or other permit for construction or alteration of any building structure or use in the M-1 zone shall be issued until plans have been reviewed and approved by the Planning Director in order to evaluate their conformity with the performance standards of this zone and the Comprehensive Plan, and to evaluate the compatibility of the proposed structures or uses with surrounding uses as to factors, including, but not limited to, 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. Following said review, any activity or structure so approved by the Planning Director shall be deemed a permitted development with review under the general description of permitted uses set forth in Section 3.626 hereof. Any activity or structure shall no longer be deemed a permitted use if not so constructed or completed, of the activity undertaken within the time not to exceed five years as may be set forth in the approval and review. If the permitted use status is lost because of lack of construction or activity within the time specified, a new plan, review or approval must be obtained.

4. Standards:

- a. All uses must meet applicable state and federal air quality and noise laws or regulations.
- b. 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 other animals or birds, or otherwise create a health hazard or nuisance.
- c. Fencing: will be allowed inside a boundary planting screen and where it is necessary to protect property of the use concerned or to protect the public from a dangerous condition, with the following provisions:
  1. No fence shall be constructed in the required setback from the public road right-of-way unless otherwise specifically approved by the Planning Commission.
  2. Fences shall be aesthetically compatible with the surrounding property.
- d. Lighting: exterior lighting shall be directed away from zones other than LI unless otherwise approved.

5. Density provisions:

- a. The minimum lot area shall be one (1) acre.
- b. The minimum lot width shall be 150 feet.

6. Setback requirements:

- a. Where a lot abuts a zone other than LI, there shall be a front, side, or rear yard setback of not less than 50 feet. Otherwise, the front, side, or rear yards may be reduced to zero.



- b. Setbacks are not required where side, rear or front property lines abut a railroad right-of-way.
  - c. Buffer: where the MI zone adjoins a zone other than LI, there shall be a buffer area of a 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 Planning Commission. In no case shall the buffer area have less width than the required 50 foot setback of this zone.
7. Height: there is no height limitation except within 100 feet of a zone other than LI in which case the maximum height shall be the same height as the abutting zone.

Section 3.632. State or Federal Permits. Applicants for developments which require a state or federal permit shall submit to the Planning 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 Comprehensive Plan and this Ordinance. This information shall be subject to the Consistency Review Procedure set forth in Section 5.120.

Section 3.640. General Development Shorelands Zone (S-1).

Section 3.641. Purpose. This zone is intended for coastal shoreland areas (as defined in the Comprehensive Plan appropriate for a variety of uses which are designed to capitalize on and preserve the unique qualities of the waterfront. General development shorelands may include areas presently developed or suitable for residential, commercial, or recreational development.

Section 3.642. Development and Use Permitted. The following developments and their accessory developments are permitted under a Type I procedure subject to applicable development standards.

1. Farm use subject to Section S4.203.
2. Forestry.
3. Aquaculture subject to Section S4.204.
4. Public or private waterfront parks and waysides subject to Section S4.226.
5. Fishing piers subject to Section S4.226.
6. Boat launches subject to Section S4.226.
7. Foot paths, equestrian and bike trails subject to Section S4.226.
8. Other water-dependent recreational development subject to Section S4.226.
9. Navigational aides.
10. One-family dwelling or mobile home subject to Section S3.180.
11. Signs subject to Section S2.300.
12. Utilities in conjunction with a permitted development subject to Section S4.223.
13. Docks/moorages subject to Section S4.208.
14. New land transportation facilities.
15. Dike construction subject to Section S4.234.
16. Fill subject to Section S4.242.
17. Shoreline stabilization subject to Section S4.246.
18. Communication facilities and other utilities subject to Section S4.223.

Section 3.643. Development and Use Permitted with Review. The following activities and their accessory developments are permitted under a Type II procedure and Sections 5.040 and 5.050, subject to applicable criteria, development standards and site plan review.

1. Bankline or stream alteration subject to Section S4.232.

The following developments require a finding that such developments satisfy a need which cannot be accommodated on shorelands designated for more intensive development.

2. Fish receiving/shipping stations and storage facilities.
3. Boat building and repair facilities.
4. Marine equipment sales.
5. Cold storage and/or ice processing facilities.
6. Boat storage facilities.

Section 3.645. Development and Use Standards. The following minimum standards are applicable to developments in this zone.

A. Residential structures:

1. Lot size - - - - - 1 acre.
2. Minimum lot width - - - - - 150 feet.
3. Minimum lot depth - - - - - 200 feet.
4. Lot width/depth dimension shall not exceed a 1:3 ratio.
5. Required front yard - - - - - 30 feet.  
as measured from the aquatic-shoreland  
boundary if applicable, or required front  
yard when front line abuts:
  - a. Major arterial - - - - - 50 feet.
  - b. Major collector - - - - - 30 feet.
  - c. Minor collector - - - - - 25 feet.
  - d. Local street - - - - - 30 feet.
6. Required rear yard - - - - - 30 feet.  
as measured from the aquatic-shoreland  
boundary if applicable - - - - - 20 feet.  
exception on a corner lot - - - - - 10 feet.
7. Required side yard - - - - - 30 feet.  
as measured from the aquatic-shoreland  
boundary if applicable or - - - - - 10 feet.  
exception on a street side yard of  
a corner lot - - - - - 20 feet.
8. An accessory structure separated from the main building  
may be located in the required rear and side yard except  
in the required shoreland setback or except in the required  
street side of a corner lot provided that it is no  
closer than three (3) feet to the property line.
9. Maximum building height - - - - - 35 feet.

10. All new developments shall indicate on the building permit how storm water is to be drained from the property. The Building Official shall require the installation of culverts, dry wells or retention facilities in cases where development has major storm drainage impacts.
11. The structure shall be located so as not to interfere with normal agriculture practices on adjacent lands.

B. Commercial and storage structures:

1. Minimum lot size - - - - - 15,000 square feet or larger if required to meet State sanitation requirements and other Ordinance requirements.
2. Minimum lot width - - - - - 60 feet.
3. Minimum lot depth - - - - - 100 feet.
4. Lot width/depth dimension shall not exceed a 1:3 ratio.
5. Maximum lot coverage - - - - - -40%.
6. Required front yard - - - - - -30 feet.  
as measured from the aquatic-shoreland boundary if applicable or required front yard when front line abuts:
  - a. Major arterial - - - - - 50 feet.
  - b. Major collector - - - - - -30 feet.
  - c. Minor collector - - - - - -25 feet.
  - d. Local street - - - - - 30 feet.
7. Required side yard - - - - - 30 feet.  
as measured from the aquatic-shoreland boundary if applicable or - - - - -10 feet.  
exception on a street side yard of  
a corner lot - - - - - -20 feet.
8. An accessory structure separated from the main building may be located in the required rear and side yard except in the required shoreland setback or except in the required street side of a corner lot provided that it is no closer than three (3) feet to the property line.
9. Maximum building height - - - - - 35 feet.

10. All new developments shall indicate on the building permit how storm water is to be drained from the property. The Building Official shall require the installation of culverts, dry wells or retention facilities in cases where a development has major storm drainage impacts.
11. The structure shall be located so as not to interfere with normal agriculture practices on adjacent lands.
12. Off-street parking subject to Section S2.300.

Section 3.647. Review Criteria for Residential Land Divisions. In addition to the requirements for land divisions in Section 5.200, an application for a land division in this zone must show that the housing satisfies a need that cannot be met on shorelands designated for more intensive development and that the development shall not interfere with normal agricultural use and practices on adjacent parcels of land.

In addition, subdivisions shall:

- (1) be designed so as to protect and compliment the aesthetic character of the shorelands and adjacent aquatic areas (as viewed from the water or shorelands),
- (2) provide for public pedestrian access to the shoreline within the development,
- (3) show how shoreline vegetation will be preserved and/or replaced.

These conditions may be waived in the case of land division which includes land outside of the shoreland area on which residential structures are to be confined.

Section 3.648. State and Federal Permits. Applicants for developments which require a state or federal permit shall submit to the Planning 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 Comprehensive Plan and this Ordinance. This information shall be subject to the Consistency Review procedure set forth in Section 5.120.

## Section 3.660. Conservation Shorelands Zone (S-2).

Section 3.662. Purpose. This zone is intended for shorelands which provide important resource or ecosystem support functions but because of their value for low intensity recreation or sustained yield resources or because of their unsuitability for development should be designated for non-consumptive uses. Non-consumptive uses are those which can utilize resources on a sustained yield basis, while minimally reducing opportunities for other uses of the area's resources.

Section 3.664. Development and Use Permitted. The following developments and their accessory developments are permitted under a Type I procedure and Section S4.200 subject to applicable criteria and development standards and site plan review.

1. Low to moderate intensity recreation.
2. Navigational aides.
3. Agriculture.
4. Aquaculture subject to Section S4.204.
5. Timber propagation and harvesting subject to Section S4.200.
6. Dike maintenance and repair subject to Section S4.234.
7. Shoreline stabilization-vegetative and riprap subject to Section S4.246.

Section 3.666. Development and Use Permitted with Review. The following activities are permitted under a Type II procedure and Sections 5.040 and 5.050 subject to applicable criteria and development standards and site plan review.

1. Bankline or stream alteration subject to Section S4.232.
2. New dike construction subject to Section S4.234.
3. Shoreline stabilization bulkheads subject to Section S4.246.
4. Fill subject to Section S4.242.
5. Excavation to create new water surface subject to Section S4.240.

Section 3.668. Conditional Development and Use. The following developments may be permitted under a Type II procedure and Section S4.200 subject to applicable criteria and development standards and site plan review.

1. Restoration/resource enhancement.

Section 3.670. Conditional Development and Use. The following development and uses and their accessory developments may be permitted under a Type III procedure and Section S4.200 subject to applicable criteria and development standards and site plan review.

1. Dock/moorage facilities, limited in scale subject to Section S4.208.
2. Marine research and/or education facilities.
3. Land transportation facilities.
4. Log storage sorting yard.
5. Utilities.

Section 3.672. Development and Use Standards. The following standards are applicable to developments permitted with review and conditional developments in this zone.

1. Chapters 1, 2, 5, and 6 and Sections of Chapter 3 of the Development and Use Standards Document, and
2. Section S4.200, Shoreland and Aquatic Development, of Chapter 4 of the Development and Use Standards Document.
3. 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 (3) feet to a property line.

Section 3.674. State and Federal Permits. Applicants for developments which require a state or federal permit shall submit to the Planning Director a copy of: the completed permit application, other supporting material provided to demonstrate that the development would be consistent with the Comprehensive Plan and this Ordinance. This information shall be subject to the Consistency Review procedure set forth in Section 5.120.

Section 3.680. Natural Shorelands Zone (S-3).

Section 3.682. Purpose. This zone is for shoreland areas which should be managed for resource protection, preservation, restoration and recreation, with severe restrictions on the intensity and types of uses. Natural shoreland areas may include unique or highly valuable vegetative or wildlife habitat, and critical habitat for endangered or threatened species where a less restrictive designation would not provide adequate protection.

Section 3.684. Development and Use Permitted. The following developments and their accessory developments are permitted under a Type I procedure and Section S4.200 subject to applicable criteria and development standards and site plan review.

1. Navigational aides.
2. Low intensity recreation, such as trails.
3. Dike maintenance and repair subject to Section S4.234.
4. Shoreline stabilization-vegetative subject to Section S4.246.

Section 3.686. Development and Use Permitted with Review. The following activities and their accessory developments permitted under a Type II procedure and Sections 5.040 and 5.050 subject to applicable criteria and development standards and site plan review.

1. Shoreline stabilization - riprap subject to Section S4.246.

Section 3.688. Conditional Development and Use. The following developments and their accessory developments may be permitted under a Type II procedure and Section S4.200 subject to applicable criteria and development standards and site plan review.

1. Restoration/resource enhancement.
2. Recreation.
3. Timber propagation/harvesting subject to Section S4.220.

Section 3.690. Conditional Development and Use. The following development and use and their accessory developments may be permitted under a Type III procedure and Section S4.200 subject to applicable criteria and development standards and site plan review.

1. Marine research and/or education facilities.

Section 3.692. Development and Use Standards. The following standards are applicable to developments permitted with review and conditional developments in this zone.

1. Chapters 1, 2, 5 and 6 and Sections of Chapter 3 of the Development and Use Standards Document, and



2. Section S4.200, Shoreland and Aquatic Development, of Chapter 4 of the Development and Use Standards Document.
3. 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 (3) feet to a property line.

Section 3.694. State and Federal Permits. Applicants for developments which require a state or federal permit shall submit to the Planning Director a copy of: the completed permit application, other supporting material provided to the permit granting agency and a set of findings which demonstrate the development would be consistent with the Comprehensive Plan and this Ordinance. This information shall be subject to the Consistency Review procedure set forth in Section 5.120.

### Section 3.740. Aquatic Development Zone (A-1).

Section 3.742. Purpose. This zone is for aquatic areas which should be managed for navigation and other water-dependent developments, consistent with the need to minimize damage to the estuarine ecosystem. Aquatic development areas may include: areas suitable for deep or shallow draft navigation, including shipping and access channels and turning basins; dredged material disposal sites and mining/mineral extraction areas; and areas adjacent to developed or developable shorelines which may need to be altered to provide navigational access or create new land for water-dependent developments.

Section 3.744. Development and Use Permitted. The following development and use permitted and their accessory developments are permitted under a Type I procedure subject to applicable development standards.

1. Low intensity water-dependent recreation.
2. Forestry.
3. Navigational aides.
4. Low water bridges.
5. Storm water and treated wastewater outfalls.

Section 3.746. Development and Use Permitted with Review. The following development and use and their accessory developments are permitted under a Type II procedure and Sections 5.040 to 5.050 subject to applicable criteria and development standards and site plan review.

1. Bankline or stream alteration subject to Section S4.232.
2. New dike construction or maintenance/repair of existing dikes subject to Section S4.234.
3. Dredging.
4. Dredged material disposal subject to Section S4.238.
5. Fill subject to Section S4.242.
6. Piling/dolphin installation.
7. Shoreline stabilization subject to Section S4.246.

Section 3.748. Conditional Development and Use. The following activities and their accessory developments may be permitted under a Type II procedure and Sections 5.010 to 5.025 subject to applicable criteria and development standards and site plan review.

1. Mining/mineral extraction.
2. Ship and boat building and repair.
3. Petroleum receiving, dispensing and/or storage for marine development.
4. Dock/moorage or marina facilities subject to Section S4.208.
5. Seafood receiving and/or processing.
6. Cold storage and/or ice processing facilities.
7. Forest manufacturing.
8. Shipping activities and/or port marine operations.
9. Warehousing and/or other storage areas for marine equipment and/or products.
10. Other water-dependent industrial developments meeting the criteria in Section 3.750.

11. Retail trade facilities used for the sale of products such as ice, bait, tackle, charts, groceries and gasoline when the facilities are in conjunction with and incidental to other developments allowed in this zone.
12. Log dump/sort area subject to Section S4.225.
13. Log storage subject to Section S4.225.
14. Navigational structures.
15. Aquaculture subject to Section S4.204.
16. Communication facilities, and major water, sewer, and gas lines.
17. Bridge crossings.
18. Passive/active restoration.
19. Water related developments meetin the criteria in Section 3.750.
20. Security guard quarters.
21. High intensity water-dependent recreation.

Section 3.750. Criteria for Determining Water-Dependent and Water-Related Developments.

- (1) A development is determined to be water-dependent when it can only be carried out on, in, or adjacent to water and the location or access is needed for:
  - a. waterborne transportation (such as navigation, moorage, fueling, and servicing of ships or boats; terminal and transfer facilities; fish or other resource and material receiving and shipping), or
  - b. a source of water (such as energy production, cooling of industrial equipment or wastewater, other industrial processes, aquaculture operations).
- (2) A development is determined to be water-related when the development does not require the placement of fill and
  - a. provides goods and/or services that are directly associated with water-dependent uses (supplying materials to, or using products of water-dependent developments); and
  - b. if not located near the water, would experience a public loss of quality in the goods and services offered (evaluation of public loss of quality will involve a subjective consideration of economic, social, and environmental consequences of the development).

Section 3.752. Development and Use Standards. The following standards are applicable to developments permitted with review and conditional developments in this zone.

- (1) Chapters 1, 2, 5 and 6 and Sections of Chapter 3 of the Development and Use Standards Document, and

- (2) Section S4.200, Shoreland and Aquatic Development, of Chapter 4 of the Development and Use Standards Document.

Section 3.754. State and Federal Permits. Applicants for developments which require a state or federal permit shall submit to the Planning Director a copy of: the completed permit application, other supporting material provided to the permit grantin agency, and a set of findings which demonstrate that the development would be consistent with the Comprehensive Plan and this Ordinance. This information shall be subject to the Consistency Review procedure set forth in Section 5.120.

Section 3.760. Aquatic Rural Zone (A-2).

Section 3.762. Purpose. This zone is for aquatic areas which should be managed for resource conservation and developments associated with agriculture and rural recreation. Aquatic Rural areas may include non-tidal sloughs, lakes and other waters associated with rural developments and activities such as farming.

Section 3.764. Development and Use Permitted. The following development and use and their accessory developments are permitted under a Type I procedure subject to applicable development standards.

1. Low intensity water-dependent recreation.
2. Passive restoration.
3. Navigational aides.
4. Low ater bridges.

Section 3.766. Development and Use Permitted with Review. The following developments and their accessory developments are permitted under a Type II procedure and Sections 5.040 to 5.050 subject to applicable criteria and development standards and site plan review.

1. Bankline or stream alteration.
2. New dike construction or maintenance/repair of existing dikes.
3. Maintenance dredging/dredging.
4. Dredged material disposal.
5. Fill.
6. Piling/dolphin installation.
7. Shoreline stabilization.

Section 3.768. Conditional Development and Use. The following development and use and their accessory developments may be permitted under a Type II procedure and Sections 5.010 to 5.025 subject to applicable criteria and development standards and site plan review.

1. Aquaculture.
2. Log storage.
3. Communication facilities.
4. Active restoration.
5. Timber propagation and selective harvesting.
6. High intensity water dependent recreation.
7. Navigational structures.
8. Docks and moorages.
9. Low intensity water-dependent commercial development not requiring new fill.
10. Low intensity water-dependent industrial development not requiring new fill.
11. Bridge crossings.
12. Mining/mineral extractions.

Section 3.770. Development and Use Standards. The following standards are applicable to developments permitted with review and conditional developments in this zone.

1. Chapters 1, 2, 5, and 6 and Sections of Chapter 3 of the Development and Use Standards Document, and
2. Section S4.200, Shoreland and Aquatic Development, of Chapter 4 of the Development and Use Standards Document.

Section 3.772. State and Federal Permits. Applicants for developments which require a state or federal permit shall submit to the Planning 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 Comprehensive Plan and this Ordinance. This information shall be subject to the Consistency Review procedure set forth in Section 5.120.

Section 3.780. Aquatic Conservation Zone (A-3).

Section 3.782. Purpose. This zone is for aquatic areas which should be managed for low to moderate intensities of development that do not require major alteration of the estuary, with emphasis on maintaining the flow of aquatic resource and recreational benefits. Aquatic conservation areas may include open water portions of the estuary and valuable tidal marshes and mud-sand flats of lesser biological significance than those in the A-4 zone.

Section 3.784. Development and Use Permitted. The following developments and their accessory developments are permitted under a Type I procedure subject to applicable development standards.

1. Low intensity water-dependent recreation.
2. Passive restoration.
3. Navigational aides.
4. Low water bridges.

Section 3.786. Development and Use Permitted with Review. The following development and use and their accessory developments are permitted under a Type II procedure and Sections 5.040 to 5.050 subject to applicable criteria and development standards and site plan review.

1. Bankline or stream alteration.
2. New dike construction or maintenance/repair of existing dikes.
3. Maintenance dredging/dredging for minor navigational improvements.
4. Dredged material disposal.
5. Fill.
6. Piling/dolphin installation.
7. Shoreline stabilization.

Section 3.788. Conditional Development and Use. The following development and their accessory developments may be permitted under a Type II procedure and Sections 5.010 to 5.025 subject to applicable criteria and development standards and site plan review.

1. Aquaculture.
2. Log storage.
3. Communication facilities.
4. Active restoration.
5. Timber propagation and selective harvesting.
6. High intensity water-dependent recreation.
7. Minor navigational structures that require no major estuarine alterations.
8. Docks and moorages.
9. Low intensity water-dependent commercial activity not requiring new fill.
10. Low intensity water-dependent industrial development not requiring new fill.
11. Bridge crossings.
12. Mining/mineral extraction..

Section 3.790. Development and Use Standards. The following standards are applicable to developments permitted with review and conditional development and use in this zone:

1. Chapters 1, 2, 5 and 6 and Sections of Chapter 3 of the Development and Use Standards Document, and
2. Section S4.200, Shoreland and Aquatic Development, of Chapter 4 of the Development and Use Standards Document.

Section 3.792. State and Federal Permits. Applicants for developments which require a state or federal permit shall submit to the Planning 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 Comprehensive Plan and this Ordinance. This information shall be subject to the Consistency Review procedure set forth in Section 5.120.



Section 3.800. Aquatic Natural Zone (A-4).

Section 3.802. Purpose. This zone is for aquatic areas which should be managed for resource protection, preservation, and restoration, with severe restrictions on the intensity and types of developments. These areas may include major tracts of tidal marshes and mud-sand flats and important subtidal areas that, because of a combination of factors such as size, biological productivity, and habitat value, play a vital role in the functioning of the estuarine ecosystem. These areas may also include ecologically important water areas.

Section 3.804. Development and Use Permitted. The following developments and their accessory developments are permitted under a Type I procedure subject to applicable development standards.

1. Low intensity water-dependent recreation.
2. Passive restoration.
3. Navigational aides.

Section 3.806. Development and Use Permitted with Review. The following developments and their accessory developments are permitted under a Type II procedure subject to applicable criteria and development standards and site plan review.

1. Low water bridges.
2. Active restoration/resource enhancement.
3. Repair/maintenance of existing dikes.
4. Minor dredging necessary to open drainage channels from tide boxes to deeper water.
5. Riprap where necessary for erosion control to protect:
  - a. Developments existing as of October 7, 1977;
  - b. Unique natural resource and historical and archeological values; or
  - c. Public facilities.

Section 3.808. Conditional Development and Use. The following development and their accessory developments may be permitted under a Type II procedure and Sections 5.010 to 5.025 subject to applicable criteria and development standards and site plan review.

1. Communication facilities.
2. Aquaculture.

Section 3.810. Development and Use Standards. The following standards are applicable to developments permitted with review and conditional developments in this zone.

1. Chapters 1, 2, 5 and 6 and Sections of Chapter 3 of the Development and Use Standards Document, and
2. Section S4.200, Shoreland and Aquatic Development, of Chapter 4 of the Development and Use Standards Document.

Section 3.810. State and Federal Permits. Applicants for developments which require a state or federal permit shall submit to the Planning 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 Comprehensive Plan and this Ordinance. This information shall be subject to the Consistency Review procedure set forth in Section 5.120.

Section 3.820. Nēcanicum Estuary Aquatic Conservation Zone (NAC-2).

Section 3.822. 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 3.824. Development and Use Permitted. The following development and use and their accessory uses are permitted under a Type I procedure subject to applicable standards:

1. Navigation structures.

- a. Evidence will be presented to the County, through the state or federal permit process, that the structure(s) will not negatively affect currents, flushing characteristics, adjacent shorelines, marshes or fish habitat. Aesthetic factors shall be considered.
- b. Applicants for in-water structures will present evidence why other means of addressing the problem are not feasible, such as riprap on the shoreline, or floating structures.
- c. All structures shall be of minor scale, and shall make no major alteration to the estuarine ecosystem.

2. Research and education observation.

- a. This activity will be conducted in a transient manner in that no permanent structures shall be located in the estuary.
- b. The activity shall increase public understanding of the natural resource value of the estuary.

Section 3.826. NAC-2 Development and Use Permitted with Review. The following uses and activities are permitted under a Type II procedure and subject to applicable criteria and standards.

1. No major alterations of the estuary are necessary;  
and
2. The Planning Commission determines that development plans comply with Section NAC-2 and Section (Conditional Uses), additional zoning ordinance provisions, and other applicable laws.

1. Navigational aides.
2. Research and education observation.

Section 3.827. NAC-2 Conditional Development and Use. The following conditional development and use and their accessory uses may be permitted under a Type II procedure subject to applicable criteria and standards.

1. Aquaculture, release and recapture facilities.
2. Boat ramp.
3. Docks, piers, moorages.
4. Roads, railroads, bridges (land transportation facilities).
5. Utilities (communication tower, corridor, sanitary sewer or storm water outfall).
6. Dredging, maintenance.
7. Filling.
8. Piling.
9. Sand/gravel removal.
10. Shoreline access points.
11. Shoreline stabilization.

Section 3.828. Conditional Development and Use Standards. The Planning Commission shall use the following criteria in considering all conditional use permit application for uses and activities in this zone.

1. The application provides adequate demonstration of public need;
2. An estuarine location is required;
3. No alternative upland locations exist;
4. Adverse impacts of the use or activity are minimized;
5. The application is consistent with the resource capabilities of the area and the purposes of the management unit;
6. Adequate consideration of the cumulative impact of additional requests for like actions in the area; and
7. The proposed use of the site and design of the project will be compatible with other permitted uses in the area.

Aquaculture use

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 manmade 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.

#### Boat ramps

1. Boat 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.
2. Boat ramps shall not be located in marsh areas or tide-flats, and should be located in areas with a significant degree of alteration. 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.

#### Dock/moorage

1. Community docks or moorages shall be given higher priority than private individual docks or moorages.
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 impractical 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 equipments, 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.

#### Fills

1. Where fills are permitted, the fill shall be the minimum necessary to accomplish the proposed use.
2. Fills shall be permitted only after it is established through environmental impact assessments 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.
3. Where existing public access is reduced, suitable public access as part of the development project shall be provided.
4. Aquatic areas shall not be used for sanitary landfills or the disposal of solid waste.
5. Fill in an intertidal or tidal marsh area shall not be permitted.
6. 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.
7. The following uses and activities shall be permitted with the following findings of fact:
  - a. Maintenance and protection of manmade structures (riprap or other shoreline protection).

- b. Active restoration if a public need is demonstrated.
- 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 1.c.(1-4) are made; and
  - 2. if consistent with the resource capabilities of the area and the purposes of the management unit.
- e. Flood and erosion control structures if:
  - 1. required to protect a water-dependent use, as otherwise allowed in 1.b-d;
  - 2. land use management practices and nonstructural 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.

#### Land transportation facilities

- 1. Land transportation facilities shall not be located in wetlands or aquatic areas except where bridge crossings 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.

### Maintenance dredging - (Necanicum River only)

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 a 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 goals of this plan.
4. Dredging other than for aquaculture or restoration shall be limited to the main channel of the Necanicum River.
5. 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.
6. Any proposal requiring dredging shall include a long-term program for the disposal of dredge material.
7. 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.

### Marina

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.

#### Pilings

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 recreational activities are minimized.
2. The piling will meet with all state and federal engineering standards.
3. 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.

#### Restoration/resource enhancement - active

1. Conditional 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.
2. Aquaculture shall be evaluated under those standards.

#### Shoreline stabilization

##### 1. General standards.

##### a. Preferred methods.

Proper management of existing streamside 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 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 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.
- 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.
  - 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 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.

- 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 manmade structures existing as of October 7, 1977.

#### Utilities

- 1. 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.
- 2. 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.
- 3. Utility facilities shall not be located on new fill land unless part of an otherwise approved project and no other alternative exists.
- 4. Aboveground 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 bank line shall be maintained as closely as possible.
- 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 pollutant does not occur. This may be through use of holding ponds, weirs, dry wells, or other means.

Section 3.829. State and Federal Permits. Applicants for developments which require a state or federal permit shall submit to the Planning Director a copy of: the complete 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 Comprehensive Plan and this Ordinance. This information shall be subject to the Consistency Review procedure set forth in Section 5.120.

Section 3.830. Necanicum Estuary Aquatic Natural Zone (NAN-1).

Section 3.832. Purpose. To provide for aquatic areas which should be managed for resource protection, preservation and restoration. These areas may include significant or extensive salt marshes or tideflats which because of a combination of factors such as biological productivity and habitat value play a vital role in the functioning of the estuarine ecosystem. Natural aquatic areas may also include ecologically important water areas which lack significant alteration.

Section 3.834. Development and Use Permitted. The uses and their accessory uses are the same as Section 3.824 of the NAC-2 zone and are permitted under a Type I procedure subject to applicable standards.

Section 3.836. NAN-1 Development and Use Permitted with Standards Upon Review by the Planning Commission. In an NAN-1 zone the following uses and their accessory uses and activities are permitted if:

1. No major alterations of the estuary are necessary;  
and
2. Research and education observation.

Section 3.838. NAN-1 Conditional Development and Use Permitted: The following uses and activities and their accessory uses may be permitted under a Type II procedure subject to applicable criteria and standards.

1. Restoration.

Standards - Conditional Uses. The standards for a conditional use in an NAN-1 zone shall be the same as Section 3.828 of the NAC-2 zone.

Height of Structures. Maximum height of a structure shall be 20 feet above water level at Mean High Water (MHHW).

Types of Construction. No allowable residential, commercial or industrial development shall take place within 35 feet of the estuary.

Section 3.840. State and Federal Permits. Applicants for developments which require a state or federal permit shall submit to the Planning Director a copy of: the complete 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 Comprehensive Plan and this Ordinance. This information shall be subject to the Consistency Review procedure set forth in Section 5.120.

## ARTICLE 4. SPECIAL DISTRICTS

### Section 4.000. Flood Hazard Overlay District (/FHO).

Section 4.010. Purpose. This district is intended to identify and recognize those sections of the county subject to the hazards of periodic flooding and to establish special 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.

Section 4.012. Development and Use Permitted. Any permitted or conditional development and use allowed in the underlying zone may be permitted within the boundaries of this special district under a Type II procedure, unless a Type III procedure is required in the underlying zones, subject to applicable development and use standards and site plan approval.

Section 4.014. Development and Use Standards. The following standards are applicable to permitted and conditional development and use in this district.

1. General Standards for Flood Hazard Reduction, Section S3.652.
2. Special Standards for all Areas of Special Flood Hazards, Section S3.654.
3. Specific Uses and Standards for Floodways, Section S3.656.
4. Specific Standards for Coastal High Hazard Areas (V Zones), Section S3.658.
5. Specific Standards for Areas of Shallow Flooding (AO Zone), Section S3.660.
6. Other standards applicable to any permitted or conditional development and use allowed in the underlying zone.

Section 4.016. 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 such as ice or log jams and other sources of temporary impoundment.

This Ordinance does not imply that land outside the regulatory floodway 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 thereunder.

Section 4.018. Procedures. Application for a development permit shall be made to the Planning Director and shall include a site plan and other information which includes:

1. Elevation in relation to mean sea level of the lowest floor including basement, of all structures as certified by either a registered engineer, surveyor or architect.
2. Elevation in relation to mean sea level to which any proposed non-residential structure shall be flood-proofed as certified by either a registered engineer, surveyor or architect.
3. Attach the appropriate affidavits or certification as required by the provisions of this Ordinance.
4. Description of the extent to which any water course will be altered or relocated as a result of proposed development.
5. Other such information as is needed to determine conformance with this Ordinance.

The Planning Director shall:

1. Review all development permit requests to determine that the requirements of this Ordinance have been satisfied.
2. Review all development permits to determine that all necessary permits have been obtained by the applicant from those federal, state or local governmental agencies from which prior approval is required.
3. Review all development permits to determine if such development is located within the floodway. If the proposed development is to be located in the floodway a certification shall be obtained in accordance with Section
4. The applicant shall be responsible for notifying the Federal Insurance Administration prior to any alteration or relocation of a water course.
5. Where interpretation is needed regarding the boundaries of the areas of special flood hazard, the Planning Director will make the necessary interpretation. The person contesting the location of the boundary or other decision shall be given a reasonable opportunity to appeal the interpretation as provided in this Article.
6. When base flood elevation has not been provided, the applicant shall obtain, review and reasonably utilize any base flood data available from a federal, state or other source, in order to administer the provisions of Section 4.018. The Planning Director shall review this data.

The Planning Director shall submit the annual report required by the FIA to that agency and any other designated state coordinating agency.

The Building Official shall:

1. Review all building permits to determine compliance with this Ordinance.
2. Verify and record the actual elevation (in relation to mean sea level) of the lowest floor, including basement, of all new or substantially improved flood-proofed structures.
3. Verify and record the actual elevation (in relation to mean sea level) to which the new or substantially improved structure has been floodproofed.
4. Maintain for inspection the affidavits of certification required for this Ordinance.
5. All records pertaining to the provisions of this Ordinance shall be maintained in the Department of Commerce, Building Codes Division in the Clatsop County Courthouse and shall be open for public inspection.

#### Section 4.020. Variances.

1. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.
2. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
3. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
4. 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.



5. Any applicant to whom a variance is granted shall be given written notice of the required lowest floor elevation stated in feet below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
6. Variance Time Limit. Authorization of a variance shall be void after six months unless the new construction, substantial improvement or approved activity has taken place. However, the Planning Commission may, at its discretion, extend authorization for one additional six month period upon request.

Section 4.030. Geologic Hazards Overlay District (/GHO).

Section 4.031. Purpose. This district applies to all areas of Clatsop County that are known to be subject to geologic hazards of mass movement, earthquakes, high groundwater, compressible soils, erosion, and deposition. The intent of this district is to establish special criteria and procedures for development in hazardous areas so as to reduce the potential for property damage, personal injury and loss of life.

Section 4.032. Mapping. Areas of geologic hazards are identified on maps included in the inventory documents of Clatsop County's Comprehensive Plan. The boundaries of this special district are consistent with the identified hazardous areas. Boundaries may be changed when site investigations show that a hazard does not exist on particular sites. The procedure for changing district boundaries is specified in Section 5.416 of this Ordinance.

Section 4.033. Development and Use Permitted. Any permitted or conditional development and use allowed in the underlying zone may be permitted within the boundaries of this special district under a Type II procedure, unless a Type III procedure is required in the underlying zone, subject to applicable criteria and development standards and site plan approval.

Section 4.034. Development and Use Criteria. The following limitations and requirements shall apply to all developments proposed for areas subject to the specified geologic hazard unless a detailed site investigation finds that the criteria are not appropriate.

1. Mass Movement and Earthquakes.

- a. The density of proposed development shall be related to the degree of slope consistent with the following limitations:

13-25% slope limited to 2 dwelling units/acre  
Over 25% slope limited to 1 dwelling unit/acre

- b. The overall density of the proposed development may exceed the above stated limits through use of a cluster development on stable or less steep portions of the site. See Section S3.152 for Cluster Development standards.
- c. Development on slopes of 20% or greater shall not include cut and fill construction methods nor other disturbance of the natural topography unless adequate safeguards against slides and erosion are provided.

- d. Access roads and driveways shall follow natural slope contours to the maximum extent possible.
  - e. Existing stabilizing vegetation, particularly trees, shall not be disturbed during development on slopes of 20% or greater.
2. High Groundwater and Compressible Soils.
- a. Development in areas of high groundwater and compressible soils shall be consistent with regulations of the Department of Environmental Quality and shall incorporate engineering precautions/solutions recommended in the detailed site investigation report.
  - b. In areas of three or more feet depth of IEP soils, a detailed site investigation report will be required.
3. Erosion and Deposition.
- a. Development in areas subject to erosion shall not result in the destruction of stabilizing vegetation or in the exposure of areas to erosion.
  - b. Permanent revegetation shall be started on the site immediately upon completion of construction, final grading or utility placement.
  - c. Technical or structural means of preventing erosion that might result from the proposed development shall be provided if vegetative means are not sufficient.
  - d. Structures in areas subject to stream erosion shall be placed no closer than 25 feet to the stream bank in order to maintain a buffer of riparian vegetation and avoid the erosion hazard.

Section 4.035. Procedures. An application for a permit for development within the GHQ district shall be considered under the Type II procedure and shall include the following.

- 1. A preliminary site investigation report, except for geologic hazards identified by Martin Ross in "A Field Inventory of Geologic Hazards from Silver Point to Cove Beach, Clatsop County, Oregon", which includes evidence of the existence or non-existence of geologic hazards, prepared by a qualified geologist, engineering geologist, soil scientist or civil engineer and submitted by the applicant, consistent with standards Section S3.700.
- 2. For areas identified as geologic hazards in the Martin Ross report stated above, and for areas determined to have evidence of a geologic hazard in Section 4.035 (1) above, a detailed site investigation report which describes the extent and severity of the hazard; the capability of the site and adjacent affected areas to support the proposed

development and the possible techniques/safeguards that could be used to adequately protect life, property and environment shall be prepared and certified by a registered engineering geologist or civil engineer and submitted by the applicant, consistent with standards Section S3.700.

3. Approval of a proposed development in an area of geologic hazards shall be conditioned on the applicant's agreement to provide the safeguards recommended and certified by a qualified engineering geologist or civil engineer and on satisfying the criteria set forth above.

Section 4.036. Guarantee of Performance. The applicant for the development permit shall be required to post a performance bond to insure that safeguards recommended in the detailed site investigation report are in fact provided. The method of guarantee, inspection and certification and release of guarantee are specified in Section 10.110 of this Ordinance.

#### Section 4.040. Active Dune Overlay District (/ADO).

Section 4.041. Purpose. The intent of this section is to regulate actions in active dune areas in order to protect the fragile nature of the dune. Should the regulations of this overlay district be in conflict with the underlying primary zone or the regulations of the Clatsop Soil and Water Conservation District, the conflict(s) shall be resolved by the application of the more stringent regulation(s).

Section 4.042. Mapping. Active dunes, conditionally stable dunes, and dunes subject to ocean undercutting and wave overtopping are identified on maps accompanying Stability of Coastal Dunes, January, 1978, report by Leonard Palmer.

Dune areas mapped in the study were identified by LCDR criteria (see report). Active dunes were defined by evidence from photographs, photo maps, soils, and landforms, to be active or to show recurrent activity in the context of approximately 100 years. The mapping is not intended to specify site conditions or stability, nor to replace site specific studies. The dune mapping is intended to be a preliminary working designation of areas in which further studies may be required. The boundaries mapped should be changed when on-site conditions are shown to have changed, or when improved data is obtained.

Section 4.043. Development and Use Permitted. The following developments and their accessory developments are permitted under a Type I procedure subject to applicable development standards.

1. Use of equipment needed to help stabilize and maintain the vegetation of the dune.
2. Scientific study of natural and cultural systems such as dunes, dune stabilization, aquifer monitoring wells, archeological remains.
3. Wildlife sanctuary.
4. Low intensity recreation.
5. Maintenance of existing structures and roads.

Section 4.044. Development and Use Permitted with Review. The following developments and their accessory developments are permitted under a Type II procedure and Sections 5.040 to 5.050 subject to applicable criteria and development and use standards and site plan review.

1. Hiking, equestrian and nature trails.
2. Private beach access.
3. Subsurface sewage disposal systems.

4. Beaching of sand dune on a temporary basis in an emergency.
5. Temporary open-sided structures.

Section 4.045. Conditional Development and Use. The following developments and their accessory developments may be permitted under a Type II procedure and Sections 5.010 to 5.025 subject to applicable criteria and development and use standards and site plan review.

1. Public beach access.

Section 4.046. Development and Use Criteria. The following criteria are applicable to developments listed in Sections 4.044 and 4.045.

1. The following requirements may be made as conditions to approval of a development permit:
  - a. prescribing the extent of vegetation removal;
  - b. prescribing the time, amounts and types of materials and the methods to be used in restoration of dune vegetation;
  - c. prescribing setbacks greater than required in the underlying zone in order to comply with the intent of the Clatsop County Comprehensive Plan and this Ordinance, and
  - d. prescribing the location, design and number of proposed developments; and
2. Public need must be shown for the establishment of State public beach access points. If it is found that there is a public need, the State must satisfactorily prove why this location for the proposed beach access, when compared with other locations, best serves the public need.
3. Breaching of a sand dune on a temporary basis in an emergency must be consistent with sound principles of conservation. A restoration plan must be provided with the development permit application and must be consistent with sound principles of conservation.
4. Applications for installation of subsurface sewage disposal systems must be approved by the County Sanitarian and provide for adequate revegetation procedure.
5. All conditions shall be found by the Department of Planning and Development to provide for or protect the public health, safety or general welfare, protect the dune, and protect adjacent properties both present and in the future.
6. Conditions of approval shall be sufficient to protect the property from erosion by wind or water or both, the dune from the loss of stabilizing vegetation, and the permanent drawdown of the groundwater supply.

Section 4.047. Warning and Disclaimer of Liability. The degree of protection from erosion or accretion required by this Ordinance is considered reasonable for regulatory purposes. Erosion is occurring from the south jetty of the Columbia River south approximately three miles. Erosion of the dunes may occur south of this area sometime in the future.

This Ordinance does not imply that land outside the ADO district or developments permitted within such areas will be free from erosion or accretion. This Ordinance shall not create a liability on the part of Clatsop County or by an officer or employee thereof for any damages due to erosion or accretion that result from reliance on this Ordinance or any administrative decision lawfully made thereafter.

Section 4.048. Procedure. Application for the construction of all structures and construction of developments permitted subject to conditions in Section 4.046 are required and shall be made to the Planning Director or his designate on forms prescribed by Clatsop County. The applicant shall be required to provide at least the following information:

1. a map showing the location of the proposed development and surrounding developments including structures, vegetation, etc.;
2. description of the extent to which a sand dune will be altered as a result of the proposed development; and
3. other such information as is needed to determine conformance with this Ordinance.

Section 4.049. Guarantee of Performance. The applicant for the development permit shall be required to post a performance bond to insure that safeguards recommended in the detailed site investigation report are in fact provided. The method of guarantee, inspection and certification and release of guarantee are specified in Section 10.110 of this Ordinance.

Section 4.050. Time Limits. Prior to approval of the permit the subdivider or developer and the Department of Planning and Development shall agree upon a deadline for the completion of the required improvements, such deadline not to exceed one year from the time of the permit. The County shall have the power to extend the deadline for improvements for one additional year when the subdivider or developer can present substantial reason for doing so.

The subdivider or development shall restore the vegetation within the first planting season (October to April) using the amounts and types of materials and methods as prescribed by the Department of Planning and Development.

The timing of the permits should be made so that restoration may be started as early in the planting season as possible.

Section 4.060. Structures Allowed, Active Dune Overlay District (/SAO).

Section 4.061. Purpose. The intent of this section is to regulate actions in active dune areas in order to minimize damage to the fragile nature of the dunes, property and structures that may occur as a result of accretion or erosion.

The purpose of this overlay zone is to comply with the Land Conservation and Development Commission (LCDC) Land Use Planning Goal (#2) Part II Exceptions as it relates to development in the active dune (Beaches and Dunes Goal #18). Should the regulations of this overlay district be in conflict with the underlying zone or the Clatsop Soil and Water Conservation District regulations, the conflict(s) shall be resolved by the application of the more stringent regulation(s).

This section shall apply to all areas identified as active dunes that are committed to development within the unincorporated areas of Clatsop County.

Section 4.062. Mapping. Active dunes, conditionally stable dunes, and dunes subject to ocean undercutting and wave overtopping are identified on maps accompanying Stability of Coastal Dunes, January, 1978, report by Leonard Palmer.

Dune areas mapped in the study were identified by LCDC criteria (see report). Active dunes were defined by evidence from photographs, photo maps, soils, and landforms, to be active or to show recurrent activity in the context of approximately 100 years. The mapping is not intended to specify site conditions or stability, nor to replace site specific studies. The dune mapping is intended to be a preliminary working designation of areas in which further studies may be required. The boundaries mapped should be changed when on-site conditions are shown to have changed, or when improved data is obtained.

Section 4.063. Development and Use Permitted with Review. Any permitted or conditional developments allowed in the underlying zone may be permitted within the boundaries of this district under a Type II procedure, unless a Type III procedure is required in the underlying zone, subject to applicable criteria and development and use standards and site plan approval. In addition the following developments are permitted subject to applicable criteria and standards and site plan approval.

1. Hiking, equestrian and nature trails.
2. Private beach access.
3. Subsurface sewage disposal systems.
4. Breaching of sand dune on a temporary basis in an emergency (i.e. fire control).
5. Temporary open-sided structures.



Section 4.064. Conditional Development and Use. The following developments and their accessory developments may be permitted under a Type II procedure and Sections 5.010 to 5.025 subject to applicable criteria and development standards and site plan review.

1. Public beach access.

Section 4.065. Development and Use Criteria. The following criteria are applicable to developments listed in Sections 4.063 and 4.064.

1. Approval of permits for developments may be subject to the below listed conditions:
  - a. prescribing the extent of vegetation removal;
  - b. prescribing the time, amounts and types of materials and the methods to be used in restoration of dune vegetation;
  - c. prescribing setbacks greater than required in the underlying zone in order to comply with the intent of the Clatsop County Comprehensive Plan and this Ordinance, from Surf Pines Lower Road to ocean is based upon the common building line and is identified on the Stability of Coastal Dunes map, January, 1978; and
  - d. prescribing the location, design and number of proposed developments.
2. Public need must be shown for the establishment of State public beach access points. If it is found to be needed, the State must satisfactorily prove why this location for the proposed beach access, when compared with other locations, best serves the public need.
3. An application for a permit to breach a sand dune on a temporary basis in an emergency must be accompanied by a restoration plan. Both the breaching operation and the restoration plan must be consistent with sound principles of conservation.
4. Applications for installation of subsurface sewage disposal systems must be approved by the County Sanitarian and provide for adequate revegetation procedure.
5. All conditions shall be found by the Department of Planning and Development to provide for or protect the public health, safety or general welfare, protect the dune, and protect adjacent properties both present and in the future.
6. Conditions of approval shall be sufficient to protect the property from erosion by wind or water or both, the dune from the loss of stabilizing vegetation, and the permanent drawdown of the ground-water supply.

Section 4.066. Warning and Disclaimer of Liability. The degree of protection from erosion or accretion required by this Ordinance is considered reasonable for regulatory purposes. Erosion is occurring from the south jetty of the Columbia River south approximately three miles. Erosion of the dunes may occur south of this area sometime in the future.

This Ordinance does not imply that land outside the (SAO) district or developments permitted within such areas will be free from erosion or accretion. This Ordinance shall not create a liability on the part of Clatsop County or by an officer or employee thereof for any damages due to erosion or accretion that result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

Section 4.067. Procedures. Application for the construction of all structures and construction of developments permitted subject to conditions in Section 4.066 are required and shall be made to the Planning Director or his designate on forms prescribed by Clatsop County. The applicant shall be required to provide at least the following information:

1. a map showing the location of the proposed developments and surrounding developments including structures, vegetation, etc.;
2. description of the extent to which a sand dune will be altered as a result of the proposed development; and
3. other such information as is needed to determine conformance with this Ordinance.

Section 4.068. Guarantee of Performance. The applicant for the development permit shall be required to post a performance bond to insure that safeguards recommended in the detailed site investigation report are in fact provided. The method of guarantee, inspection and certification and release of guarantee are specified in Section 10.110 of this Ordinance.

Section 4.069. Time Limits. Prior to approval of the permit the subdivider or developer and the Department of Planning and Development shall agree upon a deadline for the completion of the required improvements, such deadline not to exceed one year from the time of the permit. The County shall have the power to extend the deadline for improvements for one additional year when the subdivider or developer can present substantial reason for doing so.

The subdivider or developer shall restore the vegetation within the first planting season (October to April) using the amounts and types of materials and methods prescribed by the Department of Planning and Development.

The timing of the permits should be made so that restoration may be started as early in the planting season as possible.

## Section 4.080. Shorelands Overlay District (/SO).

Section 4.08 . Purpose. The intent of this district is to regulate developments on coastal shorelands to preserve and protect their unique and special values. This district overlay refers to Comprehensive Plan designations and the following 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(s) shall be resolved by the application of the more stringent regulations.

Section 4.082. Conservation Shorelands Development and Use Permitted. Any permitted or conditional developments allowed in the underlying zone may be permitted, unless otherwise listed in Section 4.084 within the boundaries of this special district under a Type II procedure, unless a Type III procedure is required in the underlying zone subject to applicable standards of the underlying zone and standards in Section 4.200. Where standards or procedures do not agree, the most restrictive shall apply.

Section 4.083. Conservation Shorelands Development and Use Prohibited. The following developments are prohibited in this district.

1. Airports.
2. Industrial and port facilities.
3. Marinas.
4. Solid waste disposal site.
5. Minor and major partitions for residential purposes, except when the land division includes land outside of the shoreland area on which residential structures are to be confined.
6. Subdivision for residential purposes, except when the land division includes land outside of the shoreland area on which residential structures are to be confined.
7. Duplexes and multi-family dwellings.

Section 4.084. Conservation Shorelands Conditional Development and Use. The following developments and their accessory developments may be permitted under a Type II procedure if allowed in the underlying zone, subject to Sections 5.010 to 5.025 and additional applicable criteria and development standards and site plan review.

1. Dikes subject to Section S4.234.
2. Dredged material disposal subject to Section S4.238.
3. Excavation to create new water surface area subject to Section S4.240.
4. Fill subject to Section S4.242.
5. Bulkheads subject to Section S4.246.

Section 4.085. Conservation Shorelands Conditional Development and Use. The following developments and their accessory developments may be permitted under a Type III procedure if allowed in the underlying zone, subject to Sections 5.010 to 5.025 and additional applicable criteria and development standards and site plan review.

1. Docks and moorages subject to Section S4.208.
2. New land transportation facilities subject to Section S4.225.
3. Log storage/sorting yards subject to Section S4.210.

Section 4.086. Conservation Shorelands Development and Conditional Development and Use Standards. In addition to the applicable standards for developments of Section 4.200 and those of the underlying zones, the following additional standards shall apply to developments in this district.

Setbacks - All structures shall be setback at least 30 feet as measured from the aquatic shoreland boundary, except in the Clatsop Plains where a 75 foot setback is required (see Community Plan).

Section 4.091. Rural Shorelands Development and Use Permitted. Any permitted or conditional developments allowed in the underlying zone may be permitted, unless otherwise listed in Section within the boundaries of this special district under a Type II procedure, unless a Type III procedure is required in the underlying zone, subject to applicable standards of the underlying zone and standards in Section . Where standards or procedures do not agree, the most restrictive shall apply.

Section 4.092. Rural Shorelands Development and Use Prohibited. The following development and use are prohibited in this district.

1. Non-water dependent recreation developments.
2. Non-water dependent and non-water related industrial.

Section 4.093. Rural Shorelands Development and Use Standards. In addition to the applicable standards for developments of Section and those of the underlying zone, the following additional standards shall apply to development in this district.

1. All structures shall be setback at least 30 feet as measured from the aquatic shoreland boundary except in Clatsop Plains.
2. In the Clatsop Plains planning area all structures shall be setback a minimum of 75 feet or the shoreland boundary whichever is greater.

Section 4.094. Review Criteria for Residential Land Divisions. In addition to the requirements for land divisions in Section 5.200, an application for a land division in this district must:

1. Prove that housing satisfies a need that cannot be accommodated on shorelands designated for more intensive development.
2. Provide for public pedestrian access to the shoreline within the development.

3. Show how shoreline vegetation will be preserved and/or replaced.

These conditions may be waived in the case of a land division which included land outside of the shoreland area in which residential structures are to be confined.

Section 4.095. State and Federal Permits. Applicants for developments which require a state or federal permit shall submit to the Planning Director a copy of: the completed permit application, other supporting material provided to the permit granting agency and a set of findings which demonstrate the development would be consistent with the Comprehensive Plan and this Ordinance. This information shall be subject to the Consistency Review procedure set forth in Section 5.120.

Section 4.100. Site Design Review Overlay District (/SDRO).

Section 4.102. Purpose. This section provides for the comprehensive review of proposed development permits in order to preserve scenic views and to promote attractive development of the site compatible with the natural and man-made environment.

Section 4.104. Applicability. The provisions of this section are applicable to all development permits within /SDRO district boundary.

Section 4.106. Design Review Plan Approval Required. No development within a /SDRO district boundary shall be permitted until a final design review plan for the development is approved pursuant to the procedures described in this Ordinance. A development permit will be issued only for development in accordance with an approved site design plan.

Section 4.108. Criteria for Design Review Evaluation. In addition to the requirements of the Comprehensive Plan, other applicable sections of this Ordinance and other County Ordinances, the following minimum criteria will be considered in evaluating design review applications.

1. Relation of Structures to Site. The location, height, bulk, shape, and arrangement of structures shall be in scale and compatible with the surroundings.
2. Protection of Ocean Views. The blocking of scenic views of existing or proposed dwellings on adjacent lots and other lots that may be impacted shall be minimized in the construction of all structures.
3. 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.
4. Buffering and Screening. In commercial zones, storage, loading, parking, service and similar accessory facilities shall be designed, located, buffered or screened to minimize adverse impacts on the site and neighboring properties.
5. Vehicle Circulation and Parking. The location of access points to the site, the interior circulation pattern and the arrangement of parking in commercially zoned areas shall be designed to maximize safety and convenience and to be compatible with proposed and adjacent buildings. The number of vehicular access points shall be minimized.

6. Utility Service. Electric, telephone and other utility lines shall be placed underground.
7. Signs. The size, location, design, material and lighting of all exterior signs shall not detract from the design of proposed or existing buildings, structures or landscaping and shall not obstruct scenic views from adjacent properties.
8. Surface Water Drainage. Special attention shall be given to proper surface water drainage from the site so that it will not adversely affect adjacent properties or the natural or public storm drainage system.

Section 4.110. Application Procedure. The following procedure shall be followed when applying for design review approval.

1. Pre-application Conference. The applicant shall discuss the proposed development with the staff of the Clatsop County Department of Planning and Development in a pre-application conference pursuant to Section 2.020.
2. Following the pre-application conference, the applicant shall file with the Planning Director a design review plan, which shall include the following:
  - a. A site plan, drawn to scale, showing the proposed layout of all structures and other improvements, including where appropriate, driveways, pedestrian walks, landscaped areas, fences, walls, off-street parking and loading areas. The site plan shall indicate how utility service, sewage, and drainage are to be provided and shall show cuts and fills proposed. The site plan shall indicate, where appropriate, the location of entrances and exists and the direction of traffic flow into and out of off-street parking and loading areas for commercial uses, the location of each parking space, each loading berth, areas for turning and maneuvering vehicles and each sign for each commercial use.
  - b. The plot plan shall show the relationship of the proposed structure with existing structures or potential structure sites on adjacent lots and lots where the ocean view may be blocked by the structure.
  - c. Elevations of the structure(s) illustrating scenic views and how the structure may block scenic views.
  - d. Plot plan and elevation showing relationship of new construction to existing construction including scenic views.

Section 4.112. Plan Evaluation Procedure. The following procedure shall be followed in processing a design review plan.

1. Upon receipt of a design review application and plan, the Planning Director will examine it to determine whether it is complete (and consistent with the requirements of this Section). If found to be complete, the Planning Director will forward the application and plan to the Advisory Design Review Committee for its review and recommendation.
2. The Advisory Design Review Committee will review the application and plan at its first regularly scheduled meeting and shall make a written recommendation to the Planning Director within 21 days after receipt of the application.
3. The Planning Director may approve the design plan, disapprove it or approve it with such modifications and conditions as may be required to make it consistent with the Comprehensive Plan, with the criteria listed in this Section and with other Sections of this Ordinance.
4. A decision on a design review plan shall include written conditions, if any, and findings and conclusions. The findings shall address the relationships between the plan and the policies and criteria listed in the Comprehensive Plan, this Section and other Sections of this Ordinance.
5. The Planning Director's decision shall be mailed within seven (7) working days to the applicant and to owners of land entitled to notification of the property to be developed. The same mail, when appropriate, shall include notice of the manner in which an appeal of the decision may be made.
6. Appeals. See Section 6.500 for appeal procedure.

Section 4.114. Modifications of Approved Design Review Plans. Proposed changes shall be submitted in writing to the Planning Director for approval. Minor changes requested by the applicant may be approved if such changes are consistent with the purposes and general character of the original approved application. All other modifications shall be processed in the same manner as the original application.

Section 4.116. Time Limit on Approval. Site design approvals shall be void after one (1) year unless a building permit has been issued and substantial construction has taken place per the Uniform Building Code.

Section 4.118. Advisory Design Review Committee. The Southwest Coastal Citizens Advisory Committee (CAC) shall serve as an Advisory Design Review Committee for Arch Cape and will review development proposals and make recommendations to the Planning Director and Planning Commission concerning the design and scenic view aspects of proposed developments.



1. Meetings; Records. The committee shall hold regular meetings on the first and third Wednesday of each month at the St. Peter the Fisherman Church. However, meetings may be cancelled when there are no design review plans submitted for review by the Committee. The Chairman shall be responsible for posting cancellation notices at St. Peter the Fisherman Church and notifying the Clatsop County Department of Planning and Development at least 48 hours prior to the meeting. The deliberations and proceedings of the committee shall be public. The committee shall keep minutes of its meetings and such minutes shall be public record.
2. The Advisory Design Review Committee shall submit their recommendations to the Planning Director within seven (7) working days of their decision.

#### Section 4.130. Planned Development Overlay District (/PDO).

Section 4.132. 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 4.134. 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 procedures of this section: RSA-SFR, RSA-MFR, SFR-1, RA-1, RA-2, RA-5, GC, TC and LI (except in the Clatsop Plains planning area).

Section 4.136. Approved 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 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 public 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 interdated and continuous whenever possible. Open space can follow ridge tops, deflation plains or shorelands, forest land (as a buffer) and other resource lands.

Section 4.138. 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 Sections 4.130 through 4.140. For those planned development which are located in the RSA-SFR, RSA-MFR, 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 to be planned and developed in a manner consistent with the purpose and objectives of Sections 4.130 through 4.136.

## 2. Ownership:

- a. The tract or tracts of land included in a proposed planned development 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 for 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 professionals 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 Planning and 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 Planning and 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.
  - j. Contour lines at 2-foot intervals.

Section 4.140. 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.

3. 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.
4. 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--the total area including street dedications.
  - b. Areas of public or semi-public uses may be included in calculating allowable density.
5. 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.
6. Waiver or reduction of yard and other dimensional requirements: Except as otherwise provided in Section 4.138, 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.
7. Dedication and maintenance of facilities: The Planning Commission, or on appeal, the Board of Commissioners, may, as a condition of approval for any 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:
  - a. 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.
  - b. 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 By-laws 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.

- c. 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.
- d. Easements: Easements necessary to the orderly extension of public utilities may be required as a condition of approval.

Section 4.142. Application Procedures. There shall be a three-stage review process for planned developments consisting of 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 Planning and 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 Planning and Development shall meet together and determine whether the requirements of Section 4.134 of this Ordinance have been complied with. If there is disagreement on this issue, the applicant, by request, or the Department of Planning and 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 Planning and Development or Commission his professional design team, as outlined in Section 4.134 (3) 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 Department. If the Department of Planning and 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 Planning and Development and filed with said department. Applications shall be accompanied by the following information:

1. 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, 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. If 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 permit criteria set forth in Section 4.136 and to the planned development regulations in Sections 4.130 through 4.138, 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 judgement 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 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 Department a final plan for the entire development or, when submission in stages has been authorized pursuant to Section 4.142(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 judgement necessary to 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 Section 4.138 and to the planned development regulations in Sections 4.130 through 4.138 and may approve or disapprove the application and the accompanying development plan or require changes or impose conditions of approval as are in its judgement necessary to insure conformity to said criteria and regulations. The decision of the Board of Commissioners shall be final.

Section 4.144. 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 4.146. 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 insure that a development proposal is completed as approved and within the time limits agreed to.

Section 4.148. Violation of Conditions. Failure to comply with the final development plan, any condition of approval prescribed under Section 4.134 (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 4.150. Common Open Space. Maintenance of common open space shall be subject to Section S3.180.

Section 4.160. Dredged Material Disposal, Restoration, and Mitigation Overlay Reserve District (/RES).

Section 4.162. Purpose. The intent of this district is to identify dredged material disposal, restoration, and mitigation sites in Clatsop County and to provide a method to reserve these sites for future dredged disposal needs.

Section 4.164. Zone Boundaries. Sites that are identified in the Dredged Material Management Plan, Restoration and Mitigation Plan of the Columbia River Estuary Regional Management Plan will be included within the /RES district.

Section 4.166. Site Reservation. When a valid application is submitted for a building permit under a Type I procedure, approval of a development which would involve use of property within the /RES district, action on the application will automatically be frozen for 90 days from the date of the application to allow interested individuals or organizations to negotiate to use the site for dredged material disposal. The Planning Director will maintain a list of dredging project sponsors and other parties who may be interested in the use of reserved disposal, restoration and mitigation sites. Persons on this list will be notified of the development application and the 90-day hold on County action to allow them an opportunity to negotiate for the use of the involved site. If no such negotiations are completed within the 90-day period, the use application will be reviewed in accordance with normal procedures.

## ARTICLE 5. PERMIT AND ISSUE DETERMINATIONS

### Section 5.000. Conditional Development and Use.

Section 5.010. 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 5.010 to 5.025. An applicant for a proposed conditional development and use shall provide facts and evidence and a site plan in compliance with Section 5.300 sufficient to enable the Planning Director or hearing body to make a determination.

### Section 5.015. 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 be approved by the Planning Commission under a Type II or Type III procedure with posted notice and mailed notice to the owners of property situated within (250) feet of the property of the applicant.
- (2) After taking into account location, size, design and operation characteristics, and compliance with the Comprehensive Plan, 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 will be consistent with the Comprehensive Plan and the purpose of the Land and Water Development and Use designations.
  - b. A demand exists for the use at the proposed location. Several factors which should be considered in determining whether or not this demand exists include: accessibility for users (such as customers and employees); availability of similar existing uses; availability of other appropriately zoned sites - particularly those not requiring conditional use approval; and the desirability of other suitably zoned sites for the use.
  - c. The use will not create excessive traffic congestion on nearby streets or overburden the following public facilities and services: water, sewer, storm drainage, electrical service, fire protection, and schools.
  - d. The site has an adequate amount of space for any yards, buildings, drives, parking, loading and unloading areas, storage facilities, utilities, or other facilities which are required by this Ordinance or desired by the applicant.
  - e. The topography, soils, and other physical characteristics of the site are appropriate for the use. Potential problems due to weak foundation soils will be eliminated or reduced to the extent necessary for avoiding hazardous situations.

- f. An adequate site layout will be used for transportation activities. Consideration should be given to the suitability of any access points, on-site drives, parking, loading and unloading areas, refuse collection and disposal points, sidewalks, bike paths, or other transportation facilities this Ordinance or desired by the applicant. Suitability, in part, should be determined by the potential impact of these facilities on safety, traffic flow and control, and emergency vehicle movements.
  - g. The proposed use will not interfere with normal public use of public shorelines;
  - h. The proposed use will cause no unreasonably adverse effects to aquatic or shorelands areas, and
  - i. The public interest will suffer no substantial detrimental effect.
- (3) In addition to compliance with the criteria as determined by the hearing body and with the requirements of Sections 1.040 and 1.050, the applicant must accept these conditions listed in Section 5.025 that the hearing body finds are appropriate to obtain compliance with the criteria.

Section 5.020. Balancing of Interests. A development requiring a balancing of interests under Section 5.015 (2)(b) must do one of the following:

- (1) Preserve unique assets of interest to the public.
- (2) Provide an appropriate public facility or public non-profit service to the immediate area of the public.
- (3) Otherwise provide for a development that is consistent with overall needs of the public in a location that is reasonably suited for the purpose.

Section 5.025. 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 5.015.

- (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 area.
- (7) Limit or otherwise designate the number, size, location height 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) Protect 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 5.040. Development and Use Permitted with Review.

Section 5.042. 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 5.045 and 5.050. An applicant for a proposed development and use permitted with review shall provide facts and evidence and a site plan in compliance with Section 5.300 sufficient to enable the Planning Director or hearing body to make a determination.

Section 5.045. 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 Planning 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 1.040 and 1.050. The Director may require changes in the proposed development to ensure that it will meet applicable standards.

Section 5.050. 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 the Development and Use Standards Document. Developments requiring a state or federal permit are subject to the Consistency Review Procedure set forth in Section 5.120. In permitting a development, the Director may impose any of the conditions listed in Section 5.025 to ensure that the development is consistent with the resource capabilities of the particular area and the purpose of the zoning and special district classifications.

Section 5.060. Developments and Uses of the Same Type.

Section 5.061. 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 6.115.

Section 5.062. 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 2.110-2.130.

Section 5.064. 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 listed in the Standards Document, Section S7.010, for future reference.



#### Section 5.110. Area Accessory Development.

Section 5.111. Area Accessory Development. In addition to development intended for a zone or district, there are area accessory developments that are appropriate in a particular area because of social or technical needs. The following are area accessory developments.

- (1) Removal or deposit of earth or rock that changes the contour of the ground without being part of another development.
- (2) Utility structure, including a pole, line, pipe, substation or other facility required for the transmission of power or communications.
- (3) Sewerage or drainageway, including a pump station, manhole or other collection or treatment facility for sewage or storm water.
- (4) Street, including a curb, sidewalk, catch basin, street light, traffic control device or other facility associated with an access, collector or arterial street.
- (5) Water system, including a main, fire hydrant, treatment plant, storage reservoir, pump station or other facility associated with the supply or distribution of water.
- (6) Emergency service facilities or other public service facilities needing location in the area to permit effective service within the area.

Section 5.112. Application for an Area Accessory Development. If an area accessory development is listed in a zone or district as subject to approval pursuant to Sections 5.110 to 5.115, unless it has been excluded from development permit requirements by Section 1.062, application for the proposed development shall provide facts and evidence sufficient to enable the Director to make a determination.

Section 5.113. Authority to Grant or Deny an Area Accessory Development. Unless referred to the Planning Commission under this Section the Director shall approve an area accessory development under the Type II procedure. The Director may refer a request to the Planning Commission for disposition under the Type III procedure if the Director determines that the scope of the request involves a degree of discretion beyond the Director's authority, or otherwise requires a full public hearing to protect the best interests of nearby properties or the County as a whole. Determination by either the Type II or Type III procedure shall be according to the criteria of Section 5.115.

Section 5.11.4. Area Accessory Development Decision Notice. Notice of a Type II determination on an area accessory development shall be mailed to the owners of property situated within (250) feet of a boundary of the property to be developed and shall be published in a local newspaper of general distribution.

Section 5.115. Criteria for Decisions on Area Accessory Development.

- (1) A development permit for an area accessory development shall be issued if, in addition to being consistent with the Comprehensive Plan and applicable standards, the location, size, design and operating characteristics of the proposed development are such that the development is appropriate to serve the needs of the area and will be reasonably compatible with and have minimal impact on the livability and appropriate development of abutting properties and the surrounding neighborhood.
- (2) In reaching that determination consideration shall be given to the following:
  - (a) Harmony in scale, bulk, coverage and density.
  - (b) The availability of public facilities and utilities.
  - (c) The generation of traffic and the capacity of surrounding streets.
  - (d) Location of access points.

## Section 5.120. Consistency Review.

Section 5.122. Consistency Review Procedure. Applicants for developments which require a state or federal permit shall submit to the Planning 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 Comprehensive Plan and this Ordinance. The Planning Director or his designate will make an investigation to provide information on the project's conformance with the Plan and Ordinance standards and provisions. If the development is permitted under a Type I or Type II procedure, the issuance of a development permit by the Planning Director constitutes a ruling that the development is consistent with the Plan and Ordinance. If the development is permitted under a Type III procedure, Planning Commission approval of a development permit constitutes a ruling that the development is consistent with the Plan and Ordinance.

The Planning Director shall respond to a state or federal public notice for development and use to the permit granting agency within seven (7) working days of the local action. The response shall constitute a development permit. The response shall contain a statement of whether or not approval of the permit would be consistent with the Comprehensive Plan, the reasons the development is or is not consistent, standards and conditions which should apply if the permit is granted, and the need for local permits for developments associated with the activity.

## Section 5.130. Variance.

Section 5.132. Variance Procedure. The Planning Director may grant a variance under a Type II procedure if the request involves only the expansion or reduction by not more than 10 percent of one or more quantifiable provisions of yard or area standards of a zone. The Planning Commission shall consider all other variances in this Ordinance or in the Development and Use Standards Document for an individual land parcel. Approvals must be upon a finding that strict application of 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.

The authority to grant hardship relief does not include authority to approve a development that is designed, arranged or intended for use not otherwise approvable in the location. In submitting an application for hardship relief, the proposed development explanation shall provide facts and evidence sufficient to enable findings in compliance with the criteria set forth in this Section. The criteria are as follows:

1. The special circumstances on which the applicant relies are not a result of the actions of the applicant or owner or previous owners.
2. The grant of hardship relief will not cause a use of property not otherwise permissible.
3. Granting of the hardship relief will not adversely affect implementation of the Comprehensive Plan.
4. The hardship relief authorized will not be materially detrimental to the public welfare or materially injurious to other property in the vicinity.
5. 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 so that hardship relief is necessary for the preservation of a substantial property right of the applicant.
6. Special circumstances or conditions (i.e. shape of lot, slope, physical terrain) apply to the property or to the intended use that do not apply to other property in the same vicinity.

Section 5.200. Land Division.

Section 5.201. Applicability. Section 1.060 requires that a land division not occur unless a development permit has been issued. Whenever a landowner wishes to sell a part of his property or place a second home or mobile home on property that already has homes on it, a land division is necessary. No land shall be divided prior to approval of a minor partition, major partition or subdivision in accordance with this Ordinance.

Section 5.202. Minor Partitioning. An application for minor partition shall be processed by the Director under a Type I procedure. Minor partitioning occurs when a landowner divides his property into no more than three (3) lots during a calendar year (January-December) and each lot has a minimum of 25 feet frontage along an existing public, county or state road (See Figure 1. Note: The remaining portion of the original lot is counted as one lot). Access shall be required to be taken on the subject partition or be approved by the procedure set forth in Section 5.024 to 5.212.

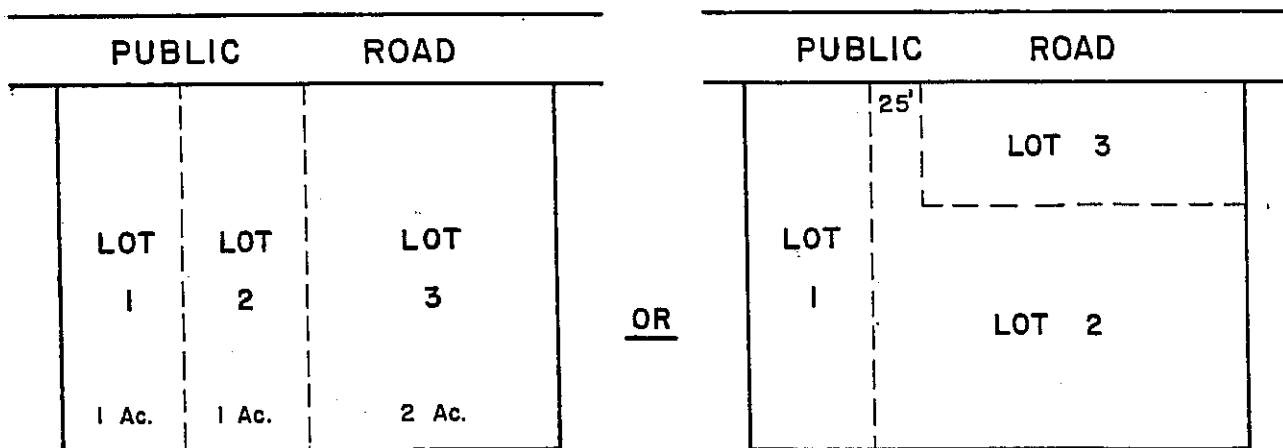


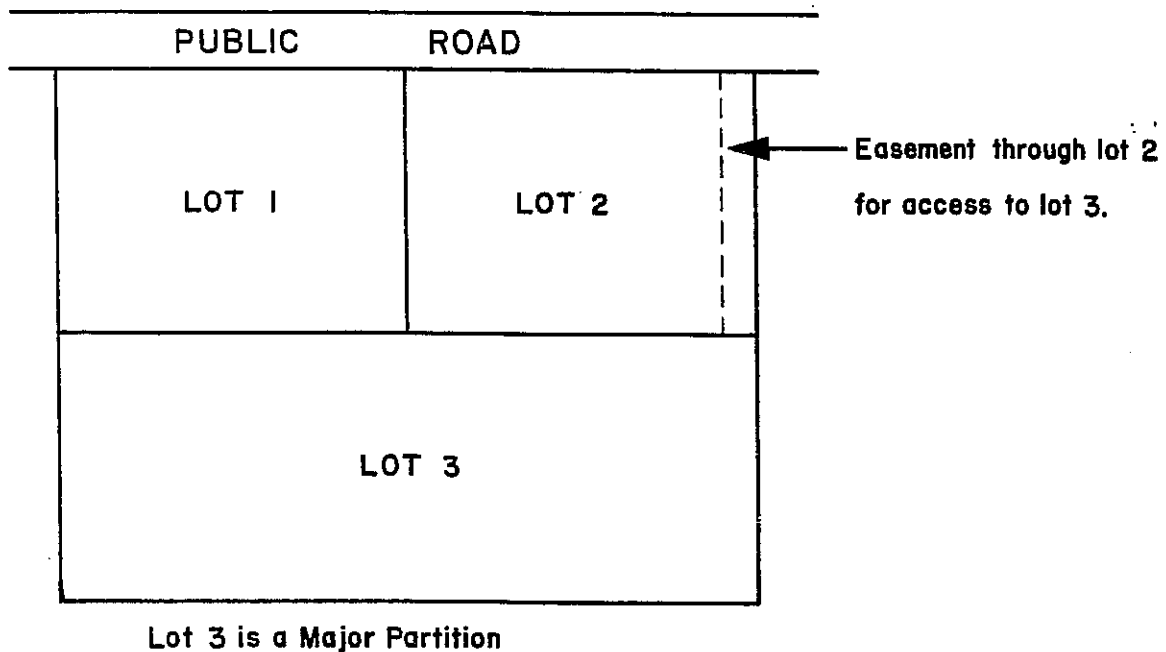
Figure 1.

1. Plan Requirements. An applicant for a minor partition shall submit a copy of a plan for partitioning showing the following information:
  - a. A sketch of the original parcel of land (all contiguously owned property).
  - b. The date, northpoint, scale, and metes and bounds description adequate to define the location and boundaries of the property to be partitioned.

- c. The name, signature and address of the owner of the property and the applicant's name and address if different.
- d. The amount of acreage of the original parcel to be partitioned.
- e. The area of the newly created lots.
- f. The location, names and widths of all streets and easements adjacent to and within the parcel to be partitioned.
- g. The existing use or uses of the property including the existing structures to remain on the property.

Section 5.204. Major Partitioning. An application for a major partition shall be processed by the Director under a Type II procedure. Major partitioning occurs when a lot is created that does not have frontage (minimum 25 feet) on an existing public, county, or state road. In this case, a landowner is creating a roadway (or easement) for the purpose of partitioning an area or tract of land (See Figure 2).

Figure 2.



1. Plan Requirements: An applicant for a major partition shall submit three (3) copies of the Tentative Plan for partitioning showing the following information:
  - a. A sketch of the original parcel (all contiguously owned property).
  - b. The date, northpoint and scale of the drawing.

- c. A vicinity map locating the proposed major partitioning in relation to adjacent parcels, buildings, and roadways.
- d. The existing use or uses of the property including the location of all existing structures to remain on the property.
- e. The dimensions and location of lot lines of all proposed parcels.
- f. The location, name, and width of all existing streets, easements, and rights-of-way.
- g. The location of right-of-way lines for all proposed streets and easements.
- h. The width and location of all easements for drainage or public utilities.
- i. A statement regarding contemplated water and sewage disposal of each lot.
- j. The names, signature and addresses of all the owners, developer, and surveyor or applicant if different than the owner.
- k. A tie by actual survey to a section, quarter section or donation land claim border. When partitioning is in a subdivision, a tie shall be given to either the initial point or block corner of the original subdivision.

Section 5.206. Criteria for Approval of Tentative Plan. In approving a tentative land division plan, the plan must comply with Sections 1.040 and 1.050 of this Ordinance and the following:

- 1. Development of any remainder of property under the same ownership can be accomplished in accordance with this Ordinance.
- 2. Adjoining land can be developed or is provided access that will allow its development in accordance with this Ordinance.

Section 5.208. Tentative Plan Expiration Date. Within one year following the effective date of approval of a tentative land division plan the final map shall be submitted pursuant to Section 2.030 and shall incorporate any modification or condition required by approval of the tentative plan. The Director may, upon written request by the applicant, grant an extension of the expiration date of up to six (6) months 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.

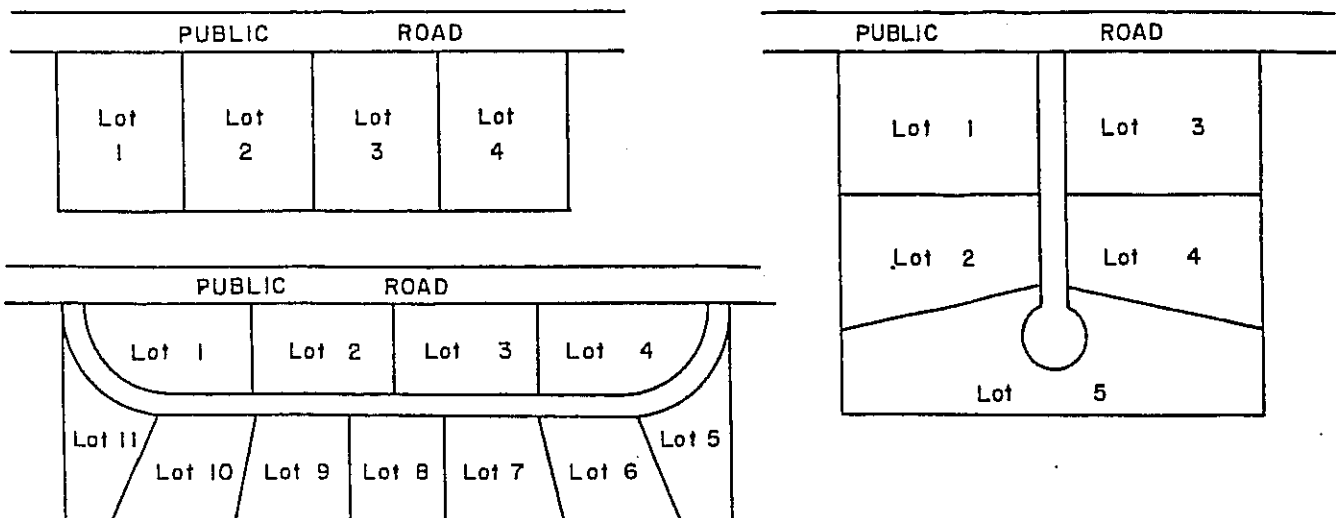
Section 5.210. Submission and Review of Final Map. A final map shall be submitted and within ten (10) days of submission, the Director shall determine whether the material conforms with the approved tentative plan and with the applicable requirements of this Ordinance. If the Director determines that there is a failure to conform, the applicant shall be advised and afforded an opportunity to make corrections. When the map is found to conform, it shall be signed and dated by the Director if other requirements for a development permit have been fulfilled.

Section 5.212. Approval Signature for Final Partition Map. Following review and approval of a final partition map, the Director shall take the following actions:

1. Where required, obtain the approval signature thereon by the County Surveyor certifying that it complies with all applicable survey laws. Before so certifying, 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 map is found to conform, it shall be signed and dated by the Surveyor.
2. Certify that the map is approved.
3. Deliver the approved partition map and accompanying documents to the County Clerk for recording.
4. Notify the applicant that the approved partition map and accompanying documents have been delivered to the County Clerk and may be offered for record.

Section 5.220. 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 the Director under a Type III procedure. A subdivision occurs when four (4) or more lots are created during the same calendar year (see Figure 3) when an area existed as a single parcel or contiguous parcels of land under a single ownership at the beginning of such calendar year.

Figure 3.





Section 5.222. 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 5.224. 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 5.226. Preliminary Plat Information. The Preliminary Plat of the proposed subdivision shall include the following information:

1. Proposed name of subdivision. This name shall not duplicate nor resemble the name of another subdivision in the County and shall be approved by the Commission.
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 of 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.
10. Location of significant natural features such as rock outcroppings, marshes, wooded areas and isolated preservable trees.
  11. Location of any rare, threatened and endangered species (plant or animal) located on or within 1,000 feet of the proposed subdivision.
  12. Location and direction of all water courses and/or bodies and the location of all areas subject to flooding.
  13. Existing uses on the property, including location of all existing structures.
  14. 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.
  15. 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.
  16. 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 back-up or ponding of surface water on adjacent properties as well as within the proposed development.
  17. Location, acreage and dimensions of lots and the proposed lot numbers.
  18. Site, if any, allocated for a purpose other than single-family dwellings.
  19. Location, acreage and dimensions of areas proposed for public use.
  20. Location, acreage and dimensions of areas proposed for common open space (30% in the Rural designation of the Clatsop Plains planning area).
  21. 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:
    - a. Phase I - shall be recorded within twelve (12) months of preliminary approval.

- b. Phase II - shall be recorded within thirty-six (36) months of preliminary approval.
- c. 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 6.110-6.120.

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.

- 22. 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.
  - 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.
- 23. Compliance with the Clatsop County Comprehensive Plan and Land and Water Development and Use Ordinance.
  - 24. 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.
  - 25. 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.
  - 26. 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.

#### Section 5.228. Preliminary Plat Review.

- 1. Upon receipt of a completed Preliminary Plat, the Planning Department 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 Department 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.
- 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 for in Section        to and including        of this Ordinance, the road standards as set forth in Section S6.000 of the Development and Use Standards Document.
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        to and including        of this Ordinance. Such approval of Preliminary Plat shall be valid for twelve (12) months from the date of the approval of the Preliminary Plat.

#### Section 5.230. Granting of Exceptions.

1. The Commission shall have the authority to grant an extension of up to twelve (12) months to the Preliminary Plat approval and to grant an extension of time of up to twelve (12) months to any subdivision being developed in phases as allowed in this Ordinance.
2. Any subdivider wishing to gain an extension of a Preliminary Plat approval shall file a written request setting forth the reasons why an extension should be granted with the Planning Commission. After receiving the written request from the subdivider, the Commission shall hold a hearing. The Commission at the hearing shall receive facts presented and upon those facts may grant an extension of up to twelve (12) months and establish any conditions necessary for the implementation of this Ordinance.
3. Any subdivider who is developing his subdivision in phases may seek an extension of time from the Commission. The subdivider shall file with the Planning Commission his written request for an extension and the reasons why that extension should be granted. The Commission, after receiving the written request, shall have a hearing. At the hearing, the Commission upon the facts presented may grant an extension of time of up to twelve (12) months on the phase the subdivider is then developing. This extension of time shall not affect any other phases not under development. In granting the extension, the Commission shall have the authority to attach whatever conditions are necessary to carry out the provisions of the Comprehensive Plan and this Ordinance.

4. The granting of an extension by the Commission 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 Department file.

Section 5.232. Submission of Final Plat. Within one (1) year after approval of the Preliminary Plat, or within such time as set forth by the Commission under the provisions of Section 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 engineer or registered surveyor responsible for the laying out of the subdivision. All signatures must be with black India ink.

Section 5.234. Form and Scale of Final Plat.

1. The Final Plat offered for approval and recording shall be made in blank India ink upon a good quality of white cold-pressed, double-mounted drawing paper of 18" x 24" size, with the muslin extending three (3) inches farther at one end for binding purposes. All scales, lettering and affidavits shall be of such size and type of lettering as to be clearly legible, with no part coming nearer than one (1) inch to any edge of the sheet. The plat may be placed on as many sheets as necessary, but a face sheet and index page shall be placed upon two (2) or more sheets. Plat material may be placed on both sides of a sheet.
2. At the time of filing the Final Plat, the engineer or 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 photocopy on good quality linen tracing cloth or other suitable drafting material 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 ordinarily be one (1) inch to one-hundred (100) feet or, one (1) inch to fifty (50) feet. As explained in Section of this Ordinance, 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 the Board.

Section 5.236. Information on Final Plat. The following information shall be shown on the Final Plat:

1. The name of the subdivision, the date the plat was prepared, the scale, northpoint, 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.
4. Exact location and width of streets and easements intersecting the boundary of the subdivision.
5. Subdivision block and lot boundary lines and street right-of-way and center lines with dimensions to the nearest 1/100th of a foot, bearings or deflection angles, radii, arch, points of curvature, chord bearings and distances, and tangent bearings. Subdivision boundaries, lot boundaries, and street bearings shall be shown to the nearest 30 seconds with basis of bearings.
6. 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 and central angle shall be indicated.
7. Easements denoted by fine dotted lines, clearly indentified and, if already of record, their recorded reference. If an easement is not 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.
8. 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.
9. Numbering of lots and blocks, as follows:
  - a. Lot numbers beginning with the number "1" and numbered consecutively in each block. Number sequence to generally follow the same system as sections are numbered in a township.

- b. Block numbers beginning with the number "1" and continuing consecutively without omission or duplication throughout the subdivision. The numbers shall be solid, of sufficient size and thickness to stand out and so placed not to obliterate any figure, block and lot numbers, in addition to a subdivision of the same name, shall be a continuation of the numbering in the original subdivision.
- 10. All dimensions in feet and decimals of a foot, to the nearest 1/100th of a foot.
- 11. Location of all permanent monuments within the proposed subdivision.
- 12. Ties to any city, county, or adjacent subdivision's boundary lines.
- 13. Acreages of each parcel to the nearest 1/100th of an acre.
- 14. Any conditions specified by the Commission or Board upon granting preliminary approval.
- 15. A statement signed by the subdivider which holds Clatsop County harmless and in which subdivider agrees to defend Clatsop County and pay any judgement against Clatsop County arising from any action, suit or other legal or quasi-legal proceeding arising out of the approval granted by Clatsop County concerning the water supply of the subdivision.

#### Section 5.238. Survey Requirements.

- 1. A complete and accurate survey of the land to be subdivided shall be made by a registered land surveyor licensed to practice in the State of Oregon, in accordance with standard practices and principles of land surveying.
- 2. The traverse of the exterior boundaries of a proposed subdivision and each block and lot shall close within a limit of error as specified by ORS 92.050. All monuments shall be set according to the provisions of ORS 92.060. In making the survey for the subdivision, the survey shall set sufficient permanent monuments prior to the recording of the Final Plat so that the survey or any part thereof may be retraced according to Oregon Revised Statutes.
- 3. Interior boundary and lot monuments for the subdivision shall be marked by a registered land surveyor in accordance with ORS 92.065, and referenced in the plat. If the monuments are in place at the time the subdivision is recorded, no performance bond is necessary. If monumentation is delayed beyond the date on which the subdivision is recorded, a bond must be posted to assure that the monuments will be set by a certain date, in accordance with ORS 92.070. The Commission shall determine the length of time and estimated amount of bond or cash deposit to guarantee payment of the cost of setting the interior monuments in the subdivision.



Section 5.240. .Supplementary Information with Final Plat.

1. Evidence of Title. The Commission shall require Evidence of Title accompanying the Final Map by a letter or Final Map 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 Map and certificates have been reviewed. It shall also list exceptions, if any, that will be imposed by the company when the Final Map is recorded.
2. Restrictive Covenants. A copy of any Restrictive Covenant(s) is to be filed with the Final Map. On Final Maps 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 Map. For other Final Maps, 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 in 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 land, access rights or facilities. Acceptance of the Final Plat shall not be construed as approval of dedicated land rights, easements or other facilities.
6. 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.
7. 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.
8. Common Open Space. Maintenance of Common Open Space shall be subject to Section S3.180.

Section 5.242. 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 require 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 5.244 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 5.244. 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 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 cost of the improvements and incidental expenses. Said money will only be released upon authorization of the County Engineer.
2. 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.
3. If the subdivider fails to carry out provisions of the agreement and the County has unreimbursed costs or 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.
4. If subdivision extensions are granted, the bond may need to be revised.

#### Section 5.246. Final Plat Approval.

Upon receipt of the Final Plat, the exact transparent copy thereof, prints and supplementary information, the Planning 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 Planning 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 Planning Director shall advise the Chairperson of the Commission. The Chairperson of the Commission may then have the plat signed in the 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 maintenance. Approval of the Final Plat shall not act as an acceptance by the public of any other land for public purposes.

#### Section 5.248. Filing of Final Plat.

The subdivider shall, without delay, submit the Final Plat for signatures of the following County officials in the order listed:

1. Surveyor, in accordance with the provisions of ORS 92.100;
2. Engineer;
3. Sanitarian;
4. Commission;
5. Assessor;
6. Tax Collector;
7. No less than two (2) members of the Board;
8. Clerk.

#### Section 5.250. 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 5.248 of this Ordinance, have 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 5.252. 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.

## Section 5.300. Site Plan Review.

Section 5.30.2. 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 Planning 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 1.040, 1.050 and the requirements of this Section.

## Section 5.400. Boundary Changes.

Section 5.402. Special Purpose District Adjustments. Adjustments of the boundary of a special purpose district shall be made by the Director under a Type I procedure when new information has been obtained establishing that the boundary should be different than shown to fulfill the purpose of the district. Notice shall be given to owners of property to be removed from or included in the district unless the owners have previously consented to the contemplated action.

Section 5.406. Special Purpose District Boundary Revision. A district boundary may be revised as distinguished from adjusted as provided by this section or as part of a legislative action. The Planning Commission shall consider revision of a special purpose district boundary if initiated by the Planning Commission, either on its own or at the request of the governing body, or upon the petition of a majority of the property owners in the area proposed for change. A property owner's petition shall be filed with the Director on a form to be provided by the Planning Department. The Commission shall process the proposal under a Type III procedure, with mailed notice to owners of property within (250) feet of the area proposed for change, and shall approve a district boundary revision if, in addition to compliance with Sections 1.040 and 1.050, the following findings are affirmatively made:

- (1) The revision will not interfere with the development or value of other land in the vicinity when compared to the public interest in allowing the change.
- (2) The revision will not be detrimental to the general interests of the community.

Section 5.410. Change in Zone Designation. Unless part of a legislative action, a change in a zone designation from the existing designation to another appropriate designation may be made by the Planning Commission according to the criteria set forth in Section 5.412. The process for changing a zone designation shall be a Type III procedure initiated by the Planning Commission, either on its own or at the request of the governing body, 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.

Section 5.412. Zone Change Criteria. The Planning Commission shall approve a non-legislative zone designation change if it finds compliance with Sections 1.040, 1.050 and the following additional criteria.

- (1) The amendment shall be consistent with the Comprehensive Plan.
- (2) The revision will not interfere with the development or value of other land in the vicinity when compared to the public interest in allowing the change in zone.

- (3) A demand exists for the development and uses listed in the proposed zone at the proposed location.

Factors which should be considered in determining whether or not this demand exists include (a) availability, including an assessment of the public facilities and services and roads to supply the area, and (b) an assessment of availability of other appropriate zoned property.

- (4) The revision will not be detrimental to the general interests of the community.

## Section 5.500. Temporary Use Permits.

Section 5.502. Purpose and Intent. It is the intent of the temporary use permit section to provide a set of procedures and standards for temporary uses of land or structures which, because of unique characteristics relative to locational features, design, size, operation, circulation, and public interest or service, which require special consideration for temporary usage after demonstration of temporary need and a finding of no adverse impact to the welfare of adjacent properties and the community as a whole. The provisions of this section are to apply when the proposed use does not qualify as a continuation of a non-conforming use, not permitted by right, nor permitted through the operation of other more pertinent procedures and provisions of this Ordinance. Provided however, 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 5.504. 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 reason 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 described herein and to provide guidelines for the imposition of additional conditions not specifically provided for herein, to the end that such uses will:

- (a) Be more nearly consistent with intent and purpose of the zone in which it is proposed to locate such temporary use, and shall meet the requirements of the Comprehensive Plan with regard to providing benefit to the general welfare of the public and will fulfill a probable need of the public which can best be met by a temporary permit at this time and in this place to provide a solution to a temporary problem or to provide a temporary solution to enable a permanent solution to be found; and
- (b) Comply with the requirements of the zone within which the temporary use permit is proposed, except as may be additionally provided for under the provisions of Section 5.500.



Section 5.506. Permitted Temporary Uses, Criteria and Limitations.

The following temporary uses may be permitted under a Type II 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 5.508 and subject to the condition provisions of subsection 5.510.

- A. Non-conforming Uses. A different use for non-conforming uses of structures and/or land may be permitted by the Planning Director provided it is determined by the Planning Director that the character and nature of the proposed temporary use will be less incompatible to the surrounding vicinity than the existing non-conforming use.
- B. Existing Structures and/or Premises. Existing structures and/or premises which do not have a qualified non-conforming use status and which were designed and 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.
- C. 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 Planning 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.
- D. 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 by temporary use permit granted by the Planning Director subject to a finding that the existing or new structure to be utilized pursuant to the temporary use permit shall be brought into conformity with the Ordinance provisions in effect at that later time or be removed.
- E. 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 Planning Commission.

Section 5.508. General Standards. The following enumerated standards shall be utilized by the Planning Director in reaching its decision on every application for a temporary use permit:

- A. A proposed use provided by the temporary use permit 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.

- B. The use proposed by the temporary permit will not be adversely effected by the permitted development of abutting properties and the surrounding vicinity.
- C. In applying specific temporary use criteria and limitations, these general standards, and determinations of appropriate conditions, consideration shall be given, but not limited to:
  - (1) The harmony and scale, bulk, coverage, and density;
  - (2) The availability of public facilities and utilities;
  - (3) The harmful effect, if any, upon a desirable neighborhood character;
  - (4) The generation of traffic and the capacity of surrounding streets and roads;
  - (5) The creation of noise, vibration, odors, or other similar nuisances;
  - (6) Any other relevant impact on the peace, quiet, comfort, and enjoyment by and of the abutting properties and the surrounding community.
- D. 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 the applicable zone.
- E. No temporary use permit shall be granted which is inconsistent with the purpose and intent set forth in subsection 5.502 or is inconsistent with the goals set forth in subsection 5.504.

#### Section 5.510. Conditions.

- A. Required Conditions. All temporary permits issued by the Planning Director shall be subject to the following conditions:
  - (1) 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 shall be required, if determined necessary by the Planning Director at the time of approval in sufficient amount to cover the estimated costs of such restoration.
  - (2) Time Limit. Temporary permits shall be granted for no longer than a one (1) year period of time.

- (3) 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 Planning 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.

B. Additional Conditions.

- (1) The Planning Director may attached conditions to temporary use permits in addition to those conditions enumerated in the applicable paragraphs of subsection 5.510 A. of this section. Such conditions may include, but shall not be limited to conditions which effect the following:
- a. Setbacks, special yards, and spaces;
  - b. Screening, fences, and walls;
  - c. Off-street parking and loading;
  - d. Control of points of vehicular ingress and egress;
  - e. Construction standards and maintenance.

Section 5.512. Revocation.

- A. Basis for Revocation. Except as provided in subsection B, hereinbelow, temporary use permits are automatically revoked and void without special action if:

- (1) The permit has not been exercised within six (6) months of the date of approval; or
- (2) The use approved by the temporary permit is discontinued for any reason for six (6) continuous months, or more; or
- (3) Applicant, his agents or successors or assigns fail or refuse to comply with the conditions imposed in a temporary permit and/or to refuse to adhere to the plot as approved.

- B. Right to Hearing. The Planning Commission, under a Type II procedure, may hold a hearing to revoke any temporary use permit for failure to comply with any prescribed condition of the temporary permit approval if a hearing is requested by an affected party within thirty (30) days of notice of revocation.
- C. Standing to Request Hearing. A hearing for revocation of a temporary permit may be requested of the Planning Commission by an affected citizen or by any administrative officer of the County who is of the opinion and/or all of the basis for revocation as stated in subsection A. hereinabove exists. Requests for revocation hearings shall be accomplished by submitting a letter to the Planning Commission stating the basis for requesting the hearing for revocation. The Commission shall then set a hearing for the revocation if it so determines a hearing is warranted.
- D. Hearing Procedure. Public hearing, notification, and appeal procedures for revocation hearings by the Planning Commission and the Board of County Commissioners shall be held subject to Section .

## Section 5.700. Legislation.

### Section 5.710. 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) Unless an emergency is declared by the County Commission, legislative actions under this Ordinance shall be considered only once in a twelve (12) month period and may follow or be in conjunction with Comprehensive Plan amendment.
- (3) A legislative action shall follow the Type IV procedure subject to the modifications and supplements of Sections 5.710 to 5.735.

Section 5.715. 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 Planning 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 5.720. 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 5.725. 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 5.730. 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.

Section 5.735. County Commission Legislative Action.

- (1) The County Commission 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. Appropriateness of the legislative process.
  - c. Policy changes or refinements proposed.
- (2) After confirming, amending or reversing the recommendations of the Planning Commission, the County Commission 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 fore Ordinance enactment.

## ARTICLE 6. PUBLIC DELIBERATIONS AND HEARINGS

Section 6.010. 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 6.100. Notice of Hearing.

- (1) Notice of a hearing shall be reasonably calculated to give actual notice and, other than for a legislative action under Sections 5.710 to 5.735, shall contain the following information:
  - a. The date, time and place of the hearing.
  - b. A description reasonably calculated to inform a person of the location of the property for which a development permit or other action is pending, including but not limited to use of a map or postal address and a subdivision lot and block designation, a metes and bounds description or the tax map designation of the County Assessor.
  - c. The nature of the issue up for hearing.
  - d. The interested parties that have standing to appear and be heard.
  - e. The sections of the Ordinance that are pertinent to the hearing procedure.
  - f. Where information may be examined and when and how written comments addressing findings required for a decision by the hearing body may be submitted.

- g. Where the application is made for a change of district or zone classification and at the discretion of the Director information regarding the authority of the hearings body to consider alternative classifications.

Section 6.110. Procedure for Mailed Notice. Unless otherwise provided, addresses for a mailed notice required by this Ordinance shall be obtained from the County's 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 to receive notice as required by the matter under consideration, the Director shall 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 6.115. Procedure for Published Notice. Published notice shall be published at least one in a newspaper of general circulation.

Section 6.118. Time and Cost of Notice for Legislative (Type IV) Action.

- (1) Unless otherwise provided, notice shall be mailed, published not less than twenty (20) nor more than thirty (30) days prior to the hearing requiring the notice.
- (2) Where applicable, cost of initial notice shall be included in the development permit application fee.

Section 6.120. Time and Cost of Notice for Administrative (Type II) and Hearing (Type III) Action.

- (1) Unless otherwise provided, notice shall be mailed, published not less than ten (10) nor more than fifteen (15) days prior to the hearing requiring the notice.
- (2) Cost of initial notice shall be included in the development permit application fee.

Section 8.210. 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 Planning 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 6.220. 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 spouse, brother, sister, child, parent, father-in-law, mother-in-law, 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 hearing and decision cannot be in an impartial manner.

Section 6.230. 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 6.240. 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. Therefore, hearing body members shall reveal any significant 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 6.245.

Section 6.245. 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 6.250. 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 body.
- (2) If all members of a hearing body abstain or are disqualified, all members present after stating their reasons for abstention or disqualification shall by so doing be requalified and proceed to resolve the issues.
- (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 6.300. Burden and Nature of Proof. Except for Type IV determination, the burden of proof is upon the proponent. The more drastic the change or the greater the impact of the proposal in the area, the greater is the burden upon the proponent. The proposal must be supported by proof that it conforms to the applicable elements of the Comprehensive Plan and to applicable provisions of this Ordinance, especially the specific criteria set forth for the particular type of decision under consideration. Additionally, the following factors are deemed relevant and material and shall be considered by the hearing body in reaching its decision on a proposal.

- (1) Mistake in the original designation or provision.
- (2) Change of conditions within the vicinity in which the development is proposed.

Section 6.400. Order of Proceedings. An order of proceedings for a hearing will depend in part on the nature of the hearing. The following shall be supplemented by administrative procedures as appropriate.

- (1) Before receiving information on the issue, the following shall be determined:
  - a. Any objections on jurisdictional grounds shall be noted in the record and if there is objection, the person presiding has the discretion to proceed or terminate.
  - b. Any abstentions or disqualifications shall be determined.
- (2) The person presiding at the hearing may take official notice of known information related to the issue, such as the following:
  - a. Provisions of the charter or state law or of an Ordinance resolution, rule or officially promulgated policy of the County.

- b. Other public records and facts judicially noticeable by law.
- (3) Matters officially noticed need not be established by evidence and may be considered by the hearing body in the determination of the matters. Parties requesting notice shall do so on the record; provided, however, that the hearing body may take notice of matters listed in subsection (2) of this Section if stated for the record. Any matter given official notice may be rebutted.
  - (4) The hearing body may view the area in dispute with or without notification to the parties, but shall place the time, manner and circumstances of such view in the record.
  - (5) Information shall be received from the staff and from proponents and opponents. The presiding officer may approve or deny a request from a person attending the hearing to ask a question. Unless the presiding officer specifies otherwise, if the request to ask a question is approved, the presiding officer will direct the question to the person submitting testimony.
  - (6) When the hearing has ended the hearing body shall openly discuss the issue and may further question a person submitting information or the staff if opportunity for rebuttal is provided.

Section 6.410. Decision. Following the hearing procedure described in Section 6.400, 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 60 days of the application except that with the agreement of the hearing body and an applicant or appellant, the processing of a matter under consideration may be extended for a reasonable period of time as determined by the hearing body, but not to exceed six months from the date of the first hearing on the matter.

Section 6.420. 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 6.430. Record of Proceedings. The secretary to the hearing body shall present at each hearing and 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.

Section 6.500. Request for Review.

- (1) A decision on issuance of a development permit may be appealed to the Planning Commission by an affected party by filing an appeal with the Director within twenty (20) days of notice of the decision. The notice of appeal shall indicate the nature of the interpretation that is being appealed and the matter at issue will be a determination of the appropriateness of the interpretation of the requirements of this Ordinance.
- (2) A decision of the Planning Commission may be appealed to the County Commission by an affected party by filing an appeal within twenty (20) days of notice of the decision. The notice of appeal shall indicate the decision that is being appealed.
- (3) At its discretion the hearing body 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.

Section 6.505. Requirements of Notice of Appeal.

- (1) A notice of appeal shall contain:
  - a. An identification of the decision sought to be reviewed, including the date of the decision.

- b. A statement of the interest of the person seeking review and that he/she was a party to the initial proceedings.
- c. The specific grounds relied upon for review.
- d. 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 6.525 (1).

Section 6.515. Scope of Review. The reviewing body shall issue an order stating the scope of review on appeal to be one of the following:

- (1) Restricted to the record made on the decision being appealed.
- (2) Limited to such issues as the reviewing body determines necessary for a proper resolution of the matter.
- (3) A de novo hearing on the merits.

Section 6.520. Review on the Record.

- (1) Unless otherwise provided for by the reviewing body, review of the decision on appeal shall be confined to the record of the proceeding as specified in this Section. The record shall include:
  - a. A factual report prepared by the Planning Director.
  - b. All exhibits, materials, pleadings, memoranda, stipulations and motions submitted by any party and received or considered in reaching the decision under review.
  - c. The transcript of the hearing below, if previously prepared; otherwise, a detailed summary of the evidence, but the details need not be set forth verbatim.
- (2) The reviewing body shall make its decision based upon the record after first granting the right of argument but not the introduction of additional evidence to any party who has filed a notice of appeal.

Section 6.525. 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 review body as if the action had not been previously heard and as if no decision had 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 6.530. 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 finding 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 and shall file that decision with the County Clerk within ten (10) days after it is rendered.

## ARTICLE 10. GENERAL PROVISIONS

Section 10.010. 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 the 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 County Commission at least thirty (30) days prior to the effective date of the ruling. The ruling will not become effective if the County Commission moves to have the matter addressed as an Ordinance amendment.

Section 10.015. Maintenance of Ordinance Requirements. No lot area, 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 10.110. 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 re-vegetation, or for any development and use that the Planning 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 an acknowledgement of obligation. The acknowledgement 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 10.020. 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 Planning Director under a Type I procedure that:

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

Section 10.025. Grandfathered Lots. A grandfathered lot may be built on if it is determined by the Planning Director under a Type I procedure that:

- a. Adjoining parcels under the same ownership are already built upon and lot lines cannot be adjusted to create a legal lot without reducing the size of the adjoining lots below the minimum lot size in the zone in which the lot is located.
- b. The lot is approved for access in accordance with Section 10.020 and approved water supply and sewage disposal are appropriate to such use.

Section 10.120. Noncompliance 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 noncompliance. 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 expense.
- (3) If a bond or other security required by Section 10.110 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.
  - (4) 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.
  - (5) The lien may be foreclosed in the manner prescribed by law for foreclosing other liens on real property.

Section 10.150. 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 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 is 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 it pertains to that area.

- (3) Where the County carries out the obligation because the permittee has failed to do so under Section 10.120, 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 10.180. Fees and Deposits. Fees and deposits shall be set and adjusted by County Commission resolution.

Section 10.210. 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 10.220. 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.

Section 10.230. Abatement and Penalty.

- (1) A person violating a provision of this Ordinance shall be subject to a fine of not less than \$25.00 nor more than \$250.00. A violation shall be considered a separate violation for each day it continues.
- (2) A development in violation of this Ordinance or the use of a development in violation of this Ordinance shall constitute a nuisance. The County may, as an alternative to other remedies that are legally available for enforcing this Ordinance, institute injunction, mandamus, abatement or other appropriate proceedings to prevent, enjoin, abate or remove the development or use in violation.