

ARTICLE 1. INTRODUCTORY PROVISIONS

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Section 1.0100. Title

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

SECTION 1.0200. PURPOSE

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

SECTION 1.0300. SCOPE OF REGULATIONS

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

SECTION 1.0400. APPLICATION

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

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SECTION 1.0500. DEFINITIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ACTIVITY – See Development.

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ADJUSTED PROPERTY LINE -- See property line adjustment.

AFFORDABLE HOUSING – “Affordable housing” means housing that is affordable to households with incomes equal to or less than 80 percent of the median family income for the county in which the housing is built. [ORD. 23-07]

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

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

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

AGRICULTURAL LAND --

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

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

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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.

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

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

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

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

ANIMAL HOSPITAL/VETERINARY CLINIC – A building or facility that specializes in the medical care and treatment of animals, including overnight boarding. [ORD. 23-07]

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

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

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

AQUATIC AREAS -- Aquatic areas include the tidal waters, including subtidal areas and wetlands of the estuaries and non-tidal sloughs, streams, and wetlands within the shorelands area boundary. The lands underlying the waters are also included. The upper limit of aquatic areas is the upper limit of aquatic vegetation or, where such a line cannot be accurately determined, Mean Higher High Water (MHHW) in tidal areas or Ordinary High Water (OHW) in non-tidal areas.

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

AREA ZONED FOR RURAL RESIDENTIAL USE – Land that is not located inside an urban growth boundary as defined in ORS 195.060 and that is subject to an

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acknowledged exception to a statewide land use planning goal relating to farmland or forestland; and zoned to allow residential use as a primary use. [ORD. 23-03]

AUTO, BOAT, TRAILER, RV SALES – Includes the sale or leasing of new or used cars, boats, trailers, and/or recreational vehicles (RVs); however, service, vehicle accessories, and parts sales may also be available. Some dealerships also include leasing option and a mix of vehicle types. [ORD. 23-07]

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 RACETRACK – A facility that contains a racetrack, spectator seating, and parking, and may include a restaurant or refreshment area. [ORD. 23-07]

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

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

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

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

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

BASEMENT -- A portion of a building which has less than one-half ($\frac{1}{2}$) of its height measured from finished floor to finished ceiling above the average grade of the

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adjoining ground, and not deemed a story unless the ceiling is six (6) feet or more above the grade.

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

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

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

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

BED AND BREAKFAST FACILITY -- An accessory use in a single-family dwelling in which lodging and a morning meal for guests only are offered for compensation, having no more than five (5) sleeping rooms for this purpose. A bed and breakfast facility must be within the residence of the operator and be compliant with the requirements of ORS 624.010 to 624.130. [Ord. 18-02]

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

BIOFUEL -- As defined in ORS 315.141, "biofuel" means liquid, gaseous or solid fuels, derived from biomass, that have been converted into a processed fuel ready for use as energy by a biofuel producer's customers or for direct biomass energy use at the biofuel producer's site. [ORD. 23-02]

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

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

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

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meals are served for compensation for more than nine (9) persons shall be deemed a restaurant. An establishment with more than five (5) sleeping rooms shall be deemed a hotel.

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

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

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

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

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

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

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

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

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

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

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

CAMPSITE -- A space provided in a campground, primitive campground or recreational

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vehicle (RV) park which usually contains a table, stove, parking place and space for a tent to accommodate a one-family group.

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

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

CENTER OF THE SUBJECT TRACT – The mathematical centroid of the tract. [ORD 23-02]

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

CHILD CARE CENTER – Means a child care facility that is certified by the Oregon Department of Education Office of Child Care as a child care center. [ORD. 23-04]

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

CLINIC – Medical offices with outpatient treatment and no overnight stays. Urgent care is another term commonly used to describe this type of facility. [ORD. 23-07]

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

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

- 1) Areas subject to ocean flooding and lands within 100 feet of the ocean shore or within 50 feet of an estuary or coastal lake;
- 2) Adjacent areas of geologic instability where the geologic instability is related or will impact a coastal water body;
- 3) Natural or man-made riparian resources, especially vegetation necessary to stabilize the shoreline and to maintain water quality and temperature necessary for the maintenance of fish habitat and spawning areas;

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- 4) Areas of significant shoreland and wetland biological habitats whose habitat quality is primarily derived from or related to the association with coastal water areas;
- 5) Areas necessary for water-dependent and water-related uses including areas of recreational importance which utilize coastal water or riparian resources; areas appropriate for navigation and port facilities, dredged material disposal and mitigation sites, and areas having characteristics suitable for aquaculture;
- 6) Areas of exceptional aesthetic or scenic quality, where the quality is primarily derived from or related to the association with coastal water areas;
- 7) Coastal headlands;
- 8) Dikes and their associated inland toe drains; and
- 9) Locations of archaeological or historical importance associated with the estuary.

COFFEE KIOSK – Single-tenant coffee and donut restaurants with drive-through windows. Freshly brewed coffee and a variety of coffee-related accessories are the primary retail products sold at these sites. They may also sell other refreshment items, such as donuts, bagels, muffins cakes, sandwiches, wraps, salads, and other hot and cold beverages. [ORD. 23-07]

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

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

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

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

COMMON OPEN SPACE -- See Open Space definition.

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

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COMPREHENSIVE PLAN -- A generalized, coordinated land use map and policy statement of the governing body of a local government that interrelates all functional and natural systems and activities relating to the use of lands, including but not limited to sewer and water systems, transportation systems, educational facilities, recreational facilities, and natural resources and air and water quality management programs. "Comprehensive" means all-inclusive, both in terms of geographic area covered and functional and natural activities and systems occurring in the area covered by the plan. "General nature" means a summary of policies and proposals in broad categories and does not necessarily indicate specific locations of any area, activity or use. A plan is "coordinated" when the needs of all levels of governments, semi-public and private agencies and citizens of Oregon have been considered and accommodated as much as possible. "Land" includes water, both surface and subsurface, and the air.

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

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

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

CONGREGATE CARE FACILITY – An independent living development that provides centralized amenities such as dining, housekeeping, communal transportation, and organized social/recreational activities. Each individual dwelling unit often has a kitchenette, rather than a full kitchen. Limited medical services, such as nursing and dental may be provided. [ORD. 23-07]

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

CONTIGUOUS – Tax lots or parcels that have a common boundary. Contiguous lots or parcels include those that are under common ownership and separated by a public

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road. [Ord. 18-02]

CONVENIENCE MARKET – These markets sell convenience foods, newspapers, magazines, and often beer and wine; they do not have gasoline pumps. [ORD.23-07]

CONVENIENCE STORE WITH GAS PUMPS – Gasoline/service stations with convenience markets where there is significant business related to the sale of convenience items and the fueling of motor vehicles. Some commonly sold convenience items include freshly brewed coffee, daily-made donuts, bakery items, hot and cold beverages, breakfast items, dairy items, fresh fruits, soups, light meals, ready-to-go and freshly made sandwiches and wraps, and ready-to-go salads. Stores typically have automated teller machines (ATMs), and public restrooms. [ORD. 23-07]

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

COUNTY -- The County of Clatsop, Oregon.

COUNTY ROAD -- See Road, County.

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

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

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

CULTURED CHRISTMAS TREES -- Means trees:

- 1) Grown on lands used exclusively for that purpose, capable of preparation by intensive cultivation methods such as plowing or turning over the soil;
- 2) Of a marketable species;
- 3) Managed to produce trees meeting U.S. No. 2 or better standards for Christmas trees as specified by the Agriculture Marketing Services of the U.S. Department of Agriculture; and

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- 4) Evidencing periodic maintenance practices of shearing for Douglas Fir and pine species, weed and brush control and one or more of the following practices: Basal pruning, fertilizing, insect and disease control, stump culture, soil cultivation, irrigation.

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

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

DESTINATION RESORTS -- A destination resort is a self-contained development providing primarily visitor-oriented accommodations and developed recreation facilities which have the following characteristics:

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

The following uses are not considered destination resorts:

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

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

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

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

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

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

DIKES -- With regard to flood protection, a structure designed and built to prevent inundation of a parcel of land by water. With regard to dredged material disposal, a structure consisting of sediments, rock, or other material designed to contain the dredged material and allow for settling of solids in a specific area while it is being deposited and after deposition has occurred. A dike is considered new when placed on an area which: (1) has never previously been diked, or (2) has previously been diked, but all or a substantial part of the area is subject to daily inundation and tidal marsh has been established. Maintenance and repair refer to: (1) existing serviceable dikes (including those that allow some seasonal inundation), and (2) those that have been damaged by flooding, erosion, tide gate failure, etc., but where reversion to tidal marsh has not yet occurred, or where repair work is commenced within 36 months of the breach regardless if the area has reverted to estuarine habitat. Dike is synonymous with levee as defined in CREST's 2002 Columbia River Estuary Dredged Material Management Plan.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Following categories and herewith defined accordingly:

- 1) One Family Dwelling - a single household unit other than a mobile home whose construction is characterized by no common wall or ceiling with another unit.
- 2) One Family Dwelling Detached - An attached building containing two or more dwelling units other than a mobile home which are individually owned with each owner having a recordable deed enabling the unit to be sold, mortgaged or exchanged independently.
- 3) Two Family (Duplex) - An attached building containing two dwelling units in single ownership.
- 4) Multiple Family Dwelling -- Three or more household units with common walls or ceilings common to another unit in single ownership.

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

DWELLING UNIT, ACCESSORY (ADU) – A residential structure that is used in connection with or that is auxiliary to a single-family dwelling. For the purposes of clarity, a single-family dwelling with an accessory dwelling unit (ADU), as defined herein, located within one of the rural community zones shall not be considered a duplex or multiple-family dwelling. [ORD. 23-03]

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

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

EMERGENCY – A human created or natural event or circumstance that causes or threatens widespread loss of life, injury to person or property, human suffering or

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financial loss, including but not limited to:

- (a) Fire, wildfire, explosion, flood, severe weather, landslides or mud slides, drought, earthquake, volcanic activity, tsunamis or other oceanic phenomena, spills or releases of oil or hazardous material, contamination, utility or transportation emergencies, disease, blight, infestation, civil disturbance, riot, sabotage, acts of terrorism and war; **and**
- (b) A rapid influx of individuals from outside this state, a rapid migration of individuals from one part of this state to another or a rapid displacement of individuals if the influx, migration or displacement result form the type of event or circumstance described in paragraph (a) of this subsection. [ORD 23-13]

EMERGENCY CONDITIONS IN ESTUARINE AREAS -- Emergency conditions are limited to activities such as bankline or streamline alteration, dike repair, fill, and shoreline stabilization undertaken during high water and/or storm conditions. Emergency activities affecting removal of material from estuarine aquatic areas or filling of estuarine aquatic areas are those necessary for preventing irreparable harm, injury or damage to persons or property. The Oregon Division of State Lands requires notification within 24 hours following the start of emergency activities. Measures taken as a result of emergency conditions will be inspected following notification and denied or approved. [ORD. 23-13]

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

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

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

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

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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.

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

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

FAMILY – A group of persons living together as one housekeeping unit using one kitchen. [ORD. 23-02]

FAMILY CHILD CARE HOME – Means a home that is registered or certified by the Oregon Department of Education Office of Child Care to provide child care in the provider's home to not more than 16 children, including children of the provider, regardless of full-time or part-time status. A family child care home is a residential use. [ORD. 23-04]

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

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

FARM PRODUCT PROCESSING FACILITY – A facility for:

- 1) Processing farm crops, including the production of biofuel, if at least one-quarter of the farm crops come from the farm operation containing the facility; or
- 2) Slaughtering, processing or selling poultry or poultry products from the farm operation containing the facility and consistent with the licensing exemption for a person under ORS 603.038(2). [ORD. 23-02]

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

FARM USE -- The current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting and selling crops or the feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or

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

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

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

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

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

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

FINANCIAL INSTITUTION – A business establishment in which money is kept for savings or commercial purposes, or is invested, supplied for loans, or exchanged. This term shall include credit unions and similar establishments which typically include automatic teller machines (ATMs) and drive-through facilities. [ORD. 23-07]

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

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

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

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

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

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

FLOW-LANE DREDGED MATERIAL DISPOSAL -- Deposition of dredged material in or adjacent to a natural or maintained navigational channel in a location where the prevailing sediment transport will carry the material downstream. Note: Downstream

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from the Astoria-Megler Bridge, flow-lane disposal is allowed only in Development management units in water depths between 20 and 65 feet below MLLW. Upstream from the Astoria-Megler Bridge, flow-lane disposal is allowed only in Development management units in water depths of 20 feet below MLLW and deeper. See Plan Policy P 20.5(11)(e).

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

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

FOREDUNE BREACHING – The alteration of the crest of an active foredune or conditionally stable foredune or conditionally stable foredune where alteration is not conducted as part of a foredune grading plan or remedial grading.

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

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

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

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

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

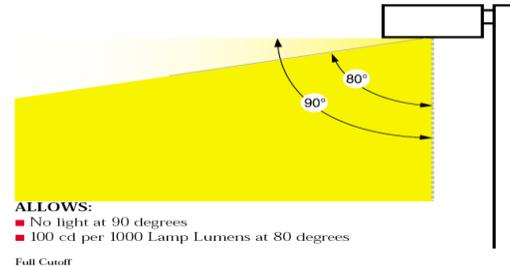
FOREST MANAGEMENT, RESEARCH AND EXPERIMENTATION FACILITIES -- Facilities needed by the State Board of Higher Education to conduct research and experimentation programs to develop the maximum yield from the forest lands of Oregon to obtain the fullest utilization of the forest resource, and to study air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

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

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

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



GARAGE, PRIVATE -- See Accessory Building.

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

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

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

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

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

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

[Ord. 18-02]

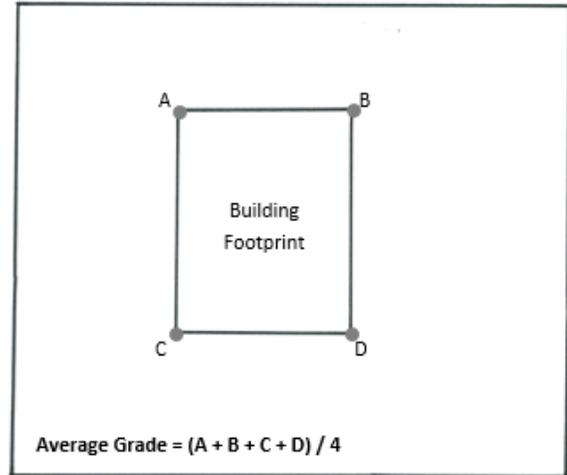
GOLF COURSE, NON-REGULATION -- A golf course or golf course-like development that does not meet the definition of golf course in this rule, including but not limited to executive golf courses, par 3 golf courses, pitch and putt golf courses, miniature golf

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courses, driving ranges and Frisbee golf. Non-regulation golf courses are not permitted on lands zoned EFU or AF. [Ord. 18-02]

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

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



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

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

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

GROSS HABITABLE FLOOR AREA (GHFA) -- The sum of the gross horizontal areas of the floor or floors of a building which are enclosed and usable for human occupancy. The areas shall be measured between the inside face of exterior walls, or from the center line separating two dwelling units. The areas shall not include areas below the average level of the adjoining ground, garage space, or utility rooms. [ORD. 23-03]

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

GUEST HOUSE -- An accessory building, studio, or other habitable space/structure, used in conjunction with the main dwelling for the temporary housing of non-paying visitors and guests. [ORD. 23-03]

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

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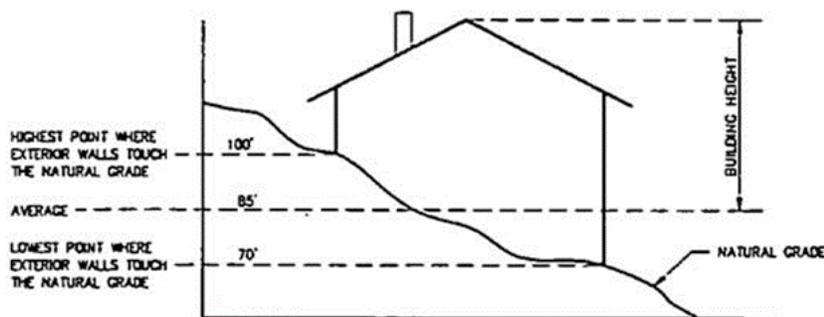
HANDICAPPED HOUSING FACILITY -- A residential home for five (5) or fewer handicapped persons and for staff who need not be related to each other or to any other home resident. As used herein, a handicapped person is an individual who has a physical or mental impairment which for the individual constitutes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

HEALTH/FITNESS CLUB – A privately-owned facility that primarily focuses on individual fitness or training. It typically provides exercise classes, fitness equipment, gymnasium, weight room, spa, and locker rooms. May also include ancillary facilities such as a swimming pool, whirlpool, sauna, limited retail, and tennis, racquetball or handball courts or a small restaurant or snack bar. [ORD. 23-07]

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

HEIGHT, BUILDING --

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



HIGH VALUE FARM LAND -- Is described as:

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

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- 3) In addition to that land described in Subsection 1), high-value farmland, if west of the summit of the Coast Range and used in conjunction with a dairy operation on January 1, 1993, includes tracts composed predominantly of the following soils in Class III or IV or composed predominantly of a combination of the soils described in Subsection 1) and the following soils:
 - a) Subclassification IIIe, specifically, Astoria, Hembre, Knappa, Meda, Quillayutte and Winema;
 - b) Subclassification IIIw, specifically, Brenner and Chitwood;
 - c) Subclassification IVe, specifically, Astoria, Hembre, Meda, Nehalem, Neskowin and Winema; and
 - d) Subclassification IVw, specifically, Coquille.

[Ord. 18-02]

HISTORIC HOME – A single-family dwelling constructed between 1850 and 1945.
[ORD. 23-03]

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

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

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

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

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

- 1) will be operated by a resident of the property on which the business is located and the resident files an annual report verifying that the home occupation complies with the conditions originally imposed;
- 2) will employ no more than five full or part-time persons;
- 3) will be operated in:
 - (A) the dwelling; or
 - (B) other buildings normally associated with uses permitted in the zone in which the property is located; and

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- 4) will not interfere with existing uses on nearby land or with other uses permitted in the zone in which the property is located;
- 5) will comply with all conditions imposed pursuant to Sections 2.4000 through 2.4050 and all standards as set forth in 3.8000 through 3.8050.

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

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

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

HOSPITAL – A hospital is any institution where medical or surgical care and overnight accommodations are provided to non-ambulatory and ambulatory patients. [ORD. 23-07]

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.

INDUSTRIAL – Any activity involving the manufacturing or treatment of any commodity including the assembly, packaging, canning, bottling, or processing of any item. To change any commodity in composition for size, shape, texture, or appearance, is deemed to be an industrial process. [ORD. 23-07]

INDUSTRIAL, HEAVY – Manufacturing, assembly, processing raw materials, repairing, research, storage, wholesaling and distribution, retailing of permitted uses, and closely related heavy industrial uses, in which all operations, other than transportation, may be performed within enclosed buildings or in open storage areas subject to performance standards imposed by all applicable governmental agencies. [ORD. 23-07]

INDUSTRIAL, LIGHT – An industrial facility devoted to a single use with an emphasis on activities other than manufacturing and typically has minimal office space. Typical light industrial activities include printing, material testing, and assembly of data processing equipment. [ORD. 23-07]

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INDUSTRIAL PARK – Characterized by a mix of manufacturing, service, and warehouse facilities with a wide variation in the proportion of each type of use from one location to another. Many industrial parks contain highly-diversified facilities and multiple tenants. [ORD. 23-07]

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

INSTITUTIONS OF HIGHER EDUCATION – Public or private vocational and trade schools, academies, colleges, and universities. [ORD. 23-07]

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

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

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

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

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

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

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

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

LAWFULLY ESTABLISHED UNIT OF LAND – “Lawfully established unit of land” means:

- (1) A lot or parcel created pursuant to ORS 92.010 to 92.192; or
- (2) Another unit of land created:

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- a. In compliance with all applicable planning, zoning and subdivision or partition ordinances and regulations; or
- b. By deed or land sales contract, if there were no applicable planning, zoning or subdivision or partition ordinances or regulations.

“Lawfully established unit of land” does not mean a unit of land created solely to establish a separate tax account. [Ord. 21-05]

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

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

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

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

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

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

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

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

Development of a “lot of record” must meet all other applicable development standards, except for the minimum lot size or lot dimensions of the zone. Development standards include all applicable requirements of the zone, overlay district, the Land and Water Development and Use Ordinance and the Standards Document, and state and federal

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statutes and administrative rules. Lot of record status does not authorize development of a lot or parcel without compliance with the requirements in Section 1.1020.

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

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

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

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

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

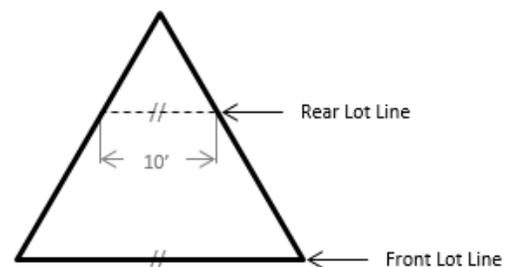
LOT LINE -- The property line bounding a lot.

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

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

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

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



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

LOT TYPES --

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

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

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

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

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

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

MAINTENANCE AND REPAIR -- Routine upkeep of an existing structure or remedial restoration of a damaged structure in current use or operation. Maintenance and repair may involve changes in the structure's location, configuration, orientation, or alignment if these changes are limited to the minimum amount necessary to retain or restore its operation or function or to meet current building, engineering or safety standards.

MANUFACTURED DWELLING (as per ORS 197.475) includes:

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- 1) Residential trailer: A structure, greater than 400 square feet, constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed before January 1, 1962.
- 2) Mobile home: A structure having at least 400 square feet of floor area and which is transportable in one or more sections. A structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed between January 1, 1962 and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.
- 3) Manufactured home: A structure constructed for movement on the public highways, after June 15, 1976, that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction.

MANUFACTURED DWELLING PARK: A place where either four or more manufactured dwellings are located on one or more contiguous lots, tracts, or parcels of land under a single ownership, the purpose of which is to provide permanent residential spaces for charge or fee paid for the use of facilities, or to offer space free of charge in connection with securing the trade, patronage or services of the occupant.

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

MANUFACTURING – An area where the primary activity is the conversion of raw materials or parts into finished products. Size and type of activity may vary substantially from one facility to another. In addition to the production of goods, manufacturing generally includes supporting offices, warehouse, research, and associated functions.
[ORD.23-07]

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

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

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

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

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

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

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

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

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

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

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

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

MINING AND PROCESSING OF AGGREGATE AND MINERAL RESOURCES -- "Processing" includes, but is not limited to, crushing, washing, milling and screening as well as the batching and blending of mineral aggregate into asphalt and Portland

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cement concrete located within the operating permit area. "Mining" includes all or any part of the process of mining by the removal of overburden and the extraction of natural mineral deposits thereby exposed by any method including open pit mining operations, auger mining operations, processing, surface impacts of underground mining, production of surface mining refuse and the construction of adjacent of off-site borrow pits except those constructed for use as access roads.

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

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

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

MINI-STORAGE – An enclosed storage area containing individual rented or owned compartments or stalls that is designed and used for renting or leasing individual storage space to occupants who have exclusive access to the storage space to store or remove personal property. [ORD.23-07]

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

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

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features and water quality. Any mitigation action or combination of actions may involve monitoring and remedial follow-up measures.

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

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

MULTI-PURPOSE RECREATONAL FACILITY – Two or more of the following land uses combined at one site: miniature golf, batting cages, video arcade, bumper boats, go-carts, thrill rides and/or a golf driving range. Refreshment areas and/or gift shop may also be provided. [ORD.23-07]

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

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

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

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

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

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

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

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

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

NEW DREDGING -- Dredging in an area that has not been dredged before; or deepening an existing dredged channel, basin, or other facility beyond its previously authorized or approved depth; or dredging a channel, basin, or other facility that has not been in use or operation in the past five years.

NEW SINGLE-FAMILY DWELLING – A dwelling that did not previously exist in residential or non-residential form. "New" does not include the acquisition, alteration, renovation or remodeling of an existing structure. [ORD.23-03]

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

- 1) Generates energy using means listed in ORS or OAR such as solar power, wind power, fuel cells, hydroelectric power, landfill gas, digester gas, waste, dedicated energy crops available on a renewable basis or low-emission, nontoxic biomass based on solid organic fuels from wood, forest or field residues but not including the production of biofuel as authorized by ORS 215.203(2)(b)(K) in all zones which allow "Farm Use" and 215.283(1)(r) in the Exclusive Farm Use zone;
 - 2) Is intended to provide all of the generator's requirements for energy for the tract or the specific lawful accessory use that it is connected to;
 - 3) Operates as a stand-alone power generator not connected to a utility grid; and
 - 4) Is located on the same tract as the use(s) to which it is accessory and the power generating facility, tract, and use(s) are all under common ownership and management.
- [Ord. 18-02]

NOXIOUS MATTER -- Materials which are capable of causing injury to living organisms by chemical reaction or is capable of causing detrimental effects upon the

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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.

NURSING HOME – A facility whose primary function is to provide care for persons who are unable to care for themselves. Examples of such facilities include rest homes, chronic care, and convalescent homes. Skilled nurses and nursing aides are present 24 hours a day at these sites. Residents often require treatment from a registered healthcare professional for on-going medical issues. A nursing home resident is not capable of operating a vehicle. [ORD. 23-07]

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

OCEAN FLOODING -- The flooding of lowland areas by salt water owing to tidal action, storm surge, or tsunamis (seismic sea waves). Land forms subject to ocean flooding include beaches, marshes, coastal lowlands, and low lying interdune areas. Areas of ocean flooding are mapped by the Federal Emergency Management Agency (FEMA). Ocean flooding includes areas of velocity flooding and associated shallow marine flooding.

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

OFFICE, GENERAL – A location where affairs of businesses, commercial or industrial organization, or professional persons or firms are conducted. An office building or buildings may contain a mixture of tenants including professional services, insurance companies, investment brokers, and tenant services. [ORD. 23-07]

OFFICE, MEDICAL OR DENTAL – A medical-dental office building is a facility that provides diagnoses and outpatient care on a routine basis but is unable to provide prolonged in-house medical and surgical care. [ORD. 23-07]

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

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

OIL AND GAS, GEOTHERMAL PRODUCTION -- Liquid or vaporous hydrocarbon

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substances, when at normal temperatures, which are removed from the earth by means other than mining (Conditional use in resource zones).

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

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

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

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

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

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

ORGANIZER -- Any person who holds, stages or sponsors an outdoor mass gathering and the owner, lessee or possessor of the real property upon which the outdoor mass gathering is to take place. [ORD. 23-02]

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

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

OUTDOOR MASS GATHERING -- An actual or reasonably anticipated assembly of more than 3,000 persons which is held primarily in open spaces and not in any permanent structure and within any three-month period is expected to continue for more than 24 hours and not more than 120 hours, excluding hours required for ingress to and

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egress from a gathering that is located on lands zoned for exclusive farm use that are 60 miles or farther from the nearest interstate highway. [ORD. 23-02]

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

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

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

OWNER OR A RELATIVE – The owner of the lot or parcel, or a relative of the owner or the owner's spouse, including a child, parent, stepparent, grandchild, grandparent, step and parent, sibling, stepsibling, niece, nephew or first cousin of either. [ORD. 23-02]

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

PARCEL –

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

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

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

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

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

PERMANENT STRUCTURE – As used in the definition of “Outdoor Mass Gathering”, a permanent structure includes a stadium, arena, auditorium, coliseum, fairgrounds or other similar established places for assemblies. [ORD. 23-02]

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

PARTITION LAND – Dividing land to create not more than three parcels of land within a calendar year, but does not include:

- 1) Dividing land as a result of a lien foreclosure, foreclosure of a recorded contract for the sale of real property or the creation of cemetery lots;
- 2) Adjusting a property line as property line adjustment is defined in Section 1.0500;
- 3) Dividing land as a result of the recording of a subdivision or condominium plat;
- 4) Selling or granting by a person to a public agency or public body of property for state highway, county road, city street or other right of way purposes if the road or right of way complies with the applicable comprehensive plan and ORS 215.283(2)(q) to (2). However, any property sold or granted for state highway, county road, city street or other right of way purposes shall continue to be considered a single unit of land until the property is further subdivision or partitioned; or
- 5) Selling or granting by a public agency or public body of excess property resulting from the acquisition of land by the state, a political subdivision or special district for highways, county roads, city streets or other right of way purposes when the sale or grant is part of a property line adjustment incorporating the excess right of way into adjacent property. The property line adjustment shall be approved or disapproved by the applicable local government. If the property line adjustment is approved, it shall be recorded in the deed records of the county where the property is located.

Partitioned lots are subject to the standards of Section 1.0500, 2.9000-2.9120, and 3.9800 of this Ordinance. [Ord. 21-05]

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

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

PERFORMANCE STANDARDS -- A criterion to control noise, odor, smoke, toxic or

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noxious matter, vibration, fire and explosive hazards, or glare or heat generated by or inherent in uses of land or buildings.

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

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

PERSONAL SERVICES – An establishment which provides for the care of a person or a person's apparel, and may include, but not be limited to, beauty/barbershop, nail salon, tanning salon, laundry, dry cleaning (retail store), garment service, and shoe repair. [ORD. 23-07]

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

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

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

PILING -- Wood, concrete or steel posts driven into the bottom in aquatic areas either as mooring devices, or to support a dock, float, range marker, or other structure.

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

PLANNED DEVELOPMENT – Any combination of residential land uses. These developments might also contain supporting services such as limited retail and recreational facilities. [ORD.23-07]

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

POTABLE WATER SUPPLY -- See Water Supply, Potable.

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

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

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

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

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

PRIVATE ROAD -- See Road, Private.

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

PROCESSING AREA – The floor area of a building dedicated to farm product processing. “Processing area” does not include the floor area designated for preparation, storage or other farm use. [ORD. 23-02]

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

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

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

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

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

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resulting effects.

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

PUBLIC USE -- A structure or use intended or used for a public purpose by a city, school district, county, state, or by any other public agency or by a public utility.

PUBLIC OR SEMI-PUBLIC USE -- A structure or use, owned or operated by a state, county, city, school district or other public or private agency or concern for the benefit of the public generally including schools, fire stations, libraries, community building, museums, fairgrounds, and churches but does not include specific uses or structures which are defined separately in this section. [ORD. 23-04]

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

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

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

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

RECREATION COMPLEX – An outdoor facility that is used for non-professional sports. It may consist of multiple sports fields. May include stadium seating, a fitness trail, activity shelter, aquatic center, picnic ground, basketball and tennis courts, playground, and driving ranges. [ORD.23-07]

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

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

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

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

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

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

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

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

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

RELIGIOUS INSTITUTION OR ASSEMBLY -- A building or other development used for a faith-based organization such as a church, mosque, temple or synagogue; together with its accessory uses and buildings, including but not limited to child care centers, offices, schools and living quarters for caretakers or religious leaders. [ORD. 23-07]

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

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

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

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

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

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

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

RESTAURANT, CASUAL – Sit-down, full-service eating establishments. Generally, these restaurants serve lunch and dinner; they may also be open for breakfast and are sometimes open 24 hours a day. These restaurants typically do not accept reservations. Some facilities may also contain a lounge or bar are for serving food and alcoholic drinks. [ORD. 23-07]

RESTAURANT, FAST FOOD, WITH DRIVE-THRU – A restaurant characterized by a drive-through and carry-out clientele, long hours of service (some are open for breakfast, all are open for lunch and dinner, some are open late at night or 24 hours a day) and high turnover rates for eat-in customers. These limited-service eating establishments do not provide table service. A patron generally orders from a menu board and pays before receiving the meal. [ORD. 23-07]

RESTAURANT, FAST FOOD, WITHOUT DRIVE-THRU – A restaurant characterized by a carry-out clientele, and high turnover rates for eat-in customers. These limited-service eating establishments do not provide table service. A patron generally orders from a

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menu board and pays before receiving the meal. [ORD. 23-07]

RESTAURANT, FINE DINING – Full-service restaurant characterized by duration of stay of at least one hour. These types of restaurants generally do not serve breakfast; some do not serve lunch; all serve dinner. A patron commonly waits to be seated, is served by wait staff, orders from a menu and pays after the meal. Some fine dining restaurants have a lounge or bar facilities for serving alcoholic beverages, but they are ancillary to the restaurant. [ORD. 23-07]

RESTORATION -- Revitalizing, returning or replacing attributes and amenities such as natural biological productivity and aesthetic or cultural resources which have been diminished or lost by past alterations, activities or catastrophic events. For the purpose of Oregon Statewide Planning Goal 16, estuarine restoration means to revitalize or reestablish functional characteristics and processes of the estuary diminished or lost by past alterations, activities, or catastrophic events. A restored area must be a shallow subtidal or an intertidal or tidal marsh area after alteration work is performed, and may not have been a functioning part of the estuarine system when alteration work began.

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

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

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

RETAIL, DISCOUNT SUPERSTORE OR CLUB – A discount club is a discount store or warehouse where shoppers pay a membership fee in order to take advantage of discount prices on a wide variety of items such as food, clothing, tires, and appliances; many items are sold in large quantities or bulk. Some sites may include on-site fueling pumps. [ORD. 23-07]

RETAIL, GROCERY – Retail store selling a complete assortment of food, food preparation and wrapping materials, and housing cleaning items. [ORD. 23-07]

RETAIL, HOME IMPROVEMENT SUPERSTORES – A free-standing facility that specializes in the sale of home improvement merchandise. Examples of items sold in these stores include lumber, tools, paint, lighting, wallpaper and paneling, kitchen and bathroom fixtures, lawn equipment, and plant and garden accessories. [ORD. 23-07]

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

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

RIPRAP -- A layer, facing, or protective mound of stones randomly placed to prevent erosion, scour or sloughing of a structure or embankment; also, the stone so used. In local usage, the similar use of other hard material, such as concrete rubble, is also frequently included as riprap.

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

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

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

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

ROOMING HOUSE -- Same as Boarding House.

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

SCHOOL, ELEMENTARY – Typically serves students attending kindergarten through fifth or sixth grades. [ORD. 23-07]

SCHOOL, HIGH – A public or private high school serves students who have completed middle school, typically services ninth grade through twelfth grade. [ORD. 23-07]

SCHOOL, MIDDLE – A middle school serves students who have completed elementary school and have not yet entered high school. [ORD. 23-07]

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

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

SENIOR HOUSING, ASSISTED LIVING – An assisted living complex is a residential setting that provides either routine general protective oversight or assistance with activities necessary for independent living to mentally or physically limited persons. It commonly has separate living quarters for residents. Its centralized services typically include dining, housekeeping, social and physical activities, medication administration, and communal transportation. Alzheimer’s and ALS care are commonly offered by these facilities, though the living quarters for these patients may be located separately from the other residents. Assisted care commonly bridges the gap between independent living and nursing homes. Staff may be available at an assisted care facility 24 hours a day, but skilled medical care – which is limited in nature – is not required. [ORD. 23-07]

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

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

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

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

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

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

SIGNIFICANT AREAS -- An area of more than local significance; so designated

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because it possesses important natural, scientific, historical, cultural and/or archaeological resources.

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

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

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

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

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

SPECIALITY TRADE CONTRACTOR – A business primarily involved in providing contract repairs and services to meet industrial or residential needs. Included businesses may include: plumbing, heating and cooling, machine repair, electrical and mechanical repair, industrial supply, roofing, locksmith, weed and pest control, and cleaning. [ORD.23 -07]

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

STADIUM/EVENT CENTER – A large indoor/outdoor facility in which spectator events are held. These events may include professional or amateur sports or non-sporting events such as concerts, shows, or religious services. [ORD. 23-07]

START OF CONSTRUCTION –

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

STATE ROAD -- See Road, State.

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

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

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

Classification:

- 1) Principal Arterial: Streets which form a connected rural network of continuous routes having the following characteristics:
 - (A) Serve projected corridor movements having trip length and travel density characteristics indicative of substantial statewide or interstate travel.
 - (B) Serve all, or virtually all, year 2000 urban areas of 50,000 and over population and a large majority of those with population of 25,000 and over.
 - (C) Provide an integrated network with stub connections except where unusual geographic or traffic flow conditions dictate otherwise (e.g. international boundary connections and connections to coastal cities).

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

Types:

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

STRUCTURE -- Anything constructed, erected or air-inflated, permanent or temporary, which requires location on the ground or water, or attached to an existing structure. Among other things, structure includes residences, apartments, barns, cabins,

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buildings, walls, fences, billboards, poster panels, food stands and parking lots. [Ord. 18-02]

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

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

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

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

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

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

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

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

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

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

For the purpose of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not the alteration affects the external dimensions of the

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building. The term does not, however, include:

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

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

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

SURVEY AND MONUMENT -- To locate and monument the boundaries of a subdivision lot, partition parcel, road right-of-way or road easement. A survey shall be completed by a state licensed surveyor and be in compliance with ORS 92 and 209, such that the error of closure shall not exceed one foot in 5,000 feet. At a minimum, the corners of all parcels and the boundaries of all roads which are created or easements which are utilized shall be monumented. Points shall be monumented along road boundaries at the point of beginning, at road intersections and where the boundary line changes direction. If a cul-de-sac is proposed, the center of the cul-de-sac shall be monumented. (Ord. 21-05)

TEMPORARY ESTUARINE ALTERATION -- Dredging, filling, or other estuarine alteration occurring over a specified short period of time which is needed to facilitate an allowed use. Temporary alterations may not be for more than three years and the affected area must be restored to its previous condition. Temporary alterations include: (1) alterations necessary for disposal sites by barge or pipeline and staging areas or dredging for jetty maintenance, (2) alterations to establish mitigation sites, alterations for bridge construction or repair and for drilling or other explanatory operations, and (3) minor structures (such as blinds) necessary for research and educational observation.

TEMPORARY STRUCTURE – Includes tents, trailers, chemical toilet facilities and other structures customarily erected or sited for temporary use. [ORD.23-02]

TEMPORARY STRUCTURE OR USE -- A non-permanent structure, use or activity involving minimal capital investment that does not result in the permanent alteration of the site and is removed from the site within one year. [Ord. 18-02]

THEATER – A structure that is used for dramatic, motion pictures, or other performances for admission to which entrance money is collected. [ORD. 23-07]

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

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

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

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

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

TRANSIENT LODGING – Any hotel, motel, inn, lodge, or resort intended to be used for transient persons or tourists for overnight lodging, or longer. Transient lodging includes customary accessory uses that are subordinate to the primary use including gift shops, restaurants or swimming pools. Transient lodging does not include spaces used for parking recreational vehicles, bed and breakfast establishment or test or short-term rental units. [ORD. 23-07]

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

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

TRUCKING TERMINAL – An intermodal truck terminal facility where goods are transferred between trucks and/or between trucks and other modes of transport, including but not limited to railroads and/or parks. [ORD. 23-01]

USE -- See Development.

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

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

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UTILITY – A free-standing building that can house office space, a storage area, and equipment that supports a local electrical, communication , water supply or control, or sewage treatment utility. [ORD. 23-07]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

YOUTH CAMP -- A facility either owned or leased, and operated by a state or local

ARTICLE 1. INTRODUCTORY PROVISIONS

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

SECTION 1.1000. GENERAL PROVISIONS

1.1010. Basic Characteristics of a Residential Site

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

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

1.1020 General Exception to Lot Size Standards

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

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Section 1.1030. Rules of Construction

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

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

Section 1.1040. Scope and Compliance

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

Section 1.1050. Consistency with Comprehensive Plan

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

Section 1.1060. Authorization of Similar Development

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

- 1) Make a determination as part of a Type III decision in conjunction with approval of a development that is substantially the same as an earlier development approved under the Type III procedure.
- 2) Determine that the development is comparable to other development allowed in the area by either the Type I or II procedure. Similarity can be based on compliance with plan policy and standards, if appropriate within the context of the requirements for the area and type of development, as well as on language interpretation similarity.

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- 3) If approval and classification as a Type I or II development is dependent upon compliance with standards beyond those contained in the Development and Use Standards Document, prepare and add to the standards document the appropriate standards to be applicable to all future development.
- 4) Report the determination to the Board of Commissioners at least thirty (30) days prior to the effective date of the ruling. The ruling will not become effective if the Board of Commissioners moves to have the matter addressed as an Ordinance amendment.

Section 1.1070. Maintenance of Ordinance Requirements

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

Section 1.1080. Access

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

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

Section 1.1090. Bond or Cash Deposit

Before issuing or renewing a development permit when the applicant has an obligation to construct or improve public facilities to serve the development and use or to reclaim land such as that due to surface mining operations or to fulfill requirements for revegetation, or for any development and use that the Community Development Director, Planning Commission or Board of Commissioners deem necessary, the obligation shall either be fulfilled prior to the issuance of the development permit or the applicant shall be required to file with the County Clerk and acknowledgment of obligation. The acknowledgment shall contain the time within which it is to be met and a surety bond or cash or negotiable security deposit sufficient to cover the cost of the work as estimated by the County Engineer for the year fulfillment of the obligation is anticipated. The bond shall be conditioned upon the permittee carrying out the obligation and fulfilling the other requirements of this Ordinance that bear on the approval of the development. The deposit or bond shall be forfeited to the County if the permittee does not fulfill the requirements. The bond or deposit shall remain in the custody of the County until the obligation is completed or the bond or deposit is forfeited, or shall be placed in an escrow account subject to County control.

Section 1.1100. Non-Compliance with Provisions Under Obligation

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

Section 1.1110. Adjusting Bond or Deposit for Future Obligation

- 1) In the case of an obligation to perform at a future date, such as a surface mining reclamation obligation, the amount of bond or deposit shall be adjusted annually to reflect changing estimates of the costs of fulfilling the obligation.

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

Section 1.1120. Fees and Deposits

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

Section 1.1130. Interpretation

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

Section 1.1140. Severability

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