ARTICLE 4.
ZONE REGULATIONS

SECTION 4.0100. ESTABLISHMENT OF ZONES

The classification system used in the Clatsop County Comprehensive Plan was established and mapped as a management tool to implement the policies and intent of the Comprehensive Plan. The classifications are defined in the Land Use Planning Element of the Comprehensive Plan and the Development Patterns section of each of the Community Plans.

With each Plan classification, land use zones are established that are appropriate to carry out the intent and purpose of the Plan classification. The zone and district classification within each of the Comprehensive Plan designations for the County are shown in Table 4.1. The zone boundaries are as shown on the Clatsop County "Comprehensive Plan/Zoning Map" and Columbia River Estuary Resource Maps that in their present form are hereby adopted by reference. Where the abbreviated designation is used in this Ordinance, it has the same meaning as the entire classification title.

Table 4.1 Comprehensive Plan Zoning Designations

Conservation Forest Lands	AF	Agriculture Forest
	F80	Forest 80
Conservation Other Resources	AC1	Aquatic Conservation One
	AC2	Aquatic Conservation Two
	CS	Coastal Shorelands
	EAC	Ecola Aquatic Conservation
	LW	Lake and Wetland
	NAC2	Necanicum Estuary Aquatic Conservation
	OPR	Open Space, Parks and Recreation
	QM	Quarry and Mining
	RCP	Rural Community Parks
	RM	Recreation Management
Natural	AN	Aquatic Natural
	NS	Natural Shorelands
	NU	Natural Uplands
Rural Agricultural Lands	EFU	Exclusive Farm Use
Rural Lands	CBR	Coastal Beach Residential
	CR	Coastal Residential
	GC	General Commercial
	MR	Military Reserve
	NC	Neighborhood Commercial
	RA1	Residential Agriculture 1
	RA2	Residential Agriculture 2
	RA5	Residential Agriculture 5
	RA10	Residential Agriculture 10
	SFR1	Single Family Residential 1
	TC	Tourist Commercial
Development	AC-RCR	Arch Cape Rural Community Residential
	AD	Aquatic Development
	KS-RCR	Knappa-Svensen Rural Community Residential
	HI	Heavy Industrial
	LI	Light Industrial
	MI	Marine Industrial
	RCC	Rural Community Commercial
	RCC-LI	Rural Community Light Industrial
	RCI	Rural Community Industrial
	RC-MFR	Rural Community-Multi Family Residential
	RCR	Rural Community Residential
	RSA-MFR	Rural Service Area-Multi Family Residential
	RSA-SFR	Rural Service Area-Single Family Residential
	UGB	Urban Growth Boundary

SECTION 4.0200. INTERPRETATION OF ZONE BOUNDARIES

Land use zone boundary lines shall be deemed to follow property lines, lot lines, or centerlines of streets, unless otherwise specified. Where a boundary line is not indicated as following a street, lot line or property ownership line, the boundary line shall be determined by the use of the scale designated on the zoning map. When questions arise concerning the exact location of a district boundary the Director shall interpret the zone boundaries or if need be, may refer the matter to the Planning Commission.

SECTION 4.0300. REVIEW OF LAND TRANSPORTATION FACILITIES FOR COMPLIANCE WITH LAND USE REGULATIONS

1) Except where otherwise specifically regulated by this ordinance, the following improvements are permitted outright uses and activities:
   - (A) Normal operation, maintenance, repair, and preservation activities of existing transportation facilities.
   - (B) Installation of culverts, pathways, medians, fencing, guardrails, lighting, water lines, sewer lines, and similar types of improvements within existing right-of- way.
   - (C) Projects specifically identified in the County's adopted Transportation System Plan including those projects in resource zones where the TSP includes required goal findings or a goal exception and the proposed project is determined to be consistent with the adopted goal findings or exception. Resource zones for the purpose of this section are: Lake and Wetland Zone (LW), Conservation Shoreland Zone (CS), Natural Shoreland Zone (NS), Ecola Aquatic Conservation Zone (EAC), Aquatic Conservation Two Zone (AC-2), Aquatic Conservation One (AC1), Beach and Dune Overlay Zone (BDO).
   - (D) Landscaping as part of a land transportation facility.
   - (E) Emergency measures necessary for the safety and protection of the public and property.
   - (F) Acquisition of right-of-way for public streets, highways, and other transportation improvements designated in the Transportation System Plan (TSP).

SECTION 4.0400. ZONE DESIGNATION OR OVERLAY BOUNDARY CHANGES

The change of a zone designation or ~~in~~ the change of a special purpose overlay boundary may be made by one of the following procedures, as applicable.

1) By the revision procedures of Section 2.8100.
2) By legislative action amending the Land Development map.

SECTION 4.0500. UPDATING THE COMPREHENSIVE PLAN AND ZONING MAPS

It shall be the responsibility of the Director to maintain the Comprehensive Plan and Zoning maps and to make any alterations to the map necessary to keep it up-to-date and current. A copy of the map as it existed on the effective date of this Ordinance shall

be retained for reference. Amendments shall be made within ten (10) days of the effective date of an action that alters the boundary of a zone or special purpose overlay or which changes the designation of a parcel or parcels. If a discrepancy is found between the classification of land shown on the Comprehensive Plan or Zoning map and a record of action, the record of action shall prevail.

SECTION 4.0600. ARCH CAPE RURAL COMMUNITY RESIDENTIAL ZONE (AC-RCR)

Section 4.0610. Purpose and Intent

The Arch Cape RCR zone is intended to accommodate the immediate and foreseeable demand for low density housing in Clatsop County's rural communities. This zone has been developed with the purpose to: (1) Allow residential development that is compatible with rural communities that wish to maintain a primarily single family rural residential character, (2) do not adversely impact adjacent resource lands, (3) allow for minimum lot sizes and densities, that will provide for an ultimate build out that is more commensurate with actual physical, and (4) environmental constraints, and the availability of community water and sewer facilities, and may provide for non-residential uses that are small in scale, intended for the needs of the local community or for people traveling through the rural community, and are compatible with surrounding uses.

Section 4.0620. Development and Use Permitted

The following uses and their accessory uses are permitted under a Type I permit procedure subject to applicable development standards.

1) One family dwelling.
2) Accessory Dwelling Unit (ADU) per section 1.0500.
3) Guest House per section 1.0500.
4) Accessory buildings per section 1.0500 are permitted only as follows:
   (A) In conjunction with, or following the permitting or lawful establishment of the principal use on the same tract. Accessory buildings are limited to uninhabitable spaces such as detached garages, storage buildings, garden sheds, greenhouses, shops, etc.
   (B) Accessory buildings in this zone shall be subordinate in size to the primary dwelling.
5) Signs only as follows, subject to the provisions of Section 3.0130:
   (A) Temporary signs.
   (B) Nameplates.
6) Handicapped housing facility as defined in Section 1.0500.
7) Home occupation, Limited.
8) Low intensity recreation.
9) Utilities, maximum utilization of existing easements and rights-of-way shall be made.
10) Health hardship pursuant to Section 3.0180, no public notice required.
11) Temporary uses including use of a Recreational Vehicle during construction phase, subject to the provisions of Section 2.8200.
12) Short term rental subject to the provisions of Section 5.4910.
13) Land transportation facilities as specified in Section 4.0300 with the exception of new public or private road development, See Section 4.0630(12).

Section 4.0630. Conditional Development and Use.

The following uses and their accessory uses are permitted under a Type II permit procedure subject to applicable development standards. Combined square footage of commercial uses, including their accessory uses occur in building or buildings that do not exceed the following area standards:

1) Two family dwelling (duplex).
2) Accessory uses may be permitted prior to the issuance of a development permit for the primary use, subject to an approval by the Community Development Director provided that:
   (A) The applicant submits a letter to the Director explaining the unique or unusual circumstances and nature of the intended use; and
   (B) Provided the property owner obtains the primary use development permit within one-year (1) from the date the accessory use development permit is issued; and
   (C) A statement that the accessory use, during the one-year period prior to establishing the primary use is not intended for the storage of, or the establishment of a Recreational Vehicle use; and
   (D) May be subject to other conditions of approval deemed necessary to protect the primary purpose and intent of the zone, and to provide for public health, safety and welfare.
3) Public or private elementary, middle, or high school.
4) Home occupation.
5) Churches or similar places of worship.
6) Golf Course, driving range, country club, tennis club, and similar recreation uses provided building or buildings for each commercial use does not exceed 4,000 square foot of floor area.
7) Park, playground, ball fields, or community center.
8) Day nursery or day care center, provided building or buildings for each commercial use does not exceed 4,000 square foot of floor area.
9) Buildings and uses of a public works, public service, or public utility nature, but not including equipment storage, repair yards, warehouses, or related activities.
10) Bed and Breakfast establishment subject to the standards in Sections 3.8030 - 3.8050.
11) Temporary real estate office in a legally recorded subdivision.
12) Any new public or private road development or road extension.

Section 4.0640. Development and Use Standards

The following standards are applicable to permitted uses in this zone.

1) Lot sizes:
   (A) Parcels not served by an approved public community sewer system, shall have a minimum parcel size of one (1) acre, and a minimum width of 120 feet.
   (B) Parcels served by an approved community, municipal or public sewer system shall have a minimum parcel size of 7,500 square feet, and a minimum width of 60 feet with lot sizes varying according to the following

requirements:

Slope	Minimum Lot Size/Density
0-12%	7,500 sq.ft./ 1 dwelling unit, 15,000 sq.ft./2 dwelling units
13-25%	7,500 sq.ft/1 dwelling unit 15,000 per acre, 2 dwelling units/acre
> 25%	1 dwelling unit/acre

(C) Lot size for conditional developments shall be based upon:
1) the site size need of the proposed use,
2) the nature of the proposed use in relation to the impacts on nearby properties, and
3) consideration of sewer district impacts and requirements, local setback and other criteria and standards of this ordinance.

(D) Maximum lot coverage for residential or non-residential use: 40%.
(E) Two family dwelling (duplex) minimum lot size 15,000 sq.ft.
(F) Cluster developments are subject to the provisions of Sections 3.3000-3.3050.
(G) Other development and use standards as required to meet State sanitation requirements and local setback and ordinance requirements.
(H) New development, lot width/depth dimension shall not exceed a 1:3 ratio.

2) Required front yard setback, measured from the abutting edge of the right-of-way, when front line abuts:
(A) Major arterial: fifty feet (50).
(B) Minor arterial: thirty feet (30).
(C) Major collector: thirty feet (30).
(D) Minor collector: twenty-five feet (25).
(E) Local street: twenty feet (20).

3) Required rear yard: twenty feet (20).
(A) Exception on corner lot: 5 feet.
(B) Exception when adjacent to resource zones, all structures: fifty feet (50).

4) Required side yard:
(A) Minimum side yard: 10 feet, except on a corner lot, the minimum street side yard measured from the abutting edge of the right-of-way, shall be twenty feet (20); OR
(B) For lots of record created prior to September 30, 1980 that are less than the minimum lot size required, side yards shall be five feet (5)
(C) Notwithstanding (4)(A) and (4)(B), when the property is adjacent to resource zones, all structures: fifty feet (50).

5) For lots abutting the oceanshore, the ocean yard shall be determined by the oceanfront setback line established by Section 3.0150 Oceanfront Setback.

6) Accessory Structures:

(A) An accessory structure that is less than (10) feet tall may be located in the required rear and side yard setback except in the required street side of a corner lot provided that it is no closer than five feet (5) to a property line, except in the required street side of a corner lot per (4) above.

(B) Any accessory structure that is ten (10) feet or greater in height must meet the setback requirements of 4.0640(2)-(4). *[Ord #17-02]*

7) Maximum building height: twenty-six feet (26).
Except for ocean front lots, which shall have a maximum height of: eighteen feet
The height of a structure is measured from the average grade of the undisturbed ground at the four principal corners of the proposed structure. To determine height:

(A) Construction/building plans submitted for use permitted in this zone shall show the elevations of the undisturbed ground prior to construction as measured at the four principal corners of the proposed structure on a plot plan. A permanently accessible control point shall be established outside of the building's footprint.

(B) Photographs of the undisturbed site shall be required. Photographs need not be professional or aerial photographs.

(C) To verify the height, a survey by a registered surveyor may be required by the Community Development Director.

8) All new developments and cumulative or incremental expansion of an existing development footprint greater than twenty-five percent shall indicate on the development permit application how storm water is to be managed from the property or retained on site. The County Engineer may require the installation of culverts, dry wells, retention facilities, or other mitigation measures, where development may create adverse storm drainage impacts on surrounding properties, adjacent streams or wetlands, and particularly on low lands or on slopes greater than fifteen percent.

9) In areas where the parcel or lot has the potential to be further partitioned or subdivided, the Community Development Director shall, where practicable, require that roads be designated and located so as to facilitate the future division of land in a manner that accommodates smaller lot sizes and the extension of street and utilities and may require a potential development plat showing the location of potential lots and the rights-of-way improvements, to include those identified in the County Transportation System Plan (TSP).

10) Conditional Development and Use are subject to the following limitation and requirement: Prior to final building permit approval any/all road damages created or exacerbated by the development activity shall be repaired, and the road returned to its previous condition or better.

11) Exterior lighting shall be of a full cut-off design. Glare shall be directed away from neighboring property or shielded in a manner not to cause offense (i.e. full cut-off fixtures).

12) Vegetation:

(A) Where a buffer of trees exists along properties abutting Highway 101, a

buffer of 25 feet in width shall be maintained or planted when the property is developed.

(B) A twenty-five (25) foot buffer of native, non-invasive vegetation combined with proper removal of noxious weeds shall be maintained along Arch Cape, Asbury Creek, and Shark Creek.

(C) Vegetative hedges and fences that impede or have the potential to impede views shall be maintained at or below six (6) feet. Hedges and fences extending beyond the ocean front setback shall be maintained at or below four (4) feet.

(D) Preservation of Landscape. The landscape shall be preserved in its natural state to the maximum extent possible by minimizing tree, vegetation and soils removal. Cut and fill construction methods are discouraged. Roads and driveways should follow slope contours in a manner that prevents erosion and rapid discharge into natural drainages. Disturbed areas shall be re-vegetated with native species.

(E) The setback for all structures shall be fifty feet (50) from the line of non-aquatic vegetation.

13) All planned development and subdivisions shall be required to cluster land uses and designate areas as permanent common open space. The development shall be reviewed according to Section 5.4800 for Planned Developments or Section 3.3000 for Cluster Developments. The minimum percentage of common open space shall be 30% excluding roads and lands under water.

14) All standards as set forth in the Clatsop County Land and Water Development and Use Code, as amended.

SECTION 4.0700. MILES CROSSING, JEFFERS GARDENS AND WESTPORT RURAL COMMUNITY RESIDENTIAL ZONE (RCR)

Section 4.0710. Purpose and Intent

The Miles Crossing, Jeffers Gardens and Westport RCR zone is intended to accommodate the immediate and foreseeable demand for low density housing in Clatsop County rural communities. This zone has been developed with the purpose to: (1) allow residential development that is compatible with rural communities that wish to maintain a primarily single family rural residential character, (2) do not adversely impact adjacent resource lands, e.g. farm or forest, (3) allow for minimum lot sizes and densities, that will provide for an ultimate build out that is more commensurate with actual physical, and environmental constraints, and the availability of community water and sewer, and (4) may provide for non-residential uses that are small in scale, intended for the needs of the local community or for people traveling through the rural community, and are compatible with surrounding uses.

Section 4.0720. Development and Use Permitted (RCR)

The following uses and their accessory uses are permitted under a Type I permit procedure subject to applicable development standards. Combined square footage of commercial uses, including their accessory uses occur in building or buildings that do not exceed the following area standards:

1) One family dwelling.
2) Accessory Dwelling Unit (ADU) per Section 1.0500.
3) Guesthouse per Section 1.0500.
4) Accessory buildings per Section 1.0500 are permitted only as follows:
   (A) In conjunction with, or following the permitting or lawful establishment of the principal use on the same tract. Accessory buildings are limited to uninhabitable spaces such as detached garages, storage buildings, garden sheds, greenhouses, shops, etc.
5) Signs only as follows:
   (A) Temporary signs, subject to the provisions of Section 3.0130
   (B) Nameplates subject to the provisions of Section 3.0130.
6) Handicapped housing facility as defined in Section 1.0500.
7) Home occupation, Limited.
8) Low intensity recreation.
9) Utilities, maximum utilization of existing easements and rights-of-way shall be made.
10) Farm use.
11) Roadside stand for farm products grown on the premises, subject to provisions of Sections 3.9520 and 3.9540.
12) Health hardship pursuant to Section 3.0190, no public notice required.
13) Temporary uses including use of a Recreational Vehicle during construction phase, subject to the provisions of Section 2.8200.
14) Land transportation facilities as specified in Section 4.0300.

Section 4.0730. Conditional Development and Use

The following uses and their accessory uses are permitted under a Type II permit procedure subject to applicable development standards. Combined square footage of commercial uses, including their accessory uses occur in building or buildings that do not exceed the following area standards:

1) Two family dwelling (duplex).
2) Accessory uses may be permitted prior to the issuance of a development permit for the primary use, subject to an approval by the Community Development Director provided that:
   (A) The applicant submits a letter to the Director explaining the unique or unusual circumstances and nature of the intended use; and
   (B) Provided the property owner obtains the primary use development permit within one-year (1) from the date the accessory use development permit is issued; and
   (C) A statement that the accessory use, during the one-year period prior to establishing the primary use is not intended for the storage of, or the establishment of a Recreational Vehicle use; and
   (D) May be subject to other conditions of approval deemed necessary to protect the primary purpose and intent of the zone, and to provide for public health, safety and welfare.
3) Public or private elementary, middle, or high school.
4) Home occupation.
5) Boat ramps subject to Sections 5.4100-5.4170 for areas identified as Coastal Shorelands in the Comprehensive Plan.
6) Churches or similar places of worship.
7) Golf Course, driving range, country club, tennis club, and similar recreation uses and provided building or buildings for each commercial use does not exceed 4,000 square foot of floor area.
8) Park, playground, ball fields, or community center.
9) Day nursery or day care center, not part of a primary residential use and provided building or buildings for each commercial use does not exceed 4,000 square foot of floor area.
10) Buildings and uses of a public works, public service, or public utility nature, but not including equipment storage, repair yards, warehouses, or related activities.
11) Bed and Breakfast establishment subject to the standards in Sections 3.8030-3.8050.
12) Temporary real estate office in a legally recorded subdivision.
13) By a Type III procedure, any uses determined by the Planning Commission to be similar in use and compatibility to those uses described under sections 1-12 above, subject to the provisions of Section 2.6000, provided building or buildings for each commercial use does not exceed 4,000 square feet of floor area.

Section 4.0740. Development and Use Standards

The following standards are applicable to permitted uses in this zone.

1) Lot sizes:
   (A) Parcels not served by an approved public community sewer system, shall have a minimum parcel size of 1 acre and a minimum width of 150 feet. Parcels served by an approved public community sewer system, shall have a minimum parcel size of 7,500 square feet and a minimum width of 75 feet.
   (B) Lot size for conditional developments shall be based upon:
      1) the site size needs of the proposed use,
      2) the nature of the proposed use in relation to the impacts on nearby properties, and
      3) consideration of state sanitation requirements, local setback and other criteria and standards of this ordinance.
   (C) Maximum lot coverage for residential or non-residential use including accessory structures: 40%.
   (D) Two family dwelling (duplex) minimum lot size on sewer, 15,000 sq.ft.
   (E) Cluster developments are subject to the provisions of Sections 3.3000-3.3050.
   (F) Other development and use standards as required to meet State sanitation requirements and local setback and ordinance requirements.
2) New development, lot width/depth dimension shall not exceed a 1:3 ratio.
3) Required front yard setback for any structure, measured from the abutting edge of the right-of-way, when front line abuts:
   (A) Major arterial: fifty feet (50).
   (B) Minor arterial: thirty feet (30).
   (C) Major collector: thirty feet (30).
   (D) Minor collector: twenty-five feet (25).
   (E) Local street: twenty feet (20).
4) Required rear yard setback for any structure, measured from the edged of the property boundary within the Rural Community Zone, twenty feet (20), and excluding any portion of the parcel that has a different zone, e.g. split zones.
   (A) Exception on a corner lot: 5 feet.
   (B) Exception when adjacent to resource zones, all structures: fifty feet (50).
5) Required side yard:
   (A) Minimum side yard: ten feet (10), except on a corner lot, the minimum street side yard measured from the abutting edge of the right-of-way shall be twenty feet (20).
   (B) For lots of record created prior to September 30, 1980 that are less than the minimum lot size required, side yards shall be five feet (5).
   (C) Exception when adjacent to resource zones, all structures: fifty feet (50).
6) An accessory structure separated from the established main use may be located in the required rear and side yard setback except in the required street side of a corner lot provided it is no closer than five (5) feet to a property line.
7) The setback for all structures shall be thirty-five feet (35) from the line of non-

aquatic vegetation.

8) Maximum building height: thirty-five feet (35).

9) All new developments and cumulative or incremental expansion of an existing footprint greater than twenty-five percent (25%) shall indicate on the building permit how storm water is to be drained from the property or retained on site. The County Engineer may require the installation of culverts, dry wells, retention facilities, or other mitigation measures, where development may create adverse storm drainage impacts on surrounding properties, adjacent streams or wetlands, and particularly on low lands from runoff on slopes greater than twenty-five percent (25%).

10) In areas where the parcel or lot has the potential to be further partitioned or subdivided, the Community Development Director shall, where practicable, require that roads be designated and located so as to facilitate the future division of land in a manner that accommodates smaller lot sizes and the extension of street and utilities and may require a potential development plat showing the location of potential lots and the rights-of-way improvements, to include those identified in the County Transportation System Plan (TSP).

11) Conditional Development and Use are subject to the following limitations and requirements:
    (A) The proposed development shall be consistent with the Clatsop County Comprehensive Plan.
    (B) The proposed development shall include safe ingress and egress.

12) All standards as set forth in the Clatsop County Land and Water Development and Use Code, as amended.

Section 4.0750. Additional Development and Use Standards:

All planned development and subdivisions may be required to cluster land uses and designate areas as permanent common open space. The development shall be reviewed according to Section 5.4800 for Planned Developments or Section 3.3000 for Cluster Developments. The minimum percentage of common open space shall be thirty percent (30%) excluding roads.

SECTION 4.1000. KNAPPA AND SVENSEN RURAL COMMUNITY RESIDENTIAL ZONE (KS-RCR).

Section 4.1010. Purpose and Intent

The Knappa and Svensen RCR zone is intended to accommodate the immediate and foreseeable demand for low density housing in Clatsop County rural communities. This zone has been developed with the purpose to: (1) allow residential development that is compatible with rural communities that wish to maintain a primarily single family rural residential character, (2) do not adversely impact adjacent resource lands, (3) allow for minimum lot sizes and densities, that will provide for an ultimate build out that is more commensurate with actual physical, and environmental constraints, and the availability of community water and do not exceed the carrying capacity of the property absorb waste, and (4) may provide for non-residential uses that are small in scale, intended for the needs of the local community or for people traveling through the rural community, and are compatible with surrounding uses.

Section 4.1020. Development and Use Permitted

The following uses and their accessory uses are permitted under a Type I permit procedure subject to applicable development standards.

1) One family dwelling.
2) Accessory Dwelling Unit (ADU) per Section 1.0500.
3) Guesthouse per Section 1.0500.
4) Accessory buildings per Section 1.0500 are permitted only as follows:
   (A) In conjunction with, or following the permitting or lawful establishment of the principal use on the same tract. Accessory buildings are limited to uninhabitable spaces such as detached garages, storage buildings, garden sheds, greenhouses, shops, etc.
5) Signs only as follows:
   (A) Temporary signs subject to the provisions of Section 3.0130.
   (B) Nameplates subject to the provisions of Section 3.0130.
6) Handicapped housing facility as defined in Section 1.0500.
7) Home occupation, Limited.
8) Low intensity recreation.
9) Utilities, maximum utilization of existing easements and rights-of-way shall be made.
10) Farm use.
11) Roadside stand for farm products grown on the premises, subject to provisions of Section 3.9520- 3.9540.
12) Health hardship pursuant to Section 3.0190, no public notice required.
13) Temporary uses including use of a Recreational Vehicle during construction phase, subject to the provisions of Section 2.8200.
14) Land transportation facilities as specified in Section 4.0300.

Section 4.1030. Conditional Development and Use

The following uses and their accessory uses are permitted under a Type II permit procedure subject to applicable development standards.

1) Two family dwelling (duplex).
2) Accessory uses may be permitted prior to the issuance of a development permit for the primary use, subject to an approval by the Community Development Director provided that:
   (A) The applicant submits a letter to the Director explaining the unique or unusual circumstances and nature of the intended use; and
   (B) Provided the property owner obtains the primary use development permit within one-year (1) from the date the accessory use development permit is issued; and
   (C) A statement that the accessory use, during the one-year period prior to establishing the primary use is not intended for the storage of, or the establishment of a Recreational Vehicle use; and
   (D) May be subject to other conditions of approval deemed necessary to protect the primary purpose and intent of the zone, and to provide for public health, safety and welfare.
3) Public or private elementary, middle, or high school.
4) Home occupation.
5) Boat ramps subject to Sections 5.4100-5.4170 for areas identified as Coastal Shorelands in the Comprehensive Plan.
6) Churches or similar places of worship.
7) Golf Course, driving range, country club, tennis club, and similar recreation uses, and provided building or buildings for each commercial use does not exceed 4,000 square foot of floor area.
8) Park, playground, ball fields, or community center.
9) Day nursery or day care center, not part of a primary residential use, and provided building or buildings for each commercial use does not exceed 4,000 square foot of floor area.
10) Buildings and uses of a public works, public service, or public utility nature, but not including equipment storage, repair yards, warehouses, or related activities.
11) Bed and Breakfast establishment subject to the standards Sections 3.8030 - 3.8050.
12) Temporary real estate office in a legally recorded subdivision.
13) By a Type III procedure, any uses determined by the Planning Commission to be similar in use and compatibility to those uses described under sections 1-12 above, subject to the provisions of Section 2.6000.

Section 4.1040. Development and Use Permitted

The following uses and their accessory uses are permitted under a Type III permit procedure subject to applicable development standards.

1) Subdivisions, subject to the provisions of Section 2.9140.

Section 4.1050. Development and Use Standards

The following standards are applicable to permitted uses in this zone.

1) Lot sizes:
   (A) Parcels not served by an approved public community sewer system, shall have a minimum parcel size of one (1) acre and a minimum width of 150 feet.
      1) Lot size for conditional developments shall be based upon: the site size need of the proposed use,
      2) The nature of the proposed use in relation to the impacts on nearby properties, and
      3) Consideration of state sanitation requirements, water district capacity, local setback and other criteria and standards of this ordinance.
2) Maximum lot coverage for residential or non-residential use including accessory structures: 40%.
   (A) Two family dwelling (duplex) minimum lot size 2 acres.
   (B) Cluster developments are subject to the provisions of Sections 3.3000-3.3050.
   (C) Other development and use standards as required to meet State sanitation requirements and local setback and ordinance requirements.
   (D) New development, lot width/depth dimension shall not exceed a 1:3 ratio.
3) Required front yard setback for any structure, measured from the abutting edge of the right-of-way, when front line abuts:
   (A) Major arterial: fifty feet (50).
   (B) Minor arterial: thirty feet (30).
   (C) Major collector: thirty feet (30).
   (D) Minor collector: twenty-five feet (25).
   (E) Local street: twenty feet (20).
4) Required rear yard setback for any structure, measured from the edge of the property boundary within the Rural Community Zone, twenty feet (20), and excluding any portion of the parcel that has a different zone, e.g. split zones.
   (A) Exception when adjacent to resource zones, all permitted structures: fifty feet (50).
   (B) Exception on a corner Lot: 5 feet.
5) Required side yard:
   (A) Minimum side yard: ten feet (10), except on a corner lot, the minimum street side yard measured from the abutting edge of the right-of-way, shall be twenty feet (20).
   (B) For lots of record created prior to September 30, 1980 that are less than the minimum lot size required, side yards shall be five feet (5).
   (C) Exception when adjacent to resource zones, all structures: fifty feet (50).
6) An accessory structure separated from the established main use may be located in the required rear and side yard setback except in the required street side of a corner lot provided it is not closer than 5 feet to a property line.
7) The setback for all structures shall be thirty-five feet (35) from the line of non-

aquatic vegetation.

8) Maximum building height: thirty-five feet (35).

9) All new developments and cumulative or incremental expansion of an existing footprint greater than twenty-five percent (25%) shall indicate on the building permit how storm water is to be drained from the property or retained on site. The County Engineer may require the installation of culverts, dry wells, retention facilities, or other mitigation measures, where development may create adverse storm drainage impacts on surrounding properties, adjacent streams or wetlands, and particularly on low lands from runoff on slopes greater than twenty-five percent (25%).

10) In areas where the parcel or lot has the potential to be further partitioned or subdivided, the Community Development Director shall, where practicable, require that roads be designated and located so as to facilitate the future division of land in a manner that accommodates smaller lot sizes and the extension of street and utilities and may require a potential development plat showing the location of potential lots and the rights-of-way improvements, to include those identified in the County Transportation System Plan (TSP).

11) Conditional Development and Uses are subject to the following limitations and requirements:
    - (A) The proposed development shall be consistent with the Clatsop County Comprehensive Plan.
    - (B) The proposed development shall include safe ingress and egress.
    - (C) All standards as set forth in the Clatsop County Land and Water Development and Use Code, as amended.

Section 4.1060. Additional Development and Use Standards

All planned development and subdivisions may be required to cluster land uses and designate areas as permanent common open space. The development shall be reviewed according to Section 5.4800 for Planned Developments or Section 3.3000 for Cluster Developments. The minimum percentage of common open space shall be thirty percent (30%) excluding roads.

SECTION 4.1100. RURAL SERVICE AREA-SINGLE FAMILY RESIDENTIAL ZONE (RSA-SFR)

Section 4.1110. Purpose

The RSA-SFR zone is intended to accommodate the foreseeable demand for single family residential development in areas where public facilities such as sewer, fire protection and water are available or planned in Rural Service Areas (RSA).

Section 4.1120. Development and Use Permitted (RSA-SFR)

The following developments and their accessory developments are permitted under a Type I procedure subject to applicable standards.

1) One family dwelling per lot.
2) Guesthouse per Section 1.0500.
3) Accessory buildings are permitted only as follows:
   (A) In conjunction with, or following the permitting or lawful establishment of the principal use on the same tract. Accessory buildings are limited to uninhabitable spaces such as detached garages, storage buildings, garden sheds, greenhouses, shops, etc.
4) Limited home occupation.
5) Utilities in conjunction with a permitted use.
6) Low intensity recreation.
7) Public or private neighborhood park or playground.
8) Signs subject to the provisions of Section 3.0130.
9) Temporary uses subject to the provisions of Section 2.8200.
10) Handicapped housing facility.
11) Land transportation facilities as specified in Section 4.0300.

Section 4.1130. Conditional Development and Use

The following developments and their accessory development may be permitted under a Type II procedure and Sections 2.4000 to 2.4050 subject to applicable criteria and development standards and site plan review.

3) Public/semi-public uses.
4) Utilities necessary for public service.
5) Temporary real estate office in a legally recorded subdivision.
6) Two family dwelling (duplex).
7) Bed and breakfast establishment subject to the standards in Sections 3.8030-3.8050.
8) Boat ramps subject to Section 5.4100-5.4170 for areas identified as Coastal Shorelands in the Comprehensive Plan.

Section 4.1140. Development and Use Standards

The following standards are applicable to permitted and conditional developments in this area:

1) Lot size:
   (A) 7,500 square feet with State approved sanitary sewer where the lot size shall vary according to the following requirements:

SLOPE	MINIMUM LOT SIZE DENSITY
0-12%	7,500 sq.ft./dwelling unit
13-25%	2 dwelling units/acre
> 25%	1 dwelling unit/acre

   (B) 15,000 square feet for non-sewered lots.
   (C) Double the above requirements (A) and (B) for two family dwellings (duplex).
   (D) Lot size for conditional developments shall be based upon:
      1) the site size need of the proposed use,
      2) the nature of the proposed use in relation to the impacts on nearby properties, and
      3) consideration of state sanitation requirements, local setback and other criteria and standards of this ordinance.
2) Minimum lot width: 60 feet.
3) Lot width/depth dimension shall not exceed a 1:3 ratio.
4) Maximum lot coverage for residential or non-residential use: 40%.
5) Required front yard when front lot line abuts:
   (A) Major arterial: 50 feet.
   (B) Minor arterial: 30 feet.
   (C) Major collector: 30 feet.
   (D) Minor collector: 25 feet.
   (E) Local street: 20 feet.

   Except for Fishhawk Lake Estates waterfront property where lake setbacks may be less than this ordinance requires unless it is not permissible by Covenants-Deed Restrictions of Fishhawk Lake Estates.
6) Required rear yard: 20 feet.
   (A) Exception on a corner lot: 5 feet.

   Except for Fishhawk Lake Estates waterfront property where lake setbacks may be less than this ordinance requires unless it is not permissible by Covenants-Deed Restrictions of Fishhawk Lake Estates.
7) Required side yard:
   (A) Minimum side yard 5 feet, except on a corner lot, the minimum street side yard shall be 20 feet.
   (B) For lots of record created prior to September 30, 1980 that are less than the minimum lot size, required side yards shall be 5 feet.
   (C) When the side yard abuts a resource zone, the minimum side yard shall be 50 feet.

8) An accessory structure separated from the main building may be located in the required rear and side yard except in the required street side of a corner lot provided that it is no closer than five (5) feet to a property line.

9) Maximum building height: 35 feet.
The height of a structure is measured from the average grade of the undisturbed ground at the four principal corners of the proposed structure. To determine height:
   (A) Construction/building plans submitted for uses permitted in this zone shall show the elevations of the undisturbed ground prior to construction as measured at the four principal corners of the proposed structure on a plot plan. A control point shall be established outside of the building's footprint.
   (B) Photographs of the undisturbed site shall be required. Photographs need not be professional or aerial photographs, but can be taken using a Polaroid or other camera.
   (C) To verify the height, a survey by a registered surveyor may be required by the Community Development Director.

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

11) All standards as set forth in the Clatsop County Development Land and Water Development and Use Code, as amended.

12) Positioning of Structures for Future Subdivision or Partitioning: In areas where the future intention of the property or lot is further partitioning or subdivision, the Community Development Director shall, where practicable, require that structures be located so as to facilitate the future division of land in a manner that accommodates smaller lot sizes and the extension of streets and utilities.

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

SECTION 4.1200 RURAL COMMUNITY MULTI-FAMILY RESIDENTIAL ZONE (RC-MFR)

Section 4.1210. Purpose

The RC-MFR zone is intended to provide areas suitable for various types of residential development at a rural community density in areas where public facilities such as sewer, fire protection and water are available, or were historically developed with mobile home parks, manufactured home parks and multi-family housing.

Section 4.1220. Development and Use Permitted (RC-MFR)

The following developments and their accessory developments are permitted under a Type I procedure subject to applicable development standards.

1) One family dwelling.
2) Accessory Dwelling Unit (ADU) per Section 1.0500.
3) Guesthouse per Section 1.0500.
4) Accessory buildings are permitted only as follows:
   (A) In conjunction with, or following the permitting or lawful establishment of the principal use on the same tract. Accessory buildings are limited to uninhabitable spaces such as detached garages, storage buildings, garden sheds, greenhouses, shops, etc.
5) Two family dwelling (duplex).
6) Accessory buildings are permitted only as follows:
   (A) In conjunction with, or following the permitting or lawful establishment of the principal use on the same tract. Accessory buildings are limited to uninhabitable spaces such as detached garages, storage buildings, garden sheds, greenhouses, shops, etc.
7) Mobile home subject to the provisions in Section 3.4100.
8) Limited home occupation.
9) Utilities, maximum utilization of existing easements and rights-of-way shall be made.
10) Low intensity recreation.
11) Public or private neighborhood park or playground.
12) Signs only as follows:
    (A) Temporary signs, subject to provisions of Section 3.0130.
    (B) Nameplates subject to the provisions of Section 3.0130.
13) Temporary uses subject to the provisions of Section 2.8200.
14) Cluster developments subject to the provisions of Section 3.3000.
15) Handicapped housing facility.
16) Communication facilities subject to the standards in Section 3.9400.
17) Land transportation facilities as specified in Section 4.0300.

Section 4.1230. Conditional Development and Use

The following developments and their accessory developments may be permitted under a Type II procedure and Sections 2.4000 to 2.4050 subject to applicable criteria and development standards and site plan review.

1) Multi-family dwelling.
2) Mobile home park or Manufactured home park (permitted under a Type III procedure) subject to provisions in Section 3.4000.
3) Boarding or rooming house or other group housing.
4) Public/semi-public use.
5) Temporary real estate office in a legally recorded subdivision.
6) Home occupations.
7) Boat ramps subject to Sections 5.4100-5.4170 for areas identified as Coastal Shorelands in the Comprehensive Plan.
8) Bed and Breakfast establishment subject to the standards in Sections 3.8030-3.8050.
9) Accessory uses may be permitted prior to the issuance of a development permit for the primary use, subject to an approval by the Community Development Director provided that:
    (A) The applicant submits a letter to the Director explaining the unique or unusual circumstances and nature of the intended use; and
    (B) Provided the property owner obtains the primary use development permit within one-year (1) from the date the accessory use development permit is issued; and
    (C) A statement that the accessory use, during the one-year period prior to establishing the primary use is not intended for the storage of, or the establishment of a Recreational Vehicle use; and
    (D) May be subject to other conditions of approval deemed necessary to protect the primary purpose and intent of the zone, and to provide for public health, safety and welfare.

Section 4.1240. Development and Use Standards

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

1) Lot size with state approved sewer or an approved community septic system:
    (A) One family dwelling: 7,500 square feet.
    (B) Mobile Home: 7,500 square feet.
    (C) Duplex: 10,000 square feet.
2) Lot size without state approved sewer:
    (A) One family dwelling: one (1) acre.
    (B) Mobile home: one (1) acre.
    (C) Duplex: two (2) acres.
    (D) Multiple family: two (2) acres the first two (2) units plus one (1) acre for each additional unit.
3) Lot size for conditional developments shall be based upon:

(A) The site size needed of the proposed use,
(B) The nature of the proposed use in relation to the impacts on nearby properties, and
(C) Consideration of state sanitation requirements, potable water, local setback and other criteria and standards of this ordinance.

4) Minimum lot width: seventy-five (75) feet.
5) Lot width/depth dimension shall not exceed a 1:3 ratio.
6) Maximum lot coverage for residential or non-residential use: 40%
7) Required front yard when front lot line abuts:
   (A) Major arterial: 50 feet
   (B) Minor arterial: 30 feet
   (C) Major collector: 30 feet
   (D) Minor collector: 25 feet
   (E) Local street: 20 feet
8) Required rear yard: 20 feet
   (A) Exception on a corner lot: 5 feet
9) Required side yard:
   (A) Minimum side yard 5 feet, except on a corner lot, the minimum street side yard shall be 20 feet.
   (B) For lots of record created prior to September 30, 1980 that are less than the minimum lot size, required yards shall be 5 feet.
   (C) When the side yard abuts a resource zone, the minimum side yard shall be 50 feet.
10) An accessory structure separated from the main building may be located in the required rear and side yard except in the required street side of a corner lot provided that it is no closer than five (5) feet to a property line.
11) Maximum building height: 35 feet.
12) All new development shall indicate on the building permit how storm water is to be drained from the property. The County Engineer shall require the installation of culverts, dry wells, or retention facilities in cases where development has major storm drainage impacts.
13) All standards set forth in the Clatsop County Land and Water Development and Use Code, as amended.
14) Positioning of structures for future subdivision or partitioning of lots greater than two acres, in areas where the future intent of the property or lot is further partitioned or subdivision, the Community Development Director shall, where practicable, require a Tentative Partition or Subdivision Plat that identifies where structures be located so as to facilitate the future division of land in a manner that accommodates smaller lot sizes, the extension of street and utilities, and the rights-of-way improvements, to include those identified in the County Transportation System Plan (TSP).
15) The setback for all structures shall be thirty-five (35) feet from the line of non-aquatic vegetation.

SECTION 4.1300. RURAL SERVICE AREA - MULTI-FAMILY RESIDENTIAL ZONE (RSA-MFR)

Section 4.1310. Purpose

The RSA-MFR zone is intended to provide areas suitable for various types of residential development at an urban density in areas where public facilities such as sewer, fire protection and water are available or planned in Rural Service Areas (RSA).

Section 4.1320. Development and Use Permitted (RSA-MFR)

The following developments and their accessory developments are permitted under a Type I procedure subject to applicable development standards.

1) One family dwelling or two family dwelling (duplex) per lot.
2) Guesthouse per Section 1.0500.
3) Accessory buildings are permitted only as follows:
   (A) In conjunction with, or following the permitting or lawful establishment of the principal use on the same tract. Accessory buildings are limited to uninhabitable spaces such as detached garages, storage buildings, garden sheds, greenhouses, shops, etc.
4) Mobile home subject to the provisions in Section 3.4100.
5) Limited home occupation.
6) Minor utilities.
7) Low intensity recreation.
8) Public or private neighborhood park or playground.
9) Signs subject to the provisions of Section 3.0130.
10) Temporary uses subject to the provisions of Section 2.8200.
11) Handicapped housing facility.
12) Communication facilities subject to the standards in Section 3.9400.
13) Land transportation facilities as specified in Section 4.0300.

Section 4.1330. Conditional Development and Use

The following developments and their accessory developments may be permitted under a Type II procedure and Sections 2.4000 to 2.4050 subject to applicable criteria and development standards and site plan review.

1) Multi-family dwelling.
2) Mobile home park (permitted under a Type III procedure) subject to provisions in Section 3.4000.
3) Boarding or rooming house or other group housing.
4) Public/semi-public use.
5) Utilities necessary for public service.
6) Temporary real estate office in a legally recorded subdivision.
7) Home occupations.
8) Boat ramps subject to Sections 5.4100-5.4170 for areas identified as Coastal Shorelands in the Comprehensive Plan.
9) Bed and breakfast establishment subject to the standards in Sections 3.8030-

3.8050.

Section 4.1340. Development and Use Standards

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

1) Lot size with state approved sewer:
   (A) One family dwelling: 7,500 square feet.
   (B) Mobile Home: 7,500 square feet.
   (C) Duplex: 10,000 square feet.
2) Lot size without state approved sewer:
   (A) One family dwelling: 15,000 square feet.
   (B) Mobile home: 15,000 square feet.
   (C) Duplex: 20,000 square feet.
   (D) Multiple family: 15,000 square feet for the first unit plus 5,000 square feet for each additional unit.
3) Lot size for conditional developments shall be based upon:
   (A) the site size need of the proposed use,
   (B) the nature of the proposed use in relation to the impacts on nearby properties, and
   (C) consideration of state sanitation requirements, local setback and other criteria and standards of this ordinance.
4) Minimum lot width: 60 feet.
5) Lot width/depth dimension shall not exceed a 1:3 ratio.
6) Maximum lot coverage for residential or non-residential use: 40%.
7) Required front yard when front lot line abuts:
   (A) Major arterial: 50 feet.
   (B) Minor arterial: 30 feet.
   (C) Major collector: 30 feet.
   (D) Minor collector: 25 feet.
   (E) Local street: 20 feet.
8) Required rear yard: 20 feet.
   (A) Exception on a corner lot: 5 feet.
9) Required side yard:
   (A) Minimum side yard 5 feet, except on a corner lot, the minimum street side yard shall be 20 feet.
   (B) For lots of record created prior to September 30, 1980 that are less than the minimum lot size, required side yards shall be 5 feet.
   (C) When the side yard abuts a resource zone, the minimum side yard shall be 50 feet.
10) An accessory structure separated from the main building may be located in the required rear and side yard except in the required street side of a corner lot provided that it is no closer than five (5) feet to a property line.
11) Maximum building height: 35 feet.
12) All new development shall indicate on the building permit how storm water is to

be drained from the property. The County Engineer shall require the installation of culverts, dry wells, or retention facilities in cases where a development has major storm drainage impacts.

13) All standards set forth in the Clatsop County Land and Water Development and Use Code, as amended.

14) Positioning of Structures for Future Subdivision or Partitioning. In areas where the future intention of the property or lot is further partitioning or subdivision, the Community Development Director shall, where practicable, require that structures be located so as to facilitate the future division of land in a manner that accommodates smaller lot sizes and the extension of streets and utilities.

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

SECTION 4.1400. RURAL COMMUNITY COMMERCIAL ZONE (RCC)

Section 4.1410 Purpose and Intent

This zone is located in the Rural Community of Arch Cape, Svensen, Westport, Miles Crossing and Jeffers Gardens. The RCC zone is intended to: (1) provide support for existing small concentrations of retail and commercial services; (2) contribute to community identity; (3) provide job opportunities within the community; (4) allow only those uses that are compatible with the surrounding uses considering varying environmental and other site constraints, and the availability of community water, sewer, or if such services are not available, such uses do not exceed the carrying capacity of the property to provide potable water and absorb waste; and (5) provide services for the community, surrounding rural, farm and forest areas, and traveling public. New commercial uses are those defined under state law as “small-scale, low impact” with building or buildings not to exceed 4,000 square feet of floor area, unless determined that large buildings are intended to serve the rural community, surrounding rural area or the travel needs of the people passing through the area. Expansion of an existing commercial use resulting in building or buildings exceeding 4,000 square feet of floor area are appropriate when the use is intended to serve the rural community, surrounding rural area or the travel needs of people passing through the area.

Section 4.1420. Development and Use Permitted

The following uses and their accessory uses are permitted under a Type I permit procedure subject to applicable development standards.

1) Splitting and sale of firewood.
2) Roadside stand, which shall be less than 120 sq. ft. in size, subject to provisions in Sections 3.9520-3.9540.
3) Low intensity recreation.
4) Utilities, maximum utilization of existing easements and rights-of-way shall be made.
5) Handicapped housing facility.
6) Land transportation facilities as specified in Section 4.0300.

Section 4.1430. Commercial Conditional Development and Use

The following commercial uses and their accessory uses are permitted under a Type II permit procedure subject to applicable development standards provided that commercial uses occur in a building or buildings that do not exceed the following area standards:

1) A retail grocery, bakery, delicatessen, confectionary or similar store including the preparation of foodstuffs for sale primarily on the premises, provided building or buildings for each commercial use does not exceed 4,000 square foot of floor area.
2) A retail drug, variety, gift, antique, hardware, sporting goods, dry goods, music, florist, book, stationery, art gallery, or similar store provided building or buildings for each commercial use does not exceed 4,000 square foot of floor area.
3) A barber, beauty, tailor, shoe repair, laundromat, cleaners, photographic shop or

similar personal service business provided building or buildings for each commercial use does not exceed 4,000 square foot of floor area.

4) Sporting equipment and other recreational equipment rental service provided building or buildings for each commercial use does not exceed 4,000 square foot of floor area.
5) An eating or drinking establishment provided building or buildings for each commercial use does not exceed 4,000 square foot of floor area.
6) An automobile service station, including auto fuel, towing and minor repair, excluding auto sales and auto storage provided building or buildings for each commercial use does not exceed 4,000 square foot of floor area.
7) Professional offices provided building or buildings for each commercial use does not exceed 4,000 square foot of floor area.
8) Park, or playground, ball fields, or community center.
9) Churches or similar places of worship.
10) Veterinary clinic provided the square footage of the building or buildings devoted to the care of household pets does not exceed 4,000 square feet of floor area.
11) Medical and dental offices provided building or buildings for each commercial use does not exceed 4,000 square foot of floor area.
12) Buildings and uses of a public works, public service, or public utility nature, that may include equipment storage, repair yards, warehouses, or related activities.
13) Instructional or vocational schools, such as dance studio, karate, theatre, music, computer science provided building or buildings for each commercial use does not exceed 4,000 square foot of floor area.
14) Communication Facilities subject to the provisions of Section 3.9400.
15) Farm or garden supply, equipment sales and repair.
16) Mini-storage.
17) Legally existing and allowed uses (as of the effective date of this ordinance) may continue as permitted uses.
18) By a Type III procedure, any uses determined by the Planning Commission to be similar in use and compatibility to those uses described under sections 1-17 above subject to the provisions of section 2.6000, provided building or buildings for each commercial use does not exceed 4,000 square feet of floor area.

Section 4.1440. Conditional Development and Use

The following uses and their accessory uses are permitted under a Type II-a permit procedure subject to applicable development standards and site plan review.

1) Expansion of commercial building or buildings, existing on (date of this ordinance) where the total floor area for the commercial use exceeds 4,000 square feet provided the commercial use, intended to occupy more than 4,000 square feet of floor area, is intended to serve the rural community, the surrounding rural area, or the traveling needs of people passing through the area.
2) Mixed Use or Residential developments in association with a Commercial or Retail component that is permitted or conditional. Residential development shall

be located above or behind the permitted or conditional use.

3) A hotel, motel, lodge, resort, inn, or other enclosed tourist/traveler accommodations, provided:
   (A) It is served by a community sewer system,
   (B) Does not have over 35 units, and
   (C) Each commercial use associated with the lodging shall not exceed 4,000 square feet (i.e. Gift Shop, Office, Restaurant, etc).

4) Recreational Vehicle (RV) Park subject to the following provisions:
   (A) Density, Maximum fifteen (15) RV spaces per acre.
   (B) Minimum 30-foot setback to any adjoining residential zone.
   (C) Minimum 50-foot setback to any adjoining resource zone.
   (D) Subject to meeting the State Building Code requirements; and
   (E) Subject to provisions of Section SECTION 3.5000 – 3.5020 (2)(A)(F)(I)(J)(K) and (3)-(10) inclusive.

Section 4.1450. Development and Use Standards

The following standards are applicable to all permitted Type II uses in this zone.

1) Plan review and approval: No building permit or other permit for construction or alteration of any building structure or use in this zone shall be issued until plans have been reviewed and approved by the Community Development Director in order to evaluate the conformity with the performance standards of this zone and the Comprehensive Plan and the compatibility of vehicular access, signs, lighting, building placement and designs, landscaping, adjoining uses and location of water and sewage facilities.

2) Standards:
   (A) Air quality: The air quality standards set by the Department of Environmental Quality shall be the guiding standards in this zone, except that open burning is prohibited in any case.
   (B) Noise: As permitted under all laws and regulations.
   (C) Storage: Materials and or equipment shall be enclosed within a structure or concealed behind sight-obscuring screening.
   (D) Fencing: Allowed inside a boundary planting screen and where it is necessary to protect property or to protect the public from a dangerous condition. The proposed fence locations and design will be subject to Community Development Director review and approval.
   (E) Buffer: Where the RCC zone adjoins a zone other than RCC, there shall be a buffer area of depth adequate to provide for a dense evergreen landscape buffer which attains a minimum height of 8-10 feet, or such other screening measures as may be prescribed by the Community Development Director in the event differences in elevation or other circumstances should defeat the purpose of this requirement. In no case shall the buffer area have less width than the required 50-foot setback of this zone.
   (F) Vibration: No vibration other than that caused by highway vehicles, trains

and aircraft shall be permitted which is discernible without instruments at the property line of the use concerned.

(G) Heat and glare: Except for exterior lighting, operations producing heat or glare shall be constructed entirely within an enclosed building.

(H) Lighting: Exterior lighting shall be directed away from adjacent property, with cutoff lighting required, when adjacent to a residential zone.

3) Density Provisions:

(A) The minimum lot width shall be 75 feet.

(B) Other permitted development standards as required to meet State sanitation requirements and local setback and ordinance requirements.

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

4) Setback requirements:

(A) Front yard setbacks: 25 feet.

(B) Side and rear yard when abutting a residence or residential zone: 10 feet.

(C) For lots of record created prior to September 30, 1980 that are less than minimum lot size required side yards shall be 5 feet.

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

(E) All structures shall be a minimum of fifty feet (50) from adjacent resource zones.

5) Building height:

(A) The maximum building height for commercial uses shall be 35 feet.

(B) The maximum building height for light industrial uses shall be 45 feet, except when within 100 feet of a residential zone, the height shall be 35 feet.

6) Building size:

(A) The maximum building size for new commercial uses shall not exceed the floor area standards listed in Section 4.1430 unless:

1) The findings approving the use are included in an amendment to the comprehensive plan, processed under post acknowledgement procedures (ORS 197.610 through 197.625);

2) The use is limited to a size of building or buildings that is intended to serve the rural community, surrounding rural area of the travel needs of people passing through the area; and

3) The total floor area of building or buildings does not exceed 12,000 square feet unless an exception to goal 14 has been acknowledged pursuant to ORS 197.625.

7) An accessory structure may be located in the required rear or side yard, except in the required street side of a corner lot, provided that it is not less than ten (10) feet to a property line.

8) All new developments and cumulative or incremental expansion of an existing development footprint greater than twenty-five percent shall indicate on the development permit application how storm water is to be managed from the property or retained on site. The County Engineer may require the installation of

culverts, dry wells, retention facilities, or other mitigation measures where development may create adverse storm drainage impacts on surrounding properties, adjacent streams or wetlands, and particularly on low lands or on slopes greater than fifteen percent.

9) In areas where the parcel or lot has the potential to be further partitioned or subdivided, the Community Development Director shall, where practicable, require that roads be designated and located so as to facilitate the future division of land in a manner that accommodates smaller lot sizes and the extension of street and utilities and may require a potential development plat showing the location of potential lots and the rights-of-way improvements, to include those identified in the County Transportation System Plan (TSP).

10) Developments adjacent to or across the street from residential zones shall be contained within an enclosed building or screened from the residential district with a sight obscuring fence or vegetation.

11) All standards as set forth in the Clatsop County Land and Water Development and Use Code, as amended.

12) Additional Standards in the Arch Cape RCC zone: *[Ord #17-02]*

(A) Preservation of Landscape. The landscape shall be preserved in its natural state to the maximum extent possible by minimizing tree, vegetation and soils removal. Cut and fill construction methods are discouraged. Roads and driveways should follow slope contours in a manner that prevents erosion and rapid discharge into natural drainages. Disturbed areas shall be re-vegetated with native species.

(B) Utility Service. All new service lines shall be placed underground.

(C) Exterior lighting shall be of a “full cut-off” design. Glare shall be directed away from neighboring property or shielded in a manner not to cause offense (i.e. full cut-off fixtures).

SECTION 4.1500. RURAL COMMUNITY LIGHT INDUSTRIAL ZONE (RCI).

Section 4.1510. Purpose and Intent

This zone is located in Miles Crossing and Jeffers Gardens and is intended for light industrial development with limited external impacts, such as processing, assembling, and minor manufacturing. The development should be largely contained in buildings, have minimal raw material storage and minimum air, water, and noise nuisance characteristics. The intent of this zone is to provide areas for industrial developments that could be incompatible in a commercial or residential zone but have few objectionable characteristics. Unless authorized pursuant to ORS 197.713 or 197.719, new industrial use building or buildings may not exceed 40,000 square feet of floor area, unless determined through further review that larger buildings will not exceed the carrying capacity of the land to provide adequate water and absorb waste. Expansion of an existing industrial use resulting in building or buildings exceeding 40,000 square feet of floor area are appropriate when the use will not exceed the carrying capacity of the land.

Section 4.1520. Development and Use Permitted

The following uses and their accessory uses are permitted under a Type I permit procedure subject to applicable development standards.

1) Utilities, maximum utilization of existing easements and rights-of-way shall be made.
2) Splitting and sale of firewood.
3) Roadside stand, which shall be less than 120 sq. ft. in size, subject to provisions 3.9520-3.9540.
4) Land transportation facilities as specified in Section 4.0300.

Section 4.1530. Development and Use Permitted

The following uses and their accessory uses are permitted under a Type II permit procedure subject to applicable development standards.

1) Retail lumberyards.
2) Machine shops.
3) Bottling works.
4) Equipment storage yard.
5) Hauling, freighting and trucking yard terminal.
6) Logging operations, including accessory uses such an office or watchman's quarters.
7) Welding shop.
8) Wholesale storage business or warehouse.
9) Manufacturing, compounding, assembling, or treating products.
10) Recycling collection center.
11) Legally existing and allowed uses (as of the effective date of this ordinance) may continue as permitted uses.
12) Communications Facilities, subject to provisions in 3.9400.

13) By a Type III procedure, any uses determined by the Planning Commission to be similar in use and compatibility to those uses described under sections 1-12 above, subject to the provisions of section 2.6000, provided building or buildings for each industrial use does not exceed 40,000 square feet of floor area.

Section 4.1540. Conditional Development and Use

The following uses and their accessory uses are permitted under a Type III permit procedure subject to applicable development standards and site plan review.

1) Solid waste transfer station.
2) Automobile wrecking yard.
3) Food products manufacturing.
4) Concrete, ready-mix or asphalt batching plant.
5) By a Type III procedure, any uses determined by the Planning Commission to be similar in use and compatibility to those uses described under sections 1-4 above, subject to the provisions of section 2.6000 provided building or buildings for each commercial industrial use does not exceed 40,000 square feet of floor area.

Section 4.1550. Development and Use Standards

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

1) Plan review and approval:
   No building permit or other permit for construction or alteration of any building structure or use in this zone shall be issued until plans have been reviewed and approved by the Community Development Director in order to evaluate the conformity with the performance standards of this zone and the Comprehensive Plan and the compatibility of vehicular access, signs, lighting, building placement and designs, landscaping, adjoining uses and location of water and sewage facilities.
2) Standards:
   (A) Air quality: The air quality standards set by the Department of Environmental Quality shall be the guiding standards in this zone, except that open burning is prohibited in any case.
   (B) Noise: As permitted under all laws and regulations.
   (C) Storage: Materials and or equipment shall be enclosed within a structure or concealed behind sight-obscuring screening.
   (D) Fencing: Allowed inside a boundary planting screen and where it is necessary to protect property or to protect the public from a dangerous condition. The proposed fence locations and design will be subject to Community Development Director review and approval.
   (E) Buffer: Where the RCI zone adjoins a zone other than RCI, there shall be a buffer area of depth adequate to provide for a dense evergreen landscape buffer which attains a minimum height of 8-10 feet, or such other screening measures as may be prescribed by the Community

Development Director in the event differences in elevation or other circumstances should defeat the purpose of this requirement. In no case shall the buffer area have less width than the required 50-foot setback of this zone.

(F) Vibration: No vibration other than that caused by highway vehicles, trains and aircraft shall be permitted which is discernible without instruments at the property line of the use concerned.

(G) Heat and glare: Except for exterior lighting, operations producing heat or glare shall be constructed entirely within an enclosed building.

(H) Lighting: Exterior lighting shall be directed away from adjacent property, with cutoff lighting required, when adjacent to a residential zone.

3) Density provisions:

(A) The minimum lot width shall be 75 feet.

4) Setback requirements:

(A) The front setback shall be 25 feet,

(B) Side and rear yard setbacks when abutting a residence shall be 10 feet.

(C) Setbacks are not required where side or rear property lines abut a railroad right- of-way or other commercial or industrial use

(D) Setback for all development when abutting a resource zone shall be 50 feet.

5) Building height:

(A) The maximum building height shall be 45 feet, except within 100 feet of a zone other than RCI, in which case the maximum building height shall be the same height as the adjacent zone.

6) Building size:

(A) The maximum building size for new commercial uses shall not exceed 4,000 square foot limit unless:

1) The findings approving the use are included in an amendment to the comprehensive plan, processed under post acknowledgement procedures (ORS 197.610 through 197.625);

2) The use is limited pursuant to Section 4.1530 and 4.1540 to a size of building or buildings that is intended to serve the rural community, surrounding rural area of the travel needs of people passing through the area; and

3) The total floor area of building or buildings does not exceed 12,000 square feet.

(B) The maximum building size for light industrial uses shall not exceed 40,000 square feet of floor area unless authorized pursuant to ORS 197.

(C) Expansion of commercial building or buildings, existing on September 10, 2003 where the total floor area for the commercial use exceeds 4,000 square feet provided the commercial use, intended to occupy more than 4,000 square feet of floor area, is intended to serve the surrounding rural area, or the traveling needs of people passing through the area.

(D) Expansion of industrial building or buildings, existing on September 10, 2003 where the total floor area for the industrial use exceeds 40,000 square feet or is intended to occupy more than 40,000 square feet of floor area, providing the size is necessary for the intended use and can demonstrate the use will not exceed the carrying capacity of the land to provide adequate water and absorb waste unless pursuant to ORS.

7) Off-street parking requirements: Off-street parking shall be subject to Section 3.0050.

8) An accessory structure separated from the main building may be located in the required rear or side yard, except in the required street side of a corner lot, provided that it is not less than five (5) feet to a property line.

9) All standards as set forth in the Clatsop County Land and Water Development and Use Code, as amended.

10) All new developments and cumulative or incremental expansion of an existing footprint greater than twenty-five percent shall indicate on the building permit how storm water is to be drained from the property or retained on site. The County Engineer may require the installation of culverts, dry wells, retention facilities, or other mitigation measures where development may create adverse storm drainage impacts on surrounding properties, adjacent streams or wetlands, and particularly on low lands or on slopes twenty-five percent or greater.

11) In areas where the parcel or lot has the potential to be further partitioned or subdivided, the Community Development Director shall, where practicable, require that roads be designated and located so as to facilitate the future division of land in a manner that accommodates smaller lot sizes and the extension of street and utilities and may require a potential development plat showing the location of potential lots and the rights-of-way improvements, to include those identified in the County Transportation System Plan (TSP).

SECTION 4.1600. RURAL COMMUNITY COMMERCIAL AND LIGHT INDUSTRIAL ZONE (RCC-LI)

Section 4.1610. Purpose and Intent

This zone is located in the Rural Community of Knappa and Westport. The RCC-LI zone is intended to: (1) provide support for existing small concentrations of retail and commercial services mixed with light industrial; (2) contribute to community identity; (3) provide necessary retail services to the community; (4) provide job opportunities within the community; (5) allow only those uses that are compatible with the surrounding uses considering varying environmental and other site constraints, and the availability of community water, sewer, or if such services are not available, such uses do not exceed the carrying capacity of the property to provide potable water and absorb waste; and (6) provide services for the community, surrounding rural, farm and forest areas, and traveling public. New commercial uses are those defined under state law as “small-scale, low impact” with building or buildings not to exceed 4,000 square feet of floor area, unless determined that large buildings are intended to serve the rural community, surrounding rural area or the travel needs of the people passing through the area. Expansion of an existing commercial use resulting in building or buildings exceeding 4,000 square feet of floor area are appropriate when the use is intended to serve the rural community, surrounding rural area or the travel needs of people passing through the area.

Section 4.1620. ~~Permitted and Conditional Uses~~ Development and Use Permitted

The following uses and their accessory uses are permitted under a Type I permit procedure subject to applicable development standards.

1) Splitting and sale of firewood.
2) Roadside stand, which shall be less than 120 sq. ft. in size, subject to provisions in Sections 3.9520-3.9540.
3) Low intensity recreation.
4) Utilities, maximum utilization of existing easements and rights-of-way shall be made.
5) Handicapped housing facility.
6) Land transportation facilities as specified in Section 4.0300.

Section 4.1630. Commercial Uses Conditional Development and Use

The following commercial uses and their accessory uses are permitted under a Type II permit procedure subject to applicable development standards provided that commercial uses occur in a building or buildings that do not exceed the following area standards:

1) A retail grocery, bakery, delicatessen, confectionary or similar store including the preparation of foodstuffs for sale primarily on the premises, provided building or buildings for each commercial use does not exceed 4,000 square foot of floor area.
2) A retail drug, variety, gift, antique, hardware, sporting goods, dry goods, music, florist, book, stationery, art gallery, or similar store provided building or buildings

for each commercial use does not exceed 4,000 square foot of floor area.

3) A barber, beauty, tailor, shoe repair, laundromat, cleaners, photographic shop or similar personal service business provided building or buildings for each commercial use does not exceed 4,000 square foot of floor area.
4) Sporting equipment and other recreational equipment rental service provided building or buildings for each commercial use does not exceed 4,000 square foot of floor area.
5) An eating or drinking establishment provided building or buildings for each commercial use does not exceed 4,000 square foot of floor area.
6) An automobile service station, including auto fuel, towing and minor repair, excluding auto sales and auto storage provided building or buildings for each commercial use does not exceed 4,000 square foot of floor area.
7) Professional offices provided building or buildings for each commercial use does not exceed 4,000 square foot of floor area.
8) Park, or playground, ball fields, or community center.
9) Churches or similar places of worship.
10) Veterinary clinic provided the square footage of the building or buildings devoted to the care of household pets does not exceed 4,000 square feet of floor area.
11) Medical and dental offices provided building or buildings for each commercial use does not exceed 4,000 square foot of floor area.
12) Buildings and uses of a public works, public service, or public utility nature, that may include equipment storage, repair yards, warehouses, or related activities.
13) Instructional or vocational schools, such as dance studio, karate, theatre, music, computer science provided building or buildings for each commercial use does not exceed 4,000 square foot of floor area.
14) Communication Facilities subject to the provisions of Section 3.9400.
15) Farm or garden supply, equipment sales and repair.
16) Retail lumberyards, provided building or buildings for each commercial use does not exceed 4,000 square foot of floor area.
17) By a Type III procedure, any uses determined by the Planning Commission to be similar in use and compatibility to those uses described under sections 1-16 above, subject to the provisions of section 2.6000 provided building or buildings for each commercial use does not exceed 4,000 square feet of floor area.

Section 4.1640. Light Industrial Uses Conditional Development and Use

The following light industrial uses and their accessory uses are permitted under a Type II permit procedure subject to applicable development standards provided that industrial uses occur in a building or buildings that do not exceed the following area standards:

Light Industrial Uses provided the building or buildings associated with the use do not exceed 40,000 square feet of floor area:

1) Machine shops.
2) Bottling works.
3) Equipment storage yard.

4) Hauling, freighting and trucking yard terminal.
5) Logging operations, including accessory uses such an office or watchman's quarters.
6) Welding shop.
7) Wholesale storage business or warehouse.
8) Manufacturing, compounding, assembling, or treating products.
9) Recycling collection center.
10) Legally existing and allowed uses (as of the effective date of this ordinance) may continue as permitted uses.
11) Communications Facilities, subject to provisions in Section 3.9400.
12) By a Type III procedure, any uses determined by the Planning Commission to be similar in use and compatibility to those uses described under sections 1-11 above, subject to the provisions of section 2.6000, provided building or buildings for each commercial use does not exceed 4,000 square feet of floor area.

Section 4.1650. Conditional Development and Use

The following uses and their accessory uses are permitted under a Type II-a permit procedure subject to applicable development standards and site plan review.

1) Expansion of commercial building or buildings, existing on (date of this ordinance) where the total floor area for the commercial use exceeds 4,000 square feet provided the commercial use, intended to occupy more than 4,000 square feet of floor area, is intended to serve the rural community, the surrounding rural area, or the traveling needs of people passing through the area.
2) Residential developments in association with a development that is permitted or conditional, such as a dwelling for the owner or operator of a commercial development.
3) A hotel, motel, lodge, resort, inn, or other enclosed tourist/traveler accommodations, provided:
   (A) It is served by a community sewer system,
   (B) Does not have over 35 units, and
   (C) Each commercial use associated with the lodging shall not occur in a building or buildings that exceed 4,000 square feet.
4) Mini-storage.
5) Recreational Vehicle (RV) Park subject to the following provisions:
   (A) Density, Maximum fifteen (15) RV spaces per acre.
   (B) Minimum 30-foot setback to any adjoining residential zone.
   (C) Minimum 50-foot setback to any adjoining resource zone.
   (D) Subject to meeting the State Building Code requirements; and
   (E) Subject to provisions of Section 3.5000 – 3.5020(2)(A)(F)(I)(J)(K) and (3)-(10) inclusive.

Section 4.1660. Development and Use Standards

The following standards are applicable to all permitted uses in this zone.

1) Plan review and approval:
   (A) No building permit or other permit for construction or alteration of any building structure or use in this zone shall be issued until plans have been reviewed and approved by the Community Development Director in order to evaluate the conformity with the performance standards of this zone and the Comprehensive Plan and the compatibility of vehicular access, signs, lighting, building placement and designs, landscaping, adjoining uses and location of water and sewage facilities or waste water treatment.
2) Standards:
   (A) Air quality: The air standards set by the Department of Environmental Quality shall be the guiding standards in this zone, except that open burning is prohibited in any case.
   (B) Noise: As permitted under all laws and regulations.
   (C) Storage: Materials and or equipment shall be enclosed within a structure or concealed behind sight-obscuring screening.
   (D) Fencing: Allowed inside a boundary planting screen and where it is necessary to protect property or to protect the public from a dangerous condition. The proposed fence locations and design will be subject to Community Development Director review and approval.
   (E) Buffer: Where the RCC- LI zone adjoins a zone other than RCC-LI, there shall be a buffer area of depth adequate to provide for a dense evergreen landscape buffer which attains a minimum height of 8-10 feet, or such other screening measures as may be prescribed by the Community Development Director in the event differences in elevation or other circumstances should defeat the purpose of this requirement. In no case shall the buffer area have less width than the required 50-foot setback of this zone.
   (F) Vibration: No vibration other than that caused by highway vehicles, trains and aircraft shall be permitted which is discernible without instruments at the property line of the use concerned.
   (G) Heat and glare: Except for exterior lighting, operations producing heat or glare shall be constructed entirely within an enclosed building.
   (H) Lighting: Exterior lighting shall be directed away from adjacent property, with cutoff lighting required, when adjacent to a residential zone.
3) Density Provisions:
   (A) The minimum lot width shall be 75 feet.
   (B) Other permitted development standards as required to meet State sanitation requirements and local setback and ordinance requirements.
   (C) Lot width/depth dimension shall not exceed a 1:3 ratio.
4) Setback requirements:
   (A) Front yard setbacks: twenty-five feet (25).
   (B) Side and rear yard when abutting a residence or residential zone: ten feet (10).

(C) For lots of record created prior to September 30, 1980 that are less than minimum lot size required side yards shall be five feet (5).

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

(E) All structures shall be a minimum of fifty-feet (50) from adjacent resource zones.

5) Building height:

(A) The maximum building height for commercial uses shall be thirty-five feet (35).

(B) The maximum building height for light industrial uses shall be forty-five feet (45), except when within 100 feet of a residential zone, the height shall be thirty- five feet (35).

6) Building size:

(A) The maximum building size for new commercial uses shall not exceed the floor area standards listed in Section 4.1630 unless:

1) The findings approving the use are included in an amendment to the comprehensive plan, processed under post acknowledgement procedures (ORS 197.610 through 197.625);

2) The use is limited pursuant to Section 2.4040 to a size of building or buildings that is intended to serve the rural community, surrounding rural area of the travel needs of people passing through the area; and

3) The total floor area of building or buildings does not exceed 12,000 square feet.

(B) The maximum building size for light industrial uses shall not exceed 40,000 square feet of floor area unless authorized pursuant to 197.713 or 197.719.

7) Off-street parking requirements: Off-street parking shall be subject to Section 3.0050.

8) An accessory structure separated from the main building may be located in the required rear or side yard, except in the required street side of a corner lot, provided that it is not less than ten feet (10) to a property line.

9) All new developments and cumulative or incremental expansion of an existing footprint greater than twenty-five percent shall indicate on the building permit how storm water is to be drained from the property or retained on site. The County Engineer may require the installation of culverts, dry wells, retention facilities, or other mitigation measures where development may create adverse storm drainage impacts on surrounding properties, adjacent streams or wetlands, and particularly on low lands or on slopes twenty-five percent or greater.

10) Developments adjacent to or across the street from residential zones shall be contained within an enclosed building or screened from the residential district with a sight obscuring fence or vegetation.

11) In areas where the parcel or lot has the potential to be further partitioned or subdivided, the Community Development Director shall, where practicable,

require that roads be designated and located so as to facilitate the future division of land in a manner that accommodates smaller lot sizes and the extension of street and utilities and may require a potential development plat showing the location of potential lots, and the rights-of-way improvements, to include those identified in the County Transportation System Plan (TSP).

12) All standards as set forth in the Clatsop County Land and Water Development and Use Code, as amended.

SECTION 4.1700. LIGHT INDUSTRIAL ZONE (LI)

Section 4.1710. Purpose

The intent of this zone is to provide areas for industrial developments that could be incompatible in a commercial or residential zone but have few objectionable characteristics. This zone is intended for development with limited external impacts, such as processing, assembling and minor manufacturing. The development should be largely contained in buildings, have minimal raw material storage and minimal air, water and noise nuisance characteristics. New industrial use building or buildings may not exceed 30,000 square feet of floor area, unless determined through further review that larger buildings will not exceed the carrying capacity of the land to provide adequate water and absorb waste. Expansion of an existing industrial use resulting in building or buildings exceeding 30,000 square feet of floor area are appropriate when the use will not exceed the carrying capacity of the land.

Section 4.1720. Development and Use Permitted

The following developments and their accessory developments are permitted under a Type I procedure subject to applicable development standards.

1) Property line adjustment subject to provisions Section 2.9000 – 2.9080 and the following:
   (A) Provided the existing parcel is not reduced below the minimum lot size; and
   (B) Provided the lot line adjustment is within the same zone.
2) Partition subject to provisions of Section 2.9000 –2.9080, and provided the existing parcel and new parcel(s) meet the minimum lot size and dimensions.
3) Splitting and sale of firewood.
4) Land transportation facilities as specified in Section 4.0300.

Section 4.1730. Conditional Development and Use

The following developments and their accessory developments may be permitted under a Type II procedure and Sections 2.4000 to 2.4050 subject to applicable criteria and development standards and site plan review:

1) Automobile wrecking yard.
2) Food products manufacturing.
3) Concrete, ready-mix or asphalt batching plant.
4) Solid waste transfer station subject to the standards of Section 4.1740.
5) Communication facilities subject to the standards in Section 3.9400.
6) Retail, wholesale or service business establishment, provided development of each building or buildings for each commercial or retail use shall not exceed 3,000 square foot of floor area.
7) Lumber yards, retail, including mill works.
8) Machine shops.
9) Bottling works.
10) Equipment storage yard.

11) Hauling, freighting and trucking yard or terminal.
12) Welding shop.
13) Wholesale business, storage building or warehouse.
14) Manufacturing, compounding, assembling, or treating products.
15) Laboratory for experiment, research or testing.
16) Recycling collection center.
17) By a Type III procedure, any uses determined by the Planning Commission to be similar in use and compatibility to those uses described under sections 1-16 above, subject to the provisions of section 2.6000, provided building or buildings for each industrial use does not exceed 30,000 square feet of floor area.

Section 4.1740. Development and Use Standards

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

1) All standards as set forth in the Clatsop County Land and Water Development and Use Code, as amended.
2) Plan review and approval:
   (A) No building permit or other permit for construction or alteration of any building structure or use in the LI zone shall be issued until plans have been reviewed and approved by the Community Development Director in order to evaluate the conformity with the performance standards of this zone and the Comprehensive Plan and the compatibility of vehicular access, signs, lighting, building placement and designs, landscaping, adjoining uses and location of water and sewage facilities.
3) Standards:
   (A) Air quality: The air quality standards set by the Department of Environmental Quality shall be the guiding standards in this zone, except that open burning is prohibited in any case.
   (B) Noise: As may be permitted under all laws and regulations.
   (C) Storage: Materials shall be enclosed within a structure or concealed behind sight- obscuring screening.
   (D) Fencing: Will be allowed inside a boundary planting screen and where it is necessary to protect property of the use concerned or to protect the public from a dangerous condition. The proposed fence locations and design will be subject to Community Development Director review and approval.
   (E) Buffer: Where the LI zone adjoins a zone other than LI or MI, there shall be a buffer area of depth adequate to provide for a dense evergreen landscape buffer which attains a minimum height of 8-10 feet, or such other screening measures as may be prescribed by the Community Development Director in the event differences in elevation or other circumstances should defeat the purpose of this requirement. In no case shall the buffer area have less width than the required 50 foot setback of this zone.
   (F) Vibration: No vibration other than that caused by highway vehicles, trains

and aircraft shall be permitted which is discernible without instruments at the property line of the use concerned.

(G) Heat and glare: Except for exterior lighting, operations producing heat or glare shall be constructed entirely within an enclosed building.

(H) Lighting: Exterior lighting shall be directed away from adjacent property.

4) Density provisions:

(A) The minimum lot area shall be 10,000 square feet.

(B) The minimum lot width shall be 75 feet.

5) Setback requirements:

(A) The front, side and rear yard setbacks shall be 10 feet except when abutting or across the street from a zone other than LI or MI, it shall be 50 feet. (Grandfathered) Lots of record created prior to September 30, 1980 that are less than minimum lot size shall have a 5 foot side yard setback.

(B) Setbacks are not required where side or rear property lines abut a railroad right- of-way.

(C) All structures shall be a minimum of 50 feet from any adjacent resource zones.

6) Building height:

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

7) Off-street parking requirements: Off-street parking shall be subject Section 3.0050.

8) An accessory structure separated from the main building may be located in the required rear and side yard except in the required street side of a corner lot provided that it is not closer than five (5) feet to a property line.

9) Building size:

(A) The maximum building size for all industrial uses shall not exceed 30,000 square feet of floor area, per use unless authorized pursuant to ORS 197.719 or 197.719.

(B) Expansion of commercial building or buildings, existing on September 10, 2003 where the total floor area for the commercial use exceeds 3,000 square feet of floor area or is intended to exceed 3,000 square feet of floor area, provided:

1) The total floor area of building or buildings does not exceed 10,000 square feet of floor area;

2) The area is necessary for the intended use; and

3) Can demonstrate that the use will not exceed the carrying capacity of the land to provide adequate water and absorb waste.

(C) Unless authorized pursuant to ORS 197.713 or 197.719 expansion of industrial building or buildings, existing on September 10, 2003 where the total floor area for the industrial use exceeds 30,000 square feet of floor area or is intended to exceed 30,000 square feet of floor area may be permitted, provided the area is necessary for the intended use and can

demonstrate that the use will not exceed the carrying capacity of the land to provide adequate water and absorb waste.

SECTION 4.1800. HEAVY INDUSTRIAL ZONE (HI)

Section 4.1810. Purpose

The intent of this zone is to provide areas for industrial activities which may require large land areas for uses involving manufacturing, assembling, heavy fabrications, processing, bulk handling of products and large amounts of storage and warehousing. In addition, it is the purpose of this classification to provide sites for industrial uses which are potentially incompatible with most other establishments and are typically appropriate to areas with extensive rail or shipping facilities. New industrial uses are limited in size with building or buildings not to exceed 30,000 square feet of floor area, unless determined through review that larger building(s) will not exceed the carrying capacity of the land to provide adequate water and absorb waste. Expansion of an existing industrial use resulting in building or buildings exceeding 30,000 square feet of floor area are appropriate when the use will not exceed the carrying capacity of the land.

Section 4.1820. Development and Use Permitted

The following developments and their accessory developments are permitted under a Type I procedure subject to applicable development standards.

1) Property line adjustment subject to provisions Section 2.9000 – 2.9080 and the following:
   (A) Provided the existing parcel is not reduced below the minimum lot size.
   (B) Provided the lot line adjustment is within the same zone.
2) Partition subject to provisions of Section 2.9000 –2.9080, and provided the existing parcel and new parcel(s) meet the minimum lot size and dimensions.
3) Splitting and sale of firewood.
4) Communication facilities subject to the standards in Section 3.9400.
5) Utilities, maximum utilization of existing easements and rights-of-way shall be made.
6) Land transportation facilities as specified in Section 4.0300.

Section 4.1830. Conditional Development and Use

The following uses are allowed as a Review Use under a Type II procedure subject to the provisions of Section 2.1020 and the standards of Section 4.1840:

1) Any heavy or light fabrication, production, processing, assembling, packaging, or treatment of materials, goods, foodstuffs and other semi-finished or finished products from semi-finished or raw materials.
2) Storage, distribution services and fabrication facilities, including terminals, warehouses, storage buildings and yards, contractor's establishments, production mills or similar uses.
3) Research and development laboratories, including experimental testing and processing facilities.
4) Automobile and vehicle repair, welding and service part facilities.
5) Recycling collection center.

6) Splitting and sale of firewood.
7) Communication facilities subject to the standards in Section 3.9400.
8) Solid waste transfer station.
9) Eating or drinking establishment, provided building or buildings for each commercial use does not exceed 3,000 square foot of floor area.
10) By a Type III procedure, any uses determined by the Planning Commission to be similar in use and compatibility to those uses described under sections 1-9 above, subject to the provisions of section 2.6000 provided building or buildings for each commercial use does not exceed 3,000 square feet of floor area and building or buildings for each industrial use does not exceed 30,000 square feet of floor area.

Section 4.1840. Development and Use Standards (HI)

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

1) All standards as set forth in the Clatsop County Land and Water Development and Use Code, as amended.
2) Plan review and approval:
   (A) No building permit or other permit for construction or alteration of any building structure or use in the HI zone shall be issued until plans have been reviewed and approved by the Community Development Director in order to evaluate the conformity with the performance standards of this zone and the Comprehensive Plan and compatibility of vehicular access, signs, lighting, building placement and designs, landscaping, adjoining uses and location of water and sewage facilities.
3) Standards:
   (A) Air quality: The air quality standards set by the Department of Environmental Quality shall be the building standards in this zone, except that open burning is prohibited in any case.
   (B) Noise: As may be permitted under all laws and regulations.
   (C) Storage: Materials shall be enclosed within a structure or concealed behind sight-obscuring screening.
   (D) Fencing: Will be allowed inside a boundary planting screen and where it is necessary to protect property of the use concerned or to protect the public from a dangerous condition. The proposed fence locations and design will be subject to Community Development Director review and approval.
   (E) Buffer: Where the HI zone adjoins a zone other than LI or MI, there shall be a buffer area of depth adequate to provide for a dense evergreen landscape buffer which attains a minimum height of 8-10 feet, or such other screening measures as may be prescribed by the Community Development Director in the event differences in elevation or other circumstances should defeat the purpose of this requirement. In no case shall the buffer area have less width than the required 50 foot setback of this zone.

(F) Vibration: No vibration other than that caused by highway vehicles, trains and aircraft shall be permitted which is discernible without instruments at the property line of the use concerned.

(G) Heat and glare: Except for exterior lighting, operations producing heat and glare shall be constructed entirely within an enclosed building.

(H) Lighting: Exterior lighting shall be directed away from adjacent property.

4) Density provisions:

(A) The minimum lot area shall be one (1) acre.

(B) The minimum lot width shall be 100 feet.

5) Setback requirements:

(A) The front, side and rear yard setbacks shall be 10 feet except when abutting or across the street from a zone other than LI or MI, it shall be 50 feet. (Grandfathered) Lots of record created prior to September 30, 1980 that are less than minimum lot size shall have a 5 foot side yard setback.

(B) Setbacks are required where side or rear property lines abut a railroad right-of- way.

(C) All structures shall be a minimum of 50 feet from adjacent resource zones outside RSA designations.

6) Building height:

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

7) Off-street parking requirements: Off-street parking shall be subject to Section 3.0050.

8) An accessory structure separated from the main building may be located in the required rear and side yard except in the required street side of a corner lot provided that it is no closer than five (5) feet to a property line.

9) Building size:

(A) The maximum building size for new commercial uses shall not exceed the floor area standards listed in Section 4.1830. New commercial uses shall not exceed the 3,000 square foot limit unless:

1) The findings approving the use are included in an amendment to the comprehensive plan, processed under post acknowledgement procedures (ORS 197.610 through 197.625);

2) The use is limited to a size of building or buildings that is intended to serve the surrounding rural area of the travel needs of people passing through the area; and c. The total floor area of building or buildings does not exceed 10,000 square feet.

3) The total floor area of building or buildings does not exceed 10,000 square feet.

10) Unless authorized pursuant to 197.713 or 197.719, the maximum building size for all industrial uses shall not exceed 30,000 square feet of floor area.

11) Expansion of commercial building or buildings, existing on (date of this ordinance) where the total floor area for the commercial use exceeds 3,000

square feet provided the commercial use, intended to occupy more than 3,000 square feet of floor area, is intended to serve the surrounding rural area, or the traveling needs of people passing through the area

12) Unless authorized pursuant to ORS 197.713 or 197.719, expansion of industrial building or buildings, existing on September 10, 2003 where the total floor area for the industrial use exceeds 30,000 square feet or is intended to occupy more than 30,000 square feet of floor area, provided the size is necessary for the intended use and can demonstrate the use will not exceed the carrying capacity of the land to provide adequate water and absorb waste.

SECTION 4.1900. MARINE INDUSTRIAL SHORELANDS ZONE (MI)

Section 4.1910. Purpose and Areas Included

The purpose of the MI zone is to manage Columbia River Estuary shorelands in urban and urbanizable areas and shorelands in rural areas especially suited for water-dependent development and to reserve these shorelands for water-dependent industrial, commercial, and high-intensity recreational use. New industrial use building or buildings may not exceed 30,000 square feet of floor area, unless determined through further review that larger buildings will not exceed the carrying capacity of the land to provide adequate water and absorb waste. Expansion of an existing industrial use resulting in building or buildings exceeding 30,000 square feet of floor area are appropriate when the use will not exceed the carrying capacity of the land. Marine Industrial Shoreland areas have unique characteristics that make them especially suited for water-dependent development. Characteristics that contribute to suitability for water-dependent development include:

1) Deep water close to shore with supporting land transportation facilities suitable for ship and barge facility.
2) Potential for aquaculture.
3) Protected areas subject to scour which would require little dredging for use as a marine; and
4) Potential for recreational utilization of coastal waters or riparian resources.

Uses of the MI zone shall maintain the integrity of the estuary and coastal waters. Water-dependent development uses receive highest priority, followed by water-related uses. Uses which are not water-dependent or water-related are provided for~~,~~ only if they do not foreclose options for future higher priority uses and do not limit the potential for more intensive use of the area.

Section 4.1920. Permitted Developments

The following uses and activities, and their accessory uses and activities, are permitted in the MI zone under a Type I procedure, Section 2.1010, provided that commercial and subject to the provisions of Section 4.1950, Development Standards:

1) Low-intensity water-dependent recreation.
2) Vegetative shoreline stabilization.
3) Navigational aids.
4) Passive restoration.
5) Grazing or other farm uses involving no structures.
6) Forestry activities.
7) Maintenance and repair to existing structures and facilities, including dikes.
8) Temporary dike for emergency flood protection, subject to state and federal regulations, limited to 60 days.
9) Dredged material disposal including beach nourishment at sites designated in the Comprehensive Plan.
10) Water-dependent industrial and port uses, including but not limited to:

(A) port facilities and/or shipping activities
(B) fuel storage and dispensing facilities
(C) vessel construction, maintenance or repair facilities
(D) marine railway facilities
(E) seafood receiving, processing and storage
(F) ice making and sales establishment
(G) integrated manufacturing and shipping facility where a significant portion of the operation is water-dependent
(H) other water-dependent industrial, or port uses meeting the criteria in Section 6.4270(1), Water-dependent Use Criteria.

11) Utilities, maximum utilization of existing easements and rights-of-way shall be made.

Section 4.1930. Review Developments

The following uses and activities, and their accessory uses and activities, may be permitted as Review Uses in the MI zone under a Type II procedure, Section 2.1020, when authorized in accordance with Sections 2.5000-2.5040 Development and Use Permitted with Review, and subject to the provisions of Section 4.1950, Development Standards:

1) Public utility structures.
2) Communication facilities.
3) Landfalls and access corridors for sewer line, water line, submerged cables or other pipeline crossing.
4) Structural shoreline stabilization.
5) Dredged material disposal at sites not designated in the Comprehensive Plan provided that the disposal does not preempt the use of the site for allowable water-dependent development activities.
6) Excavation to create new water surface area.

Section 4.1940. Conditional Developments

The following uses and activities, and their accessory uses and activities, may be permitted as Conditional Uses in the MI zone under a Type II procedure, Section 2.1020, when authorized in accordance with Sections 2.4000-2.4050 Conditional Development and Use, and subject to the provisions of Section 4.1950, Development Standards:

1) Water-related industrial and commercial uses where retail commercial buildings or buildings for each commercial use do not exceed 3,000 square foot of floor area and industrial buildings or buildings for each industrial use does not exceed 30,000 square feet of floor area, including but not limited to:
   (A) administrative offices of a water-dependent business
   (B) marine hardware sales and repair
   (C) security guard quarters in conjunction with a water-dependent use
   (D) marine craft and/or equipment sales
   (E) charter fishing offices

(F) seafood market
(G) sports fish cleaning, smoking or canning
(H) cold storage and/or ice processing facilities independent of seafood processing facilities
(I) other water-related industrial and commercial uses meeting the criteria in Section 6.4270(2), Water-related Use Criteria.

2) High intensity water-dependent commercial and recreational facilities including boat ramps, commercial moorages, and marinas for commercial and recreational marine craft, provided buildings or building for each commercial use do not exceed 3,000 square feet of floor area.
3) New dike and tidegate construction.
4) Storm-water and treated wastewater outfalls.
5) Non-water-dependent, non-related uses involving minimal capital investment, including temporary uses.
6) Forest manufacturing.
7) Aquaculture facilities.
8) Mining and mineral extraction processing and differentiation.
9) Mitigation, restoration, creation and enhancement.
10) Marine research and education facility.
11) Land transportation systems.

Section 4.1950. Development Standards

1) All uses and activities shall satisfy applicable regional policies contained in the Comprehensive Plan, Estuarine Resources and Coastal Shorelands Element.
2) All uses and activities shall satisfy applicable Columbia River Estuary Shoreland and Aquatic Use and Activity standards contained in the Land and Water Development and Use Code.
3) All other applicable ordinance requirements shall be satisfied.
4) When a proposal includes several uses, the uses shall be reviewed in aggregate under the more stringent procedure.
5) Uses that are water-dependent must meet the criteria in Section 6.4270(1). Uses that are water-related must meet the criteria in Section 6.4270(2).
6) Uses and activities that are not water-dependent shall not preclude or conflict with existing or probable future water-dependent use on the site or in the vicinity. If non-water-dependent development is proposed in the MI zone under Section 4.1930, Review Developments or under Section 4.1940, Conditional Developments, the County shall provide mailed notice to state and federal agencies with statutory planning and permit issuance authority in aquatic areas, including the Oregon Division of State Lands, Oregon Department of Fish and Wildlife, US Fish and Wildlife Service, National Marine Fisheries Service, Army Corps of Engineers, and the Environmental Protection Agency.

7) Plan review and approval:
   (A) A building permit or other permit for construction or alteration of any structure or use in the MI zone will not be issued until plans have been reviewed and approved for conformity with the performance standards of this zone and the policies of the Comprehensive Plan, and for compatibility of the proposed structures or uses with surrounding uses considering factors such as transportation, access, signs, lighting, building placement and design, noise, air quality, vibration, storage, landscaping, adjoining uses and location of public utilities including water and sewer facilities. Any activity or structures reviewed and approved by the Community Development Director will be considered a permitted development with review satisfying Section 4.1930. The approved activity or structure must be completed within the time frame specified in the approval, and not to exceed five years. If the permitted use status is lost due to inactivity or lack of construction within the time specified, a new plan must be submitted for review and approval.
8) All uses must meet applicable state and federal air quality and noise laws or regulations.
9) Storage: All materials, including wastes, shall be stored and maintained in a manner that will not attract or aid the propagation of insects or rodents or other animals or birds, or otherwise create a health hazard or nuisance.
10) Fencing: Will be allowed inside a boundary planting screen and where it is necessary to protect property of the use concerned or to protect the public from a dangerous condition, with the following provisions:
   (A) No fence shall be constructed in the required setback from the public right-of-way unless otherwise specifically approved by the Community Development Director.
   (B) Fences shall be aesthetically compatible with the surrounding property.
11) Lighting: Exterior lighting shall be directed away from zones other than LI unless otherwise approved.
12) Density provisions:
   (A) The minimum lot area shall be one (1) acre.
   (B) The minimum lot width shall be 150 feet.
13) Setback requirements:
   (A) Where a lot abuts a zone other than LI, there shall be a front, side or rear yard setback of not less than 50 feet. Otherwise, the front, side, or rear yards may be reduced to zero.
   (B) Setbacks are not required where side, rear, or front property lines abut a railroad right-of-way.
   (C) Uses that are not water-dependent or water-related shall be set back 50 feet from mean higher high water or the line of non-aquatic vegetation.

14) Buffer: Where the MI zone adjoins a zone other than LI, there shall be an area of depth adequate to provide for a dense evergreen landscaped area which attains a minimum height of 8-10 feet, or such other screening measures as may be prescribed by the Community Development Director. In no case shall the buffer area have less width than the required 50 foot setback of this zone.

15) Height: There is no height limitation except within 100 feet of a zone other than LI in which case the maximum height shall be the same height as the abutting zone.

16) Building size:

(A) The maximum building size for all industrial uses shall not exceed 30,000 square feet of floor area, per use. Old mill sites are exempt from building size requirements, and would include the following: the portion of Bradwood zoned Marine Industrial.

(B) The maximum building size for new industrial uses shall not exceed the floor area standards listed in Section 3.446 up to 30,000 square feet of floor area. New uses shall not exceed the 30,000 square feet of floor area industrial use outside of urban unincorporated communities and 40,000 square feet of floor area for industrial uses inside of unincorporated communities unless:

1) The findings approving the use are included in an amendment to the comprehensive plan, processed under post acknowledgement procedures (ORS 197.610 through 197.625); and
2) Is necessary for the intended use; and
3) Can demonstrate the use will not exceed the carrying capacity of the land to provide adequate water and absorb waste

(C) Expansion of commercial building or buildings, existing on (date of this ordinance) where the total floor area for the commercial use exceeds 3,000 square feet of floor area or is intended to exceed 3,000 square feet of floor area, provided:

1) The total floor area of building or buildings does not exceed 10,000 square feet;
2) Is necessary for the intended use, and
3) Can demonstrate the use will not exceed the carrying capacity of the land to provide adequate water and absorb waste.

(D) Expansion of industrial building or buildings, existing on (date of this ordinance) where the total floor area for the industrial use exceeds 30,000 square feet of floor area or is intended to exceed 30,000 square feet of floor area may be permitted, provided the area is necessary for the intended use and can demonstrate that the use will not exceed the carrying capacity of the land to provide adequate water and absorb waste.

SECTION 4.2000. AQUATIC DEVELOPMENT ZONE (AD)

Section 4.2010. Purpose and Areas Included

The purpose of the AD zone is to provide for navigation, and other identified needs for public, commercial, and industrial water-dependent uses, consistent with the level of development or alteration allowed by this zone and the need to minimize damage to the Columbia River estuarine ecosystem. The objective of the AD zone is to ensure optimum utilization of appropriate aquatic areas by providing for intensive development.

Such areas include deep water areas adjacent to or near the shoreline, navigation channels, turning basins, subtidal areas for in- water disposal of dredged materials, areas of minimal biological significance needed for uses requiring alteration of the estuary not included in Aquatic Conservation-Two Zone, Aquatic Conservation-One Zone, and Aquatic Natural Zone, and areas for which an exception to Statewide Planning Goal 16, Estuarine Resources has
been adopted.

Uses of the AD zone shall maintain the integrity of the estuary and coastal waters. Water-dependent development uses receive highest priority, followed by water-related uses. Permissible uses in areas managed for water dependent activities include navigation, water-dependent commercial and industrial uses, water transport channels, water-storage areas when needed for products used in or resulting from commerce or recreation, flowlane disposal of dredged material, and marinas. Other uses, including uses which are not water-dependent or water-related are provided for when consistent with the purposes of the AD zone, and if they do not foreclose options for future higher priority uses or do not limit the potential for more intensive use of the area.

Section 4.2020. Permitted Developments

The following uses and activities, and their accessory uses and activities, are permitted in the AD zone under a Type I procedure, Section 2.1010, and subject to the provisions of Section 4.2050, Development Standards:

1) Undeveloped low intensity water-dependent recreation.
2) Passive restoration measures.
3) Navigational aids.
4) Vegetative shoreline stabilization.
5) Research and educational observation.
6) Maintenance and repair of existing structures or facilities, including dikes.
7) Temporary dikes for emergency flood protection, subject to state and federal requirements.
8) Projects for the protection of habitat, nutrient, fish, wildlife and aesthetic resources.

9) Water-dependent commercial, industrial and port uses including but not limited to:
   (A) docks, moorages, piers or wharves
   (B) fuel storage and dispensing facilities
   (C) cargo loading and unloading facilities
   (D) vessel construction, maintenance or repair facilities
   (E) seafood receiving, processing and storage
   (F) cargo marshaling, assembly and storage facilities
   (G) ice making and sales establishments
   (H) integrated manufacturing and shipping facility where a significant portion of the operation is water-dependent
   (I) marine railway facilities
   (J) other water-dependent uses meeting the criteria in Section 6.4270(1), Water- dependent Use criteria.
10) Piling and dredging in conjunction with permitted uses 3, and 5 through 9 listed above, pursuant to the applicable standards in Sections 6.4080 and 6.4200.
11) Fill in conjunction with permitted uses 6 through 9 listed above, pursuant to the applicable standards in Section 6.4210.
12) Communication facilities subject to the standards in Section 3.9400.

Section 4.2030. Review Developments

The following uses and activities, and their accessory uses and activities, may be permitted as Review Uses in the AD zone under a Type II procedure, Section 2.1020, when authorized in accordance with Sections 2.5000-2.5040 Development and Use Permitted with Review, and subject to the provisions of Section 4.2050, Development Standards:

1) Pipelines, cables and utility crossings.
2) Water-dependent public recreational and commercial facilities, such as boat ramps and moorages, but not including marinas.
3) Installation of new tidegates in existing functional dikes.
4) Communication facilities subject to the standards in Section 3.9400.
5) Estuarine in-water disposal of dredged material at sites designated in the Comprehensive Plan.
6) Minor navigational improvements.
7) Water storage areas where needed for products used in or resulting from industry, commerce and recreation.
8) Structural shoreline stabilization.
9) Estuarine enhancement.
10) Temporary alterations.
11) Active restoration measures.
12) Dredging to obtain fill material for dike maintenance.
13) Bridge crossings.
14) Piling in conjunction with the review uses 1 through 4, and 6 through 10, listed above, pursuant to the applicable standards in Section 6.4080.

15) Dredging in conjunction with the review uses 1 through 4, and 6 through 12, listed above, pursuant to the applicable standards in Section 6.4200.
16) Fill in conjunction with the review uses 1, 2, 4, 5, and 8 through 11 listed above, pursuant to the applicable standards in Section 6.4210.

Section 4.2040. Conditional Developments

The following uses and activities, and their accessory uses and activities, may be permitted as Conditional Uses in the AD zone under a Type II procedure, Section 2.1020, when authorized in accordance with Sections 2.4000-2.4050 Conditional Development and Use, and subject to the provisions of Section 4.2050, Development Standards. It must also be shown that these uses and activities are consistent with the purpose of the Aquatic Development zone and with the purpose of the adjacent shoreland zones.

1) Navigational structures.
2) New navigation projects or water transport channel improvements.
3) Mining or mineral extraction.
4) Bridge crossing support structures.
5) Aquaculture facilities.
6) Marinas.
7) Storm water and treated waste water outfalls.
8) Water-related uses including, but not limited to:
   (A) administrative offices of a water-dependent business
   (B) marine hardware sales and repair
   (C) charter fishing offices
   (D) sports fish cleaning facilities
   (E) seafood market
   (F) net storage
   (G) other water related uses meeting the criteria in Section 6.4270(2), Water-related Use Criteria.
   (H) security guard quarters in conjunction with a water-dependent use.
9) Non-water dependent, non-related uses involving minimal capital investment, including temporary uses.
10) Piling in conjunction with the conditional uses 1 through 9 listed above, pursuant to the applicable standards in Section 6.4080.
11) Dredging in conjunction with the conditional uses 1 through 7 listed above, pursuant to the applicable standards in Section 6.4200.
12) Fill in conjunction with the conditional uses 1 and 4 through 6 above pursuant to the applicable standards in Section 6.4210.
13) Communication facilities subject to the standards in Section 3.9400.

Section 4.2050. Development Standards

1) All uses and activities shall satisfy regional policies contained in the Comprehensive Plan, Estuarine Resources and Coastal Shorelands element.
2) All uses and activities shall satisfy applicable Columbia River Estuary Shoreland

and Aquatic Use and Activity Standards contained in the Land and Water Development and Use Code.

3) All other applicable ordinance requirements shall be satisfied.
4) A proposal which requires new dredging, fill, in-water structures, riprap, new log storage areas, water intake or withdrawal and effluent discharge, in-water disposal of dredged material, beach nourishment, application of pesticides and herbicides, or other activities which could affect the estuary's physical processes or biological resources is subject to an Impact Assessment, Sections 6.3010-6.3050.
5) When a development proposal includes several uses, the uses shall be reviewed in aggregate under the more stringent procedure.
6) Uses that are water-dependent must meet the criteria in Section 6.4270(1). Uses that are water-related must meet the criteria in Section 6.4270(2).
7) Uses that are water-dependent shall not preclude or conflict with existing or probable future water dependent uses on the site or in the vicinity.
8) Piling, dredging, filling or other estuarine alteration permitted under Section 4.2020 of this zone, Permitted Developments, are subject to the public notice provisions of Section 2.2040, if an impact assessment is required pursuant to Sections 6.3010 through 6.3050; or if a determination of consistency with the purpose of the AD zone is require pursuant to Section 6.3080; or if the Community Development Director determines that the permit decision will require interpretation or the exercise of factual, policy, or legal judgment.

SECTION 4.2100. URBAN GROWTH BOUNDARY ZONE (UGB)

Section 4.2110. Purpose.

This zone is intended for those areas within Urban Growth Boundaries (UGB) designated by the cities and Clatsop County in their comprehensive plans. The UGB zone is intended to provide joint review and consideration of land use concerns by Clatsop County and the appropriate municipality to ensure that land use activities on the urban fringe conforms to orderly growth and extension of city services, facilities, and land use patterns. The UGB zone is also designed to implement provisions of the UGB provisions which the County has entered into with the various municipalities.

Section 4.2120. Land Use and Zoning Maps

All unincorporated areas within the mutually adopted UGB are shown on the Clatsop County land use and zoning maps. The designations used are those agreed upon by Clatsop County and the appropriate municipality. The description of the designations and the listing of permitted and conditional developments and applicable standards are included in the land use ordinances adopted by: City of Astoria, City of Warrenton, City of Seaside, City of Cannon Beach, and City of Gearhart.

Section 4.2130. Permitted Uses

Refer to the provisions in the appropriate municipal Ordinance.

SECTION 4.2200. COASTAL BEACH RESIDENTIAL ZONE (CBR)

Section 4.2210. Purpose

The CBR zone is intended to accommodate the immediate foreseeable demand for low density residential development in the area commonly known as Surf Pines. Surf Pines covers an area of approximately 1-1/2 square miles and is located south of the community of Sunset Beach and west of Neacoxie Lake and Creek. Surf Pines is an area committed to low density rural residential development. This zone is a Goal 14 exceptions area.

Section 4.2220. Development and Use Permitted

The following uses and their accessory uses are permitted under a permit procedure subject to the applicable development standards.

1) One family dwelling.
2) Guesthouse per Section 1.0500.
3) Accessory buildings are permitted only as follows:
   (A) In conjunction with, or following the permitting or lawful establishment of the principal use on the same tract. Accessory buildings are limited to uninhabitable spaces such as detached garages, storage buildings, garden sheds, greenhouses, shops, etc.
5) Limited home occupation.
6) Public or private neighborhood park or playground.
7) Utilities, maximum utilization of existing easements and rights-of-way shall be made.
8) No sign except for:
   (A) Temporary signs subject to the provisions of Section 3.0130.
   (B) Nameplates subject to the provisions of Section 3.0130.
9) Handicapped housing facility.
10) Cluster development subject to the provisions of Sections 3.3000-3.3050.
11) Low intensity recreation.
12) Land transportation facilities as specified in Section 4.0300.

Section 4.2230. Conditional Development and Use

None.

Section 4.2240. Development and Use Standards

The following standards are applicable to permitted uses in this zone:

1) Lot size
   (A) for residential uses: one (1) acre except for the following parcels which are not exceptions areas and therefore, require two (2) acres: T.7N., R.10W., Section 16C, Tax Lot 300 and 301.
   (B) Cluster development subject to the provisions of Sections 3.3000-3.3050.
   (C) Lots outside the exceptions area, two (2) acre in size.
   (D) Other permitted development as required to meet State sanitation

requirements and local setback and ordinance requirements.

2) Minimum lot width: 100 feet.
3) Lot width/depth dimension shall not exceed 1:3 ratio.
4) Required front yard: 20 feet.
5) Required side yard:
   (A) Minimum side yard 10 feet, except on a corner lot, the minimum street side yard shall be 20 feet.
   (B) For lots of record created prior to September 30, 1980 that are less than the minimum lot size, required side yards shall be 5 feet.
   (C) When the side yard abuts a resource zone, the minimum side yard shall be 50 feet.
6) Required rear yard: 20 feet, exception on a corner lot: 10 feet.
7) For lots abutting the oceanshore, the ocean yard shall be determined by the oceanfront setback line established by Section 3.0150 Oceanfront Setback.
8) An accessory structure separated from the main building may be located in the required rear and side yard except in the required street side of a corner lot provided that it is no closer than five (5) feet to a property line.
9) Maximum building height: 26 feet, except for ocean front lots which shall be: 18 feet.
   (A) The height of a structure is measured from the average grade of the undisturbed ground at the four principal corners of the proposed structure.
   (B) To determine height:
      1) Construction/building plans submitted for uses permitted in this zone shall show the elevations of the undisturbed ground prior to construction as measured at the four principal corners of the proposed structure on a plot plan. A control point shall be established outside of the building's footprint.
      2) Photographs of the undisturbed site shall be required. Photographs need not be professional or aerial photographs, but can be taken using a Polaroid or other camera.
      3) To verify the height, a survey by a registered surveyor may be required by the Community Development Director.
10) All new development shall indicate on the building permit how storm water is to be drained from the property. The Community Development Director may require the installation of culverts, dry wells or retention facilities in cases where a development has major storm drainage impacts.
11) All standards as set forth in the Clatsop County Land and Water Development and Use Code, as amended.
12) The setback for all structures shall be 35 feet from the line of non-aquatic vegetation.
13) Utility lines shall be placed underground.
14) Fence, wall, hedge, or coping not higher than 8 feet.
15) Livestock: none.

SECTION 4.2300. COASTAL RESIDENTIAL ZONE (CR)

Section 4.2310. Purpose

The CR zone is intended to encourage residential and very limited recreation development in the Southwest Coastal planning area primarily where commitments to such development have been made through existing subdivision, partitioning or development, of where the anticipated magnitude or density of development will not require more than a very basic level of services. This zone is a Goal 14 exception~~s~~ area.

Section 4.2320. Development and Use Permitted (CR)

The following developments and their accessory developments are permitted under a Type I procedure subject to applicable development standards.

1) One family dwelling per lot.
2) Guesthouse per Section 1.0500.
3) Accessory buildings are permitted only as follows:
   (A) In conjunction with, or following the permitting or lawful establishment of the principal use on the same tract. Accessory buildings are limited to uninhabitable spaces such as detached garages, storage buildings, garden sheds, greenhouses, shops, etc.
4) Limited home occupation.
5) Low intensity recreation.
6) Public or private neighborhood park or playground.
7) Cluster development subject to the provisions of Section 3.3000.
8) Signs subject to provisions of Clatsop County Section 3.0130.
9) Handicapped housing facility.
10) Accessory uses as follows:
    (A) In conjunction with, or following the permitting or lawful establishment of the primary use on the same lot or parcel to include, but not limited to detached garages, storage buildings, or other non-agricultural farm uses.
11) Utilities, maximum utilization of existing easements and rights-of-way shall be made.
12) Land transportation facilities as specified in Section 4.0300.

Section 4.2330. Conditional Development and Use

The following developments and their accessory development may be permitted under a Type II procedure and Sections 2.4000 to 2.4050 subject to applicable criteria and development standards and site plan review.

1) Campground, primitive.
2) Bed & breakfast establishment subject to the standards in Sections 3.8030-3.8050.
3) RV Park subject to Sections 3.5000-3.5020 except in the Clatsop Plains Planning Area.

4) Accessory uses may be permitted prior to the issuance of a development permit for the primary use, subject to an approval by the Community Development Director provided that:
   (A) The applicant submits a letter to the Director explaining the unique or unusual circumstances and nature of the intended use; and
   (B) Provided the property owner obtains the primary use development permit within one-year (1) from the date the accessory use development permit is issued; and
   (C) A statement that the accessory use, during the one-year period prior to establishing the primary use is not intended for the storage of, or the establishment of a Recreational Vehicle use; and
   (D) May be subject to other conditions of approval deemed necessary to protect the primary purpose and intent of the zone, and to provide for public health, safety and welfare.
5) Boat ramps subject to Section 5.4100-5.4170 for areas identified as Coastal Shorelands in the Comprehensive Plan.

Section 4.2340. Conditional Development and Use Criteria

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

Section 4.2350. Development and Use Standards

The following standards are applicable to permitted and conditional developments in this zone:
1) All standards as set forth in the Clatsop County Land and Water Development and Use Code, as amended.
2) Lot size
   (A) For residential development: 20,000 square feet.
   (B) Cluster development subject to the provisions of Clatsop County Sections 3.3000-3.3050.
   (C) Lots outside the exceptions area, two (2) acres in size.
   (D) Other permitted development as required to meet State sanitation requirements and local setback and ordinance requirements.
   (E) Conditional developments shall be based upon:

1) the site size need of the proposed use,
2) the nature of the proposed use in relation to the impacts on nearby properties, and
3) consideration of State sanitation requirements, local setback and other criteria and standards of this Ordinance.

3) Minimum lot width: 100 feet.
4) Lot width/depth dimension shall not exceed a 1:3 ratio.
5) Required front yard when front line abuts:
   (A) Major arterial: 50 feet.
   (B) Minor arterial: 30 feet.
   (C) Major collector: 30 feet.
   (D) Minor collector: 25 feet.
   (E) Local street: 20 feet.
6) Required rear yard: 20 feet.
   (A) Exception on a corner lot: 5 feet.
7) Required side yard:
   (A) Minimum side yard 10 feet, except on a corner lot, the minimum street side yard shall be 20 feet.
   (B) For lots of record created prior to September 30, 1980 that are less than the minimum lot size, required side yards shall be 5 feet.
   (C) When the side yard abuts a resource zone, the minimum side yard shall be 50 feet.
8) For lots abutting the oceanshore, the ocean yard shall be determined by the oceanfront setback line established by Section 3.0150 Oceanfront Setback.
9) An accessory structure separated from the main building may be located in the required rear and side yard except in the required street side of a corner lot provided that it is no closer than five (5) feet to a property line.
10) Maximum building height:
   (A) Ocean frontage lots: 18 feet.
   (B) Others: 26 feet.
   (C) The height of a structure is measured from the average grade of the undisturbed ground at the four principal corners of the proposed structure. To determine height:
      1) Construction/building plans submitted for uses permitted in this zone shall show the elevations of the undisturbed ground prior to construction as measured at the four principal corners of the proposed structure on a plot plan. A control point shall be established outside of the building's footprint.
      2) Photographs of the undisturbed site shall be required. Photographs need not be professional or aerial photographs, but can be taken using a Polaroid or other camera.
      3) To verify the height, a survey by a registered surveyor may be required by the Community Development Director.
11) All new developments shall indicate on the building permit how storm water is to

be drained from the property. The Community Development Director may require the installation of culverts, dry wells or retention facilities in cases where a development has major storm drainage impacts.

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

SECTION 4.2400. SINGLE FAMILY RESIDENTIAL-1 ZONE (SFR-1)

Section 4.2410. Purpose

The SFR-1 zone is intended to accommodate the immediate foreseeable demand for low density rural housing in areas where commitments to such uses have already been made through existing subdivisions, partitioning, development and availability of public services (i.e. fire, protection/ community water system). The zone is intended for those areas that have development or will develop having little or no farm uses and houses constructed in a traditional manner, and tracts of land sold on a lot-by-lot basis together with some typical subdivision development. This zone is a Goal 14 exception~~s~~ area.

Section 4.2420. Development and Use Permitted (SFR-1)

The following uses and their accessory uses are permitted under a Type I permit procedure subject to applicable development standards.

1) One family dwelling.
2) Guesthouse per Section 1.0500.
3) Accessory buildings are permitted only as follows:
   (A) In conjunction with, or following the permitting or lawful establishment of the principal use on the same tract. Accessory buildings are limited to uninhabitable spaces such as detached garages, storage buildings, garden sheds, greenhouses, shops, etc.
4) Limited home occupation.
5) Public or private neighborhood park or playground.
6) No signs except for:
   (A) Temporary signs subject to the provisions of Section 3.0130.
   (B) Name plates subject to the provisions of Section 3.0130.
7) Handicapped housing facility.
8) Low intensity recreation.
9) Utilities, maximum utilization of existing easements and rights-of-way shall be made.
10) Land transportation facilities as specified in Section 4.0300.

Section 4.2430. Conditional Development and Use

1) Bed & breakfast establishment subject to the standards in Sections 3.8030-3.8050.
2) Boat ramps subject to Sections 5.4100-5.4170 for areas identified as Coastal Shorelands in the Comprehensive Plan.
3) Accessory uses may be permitted prior to the issuance of a development permit for the primary use, subject to an approval by the Community Development Director provided that:
   (A) The applicant submits a letter to the Director explaining the unique or unusual circumstances and nature of the intended use; and

(B) Provided the property owner obtains the primary use development permit within one-year (1) from the date the accessory use development permit is issued; and
(C) A statement that the accessory use, during the one-year period prior to establishing the primary use is not intended for the storage of, or the establishment of a Recreational vehicle use; and
(D) May be subject to other conditions of approval deemed necessary to protect the primary purpose and intent of the zone, and to provide for public health, safety and welfare.

Section 4.2440. Development and Use Standards

The following standards are applicable to permitted uses in this zone:

1) Lot size:
   (A) For residential uses: one (1) acre except for the following parcels which are not exceptions areas and therefore, require two (2) acres;
      1) T.4N., R.10W., Section 7CD, Tax Lot 100, 200 and 300.
      2) T.7N., R.10W., Section 34B, Tax Lot 3300 and 3400.
   (B) Cluster development subject to the provisions of Sections 3.3000-3.3050 provided lots are not less than one (1) acre in size, and
   (C) lots outside the exceptions area, two (2) acre in size.
   (D) other permitted development as required to meet State sanitation requirements and local setback and ordinance requirements.
2) Minimum lot width: 125 feet.
3) Lot width/depth dimension shall not exceed a 1:3 ratio.
4) Required front yard when front line abuts:
   (A) Major arterial: 50 feet.
   (B) Minor arterial: 30 feet.
   (C) Major collector: 30 feet.
   (D) Minor collector: 25 feet.
   (E) Local street: 20 feet.
5) Required rear yard: 20 feet.
   (A) Exception on a corner lot: 5 feet.
   (B) Exception when adjacent to resource zones, all structures: 50 feet.
6) Required side yard:
   (A) Minimum side yard 10 feet, except on a corner lot, the minimum street side yard shall be 20 feet.
   (B) For lots of record created prior to September 30, 1980 that are less than the minimum lot size, required side yards shall be 5 feet.
   (C) When the side yard abuts a resource zone, the minimum side yard shall be 50 feet.
7) An accessory structure separated from the main building may be located in the required rear and side yard except in the required street side of a corner lot provided that is no closer than five (5) feet to a property line.
8) Maximum building height: 26 feet.

(A) Except for ocean front lots, where maximum is: 18 feet.

(B) The height of a structure is measured from the average grade of the undisturbed ground at the four principal corners of the proposed structure. To determine height:

1) Construction/building plans submitted for uses permitted in this zone shall show the elevations of the undisturbed ground prior to construction as measured at the four principal corners of the proposed structure on a plot plan. A control point shall be established outside of the building's footprint.

2) Photographs of the undisturbed site shall be required. Photographs need not be professional or aerial photographs, but can be taken using a Polaroid or other camera.

9) To verify the height, a survey by a registered surveyor may be required by the Community Development Director. All new development shall indicate on the building permit how storm water is to be drained from the property. The Community Development Director may require the installation of culverts, dry wells or retention facilities in cases where a development has major storm drainage impacts.

10) All standards as set forth in the Clatsop County Land and Water Development and Use Code, as amended.

11) The setback for all structures shall be 35 feet from the line of non-aquatic vegetation.

SECTION 4.2500. RESIDENTIAL-AGRICULTURE-1 ZONE (RA-1)

Section 4.2510. Purpose

The RA-1 zone is intended to accommodate the immediate foreseeable demand for low-density rural residential development in areas where commitments to such uses have already been made through existing subdivision, partitioning, development and availability of public services (fire protection, community water system and roads). In areas contiguous with RA-2 or Urban Growth Boundary residential zones or similar city zone designations, the RA-1 zone is intended to be a transitional zoning district between the AF, F-80, and EFU zones and is the same as the RA-2 zone, with the conversion of such lands to higher density residential use occurring in an orderly and economical manner.

Section 4.2520. Development and Use Permitted (RA-1)

The following developments and their accessory developments are permitted under a Type I procedure subject to applicable development standards.

1) One family dwelling.
2) Guesthouse per Section 1.0500.
3) Accessory buildings per are permitted only as follows:
   (A) In conjunction with, or following the permitting or lawful establishment of the principal use on the same tract. Accessory buildings are limited to uninhabitable spaces such as detached garages, storage buildings, garden sheds, greenhouses, shops, etc.
4) Limited home occupations.
5) Farm use.
6) Roadside stand for farm products grown on the premises.
7) Forestry.
8) Low intensity recreation.
9) Public or private neighborhood park or playground.
10) Horticultural nursery.
11) Temporary uses subject to the provisions of Section 2.8200.
12) Handicapped housing facility.
13) Utilities, maximum utilization of existing easements and rights-of-way shall be made.
14) Health hardship dwelling subject to the standards in Section 3.0190.
15) Communication facilities subject to the standards in Section 3.9400.
16) Land transportation facilities as specified in Section 4.0300.

Section 4.2530. Conditional Development and Use

The following developments and their accessory developments may be permitted under a Type II procedure and Sections 2.4000 to 2.4050 subject to applicable criteria and development standards and site plan review.

1) Public/semi-public development.
2) Extraction, processing, and stockpiling of rock, sand, mineral and other

subsurface materials.

3) Dog kennel.
4) Airport.
5) Public or private recreation such as riding stable, fishing or boating docks or ramps, gun club, golf course, or resort type establishment in association with recreation.
6) Campground, primitive.
7) Home occupation subject to standards in Section 3.8000.
8) Veterinary clinic.
9) Golf course subject to Section 5.3000.
10) Golf driving range.
11) Boat ramps subject to Section 5.4100-5.4170 for areas identified as Coastal Shorelands in the Comprehensive Plan.
12) Accessory uses may be permitted prior to the issuance of a development permit for the primary use, subject to an approval by the Community Development Director provided that:
    (A) The applicant submits a letter to the Director explaining the unique or unusual circumstances and nature of the intended use; and
    (B) Provided the property owner obtains the primary use development permit within one-year (1) from the date the accessory use development permit is issued; and
    (C) A statement that the accessory use, during the one-year period prior to establishing the primary use is not intended for the storage of, or the establishment of a Recreational Vehicle use; and
    (D) May be subject to other conditions of approval deemed necessary to protect the primary purpose and intent of the zone, and to provide for public health, safety and welfare.
13) Bed and breakfast establishment subject to the standards in Sections 3.8030-3.8050.
14) Farm stand structure. [Ord. 18-02]
15) Agri-tourism. [Ord. 18-02]
16) By a Type III procedure, any uses determined by the Planning Commission to be similar in use and compatibility to those uses described under sections 1-14 above, subject to the provisions of section 2.6000, provided no commercial use is allowed.

Section 4.2540. Development and Conditional Development and Use Standards

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

1) Lot size:
    (A) For one family dwelling: two (2) acre.
    (B) Cluster development subject to the provisions of Sections 3.3000-3.3050.
    (C) Other permitted development as required to meet State sanitation requirements and local setback and Ordinance requirements.

(D) Conditional developments shall be based upon:
1) the site size need of the proposed use,
2) the nature of the proposed use in relation to the impacts on nearby properties, and
3) consideration of State sanitation requirements, local setback and other criteria and standards of this Ordinance.

2) Minimum lot width: 125 feet.
3) Lot width/depth dimension shall not exceed a 1:3 ratio.
4) Required front yard when front line abuts:
(A) Major arterial: 50 feet.
(B) Minor arterial: 30 feet.
(C) Major collector: 30 feet.
(D) Minor collector: 25 feet.
(E) Local street: 20 feet.
5) Required rear yard: 20 feet.
(A) Exception on a corner lot: 5 feet.
(B) Exception when adjacent to resource zones - all structures: 50 feet.
6) Required side yard:
(A) Minimum side yard 10 feet, except on a corner lot, the minimum street side yard shall be 20 feet.
(B) For lots of record created prior to September 30, 1980 that are less than the minimum lot size, required side yards shall be 5 feet.
(C) When the side yard abuts a resource zone, the minimum side yard shall be 50 feet.
7) An accessory structure separated from the main building may be located in the required rear and side yard except in the required street side of a corner lot provided that is no closer than five (5) feet to a property line.
8) Maximum building height: 35 feet.
9) All new development shall indicate on the building permit how storm water is to be drained from the property. The Community Development Director may require the installation of culverts, dry wells or retention facilities in cases where a development has major storm drainage impacts.
10) The setback for all structures shall be 35 feet from the line of non-aquatic vegetation.
11) All standards as set forth in the Clatsop County Land and Water Development and Use Code, as amended.

Section 4.2550. Additional Development and Use Standards in the Clatsop Plains Planning Area

1) Where a buffer of trees exists along properties abutting Highway 101 at the effective date of this Ordinance, a buffer of trees 25 feet in width shall be maintained or planted when the property is developed. The Community Development Director or designate may waive this requirement where the size of the lot or natural topography would create a hardship.

2) All planned developments and subdivision shall be required to cluster land uses and designate areas as permanent common open space. The development shall be reviewed according to Section 5.4800 for Planned Developments or Section 3.3000 for Clustered Developments. The minimum percentage of common open space shall be 30%, excluding roads and property under water.

SECTION 4.2600. RESIDENTIAL-AGRICULTURE-2 ZONE (RA-2)

Section 4.2610. Purpose.

The RA-2 zone is intended to accommodate the immediate foreseeable demand for very low density rural residential development where commitments to such uses have already been made through existing subdivision, partitioning or development, or in selected, small areas having unique scenic quality and other development that will not require more than a very basic level of services (fire protection or community water). In areas contiguous with the SFR or RA-1 or any Urban Growth Boundary area the RA-2 zone is intended to be a transitional zone between the AF, F-80, EFU zones and said residential zone, with conversion of such lands to higher density residential use occurring in an orderly and economical manner.

Section 4.2620. Development and Use Permitted (RA-2)

The following developments and their accessory developments are permitted under a Type I procedure subject to applicable development standards.

1) One family dwelling.
2) Guesthouse per Section 1.0500.
3) Accessory buildings are permitted only as follows:
   (A) In conjunction with, or following the permitting or lawful establishment of the principal use on the same tract. Accessory buildings are limited to uninhabitable spaces such as detached garages, storage buildings, garden sheds, greenhouses, shops, etc.
4) One mobile home per lot subject to standards in Section 3.4100.
5) Limited home occupation.
6) Utilities, maximum utilization of existing easements and rights-of-way shall be made.
7) Farm use.
8) Roadside stand for farm products grown on the premises.
9) Forestry.
10) Low intensity recreation.
11) Public or private neighborhood park or playground.
12) Horticultural nursery.
13) Temporary uses subject to the provisions of Section 2.8200.
14) Handicapped housing facility.
15) Health hardship dwelling, subject to the standards in Section 3.0190.
16) Communication facilities subject to the standards in Section 3.9400.
17) Land transportation facilities as specified in Section 4.0300.

Section 4.2630. Conditional Development and Use

The following developments and their accessory developments may be permitted under a Type II procedure and Sections 2.4000 to 2.4050 subject to applicable criteria and development standards and site plan review.

1) Public/semi-public development.

2) Extraction, processing, and stockpiling of rock, sand, mineral and other subsurface materials.
3) Dog kennel.
4) Airport.
5) Public or private recreation such as riding stable, fishing or boating docks or ramps, gun club, golf course, or resort type establishment in association with recreation.
6) Home occupation subject to Section 3.8000.
7) Veterinary clinic.
8) Golf course subject to Section 5.3000 of this Ordinance.
9) Golf driving range.
10) Campground, primitive.
11) Boat ramps subject to Sections 5.4100-5.4170 for areas identified as Coastal Shorelands in the Comprehensive Plan.
12) Bed and breakfast establishment subject to the standards in Sections 3.8030-3.8050.
13) Accessory uses may be permitted prior to the issuance of a development permit for the primary use, subject to an approval by the Community Development Director provided that:
    (A) The applicant submits a letter to the Director explaining the unique or unusual circumstances and nature of the intended use; and
    (B) Provided the property owner obtains the primary use development permit within one-year (1) from the date the accessory use development permit is issued; and
    (C) A statement that the accessory use, during the one-year period prior to establishing the primary use is not intended for the storage of, or the establishment of a Recreational Vehicle use; and
    (D) May be subject to other conditions of approval deemed necessary to protect the primary purpose and intent of the zone, and to provide for public health, safety and welfare.
14) Farm stand structure [Ord. 18-02]
15) Agri-tourism [Ord. 18-02]
16) By a Type III procedure, any uses determined by the Planning Commission to be similar in use and compatibility to those uses described under sections 1-14 above, subject to the provisions of section 2.6000, provided no commercial use is allowed.

Section 4.2640. Development and Conditional Development and Use Standards

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

1) Lot size:
    (A) One family dwelling: 2 acres.
    (B) Cluster development subject to the provision of Sections 3.3000-3.3050.
    (C) Other permitted development as required to meet State sanitation

requirements and local setback and Ordinance requirements.

(D) Conditional developments shall be based upon:

1) the site size need of the proposed use,
2) the nature of the proposed use in relation to the impacts on nearby properties, and
3) consideration of State sanitation requirements, local setback and other criteria and standards of the Ordinance.

2) Minimum lot width: 175 feet.
3) Lot width/depth dimension shall not exceed a 1:3 ratio.
4) Required front yard when front line abuts:
   (A) Major arterial: 50 feet.
   (B) Minor arterial: 30 feet.
   (C) Major collector: 30 feet.
   (D) Minor collector: 25 feet.
   (E) Local street: 20 feet.
5) Required rear yard: 20 feet.
   (A) Exception on a corner lot: 5 feet.
   (B) Exception when adjacent to resource zones - all structures: 50 feet.
6) Required side yard:
   (A) Minimum side yard 10 feet, except on a corner lot, the minimum street side yard shall be 20 feet.
   (B) For lots of record created prior to September 30, 1980 that are less than the minimum lot size, required side yards shall be 5 feet.
   (C) When the side yard abuts a resource zone, the minimum side yard shall be 50 feet.
7) An accessory structure separated from the main building may be located in the required rear and side yard except in the required street side of a corner lot provided that it is no closer than five (5) feet to a property line.
8) Maximum building height: 35 feet.
9) All new development shall indicate on the building permit how storm water is to be drained from the property. The Community Development Director may require the installation of culverts, dry wells or retention facilities in cases where a development has major storm drainage impacts.
10) The setback for all structures shall be 35 feet from the line on non-aquatic vegetation.
11) All standards as set forth in the Clatsop County Land and Water Development and Use Code, as amended.

Section 4.2650. Additional Development and Use Standards in the Clatsop Plains Planning Area

Where a buffer of trees exists along properties abutting Highway 101 at the effective date of this Ordinance, a buffer of trees 25 feet in width shall be maintained or planted when the property is developed. The Community Development Director or designate may waive this requirement where the size of the lot or natural topography would create

a hardship. All planned developments and subdivisions shall be required to cluster land uses and designate areas as permanent common open space. The development shall be reviewed according to Section 5.4800 for Planned Developments or Section 3.3000 for Clustered Developments. The minimum percentage of common open space shall be 30%, excluding roads and property under water.

SECTION 4.2700. RESIDENTIAL-AGRICULTURE-5 ZONE (RA-5)

Section 4.2710. Purpose.

The RA-5 zone is intended to accommodate the immediate foreseeable demand for very low density rural residential development in designated outlying areas where commitments to such uses have already been made through existing subdivision, partitioning, or development, or in selected small areas having unique scenic, locational and other suitable site qualities. The RA-5 zone is intended to be applied to land where the anticipated magnitude or density of development will not require more than a very basic level of services, such as single local road access, individual domestic wells and sewage disposal systems. The very low density limitation of the RA-5 zone is also based on prevailing lot sizes, limited or undetermined domestic water sources, or limitations of soil conditions for subsurface sewage disposal.

Section 4.2720. Development and Use Permitted (RA-5)

The following developments and their accessory developments are permitted under a Type I procedure subject to applicable development standards.

1) One family dwelling per lot.
2) Guesthouse per Section 1.0500.
3) Accessory buildings are permitted only as follows:
   (A) In conjunction with, or following the permitting or lawful establishment of the principal use on the same tract. Accessory buildings are limited to uninhabitable spaces such as detached garages, storage buildings, garden sheds, greenhouses, shops, etc.
4) One mobile home per lot subject to standards in Section 3.4100.
5) Limited home occupation.
6) Minor utilities.
7) Farm use.
8) Roadside stand for farm products grown on the premises.
9) Forestry.
10) Low intensity recreation.
11) Public or private neighborhood park or playground.
12) Horticultural nursery.
13) Two family dwelling (duplex) subject to Section 4.2770, (1)(A).
14) Temporary uses subject to the provisions of Section 2.8200.
15) Handicapped housing facility.
16) Health hardship dwelling, subject to the standards in Section 3.0190.
17) Communication facilities subject to the standards in Section 3.9400.
18) Land transportation facilities as specified in Section 4.0300.

Section 4.2730. Additional Development and Use Permitted in the Clatsop Plains Planning Area

1) One mobile home per lot subject to the following standard: A mobile home shall be at least 16 feet in width and installed according to State standards including

skirting and tie downs.

Section 4.2740. Conditional Development and Use

The following developments and their accessory developments may be permitted under a Type II procedure and Sections 2.4000 to 2.4050 subject to applicable criteria and development standards and site plan review.

1) Public/semi-public development.
2) Utilities necessary for public service.
3) Extraction, processing, and stockpiling of rock, sand, mineral and other subsurface materials.
4) Dog kennel.
5) Airport.
6) Public or private recreation such as riding stable, fishing or boating docks or ramps, gun club, golf course, resort type establishment in association with recreation.
7) Home occupation subject to Section 3.8000.
8) Veterinary clinic.
9) Golf course subject to Section 5.4800 of this Ordinance.
10) Golf driving range.
11) R.V. Park subject to Section 3.5000-3.5020 except in the Clatsop Plains Planning Area.
12) Campground, primitive.
13) Boat ramps subject to Section 5.4100-5.4170 for areas identified as Coastal Shorelands in the Comprehensive Plan.
14) Cluster development subject to the provisions of Sections 3.3000-3.3050.
15) Bed and breakfast establishment subject to the standards in Sections 3.8030-3.8050.
16) Farm stand structure. [Ord. 18-02]
17) Commercial activity in conjunction with farm use. [Ord. 18-02]
18) Agri-tourism. [Ord. 18-02]
19) By a Type III procedure, any uses determined by the Planning Commission to be similar in use and compatibility to those uses described under sections 1-15 above, subject to the provisions of section 2.6000, provided no commercial use is allowed.

Section 4.2750. Development and Conditional Development and Use Standards

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

1) Lot size:
   (A) One family dwelling: 5 acres.
   Two family dwelling: 10 acres.
   (B) Cluster development subject to the provisions of Sections 3.3000-3.3050.

(C) Other permitted development as required to meet State sanitation requirements and local setback and Ordinance requirements.
(D) Conditional developments shall be based upon:
1) the site size need of the proposed use,
2) the nature of the proposed use in relation to the impacts on nearby properties, and
3) consideration of State sanitation requirements, local setback and other criteria and standards of the Ordinance.

2) Minimum lot width: 275 feet.
3) Lot width/depth dimension shall not exceed a 1:3 ratio.
4) Required front yard when front line abuts:
(A) Major arterial: 50 feet.
(B) Minor arterial: 30 feet.
(C) Major collector: 30 feet.
(D) Minor collector: 25 feet.
(E) Local street: 20 feet.
5) Required rear yard: 20 feet.
(A) Exception on a corner lot: 5 feet.
(B) Exception when adjacent to resource zones - all structures: 50 feet.
6) Required side yard:
(A) Minimum side yard 10 feet, except on a corner lot, the minimum street side yard shall be 20 feet.
(B) For lots of record created prior to September 30, 1980 that are less than the minimum lot size, required side yards shall be 5 feet.
(C) When the side yard abuts a resource zone, the minimum side yard shall be 50 feet.
7) An accessory structure separated from the main building may be located in the required rear and side yard except in the required street side of a corner lot provided that it is no closer than five (5) feet to a property line.
8) Maximum building height: 35 feet.
9) All new development shall indicate on the building permit how storm water is to be drained from the property. The County Engineer shall require the installation of culverts, dry wells or retention facilities in cases where a development has major storm drainage impacts.
10) The setback for all structures shall be 35 feet from the line on non-aquatic vegetation.
11) All standards as set forth in the Clatsop County Land and Water Development and Use Code, as amended.

Section 4.2760. Additional Development and Use Standards in the Clatsop Plains Planning Area

1) Where a buffer of trees exists along properties abutting Highway 101 at the effective date of this Ordinance, a buffer of trees 25 feet in width shall be maintained or planted when the property is developed. The Community

Development Director or designate may waive this requirement where the size of the lot or natural topography would create a hardship.

2) All planned developments and subdivisions shall be required to cluster land uses and designate areas as permanent common open space. The development shall be reviewed according to Section 5.4800 for Planned Developments or Section 3.3000 for Clustered Developments. The minimum percentage of common open space shall be 30%, excluding roads and property under water.

Section 4.2770. Additional Development and Use Standards in the Seaside Rural Planning Area

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

SECTION 4.2800. RESIDENTIAL-AGRICULTURE-10 ZONE (RA-10)

Section 4.2810. Purpose

The RA-10 zone is intended to accommodate the immediate foreseeable demand for very low density rural residential development in outlying areas where commitments to such uses have already been made through existing subdivision, partitioning, development, or in selected small areas having unique scenic, locational and other suitable site qualities. The RA-10 zone is intended to be applied to land where the anticipated magnitude or density of development will not require more than a very basic level of services, such as single local road access, individual domestic wells and sewage disposal systems. The low density limitation of the RA-10 zone is also based on prevailing lot sizes, limited or undetermined domestic water sources, or limitations of soil conditions for subsurface sewage disposal.

Section 4.2820. Development and Use Permitted

The following developments and their accessory developments are permitted under a Type I procedure subject to applicable development standards.

1) One family dwelling per lot.
2) Guesthouse per Section 1.0500.
3) Accessory buildings per Section 1.0500 are permitted only as follows:
   (A) In conjunction with, or following the permitting or lawful establishment of the principal use on the same tract. Accessory buildings are limited to uninhabitable spaces such as detached garages, storage buildings, garden sheds, greenhouses, shops, etc.
4) One mobile home per lot subject to standards in Section 3.4100.
5) Limited home occupation.
6) Minor utilities.
7) Farm use.
8) Roadside stand for farm products grown on the premises.
9) Forestry.
10) Low intensity recreation.
11) Public or private neighborhood park or playground.
12) Horticultural nursery.
13) Two family dwelling (duplex) per Section 4.2770(1)(A).
14) Temporary uses per Section 2.8200.
15) Handicapped housing facility.
16) Health hardship dwelling, subject to the standards in Section 3.0190.
17) Communication facilities subject to the standards in Section 3.9400.
18) Land transportation facilities as specified in Section 4.0300.

Section 4.2830. Additional Development and Use Permitted in the Clatsop Plains Planning Area

1) One mobile home per lot, subject to the following standard: A mobile home shall

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

Section 4.2840. Conditional Development and Use

The following developments and their accessory developments may be permitted under a Type II procedure and Sections 2.4000 to 2.4050 subject to applicable criteria and development standards and site plan review.

1) Public/semi-public development.
2) Utilities necessary for public service.
3) Extraction, processing, and stockpiling of rock, sand, mineral and other subsurface materials.
4) Dog kennel.
5) Airport.
6) Public or private recreation such as riding stable, fishing or boating docks or ramps, gun club, golf course, resort type establishment in association with recreation.
7) Home occupation per Section 3.8000.
8) Veterinary clinic.
9) Golf course per Section 5.4800 of this Ordinance.
10) Golf driving range.
11) R.V. Park subject to Sections 3.5000-3.5020 except in the Clatsop Plains Planning Area.
12) Campground, primitive.
13) Boat ramps subject to Sections 5.4100-5.4170 for areas identified as Coastal Shorelands in the Comprehensive Plan.
14) Cluster development subject to the provisions of Sections 3.3000-3.3050.
15) Bed and breakfast establishment per Section 3.8030-3.8050.
16) Farm stand structure. [Ord. 18-02]
17) Commercial activity in conjunction with farm use. [Ord. 18-02]
18) Agri-tourism. [Ord. 18-02]

Section 4.2850. Development and Conditional Development and Use Standards

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

1) Lot size:
   (A) One family dwelling: 10 acres.
   Two family dwelling: 20 acres.
   (B) Cluster development subject to the provisions of Sections 3.3000-3.3050.
   (C) Other permitted development as required to meet State sanitation requirements and local setback and Ordinance requirements.
   (D) Conditional developments shall be based upon:
      1) The site size need of the proposed use,
      2) The nature of the proposed use in relation to the impacts on nearby

properties, and

3) Consideration of State sanitation requirements, local setback and other criteria and standards of the Ordinance.

2) Minimum lot width: 385 feet.
3) Lot width/depth dimension shall not exceed a 1:3 ratio.
4) Required front yard when front line abuts:
   (A) Major arterial: 50 feet.
   (B) Minor arterial: 30 feet.
   (C) Major collector: 30 feet.
   (D) Minor collector: 25 feet.
   (E) Local street: 20 feet.
5) Required rear yard: 20 feet.
   (A) Exception when adjacent to resource zones – all structures: 125 feet.
6) Required side yard:
   (A) Minimum side yard 10 feet, the minimum street side yard shall be 20 feet.
   (B) When the side yard abuts a resource zone, the minimum side yard shall be 125 feet.
7) An accessory structure separated from the main building may be located in the required rear and side yard except in the required street side of a corner lot provided that it is no closer than five (5) feet to a property line.
8) Maximum building height: 35 feet.
9) All new development shall indicate on the building permit how storm water is to be drained from the property. The County Engineer shall require the installation of culverts, dry wells or retention facilities in cases where a development has major storm drainage impacts.
10) The setback for all structures shall be 100 feet from the line on non-aquatic vegetation.
11) All standards as set forth in the Clatsop County Land and Water Development and Use Code, as amended.

Section 4.2860. Additional Development and Use Standards in the Clatsop Plains Planning Area

1) Where a buffer of trees exists along properties abutting Highway 101 at the effective date of this Ordinance, a buffer of trees 25 feet in width shall be maintained or planted when the property is developed. The Community Development Director or designate may waive this requirement where the size of the lot or natural topography would create a hardship.
2) All planned developments and subdivisions shall be required to cluster land uses and designate areas as permanent common open space. The development shall be reviewed according to Section 5.4800 for Planned Developments or Section 3.3000 for Clustered Developments. The minimum percentage of common open space shall be 30%, excluding roads and property under water.

SECTION 4.2900. NEIGHBORHOOD COMMERCIAL ZONE (NC)

Section 4.2910. Purpose

In addition to the purposes listed in the policies of the Comprehensive Plan, the purpose of the Neighborhood Commercial zone (NC) is to provide for small concentrations of retail and commercial service surrounding rural areas; to stabilize existing commercial districts; to contribute to community identify and to protect adjacent residences and resources from adverse hazards, noise, glare, traffic congestion and other effects. New commercial uses are those defined under state law as “small-scale, low impact” with building or buildings not to exceed 3,000 square feet of floor area, unless determined through review that large buildings are intended to serve the surrounding rural area or the travel needs of the people passing through the area. Expansion of an existing commercial use resulting in building or buildings exceeding 3,000 square feet of floor area are appropriate when the use is intended to serve the surrounding rural area or the travel needs of people passing through the area.

Section 4.2920. Development and Use Permitted

The following developments and their accessory developments are permitted under a Type I procedure subject to applicable development standards.

1) Handicapped housing facility.
2) Bed & breakfast establishment subject to the standards in Section 3.8030-3.8050.
3) Utilities, maximum utilization of existing easements and rights-of-way shall be made.
4) Land transportation facilities as specified in Section 4.0300.

Section 4.2930. Conditional Development and Use

The following developments and their accessory developments may be permitted under a Type II procedure and Sections 2.4000 to 2.4050 subject to applicable criteria and development standards and site plan review.

1) A general store including retail grocery, bakery, delicatessen, drug, garden, feed and seed, or similar store, including the preparation of foodstuffs for sale primarily on the premises.
2) Eating and drinking establishment.
3) An automobile service station and minor repair shop, not including body work, used car sales, or wrecking yard,
4) One residential use in association with a permitted outright or conditional use such as a dwelling for the owner or operator or caretaker of a commercial activity.
5) Sale of pre-split firewood.
6) By a Type III procedure, any uses determined by the Planning Commission to be similar in use and compatibility to those uses described under sections 1-5 above subject to the provisions of section 2.6000.

Section 4.2940. Conditional Development and Use Criteria

The following limitations and requirements shall apply to conditional development and use:

1) Developments shall not detract from or conflict with the rural/neighborhood residential character of the area.
2) The development shall be limited in size and function to serve the rural/neighborhood area where it is located.

Section 4.2950. Development and Conditional Development and Use Standards

1) Building size:
   (A) The maximum building size for new commercial uses shall not exceed 3,000 square feet unless:
      1) The findings approving the use are included in an amendment to the comprehensive plan, processed under post acknowledgement procedures (ORS 197.610 through 197.625);
      2) The use is limited to a size of building or buildings that is intended to serve the surrounding rural area or the travel needs of people passing through the area; and
      3) The total floor area of building or buildings does not exceed 10,000 square feet.
   (B) Expansion of commercial building or buildings, existing on September 10, 2003, where the total floor area for the commercial use exceeds 3,000 square feet provided the commercial use, intended to occupy more than 3,000 square feet of floor area, is intended to serve the surrounding rural area, or the traveling needs of people passing through the area.
2) Lot size:
   (A) Permitted development: 10,000 square feet.
   (B) Lot size for conditional development shall be based upon:
      1) the site size need of the proposed use,
      2) the nature of the proposed use in relation to the impacts on nearby properties, and
      3) consideration of state sanitation requirements, local setback and other criteria and standards of this ordinance.
3) Minimum lot width: 100 feet.
4) Lot width/depth dimension shall not exceed a 1:3 ratio.
5) Setbacks:
   (A) Front yard setback: 25 feet.
   (B) Side and rear yard, none except as follows:
      1) When abutting a residence or a residential zone, the minimum side yard and rear yard shall be 20 feet.
      2) On a corner lot the minimum street yard shall be 5 feet.
      3) (Grandfathered) Lots of Record created prior to September 30, 1980 that are less than the minimum lot size, when abutting a residence or a residential zone, the minimum side yard and rear

yard shall be 5 feet.

6) The setback for all structures shall be 35 feet from the line of non-aquatic vegetation.
7) The setback from adjacent resource zones: 50 feet.
8) Maximum building height: 35 feet.
9) An accessory structure separated from the main building may be located in the required rear and side yard except in the required street side of a corner lot provided that it is no closer than five (5) feet to a property line.
10) All standards as set forth in the Clatsop County Land and Water Development and Use Code, as amended.

SECTION 4.3000. GENERAL COMMERCIAL ZONE (GC)

Section 4.3010. Purpose and Intent

The purpose of the GC zone is to provide for commercial developments which require large land area including outdoor merchandise display and storage and for wholesale and heavier commercial developments not suitable for location in other commercial zones; and to reserve land along major thoroughfares for developments which require high traffic volumes and prominent visible locations. New commercial uses are those defined under state law as “small- scale, low impact” with building or buildings not to exceed 3,000 square feet of floor area, unless determined through review that large buildings are intended to serve the surrounding rural area or the travel needs of the people passing through the area. Expansion of an existing commercial use resulting in building or buildings exceeding 3,000 square feet of floor area are appropriate when the use is intended to serve the surrounding rural area, or the travel needs of people passing through the area.

Section 4.3020. Application

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

Section 4.3030. Development and Use Permitted

The following developments and their accessory developments are permitted under a Type I procedure subject to applicable development standards.

1) Bed & breakfast establishment subject to the standards in Sections 3.8030-3.8050.
2) Splitting and sale of firewood.
3) Public or private neighborhood park or playground.
4) Golf driving range.
5) Low intensity recreation.
6) Boat ramps subject to Sections 5.4100-5.4170 for areas identified as Coastal Shorelands in the Comprehensive Plan.
7) Utilities, maximum utilization of existing easements and rights-of-way shall be made.
8) Land transportation facilities as specified in Section 4.0300.

Section 4.3040. Conditional Development and Use

The following developments and their accessory development may be permitted under a Type II procedure and Sections 2.4000 to 2.4050 subject to applicable criteria and development standards and site plan review.

1) A general store including retail grocery, bakery, delicatessen, drug, garden, feed and seed, or similar store, including the preparation of foodstuffs for sale, primarily on the premises, provided building or buildings for each commercial use does not exceed 3,000 square foot of floor area.
2) A retail drug, variety, gift, antique, garden, hardware, sporting goods, dry goods, music, florist, book, stationery, art gallery, or similar store, provided building or

buildings for each commercial use does not exceed 3,000 square foot of floor area.

3) A barber, beauty, tailor, shoe repair, laundromat, cleaners, photographic shop or similar personal service business, provided building or buildings for each commercial use does not exceed 3,000 square foot of floor area.
4) Sporting equipment and other recreational equipment rental service, provided building or buildings for each commercial use does not exceed 3,000 square foot of floor area.
5) Eating or drinking establishment, provided building or buildings for each commercial use does not exceed 3,000 square foot of floor area.
6) Drive-in facility or service provided building or buildings for each commercial use does not exceed 3,000 square foot of floor area.
7) A hotel, motel, tourist court, lodge, resort, inn or other enclosed tourist/traveler accommodations, size limitation maximum of twenty-five units.
8) An automobile service station, including towing, and a minor repair shop but not including body work, used car sales or wrecking yard, provided building or buildings for each commercial use does not exceed 3,000 square foot of floor area.
9) A bus station.
10) An automobile rental agency, provided building or buildings for each commercial use does not exceed 3,000 square foot of floor area.
11) Tourist information center.
12) Car wash facilities, provided building or buildings for each commercial use does not exceed 3,000 square foot of floor area.
13) Automobile, truck, mobile home, recreation vehicle sales, service, repair and towing, provided building or buildings for each commercial use does not exceed 3,000 square foot of floor area.
14) Wholesale business, storage, warehousing, transfer company and trucking company, provided building or buildings for each use does not exceed 30,000 square foot of floor area.
15) Builders supplies including retail sales of plumbing, heating, electrical, construction, and painting supplies, provided building or buildings for each commercial use does not exceed 3,000 square foot of floor area.
16) Farm and forestry supplies and equipment sales and services.
17) Extensive commercial services such as cabinet shop, contractor's offices and storage, equipment, rentals, mini-storage, sheet metal, plumbing and machine shops, tire shops including incidental recapping, printing and publishing provided building or buildings for each commercial use does not exceed 3,000 square foot of floor area.
18) Second hand stores operated within an enclosed building provided building or buildings for each commercial use does not exceed 3,000 square foot of floor area.
19) Offices, banks, consumer service businesses, provided building or buildings for each commercial use does not exceed 3,000 square foot of floor area.

20) Veterinary clinic.
21) Small scale, light industrial developments such as assembly, fabricating, processing, compounding, packing and similar operations within an enclosed building, provided the buildings or buildings for each industrial use does not exceed 30,000 square feet of floor area.
22) Auction house or yard.
23) Automobile wrecking yard.
24) Public or semi-public development.
25) One residential use in association with a permitted outright or conditional use such as a dwelling for the owner or operator or caretaker of a commercial activity.
26) Amusement and entertainment enterprises, such as bowling alley, billiard hall, skating rink or theater subject to 3.7000 provided building or buildings for each commercial use does not exceed 3,000 square foot of floor area.
27) Amusement enterprises such as games of skill and science, thrill rides, penny arcade, and shooting gallery subject to 3.7000 provided building or buildings for each commercial use does not exceed 3,000 square foot of floor area.
28) R.V. Park subject to Sections 3.5000-3.5020 except in the Clatsop Plains Planning Area.
29) Communication facilities subject to the standards in Section 3.9400.
30) By a Type III procedure, any uses determined by the Planning Commission to be similar in use and compatibility to those uses described under sections 1-29 above subject to the provisions of section 2.6000 provided building or buildings for each commercial use does not exceed 4,000 square feet of floor area.

Section 4.3050. Conditional Development and Use Criteria

The following limitations and requirements shall apply to conditional developments.

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

Section 4.3060. Development and Conditional Development and Use Standards (GC)

The following standards are applicable for all permitted and conditional development and use.

1) All standards as set forth in the Clatsop County Land and Water Development and Use Code, as amended.
2) Lot size for permitted development: 15,000 square feet plus 10,000 square feet for one family dwelling or mobile home.
   (A) Lot size for conditional developments shall be based upon:
      1) the site size need of the proposed use,
      2) the nature of the proposed use in relation to the impacts on nearby properties, and
      3) consideration of state sanitation requirements, local setback and

other criteria and standards of this ordinance.

3) Minimum lot width: 75 feet.
4) Lot width/depth dimension shall not exceed 1:3 ratio.
5) Setbacks:
   (A) Front yard for structures: 25 feet.
   (B) Side and rear yard when abutting a residence or a residential zone: 10 feet.
   (C) (Grandfathered) Lots of record created prior to September 30, 1980 that are less than minimum lot size, the side yard and rear yard shall be 5 feet.
   (D) The setback for all structures shall be 35 feet from the line of non-aquatic vegetation.
   (E) All structures shall be a minimum of 50 feet from any adjacent resource zones.
6) Maximum building height: 35 feet.
7) An accessory structure separated from the main building may be located in the required rear and side yard except in the required street side of a corner lot provided that it is no closer than five (5) feet to a property line.
8) Building size:
   (A) The maximum building size for new commercial uses shall not exceed the floor area standards listed in Section 3.348 unless:
      1) The findings approving the use are included in an amendment to the comprehensive plan, processed under post acknowledgement procedures (ORS 197.610 through 197.625);
      2) The use is limited to a size of building or buildings intended to serve the surrounding rural area of the travel needs of people passing through the area; and
      3) The total floor area of building or buildings does not exceed 10,000 square feet.
9) The maximum building size for light industrial uses shall not exceed 30,000 square feet of floor area unless authorized pursuant to ORS 197.713 or 197.719.
10) Expansion of commercial building or buildings, existing on (date of this ordinance) where the total floor area for the commercial use exceeds 3,000 square feet provided the commercial use, intended to occupy more than 3,000 square feet of floor area, is intended to serve the surrounding rural area, or the traveling needs of people passing through the area.
11) Unless authorized pursuant to ORS 197.713 or 197.719, expansion of industrial building or buildings, existing on September 10, 2003 where the total floor area for the industrial use exceeds 30,000 square feet or is intended to occupy more than 30,000 square feet of floor area, providing the size is necessary for the intended use and can demonstrate the use will not exceed the carrying capacity of the land to provide adequate water and absorb waste.

SECTION 4.3100. TOURIST COMMERCIAL ZONE (TC)

Section 4.3110. Purpose

The Tourist Commercial (TC) zone is intended to provide for accommodations and facilities serving tourists, the motoring public and other travelers; to provide basic services for permanent and seasonal residents; and to concentrate commercial development in appropriate areas so as to maintain the efficiency of major roads. New commercial uses are those defined under state law as “small-scale, low impact” with building or buildings not to exceed 3,000 square feet of floor area, unless determined through review that large buildings are intended to serve the surrounding rural area or the travel needs of the people passing through the area. Expansion of an existing commercial use resulting in building or buildings exceeding 3,000 square feet of floor area are appropriate when the use is intended to serve the surrounding rural area or the travel needs of people passing through the area.

Section 4.3120. Application

The TC zone is to be applied at central intervals on major roads in areas with high recreation or tourist uses; adjacent to or within communities; and in similar areas with intensive tourist use.

Section 4.3130. Development and Use Permitted

The following developments and their accessory developments are permitted under a Type I procedure subject to applicable development standards.

1) Residential developments in association with a development that is permitted or conditional such as a dwelling for the owner or operator of a commercial development.
2) Handicapped housing facility.
3) Bed & breakfast establishment subject to the standards in Sections 3.8030-3.8050.
4) Public or private neighborhood park or playground.
5) Golf driving range.
6) Low intensity recreation.
7) Boat ramps subject to Section 5.4100-5.4170 for areas identified as Coastal Shorelands in the Comprehensive Plan.
8) Utilities, maximum utilization of existing easements and rights-of-way shall be made.
9) Land transportation facilities as specified in Section 4.0300.

Section 4.3140. Conditional Development and Use

The following developments and their accessory developments may be permitted under a Type II procedure and Sections 2.4000 to 2.4050 subject to applicable criteria and development standards and site plan review.

1) A retail grocery, bakery, delicatessen, confectionery or similar store including the preparation of foodstuffs for sale primarily on the premises, provided building or

buildings for each commercial use does not exceed 3,000 square foot of floor area.

2) A retail drug, variety, gift, antique, garden, hardware, sporting goods, dry goods, music, florist, book, stationery, art gallery, or similar store, provided building or buildings for each commercial use does not exceed 3,000 square foot of floor area.
3) A barber, beauty, tailor, shoe repair, laundromat, cleaners, photographic shop or similar personal service business, provided building or buildings for each commercial use does not exceed 3,000 square foot of floor area.
4) Sporting equipment and other recreational equipment rental service, provided building or buildings for each commercial use does not exceed 3,000 square foot of floor area.
5) An eating or drinking establishment, provided building or buildings for each commercial use does not exceed 3,000 square foot of floor area.
6) Drive-in restaurant, provided building or buildings for each commercial use does not exceed 3,000 square foot of floor area.
7) A hotel, motel, tourist court, lodge, resort, inn or other enclosed tourist/traveler accommodations, size limitation maximum of twenty-five units.
8) An automobile service station, including towing, and a minor repair shop but not including body work, used car sales or wrecking yard, provided building or buildings for each commercial use does not exceed 3,000 square foot of floor area.
9) A bus station.
10) Tourist information center.
11) R.V. Park subject to Section 3.5000-3.5020 except in the Clatsop Plains Planning Area.
12) Veterinary clinic or animal hospital.
13) Professional offices such as real estate, legal, medical, planning and accounting provided building or buildings for each commercial use does not exceed 3,000 square foot of floor area.
14) Public or semi-public development.
15) Mini-storage.
16) Amusement and entertainment enterprises, such as bowling alley, billiard hall, skating rink or theater subject to 3.7000 provided building or buildings for each commercial use does not exceed 3,000 square foot of floor area.
17) Amusement enterprises such as games of skill and science, thrill rides, penny arcade, and shooting gallery subject to 3.7000 provided building or buildings for each commercial use does not exceed 3,000 square foot of floor area.
18) Splitting and sale of firewood.
19) Communication facilities subject to the standards in Section 3.9400.
20) By a Type III procedure, any uses determined by the Planning Commission to be similar in use and compatibility to those uses described under sections 1-19 above, subject to the provisions of section 2.6000, provided building or buildings for each commercial use does not exceed 4,000 square feet of floor area.

Section 4.3150. Conditional Development and Use Criteria (TC)

The following limitations and requirements shall apply to conditional developments:

1) Conditional developments shall not detract from or conflict with the tourist/traveler oriented commercial developments permitted in this district.
2) Developments abutting or across the street from residential zones shall be contained within an enclosed building unless screened from the residential district with a sight-obscuring fence or vegetation.
3) Location Criteria of RV Parks:
   (A) The RV Park shall be served by hard surfaced roads.
   (B) The RV Park shall not be located where it will have a hazardous entrance or exit onto a road or onto a road that has a hazardous intersection with a major arterial.
   (C) The amount of traffic generated by the RV Park shall not exceed the capability of roads serving the development.
4) Building size:
   (A) The maximum building size for new commercial uses shall not exceed the 3,000 square foot limit unless:
      1) The findings approving the use are included in an amendment to the comprehensive plan, processed under post acknowledgement procedures (ORS 197.610 through 197.625);
      2) The use is limited to a size of building or buildings intended to serve the surrounding rural area of the travel needs of people passing through the area; and
      3) The total floor area of building or buildings does not exceed 10,000 square feet.
   (B) Expansion of commercial building or buildings, existing on September 10, 2003 where the total floor area for the commercial use exceeds 3,000 square feet provided the commercial use, intended to occupy more than 3,000 square feet of floor area, is intended to serve the surrounding rural area, or the traveling needs of people passing through the area.

Section 4.3160. Development and Conditional Development and Use Standards

The following standards are applicable for all permitted and conditional developments:

1) All standards as set forth in the Clatsop County Land and Water Development and Use Code, as amended.
2) Lot size, for permitted development: 15,000 square feet plus 10,000 square feet for one family dwelling or mobile home.
   (A) Lot size for conditional developments shall be based upon:
      1) the site size need of the proposed use,
      2) the nature of the proposed use in relation to the impacts on nearby properties, and
      3) consideration of state sanitation requirements, local setback and other criteria and standards of this ordinance.
3) Minimum lot width: 75 feet.
4) Lot width/depth dimension shall not exceed a 1:3 ratio.
5) Setbacks:
   (A) Front yard for structures: 25 feet.
   (B) Side and rear yard when abutting a residence or residential zone: 10 feet.
   (C) (Grandfathered) Lots of record created prior to September 30, 1980 that are less than minimum lot size, the side yard and rear yard shall be 5 feet.
   (D) The setbacks for all structures shall be 35 feet from the line of non-aquatic vegetation.
   (E) All structures shall be a minimum of 50 feet from adjacent resource zone.
   (F) For lots abutting the oceanshore, the ocean yard shall be determined by the ocean front setback line established by Section 3.0150 Oceanfront Setback.
6) An accessory structure separated from the main building may be located in the required rear and side yard except in the required street side of a corner lot provided that it is no closer than five (5) feet to a property line.
7) Maximum building height: 35 feet.
8) Development of each building or buildings for each commercial use shall not exceed 3,000 square feet of floor area.

SECTION 4.3200. MILITARY RESERVE ZONE (MR)

Section 4.3210. Purpose.

The MR zone is intended to accommodate the immediate foreseeable demand for military activities in areas where a commitment to such activities has already occurred through existing uses by the military. In areas where residential development has already occurred, the MR zone is intended to separate these uses from conflicting uses that may occur on the Military Reserve.

Section 4.3220. Development and Use Permitted

The following development and their accessory developments are permitted under a Type I procedure subject to applicable development standards:

1) Military reserve and activities directly related such as:
   (A) Training of military personnel.
   (B) Movement of military personnel.
2) Dwelling units for military personnel stationed on the military reserve.
3) One caretaker's residence for every one hundred acres of land in the military reserve.
4) Storage facilities for military equipment and supplies.
5) Minor utilities.
6) Low intensity recreation.

Section 4.3230. Conditional Development and Use

The following developments and their accessory developments may be permitted only under a Type II procedure and Sections 2.4000 to 2.4050 and subject to applicable standards:

1) Public/semi-public development.
2) Utilities necessary for public service.
3) Extraction, processing, and stockpiling of rock, sand, mineral and other surface materials.
4) Airports, heliports.
5) Public or private recreation facilities such as riding stables, golf courses, boating docks or ramps etc. subject to the provisions of Section 6.4000-6.4270.

Section 4.3240. Additional Conditional Development and Use

The following developments and their accessory developments may be permitted only under a Type III procedure and shall be subject to conditions set by the Community Development Director or Planning Commission:

1) Storage of hazardous wastes.
2) Nuclear power generation facilities.

Section 4.3250. Development and Conditional Development and Use Standards

1) Development shall be permitted as required to meet State sanitation requirements and local setback and Ordinance requirements. The following shall be the criteria for determining requirements of each development proposed:
   (A) The nature of the proposed use in relation to the impacts on nearby properties, and
   (B) Consideration of State sanitation requirements, local setbacks and other standards of this Ordinance.
   (C) All residential development shall be subject to the standards of Section 4.2500 (RA-1) of this Ordinance.
2) Maximum building height: 35 feet.
   (A) With the exception of antennas, control towers, and field training facilities for military personnel.
3) All new development shall indicate on the building permit how storm water is to be drained from the property. The County Engineer shall require the installation of culverts, dry wells or retention facilities in cases where development has major storm drainage impacts.
4) The setback requirements for all structures shall be seventy-five (75) feet from the line of non-aquatic vegetation.
5) All articles of this Ordinance along with Sections 3.0000-3.0130 and Section 3.0140, Sections 3.3000-3.3020, Sections 3.3030-3.4090, and Sections 3.5000, 3.7000 5.2000-5.2020, and 5.3000-5.3065 of this Ordinance.
6) An accessory structure separated from the main building shall be located in accordance with yard setback requirements.

Section 4.3260. Additional Development and Use Standards

A buffer zone a minimum of 200 feet around the perimeter of any new Military Reserve zone and within the property boundaries of any military use area shall be established. This buffer shall be designated OPR and subject to the restrictions set forth in Article V of this Ordinance and subject to Section 4.4200 of this Ordinance.

SECTION 4.3300. EXCLUSIVE FARM USE ZONE (EFU)

Section 4.3310. Purpose [Ord. 18-02]

The purpose of the Exclusive Farm Use (EFU) Zone is to protect and maintain agricultural lands for farm use, consistent with existing and future needs for agricultural products. The EFU zone is also intended to allow other uses that are compatible with agricultural activities, to protect forests, scenic resources and fish and wildlife habitat, and to maintain and improve the quality of air, water and land resources of the county. It is also the purpose of the EFU zone to qualify farms for farm use valuation under the provisions of ORS Chapter 308.

The provisions of the EFU zone reflect the agricultural policies of the Comprehensive Plan as well as the requirements of ORS Chapter 215 and OAR 660-033. The minimum parcel size and other standards established by this zone are intended to promote commercial agricultural operations.

Section 4.3320. Development and Use Permitted [Ord. 18-02]

The following developments and their accessory uses are permitted under a Type I procedure subject to applicable development standards.

1) Farm use.
2) Propagation or harvesting of a forest product.
3) Agricultural buildings customarily provided in conjunction with farm use.
4) Creation of, restoration of, or enhancement of wetlands.
5) Operations for the exploration for and production of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the wellhead.
6) Operations for the exploration for minerals as defined by ORS 517.750.
7) Climbing and passing lanes within the right of way existing as of July 1, 1987.
8) Reconstruction or modification of public roads and highways, including the placement of utility facilities overhead and in the subsurface of public roads and highways along the public right of way, but not including the addition of travel lanes, where no removal or displacement of buildings would occur, or no new land parcels result.
9) Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed.
10) Minor betterment of existing public road and highway related facilities such as maintenance yards, weigh stations and rest areas, within right of way existing as of July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public roads and highways.
11) Irrigation reservoirs, canals, delivery lines and those structures and accessory operational facilities, not including parks or other recreational structures and facilities, associated with a district as defined in ORS 540.505.
12) Fire service facilities providing rural fire protection services.

13) Onsite filming and activities accessory to onsite filming for 45 days or less subject to standards in ORS 215.306.
14) Firearms training facility in existence on September 9, 1995.
15) An outdoor mass gathering of more than 3,000 persons that is expected to continue for more than 24 hours but less than 120 hours in any three-month period, as provided in ORS 433.735.
16) A winery subject to Section 3.9150.
17) Churches, and cemeteries in conjunction with churches, subject to Section 3.9080(1). This use is not permitted on high value farmland except that existing churches on high value farmland may be expanded subject to Section 3.9080(3).

Section 4.3330. Conditional Development and Use [Ord. 18-02]

The following developments and their accessory uses may be permitted under a Type II procedure and subject to applicable criteria and development standards and site plan review.

1) A facility for the processing of farm crops, biofuel or poultry subject to Section 3.9010(1).
2) Dog training classes or testing trials subject to 3.9030(1).
3) Farm stands subject to 3.9030(2).
4) Agri-tourism and other commercial events or activities subject to 3.9160.
5) Destination resort subject to 3.9030(3).
6) Land application of reclaimed water, agricultural or industrial process water or biosolids, or the onsite treatment of septage prior to land application of biosolids subject to 3.9060(1).
7) Utility facility service lines subject to 3.9060(2).
8) Utility facilities necessary for public service, including associated transmission lines and wetland waste treatment systems, but not including commercial facilities for the purpose of generating electrical power for public use by sale or transmission towers over 200 feet in height as provided in 3.9060(3).
9) A site for the takeoff and landing of model aircraft subject to 3.9070(1).
10) The propagation, cultivation, maintenance and harvesting of aquatic species that are not under the jurisdiction of the State Fish and Wildlife Commission or insect species and subject to 3.9090.
11) Temporary hardship dwelling subject to 3.9020(2), 3.9080(2) and 3.9090.
12) Room and board arrangements for a maximum of five unrelated persons in existing residences subject to 3.9080(2) and 3.9090.
13) Parking of up to seven log trucks subject to 3.9090.
14) Home occupations as provided in 3.9030(4) and subject to 3.9090.
15) A landscape contracting business, as defined in ORS 671.520, or a business providing landscape architecture services, as described in ORS 671.318, if the business is pursued in conjunction with the growing and marketing of nursery stock on the land that constitutes farm use, and subject to 3.9090.
16) Commercial activities in conjunction with farm use, including the processing of farm crops into biofuel not permitted under Subsection 1) and subject to

3.9030(5) and 3.9090, but excluding activities in conjunction with a marijuana crop.

17) Transmission towers over 200 feet in height, subject to 3.9090.
18) Onsite filming and activities accessory to onsite filming for more than 45 days as provided for in ORS 215.306, subject to 3.9090.
19) Dwelling customarily provided in conjunction with farm use subject to 3.9080(2) and 3.9100.
20) A dwelling on property used for farm use located on the same lot or parcel as the dwelling of the farm operator, and occupied by a relative of the farm operator or farm operator's spouse if the farm operator does, or will, require the assistance of the relative in the management of the farm use subject to 3.9020(1), and 3.9080(2).
21) Accessory farm dwellings for year-round and seasonal farm workers subject to 3.9080(2) and 3.9110.
22) One single-family dwelling on a lawfully created lot or parcel subject to 3.9080(2) and 3.9120.
23) Single-family residential dwelling, not provided in conjunction with farm use subject to 3.9080(2) and 3.9130.
24) Replacement dwelling to be used in conjunction with farm use if the existing dwelling has been listed in a county inventory as historic property as defined in ORS 358.480 and listed on the National Register of Historic Places subject to 3.9080(2).
25) Alteration, restoration, or replacement of a lawfully established dwelling subject to 3.9080(2) and 3.9140.

Section 4.3340. Conditional Development and Use [Ord. 18-02]

The following farm and non-farm developments and uses and their accessory uses may be permitted under a Type IIa procedure and Sections 2.4000-2.4050, subject to applicable criteria, development standards and site plan review.

1) A facility for the primary processing of forest products subject to 3.9010(2) and 3.9090.
2) Residential home as defined in ORS 197.660, in existing dwellings, subject to 3.9080(2) and 3.9090.
3) Commercial dog boarding kennels or dog training classes or testing trials that cannot be established under Section 3.3330(2) and subject to 3.9090.
4) Operations conducted for mining and processing of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005 not otherwise permitted and subject to 3.9090.
5) Operations conducted for mining, crushing or stockpiling of aggregate and other mineral and other subsurface resources subject to ORS 215.298 and subject to 3.9090.
6) Processing as defined by ORS 517.750 of aggregate into asphalt or portland cement subject to 3.9040(1) and 3.9090.
7) Processing of other mineral resources and other subsurface resources, subject

to 3.9090.

8) Construction of additional passing and travel lanes requiring the acquisition of right of way but not resulting in the creation of new land parcels, subject to 3.9090.
9) Reconstruction or modification of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new land parcels, subject to 3.9090.
10) Improvement of public road and highway related facilities, such as maintenance yards, weigh stations and rest areas, where additional property or right of way is required but not resulting in the creation of new land parcels, subject to 3.9090.
11) Transportation improvements on rural lands allowed by and subject to the requirements of OAR 660-012-0065 and 3.9090.
12) Personal-use airports for airplanes and helicopter pads, including associated hangar, maintenance and service facilities subject to 3.9050(1) and 3.9090.
13) Commercial utility facilities for the purpose of generating power for public use by sale, not including wind or solar power generation facilities, subject to 3.9170(1) and 3.9090.
14) Wind power generation facilities as commercial utility facilities for the purpose of generating power for public use by sale subject to 3.9170(2) and 3.9090.
15) Photovoltaic solar power generation facilities as commercial utility facilities for the purpose of generating power for public use by sale subject to 3.9170(3) and 3.9090.
16) A site for the disposal of solid waste for which a permit has been granted under ORS 459.245 by the Department of Environmental Quality together with equipment, facilities or buildings necessary for its operation, subject to 3.9090. This use is not permitted on high value farmland except that existing facilities on high value farmland may be expanded subject to 3.9060(5) and 3.9080(3).
17) Composting facilities for which a permit has been granted by the Department of Environmental Quality under ORS 459.245 and OAR 340-093-0050 and 340-096-0060 subject to 3.9060(4) and 3.9090. This use is not permitted on high value farmland except that existing facilities on high value farmland may be expanded subject to 3.9080(3).
18) Living history museum as defined in ORS 215.283(2)(x) and subject to 3.9070(2), 3.9080(1) and (3), and 3.9090.
19) Community centers owned by a governmental agency or a nonprofit organization and operated primarily by and for residents of the local rural community subject to 3.9070(3), 3.9080(1), and 3.9090.
20) Public parks and playgrounds subject to 3.9070(4), 3.9080(1), and 3.9090.
21) Expansion of existing county fairgrounds and activities directly relating to county fairgrounds governed by county fair boards established pursuant to ORS 565.210, and subject to 3.9090.
22) Public or private schools for kindergarten through grade 12, including all buildings essential to the operation of a school, primarily for residents of the rural area in which the school is located, subject to 3.9080(1) and 3.9090. This use is

not permitted on high value farmland except that existing schools on high value farmland may be expanded subject to 3.9070(5) and 3.9080(3).

23) Private parks, playgrounds, hunting and fishing preserves, and campgrounds subject to 3.9070(6), 3.9080(1), and 3.9090. This use is not permitted on high value farmland except that existing private parks on high value farmland may be expanded subject to 3.9080(3).

24) Golf courses as defined in Section 1.0500 and subject to 3.9070(7), 3.9080(1), and 3.9090. This use is not permitted on high value farmland as defined in ORS 195.300 except that existing golf courses on high-value farmland may be expanded subject to 3.9080(3).

25) Any outdoor gathering of more than 3,000 persons that is anticipated to continue for more than 120 hours in any three-month period is subject to review by a county planning commission under ORS 433.763.

Section 4.3350. Land Divisions [Ord. 18-02]

The following land division standards, in addition to applicable standards in Sections 2.9000 through 2.9300, apply to land zoned Exclusive Farm Use.

1) Minimum Parcel Size. The minimum size for creation of a new parcel shall be 80 acres.

2) A division of land to accommodate a use permitted by ORS 215.283(2), smaller than the minimum parcel size provided in Subsection 1), except a residential use, may be approved if the parcel for the nonfarm use is not larger than the minimum size necessary for the use.

3) A division of land to create up to two new parcels smaller than the minimum size established under Subsection 1), each to contain a dwelling not provided in conjunction with farm use, may be permitted if:
   - (A) The nonfarm dwellings have been approved in conformance with 3.9080(2) and 3.9130;
   - (B) The parcels for the nonfarm dwellings are divided from a lot or parcel that was lawfully created prior to July 1, 2001;
   - (C) The parcels for the nonfarm dwellings are divided from a lot or parcel that complies with the minimum size in Subsection 1); and
   - (D) The remainder of the original lot or parcel that does not contain the nonfarm dwellings complies with the minimum size established under Subsection 1).

4) A division of land to divide a lot or parcel into two parcels, each to contain one dwelling not provided in conjunction with farm use, may be permitted if:
   - (A) The nonfarm dwellings have been approved in conformance with 3.9080(2) and 3.9130;
   - (B) The parcels for the nonfarm dwellings are divided from a lot or parcel that was lawfully created prior to July 1, 2001;
   - (C) The parcels for the nonfarm dwellings are divided from a lot or parcel that is equal to or smaller than the minimum size in Subsection A but equal to

or larger than 40 acres;

(D) The parcels for the nonfarm dwellings are:

(E) Not capable of producing more than at least 50 cubic feet per acre per year of wood fiber; and

(F) Composed of at least 90 percent Class VI through VIII soils.

(G) The parcels for the nonfarm dwellings do not have established water rights for irrigation.

5) This Section does not apply to the creation or sale of cemetery lots, if a cemetery is within the boundaries designated for a farm use zone at the time the zone is established.

6) This Section does not apply to divisions of land resulting from lien foreclosures or divisions of land resulting from foreclosure of recorded contracts for the sale of real property.

7) This Section does not allow a division or a property line adjustment of a lot or parcel that separates a use described in 4.3330(11), (14), (20) or (21) from the lot or parcel on which the primary residential use exists.

8) This Section does not allow a division or a property line adjustment of a lot or parcel that separates a processing facility from the farm operation specified in 1).

9) A division of land may be permitted to create a parcel with an existing dwelling to be used:

(A) As a residential home as described in ORS 197.660 (2) only if the dwelling has been approved in conformance with 3.9130; and

(B) For historic property that meets the requirements of 24).

10) Notwithstanding the minimum lot or parcel size described in Subsection 1),

(A) A division of land may be approved provided:

1) The land division is for the purpose of allowing a provider of public parks or open space, or a not-for-profit land conservation organization, to purchase at least one of the resulting parcels; and

2) A parcel created by the land division that contains a dwelling is large enough to support continued residential use of the parcel.

3) The landowner signs and records in the deed records of the county an irrevocable deed restriction prohibiting the owner, and the owner's successors in interest, from pursuing a cause of action or claim of relief alleging an injury from farming or forest practices for which no claim or action is allowed under ORS 30.936 or 30.937.

(B) A parcel created pursuant to this Subsection that does not contain a dwelling:

1) Is not eligible for siting a dwelling, except as may be authorized under ORS 195.120;

2) May not be considered in approving or denying an application for siting any other dwelling;

3) May not be considered in approving a redesignation or rezoning of forestlands except for a redesignation or rezoning to allow a public park,

open space or other natural resource use; and

4) May not be smaller than 25 acres unless the purpose of the land division is to facilitate the creation of a wildlife or pedestrian corridor or the implementation of a wildlife habitat protection plan or to allow a transaction in which at least one party is a public park or open space provider, or a not-for-profit land conservation organization, that has cumulative ownership of at least 2,000 acres of open space or park property.

(11) A division of land smaller than the minimum lot or parcel size in Subsection 1) may be approved provided:

(A) The division is for the purpose of establishing a church, including cemeteries in conjunction with the church;

(B) The church has been approved under Section 4.3320(17).

(C) The newly created lot or parcel is not larger than five acres; and

(D) The remaining lot or parcel, not including the church, meets the minimum lot or parcel size described in Subsection 1) either by itself or after it is consolidated with another lot or parcel.

12) Notwithstanding the minimum lot or parcel size described Subsection 1), a division for the nonfarm uses set out in 4.3320(12) if the parcel for the nonfarm use is not larger than the minimum size necessary for the use.

13) The governing body of a county may not approve a division of land for nonfarm use under Subsection 2), 3), 4), 9), 10), 0 or (12) unless any additional tax imposed for the change in use has been paid.

14) Parcels used or to be used for training or stabling facilities may not be considered appropriate to maintain the existing commercial agricultural enterprise in an area where other types of agriculture occur.

15) A division of a lawfully established unit of land may occur along an urban growth boundary where the parcel remaining outside the urban growth boundary is zoned for agricultural uses and is smaller than the minimum parcel size, provided that:

(A) If the parcel contains a dwelling, the parcel must be large enough to support the continued residential use.

(B) If the parcel does not contain a dwelling, it:

1) Is not eligible for siting a dwelling, except as may be authorized in ORS 195.120;

2) May not be considered in approving or denying an application for any other dwelling; and

3) May not be considered in approving a redesignation or rezoning of agricultural lands, except to allow a public park, open space, or other natural resource use

4) The landowner signs and records in the deed records of the county an irrevocable deed restriction prohibiting the owner, and the owner's successors in interest, from pursuing a cause of action or claim of relief alleging an injury from farming or forest practices for

which no claim or action is allowed under ORS 30.936 or 30.937.

16) A land division may not be approved for the land application of reclaimed water, agricultural or industrial process water, or biosolids as described under 4.3330(6).

Section 4.3350. Development Standards [Ord. 18-02]

All dwellings and structures approved pursuant to Section 4.3300 shall be sited in accordance with this Section.

(1) Lot Size Standards. Lot size shall be consistent with the requirements of Section 4.3350.

(2) Setbacks.

(A) Front Yard: All buildings or structures with the exception of fences shall be setback a minimum of thirty (30) feet from the property line.

(B) Rear Yard:

1) Dwellings: Twenty (20) feet.

2) Churches, public and private schools, and other non-farm uses: Twenty (20) feet.

(C) Side Yard:

1) Dwellings: Thirty (30) feet, except twenty (20) feet on a corner lot.

2) Churches, public and private schools, and other non-farm uses: Twenty (20) feet.

(3) Height.

(A) Dwellings or accessory farm dwellings shall not exceed a height of forty-five (45) feet.

(B) All other structures: No standards.

SECTION 4.3400. AGRICULTURE-FORESTRY ZONE (AF)

Section 4.3410. Purpose.

The AF zone is intended to provide for small-scale forest management and agriculture where parcel size and ownership patterns are not appropriate for the larger-scale commercial practices such as those found in the Forest-80 (F-80) or the Exclusive Farm Use (EFU) zones. The purpose of the AF zone is to encourage forestry and agriculture as primary uses of such lands with a view of preserving such land for as long as possible for the production of forest and agricultural products.

Section 4.3420. State Forestry-Regulated Uses

The following uses and activities are permitted subject to the applicable requirements of the Oregon Forest Practices Act and its administrative rules:

1) Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting or a forest tree species, application of chemicals, and disposal of slash. A forest operation is any commercial activity relating to the growing or harvesting of any forest tree species. “Forest tree species” does not include:
   (A) Christmas trees on land uses solely for the production of cultured Christmas trees as defined in ORS 215.203(3).
   (B) Hardwood timber, including but not limited to hybrid cottonwood, which is:
      1) grown or growing on land which has been prepared by intensive cultivation methods and which is cleared of competing vegetation for at least three years after tree planting;
      2) of a species marketable as fiber for inclusion in the “furnish” for manufacturing paper products;
      3) harvested on a rotation cycle within 12 years after planting; and
      4) subject to intensive agricultural practices such as fertilization, insect and disease control, cultivation and irrigation.

Section 4.3430. Development and Use Permitted

The following developments and uses and their accessory developments and uses are permitted under a Type I procedure subject to applicable development standards.

1) Temporary portable facility for the primary processing of forest products. “Forest products” means timber grown upon a tract where the primary processing facility is located.
2) Physical alterations to the land auxiliary to forest practices including, but not limited to, those made for purposes of exploration, mining, commercial gravel extraction and processing, landfills, dams, reservoirs, road construction or recreational facilities. 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.

3) Exploration for and production of geothermal, gas, oil, and other associated hydrocarbons, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the well head.
4) Farm use.
5) Local distribution lines (e.g. electric, telephone, natural gas) and accessory equipment (e.g. electric distribution transformers, poles, meter cabinets, terminal boxes, pedestals), or equipment which provides service hookups, including water service hookups.
6) Uses to conserve soil, air and water quality and to provide for fish and wildlife resources.
7) Uninhabitable structures accessory to fish and wildlife enhancement.
8) Towers and fire stations for forest fire protection.
9) Temporary forest labor camps.
10) Alteration, restoration or replacement of a lawfully established dwelling pursuant to Section 3.9140 for farm uses and Section 3.9190(4) for forestry uses. [Ord. 18-02]
11) Caretaker residences for public parks and fish hatcheries.
12) Private hunting and fishing operations without any lodging accommodations.
13) Widening of roads within existing rights-of-way in conformance with the Transportation Element of the Comprehensive Plan including public road and highway projects as follows:
    (A) Climbing and passing lanes within the right-of-way existing as of July 1, 1987;
    (B) Reconstruction or modification of public roads and highways, including the placement of utility facilities overhead and in the subsurface of public roads and highways along the public right-of-way, but not including the addition of travel lanes, where no removal or displacement of buildings would occur, or no new land parcels result;
    (C) Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed;
    (D) Minor betterment of existing public road and highway related facilities, such as maintenance yards, weigh stations and rest areas, within right-of-way existing as of July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public roads and highways.
14) Exploration for mineral and aggregate resources as defined in ORS Chapter 517.
15) Temporary on-site structures which are auxiliary to and used during the term of a particular forest operation. 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. A forest operation is any commercial activity relating to the growing or harvesting or any forest tree species. “Forest tree species” does not include:

(A) Christmas trees on land used solely for the production of cultured Christmas trees as defined in ORS 215.203(3).

(B) Hardwood timber, including but not limited to hybrid cottonwood, which is:

1) Grown or growing on land which has been prepared by intensive cultivation methods and which is cleared of competing vegetation for at least three years after tree planting;
2) Of a species marketable as fiber for inclusion in the “furnish” for manufacturing paper products;
3) Harvested on a rotation cycle within 12 years after planting; and
4) Subject to intensive agricultural practices such as fertilization, insect and disease control, cultivation and irrigation.

16) Water intake facilities, canals and distribution lines for farm irrigation and ponds.
17) Temporary forest labor camps.
18) Public or private schools for kindergarten through grade 12, including all buildings essential to the operation of a school, primarily for residents of the rural area in which the school is located, subject to 3.9080(1) and 3.9090. This use is not permitted on high value farmland except that existing schools on high value farmland may be expanded subject to 3.9080(3). [Ord. 18-02]
19) Churches and cemeteries in conjunction with churches.
20) Creation, restoration or enhancement of wetlands.
21) Farm stand subject to 3.9030(2). [Ord. 18-02]
22) Operations for the exploration for minerals as defined by ORS 517.750. Any activities or construction relating to such operations shall not be a basis for an exception under ORS 197.732(1)(a) or (b).
23) A replacement dwelling to be used in conjunction with farm use if the existing dwelling has been listed in the County’s inventory as historic property or on the National Register of Historic Places.
24) Accessory farm dwellings for year round and seasonal farm worker housing. [Ord. 18-02]
25) Utility facilities necessary for public service, including Communication Facilities subject to the standards in Sections 3.9090 and 3.9400, except commercial facilities for the purpose of generating power for public use by sale and transmission towers over 200 feet in height.
26) A winery subject to the standards in Section 3.9150. [Ord. 18-02]
(27) Those uses not listed above that are permitted in Section 4.3320 of the Exclusive Farm Use (EFU) Zone and Section 4.3530 of the Forest-80 Zone (F-80), subject to the applicable development standards, conditions and review described therein. Dwellings permitted in Section 4.3320 of the EFU Zone and Section 4.3530 of the F-80 Zone are subject to the review criteria in either the EFU Zone or the F-80 Zone, based on the predominant use of the subject tract on January 1, 1993. [Ord. 18-02]

Section 4.3440. Conditional Development and Use

The following developments and uses and their accessory uses may be permitted under a Type II procedure and Sections 2.4000 to 2.4050, subject to applicable criteria, development standards and site plan review.

1) Home occupation, not related to auto/machinery repair or painting, subject to Section 3.8000, and the standards in Section 3.9090.
2) The propagation, cultivation, maintenance and harvesting of aquatic species, subject to the standards in Section 3.9090.
3) New electric transmission lines with right-of-way widths of up to 100 feet subject to the standards in Section 3.9090. New distribution lines (e.g. gas, oil, geothermal) with rights-of-way 50 feet or less in width subject to the standards in Section 3.9090.
4) Water intake facilities, related treatment facilities, pumping stations, and distribution lines, subject to the standards in Section 3.9090.
5) Reservoirs and water impoundments subject to the standards in Section 3.9090.
6) Cemeteries subject to the standards in Section 3.9130.
7) Forest management research and experimentation facilities conducted by the State Board of Higher Education, or where accessory to forest operations, subject to the standards in Section 3.9090.
8) Aids to navigation and aviation, subject to the standards in Section 3.9090.
9) Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed.
10) Minor betterment of existing public road and highway related facilities such as maintenance yards, weigh stations and rest areas, within right-of-way existing as of July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public roads and highways.
11) Health hardship dwelling, subject to the standards in Sections 3.0190 and 3.9090.
12) The dwellings and other buildings customarily provided in conjunction with farm use. A dwelling approved under this section is subject to the standards in Section 3.9200(9), and may only be approved on land that was predominantly in farm use on January 1, 1993.
13) A dwelling on real property used for farm use, subject to Section 3.9200(9), and if the dwelling is:
    (A) Located on the same lot or parcel as the dwelling of the farm operator;
    (B) Occupied by a relative, which means grandparent, grandchild, parent, child, brother or sister of the farm operator or the farm operator's spouse, whose assistance in the management of the farm use is or will be required by the farm operator; and
    (C) Located on land that was predominantly in farm use on January 1, 1993.
14) The following residences may be approved on land that was predominantly in forest use on January 1, 1993:
    (A) A "small tract/poor soils" dwelling may be allowed subject to the approval criteria and conditions in Section 3.9110, 3.9120 and 3.9000.

(B) If a dwelling is not allowed pursuant to subsection (a) of this section, a "large tract" dwelling may be allowed subject to the approval criteria and conditions in Section 3.9120, 3.9000 and 3.9140.

(C) A single family dwelling may be allowed subject to the "template test" described in Section 3.9150, and subject to the approval criteria and conditions in Section 3.9120, S6.000 and 3.9150.

15) Bed and breakfast establishment subject to the standards in Section 3.8030-3.8050 and Section 3.9090.

16) Transmission towers including Communication Facilities, subject to the standards in Section 3.9090 and 3.9400.

17) Storage structures for emergency supplies to serve communities and households that are located in tsunami inundation zones, if:

(A) Areas within an urban growth boundary cannot reasonably accommodate the structures;

(B) The structures are located outside tsunami inundation zones and consistent with evacuation maps prepared by DOGAMI or the local jurisdiction;

(C) Sites where the structures could be co-located with an existing use approved under this section are given preference for consideration;

(D) The structures are of a number and size no greater than necessary to accommodate the anticipated emergency needs of the population to be served;

(E) The structures are managed by a city or county government for the single purpose of providing for the temporary emergency support needs of the public; and

(F) Written notification has been provided to the County Office of Emergency Management of the application for the storage structures.

18) Those uses not listed above that are permitted in Section 4.3330 of the Exclusive Farm Use (EFU) Zone and Section 4.3540 of the Forest-80 Zone (F-80), subject to the applicable development standards, conditions and review described therein. Dwellings permitted in Section 4.3330 of the EFU Zone and Section 4.3540 of the F-80 Zone are subject to the review criteria in either the EFU Zone or the F-80 Zone, based on the predominant use of the subject tract on January 1, 1993. [Ord. 18-02]

Section 4.3450. Conditional Development and Use

The following forest and non-forest developments and uses and their accessory uses may be permitted under a Type IIA procedure and Sections 2.4020 to 2.4040, and subject to applicable criteria, development standards and site plan review.

1) Mining and processing of oil, gas, or other subsurface resources, as defined in ORS Chapter 520, and not otherwise permitted under Section 3.9140(3) of this zone (e.g., compressors, separators and storage serving multiple wells), and mining and processing or aggregate and mineral resources as defined in ORS Chapter 517, subject to the standards in Section 3.9090.

2) Subject to the standards in 3.9090, operations conducted for:
   (A) Mining and processing of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005 not otherwise permitted in this zone;
   (B) Mining, crushing or stockpiling of aggregate and other mineral and other subsurface resources subject to standards in Section 3.9160;
   (C) Processing, as defined by ORS 517.750, of aggregate into asphalt or Portland cement; and
   (D) Processing of other mineral resources and other subsurface resources.
3) Disposal site for solid waste approved by the governing body of a city or county or both and for which the Oregon Department of Environmental Quality has granted a permit under ORS 459.245, together with equipment, facilities or buildings necessary for its operation, subject to the standards in Section 3.9090.
4) Dog kennels subject to the standards in Section 3.9090
5) A facility for the primary processing of forest products subject to the standards in Section 3.9090.
6) Permanent logging equipment repair and storage subject to the standards in Section 3.9090.
7) Log scaling and weigh stations subject to the standards in Section 3.9090.
8) Private seasonal accommodations for fee hunting operations may be allowed subject to the standards in Section 3.9090, 3.9120 and the following requirements:
   (A) Accommodations are limited to no more than 15 guest rooms;
   (B) Only minor incidental and accessory retail sales are permitted;
   (C) Accommodations are occupied temporarily for the purpose of hunting during game bird and big game hunting seasons authorized by the Oregon Fish and Wildlife Commission; and
   (D) The County may impose other appropriate conditions.
9) Private accommodations for fishing occupied on a temporary basis may be allowed subject to the standards in Sections 3.9090, 3.9120 and the following requirements:
   (A) Accommodations are limited to no more than 15 guest rooms;
   (B) Only minor incidental and accessory retail sales are permitted;
   (C) Accommodations are occupied temporarily for the purpose of fishing during fishing seasons authorized by the Oregon Fish and Wildlife Commission; and
   (D) Accommodations must be located within 1/4 mile of fish bearing Class I waters; and
   (E) The County may impose other appropriate conditions.
10) Private parks, playgrounds, hunting and fishing preserves and campgrounds, subject to the standards in Section 3.9090.
11) Parks, playgrounds or community centers owned and operated by a governmental agency or a non-profit community organization, subject to the standards in Section 3.9090.

12) Golf courses subject to the standards in Section 3.9090.
13) Utility facilities for the purpose of generating power subject to the standards in Section 3.9090. A power generation facility shall not preclude more than ten acres from use as a commercial forest operation unless an exception is taken pursuant to OAR Chapter 660, Division 4.
14) Transmission towers including Communication Facilities over 200 feet in height, subject to the standards in Section 3.9090 and 3.9400.
15) Expansion of existing airports subject to the standards in Section 3.9090.
16) Subject to the standards in Section 3.9090, personal use airports for airplanes and helicopter pads, including associated hangar, maintenance and service facilities.
17) Transportation uses and improvements may be authorized under conditions and standards as set forth in OAR 660-12-035 and 660-12-065.
18) Climbing and passing lanes within the right-of-way existing as of July 1, 1987.
19) Temporary asphalt and concrete batch plants as accessory uses to specific highway projects subject to the standards in Section 3.9090.
20) Reconstruction or modification of public roads and highways, including the placement of utility facilities overhead and in the subsurface of public roads and highways along the public right-of-way, but not including the addition of travel lanes, where no removal or displacement of buildings would occur, and no new land parcels result.
21) Construction of additional passing and travel lanes requiring the acquisition of right- of-way but not resulting in the creation of new land parcels, subject to the standards in Section 3.9090.
22) Reconstruction or modification of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new land parcels, subject to the standards in Section 3.9090.
23) Improvement of public road and highway related facilities, such as maintenance yards, weigh stations.
24) Roads, highways and other transportation facilities and improvements not allowed under other provisions of this zone may be established, subject to the standards in Section 3.9090 and the approval of an exception to the goal related to agricultural lands and to any other applicable goal with which the facility or improvement does not comply.
25) Fire stations for rural fire protection subject to the standards in Section 3.9090.
26) Firearms training facility subject to the standards in Section 3.9130.
27) Those uses not listed above that are permitted in Section 4.3340 of the Exclusive Farm Use (EFU) Zone and Section 4.3550 of the F-80 Zone are subject to the applicable development standards, conditions and review described therein. Dwellings and residential developments and uses permitted in Section 4.3340 of the EFU Zone and Section 4.3550 of the F-80 Zone are subject to the review criteria in either the EFU Zone or the F-80 Zone, based on whether farm or forest was the predominant use of the subject tract on January 1, 1993. [Ord. 18-02]

Section 4.3460. Development and Use Standards

The following standards are applicable to permitted and conditional development in the zone:

(1) Lot size:
  (A) Minimum for division of land: 80 acres.

(2) Land divisions are subject to the criteria in OAR 660-006-0055. [Ord. 18-02]

(3) Setbacks for buildings:
  (A) Front yard: 30 feet.
  (B) Side and rear yard: 20 feet.
  (C) Setbacks in wetland areas shall be in accordance with Section 6.5000.

(4) Maximum building height: 45 feet.

(5) Dwellings and structures in the AF Zone are subject to the F-80 siting standards in 3.9240 and the fire siting standards in 3.9250. [Ord. 18-02]

(6) Setback for surface and subsurface mining operations: 500 feet from adjacent residences and adjacent residential lands.

(7) Uses in this zone which are in either a Major or Peripheral Big Game Range, as shown on the map in the County's Comprehensive Plan, are subject to the standards in Section 3.9170. A copy of each application for a conditional use shall be sent to the Oregon Department of Fish and Wildlife for their comments on the proposed use's potential adverse impacts on Big Game Range and their recommendations for minimizing any adverse impacts. It shall be assumed that the Department of Fish and Wildlife finds the proposed use consistent with the protection of Big Game Range if no comment is received within 7 working days of the date of the notice.

(8) An accessory structure separated from the main building shall be located in accordance with yard setback requirements.

(9) A lawfully established dwelling may be altered, restored or replaced pursuant to Section 3.9140(1) only if the dwelling [Ord. 18-02]:
  (A) Has intact exterior walls and roof structures;
  (B) Has indoor plumbing consisting of a kitchen, sink, toilet and bathing facilities connected to a sanitary waste disposal system;
  (C) Has interior wiring for interior lights;
  (D) Has a heating system; and
  (E) In the case of replacement, is removed, demolished or converted to an allowable non-residential use within three months of the completion of the replacement dwelling.

(10) A dwelling may be approved as a conditional use (Type II) under Sections 4.3440(12) or 4.3440(13) of this zone subject to the following approval criteria and standards:
  (A) The County shall require as a condition of approval of a single family dwelling that the landowner for the dwelling sign and record in the deed records for the County a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injuring from farming or forest

practices for which no action or claim is allowed under ORS 30.936 or 30.937.

SECTION 4.3500. FOREST-80 ZONE (F-80)

Section 4.3510. Purpose

The purpose of the Forest (F-80) Zone is to protect and maintain forest lands for grazing, and rangeland use and forest use, consistent with existing and future needs for agricultural and forest products. The F-80 zone is also intended to allow other uses that are compatible with agricultural and forest activities, to protect scenic resources and fish and wildlife habitat, and to maintain and improve the quality of air, water and land resources of the county.

The F-80 zone has been applied to lands designated as Forest 80 in the Comprehensive Plan. The provisions of the F-80 zone reflect the forest land policies of the Comprehensive Plan as well as the requirements of ORS Chapter 215 and OAR 660-006. The minimum parcel size and other standards established by this zone are intended to promote commercial forest operations. [Ord. 18-02]

Section 4.3520. State Forestry-Regulated Uses

The following uses and activities are permitted subject to the applicable requirements of the Oregon Forest Practices Act and its administrative rules:

1) Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of forest tree species, application of chemicals, and disposal of slash. A forest operation is any commercial activity relating to the growing or harvesting of any forest tree species. (Section 3.9090(3))
2) Temporary on-site structures that are auxiliary to and used during the term of a particular forest operation. [Ord. 18-02]
3) Physical alterations to the land auxiliary to forest practices including, but not limited to, those made for purposes of exploration, mining, commercial gravel extraction and processing, landfills, dams, reservoirs, road construction or recreational facilities. [Ord. 18-02]

Section 4.3530. Development and Use Permitted [Ord. 18-02]

The following uses and activities and their accessory uses may be permitted under a Type I procedure subject to applicable development standards:

1) Uses to conserve soil, air and water quality and to provide for wildlife and fisheries resources.
(2) Farm use as defined in ORS 215.203.
(3) Local distribution lines (e.g., electric, telephone, natural gas) and accessory equipment (e.g., electric distribution transformers, poles, meter cabinets, terminal boxes, pedestals), or equipment that provides service hookups, including water service hookups.
(4) Temporary portable facility for the primary processing of forest products.
(5) Climbing and passing lanes within the right of way existing as of July 1, 1987.
(6) Reconstruction or modification of public roads and highways, including the

placement of utility facilities overhead and in the subsurface of public roads and highways along the public right of way, but not including the addition of travel lanes, where no removal or displacement of buildings would occur, or no new land parcels result.

(7) Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed.

(8) Minor betterment of existing public road and highway related facilities such as maintenance yards, weigh stations and rest areas, within right of way existing as of July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public roads and highways.

(9) Exploration for mineral and aggregate resources as defined in ORS chapter 517.

(10) Private hunting and fishing operations without any lodging accommodations.

(11) Towers and fire stations for forest fire protection.

(12) Water intake facilities, canals and distribution lines for farm irrigation and ponds.

(13) Uninhabitable structures accessory to fish and wildlife enhancement.

(14) Temporary forest labor camps.

(15) Exploration for and production of geothermal, gas, oil, and other associated hydrocarbons, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the well head.

(16) An outdoor mass gathering of more than 3,000 persons that is not anticipated to continue for more than 120 hours in any three-month period, as provided in ORS 433.735.

(17) An agricultural building, as defined in ORS 455.315, customarily provided in conjunction with farm use or forest use. A person may not convert an agricultural building authorized by this section to another use.

(18) Alteration, restoration or replacement of a lawfully established dwelling subject to 3.9190(4) and 3.9190(6)

(19) Maintenance or in-kind replacement of water intake facilities, related treatment facilities, pumping stations, and distribution lines in existing utility rights-of-ways subject to 3.9230.

(20) Replacement of existing fire stations, on the same lot or parcel, for rural fire protection subject to 3.9230.

Section 4.3540. Conditional Development and Use [Ord. 18-02]

The following uses and activities and their accessory uses may be permitted under a Type II procedure and Section 2.4000 to 2.4050, subject to applicable criteria, development standards and site plan review.

1) A large tract forest dwelling subject to S3.9190(1) and S3.9190(6).

(2) An ownership of record dwelling subject to 3.9190(2) and 3.9190(6).

(3) A template dwelling subject to 3.9190(3) and 3.9190(6).

(4) A manufactured dwelling or recreational vehicle, or the temporary residential use of an existing building, in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or a relative

subject to 3.9190(45), (6) and 3.9230.

(5) Forest management research and experimentation facilities as defined by ORS 526.215 or where accessory to forest operations, subject to 3.9230.

(6) Parking of up to seven dump trucks and seven trailers, subject to 3.9230.

(7) Television, microwave and radio communication facilities and transmission towers up to 200 feet above average grade, subject to 3.9230.

(8) Water intake facilities, related treatment facilities, pumping stations, and distribution lines subject to 3.9230.

(9) Reservoirs and water impoundments subject to 3.9230.

(10) Aids to navigation and aviation subject to 3.9230.

(11) Cemeteries subject to 3.9230.

(12) Storage structures for emergency supplies to serve communities and households that are located in tsunami inundation zones subject to 3.9220(1) and 3.9230.

(13) Youth camps subject to 3.9300.

(14) Forest management facility related to and in support of forest operations.

Section 4.3550. Conditional Development and Use [Ord. 18-02]

The following forest and non-forest developments and uses and their accessory developments and uses may be permitted under a Type IIA procedure and Sections 2.4000-2.4050, subject to applicable criteria, development standards and site plan review.

1) Log scaling and weigh stations, subject to 3.9230.

(2) Home occupations subject to 3.9200(1) and 3.9230.

(3) Permanent facility for the primary processing of forest products subject to 3.9200(2) and 3.9230.

(4) Permanent logging equipment repair and storage subject to 3.9230.

(5) Private seasonal accommodations for fee hunting operations subject to 3.9200(3) and 3.9230.

(6) Private accommodations for fishing occupied on a temporary basis may be allowed subject to 3.9200(4) and 3.9230.

(7) Mining and processing of oil, gas, or other subsurface resources, as defined in ORS Chapter 520, and not otherwise permitted under Subsection 4.3530(15) (e.g., compressors, separators and storage serving multiple wells), and mining and processing of aggregate and mineral resources as defined in ORS Chapter 517, subject to 3.9230.

(8) Temporary asphalt and concrete batch plants as accessory uses to specific highway projects subject to 3.9230.

(9) Transportation improvements on rural lands allowed by and subject to the requirements of OAR 660-012-0065 and 3.9230.

(10) Expansion of existing airports subject to 3.9230.

(11) New electric transmission lines with right of way widths of up to 100 feet as specified in ORS 772.210. New distribution lines (e.g., gas, oil, geothermal, telephone, fiber optic cable) with rights-of-way 50 feet or less in width, subject to 3.9230.

(12) Commercial utility facilities for the purpose of generating power subject to 3.9210(1) and 3.9230.
(13) Disposal site for solid waste approved by the governing body of a city or county or both and for which the Oregon Department of Environmental Quality has granted a permit under ORS 459.245, together with equipment, facilities or buildings necessary for its operation and subject to 3.9210(2) and 3.9230.
(14) Firearms training facility as provided in ORS 197.770(2) and subject to 3.9230.
(15) Fire stations for rural fire protection subject to 3.9230.
(16) Caretaker residences for public parks and public fish hatcheries subject to S3.9190(6).
(17) Destination resorts, subject to ORS 197.435 to 197.467 and Goal 8.
(18) Any outdoor gathering of more than 3,000 persons that is expected to continue for more than 120 hours in any three-month period is subject to review by a county planning commission under ORS 433.763.
(19) Public parks subject to 3.9220(2) and 3.9230.
(20) Private parks and campgrounds subject to 3.9220(3) and 3.9230.
(21) Television, microwave and radio communication facilities and transmission towers higher than 200 feet above average grade, subject to 3.9230.

Section 4.3560. Development Standards [Ord. 18-02]

All dwellings and structures approved pursuant to Section 4.3500 shall be sited in accordance with this Section.

(1) Lot Size Standards. Lot size shall be consistent with the requirements of Section 4.3570.
(2) Setbacks.
    (A) Front Yard: All buildings or structures with the exception of fences shall be setback a minimum of 30 feet from the property line.
    (B) Side and Rear Yard: 30 feet
(3) Maximum building height: 45 feet

Section 4.3570. Land Divisions [Ord. 18-02]

(1) The minimum parcel size for new forest parcels is 80 (eighty) acres.
(2) New land divisions less than the parcel size in Subsection (1) may be approved for any of the following circumstances:
    (A) For the following uses, provided that such uses have been approved pursuant to Section 3.9230 and the parcel created from the division is the minimum size necessary for the use
        1) Exploration for and production of geothermal, gas, oil, and other associated hydrocarbons, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the well head.
        2) Log scaling and weigh stations.
        3) Permanent facility for the primary processing of forest products.
        4) Permanent logging equipment repair and storage.

5) Mining and processing of oil, gas, and other subsurface resources.
6) Television, microwave, and radio communication towers.
7) Water intake facilities, related treatment facilities, pumping stations, and transmission towers.
8) Reservoirs and water impoundments.
9) Aids to navigation and aviation.
10) Firearms training facility.
11) Fire stations for rural fire protection.
12) Cemeteries.
13) Destination resorts.
14) Commercial utilities for the purpose of generating power.
15) Public parks.
16) Private parks and campgrounds.
(17) Disposal sites for solid waste.

(B) For the establishment of a parcel for a dwelling existed prior to June 1, 1995, subject to the following requirements:

(1) The parcel established may not be larger than five acres, except as necessary to recognize physical factors such as roads or streams, in which case the parcel shall not be larger than 10 acres; and

(2) The parcel that does not contain the dwelling is not entitled to a dwelling unless subsequently authorized by law or goal and the parcel either:

a) Meets the minimum land division standards of the zone; or

b) Is consolidated with another parcel, and together the parcels meet the minimum land division standards of the zone.

(C) To allow a division of forest land to facilitate a forest practice as defined in ORS 527.620 that results in a parcel that does not meet the minimum area requirements of Subsection (1). Approvals shall be based on findings that demonstrate that there are unique property-specific characteristics present in the proposed parcel that require an amount of land smaller than the minimum area requirements of Subsection (1) in order to conduct the forest practice. Parcels created pursuant to this paragraph:

(1) Are not eligible for siting of a new dwelling;

(2) May not serve as the justification for the siting of a future dwelling on other lots or parcels;

(3) May not, as a result of the land division, be used to justify redesignation or rezoning of resource lands; and

(4) May not result in a parcel of less than 35 acres, unless the purpose of the land division is to:

a) Facilitate an exchange of lands involving a governmental agency; or

b) Allow transactions in which at least one participant is a person with a cumulative ownership of at least 2,000 acres

of forest land.

(D) To allow a division of a lot or parcel zoned for forest use if:

(1) At least two dwellings lawfully existed on the lot or parcel prior to November 4, 1993;

(2) Each dwelling complies with the criteria for a replacement dwelling under paragraph 3.9190(4)(A);

(3) Except for one parcel, each parcel created under this paragraph is between two and five acres in size;

(4) At least one dwelling is located on each parcel created under this paragraph; and

(5) The landowner of a parcel created under this paragraph provides evidence that a restriction prohibiting the landowner and the landowner's successors in interest from further dividing the parcel has been recorded with the county clerk of the county in which the parcel is located. A restriction imposed under this paragraph shall be irrevocable unless a statement of release is signed by the county planning director of the county in which the parcel is located indicating that the comprehensive plan or land use regulations applicable to the parcel have been changed so that the parcel is no longer subject to statewide planning goals protecting forestland or unless the land division is subsequently authorized by law or by a change in a statewide planning goal for land zoned for forest use.

(E) To allow a proposed division of land to preserve open space or parks, as provided in ORS 215.783.

(3) A lot or parcel may not be divided under Section 4.3550(2)(D) if an existing dwelling on the lot or parcel was approved under a statute, an administrative rule or a land use regulation as defined in ORS 197.015 that required removal of the dwelling or that prohibited subsequent division of the lot or parcel.

(4) Restrictions

(A) An applicant for the creation of a parcel pursuant to Subsection (2)(B) shall provide evidence that a restriction on the remaining parcel, not containing the dwelling, has been recorded with the county clerk. The restriction shall allow no dwellings unless authorized by law or goal on land zoned for forest use except as permitted under Subsection (2)(D).

(B) A restriction imposed under this subsection shall be irrevocable unless a statement of release is signed by the county planning director of the county where the property is located indicating that the comprehensive plan or land use regulations applicable to the property have been changed in such a manner that the parcel is no longer subject to statewide planning goals pertaining to agricultural land or forest land.

(5) A landowner allowed a land division under Subsection (2) shall sign a statement that shall be recorded with the county clerk of the county in which the property is located, declaring that the landowner will not in the future complain about

accepted farming or forest practices on nearby lands devoted to farm or forest use.

(6) The county governing body or its designate may not approve a property line adjustment of a lot or parcel in a manner that separates a temporary hardship dwelling or home occupation from the parcel on which the primary residential use exists.

(7) A division of a lawfully established unit of land may occur along an urban growth boundary where the parcel remaining outside the urban growth boundary is zoned for forest use and is smaller than the minimum parcel size, provided that:

(A) If the parcel contains a dwelling, it must be large enough to support continued residential use.

(B) If the parcel does not contain a dwelling:

1) It is not eligible for siting a dwelling, except as may be authorized under ORS 195.120;

2) It may not be considered in approving a redesignation or rezoning of forest lands, except to allow a public park, open space, or other natural resource use; and

3) The owner of the parcel shall record with the county clerk an irrevocable deed restriction prohibiting the owner and all successors in interest from pursuing a cause of action or claim of relief alleging injury from farming or forest practices for which a claim or action is not allowed under ORS 30.936 or 30.937.

(C) It may not be considered in approving or denying an application for any other dwelling.

SECTION 4.3600. AQUATIC CONSERVATION ONE ZONE (AC-1)

Section 4.3610. Purpose and Areas Included

The purpose of the AC-1 zone is to conserve designated areas of the Columbia River Estuary for long term uses of renewable resources that do not require major alterations of the estuary, except for the purpose of restoration. This zone is managed for the protection and conservation of the natural resources and benefits found in these areas. The AC-1 zone includes areas needed for maintenance and enhancement of biological productivity, recreational resources, aesthetic values and aquaculture. They shall include areas of significant habitat smaller or of less biological importance than those in the AN zone. Areas that are partially altered and adjacent to existing development of low intensity which do not possess the resource characteristics of other aquatic areas are also included in this zone.

Section 4.3620. Permitted Developments

The following uses and activities, and their accessory uses and activities, are permitted in the AC-1 zone under a Type I procedure, Section 2.1010, and subject to the provisions of Section 4.3750, Development Standards:

1) Undeveloped low intensity water-dependent.
2) Passive restoration measures.
3) Navigational aids.
4) Vegetative shoreline stabilization.
5) Projects for the protection of habitat, nutrient, fish, wildlife and aesthetic resources.
6) Emergency repair to existing functional and serviceable dikes.
7) Temporary dike for emergency flood protection, subject to state and federal requirements.
8) Research and educational observations.
9) Piling and dredging in conjunction with permitted uses (3), and (5) through (8) listed above, pursuant to the applicable standards in Sections 6.4080 and 6.4200.
10) Filling in conjunction with permitted uses (5) through (7) listed above, pursuant to the applicable standards in Section 6.4210.
11) Land transportation facilities as specified in Section 4.0300.

Section 4.3630. Review Developments

1) The following uses and activities, and their accessory uses and activities, may be permitted as Review Uses in the AC-1 zone under a Type II procedure, Section 2.1020, when authorized in accordance with Sections 2.5000-2.5040 Developments and Uses Permitted with Review. These uses and activities are also subject to the provisions of Section 4.3750, Development Standards. Individual docks and boat ramps for public use where neither dredging nor filling for navigation access is needed.
2) Pipelines, cables and utility crossings.

3) Maintenance and repair of existing structures or facilities, including dikes.
4) Installation of tidegates in existing functional dikes.
5) Structural shoreline stabilization.
6) Water dependent portions of an aquaculture facility which do not involve dredge or fill or other estuarine alteration other than incidental dredging for harvest of benthic species or removable in-water structures such as stakes or racks.
7) Beach nourishment at sites designated in the Comprehensive Plan.
8) Estuarine enhancement.
9) Bridge crossings.
10) Piling in conjunction with review uses (1) through (8) listed above, pursuant to the applicable standards in Section 6.4080.
11) Dredging in conjunction with review uses (2) through (7), and (9) listed above, pursuant to the applicable standards in Section 6.4200.
12) Filling in conjunction with review uses (2), (3), (5), (6), (8) and (9) listed above, pursuant to the applicable standards in Section 6.4210.

The following review uses and activities, and their accessory uses and activities, meet the resource capability of the Aquatic Conservation zone in which they occur, subject to the procedures in Sections 6.3060-6.3080 Resource Capability Determination.
13) Dredging to obtain fill material for dike maintenance.
14) Temporary alterations.
15) Temporary uses involving an existing structure or involving new facilities requiring minimal capital investment and no permanent structure.
16) Piling, dredging or filling in conjunction with the review uses (13) through (16) listed above, pursuant to the applicable standards in Sections 6.4080, 6.4200, and 6.4210.

Section 4.3640. Conditional Developments

The following uses and activities, and their accessory uses and activities, may be permitted as Conditional Uses in the AC-1 zone under a Type II procedure, Section 2.1020, when authorized in accordance with Sections 2.4000-2.4050 Conditional Development and Use. These uses and activities are also subject to the provisions of Section 4.3750, Development Standards. It must also be determined that the uses and activities meet the resource capability of the Aquatic Conservation One zone, subject to the procedures in Sections 6.3060-6.3080 Resource Capability Determination.
1) Bridge crossing support structures.
2) Water-dependent portions of aquaculture facilities.
3) Active restoration measures.
4) Storm water and treated wastewater outfalls.
5) Minor navigational improvements.
6) Mining and mineral extraction.
7) Log storage and other water-dependent uses requiring occupation of water surface area by means other than dredge or fill.

8) Piling in conjunction with conditional uses (1), (2), (5) through (7) listed above, pursuant to the applicable standards in Section 6.4200.
9) Dredging in conjunction with conditional uses (1) through (6) listed above, pursuant to the applicable standards in Section 6.4200.
10) Filling in conjunction with conditional uses (1) through (4) listed above, pursuant to the applicable standards in Section 6.4210.

Section 4.3650. Development Standards

1) All uses and activities shall satisfy applicable regional policies contained in the Comprehensive Plan, Estuarine Resources and Coastal Shorelands element.
2) All uses and activities shall satisfy applicable Columbia River Estuary Shoreland and Aquatic Use and Activity Standards contained in the Land and Water Development and Use Code.
3) All other applicable ordinance requirements shall also be satisfied.
4) A proposal which requires new dredging, fill, in-water structures, riprap, new log storage areas, water intake or withdrawal and effluent discharge, in-water disposal of dredged material, beach nourishment, application of pesticides and herbicides, or other activities which could affect the estuary's physical processes or biological resources is subject to an Impact Assessment, Sections 6.3010-6.3050.
5) When a development proposal includes several uses, the uses shall be reviewed in aggregate under the more stringent procedure.
6) Uses that are water-dependent must meet the criteria in Section 6.4270(1). Uses that are water-related must meet the criteria in Section 6.4270(2).
7) Uses that are not water-dependent shall not preclude or conflict with existing or probable future water-dependent uses on the site or in the vicinity.
8) Uses and activities permitted under Section 4.3620 of this zoned, Permitted Developments, are subject to the public notice provisions of Section 2.2040, if an impact assessment is required pursuant to Sections 6.3010 through 6.3050; or if a resource capability determination is required pursuant to Sections 6.3060-6.3070; or if a determination of consistency with the purpose of the AC-1 zone is required pursuant to Section 6.3080; or if the Community Development Director determines that the permit decision will require interpretation or the exercise of factual, policy, or legal judgment.

SECTION 4.3700. AQUATIC CONSERVATION TWO ZONE (AC-2)

Section 4.3710. Purpose and Areas Included.

The purpose of the AC-2 zone is to conserve designated areas of the Columbia River Estuary for long term uses of renewable resources that do not require major alterations of the estuary, except for the purpose of restoration. They are managed for the protection and conservation of the natural resources and benefits found in these areas. The AC-2 zone includes areas needed for maintenance and enhancement of biological productivity, recreational resources, aesthetic values, aquaculture and open water portions of the estuary. The AC-2 zone includes areas of smaller or of less biological importance than those in the Aquatic Natural zone and Aquatic Conservation One zone. Areas that are partially altered and adjacent to existing development of low to moderate intensity which do not possess the resource characteristics of other aquatic areas are also included in this zone.

Section 4.3720. Permitted Developments

The following uses and activities, and their accessory uses and activities, are permitted in the AC-2 zone under a Type I procedure, Section 2.1010, and subject to the provisions of Section 4.3650, Development Standards:

1) Undeveloped low intensity water-dependent recreation.
2) Passive restoration measures.
3) Navigational aids.
4) Vegetative shoreline stabilization.
5) Projects for the protection of habitat, nutrient, fish, wildlife and aesthetic resources.
6) Research and educational observations.
7) Emergency repair to existing functional and serviceable dikes.
8) Temporary dike for emergency flood protection, subject to state and federal requirements.
9) New floating residences and reorientation of existing floating residences within the John Day exception area as described in the Comprehensive Plan and subject to standards in 6.4070.
10) Piling and dredging in conjunction with permitted uses (3) and (5) through (9) listed above, pursuant to the applicable standards in Sections 6.4080 and 6.4200.
11) Filling in conjunction with permitted uses (5), (7) and (8) listed above, pursuant to the applicable standards in Section 6.4210.
12) Land transportation facilities as specified in Section 4.0300.

Section 4.3730. Review Developments

The following uses and activities, and their accessory uses and activities, are allowed as Review Uses in the AC-2 zone under a Type II procedure, Section 2.1020, when authorized in accordance with Sections 2.5000-2.5040 Development and Uses Permitted with Review. These uses and activities are also subject to the provisions of

Section 4.3750, Development Standards:

1) Individual docks, and boat ramps for public use where neither dredging nor filling for navigation access is needed.
2) Pipelines, cables and utility crossings.
3) Maintenance and repair of existing structures or facilities, including dikes.
4) Installation of tidegates in existing functional dikes.
5) Structural shoreline stabilization.
6) Water dependent portions of an aquaculture facility which do not involve dredge or fill or other estuarine alteration other than incidental dredging for harvest of benthic species or removable in-water structures such as stakes or racks.
7) Estuarine enhancement.
8) Bridge crossings.
9) Piling in conjunction with the review uses (1) through (9) listed above, pursuant to the applicable standards in Section 6.4080.
10) Dredging in conjunction with the review uses (2) through (11) listed above, pursuant to the applicable standards in Section 6.4200.
11) Filling in conjunction with the review uses (2) through (7), (10), and (11) listed above, pursuant to the applicable standards in Section 6.4210.

It must be determined that the following uses and activities, and their accessory uses and activities, meet the resource capability of the Aquatic Conservation zone in which they occur, subject to the procedures in Sections 6.3060-6.3080 Resource Capability Determination.

13) Dredging to obtain fill material for dike maintenance.
14) Temporary alterations.
15) Temporary uses involving an existing structure or involving new facilities requiring minimal capital investment and no permanent structures.
16) Piling, dredging or filling associated with the review uses (16) through (18) listed above, pursuant to the applicable standards in Sections 6.4080, 6.4200, and 6.4210.

Section 4.3740. Conditional Developments

The following uses and activities, and their accessory uses and activities, are allowed as Conditional Uses in the AC-2 zone under a Type II procedure, Section 2.1020, when authorized in accordance with Sections 2.4000-2.4050 Conditional Development and Use. These uses and activities are also subject to the provisions of Section 4.3750, Development Standards. It must also be determined that the uses and activities meet the resource capability of the Aquatic Conservation Two zone pursuant to Sections 6.3060-6.3080 Resource Capability Determination.

1) Storm water and treated wastewater outfalls.
2) High intensity water-dependent recreation, including boat ramps and marinas.
3) Mining and mineral extraction.
4) Water-dependent portions of aquaculture facilities.
5) Minor navigational improvements.
6) Log storage and other water-dependent uses requiring occupation of water surface area by means other than dredge or fill.

7) Active restoration measures for purposes other than for habitat protection, nutrient, fish, wildlife and aesthetic resources.
8) Piling in conjunction with any of the conditional uses (1) through (6) listed above, pursuant to the applicable standards in Section 6.4080.
9) Dredging in conjunction with any of the conditional uses (1) through (5), and (7) listed above, pursuant to the applicable standards in Section 6.4200.
10) Filling in conjunction with any of the conditional uses (1), (4) and (7) listed above, pursuant to the applicable standards in Section 6.4210.

Section 4.3750. Development Standards

1) All uses and activities shall satisfy applicable regional policies contained in the Comprehensive Plan, Estuarine Resources and Coastal Shorelands element.
2) All uses and activities shall satisfy Columbia River Estuary Shoreland and Aquatic Use and Activity Standards contained in the Land and Water Development and Use Code.
3) All other applicable ordinance requirements shall also be satisfied.
4) A proposal which requires new dredging, fill, in-water structures, riprap, net log storage areas, water intake or withdrawal and effluent discharge, in-water disposal of dredged material, beach nourishment, application of pesticides and herbicides, or other activities which could affect the estuary's physical processes or biological resources is subject to an Impact Assessment, Sections 6.3010-6.3050.
5) When a development permit proposal includes several uses, the uses shall be reviewed in aggregate under the more stringent procedure.
6) For an expanded water-dependent commercial use of surface area (see Section 4.3640,(6)), the following criteria are established and may be required by the Planning Commission:
   (A) That the need for additional aquatic area cannot be met at other alternative locations in the County;
   (B) That the increase in use of estuarine aquatic area will result in minimal additional impacts to fish and wildlife;
   (C) That the increase in use of estuarine aquatic area will not result in adverse impacts on the navigability of the area or adversely affect other commercial uses of adjacent aquatic areas;
   (D) That the need for additional surface area to accommodate the proposed activity is precisely delineated and sufficient information presented warranting expansion.
7) Uses that are water-dependent must meet the criteria in Section 6.4270(1). Uses that are water-related must meet the criteria in Section 6.4270(2).
8) Uses and activities permitted under Section 4.3620 of this zone, Permitted Developments, are subject to the public notice provisions of Section 2.2040, if an impact assessment is required pursuant to Sections 6.3010 through 6.3050; or if a resource capability determination is required pursuant to Sections 6.3060-6.3080, or if a determination of consistency with the purpose of the AC-2 zone is

required pursuant to Section 6.3080; or if the Community Development Director determines that the permit decision will require interpretation or the exercise of factual, policy, or legal judgment.

SECTION 4.3800. CONSERVATION SHORELANDS ZONE (CS).

Section 4.3810. Purpose and Areas Included.

This zone is intended to conserve Columbia River Estuary shorelands which provide important resource or ecosystem support functions and to designate areas for long term uses of renewable resources that do not require major alterations of the estuary, except for the purpose of restoration. They are managed for the protection and maintenance of water quality, fish and wildlife habitat, water-dependent uses, economic resources, aesthetic values and recreation. Uses of these shorelands shall be compatible with characteristics and uses of the adjacent estuarine waters.

Section 4.3820. Permitted Developments

The following uses and activities and their accessory uses and activities, are permitted in the CS zone under a Type I procedure, Section 2.1010, and subject to the provisions of Section 4.3850, Development Standards:

1) Low intensity recreation.
2) Navigational aids.
3) Vegetative shoreline stabilization.
4) Emergency repair to existing functional and serviceable dikes.
5) Temporary dike for emergency flood protection, subject to state and federal requirements, limited to 60 days.
6) Agriculture.
7) Forest activities.
8) Dredged material disposal including beach nourishment at sites designated in the Comprehensive Plan.
9) Passive restoration measures.
10) Land transportation facilities as specified in Section 4.0300.

Section 4.3830. Review Developments

The following uses and activities, and their accessory uses and activities, may be permitted as Review Uses in the CS zone under a Type II procedure, Section 2.1020, when authorized in accordance with Sections 2.5000-2.5040 Development and Use Permitted with Review, and subject to the provisions of Section 4.3850, Development Standards.

1) Structural shoreline stabilization.
2) Maintenance and repair of existing structures and facilities, including dikes.
3) Excavation to create new water surface area.
4) Active restoration, mitigation.
5) Individual dock or moorage or public recreational boat ramp with minimal on-shore facilities.

Section 4.3840. Conditional Developments

The following uses and activities, and their accessory uses and activities, may be permitted as Conditional Uses in the CS zone under a Type II procedure, Section 2.1020, when authorized in accordance with Sections 2.4000-2.4050 Conditional Development and Use, and subject to the provisions of Section 4.3850, Development Standards.

1) Marine research and education facilities.
2) High intensity water-dependent commercial and recreational facilities including boat ramps, moorages, or marina facilities.
3) Aquaculture facilities.
4) Log storage and sorting yard.
5) Public utility structure.
6) Land transportation facilities.
7) Landfalls and access corridors for sewer line, water line, submerge cables or other pipeline crossing.
8) New dike and tide-gate construction.
9) Storm water and treated wastewater outfalls.

Section 4.3850. Development Standards

1) All uses and activities shall satisfy applicable regional policies contained in the Comprehensive Plan, Estuarine Resources and Coastal Shorelands Element.
2) All uses and activities shall satisfy applicable Columbia River Estuary Shoreland and Aquatic Use and Activity Standards contained in the Land and Water Development and Use Code.
3) All other applicable ordinance requirements shall be satisfied.
4) Shoreline setbacks shall meet the requirements of development standards 6.4220, Riparian Vegetation Protection.
5) When a proposal includes several uses, the uses shall be reviewed in aggregate under the more stringent procedure.
6) Uses that are water-dependent must meet the criteria in Section 6.4270(1). Uses that are water-related must meet the criteria in Section 6.4270(2).
7) Uses that are not water-dependent shall not preclude or conflict with existing or probable future water dependent uses on the site or in the vicinity.

SECTION 4.3900. ECOLA AQUATIC CONSERVATION ZONE (EAC).

Section 4.3910. Purpose.

The purpose of the EAC zone is to designate areas for long-term uses of renewable resources that do not require major alteration of the estuary, except for the purpose of restoration. These areas shall be managed to conserve the natural resources and benefits. These shall include areas needed for maintenance and enhancement of biological productivity, recreational and aesthetic uses. Included are tracts of significant habitat, and recreational shellfish beds. Areas which are partially altered and adjacent to existing development of moderate intensity are also included.

Section 4.3920. Permitted Developments

The following uses and activities, and their accessory uses and activities, are permitted under a Type I procedure, Section 2.1010, subject to applicable development standards in Section 4.3950.

1) Passive restoration measures.
2) Vegetative shoreline stabilization.
3) Research and educational observations.
4) Emergency repair to existing dikes, subject to state and federal requirements.
5) Temporary dike for emergency flood protection, limited to 60 days, subject to state and federal requirements.
6) Maintenance and repair of dikes.
7) Undeveloped low intensity, water-dependent recreation.
8) Emergency repair to the existing Highway 101 bridge or in an emergency situation, temporary bridge crossing, bridge crossing support structures and any necessary filling or dredging necessary for their installation, limited to 60 days, subject to state and federal requirements.
9) Property line adjustment.
10) Land transportation facilities as specified in Section 4.0300.

Section 4.3930. Conditional Developments

The following uses and activities, and their accessory uses and activities, may be permitted under a Type II procedure, Section 2.1020, and Sections 2.4000 to 2.4050 Conditional Development and Use, and subject to applicable criteria and development standards of Section 4.3950 and site plan review:

1) Submerged cable, sewer line, water line, or other pipeline.
2) Maintenance and repair of structures or facilities existing as of October 7, 1977, which no longer meet the purposes of the Ecola Aquatic Conservation zone.
3) Bridge crossings.

Section 4.3940. Conditional Developments Subject to Use and Resource Capability

The following uses and activities and their accessory uses and activities may be permitted under a Type II procedure, Section 2.1020, and Sections 2.4000 to 2.4050

Conditional Development and Use, and subject to applicable criteria and development standards of Section 4.3950 and site plan review.

1) Riprap shoreline stabilization.
2) Storm water and treated wastewater outfalls.
3) Active restoration of fish habitat, wildlife habitat or water quality.
4) Bridge crossing support structures and dredging necessary for their installation.
5) Dredging, fill, or piling installation necessary for the installation of a conditional use listed above.
6) Uses and activities permitted by an approved Goal Exception.
7) Temporary alterations.

Section 4.3950. Additional Development Standards and Procedural Requirements

1) All uses shall satisfy applicable standards of the Land and Water Development and Use Code. Where a proposal involves several uses, the standards applicable to each use shall be satisfied.
2) When a proposal includes several uses, the uses shall be reviewed in aggregate under the more stringent procedure. In addition, a proposal with several uses shall be reviewed in aggregate for consistency with the resource capability and purposes of the EAC zone, when a resource capability determination is required.
3) All applicable policies in the County Comprehensive Plan shall be adhered to.
4) A proposal which requires new dredging, fill, in-water structures, riprap, water in-take or withdrawal and effluent discharge, application of pesticides and herbicides, or other activities which could affect the estuary's physical processes or biological resources is subject to an Impact Assessment, Section 6.2000.
5) No use shall be allowed in the EAC zone which would cause a major alteration of the estuary.
6) Uses and activities permitted under Section 4.3920 of this zone, Permitted Developments, are subject to the public notice provisions of Sections 2.2040, if an impact assessment is required pursuant to Section 6.2000; or if a resource capability determination is required pursuant to Section 6.2020; or if a determination of consistency with the purpose of the EAC zone is required pursuant to Section 6.2020; or if the Community Development Director determines that the permit decision will require interpretation or the exercise of factual, policy, or legal judgment

SECTION 4.4000. LAKE AND WETLANDS ZONE (LW).

Section 4.4010. Purpose

The purpose of the LW zone is to assure the conservation of important shoreland and wetland biological habitats and conserve examples of different natural ecosystem types and to assure a diversity of species and ecological relations in Clatsop County.

Low intensity uses which do not result in major alterations are appropriate in this zone. Low to moderate intensity recreation is appropriate in coastal lakes.

This zone includes coastal and non-coastal lakes, significant non-estuarine freshwater marshes and important upland biological habitat.

The freshwater marshes in this district are of two categories: those designated under Goal 17 which were formed by coastal processes, and those designated under Goal 5.

Section 4.4020. Zone Boundaries

The zone shall be designated on the Clatsop County Land and Water Development and Use Ordinance zoning map, and shall conform to the 1" to 400' photocontour maps entitled "Significant Shoreland and Wetland Biological Habitats" on file at the Clatsop County Department of Community Development office and hereby adopted by reference.

Section 4.4030. Development and Use Permitted

The following developments are permitted under a Type I procedure subject to the applicable development standards:

1) Low intensity recreation.
2) Passive restoration.
3) Vegetative shoreline stabilization.
4) Submerged cable, sewerline, waterline or other pipeline.
5) Maintenance and repair of existing structures.
6) Cultivation and harvest of cranberries, including irrigation equipment, pumps and ditches necessary for the management and protection of cranberries. This use is permitted only in the Delmoor Loop Road area as described in the County's Goal 5 Element.
7) Bridges and pile supported walkways or other piling supported structures under 500 sq.ft., other than docks.
8) Land transportation facilities as specified in Section 4.0300.

Section 4.4040. Conditional Development and Use Permitted

The following developments may be permitted under a Type II procedure and Sections 2.4000 to 2.4050 subject to applicable criteria and development and site plan review:

1) Active restoration.

2) Structural shoreline stabilization limited to riprap.
3) Boat launch.
4) Bridges and pile supported walkways or other piling supported structures 500 sq. ft. or greater, other than docks.
5) Individual docks limited to 500 square feet for recreational or fishing use and necessary piling.
6) Vegetation removal from coastal lakes east of U.S. Highway 101 that is acceptable to the Oregon Department of Fish and Wildlife and other state and federal agencies.
7) Developments necessary for and accessory to cranberry cultivation and harvest, including equipment storage sheds, access roads and temporary cranberry storage facilities, but not including a residence. This use is permitted conditionally only in the Delmoor Loop Road area as described in the County's Goal 5 Plan Element.

Section 4.4050. Additional Conditional Uses and Activities Permitted in Goal 5 Wetlands

The following uses may be permitted under a Type II procedure and Sections 2.4000 to 2.4050 subject to applicable standards. In addition, the use must be analyzed by the procedure in the Goal 5 Administrative Rule (OAR 660-16) and meet either Section 3B or 3C of that rule.

1) Low intensity, non-structural agricultural uses subject to standards in 6.6010.
2) Selective harvesting of timber, subject to standards in 6.6020.

Section 4.4060. Development and Conditional Development and Use Standards

1) All standards as set forth in the Clatsop County Land and Water Development and Use Code, as amended.
2) Uses that are not water-dependent or water-related shall be set back to the extent of riparian vegetation identified in the Comprehensive Plan. Riparian vegetation shall be protected in accordance with Section 6.5000. At such time that a development is proposed in the vicinity of the wetlands area, the county may require a site investigation to determine the exact location or the boundary. The site investigation shall be performed by a qualified expert, such as a biologist from the U.S. Army Corps of Engineers, Oregon Division of State Lands, or the Oregon Department of Fish and Wildlife. Nothing in this provision shall allow for a redefinition or major alteration of the wetlands boundary. In order to maintain consistency, the site investigation shall employ the same criteria originally used to identify freshwater wetlands in the County. (The study performed by Dr. Duncan Thomas of CREST, entitled *Significant Shoreland and Wetland Habitats in the Clatsop Plains*).

SECTION 4.4100. NECANICUM ESTUARY AQUATIC CONSERVATION ZONE (NAC-2).

Section 4.4110. Purpose

To provide for aquatic areas which shall be managed for low to moderate intensities of use. These aquatic areas can withstand limiting amounts of adjacent development or alteration and are consistent with the intent of the overall goals and policies of the estuary section of the Comprehensive Plan. Uses and activities within this zone must be managed for maintenance of resource and recreational benefits. Aquatic conservation areas may include water areas of the estuary and valuable salt marshes and tideflats of lesser biological significance than those in the NAN-1 zone.

Section 4.4120. Development and Use Permitted

The following development and use and their accessory uses are permitted under a Type I procedure subject to the Development and Use Standards, Section 4.4140:

1) Navigational aids.
2) Research and education observation.
3) Passive restoration.
4) Vegetative shoreline stabilization.
5) Temporary dike for emergency flood protection, limited to 60 days subject to state and federal requirements.

Section 4.4130. Conditional Development and Use

The following developments may be permitted under a Type II procedure and Sections 2.4000 to 2.4050, and site plan review and the Development and Use Standards of Section 4.4140. It must also be determined if these uses and activities meet the resource capability of the Aquatic conservation area in which the uses and activities occur and if the uses and activities are consistent with the purpose of the Aquatic Natural zone, as stated above. The procedure of Section 6.2020, Resource Capability Determination, will be used to make this determination.

1) Water-dependent portions of aquaculture facilities.
2) Boat ramp.
3) Docks, piers, moorages.
4) Maintenance and repairing structures or facilities existing as of October 7, 1977 which no longer meet the purposes of the Aquatic Conservation zone.
5) Storm water and treated waste water outfalls.
6) Submerged cable, sewer line, water lines, and other pipelines.
7) Bridge crossings.
8) Mining and mineral extraction.
9) Active restoration.
10) Dredging, fill or piling necessary for the installation of a Conditional Use (1-10).
11) Maintenance dredging of existing facilities.

12) Piling in conjunction with a navigational aid or single dock or pier.
13) Structural shoreline stabilization limited to riprap.
14) Property line adjustment.

Section 4.4150. Development and Use Standards

The following standards are applicable to developments in this zone:

1) All uses shall satisfy applicable standards in Articles 1-6 of the Land and Water Development and Use Code. All uses shall also satisfy applicable standards in Section 6.4000, Shoreline and Aquatic Development, of Article 6 of the Land and Water Development and Use Code. Where a proposal involves several uses, the standards applicable to each use shall be satisfied (e.g. dredge, fill, shoreline stabilization, piling installation or other activities in conjunction with an aquaculture facility shall be subject to the respective standards for these uses).
2) When a proposal includes several uses, the uses shall be reviewed in aggregate under the more stringent procedure. In addition, a proposal with several uses shall be reviewed in aggregate for consistency with the resource capability and purposes of the Aquatic Conservation zone, when a resource capability determination is required.
3) All policies in the Comprehensive Plan shall be adhered to.
4) All other applicable ordinance requirements shall also be satisfied.
5) Uses and activities shall be preceded by a clear presentation of the impacts of the proposed alteration, subject to the requirements of Section 6.2000, Impact Assessment.
6) No use shall be allowed in an Aquatic Conservation zone which would cause a major alteration of the estuary.
7) The maximum height of structures shall be 20 feet, except where the height is necessary and appropriate.
8) A development project which is determined to require an Environmental Impact Study through the Corps of Engineers permit process shall be allowed only:
   (A) if required for navigation or other water-dependent uses that require an estuarine location, and
   (B) if a public need is demonstrated, and
   (C) if no alternative upland locations exist, and
   (D) if adverse impacts are minimized as much as feasible.

Aquaculture use

1) Structures and activities associated with an aquaculture operation shall not unduly interfere with navigation.
2) Water diversion or other shoreline structures shall be located so as not to unduly interfere with public shoreline access. Public access to the facility shall be provided consistent with safety and security considerations.

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

Boat ramps

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

Dock/moorage

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

the bottom at low water.

Fills

1) Where fills are permitted, the fill shall be the minimum necessary to accomplish the proposed use.
2) Fills shall be permitted only after it is established through environmental impact assessments that negative impacts on the following factors will be minimized:
   (A) Navigation
   (B) productive estuarine habitat
   (C) water circulation and sedimentation patterns
   (D) water quality
   (E) recreation activities
3) Where existing public access is reduced, suitable public access as part of the development project shall be provided.
4) Aquatic areas shall not be used for sanitary landfills or the disposal of solid waste.
5) Fill in an intertidal or tidal marsh area shall not be permitted.
6) Fills shall be permitted only in areas where alteration has taken place in the past, such as the riprap bank of the Necanicum River in downtown Seaside.
7) The following uses and activities shall be permitted with the following findings of fact:
   (A) Maintenance and protection of man-made structures (riprap or other shoreline protection)
   (B) Active restoration if a public need is demonstrated.
   (C) Aquaculture if:
      1) an estuarine location is required;
      2) a public need is demonstrated;
      3) no alternative upland locations exist for the portion of the use requiring fill; and
      4) adverse impacts are minimized as much as feasible.
   (D) High intensity water-dependent recreation and minor navigational improvements if:
      1) the findings of (7)(C)(*1-4*) are made; and
      2) if consistent with the resource capabilities of the area and the purposes of the management unit.
   (E) Flood and erosion control structures if:
      1) required to protect a water-dependent use, as otherwise allowed in (7)(B)-(D);
      2) land use management practices and non-structural solutions are inadequate to protect the use;
      3) there is no alternative upland locations for the portion of the use being protected;
      4) an estuarine location is required by the use;

5) a public need is demonstrated; and
6) adverse impacts, to include those on water currents, erosion and accretion patterns, are minimized as much as feasible.

(F) Fill and/or erosion control.

Dredging shall only be permitted when it is shown that there is a public need, that adverse impacts are minimized as much as possible, and that no alternative site can be found.

Land transportation facilities

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

Maintenance dredging - (Necanicum River only)

1) Dredging shall not occur in marshes, tide flats, or other productive subtidal areas as determined by the state and federal permit process.
2) Dredging shall be permitted in areas of the Necanicum River with lower productivity and only to the extent necessary to achieve a minor navigational improvement.
3) Dredging shall be permitted for high intensity recreation purposes, including a moorage or small marina, where such use conforms with the above standards and goals of this plan.
4) Dredging other than for aquaculture or restoration shall be limited to the main channel of the Necanicum River.
5) In evaluation of a proposal for dredging, in conjunction with high intensity recreation or aquaculture, the effects of both the initial dredging and subsequent maintenance dredging must be considered.
6) Any proposal requiring dredging shall include a long-term program for the disposal of dredged material.
7) Any dredging proposal shall include a program detailing how effects shall be mitigated by creation or restoration of another area of similar biological potential to ensure that the integrity of the estuarine ecosystem is maintained.

Marina

1) The applicant shall provide evidence to show that existing marina facilities are

inadequate to meet the demand and that existing facilities cannot feasibly be expanded.

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

Piling

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

Restoration/resource enhancement - active

1) Conditional use applications for active restoration/resource enhancement should be accomplished by an explanation of the purpose of the project and the resource(s) to be restored or enhanced. The project shall be allowed only if consistent with the resource capabilities and purpose of the designation of the area and the other adjacent uses.

2) Aquaculture shall be evaluated under those standards.

Shoreline stabilization

1) General standards.
   (A) Preferred methods.
      1) Property management of existing streamside vegetation is the preferred method of stabilization, followed by planting of vegetation. Where vegetative protection is inappropriate (because of high erosion rate, the use of the site or other factors) structural means such as riprap may be used as a last resort.
      2) In the placement of stabilization materials, factors to be considered include, but are not limited to: effects on bird and wildlife habitat, uses of lands and waters adjacent to the bank, effects on fishing areas, effects on aquatic habitat, relative effectiveness of the various structures, engineering feasibility, cost and erosion, flooding and sedimentation of adjacent areas.
   (B) Emergency repair to shoreline stabilization facilities is permitted, notwithstanding the other regulations in these standards, subject to those standards imposed by the State of Oregon, Division of State Lands and the U.S. Army Corps of Engineers.
   (C) Conditional use application for shoreline stabilization shall be based on a demonstration of need and consistency with the intent of the designation of the area and the resource capabilities of the areas. Impacts shall be minimized.
2) Standards for revegetation and vegetation management.
   (A) Plant species shall be selected to insure that they provide suitable stabilization and value for wildlife. Justification shall be presented as to the necessity and feasibility for use of a bank with a slope greater than 2:1 (horizontal to vertical). Trees, shrubs and grasses native to the area are generally preferred.
   (B) The area to be revegetated should be protected from excessive livestock grazing or other activities that would hinder plant growth.
3) Standards for riprap.
   (A) Good engineering and construction practices shall be used in the placement of riprap, with regard to slope, sizes, composition and quality of material, excavation of the toe trench, placement of a gravel fill blanket and operation of equipment in the water. State and federal agency regulations should be consulted in this regard.
   (B) Riprapped banks should be vegetated to improve bird and wildlife habitat, where feasible.
   (C) Shoreline protection measures shall not restrict existing public access to public shorelines.
   (D) Shoreline protection measures should be designed to minimize their impacts on the aesthetic qualities of the shoreline.

(E) Bankline protection is not in itself a way to increase land surface area. Where severe erosion has occurred, fill may be used to obtain the desired bank slope and restore the previous bank line. Any extension of the bank line into traditional aquatic areas shall be subject to the standards for fill. Disruption of tidal marsh, tidal flat and productive subtidal areas shall not be permitted.

(F) Construction of shoreline protection measures shall be coordinated with state and federal agencies and local interests to minimize the effects on aquatic resources and habitats. Relevant state and federal water quality standards shall be met. Stream channelization should be avoided.

(G) Use of fill material for shoreline protection shall be permitted for maintenance of manmade structures existing as of October 7, 1977.

Utilities

1) Overhead electrical or communication transmission lines shall be located so as not to unduly interfere with migratory bird flyways and significant habitat of resident waterfowl, birds of prey and other birds. In cases of serious conflict, utility facilities should be located underground.
2) Applications for a utility facility, including cable crossings, shall provide evidence as to why an aquatic site is needed, the alternative locations considered, and the relative impacts of each. Crossings shall avoid disrupting marsh areas wherever it is engineering feasible.
3) Utility facilities shall not be located on new fill land unless part of an otherwise approved project and no other alternative exists.
4) Aboveground utility facilities shall be designed to have the least adverse effect on visual and other aesthetic characteristics of the area.
5) Effluents from point-source discharges shall meet all applicable state and federal water and air quality standards. Monitoring shall be carried out so as to determine the on-going effects on the estuarine environment.
6) After installation or maintenance is completed, banks shall be replanted with native species or otherwise protected against erosion. The pre-project bank line shall be maintained as closely as possible.
7) Storm water shall be directed into existing natural drainages wherever possible, and shall be dispersed into several locations so as to minimize the impact on the estuary. When adjacent to salt marshes and/or natural areas, special precautions shall be taken to insure contamination of the marsh by oil, sediment or other pollutant does not occur. This may be through use of holding ponds, weirs, dry wells, or other means.

SECTION 4.4200. OPEN SPACE, PARKS, AND RECREATION ZONE (OPR).

Section 4.4210. Purpose.

The OPR zone is intended to provide for the conservation of open space; the protection and development of areas uniquely suited for outdoor recreation and the protection of designated scenic, natural and cultural resource areas.

Section 4.4220. Development and Use Permitted

The following developments and their accessory developments are permitted under a Type I procedure subject to applicable development standards.

1) Farm use.
2) Forest use.
3) Wildlife refuge or management area.
4) Public regional park or recreation area excluding campgrounds.
5) Historical or archaeological site/area.
6) Golf courses except in areas identified as Coastal Shorelands.
7) R.V. Park subject to Section 3.5000-3.5020 except in the Clatsop Plains Planning Area.
8) Other watersheds.
9) Public or private neighborhood park or playground.
10) Golf driving range.
11) Municipally owned watersheds.
12) Accessory development customarily provided in conjunction with the above developments.
13) Low intensity recreation.

Section 4.4230. Conditional Development and Use

The following developments and their accessory developments may be permitted under a Type II procedure and Sections 2.4000 to 2.4050 subject to applicable criteria and development standards and site plan review.

1) Campground, primitive except in areas identified as Coastal Shorelands.
2) Group camping facilities (e.g. youth, church) except in areas identified as Coastal Shorelands.
3) Hunting and fishing clubs except in areas identified as Coastal Shorelands.
4) Hiking, nature observation or horse trails.
5) Marinas, boat launchings and moorage facilities.
6) Structures for viewing or exhibition of natural resources.
7) Cemetery except in areas identified as Coastal Shorelands.
8) Other developments within a historical structure provided the use would not result in the modification of the outward appearance of the structure.
9) Riding stables except in areas identified as Coastal Shorelands.
10) Accessory development customarily provided in conjunction with the above developments.

Section 4.4240. Conditional Development and Use Criteria

The following limitations and requirements shall apply to conditional developments:

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

Section 4.4250. Dimensional and Use Standards

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

1) Setbacks. No structures shall be placed closer than 100 feet to perennial streams, lakes or other water bodies or closer than 60 feet to arterials, collectors or public roads and highways or closer than 20 feet to other roads and property lines.
2) Utility Services. All utility services, including power and telephone, shall be installed underground where physical conditions permit.
3) Building Height. Maximum height for all structures shall be 35 feet or the maximum height allowed in an adjacent zone that has a lower maximum height standard.
4) Area and Lot Size. The minimum area and lot size shall be that determined to be necessary for the protection of health and natural resources.
5) An accessory structure separated from the main building shall be located in accordance with yard setback requirements.

SECTION 4.4300. QUARRY AND MINING ZONE (QM).

SECTION 4.4310. PURPOSE.

The intent of this zone is to protect aggregate and other mineral sites from incompatible uses where such material is needed for primarily non-forest uses. Good quality aggregate and mineral sites are uncommon in the County and are vital to a healthy and growing economy. These sites should be protected from conflicting uses, primarily structures which would preempt an extractive resource use.

Section 4.4320. Application

The QM zone applies to sites shown by a "QM" letter designation on the County zoning map and described on a list in the Department of Community Development. Generally, sites are located to the nearest quarter section, although some sites are listed only by section, as per State Department of Geology and Mineral Industries permits. The QM District applies only to that portion of the listed section upon which the rock resource is located.

There are a number of existing and potential rock pits and stockpile sites which are not designated on the County map due to lack of adequate information concerning the sites. It is anticipated that many of those sites will be designated QM upon further information and a Goal 5 analysis and Comprehensive Plan amendment.

Section 4.4330. Development and Use Permitted

The following developments and uses and their accessory developments and uses are permitted under a Type I procedure subject to applicable development standards.

1) Surface or subsurface mining.
2) Concrete, ready-mix, or asphalt batching plant accessory to and on the same site as an existing or approved surface or subsurface mining operation, and subject to the standards in the Light Industrial (LI) zone Section 4.1740(3).
3) Offices, warehouses and maintenance buildings appropriate to uses permitted in the district.
4) Forestry.
5) Farm use.
6) Low-intensity recreation.
7) Rock crushing subject to standards in Section 4.4350.
8) Property line adjustment.
9) Land transportation facilities as specified in Section 4.0300.

Section 4.4340. Conditional Development and Uses

None.

Section 4.4350. Development and Use Standards

1) Lot size shall be based upon:
   (A) The site need of the proposed use,

(B) The nature of the proposed use in relation to its impact on nearby properties, and

(C) Consideration of state sanitation and other requirements, local setback and other criteria and standards of the Ordinance.

2) Setbacks:

(A) Excavation shall not be conducted closer than 100 feet to any residence or residential district.

(B) Equipment and structures shall not be built or located closer than 50' from the perimeter boundary or the right-of-way of an existing road, except when such boundary adjoins a residence or residentially zoned district, in which case such setback shall be 100'.

(C) Stockpiling of sand and gravel and sedimentation ponds shall be located no closer than 25' to the perimeter boundary or the right-of-way of an existing road.

3) Screen Landscape. Existing trees and natural vegetation shall be preserved along a public road or adjoining a residential district for a width of 50' or within the minimum setback, whichever is less.

4) Road Conditions. All private access and service roads shall be maintained in a dust-free condition during intensive operations.

5) Safety Fencing. Prior to operations which will result in open excavation with a depth of ten feet or more and a slope steeper than one vertical foot to two horizontal feet and which is located within 100' of a residentially occupied structure, a fence shall be erected at least ten feet outside the edge of the excavation at least four feet in height, to control access to such excavation.

6) Setbacks from Waterways. No mining or structural improvements shall occur within the riparian setbacks as specified in 6.5000. In no case, however, shall the minimum setback from a waterway be less than 25'.

7) Screening Vegetation. Any new mining or stockpile site which fronts on a public roadway shall be screened from such roadway by a line of vegetation sufficient to substantially block view of the site from the road. The vegetation shall be either native vegetation which is maintained or vegetation which is planted at the time of permit issuance and maintained for the life of the operation.

8) Rock Crushing. The crusher shall be licensed by the Department of Environmental Quality.

9) Other Applicable Standards. State and federal standards regarding air, water and noise discharges and reclamation of the site shall be followed as well as any other applicable state, federal or local standards.

SECTION 4.4400. RURAL COMMUNITY PARKS ZONE (RCP).

Section 4.4410. Purpose.

The RCP zone is intended to be applied to new and existing public and private parks in Rural Communities that contain significant natural values and recreation opportunities. These areas are intended to accommodate the type of recreational development that insures the maintenance of the site's natural values is intended to serve the rural community, surrounding rural area or the needs of people passing through the area.

Section 4.4420. Development and Use Permitted

The following uses and their accessory uses are permitted under a Type I permit procedure subject to applicable development standards.

1) Public regional park or recreation area excluding campgrounds.
2) Low intensity recreation.
3) Historical or archaeological site/area.
4) Public or private neighborhood park or playground.
5) Accessory development customarily provided in conjunction with the above developments.
6) Utilities, maximum utilization of existing easements and rights-of-way shall be made.
7) Land transportation facilities as specified in Section 4.0300.

Section 4.4430. Conditional Development and Use

The following commercial uses and their accessory uses are permitted under a Type II permit procedure subject to applicable development standards provided that commercial uses occur in a building or buildings that do not exceed the following area standards:

1) Campground, primitive.
2) Boat ramps.
3) Legally existing and allowed uses as of November 14, 2015, may continue as permitted uses.
4) By a Type III procedure, any uses determined by the Planning Commission to be similar in use and compatibility to those uses described under sections 1-3 above subject to the provisions of section 2.6000.

Section 4.4440. Conditional Development and Use

The following uses and their accessory uses are permitted under a Type II-a permit procedure subject to applicable development standards and site plan review.

1) Recreational Vehicle (RV) Park except in the Clatsop Plains Planning Area

Section 4.4450. Development and Use Standards

The following standards are applicable to all permitted uses in this zone.

1) Setback requirements:
   (A) Front yard setbacks: 25 feet.
   (B) Side and rear yard when abutting a residence or residential zone: 10 feet.
   (C) The setbacks for all structures shall be thirty-five feet (35) from the line of non-aquatic vegetation.
   (D) All structures shall be a minimum of fifty feet (50) from adjacent resource zones.
2) Building height: 35 feet
3) Off-street parking requirements: Off-street parking shall be subject to Section S3.0050.
4) Recreational Vehicle (RV) Park subject to the following provisions:
5) Density, Maximum fifteen (15) RV spaces per acre.
   (A) Minimum 30-foot setback to any adjoining residential zone.
   (B) Minimum 50-foot setback to any adjoining resource zone.
   (C) Subject to meeting the State Building Code requirements; and
   (D) Subject to provisions of Sections 3.5000 – 3.5020 (2) (I)(J)(K) and (3)-(10) inclusive.

SECTION 4.4500. RECREATION MANAGEMENT ZONE (RM).

Section 4.4510. Purpose.

This zone is intended to be applied to existing public and private parks particularly those that contain significant natural values. These areas are intended to accommodate the type of recreational development that insures the maintenance of the site's natural values.

Section 4.4520. Development and Use Permitted

The following developments are permitted under a Type I procedure subject to the applicable development standards:

1) General maintenance and operation of existing recreation facilities.
2) Recreational improvements and additions necessary to serve the same visitor capacity served by the existing facilities provided that off-site impacts are not disturbed.
3) Low intensity recreation.

Section 4.4530. Conditional Development and Use Permitted

The following developments may be permitted under a Type II procedure and Sections 2.4000 to 2.4050 subject to applicable criteria and development standards and site plan review:

1) Recreational improvements and additions that will increase visitor capacity, off-site impacts, or impact areas exhibiting significant natural values.
2) R.V. Park subject to Sections 3.5000-3.5020 except in the Clatsop Plains Planning Area, consistent with County Recreation Plan or Master Plan.
3) Campground, primitive consistent with County Recreation Plan or Master Plan.
4) Boat ramps subject to Sections 5.4100-5.4170 for areas identified as Coastal Shorelands in the Comprehensive Plan.

Section 4.4540. Development and Conditional Development and Use Standards

1) As part of either a permitted or conditional use request, the Community Development Director may approve master plans for an entire recreational area. Approval of a master plan would allow all uses provided in the master plan without further review. Minor changes in the master plan which do not increase visitor capacity, or have off-site impacts, or affect areas with significant natural values, may be approved by the Community Development Director under a Type I procedure. Major changes to the master plan including alterations that would increase visitor capacity, off-site impacts, or areas with significant natural values shall be subject to a Type II procedure.
2) An accessory structure separated from the main building shall be located in accordance with yard setback requirements.

SECTION 4.4600. AQUATIC NATURAL ZONE (AN)

Section 4.4610. Purpose

The purpose of the AN zone designation is to assure the preservation and protection of significant fish and wildlife habitats; continued biological productivity of the Columbia River estuarine resources; and scientific research and educational opportunities. These areas are managed to preserve natural resources in recognition of dynamic, natural, geological and evolutionary processes. The AN zone includes all tidal marshes, tidal flats, and seagrass and algae beds. AN zones may also include ecologically important subtidal areas. This designation is intended to preserve those natural aquatic resource systems existing relatively free of human influence.

Section 4.4620. Permitted Developments

The following uses and activities, and their accessory uses and activities, are permitted in the AN zone under a Type I procedure, Section 2.1010, and subject to the provisions of Section 4.4650, Development Standards:

1) Undeveloped low intensity water-dependent recreation.
2) Passive restoration measures.
3) Navigational aids.
4) Vegetative shoreline stabilization.
5) Emergency repair to existing functional and serviceable dikes.
6) Estuarine research and educational observation.
7) Projects for the protection of habitat, nutrient, fish, wildlife and aesthetic resources
8) Piling in conjunction with permitted uses (1) through (7) listed above, pursuant to the applicable standards in Section 6.4080.
9) Dredging in conjunction with permitted uses (4) and (5) listed above, pursuant to the applicable standards in Section 6.4200.

Section 4.4630. Review Developments

The following uses and activities, and their accessory uses and activities, may be permitted as Review Uses in the AN zone under a Type II procedure, Section 2.1020, when authorized in accordance with Sections 2.5000-2.5040 Developments and Uses Permitted with Review. These uses and activities are also subject to the provisions of Section 4.4650, Development Standards.

1) Structural shoreline stabilization limited to riprap.
2) Maintenance and repair of existing structures or facilities, including dikes.
3) Bridge crossings.
4) Piling, dredging or filling in conjunction with review uses (1) and (2) above, pursuant to the applicable standards in sections 6.4080, 6.4200, 6.4210.

It must be determined that the following review uses and activities and their accessory uses and activities, meet the resource capability of the Aquatic Natural zone, subject to the procedures in Sections 6.3060-6.3080 Resource Capability Determination.

5) Water-dependent portions of an aquaculture facility which do not involve dredge of fill or other estuarine alteration other than incidental dredging for harvest of benthic species or removable in water structures such as stakes or racks.
6) Dredging to obtain fill material for dike maintenance.
7) Boat ramps for public use where neither dredging or filling for navigational access is needed.
8) Estuarine enhancement.
9) Temporary alterations.
10) Bridge crossing support structures.
11) Installation of tide gates in existing functional dikes.
12) Piling in conjunction with review uses (5), (7) and (9) through (11) listed above, pursuant to the applicable standards in Section 6.4080.
13) Dredging in conjunction with review uses (5), (6) and (8) through (11) listed above, pursuant to the applicable standards in Section 6.4200.
14) Filling in conjunction with review uses (8) through (10) listed above, pursuant to the applicable standards in Section 6.4210.

Section 4.4640. Conditional Developments

The following uses and activities, and their accessory uses and activities, may be permitted as Conditional Uses in the AN zone under a Type II procedure, Section 2.1020, when authorized in accordance with Sections 2.4000-2.4050 Conditional Development and Use. These uses and activities are also subject to the provisions of Section 4.4650, Development Standards. It must also be determined if these uses and activities meet the resource capability of the Aquatic Natural zone, subject to the procedures in Sections 6.3060- 6.3080 Resource Capability Determination.

1) Active restoration of fish and wildlife habitat or water quality.
2) Pipelines, cables and utility crossings.
3) Piling in conjunction with conditional uses (1) and (3) listed above pursuant to the applicable standards in Section 6.4080.
4) Dredging and filling in conjunction with conditional uses (1) through (3) listed above pursuant to the applicable standards in Sections 6.4200 and 6.4210.

Section 4.4650. Development Standards

1) All uses and activities shall satisfy applicable regional policies contained in the Comprehensive Plan, Estuarine Resources and Coastal Shorelands element.
2) All uses and activities shall satisfy applicable Columbia River Estuary Shoreland and Aquatic Use and Activity Standards contained in the Land and Water Development and Use Code.
3) All other applicable ordinance requirements shall be adhered to.
4) A proposal which requires dredging, fill, in-water structures, riprap, new log storage areas, application of pesticides and herbicides, water intake or withdrawal and effluent discharge, in-water disposal of dredged material, beach nourishment or other activities which could affect the estuary's physical processes or biological resources is subject to an Impact Assessment, Sections

6.3000-6.3050.

5) When a proposal includes several uses, the uses shall be reviewed in aggregate under the more stringent procedure.

6) Uses that are water-dependent must meet the criteria in Section 6.4270(1). Uses that are water-related must meet the criteria in Section 6.4270(2).

7) Uses and activities permitted under Section 4.4620 of this zoned, Permitted Developments, are subject to the public notice provisions of Section 2.2040, if an impact assessment is required pursuant to Sections 6.3010 through 6.3050; or if a resource capability determination is required pursuant to Sections 6.3060-6.3070; or if a determination of consistency with the purpose of the AN zone is required pursuant to Section 6.3080; or if the Community Development Director determines that the permit decision will require interpretation or the exercise of factual, policy, or legal judgment.

SECTION 4.4700. NATURAL SHORELANDS ZONE (NS).

Section 4.4710. Purpose

This zone is for Columbia River Estuary shoreland areas which should be managed for resource protection, preservation, restoration, and recreation, with severe restrictions on the intensity and types of uses permitted. Natural Shorelands zone includes areas of unique vegetative or wildlife habitat, and critical habitat of endangered or threatened species. This designation is intended to preserve those natural resource systems existing relatively free of human influence.

Section 4.4720. Permitted Developments

The following uses and activities, and their accessory uses and activities, are permitted in the NS zone under a Type I procedure, Section 2.1010, and subject to the provisions of Section 4.4750, Development Standards.

1) Navigational aids.
2) Low intensity recreation.
3) Vegetative shoreline stabilization.
4) Emergency repair to existing functional and serviceable dikes.
5) Research and educational observation.
6) Land transportation facilities as specified in Section 4.0300.

Section 4.4730. Review Developments

The following uses and activities, and their accessory uses and activities, may be permitted as Review Uses in the NS zone under a Type II procedure, Section 2.1020, when authorized in accordance with Sections 2.5000-2.5040 Development and Use Permitted with Review, and subject to the provisions of Section 4.4750, Development Standards:

1) Maintenance and repair of existing structures and facilities, including dikes.
2) Structural shoreline stabilization limited to riprap.

Section 4.4740. Conditional Developments

The following uses and activities, and their accessory uses and activities, may be permitted as Conditional Uses in the NS zone under a Type II procedure, Section 2.1020, when authorized in accordance with Sections 2.4000-2.4050 Conditional Development and Use, and subject to the provisions of Section 4.4750, Development Standards:

1) Marine research and/or education facilities.
2) Restoration, mitigation.
3) Landfalls and access corridors for sewer line, water line, submerged cables or other pipeline crossing.

Section 4.4750. Development Standards

1) All uses and activities shall satisfy applicable regional policies contained in the Comprehensive Plan, Estuarine Resources and Coastal Shorelands element.
2) All uses and activities shall satisfy Columbia River Estuary Shoreland and Aquatic Use and Activity Standards contained in the Land and Water Development and Use Code.
3) All other applicable ordinance requirements shall be satisfied.
4) Shoreline setbacks shall meet the requirements of development standard 6.4220, Riparian Vegetation Protection.

SECTION 4.4800. NATURAL UPLANDS ZONE (NU)

Section 4.4810. Purpose

The NU zone is intended to provide for the preservation of designated significant natural resource areas in the upland portions of the County. Emphasis is placed on the limitation and regulation of human activity in those areas to protect their unique, irreplaceable or fragile qualities.

Section 4.4820. Development and Use Permitted

The following developments and their accessory developments are permitted under a Type I procedure subject to applicable development standards.

1) Wildlife sanctuary or preserve.
2) Forest or plant preserve.
3) Low intensity recreation.

Section 4.4830. Conditional Development and Use

The following developments and their accessory developments may be permitted under a Type II procedure and Sections 2.4000 to 2.4050 subject to applicable criteria and development standards and site plan review.

1) Facilities for scientific and educational observation and experimentation.
2) The following public recreational/educational development limited to day use and provided that the development does not destroy or endanger the natural resources.
   (A) An exhibition of the natural characteristics of the area and the vegetation or wildlife supported by such land and water resources;
   (B) Accessory facility for an outdoor recreation activity such as fishing, hiking, or horseback riding.
   (C) All non-water related dependent structures shall be 100 feet from bodies of water.