



Clatsop County – Land Use Planning

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TO: Planning Commission Members

FROM: Gail Henrikson, AICP, CFM – Community Development Director

DATE: January 9, 2024

RE: **CLEAR AND OBJECTIVE STANDARDS (CAOS) CODE AUDIT: ARTICLE 1**

BACKGROUND

During the regular 2023 legislative session, the Oregon Legislature adopted [HB 3197](#). Section 2 of the bill requires counties to adopt clear and objective housing standards for unincorporated communities, nonresource lands and areas zoned for rural residential use by July 1, 2025.

Section 3 of the bill also prohibits counties from establishing standards for accessory farmworker housing that are in addition to those required under [ORS 215.283](#), unless those standards are clear and objective. Section 3 also becomes effective on July 1, 2025.

The intent of clear and objective standards is to ensure that local governments provide a predictable path to approval for housing projects and that the path does not rely on discretionary or subjective criteria.

IMPLEMENTATION

At your December 2023 meeting, staff presented an overview of the requirements of HB 3197 and developed a draft schedule to complete an audit of the County's zoning ordinance and development standards by July 1, 2025. As noted in that schedule, your Commission will be reviewing Article 1. Introductory Provisions at your January 2024 meeting.

Staff has identified all provisions and definitions in Article 1 that pertain to housing or the development or construction of housing. Staff's recommended revisions are attached, along with any explanations regarding the proposed amendments. A mark-up of the entirety of Article 1 can be found [here](#).

REQUIRED ACTION

Please review the attached annotated Article 1. Are the proposed amendments clear and objective? Is there subjective language that needs to be further refined? Are any additional definitions or clarifications required? If so, what are those?

This item is for discussion only. No final action will be taken on Article 1 at the January meeting. Additional opportunities will be provided throughout the CAOS code audit to provide additional feedback and direction to staff.

For project information and updates, visit us on the web!

www.co.clatsop.or.us/landuse

ARTICLE 1. INTRODUCTORY PROVISIONS

ARTICLE 1. INTRODUCTORY PROVISIONS

SECTION 1.0300. SCOPE OF REGULATIONS

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

Commented [GH1]: Processes should be moved to Article 2

SECTION 1.0500. DEFINITIONS

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

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

Commented [GH2]: Is this definition needed? And, should it apply to non-residential properties as most owner would not reside there?

ABUTTING – Two or more lots joined by a common boundary line or point. For the purposes of this definition, lots that are separated by a road, street, alley, or public way are not considering abutting..

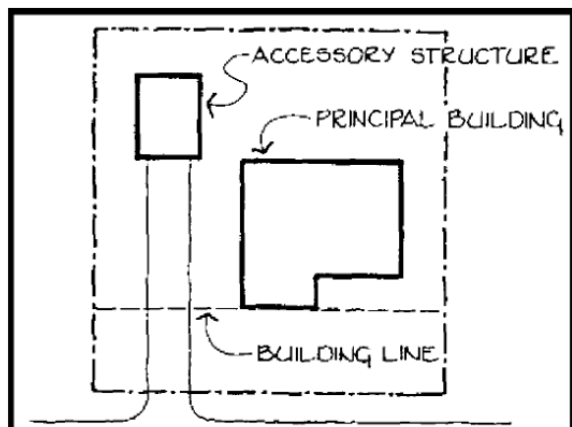
ACCESS -- The way or means by which pedestrians and vehicles enter and leave property.

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

Commented [GH3]: Do all these different examples of accessory buildings need to have their own definition? None of them are called out specifically in the code.

Commented [GH4]: This should be moved to Article 3, which contains the farm/forest standards.

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Accessory Structure Example

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

Commented [GH5]: Barns should be included as a use in these zones in Article 4, not in the definition.

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

Commented [GH6]: This should be removed from "accessory building, detached" and made it's own definition.

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

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

Commented [GH7]: This should be moved to Article 3, which contains standards. Standards should not be in a definition.

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

Commented [GH8]: Farm storage sheds should be added to the appropriate zones in Article 4. Zoning requirements should not be in the definitions. Also, do there need to be separate definitions for "barn" and "farm storage shed"?

SHED, STORAGE -- A structure ~~up to~~ 1,000 square feet ~~or less~~ in which possessions are kept for future use and which is constructed on the owner's

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property. The owner may not lease the structure or any portion of the storage area to a second party. The structure shall not be used for any form of commercial activities.

Commented [GH9]: This should be moved to Article 3, which contains standards. Standards should not be in a definition.

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

Commented [GH10]: Should this be moved to Article 3 and/or 4 and noted for each zone?

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

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

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

Commented [GH11]: The width is specified in Article 3. There only appears to be one width.

AFFORDABLE HOUSING -- "Affordable housing" means housing that is affordable to households with incomes equal to or less than 80 percent of the median family income for the county in which the housing is built. To be considered "affordable" housing costs should not exceed 30% of the total gross household income. [ORD. 23-07]

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

Commented [GH12]: By definition, "accessway" and "alley" are not interchangeable

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

APPEAL -- A request for review of a decision ~~concerning matters addressed by the Comprehensive Plan and Ordinance~~made by the Community Development Director, Hearings Officer, Planning Commission, or the Board of Clatsop County Commissioners.

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

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

AWNING -- Any stationary structure ~~used in conjunction with a mobile home~~, other than a window awning, for the purpose of providing shelter from the sun and rain, and having

Commented [GH13]: Couldn't an awning be used on a site-built home?

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a roof with supports and not more than one wall or storage cabinet substitution for a wall.

BASEMENT -- A portion of a building which has less than one-half (½) of its height, measured from finished floor to finished ceiling, above the average grade of the adjoining ground, ~~and. A basement is not deemed considered~~ a story unless the ceiling is ~~six (6)~~ feet or more above the grade.

Commented [GH14]: Natural grade or finished grade?

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

Commented [GH15]: Is a bed and breakfast really an accessory use of a home? Some people convert the entire house into guest rooms, except for one for the owner's use.

Commented [GH16]: This standard should be included in Section 3.8030

BLOCK -- ~~All land along one side of a street which is between two intersections or intercepting streets, or interrupting streets and a railroad right-of-way, or unsubdivided land or water course. A tract of land bounded by a street or by a combination of streets and public parks, cemeteries, railroad rights-of-way, drainageways, or unsubdivided land.~~

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

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

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

Commented [GH17]: Not sure what this means

Commented [GH18]: Move to individual zones in Article 4.

CARPORT -- A covered shelter for ~~an automobile~~ a motorized vehicle, boat and/or RV, ~~which is~~ open on two or more sides.

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

Commented [GH19]: This is a standard and should be moved to Section 3.3000

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

Commented [GH20]: This is a process/procedure and should be moved to Article 2.

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

Commented [GH21]: This is more process than definition and should be included in Section 2.4000

CONDOMINIUM -- ~~Ownership in common with others of a parcel of land and certain parts of a building, together with individual ownership in fee of a particular unit in such building or of an individual detached unit. A form of ownership where the owner has a deed to a volume of space, and is governed by the provisions of ORS Chapter 100.~~

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

~~COTTAGE CLUSTER – A grouping of at least four detached dwelling units per acre. Dwelling units have a building footprint of less than 900 square feet per dwelling unit that includes a common courtyard with at least 150 square feet per cottage. Units may be located on a single lot or parcel or on individual lots or parcels. A maximum of eight cottages shall be permitted per courtyard. For example, 150 square feet of common courtyard area for eight cottages equals 1,200 square feet of common courtyard area.~~

~~COTTAGE CLUSTER PROJECT – A development site with one or more cottage clusters. Each cottage cluster as part of a cottage cluster project must have its own common courtyard.~~

Commented [GH22]: These definitions were taken from West Linn's code as part of its clear and objective standards audit. While Clatsop County has discussed adding "cottage clusters" to its list of allowed housing types, no standards have ever been created. These definitions are just a starting point to develop the cottage cluster concept.

COUNTY -- The County of Clatsop, Oregon.

COUNTY ROAD -- See Road, County.

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

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

Commented [GH23]: Couldn't a deck also be covered?

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

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

Commented [GH24]: These are development standards and should be moved to Section 5.4700

The following uses are not considered destination resorts:

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

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

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

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

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

Commented [GH25]: These are more standards than definitions and should probably be moved to Section 5.4700.

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

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

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DISCRETIONARY LAND USE REVIEW – A land use review procedure that relies on standards or criteria that require interpretation or the exercise of policy or legal judgment. Discretionary land use reviews are processed under the Type II, III, or IV review procedures, as defined in Article 2.

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

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

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

DWELLING, ATTACHED – Two or more dwelling units attached by common walls, roof or other structural part, at a common property line between separate lots or parcels.

DWELLING, DETACHED – A single dwelling unit whose construction does not share a common wall, roof or other structural part with another unit.

DWELLING, DUPLEX – Two attached or detached dwelling units on a lot or parcel.

DWELLING, MULTI-FAMILY – Three or more attached dwelling units on a lot or parcel with common walls, roofs or other structural parts. These may also be identified as triplex, quadplex or multiplex units.

DWELLING, TEMPORARY HARDSHIP – A manufactured dwelling or recreational vehicle, or the temporary 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 of the resident.

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

Commented [GH26]: Formerly "Health Hardship" Revised to be consistent with ORS 215.755

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~~independent cooking and sleeping facilities. [Ord. 18-02]~~ A single unit designed for residential occupancy for living purposes providing complete independent living facilities including permanent provisions for living, sleeping, eating, cooking and sanitation.

DWELLING UNIT, ACCESSORY (ADU) – ~~A residential structure that is used in connection with or that is auxiliary to a single family dwelling. Attached or detached dwelling unit that is secondary to the primary dwelling unit. The unit includes its own independent living facilities with provisions for living, sleeping, eating, cooking, and sanitation, and is designed for residential occupancy independent of the primary dwelling unit.~~ For the purposes of clarity, a single-family dwelling with an accessory dwelling unit (ADU), as defined herein, located within one of the rural community zones shall not be considered a duplex or multiple-family dwelling. [ORD. 23-03]

Commented [GH27]: Move this to Section 3.0180(B)

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

- 1) ~~Uninhabitable Attic-attic spaces and crawlspaces providing headroom of less than seven feet.~~
- 2) Basements, if more than 50% of the basement is ~~less than~~ below grade.
- 3) Uncovered steps or fire escapes.
- 4) Private garages, carports or porches.
- 5) ~~Accessory w~~Water towers or cooling towers.
- 6) ~~Accessory o~~Off-street parking or loading spaces.
- 6)7) ~~Vent shafts.~~

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

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

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

GROSS LEASABLE AREA (GLA) -- The portion of GFA that is available for leasing to a tenant. Generally, GLA is equal to GFA ~~less minus~~ common areas that are not leased to tenants. ~~These common areas may include, including~~ spaces for circulation between

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tenant spaces (lobbies, elevator cores, stairs, corridors, and atriums, ~~for example~~), utility / mechanical spaces and parking areas.

GROUP CARE HOME – A home or residential facility maintained and operated for the supervision, care and/or training of physically-, mentally-, or socially-disabled persons, but not including foster homes or detention facilities.

Commented [GH28]: This replaces “Handicapped Housing Facility”

GUEST HOUSE -- An accessory building, studio, or other habitable space/structure, used in conjunction with the main dwelling for the temporary housing of non-paying visitors and guests. A guesthouse is not an independent dwelling unit. [ORD. 23-03]

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

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

Commented [GH29]: Changed to “Group Care Home” and alphabetized

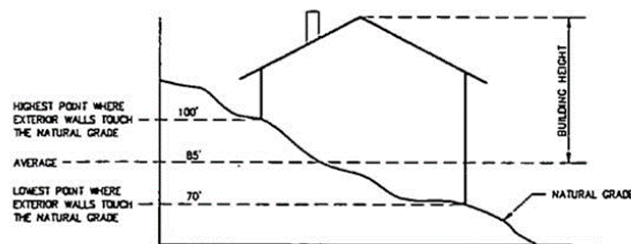
HEALTH/FITNESS CLUB – A privately-owned facility that primarily focuses on individual fitness or training. It typically provides exercise classes, fitness equipment, gymnasium, weight room, spa, and locker rooms. May also include ancillary facilities such as a swimming pool, whirlpool, sauna, limited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

Commented [GH30]: No changes required

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

Commented [GH31]: Changed to “Dwelling, Temporary Hardship” and realphabetized

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



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HOME OCCUPATION -- ~~Any occupation or profession carried on by a member of the family residing on the premises~~A lawful commercial activity commonly carried on with a dwelling unit or attached or detached accessory structure, if the occupation or profession:

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

Commented [GH32]: These are development standards and should be relocated to Section 3.8000

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

Commented [GH33]: Same comment as above

LAND DIVISION -- ~~A lot or parcel of land created through the process of dividing land~~Land divided to create legally-separate lots or parcels by partition or subdivision.

LAND USE DECISION -- A land use decision is defined by ORS 197.015(10).

Commented [GH34]: Added to be consistent with ORS 197.015(10)

LOADING SPACE, OFF-STREET -- ~~In A dedicated off-street space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such deliveries when required off-street parking spaces are filled for the temporary parking of commercial vehicles or trucks while loading or unloading merchandise or materials.~~ Required off-street loading spaces is are not to be included as off-street parking space in computation of required off-street parking space.

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

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

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

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

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

~~Development of a "lot of record" must meet all other applicable development standards, except for the minimum lot size or lot dimensions of the zone. Development standards include all applicable requirements of the zone, overlay district, the Land and Water Development and Use Ordinance and the Standards Document, and state and federal statutes and administrative rules. Lot of record status does not authorize development of a lot or parcel without compliance with the requirements in Section 1.1020.~~

Commented [GH35]: These are standards and should be included in Article 2. Currently, Article 2 does not contain a process for processing Lot of Record applications

LOT AREA -- The total horizontal area within the lines of a lot, parcel or tract of land, excluding:

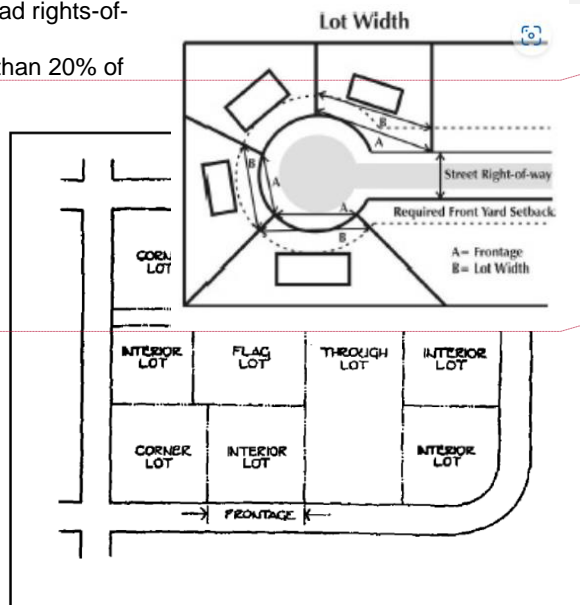
~~-exclusive of~~ (1) public and county road rights-of-way,

(2) bodies of water normally greater than 20% of the total lot area.

LOT, CORNER -- A lot abutting enlocated at the intersection of two or more streets, other than an alley, at their intersection. A loop road is not considered the intersection of two streets. See illustration at right.

LOT COVERAGE -- The percentage area of a lot covered by a building or buildings; expressed as a percentage of the total lot area. Lot coverage does not include gravel or paved surface areas.

LOT, CUL-DE-SAC: A lot which has a front lot line contiguous with the outer radius of the turn-around portion of a cul-de-sac. Such lots shall have a minimum street frontage of 45 feet. The calculation of lot width is made by measuring width at the midpoint of side lot lines.



Lot Corner Example

Commented [GH36]: How can this be quantified?

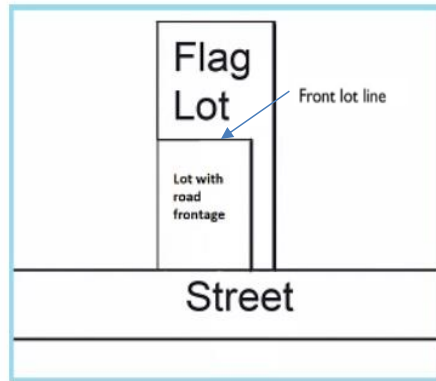
Commented [GH37]: This codifies current practice, but is not consistent with best safety practices for sight lines.

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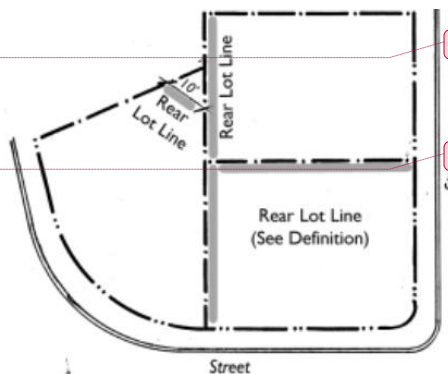
LOT DEPTH -- The ~~perpendicular~~ distance measured from the mid-point of the front lot line to the mid-point of the opposite lot line. See example below.

LOT, DOUBLE-FRONTAGE/THROUGH -- A lot other than a corner lot that has frontage on two streets.

1) **LOT, FLAG** -- ~~Flag Lot:~~ A lot that has access to a public right-of-way by means of a narrow strip of land. A lot with a minimum access way and frontage of twenty five (25) feet which provides an access way from a public road or street to a site located behind other lots which have road or street frontage. Calculations of lot area shall include the access way or "staff" portion of the flag lot. The buildable or "flag" portion of the lot shall meet the dimensional standards of the zone in which it is located. The front lot line for the purposes of setbacks shall be designated as that property line which intersects the access way for the flag lot.



Flag Lot Diagram



Commented [GH38]: Shall not?

Commented [GH39]: Move standards to Article 3

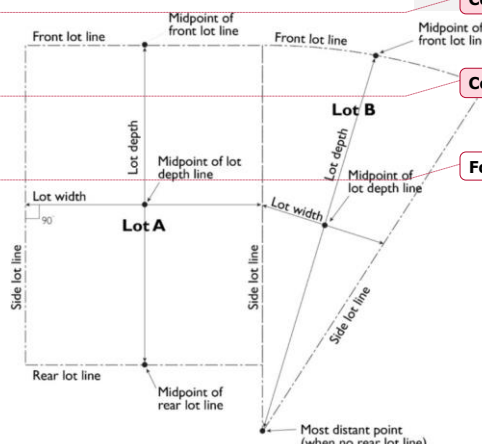
LOT INTERIOR -- A lot other than a corner lot and having frontage on only one street.

LOT LINE -- The property line bounding a lot.

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

LOT LINE, FRONT --

(1) The common property line(s) separating the between a lot from the and a street, as defined in Section 1.0500; (other than an alley,-) that separates the lot from the street and from which access is provided to the lot.



Commented [GH40]: No changes required

Commented [GH41]: Standards should not be in definitions.

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ARTICLE 1. INTRODUCTORY PROVISIONS

~~(1)(2) For the purpose of establishing setback requirements, orientation of the dwelling unit is independent of access to the parcel. In the case of~~ For a corner lot, the front lot line is the property line with the narrow dimension adjacent to the street shortest line along a street (other than an alley) that separates the lot from the street is the front lot line. If two or more street lot lines are of equal length, then the applicant or property owner can choose which lot line is to be the front.

~~For the purpose of establishing setback requirements, orientation of the dwelling unit is independent of access to the parcel.~~

LOT LINE, REAR --

(1) The lot line which is opposite ~~and most distant from~~ the front lot line and which ~~is in the same plane and runs parallel to the front lot~~ separates one lot from another.

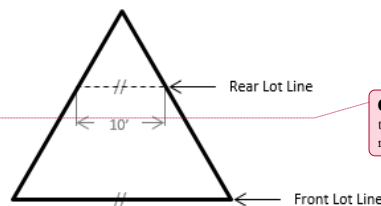
(2) In the case of an irregular, triangular or other-shaped lot, ~~as shown at right, an imaginary line ten (10) feet in length shall be drawn~~ within the lot, parallel to and at a maximum distance from the front lot line. ~~(See diagram at right)~~

~~(2)(3) In the case of a double-frontage or through lot that is not a corner lot, there is no rear lot line.~~

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

LOT TYPES --

- 1) ~~Corner lot: A lot of which at least two (2) adjacent sides border public or private streets or roads, other than alleys.~~
- 2) ~~Interior Lot: A lot with frontage only on one (1) street.~~
- 3) ~~Double-Frontage Lot: A lot other than a corner lot with frontage on more than one (1) street.~~
- 4) ~~Cul-de-sac Lot: A lot which has a front lot line contiguous with the outer radius of the turn-around portion of a cul-de-sac. Such lots have a minimum street frontage of forty-five (45) feet. The calculation of lot width is made by measuring width at the midpoint of side lot lines.~~
- 5) 1) ~~Flag Lot: A lot with a minimum access way and frontage of twenty five (25) feet which provides an access way from a public road or street to a site located behind other lots which have road or street frontage. Calculations of lot area shall include the access way or "staff" portion of the flag lot. The buildable or "flag" portion of the lot shall meet the dimensional standards of the zone in which it is located. The front lot line for the purposes of setbacks shall be designated as that property line which intersects the access way for the flag lot.~~



Commented [GH42]: Some of these definitions are duplicates of the above definitions. The non-duplicative definitions were also moved to the section above.

ARTICLE 1. INTRODUCTORY PROVISIONS

~~6)1) Ocean Front Lot -- A lot, parcel, or unit of land where no residence may be legally placed or constructed between the subject lot and the ocean. Often creating an unobstructed view of, and/or access to, the ocean beaches and headlands. See also 3.0150.~~

~~LOT, Ocean OCEAN Front Lot FRONT -- A lot, parcel, or unit of land where no residence may be legally placed or constructed between the subject lot and the ocean. Often creating an unobstructed view of, and/or access to, the ocean beaches and headlands. See also 3.0150.~~

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

LOT WIDTH -- The average horizontal distance between the midpoints of the side lot lines, ordinarily measured parallel to the front lot lines. The term "average lot width" has the same meaning as "lot width" as defined here.

MANUFACTURED DWELLING -- Means a residential trailer, mobile home or manufactured home, as defined by ORS 446.003 and as shown below ~~(as per ORS 497.475) includes:~~ "Manufactured Dwelling" does not include any building or structure constructed to conform to the State of Oregon Strutural Speciality Code, the Low-Rise Residential Dwelling Code or the Small Home Specialty Code (ORS 446.003(21)(b)).

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

MANUFACTURED DWELLING PARK: A place where ~~either~~ four or more manufactured dwellings or prefabricated structures (as defined in ORS 455.010) that are located on one or more contiguous lots, tracts, or parcels of land under a single ownership, the purpose of which is to provide permanent residential spaces for charge or fee paid for the use of facilities, or to offer space free of charge in connection with securing the trade, patronage or services of the occupant. relocatable and more than 8 ½ feet wide, are located within 500 feet of one another on a lot, tract or parcel of land under the

Commented [GH43]: Remove citations from definitions; include a diagram

Commented [GH44]: This is now included with Lot, Double-Frontage as they are the same.

Commented [GH45]: This citation is incorrect. ORS 446.003 has a different, but similar definition

Commented [GH46]: Revised to be consistent with ORS 446.003(30).

Commented [GH47]: Revised to be consistent with ORS 446.003(27)

Commented [GH48]: Revised to be consistent with ORS 446.003(23)(a)

Commented [GH49]: Revised to be consistent with ORS 446.003(22)(a) and (b)

ARTICLE 1. INTRODUCTORY PROVISIONS

same ownership, the primary purpose of which is to rent or lease space or keep space for rent or lease to any person for a charge or fee paid or to be paid for the rental or lease or use of facilities or to offer space free in connection with securing the trade or patronage of such person. "Manufactured Dwelling Park" does not include a lot or lots located within a subdivision being rented or leased for occupancy by no more than one manufactured dwelling per lot if the subdivision was approved under an ordinance adopted pursuant to ORS 92.010.

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

Commented [GH50]: This definition was updated in 2018 and is included in Section 5.1000

Commented [GH51]: STR occupancy is defined in Title 5 of the Clatsop County Code

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

Commented [GH52]: Moved to "Yard, Ocean"

ORIGINAL PARCEL -- The tract of A piece of land referred to prior to dividing partitioning or subdividing.

OWNERSHIP -- The existence of a legal or equitable title to land interest in a lot, parcel or tract.

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

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

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

Commented [GH53]: Revised to be consistent with ORS 92.010(9)

- 1) Dividing land as a result of a lien foreclosure, foreclosure of a recorded contract for the sale of real property or the creation of cemetery lots;
- 2) Adjusting a property line as property line adjustment is defined in Section 1.0500;
- 3) Dividing land as a result of the recording of a subdivision or condominium plat;
- 4) Selling or granting by a person to a public agency or public body of property for state highway, county road, city street or other right of way purposes if the road or right of way complies with the applicable comprehensive plan and ORS 215.283(2)(q) to (2). However, any property sold or granted for state highway,

ARTICLE 1. INTRODUCTORY PROVISIONS

county road, city street or other right of way purposes shall continue to be considered a single unit of land until the property is further subdivision or partitioned; **or**

- 5) Selling or granting by a public agency or public body of excess property resulting from the acquisition of land by the state, a political subdivision or special district for highways, county roads, city streets or other right of way purposes when the sale or grant is part of a property line adjustment incorporating the excess right of way into adjacent property. The property line adjustment shall be approved or disapproved by the applicable local government. If the property line adjustment is approved, it shall be recorded in the deed records of the county where the property is located.

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

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

Commented [GH54]: There is already a definition of "plat"

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

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

~~RECREATIONAL VEHICLE - A portable temporary dwelling unit, with a gross floor area not exceeding 400 square feet in the set up mode, which is intended for vacation, emergency or recreational use, but not for permanent residential use. A vehicle with or without motive power that is designed for use as temporary living quarters and as further defined by rule by the Director of Transportation.~~ "Recreational Vehicle" includes the following terms:

Commented [GH55]: Revised to be consistent with ORS 174.101

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

ROOMING HOUSE -- ~~Same as~~ See "Boarding House."

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

Commented [GH56]: ORS 215.279 addresses farmworker housing and does not distinguish between year-round and seasonal. Section 1.0500 already has a definition of "farmworker housing".

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

Commented [GH57]: Revised to match ORS 92.010(16)

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

Commented [GH58]: Revised to match ORS 92.010(17)

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

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

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

Commented [GH59]: Does 10% really qualify as "substantial"? Other jurisdictions use 25%.

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

Commented [GH60]: No change required

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

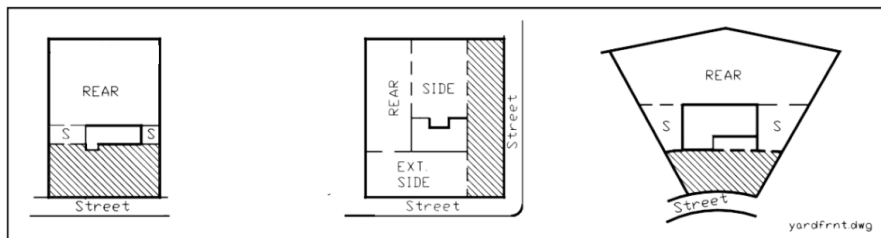
Commented [GH61]: Temporary structure is already defined above.

~~TOWNHOUSE~~ – ~~A building or structure that has two (2) or more one (1) family dwelling units erected as a single family building, each being separated from the adjoining unit or units by an approved fire wall or walls along individual property lines and provided for fee simple ownership of land and dwelling unit. A dwelling unit that is part of a row of two or more attached dwelling units, where each unit is located on an individual lot or parcel and shares at least one common wall with an adjacent dwelling unit.~~

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YARD -- An open area on a lot with a building and bounded on one (1) or more sides by such building, such space being unoccupied land unobstructed from the ground upward. A required area of land unoccupied and unobstructed by any structure that is 30 inches or more above the ground level, with the exception of fences, walkways/staircases, retaining walls, poles, posts, customary yard accessories, appurtenances, ornaments, furniture and accessory structures or uses permitted subject to the provisions of this code.

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



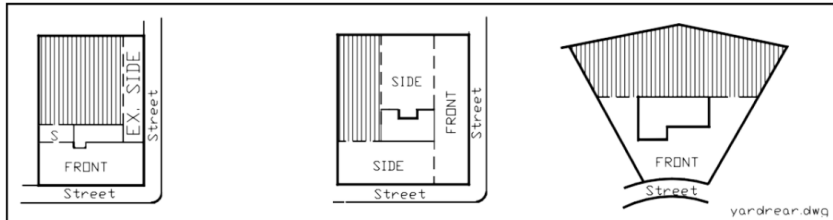
Front Yard Example

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

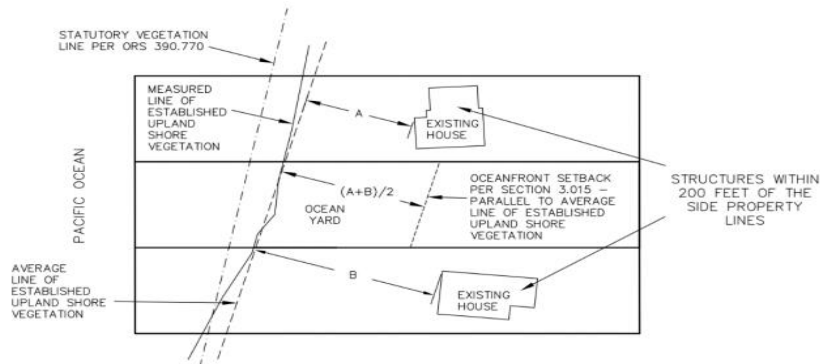


ARTICLE 1. INTRODUCTORY PROVISIONS

YARD, REAR – A yard extending across the full width of the lot between the primary building and the nearest point of the rear lot line.



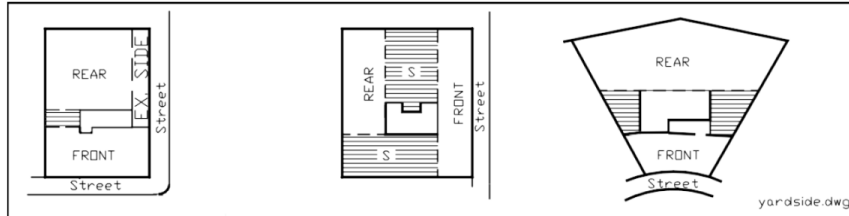
Rear Yard Example



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

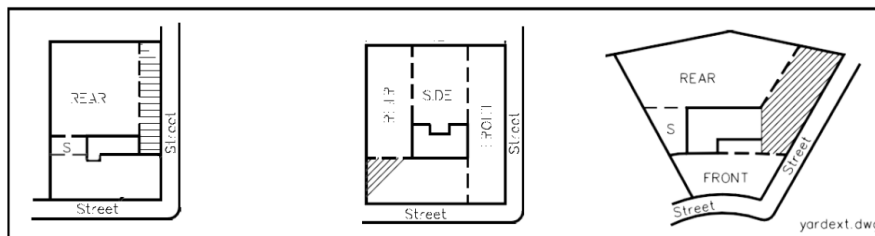
ARTICLE 1. INTRODUCTORY PROVISIONS

lot.



Side Yard Example

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



Side Yard (Exterior) Example