



# Clatsop County – Land Use Planning

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**TO:** Clatsop County Planning Commission

**FROM:** Jay Blake, Planning Manager  
David Cook, Senior Planner

**DATE:** April 9, 2024

**RE: CAOS: ARTICLE 3 – STRUCTURE SITING AND DEVELOPMENT STANDARDS**

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Article 3 of the Clatsop County *Land and Water Development and Use Code* (LAWDUC), establishes the development standards for property. The code has very unique sometimes conflicting standards due to the age of the code and number of amendments that have occurred over the past 40 years. The sections for review at the meeting are:

- **Section 3.0000: Site oriented Improvements (Parking, Signs, Building Height, Setbacks, ADUs)**
- **Section 3.1000: Non-conforming Uses, Structures**
- **Section 3.2000: Erosion Control Development Standards**
- **Section 3.3000: Cluster Developments and Density Transfers**
- **Section 3.4000: Mobile Homes**

## **Proposed Changes or Clarifications Summary:**

Section 3.0000: We have removed Section 3.0020 as this section contained no standards or information of importance. In Section 3.0060 related to off-street parking, we have clarified the number of motorcycle parking spaces required when a developer wishes to reduce their overall parking requirement.

Section 3.0130: There were no major changes made to the Signage standards sections. One change was made that requires a development permit for any increase in the size of a permanent sign, which previously only required a development permit for an increase in sign square-footage by 50% or more.

Section 3.0140 through 3.0170: Current language states that an oceanfront setback line can be determined by a geotechnical report; this has been changed to being determined by a survey from a professional land surveyor. We removed a few standards related to flag poles related to their location and number of flags they can display.

Section 3.0180: We have removed the requirement that a Temporary Health Hardship Dwelling have a performance bond in place to guarantee its eventual removal. Otherwise, no substantive changes have been made.

Section 3.1000: We made no substantive changes to the recently updated Non-Conforming Uses and Structures section, except for the deletion of a redundant section, Section 3.1100.

Section 3.2000: This section is technical by nature and received the least amount of language changes. We did however reorganize many sections to trim the total words and sections down in an attempt to make the code more understandable.

Section 3.3000 has intertwined standards for both cluster developments and transfer of development rights within the Clatsop Plains Neighborhood. This creates confusion since they are two different types of review and development. Cluster developments are currently allowed in certain residential districts. They allow the movement of units within a development to reduce impacts on farmland, environmentally sensitive areas, and forest tracts. They are not exclusive to Clatsop Plains and require 30% of the tract be maintained in open space. Transfer of Development rights is currently allowed only within Clatsop Plains and it allows the movement of development units from one tract to another unconnected tract. This is used in Clatsop Plains to protect sensitive environmental features and maintain open space corridors. The proposed changes separate the two concepts into their own sections.

Section 3.4000 regulates the placement of mobile homes on individual parcels of land and the development of mobile home parks in multi-family zoning districts. The state OAR language has different definitions for three types of construction. “Trailers” are pre-1962. “Mobile homes” were constructed from 1962 to 1976 approximately. The current construction standards are termed “manufactured homes”.

We add these definitions to the code and require the newly placed structures to be manufactured homes and meet post-1976 construction standards for safety, ingress/egress. We propose reducing development standards for new and expanded manufactured home parks. We also remove restrictions on the placement of manufactured homes that go beyond what is required for on-site built structures. We propose to add manufactured home parks as a cup in the Rural Community Commercial Districts as a Type III review.

## **DISCUSSION AND NEXT STEPS**

Staff is requesting discussion and feedback from the Planning Commission regarding the proposed changes. Please highlight or note sections where you would like additional clarification.



EXISTING LANGUAGE	PROPOSED LANGUAGE	COMMENTS/NOTES
<b>SECTION 3.0000 SITE ORIENTED IMPROVEMENTS</b>	<b>SECTION 3.0000 SITE ORIENTED IMPROVEMENTS</b>	
<p><b>Section 3.0010. Calculating Average Grade and Building Height</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:</p> <p>A. Construction/building plans submitted for use permitted in any zone may be required to 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 (<i>Figure 1</i>).</p> <p>B. Photographs of the undisturbed site may be required. Photographs need not be professional or aerial photographs.</p> <p>C. To verify the height (<i>Figure 2</i>), a survey by a registered surveyor may be required by the Community Development Director.</p>	<p><b>Section 3.0010. Calculating Average Grade and Building Height</b>  The height of a structure is measured by first finding the average height of the undisturbed ground at the four corners of the proposed structure. To determine height:</p> <p>A. Plans shall show the elevations of the undisturbed ground prior to construction as measured at the four corners of the proposed. A permanently accessible control point shall be established outside of the building's footprint (<i>Figure 1</i>).</p> <p>B. A registered surveyor shall certify the height of the structure prior to final occupancy when a structure is proposed within two feet of the maximum height limit, or when required by the Community Development Director (<i>Figure 2</i>).</p>	<p>Referenced figures not included for clarity. Added objective language for requiring height certification.</p>
<b>Section 3.0020. Grading of Building Site.</b> The grading of a building site shall conform to the standards contained in this Ordinance.	<b>Section 3.0020. Omitted [ORD. XX-XX]</b>	Removed as this contains nothing of substance.

<p><b><u>Section 3.0030. Special Site Development for Environmental Protection</u></b></p> <p>Special requirements for environmental protection are specified in Article 6 of this document. In addition, in all areas of the County, sewage systems shall be allowed in those areas outside the Urban Growth Boundary only to alleviate a health hazard or water pollution problem which has been identified by the Department of Environmental Quality and will be used only as a last resort.</p>	<p><b><u>Section 3.0030. Special Site Development for Environmental Protection</u></b></p> <p>Special requirements for environmental protection are specified in Article 6 of this document. Sewage systems shall be allowed in areas outside the Urban Growth Boundary only to alleviate a health hazard or water pollution problem identified by the Oregon Department of Environmental Quality (DEQ) and only at direction of DEQ.</p>	<p>Word trimming and clarification.</p>																			
<p><b><u>Section 3.0040. Water Improvement Standards</u></b></p> <p>A year-round supply of at least 250 gallons of water per day by one of the following sources:</p> <table border="1" data-bbox="852 1207 1399 1837"> <tr> <th>Source</th><th>Standard</th><th>Proof</th></tr> <tr> <td rowspan="2"><b>Public or Community Water</b></td><td>Within Water Utility or area of service</td><td>Written correspondence from Water Utility stating water is available at the property line or conditions to the satisfaction of the Water Utility to make water available at the property line</td></tr> <tr> <td></td><td>Well log data as required to quantity from certified well driller. Potability</td></tr> <tr> <td><b>Well</b></td><td>Existing well or easement provided no more than three (3)</td><td>Well log data as required to quantity from certified well driller. Potability</td></tr> </table>	Source	Standard	Proof	<b>Public or Community Water</b>	Within Water Utility or area of service	Written correspondence from Water Utility stating water is available at the property line or conditions to the satisfaction of the Water Utility to make water available at the property line		Well log data as required to quantity from certified well driller. Potability	<b>Well</b>	Existing well or easement provided no more than three (3)	Well log data as required to quantity from certified well driller. Potability	<p><b><u>Section 3.0040. Water Improvement Standards</u></b></p> <p>A year-round supply of at least 250 gallons of water per day by one of the following sources:</p> <table border="1" data-bbox="852 546 1399 1186"> <tr> <th>Source</th><th>Standard</th><th>Proof</th></tr> <tr> <td rowspan="2"><b>Public or Community Water</b></td><td>Area proposed for development shall be served by a Water Utility</td><td>Written correspondence from a Water Utility stating water service can be provided, or conditionally provided</td></tr> <tr> <td>New or existing well or easement to utilize the well, provided no more than three households use one well</td><td>Well log data verifying quantity from a certified well driller. Potability test from certified water lab. Recorded easement if an</td></tr> </table>	Source	Standard	Proof	<b>Public or Community Water</b>	Area proposed for development shall be served by a Water Utility	Written correspondence from a Water Utility stating water service can be provided, or conditionally provided	New or existing well or easement to utilize the well, provided no more than three households use one well	Well log data verifying quantity from a certified well driller. Potability test from certified water lab. Recorded easement if an	<p>Updated language and simplified sections. Removed unnecessary and poorly worded language.</p>
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		test from certified water lab.	households use one well as a potable water source. Over three households must meet state potable requirements (ORS 448.115)				
<b>Spring</b>		Permit from the State of Oregon Water Resources Department for domestic water right. Certified to required quantity by Oregon Registered Engineer, Land Surveyor or qualified hydrologist. Potability test from certified water lab	Application from the State of Oregon Water Dept. for domestic water rights of at least .005 CFS (2.25 gals/min). Existing spring on property or easement to spring on adjacent property. Minimal development collection system and sediment box				
	<b>River, stream, pond or hand dug well</b>	Permit from the State of Oregon Water Resources Department for domestic water right. Potability test from certified water lab.	Application from the State of Oregon Water Department for domestic water right of at least .005				
<b>Spring</b>					as a potable water source. Over three households must meet state potable requirements (ORS 448.115)	easement is utilized	
					Application from the Oregon Water Resources Department for domestic water rights of at least 2.25 gallons per minute. Existing spring on property or easement to spring on adjacent property.	Permit from the Oregon Water Resources Department for domestic water rights. Certified for a year-round supply of 250 gallons per day by a Oregon Registered Engineer, Land Surveyor or qualified hydrologist. Potability test from certified water lab	
	<b>River, stream, pond or hand dug well</b>				Application from the Oregon Water Resources Department for domestic water right of at least 2.25 gallons per minute	Permit from the Oregon Water Resources Department for domestic water right. Potability test from certified water lab	
	<b>Rainwater Catchment System</b>				A rainwater catchment system	Rainwater catchment system design approved	

	CFS (2.25 gals/min)	Design approved by Clatsop County Building Codes
Rainwater Catchment System	Oregon Building Codes	by Clatsop County Building Codes for the required water supply

granting a year-round supply of at least 250 gallons per day	by Clatsop County Building Codes for the required water supply
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Compliance with this standard does not insure a year-round source of potable water but establishes at a given time that the standard was met.	Compliance with this standard does not insure a year-round source of potable water but establishes at a given time that the standard was met.	Removed 'example' language to reduce text.
<b><u>Section 3.0050. Off-Street Parking Required</u></b> Off-street parking and loading shall be provided for all development requiring a development permit according to Sections 3.0050 to 3.0120. Parking calculations at or above 0.5 will be rounded up to the nearest whole number, while fractions below 0.5 will be rounded down to the nearest whole number. For example, if a parking calculation would require 3.5 spaces, applicants would be required to provide 4 parking spaces. If a parking calculation would require 3.4 spaces, an applicant would be required to provide 3 parking spaces. The minimum standard for parking shall be one (1) parking space, unless noted otherwise. [ORD. 23-07]	<b><u>Section 3.0050. Off-Street Parking Required</u></b> Off-street parking and loading shall be provided as described in Sections 3.0050 to 3.0120. Parking calculations at or above 0.5 will be rounded up to the nearest whole number, while fractions below 0.5 will be rounded down to the nearest whole number. The minimum standard for parking shall be one (1) parking space, unless noted otherwise. [ORD. 23-07]	Removed unnecessary language.
<b><u>Section 3.0060. Minimum Off-Street Parking Space Requirements</u></b> Any uses described herein may provide up to 30% of the required number of parking spaces,	<b><u>Section 3.0060. Minimum Off-Street Parking Space Requirements</u></b> Uses may provide up to 30% of the required number of parking spaces, except ADA-	

except ADA-required spaces, as compact spaces, measuring no less than 7 feet wide by 15 feet long. Compact spaces shall be clearly marked accordingly. The minimum off-street parking space requirements are as follows: {ORD.23-07]	required spaces, as compact spaces. These spaces shall measure no less than 7 feet wide by 15 feet long and shall be clearly marked.	
<p>1) <b>Residential type of development and number of parking spaces.</b> [ORD. 23-07]  KSF: 1,000 Square Feet  GHFA: Gross Habitable Floor Area  GLA: Gross Leasable Area</p> <p>2) <b>Commercial type of development and number of parking spaces.</b> [ORD. 23-07]  KSF: 1,000 Square Feet  GHFA: Gross Habitable Floor Area  GLA: Gross Leasable Area</p> <p>3) <b>Institutional, public and quasi-public type of development and number of parking spaces.</b> [ORD. 23-07]  KSF: 1,000 Square Feet  GHFA: Gross Habitable Floor Area  GLA: Gross Leasable Area</p> <p>4) <b>Industrial type of development and number of parking spaces.</b> [ORD. 23-07]  KSF: 1,000 Square Feet</p>	<p><b>Off-street parking terms:</b>  KSF: 1,000 Square Feet  GHFA: Gross Habitable Floor Area  GLA: Gross Leasable Area</p> <p>1) <b>Residential type of development and number of parking spaces.</b> [ORD. 23-07]</p> <p>2) <b>Commercial type of development and number of parking spaces.</b> [ORD. 23-07]</p> <p>3) <b>Institutional, public and quasi-public type of development and number of parking spaces.</b> [ORD. 23-07]</p> <p>4) <b>Industrial type of development and number of parking spaces.</b> [ORD. 23-07]</p> <p>5) Requirements for building or development not listed shall be</p>	<p>NOTE: For ease of reading, the parking tables found in this section have been omitted. There were no changes made to the text within the tables.</p> <p>Removed the definition of each acronym under each use type.</p> <p>Removed subsection 6 as it is a repeat of Section 3.0060.</p> <p>Revised to require at least two motorcycle parking spaces to reduce required parking.</p>



<p>GHFA: Gross Habitable Floor Area GLA: Gross Leasable Area</p> <p>5) Requirements for building or development not specifically listed herein shall be determined by the Community Development Director based upon the requirements of comparable uses listed.</p> <p>6) Any uses described herein may provide up to 30% of the required number of parking spaces, except ADA-required spaces, as compact spaces, measuring no less than 7 feet wide by 15 feet long. Compact spaces shall be clearly marked accordingly. [ORD. 23-07]</p> <p>7) The number of minimum required parking spaces may be reduced by up to 10% if:</p> <p>A. The proposal is located within a ¼ mile of an existing or planned transit route, and;</p> <p>B. Transit-related amenities such as transit stops, pull-outs, shelters, park-and-ride lots, transit-oriented development, and transit service on an adjacent street are present or will be provided by the applicant, or,</p> <p>C. Site has dedicated parking spaces for motorcycles.</p>	<p>6)</p> <p>determined by the Community Development Director based upon the requirements of comparable uses. The number of required parking spaces may be reduced by up to 10% if:</p> <p>A. The proposal is located within ¼ mile of an existing or planned transit route, and;</p> <p>B. Transit-related amenities such as transit stops, pull-outs, shelters, park-and-ride lots, transit-oriented development, and transit service on an adjacent street are present or will be provided by the applicant, or,</p> <p>C. Site has at least two dedicated parking spaces for motorcycles.</p>	
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<p><b><u>Section 3.0070. Off-Street Parking Restrictions</u></b></p> <ol style="list-style-type: none"> <li>1) Parking spaces in a public street, including an alley, shall not be eligible as fulfilling any part of the parking requirements.</li> <li>2) Required parking facilities may be located on an adjacent parcel of land or separated only by an alley, provided the adjacent parcel is maintained in the same ownership as the use it is required to serve.</li> <li>3) Except for industrial uses, required parking shall not be located in a required front or side yard setback area abutting a public street, unless there is a 5 foot-wide foot sidewalk in accordance with County standards, and a 5 foot-wide landscaped buffer separating the parking from on street traffic. [ORD 23.07]</li> <li>4) Required parking facilities of two or more uses, structures, or parcels of land may be satisfied by the same parking facilities used jointly, to the extent that it can be shown by the owners or operators that the need for the facilities does not materially overlap (e.g. uses primarily of a daytime vs. nighttime nature) and provided that such right of joint use is evidenced by a deed, lease,</li> </ol>	<p><b><u>Section 3.0070. Off-Street Parking Restrictions</u></b></p> <ol style="list-style-type: none"> <li>1) Parking spaces in a public street, including an alley, shall not fulfill any part of parking requirements.</li> <li>2) Required parking facilities may be located on an adjacent parcel of land provided the adjacent parcel is under the same ownership as the use it is required to serve.</li> <li>3) Except for industrial uses, required parking shall not be located in a front yard setback or a side yard setback area abutting a public street, unless there is a 5-foot-wide sidewalk in accordance with County standards, and a 5-foot-wide landscaped buffer separating the parking from on street traffic. [ORD 23.07]</li> <li>4) Required parking facilities of two or more uses may be satisfied by the same parking facilities used jointly, to the extent that it can be shown by the owners or operators that the need for the facilities does not materially overlap (e.g. uses primarily of a daytime vs. nighttime nature) and provided that such a joint use agreement is established.</li> <li>5) Required parking shall be available for parking of operable passenger vehicles only, and shall not be used for the</li> </ol>	<p>Trimmed sections.</p>
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<p>contract, or similar written instrument establishing such joint use.</p> <p>5) Required parking shall be available for parking of operable passenger vehicles of residents, customers and employees only, and shall not be used for the storage or display of vehicles or materials.</p>	<p>storage or display of vehicles or materials.</p>	
<p><b><u>Section 3.0080. Off-Street Parking Plan</u></b>  A plan indicating how the off-street parking and loading requirement is to be fulfilled, shall accompany the application for a development permit. The plan shall show all those elements necessary to indicate that these requirements are being fulfilled and shall include but not be limited to:</p> <ol style="list-style-type: none"> <li>1) Delineation of individual parking spaces.</li> <li>2) Circulation area necessary to serve spaces.</li> <li>3) Access to streets, alleys, and properties to be served.</li> <li>4) Curb cuts.</li> <li>5) Dimensions, continuity and substance of screening.</li> <li>6) Grading, drainage, surfacing and subgrading details.</li> <li>7) Delineations of all structures or other obstacles to parking and circulation on the site.</li> <li>8) Specifications as to signs and bumper guards.</li> </ol>	<p><b><u>Section 3.0080. Off-Street Parking Plan</u></b>  A plan indicating required off-street parking and loading shall accompany a development permit application. The plan shall show all elements necessary to indicate that these requirements are fulfilled and shall include but not be limited to:</p> <ol style="list-style-type: none"> <li>1) Delineation of individual parking spaces.</li> <li>2) Circulation area necessary to serve spaces.</li> <li>3) Access to streets, alleys, and properties to be served.</li> <li>4) Curb cuts.</li> <li>5) Dimensions, location, and substance of screening and buffers.</li> <li>6) Grading, drainage, surfacing, and subgrading details.</li> <li>7) Location of all obstacles to parking and circulation on the site.</li> <li>8) Specifications of signs and bumper guards.</li> <li>9) Pedestrian access ways.</li> </ol>	<p>Trimmed wording.</p> <p>NOTE: Figure 3 Example Off-Street Parking Plan has not been included for clarity.</p>



9) Pedestrian access ways.			
<p><b><u>Section 3.0090. Off-Street Parking Construction</u></b>  Required parking spaces shall be improved and available for use at the time of final building inspection.</p>	<p><b><u>Section 3.0090. Off-Street Parking Construction</u></b>  Required parking spaces shall be improved and available for use at the time of final building inspection.</p>	No changes.	
<p><b><u>Section 3.0100. Design Requirements for Off-Street Parking</u></b>  Parking spaces shall be a minimum of 9 feet by 19 feet in size. Driveways and turnarounds providing access to parking areas shall conform to the following provisions:</p> <ol style="list-style-type: none"> <li>1) Except for a single or two family dwelling, groups of more than three parking spaces shall be provided with adequate aisles or turnaround areas so that all vehicles may enter the street in a forward manner.</li> <li>2) Except for a single or two family dwelling, more than three parking spaces shall be served by a driveway designed and constructed to facilitate the flow of traffic on and off the site, with due regard to pedestrian and vehicle safety, and shall be clearly and permanently marked and defined. In no case shall two-way and one way driveways be less than eighteen (18)</li> </ol>	<p><b><u>Section 3.0100. Design Requirements for Off-Street Parking</u></b>  Parking spaces shall be a minimum of 9 feet by 19 feet in size. Driveways and turnarounds providing access to parking areas shall conform to the following provisions:</p> <ol style="list-style-type: none"> <li>1) Except for a single or two family dwellings, groups of more than three parking spaces shall have adequate aisles or turnaround areas so that all vehicles may enter the street in a forward manner.</li> <li>2) Except for a single or two family dwellings, more than three parking spaces shall be served by a driveway designed to facilitate the flow of traffic on and off the site, in a safe manner for pedestrians and vehicles. Driveways shall be clearly and permanently marked and defined. Two-way driveways shall be no less than 18-feet</li> </ol>	Word trimming and clarification.	

<p>feet and twelve (12) feet in width respectively.</p> <p>3) Driveways, aisles, turnaround areas and ramps shall have a minimum vertical clearance of twelve (12) feet for their entire length and width but such clearance may be reduced in parking structures.</p> <p>4) Service drives and accessways to public streets shall have minimum vision clearance area formed by the intersection of the driveway center line, the street right-of-way line, and straight line joining said lines through points twenty (20) feet from their intersection (see diagram). No obstruction including plantings, fences, walls, or temporary or permanent structures, exceeding 2.5 feet in height that has a cross section over one (1) foot shall be located in a clear vision area, except that trees exceeding this height may be located in this area, provided all branches and foliage are removed to a height of eight feet above the grade.</p> <p>5) The following off-street parking development and maintenance shall apply in all cases, except single and two family dwellings:</p> <p>(A) Parking areas, aisles and turnarounds for standing and maneuvering of vehicles shall have durable and dustless</p>	<p>in width. One-way driveways shall be no less than 12-feet in width.</p> <p>3) Driveways, aisles, turnaround areas and ramps shall have a minimum vertical clearance of twelve (12) feet for their entire length and width but such clearance may be reduced in parking structures, such as a garage.</p> <p>4) All access to public streets shall maintain a Clear Vision Area (see Section 3.9530). No obstruction including plantings, fences, walls, or temporary or permanent structures, exceeding 2.5 feet in height shall be located in a clear vision area. Trees exceeding this height may be located in this area, provided all branches and foliage are removed to a height of eight feet above the grade.</p> <p>5) Except single and two family dwellings, the following shall apply:</p> <p>(A) Parking areas, aisles, and turnarounds for standing and maneuvering of vehicles shall have durable and dustless surfaces or be graveled to a two-inch depth and maintained adequately for all weather use.</p> <p>(B) Parking areas, aisles, and turnarounds shall manage storm water runoff to eliminate sheet flow of such waters onto</p>	
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<p>surfaces or be graveled to a two inch depth and maintained adequately for all weather use.</p> <p>(B) Parking areas, aisles and turnarounds shall have provisions made for the on-site collection of drainage waters to eliminate sheet flow of such waters onto sidewalks, public rights-of-ways, and abutting private property.</p> <p>(C) Spaces shall be permanently and clearly marked.</p> <p>(D) Wheel stops and bumper guards shall be provided where appropriate for spaces abutting a property line or building, and no vehicle shall overhang a public right-of-way and other property line.</p> <p>(E) Where parking abuts a public right-of-way, a wall or screen planting shall be provided sufficient to screen the parking facilities but without causing encroachment into vision clearance areas. Except in residential areas, where a parking facility or driveway is serving other than a one or two family dwelling and is located adjacent to residential, agricultural or institutional uses, a</p>	<p>sidewalks, public rights-of-ways, and abutting properties.</p> <p>(C) Spaces shall be permanently and clearly marked.</p> <p>(D) Wheel stops and bumper guards shall be provided where appropriate for spaces abutting a property line or building, and no vehicle shall overhang a public right-of-way or a property line.</p> <p>(E) Where parking abuts a public right-of-way, a wall or screen planting shall be provided sufficient to screen the parking facilities but without causing encroachment into vision clearance areas. In a non-residential zone where a parking facility or driveway is serving a use other than a one or two family dwelling, and the use is located adjacent to residential, agricultural or institutional uses, a site obscuring fence, wall or evergreen hedge shall be provided on the property line. Such screening shall be maintained in good condition and protected from being damaged by vehicles using the parking area.</p> <p>(F) Artificial lighting provided shall be deflected so as not to shine</p>	
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<p>site obscuring fence, wall or evergreen hedge shall be provided on the property line. Such screening shall be maintained in good condition and protected from being damaged by vehicles using the parking area.</p> <p>(F) Artificial lighting which may be provided shall be deflected so as not to shine directly into adjoining dwellings or other types of living units and so as not to create hazard to the public use of a street.</p> <p>(G) In parking lots three acres and larger intended for use by the general public, the walkway shall be raised or separated from parking, parking aisles and travel lanes by a raised curb, concrete bumpers, bollards, landscaping or other physical barrier. If a raised walkway is used, curb ramps shall be provided in accordance with the Americans With Disabilities Act Accessibility Guidelines.</p> <p>(H) Parking lots for commercial and office uses that have designated employee parking and more than 20 parking spaces shall provide at least 10% of the employee parking spaces (with a minimum of one space) long-term carpool parking spaces. Carpool parking spaces shall be closer to the entrances of the building than other parking spaces, with the exception of ADA accessible parking spaces.</p>	<p>directly onto adjoining residential uses and so as not to create hazard to the public use of a street.</p> <p>(G) In parking lots three acres and larger intended for use by the general public, pedestrian path shall be raised or separated from parking, parking aisles, and travel lanes by a raised curb, concrete bumpers, bollards, landscaping or other physical barrier. If a raised walkway is used, curb ramps shall be provided in accordance with the Americans With Disabilities Act Accessibility Guidelines.</p> <p>(H) Parking lots for commercial and office uses that have designated employee parking and more than 20 total parking spaces shall provide at least 10% of the employee parking spaces (with a minimum of one space) long-term carpool parking spaces. Carpool parking spaces shall be closer to the entrances of the building than other parking spaces, with the exception of ADA accessible parking spaces.</p>	
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<p>parking spaces (with a minimum of one space) as preferential long-term carpool and vanpool parking spaces. Preferential carpool and vanpool parking spaces shall be closer to the entrances of the building than other parking spaces, with the exception of ADA accessible parking spaces.</p>		
<p><b><u>Section 3.0110. Bicycle Parking Requirements</u></b>  In rural communities, new multi-family residential developments of four or more units, retail, office and institutional developments shall provide at least one bicycle parking space for every ten required off-street parking spaces. Transit transfer and park and ride lots, wherever located shall also provide at least one bicycle parking space for every ten off-street parking spaces.</p> <p>1) Bicycle parking facilities shall be placed in a convenient location near the main entrance of the site's principal use. Where possible, bicycle-parking facilities shall be placed under cover. Bicycle parking areas shall not interfere with parking aisles, landscape areas, or pedestrian ways. For security and convenience purposes, bicycle-parking facilities shall be located in areas visible</p>	<p><b><u>Section 3.0110. Bicycle Parking Requirements</u></b>  In rural communities, new multi-family residential developments of four or more units, retail, office, and institutional developments shall provide at least one bicycle parking space for every ten required off-street parking spaces. Transit transfer and park and ride lots, wherever located shall also provide at least one bicycle parking space for every ten off-street parking spaces.</p> <p>1) Bicycle parking facilities shall be placed near the main entrance of the site's principal use. Where possible, bicycle-parking facilities shall be placed under cover. Bicycle parking areas shall not interfere with parking aisles, landscape areas, or pedestrian ways. For security and convenience purposes, bicycle-parking facilities shall be located in areas visible to the adjacent sidewalks</p>	<p>Minor word trimming.</p>

<p>to the adjacent sidewalks and/or vehicle parking areas within the site.</p> <p>2) Community Development Director may reduce the number of required bicycle parking spaces on a case- by-case basis if the applicant can demonstrate that the proposed use by its nature would be reasonably anticipated to generate a lesser need for bicycle parking.</p>	<p>and/or vehicle parking areas within the site.</p> <p>2) The Community Development Director may reduce the number of required bicycle parking spaces if the applicant can demonstrate that the proposed use would be anticipated to generate less need for bicycle parking.</p>	
<p><b><u>Section 3.0120. Loading Facilities</u></b></p> <p>1) The minimum area required for commercial and industrial loading spaces is as follows:</p> <p>(A) 250 sq.ft. for buildings of (5,000 to 20,000) sq.ft. of gross floor area.</p> <p>(B) 500 sq.ft. for buildings of (20,000 to 50,000) sq.ft. of gross floor area.</p> <p>(C) 750 sq.ft. for buildings in excess of (50,000) sq.ft. of gross floor area.</p> <p>2) The required loading area shall not be less than ten feet in width by twenty-five feet in length and shall have an unobstructed height of fourteen feet.</p> <p>3) If possible, required loading areas shall be screened from public view, from public streets and adjacent properties.</p>	<p><b><u>Section 3.0120. Loading Facilities</u></b></p> <p>1) The minimum area required for commercial and industrial loading spaces is as follows:</p> <p>(A) For buildings between 5,000 and 20,000 square-feet gross floor area: 250 square-feet.</p> <p>(B) For buildings between 20,000 and 50,000 square-feet gross floor area: 500 square-feet.</p> <p>(C) For buildings over 50,000 square-feet of gross floor area: 750 square-feet.</p> <p>2) Required loading areas shall not be less than ten feet in width by twenty-five feet in length and shall have an unobstructed height of fourteen feet.</p> <p>3) If possible, required loading areas shall be screened from public view, from public streets, and adjacent properties.</p>	<p>Changed sentence structure for clarity.</p>



<p>4) Required loading facilities shall be installed prior to final building inspection and shall be permanently maintained as a condition of use.</p> <p>5) A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading children shall be located on the site of a school having a capacity greater than twenty-five students.</p>	<p>4) Required loading facilities shall be installed prior to final building inspection and shall be permanently maintained as a condition of use.</p> <p>5) Schools with greater than twenty-five students shall maintain a driveway for continuous forward flow for the purposes of loading and unloading students.</p>	
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EXISTING LANGUAGE SECTION 3.0130. SIGN REQUIREMENTS.	PROPOSED LANGUAGE SECTION 3.0130. SIGN REQUIREMENTS.	COMMENTS/NOTES
<p><b>Purpose:</b> These regulations are intended to promote scenic values; prevent unsafe driver distractions; provide orientation and directions; facilitate emergency response; and generally provide useful signs in appropriate areas.</p> <p>1) <b>Sign placement:</b> No permanent sign or temporary sign in excess of six (6) square feet may be placed in or extend over a required non-street side yard or a street right-of-way, or within 10 feet of the front property line in a required front yard. Temporary signs of no larger than six (6) square feet may be placed in or extend over a required non-street side yard or a street right-of-way, or within 10 feet of the front property line in a required front yard. No sign may be located in a manner that will impair the use of an existing solar energy system on adjoining property. A minimum of 8 feet above sidewalks and 15 feet above driveways shall be provided under free-standing signs.</p> <p>2) <b>Sign lighting/Movement:</b> Any lighting of signs must be directed away from adjacent residential uses and so shielded, installed and aimed that the lighting does not project past the object being illuminated. Illumination of</p>	<p><b>Purpose:</b> These regulations are intended to promote scenic values; prevent unsafe driver distractions; provide orientation and directions; facilitate emergency response; and generally provide useful signs in appropriate areas.</p> <p>1) <b>Sign placement:</b> No permanent or temporary sign greater than six square feet may be placed in a required side yard setback or a street right-of-way, or within 10 feet of the front property line in a required front yard. Temporary signs of no larger than six square feet may be placed in a required side yard setback or a street right-of-way, or within 10 feet of the front property line in a required front yard. New signage shall not impact the use of an existing solar energy system on adjoining property. Signage must have at least eight feet of clearance above a sidewalk and 15 feet of clearance above a driveway.</p> <p>2) <b>Sign lighting/Movement:</b> Lighting of signs must be directed away from residential uses and shielded, installed and aimed to prevent light trespass. Illumination of billboards shall be limited to commercial and industrial zones. Except for traffic control signs or traffic hazard warning signs, no sign shall be</p>	<p>Clarified many sections and revised grammar; updated vocabulary to match current LAWDUC verbiage. Require a development permit for the increase in size of any permanent sign.</p> <p>NOTE: Figure 4 has been excluded from this table for clarity.</p>



<p>billboards shall be limited to commercial and industrial zoning districts. Except for traffic control signs or traffic hazard warning signs, no sign shall include or be illuminated by a flashing, intermittent, revolving, rotating or moving light or move or have any animated or moving parts.</p> <p>3) <b>Signs in any zone:</b> The following signs are permitted in any zoning district without the need for a permit:</p> <ul style="list-style-type: none"> <li>(A) City limits signs and public notice signs.</li> <li>(B) Directional signs for public facilities.</li> <li>(C) Traffic control and safety signs.</li> <li>(D) Signs placed by the owner to restrict or limit trespassing, hunting or fishing.</li> </ul> <p>4) <b>Signs in Residential zones:</b> In Residential zones, signs shall be directed towards facing streets or located at needed points of vehicular access but no closer than 200 feet apart. Signage shall be limited to activities occurring on the property upon which the sign is located as follows:</p> <ul style="list-style-type: none"> <li>(A) A single name plate not exceeding three (3) square feet.</li> <li>(B) A sign not exceeding thirty-two square feet pertaining to the or to a construction project, lease, rental, or sale of the property.</li> </ul>	<p>illuminated by a flashing, or moving light, nor shall the sign have any animated or moving parts.</p> <p>3) <b>Signs in any zone:</b> The following signs are permitted in any zone without the need for a permit:</p> <ul style="list-style-type: none"> <li>(A) City limits signs and public notice signs.</li> <li>(B) Directional signs for public facilities.</li> <li>(C) Traffic control and safety signs.</li> <li>(D) Signs placed by the owner to restrict or limit trespassing, hunting or fishing.</li> </ul> <p>4) <b>Signs in Residential zones:</b> In residential zones, signs shall face streets or be located at points of vehicular access but no closer than 200 feet apart. Signage shall be limited to activities occurring on the property and the maximum size shall be limited as follows:</p> <ul style="list-style-type: none"> <li>(A) A single name plate: 3 square feet</li> <li>(B) A sign pertaining to a construction project, lease, rental, or sale of property: 32 square feet.</li> <li>(C) A sign advertising a subdivision: 90 square feet.</li> <li>(D) A sign identifying a multi-family dwelling or motel: 150 square feet.</li> </ul>	
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<p>(C) A sign not exceeding 90 square feet advertising a subdivision.</p> <p>(D) A sign not exceeding 150 square feet, identifying a multi-family dwelling or motel.</p> <p>(E) A sign not exceeding 24 square feet identifying a non-residential use.</p> <p>(F) A sign not exceeding 24 square feet identifying a cottage industry.</p> <p>(G) A sign not exceeding 24 square feet directing traffic to places of interest to the public, such as tourist accommodations and recreation sites, which would otherwise be difficult to find.</p> <p>(H) A sign identifying a home occupation up to 6 square feet in size.</p> <p>(I) Signage not exceeding a total of two hundred (200) square feet identifying a mobile home park, recreational campground, primitive campground, commercial farm, or community identification. Individual signs shall not exceed thirty-two (32) square feet in size.</p> <p>(J) A sign not exceeding 16 square feet for a bed &amp; breakfast.</p>	<p>(E) A sign identifying a non-residential use: 24 square feet.</p> <p>(F) A sign identifying a cottage industry: 24 square feet.</p> <p>(G) A sign directing traffic to places of interest to the public, such as tourist accommodations and recreation sites: 24 square feet.</p> <p>(H) A sign identifying a home occupation: 6 square feet.</p> <p>(I) Signage identifying a Manufactured home park, recreational campground, primitive campground, commercial farm, or community identification: Individual signs: 32 square feet; Total signage: 200 square feet.</p> <p>(J) A sign for a bed &amp; breakfast: 16 square feet.</p> <p>The size limitations described in (B) through (J) above apply to each side of a single-sided or double-sided sign.</p> <p>5) <b>Signs in Resource zones:</b> Signage can be permitted in the AF, F-80, and EFU Zones. Signage cannot be permitted in any other resource zone. Individual signs may not exceed 32 square feet and are limited as follows:</p> <p>(A) Signs pertaining to permitted uses in the zone.</p>	
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<p>The size limitations described in (B) through (J) above apply to each side of a single-sided or double-sided sign.</p> <p>5) <b>Signs in Resource zones:</b> Except for the AF, F-80 and EFU zones signs are not permitted in resource zones. Individual signs may not exceed thirty-two (32) square feet and are limited as follows:</p> <p>(A) Signs pertaining to permitted uses in the zone.</p> <p>(B) Road identification signs.</p> <p>6) <b>Signs in Commercial and Industrial zones:</b> The following signs are permitted in Commercial and Industrial zones for activities occurring on the property upon which the sign is located:</p> <p>(A) Signage not exceeding 200 square feet for commercial establishments. Individual signs may not exceed thirty-two square feet, unless otherwise provided by these regulations.</p> <p>(B) Signage not exceeding sixty (60) square feet (including any signage in the canopy, windows or other display areas) for retail or light industrial lease spaces in multi-tenant buildings.</p> <p>(C) A temporary sign not exceeding thirty-two square feet in area pertaining either to the lease,</p>	<p>(B) Road identification signs.</p> <p>6) <b>Signs in Commercial and Industrial zones:</b> The following signs are permitted in Commercial and Industrial zones for activities occurring on the property. The following size maximums shall apply:</p> <p>(A) Signage for commercial establishments: Individual signs: 32 square feet, unless otherwise provided in this section; Total signage: 200 square feet.</p> <p>(B) Signage (including any signage in the canopy, windows or other display areas) for retail or light industrial lease spaces in multi-tenant buildings: 60 square feet.</p> <p>(C) A temporary sign pertaining either to the lease, rental or sale of the property or to a construction project: 32 square feet.</p> <p>7) <b>Temporary (including campaign) signs:</b> In non-resource zones signs placed for a period of not more than six consecutive months are allowed provided they meet the following standards:</p> <p>(A) The sign may not exceed thirty-two (32) square feet.</p> <p>(B) The sign may not be illuminated.</p>
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<p>rental or sale of the property or to a construction project.</p> <p>7) <b>Temporary (including campaign) signs:</b> In residential, commercial and industrial zones signs placed for a period of not more than six consecutive months are allowed provided they meet the following standards:</p> <p>(A) The sign may not exceed thirty-two (32) square feet.</p> <p>(B) The sign may not be illuminated.</p> <p>(C) The sign shall be removed from the premises fifteen (15) days following the event being advertised or six months after first placement, whichever is earliest.</p> <p>8) <b>Calculating Sign Area:</b> The structure supporting or appearing to support a freestanding sign need not be included in the area of the sign, unless that structural element is conveying information as part of the sign. In calculating the square footage, the width shall be measured at the widest part of the sign, including any cut-outs, and the length shall be measured at the longest part of the sign, including any cut-outs. For multiple-sided signs (signs having 3 or more faces) the area size standard shall be applied to the cumulative total of all sides of the sign.</p>	<p>(C) The sign shall be removed from the premises fifteen (15) days following the event being advertised or six months after first placement, whichever is earliest.</p> <p>8) <b>Calculating Sign Area:</b> Signs shall be measured from the widest and longest part of the sign, including any cut-outs. Each side of a multi-faced sign shall be calculated. The sign structure is not included in area calculations (unless it conveys information).</p> <p>9) <b>Text or Image Area:</b> Text and images are allowed only on the face of the sign. Text and images are prohibited in the ledger area of the sign, on the post of the sign, or other structure of the sign. A sign owner's logo or other disclosure required by law to be placed on the ledger, post, or other structure of the sign is exempt.</p> <p>10) <b>Non-conforming signs:</b> Signs not conforming to the requirements of this ordinance shall be subject to the following:</p> <p>(A) Text or images on the face of a non-conforming sign may be changed but the sign area may not be expanded.</p> <p>(B) The use of a non-conforming sign is considered discontinued if there is no text or image on the</p>	
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<p>9) <b>Copy Area:</b> Copy is allowed only on the face of the sign. Copy is prohibited in the ledger area of the sign, on the post of the sign, or other structure of the sign, except to the extent that the sign owner's logo or other disclosure is required by law to be placed on the ledger, post or other structure of the sign. For purposes of this Section, "copy" is defined as any text or image.</p>		
<p>10) <b>Non-conforming signs:</b> Signs and sign structures not conforming to the requirements of this ordinance shall be subject to the following:</p> <ul style="list-style-type: none"> <li>(A) Text or images on the face of a legal non-conforming sign may be changed but the sign may not be expanded.</li> <li>(B) A legal non-conforming sign will be considered abandoned and discontinued if there is no text or image on the display surface for a period of six (6) consecutive months.</li> </ul>	<p>11) <b>Permit required:</b> Except as otherwise provided, a Type I development permit is required for the following activities:</p> <ul style="list-style-type: none"> <li>(A) Installation of a new permanent sign;</li> <li>(B) A Type 1 permit shall be required for an increase in the face of any</li> </ul>	
<p>11) <b>Permit required:</b> Except as otherwise provided, a Type I development permit is required for the following activities:</p> <ul style="list-style-type: none"> <li>(A) Installation of a new permanent sign;</li> <li>(B) A Type 1 permit shall be required for an increase in the face of any</li> </ul>	<p>display surface for a period of six consecutive months.</p> <p><b>Permit required:</b> Except as otherwise provided, a development permit is required for the following activities:</p> <ul style="list-style-type: none"> <li>(A) Installation of a new permanent sign;</li> <li>(B) An increase in the area of any permanent sign;</li> <li>(C) Expanding the text or images of any non-conforming sign.</li> </ul> <p>The Department shall review any proposed sign for conformance with the standards of this section and any requirements under the State building codes.</p>	

<p>(C) permanent sign face by fifty (50) percent or more; Expanding the text or images of any non-conforming sign.</p> <p>The Department shall review any proposed sign for conformance with the standards of this section and any requirements under the State building codes.</p>		
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EXISTING LANGUAGE	PROPOSED LANGUAGE	COMMENTS/NOTES
<p><b>Section 3.0140. General Exception to Yard Standards</b></p>	<p><b>Section 3.0140. General Exception to Yard Standards</b></p>	
<p>1) Cornices, eaves, canopies, sunshades, gutters, chimneys, flues, belt courses, leaders, sills, plasters, lintels, ornamental features, and other similar architectural features may project not more than two (2) feet into a required yard or into required open space as established by coverage standards and must comply with the setback requirements from property line as stated in this Ordinance.</p>	<p>1) Cornices, eaves, canopies, sunshades, gutters, chimneys, flues, belt courses, leaders, sills, plasters, lintels, ornamental features, and other similar architectural features may project up to two feet into a required yard or open space.</p>	<p>Trimmed subsection 1. New figures could help explain Subsection 2 more clearly than text.</p>
<p>2) The following are exceptions to the front yard requirement for a dwelling: (A) If there are dwellings on both abutting lots with front yards of less than the depth otherwise required, the front yard for a lot need not exceed the average front yard of the abutting dwellings. (B) If there is a dwelling on one abutting lot with a front yard of less than the depth otherwise required, the front yard for a lot need not exceed a depth of one-half way between the depth of the abutting lot and the required front yard depth.</p>	<p>2) The following are exceptions to the front yard requirement for a dwelling: (A) If there are dwellings on both abutting lots which lie within the required front yard setback, the required front yard setback can be calculated based on the average distance to the front property line of the abutting dwellings. (B) If there is a dwelling on one abutting lot which lies within the required front yard setback, the required front yard setback can be calculated as half way between the depth of the abutting lot and the required front yard setback.</p>	
<p>3) In zones where front, side or rear setbacks are required, structures up to</p>	<p>3) In zones where front, side or rear setbacks are required, structures up to 30 inches in height may be located within that setback area. 4) Fences within yard setbacks:</p>	



<p>2.5 feet (30 inches) in height may be located within that setback area.</p> <p>Following are requirements for fences within yard setbacks:</p> <p>(A) Fences over 6 feet in height must be located at or behind the building setback line.</p> <p>(B) Fences 6 feet or less may be placed on the property line except within clear vision areas.</p>	<p>(A) Fences over 6 feet in height must adhere to the setbacks of the zone.</p> <p>(B) Fences 6 feet or less may be placed on the property line except within clear vision areas.</p>	
<p><b><u>Section 3.0150. Oceanfront Setback</u></b></p> <p>For lots abutting the ocean shore, the ocean yard shall be determined by the oceanfront setback line.</p> <p>1) The location of the oceanfront setback line for a given lot depends on the location of buildings on lots abutting the ocean shore in the vicinity of the proposed building site and:</p> <p>(A) For the Clatsop Plains area the location and orientation of the following reference lines:</p> <p>1. Described as the construction setback line in Section 5.4020: A line 570 feet landward of the Statutory Vegetation Line established and described by ORS 390.770, or the circa 1920's shoreline, whichever is further inland</p>	<p><b><u>Section 3.0150. Oceanfront Setback</u></b></p> <p>For lots abutting the ocean shore, the oceanfront setback shall be determined as follows:</p> <p>1) The location of the oceanfront setback line depends on the location of buildings on abutting lots and:</p> <p>(A) For the Clatsop Plains area, the location and orientation of the following reference lines:</p> <p>1. Described as the construction setback line in Section 5.4020: A line 570 feet landward of the Statutory Vegetation Line established and described by ORS 390.770, or the circa 1920's shoreline, whichever is further inland for the area north of Surf</p>	<p>Trimmed language.</p> <p>Changed method for establishing oceanfront setback line from a geologic report to a professional survey.</p> <p>NOTE: Figures 5 &amp; 6 are omitted here for clarity.</p>



<p>for the area north of Surf Pines to Columbia River south Jetty.</p> <p>2. Described as the Pinehurst construction setback line, in Ordinance 92-90; and</p> <p>3. Described as the Surf Pines construction setback line, in Ordinance 83-17.</p> <p>(B) For the Southwest Coastal Planning Area and elsewhere along the Clatsop County coast, the location and orientation of the Statutory Vegetation Line or the line of Oceanfront Averaging established upland shore vegetation, whichever is further inland.</p> <p>2) For the purpose of determining the oceanfront setback line, the term "building" refers to a permanent residential or commercial structure attached to a fixed foundation on a lot. The term "building" does not include accessory structures or uses.</p> <p>3) The oceanfront setback line that is established shall be parallel with the reference lines established in the preceding Section 3.0150(1) and measurements from buildings shall be perpendicular to these reference lines.</p>	<p>Pines to Columbia River south Jetty.</p> <p>2. Described as the Pinehurst construction setback line, in Ordinance 92-90; and</p> <p>3. Described as the Surf Pines construction setback line, in Ordinance 83-17.</p> <p>(B) For all other oceanfront areas, the location and orientation of the Statutory Vegetation Line or the line of Oceanfront Averaging established upland shore vegetation, whichever is further inland.</p> <p>2) For the purpose of determining the oceanfront setback line, the term "building" refers to a permanent residential or commercial structure attached to a fixed foundation on a lot. The term "building" does not include accessory structures or uses.</p> <p>3) The oceanfront setback line shall be parallel with the reference lines established in the preceding Section 3.0150(1) and measurements from buildings shall be perpendicular to these reference lines.</p> <p>4) The setback of a building from these reference lines is measured from the most seaward point of the building's</p>
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<p>4) The setback of a building from these reference lines is measured from the most seaward point of the building's foundation. A buildings foundation excludes decks, porches, and similar building additions.</p> <p>5) The oceanfront setback line for a parcel is determined as follows:</p> <p>(A) If there are legally constructed buildings within 200 feet of the exterior boundary (side lot lines) of the subject property to both the north and south, the oceanfront setback line for the subject property is the average oceanfront setback of the nearest buildings to the north and south.</p> <p>(B) If there are legally constructed buildings within 200 feet of the exterior boundary (side lot lines) of the subject property in only one direction, either the north or south, the oceanfront setback line for the subject property is that of the nearest building.</p> <p>(C) If there are no legally constructed buildings within 200 feet of the exterior boundary (side lot lines) of the subject property, the oceanfront setback line for the subject property shall be established by the geotechnical report.</p>	<p>foundation. A buildings foundation does not include decks, porches, and similar building additions.</p> <p>5) The oceanfront setback line for a parcel is determined as follows:</p> <p>(A) If there are legally constructed buildings within 200 feet of the side lot lines to both the north and south, the oceanfront setback line for the subject property is the average oceanfront setback of the nearest buildings to the north and south.</p> <p>(B) If there are legally constructed buildings within 200 feet of the side lot lines in only one direction, either the north or south, the oceanfront setback line for the subject property is that of the nearest building.</p> <p>(C) If there are no legally constructed buildings within 200 feet of the side lot lines, the oceanfront setback line for the subject property shall be established by a professional survey.</p> <p>6) The Director shall require a greater oceanfront setback when a geotechnical report indicates that a greater oceanfront setback is required to protect the proposed building from an identified coastal erosion hazard.</p>
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<p>6) Notwithstanding the above provisions, the Director shall require a greater oceanfront setback where information in a geotechnical report prepared pursuant to Section 5.3000 indicates that a greater oceanfront setback is required to protect the proposed building from an identified coastal erosion hazard.</p>		
<p><b><u>Section 3.0160. Application of Building Heights to Ocean Front Lots</u></b></p> <p>1) Building height restrictions applicable to ocean front lots are intended to apply to property immediately in land of the ocean beach. Partitions or property line adjustments may not be used to change an ocean front lot into a non-ocean front lot.</p>	<p><b><u>Section 3.0160. Application of Building Heights to Ocean Front Lots</u></b></p> <p>1) Building height restrictions applicable to ocean front lots are intended to apply to property immediately in land of the ocean beach. Partitions or property line adjustments may not be used to change an ocean front lot into a non-ocean front lot.</p>	<p>No change.</p>
<p><b><u>Section 3.0170. Height Limitations for Non-habitable and Non-storage Structures</u></b></p> <p>1) <b>Flag poles:</b> No flag poles shall be greater than six inches in diameter and shall not exceed the maximum height allowed by the zone in which it is located by more than 10 feet. All such poles shall be placed so as to neither obstruct nor obscure the adjacent property owner's lines of vision. Such</p>	<p><b><u>Section 3.0170. Height Limitations for Non-habitable and Non-storage Structures</u></b></p> <p>1) <b>Flag poles:</b> Flag poles shall be no greater than six inches in diameter and shall not exceed the maximum height allowed by the zone by more than 10 feet.</p> <p>2) <b>Windmills:</b> Windmills shall not be any higher than 35 feet above either the average surrounding tree line or the highest structure within 250 feet of the</p>	<p>Clarified standards for windmills.</p>



<p>poles shall not display more than two flags at any one time.</p> <p>2) <b>Windmills:</b> Such structures shall not be any higher than 35 feet above either the average surrounding tree line or the highest structure within 250 feet of the windmill site. If no structure exists within 250 feet of the site of the windmill, the windmill shall not exceed 70 feet in height. A windmill shall be placed such that minimal impact on views from adjacent lots result. All such structures shall be subject to a Type II application procedure.</p>	<p>windmill site, whichever is less. The maximum height shall be 70 feet when there exists no surrounding tree line or structure within 250 feet. A windmill shall be placed such that minimal impact on views from adjacent lots result. Windmills over the maximum height limit shall be subject to a Type II application procedure.</p>	
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EXISTING LANGUAGE	PROPOSED LANGUAGE	COMMENTS/NOTES
<p><b><u>SECTION 3.0180. ACCESSORY DWELLING UNITS AND GUESTHOUSES.</u></b></p> <p>Only one Accessory Dwelling Unit or one Guesthouse is permitted per lot or parcel under this section. [ORD. 23-03]</p> <p>A) The following standards shall apply to all accessory dwelling units (ADUs) within the AC-RCR, RC-MFR and RCR zones. [ORD. 23-03]</p> <ol style="list-style-type: none"> <li>1) ADUs shall be allowed only on lots or parcels serviced by a State approved sanitary sewer.</li> <li>2) ADUs shall be allowed only in conjunction with parcels containing one single-family dwelling (the "primary dwelling"). A maximum of one ADU or Guesthouse (see "Guesthouse") is permitted per lot or parcel.</li> <li>ADUs shall not be permitted in conjunction with a duplex or multi-family dwelling.</li> <li>3) ADUs shall comply with maximum lot coverage and setback requirements applicable to the parcel containing the primary dwelling.</li> <li>4) The ADU may be created through conversion of an existing structure, or construction of a new structure that is either</li> </ol>	<p><b><u>SECTION 3.0180. ACCESSORY DWELLING UNITS AND GUESTHOUSES.</u></b></p> <p>Only one Accessory Dwelling Unit or one Guesthouse is permitted per lot or parcel under this section. [ORD. 23-03]</p> <p>A) For accessory dwelling units (ADUs) in the AC-RCR, RC-MFR, and RCR zones [ORD. 23-03]:</p> <ol style="list-style-type: none"> <li>1) The parcel shall be served by a State approved sanitary sewer.</li> <li>2) The parcel must have an existing single-family dwelling (the "primary dwelling").</li> <li>3) The parcel may have no more than one ADU or Guesthouse (see "Guesthouse").</li> <li>4) ADUs shall not be permitted in conjunction with a duplex or multi-family dwelling.</li> <li>5) Maximum lot coverage and setback standards must be met.</li> <li>6) An ADU may be created through conversion of an existing structure, or construction of a new structure that is either attached to the primary dwelling or detached.</li> <li>7) The maximum gross habitable floor area (GHFA) of the ADU is 900 square feet. The floor area of any garage shall not be included</li> </ol>	

<p>attached to the primary dwelling or detached.</p> <p>5) The maximum gross habitable floor area (GHFA) of the ADU shall not exceed 900 square feet. The floor area of any garage shall not be included in the total GHFA. [ORD. 23-03]</p> <p>B) The following standards shall apply to all accessory dwelling units (ADUs) on rural residential lands not addressed in Section 3.0900(A). [ORD.23-03]</p> <p>1) The lot or parcel is not located within an area designated as an urban reserve as defined in ORS 195.137.</p> <p>2) The lot or parcel is at least two acres in size.</p> <p>3) ADUs shall be allowed only in conjunction with parcels containing one single-family dwelling (the "primary dwelling"). A maximum of one ADU is permitted per lot or parcel. ADUs shall not be permitted in conjunction with a duplex or multi-family dwelling.</p> <p>4) The existing single-family dwelling property on the lot or parcel is not subject to an order declaring it a nuisance or subject to any pending action under ORS 195.550 to 195.600.</p>	<p>B) in the total GHFA. [ORD. 23-03]</p> <p>The following standards shall apply to all accessory dwelling units (ADUs) on rural residential lands not addressed in Section 3.0900(A). [ORD.23-03]</p> <p>1) The lot or parcel is not located within an area designated as an urban reserve as defined in ORS 195.137.</p> <p>2) The lot or parcel is at least two acres in size.</p> <p>3) The parcel must have an existing single-family dwelling (the "primary dwelling").</p> <p>4) The parcel may have no more than one ADU or Guesthouse (see "Guesthouse").</p> <p>5) ADUs shall not be permitted in conjunction with a duplex or multi-family dwelling.</p> <p>6) The primary dwelling on the lot or parcel is not declared a nuisance nor is it subject to any pending action under ORS 195.550 to 195.600.</p> <p>7) The primary dwelling is not subject to any code violations under Clatsop County Code or the Clatsop County <i>Land and Water Development and Use Code</i>.</p>	
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<p>5) The existing single-family dwelling is not subject to any code violations under Clatsop County Code or the Clatsop County <i>Land and Water Development and Use Code</i>.</p> <p>6) The accessory dwelling unit will comply with all applicable laws and regulations relating to sanitation and wastewater disposal and treatment.</p> <p>7) The accessory dwelling unit will comply with all applicable laws and regulations relating to water supply and quantity.</p> <p>8) The accessory dwelling unit will be located no farther than 100 feet from the existing single-family dwelling. This distance shall be measured from the closest portion of the exterior wall of both structures, not including roof structures such as eaves, gutters, canopies, and other similar architectural features.</p> <p>9) ADUs shall comply with setback requirements applicable to the parcel containing the primary dwelling.</p>	<p>8) The ADU will comply with all applicable laws and regulations relating to sanitation and wastewater disposal and treatment, as well as water supply and quantity.</p> <p>9) The ADU will be located no farther than 100 feet from the primary dwelling. This distance shall be measured from the closest portion of the exterior wall of both structures, not including roof structures such as eaves, gutters, canopies, and other similar architectural features.</p> <p>10) ADUs shall comply with setback requirements applicable to the parcel containing the primary dwelling, including resource zone setbacks.</p> <p>11) The ADU may be created through conversion of an existing structure, or construction of a new structure that is either attached to the primary dwelling or detached.</p> <p>12) The maximum gross habitable floor area (GHFA) of the ADU is 900 square feet. The floor area of any garage, utility rooms, or areas below the average level of the adjoining ground shall not be included in the total GHFA.</p>	
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<p>10) The ADU may be created through conversion of an existing structure, or construction of a new structure that is either attached to the primary dwelling or detached.</p> <p>11) The maximum gross habitable floor area (GHFA) of the ADU shall not exceed 900 square feet. The floor area of any garage, utility rooms, or areas below the average level of the adjoining ground shall not be included in the total GHFA.</p> <p>12) No portion of the lot or parcel is within a designated area of critical state concern.</p> <p>13) The lot or parcel and ADU is served by a fire protection service.</p>	<p>13) No portion of the lot or parcel is within a designated area of critical state concern.</p> <p>14) The lot or parcel and ADU is served by a fire protection service.</p> <p>15) If the lot or parcel is in an area identified on the statewide map of wildfire risk described in ORS 477.490 as within the wildland-urban interface, the lot or parcel and accessory dwelling unit comply with any applicable minimum defensible space requirements for wildfire risk reduction established by the State Fire Marshal under ORS 476.392 and any applicable local requirements for defensible space established by a local government pursuant to ORS 476.392. If the lot or parcel is not located within the wild-land-urban interface, the ADU shall comply with local defensible space requirements (ORS 476.293).</p>	
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<p>14) If the lot or parcel is in an area identified on the statewide map of wildfire risk described in ORS 477.490 as within the wildland-urban interface, the lot or parcel and accessory dwelling unit comply with any applicable minimum defensible space requirements for wildfire risk reduction established by the State Fire Marshal under ORS 476.392 and any applicable local requirements for defensible space established by a local government pursuant to ORS 476.392.</p> <p>15) Statewide wildfire risk maps have been approved and the ADU complies with Oregon residential specialty code relating to wildfire hazard mitigation for the mapped area.</p> <p>16) The accessory dwelling unit must comply with all minimum-required setbacks from adjacent lands zoned for resource use.</p> <p>17) The accessory dwelling unit has adequate access for firefighting equipment, safe evacuation and staged evacuation areas.</p>	<p>16) The ADU complies with the construction standards of section R327 of the Oregon Residential Specialty Code, if the parcel is in an extreme or high wildfire risk on the statewide map of wildfire risk (ORS 477.490) or if no statewide map of wildfire risk has been adopted.</p> <p>17) The ADU has adequate access for firefighting equipment, safe evacuation and staged evacuation areas.</p> <p>18) ADUs allowed under this section may not be used for vacation occupancy, as defined in ORS 90.100.</p> <p>19) A restrictive covenant shall be recorded which prohibits the ADU from being used for vacation occupancy, as defined in ORS 90.100.</p> <p>20) The County may not approve a subdivision, partition, or other division of the lot or parcel so that the existing single-family dwelling is situated on a different lot or parcel than the accessory dwelling unit. [ORD. 23-03]</p> <p>C) ADUs on parcels containing a historic home as defined in Section 1.0500, shall comply with all of the following development standards. [ORD. 23-03]</p>	
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<p>18) If the accessory dwelling unit is not in an area identified on the statewide map of wildfire risk described in ORS 477.490 as within the wildland-urban interface, the accessory dwelling unit complies with the provisions of this section and any applicable local requirements for defensible spaces established by a local government pursuant to ORS 476.392.</p> <p>19) Accessory dwelling units allowed under this section may not be used for vacation occupancy, as defined in ORS 90.100.</p> <p>20) The property owner, as a condition of approval, shall record a restrictive covenant on the property that prohibits the accessory dwelling unit from being used for vacation occupancy, as defined in ORS 90.100.</p> <p>21) The County may not approve a subdivision, partition, or other division of the lot or parcel so that the existing single-family dwelling is situated on a different lot or parcel than the accessory dwelling unit. [ORD. 23-03]</p>	<p>1) The lot or parcel is not located within an urban reserve as defined by ORS 195.137.</p> <p>2) The lot or parcel is at least two acres in size.</p> <p>3) A historic home is sited on the lot or parcel.</p> <p>4) The historic home is converted to an ADU within one year of completion of a new single-family dwelling.</p> <p>5) The ADU complies with all applicable laws and regulations relating to sanitation and wastewater disposal and treatment, as well as water supply and quantity.</p> <p>6) The lot or parcel shall not be subdivided, partitioned or otherwise divided so that a new single-family dwelling is situated on a different lot or parcel from the ADU.</p> <p>7) The ADU may not be altered, renovated or remodeled so that the square footage of the ADU is more than 120% of the historic home's square footage at the time construction of a new single-family dwelling commenced.</p>	
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<p>C) Accessory dwelling units on parcels containing a historic home as defined in Section 1.0500, shall comply with all of the following development standards. [ORD. 23-03]</p> <ol style="list-style-type: none"> <li>1) The lot or parcel is not located within an urban reserve as defined by ORS 195.137.</li> <li>2) The lot or parcel is at least two acres in size.</li> <li>3) A historic home is sited on the lot or parcel.</li> <li>4) The historic home is converted to an accessory dwelling unit within one year of completion of the new single-family dwelling.</li> <li>5) The accessory dwelling unit complies with all applicable laws and regulations relating to sanitation and wastewater disposal and treatment.</li> <li>6) The accessory dwelling unit complies with all applicable laws and regulations relating to water supply.</li> <li>7) The lot or parcel shall not be subdivided, partitioned or otherwise divided so that the new single-family dwelling is situated on a different lot or parcel from the accessory dwelling unit.</li> </ol>	<ol style="list-style-type: none"> <li>8) The ADU may not be rebuilt if the structure is lost to fire unless permitted under the provisions of 3.0900(B).</li> <li>9) The accessory dwelling unit shall not be used as for vacation occupancy.</li> <li>10) A restrictive covenant shall be recorded which prohibits the ADU from being used for vacation occupancy, as defined in ORS 90.100.</li> </ol> <p>D) The following standards shall apply to all guesthouses. [ORD.23-03]</p> <ol style="list-style-type: none"> <li>1) The maximum gross habitable floor area (GHFA) is 900 square feet. The floor area of any garage, utility rooms, or areas below the average pre-disturbed grade shall not be included in the total GHFA.</li> <li>2) Metering devices shall not be permitted on guesthouses.</li> <li>3) Cooking Facilities shall not be permitted in guesthouses. (See definition of "Cooking Facilities" in Section 1.0500)</li> <li>4) A maximum of one guesthouse is permitted per lot or parcel and must accompany a primary dwelling. [ORD. 23-03]</li> </ol>	
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<p>8) The accessory dwelling unit may not be altered, renovated or remodeled so that the square footage of the accessory dwelling unit is more than 120% of the historic home's square footage at the time construction of the new single-family dwelling commenced.</p> <p>9) The accessory dwelling unit may not be rebuilt if the structure is lost to fire unless permitted under the provisions of 3.0900(B).</p> <p>10) A second accessory dwelling unit may not be constructed on the same lot or parcel.</p> <p>11) The accessory dwelling unit shall not be used as a short-term rental.</p> <p>12) The property owner, as a condition of approval, shall record a restrictive covenant on the property that prohibits the accessory dwelling unit from being used for vacation occupancy, as defined in ORS 90.100. [ORD. 23-03]</p> <p>D) The following standards shall apply to all guesthouses. [ORD.23-03]</p>		
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<p>1) The maximum gross habitable floor area (GHFA) shall not exceed 900 square feet. The floor area of any garage, utility rooms, or areas below the average level of the adjoining ground shall not be included in the total GHFA.</p> <p>2) Metering devices shall not be permitted on guesthouses.</p> <p>3) Cooking Facilities shall not be permitted in guesthouses. (See definition of "Cooking Facilities" in Section 1.0500)</p> <p>4) A maximum of one guesthouse is permitted per lot or parcel and must accompany a primary residence. [ORD. 23-03]</p>		
<p><b><u>SECTION 3.0190. TEMPORARY HEALTH HARDSHIP</u></b></p> <p>1. One manufactured dwelling or recreational vehicle shall be placed on the same parcel as an existing dwelling for the term if a hardship suffered by the existing resident or a relative of the resident as defined in ORS 215.213 and 215.283.</p> <p>2. The applicant must be a relative and must submit certification from a physician that there is a necessity for them to reside on the same premises as the relative in order to receive</p>	<p><b><u>SECTION 3.0190. TEMPORARY HEALTH HARDSHIP</u></b></p> <p>A temporary health hardship dwelling (temporary dwelling) shall be sited as a manufactured dwelling or recreational vehicle and is subject to the following standards:</p> <p>1. The temporary dwelling shall be placed on the same parcel as an existing dwelling for the term of a hardship suffered by the existing resident or a relative of the resident as defined in ORS 215.213 and 215.283.</p> <p>2. The applicant must be a relative and must submit certification from a</p>	

<p>necessary care.</p> <p>3. The manufactured dwelling or recreational vehicle must be hooked to the existing septic system and water supply on the property. No new systems or hookups may be installed.</p> <p>4. The permit is effective for one (1) year. No public notice is required in residential zones. Public notice is required in resource zones pursuant to Section 2.2040.</p> <p>5. Permits for temporary health hardships shall be renewed by January 31<sup>st</sup> of each year, provided that information, as identified in (2) above, is submitted with the renewal request verifying that the hardship still exists.</p> <p>6. The applicant shall submit a statement indicating that "the residence for which the health hardship was issued will be removed when the health hardship no longer exists." When the health hardship is resolved, the manufactured dwelling or recreational vehicle shall be removed.</p> <p>7. For purposes of guaranteeing removal of a manufactured dwelling once the health hardship no longer exists, a performance bond shall be required as per Section 1.1090.</p> <p>8. The health hardship must meet all other applicable standards in the zone.</p>	<p>physician that there is a necessity for them to reside on the same premises as the relative in order to receive necessary care.</p> <p>3. The temporary dwelling must be hooked to the existing septic system and water supply on the property. No new systems or hookups may be installed.</p> <p>4. The permit is effective for one year. No public notice is required in residential zones. Public notice is required in resource zones pursuant to Section 2.2040.</p> <p>5. Permits for these temporary dwellings shall be renewed by January 31<sup>st</sup> of each year, provided that information, as identified in (2) above, is submitted with the renewal request verifying that the hardship still exists.</p> <p>6. The applicant shall submit a statement indicating that "the residence for which the health hardship was issued will be removed when the health hardship no longer exists." When the health hardship is resolved, the temporary dwelling shall be removed.</p> <p>7. The temporary dwelling must meet all other applicable standards in the zone.</p>	
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EXISTING LANGUAGE		COMMENTS/NOTES
<p><b><u>SECTION 3.1000. NON-CONFORMING USES AND STRUCTURES.</u></b></p>	<p><b><u>SECTION 3.1000. NON-CONFORMING USES AND STRUCTURES.</u></b></p>	
<p><b><u>Section 3.1010. Purpose</u></b> The purpose of the Non-conforming uses and structures provisions are to establish standards and procedures regulating the continuation, improvement and replacement of structures and uses which do not comply with this Ordinance.</p>	<p><b><u>Section 3.1010. Purpose</u></b> The purpose of the Non-conforming uses and structures provisions are to establish standards and procedures regulating the continuation, improvement and replacement of structures and uses which do not comply with this Ordinance.</p>	<p>No changes made to definitions. Trimmed repetitive language. Revised wording to be more consistent with LAWDUC at large.</p>
<p><b><u>Section 3.1020. Definitions.</u></b> The following definitions are applicable to the provisions of Section 3.1000, Non-conforming Uses and Structures.</p>	<p><b><u>Section 3.1020. Definitions.</u></b> The following definitions are applicable to the provisions of Section 3.1000, Non-conforming Uses and Structures.</p>	<p>No changes to standards other than their wording.</p>
<p>ABANDONMENT: A non-conforming use shall be considered abandoned when the non-conforming use is discontinued for a period of one year. When a non-conforming use is determined to be abandoned, subsequent use of the property shall conform to this Ordinance. Abandonment does not apply to circumstances such as fire or other catastrophes outside of the owner's control. Non-conforming uses are not considered interrupted or abandoned for any period while a federal, state or local emergency order temporarily limits or prohibits the use or the restoration or replacement of the use.</p>	<p>ABANDONMENT: A non-conforming use shall be considered abandoned when the non-conforming use is discontinued for a period of one year. When a non-conforming use is determined to be abandoned, subsequent use of the property shall conform to this Ordinance. Abandonment does not apply to circumstances such as fire or other catastrophes outside of the owner's control. Non-conforming uses are not considered interrupted or abandoned for any period while a federal, state or local emergency order temporarily limits or prohibits the use or the restoration or replacement of the use.</p>	
<p>ALTERATION. A change to a structure, not involving enlargement of the external dimensions of the structure.</p> <p>EXPANSION. Any increase in any external dimension of a Non-conforming structure.</p>	<p>ALTERATION. A change to a structure, not involving enlargement of the external dimensions of the structure.</p> <p>EXPANSION. Any increase in any external dimension of a Non-conforming structure.</p>	

<p>FLOATING RECREATIONAL CABIN: A moored floating structure used wholly or in part as a dwelling, not physically connected to any upland utility services except electricity, and is used only periodically or seasonally.</p> <p>FLOATING RESIDENCE: A dwelling unit which floats on a water body and is designed such that it does not come into contact with land except by ramp. Floating residences may also be referred to as floating homes or houseboats. A floating residence is not equivalent to a floating recreational cabin or other similar recreational structure designed for temporary use. It is also not equivalent to a boathouse, designed for storage of boats.</p> <p>INTERRUPTION: The discontinuance of any non-conforming use for a period of less than one year.</p> <p>LAWFULLY MOORED: To be lawfully moored, a floating recreational cabin or floating residence must be constructed upon or attached to piling or a dock by the owner or with the permission of the owner or lawful lessee of the piling or dock. If moored to piling or a dock, such piling or dock must have been installed or constructed and be maintained in compliance with all Federal, State and County requirements. If the floating recreational cabin or floating residence is attached to the shore, such attachment must also be by or with the permission of the owner or lawful lessee of the area of attachment.</p>	<p>FLOATING RECREATIONAL CABIN: A moored floating structure used wholly or in part as a dwelling, not physically connected to any upland utility services except electricity, and is used only periodically or seasonally.</p> <p>FLOATING RESIDENCE: A dwelling unit which floats on a water body and is designed such that it does not come into contact with land except by ramp. Floating residences may also be referred to as floating homes or houseboats. A floating residence is not equivalent to a floating recreational cabin or other similar recreational structure designed for temporary use. It is also not equivalent to a boathouse, designed for storage of boats.</p> <p>INTERRUPTION: The discontinuance of any non-conforming use for a period of less than one year.</p> <p>LAWFULLY MOORED: To be lawfully moored, a floating recreational cabin or floating residence must be constructed upon or attached to piling or a dock by the owner or with the permission of the owner or lawful lessee of the piling or dock. If moored to piling or a dock, such piling or dock must have been installed or constructed and be maintained in compliance with all Federal, State and County requirements. If the floating recreational cabin or floating residence is attached to the shore, such attachment must also be by or with the permission of the owner or lawful lessee of the area of attachment.</p>
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<p><b>NON-CONFORMING STRUCTURE:</b> A building or structure that does not conform to one or more standards of the zoning district in which it is located, but which legally existed at the time the applicable section(s) of the zoning district took effect.</p> <p><b>NON-CONFORMING USE:</b> A use which does not conform to the use regulations of the zoning district in which it is located, but which lawfully occupied a building or land at the time the applicable use regulation took effect.</p> <p><b>REAL MARKET VALUE:</b> The value indicated in the Clatsop County Assessor's records for an improvement or the value determined by an independent licensed appraiser.</p> <p><b>Section 3.1030. Continuance</b></p> <ol style="list-style-type: none"> <li>1) A Non-conforming use legally established prior to the adoption date of this Ordinance may be continued at the level of use (e.g., hours of operation) existing on the date that the use became Non-conforming.</li> <li>2) Under a Type I procedure, the County shall verify whether a use is a valid non-conforming use consistent with the standards in Section 3.1000 and ORS 215.130. An application to verify a non-conforming use shall demonstrate all of the following:               <ol style="list-style-type: none"> <li>(A) The non-conforming use was lawfully established on or before the effective date of the zoning change that prohibited the use;</li> </ol> </li> </ol>	<p><b>NON-CONFORMING STRUCTURE:</b> A building or structure that does not conform to one or more standards of the zoning district in which it is located, but which legally existed at the time the applicable section(s) of the zoning district took effect.</p> <p><b>NON-CONFORMING USE:</b> A use which does not conform to the use regulations of the zoning district in which it is located, but which lawfully occupied a building or land at the time the applicable use regulation took effect.</p> <p><b>REAL MARKET VALUE:</b> The value indicated in the Clatsop County Assessor's records for an improvement or the value determined by an independent licensed appraiser.</p> <p><b>Section 3.1030. Continuance</b></p> <ol style="list-style-type: none"> <li>1) A non-conforming use legally established prior to the adoption date of this Ordinance may be continued at the level of use (e.g., hours of operation) existing on the date that the use became non-conforming.</li> <li>2) Under a Type I procedure, the County shall verify whether a use is a valid non-conforming use. An application to verify a non-conforming use shall demonstrate the following:               <ol style="list-style-type: none"> <li>(A) The non-conforming use was lawfully established on or before the effective date of the zoning change that prohibited the use; and</li> <li>(B) The non-conforming use has not been abandoned or interrupted for</li> </ol> </li> </ol>
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<p>(B) The non-conforming use has continued without abandonment or interruption for the 10-year period immediately preceding the date of application or the period from the date of the ordinance change prohibiting the use, whichever is less; and</p> <p>(C) Any alterations to the nature and extent of the non-conforming use were done in compliance with the applicable standards in Section 3.1000.</p> <p>(D) The applicant shall bear the burden of proof for establishing that the structure or use was lawfully established.</p> <p>(E) The applicant shall bear the burden of proof for establishing the level of use that existed at the time the use became non-conforming.</p> <p>3) A non-conforming structure may continue within the building dimensions (height, width and length) in existence on the date that the structure became non-conforming. Additions, alterations and expansions to a non-conforming structure shall not increase the non-conformity of the structure.</p> <p><b><u>Section 3.1040. Abandonment or Interruption of Use</u></b> If a non-conforming use is discontinued for a period of one year, the non-conforming use shall be considered abandoned. Subsequent use of the property shall conform to this Ordinance.</p>	<p>the last 10 years from the date of this application, or from the date the use became non-conforming, whichever is less; and</p> <p>(C) Any changes to the non-conforming use were done in compliance with the Non-conforming uses and structures standards; and</p> <p>(D) The applicant shall bear the burden of proof for establishing that the use and was lawfully established, and the level of use prior to becoming non-conforming.</p> <p>3) A non-conforming structure may continue within the building dimensions (height, width and length) in existence on the date that the structure became non-conforming. Additions, alterations and expansions to a non-conforming structure shall conform to the current standards of this Ordinance.</p> <p><b><u>Section 3.1040. Abandonment or Interruption of Use</u></b> Abandonment or interruption may be caused by ceasing the use or by changing the nature of the use for 365 continuous days, or longer. Subsequent use of the property shall conform to this Ordinance.</p> <p>Non-conforming uses are not considered interrupted or abandoned for any period while a federal, state or local emergency order temporarily limits or prohibits the use or the restoration or replacement of the use. [ORD. 23-02]</p>
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<p>Non-conforming uses are not considered interrupted or abandoned for any period while a federal, state or local emergency order temporarily limits or prohibits the use or the restoration or replacement of the use. [ORD. 23-02]</p> <p>For purposes of determining whether abandonment or interruption has occurred, the following shall apply:</p> <ol style="list-style-type: none"> <li>1) Abandonment or interruption may be caused by ceasing the use or by changing the nature of the use for 365 continuous days, or longer.</li> </ol>	<p><b><u>Section 3.1050. Alteration</u></b></p> <ol style="list-style-type: none"> <li>1) Through Type I procedures, alterations shall be permitted to a non-conforming structure, or to a structure containing a non-conforming use; and             <ol style="list-style-type: none"> <li>(A) Alteration of any such structure or use shall be permitted when necessary to comply with any lawful requirement for alteration in the structure or use. Except as provided in ORS 215.215, the County shall not place conditions on a non-conforming structure that would prevent complying with state or local health and safety requirements, or prevent maintaining the non-conforming structure in good repair.</li> <li>(B) A change of ownership or occupancy shall be permitted.</li> </ol> </li> <li>2) Alterations of these structures shall not exceed 75% of their real market value in a three-year period. If alterations exceed this amount, the non-conforming structure shall be brought into conformance with this Ordinance. [ORD #17-02]</li> </ol>	
<p><b><u>Section 3.1050. Alteration</u></b></p> <ol style="list-style-type: none"> <li>1) Through Type I procedures, alterations shall be permitted to a non-conforming structure, or to a structure containing a non-conforming use; and             <ol style="list-style-type: none"> <li>(A) Alteration of any such structure or use shall be permitted when necessary to comply with any lawful requirement for alteration in the structure or use.</li> <li>(B) Except as provided in ORS 215.215, the County shall not place conditions upon the continuation or alteration of a use described under this subsection when necessary to comply with state or local health or safety requirements, or to maintain in good repair the existing structure associated with the use.</li> <li>(C) A change of ownership or occupancy shall be permitted.</li> </ol> </li> </ol>	<p><b><u>Section 3.1060 Expansion</u></b></p> <ol style="list-style-type: none"> <li>1) Non-conforming structures containing a use permitted in the underlying zone may be expanded through a Type I procedure. The expansion of such a structure shall be in conformance with the requirements of this Ordinance.</li> </ol>	

<p>2) If in a three-year period, alterations to a non-conforming structure, or to a structure containing a non-conforming use exceeds 75% of the real market value of the structure, the structure shall be brought into conformance with the requirements of this Ordinance. [ORD #17-02]</p> <p><b><u>Section 3.1060 Expansion</u></b></p> <p>1) Non-conforming structures containing a use permitted in the underlying zone may be expanded through a Type I procedure. The expansion of such a structure shall not increase the non-conformity of the structure and shall be in conformance with the requirements of this Ordinance.</p> <p>2) For non-conforming structures dedicated to a residential use and located in a zone not intended for residential uses, an expansion may be permitted through a Type I procedure. The expansion of such a structure shall not increase the non-conformity of the structure and shall be in conformance with the requirements of this Ordinance including setbacks, lot coverage, and other development standards as required by code.</p> <p>3) An expansion of a non-conforming use, or a change in the characteristics of a non-conforming use, (i.e. hours of operation or levels of service provided) may be approved, pursuant to a Type II procedure, where the following standards are met:</p>	<p>2) For non-conforming structures dedicated to a residential use and located in a zone not intended for residential uses, an expansion may be permitted through a Type I procedure. The expansion of such a structure shall be in conformance with the requirements of this Ordinance.</p> <p>3) The expansion of a non-conforming use, or a change in the characteristics of a non-conforming use, (i.e. hours of operation or levels of service provided) can be permitted through a Type II procedure, where the following standards are met:</p> <ol style="list-style-type: none"> <li>The floor area of structures shall not be increased by more than 20%.</li> <li>The land area covered by structures shall not be increased by more than 10%.</li> <li>There will be no adverse impact on neighboring areas than the existing non-conforming use, considering: <ol style="list-style-type: none"> <li>Comparison of the following factors: <ol style="list-style-type: none"> <li>Noise, vibration, dust, odor, fume, glare, or smoke detectable at the property line.</li> <li>Numbers and kinds of vehicular trips to the site.</li> <li>Amount and nature of outside storage, loading and parking.</li> <li>Visual impact.</li> <li>Hours of operation.</li> </ol> </li> </ol> </li> </ol>
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<p>(A) The floor area of a building(s) shall not be increased by more than 20%.</p> <p>(B) The land area covered by structures shall not be increased by more than 10%.</p> <p>(C) The proposed expansion, or proposed change in characteristics of the use will have no greater adverse impact on neighboring areas than the existing use, considering:</p> <p>1. Comparison of the following factors:</p> <ul style="list-style-type: none"> <li>(a) Noise, vibration, dust, odor, fume, glare, or smoke detectable at the property line.</li> <li>(b) Numbers and kinds of vehicular trips to the site.</li> <li>(c) Amount and nature of outside storage, loading and parking.</li> <li>(d) Visual impact.</li> <li>(e) Hours of operation.</li> <li>(f) Effect on existing vegetation.</li> <li>(g) Effect on water drainage and water quality.</li> <li>(h) Service or other benefit to the area.</li> <li>(i) Other factors relating to conflicts or incompatibility with the character or needs of the area.</li> </ul>	<ul style="list-style-type: none"> <li>(f) Effect on existing vegetation.</li> <li>(g) Effect on water drainage and water quality.</li> <li>(h) Service or other benefit to the area.</li> <li>(i) Other factors relating to conflicts or incompatibility with the character or needs of the area.</li> </ul> <p>2. The character and history of the use and of development in the surrounding area.</p> <p>3. An approval may be conditioned to mitigate potential adverse impacts identified.</p> <p><b><u>Section 3.1070 Changes to a Non-conforming Use</u></b></p> <p>A non-conforming use may only be changed to that of a conforming use. Where such a change is made, the use shall not be changed back to a non-conforming use.</p> <p><b><u>Section 3.1080 Replacement and Damage</u></b></p> <p>1) If a non-conforming structure or a structure containing a non-conforming use is damaged or destroyed by fire, natural disaster or other catastrophe outside of the owner's control, it may be reconstructed within the dimensions of the structure prior to the damage; and</p> <p>(A) A building permit for its reconstruction shall be obtained within three years of the date of the damage;</p>
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<p>2. The character and history of the use and of development in the surrounding area.</p> <p>3. An approval may be conditioned to mitigate any potential adverse impacts that have been identified by the review body.</p> <p><b><u>Section 3.1070 Changes to a Non-conforming Use</u></b></p> <p>1) A non-conforming use may only be changed to that of a conforming use. Where such a change is made, the use shall not thereafter be changed back to a non-conforming use.</p> <p><b><u>Section 3.1080 Replacement and Damage</u></b></p> <p>1) Non-conforming structures and uses.</p> <p>If a non-conforming structure or a structure containing a non-conforming use is damaged or destroyed by fire, natural disaster or other catastrophe outside of the owner's control, it may be reconstructed in conformance with the dimensional standards of the building prior to its destruction; and</p> <p>2) A building permit for its reconstruction shall be obtained within three years of the date of the damage;</p> <p>3) If a building permit is not obtained within three years, the reconstruction shall be in conformance with the current requirements of this Ordinance. However, by a Type I procedure, the</p>	<p>(B) If a building permit is not obtained within three years, the reconstruction shall be in conformance with this Ordinance.</p> <p>The Community Development Director may grant a one-year extension of the three-year period under a Type I procedure. Requests to extend the three-year period must be submitted prior to the expiration of the three-year period, provided in writing, and shall explain why the extension is necessary and how the extension will be used to complete the project.</p> <p>2) Damage greater than 75% real market value:</p> <p>If a non-conforming structure or a structure devoted to a non-conforming use is damaged, destroyed, or demolished by an action of the property owner or authorized agent to an extent amounting to 75% or more of its real market value, it shall be reconstructed in conformance this Ordinance, unless approval of a variance is obtained as described in LAWDUC Section 2.8000.</p> <p>3) Damage less than 75% real market value:</p> <p>If a non-conforming structure or a structure devoted to a non-conforming use is damaged by an action of the property owner or authorized agent to an extent amounting to less than 75% of its real market value, it may be reconstructed in conformance within the dimensions of the structure prior to its destruction; and</p>
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<p>Community Development Director may grant a one-year extension of the three-year period. Requests to extend the three-year period must be submitted prior to the expiration of the three-year period, provided in writing, and shall explain why the extension is necessary and how the extension will be used to complete the project.</p> <p>(B) If a non-conforming structure or a structure devoted to a non-conforming use is damaged, destroyed, or demolished by an action of the property owner or authorized agent, to an extent amounting to 75% or more of its real market value, it shall be reconstructed in conformance with the current requirements of this Ordinance, unless approval of a variance is obtained as described in LAWDUC Section 2.8000.</p> <p>(C) If a non-conforming structure or a structure devoted to a non-conforming use is damaged by an action of the property owner or his authorized agent, to an extent amounting to less than 75% of its real market value, it may be reconstructed in conformance with</p>	<p>(A) A building permit for its reconstruction shall be obtained within three years of the date of the damage, destruction or demolition.</p> <p>(B) If a building permit is not obtained within three years, the reconstruction shall be in conformance with this Ordinance. The Community Development Director may grant a one-year extension of the three-year period under a Type I procedure. Requests to extend the three-year period must be submitted prior to the expiration of the three-year period, provided in writing, and shall explain why the extension is necessary and how the extension will be used to complete the project.</p> <p>4) When calculating real market value lost due to damages, the value of the entire structure prior to its damage shall be used. Real market value shall be the value determined by the records of the County Assessor or the value determined by an independent licensed appraiser.</p> <p>5) Non-conforming mobile home parks destroyed by natural disaster may be replaced subject to Section 3.4095. [ORD. 23-02]</p> <p><b><u>Section 3.1090 Completion</u></b> A development that is permitted and under construction on the effective date of an ordinance that makes that development non-conforming may be completed. The use or structure may be used for the purpose for which it was permitted.</p>	
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<p>the dimensional standards of the building prior to its destruction; and</p> <p>2) A building permit for its reconstruction shall be obtained within three years of the date of the damage, destruction or demolition.</p> <p>3) If a building permit is not obtained within three years, the reconstruction shall be in conformance with the current requirements of this Ordinance. However, by a Type I procedure, the Community Development Director may grant a one-year extension of the three-year period. Requests to extend the three-year period must be submitted prior to the expiration of the three-year period, provided in writing, and shall explain why the extension is necessary and how the extension will be used to complete the project.</p> <p>(D) The percentage of real market value loss shall be based on the real market value lost to damages compared to the real market value of the entire structure or building. Real market value shall be the value determined by the records of the</p>	<p><b><u>Section 3.1100. Omitted [ORD. XX-XX]</u></b></p> <p>[NOTE: This section is stated almost word-for-word in Section 3.1050]</p>	
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<p>County Assessor or the value determined by an independent licensed appraiser.</p> <p>(E) Non-conforming mobile home parks destroyed by natural disaster may be replaced subject to Section 3.4095. [ORD. 23-02]</p> <p><b><u>Section 3.1090 Completion</u></b> A development that is lawfully under construction on the effective date of an ordinance that makes that use or structure Non-conforming may be completed. The use or structure may be used for the purpose for which it was designed, arranged or intended.</p> <p><b><u>Section 3.1100. Compliance with Other Requirements</u></b> Notwithstanding the provisions of this section, alteration of a Non-conforming use or a Non-conforming structure shall be allowed if necessary to comply with state or local health or safety requirements.</p>		
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EXISTING LANGUAGE	PROPOSED LANGUAGE	COMMENTS/NOTES
<p><b><u>SECTION 3.2000. EROSION CONTROL DEVELOPMENT STANDARDS.</u></b></p> <p><b><u>Section 3.2010. Purpose</u></b>  The objective of this section is to manage development activities including clearing, grading, excavation and filling of the land, which can lead to soil erosion and the sedimentation of watercourses, wetlands, riparian areas, public and private roadways. The intent of this section is to protect the water quality of surface water, improve fish habitat, and preserve top soil by developing and implementing standards to help reduce soil erosion related to land disturbing activities. In addition, these standards are to serve as guidelines to educate the public on steps to take to reduce soil erosion.</p>	<p><b><u>SECTION 3.2000. EROSION CONTROL DEVELOPMENT STANDARDS.</u></b></p> <p><b><u>Section 3.2010. Purpose</u></b>  The objective of this section is to manage development activities including clearing, grading, excavation, and filling of the land, which can lead to soil erosion and the sedimentation of watercourses, wetlands, riparian areas, public and private roadways. The intent of this section is to protect the water quality of surface water, improve fish habitat, and preserve top soil by developing and implementing standards to help reduce soil erosion related to land disturbing activities. In addition, these standards are to serve as guidelines to educate the public on steps to take to reduce soil erosion.</p>	<p>No changes.</p>
<p><b><u>Section 3.2020. Definitions</u></b>  Certain terms used herein are defined below for the purposes of Section 3.2000.</p> <p>CLEARING: Any development activity that removes vegetative ground cover.</p> <p>EROSION/ SOIL EROSION:</p> <p>1) The wearing away of the land surface by running water, wind, ice, or other geologic agents, including such processes as gravitational creep.</p> <p>2) Detachment and movement of soil or rock fragments by water, wind, ice, or gravity.</p> <p>EXCAVATION: Any act by which organic matter, earth, sand, gravel, rock, or any other materials are cut into, dug, uncovered, removed, displaced, relocated, or bulldozed.</p>	<p><b><u>Section 3.2020. Definitions</u></b>  Certain terms used herein are defined below for the purposes of Section 3.2000.</p> <p>CLEARING: Any development activity that removes vegetative ground cover.</p> <p>EROSION/ SOIL EROSION:</p> <p>1) The wearing away of the land surface by running water, wind, ice, or other geologic agents, including such processes as gravitational creep.</p> <p>2) Detachment and movement of soil or rock fragments by water, wind, ice, or gravity.</p> <p>EXCAVATION: Any act by which organic matter, earth, sand, gravel, rock, or any other materials are cut into, dug, uncovered, removed, displaced, relocated, or bulldozed.</p>	<p>Removed definition of Community Development Director.</p>



<p><b>FILL:</b> Any human activity by which earth, sand, gravel, rock, or any other materials are deposited, placed, replaced, pushed, dumped, pulled, transported or moved to a new location, including the conditions resulting therefrom.</p> <p><b>GRADING:</b> Excavation or fill or any combination thereof, including the conditions resulting from any excavation or fill such as clearing and stripping.</p> <p><b>LAND DISTURBING ACTIVITY:</b> Any development activity which removes, disturbs or covers existing vegetative ground cover by physical means including, but not limited to, clearing, grading, stripping, excavation, or fill.</p> <p><b>COMMUNITY DEVELOPMENT DIRECTOR:</b> The Community Development Director is that person designated to act as the Clatsop County Community Development Director, any person designated by the Community Development Director to act as the Erosion Control Specialist, or any other agent authorized by Clatsop County to perform those duties relating to erosion control.</p> <p><b>ROADWAY:</b> All travel surfaces used for ingress and egress of a site, recorded easements for access purposes or platted roads, developed or undeveloped; including but not limited to, driveways, easements, access points, private roads, public roads, and County roads.</p> <p><b>ROUTINE MAINTENANCE:</b> Actions taken on a periodic basis to repair and/or improve the function of existing roadways including, but not limited to, patching, paving, grading of existing road surfaces and the addition of gravel, placement or replacement of signs, traffic delineators or site posts, and repair or replacement of existing guardrails. The construction of new roadways or improvements to existing roadways including, but not limited to, the creation of new travel lanes, turn lanes, or deceleration lanes, or the addition of new pull-outs, roadside drainage ditches or guardrails; do not constitute routine maintenance.</p> <p><b>SEDIMENTATION:</b> The depositing of solid material, both mineral and organic, that is in suspension, is being transported, or has been</p>	<p><b>FILL:</b> Any human activity by which earth, sand, gravel, rock, or any other materials are deposited, placed, replaced, pushed, dumped, pulled, transported or moved to a new location, including the conditions resulting therefrom.</p> <p><b>GRADING:</b> Excavation or fill or any combination thereof, including the conditions resulting from any excavation or fill such as clearing and stripping.</p> <p><b>LAND DISTURBING ACTIVITY:</b> Any development activity which removes, disturbs or covers existing vegetative ground cover by physical means including, but not limited to, clearing, grading, stripping, excavation, or fill.</p> <p><b>ROADWAY:</b> All travel surfaces used for ingress and egress of a site, recorded easements for access purposes or platted roads, developed or undeveloped; including but not limited to, driveways, easements, access points, private roads, public roads, and County roads.</p> <p><b>ROUTINE MAINTENANCE:</b> Actions taken on a periodic basis to repair and/or improve the function of existing roadways including, but not limited to, patching, paving, grading of existing road surfaces and the addition of gravel, placement or replacement of signs, traffic delineators or site posts, and repair or replacement of existing guardrails. The construction of new roadways or improvements to existing roadways including, but not limited to, the creation of new travel lanes, turn lanes, or deceleration lanes, or the addition of new pull-outs, roadside drainage ditches or guardrails; do not constitute routine maintenance.</p> <p><b>SEDIMENTATION:</b> The depositing of solid material, both mineral and organic, that is in suspension, is being transported, or has been</p>
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<p>not limited to, the creation of new travel lanes, turn lanes, or deceleration lanes, or the addition of new pull-outs, roadside drainage ditches or guardrails; do not constitute routine maintenance.</p> <p><b>SEDIMENTATION:</b> The depositing of solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, or gravity.</p> <p><b>STRIPPING:</b> Any activity that removes the vegetative surface cover including tree removal, clearing, and storage or removal of top soil.</p> <p><b>WATERCOURSE:</b> Any established channel, bed or drainage way where water draining from a land area collects and/or flows on the ground surface including, but not limited to, bays, lakes, rivers, streams, wetlands, channels, gullies and other natural drainage ways.</p>	<p>moved from its site of origin by air, water, or gravity.</p> <p><b>STRIPPING:</b> Any activity that removes the vegetative surface cover including tree removal, clearing, and storage or removal of top soil.</p> <p><b>WATERCOURSE:</b> Any established channel, bed or drainage way where water draining from a land area collects and/or flows on the ground surface including, but not limited to, bays, lakes, rivers, streams, wetlands, channels, gullies and other natural drainage ways.</p>	
<p><b><u>Section 3.2030. Erosion Control Plan</u></b></p> <p>1) An Erosion Control Plan shall be required for land disturbing activities, in conjunction with a development permit.</p> <p>2) Creation and Submittal of Plan: An Erosion Control Plan shall be submitted by the property owner or their agent with the development permit application to the Clatsop County Department of Community Development. This Erosion Control Plan shall be approved by the Community Development Director prior to any development activity on the site. The Erosion Control Plan shall be prepared in accordance with the requirements of this section and the "Erosion Control Guidance" published by the Columbia River Estuary</p>	<p><b><u>Section 3.2030. Erosion Control Plan</u></b></p> <p>1) An Erosion Control Plan shall be required for land disturbing activities, in conjunction with a development permit.</p> <p>2) Creation and Submittal of Plan: An Erosion Control Plan shall be submitted by an applicant with their development permit application and shall be approved prior to any development activity on the site. The Erosion Control Plan shall conform to the standards of this Ordinance and the "Erosion Control Guidance" published by the Columbia River Estuary Study Taskforce (CREST). The Plan shall contain the following elements, drawn at an appropriate scale, and the level of detail is determined by site conditions and project complexity.</p> <p>(A) An Area Map depicting accurate size and distances for the following elements:</p> <p>1) The location of the development site in relation to the property boundaries.</p>	



<p>Study Taskforce (CREST). The Plan shall contain the following elements, drawn at an appropriate scale. The level of erosion control activity detail is determined by site conditions and project complexity. The area map and site map may be one document if all elements listed below are addressed.</p> <p>(A) An Area Map depicting accurate size and distances for the following elements:</p> <ol style="list-style-type: none"> <li>1) The location of the development site in relation to the property boundaries.</li> <li>2) The location of all adjacent roadways.</li> <li>3) The location, size and design of all existing and proposed structures.</li> <li>4) The location of any lakes, rivers, streams, wetlands, channels, ditches or other watercourses on or near the development site.</li> <li>5) The direction surface water flows.</li> <li>6) Indication of the north direction.</li> </ol> <p>(B) A Site Map containing the following elements:</p> <ol style="list-style-type: none"> <li>1. The location of existing vegetation adjacent to any watercourse.</li> <li>2. Areas where vegetative cover will be retained and the type and location of</li> </ol>	<ol style="list-style-type: none"> <li>2) The location of all adjacent roadways.</li> <li>3) The location, size and design of all existing and proposed structures.</li> <li>4) The location of any lakes, rivers, streams, wetlands, channels, ditches or other watercourses on or near the development site.</li> <li>5) The direction surface water flows.</li> <li>6) Indication of the north direction.</li> </ol> <p>(B) A Site Map containing the following elements:</p> <ol style="list-style-type: none"> <li>1. Vegetation adjacent to any watercourse.</li> <li>2. Areas where vegetation will be retained. its type, and measures taken to protect vegetation from damage.</li> <li>3. Areas where vegetation will be removed and the location of temporary and permanent erosion control measures to be used including, but not limited to: silt fencing, straw bales, graveling, mulching, seeding, and sodding.</li> <li>4. Indication of the north direction.</li> <li>5. Indication of slope steepness direction of water drainage.</li> </ol>
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<p>measures taken to protect vegetation from damage.</p> <p>3. Areas where vegetative cover will be removed and the location of temporary and permanent erosion control measures to be used including, but not limited to: silt fencing, straw bales, graveling, mulching, seeding, and sodding.</p> <p>4. Indication of the north direction.</p> <p>5. Indication of slope steepness. Include gradient of surface water flow.</p> <p>6. The general slope characteristics of adjacent property.</p> <p>7. Location of the construction access driveway(s) and vehicle parking area(s).</p> <p>8. Location of soil stockpiles.</p> <p>(C) An Erosion Control Statement containing the following elements:</p> <p>1. A schedule of land disturbance activities, project phasing and the time frame for placement of both temporary and permanent erosion and sediment control measures.</p> <p>2. The name, address and phone number of the person(s) responsible for placement, inspection and</p>	<p>6. The general slope characteristics of adjacent property.</p> <p>7. Location of driveway(s) and vehicle parking area(s).</p> <p>8. Location of soil stockpiles.</p> <p>(C) An Erosion Control Statement containing the following elements:</p> <p>1. Timeline of land disturbance activities including placement of both temporary and permanent erosion and sediment control measures.</p> <p>2. The name, address and phone number of the person(s) responsible for placement, inspection, and maintenance of the temporary and permanent erosion control measures.</p> <p>3. A statement signed by the property owner and building contractor/developer certifying that any land clearing, construction, or development involving the movement of earth shall conform to the Erosion Control Plan as approved by the Clatsop County Community Development Director.</p> <p>3) Plan Review and Approval: Each Erosion Control Plan shall be reviewed, in conjunction with a development permit, and subject to the following:</p> <p>(A) The Community Development Director will review an Erosion Control Plan in conjunction with a development</p>	
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<p>maintenance of the temporary and permanent erosion control measures.</p> <p>3. A statement signed by the property owner and building contractor/ developer certifying that any land clearing, construction, or development involving the movement of earth shall conform to the Erosion Control Plan as approved by the Clatsop County Community Development Director.</p>	<p>permit. Approval of a plan will only indicate that the applicant has addressed minimal County standards regarding erosion control and the approval is not a guarantee that erosion will not occur. The burden is upon the applicant to take the necessary measures to reduce soil erosion.</p> <p>(B) Any disturbance of land in the Beaches and Dunes Overlay (BDO) larger than 3,000 square feet should also have the plan reviewed and approved by the Clatsop Soil and Water Conservation District. The Clatsop Soil and Water Conservation District should be informed at the start of work and also upon completion of site stabilization after the completion of construction.</p>
<p>3) Plan Review and Approval: Each Erosion Control Plan shall be reviewed, in conjunction with a development permit, pursuant to the standards listed in this section.</p> <p>(A) The Community Development Director will review each plan to determine if the applicant has adequately addressed the erosion control standards. Approval of this plan will only indicate that the applicant has addressed minimal County standards regarding erosion control and the approval is not a guarantee that erosion will not occur. The burden is upon the applicant to take the necessary measures to reduce soil erosion.</p> <p>(B) Any disturbance of land in the Beaches and Dunes Overlay (BDO) larger than 3,000 square feet should</p>	

<p>also have the plan reviewed and approved by the Clatsop Soil and Water Conservation District. The Clatsop Soil and Water Conservation District should be informed at the start of work and also upon completion of site stabilization after the completion of construction.</p>		
<p><b><u>Section 3.2040. Design and Operation Standards and Requirements</u></b>  All clearing, grading, stripping, excavation, and filling activities which are subject to the requirement of an Erosion Control Plan under Section 3.2030(1) shall be subject to the applicable standards and requirements set forth in this section. The standards imposed and the level of erosion control activity detail depend on the site conditions and complexity of the project required to reduce the movement of soil off of the site.</p> <p>1) Development Site Erosion Control Guidelines  (A) It is the responsibility of the property owner or their agent such as a contractor to take whatever actions necessary to reduce movement of soil off of the site and/or into a watercourse or roadway. These actions include:</p> <p>1. All riparian areas should have functioning erosion protection measures in place within 24 hours of initiating clearing, grading, stripping, excavation or fill activities on the site.</p> <p>2. Other on-site erosion control</p>	<p><b><u>Section 3.2040. Design and Operation Standards and Requirements</u></b>  All land disturbing activities which require an Erosion Control Plan shall be subject to the following standards. The standards imposed are designed to reduce the movement of soil off site.</p> <p>1) Development Site Erosion Control Guidelines. It is the responsibility of the applicant or contractor to take whatever actions necessary to reduce movement of soil off site into a watercourse or roadway. These actions include:</p> <p>(A) All areas adjacent to bodies of water should have erosion protection measures in place within 24 hours of initiating land disturbing activities.</p> <p>(B) Other on-site erosion control measures should be constructed and functional in accordance with the timeline approved in the Erosion Control Plan.</p> <p>(C) All required local, state and federal permits and approvals shall be obtained prior to any land</p>	<p>Much reformatting for more clarity.  Combination of many subsections. Reduction in wordiness of many standards.</p>



<p>measures should be constructed and functional in accordance with the time schedule approved in the Erosion Control Plan.</p> <p>3. All required local, state and federal permits and approvals shall be obtained prior to any land disturbance activity on the site. Copies of applicable state and federal permits shall be provided to the County Community Development Department.</p> <p>(B) Erosion Sediment Control Standards: The standards imposed and the level of erosion control activity detail depend on the site conditions and complexity of the project required to reduce the movement of soil off of the site.</p> <p>1. At a minimum, the following elements should be addressed in an Erosion Control Plan:</p> <p>(a) Erosion control measures should be designed and maintained to insure on-site activities do not impact other properties.</p> <p>(b) The use of vegetated buffers is encouraged. The vegetative buffer should be relative in area to the uphill</p>	<p>disturbance activity on the site. Copies of applicable state and federal permits shall be provided to the County Community Development Department.</p> <p>2) The following sediment control standards shall apply based on project complexity and site conditions, and shall be indicated in an Erosion Control Plan:</p> <p>(A) Erosion control measures should be designed and maintained to insure on-site activities do not impact other properties.</p> <p>(B) The use of vegetated buffers is encouraged. The vegetative buffer should be similar in area to the disturbed area draining into it. Vegetation along a watercourse shall be subject to the standards in Section 6.2000.</p> <p>(C) Permanent soil stabilization measures should be completed within 30 days after completion of land disturbing activities.</p> <p>(D) All temporary erosion and sediment control measures/materials should be disposed of within 30 days after permanent soil stabilization measures are installed. Trapped sediment and other disturbed soils resulting should be permanently stabilized to prevent further erosion and sedimentation.</p> <p>(E) Construct properly installed filter barriers (filter fences, straw bales) to control runoff as specified in</p>	
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<p>disturbed construction area draining into it. Vegetation along a watercourse shall be subject to the standards in Section 6.2000.</p> <p>(c) Permanent soil stabilization measures should be completed within 30 days after completion of construction or development activity ceases on the site.</p> <p>(d) All temporary erosion and sediment control measures/ materials should be disposed of within 30 days after final site stabilization is achieved with permanent soil stabilization measures. Trapped sediment and other disturbed soils resulting from temporary sediment control measures should be permanently stabilized to prevent</p>	<p>the CREST Erosion Control Guidance.</p> <p>(F) Protect storm sewer inlets and culverts by sediment traps or filter barriers.</p> <p>(G) Install a graveled (or equivalent) entrance road(s) to reduce mud, dirt or other sediment from being tracked onto roadways. Sediment reaching a roadway should be removed by shoveling or street cleaning (not flushing) before the end of each workday and transported to a controlled sediment deposit area.</p> <p>3) The following erosion prevention standards shall apply based on project complexity and site conditions, and shall be indicated in an Erosion Control Plan:</p> <p>(A) A minimum amount of vegetation should be disturbed during site preparation.</p> <p>(B) Site clearing should occur no sooner than is necessary prior to construction.</p> <p>(C) Disturbed areas should be stabilized with temporary and/or permanent measures as specified in the time schedule of the approved Erosion Control Plan, or as otherwise required by the Community Development Director, following the end of land disturbing activities, in accordance with the following criteria:</p> <p>1. Appropriate temporary stabilization measures include seeding, mulching, sodding,</p>	
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<p>2. further erosion and sedimentation.</p> <p>Depending on the complexity of the project, the following elements may need to be addressed in an Erosion Control Plan:</p> <p>(a) Construct properly installed filter barriers (including filter fences, straw bales, or equivalent control measures) to control off-site runoff as specified in the CREST Erosion Control Guidance.</p> <p>(b) Protect storm sewer inlets and culverts by sediment traps or filter barriers.</p> <p>(c) Install a graveled (or equivalent) entrance road(s) of sufficient length, depth and width to reduce mud, dirt or other sediment from being tracked onto roadways. If necessary, any sediment reaching a roadway should be removed by shoveling or street cleaning (not flushing) before the</p>	<p>and/or non-vegetative measures such as sediment blankets.</p> <p>2. Appropriate permanent stabilization measures include seeding, mulching combined with seeding, sodding, landscaping, and non-vegetative measures such as paving, gravel, etc. In dune areas, planting of dune grass may be required.</p> <p>3. Areas having slopes greater than 12 percent should be stabilized with mulch, sod, mat or blanket in combination with seeding, or equivalent.</p> <p>4. Roadway improvement projects resulting in disturbed slopes steeper than 2:1 should be stabilized with sod, mat or sediment blanket in conjunction with seeding, or equivalent.</p> <p>(D) Soil storage piles containing more than 10 cubic yards of material should be stabilized by use of a sediment blanket, impervious cover, or shall incorporate hay or straw. The pile shall not be placed in a location with a downslope gradient of less than 50 feet to a watercourse, unless the pile is contained by a sediment barrier at the toe of the slope.</p> <p>(E) Land disturbance activities in areas adjacent to bodies of water shall be avoided, unless the Community</p>	
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<p>end of each workday and transported to a controlled sediment deposit area.</p> <p>(C) Erosion Prevention Standards: The standards imposed and the level of erosion control activity detail depend on the site conditions and complexity of the project required to reduce the movement of soil off of the site.</p> <ol style="list-style-type: none"> <li>3. A minimum amount of vegetation should be disturbed during site preparation.</li> <li>4. Site clearing should occur no sooner than is necessary prior to construction.</li> <li>5. Disturbed areas should be stabilized with temporary and/or permanent measures as specified in the time schedule of the approved Erosion Control Plan, or as otherwise required by the Community Development Director, following the end of active disturbance or redistribution, in accordance with the following criteria:               <ol style="list-style-type: none"> <li>(a) Appropriate temporary stabilization measures should include seeding, mulching, sodding,</li> </ol> </li> </ol>	<p>Development Department in conjunction with the other appropriate state, federal and local agencies, determines that the development requires the disturbance in the proposed location. If disturbance activities are unavoidable, the following requirements shall be met.</p> <ol style="list-style-type: none"> <li>1. Land disturbing activities shall be kept out of the stream channel and riparian area to the maximum extent possible. Where construction crossings are necessary, additional state, federal and local permits may be required. The applicant shall demonstrate compliance with all applicable regulations and obtain all applicable permits for the project, prior to any land disturbing activity.</li> <li>2. The time and area of disturbance of stream channels and riparian areas shall be kept to the minimum necessary for the project. Instream work shall follow Oregon Department of Fish and Wildlife (ODFW) Guidelines for timing of in-water work to protect fish and wildlife resources. An ODFW fish biologist shall be consulted and approve the erosion control and streambank stabilization plan, prior to land disturbance near fish bearing streams. The stream channel, including bed</li> </ol>	
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<p>and/or non-vegetative measures such as sediment blankets.</p> <p>(b) Appropriate permanent stabilization measures should include seeding, mulching combined with seeding, sodding, landscaping, and non-vegetative measures such as paving, gravel, etc. In dune areas, planting of dune grass may be required.</p> <p>(c) Areas having slopes greater than 12 percent should be stabilized with mulch, sod, mat or blanket in combination with seeding, or equivalent.</p> <p>(d) Roadway improvement projects resulting in disturbed slopes steeper than 2:1 should be stabilized with sod, mat or sediment blanket in conjunction</p>	<p>and banks, shall be restabilized within 24 hours after channel disturbance is completed, interrupted or stopped.</p> <p>4) The standards contained in the "Erosion Control Guidance" cited in Section 3.2040 is hereby incorporated into this section and made a part hereof by reference for the purpose of reviewing Erosion Control Plans under Section 3.2030. In the event of a conflict between the provisions of said guidance and this ordinance, the ordinance shall govern.</p> <p>5) Maintenance of Control Measures: All erosion control measures should be maintained to ensure proper function. Maintenance should include, but not be limited to:</p> <p>(A) Periodic inspection for functioning, at least once every 7 days; or once every 24 hours during storm events; and</p> <p>(B) Any sediment build-up behind sediment barriers shall be removed and the sediment shall be placed in a controlled sediment area; and</p> <p>(C) Erosion control measures shall be repaired or replaced as frequently as necessary to ensure optimal functioning.</p> <p>6) Amendments of Plans: Changes to an approved Erosion Control Plan shall be submitted to the Community Development Director and shall be processed in the same manner as the original plan.</p> <p>7) Responsibility:</p>	
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<p>with seeding, or equivalent.</p> <p>6. Soil storage piles containing more than 10 cubic yards of material should be covered with a sediment blanket, impervious cover, or shall incorporate hay or straw into the surface of the soil pile to stabilize it. The pile shall not be placed in a location with a downslope gradient of less than 50 feet to a watercourse, unless the pile is contained by a sediment barrier at the toe of the slope.</p> <p>7. Land disturbance activities in riparian areas shall be avoided, unless the Community Development Department in conjunction with the other appropriate state, federal and local agencies determines that the development requires the disturbance in the proposed location. If disturbance activities are unavoidable, the following requirements shall be met.</p> <p>(a) Construction activity shall be kept out of the stream channel and riparian area to the maximum extent</p>	<p>(A) It is the responsibility of the property owner to comply with the submitted Erosion Control Plan.</p> <p>(B) The applicant of an erosion control plan shall not be relieved of responsibility for damage to persons or property otherwise imposed by law. The County will not be made liable for such damage, by:</p> <p>(1) the approval of a submittal under this ordinance;</p> <p>(2) compliance with the provisions of the submitted plan or with conditions attached to it by the County;</p> <p>(3) failure of County officials to observe or recognize hazardous or unsightly conditions;</p> <p>(4) failure of County officials to disapprove an erosion control plan submittal; or</p> <p>(5) exemptions from erosion control plan submittal requirements of this ordinance.</p>
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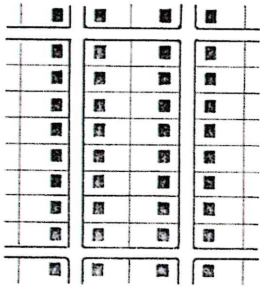
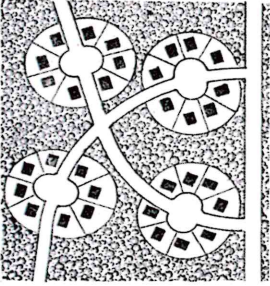
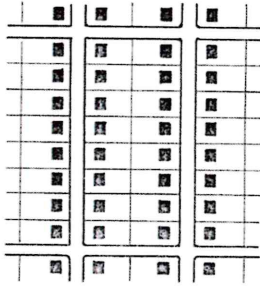
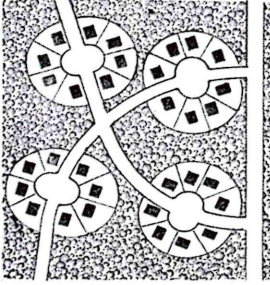
<p>possible. Where construction crossings are necessary, additional state, federal and/or local permits may be required. The property owner or agent shall demonstrate compliance with all applicable regulations and obtain all applicable permits for the project, prior to any land disturbing activity on the site.</p> <p>(b)</p> <p>The time and area of disturbance of stream channels and riparian areas shall be kept to the minimum necessary for the project. Instream work shall follow Oregon Department of Fish and Wildlife (ODFW) Guidelines for timing of in-water work to protect fish and wildlife resources. An ODFW fish biologist shall be consulted and approve the erosion</p>		
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<p>control and streambank stabilization plan, prior to the use of fords across fish bearing streams. The stream channel, including bed and banks, shall be restabilized within 24 hours after channel disturbance is completed, interrupted or stopped.</p> <p>2) Guidance Adopted by Reference: The standards and specifications contained in the "Erosion Control Guidance" cited in Section 3.2040 is hereby incorporated into this section and made a part hereof by reference for the purpose of delineating procedures and methods of operation under erosion and sediment control plans approved under Section 3.2030. In the event of a conflict between the provisions of said guidance and this ordinance, the ordinance shall govern.</p> <p>3) Maintenance of Control Measures: All soil erosion and sediment control measures necessary to meet the requirements of this ordinance should be maintained to ensure proper function. Maintenance should include, but not be limited to, the following standards:</p> <p>(A) Erosion control and prevention measures should be inspected</p>		
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<p>periodically, with a frequency of no less than every 7 days; and</p> <p>(B) Erosion control and prevention measures shall be inspected every 24 hours during storm events to insure the measures are functioning properly; and</p> <p>(C) Any sediment build-up behind sediment barriers shall be removed and the sediment shall be placed in a controlled sediment area; and</p> <p>(D) Erosion and sediment control and prevention measures shall be repaired or replaced as frequently as necessary to ensure optimal functioning of the measures.</p> <p>4) Amendments of Plans: Amendments to a reviewed Erosion Control Plan shall be submitted to the Community Development Director and shall be processed in the same manner as the original plan.</p> <p>5) Responsibility:</p> <p>(A) It will be the responsibility of the property owner to comply with the submitted Erosion Control Plan.</p> <p>(B) The person submitting the erosion control plan shall not be relieved of responsibility for damage to persons or property otherwise imposed by law, and the County or its officers or agents will not be made liable for such damage, by:</p> <p>(1) the approval of a submittal under this ordinance;</p> <p>(2) compliance with the provisions of the submitted</p>		
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<p>plan or with conditions attached to it by the County; failure of County officials to observe or recognize hazardous or unsightly conditions;</p> <p>(3)</p> <p>(4)</p> <p>(5)</p> <p>failure of County officials to disapprove an erosion control plan submittal; or exemptions from erosion control plan submittal requirements of this ordinance.</p>		
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EXISTING LANGUAGE	PROPOSED LANGUAGE	COMMENTS/NOTES
<p><b><u>SECTION 3.3000 CLUSTER DEVELOPMENTS AND DENSITY TRANSFERS</u></b></p>	<p><b><u>SECTION 3.3000 CLUSTER DEVELOPMENTS AND DENSITY TRANSFERS</u></b></p>	
<p><b><u>SECTION 3.3000. CLUSTER DEVELOPMENT AND DENSITY TRANSFER</u></b></p>   <p><i>Figure 7: Traditional Subdivision vs. Cluster Development (Image: American Planning Association)</i></p> <p><b><u>Section 3.3010. Purpose</u></b>  The intent of these standards is to preserve lands suitable for open space by providing an alternative to the division of rural residential lands into the minimum sized lots allowed in the appropriate zones, and to apply standards to rural residential lands consistent with state administrative rules governing cluster developments.</p>	<p><b><u>SECTION 3.3000. CLUSTER DEVELOPMENT</u></b></p> <p><b><u>Section 3.3010. Purpose</u></b></p>   <p><i>Figure 7: Traditional Subdivision vs. Cluster Development (Image: American Planning Association)</i></p> <p><b><u>The purpose of this section is to provide a method through which cluster developments are allowed in appropriate rural residential zones and to preserve lands deemed appropriate for permanent open space. Cluster Developments allow an alternative to traditional lot sizes and subdivision design.</u></b></p>	<p>Updated Purpose of the Section.</p>
<p><b><u>Section 3.3020. Procedures for Cluster Development</u></b>  A cluster development shall comply with the procedures</p>	<p><b><u>Section 3.3020. Procedures for Cluster Development in Rural Residential and Development Zones</u></b></p>	<p>Simplified Development Review Process</p>

<p>and standards in this section.</p> <ol style="list-style-type: none"> <li>1) The applicant shall discuss the proposed cluster development with the staff of the Clatsop County Department of Community Development in a pre-application conference pursuant to Section 2.1070.</li> <li>2) An applicant for a cluster development must submit a development plan and receive approval of the plan prior to development.</li> <li>3) As soon as plan approval is given, the plan and any conditions of approval shall be recorded in the Office of the County Clerk by book and page and shall constitute an agreement not to divide the property as long as it remains in its present zoning.</li> <li>4) (A) As a condition to the approval that may be given for partitioning under this section, the applicant shall provide all deeds or contracts affecting the original farm use parcel to assure that the maximum density will not be exceeded. (B) For each partition application under this Standard the Community Development Director or designate shall determine and include with the approved plan map a statement including: <ol style="list-style-type: none"> <li>1) the number of homesite lots allowable on the original parcel,</li> <li>2) a legal description of the original parcel,</li> <li>3) the number of homesite lots that will result from the proposed partition, and</li> <li>4) the number of homesite lots, if any, that could be allowed in the future on the original parcel.</li> </ol> </li> </ol>	<p><u>Cluster developments are allowed within certain residentially zoned property and within Rural Community zones. The review shall follow the following process:</u></p> <ol style="list-style-type: none"> <li>1. <u>The application shall follow a Type III review process (Section 2.XXX of LAWDUC).</u></li> <li>2. <u>A pre-application with affected state and local regulatory agencies shall be required and conducted in compliance with Section 2.XXX of this code.</u></li> <li>3. <u>The development of a cluster development will be allowed by partition or subdivision plat process as outline in Section 2.XXX of this code.</u></li> </ol> <p><u>Section 3.3025. Cluster Development Design Standards.</u></p> <ol style="list-style-type: none"> <li>1. <u>No commercial or industrial uses shall be allowed.</u></li> <li>2. <u>The cluster development shall include a minimum of 30% of the project area in permanent open space. Open space shall include wetlands, steep dunes, stream buffers, water bodies, deflation plains, and other environmentally sensitive areas within the development.</u></li> <li>3. <u>Permanent common open space as part of subdivisions or planned developments adjoining one another shall be interrelated and continuous.</u></li> </ol>
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	<p>4. <u>Each lot shall have a minimum of two potential sites for on-site septic systems, unless a community sewer system is provided, unless a sewer system is approved consistent with OAR 660-004-000.</u></p> <p>5. <u>Roadways shall be constructed to meet minimum Clatsop County road standards.</u></p> <p>6. <u>Additional conditions of approval may be included to ensure the development meets the intent of the zoning district in which it is located.</u></p> <p>7. <u>In areas not served by a community sewer system, individual parcels shall not be less than two acres in size.</u></p> <p>8. <u>The applicants shall record a deed restriction stating that the subdivision or partition was approved in an area where farming and forestry operation may exist in the area and that the property owner shall not cause negative impacts on adjacent farm and forestry uses.</u></p>	
<p><b><u>Section 3.3030. Residential Cluster Development Standards</u></b></p> <p>1) The tract of land to be developed shall not be less than 4 contiguous acres in size, provided that land divided by a road shall be deemed to be contiguous.</p>	<p><b><u>Section 3.3030. Maintenance of Common Open Space and Facilities for Cluster Developments</u></b></p>	<p>Clarified ownership of open space, and other lands within cluster developments</p>

<p>2) The development may have a density not to exceed the equivalent of the number of dwelling units allowed per acre in the zone or zones.</p> <p>3) The cluster development shall not contain commercial or industrial developments.</p> <p>4) The minimum percentage of common open space shall be 30% excluding roads and property under water (MHHW).</p> <p>5) Attached residences are permitted provided the density allowed per acre in the zone is not exceeded (this does not apply in the Clatsop Plains planning area).</p> <p>6) The prescribed common open space may be used to buffer adjacent forest, farm, hazard areas or other resource lands such as but not limited to archeological and historical sites, water bodies, etc.</p> <p>7) Land in the same ownership or under a single development application that is divided by a road can be used in calculating the acreage that can be used in the clustering option.</p> <p>8) For lands zoned primarily for rural residential uses located outside urban growth boundaries, unincorporated community boundaries, and located outside non-resource lands as defined in OAR660-004-000(5)(3), the following additional conditions must be met.</p> <ol style="list-style-type: none"> <li>1. The number of new dwellings units to be clustered does not exceed 10;</li> <li>2. None of the new lots or parcels created will be smaller than two acres;</li> <li>3. The development is not served by a new community sewer system or by any extension of a sewer system from within an urban growth boundary or from within an unincorporated community, unless the new</li> </ol>	<ol style="list-style-type: none"> <li>1. <u>All lands that are shown in common ownership for access, recreational facilities, or required open space shall be owned and maintained by the property owners through a homeowner's association (HOA) as organized under the laws of the State of Oregon. The HOA shall abide by all state regulations and duly adopt and enforce a declaration of covenants and restrictions on all common areas and facilities. The HOA shall remain until such time as the roads are accepted by a public entity.</u></li> <li>2. <u>Private open space required as part of the development may be sold or transferred to a publicly organized not-for-profit organization whose stated intent is the protection, maintenance, and preservation of natural environments.</u></li> <li>3. <u>For any open space or common area provided as part of the cluster development, the owner shall submit proof of non-revocable deed restrictions recorded in the deed records. The deed restrictions shall preclude all future rights to construct a dwelling on the lot, parcel or tract designated as open space or common area for as long as the lot, parcel or tract remains outside an urban growth boundary or outside of a municipality.</u></li> </ol>
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<p>service or extension is authorized consistent with OAR 660-011-0060;</p> <p>4. The overall density of the development will not exceed one dwelling for each unit of acreage specified in the base zone designations effective on October 4, 2000 as the minimum lot size for the area;</p> <p>5. Any group or cluster of two or more dwelling units will not force a significant change in accepted farm or forest practices on nearby lands devoted to farm or forest uses and will not significantly increase the cost of accepted farm or forest practices there; and</p> <p>6. For any open space or common area provided as part of the cluster development under this subsection (8), the owner shall submit proof of non-revocable deed restrictions recorded in the deed records. The deed restrictions shall preclude all future rights to construct a dwelling on the lot, parcel or tract designated as open space or common area for as long as the lot, parcel or tract remains outside an urban growth boundary.</p>		
<p><b><u>Section 3.3040. Additional Residential Cluster Development Standards for the Clatsop Plains Planning Area</u></b></p> <p>1) All planned developments and subdivisions shall designate and retain areas as permanent common open space.</p> <p>2) The minimum percentage of common open space shall be 30% excluding roads.</p>	<p><b><u>Section 3.3030. Transfer of Development Rights Purpose and Definitions.</u></b></p> <p><b><u>Clatsop County operates and maintains a transfer of development rights program within the residentially zoned districts within the Clatsop Plains overlay district.</u></b></p> <p><b><u>The following terms shall be used for this section:</u></b></p>	<p>Separated TDR from Cluster Development</p> <p>Added Definitions</p>



<p>3) Permanent common open space shall include, whenever possible, steep dunes which would require substantial alterations for building, buffers along streams, water bodies, deflation plains, and farm and forest lands.</p> <p>4) Buffers (screening) shall be provided in all subdivisions and planned developments along all property lines adjacent to arterials and/or collectors.</p> <p>5) Permanent common open space as part of subdivisions or planned developments adjoining one another shall be interrelated and continuous whenever possible. This could mean that the common open space could continuously follow ridge tops, deflation plains or shorelands. The Clatsop County Department of Community Development shall prepare a map of potential systems of common open space to be used as a guide for developers.</p> <p>6) Streams and drainages which form a system of common open space shall be preserved.</p> <p><b><u>Section 3.3050. Density Transfer Standards for the Clatsop Plains Planning Area</u></b></p> <p>1) Transfer of residential development rights between sites in the Clatsop Plains Planning Area is allowed as follows:</p> <p>(A) The remaining lot or parcel of the sending site shall be rezoned to either the Open Space Parks and Recreation zone or Natural Uplands zone or Conservation Shorelands zone or Natural Shorelands zone. The applicant shall file the rezone request at the same time as the density transfer request is submitted, and</p>	<p><b><u>RECEIVING ZONE:</u></b> A tract or parcel designated by action of the Planning Commission where a developer will receive the transferrable development right.</p> <p><b><u>SENDING ZONE:</u></b> A tract or parcel that is designated by action of the Planning Commission from which the owner of land may transfer a transferable development right.</p> <p><b><u>TRANSFERABLE DEVELOPMENT RIGHT (TDR):</u></b> the conversion of a property owner's development rights to a "credit" that can be sold for use in other areas.</p> <p><b><u>TRANSFER OF DEVELOPMENT RIGHTS (TDR) PROGRAM:</u></b> A Clatsop County program to manage the creation of TDR credits to be sold or transferred from one (sending) parcel to another (receiving) parcel.</p> <p><b><u>Section 3.3035. Transfer of Development Rights. Receiving Site Standards</u></b></p> <p>Lands proposed for receiving sites shall be approved for development with the following minimum standards:</p> <p>(1) <u>The receiving site shall be a minimum of 4 contiguous acres in size and contiguous to a public right-of-way.</u></p> <p>(2) <u>The receiving site density shall not exceed the allowed density for the residential zoning district for the receiving property.</u></p>	<p>Outlined Procedures</p>
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<p>(B) Prior to final approval of a density transfer the County shall require that deed restrictions be filed in the Clatsop County Deed Records in a form approved by County Counsel, that prohibits any further development beyond that envisioned in the approved density transfer until such time as the entire area within the density transfer approval has been included within an urban growth boundary; and</p> <p>(C) The Community Development Director shall demarcate the approved restrictions on the official Zoning Map, and</p> <p>(D) No lot or parcel of land shall be involved in more than one (1) density transfer transaction, and</p> <p>(E) Density transfer goes with the property - not the owner; and</p> <p>(F) Minimum lot or parcel size shall be one (1) acre for the receiving site.</p>	<p>(3) <u>Permanent common open space as part of subdivisions or planned developments adjoining one another shall be interrelated and continuous.</u></p> <p>(4) <u>The development shall not include commercial or industrial uses other than allowed home occupations.</u></p> <p>(5) <u>The receiving site shall have minimum lot sizes that allow for a primary and secondary septic site, but shall not be less than one acre in size.</u></p> <p>(6) <u>Receive site parcels shall connect to available public water and sewer systems. If no public sewer and water utilities are available, the developer may propose a cluster sewer and community water system. These utilities must be owned and maintained by the homeowner's association.</u></p> <p>(7) <u>Additional conditions of approval may be included by the approving authority to ensure that the development meets the intent of the receiving site zoning district.</u></p> <p><u>Section 3.3040. Transfer of Development Rights Sending Site Standards</u></p> <p><u>Lands proposed for transfer of development sending sites shall be approved for development with the following minimum standards:</u></p> <p><u>1. Sending zones shall be restricted from further development or platting through one of the two methods:</u></p>
<p>2) All lots or parcels sending or receiving density credits shall be recorded in the "Density Table". If a receiving site cannot be identified for all density credits created by the application the applicant shall prepare a notarized affidavit identifying the sending site and number of credits that are not being assigned. This affidavit shall be kept on file with the Community Development Department. The remaining credits may be assigned at a later time to a cluster development in the Clatsop Plains subject the applicable standards of this section.</p> <p>3) The table tracking all density transfers is maintained administratively by the Clatsop County Community Development Department.</p>	



	<p>a. <u>The owner of the property shall keep the current resource zoning district and file a deed restriction prohibiting further development or platting of the site. Or</u></p> <p>b. <u>The property may be rezoned to another resource or conservation zone if approved by the County Board and the DLCD.</u></p> <p>2) <u>The sending zone shall be prohibited from further residential development unless the subject property is incorporated into an Urban Growth Boundary or annexed by a municipality and appropriate municipal utilities are provided to the site.</u></p>	
<p><b>Section 3.3060. Maintenance of Common Open Space and Facilities</b></p> <p>Whenever any lands or facilities, including streets or ways, are shown on the final development plan as being held in common, the tenants be created into a non-profit corporation under the laws of the State of Oregon, and that such corporation shall adopt articles of incorporation and by- laws and adopt and impose a declaration of covenants and restrictions on such common areas and facilities to the satisfaction of the Planning Commission. Said association shall be formed and continued for the purpose of maintaining such common open spaces and facilities. It shall be created in such a manner that owners of property shall automatically be members and shall be subject to assessment levies to maintain said areas and facilities for the purposes intended. The period of existence of such associations shall not be less than twenty (20) years, and it shall continue thereafter until a majority vote of the members shall terminate it.</p>		



SECTION 3.4000. MOBILE HOMES	SECTION 3.4000. MANUFACTURED HOMES
<p><b><u>SECTION 3.4010. MOBILE HOME PARK DEVELOPMENT</u></b></p> <p><b><u>Section 3.4020. Standards for a Mobile Home Park</u></b> A mobile home park shall be built to state standards in effect at the time of construction and shall comply with the following additional standards.</p> <p><b><u>Section 3.4030. Permitted Uses Within a Mobile Home Park</u></b> No building, structure or land within the boundaries of a mobile home park shall be used for any purpose except for the uses permitted by this article as follows:</p> <ol style="list-style-type: none"> <li>1) Mobile homes for residential use only, together with the normal accessory uses such as a cabana, ramada, patio slab, carport, or garage, and storage or washroom building.</li> <li>2) Private and public utilities.</li> <li>3) Community recreation facilities, including swimming pools, for residents of the park and guests only.</li> <li>4) A mobile home park may have one residence for the use of a caretaker or manager responsible for maintaining or operating the property.</li> <li>5) Occupied, abandoned or unoccupied mobile homes may be abated if they constitute a menace to the public health, safety and welfare.</li> </ol> <p><b><u>Section 3.4040. General Conditions and Limitations Within a Mobile Home Park</u></b></p>	<p><b><u>SECTION 3.4010. MANUFACTURED HOME PARK DEVELOPMENT</u></b></p> <p><u>Manufactured homes on individual parcels are allowed through the same procedures as other residential home types. Manufactured home parks are allowed as Type III reviews in the following zoning districts:</u></p> <ul style="list-style-type: none"> <li>• <u>Rural Community Commercial</u></li> <li>• <u>Rural Community Multi-Family Residential</u></li> <li>• <u>Rural Service Area – Multi-Family Residential</u></li> </ul> <p><b><u>SECTION 3.4020. STANDARDS FOR A MANUFACTURED HOME PARK</u></b></p> <p><u>Manufactured home parks shall be built in compliance with all state regulations in effect at the time of approval with additional standards and conditions applied as part of the Type III review.</u></p> <p><b><u>Section 3.4040. General Conditions and Limitations Within a Mobile Home Park</u></b> <u>The following standards shall apply to the construction of new or modification to existing</u></p>
	<p style="color: red;">Organization changes only</p>

<p>1) <b>Area</b> - The parcel of land to be used for mobile home park purposes shall contain not less than four (4) acres.</p> <p>2) <b>Density</b> - In no event shall the density exceed eight (8) mobile homes per gross acre. Density requirements shall be established as the minimum square footage of gross site area for each mobile home.</p> <p>3) <b>Yard Regulations</b> - For the purposes of this Ordinance, the setback required in each instance shall be a line parallel to and measured at right angles from the front, side or rear property line. The front and rear building setback lines shall extend the full width of the property. The depth of the lot shall not exceed two times the average width. No building, structure or mobile home shall be located so that any part thereof extends into the area between the building setback line and the property line. Fences and signs may be placed within the aforementioned area as an exception to this subsection. Mobile home parks shall set back at least thirty (30) feet from any interior property line abutting residential zoned property. The setback shall be at least fifteen (15) feet from any interior property line abutting commercial or industrial zoned property. The setback from any abutting public street or highway shall be at least twenty-five (25) feet.</p> <p>4) No mobile home shall occupy more than forty (40) percent of the space provided for it.</p> <p>5) <b>Screening</b> - A sight-obscuring fence or wall of not less than five (5) feet nor more than six (6) feet in height, and/or evergreen planting of not less than five (5) feet in height, shall surround the mobile home park. Such fence, wall or planting may be placed up to the front property line if adequate</p>	<p><u>manufactured home parks. Through the Type III review process additional conditions of approval shall be applied based on specific site considerations:</u></p> <ol style="list-style-type: none"> <li><u>1. Minimum Area: 4 contiguous acres</u></li> <li><u>2. Maximum Density: Eight (8) units per acre</u></li> <li><u>3. Structure Setbacks:</u> <ol style="list-style-type: none"> <li><u>a. External Property Lines: Thirty (30) feet</u></li> <li><u>b. Internal Lot Lines: five (5) feet</u></li> <li><u>c. Maximum Space Coverage: 40% of individual site</u></li> <li><u>d. Public Street Right-of-way: Fifteen (15) feet</u></li> <li><u>e. Internal Edge of street: Ten (10) feet</u></li> </ol> </li> <li><u>4. Screening - a minimum 5 foot and maximum 6 foot fence or wall shall be constructed and maintained along the perimeter of the approved manufactured home park. The fence/wall may be replaced with an evergreen planting strip that is a minimum of 5 feet in height and spaced so that an effective screening will exist within five years of construction. Adequate site distances shall be maintained at all entrance points to the manufactured home park.</u></li> <li><u>5. All manufactured home parks shall have frontage and access on to a public right-of-way. No structure or site within a manufactured home park shall gain access directly onto the adjacent public road.</u></li> </ol>
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<p>vision clearance for entrances and exits is maintained.</p> <p>6) <b>Access to a Public Street</b> - A mobile home park shall not be established on any site that does not have access to any public street which does not meet the County Road Standards in Section S6.000.</p> <p>7) <b>Service Buildings</b> - Service buildings housing sanitation facilities shall be permanent structures, complying with all applicable County and State ordinances and statutes regulating building, electrical installations and plumbing and sanitation systems.</p> <p>8) <b>Structures</b> - Structures located in any mobile home space shall be limited to a storage building, ramada or carport. The storage building, ramada or carport may be combined as one structure. No structural additions shall be built onto or become a part of any mobile home, and no mobile home shall support any building in any manner. The words "structural additions" shall not be construed to exclude the construction of an awning, patio cover, or cabana adjacent to a mobile home. There shall be no outdoor storage of furniture, tools, equipment, building materials or supplies belonging to the occupants or management of the park.</p> <p>9) A mobile home permitted in the park, if not resting on continuous foundation, shall be provided with a continuous skirting of non-decaying, non-corroding material extending at least six (6) inches into the ground or to an impervious surface. The skirting or continuous foundation shall have provisions for ventilation and access to the space under the unit.</p>	<p>6. <u>Manufactured homes shall be used for residential purposes. Accessory structures shall be allowed, including carports storage sheds, or ramadas. Attached access stairs and landings, awnings, patio covers or cabanas shall be allowed. No other attached structural alterations shall be allowed.</u></p> <p>7. <u>A manufactured home within a shall be on continuous foundation, or shall be provided with a continuous skirting of non-decaying, non-corroding material extending at least six (6) inches into the ground or to an impervious surface. The skirting or continuous foundation shall have provisions for ventilation and access to the space under the unit.</u></p>
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<p><b><u>Section 3.4050. Site Requirements Within a Mobile Home Park</u></b></p> <p>The following shall be considered the minimum site requirements for a new mobile home park or the expansion of an existing mobile home park.</p> <ol style="list-style-type: none"> <li>1) <b><u>Accessway</u></b> - Accessways shall connect each mobile home space to a public street and shall have a minimum right-of-way width of thirty-six (36) feet.</li> <li>2) <b><u>Walkways</u></b> - Walkways of not less than three (3) feet in width shall be provided from each mobile home space to the service buildings and recreational area or areas, and from the patio to the accessway. A walkway system shall be provided which gives safe, convenient access and should be so designed to be located through interior area, and removed and kept separate from vehicular traffic.</li> <li>3) <b><u>Recreation Area</u></b> - A minimum of two hundred (200) square feet of recreation area shall be provided for each mobile home space. The recreation area may be in one or more locations in the park. At least one (1) recreational area shall have a minimum size of five thousand (5,000) square feet (and be of a shape that will make it usable for its intended purpose) and at least fifty (50) percent of the required recreation area shall be provided for use by residents of the entire park.</li> <li>4) <b><u>Electrical</u></b> - Approved underground electrical hookups shall be provided for each mobile home space.</li> <li>5) <b><u>Sewage</u></b> - Each mobile home space shall be provided with a sewage connection which complies with Oregon State Department of Environmental Quality regulations.</li> </ol>	<p><b><u>Section 3.4050. Site Requirements Within a Manufactured Home Park</u></b></p> <p>The following shall be considered the minimum site requirements for a new manufactured home park or the expansion of an existing manufactured home park.</p> <ol style="list-style-type: none"> <li>1) <b><u>Accessway</u></b> – Access from the manufactured home park on to the public right-of-way shall be consistent with County access requirements</li> <li>2) <b><u>Walkways</u></b> - Walkways within the development shall be consistent with the requirements of the American's with Disabilities Action (ADA).</li> <li>3) <b><u>Recreation Area</u></b> - A minimum of two hundred (200) square feet of community recreation area shall be provided for each manufactured home space. The recreation area may be in one or more locations in the park. All recreational areas shall include land that is suitable for recreational purposes. The recreational facilities are to be maintained in a safe manner and are the responsibility of the manufactured park owner.</li> <li>4) <b><u>Electrical</u></b> - Approved underground electrical hookups shall be provided for each manufactured home space.</li> <li>5) <b><u>Sewage</u></b> - Each home space shall have a sewage connection which complies with Oregon State Department of Environmental Quality regulations.</li> <li>6) <b><u>Water Supply</u></b> - A continuous supply of pure water for drinking and domestic</li> </ol>
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<p>6) <b>Water Supply</b> - A continuous supply of pure water for drinking and domestic purposes that meet Oregon State standards shall be supplied by underground facilities to all buildings and mobile home spaces within the park.</p> <p>7) <b>Anchors and Tie-Downs</b> - Each mobile or trailer space shall be equipped with ground anchors of sufficient number and design to accommodate "over the top" and "frame" type tie-downs to anchor the mobile home or trailer in winds up to and including 100 miles per hour. Anchors and tie-downs shall be in place and installed on said mobile home within thirty (30) days of placement on a site.</p>	<p>7) <u>purposes that meet Oregon State standards shall be supplied by underground facilities to all buildings and home spaces within the park.</u></p> <p><u>Anchors and Tie-Downs - Each manufactured home or trailer space shall be equipped with ground anchors of sufficient number and design to accommodate "over the top" and "frame" type tie-downs to anchor the manufactured home or trailer in winds up to and including 100 miles per hour.</u></p> <p><u>Anchors and tie-downs shall be in place and installed on said manufactured home within thirty (30) days of placement on a site.</u></p> <p>8) <u>Laundry room facilities for residents of the park shall be included in the park design.</u></p>	
<p><b>Section 3.4060. Mobile Home Space Requirements</b> The minimum mobile home space requirements for a new mobile home park or the expansion of an existing mobile home park are as follows:</p> <p>1) The average size of a mobile home space in a mobile home park shall not be less than four thousand (4,000) square feet and no space shall be smaller than three thousand (3,000) square feet. No space shall have a width of less than forty (40) feet, nor less than eighty-five (85) feet in depth.</p> <p>2) No mobile home space shall have a paved stand of less than ten (10) feet in width and less than thirty (30) feet in length.</p> <p>3) Occupied mobile homes shall be parked only on stands provided, shall be setback a minimum of ten</p>	<p><b>Section 3.4060. Manufactured Home Space Requirements</b></p> <p>1) <u>The minimum manufactured home space requirements for a new manufactured home park or the expansion of an existing manufactured home park are as follows:</u></p> <p>a. <u>The average size of a manufactured home space in a manufactured home park shall not be less than four thousand (4,000) square feet and no space shall be smaller than three thousand (3,000) square feet. No space shall have a width of less than</u></p>	<p>Clarified language where possible</p>



<p>(10) feet from the edge of all accessways, and shall observe the setbacks as established in subsection (e) of Section 7.</p> <p>4) Each mobile home space shall be provided with a patio having a minimum area of one hundred forty (140) square feet. The patio shall have a minimum width of seven (7) feet and a minimum length of twenty (20) feet and shall be constructed adjacent and parallel to each mobile home parking space.</p> <p>5) One (1) permanent storage building containing a minimum of thirty-two (32) square feet of floor area shall be provided for each mobile home space. The building height shall not be less than seven (7) feet nor more than nine (9) feet.</p> <p>6) Minimum space requirements between mobile homes:</p> <p>(A) End-to-end, twenty-five (25) feet.</p> <p>(B) Temporary or permanent structures situated in one (1) space shall be separated by at least fifteen (15) feet from temporary or permanent structures, or mobile homes in an adjoining space.</p>	<p><u>forty (40) feet, nor less than eighty-five (85) feet in depth.</u></p> <p>2) <u>Occupied manufactured homes shall be parked only on stands provided, shall be setback a minimum of ten (10) feet from the edge of all accessways.</u></p> <p>3) <u>One (1) permanent storage building or unit containing a minimum of thirty-two (32) square feet of floor area shall be provided for each manufactured home space. The building(s) may be located on each individual manufactured home site or in a central location.</u></p> <p>4) <u>Minimum space requirements between manufactured homes: twenty-five (25) feet.</u></p>
<p><u>Section 3.4070. Improvement Requirements Within a Mobile Home Park</u></p> <p>Improvement requirements for a new mobile home park or the expansion of an existing park are as follows:</p> <p>1) Roadways within an accessway and sidewalk shall be paved with a crushed rock base and asphalt or concrete surfacing according to structural specifications required by the County Roadmaster.</p> <p>2) The minimum surfaced width of the roadway within an accessway shall be twenty (20) feet if there is no parking allowed, and thirty (30) feet if parking is allowed. The first fifty (50) feet of the accessway</p>	<p>Moved to another Section and simplified</p>



<p>measured from the street shall be surfaced to a width of thirty (30) feet and shall be connected to an existing street according to place approved by County Roadmaster or State Highway Engineer.</p> <p>3) Patios shall be paved with asphalt, concrete, or suitable hard surfaced material.</p> <p>4) All accessways and walkways within the park shall be lighted at night to provide a minimum of 1.5 foot candles of illumination.</p> <p>5) Wires for service to light poles and mobile home spaces shall be underground.</p> <p>6) Mobile home stands shall be paved with asphalt or concrete surfacing, or with crushed rock contained with concrete curbing or pressure treated wooded screens.</p> <p>7) The mobile home park shall be well drained. Provisions for drainage shall be made in accordance with plans approved by the County Engineer.</p> <p>8) Recreation areas shall be suitably improved and maintained for recreational purposes as the Planning Commission finds necessary for the types of residents for whom the mobile home park is intended.</p> <p>9) Public telephone service shall be made available for the mobile home park residents.</p> <p>10) Adequate and properly equipped laundry room facilities shall be made available to the residents of the mobile home park.</p>		<p><b><u>Section 3.4080. Plot Plans Required for a Mobile Home Park</u></b>  The application for a permit to construct a new mobile home park or to expand an existing mobile home park,</p>	<p><b><u>Section 3.4080. Procedures for review of a Manufactured Home Park</u></b>  <b><u>The application for a permit to construct a new</u></b></p>
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<p>shall be accompanied by seven (7) copies of the plot plan of the proposed park. The plot plan should show the general layout of the entire mobile home park, and should be drawn to scale not smaller than one (1) inch representing fifty (50) feet. The drawing shall be placed on substantial tracing paper, and shall show the following information:</p> <p>The planning process for development shall include:</p> <ol style="list-style-type: none"> <li>1) Professional Design Team. The applicant for all proposed mobile home parks, pursuant to Section S3.200 shall certify that the talents of one of the following professionals shall be used in the planning process for development: <ol style="list-style-type: none"> <li>(A) An architect licensed by the State of Oregon.</li> <li>(B) A registered engineer or registered engineer and land surveyor licensed by the State of Oregon.</li> </ol> </li> </ol> <p>The professional chosen by the applicant(s) from (A) or (B) above shall be designated to be responsible for conferring with the Community Development staff with respect to concept and details of the plan. The selection of the professional coordinator of the design team will not limit the owner of the developer in consulting with the Community Development staff or the Planning Commission.</p> <ol style="list-style-type: none"> <li>2) Plot plan of land in area to be developed indicating location of adjacent streets and all private rights-of-way existing and proposed within four hundred (400) feet of the development site as well as topographical lines for each five (5) foot contour.</li> <li>3) A legal boundary survey.</li> <li>4) Boundaries and dimensions of the mobile home park.</li> </ol>	<p><u>manufactured home park or to expand an existing manufactured home park, shall be completed as a Type III Conditional Development and Use process. The plans shall be submitted pursuant to Section XXX of this code.</u></p> <p><u>The plans shall be prepared by a registered design professional licensed by the State of Oregon, including either an architect or a registered engineer or registered engineer and land surveyor licensed by the State of Oregon.</u></p> <p><u>The plans shall include all of the information required for the submittal of a Type III application and the following information:</u></p> <ol style="list-style-type: none"> <li>1) <u>Location and dimensions of each manufactured home space, each site designated by number.</u></li> <li>2) <u>Location, dimensions, and design of each existing or proposed structure and gross floor area.</u></li> <li>3) <u>Location and size access ways, walkways, recreational areas, parking spaces, and loading areas</u></li> <li>4) <u>Total number of manufactured home spaces.</u></li> <li>5) <u>Location of available fire and irrigation hydrants.</u></li> <li>6) <u>Preliminary Utility plans for sanitary sewer, water, and drainage.</u></li> </ol>	
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5)	Location and dimensions of each mobile home space. Designate each space by number, letter or name.		
6)	Name of mobile home park and address.		
7)	Scale and north point of plan.		
8)	Location and dimensions of each existing or proposed structure, together with the usage to be contained therein, and approximate location of all entrances thereto, and height and gross floor area thereof.		
9)	Location and width of access ways.		
10)	Location and width of walkways.		
11)	Extent, location, arrangement and proposed improvements of all off-street parking and loading facilities.		
12)	Extent, location, arrangement, type and proposed improvements of all open space, landscaping, fences and walls.		
13)	Architectural drawings and sketches demonstrating the planning and character of the proposed development.		
14)	Total number of mobile home spaces.		
15)	Location of each lighting fixture for lighting the mobile home spaces and grounds.		
16)	Location of recreation areas and buildings and area of recreation space in square feet.		
17)	Location and type of landscaping, fence, wall or combination of any of these or other screening materials.		
18)	Location of point where mobile home park water and sewer system connects with the public system.		
19)	Location of available fire and irrigation hydrants.		
20)	Location of public telephone service for the park.		
21)	Enlarged plot plan of a typical mobile home space		



<p>showing location of the stand, patio, storage space, parking, sidewalk, utility connections and landscaping.</p> <p>22) Detailed plans required - at the time application for a permit to construct a new mobile home park or to expand an existing park, the applicant shall submit seven (7) copies of the required detailed plans:</p> <ul style="list-style-type: none"> <li>(A) New structures.</li> <li>(B) Water and sewer systems.</li> <li>(C) Electrical systems.</li> <li>(D) Road, sidewalk and patio construction.</li> <li>(E) Drainage system, including existing and proposed finished grades.</li> <li>(F) Recreation area improvements.</li> </ul> <p>23) Before construction of a swimming pool in a mobile home park, two (2) copies of plans approved by the Oregon State Board of Health shall be filed with the Building Inspector.</p>		
<p><b><u>Section 3.4090. Improvement Requirements for Expansion of Existing Mobile Home Parks</u></b></p> <p>1) Sewers - Existing sewer lines within the park which do not meet the minimum requirements of this article may remain in use so long as they function properly and the park conforms to the County and State regulations governing sewage and waste water. Any replacement of sewer facilities shall conform to the requirements of new mobile home parks.</p> <p>2) Water Supply - An existing water supply system which does not meet minimum requirements of this article with respect to general availability, etc. may remain in use so long as it continues to</p>	<p><b><u>Section 3.4090. Improvement Requirements for Expansion of Existing Manufactured Home Parks</u></b></p> <p><b><u>The following standards shall apply when an existing manufactured home park is expanded. All new construction shall meet the requirements of this code.</u></b></p> <p>1) <b><u>Sewers - Existing sewer lines within the park may remain in use so long as they function properly and the park conforms to the County and State regulations governing sewage and waste water. Any replacement of sewer facilities shall conform to the requirements of new manufactured home parks.</u></b></p> <p>2) <b><u>Water Supply - An existing water supply system</u></b></p>	

<p>function properly and the park conforms to the County and State regulations governing water supply. Any replacement of water supply facilities shall conform to the requirements for new mobile home parks.</p> <p>3) Lighting and Wiring - The electrical and lighting systems shall be made to conform to the Uniform Building Code of the State of Oregon.</p> <p>4) Service Building - Service buildings shall be made to conform to the standards for new mobile home parks.</p> <p>5) Surfacing for accessways, patios and stands shall be made to conform to the following standards:</p> <p>(A) Accessways shall be surfaced to a minimum width of twenty (20) feet with a crushed rock base and asphalt or concrete surfacing according to structural specifications established by the County Engineer. If parking is to be allowed, the minimum surfaced width of the roadway shall be thirty (30) feet.</p> <p>(B) Mobile home standards shall be surfaced with crushed gravel to a size equal to or greater than the dimensions of the trailer located on the stand, but shall not be less than ten (10) feet by thirty (30) feet.</p> <p>(C) Patios shall have a surface area of at least one hundred forty (140) square feet and a minimum width of seven (7) feet, paved with concrete, asphalt, flagstone or the equivalent.</p> <p>(D) Walkways shall have a minimum width of three (3) feet with a paved surface of concrete, asphalt or the equivalent. Walkways shall be provided from each mobile home space to the service</p>	<p><u>which does not meet minimum requirements of this article with respect to general availability, etc. may remain in use so long as it continues to function properly and the park conforms to the County and State regulations governing water supply. Any replacement of water supply facilities shall conform to the requirements for new manufactured home parks.</u></p> <p>3) <u>Lighting and Wiring - The electrical and lighting systems shall be made to conform to the applicable State Specialty Codes of the State of Oregon.</u></p> <p>4) <u>Service Building - Service buildings shall be made to conform to the standards for new manufactured home parks.</u></p> <p>5) <u>Walkways within the manufactured home park shall be brought up to standards found in the Americans with Disabilities Act.</u></p> <p>6) <u>Outside Storage - All outside storage in a manufactured home park shall be in an enclosed building as required for new manufactured home parks.</u></p>
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<p>buildings. From the patio to the surfaced part of the accessways may be considered as part of the walkway to the service building.</p> <p>6) Outside Storage - All outside storage in a mobile home park shall be in an enclosed building as required for new mobile home parks.</p>	<p><b><u>Section 3.4095. Replacement of a Mobile Home Park Destroyed by Natural Disaster [ORD. 23-02]</u></b>  Mobile home parks, including legal non-conforming parks, may be replaced if:</p> <ol style="list-style-type: none"> <li>1) The mobile home park was destroyed by a natural disaster that occurred on or after September 1, 2020 and resulted in the declaration of a state of emergency under ORS 401.165 or 401.309 for wildfire, floods, tsunamis, earthquakes or similar events, including disasters began by negligent or intentional acts;</li> <li>2) The replacement complies with Section 5.1000 and Section 5.3000, as applicable;</li> <li>3) Mobile homes replaced under this section were assessed as a building or structure for purposes of ad valorem taxation for the most recent property tax year ending before the disaster.</li> <li>4) The destroyed park was lawfully established under the existing land use regulations at the time, and/or at the time of interruption or destruction or at the time of the application.</li> </ol>
	<p><b><u>Section 3.4095. Replacement of a Manufactured Home Park Destroyed by Natural Disaster [ORD. 23-02]</u></b>  <u>Manufactured home parks, including legal non-conforming parks, may be replaced if:</u></p> <ol style="list-style-type: none"> <li>1) <u>The manufactured home park was destroyed by a natural disaster that occurred on or after September 1, 2020 and resulted in the declaration of a state of emergency under ORS 401.165 or 401.309 for wildfire, floods, tsunamis, earthquakes or similar events, including disasters began by negligent or intentional acts;</u></li> <li>2) <u>The replacement complies with Section 5.1000 and Section 5.3000, as applicable;</u></li> <li>3) <u>Manufactured homes replaced under this section were assessed as a building or structure for purposes of ad valorem taxation for the most recent property tax year ending before the disaster.</u></li> <li>4) <u>The destroyed park was lawfully established under the existing land use regulations at the time, and/or at the time of interruption or destruction or at the time of the application.</u></li> </ol>
	<p>No changes</p>



<p>Removed sections that require additional standards for manufactured homes.</p>	<p><b>SECTION 3.4100. STANDARDS FOR MOBILE HOMES ON INDIVIDUAL LOTS</b></p> <p>The mobile home shall bear an Oregon "Insignia of Compliance" with a date not prior to 1972.</p> <p>Reconstruction or equipment installation shall be State approved as evidences by an appropriate insignia.</p> <p>Mobile homes shall be installed in accordance with State standards and shall be tied down with one of the following:</p> <p>(A) A galvanized steel cable of not less than 7/32" diameter having approved clamps and connecting hardware.</p> <p>(B) A galvanized aircraft cable of not less than 1/4" diameter having approved clamps and connecting hardware.</p> <p>(C) A galvanized steep strap 1-1/4" x .035" having approved clamps and connecting Hardware.</p> <p>(D) Any other approved cable or strap with a breaking strength of not less than 4,800 pounds with approved clamps and connecting hardware.</p> <p>Mobile homes shall have continuous skirting of compatible siding material.</p> <p>All mobile homes (whether of residential or storage purposes) shall be securely anchored and tied down within thirty (30) days of being placed on the site.</p> <p>Mobile home add-ons subject to the following:</p> <p>(A) The siding on the addition and the siding on the rest of the mobile home should match each other as close as possible.</p> <p>(B) The addition should be located on a foundation approved by the Department of</p>	<p><b>SECTION 3.4100. STANDARDS FOR MANUFACTURED HOMES ON INDIVIDUAL LOTS</b></p> <p><u>The placement of manufactured homes on individuals lots of record shall be regulated by the Oregon Manufactured Dwelling Installation Specialty Code (2010) or as amended.</u></p>
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<p>(C) Commerce, Building Codes Division. Any alteration to the mobile home shall be approved by the Department of Commerce.</p> <p>(D) The Department of Community Development will review the request within 180 days of permit issuance for conformance to 1-3 above. If conformance has not occurred within the 180 days permit issuance the matter will be referred to the Planning Commission at its earliest convenience for a hearing to determine how to resolve the issue.</p>		