

JULY 1984  
*[Integrated through August 2008]*

COLUMBIA COUNTY  
OREGON

Z O N I N G  
O R D I N A N C E

AMENDED:

ORDI No.	EFFEC TIVE DATE	DESCRIPTION
85-2	MAR 1985	Dwellings in Resource Zones
85-7	JUL 1985	Divisions in Resource Zones, Map Amendments
88-6	AUG	Flood Hazard Overlay Zone
88-7	SEP,	Horse Breeding, Boarding, Training in FA-19
89-1	JAN	Motels in C-4
90-1	MAR	Repeals 89-1

90-2	FEB	Lot Size Standards in PF-76
90-3	FEB	Deletes Board of Adjustment
90-4	FEB	Temporary Permit - Storage of Structures & Equipment
90-5	APR	Appeal Procedures
90-24	FEB	Conditional Use Permits
92-4	MAR	Division in RR-5 Where 2 or More Existing Dwellings
92-7	JUL 1992	Home Occupations, Fire Siting Standards, Housekeeping
92-14	NOV	Sign Sections
92-16	JAN	Housekeeping Amendments
93-2	MAR	Delete Maximum Building Height in RIPD - §684.4
93-3	APR,	Frontage in RR-5 - §604.5
93-5	APR	Water Dependent Construction Activities in C-2
93-8	JUL 1993	Airport Industrial AI Zone
94-6	JAN	Special Hearings, Hearings Officer
94-12	JAN	Utilities and RIPD Changes
95-9	NOV	Home Occupations
97-3	APR	Replats, Right-of-Way Dedications
97-4	JUL 1997	Site Design Review Amendments, Appeals to LUBA
165-97	JUL 1997	Interpretation of § 605 [Board Order #165-97]
98-1	JUN	Surface Mining Amendments
98-2	MAY	Lot or Parcel of Record
98-4	FEB	RR-2, RR-5, Rural Communities
98-9	NOV	Site Design Review - Full Re-write
99-2	JAN	Churches in RR-2, RR-5, RC, EC, R-10, R-7
99-4	MAR	Type 1,2 Home Occupations
99-5	FEB	RR-2, RR-5, Rural Communities
2000-04	NOV	Goal 5 Exception, SIA

2002-02	JUN 2002	§ 1300, Sign Regulations
2003-06	JUL 2003	§ 1190, Big Game Habitat Overlay; § 1130, Historic Overlay
2003-05	DEC 2003	Goal 5: Sensitive Lands
2008 - 03	JUL 2008	§§ 1102.3, 1105.1, 1109.1, 1109.2, 1109.3, Flood Hazard Overlay

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# **ARTICLE I**

## **GENERAL DEFINITIONS**

## ARTICLE I

**Section 100 GENERAL DEFINITIONS:** *[Amended by Ordinance 99-4, eff. 3/07/00; Amended by Ordinance 2003-5, eff. 12/15/03].*

For the purpose of this ordinance, the following terms are hereby defined:

- .1 Access: The way or means by which pedestrians and vehicles enter and leave the property.
- .2 Accessory Structure or Use: A structure or use incidental and subordinate to the main use of the property and is located on the same lot or parcel with the main use and contributes to the comfort or convenience of persons occupying the property, but not including the keeping of livestock other than ordinary household pets.
- .3 Alley: A minor way which is used primarily for vehicular access to the back or side of properties otherwise abutting on a street.
- .4 Alteration: An "Alteration" may be a change in construction or a change in occupancy. Where the term "alteration" is applied to a change of construction, it is intended to apply to any change, addition or modification in construction. When the term is used in connection with a change in occupancy, it is intended to apply to changes of occupancy from one trade or use to another, or from one division of trade or use to another.
- .5 Alteration, Structural: Any change or repair which would tend to prolong the life of the supporting members of a building or structure, such as alteration of bearing walls, foundation, columns, beams, or girders. In addition, any change in the external dimensions of the building shall be considered a structural alteration.
- .6 Apartment: Any building or portion thereof which is designed, built, rented or leased, and occupied as a residence for 3 or more families living independently of each other and doing their own cooking in the same building.
- .7 Basement: A portion of the building which has more than 2 of its height measured from finished floor to finished ceiling above the average grade of the adjoining ground and not deemed a story, unless the ceiling is 6 feet or more above the average grade.
- .8 Board: Board of County Commissioners for Columbia County, Oregon.

- .9 Boarding House: A room or rooms hired for residence in another's house, at which meals are furnished.
- .10 Buffer (Development): A pattern of land uses that results in sufficient separation between developed lands and resource lands such that resource uses remain practicable.
- .11 Buffer (Landscape): A landscaped area that provides visual separation between commercial/industrial uses and residential uses.
- .12 Buffer (Riparian): Land space adjacent to a surface water feature that is managed to retain natural functions and values relative to the water feature.
- .13 Building: Any structure used or intended for supporting or sheltering any use or occupancy.
- .14 Building Envelope: means the land area on a particular property that is available for construction of a primary structure, not considering the required setbacks.
- .15 Building Height: The vertical distance above grade as defined herein to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The measurement may be taken from the highest adjoining sidewalk or ground surface within a 5 foot horizontal distance of the exterior wall of the building, when such walkway or found surface is not more than 10 feet above grade. The height of a stepped or terraced building is the maximum height of any segment of the building.
- .16 Building Line: A horizontal line that coincides with the front side of the main building.
- .17 Commission: The Planning Commission of Columbia County, Oregon.
- .18 Common Open Space: An area within a development designed and intended for the use or enjoyment of all residents of the development or for the use and enjoyment of the public in general.
- .19 Court: An open unoccupied space, other than a yard, on the same lot or parcel with a building and bounded on 2 or more sides by such building.
- .20 Director: The Columbia County Planning Director or the Director of the Department of Land Development Services, or his delegate.

- .21 Dormitory: A room for sleeping purposes for more than 4 persons, which is rented.
- .22 Dwelling Unit: A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.
- .23 Dwelling, One-Family or Single Family: A structure designed for occupancy by 1 family.
- .24 Dwelling, Duplex or Two-Family: A building designed exclusively for occupancy by 2 families living independently of each other.
- .25 Dwelling, Apartment: A building, or portion thereof, designed for occupancy by 3 or more families living independently of each other.
- .26 Emergent Wetland Vegetation: Plants which may be temporarily to permanently flooded at the base but do not tolerate prolonged inundation of the entire plant.
- .27 Existence: State or fact of existing: something that exists, an entity, or a being.
- .28 Family: An individual or two or more persons related by blood, adoption or marriage, or a group of not more than five persons (excluding servants) who need not be related by blood or marriage living together in a dwelling unit.
- .29 Farm Use: The current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting, and selling crops, or by the feeding, breeding, management, and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees, or for dairying and the sale of dairy products, or any other agricultural or horticultural use or animal husbandry, or any combination thereof and includes the preparation and storage of products raised on such land for human use and animal use and disposal by marketing or otherwise.
- .30 Fence, Sight Obscuring: A fence, consisting of wood, metal or masonry, or an evergreen hedge or other evergreen planting, arranged in such a way as to obstruct vision.
- .31 Fish Bearing Stream: A stream that fish use or have used in the past. See "Fish Use" below.
- .32 Fish Use: means inhabited at any time of the year by any type of fish species or fish that are listed as threatened or endangered species under the federal or state Endangered Species Act. Fish use is

determined from Oregon Department of Forestry Stream Classification maps and from Oregon Department of Fish and Wildlife stream surveys.

- .33 Floor Area: The area included within the surrounding exterior walls of a building or portion thereof, exclusive of vent shafts and courts. The floor area of a building, or walls, shall be the usable area under the horizontal projection of the roof or floor above.
- .34 Forest Uses: Are (1) the production of trees and the processing of forest products; (2) open space, buffers from noise, and visual separation of conflicting uses; (3) watershed protection and wildlife and fisheries habitat; (4) soil protection from wind and water; (5) maintenance of clean air and water; (6) outdoor recreational activities and related support services and wilderness values compatible with these uses; and (7) grazing land for livestock.
- .35 Frontage: All the property fronting on one side of a street between intersecting or intercepting streets, or between a street and a right-of-way, waterway and/or dead-end street, or county boundary, measured along the street line. An intercepting street shall determine only the boundary of the frontage of the side of the street which it intercepts.
- .36 Garden: Tilling of soil and raising of produce or flowers in a manner that is clearly incidental to the residential use.
- .37 Grade (Adjacent Ground Level): The lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line, or when the property line is more than 5 feet from the building, between the building and a line 5 feet from the building.
- .38 Grandfather: Use or condition existing prior to the adoption of this ordinance.
- .39 Grazing: The use of land for pasture or horses, cattle, sheep, goats, and/or other domestic herbivorous animals, alone or in conjunction with agricultural pursuits.
- .40 Highway, State: Any road or highway designated as such by law or by the Oregon Transportation Commission and includes both primary and secondary state highways.
- .41 Hedge, Sight Obscuring: A planting which is at least 80 percent opaque when viewed horizontally from between 2 and 8 feet above the average ground level.

- .42 Historical Building: Any building or structure designated under a local government landmark or National Register of Historic Places, or listed in the Oregon State Inventory of historical sites, buildings, and properties approved for nomination in the National Register of Historic Places by the State of Oregon Advisory Committee on Historic Preservation.
- .43 Horticulture: The cultivation of plants, garden crops, trees and/or nursery stock.
- .44 Hotel: A building or portion thereof designed or used for occupancy of individuals who are lodged with or without meals.
- .45 Impervious surface: means a hardened or compacted surface area that either prevents or retards the entry of water into the soil. Examples include, but are not limited to, structures, walkways, patios, driveways, carports, parking lots, or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, haul roads, and soil surface areas compacted by construction operations, and oiled or macadam surfaces.
- .46 Educational: A college or university supported by public or private funds, tuition, contributions, or endowments giving advanced academic instruction as approved by a recognized accrediting agency, excluding elementary and high schools, and trade and commercial schools.
- .47 Junk Yard: The use of more than 200 square feet of any lot or parcel for the dismantling or "wrecking", or for the storage or keeping, of junk including scrap metals or other scrap materials.
- .48 Kennel: Any lot or parcel or premises on which 4 or more dogs or cats of more than 6 months of age are kept commercially for board, propagation, or sale.
- .49 Lawn: is grass or similar plant material maintained as a ground cover of less than 6 inches in height. For purposes of this ordinance, lawn is not considered native vegetation regardless of the species used.
- .50 Loading Space: An off-street area used for the temporary parking of a vehicle while loading or unloading persons, merchandise, or materials.
- .51 Lot: A unit of land that is created by a subdivision of land. Lots are created from and are located in subdivision plats. Parcels are created from partitioning and are located in partition plats.
- .52 Lot or Parcel Area: The total horizontal area enclosed within the property lines of a lot or parcel. (Lot or Parcel Size).

- .53 Lot or Parcel Coverage: The area covered by primary and accessory buildings. Lot or parcel coverage shall be expressed as a percentage of the total lot or parcel area.
- .54 Lot or Parcel Depth, Average: The average distance from the narrowest frontage to the property line opposite.
- .55 Lot or Parcel Line, Front: That line separating a lot or parcel from the street. For a corner lot or parcel, that line separating the side of the lot or parcel with the lesser amount of frontage from the street. For a flag lot or parcel, that line nearest the street, excluding the pole portion of the flag.
- .56 Lot Width: The horizontal distance between the side property lines, measured at right angles to the lot or parcel depth at a point midway between the front and rear property lines.
- .57 Lot Width, Average: The average horizontal distance between the side property lines.
- .58 May: As used in this ordinance, MAY is permissive and SHALL is mandatory.
- .59 Mining Exploration: The search for mineral deposits by geological surveys, geophysical prospecting, bore holes and test pits and surface or underground heading, drifts, or tunnels.
- .60 Mitigation: taking one or more of the following actions listed in order of priority:
- i. Avoiding the impact altogether by not taking certain development action or parts of that action;
  - ii. Minimizing impacts by limiting the degree or magnitude of the development action and its implementation;
  - iii. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
  - iv. Reducing or eliminating the impact over time by preservation and maintenance operation during the life of the development action by monitoring and taking appropriate corrective measures.
  - v. Compensating for the impact by replacing, relocating or providing comparable substitute resources or environments.

- .61 Mobile Home: A detached single-family dwelling unit with the following characteristics: 1) a factory-built home designed to be transported after fabrication on its own wheels or detachable wheels; and 2) is designed for long term occupancy once the mobile home is installed on the site.
- .62 Mobile Home Park: Land designated for the permanent location of 4 or more mobile homes. This land is commonly held in one ownership and mobile home spaces are rented to the owner of mobile homes.
- .63 Modular Home: A permanent structure consisting of one or more modules assembled in a factory in accordance with a building code, and qualified to be financed and taxed as real property when placed upon a permanent foundation. (Sectionalized housing is a form of single family modular housing.)
- .64 Motel: One or more buildings designed or used as temporary living quarters.
- .65 Natural Resource Feature: A natural feature of the land, typically not man-made, that is protected to ensure its continued proper functioning condition. Examples include but are not limited to, streams, lakes, wetlands, significant wildlife sites, bird nests, endangered species areas, steep cliffs, waterfalls, and identified natural areas.
- .66 Net Loss: means a permanent loss of habitat units or habitat value resulting from a development action despite mitigation measures having been taken.
- .67 Noxious Weeds. Plant species listed by the Oregon Department of Agriculture, as amended, as being noxious.
- .68 Non-Conforming Use: A use or structure lawfully existing at the time this Ordinance became effective and which does not conform with the use regulations of the district in which it is located.
- .69 Off-site Mitigation: means habitat mitigation measures undertaken in areas distant from a development action, and which are intended to benefit fish and wildlife populations other than those directly affected by that action.
- .70 On-site Mitigation: means habitat mitigation measures undertaken within or in proximity to areas affected by a development action, and which are intended to benefit fish and wildlife populations other than those directly affected by that action.
- .71 Ordinary High Water Line: The average height of the high water over 19 years.

- .72 Owner: An owner of property or the authorized agent of an owner.
- .73 Parcel: A unit of land created by a partitioning of land. Parcel is also used generically to describe a unit of land.
- .74 Parking Space: A rectangle not less than 18 feet long and 9 feet wide together with maneuvering and access space required for a standard American automobile to park within the rectangle.
- .75 Person: Every person, firm, partnership, association, or corporation.
- .76 Planning Department: Person(s) who administer and enforce this Ordinance.
- .77 Planning Director: The Director of the Planning Department or the Director's delegate.
- .78 Planned Development: The development of an area of land as a single entity for a number of dwelling units or a number of uses according to a plan which does not correspond in lot or parcel size, bulk, or type of regulations otherwise required by this ordinance.
- .79 Premises: A lot or parcel with or without buildings.
- .80 Principal Use: The main use to which the premises are devoted and the primary purpose for which the premises exist.
- .81 Professional Office: An office containing activities such as those offered by a physician, surgeon, dentist, lawyer, architect, engineer, accountant, artist, teacher, real estate sales, or insurance sales.
- .82 Property Line: A common boundary line between two properties.
- .83 Property Line, Rear: That property line of a four-sided lot or parcel opposite the front property line. For a triangular or more than four-sided (irregular) lot or parcel, a line within the lot or parcel not less than ten feet in length and running parallel to, and at a maximum distance from, the front property line.
- .84 Property Line, Side: Any property line not designated a front or rear property line.
- .85 Public Water: Water which is provided off site, serves 4 or more dwellings, and meets the State of Oregon requirements.

- .86 Riparian Area: is the area adjacent to a river, lake, stream or wetland, consisting of the area of transition from an aquatic ecosystem to a terrestrial ecosystem. Where a Riparian Corridor has been established to protect a significant Goal 5 resource, the riparian area includes the entire area within the corridor, regardless of the location of the transition area.
- .87 Riparian Corridor : is a fixed distance adjacent to a river, lake, stream or wetland, usually established for protective purposes.
- .88 Riparian Vegetation: is all vegetation located within a riparian area or located within a riparian corridor.
- .89 Road, Public: Every dedicated public way, thoroughfare, road, street, or easement within the county used or intended for use by the general public for vehicular travel, ~~but~~ excluding private driveways.
- .90 Rooming House: Same as "Boarding House".
- .91 School, Primary, Elementary, or High: Includes private or parochial but not nursery school, kindergarten, or day nursery, except when operated in conjunction with a school.
- .92 Setbacks: The minimum distance allowed between the property line of a lot or parcel and the building line of a permitted structure. Unless otherwise specified, the front, side, and rear yard setbacks are given for each of the zoning districts within the zoning ordinance.
- .93 Shall: As used in this ordinance SHALL is mandatory and MAY is permissive.
- .94 Sign: A publicly displayed board or placard, etc. displaying information or advertising.
- .95 Sign Area: The greatest width multiplied by the greatest height of the display portion of a sign (one side).
- .96 Sign, Public: A non-commercial sign erected by a public officer or employee in the performance of a public duty which shall include but not be limited to motorist information signs and warning signs.
- .97 Story: That portion of a building included between the upper surface of any floor and the upper surface of the floor next above. If the finished floor level directly above a basement or unused under-floor space is more than 6 feet above grade, as defined herein, at any point, such basement or unused under-floor space shall be considered a story.

- .98 Story, Half: A story under a gable, hip, or gambrel roof of which the wall plates on at least 2 opposite exterior walls are not more than 2 feet above the floor of such story.
- .99 Street: A dedicated public way which provides vehicular and pedestrian access to adjacent properties. It shall include the terms street, highway, road, avenue, boulevard, lane, place, and other such terms.
- .100 Stream: is a channel such as a river or creek that carries flowing surface water, including perennial streams and intermittent streams with defined channels, and excluding man-made irrigation and drainage ditches. Any stream that is shown on the Oregon Department of Forestry Stream Classification map is considered a stream.
- .101 Structure: is a building or other major improvement that is built, constructed or installed, not including minor improvements, such as fences, utility poles, flagpoles or irrigation system components, that are not customarily regulated through zoning ordinances.
- .102 Substantial Improvement: is any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:
- i. Before the improvement or repair is started, or
  - ii. If the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition, Substantial Improvement is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.
- The term does not, however, include either:
- i. Any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or
  - ii. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.
- .103 Timber Growing, Commercial Timber Production: The growing of trees for the production of timber.
- .104 Top-of-Bank: means the stage or elevation at which water overflows the natural banks of streams or other waters of the state and begins to inundate upland areas. In areas where the top-of-bank is not clearly

delineated, the riparian corridor boundary shall be measured from the ordinary high water level, or the line of non-aquatic vegetation, whichever is most landward.

- .105 Tourist Court: See "Motel".
- .106 Travel Trailer: A mobile shelter, usually smaller than a mobile home, used for camping and outings rather than as a permanent dwelling which carries a highway license but does not need a transport permit.
- .107 Trailer Park: Land designed or used for the temporary parking of 4 or more trailers or vehicles used for human habitation.
- .108 Yard: An open space on a lot or parcel with a building and bounded on 1 or more sides by such building, such space being unoccupied and unobstructed from 30 inches above the ground upward.
- .109 Yard, Front: A yard extending across the lot or parcel, the depth of which is the minimum horizontal distance between the front property line and a line parallel thereto on the lot or parcel.
- .110 Yard, Rear: A yard extending across the full width of the lot or parcel between the most rear building and the rear property line; the depth of the required rear yard shall be measured horizontally from the nearest point of the rear property line toward the nearest part of the main building. When there is no rear property line, the depth of the rear yard shall be the distance from a 10 foot line parallel to the front property line, measured from one side line to the other.
- .111 Yard, Side: A yard between any building and the side property line; the width of the required side yard shall be measured horizontally from the nearest point of the side property line toward the nearest part of the building.

## **ARTICLE II**

### **GENERAL PROVISIONS**

ARTICLE II

**Section 200 GENERAL PROVISIONS:**

201 Compliance with this Ordinance: Subject to the provisions of this Ordinance respecting exceptions, variances, and non-conforming uses or structures, land shall not be used, or buildings and structures erected, constructed, reconstructed, located, moved, or structures altered or used or occupied contrary to this Ordinance.

202 Districts: Columbia County is hereby divided into the following zones, in each of which the uses, height, and area regulations are uniform: *[Amended by Ordinance 2003-5, eff. 12/15/033].*

<u>District Type</u>	<u>Short Title</u>	<u>Description</u>
<u>Resource Zones</u>		
Primary Agriculture	PA-38	Agriculture district with a minimum lot or parcel size of 38 acres.
Forest Agriculture	FA-19	Forest/Agriculture district with a minimum lot or parcel size of 19 acres.
Primary Forestry	PF-76	Forest district with a minimum lot or parcel size of 76 acres.
<u>Rural Development Zones</u>		
Rural Residential	RR-5	Rural Residential with a minimum lot or parcel size of 5 acres.
Rural Center	RC	Residential and limited commercial and industrial uses.
Existing Commercial	EC	Designation applied to all existing rural commercial uses.
Rural Industrial-Planned Development	RIPD	Resource related industrial use on rural land.

Suburban Zones

Single-Family Residential	R-10	Single Family Residential district with a minimum lot or parcel size of 10,000 sq.ft.
Single-Family and Two-Family Residential	R-7	Single and Two-Family Residential with a minimum lot or parcel size of 7,000 sq.ft.
Multi-Family Residential	MFR	Multi-Family Residential
Mobile Home Residential	MH	Mobile Home Residential
Marine Commercial	C-2	Marine Commercial
General Commercial	C-3	General Commercial
Neighborhood Commercial	C-4	Neighborhood Commercial
Highway Commercial	C-5	Highway Commercial
Heavy Industrial	M-1	Heavy Industrial
Light Industrial	M-2	Light Industrial
Industrial Park	M-3	Industrial Park
Airport Industrial	AI	Airport Industrial

Special Districts, Overlay Zones and Special Provisions

Community Service-Institutional	CS-I	Community Service / Institutions
Community Service-Utility	CS-U	Community Service / Utilities
Community Service-Recreation	CS-R	Community Service / Recreation
Surface Mining	SM	Surface Mining
Flood Hazard Overlay	FH	Flood Hazard
Sensitive Bird Habitat	SBH	Sensitive Bird Habitat

Historic Overlay	H	Historic Overlay
Greenway Overlay	GW	Willamette River Greenway
Aircraft Landing Field	ALF	Aircraft Landing Field.
Riparian Corridors, Wetlands, Water Quality, Fish and Wildlife	RP	Riparian Areas, Wetlands, Water Quality, Fish and Wildlife <i>[Amended by Ordinance No. 2003 - 5, effective December 15, 2003].</i>
Buffer Woodlot	BW	Buffer Woodlot
Wetland Area	WA	Wetlands
Natural Area	NA	Natural Habitats
Big Game Range	BGR	Big Game Habitat
Planned Development	PD	Planned Unit Development

- 203 Zoning Map: The designations, locations, and boundaries of the respective districts and certain combinations thereof described in this ordinance are established as shown by appropriate color designation, symbols, or short title identifications upon the Columbia County Zoning Map. The Zoning Map and all pertinent information shown thereon is incorporated herein and is to be deemed as much a part of this ordinance as if fully set forth; however, if a conflict appears between the Zoning Map and the written portion of this ordinance, the written portion shall control.
- 204 Amendments to the Zoning Map: The Zoning Map and each amendment thereto, as made in accordance with the provisions of Section 1502, shall be and remain on file in the office of the County Clerk.
- 205 Boundaries of Zones: Zone boundaries shall be the center line of either streets, alleys, waterways, or railroad rights-of-way, unless such boundaries are otherwise indicated on the Zoning Map.
- 206 Building Permits in Hazard Areas: Applications for building permits in areas identified in the Comprehensive Plan as being potentially hazardous for construction shall be reviewed in accordance with Chapter 70 of the Uniform Building Code.
- 207 Condominiums: Condominiums are considered to be multi-family dwellings for the purpose of this ordinance. Condominiums may be approved by the

Planning Commission following a public hearing. Condominiums shall also be subject to the provisions of the Subdivision Ordinance which pertains to the approval of subdivisions.

- 208 Redevelopment Plan: The redevelopment plan is a planning tool, which is intended for use within unincorporated urban growth boundaries. All urban residential districts require a redevelopment plan be submitted when any lot or parcel created will be less than 5 acres. This plan is intended to help guide the land owner in his decision as to the placement of structures and services on a lot or parcel. It is the intent of this section to present an opportunity for the land owner to prepare for the future division of his land and to situate the structures and other improvements in a manner which will allow future development at urban densities. Redevelopment Plans are addressed in Section 914 of the Subdivision and Partitioning Ordinance.
- 209 Dwellings in Conjunction with Farm or Forest Uses in the Agriculture, Forest, or Forest Agriculture districts: All requests for dwellings on resource land shall be reviewed in accordance with the provisions established for each district.
- 210 New Lot Division: It shall be a violation of this ordinance to partition or subdivide land into parcels or lots smaller than the lot or parcel size required in the zoning district, except under the provisions of this ordinance allowing variances from the minimum lot or parcel size provisions.
- .1 Any lot, parcel, or tract created by a deed release shall conform to all applicable zoning and subdivision requirements.
- 211 Lots of Record: Lots or parcels of record shall be recognized in accordance with applicable state and/or local statutes.
- .1 The use or development of any lot or parcel of record shall be subject to the regulations applied to the property when such development or use is commenced, irrespective of the lot or parcel width, depth, or area, but subject to all other regulations.
- 212 Property Line Adjustment: Property lines may be adjusted between legal lots or parcels provided that no lot or parcel conforming to the minimum lot or parcel size requirement of the district is reduced below that minimum lot or parcel size, and any lot or parcel changed by the property line adjustment shall satisfy or not decrease compliance with the minimum width, depth, frontage, yard, and setback requirements of the district.
- .1 Lot Line Adjustments may be allowed between undersized lots, or between an undersized lot and a complying lot, in any district provided that the resulting lots satisfy the minimum width, depth, frontage, and yard requirements of the district, and setbacks to existing structures are

not reduced by the lot line adjustment below the minimum setback requirements.

213 Setback Exceptions and Modifications:

- .1 Double Frontage Lots: Buildings on through lots and corner lots shall meet the front yard setback on both streets.
- .2 Front Yard Modification: The purpose of this section is to provide for flexibility in administering the front yard setback regulations of this ordinance in specific situations. The front yard of a lot may be modified to present a continuous appearance when adjoining lots on the same side of the street have front yards less than required. This applies to adjoining lots with nonconforming front yards which existed before the district was adopted. Flag lots are excluded when referring to adjoining lots. The following exceptions to the front yard requirements for a lot are authorized in all districts.
  - A. If there are dwellings or structures other than accessory structures on both adjoining lots on the same side of the street with front yards less than the required setback, the front yard setback for the lot shall not be less than the average of the setbacks on the adjoining lots.
  - B. If there is a principal use structure on one adjoining lot on the same side of the street with a front yard less than the required setback, the front yard for the lot shall not be less than the average of the required setback and the setback on the adjoining lot with the nonconforming setback.
  - C. Front yards on corner lots shall not be less than the average of the setback of the front yard on the adjoining lot on the same street and the required setback.
  - D. Corner vision requirements shall be as provided elsewhere in this ordinance.
  - E. In no case shall signs be considered as structures for the purpose of front yard modifications. When a building setback is modified under these provisions, the setback for a sign provided in conjunction with the building may be modified to the same extent as the modified building setback.
- .3 Additions to Existing Structures: Where a structure exists at the time when a zone is adopted that would not be allowed in that zone by reasons of setback restrictions, additions to this structure not conforming to the front yard setbacks shall be allowed provided that:

- A. The setback distance will not be decreased by the addition; (in other words, addition will occur on another side of building)
  - B. The addition conforms to all other provisions of the zoning district; and
  - C. The addition shall not be greater than 40 percent of the square footage on the ground level of the existing structure.
- .4 Public Dedications: Setback requirements described in this ordinance or in other land use regulations shall not apply to existing structures when a setback is reduced by a later public dedication. Additions to such structures shall be allowed subject to subsection 213.3. That portion of a lot or parcel adjacent to an existing public roadway, which is required to be dedicated for right of way as a part of development approval, shall be considered part of the lot or parcel area for minimum parcel size calculations.
- .5 Projections into Required Yards: Architectural features and certain structures may project into required yards or courts under the following provisions:
- A. Architectural features may project into the required yard not more than 1/3 the distance of the setback requirement, and not exceeding 40 inches into any required yard adjoining a street right-of-way.
  - B. Open unenclosed fire escapes may project a distance not exceeding 48 inches.
  - C. An uncovered porch, terrace, patio, or underground structure extending no more than 2-1/2 feet above the finished elevation may extend within 3 feet of a side lot line or within 10 feet of a front or rear lot line.
- 214 Pending Application for Building Permits: Nothing herein contained shall require any change in the overall layout plans, construction size or designated use of any development, building structures or part thereof, for which official approvals and required building permits have been granted before the enactment of this ordinance. If such building permits become void and/or a new building permit is necessary, the proposed construction shall conform with the zoning requirements.
- 215 Ingress and Egress: Every use of property shall hereafter have a defined point of usable ingress and egress onto any street. Such defined points of access shall be approved at the time of issuance of a building permit.

- 216 Unsafe Buildings: Nothing in this ordinance shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by proper authority.
- 217 Basement Dwellings: Structures consisting of a basement only shall not be used as a dwelling in any district, excluding underground or subterranean homes.
- 218 Conversion of Buildings: The conversion of the use or occupancy of any building, or the conversion of any dwelling so as to accommodate an increased number of dwelling units or families shall be permitted only within a district in which a new building of similar occupancy would be permitted under this ordinance, and only when the resulting occupancy will comply with the requirements governing new construction and use in such district.
- 219 Sight-Obscuring Fence or Planting: The use for which a sight-obscuring fence or planting is required shall not begin operation until the fence or planting is erected or in place and approved by the Director, or his designate.
- 220 Archaeological Sites
- .1 Archaeological Sites:
- A. All archaeological sites known or discovered shall be inventoried for their archeological significance in accordance with standards set by the State Archaeologist. If a conflicting use is proposed for an area containing an archaeological site(s), the Planning Commission shall hold a public hearing, in accordance with Section 1603, to review testimony regarding the site(s) and establish measures to mitigate potential conflicts as necessary. The State Archaeologist shall be notified of such public hearings.
- 221 One Principal Use Per Lot: Only one principal use may be placed on each legal lot or parcel.
- 222 One Septic System Per Lot: Only one residential subsurface sewage disposal system may be installed on each legal lot or parcel.

*[Note: p. 21 Intentionally left blank for expansion].*

## **ARTICLE III**

# **RESOURCE DISTRICTS**

**Section 300 PRIMARY AGRICULTURE - 38**

**PA-38**

301 Purpose: This district is intended to preserve, enhance, and stabilize those prime agricultural lands and farm use areas within the County which are being used, and offer the greatest potential, for food and fiber production.

Agricultural land is comprised of predominantly Class I-IV soils as identified in the Soil Capability Classification System of the Soil Conservation Service, and other lands which are suitable for farm use taking into consideration soil fertility, suitability for grazing, climatic conditions, existing and future availability of water for farm irrigation purposes, existing land use patterns, and accepted farming practices. Agricultural land shall also include other classes which are necessary to permit farm practices to be undertaken on adjacent or nearby lands.

302 Permitted Uses:

- .1 Farm use as defined by Subsection 2 of ORS 215.203.
- .2 The propagation or harvesting of a forest product.
- .3 Dwellings customarily provided in conjunction with farm use on contiguous ownerships of 38 or more acres, including a mobile home for the owner, operator, or employees, required to carry out a use permitted outright.
- .4 A dwelling on real property used for farm use if the dwelling is:
  - A) Located on the same lot or parcel as the dwelling of the farm operator; and
  - B) Occupied by a relative, which means, grandparent, grandchild, parent, child, brother or sister of the farm operator or the farm operator's spouse, whose assistance in the management of the farm use is or will be required by the farm operator.
- .5 Farm buildings, other than dwellings, customarily provided in conjunction with farm use, including roadside stands selling farm products produced on property owned or leased for farm use by the owner of the property on which the roadside stand is located.
- .6 Operations for the exploration for and production of geothermal resources as defined by ORS 522.005.
- 302.7 A site for the disposal of solid waste that has been ordered to be established by the Environmental Quality Commission under ORS

459.049, together with equipment, facilities, or buildings necessary for its operation.

- .8 Signs subject to Section 1300.
- .9 Mobile home or recreation vehicle used during the construction of a permitted use for which a building or siting permit has been issued subject to Section 1505.

303 Conditional Uses:

- .1 Commercial activities that are in conjunction with farm use.
- .2 Operations conducted for the mining and processing of geothermal resources as defined by ORS 522.005, or exploration, mining, and processing of aggregate and other mineral resources or other subsurface resources.
- .3 Public or private schools.
- .4 Churches.
- .5 Community centers owned and operated by a governmental agency or a nonprofit community organization.
- .6 Golf course.
- .7 Parks, playgrounds, hunting and fishing preserves, and campgrounds.
- .8 Facilities necessary for public utility service.
- .9 Personal use airports for airplanes and helicopter pads, including associated hangar, maintenance and service facilities as provided by ORS 215.213(2)(g).
- .10 Home occupations carried on by the resident as an accessory use within dwellings or other buildings allowed in conjunction with farm use.

303.11 A facility for the primary processing for forest products, provided that such facility is found to not seriously interfere with accepted farming practices and is compatible with farm uses described in Subsection 2 of ORS 215.203. Such a facility may be approved for a one-year period which is renewable. These facilities are intended to be only portable or temporary in nature. The primary processing of a forest product, as used in this section, means the use of a portable chipper or stud mill or

other similar method of initial treatment of a forest product in order to enable its shipment to market. Forest products, as used in this section, means timber grown upon a parcel of land or contiguous land where the primary processing facility is located.

- .12 The boarding of horses for profit.
- .13 Single family dwellings or mobile homes and their accessory uses, not provided in conjunction with farm use, may be granted conditional approval upon a finding that each such proposed use:
  - A. Is compatible with farm uses and is consistent with the intent and purpose set forth in this ordinance relating to farm lands; and
  - B. Does not interfere seriously with accepted farming practices on adjacent lands devoted to farm use; and
  - C. Does not materially alter the stability of the overall land use pattern of the area; and
  - D. Is situated upon generally unsuitable land for the production of farm crops and livestock, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the tract.
  - E. Any application for a non-farm dwelling in an exclusive farm use zone shall be approved only if the parcel on which the dwelling is to be built has been removed from the farm tax deferral in accordance with the provisions of ORS 215.236.
- .14 Construction or placement of a dwelling or manufactured dwelling customarily provided in conjunction with farm use on a contiguous ownership smaller than 38 acres upon a finding that all of the following criteria are satisfied:
  - A. The parcel will support accepted farm practices as defined by ORS 215.203 by showing that (1) the parcel will be used in conjunction with other farmland in the area to contribute to a continuation of the existing commercial agricultural enterprise; or (2) the ownership will be used for an alternative commercial farm use of greater intensity (such as a nursery) than commercial farms in the area, and that such a use will be consistent with the continuation of existing commercial agriculture in the area; and

- B. The dwelling is located in such a way that it does not reduce the existing or potential agricultural productivity of the parcel; and
- C. The addition and location of new structures and improvements including dwellings, fences, roads, utilities, wells, etc. will not impose limitations on existing commercial farm practices in the area; and
- D. The construction or placement of the dwelling is in conformity with the State Legislature's Agricultural Land Use Policy as set forth in ORS 215.243, which declares that: "The preservation of a maximum amount of the limited supply of agricultural land...in large blocks is necessary in maintaining the agricultural economy of the state..."
- E. The dwelling is to be used in conjunction with an existing commercial farm use on the parcel.

303.15 Temporary placement of a mobile home or recreation vehicle to be used because of a health hardship subject to Section 1505.

304 Standards:

- .1 The minimum lot or parcel size for all farm and forest activities shall be 38 acres, except as provided in Section 305 below. The minimum lot or parcel size for all other permitted and conditional uses shall be 20,000 square feet. **[Note: State law now requires 80 acres minimum parcel size]**
- .2 The minimum average lot or parcel width shall be 100 feet for all activities except farming or forestry.
- .3 The minimum average lot or parcel depth shall be 100 feet for all activities except farming or forestry.
- .4 All parcels and lots permitted by Section 302 shall have a minimum of 50 foot frontage on a public or private right-of-way.
- .5 All parcels and lots permitted by Section 303 shall have a minimum of 50 foot frontage on a public right-of-way. This is also the minimum width of any lot or parcel.
- .6 No structure shall be constructed closer than 30 feet to a property line.

- .7 Unless otherwise prohibited, the maximum building height for all non-farm, non-forest structures shall be 50 feet or 2-1/2 stories, whichever is less. Unless otherwise prohibited, structures such as barns, silos, windmills, antennas, chimneys, or similar structures may exceed the height limitations to a maximum height of 50 feet.

305 Partitions:

- .1 Any proposed partition of land that would result in the creation of a farm or forest parcel smaller than 38 acres shall be reviewed in accordance with the requirements of ORS 215.263, Section 305.2 below, and the County Subdivision and Partitioning Ordinance. If all parcels proposed to be created exceed 38 acres, the partition shall be reviewed in accordance with the requirements of the County Subdivision and Partitioning Ordinance.
- .2 The proponent of a partition request for the creation of a parcel or parcels smaller than the prescribed minimum must demonstrate that the parcel is for a non-farm use reviewed and approved under Section 303.13, or that all of the following criteria are satisfied:
  - A. Any newly created parcels will support farm practices as defined by ORS 215.203 by showing (1) that the parcel will be used in conjunction with other farmland in the area to contribute to a continuation of the existing commercial agricultural enterprise; or (2) the parcel will be used for an alternative commercial farm use of greater intensity (such as a nursery) and that such a use will be consistent with the continuation of existing commercial agriculture in the area; and the proposed parcels are large enough to enable the proposed agricultural use to be practiced as it is on similar commercial enterprises in the region; and
  - B. The parcelization will not reduce the existing or potential agricultural productivity of the subject property; and
  - C. The addition and location of new structures and improvements, including houses, fences, roads, utilities, wells, etc., will not impose limitations on existing farm practices in the area; and
  - D. The parcelization is in conformity with the State Legislature's Agricultural Land Use Policy as set forth in ORS 215.243, which declares that "The preservation of a maximum amount of the limited supply of agricultural land...in large blocks is necessary in maintaining the agricultural economy of the State..."

306 Special Notification Requirements:

- .1 The County Agricultural Extension office and the Soil and Water Conservation Service shall be notified of all requests made under Section 303 and 305 of this chapter. These two agencies will be given 10 working days to comment on such requests.

307 Homestead Lot or parcel: The purpose of this section is to encourage the retention of agricultural land in large blocks, while providing the opportunity for residents who are no longer able, or who no longer desire, to farm the land to retain their homes and sell the balance of the property. The Planning Director may approve a lot or parcel division for a principal dwelling existing on the effective date of this ordinance, and this lot or parcel shall be permitted as a non-farm use, provided that all of the following criteria are satisfied:

- .1 The property is 38 acres or larger prior to the creation of the homestead lot.
- .2 The lot or parcel created to accommodate the dwelling shall include no more than 2 acres of land, unless soil conditions, topography, or other unique circumstances require a greater land area, and such lot or parcel shall not be divided further.
- .3 The remainder of the property shall not be partitioned further under this provision.
- .4 A lot or parcel created under this provision shall be partitioned in accordance with the requirements of the County Subdivision and Partitioning Ordinance.
- .5 Documents recorded to carry out a partition approved under this provision shall include a statement that such lots or parcel are for "Homestead Purposes" and are subject to the restrictions imposed herein.
- .6 The existing dwelling:
  - A. Is compatible with farm uses and is consistent with the intent and purpose set forth in this ordinance relating to farm lands; and
  - B. Does not interfere seriously with accepted farming practices on adjacent lands devoted to farm use; and
  - C. Does not materially alter the stability of the overall land use pattern of the area; and

- D. Is situated upon generally unsuitable land for the production of farm crops and livestock, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the tract.

309 Land Divisions:

A farm or forest parcel smaller than 38 acres may be created in the PA-38 zone only if the application, investigation, evidence, findings and conclusions show that all of the following conditions exist:

- .1 The proposed parcel is intended for farm use, and is appropriate to the continuation of the existing commercial agricultural economy in the area;
- .2 The proposed parcel will not have a significant adverse impact on identified sensitive fish and wildlife habitats;
- .3 The proposed parcel will be capable of contributing in substantial way to the existing agricultural processors and established farm markets; and
- .4 Such findings shall be based on at least the following factors:
  - A. The proposed division is compatible with the farm use in the area and does not interfere, either in itself or in the location of improvements, with 'current accepted farming practices', as that term is defined in ORS 215.203, which characterizes such use;
  - B. The proposed division is consistent with the agricultural land use policy for the State of Oregon expressed in ORS 215.243;
  - C. The proposed division does not materially alter the stability of the overall land use pattern of the area, nor substantially add to the demand for increased use of roads, ground water during growing seasons, or public facilities and services.
- .5 The proposed division shall create parcels typical of the surrounding agricultural area and be of sufficient size to support production of food or fiber using accepted farm practices as that term is defined in ORS 215.203 after findings have been made with respect to the following:
  - A. Soil types and patterns in the area and typical yields;
  - B. Type of crops grown in the area and typical yields;
  - C. Potential markets;

- D. Other relevant information included in the agricultural element of the Columbia County Comprehensive Plan; and
- E. Average size of parcels on which commercial agricultural farming is practiced in the area.

In no case shall parcels less than 38 acres be allowed except as provided elsewhere in this zoning ordinance.

310 Fire Siting Standards for Dwellings and Roads: The following fire siting standards or their equivalent shall apply to all new dwellings in this zone:

- .1 If a water supply is available and suitable for fire protection, such as a swimming pool, pond, stream or lake, then road access to within 15 feet of the water's edge shall be provided for pumping units. The road access shall accommodate the turnaround of fire fighting equipment. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.
- .2 The owner of the dwelling shall maintain a primary fuel-free break area around all structures, shall clear and maintain a secondary fuel-free break area, and shall maintain adequate access to the dwelling for fire fighting vehicles in accordance with the provisions in "Protecting Your Home From Wildfire" published by the National Fire Protection Association.
- .3 All roads in this zone, except private roads and bridges for commercial forest uses, shall be constructed so as to provide adequate access for fire fighting equipment, according to the standards provided by the local rural fire protection district or State Department of Forestry.

**Section 400 FOREST AGRICULTURE - 19**

**FA-19**

401 Purpose: The purpose of this zone is to protect and promote farm and forest uses on lands which have resource value, but which are not suited for either the Farm (PA-38) zone or the Forest (PF-76) zone because of smaller parcel size, conflicting adjacent uses, adverse physical features, or other limiting factors.

402 Permitted Uses:

- .1 Farm uses as defined by Subsection (2) of ORS 215.203.
- .2 The propagation or harvesting of a forest product.
- .3 Dwellings necessary and accessory to farm or forest use on contiguous ownerships of 19 or more acres, including a mobile home, for the owner, operator, or employees, required to carry out a use permitted outright. Applications for a building permit pursuant to this section shall be accompanied by a management plan which shall be reviewed by the Planning Director under the procedures set forth in Section 1601 of this ordinance. The application shall not be approved unless the Planning Director determines that the requirements of this section are met. The management plan must provide the following information. Additional information may also be required.
  - A. A description of the parcel, including soil types, forest site classes, forest species, ages and densities, topography, streams, wetland areas, roads, structures, and other significant geographic features.
  - B. A determination of which forest use(s) the forest residence is needed for.
  - C. A discussion of why the forest residence is needed to conduct the forest use(s) identified in B. above.
  - D. A discussion of methods and practices the landowner is or will be using to conserve forest resources, including but not limited to:
    - 1. soil conservation and erosion control;
    - 2. fire protection;
    - 3. brush management;

- 4. fish and wildlife habitat management;
  - 5. harvest and revegetation plans;
  - 6. stream quality protection; and
  - 7. fencing requirements and costs.
- E. All forest practices must comply with the Oregon Forest Practices Act.
- .4 A dwelling on real property used for farm help if the dwelling is:
- A. Located on the same lot or parcel, as those terms are defined in ORS 92.010, as the dwelling of the farm operator; and
  - B. Occupied by a relative, which means grandparent, grandchild, parent, child, brother, or sister of the farm operator or the farm operators spouse, whose assistance in the management of the farm use is or will be required by the farm operator.
- .5 Buildings, other than dwellings, customarily provided in conjunction with farm or forest uses, including roadside stands for selling farm products produced on property owned or leased for farm use by the owner of the property on which the roadside stand is located.
- .6 Operations conducted for the exploration of geothermal resources as defined by ORS 522.005.
- 403 Planning Director Review: Residential structures allowed by Section 402 within major and peripheral big game range shall be reviewed by the Planning Director to determine consistency with the maintenance of big game habitat. In making this determination, consideration shall be given to the cumulative effects of the proposed action and other development in the area on big game habitat. Where such a finding is made, development shall be sited to minimize the impact on big game habitat. To minimize the impact, structures shall: be located near existing roads; be as close as possible to existing structures on adjoining lots; and be clustered where several structures are proposed.

- 404 Conditional Uses: In an FA-19 zone, the following uses and their accessory uses are permitted subject to the provisions of Sections 405 and 406. A conditional use shall be reviewed according to the procedures provided by Section 1503.
- .1 Commercial activities that are in conjunction with a farm use or that are necessary for and accessory to a forest use.
  - .2 Operations conducted for the mining and processing of geothermal resources as defined by ORS 522.005, or exploration, mining, and processing of aggregate and other mineral resources or other subsurface resources.
  - .3 Public or private schools.
  - .4 Churches.
  - .5 Community centers owned and operated by a governmental agency or a nonprofit community organization.
  - .6 Parks, playgrounds, hunting and fishing preserves, and campgrounds and accessory facilities.
  - .7 Facilities necessary for public utility service.
  - .8 Airplane landing strips and helipads and accessory facilities in conjunction with farm or forest use.
  - .9 Home occupations carried on by the resident as an accessory use within dwellings or other buildings allowed in conjunction with farm or forest use.
  - .10 A facility for the primary processing of forest products, provided that such facility is found to not seriously interfere with accepted farming practices and is compatible with farm uses described in Subsection 2 of ORS 215.203. Such a facility may be approved for a one-year period which is renewable. These facilities are intended to be only portable or temporary in nature. The primary processing of a forest product, as used in this section, means the use of a portable chipper or stud mill or other similar methods of initial treatment of a forest product in order to enable its shipment to market. Forest products, as used in this section, means timber grown upon a parcel of land or contiguous land where the primary processing facility is located.

- 404.11 The breeding, boarding and training of horses for profit provided the Commission or the Board finds in the particular case that the request can be granted pursuant to a proper exception to Goal 4 - Forest Lands.
  
- .12 A site for the disposal of solid waste approved by the governing body of a city or county or both and for which a permit has been granted under ORS 459.245 by the Department of Environmental Quality together with equipment, facilities, or buildings necessary for its operation.
  
- .13 One-family dwellings, mobile homes, or recreation vehicles and their accessory uses not provided in conjunction with farm or forest use may be granted conditional approval upon a finding that each such proposed use:
  - A. Is compatible with farm or forest uses and is consistent with the intent and purpose set forth in this ordinance relating to farm or forest lands; and
  - B. Does not interfere seriously with accepted farming or forest practices on adjacent lands devoted to farm or forest use; and
  - C. Does not materially alter the stability of the overall land use pattern of the area; and
  - D. Is situated upon generally unsuitable land for the production of farm or forest crops and livestock, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the tract.
  
- .14 Construction or placement of a dwelling or mobile home necessary for and accessory to farm use on a contiguous ownership smaller than 19 acres upon a finding that all of the following criteria are satisfied:
  - A. The parcel will support accepted farm practices as defined by ORS 215.203 by showing that (1) the parcel will be used in conjunction with other farmland in the area to contribute to a continuation of the existing commercial agriculture, or (2) the ownership will be used for an alternative commercial farm use of greater intensity (such as a nursery), and that such a use will be consistent with the continuation of existing commercial agriculture or forestry in the area; and
  - B. The dwelling is located in such a way that it does not reduce the existing or potential productivity of the parcel; and

- C. The addition and location of new structures and improvements, including dwellings, fences, roads, utilities, wells, etc., will not impose limitations on existing commercial farm and forest practices in the area; and
- D. The construction or placement of the dwelling is in conformity with the State Legislature's Agricultural Land Use Policy as set forth in ORS 215.243, which declares that: "The preservation of a maximum amount of the limited supply of agricultural land...in large blocks is necessary in maintaining the agricultural economy of the state..."; and
- E. The dwellings to be used in conjunction with an existing commercial farm use on the parcel.
- F. A farm management plan may be required to assure compliance with the criteria established by 404.14.

.15 Signs subject to Chapter 1300.

405 All Conditional Uses Permitted in the FA-19 Zone Shall Meet the Following Requirements:

- .1 The use will not significantly increase the cost, nor interfere with accepted forest management practices or farm uses on adjacent or nearby lands devoted to forest or farm use.
- .2 The use will be limited to a site no larger than necessary to accommodate the activity and, as such will not materially alter the stability of the overall land use pattern of the area or substantially limit or impair the permitted uses of surrounding properties. If necessary, measures will be taken to minimize potential negative effects on adjacent forest lands.
- .3 The use does not constitute an unnecessary fire hazard, and provides for fire safety measures in planning, design, construction, and operation.
- .4 Public utilities are to develop or utilize rights-of-way that have the least adverse impact on forest resources. Existing rights-of-way are to be utilized wherever possible.
- .5 Road standards shall be limited to the minimum width necessary for management and safety.

- .6 Development within major and peripheral big game range shall be consistent with the maintenance of big game habitat. In making this determination, consideration shall be given to the cumulative effects of the proposed action and other development in area on big game habitat. Where such a finding is made, development shall be sited to minimize the impact on big game habitat. To minimize the impact, structures shall: be located near existing roads; be as close as possible to existing structures on adjoining lots; and be clustered where several structures are proposed.

406 All dwelling units, including mobile homes, shall meet the following additional requirements:

- .1 That on forest land, provision has been made for fire safety measures in accordance with the guide published by the Northwest Interagency Fire Prevention Group entitled, "Fire Safety Considerations for Development in Forest Areas".
- .2 That responsibility for protection from wildlife damage on the property be assumed by the dwelling's owner or occupant.
- .3 That the use does not impose any limitation on the operation of a primary wood processing facility.
- .4 That a farm or forest management impact statement may be required that shows the relationship between the proposed residential use and surrounding resource uses, including setbacks for any dwellings from forest or farm uses to assure that the above conditions are met.

407 Standards - In a FA-19 zone, the following standards shall apply:

- .1 The minimum lot size for all permitted and conditional uses, except farm or forest uses, shall be 20,000 square feet. The minimum lot or parcel size for farm or forest uses shall be 19 acres except as provided in Section 409 below. [**Note:** State law now requires 80 acres minimum parcel size]
- .2 The minimum lot or parcel width at the front building line for all uses except farm or forest uses shall be 100 feet.
- .3 The minimum lot or parcel depth for all uses except farm or forest uses shall be 100 feet.
- .4 No structure shall be constructed closer than 30 feet to a property line.

.5 The maximum building height for all non-farm structures shall be 35 feet.

408 Homestead Lot: The purpose of this section is to encourage the retention of farm and forest land in large blocks, while providing the opportunity for residents who are no longer able, or who no longer desire, to manage farm and forest lands to retain their homes and sell the balance of the property. The Planning Director may approve a lot or parcel division for a principal dwelling existing on the effective date of this ordinance, and this lot or parcel shall be permitted as a non-farm use, provided that all of the following criteria are satisfied:

- .1 The property is 19 acres or larger prior to the creation of the homestead lot.
- .2 The lot or parcel created to accommodate the dwelling shall include no more than 2 acres of land, unless soil conditions, topography, or other unique circumstances require a greater land area and such lot or parcel shall not be divided further.
- .3 The remainder of the property shall not be partitioned further under this provision.
- .4 A lot or parcel created under this provision shall be partitioned in accordance with the requirements of the County Subdivision and Partitioning Ordinance.
- .5 Documents recorded to carry out a partition approved under this provision shall include a statement that such lots or parcels are for "Homestead Purposes" and are subject to the restrictions imposed herein.
- .6 The dwelling meets the standards for residential structures set forth in ORS 215.283(3).

409 Partitions:

- .1 Any proposed division of land that results in the creation of a parcel smaller than 19 acres shall be reviewed according to the procedures established by Section 1504 of this ordinance. If the parcels created are not smaller than the 19 acres minimum, the proposed division shall be reviewed in accordance with the County Subdivision and Partitioning Ordinance.
- .2 The proponent of a partition request for the creation of a parcel or parcels smaller than the prescribed minimum must demonstrate that the

parcel is for non-farm non-forest uses reviewed and approved under Subsection 404.13 or that all the following criteria are satisfied:

- A. Any newly created parcels will support accepted farm or forest practices by showing (1) that the parcel will be used in conjunction with other land in the area to contribute to the continuation of the existing commercial forestry/agricultural enterprises in the area; or (2) the parcel will be used for an alternative commercial farm or forest use of greater intensity, and that such use will be consistent with the continuation of existing commercial agriculture or forestry in the area; and (3) the proposed parcels are large enough to enable the proposed agricultural or forestry use to be practiced as it is on similar commercial enterprises in the region; and
- B. The parcelization will not reduce the existing or potential forest/agricultural productivity of the subject property;
- C. The addition and location of new structures and improvements, including houses, fences, roads, utilities, wells, etc., will not impose limitations on existing farm practices in the area; and
- D. The parcelization is in conformity with the State Legislature's Agricultural Land Use Policy as set forth in ORS 215.243 which declares that "The preservation of a maximum amount of the limited supply of agricultural land...in large blocks is necessary in maintaining the agricultural economy of the State..."

.3 Procedures for approving partition requests shall be as provided in the County Subdivision Ordinance.

410 Reestablishment of Non-farm or Non-forest Use: A non-farm or non-forest use that is unintentionally destroyed by fire, other casualty or natural disaster may be reestablished to its previous nature and extent as provided in ORS 215.215(1), so long as the reestablishment meets all other building, plumbing, sanitation and other codes, ordinances, and permit requirements.

411 Notification of State and Local Agencies: The Columbia County Soil and Water Conservation District shall be notified and requested to comment on all applications filed under Sections 404 and 408 of this ordinance that affect farmland. The appropriate offices of the Oregon Department of forestry and Fish and Wildlife shall be notified and requested to comment on all applications filed under Sections 404 and 408 of this ordinance that affect forest lands. To be assured consideration, responses should be received within 10 days of the date of mailing.

- 412 Fire Siting Standards for Dwellings and Roads: The following fire siting standards or their equivalent shall apply to all new dwellings in this zone:
- .1 If a water supply is available and suitable for fire protection, such as a swimming pool, pond, stream or lake, then road access to within 15 feet of the water's edge shall be provided for pumping units. The road access shall accommodate the turnaround of fire fighting equipment. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.
  - .2 The owner of the dwelling shall maintain a primary fuel-free break area around all structures, shall clear and maintain a secondary fuel-free break area, and shall maintain adequate access to the dwelling for fire fighting vehicles in accordance with the provisions in "Protecting Your Home From Wildfire" published by the National Fire Protection Association.
  - .3 All roads in this zone, except private roads and bridges for commercial forest uses, shall be constructed so as to provide adequate access for fire fighting equipment, according to the standards provided by the local rural fire protection district or State Department of Forestry.

**Section 500 PRIMARY FOREST - 76**

**PF-76**

501 Purpose: The purpose of this zone is to retain forest land for forest use and to encourage the management of forest land for the growing, harvesting, and processing of forest crops consistent with the Oregon Forest Practices Act. And to provide for other forest uses including watershed protection, soil protection, maintenance of clean air and water, wildlife and fisheries habitat, outdoor recreation activities, open space and scenic preservation, and agricultural activities free from the encroachment of conflicting non-forest uses and influences.

- .1 Uses related to and in support of forest operations;
- .2 Uses to conserve soil, air and water quality and to provide for fish and wildlife resources, agriculture an recreational opportunities appropriate in a forest environment;
- .3 Locationally dependent uses, such as communication towers, mineral and aggregate resources; etc.
- .4 Forest management dwellings as provided for in OAR 660-06-027; and
- .5 Other dwellings under prescribed conditions.

502 Permitted Uses:

- .1 Commercial forest management consistent with the intent and purposes of the Oregon Forest Practices Act.
- .2 Fish and wildlife management.
- .3 Structures and facilities necessary for and accessory to commercial forest management and fish and wildlife management. The uses served by such structures and facilities may include, but are not limited to: administration, equipment storage and maintenance, communications, fire protection, fish rearing, and residences for property owners, employers or full-time employees directly accessory to and required for commercial forest management or fish and wildlife management. A management plan approved by the Planning Director is required before a building permit is issued to assure that structures and facilities are consistent with the requirement of this ordinance. The management plan shall contain the information required by Section 402.3 of this ordinance, and it shall be reviewed under the procedures set forth in Section 1601 of this ordinance.

- .4 [ORS Repealed 7-1-1985.]
- .5 Primary wood processing facilities. Such facilities include, but are not limited to: pole and piling preparation, small portable saw mills, log sorting yards, wood chipping operations, fence post manufacturing, and fire wood production.
- .6 Facilities and test sites for experimental and research activities associated with the propagation, management, or harvesting of forest tree species.
- .7 Forest tree nurseries and accessory facilities.
- .8 Rock quarries, including the crushing, screening, and stockpiling of materials, when the rock is used for a commercial forest operation or when an operating permit and reclamation are not required by state law (ORS 517.790). Commercial forest operations include construction, reconstruction, or maintenance of forest access roads, or supporting forest management activities such as riprapping, bridge wing wall diversions, culvert bedding, and other similar activities located on forest lands and conducted for the purpose of forest management.
- .9 Helipad and balloon bedding areas necessary to commercial forest management.
- .10 Farm use as defined by ORS 215.203(2).
- .11 Rehabilitation, replacement, repair, and minor improvement of existing park structures and facilities.

503 Conditional Uses: In the PF Zone the following conditional uses and their accessory uses are permitted subject to the provisions of Section 504 and 505. A conditional use shall be reviewed according to the procedures provided in Section 1503.

- .1 Wood processing facilities other than primary processing.
- .2 Operations conducted for the exploration, mining, and processing of geothermal, aggregate, and other mineral or subsurface resources not permitted outright.
- .3 Parks, campgrounds, hunting and fishing reserves, and other recreational uses that require roads or structures.

- .4 Small scale solid waste disposal sites or transfer stations not to exceed 20 acres.
- .5 Water impoundments of not greater than 1000 acre feet.
- .6 Utility facilities, including utility corridors for electrical transmission lines of up to 115 KV's, and small electrical generation facilities.
- .7 Radio or television stations, transmitters or towers, except those installations used for the purpose of commercial forest management which are allowed outright.
- .8 Airplane landings strips and accessory facilities in conjunction with forest use.
- .9 A nonresource-related single-family residential structure.
- .10 Storage of construction equipment and materials, including a structure to be used for this purpose.
- .11 Home occupation.
- .12 Signs subject to Section 1300.

504 All Conditional Uses Permitted in the PF-76 Zone Shall Meet the Following Requirements:

- .1 The use is consistent with forest and farm uses and with the intent and purposes set forth in the Oregon Forest Practices Act.
- .2 The use will not significantly increase the cost, nor interfere with accepted forest management practices or farm uses on adjacent or nearby lands devoted to forest or farm use.
- .3 The use will be limited to a site no larger than necessary to accommodate the activity, and as such will not materially alter the stability of the overall land use pattern of the area or substantially limit or impair the permitted uses of surrounding properties. If necessary, measures will be taken to minimize potential negative effects on adjacent forest lands.
- .4 The use does not constitute an unnecessary fire hazard, and provides for fire safety measures in planning, design, construction, and operation.

- 504.5 Public utilities are to develop or utilize rights-of-way that have the least adverse impact on forest resources. Existing rights-of-way are to be utilized wherever possible.
  - .6 Development within major and peripheral big game ranges shall be sited to minimize the impact on big game habitat.  
To minimize the impact, structures shall: be located near existing roads; be as close as possible to existing structures on adjoining lots; and be clustered where several structures are proposed.
- 505 Residential Structures Shall meet the following Additional Requirements:
- .1 Nonresource-related structures provided by Section 503.9 shall be placed only on land that is generally unsuitable for commercial forestry or agriculture taking into consideration the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the tract.
  - .2 Provision has been made for fire safety measures in accordance with the guide published by the Northwest Inter-Agency Fire Prevention Group entitled, "Fire Safety Considerations for Development in Forest Areas".
  - .3 Responsibility for protection from wildlife damage on the property shall be assumed by the dwelling's owner or occupant.
  - .4 The use does not impose any limitation on the operation of a primary wood-processing facility.
  - .5 A forest management impact statement may be required that shows the relationship between the proposed residential use and surrounding resource uses, including setbacks for any dwellings from forest or farm uses to assure that the above conditions are met.
- 506 Standards:
- .1 The minimum lot or parcel size for new land divisions shall be 76 acres. New land divisions of less than 76 acres shall be allowed only for uses permitted under Sections 502.5 through 502.9, 503.1 through 503.8, and 503.10. New land divisions for the uses permitted under these sections shall be limited to the minimum size necessary to accommodate the proposed use. **[Note:** State law now requires 80 acres minimum parcel size]

- .2 The minimum lot or parcel width and minimum lot or parcel depth shall be 100 feet:
- .3 The minimum front yard, minimum rear yard, and minimum side yards shall all be 50 feet.
- .4 There shall be no height limitations on buildings.

507 Homestead Lot: The purpose of this section is to encourage the retention of forest land in large blocks, while providing the opportunity for residents who are no longer able, or who no longer desire, to manage forest lands to retain their homes and sell the balance of the property. The Planning Director may approve a lot or parcel division for a principal dwelling existing on the effective date of this ordinance, and this lot or parcel shall be permitted as a non-farm or non-forest use, provided that all of the following criteria are satisfied:

- .1 The property is 76 acres or larger prior to the creation of the homestead lot.
- .2 The lot or parcel created to accommodate the dwelling shall include no more than 2 acres of land, unless soil conditions, topography, or other unique circumstances require a greater land area and such lot or parcel shall not be divided further.
- .3 The remainder of the property shall not be partitioned further under this provision.
- .4 A lot or parcel created under this provision shall be partitioned in accordance with the requirements of the County Subdivision and Partitioning Ordinance.
- .5 Documents recorded to carry out a partition approved under this provision shall include a statement that such lots or parcels are for "Homestead Purposes" and are subject to the restrictions imposed herein.
- .6 The dwelling meets the standards for residential structures set forth in Section 504.1, 504.2, 504.3, 504.6 and 505.1 of this ordinance.

508 Reestablishment of Non-Forest Use: A non-forest use that is unintentionally destroyed by fire, other casualty, or natural disaster may be reestablished to its previous nature and extent, so long as the reestablishment meets all other building, plumbing, sanitation and other codes, ordinances, or permit requirements, and is in the same location.

509 Notification of State Agencies: The Oregon Department of Forestry's Columbia Unit Office and The Oregon Department of Fish and Wildlife's Forest Grove Office shall be notified and requested to comment on all conditional use requests filed under Section 503 of this section and all building or placement permit applications filed under subsections 502.3, 502.5, 502.6, 502.7, 502.8 and 502.10 of this section. Responses should be received within 10 days of the date of mailing to be assured consideration.

510 Fire Siting Standards for Dwellings and Roads:

The following fire siting standards or their equivalent shall apply to new dwellings in this zone:

- .1 If a water supply is available and suitable for fire protection, such as a swimming pool, pond, stream, or lake, then road access to within 15 feet of the water's edge shall be provided for pumping units. The road access shall accommodate the turnaround of fire fighting equipment during the fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.
- .2 The owner of the dwelling shall maintain a primary fuel-free break area around all structures, shall clear and maintain a secondary fuel-free break area, and shall maintain adequate access to the dwelling for fire fighting vehicles in accordance with the provisions in "Protecting Your Home From Wildfire" published by the National Fire Protection Association.
- .3 All roads in this zone, except private roads and bridges for commercial forest uses, shall be constructed so as to provide adequate access for fire fighting equipment, according to the standards provided by the local rural fire protection district or State Department of Forestry.

*[Note: p. 46 Intentionally left blank for expansion].*

## **ARTICLE IV**

# **RURAL DEVELOPMENT DISTRICTS**

**Section 600 RURAL RESIDENTIAL - 5** *[Amended by Ordinance 99-2, eff. 1/11/00].*

**RR-5**

601 Purpose: This district is designed for rural areas where parcels at the time of initial zoning designation are committed to non-resource uses consistent with County acknowledged exception areas. Uses in this zoning district are anticipated to be predominantly residential with a rural level of public services; i.e., domestic water from private wells, sewage disposal using on-site systems, adequate fire and emergency service by fire districts, and road access consistent with the County Transportation Plan and County Road Standards. Other uses shall be those customary to such areas, including farm and forest uses, churches, and home occupations of a rural character.

602 Permitted Uses:

- .1 Single family detached dwellings.
- .2 Farm use as defined in ORS 215.203(2).
- .3 The propagation and harvesting of forest products.
- .4 Structures accessory to permitted uses when sited in accordance with the following:
  - A. If attached to the main building or separated by a breezeway, they shall meet the front and side yard requirements of the main building.
  - B. If detached from the main building, they must be located behind the front wall of the main building or a minimum of 30 feet from the front lot or parcel line.
  - C. Detached accessory buildings shall have a minimum setback of 5 feet from the rear and/or side lot or parcel line.

603 Conditional Uses:

- .1 Signs as provided in Section 1300.
- .2 Off-street parking and loading as provided in Section 1400.
- .3 Home occupations consistent with ORS 215.448, as provided in Section 1507.

- .4 Churches when sited in accordance with Section 1550, Site Design Review, and other applicable provisions of this ordinance.

604 Standards:

- .1 The minimum lot or parcel size for uses permitted under Section 602 and 603.4 shall be 5 acres.
- .2 Dwellings permitted in the RR-5 zone must meet all of the following standards:
  - A. Have access to a public or private domestic water source meeting state and county standards; and
  - B. Be approved for an individual subsurface sewage system or be served by a public or community sewer system; and
  - C. Be within and can be served by a rural fire district.
- .3 The minimum average lot or parcel width shall be 100 feet.
- .4 The minimum average lot or parcel depth shall be 100 feet.
- .5 Lots or parcels shall conform to the following requirements before a building permit may be issued for construction on the property;
  - A. All lots or parcels legally recorded on or after June 4, 1991 shall have a minimum of 50 feet of usable frontage on a public right-of-way. The entire public right-of-way adjacent to the property shall be improved in accordance with the requirements of the Columbia County Road Standards. In lieu of such improvements, the owner or developer of the lot or parcel may secure a surety bond, or place cash in escrow or trust, to insure that the improvements will be completed according to the procedure outlined in Section 801 of the Columbia County Subdivision and Partitioning Ordinance.
  - B. All lots or parcels legally recorded before June 4, 1991 shall have a minimum of 50 feet of usable frontage on a public right-of-way or private non-exclusive easement. One-half of the public right-of-way or private non-exclusive easement adjacent to the lot or parcel shall be improved in accordance with the requirements of the Columbia County Road Standards. If the parcel to be developed abuts the end of a private non-exclusive access easement, one-half of the width of the easement shall be improved to current County Road Standards from the property

line of the subject parcel to its connection to a public right-of-way. In lieu of such improvements, the owner or developer of the lot or parcel may secure a surety bond, or place cash in escrow or trust, to insure that the improvements will be completed according to the procedure outlined in Section 801 of the Columbia County Subdivision and Partitioning Ordinance. However, in the sole discretion of the Board, in lieu of the improvements or cash or surety bond to secure such improvements, the Board may require the owner or developer of the lot or parcel to put up cash in an amount equivalent to the cost of such improvements dedicated toward the improvement of the entire road rather than just the portion adjacent to the lot or parcel.

- .6 No residential structures shall be constructed closer than 30 feet to a property line. Where the property abuts resource zoning, the setback shall be increased to 50 feet.
- .7 Unless otherwise prohibited, the maximum building height for all non-farm, non-forest structures shall be 35 feet or 2-1/2 stories, whichever is less.
- .8 Unless otherwise prohibited, structures such as barns, silos, windmills, antennas, chimneys, or similar structures may exceed the height limitations to a maximum height of 50 feet.
- .9 Churches shall meet the following standards:
  - A. Minimum Lot Area: 20,000 square feet for pre-existing, non-conforming parcels;
  - B. Minimum Public Street Frontage: 100 feet;
  - C. Shall be located within 1000 ft. of a collector or arterial road;
  - D. Shall be capable of providing adequate fire flow;
  - E. Shall be capable of treating sewage on-site if not connected to sewer;
  - F. Maximum coverage of the parcel shall not exceed 50% of land area;
  - G. Shall meet the setback standards for residential structures;
  - H. Conceptual Site Plan demonstrating compliance with the standards of this section shall be submitted with all applications;
  - I. A new Conditional Use Permit shall be required for the following modifications to a prior Conditional Use Permit granted for a church use:
    - a. The addition of usable building area on the site;
    - b. The addition of site area;

- c. The establishment of additional uses such as full-time day schools or full-time day care centers.

605 Lot or parcel of Record: *[Amended by Ordinance 98-02, eff. 5/06/98; Ordinance 99-02, eff. 1/11/00].* A lot or parcel lawfully created by a subdivision plat, or by a deed or sales contract, and of record in the County Clerk's office prior to the adoption of minimum parcel size provisions in the rural residential zone, is not required to meet minimum parcel size requirements, and shall be eligible to receive a building permit for any use permitted by Section 602 without complying with lot or parcel width or depth requirements. In addition, a dwelling may be placed on a lot or parcel of record without connecting to a public or community water system, if the lot or parcel (either individually or as aggregated contiguous lots or parcels):

- 1. is located outside of a recorded subdivision;
- 2. is located within a recorded subdivision, where the subdivision has no more than 35 lots which are less than 2.3 acres in size; OR
- 3. is located within a recorded subdivision and contains 2.3 or more acres.

The uses on a lot or parcel of record must otherwise comply with all other applicable regulations.

607 Two or more existing dwellings on a parcel: *[Amended by Ordinance 99-02, 1/11/00].* Notwithstanding the lot or parcel size provisions of this zone, the Director may approve the partitioning of a lawfully created lot or parcel in this zone, upon which two or more lawfully established permanent dwellings exist, into a number of parcels equal to the number of dwellings on the lot or parcel, upon findings by the Director that the lot or parcel meets all of the following requirements:

- A. The creation of the separate parcels will have no adverse impact on farm or forestry practices in the area or on the parcels, and
- B. Each parcel to be created will have a habitable dwelling thereon, and
- C. The configuration of the parcels will permit the establishment of an alternate septic system drain field on each parcel, in an area approved by the county sanitarian, in case the existing drain field fails.

**Section 620                    RURAL RESIDENTIAL - 2** *[Amended by Ordinance 98-02, effective 1/11/00]***RR-2**

621 Purpose: This district is designed for rural areas where lot sizes at the time of initial zoning are predominantly two acres or less. The intent is to recognize existing areas, not to create substantially new two acre parcel areas. Uses in this zoning district will be predominantly residential with a rural level of public services; i.e., domestic water from water districts, sewage disposal using on-site systems, adequate fire and emergency service by fire districts, and rural road standards per County plans and regulations. Other uses will be those customary to such areas, including farm and forest uses, churches and home occupations of a rural character.

622 Permitted Uses:

- .1 Single family detached dwellings.
- .2 Farm use as defined in ORS 215.203 (2).
- .3 Propagation and harvesting of forest products.
- .4 Structures accessory to permitted uses when sited in accordance with the following:
  - A. If attached to the main building or separated by a breezeway, they shall meet the front and side yard requirements of the main building.
  - B. If detached from the main building, they must be located behind the front wall of the main building or a minimum of 30 feet from the front lot line.
  - C. Detached accessory structures shall have a minimum setback of 5 feet from the rear and/or side lot line.

623 Conditional Uses:

- .1 Signs as provided in Section 1300.
- .2 Off-street parking and loading as provided in Section 1400.
- .3 Home occupations consistent with ORS 215.448, as provided in Section 1507.

- .4 Churches when sited in accordance with Section 1550, Site Design Review, and other applicable provisions of this ordinance.

624 Standards:

- .1 The minimum lot size for uses permitted under this section shall be 2 acres.
- .2 Dwellings permitted under this section must meet all of the following standards:
  - A. be within an existing public or community water district providing adequate domestic water; and
  - B. be approved for an individual subsurface septic system, or be served by a public or community sewer system; and
  - C. have direct access onto a public right-of-way meeting applicable County road standards; and
  - D. be within and can be served by a rural fire protection district.
- .3 The minimum average lot width shall be 100 feet.
- .4 The minimum average lot depth shall be 100 feet.
- .5 Lots or parcels shall conform to the following requirements before a building permit may be issued for construction on the property;
  - A. All lots or parcels legally recorded on or after June 4, 1991 shall have a minimum of 50 feet of usable frontage on a public right-of-way. The entire public right-of-way adjacent to the property shall be improved in accordance with the requirements of the Columbia County Road Standards. In lieu of such improvements, the owner or developer of the lot or parcel may secure a surety bond, or place cash in escrow or trust, to insure that the improvements will be completed according to the procedure outlined in Section 801 of the Columbia County Subdivision and Partitioning Ordinance.
  - B. All lots or parcels legally recorded before June 4, 1991 shall have a minimum of 50 feet of usable frontage on a public right-of-way or private non-exclusive easement. One-half of the public right-of-way or private non-exclusive easement adjacent to the lot or parcel shall be improved in accordance with the requirements of the Columbia County Road Standards. If the parcel to be

developed abuts the end of a private non-exclusive access easement, one-half of the width of the easement shall be improved to current County Road Standards from the property line of the subject parcel to its connection to a public right-of-way. In lieu of such improvements, the owner or developer of the lot or parcel may secure a surety bond, or place cash in escrow or trust, to insure that the improvements will be completed according to the procedure outlined in Section 801 of the Columbia County Subdivision and Partitioning Ordinance. However, in the sole discretion of the Board, in lieu of the improvements or cash or surety bond to secure such improvements, the Board may require the owner or developer of the lot or parcel to put up cash in an amount equivalent to the cost of such improvements dedicated toward the improvement of the entire road rather than just the portion adjacent to the lot or parcel.

- .6 No dwelling shall be constructed closer than 30 feet to a property line. Where the property abuts resource zoning, the setback shall be increased to 50 feet.
- .7 Unless otherwise prohibited, the maximum building height for all non-farm, non-forest structures shall be 35 feet or 2½ stories, whichever is less.
- .8 Unless otherwise prohibited, structures such as barns, silos, windmills, antennas, chimneys, or similar structures may exceed the height limitations to a maximum height of 50 feet.
- .9 Churches may be allowed if they fulfill the following requirements:
  - A. Minimum Lot Area: 20,000 square feet for pre-existing, non-conforming parcels;
  - B. Minimum Public Street Frontage: 100 feet;
  - C. Shall be located within 1000 ft. of a collector or arterial road;
  - D. Shall be capable of providing adequate fire flow;
  - E. Shall be capable of treating sewage on-site if not connected to a community sewer;
  - F. Maximum coverage of the parcel shall not exceed 50% of land area;
  - G. Shall meet the setback standards for residential structures;
  - H. Conceptual Site Plan demonstrating compliance with the standards of this section shall be submitted with all applications;
  - I. A new Conditional Use Permit shall be required for the following modifications to a prior Conditional Use Permit granted for a church use:

- a. The addition of usable building area on the site;
- b. The addition of site area;
- c. The establishment of additional uses such as full-time day schools or full-time day care centers.

625 Lot or parcel of Record: A lot or parcel lawfully created by a subdivision plat, or by a deed or sales contract, and of record in the County Clerk's office prior to the adoption of minimum parcel size provisions in the rural residential zone, is not required to meet minimum parcel size requirements, and shall be eligible to receive a building permit for any use permitted by Section 622 without complying with lot or parcel width or depth requirements. The uses on a lot or parcel of record must otherwise comply with all other applicable regulations.

626 Two or More Existing Dwellings on a Parcel: Notwithstanding the lot size provisions of this zone, the Director may approve the partitioning of a lawfully created lot or parcel in this zone, upon which two or more lawfully established permanent dwellings exist, into a number of parcels equal to the number of dwellings on the lot or parcel, upon findings by the Director that the lot or parcel meets all of the following requirements:

- A. Creation of the separate parcels will have no adverse impact on farm or forestry practices in the area or on the parcels.
- B. Each parcel to be created will have a habitable dwelling thereon.
- C. The configuration of the parcels will permit the establishment of an alternative septic system drain field on each parcel, in an area approved by the county sanitarian, in case the existing drain field fails.

**Section 650 RURAL COMMUNITY** *[Amended by Ordinance 98-02, effective 1/11/00].***RC**

651 Purpose: The Rural Community zone is intended to sustain existing unincorporated rural communities in the County without changing their essential rural character, by permitting, under certain circumstances, residential development at greater densities than on Rural Residential zoned lands surrounding the communities, plus small low-impact commercial uses intended to serve the community or surrounding areas, small low-impact industrial uses dependent on local resources, and institutional, utility and recreation facilities.

652 Permitted Uses:

- .1 Single family detached dwellings.
- .2 Farm use as defined by ORS 215.203(2).
- .3 The propagation and harvesting of forest products.
- .4 Structures accessory to permitted uses when sited in accordance with Section 653.2.

653 Conditional Uses: The following uses may be approved in accordance with the conditions noted for each use:

- .1 Home occupations consistent with ORS 215.448, as provided in Section 1507 .
- .2 Accessory buildings when they fulfill the following requirements.
  - A. If attached to the main building or separated by a breezeway, they shall meet the front and side yard requirements of the main building.
  - B. If detached from the main building, they must be located behind the front wall of the main building or a minimum of 20 feet from the front lot line, whichever is greater.
  - C. Detached accessory buildings shall have a minimum setback of 5 feet from the rear and/or side lot line.
- .3 Signs as provided in Section 1300.
- .4 Off-street parking and loading as provided in Section 1400.

- .5 A Planned Development District as provided in Section 1200.
- .6 The following small-scale, low-impact commercial and industrial uses may be approved if the proposed use has been determined to be necessary for the continuation of the Rural Community and its surrounding environs, and if approved by the Planning Commission according to Section 1550, Design Review Standards. See Sections 654.8 and 654.9 for area limitations of commercial and industrial uses permitted in the RC zone.
  - A. Professional services, including financial, medical and dental, social services, real estate, legal, artistic, and similar uses.
  - B. General retail trades, including groceries, bakeries, hardware stores, seed and feed stores, and similar uses.
  - C. Personal and business services, including private day care centers, preschools, kindergartens, self-service laundries, barber and hair styling shops, and similar uses.
  - D. Automotive service stations and repair shops.
  - E. Small equipment repair and service
  - F. Restaurants, taverns, lounges, and similar uses.
  - G. Institutional uses, as permitted in Section 1000
  - H. Public utility uses, as permitted in Section 1010
  - I. Recreational facilities and parks, as permitted in Section 1020.
  - J. Industrial uses necessary for the primary processing or manufacture of locally available natural resources, such as timber, minerals and agricultural produce, as per OAR 660-04-022(3)(a).
- .7 Mobile home parks, when sited in accordance with Section 730.
- .8 Churches when sited in accordance with the provisions of Section 1550, Site Design Review, and other provisions of this ordinance.

654 Standards:

- .1 The minimum lot or parcel size for all uses permitted under Sections 652 and 653 shall be 40,000 square feet per use.
- .2 The minimum average lot or parcel width shall be 75 feet.
- .3 The minimum average lot or parcel depth shall be 75 feet.
- .4 All parcels shall have a minimum of 50 feet of usable frontage on a public right-of-way; except a driveway to a single parcel to be used for residential purposes may use a non-exclusive easement for access to a public or county road.
- .5 No primary structures shall be constructed closer than 20 feet to a property line. Where the property abuts resource zoning, the setback shall be increased to 50 feet.
- .6 Unless otherwise prohibited, the maximum building height for all non-forest, non-farm structures shall be 35 feet or 2½ stories, whichever is less.
- .7 Unless otherwise prohibited, structures such as barns, silos, windmills, antennas, chimneys, or similar structures may exceed the height limitations to a maximum height of 50 feet.
- .8 For the purposes of Section 653.6, a small-scale, low-impact commercial use is defined as one that does not exceed 4,000 sq.ft. of floor space.
- .9 For the purposes of Section 653.6, a small-scale, low-impact industrial use is defined as one that does not exceed 10,000 sq.ft. of floor space.
- .10 Churches may be allowed if they fulfill the following requirements:
  - A. Minimum Lot Area: 20,000 square feet for pre-existing, non-conforming parcels;
  - B. Minimum Public Street Frontage: 100 feet;
  - C. Shall be located within 1000 ft. of a collector or arterial road;
  - D. Shall be capable of providing adequate fire flow;
  - E. Shall be capable of treating sewage on-site if not connected to community sewer;
  - F. Maximum coverage of the parcel shall not exceed 50% of land area;
  - G. Shall meet the setback standards for primary structures;
  - H. Conceptual Site Plan demonstrating compliance with the standards of this section shall be submitted with all applications;

- I. A new Conditional Use Permit shall be required for the following modifications to a prior Conditional Use Permit granted for a church use:
  - a. The addition of usable building area on the site;
  - b. The addition of site area;
  - c. The establishment of additional uses such as full-time day schools or full-time day care centers.

655 Lots of Record: Lots lawfully created by a subdivision plat or a deed or sales contract and of record in the County Clerk's office, shall be eligible to receive a building permit for any use permitted by Section 652 or 653, if such permit would have been issued otherwise but for the lot width, depth, or area, but subject to all other regulations of this zone.

**Section 670 EXISTING COMMERCIAL** *[Amended by Ordinance 98-02, effective 1/11/00].***EC**

671 Purpose: This District is intended to assure the continuation and limited expansion of all lawful commercial activities occurring on the date of this Ordinance, regardless of type or location. This zone will be used to implement the Existing Commercial plan designation.

This zoning designation is intended to recognize the legitimacy of the existing commercial use of a parcel while not directly implying that commercial activities are appropriate for a specific area.

672 Permitted Uses:

- .1 All permitted and conditional uses allowed in the Neighborhood Commercial (C-4) District.

673 Conditional Uses:

- .1 Lawful commercial activities existing on the effective date of this Ordinance.
- .2 Accessory buildings may be allowed if they fulfill the following requirements:
  - A. If attached to the main building or separated by a breezeway, they shall meet the front and side yard requirements of the main building.
  - B. If detached from the main building, they must be located behind the main building or a minimum of 30 feet from the front lot or parcel line, whichever is greater.
  - C. Detached accessory buildings shall have a minimum setback of 5 feet from the rear and/or side lot line.
- .3 Signs as provided in Section 1300.
- .4 Off-street parking and loading as provided in Section 1400.
- .5 Home occupations consistent with ORS 215.448.
- .6 Churches when sited in accordance with Section 1550, Site Design Review, and other provisions of this ordinance.

674 Standards:

- .1 The minimum lot or parcel size for uses permitted under Sections 672 and 673 shall be 5 acres.
- .2 The minimum lot or parcel size for uses permitted under Section 672 and 673 shall be 2 acres when it can be shown that:
  - A. The use is served by a public or community water system;
  - B. Adequate area exists on the property to facilitate an individual subsurface sewage system; or, the property is served by a public or community sewer system;
  - C. The property has direct access onto a public right-of-way; and,
  - D. The property is within, and is capable of being served by, a rural fire district.
- .3 No primary structure shall be constructed closer than 30 feet to a property line. Where the property abuts resource zoning, the setback shall be increased to 50 feet.
- .4 Unless otherwise prohibited, the maximum building height shall be 35 feet or 2-1/2 stories, whichever is less.
- .5 Unless otherwise prohibited, structures such as barns, silos, windmills, antennas, chimneys, or similar structures may exceed the height limitations to a maximum height of 50 feet.
- .6 Churches may be allowed if they fulfill the following requirements:
  - A. Minimum Lot Area: 20,000 square feet for pre-existing, non-conforming parcels;
  - B. Minimum Public Street Frontage: 100 feet;
  - C. Shall be located within 1000 ft. of a collector or arterial road;
  - D. Shall be capable of providing adequate fire flow;
  - E. Shall be capable of treating sewage on-site if not connected to sewer;
  - F. Maximum coverage of the parcel shall not exceed 50% of land area;
  - G. Shall meet the setback standards for residential structures;
  - H. Conceptual Site Plan demonstrating compliance with the standards of this section shall be submitted with all applications;
  - I. A new Conditional Use Permit shall be required for the following modifications to a prior Conditional Use Permit granted for a church use:

- a. The addition of usable building area on the site;
- b. The addition of site area;
- c. The establishment of additional uses such as full-time day schools or full-time day care centers.

675 Lots of Record: Lots or parcels lawfully created by a subdivision plat, or by a deed or sales contract, and of record in the County Clerk's office, shall be eligible to receive a building permit for any use permitted by Sections 672 and 673, if such permit would have been issued otherwise but for the lot or parcel width, depth, or area, but subject to all other regulations of this zone.

676 Subdivisions and Partitions: All subdivision and partition requests shall conform to the applicable standards of the Subdivision and Partitioning Ordinance.

**Section 680 RESOURCE INDUSTRIAL - PLANNED DEVELOPMENT**

**RIPD**

681 Purpose: The purpose of this district is to implement the policies of the Comprehensive Plan for Rural Industrial Areas. These provisions are intended to accommodate rural and natural resource related industries which:

- .1 Are not generally labor intensive;
- .2 Are land extensive;
- .3 Require a rural location in order to take advantage of adequate rail and/or vehicle and/or deep water port and/or airstrip access;
- .4 Complement the character and development of the surrounding rural area;
- .5 Are consistent with the rural facilities and services existing and/or planned for the area; and,
- .6 Will not require facility and/or service improvements at significant public expense.

The uses contemplated for this district are not appropriate for location within Urban Growth Boundaries due to their relationship with the site specific resources noted in the Plan and/or due to their hazardous nature.

682 Permitted Uses:

- .1 Farm use as defined by Subsection 2 of ORS 215.203.
- .2 Management, production, and harvesting of forest products, including wood processing and related operations.

683 Uses Permitted Under Prescribed Conditions: The following uses may be permitted subject to the conditions imposed for each use:

- .1 Production, processing, assembling, packaging, or treatment of materials; research and development laboratories; and storage and distribution of services and facilities subject to the following findings:

- 683.1
  - A. The requested use conforms with the goals and policies of the Comprehensive Plan - specifically those policies regarding rural industrial development and exceptions to the rural resource land goals and policies.
  - B. The potential impact upon the area resulting from the proposed use has been addressed and any adverse impact will be able to be mitigated considering the following factors:
    - .1 Physiological characteristics of the site (ie., topography, drainage, etc.) and the suitability of the site for the particular land use and improvements;
    - .2 Existing land uses and both private and public facilities and services in the area;
    - .3 The demonstrated need for the proposed use is best met at the requested site considering all factors of the rural industrial element of the Comprehensive Plan.
  - C. The requested use can be shown to comply with the following standards for available services:
    - .1 Water shall be provided by an on-site source of sufficient capacity to serve the proposed use, or a public or community water system capable of serving the proposed use.
    - .2 Sewage will be treated by a subsurface sewage system, or a community or public sewer system, approved by the County Sanitarian and/or the State DEQ.
    - .3 Access will be provided to a public right-of-way constructed to standards capable of supporting the proposed use considering the existing level of service and the impacts caused by the planned development.
    - .4 The property is within, and is capable of being served by, a rural fire district; or, the proponents will provide on-site fire suppression facilities capable of serving the proposed use. On-site facilities shall be approved by either the State or local Fire Marshall.
- 683.2 Accessory buildings may be allowed if they fulfill the following requirements:

- A. If attached to the main building or separated by a breezeway, they shall meet the front and side yard requirements of the main building.
  - B. If detached from the main building, they must be located behind the main building or a minimum of 50 feet from the front lot or parcel line, whichever is greater.
  - C. Detached accessory buildings shall have a minimum setback of 50 feet from the rear and/or side lot or parcel line.
- .3 Signs as provided in Chapter 1300.
  - .4 Off street parking and loading as provided in Chapter 1400.
  - .5 Home occupations consistent with ORS 215.448.

684 Standards:

- .1 The minimum lot or parcel size for uses allowed under Section 682 shall be 38 acres.
- .2 The minimum lot or parcel size, average lot or parcel width and depth, and setbacks for uses allowed under Section 683, shall be established by the Planning Commission, and will be sufficient to support the requested rural industrial use considering, at a minimum, the following factors:
  - A. Overall scope of the project. Should the project be proposed to be developed in phases, all phases shall be considered when establishing the minimum lot size.
  - B. Space required for off street parking and loading and open space, as required.
  - C. Setbacks necessary to adequately protect adjacent properties.
- .3 Access shall be provided to a public right-of-way of sufficient construction to support the intended use, as determined by the County Roadmaster.

685 Review Procedures: The Planning Commission shall review, in accordance with Section 1600, all requests made pursuant to Section 683 to assure that:

- .1 The use conforms to the criteria outlined in Section 681.

- .2 The conditions outlined in Section 683 can be met.
- .3 The Design Review Board or Planning Commission reviewed the request and found it to comply with the standards set out in Section 1550 and the minimum lot or parcel size provisions set out in Section 684.

*[Note: p. 67 Intentionally left blank for expansion].*

# **ARTICLE V**

## **SUBURBAN DISTRICTS**

R-10

**Section 700 SINGLE-FAMILY RESIDENTIAL** *[Amended by Ordinance 99-02, effective 1/11/00].*

701 Purpose: The Single-Family Residential (R-10) District is intended to provide minimum development standards for low density residential uses in unincorporated urban growth boundaries where public water and public sewer exist, or are programmed, and where resource activities are declining.

702 Permitted Uses:

- .1 A single family detached dwelling.
- .2 Structures accessory to permitted uses when sited in accordance with Section 705.7.

703 Conditional Uses:

- .1 Home occupations in accordance with ORS 215.448.
- .2 Churches when sited in accordance with Section 1550, Site Design Review, and other applicable provisions of this ordinance.

704 Criteria for Approval of Conditional Uses:

- .1 Signs shall be in accordance with Section 1300.
- .2 Off-street parking shall be in accordance with Section 1400.

705 Standards:

.1 Lot or Parcel Sizes:

- A. The minimum lot or parcel size without public water or public sewer shall be one acre.
- B. The minimum lot or parcel size with public water and public sewer shall be 10,000 square feet.

.2 Lot or Parcel Dimensions:

- A. The minimum average lot or parcel width shall be 70 feet.
- B. The minimum average lot or parcel depth shall be 100 feet.

- 705.2 C. All lots or parcels shall have a minimum of 50 foot of usable frontage on a public right-of-way; except a driveway to a single parcel to be used for residential purposes may use a non-exclusive easement for access to a public or county road.

.3 Building Setbacks:

- A. Front yard setbacks shall have a minimum depth of 25 feet, unless a previous building line less than this has been established, in which case the minimum front yard for interior lots or parcels shall be the average of the setbacks of the main structures on abutting lots or parcels on either side, if both lots or parcels are occupied. If one lot or parcel is occupied and the other is vacant, the setback shall be the setback of the occupied lot or parcel, plus one-half the remaining distance to the required 25 foot setback. If neither of the abutting side lots or tracts are occupied by a structure, the setback shall be 25 feet.
- B. Side yard setbacks shall be a minimum of 10 feet.
- C. Rear yard setbacks shall be a minimum of 20 feet to the main building.
- D. Setbacks for insufficient right-of-way. The minimum front or side yards, or other setbacks as stated herein, shall be increased where such yard or setback abuts a street having insufficient right-of-way width to serve the area. The Commission shall determine the necessary right-of-way width and the additional yard setback requirements in such cases.

.4 Lot or Parcel Coverage: The lot or parcel coverage shall not exceed 30 percent of the total area of the lot or parcel.

.5 Height Limitations: The maximum height of a structure shall not exceed 35 feet or 2-1/2 stories, whichever is less.

.6 Off-Street Parking: Two off-street parking spaces shall be provided as required in Section 1400.

.7 Accessory Buildings: Accessory buildings may be allowed if they fulfill the following requirements:

- A. If attached to the main building or separated by a breezeway, they shall fulfill the front and side yard requirements of the main building.
- B. If detached and located behind the rear-most line of the main building, or a minimum of 55 feet from the front lot or parcel line, whichever is greater, any one story accessory building may be located adjacent to a rear and/or side lot or parcel line not fronting on a street, when in compliance with the Building Code.
- C. All other detached accessory buildings shall have a minimum setback of 5 feet from the rear or side lot or parcel lines.

.8 Churches shall meet the following requirements:

- A. Minimum Lot Area: 20,000 square feet for pre-existing, non-conforming parcels;
- B. Minimum Public Street Frontage: 100 feet;
- C. Shall be located within 1000 ft. of a collector or arterial road;
- D. Shall be capable of providing adequate fire flow;
- E. Shall be connected to sewer;
- F. Maximum coverage of the parcel shall not exceed 50% of land area;
- G. Shall meet the setback standards for residential structures;
- H. Conceptual Site Plan demonstrating compliance with the standards of this section shall be submitted with all applications;
- I. A new Conditional Use Permit shall be required for the following modifications to a prior Conditional Use Permit granted for a church use:
  - a. The addition of usable building area on the site;
  - b. The addition of site area;
  - c. The establishment of additional uses such as full-time day schools or full-time day care centers.

706 Lots of Record: Lots or parcels lawfully created by a subdivision plat, or by a deed or sales contract, and of record in the County Clerk's office, shall be eligible to receive a building permit for any use permitted in this District, if such permit would have been issued otherwise but for the lot or parcel width, depth, or area, but subject to all other regulations of this zone.

707 Subdivisions and Partitions: All subdivision and partition requests shall conform to the applicable standards set out in the Subdivision and Partitioning Ordinance.

**Section 710 SINGLE-FAMILY AND TWO-FAMILY RESIDENTIAL**

**R - 7**

*[Amended by Ordinance 98-02, effective 1/11/00].*

711 Purpose: The Single-Family and Two-Family Residential District is intended to provide minimum development standards for low and medium density residential uses in unincorporated urban growth boundaries where public water and public sewer exist, or are programmed, and where resource activities are declining.

712 Permitted Uses:

- .1 A single-family detached dwelling.
- .2 Two-family dwellings (duplexes).
- .3 Structures accessory to permitted uses when sited in accordance with Section 715.7.

713 Conditional Uses:

- .1 Home occupations in accordance with ORS 215.448.
- .2 Churches when sited in accordance with Section 1550, Site Design Review, and all other applicable provisions of this ordinance.

714 Criteria for Approval of Conditional Uses:

- .1 Signs shall be in accordance with Section 1300.
- .2 Off-street parking shall be in accordance with Section 1400.

715 Standards:

- .1 Lot or Parcel Sizes:
  - A. The minimum lot or parcel size without public water or public sewer shall be 1 acre for single-family dwellings and 1-1/2 acres for two-family dwellings.
  - B. The minimum lot or parcel size with public water and sewer shall be 7,000 square feet for single-family dwellings and ten thousand square feet for two-family dwellings.
- .2 Lot or Parcel Dimensions:

- A. The minimum average lot or parcel width shall be 60 feet.
- B. The minimum average lot or parcel depth shall be 80 feet.
- C. All lots or parcels shall have a minimum of 50 foot of usable frontage on a public right-of-way; except a driveway to a single parcel to be used for residential purposes may use a non-exclusive easement for access to a public or county road.

.3 Building Setbacks:

- A. Front yard setbacks shall have a minimum depth of 20 feet, unless a previous building line less than this has been established, in which case the minimum front yard for interior lots or parcels shall be the average of the setbacks of the main structures on abutting lots or parcels on either side, if both lots or parcels are occupied. If one lot or parcel is occupied and the other is vacant, the setback shall be the setback of the occupied lot or parcel plus ½ the remaining distance to the required 20 foot setback. If neither of the abutting side lots or tracts are occupied by a structure, the setback shall be 20 feet.
- B. Side yard setbacks shall be a minimum of 7-1/2 feet and 10 feet on corner lots or parcels abutting the street.
- C. Rear yard setbacks shall be a minimum of 20 feet to the main building.
- D. Setbacks for insufficient right-of-way. The minimum front or side yards or other setbacks as stated herein, shall be increased where such yard or setback abuts a street having insufficient right-of-way width to serve the area. The Commission shall determine the necessary right-of-way widths and the additional yard or setback requirements in such cases.

.4 Lot or Parcel Coverage: The lot or parcel coverage shall not exceed 35 percent of the total area of the lot or parcel .

.5 Height Limitation: The maximum height of a structure shall be 35 feet or 2-1/2 stories, whichever is less.

.6 Off-street Parking: Off-street parking shall be provided as required in Section 1400.

.7 Accessory Buildings: Accessory buildings may be allowed if they fulfill the following requirements:

- A. If attached to the main building or separated by a breezeway, they shall fulfill the front and side yard requirements of the main building.
- B. If detached and located behind the rear-most line of the main building, or a minimum of 50 feet from the front lot or parcel line, whichever is greater, any one story accessory building may be located adjacent to a rear and/or side lot or parcel line not fronting on a street when in compliance with the Building Code.
- C. All other detached accessory buildings shall have a minimum setback of 5 feet from the rear or side lot or parcel lines.

.8 Churches shall meet the following requirements:

- A. Minimum Lot Area: 20,000 square feet for pre-existing, non-conforming parcels;
- B. Minimum Public Street Frontage: 100 feet;
- C. Shall be located within 1000 ft. of a collector or arterial road;
- D. Shall be capable of providing adequate fire flow;
- E. Shall be connected to sewer;
- F. Maximum coverage of the parcel shall not exceed 50% of land area;
- G. Shall meet the setback standards for residential structures;
- H. Conceptual Site Plan demonstrating compliance with the standards of this section shall be submitted with all applications;
- I. A new Conditional Use Permit shall be required for the following modifications to a prior Conditional Use Permit granted for a church use:
  - a. The addition of usable building area on the site;
  - b. The addition of site area;
  - c. The establishment of additional uses such as full-time day schools or full-time day care centers.

716 Lots of Record: Lots or parcels lawfully created by a subdivision plat, or by a deed or sales contract, and of record in the County Clerk's office, shall be eligible to receive a building permit for any use permitted in this district, if such permit would have been issued otherwise but for the lot or parcel width, depth, or area, but subject to all other regulations of this zone.

717 Subdivisions and Partitions: All subdivision and partition requests shall conform to the applicable standards set out in the Subdivision and Partitioning Ordinance.

**Section 720 MULTIPLE-FAMILY RESIDENTIAL**

**MFR**

721 Purpose: The Multiple-Family Residential District is intended to provide minimum development standards for low, medium, and high density residential uses in unincorporated urban growth boundaries where public water and public sewer exist, or are programmed, and where resource activities are declining.

722 Permitted Uses:

- .1 Single-family residences.
- .2 Two-family residences (duplexes).
- .3 Apartment and multiple-family dwellings.
- .4 Structures accessory to permitted uses when sited in accordance with Section 725.7.

723 Conditional Uses:

- .1 Home occupations in accordance with ORS 215.448.
- .2 Boarding houses.

724 Criteria for Approval of Conditional Uses:

- .1 Signs shall be in accordance with Section 1300.
- .2 Off-street parking shall be in accordance with Section 1400.

725 Standards:

.1 Lot or Parcel Sizes:

- A. The minimum lot or parcel sizes without public water or public sewer shall be 1 acre for single-family dwellings, 1-1/2 acres for two-family dwellings, and 2-1/2 acres for multiple-family dwellings.

725.1 B. Minimum lot or parcel sizes with public sewer and public water are as follows:

<u>Number of Dwelling Units</u>	<u>Minimum Lot or parcel Size in Square Feet</u>	<u>Percent Lot Coverage</u>
1	7,000	35%
2	7,000	40%
3	11,000	40%
4	14,000	45%
5	16,500	45%
6	19,000	45%
7 - 10	21,500 + 2,250 for each unit over 7	45%
11 - 20	30,500 + 2,000 for each unit over 11	45%
21 - 37	50,750 + 1,750 for each unit over 21	50%
38 - 63	79,500 + 1,500 for each unit over 38	55%
64 - up	118,500 + 1,000 for each unit over 64	55%

Where the number of dwelling units erected on a lot or parcel is calculated in accordance with this section, no greater number of units shall in any event be permitted at any time except as may be approved under the Planned Development District.

.2 Lot or Parcel Dimensions:

- A. The minimum average lot or parcel width shall be 60 feet.
- B. The minimum average lot or parcel depth shall be 80 feet.
- C. All lots or parcels shall have a minimum of 50 foot of usable frontage on a public right-of-way.

.3 Building Setbacks:

- A. Front yard setbacks shall have a minimum depth of 20 feet, unless a previous building line less than this has been established, in which case the minimum front yard for interior lots or parcels shall be the average of the setbacks of the main structures on abutting lots or parcels on either side if both lots or

parcels are occupied. If one lot or parcel is occupied and the other vacant, the setback shall be the setback of the occupied lot or parcel, plus one-half the remaining distance to the required 20 foot setback. If neither of the abutting side lots or tracts are occupied by a structure, the setback shall be 20 feet.

- B. Side yard setbacks for buildings 1 or 2 stories in height shall be a minimum of 7-1/2 feet. For buildings exceeding two stories in height, the side yard shall be a minimum of 1 foot horizontally for every 3 feet of building height. On corner lots or parcels, the side yard for all structures shall be a minimum of 10 feet on the side abutting the street.
  - C. Rear yard setbacks shall be a minimum of 15 feet.
  - D. Setbacks for insufficient right-of-way: The minimum front, side, or other setbacks as stated herein shall be increased where such yard or setback abuts a street having insufficient right-of-way width to serve the area. The Commission shall determine the necessary right-of-way widths and the additional yard or setback requirements in such cases.
- .4 Lot or Parcel Coverage: The lot or parcel coverage shall not exceed 35 percent of the total area of the lot or parcel.
- .5 Height Limitation: The maximum height of a structure shall be 35 feet or 2-1/2 stories, whichever is less.
- .6 Off-Street parking: Off-street parking shall be provided as required in Section 1400.
- .7 Accessory Buildings may be allowed if they fulfill the following requirements:
- A. If attached to the main building or separated by a breezeway, they shall fulfill the front and side yard requirements of the main building.
  - B. If detached and located behind the rear-most lot or parcel line of the main building, or a minimum of 45 feet from the front lot or parcel line, whichever is greater, any one story accessory building may be located adjacent to a rear and/or side lot or parcel line not fronting on a street, when in compliance with the Building Code.

C. All other detached accessory buildings shall have a minimum setback of 5 feet from the rear and side lot or parcel lines.

726 Lots of Record: Lots or parcels lawfully created by a subdivision plat, or by a deed or sales contract, and of record in the County Clerk's office, shall be eligible to receive a building permit for any use permitted in this District, if such permit would have been issued otherwise but for the lot or parcel width, depth, or area , but subject to all other regulations of this zone.

727 Subdivisions and Partitions: All subdivision and partition requests shall conform to the applicable standards set out in the Subdivision and Partitioning Ordinance.

**Section 730 MOBILE HOME RESIDENTIAL**

**MHR**

731 Purpose: The Mobile Home Residential District is intended to provide minimum development standards for single-family dwellings and medium density mobile home park development in unincorporated urban growth boundaries where public water and public sewer exist, or are programmed, and where resource activities are declining.

732 Permitted Uses:

- .1 Single-family dwellings.
- .2 Mobile Home Parks.
- .3 Structures accessory to permitted uses when sited in accordance with Section 735.7.

733 Conditional Uses:

- .1 Home occupations in accordance with ORS 215.448.

734 Criteria for Approval of Conditional Uses:

- .1 Signs shall be in accordance with Section 1300.
- .2 Off-street parking shall be in accordance with Section 1400.

735 Standards:

.1 Lot or Parcel Sizes:

- A. The minimum lot or parcel sizes without public water or public sewer shall be 1 acre for single-family dwellings. Mobile home parks shall not be allowed without public sewer and water.
- B. The minimum lot or parcel sizes with public sewer and public water shall be 7,000 square feet for single-family dwellings and 1 acre for mobile home parks.

.2 Mobile Home Park Space Requirements:

- A. Each mobile home park space shall have a minimum of 3,500 square feet.
- B. Each mobile home park space shall be a minimum of 40 feet in width.
- C. Mobile home park density shall not exceed 10 units per net acre of park site.

735.3 Mobile Home Park Yard Requirements:

- A. Each mobile home shall be set back 10 feet from the front and rear mobile home space lines and a minimum of 5 feet from the side mobile home space lines. Such setbacks shall be measured from the mobile home hitch when applicable.

.4 Criteria for Single-family Dwellings:

A. Setbacks:

- 1. Front yard setback shall have a minimum depth of 20 feet, unless a previous building line less than this has been established, in which case the minimum front yard for interior lots or parcels shall be the average of the setbacks of the main structures on abutting lots or parcels on either side if both lots or parcels are occupied. If one lot or parcel is occupied and the other vacant, the setback shall be the setback of the occupied lot or parcel, plus one-half the remaining distance to the required 20 foot setback. If neither of the abutting side lots or tracts are occupied by a structure, the setback shall be 20 feet.
- 2. Side yard setbacks shall be a minimum of 7-1/2 feet and 10 feet on corner lots or parcels abutting the street.
- 3. Rear yard setbacks shall be a minimum of 20 feet to the main building.
- 4. Setbacks for insufficient right-of-way: The minimum front, side, or other setback as stated herein shall be increased where such yard or setback abuts a street having insufficient right-of-way width to serve the area. The

Commission shall determine the necessary right-of-way widths and the additional yard or setback requirements in such cases.

- 735.5 Height Limitations: The maximum height of a structure shall be 35 feet or 2-1/2 stories, whichever is less.
- .6 Off-Street Parking: Off-street parking shall be provided as required in Section 1400.
- .7 Accessory Buildings: Accessory buildings may be allowed if they fulfill the following requirements:
  - A. If attached to the main building or separated by a breezeway, they shall fulfill the front and side yard requirements of the main building.
  - B. If detached and located behind the rear-most lot or parcel line of the main building, or a minimum of 45 feet from the front lot or parcel line, whichever is greater, any one story accessory building may be located adjacent to a rear and/or side lot or parcel line not fronting on a street, when in compliance with the Building Code.
  - C. All other detached accessory buildings shall have a minimum setback of 5 feet from the rear and side lot or parcel lines.
- 736 Lots of Record: Lots or parcels lawfully created by a subdivision plat, or by a deed or sales contract, and of record in the County Clerk's office, shall be eligible to receive a building permit for any use permitted in this District, if such permit would have been issued otherwise but for the lot or parcel width, depth, or area, but subject to all other regulations of this zone.
- 737 Subdivisions and Partitions: All subdivision and partition request shall conform to the applicable standards set out in the Subdivision and Partitioning Ordinance.

**Section 800 HIGHWAY COMMERCIAL**

**C - 5**

801 Purpose: The purpose of this district is to provide for the orderly development of retail and personal service establishments along major arterials and thoroughfares in suburban areas. In general, such districts shall be planned to maintain high standards of traffic safety for the continued protection and welfare of the general public. Highway Commercial Districts shall be permitted for such properties abutting only those sections of major arterials or thoroughfares which have an existing dedicated right-of-way of not less than 60 feet.

802 Permitted Uses:

- .1 Any permitted or conditional use in a C-4 District.
- .2 Commercial recreation.
- .3 Motel, hotel, including an eating and drinking establishment in conjunction therewith.
- .4 Group cottages.
- .5 Church.
- .6 Community meeting building.
- .7 Utility facilities necessary for public service.
- .8 Governmental structure such as a fire station or library but excluding a storage or repair type facility.
- .9 Radio or television transmitter tower.
- .10 Retail trade establishment such as a food store, drug store, or gift shop.
- .11 Eating and drinking establishment.
- .12 Personal and business services such as barber shops, tailoring, printing, funeral home, upholstery shop, or laundry and dry cleaning establishments.
- .13 Automobile service station and other drive-in business.
- .14 Accessory buildings when located on the same lot or parcel.

- .15 Any other use held similar to the above uses, as approved by the Commission.

803 Uses Permitted under Prescribed Conditions:

- .1 Signs subject to the provisions outlined in Section 1300.
- .2 Off-street parking subject to the provisions outlined in Section 1400.

804 Conditional Uses:

- .1 Greenhouses.

805 Standards:

- .1 The minimum lot or parcel size shall be seven thousand 7,500 square feet.
- .2 Outdoor storage abutting or facing a lot in a residential district shall be screened with a sight obscuring fence.
- .3 Water supply and sewage disposal facilities shall be approved by the County Subsurface Sewage Department.
- .4 The minimum lot or parcel width at the building line shall be 70 feet, except on a corner lot or parcel it shall be 85 feet.
- .5 The minimum lot or parcel width at the street shall be 60 feet.
- .6 The minimum lot or parcel depth shall be 70 feet.
- .7 The minimum front yard shall be 50 feet.
- .8 The minimum side yard shall be 6 feet, except on the street side of a corner lot or parcel it shall be 30 feet.
- .9 The minimum front and side yards or other setbacks, as state herein, shall be increased where such yard or setback abuts a street having insufficient right-of-way width to serve the area. The Commission and the County Road Engineer shall determine the necessary right-of-way widths and the additional yard or setback requirements in such cases.

805.10 The minimum rear yard shall be 10 feet.

- .11 The maximum building height shall be 35 feet.

- 806 Portions of arterials or thoroughfares that have been designated as Highway Commercial Districts by the Commission shall be subject to the following requirements:
- .1 Approach roads and driveways giving access onto the designated arterial or thoroughfare shall not be less than 15 feet in width nor more than 25 feet in width and shall be so constructed as to conform to the specifications for road construction of the Columbia County Road Department.
  - .2 Access shall not be permitted along the designated arterial or thoroughfare within a distance of 60 feet from the right-of-way line of an intersecting street.
- 807 Lots of Record: Lots or parcels lawfully created by a subdivision plat, or by a deed or sales contract, and of record in the County Clerk's office, shall be eligible to receive a building permit for any use permitted in this District, if such permit would have been issued otherwise but for the lot or parcel width, depth, or area, but subject to all other regulations of this zone.
- 808 Subdivisions and Partitions: All subdivision and partition requests shall conform to the applicable standards set out in the Subdivision and Partitioning Ordinance.

**Section 810 NEIGHBORHOOD COMMERCIAL**

**C - 4**

811 Purpose: The commercial uses permitted in this District are intended to serve those residential uses within the suburban areas.

812 Permitted Uses:

- .1 Bakery.
- .2 Barber Shop or Beauty Parlor.
- .3 Book or Stationary Store.
- .4 Candy Store.
- .5 Tailor Shop.
- .6 Drug Store.
- .7 Film Exchange.
- .8 Grocery, Fruit, or Vegetable Store.
- .9 Meat Market or Delicatessen.
- .10 Photographer.
- .11 Self-Service Laundry.
- .12 Shoe Store or Shoe Repair Shop.
- .13 Accessory Buildings when located on the same lot or parcel .
- .14 Any other use held similar in nature to the preceding uses when approved by the Planning Commission.

**[Note:** The Planning Commission has found the following to be similar to the above uses:

“Greenhouse, retail nursery, florist and gift shop.” DR 7-92  
“Auto sales, repair, detailing.” DSU 1-93]

813 Conditional Uses:

- .1 Dwelling in conjunction with a business or attached to a commercial use.

- .2 Apartments above a commercial use.

814 Criteria for Approval of all Permitted and Conditional Uses:

- .1 The use shall be served by public sewer and public water.
- .2 The use shall be on an arterial or collector street.
- .3 Signs shall be in accordance with Section 1300.
- .4 Off-Street parking shall be in accordance with Section 1400.
- .5 The use shall be reviewed by the Design Review Board or Planning Commission and shall comply with any and all conditions found necessary to protect adjacent property owners from incompatible uses.

815 Standards:

.1 Lot or Parcel Size and Coverage:

- A. The maximum lot or parcel size shall be 40,000 square feet.
- B. The maximum floor space for a single use shall be 5,000 square feet.

.2 Setbacks:

- A. Front yard setbacks shall be a minimum of 20 feet, unless a previous building line less than this has been established, in which case the minimum front yard for interior lots or parcels shall be the average of the setbacks of the main structures on abutting lots or parcels on either side if both lots or parcels are occupied. If one lot or parcel is occupied and the other vacant, the setback shall be the setback of the occupied lot or parcel, plus one-half the remaining distance to the required 20 foot setback. If neither of the abutting side lots or tracts are occupied by a structure, the setback shall be 20 feet.
- B. Side yard setback: None, except property abutting a residential or apartment district, in which case the side yard on the abutting side shall be the same as the abutting property. On a corner lot or parcel, the side abutting the street shall have a minimum setback of 10 feet.

- 815.2 C. Rear yard setback: None, except property abutting a residential or apartment district, in which case the rear yard shall be the same as the abutting property.
- D. Setbacks for insufficient right-of-way: The minimum front, side, or other setbacks as stated herein shall be increased where such yard or setback abuts a street having insufficient right-of-way width to serve the area. The Commission shall determine the necessary right-of-way widths and the additional yard or setback requirements in such cases.
- .3 Height Limitation: The maximum height of a structure shall be 35 feet or 2-1/2 stories, whichever is less.
- .4 Off-Street Parking: Off-street parking shall be provided as required in Section 1400.
- .5 Landscaping: Landscaping and screening will be provided on each site and shall satisfy the following requirements:
- A. All areas of the site not occupied by paved roadways, walkways, patios, or buildings shall be landscaped with ground covers, shrubs, and decorative or ornamental trees.
- B. It shall be the owner's responsibility to maintain the landscaping installed on the site.
- C. Screen planting, masonry walls, or fencing shall be provided to screen objectionable views within 5 months of occupancy of a related building. Views to be screened include garbage and trash collection stations and other similar uses.
- .7 Access: No more than one 45 foot wide curb cut driveway per 150 feet of street frontage, or fraction thereof, shall be permitted per site.
- 816 Lots of Record: Lots or parcels lawfully created by a subdivision plat, or by a deed or a sales contract, and of record in the County Clerk's office, shall be eligible to receive a building permit for any use permitted in this District, if such permit would have been issued otherwise but for the lot or parcel width, depth, or area, but subject to all other regulations of this zone.
- 817 Subdivisions and Partitions: All subdivision and partition requests shall conform to the applicable standards set out in the Subdivision and Partitioning Ordinance.

**Section 820 GENERAL COMMERCIAL****C - 3**

821 Purpose: The General Commercial District is intended to provide for the broad range of commercial operations and services required for the proper and convenient functioning of Commercial Centers serving broad suburban areas. Uses permitted are intended to include all retail and service operations that may be appropriately located within a shopping district and that are normally required to sustain a community.

822 Permitted Uses:

- .1 Any use permitted in a C-5 and C-4 District.
- .2 Single-family dwelling accessory to a permitted use and contained in the main building.
- .3 Two-family dwelling accessory to a permitted use and contained in the main building.
- .4 Multi-family dwelling.
- .5 Boarding, lodging, or rooming house.
- .6 Commercial recreation.
- .7 Motel, hotel, including an eating and drinking establishment in conjunction therewith.
- .8 Group cottages.
- .9 Church.
- .10 Public or private school or college.
- .11 Community meeting building.
- .12 Utility facilities necessary for public service.
- .13 Hospital, sanitarium, rest home, and nursing home.
- .14 Governmental structure such as a fire station or library but excluding a storage or repair type facility.
- .15 Radio or television transmitter tower.

- .16 Retail trade establishment such as food store, drug store, gift shop, hardware store, and furniture store.
- .17 Repair and maintenance service of the type of goods to be found in the above permitted retail trade establishments provided such service is performed wholly within an enclosed building.
- .18 Business, governmental, and professional office.
- .19 Financial institution.
- .20 Eating and drinking establishment.
- .21 Personal and business services such as barber shop, tailoring, printing, funeral home, or laundry and dry cleaning establishment.
- .22 Animal hospital, provided no noise is audible in an adjacent residential district.
- .23 Automobile service station and public garage.
- .24 Automobile and truck sales area.
- .25 Any other use held similar to the above uses, as approved by the Commission.

823 Uses Permitted under Prescribed Conditions:

- .1 Signs subject to the provisions outlined in Section 1300.
- .2 Off-street parking subject to the provisions outlined in Section 1400.

824 Standards:

- .1 The standards which apply in the C-4 District shall apply in the C-3 District.

**Section 830 MARINE COMMERCIAL**

**C - 2**

831 Purpose: The Marine Commercial District is intended to encourage a wide range of water-related activities both commercial and residential, including off-shore Water Dependent Construction Activities (WDCAs) which cannot be located on land.

832 Permitted Uses:

- .1 Boat launching or moorage facility, marine, boat charter services.
- .2 Boat or marine equipment sales, services, storage, rental, or repair.
- .3 Houseboats subject to the approval of the County Subsurface Sewage Department.
- .4 Restaurant, bar, or tavern.
- .5 Retail sale of sporting goods, groceries, or similar commodities.
- .6 Public and private conservation areas and open space, forest or wildlife resources.
- .7 Public and private open space, park, and recreation facilities.
- .8 any other use held similar to the above uses, as approved by the Commission.

833 Uses Permitted under Prescribed Conditions:

- .1 Signs subject to the provisions outlined in Section 1300.
- .2 Off-street parking subject to the provisions outlined in Section 1400.

834 Conditional Uses:

- .1 Single-family dwelling built on the site.
- .2 Utility facilities necessary for public service.
- .3 Water Dependent Construction Activities (WDCA), including the construction of houseboats, boat houses and other accessory or related construction activities which must be conducted on navigable waterways and which cannot be conducted on land or within an enclosed building

or sight obscuring fence and which generally employ fewer than 20 persons.

835 Standards:

- .1 The standards which apply in the C-4 District shall apply in the C-2 District.
- .2 Standards for Water Dependent Construction Activities (WDCA):
  - A. A WDCA shall not be permitted within 250 feet of existing houseboats or on-shore residential development.
  - B. A WDCA shall not be permitted where it would negatively impact or be negatively impacted by industrial or commercial traffic on the waterway.
  - C. The location of a WDCA shall have access to an adequate land area to service the WDCA, including space for the delivery and temporary short-term storage of materials and supplies, and parking for employees.
  - D. A WDCA is permitted only within an Urban Growth Boundary.
- .3 Criteria for Approval of WDCAs: In approving a WDCA the Commission shall make the following findings:
  - A. The WDCA is dependent upon a navigable waterway and cannot be conducted on land or within an enclosed building or sight-obscuring fence.
  - B. The WDCA will not adversely affect or be adversely affected by the waterway's normal fluvial processes.
  - C. The operation of the WDCA will not adversely affect or be adversely affected by the present users of the waterway in the vicinity of the WDCA.
  - D. The WDCA is consistent with the overall land use pattern of the surrounding area.
  - E. The WDCA will have an average of fewer than the equivalent of 20 full-time employees.

**Section 910 INDUSTRIAL PARK**

**M - 3**

911 Purpose: The Comprehensive Plan Light Industrial designation is intended to encourage the development of industrial uses which have minimal impact upon adjoining properties. Two districts are used in implementing these designations. These are: Industrial Park (M-3) and Light Industrial (M-2). The purpose of the M-3 District is to allow the development of uses which may have some impact on adjoining properties, but ones which do not generate large amounts of dust, odor, or noise.-

912 Permitted Uses:

- .1 Professional, executive, and administrative offices.
- .2 Research, experimental, or testing laboratories.
- .3 Assembly and repair of electrical appliances, electronic instruments and devices, radios and phonographs, including the manufacture of small parts such as coils, condensers, and transformers.
- .4 Trade or commercial school, if not objectionable due to noise, odor, vibration, or other similar cause.
- .5 Warehousing, wholesale storage and distribution and motor freight terminals.
- .6 Manufacture of machine tools, dental equipment, or mobile homes.
- .7 Other assembly or limited manufacture uses of a similar nature when located and arranged according to a plan providing for aesthetic or other conditions in harmony with the neighborhood, and approved by the commission.
- .8 Uses customarily incidental to any of the above uses when located on the same lot or parcel, provided such uses, operations, or products are not objectionable due to odor, dust, smoke, noise, vibration, or other similar cause.
- .9 Accessory buildings when located on the same lot or parcel.

912.10 Additional Conditions: The Commission may attach additional conditions as to setbacks, screening, off-street parking and unloading, construction standards and maintenance, and landscaping which may be deemed

necessary to protect the public health, safety, and welfare of the adjacent property owners and the public interest.

.11 Signs subject to the provisions of Section 1300.

913 Standards:

.1 Lot or Parcel Size and Coverage:

- A. The minimum lot or parcel size shall be 2 acres.
- B. The minimum lot or parcel width shall be 150 feet.
- C. Lot or parcel coverage shall not exceed 65 percent of the site.

.2 Setbacks:

- A. Front yard setbacks shall have a minimum depth of 20 feet. On a corner lot or parcel, the side yard shall be a minimum of 30 feet on the side abutting a street.
- B. Rear yard setback shall have a minimum depth of 20 feet.
- C. Setbacks for insufficient right-of-way. The minimum front, side, or other setback as stated herein shall be increased where such yard or setback abuts a street having insufficient right-of-way width to serve the area. The Commission shall determine the necessary right-of-way widths and the additional yard or setback requirements in such cases.
- D. If any use in this district abuts or faces any residential or apartment district, a setback of 50 feet shall be required on the side abutting or facing the residential or apartment district.

.3 Height Limitations: The maximum height of a structure shall be 35 feet or 2-1/2 stories, whichever is less. The Commission may determine that a greater height is in keeping with the general character of the district and the surrounding area.

.4 All lots shall have access to public streets, water, and sewage disposal facilities.

.5 Off-Street Parking: Off-street parking shall be provided as required in Section 1400.

- .6 Landscaping:
  - A. All areas of the site not occupied by paved roadways, walkways, or buildings shall be landscaped.
  - B. Landscaping shall be in accordance with the Site Design Review Section 1550.
  - C. Screen planting, masonry walls, or fencing shall be provided to screen objectionable views within 5 months of occupancy of a related building. Views to be screened include garbage and trash collection stations, truck loading areas, and other similar uses.
- .7 Access: No more than one 45 foot wide curb cut driveway per 150 feet of street frontage, or fraction thereof, shall be permitted per site.
- .8 No sale or conveyance of any portion of a lot or parcel, for other than a public purpose, shall leave a structure on the remainder of the lot or parcel with less than the minimum lot or parcel, yard, or setback requirements of this district.

**Section 920 LIGHT INDUSTRIAL****M - 2**

921 Purpose: The Light Industrial District is intended to provide for those manufacturing, warehousing, and sales operations which basically do not create objectionable amounts of noise, odor, dust, glare, vibration, or truck or rail traffic.

922 Permitted Uses:

- .1 Any use permitted in an M-3 Industrial Park District.
- .2 The manufacture, compounding, processing or packaging of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, perfumed toilet soap, toiletries, and food and beverage products except sauerkraut, vinegar or pickles.
- .3 The manufacturing, compounding, assembling, or treatment of articles or merchandise from the following previously prepared materials: bone, cellophane, canvas, cloth, cork, feathers, felt fibre, fur, glass, hair, horn, lacquer, leather, paper, plastics, precious and semi-precious metals or stone, shells, textiles, tobacco, wood (excluding planing mill), yarns, and paint not employing a boiling process.
- .4 The manufacture of pottery and other similar ceramic products, using only previously pulverized clay.
- .5 The manufacture and maintenance of electric and neon signs, billboards, or commercial advertising structures.
- .6 The manufacture of musical instruments, toys, novelties, or rubber or metal stamps.
- .7 Machine shop not using drop-hammer or punch press.
- .8 Distribution plant or parcel delivery with off-street loading bay.
- .9 Electroplating shop.
- .10 Laundry for carpet, overalls, and rug cleaning, using non-explosive and nonflammable cleaning fluid.
- .11 Spinning or knitting of cotton, wool, or other fibrous material.
- .12 Veterinary or dog or cat hospital.

- .13 Wholesale business, storage buildings, and warehouses.
- .14 Lumber yards, retail and wholesale. Any open storage is to be enclosed within a sight-obscuring fence not less than 6 feet nor more than 7 feet in height unless otherwise specified by the Commission.
- .15 Any other use held similar in nature to the preceding uses when approved by the Commission.
- .16 Additional Conditions: The Commission may attach additional conditions as to setbacks, screening, off-street parking and unloading, construction standards and maintenance, and landscaping which may be deemed necessary to protect the public health, safety, and welfare of the adjacent property owners and the public interest.
- .17 Signs subject to the provisions of Section 1300.

923 Standards:

.1 Setbacks:

- A. Front yard setback shall have a minimum of 20 feet, unless a previous building line less than this has been established, in which case the minimum front yard for interior lots or parcels shall be the average of the setbacks of the main structures on abutting lots or parcels on either side if both lots or parcels are occupied. If one lot or parcel is occupied and the other vacant, the setback shall be the setback of the occupied lot or parcel , plus one-half the remaining distance to the required 20 foot setback. If neither of the abutting side lots or parcels or tracts are occupied by a structure, the setback shall be 20 feet.
- B. Side yard setback shall be a minimum of 10 feet.
- C. Rear yard setback: None.
- D. If any use in this district abuts or faces any residential or apartment district, a setback of 50 feet on the side abutting or facing the residential or apartment district shall be required.
- E. Setbacks for insufficient rights-of-way. Setbacks shall be established when a lot or parcel abuts a street having insufficient right-of-way width to serve the area. The Commission shall determine the necessary right-of-way widths and the setback requirements in such cases.

- 923.2 Height Limitations: The maximum height for any structure shall be 45 feet or 3 stories, whichever is less. The Planning Commission may determine that a greater height is in keeping with the general character of the district and surrounding area.
- .3 Off-Street Parking: Off-street parking shall be provided as required in Section 1400.
- .4 All lots or parcels shall access to public streets, water, and a sewage disposal system.
- .5 Landscaping:
- A. Landscaping will be in accordance with the Site Design Review Section 1550.
  - B. It shall be the owner's responsibility to maintain the landscaping installed on the site.
  - C. Screen planting, masonry walls, or fencing shall be provided to screen objectionable views within 5 months of occupancy of a related building. Views to be screened include garbage and trash collection stations, truck loading areas, and other similar uses.
- .6 Access: No more than one 45 foot wide curb cut driveway per 150 feet of street frontage, or fraction thereof, shall be permitted per site.
- .7 Lot or Parcel Size: There is no minimum lot or parcel size in the M-2 zone. The Planning Commission will review each proposal to determine if the lot or parcel is adequate to contain the proposed new use. The Planning Commission may seek the advice of the Fire Marshall in making this decision. Existing uses shall continue on their existing lot or parcel . Any expansion of an existing use must be approved by the Planning Commission. The Planning Commission may seek the advice of the Fire Marshal prior to making this decision.

**Section 930 HEAVY INDUSTRIAL****M - 1**

931 Purpose: The Heavy Industrial District is intended to provide for those industrial operations which generate noise, odor, dust, glare, vibration, or truck and rail traffic in such amounts as to be objectionable to adjacent land uses.

932 Permitted Uses:

- .1 Any use permitted in the M-2, Light Industrial District.
- .2 Automobile wrecking.
- .3 Automobile assembling, painting, upholstering, rebuilding, reconditioning, body and fender work, truck repairing or overhauling, tire retreading or recapping, and battery manufacture.
- .4 Machine shop with drop-hammer or punch press.
- .5 Bottle manufacturing plant.
- .6 Can manufacturing plant.
- .7 Dry cleaning or dyeing using explosive materials.
- .8 Emery cloth or other abrasive material manufacturing.
- .9 Enameling and metal coating (galvanized).
- .10 Feed and fuel storage.
- .11 Fish smoking, curing, and canning.
- .12 Fabrication plant and ornamental metal works.
- .13 Flour milling, grain storage or elevator.
- .14 Junk, paper, or metal storage, sorting, collecting, or bailing.
- .15 Mattress factory; building and renovating.
- .16 Pickle, sauerkraut, or vinegar manufacturing.
- .17 Planing mill.
- .18 Plastic manufacturing.

- .19 Poultry or rabbit slaughter.
- .20 Rubber manufacturing.
- .21 Sheet metal shop and other manufacturing of a similar use.
- .22 Soap and cleaning compound manufacturing other than those that are highly combustible, explosive, or offensive in odor.
- .23 Tool and hardware manufacturing.
- .24 Weaving of cotton, wool, and other fibrous material using power looms.
- .25 Wool pulling or scouring.
- .26 Welding shop.
- .27 Yeast Plant.
- .28 Accessory buildings when located on the same lot or parcel.
- .29 Automobile wrecking storage yard.
- .30 Building materials sales yard, including the sales of rock, sand, gravel, and other similar activities.
- .31 Equipment and truck storage yard, plant, repair, rental or sales.
- .32 Engine and equipment manufacturing.
- .33 Lumber yards including incidental mill work.
- .34 Boat building.
- .35 Marine terminals, docks, wharfs, dolphins, and similar activities.
- .36 Any other use held similar in nature to the preceding uses when approved by the Commission.
- .37 Additional Conditions: The Commission may attach additional conditions to setbacks, screening, off-street parking and unloading, construction standards and maintenance, and landscaping which may be deemed necessary to protect the public health, safety, and welfare of the adjacent property owners and the public interest.

.38 Signs subject to the provisions of Section 1300.

933 Standards:

.1 Setbacks:

- A. Front, side, and rear: None, unless the property abuts a parcel of land in a more restrictive manufacturing district, or a commercial district, in which case the requirements of the abutting property shall apply. If an established building line exists, the setback may be the same as the established building line following approval by the Commission.
- B. If any use in this district abuts or faces any residential or apartment district, a setback of 50 feet on the side abutting or facing the residential or apartment district may be required.
- C. Setbacks for insufficient right-of-way: Setbacks shall be established when a lot or parcel abuts a street having insufficient right-of-way width to serve the area. The Commission shall determine the necessary right of way widths and the setback requirements in such cases.

.2 Height Limitations: The maximum height for any structure shall be 45 feet or 3 stories, whichever is less. The Commission may determine that a greater height is in keeping with the general character of the district and surrounding area.

.3 Off-Street Parking and Loading: Off-street parking and loading shall be provided as required in Section 1400.

.4 All lots or parcels shall have frontage or approved access to public streets, a water system, and a sewage disposal system before development is allowed.

933.5 Landscaping:

- A. Landscaping shall be in accordance with the Site Design Review Section 1550.
- B. It shall be the owner's responsibility to maintain the landscaping installed on the site.
- C. Screen planting, masonry walls, or fencing shall be provided to screen objectionable views within 5 months of occupancy of a

related building. Views to be screened include garbage and trash collection stations, truck loading areas, and other similar uses.

- .6 Access: No more than one 45 foot wide curb cut driveway per 150 feet of street frontage, or fraction thereof, shall be permitted per site.
- .7 Lot or Parcel Size: There is no minimum lot or parcel size in the M-1 District.

**Section 940 AIRPORT INDUSTRIAL****AI**

941 Purpose: The Airport Industrial District is intended to recognize those areas devoted to or most suitable for the immediate operational facilities necessary for commercial and noncommercial aviation. It is also intended to provide areas for those activities directly supporting or dependent upon aircraft or air transportation when such activities, in order to function, require a location within or immediately adjacent to primary flight operations and passenger or cargo service facilities. It is further intended to provide appropriate locations for airport related light industrial uses that are compatible with and dependent upon air transportation.

942 Uses Permitted Outright:

- .1 Aerial mapping and surveying.
- .2 Air cargo warehousing and distribution facilities.
- .3 Airport operation facilities, including aircraft hangers, fuel storage facilities, control towers, passenger and air freight terminals, aircraft runways, taxi-ways and tie-down areas, firefighting facilities, and other uses and buildings necessary for airport operation.
- .4 Aircraft and aircraft component manufacturing or assembly.
- .5 Aircraft sales, repair, service and storage.
- .6 Aircraft related research and testing.
- .7 Aircraft or air transportation businesses.
- .8 Auto rental agencies.
- .9 Day care and recreational facilities exclusively for employers and employees of businesses located within this district.
- .10 Farm Uses.
- .11 Greenways, including but not limited to bicycle and pedestrian paths.
- .12 Public and semi-public buildings, structures and uses that provide necessary services to an airport, such as fire stations, pump stations and water storage.

- .13 Public parking and auto storage.
- .14 Schools relating to aircraft operation.
- .15 Snack shop for airport clientele with a total floor area no larger than 1200 square feet.
- .16 Taxi, bus and truck terminals.

943 Uses Permitted Under Prescribed Conditions: The following uses shall be permitted upon demonstration of compliance with the standards in this subsection:

- .1 Motels, hotels, and gift shops, upon demonstration that they are compatible with airport operations and, if located outside an urban growth boundary, of a size and scale intended primarily to serve air service patrons.
- .2 Cafeterias and restaurants; upon demonstration that they are compatible with airport operations and, if located outside an urban growth boundary, of a size and scale intended primarily to serve air service patrons and employees working at businesses located within this district.
- .3 Manufacturing, assembling, testing, repairing, packaging and distribution of precision testing optics; precision testing equipment; and components, devices, equipment, instruments and systems of an electronic or electromagnetic nature, such as coils, tubes, semi-conductors and similar components; communications, navigation, transmission and reception equipment, control equipment and systems; data processing equipment and systems; electronic parts and components; metering instruments; telecommunications equipment; and scientific instruments; upon demonstration that the use is dependent upon air transportation.
  - A. An industrial use is dependent upon air transportation if it requires a location at or adjacent to an airport to be economically viable. Economic viability is measured by determining whether the use or activity would suffer an economic disadvantage if not located at or adjacent to an airport. Considerations include the percentage of business done with air cargo; the industry's dependence on air transportation by staff, management, sales personnel, vendors, or clientele; the industry's site size requirements; and the industry's interest in locating in a non-metropolitan area of the state.

B. Industrial uses shall be considered dependent upon air transportation where:

1. More than 30 percent of the products produced would be shipped through air cargo; or
2. More than 30 percent of gross sales would be with customers located out of state; or
3. Sales or service of the product requires a rapid response that can only be achieved through air transport; or
4. The use would suffer an economic disadvantage if not located at or adjacent to an airport.

944 Conformance with Aircraft Landing Field Overlay Zone Requirements:

- .1 Where a use established within this district is also subject to the requirements of the Aircraft Landing Field Overlay Zone, the use shall conform with the requirements of that zone, with Federal Aviation Agency Regulation FAR-77 or its successor, and with other applicable Federal and State laws regulating structure height, lights, glare producing surfaces, radio interference, smoke, dust, steam, or other hazards to flight or air navigation.
- .2 In the event of conflict between the requirements of the Aircraft Landing Field Overlay Zone and FAR-77 or its successor, the requirements in FAR-77 or its successor shall control.

945 Standards:

- .1 Lot or Parcel Size: There is no minimum lot or parcel size in the AI district, except where Oregon Department of Environmental Quality standards require a minimum area for sewage disposal.
- .2 Setbacks: No front, side or rear yard setbacks except on lots or parcels abutting a residential district, where the minimum setback is 50 feet on the side abutting or facing the residential district.
- .3 Off-Street Parking: Off-street parking shall be provided as required in Section 1400.
- .4 Services: All lots or parcels shall have frontage on or approved access to a public street, a water system, and a sewage disposal system prior to occupancy.

- .5 Site Coverage: The maximum site coverage shall be 85 percent, including buildings and impervious surfaces.
- .6 Landscaping: The minimum landscaping requirement shall be 15 percent. Maintenance of landscaping shall be the owner's responsibility.

946 Limitations on Uses: In the AI zone, the following conditions shall apply:

- .1 Storage of animal, vegetable, or other wastes which attract insects, rodents or birds is prohibited.
- .2 Emission of smoke, fumes, fly ash, dust, vapor, gases, or other forms of air pollution that may interfere with present or planned aircraft operations is prohibited.
- .3 Sign lighting and exterior lighting shall not project directly into:
  - A. The runway, taxiway, or approach zone, unless necessary for safe and convenient air travel; or
  - B. An adjoining residential zone.
- .4 Building materials shall not produce glare which may conflict with any present or planned operation of the airport.
- .5 No use may produce electromagnetic interference which may conflict with any present or planned operations of the airport.

947 Review Procedures:

- .1 The Planning Commission shall review, in accordance with Section 1603, all requests made pursuant to Section 943.
- .2 The Planning Commission's action may be appealed to the Board of Commissioners pursuant to Section 1703; provided, however, that the appeal shall be on the record unless the Board, on request by any party, chooses to allow new evidence to be submitted. The Board shall grant a request to allow new evidence only where it finds that:
  - A. The additional evidence could not reasonably have been presented at the prior hearing; and
  - B. The evidence proposed to be submitted is necessary to fully and properly evaluate a significant issue relevant to the proposed action; and

C. The request is not likely to cause any substantial delay in the proceeding.

948 Design Review: Uses authorized in the AI zone shall be subject to site design review as provided in Section 1550 of the Columbia County Zoning Ordinance. Where a hearing is required under Section 947, the Planning Commission concurrently shall consider compliance with the requirements of Section 1550.

949 Conflicts: In the event of conflict between this section and any other section of this Ordinance, the requirements of this section shall control.

**ARTICLE VI**

**SPECIAL DISTRICTS,**

**OVERLAY DISTRICTS**

**AND SPECIAL PROVISIONS**

**Section 1000 COMMUNITY SERVICE - INSTITUTIONAL****CS - I**

1001 Purpose: The purpose of this section is to provide for the review and approval of the location and development of special uses which, by reason of their public convenience, necessity, and unusual character or effect on the neighborhood, may not be suitable for listing with the other sections of this Ordinance. The CS-I district is intended to provide a mechanism for the establishment of public and private facilities necessary to meet the demand for the various types of public assemblies and public and private institutional facilities. This district is intended to function as a regular district within the Community Service designation.

1002 Permitted Uses:

- .1 Schools, public or private, and their accompanying sports facilities.
- .2 Government office buildings for local, state, or federal, such as a City Hall, Courthouse, or other similar type building.
- .3 Public or private cemetery, crematory, or mausoleum.
- .4 Hospital, clinic, or sanitarium.
- .5 Extended care facility.
- .6 Civic auditorium or stadium.
- .7 County fairgrounds.
- .8 Correctional facilities.
- .9 Churches.
- .10 Day care centers and private kindergartens.
- .11 Police stations.
- .12 Fire stations.
- .13 Ranger stations.
- .14 Armory.
- .15 Museum.

- .16 Library.
- .17 Private club, fraternal organization, lodge, or grange.
- .18 Nursing home.
- .19 Other uses found similar by the Commission.

1003 Restrictions and Conditions: These public facilities have a direct impact upon adjoining properties. The Commission shall study each request to establish a new CS-I use and shall attach adequate conditions to the approval of a CS-I use to insure the adverse impact of the institutional use upon the adjoining land uses have been mitigated.

Conditions shall include:

- .1 Landscaping, berming, fencing, or screening.
  - .2 Increased off street parking.
  - .3 Limitations on the type and amount of external lighting.
  - .4 Limitations on the number and location of access points which connect with County roads or public ways.
  - .5 The Commission may attach as many conditions, such as setbacks, screening, off-street parking and unloading, construction standards, maintenance an landscaping requirements, as it deems necessary to protect the public health, safety, welfare, the adjoining property owners, and the public interest.
  - .6 Within an Urban Growth Boundary, a new CS-I use shall be served by public water and public sewer. The Commission may waive the requirement for the connection to public sewer if it can be shown that the proposed use can be safely served in another manner. In this case, the Commission will require the CS-I use be connected to public sewer when it becomes available to the site.
- 1003.7 Day care centers and private kindergartens shall provide not less than 100 square feet per child of outdoor play area. This area shall not be located in the required front yard unless approved by the Commission.
- .8 Public and private schools shall be on lots or parcels which meet the minimum requirements set by State Statute.

- .9 Churches may not be approved on a lot or parcel which has an area of less than 15,000 square feet.
- .10 Off-street parking shall be provided as required in Section 1400.

1004 Before a new Community Service - Institutional use is approved outside an Urban Growth Boundary, the Commission must find that the CS-I use:

- .1 Is consistent with the character of the area.
- .2 Will not adversely affect natural resources in the area.
- .3 Will not conflict with farm or forest use in the area.
- .4 Will not create any traffic hazards.

1005 Standards:

- .1 There is no designated minimum lot or parcel size. The Commission shall review each proposal on a case by case basis and determine if the site is adequate for the proposed use. The site plan shall be reviewed and determined if the site meets all the provisions of this Ordinance, including the off-street parking requirements listed in Section 1400.
- .2 There are no designated minimum setbacks in this district. The applicant shall submit a letter from the Fire Marshall concerning the necessary setbacks for safety. After reviewing the letter and the adjacent land uses, the Commission shall establish setback requirements for each individual site.

1006 Signs: Signs shall meet the requirements of Section 1300.

**Section 1010****COMMUNITY SERVICE - UTILITY****CS-U**

1011 Purpose: The purpose of the Community Service - Utility district is to provide for the review and approval of the location and the development of special uses which, by reason of their public necessity and unusual character or effect on the neighborhood, may not be suitable for listing with other sections of this Ordinance. The CS-U District allows establishment of various types of public utility facilities. The district is intended to function as a regular district within the Community Service designation.

1012 Permitted Uses:

- .1 Electrical power substations.
- .2 Telephone switching stations.
- .3 Sewage collection, treatment and disposal systems.
- .4 Sewage pumping stations.
- .5 Private sewage treatment plants.
- .6 Municipal water treatment plants and storage systems including those owned and operated by a water association or a water district.
- .7 Sanitary landfill.
- .8 Public work shops, road shops, yards, bus barns, equipment and material storage yards, and other similar uses.
- .9 Pumping station for pipelines.
- .10 Electrical transmission, telephone and pipe lines with separate right-of-way.
- .11 Telephone micro wave facilities.
- .12 Radio and television transmission facilities.
- .13 Diking district pumping stations.
- .14 A single-family dwelling or mobile home for a watchman or caretaker in conjunction with a permitted use.

- .15 Waste collection, transfer, processing or recovery facility.
  - .16 Other uses found by the Commission to be similar in nature to those listed above.
- 1013 Approval Criteria: In approving a Community Service Utility use, the Commission or other approval authority shall find:
- .1 Adverse impacts upon the adjacent land uses have been capable of being mitigated. (Mitigation measures may be imposed by the approval authority through conditional approval as provided in Section 1014 below.)
  - .2 The proposal will satisfy the applicable policies of the comprehensive Plan.
  - .3 The proposal will not create hazardous conditions that cannot be addressed with appropriate safeguards.
  - .4 The proposal will not adversely affect existing agricultural or forestry uses or practices in the area.
  - .5 A new CS-U use within an Urban Growth Boundary shall be served by public water and public sewer when necessary for the use. The Commission may waive the requirement for connection to public sewer if it can be shown that the proposed use can be safely served in another manner. In this case, the Commission shall require the CS-U use be connected to public sewer when it becomes available to the site.
- 1014 Conditions of Approval: The approval authority may consider the following factors in addressing the impacts created by the proposed use, and impose any conditions necessary to mitigate that impact.
- .1 Landscaping, berming, fencing, or screening.
  - .2 Off-street parking as provided in Section 1400.
  - .3 Limitations on the type and amount of external lighting.
  - .4 Limitations on the number and location of access points which connect with County roads or public ways.
  - .5 Such other factors and conditions, such as setbacks, unloading, construction standards, maintenance and landscaping requirements or

any other factor appropriate under the circumstances necessary to protect the public health, safety, and welfare.

- .6 Signs shall be provided in accordance with Section 1300.

1015 Standards:

- .1 There is no designated minimum lot or parcel size. The Commission shall review each proposal on a case by case basis and determine if the site is adequate for the proposed use. They shall review the site plan of the proposal and determine if the site meets all the provisions of this Ordinance, including the off-street parking requirements of Section 1400.
- .2 There are no designated minimum setbacks in this district. The applicant shall submit a letter from the Fire Marshall concerning the necessary setbacks for safety. After reviewing this letter and the adjacent land uses, the Commission shall establish setback requirements for each individual site.

## Section 1020

## COMMUNITY SERVICE - RECREATION

## CS-R

1021 Purpose: This section provides for the review and approval of the location and development of special uses which by reason of public necessity and unusual character or effect on the neighborhood may not be suitable for listing with other sections of this Ordinance. The CS-R District is for the establishment of various types of public recreation facilities. This District is intended to function as a regular District within the Community Service designation.

1022 Permitted Uses:

- .1 Public recreation facilities including parks, boat ramps, highway waysides, rest areas, campgrounds, and other similar uses.
- .2 Private recreational facilities such as parks, boat ramps, and campgrounds, whether or not they are open to the public.
- .3 A single family dwelling or mobile home for a watchman or caretaker in conjunction with a permitted use.
- .4 Other uses held similar by the Commission.
- .5 Non-residential accessory buildings.

**[Note:** The Board of County Commissioners has found the following to be similar to the above uses:

“Miniature Golf Courses” (BCC Order No. 118-95)]

1023 Conditional Uses:

- .1 Limited commercial facilities in conjunction with a private campground.
- .2 Private resort facilities.
- .3 Private hunting and/or fishing lodge, club, or game preserve.
- .4 Other uses held similar by the Commission.

**[Note:** The Planning Commission has found the following to be similar to the above uses:

“Rod and Gun Club” (PC 4-1-96)]

1024 Restrictions and Conditions: These public facilities have a direct impact upon the adjoining properties. The Commission will study each request to establish a new CS-R use and shall attach adequate conditions to the approval to insure the adverse impact of the recreational use upon the adjoining land uses have

been mitigated. A Site Design Review for a Conditional Use in this zone may be processed concurrently with the Conditional Use Permit with a single hearing and a single fee which will be the higher of the 2 permit fees.

Conditions shall include:

- .1 Landscaping, berming, fencing, or screening.
- .2 Off-street parking in accordance with Section 1400.
- .3 Limitations on the type and amount of external lighting.
- .4 Limitations on the number and location of access points which connect with County roads or public ways.
- .5 The Commission may attach as many conditions, such as setbacks, screening, off-street parking and unloading, construction standards, maintenance and landscaping requirements, as it deems necessary to protect the public health, safety, welfare, the adjoining property owners and the public interest.
- .6 A new CS-R use within an Urban Growth Boundary shall be served by public water and public sewer when appropriate. The Commission may waive the requirement for connection to public sewer if it can be shown that the proposed use can be safely served in another manner. In this case, the Commission shall require that the CS-R use be connected to public sewer when it becomes available to the site.

1025 Approval of Community Service-Recreation use outside the Urban Growth Boundaries. Before a CS-R use is approved, outside the Urban Growth Boundaries, the Commission shall find that the CS-R use:

- .1 Is consistent with the character of the area.
- .2 Will not adversely affect natural resources of the area.
- .3 Will not conflict with or infringe upon the farm or forest uses in the area.
- .4 Will not require any public services other than those already existing or programmed for the area.
- .5 Will not create any traffic hazards.

1026 Standards:

- .1 There is no designated minimum lot or parcel size. The Commission shall review each proposal on a case by case basis and determine if the site is adequate for the proposed use. They shall review the site plan of the proposal and determine if the site meets all the provisions of this Ordinance, including the off-street parking requirements listed in Section 1400.
- .2 There are no designated minimum setbacks in this district. The applicant shall submit a letter from the Fire Marshall concerning the necessary setbacks for safety. After reviewing this letter and the adjacent land uses, the Commission shall establish setback requirements for each individual site.

1027 Signs: Signs shall meet the requirements of Section 1300 of this Ordinance.

**Section 1030****AMENDMENTS TO PERMIT SURFACE MINING**

*[Added by Ordinance No. 98-01, effective 6/29/98]*

**1031 Purpose:**

- .1 To protect mineral and aggregate resources for present and future use.
- .2 To provide for the development and utilization of deposits of aggregate and resource materials.
- .3 To provide a process to consider amendments to the comprehensive plan and implementing ordinances to permit surface mining consistent with OAR 660 Division 23 (1996).
- .4 To insure that aggregate resource sites which have been determined to be significant and which, based on the evidence in the record, the County finds suitable for protection from other conflicting uses, are zoned for surface mining.
- .5 This section does not apply to property located within the boundaries of incorporated cities, absent specific provisions in an agreement between the City and the County to apply some or all of the County's ordinance.

**1032 Definitions:** The following definitions of terms are applicable for Section 1030.

- .1 "Aggregate Resources" are natural occurring concentrations of stone, rock, sand and gravel, decomposed granite, lime, pumice, cinders, and other naturally occurring solid materials used in road building.
- .2 "Conflicting use" is a use or activity that is subject to land use regulations and that would interfere with, or be adversely affected by, mining or processing activities at a significant mineral or aggregate resource site, as specified in 1034.4, 1036.2 and 1037.5.
- .3 "ESEE consequences" are the positive and negative economic, social, environmental, and energy (ESEE) consequences that could result from a decision to allow, limit, or prohibit a conflicting use.
- .4 "Existing site" is a significant aggregate site that is lawfully operating, or is included on an inventory in an acknowledged plan, on or before September 1, 1996.
- .5 "Expansion area" is an aggregate mining area contiguous to an existing site.

- .6 “Mining” is the extraction and processing of mineral or aggregate resources, in the manner provided under ORS 215.298(3).
- .7 “Minimize a conflict” means to reduce an identified conflict to a level that is no longer significant. For those types of conflicts addressed by local, state, or federal standards (such as the Department of Environmental Quality standards for noise and dust levels) to “minimize a conflict” means to ensure conformance to the applicable standard.
- .8 “Mining area” is the area of a site within which mining is permitted or proposed, excluding undisturbed buffer areas or areas on a parcel where mining is not authorized.
- .9 “Processing” means the activities described in ORS 517.750(11).
- .10 “Protect” means to adopt land use regulations for a significant mineral or aggregate site in order to authorize mining of the site and to limit or prohibit new conflicting uses within the impact area of the site.
- .11 “Width of aggregate layer” means the depth of the water-lain deposit of sand, stones, and pebbles of sand-sized fraction or larger, minus the depth of the topsoil and non-aggregate overburden. (“Width” is thickness; thickness is measured by subtracting the depth of the bottom of the overburden layer from the depth of the bottom of the aggregate layer.)
- .12 “Impact area” is a geographic area within which conflicting uses could adversely affect a significant Goal 5 resource.

1033 Process: The following process shall be used to designate a site for surface mining activity:

- .1 All applications requesting a designation for surface mining activities must follow the requirements of Subsections 1033, 1034, 1035 and 1036.
- .2 Three zones specifically permit surface mining activity through a conditional use process: the Primary Agriculture Zone (PA-38), the Forest-Agriculture Zone (FA-19), and the Primary Forest Zone (PF-76). Surface mining may be permitted, but only conditionally, in these three other zones, if the applicant does not wish to seek the Surface Mining Zone (SM) and Goal 5 protection.
- .3 Nothing in this section shall prevent the County from adopting additional clear and objective standards to protect significant Goal 5 resources included in an acknowledged inventory from some or all conflicting uses

in addition to the minimum required standards in the surface mining zone.

- .4 The County may update its inventory of significant aggregate sites and amend the Comprehensive Plan by following the process contained in OAR 660-23-180 and the Columbia County Comprehensive Plan.
- .5 The County shall follow the process described in this Section to determine whether an aggregate site is significant.
- .6 The County shall follow the process described in this Section to decide whether or not to authorize the mining of a significant mineral or aggregate site.
- .7 For a significant mineral and aggregate site where mining is allowed, the County shall decide on a program to protect the site from new off-site conflicting uses by following the standard ESEE process in OAR 660-23-040 and 660-23-050 with regard to such uses.

1034 Application for Plan Amendment and Zone Change to Surface Mining (SM) Requesting Goal 5 Protection:

An application submitted pursuant to this section may be scheduled for review after the Director has determined it complete. An application for a SM zone requesting Goal 5 protection shall contain the following information:

- .1 Information regarding location, quality and quantity of the resource, sufficient to determine whether the standards and conditions in Section 1035 are satisfied.
- .2 Plans for the reclamation of the site.
- .3 A traffic impact assessment within one mile of the entrance to the mining area sufficient to address criteria in Section 1036(3)(b).
- .4 Identification of all existing and approved conflicting uses within the impact area(s) proposed to satisfy the purposes of 1036.1 and 1037.5. Identification of all proposals to minimize any conflicts with approved uses within the impact area(s).
- .5 A site plan showing the location, area, dimensions, acreage, and legal description of the parcel to be developed or used, together with north point, scale, date of application, contours for all intended uses and phases, including incremental and total volumes of the resources to be mined.

- .6 The documentation, as applicable, required for any application for a site design review as set forth in Section 1550.
- .7 Provisions for landscaping and screen-planting of all parts of the site.
- .8 Provisions for preventing the collection and stagnation of water in all stages of the operation.
- .9 Plans, profiles, and cross-sections of all access roads.
- .10 All plans prepared and submitted shall be at a scale no smaller than one inch to 200 feet, with 5 foot contours, and such information shall be furnished for a distance of not less than 1500 feet beyond the site to determine the impact of the operation on adjacent and surrounding lands.
- .11 A proposal to comply with the operating standards described in Section 1044 and the Columbia County Surface Mining Ordinance.
- .12 A proposal to allow, limit or prevent future conflicting uses. The proposal may include, but is not limited to, a surface mining impact overlay zone as provided by Subsection 1038; site agreements with the owners of neighboring property within the impact area; or, other enforceable conditions on approval of post acknowledgment plan amendment to allow mining, which would address the impacts of future conflicting uses.

1035 Criteria for Determining Significance: An aggregate site shall be considered significant if adequate information regarding the quantity, quality, and location of the resource demonstrates that the site meets the following criteria:

- .1 A representative set of samples of aggregate material in the deposit on the site meets Oregon Department of Transportation (ODOT) specifications for base rock for air degradation, abrasion, and sodium sulfate soundness; AND,
- .2 The estimated amount of material is more than 2,000,000 tons; OR,
- .3 The aggregate site is on an inventory of significant aggregate sites in the Comprehensive Plan, as of September 1, 1996; OR,
- .4 The operator of a site which is on the surface mining inventory wishes to expand the existing site, and on March 1, 1996 had an enforceable property interest in the expansion area.

- .5 Notwithstanding subsections .1 through .3 of this section, an aggregate site is not significant if more than 35% of the proposed mining area consists of soil classified as Class I on Natural Resource and Conservation Service (NRCS) maps as of September 1, 1996; unless the average width of the aggregate layer within the mining area exceeds 60 feet. *[Amended by Ordinance No. 2000-04 effective 11/13/00].*

1036 Criteria for Decision: For a significant site, the County will make its decision whether mining is permitted based on the following process and criteria after receipt of a complete application:

- .1 An impact area large enough to include uses listed in subsection .3 below will be established for the purpose of identifying existing and approved conflicts with proposed mining and processing activities. An impact area established for the purposes of this subsection shall be 1500 feet from the proposed mining area unless:
  - A) It can be demonstrated by the applicant that all existing conflicting uses are located within a lesser distance, an impact area with an irregular distance may be established if it is found to be capable of accurately depicting the presence of existing conflicting uses suitable for the purposes of this section; OR,
  - B) Factual data and information indicates a significant potential conflict exists beyond this distance. In that case, a larger area may be established for that conflicting use. The factual data and information for the expanded impact area must be submitted within 14 days after the first evidentiary hearing on the application.
- .2 All existing and approved land uses in the impact area shall be determined that will be adversely affected by the proposed mining operations, and the predicted conflict will be specified for each use.
- .3 For determination of conflicts from the proposed mining of a significant aggregate site, only the following will be considered:
  - A) Conflicts due to noise, dust, or other discharges with regard to those existing and approved uses and associated activities (e.g., houses and schools) that are sensitive to such discharges.
  - B) Potential conflicts to local roads used for access and egress to the mining site within one mile of the entrance to the mining site unless a greater distance is necessary in order to include the intersection with the nearest arterial identified in the local transportation plan. Transportation conflicts shall be determined based on clear and objective standards regarding sight distances,

road capacity, cross section elements, horizontal and vertical alignment, and similar items in the transportation plan and implementing ordinances. Such standards for trucks associated with the mining operation shall be equivalent to standards for other trucks of equivalent size, weight, and capacity that haul other materials.

- C) Safety conflicts with existing public airports due to bird attractants, i.e., open water impoundments, shall be addressed according to the processes established in statute or administrative rule, or in local ordinances enacted to implement statute and administrative rule.
- D) Conflicts with other Goal 5 resource sites within the impact area that are shown on an acknowledged list of significant resources and for which the requirements of Goal 5 have been completed at the time the application is initiated.
- E) Conflicts with agricultural practices; and
- F) Other conflicts for which consideration is necessary in order to carry out the provisions of the Columbia County Surface Mining Ordinance or ordinances pursuant to ORS 517.780.

.4 Determine reasonable and practicable measures which can be required of the mining activity which minimize the conflicts identified in paragraph 1036.3, above. If reasonable and practical measures are identified to minimize all identified conflicts, mining shall be allowed at the subject site with the required conditions. If identified conflicts can not be minimized then Subsection .5 applies and ESEE analysis is required.

*[Amended by Ordinance No. 2000-04 effective 11/13/00].*

To determine whether proposed measures would minimize conflicts to agricultural practices, findings must be made that the mining activity would not:

- A) Force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; or
- B) Significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm and forest use.

.5 For any existing conflicts that cannot be minimized, the ESEE consequences of either allowing, limiting, or not allowing mining at the site will be determined and analyzed. A determination shall be made

that the benefits to the public outweigh the detriments suffered as a result of said conflicts. Using the ESEE analysis, a final decision will be made by determining:

- A) The degree of adverse effect on existing land uses in the impact area;
- B) Reasonable and practicable measures that could be taken to reduce the identified adverse effects; and
- C) The probable duration of the mining operation and the proposed post-mining use of the site.

.6 Notwithstanding any other provision of this section, new or expanded mineral or aggregate mining operations shall not be allowed within 5,000 feet of the edge of a runway at the Scappoose Industrial Airpark. *[Added by Ordinance No. 2000-04 effective 11/13/00].*

.7 Notwithstanding any other provision of this section, new or expanded water impoundments greater than or equal to one-quarter (1/4) acre in size, individually or cumulatively, shall not be allowed within 5,000 feet of the edge of a runway at the Scappoose Industrial Airpark. *[Added by Ordinance No. 2000-04 effective 11/13/00].*

1037 Protection of Mining Activities Where Mining is Allowed:

- .1 Where mining is allowed through the process outlined in this ordinance, the plan map and zoning map shall be amended to allow such mining. Any required measures to minimize conflicts, including special conditions and procedures regulating mining, shall be clear and objective.
- .2 Any additional land use review processes, like Site Design Review, shall not exceed the minimum review necessary to assure compliance with this Section and OAR 660 Division 23, and shall not provide opportunities to deny mining for reasons unrelated to this Section, or attach additional approval requirements, except with regard to mining or processing activities:
  - A) For which the Zone Change and Plan Amendment application does not provide information sufficient to determine clear and objective measures to resolve identified conflicts;
  - B) Which were not requested in the application;
  - C) For which a significant change to the type, location, or duration of the activity shown on the Zone Change and Plan Amendment application is proposed by the operator.
- .3 Where mining is allowed under the process included in this Section, a post mining use shall be determined and provided for in Table XVI-2 of the Comprehensive Plan and land use regulations. For significant aggregate sites on Class I, II and Unique farmland, the County shall adopt plan and land use regulations to limit post-mining use to farm uses under ORS 215.203, uses listed under ORS 215.213(1) or 215.283(1), and fish and wildlife habitat uses, including wetland mitigation banking.
- .4 The County shall allow a currently approved aggregate processing operation at an existing site to process material from a new or expansion site without requiring a reauthorization of the existing processing operation unless limits on such processing were established at the time it was approved by the County.
- .5 Where mining is allowed under the process included in this Section, for a significant mineral and aggregate site, new conflicting uses proposed within the specified impact area surrounding the mine shall be allowed, limited or not allowed, by following the standard ESEE process in OAR 660-23-040 and 660-23-050. For the purposes of this subsection, the impact area shall be a minimum of 1500 feet from the boundaries of the

mining area unless a greater distance is identified and allowed under 1036.1.

- .6 Where mining is allowed under the process of this Section and a Surface Mining (SM) designation is approved for the site, a Surface Mining Impact Overlay (SMIO) zone shall be created surrounding the surface mining zone, except when the impact area(s) are located in an Urban Growth Boundary, and except where the County has no jurisdiction. The Surface Mining Impact Overlay Zone (SMIO) shall, at a minimum, encompass the same boundary as determined under 1036.1 The County shall establish specific conditions of approval for mining sites, and their designated impact areas which extend into an Urban Growth Area.
- .7 In lieu of having a Surface Mining Impact Overlay zone imposed on the impact area of an approved mining activity, the owner or operator of the mine and the property owners of the impact area may propose agreement(s) or other enforceable conditions on approval of mining activity, the provisions of which satisfy any and all negative impacts of the conflicting use to the mutual satisfaction of the operator and owners of properties with future conflicting uses. Such agreements or conditions shall be recorded with the County Clerks Office and run with the land, and shall be binding on all future owners, until reclamation is realized and mining activity ceases.

1038 Surface Mining Impact Overlay Zone (SMIO)

- .1 The purpose of the Surface Mining Impact Overlay Zone is to provide for the development and utilization of lands within the area of impact of a significant mineral and aggregate resource site, zoned Surface Mining (SM), in order to maintain that unique deposit of material for extraction and future uses of the SM Zone, to encourage compatible uses and to avoid the establishment of incompatible uses through location, design and notification.
- .2 The location of a Surface Mining Impact Overlay Zone will be designated at the time of designation of SM Zoned site. It will be the area defined as the impact area under Subsection 1032.2 and determined under 1034.4, 1036.1 and 1037.5. For existing SM Zoned sites the owner or operator of the site shall apply for such designation within 2 years of enactment and final approval of this amendment.
- .3 Relationship to the standards of the underlying zoning districts: The provisions of the Surface Mining Impact Overlay District are intended to supplement the provisions of the underlying zoning districts. In addition

to the development standards of the primary district, the establishment of noise, dust and vibration sensitive uses and the creation of new parcels within the Surface Mining Impact Overlay District (SMIO) shall be subject to the following:

- A) Setbacks: The location of new noise, dust or vibration sensitive uses, constructed after the establishment of the SMIO district, shall be situated on the parcel to minimize potential adverse effects of noise, dust or vibration. Their location shall take into consideration the surrounding topography and transportation system and, if necessary, setbacks greater than those required by the underlying district may be imposed by the review authority.
  
- B) Noise, Dust and Vibration Reduction Measures: Measures may be required of owners of new noise, dust or vibration sensitive uses constructed after the establishment of the SMIO district when determined by the review authority to be necessary to ensure compliance by surface mining operator with applicable regulations and conditions of the Operating Permit. Reduction measures may include, but not limited to, berms, walls, vegetative buffers, insulation, double pane windows, reflective siding, foundation washer insulation, orientation of windows. The nature and extent of the reduction measures shall be determined by the review authority.
  
- C) Covenant Not To Sue: Prior to issuance of any building permits for new noise, dust or vibration sensitive uses after the establishment of a SMIO District, the owner shall sign and record in the County Clerk’s Office, a “Covenant Not To Sue” or other instrument which restricts present and future owners from remonstrating against or objecting to permitted mining activities allowed in the nearby SM District.
  
- D) Creation of New Lots or Parcels: A notation shall be placed on an instrument creating a new lot or parcel which states that the lot or parcel is within a Surface Mining Impact Overlay District (SMIO) and is subject to the standards of Columbia County Zoning Ordinance Subsection 1038.
  
- .4 Land Use Approval and Permit Review: Prior to the commencement of any development activity involving the construction of new structures or substantial modification of existing structures requiring a building permit for a use that is noise, dust or vibration sensitive and is allowed in the SMIO and its underlying district, the development activity must first be

reviewed for compliance with applicable standards of this Section 1030 and underlying zoning district and be granted approval by the Director. The Director shall review plans submitted for a building permit and may request additional or amended plans, specifications or analysis prepared by an engineer or other qualified person, showing that the applicable standards are met or can be met by specified development standards. Review by the Director shall follow Section 1600 Staff Approval, subject to its notifications and appeal.

- .5 Required Findings: The Director shall make the decision for approval with conditions within the Surface Mining Impact Overlay Zone (SMIO) based on the following findings:
  - A) The proposed use will not interfere with or cause an adverse impact on the lawfully established and lawfully operating mining operations;
  - B) The proposed use will not cause or threaten to cause the mining operation to violate any applicable standards of this section, or terms of any approved Surface Mining Zoning conditions, or terms of the Surface Mining Operating Permit.
  - C) Any setbacks or other requirements of this subsection shall be clear and objective.
  
- .6 Nonconforming uses and structures: Nonconforming uses and structures legally existing on or before the effective date of this Section may continue provided that, should the uses or structures be modified so as to become more nonconforming, the owner of such structures or uses first obtain land use approval pursuant to this Subsection.

**Section 1040 SURFACE MINING** *[Amended by Ordinance 98-01, effective 6/29/98].* **SM**

1041 Purpose:

- .1 To provide for development and utilization of deposits of aggregate and resource materials.
- .2 To provide for the protection and utilization of these resources in a manner which does not conflict with other land uses.
- .3 To assure economy in handling and transportation costs by locating removal, processing, and storage activities in as close proximity to the point of end use as feasible.

1042 Permitted Uses: The following uses shall be permitted subject to compliance with Section 1044 and all other applicable rules, standards, or statutes governing such uses, including the Columbia County Comprehensive Plan, the Surface Mining and Land Reclamation Ordinance, the Zoning Ordinance of Columbia County, and Oregon Department of Environmental Quality rules governing sewage disposal, air, and water quality:

- .1 Removal, excavation, and processing of aggregate materials.
- .2 Equipment and structures, except residences, which are necessary or accessory to the operation of an aggregate site.
- .3 Storage of heavy equipment necessary for operation.
- .4 Agricultural practices.
- .5 Aggregate stockpiling.
- .6 Sedimentation ponds when used in conjunction with aggregate removal operations.
- .7 The managing, growing, processing and harvesting of timber and forest products, including the operation of accessory equipment used in the manufacturing, growing, and harvesting of forest products, as permitted in ORS 215.283(2)(i).
- .8 Concrete and asphalt batch plant on a temporary basis not to exceed 60 days.

1043 Conditional Uses: The following uses may be permitted if found in conformance with Section 1044 and Section 1503 of this Ordinance:

- .1 All permitted uses within the designated 100-year floodplain identified in Section 1042 (except item .2, if such uses are portable in nature; items .4 agricultural, and .7 forest uses) shall be reviewed by the Planning Commission to ensure floodplain requirements are met.
- .2 Sanitary landfill, landfill, or solid waste transfer station, except that sanitary landfill and solid waste transfer stations shall not be permitted within 10,000 feet of a runway of a public use airport.
- .3 Public or private parks and recreation areas may be permitted only in conjunction with reclamation of the site.
- .4 Buildings, structures, and uses of a public works, public service, or public utility nature when not necessary to the operation of an aggregate site.
- .5 Processing, as defined by ORS 517.750, of aggregate into asphalt or portland cement.
- .6 Dwellings in conformance with ORS 215.283.

1044 Operating Standards: All mineral resource operations, either permitted or allowed by conditional use, shall conform to the following standards:

- .1 The landowner and operator shall be jointly responsible for signing the application.
- .2 The operator and landowner must remain in compliance with, and be responsible for, all the requirements of affected agencies.
- .3 Lot or parcel size: The minimum parcel size for a permitted or conditional use shall be 2 acres.
- .4 Operating Setbacks: Each aggregate site within the district shall observe the following minimum setbacks:

- A. No extraction or removal of aggregate is permitted within 50 feet of the right-of-way of public roads or easements of private roads.
- 1044.4 B. No extraction or removal of aggregate is permitted within 50 feet of another property, nor within 200 feet of a residence or zoning district which allows a residence as a permitted use, without written consent of the property owner(s).

- C. Processing equipment and batch plants shall not be operated within 50 feet of another property without written consent of the property owner(s). Processing equipment and batch plants shall not operate within 50 feet of a public road right-of-way.
- .5 Operating Hours: Operation shall not start before 7:00 a.m., nor continue after 6:00 p.m. daily, except as authorized by Subsection 1046. The Department may exempt isolated aggregate sites from the established operating hours. Notice of the proposed change in operating hours must be provided to all property owners within a 1,000 foot radius of the aggregate site and to owners of property adjacent to private aggregate site access road. If no request for a public hearing is made within ten calendar days of mailing said notice, the operating hours shall be changed as requested by the aggregate operator. The Commission may, at any time, require resumption of standard operating hours. If a request is made for a public hearing, adjustment of standard operating hours shall be determined by the County. The Department may approve one period of extended operation beyond the 7:00 a.m. to 6:00 p.m. operating hours once every six months, not to exceed a two week period.
- .6 Visual Impacts: Existing trees and other natural vegetation adjacent to any public park, residential development, public road, or residential zoning district shall be preserved for a minimum width of 25 feet. Screening shall be provided at the boundary of the property on which the surface mining operation is located. If such trees and other vegetation are insufficient to provide a screen, such screening may be accomplished by one or more of the following:
- A. A sight-obscuring fence or wall;
  - B. A landscaped berm or preservation of a natural slope;
  - C. Use of native vegetation, or plants and trees with demonstrated ability to thrive under the anticipated conditions.
- 1044.7 Access: The operation shall have access to a public road with two-way capacity. The County may impose weight/load restrictions and/or require the operator to post an adequate surety bond for road repairs. An on-site access or service road used for mining shall be dust-free at all points within 300 feet of a public road or residence off the property being mined.

- .8 Noise: Each aggregate site shall operate with the applicable noise standards required by the Department of Environmental Quality or other state or federal agencies.
- .9 Water Quality: All aggregate sites in the district shall be operated in a manner which will not create turbidity, cause siltation, deposit undesirable materials, or adversely affect water temperatures in any stream, drainage, or river. In addition, the operator shall not cause contamination of groundwater or change a stream channel unless the channel change has previously been approved by all applicable state and federal agencies. Provisions for settling ponds, diversion dikes, channels, and other structures may be required to protect these water resources.
- .10 Archeological Sites:
- A. Prior to excavation - All sites proposed for excavation shall be inventoried for their archaeological significance in accordance with standards set by the State Archaeologist. If an area proposed for excavation is found to contain an archaeological site(s), the Planning Commission shall hold a public hearing, in accordance with Section 1603, to review testimony regarding the site(s) and establish measures to mitigate potential conflicts as necessary.
- The State Archaeologist shall be notified of such public hearings.
- B. During Excavation - If an archaeological site(s) is found during excavation, all work which would impact the site shall halt immediately and the requirements outlined in Section 1044.10A shall be met.
- .11 Erosion: The erosion of surfaces affected by mining activities shall be controlled by plantings of ground cover and other modes which protect these surfaces.
- 1044.12 Slopes and Grading: Excavations, both above and below water level, shall be maintained in an operationally and environmentally safe condition by complying with standards established by the Oregon Safe Employment Act (ORS 654.001 to 654.295 and 654.991), the Oregon Safety and Health Act of 1970 (19 U.S.C. 651 et. seq.), the Department of Geology and Mineral Industries, and the regulations of other affected agencies.

- .13 Land Reclamation: A land owner or operator of an aggregate site shall, in advance of any excavation of aggregate materials, prepare and submit a site reclamation plan in accord with the requirements of the Surface Mining and Land Reclamation Ordinance. Reclamation must return the land to natural condition or return it to a state compatible with the livability, value, and appropriate development of the affected land and adjacent property. Reclamation shall begin within 12 months after mining activities cease on any segment of the area where mining has occurred and shall be completed within 3 years after mining activities cease. This does not apply to any land being used as plant site, stock pile, or work area for ongoing extracting mining operation.
- 1045 Modification of Standards: The above standards may be modified by the Planning Commission after public hearing and notification to property owners within 1,000 feet of the subject property and to owners adjacent to private aggregate site access roads. A Site Design Review for a Conditional Use in this zone may be processed concurrently with the Conditional Use Permit with a single hearing and a single fee which will be the higher of the 2 permit fees.
- 1046 Emergency Exceptions: The Department may permit the immediate initiation of a temporary aggregate operation which ordinarily would require an approved Conditional Use Permit, if necessary in the event of a natural disaster and to prevent potentially serious damage to property or threat to human life. The Department may permit the initiation of such an aggregate operation only when affected state agencies have issued necessary permits and have attested to the urgency of the situation. The Department may adjust operation standards as contained in Section 1044 to ensure the protection of human life and property. An aggregate operation approved under this section shall cease once the threat to human life and property is no longer serious or imminent.

**Section 1100 FLOOD HAZARD OVERLAY****FH**

1101 Purpose: It is the purpose of this ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- .1 To protect human life and health;
- .2 To minimize expenditure of public money and costly flood control projects;
- .3 To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- .4 To minimize prolonged business interruptions;
- .5 To minimize damage to public facilities and utilities such as water and gas mains; electric, telephone and sewer lines, streets, and bridges located in areas of special flood hazard;
- .6 To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- .7 To ensure that potential buyers are notified that property is in an area of special flood hazard; and,
- .8 To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

1102 Definitions:

- .1 "AREA OF SPECIAL FLOOD OVERLAY" means the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letters A or V.
  - .2 "BASE FLOOD" means the flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the "100-year flood." Designation on maps always includes the letters A or V.
- 1102.3 "DEVELOPMENT" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling

operations, or storage of equipment or materials located within the area of special flood hazard located within the area of special flood hazard.

*[Amended by Ordinance No. 2008 - 3, effective July 9, 2008].*

- .4 "FLOOD OR "FLOODING" means a general and temporary condition of partial or complete inundation of normally dry land areas from:
- (1) The overflow of inland or tidal waters, and/or
  - (2) The unusual and rapid accumulation of runoff of surface waters from any source.
- .5 "FLOOD INSURANCE RATE MAP (FIRM)" means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.
- .6 "FLOOD INSURANCE STUDY" means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.
- .7 "FLOODWAY" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
- .8 "LOWEST FLOOR" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance found at Section 1110.1A.
- .9 "MANUFACTURED HOME" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

- 1102.10 "NEW CONSTRUCTION" means structures for which the "start of construction" commenced on or after the effective date of this ordinance.
- .11 "PRIMARY ZONE" means the underlying zone upon which the Flood Hazard Overlay Zone is superimposed.
- .12 "START OF CONSTRUCTION" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundation or erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.
- .13 "STRUCTURE" means a walled and roofed building including a gas or liquid storage tank that is principally above ground.
- .14 "SUBSTANTIAL IMPROVEMENT" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:
  - A. Before the improvement or repair is started, or
  - B. If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

1103 Application:

- .1 This zone shall apply to all areas of special flood hazards within the jurisdiction of Columbia County.

1104 Basis for Special Flood Hazard Areas

- .1 The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for Columbia County, Oregon and Incorporated areas", dated August 16, 1988, with accompanying Flood Insurance maps is hereby adopted by reference and declared to be part of this ordinance. The Flood Insurance Study is on file at the Columbia County Department of Land Development Services office, County Courthouse, St. Helens, Oregon.

1105 Development Permit

- .1 A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 1104. The permit shall be for all structures allowed by the underlying zone, including manufactured homes, as set forth in the "Definitions", and for all development including fill and other activities, also set forth in the "Definitions". The following exceptions apply for the storage of equipment or materials:
  - A. any temporary storage within any zoning district, and
  - B. permanent storage connected with residential use located out of the floodway.

*[Amended by Ordinance No. 2008 - 3, effective July 9, 2008].*

1106 Administration

- .1 The Land Development Services Administrator, or his designee, is appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions.
- .2 Duties of the Administrator shall include, but not be limited to, reviewing all development permits to determine:
  - A. That the permit requirements of this ordinance have been satisfied.
  - B. That all necessary permits have been obtained from those Federal, State, or local government agencies from which prior approval is required.
  - C. If the proposed development is located in the floodway, assure that the encroachment provisions of Section 1110) are met.

- 1106.3 When base flood elevation data has not been provided in accordance with Section 1104, Basis for Special Flood Hazard Areas, the Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer Sections 1109 Specific Standards, and 1110 Floodways.
- .4 Where base flood elevation data is provided through the Flood Insurance Study or required as in Section 1106.3, the Administrator will obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
- .5 For all new or substantially improved floodproofed structures, the Administrator will:
- A. Verify and record the actual elevation (in relation to mean sea level), and
  - B. Maintain the floodproofing certifications required in Section 1109.2.A(3).
- .6 The Administrator will maintain for public inspection all records pertaining to the provisions of this ordinance.
- .7 For alteration of water courses the Administrator shall:
- A. Notify adjacent communities and the Department of Land Conservation and Development prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
  - B. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

#### 1107 Interpretation of Firm Boundaries

The Administrator shall make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation. Such appeals shall be granted consistent with the standards of Section 60.6 of the rules and regulations of the National Flood Insurance Program (44 CFR 59-76).

1108 General Standards

## .1 Anchoring

- A. All new construction and substantial improvement shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
- B. All manufactured homes must likewise be anchored to prevent flotation, collapse, or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas").

## .2 Construction Materials and Methods

- A. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- B. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
- C. Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

## .3 Utilities

- A. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- B. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and,
- C. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

## .4 Subdivision Proposals:

- A. All subdivision proposals shall be consistent with the need to minimize flood damage;
- B. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
- C. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and,
- D. Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least 50 lots or 5 acres (whichever is less).

.5 Building Permit Review

- A. Where elevation data is not available either through the Flood Insurance Study or from another authoritative source (Section 1106.3), Applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes uses of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.

1109 Specific Standards

In all areas of special flood hazards where base flood elevation data has been provided as set forth in Sections 1104 or 1106.3, the following provisions are required:

.1 Residential Construction

- A. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to one (1) foot above the base flood elevation.
- B. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a registered professional

engineer or architect or must meet or exceed the following minimum criteria:

- (1) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
- (2) The bottom of all openings shall be no higher than one foot above grade.
- (3) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of flood waters.

## .2 Nonresidential Construction

- A. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to a minimum of one (1) foot above the base flood elevation; or, together with attendant utility and sanitary facilities, shall:
- (1) be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
  - (2) have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
  - (3) be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in Section 1106.5.
  - (4) Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in 1109.1.B.
  - (5) Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g. a building constructed to the base flood level will be rated as one foot below that level).

[Amended by Ordinance No. 2008 - 3, effective July 9, 2008].

.3 **Manufactured Homes**

- A. All manufactured homes to be placed or substantially improved within zones A1-30, AH, and AE shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is a minimum of one (1) foot above the base flood elevation and be securely anchored to an adequately anchored foundation system in accordance with the provisions of subsection 1108.1.B.

1110 Floodways

- .1 Located within areas of special flood hazard established in Section 1104 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:
- A. Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- B. If Section 1110.1A. is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Sections 1108 through 1111.

1111 Standards for Shallow Flooding Areas (AO Zones)

- .1 Shallow flooding areas appear on FIRM's as AO zones with depth designations. The base flood depths in these zones range from 1 to 3 feet where a clearly defined channel does not exist, or where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is usually characterized as sheet flow. In these areas, the following provisions apply:
- A. New construction and substantial improvements of residential structures within AO zones shall have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, to or above the depth number specified on the FIRM (at least two feet if no depth number is specified).

- B. New construction and substantial improvements of nonresidential structures within AO zones shall either:
- (1) have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, to or above the depth number specified on the FIRM (at least two feet if no depth number is specified); or
  - (2) together with attendant utility and sanitary facilities, be completely flood proofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer or architect as in Section 1109.2.A(3).
- C. Require adequate drainage paths around structures on slopes to guide flood waters around and away from proposed structures.

*[Note: p. 145 Intentionally left blank for expansion].*

**Section 1120 SENSITIVE BIRD HABITAT OVERLAY****SBH**

*[Amended by Ordinance No. 2003 - 5, effective December 15, 2003].*

- 1121 Purpose: The purpose of the Sensitive Bird Habitat Overlay Zone is to insure that habitat areas identified as being critical for the survival of the Northern Bald Eagle, Great Blue Heron, Band-tailed pigeon, Northern Spotted Owl and any other type of bird listed or included as sensitive in the Columbia County Comprehensive Plan, Part XVI, Article VIII(F), Non-game Wildlife Habitat, and Article VIII(G), Upland Game Habitat are protected from the effects of conflicting uses or activities. This purpose will be achieved through the development of site specific management plans that are developed to insure that proposed uses and activities will neither destroy nor result in the abandonment of sensitive bird habitat areas.
- 1122 Sensitive Bird Habitat consists of all sites which are habitat for Northern Bald Eagle nests and roosts; Great Blue Heron rookeries, Band-tailed pigeon mineral springs, Northern Spotted Owl nest sites or other sensitive bird sites identified in the Columbia County Comprehensive Plan. Such sites shall be subject to the requirements of the Sensitive Bird Habitat Overlay Zone.
- 1123 Permitted Uses: Uses permitted or conditionally permitted in the underlying zone(s) are also permitted or conditionally permitted in the Sensitive Bird Habitat Overlay Zone provided, however, that the additional procedure and requirements of the Sensitive Bird Habitat Overlay Zone shall apply.
- 1124 Development Standards: The following review procedure and criteria shall apply to development within the Sensitive Bird Habitat Overlay Zone, if such development will affect Sensitive Bird Habitat, or has the potential to affect Sensitive Bird Habitat, as described below:
- .1 Development has the potential to affect Sensitive Bird Habitat if the site is located within a quarter mile of a Northern Bald Eagle nest or roosting site, and/or it is within six hundred (600) feet of a Great Blue Heron rookery, Northern Spotted Owl nest site or Band-tailed Pigeon mineral spring.
  - .2 Development will affect Sensitive Bird Habitat if the site is located within 660 feet of a Northern Bald Eagle site and/or within 300 feet of a Great Blue Heron rookery, Northern Spotted Owl nest site, Band-tailed Pigeon mineral spring, or other sensitive bird sites identified in the Columbia County Comprehensive Plan.
  - .3 If a proposed use or activity will affect or has the potential to affect Sensitive Bird Habitat, as outlined in Sub-section 1124.1 or sub-section

1124.2, Columbia County shall notify the Oregon Department of Fish and Wildlife of such proposed use or activity.

- .4 Upon notification, the Oregon Department of Fish and Wildlife may review the proposed use or activity, consult with the affected landowner(s) and other appropriate state agencies and provide comments and recommendations to the County concerning measures to protect Sensitive Bird Habitat. The County will consider the comments and recommendations of ODFW before making a decision concerning the requested use or activity.
- .5 If a proposed use or activity either affects or has the potential to affect Sensitive Bird Habitat, as described in Section 1124(1), or 1124(2), the County may require the Applicant to take steps to mitigate identified impacts of the proposed use or activity, by creating and following a site specific sensitive bird management plan.

## Section 1130

## HISTORIC OVERLAY

## HO

- 1131 Use and External Modification of a Historic Structure: The Historic designation is a zone which is intended to allow opportunities to preserve sites of historical significance within the County. This zone is [sic] applies to all sites listed [in] the Columbia County Comprehensive [Plan]. Any change of use or external modification of a structure on the County inventory may be permitted by the Director or Planning Commission. [The Director or Planning Commission may allow a change in use or modification of a structure] when the change in use will not alter the structure or site in such a way as to destroy the historic value of the structure or the site. The County may seek input from the State Historic Preservation Office when making a determination whether the proposed change will destroy the historic value of the structure or the site. *[Amended by Ordinance 2003-06, eff. 7/30/03].*
- 1132 Conditions attached to a change of use of a historic structure or site: The Director or Planning Commission may attach conditions to any change of use in the Historic Overlay Zone such as setbacks, screening, off-street parking and unloading, construction standards and maintenance, and landscaping, which may be deemed necessary to protect the historic character of the structure or site, the public health, safety, and welfare of the adjoining property owners, and the public interest. *[Amended by Ordinance 2003-06, eff. 7/30/03].*
- 1133 Demolition of a Historic Structure: If a permit to demolish a historic structure is requested, there will be a 120 day waiting period before the demolition permit can be issued. During this time, the County and/or any interested civic groups will investigate possible methods to purchase and save the historic site or structure. If some appropriate plan to save the site is developed, the demolition permit will not be issued until this plan has been perused by all the parties involved. In no case will a permit be withheld for more than one year. If no program to save the structure is developed within 120 days, the demolition permit will be issued. *[Amended by Ordinance 2003-06, eff. 7/30/03].*

**Section 1140 GREENWAY OVERLAY**

**GW**

1141 Purpose: This district is to be used to implement the Willamette River Greenway Land Use Designation in the Comprehensive Plan. This district will be an overlay zone which will place additional restrictions or conditions upon the primary or underlying districts.

This district is intended to protect, conserve, enhance, and maintain the natural, scenic, historical, agricultural, economic, and recreational qualities of lands along the Willamette River; to implement the County's responsibilities pursuant to ORS 390.310 to 390.368; and to establish criteria, standards, and procedures for the intensification of uses, change of uses, or the development of lands within the Greenway.

1142 Definitions: The following definitions are for use in this section of the Zoning Ordinance only:

.1 Change of Use - Making a different use of the land or water than that which existed on December 6, 1975. It includes a change requiring construction and alterations of the land, water, or other areas outside of existing structures which substantially affect the land or water.

Landscaping, construction of driveways, modification of existing structures, or the construction or placement of accessory structures or facilities usual and necessary to the use and enjoyment of existing improvements are not considered a change of use.

.2 Intensification - Any additions which increase or expand the area or amount of any existing use or the level of activity when it will substantially alter the appearance or use.

.3 Water-dependent use - A use which cannot be conducted in any location other than a riverfront or shoreline and which is dependent upon the water because of its intrinsic features.

.4 Water-related Use - A use which is not directly dependent upon access to a water body, but which provides goods or services that are directly associated with water-dependent land or waterway uses, and which, if not located adjacent to water, would result in a public loss of quality in goods or services offered.

1143 Permitted Uses:

.1 Agriculture.

- .2 Timber harvesting for public safety purposes and any other non-harvest forest practice which does not affect the vegetative fringe along the river.
- .3 An existing use which was legally established prior to December 6, 1975.
- .4 The maintenance and repair of an existing use.
- .5 Gravel removal from the bed of the Willamette River, conducted under a permit from the State of Oregon; customary dredging and channel maintenance; and the maintenance and repair of existing flood control facilities.
- .6 The placing by a public agency of signs, markers, aids, etc. to serve the public.
- .7 Activities to protect, conserve, enhance, and maintain public recreational, scenic, historical, and natural uses on public lands.
- .8 On scenic easements acquired under ORS 390.332(2)(a), the maintenance authorized by that statute and ORS 390.368.
- .9 The expansion of capacity, or the replacement, of existing communication or energy distribution and transmission systems, except substations.

1144 Conditional Uses:

- .1 All uses permitted in the underlying district which are not permitted outright in the Greenway District.
- .2 A single family dwelling or mobile home in conjunction with a permitted use.
- .3 Marine recreational uses, including houseboat moorages, pleasure craft docks, and accessory facilities.
- .4 The harvesting of timber not provided in Subsection 1143.2.
- .5 Operations on land adjoining the river for the purpose of mining and processing of geothermal resources as defined by ORS 522.005 or exploration, mining, and processing of aggregate and other mineral resources or other subsurface resources.
- .6 The expansion or intensification of an existing use.

1145 Criteria for the Approval of Conditional Uses:

- .1 The conditional use shall be located on the site in such a manner as to have a minimal impact on the Greenway.
- .2 The conditional use shall not alter the overall land use pattern of the area.
- .3 The conditional use shall not require any public services other than those already existing or planned for the area.
- .4 Loading areas, storage areas, and parking areas shall be screened and landscaped.
- .5 Structures shall not infringe upon the Greenway unless they are water-related or water-dependent. To ensure that this occurs, structures will be painted with subdued colors or tones to blend with the surroundings. Structures will be located, whenever possible, on lands which are either:
  - A. unsuitable for farm or forestry; or
  - B. more than 150 feet from low water; or
  - C. on lands which were urbanized prior to December 6, 1975.
- .6 Marine Commercial activities shall be limited primarily to the following areas:
  - A. Along the west bank at the Multnomah Channel between river mile 12.5 and river mile 8.5;
  - B. Along the east bank at the Multnomah Channel between river mile 12.5 and river mile 11.1.These uses should be at least 500 feet apart.
- .7 Mining operations shall conform to the following standards:
  - A. A draft reclamation plan shall be submitted and reviewed for all surface mining operations. Recommendations of the reclamation plan shall be forwarded to the appropriate agencies.
  - B. Mining or mineral exploration operations shall obtain all appropriate state and federal permits prior to the start of operations.

- C. Limitations may be placed upon the hours of operation.
- D. A plan shall be submitted to show how a buffer will be established between the mining operation and any adjoining residential uses. The plan shall include details of berming, landscaping, and planting.
- E. This operation shall be designed so as to have a minimal impact upon the Greenway.

1146 Approval Standards: In addition to the conditions of approval noted in Section 1145, the following specific standards shall be addressed:

- .1 The maximum possible landscaped area, scenic and aesthetic enhancement, open space, or vegetation shall be provided between any use and the river.
- .2 Reasonable public access to and along the river shall be provided by appropriate legal means to the greatest possible degree.
- .3 Developments shall be directed away from the river to the greatest possible degree, provided however, that lands in other than rural and natural resource districts may continue in urban areas.
- .4 Agricultural lands shall be preserved and maintained for farm use.
- .5 The harvesting of timber beyond the vegetative fringes shall be conducted in a manner which shall insure that the natural scenic qualities of the Greenway will be maintained to the greatest extent practicable or will be restored within a brief period of time.
- .6 Recreational needs shall be satisfied by public and private means in a manner consistent with the carrying capacity of the land and with minimum conflicts with farm use.
- .7 Significant fish and wildlife habitats shall be protected.
- .8 Significant natural and scenic areas and viewpoints and vistas shall be preserved.
- .9 Maintenance of public safety and protection of public and private property, especially from vandalism and trespass, shall be provided to the maximum extent practicable.

- .10 The natural vegetative fringe along the river shall be enhanced and protected to the maximum extent practicable to assure scenic quality protection from erosion and screening of uses from the river.
  - .11 Extraction of known aggregate deposits may be permitted provided all necessary permits are obtained and the operation will be conducted in a manner designed to minimize adverse effects upon water quality, fish and wildlife, vegetation, bank stabilization, stream flow, visual quality, noise, and safety, and to guarantee necessary reclamation.
  - .12 Areas of annual flooding, flood plains, water areas, and wetlands shall be preserved in their natural state to the maximum possible extent to protect the water retention, overflow, and natural functions.
  - .13 Areas of ecological, scientific, historical, or archeological significance shall be protected, preserved, restored, or enhanced to the maximum extent possible.
  - .14 Areas of erosion or potential erosion shall be protected from loss by appropriate means which are compatible with the character of the Greenway.
  - .15 The quality of the air, water, and land resources, in and adjacent to the Greenway, shall be preserved in the development, change of use, or intensification of use of the land designated GW.
  - .16 No intensification, change of use, or development shall occur within 100 feet of the ordinary low water level, unless the proposed use is water related or water dependent.
- 1147 The Oregon Department of Transportation (ODOT) shall be notified of all proposals, and resultant actions, for development, intensification, or changes of use within the Greenway. The approving body shall consider the recommendation of the ODOT when considering any application. [Note: Instead of ODOT, Or. Parks and Recreation should be notified.]

## Section 1150

## AIRCRAFT LANDING FIELD OVERLAY

ALF

1151 Purpose: The purpose of this overlay zone is to allow for the establishment and expansion of airport facilities, while preventing air space conflicts in approach and departure zones. This zone includes all areas lying within the approach, departure, horizontal and conical zones of the airport facility as shown on the zoning maps.

1152 Definitions:

- .1 Airport Elevation - The highest point of an airport's usable land area measured in feet from mean sea level.
- .2 Approach and Departure Zones - Fan-shaped areas beyond the ends of the runway. The inner edge of these areas coincides with the width of the primary surface and is 250 feet wide. The approach and departure zones expand outward uniformly to a width of 1,250 feet at a horizontal distance of 5,000 feet from the primary surface (runway). The centerline is the continuation of the centerline of the runway.
- .3 Conical Zone - The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward and upward at 20:1 therefrom for a horizontal distance of 4,000 feet.
- .4 Hazard to Air Navigation - An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.
- .5 Height - The vertical length of an object measured from mean sea level.
- .6 Horizontal Surface A horizontal plane 150 feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.
- .7 Horizontal Zone - The horizontal zone is established by swinging arcs of 5,000 feet radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and departure zones.
- .8 Obstruction - Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in Section 1158 of this Ordinance.

- .9 Runway - A defined area on an airport prepared for landing and takeoff of aircraft along its length.
  - .10 Structure - An object, including a mobile object, constructed or installed by persons, including, but without limitation, buildings, towers, cranes, smokestacks, earth formations, and overhead transmission lines.
  - .11 Tree - any object of natural growth.
- 1153 Permitted Uses: The following uses are allowed subject to the minimum standards noted for each use:
- .1 Aircraft Landing Field, including accessory uses which are clearly subordinate to the primary use and which comply with all of the provisions of this ordinance.
  - .2 Any uses permitted by the underlying zone which do not conflict with the other provisions of this ordinance.
- 1154 Conditional Uses:
- .1 Any use allowed in the underlying zone that is proposed to be located in an approach or departure zone shall be processed as a conditional use.
- 1155 Criteria for Approval of Conditional Uses:
- .1 The use shall conform to the requirements of the underlying zone.
  - .2 The Oregon Aeronautics Division shall certify in writing that the proposed use will not interfere with the operation of the aircraft landing field.
  - .3 The conditional use permit shall be processed in accordance with Section 1501, General Provisions - Conditional Use.
- 1156 Criteria for Approval of Uses Allowed in the Underlying Zones: The Planning Director or his (her) designee shall approve any request that complies with the underlying zone when it can be shown that the proposed use or structure:
- .1 Will not be located within an approach or departure zone.
  - .2 Will not exceed the height limitations established in Section 1158.2.
- 1156.3 Will not create electrical interference with navigational signals or radio communications between airport and aircraft.

- .4 Will not create confusion between airport lights and others.
- .5 Will not create glare.
- .6 Will not impair visibility.
- .7 Will not create bird/aircraft conflicts.
- .8 Requests under this section shall be processed in accordance with Section 1601.1, Staff Approval Criteria.

1157 A.L.F. Overlay Zone Submittal Requirements: All applications for an A.L.F. Overlay Zone shall include, but not be limited to, the following:

- .1 A copy of the Oregon Department of Transportation Aeronautical Division (ODOTAD) provisional site approval and information.
- .2 A description of the proposed use to include:
  - A. The type and use of aircraft for which the facility is intended to serve;
  - B. Number of aircraft to be stationed at the facility;
  - C. Frequency of flights and a diagram of flight patterns for the facility;
  - D. Hours of operation;
  - E. Location of runways, approach and departure zones, and plans and elevations illustrating the airspace requirements of the land areas.
  - F. A site plan, drawn to an appropriate scale, showing the entire site to include proposed accessory structures and uses.
  - G. All uses or structures which would become non-conforming upon the zone change approval.

1158 Criteria for Approval of the A.L.F. Overlay Zone: Requests for an A.L.F. Overlay Zone shall be considered a Major Map Amendment and processed in accordance with Section 1502, Zone Changes. The applicant shall provide sufficient information to show that the request complies with the following criteria:

- .1 The minimum lot area shall be 40 acres, unless otherwise approved, in writing, by the FAA and/or the ODOTAD.
- .2 No use or structure shall exceed 50 feet in height, or the maximum height allowed under the guidelines of Federal Aviation Regulations - Part 77, whichever is more restrictive.
- .3 The operation of an aircraft landing area shall not result in air pollution and noise generation exceeding the standards of the Department of Environmental Quality.
- .4 No use may be made of land or water within any approach and departure zone in such a manner as to create electrical interference with navigational signals or radio communications between the airport and the aircraft, to make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.
- .5 Installation of noise buffers between aircraft landing strips and residential areas, realignment of runways, or other techniques to mitigate noise impacts shall be required, as appropriate or necessary to satisfy the standards of the Department of Environmental Quality (DEQ).
- .6 Accessory structures shall be designed and painted to be easily identified from the air. Terminals, offices, and other structures intended for public use shall be distinguished from other structures by design, exterior color, or materials, and shall be appropriately signed.
- .7 Parking areas, areas around accessory structures intended for public use, and periphery areas of the site adjoining residential or farm uses shall be landscaped with emphasis on the use of plant materials which tolerate air pollution and reduce or control dust and erosion.
- .8 Restrictions and limits on the operation of an aircraft landing area may include, but are not limited to, restrictions on the number and use of aircraft, the hours of operation, and the nature and extent of accessory uses and structures.

1159 Non-conforming Uses: The following regulations shall apply to uses which are made non-conforming by the adoption of this ordinance and to uses which become non-conforming due to subsequent zone changes.

- .1 The regulations include in this ordinance shall not require the removal, lowering, or other change or alteration of any non-conforming structure, use, tree, nor shall they require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this ordinance and/or subsequent zone change approvals.
- .2 The owner of any existing non-conforming structure or tree is required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the airport owner to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated, and maintained at the expense of the airport owner.
- .3 Whenever the Board of Adjustment determines that a non-conforming tree or structure has been abandoned or more than 80 percent torn down, physically deteriorated, or decayed, the structure or tree shall not be allowed to exceed the applicable height limit or otherwise deviate from the applicable zoning regulations.

1160 Variances: A variance from the height and/or use requirements of the A.L.F. Overlay Zone shall be considered a Major Variance and shall be processed in accordance with Section 1504.1, Major Variances. In addition to the findings required by Section 1504.1, the following specific finding must be made:

- .1 The ODOTAD shall certify that the requested variance will not interfere with the operation of air-navigation facilities and the safe, efficient use of navigable airspace.

1161 Notification Requirements: In addition to the notification requirements outlined elsewhere in this ordinance, the airport owner shall be notified of all requests for permits or variances proposed within the A.L.F. Overlay Zone.

1162 Restrictions:

- .1 No place of public assembly shall be permitted in an approach or departure zone.

**Section 1170            RIPARIAN CORRIDORS, WETLANDS, WATER QUALITY, AND FISH  
AND WILDLIFE HABITAT PROTECTION OVERLAY ZONE        (RP)**

*[Amended by Ordinance No. 2003 - 5, effective December 15, 2003].*

1171 Purpose.

- A.     The purpose of this Section is to protect and restore water bodies and their associated riparian corridors, thereby protecting and restoring the hydrological, ecological and land conservation function these areas provide. Specifically, this Section is intended to protect habitat for fish and other aquatic life, protect habitat for wildlife, protect water quality for human uses and for aquatic life, control erosion and limit sedimentation, prevent property damage during floods and storms, protect native plant species, and conserve the scenic and recreational values of riparian areas.
  
- B.     This Section meets the above purpose by prohibiting structures and other development from riparian areas around fish-bearing lakes, rivers, streams and associated wetlands, and by prohibiting vegetation removal and/or other vegetative alterations in riparian corridors. In cases of hardship, the Section provides a procedure to reduce the riparian corridor boundary. Alteration of the riparian corridor boundary in such cases shall be offset by appropriate restoration or mitigation, as stipulated in this Section.
  
- C.     For the purposes of this Section, “development” includes buildings and/or structures which require a building permit under the State of Oregon Uniform Building Code, as amended, or any alteration in the riparian corridor by grading, placement of fill material, construction of an impervious surface, including paved or gravel parking areas or paths, and any land clearing activity such as removal of trees or other vegetation.
  
- D.     This Section does not apply to land legally used for commercial forestry operations or standard farm practices, both of which are exempt from these riparian corridor protection standards. The use of land for commercial forestry is regulated by the Oregon Department of Forestry. The use of land for standard farm practices are regulated by the Oregon Department of Agriculture, with riparian area and water quality issues governed specifically by ORS 568.210 to ORS 568.805.

- E. The provisions of this riparian protection overlay zone do not exempt persons or property from state or federal laws that regulate protected lands, water, wetland or habitat areas. In addition to the restrictions and requirements of this Section, all proposed development activities within any wetland area may be subject to applicable state and federal agency standards, permits and approval. The applicant shall be responsible for contacting the appropriate state or federal agencies to determine whether all applicable development requirements have been met.

1172 Riparian Corridor Standards:

- A. The inventory of Columbia County streams contained in the Oregon Department of Forestry Stream Classification Maps specifies which streams and lakes are fish-bearing. Fish-bearing lakes are identified on the map entitled, "Lakes of Columbia County." A copy of the most current Stream Classification Maps is attached to the Comprehensive Plan, Technical Appendix Part XVI, Article X(B) for reference. The map, "Lakes of Columbia County" is attached to the Comprehensive Plan, Technical Appendix Part XVI, Article X(B), and is incorporated therein. Based upon the stream and lake inventories, the following riparian corridor boundaries shall be established:
1. Lakes. Along all fish-bearing lakes, the riparian corridor boundary shall be 50-feet from the top-of-bank, except as provided in CCZO Section 1172(A)(5), below.
  2. Fish-Bearing Streams, Rivers and Sloughs (Less than 1,000 cfs). Along all fish-bearing streams, rivers, and sloughs with an average annual stream flow of less than 1,000 cubic feet per second (cfs), the riparian corridor boundary shall be 50-feet from the top-of-bank, except as provided in CCZO Section 1172(A)(5), below. Average annual stream flow information shall be provided by the Oregon Water Resources Department.
  3. Fish-Bearing and Non-Fish-Bearing Streams, Rivers and Sloughs (Greater than 1,000 cfs). Along all streams, rivers, and sloughs with an average annual stream flow greater than 1,000 cubic feet per second (cfs), the riparian corridor boundary shall be 75-feet upland from the top-of-bank, except as provided in CCZO Section 1172(A)(5), below. Average annual stream flow information shall be provided by the Oregon Water Resources Department.
  4. Other rivers, lakes, streams, and sloughs. Along all other rivers, streams, and sloughs, the riparian corridor boundary shall be 25

feet upland from the top-of-bank, except as provided in CCZO Section 1172(A)(5), below.

5. Wetlands. Where the riparian corridor includes all or portions of a significant wetland, as identified in the State Wetlands Inventory and Local Wetlands Inventories, the standard distance to the riparian corridor boundary shall be measured from, and include, the upland edge of the wetland. Significant wetlands are also regulated under provisions in the Wetland Overlay Zone, Columbia County Zoning Ordinance, Section 1180.

B. Distance Measurement.

1. Except as provided in Subsection 1172(5) above, the measurement of distance to the riparian corridor boundary shall be from the top-of-bank. In areas where the top-of-bank is not clearly delineated, the riparian corridor boundary shall be measured from the ordinary high water level, or the line of non-aquatic vegetation, whichever is most landward.
2. The measurement shall be a slope distance. In areas where the predominant terrain consists of steep cliffs, the distances to the corridor boundary shall be measured as a horizontal distance until the top of the cliff is reached, and as a slope distance on from that point.

1173 Activities Prohibited within the Riparian Corridor Boundary

In addition to the prohibitions in the underlying zone, the following activities are prohibited within a riparian corridor boundary, except as provided for in Subsections 1175 and 1176 of this Section:

- A. The alteration of a riparian corridor by grading, placement of fill material, and/or impervious surfaces, including paved or gravel parking areas, or paths, and/or the construction of buildings or other structures which require a building permit under the State of Oregon Uniform Building Code, as amended.
- B. The removal of riparian trees or vegetation.

- 1174 Exempted Activities. This Overlay Zone does not apply to land legally used and allowed for commercial forestry operations or standard farm practices, both of which are exempt from the riparian corridor protection standards of this Section. The use of land for commercial forestry is regulated by the Oregon Department

of Forestry. The use of land for standard farm practices are regulated by the Oregon Department of Agriculture, with riparian area and water quality issues governed specifically by ORS 568.210 to ORS 568.805.

1175 Permitted Uses and Activities. Notwithstanding the prohibitions set forth in Subsection 1173 above, the following activities are allowed within the riparian corridor boundary:

- A. The following riparian vegetation may be removed within the riparian corridor boundary:
  - 1. Non-native vegetation, invasive species, and noxious weeds if replaced with native plant species. The replacement vegetation shall cover, at a minimum, the area from which vegetation was removed, and shall provide for maximum soil retention and shade cover. Replacement vegetation shall, upon maturity, maintain 75%-100% canopy and ground cover.
  - 2. Vegetation which is necessarily removed for the development of approved water-related or water dependent uses. Vegetation removal shall be kept to the minimum necessary to allow the water-dependent and water-related use.
  - 3. Trees and vegetation in danger of falling and/or posing a hazard to life or property. If no hazard will be created, such trees or other vegetation, once felled, shall be left in place in the riparian area.
- B. The following development is allowed within the riparian corridor boundary.
  - 1. Streets, roads, and driveways, if:
    - a. If it is not possible to locate the street, road or driveway outside of the riparian corridor boundary; and
    - b. The street, road or driveway is designed to minimize intrusion into the riparian corridor boundary.
  - 2. Pedestrian walkways, paths and trails.
  - 3. Fencing and signs, not including billboards.
  - 4. Drainage facilities, utilities and irrigation pumps.

5. Water-related and water-dependent uses.
6. New or expanded shoreline stabilization and flood control grading and structures.
7. Portable furniture, and other portable outdoor equipment for the private use of the property owner/resident. For purposes of this subsection, "portable" shall mean that the item is not affixed to the ground, other than with a chain or other lock which is capable of being removed at any time.

1176 Legal non-conforming uses are allowed to continue within the riparian corridor boundary subject to the requirements in Columbia County Zoning Ordinance, Section 1506, ORS 215.130, and the following additional requirements:

- A. For replacement of legal non-conforming structures with new structures, any new structure shall be located in the same location and in the same footprint as the existing structure, and shall not disturb additional riparian surface area within the riparian corridor boundary.
- B. For expansion or alteration of legal non-conforming structures existing fully or partially within the riparian corridor, the expansion or alteration shall not occur within the riparian corridor boundary. If the pre-existing structure is completely within the riparian corridor, expansion is allowed only on the side opposite the water resource.
- C. Legal non-conforming lawn within the riparian corridor boundary may be maintained. However, such lawn shall not be expanded within the riparian corridor boundary.
- D. Legal non-conforming shoreline stabilization and flood control structures may be maintained.

1177 Requirements for new activities and development identified in Sub-section 1175 and 1176, above, shall be allowed in the riparian corridor boundary subject to the following requirements:

- A. All applicable permits from state and federal agencies, such as the Oregon Division of State Lands (DSL) and Oregon Department of Fish and Wildlife (ODFW) must be obtained by the land owner prior to commencing the use or activity.

- B. For activities and development for which land use permits, building permits, grading permits, variances or stormwater/erosion control permits are required, the County shall provide notification to ODFW of the proposed development activity. The County shall consider the recommendations of ODFW, including any mitigation recommendations, prior to issuance of permits and may condition permit approval on recommended measures to mitigate loss of fish and wildlife habitat pursuant to applicable provisions of OAR Chapter 635, Division 415.

#### 1178 Variance Provisions

- A. In cases where encroachment into the riparian corridor boundary by activities and development not otherwise allowed by Sub-section 1175, or 1176 cannot be avoided, a property owner may request a Variance to the riparian corridor boundary prohibition. In addition to the criteria found in Section 1504, and the requirements in Sub-section 1177, a variance to the riparian corridor boundary prohibitions shall not be granted unless all of the following criteria are met:
1. The proposed development requires deviation from the riparian corridor standards;
  2. Strict adherence to the riparian setback and other applicable standards would effectively preclude a use of the parcel that could be reasonably expected to occur in the zone;
  3. Removal of vegetation within the original riparian setback is the minimum necessary to allow the use. Any vegetation removed shall be replaced with native plant species;
  4. The encroachment shall not occupy more than 50% of the width of the riparian corridor measured from the upland edge of the corridor;
  5. The proposed use shall provide equal or better protection of riparian resources than the current condition.
  6. The riparian setback must exceed any other setback on the parcel, and the riparian setback, when combined with other required setbacks, shall result in a building area depth of 30 feet or less, or a building envelop of 800 square feet or less.
- B. The applicant shall provide sufficient information regarding the proposed development and its impact on riparian resources to allow staff, in

consultation with ODFW, to determine whether the proposal will provide equal or better protection of riparian resources than the current condition. The applicant shall submit, at a minimum, the following information:

1. A plot plan showing top-of-bank, existing streams and wetlands and other significant site features.
2. The extent of development within the riparian setback.
3. Uses that will occur within the riparian setback.
4. Potential impacts of proposed uses.
5. The extent of proposed vegetation removal.
6. Characteristics of the existing vegetation (types, density, and location).
7. Any proposed alterations of topography or drainage patterns.
8. Existing uses on the property.
9. Impact of existing uses on riparian resources.
10. An Erosion Control Plan.

C. Variance Limitations.

1. Setback reduction shall be the minimum necessary to create a building area depth of 30-feet or a building envelop of 800 square feet (whichever requires less reduction of the setback).
2. The yard setback opposite the riparian area (“non-riparian yard”) must be reduced up to  $\frac{1}{2}$  of the standard setback prior to encroachment into the riparian corridor.

**Section 1178            BUFFER WOODLOT OVERLAY**

**BW**

*[Amended by Ordinance No. 2003 - 5, effective December 15, 2003].*

- 1178    Purpose: The purpose of this overlay zone is to promote the production of wood fiber on land which has resource value, but which is not suited for primary forest use because of small lots which are distributed in multiple ownerships thus making it impracticable to apply the primary forest designation to such land.
  
- 1179    Application and Criteria for Approval of a Woodlot Overlay District: To have the Overlay Zone applied in a Primary Forest -76 (PF-76) or Forest Agriculture (FA-19) Zone the applicant shall provide sufficient information to show, and findings shall be made, that the request complies with the following criteria:
  - A.     The land is in a Primary Forest -76 (PF-76) or Forest Agriculture (FA-19) Zone.
  
  - B.     The land will separate and buffer nearby primary forest and forest agriculture districts from adjacent or nearby rural residential, residential, or urban districts.
  
  - C.     The land consists of at least 50 acres of subdivided lots: (a) more than one-half of which are smaller than one acre in size, and (b) which are under multiple noncontiguous ownerships averaging less than 10 acres.
  
  - D.     Production of wood fiber can be enhanced substantially by application of the overlay zone to the land when compared with either lot of record development or with leaving the property in the underlying zone designation.
  
  - E.     A goal exception for the land under ORS 197.732 and the regulations thereunder is approved either prior to or as part of the overlay district approval process. The exception findings and reasons shall contain a condition of approval that any consent to the County to a change in any covenant, which is designed to implement any provision of this Buffer Woodlot Overlay Zone, and which is to be placed on any subject property within the land covered by the Overlay Zone shall be deemed a plan amendment and shall be subject to the post-acknowledgment plan amendment process.

1180 Permitted Uses:

- A. The propagation and harvesting of wood fiber.
- B. Barkers, chippers, portable sawmills, and other accessory equipment used in managing, growing, and harvesting forest products on the subject property or contiguous property.
- C. Fish and wildlife management not requiring developed facilities or structures.
- D. Excavation, removal and processing of sand, gravel, loam, stone, dirt or other natural materials when accessory to another permitted use in this district. Such materials must be used on the subject property or contiguous properties.
- E. Buildings, other than dwellings, customarily provided in conjunction with forest use.
- F. Mobile home or recreation vehicle used during the harvesting of wood fiber.
- G. Fire prevention, detection and suppression facilities.
- H. One single family detached dwelling on a parcel within the overlay zone of not less than 12 acres in size, when the dwelling is in conjunction with forest use, provided that the Building Official, prior to issuance of a building permit or mobile home siting permit, determines that the following standards have been met:
  - 1. A certificate, with documentation attached, has been provided by the applicant stating either that all property lines between contiguous lots within the subject property have been vacated or that the subject property is otherwise subject to a covenant binding all of the parcels within the subject property together as one for the benefit of the property in perpetuity, unless such covenant is otherwise removed or modified with written consent of the County.
  - 2. A certificate has been provided by the applicant signed by a professional forester that the homesite shown on a site plan, which shall be attached to the certification, is the most practicable way to obtain maximum wood fiber production, considering: any forest management plan, the practicability of a building site,

terrain, adverse soil and land conditions, access, minimization of roads, vacation of any vacatable rights-of-way, water and septic tank advantages, vegetation, location and size of the property as a whole. The site plan for the subject property shall specify and include an annotated map of the subject property drawn to a usable scale, or an aerial photograph when available, showing the following: (a) accurately drawn property lines clearly indicating the size and location of the subject property; (b) location of existing and proposed structures, roads, and other improvements; (c) drainage, topography, physical constraints such as steep grades or streams, and soils; (d) the area covered by any forest management plan, and (e) township, range, section, tax lot number(s), vacated and unvacated rights of way, size in acres, assessor's code, and other contiguous properties under the same or family ownership.

3. A true copy of the certificate from the state forester that at least 10 acres of the subject property meets the standards of the Western Oregon Small Tract Optional Tax, together with a copy of the management plan, if any, which was found acceptable by the state forester.
4. A true copy of a recorded declaration stating:  
  
"Declarant and declarant's successors, heirs, legal representatives, assigns, and lessees hereby acknowledge and agree to accept, by the placement of this covenant, or the acceptance and recording of this instrument, that the property herein described is situated on or near forest land, and as such may be subject to common, customary, and accepted forest practices which ordinarily and necessarily produce log truck and heavy machinery traffic, noise pollution which declarant accepts as normal and necessary forest management practices, and as part of the risk of purchasing, constructing, or placing a residential structure in this zone. The county shall be deemed a beneficiary of this declaration, which cannot be removed or modified without written consent of the County."
5. The application shall be accompanied by a statement acknowledged by or on behalf of the applicant and the applicant's successors-in-interest that failure to maintain eligibility for classification under the Western Oregon Small Timber Option Tax Program or a wood fiber production management plan on at least 10 acres of the subject property, as determined by the Oregon State Foresters, constitutes a zoning violation under

Oregon law and is subject to remedies set forth in zoning laws of the state.

- I. Utility facilities necessary for public service in conjunction with permitted or approved conditional uses, but not including substations, treatment plants, storage plants, hydro-electric or other power generating facilities except as provided below. Maximum utilization of existing easements and rights-of-way shall be made.
- J. Small scale energy production facilities in conjunction with permitted uses.

1181 Implementation of the Overlay Zone and Procedure:

- A. Implementation. The buffer woodlot overlay zone may be applied to any primary forest-76 (PF-76) district or any forest agriculture (FA-19) district by complying with the standards contained herein. Application of the Overlay District to specific land is accomplished through a Major Map Amendment with Section 1502.1. Approval of a Major Map Amendment for the buffer woodlot overlay zone signifies that the affected property is suitable for the uses specified in Section 1178, but does not authorize uses for which specific permits must be obtained.
  - 1. The zone applicable to the property preceding the change will be retained on the Comprehensive Plan and Zoning Maps.
  - 2. Permitted development pursuant to these buffer woodlot overlay district sections shall be reviewed and approved based upon the provisions of these sections rather than the provisions of the underlying zone or zones or of any special or overlay district or zone.
  - 3. A proposed change from buffer woodlot overlay district to a zone or zones other than the underlying zone, as retained on the Comprehensive Plan and Zoning Maps, shall be evaluated as a change from such underlying zone.

B. Procedure:

1. Plan and Zone Change: An amendment to the Plan Map and Zoning Map to apply the buffer woodlot overlay district may be initiated by the Board of County Commissioners or by application of a property owner in the area. After initial adoption of this ordinance, the procedure shall be as provided in Section 1502.1 but the matters to be included in an application and considered on review and the criteria for approval of the change shall be only as set forth in Sections 1176 and this section.
2. Preapplication Conference: Prior to submitting a plan map and zoning map change application, the applicant shall confer with the Planning Director regarding the proposal and the requisites of the applications.
3. Review: Permitted use approvals under Section 1178 shall be reviewed as provided in ORS 197.825(4)(a).

**Section 1182 WETLAND AREA OVERLAY****WA**

*[Amended by Ordinance No. 2003 - 5, effective December 15, 2003].*

- 1182 Purpose: The purpose of this zone is to protect significant wetlands within the identified Wetland Areas as shown on the State Wetland Inventory and Local Wetland Inventories, from filling, drainage, or other alteration which would destroy or reduce their biological value. The Wetland Area Overlay does not apply to land legally used for commercial forestry operations or standard farm practices, both of which are exempt from these wetland area corridor standards. The use of land for commercial forestry is regulated by the Oregon Department of Forestry. The use of land for standard farm practices is regulated by the Oregon Department of Agriculture, with riparian area and water quality issues governed by ORS 568.210 to ORS 568.805.
- 1183 Definition: A significant wetland is an area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. In case of dispute over whether an area is of biological value and should be considered a significant wetland, the County shall obtain the recommendation of the Oregon Department of Fish and Wildlife, the Columbia County Soil and Water Conservation District, and the Division of State Lands.
- 1184 Permitted Uses: Uses and development activities permitted outright or conditionally in the underlying zone shall be permitted in the Wetland Area Overlay Zone if they will not result in filling, drainage, removal of vegetation, or other alteration which would destroy or degrade a significant wetland as defined in Section 1182. Minor drainage improvements necessary to ensure effective drainage on surrounding agricultural lands under Oregon Department of Agriculture wetland rules shall be allowed where such an action has been fully coordinated with the Oregon Department of Fish and Wildlife, the Columbia County Soil and Water Conservation District, and the Division of State Lands. Existing drainage ditches may be cleared to original specifications without County review.
- 1185 Development Standards:
- A. Riparian Corridor Standards for Wetlands. For the purposes of this Section, “Fish-bearing streams” shall mean all streams identified as being fish-bearing, by the Oregon Department Forestry in the Stream Classification Maps, as amended, and “Fish-bearing lakes” shall mean those streams identified in “Lakes of Columbia County”. The current

Oregon Department of Forestry Stream Classification Map is attached to the Comprehensive Plan, Technical Appendix, Part XVI, Article X(B), for reference. The Map, "Lakes of Columbia County" is also attached to the Comprehensive Plan, Technical Appendix, Part XVI, Article X(B), and is incorporated therein. Significant Wetlands are identified on the State Wetlands Inventory (SWI), and Local Wetlands Inventories (LWI's). The SWI is attached to the Comprehensive Plan, Part XVI, Article X(A), for reference.

1. Fish-Bearing Lakes. Along all wetlands associated with fish-bearing lakes, the riparian corridor boundary shall be 50 feet from the upland edge of the wetland.
  2. Streams, Rivers, and Sloughs (Greater than 1,000 cfs). Along all wetlands associated with all fish-bearing rivers, streams and sloughs, with an average annual stream flow greater than 1,000 cubic feet per second (cfs), the riparian corridor boundary shall be 75 feet from the upland edge of the wetland. Average annual stream flow information shall be provided by the Oregon Water Resources Department.
  3. Fish-Bearing Streams, Rivers and Sloughs (Less than 1,000 cfs). Along all wetlands associated with fish bearing streams, rivers, and sloughs, with an average annual stream flow less than 1,000 cubic feet per second (cfs), the riparian corridor boundary shall be 50 feet from the upland edge of the wetland. Average annual stream flow information shall be provided by the Oregon Water Resources Department.
  4. Other Rivers and Streams, or Sloughs. For all other wetlands associated with streams, rivers, or sloughs, the riparian corridor boundary shall be 25 feet from the upland edge of the wetland.
  5. Wetlands not associated with Streams, Rivers, Sloughs, or Fish-Bearing Lakes. Along all wetlands not associated with a stream, river, slough, or non-fish-bearing lake, there shall not be a protective riparian corridor boundary. However, development is prohibited from encroaching within a delineated wetland boundary.
- B. Corridor Boundary Measurement: The riparian corridor boundary begins at the upland edge of the wetland and is measured outward, further upland, the required riparian corridor boundary distance.
- C. Activities Prohibited within the Wetland Riparian Corridor Boundary.

In addition to the prohibitions of the underlying zone, the following development activities are prohibited in wetland riparian corridor boundaries, except as provided for in Sub-sections 1184(E) and (F) of this Sub-section:

1. The alteration of the wetland riparian corridor by grading, the placement of fill material, and/or impervious surfaces, including paved or gravel parking areas or paths, and/or the construction of buildings or other structures which require a building permit under the State of Oregon Uniform Building Code, as amended, or other land use permit.
  2. The removal of riparian trees or vegetation.
- D. Exempted Activities. This Overlay Zone does not apply to land legally used for commercial forestry operations or standard farm practices, both of which are exempt from the riparian corridor protection standards of this Section. The use of land for commercial forestry is regulated by the Oregon Department of Forestry. The use of land for standard farm practices is regulated by the Oregon Department of Agriculture, with riparian area and water quality issues governed specifically by ORS 568.210 to ORS 568.805.
- E. Exceptions to prohibited activities. Notwithstanding the prohibitions set forth in sub-section (C), above, the following development activities are allowed within the wetland riparian corridor boundary:
1. The following wetland riparian vegetation may be removed:
    - a. Non-native vegetation, invasive species, and noxious weeds, if replaced with native plant species. The replacement vegetation shall cover, at a minimum, the area from which vegetation was removed, and shall provide for maximum soil retention and shade cover. Replacement vegetation shall, upon maturity, maintain 75%-100% canopy and ground cover.
    - b. Vegetation which is necessarily removed for the development of water related and water dependent uses. Vegetation removal shall be kept to the minimum necessary to allow the water dependent and/or water related use.

- c. Trees and vegetation in danger of falling and/or posing a hazard to life or property. If no hazard will be created, the trees, once felled, shall be left in place in the riparian area.
- 2. The following development is allowed within the riparian corridor boundary:
  - a. Streets, roads, and driveways, if:
    - i. It is not possible to locate the street, road or driveway outside of the riparian corridor boundary; and
    - ii. The street, road or driveway is designed to minimize intrusion into the riparian corridor boundary;
  - b. Pedestrian walkways, paths and trails;
  - c. Fencing and signs, not including billboards;
  - d. Drainage facilities, utilities and irrigation pumps;
  - e. Water-related and water-dependent uses;
  - f. New or expanded shoreline stabilization and flood control grading and structures;
  - g. Portable furniture, and other portable outdoor equipment for the private use of the property owner/resident. For purposes of this subsection, "portable" shall mean that the item is not affixed to the ground, other than with a chain or other lock which is capable of being removed at any time.
- F. Legal non-conforming uses are allowed to continue within the wetland riparian corridor boundary subject to the requirements in Section 1506, ORS 215.130, applicable state laws, and the following additional requirements:
  - 1. For replacement of legal non-conforming structures with new structures, any new structure shall be located in the same location and in the same footprint as the existing structure, and shall not disturb additional riparian surface area within the wetland riparian corridor boundary.

2. For expansion or alteration of legal non-conforming structures existing fully or partially within the riparian corridor, the expansion or alteration shall not occur within the wetland riparian corridor boundary. If the pre-existing structure is completely within the riparian corridor, expansion is allowed only on the side opposite the water resource.
  3. Legal non-conforming lawn within the riparian corridor boundary may be maintained. However, such lawn shall not be expanded within the riparian corridor boundary.
  4. Legal non-conforming shoreline stabilization and flood control structures may be maintained.
- G. New activities and development identified in Sub-section 1184(E) and 1184(F), above, shall be allowed in the wetland riparian corridor boundary subject to the following requirements:
1. All applicable permits from state and federal agencies, such as the Oregon Division of State Lands (DSL) and Oregon Department of Fish and Wildlife (ODFW) must be obtained by the land owner prior to commencing the use or activity.
  2. For activities and development for which land use permits, building permits, grading permits, variances or stormwater/erosion control permits are required, the County shall provide notification to ODFW of the proposed development activity. The County shall consider the recommendations of ODFW, including any mitigation recommendations, prior to issuance of permits and may condition permit approval on recommended measures to mitigate loss of fish and wildlife habitat pursuant to applicable provisions of OAR Chapter 635, Division 415.

## H. Variance Provisions

1. In cases where encroachment into the riparian corridor boundary by activities and development not otherwise allowed by Sub-section 1184(E), or 1184(F) cannot be avoided, a property owner may request a Variance to the riparian corridor boundary prohibition . In addition to the criteria found in Section 1504, and the requirements in Sub-section 1184(G), a variance to the riparian corridor boundary prohibitions shall not be granted unless all of the following criteria are met:
  - a. The proposed development requires deviation from the riparian corridor standards;
  - b. Strict adherence to the riparian setback and other applicable standards would effectively preclude a use of the parcel that could be reasonably expected to occur in the zone;
  - c. Removal of vegetation within the original riparian setback is the minimum necessary to allow the use. Any vegetation removed shall be replaced with native plant species;
  - d. The encroachment shall not occupy more than 50% of the width of the riparian corridor measured from the upland edge of the corridor;
  - e. The proposed use shall provide equal or better protection of riparian resources than the current condition;
  - f. The riparian setback must exceed any other setback on the parcel, and the riparian setback, when combined with other required setbacks, shall result in a building area depth of 30 feet or less, or a building envelop of 800 square feet or less.
2. The applicant shall provide sufficient information regarding the proposed development and its impact on riparian resources to allow staff, in consultation with ODFW, to determine whether the proposal will provide equal or better protection of riparian resources than the current condition. The applicant shall submit, at a minimum, the following information:

- a. A plot plan showing top-of-bank, existing streams and wetlands and other significant site features;
  - b. The extent of development within the riparian setback;
  - c. Uses that will occur within the riparian setback;
  - d. Potential impacts of proposed uses;
  - e. The extent of proposed vegetation removal;
  - f. Characteristics of the existing vegetation (types, density, and location);
  - g. Any proposed alterations of topography or drainage patterns.
  - h. Existing uses on the property;
  - i. Impact of existing uses on riparian resources;
  - j. An Erosion Control Plan.
3. Variance Limitations.
- a. Setback reduction shall be the minimum necessary to create a building area depth of 30-feet or a building envelope of 800 square feet (whichever requires less reduction of the setback).
  - b. The yard setback opposite the riparian area (“non-riparian yard”) must be reduced up to  $\frac{1}{2}$  of the standard setback prior to encroachment into the riparian corridor.

**Section 1186 NATURAL AREA OVERLAY****NA**

*[Amended by Ordinance No. 2003 - 5, effective December 15, 2003].*

- 1186 Purpose: To protect ecologically significant natural features and areas in Columbia County by restricting land use activities which may degrade the land's unique characteristics.
- 1187 Application: The Natural Area Overlay zone applies to all public land areas that are identified as being significant Natural Areas in the Oregon State Registry of National Heritage Resources, Natural Areas owned by The Nature Conservancy, and to areas which are identified as being significant Natural Areas in the Comprehensive Plan. The Oregon State Registry of National Heritage Resources is attached to the Comprehensive Plan in the Technical Appendix, Part XVI, Article IX.
- 1188 Permitted Uses:
- A. All uses and development permitted in the underlying zone either outright or conditionally shall be permitted in the Natural Area Overlay if such use or development will not result in disturbance or destruction of the sensitive, fragile, or otherwise unique characteristics of the site.
  - B. For uses which disturb or destroy the sensitive, fragile or otherwise unique characteristics of a Natural Area approval may nonetheless be granted provided that the applicant establishes the following:
    - 1. The identified Natural Area must be disturbed for reasonable use of the site, and if the Natural Area is not disturbed the applicant would be substantially damaged.
    - 2. The use or development proposed is a benefit to the community and meets a substantial public need or provides for a public good which clearly outweighs retention of the unique characteristics of the natural area.
    - 3. The proposed use or development would not result in the loss of a rare, irretrievable, or irreplaceable natural feature or scientific opportunity, or in the disturbance of a substantially unaltered natural feature or area in or adjacent to the proposed site, unless the benefit to the public from the proposed use clearly outweighs the public good from retaining the feature or area.

- 1189 Mitigation. When a use or development is proposed within the Natural Area Overlay Zone, the County shall notify The Nature Conservancy and/or other appropriate reviewing bodies of actions proposed within the identified Natural Area so that the agency may review the potential impact upon the unique characteristics of the site or adjacent to the site. Upon consultation, if the County determines that the proposed uses or activities will disturb or destroy the unique characteristics of the Natural Area, but may, nonetheless, be permitted under Subsection 1188(B), the County may require that the property owner or applicant shall work with the County and appropriate agencies to develop a management plan that will allow for both natural area resource preservation and development to occur.

**Section 1190 BIG GAME HABITAT OVERLAY**

**BGR**

*[Amended by Ordinance 2003-06, eff. 7/30/03].*

1191 Purpose: To protect sensitive habitat areas for the Columbian white-tailed deer and other Big Game by limiting uses and development activities that conflict with maintenance of the areas. This section shall apply to all areas identified in the Comprehensive Plan as a major and peripheral big game range or Columbian white-tailed deer range, as shown on the 1995 Beak Consultant’s map, entitled “Wild Game Habitat” in the Comprehensive Plan in Appendix Part XVI, Article VIII(A). *[Amended by Ordinance 2003-06, eff. 7/30/03].*

1192 Permitted Uses: All uses permitted in the underlying zone either outright or conditionally shall be permitted IN THE Big Game Range Overlay provided that such use or development is consistent with the maintenance of Big Game and Columbian White-tailed Deer Habitat identified in the Comprehensive Plan. *[Amended by Ordinance 2003-06, eff. 7/30/03].*

1193 Development Siting Standards: *[Amended by Ordinance 2003-06, eff. 7/30/03].*

All new residential development and uses located in Major and Peripheral Big Game or Columbian White-tailed Deer Habitat shall be subject to following siting standards:

- A. Dwellings and structures shall be located as near each other and existing developed areas as possible considering topography, water features, required setbacks, and firebreaks.
- B. Dwellings and structures shall be located to avoid habitat conflicts and utilize least valuable habitat areas.
- C. Road development shall be minimized to that which is necessary to support the proposed use and the applicant shall utilize existing roads as much as possible.
- D. The owner/occupant of the resource parcel shall assume responsibility for protection from damage by wildlife.
- E. Riparian and Wetland areas shall be protected in accordance with Sections 1170 and 1180.

1194. The County shall notify the Oregon Department of Fish and Wildlife (ODFW) of all proposed uses or development activities which require a permit and are located in Major or Peripheral Big Game Habitat. The County will consider the

comments and recommendations of ODFW, if any, before making a decision concerning the requested use or activity. *[Added by Ordinance 2003-06, eff. 7/30/03].*

1195. The County shall notify the Oregon Department of Fish and Wildlife (ODFW) and the U.S. Fish and Wildlife (USFW) of all proposed uses or development activities which require a permit and are located in Columbian White-tailed Deer Habitat. The County will consider the comments and recommendations of ODFW and USFW, if any, before making a decision concerning the requested use or activity. *[Added by Ordinance 2003-06, eff. 7/30/03].*

**Section 1200 PLANNED DEVELOPMENT OVERLAY****PD**1201 Procedure:.1 Preliminary Development Plan and Program:

A. The applicant shall submit a Preliminary Development Plan and Program to the Commission for an approval in principle. Such presentation shall consist of a preliminary plan in schematic fashion and a written program containing the following elements:

## 1. Plan Elements:

- a. proposed land uses and densities;
- b. building types and intensities;
- c. circulation pattern;
- d. parks, playgrounds, open spaces;
- e. existing natural features.

## 2. Program Elements:

- a. applicant's market analysis of proposed use;
- b. proposed ownership pattern;
- c. operation and maintenance proposal, i.e. homes association, co-op, or other;
- d. waste disposal facilities;
- e. lighting;
- f. water supply
- g. public transportation;
- h. community facilities, i.e. schools, libraries, fire protection, and shopping;
- i. general timetable of development;

- j. qualifications of the proposed design team for the preparation of the General Plan and Program. The design team shall be designated on the basis of the extent and complexity of the Planned Development and shall consist of one or more persons with qualifications such as an Urban Planner, an Architect, an Engineer, a Landscape Architect, a Designer, an Attorney, or other similar professionals or technicians.
  
- 1201.1
  - B. The applicant shall petition for an amendment of the Zoning Map as set forth in Section 1502. Notice for the hearing shall be given as provided in Section 1605.
  
  - C. The Commission shall review the Preliminary Development Plan and Program at a regular meeting and may act to grant preliminary approval, approval with recommended modifications, or denial. Such actions shall be based upon the Comprehensive Plan, the standards of this ordinance and other regulations, and the suitability of the proposed development in relation to the character of the area.
  
  - D. Approval in principle of the Preliminary Development Plan and Program shall be limited to the preliminary acceptability of the land uses proposed and their interrelationships and shall not be construed to endorse precise location of uses nor engineering feasibility. The Commission may require the development of other information.
  
  - E. The Commission shall review and may recommend expansion, additions, or modifications in the qualifications of the proposed design team for the preparation of the General Plan and Program.
  
  - F. The Commission shall determine the extent of any additional market analysis to be included in the General Development Plan and Program.
  
- 1201.2 Action and Findings:
  - A. The Commission may recommend approval of the Planned Development District and the Preliminary Development Plan and Program, with or without modifications, or may deny the application. A decision to recommend approval of a Planned Development District shall be based upon the following findings:

1. That the proposed development is in substantial conformation with the Comprehensive Plan for the County.
  2. That exceptions from the standards of the underlying districts are warranted by the design and amenities incorporated in the Development Plan and Program.
  3. That the system of ownership and the means of developing, preserving, and maintaining open spaces is suitable.
  4. That the proposed development, or a unit thereof, can be substantially completed within one year following approval.
- B. A resolution for approval shall be considered by the Board of County Commissioners. A Commission action to deny the application may be appealed to the Board of County Commissioners.
- C. The Board of County Commissioners may, at a public hearing, approve the Planned Development District and the Preliminary Development Plan and Program, with or without modifications, or may deny the application.
- .3 General Development Plan and Program:
- A. After receiving approval in principle of the Preliminary Plan and Program from the Board of County Commissioners, the applicant shall have a General Development Plan and Program prepared by the professional design team having the qualifications recommended or approved by the Commission.
  - B. Upon receipt of the petition accompanied by the General Development Plan and Program the commission shall hold another public hearing.
  - C. The General Development Plan and Program shall contain the following elements:
    1. The General Development Plan shall be in conformance with the approved Preliminary Plan.
    2. Existing and proposed contour map or maps of the site to a scale commensurate with the size of the development.

3. Location, widths, and names of all existing or platted streets or other public ways, railroad and utility rights-of-way, parks or other public open spaces, and land uses within 500 feet of the boundaries of the development.
4. Existing sewers, water mains, and other underground facilities within and adjacent to the development and their certified capacities.
5. Proposed sewers or other disposal facilities, water mains, and other underground utilities.
6. A preliminary subdivision plan if the property is proposed to be divided.
7. A land use plan indicating the uses planned for the development.
8. Areas proposed to be dedicate or reserved for interior circulation, public parks, playgrounds, school sites, public buildings, or other uses dedicated or reserved to the public, if any.
9. Open space that is to be maintained and controlled by the owners of the property and the proposed uses thereof.
10. A traffic flow map showing the circulation pattern within and adjacent to the proposed development.
11. Location and dimensions of pedestrian walkways, malls, trails, or easements.
- 1201.3 C. 12. Location, arrangement, number and dimensions of automobile garages and parking spaces, width of aisles, bays and angle of parking.
13. Location, arrangement, and dimensions of truck loading and unloading spaces and docks, if any.
14. Preliminary architectural plans and elevations of typical buildings and structures indicating the general height, bulk, appearance, and number of dwelling units
15. A preliminary tree planting and landscaping plan including areas of ground cover and approximate finished grades,

slopes, banks, and ditches. All existing trees over 6 inches in diameter and groves of trees shall be shown. Trees to be removed by development shall be so marked.

- 16. The approximate locations, height, and materials of all walls, fences, and screen plantings. Elevation drawings of typical walls and fences shall be included.
- 17. The stages, if any, of the development construction. Such stages shall be clearly marked on the General Development Plan.

D. Program Elements:

- 1. Narrative statement of the goals and objectives of the Planned Development.
- 2. A completed market analysis, if required by the Commission.
- 3. Evidence of resources available to develop the project.
- 4. Tables showing the total number of acres, the distribution of area by use, the percentage designated for each dwelling type, off-street parking, streets, parks, playgrounds, schools, and open spaces as shown on the proposed development plan.
- 5. Tables showing the overall density of the proposed residential development and showing density by dwelling types and any proposals for the limitations of density.
- 6. Drafts of appropriate restrictive covenants and drafts of documents providing for the maintenance of any common open space, of required dedications or reservations of public open spaces, and of any dedications of development rights.

E. The Commission may approve the General Development Plan and Program with or without modifications.

.4 Final Plan and Program:

A. Following approval of the Planned Development District and General Development Plan and Program by the Commission, the

applicant shall prepare a Final Plan and Program which shall be submitted to the Director to check for compliance with the approved General Development Plan and Program.

- B. If the Final Plan and Program is found to be in compliance, it shall be so certified by the Director and recorded by the applicant in the offices of the County Clerk as the Final Development Plan along with all documents relating to dedications, improvements, agreements, restrictions, and associations which shall constitute the Final Program.
- C. The standards of the Subdivision regulations shall be met if the property is to be divided or streets are to be dedicated.
- D. All public site dedications, development rights to open spaces, or other dedications for the entire site or approved staged portion shall be recorded prior to the issuance of any building permit
- E. Final copies of all approved articles governing operation and maintenance shall be placed on file with the Planning Department prior to the issuance of any building permits.

1202 Development Standards:

.1 Application of Standards:

- A. In cases of conflict between standards of the underlying district and the Planned Development District, the standards of the Planned Development District shall apply.

.2 Minimum Site Size:

- A. Planned Development Districts shall be established only on parcels of land which are suitable for the proposed development and sufficient size to be planned and developed in a manner consistent with the purposes of this section.
- B. A Planned Development District shall not be established on less than 4 acres of contiguous land unless the Commission finds that property of less than 4 acres is suitable as a Planned Development District by virtue of its unique character, topography, or landscaping features, or by virtue of its qualifying as an isolated problem area as determined by the Commission.

.3 Compatibility with Neighborhood:

- A. The plans and programs shall present an organized arrangement of buildings, facilities, open spaces, and improvements such as recreation facilities, landscaping, and fencing to insure compatibility with the Comprehensive Plan and the character of the neighborhood.
- B. Periphery yards of a Planned Development District site shall be at least as deep as those required by the yard regulations of the adjoining district unless the Commission finds that equal protection will be accorded through specific features of the approved plan.

.4 Lot or Parcel Coverage: Lot or parcel coverage shall be the same as the underlying district unless the Commission finds that an exception is warranted in terms of the character and amenities proposed in the total development.

.5 Open Space:

- A. Open space in a Planned Development District means the land area to be used for scenic, landscaping, or open recreational purposes within the development. It shall not include right-of-way, driveways, or open parking areas.
- B. Open space shall be adequate for the recreational and leisure use of the individuals occupying the Planning Development District and designed to enhance the present and future value of the development.

- C. To the maximum extent possible, the plan and program shall assure that natural features of the land are preserved and landscaping is provided.
- D. In order to assure that open space will be permanent, dedication of development rights to the County for other than open space may be required.
- E. Instruments guaranteeing the maintenance of open space shall be reviewed and approved by the Commission. Documents dedicating development rights and provisions for maintenance of open space shall be approved as to form by the County Attorney.
- F. The Commission may require that instruments of conveyance provide that in the event the open space is permitted to deteriorate, or is not maintained in a condition consistent with the approved plan and program, then and in such event the County may at its option cause such maintenance to be done and assess the costs to be affected property owners.

.6 Density:

- A. In order to fulfill the goals and objectives of the Comprehensive Plan, the number of dwelling units permitted shall be determined as follows:
  - 1. Divide the net development area by the minimum lot or parcel area per dwelling unit required by the underlying district or districts in which the Planned Development is located.
    - a. Net development area shall be determined by subtracting the area set aside for churches, schools, or other non-residential uses from the gross development area and deducting 20 percent of the remainder.
  - 2. Greenway, streams, and steep topography areas will be counted as contributing to the density only to the extent that it can be shown through a Commission review, that a typical development could be accommodated on the site with realistic street configuration, grades, and standard lot sizes. The number of dwellings yielded from such a preliminary subdivision review process shall be used as a base in determining the overall density for the site.

3. The site may be developed to a density which is 115 percent of the density allowed in the underlying district.
4. Outside urban growth boundaries, density shall be limited to rural levels of development. The combination of density bonuses and clustering provisions shall not result in a development which requires an urban level of public facilities and services.

.7 Subdivision Lot Sizes: Minimum area, width, depth, and frontage requirements for subdivision lots in a Planned Development District may be less than the minimum specified in the underlying district if in accordance with the approved General Development Plan and Program and the density standards of this section. The balance of the total tract area shall be devoted to open space as defined herein.

.8 Staging:

- A. The applicant may elect to develop the site in successive stages in a manner indicated in the General Development Plan and Program. Each such stage shall be substantially complete within itself.
- B. The Commission may require that development be done in stages if public facilities are not adequate to service the entire development initially.

1203 Permitted Uses:

.1 Residential Districts:

- A. Housing concepts may include, but are not limited to, single family residences, duplexes, row houses, townhouses, cluster units, multiple-family dwellings, or mobile homes.
- B. Related commercial uses which are designed to serve the development of which they are a part, when approved by the Commission.
- C. Related community service uses which are designed to serve the development of which they are a part, when approved by the Commission.

.2 Commercial and Industrial Districts:

- A. Uses permitted in the underlying district.
- B. Community Service uses approved by the Commission.
- C. Other uses as approved by the Commission as consistent with the Plan and Program.
- D. Accessory buildings and uses.

1204 Changes and Modifications:

.1 Major Changes: Major Changes in the General Development Plan and Program after it has been adopted shall be considered the same as a new petition and shall be made in accordance with the procedures specified in this section.

.2 Minor Changes:

- A. Minor changes in the General Development Plan and Program may be approved by the Director provided that such changes:
  - 1. Do not increase the densities.
  - 2. Do not change boundaries.
  - 3. Do not change any use.
  - 4. Do not change the location of land devoted to specific land uses.
- B. Such changes may include:
  - 1. Minor shifting of the location of buildings, proposed streets, public or private ways, utility easements, parks and other public open spaces, or other features of the plan.

1205 Expiration: If substantial construction or development, as determined by the Director, has not taken place within one year from the date of approval of the General Development Plan and Program, the Commission shall review the district at a public hearing to determine whether or not its continuation in whole or in part is in the public interest, and if found not to be shall recommend to the Commission that the Planned Development District on the property be removed.

*[Note: p. 196 Intentionally left blank for expansion].*

**Section 1300**

**SIGNS** *[Amended by Ordinance 2002-02, eff. 6/12/02].*

**Signs**

1301 Use: No sign may be established, altered, or expanded hereafter in any district in Columbia County, except in accordance with the provisions outlined in this Section. The sign provisions apply to signs established in conjunction with any use in the county. *[Amended by Ordinance 2002-02, eff. 6/12/02].*

1302 General Provisions: *[Amended by Ordinance 2002-02, eff. 6/12/02].*

.1 Design Review: In addition to complying with the standards in this Section, the design and color of commercial and industrial signs and supporting structures of signs 100 square feet or larger in size shall be compatible with the architectural design and color of existing and proposed buildings on the site as determined during site design review according to the provisions of Section 1550 of this Ordinance.

.2 Setbacks:

A. All signs shall be situated in a manner so as not to adversely affect safety, corner vision, or other similar conditions and shall not overhang or encroach upon public rights of way.

B. Unless otherwise specified, all signs in residential zoning districts shall observe the yard setback requirements of the zoning district in which they are located.

C. No setbacks from property lines shall be required for signs in non-residential zoning districts except that in all zoning districts, setbacks shall be required at corners as may be necessary to provide adequate corner vision or in cases where a sign is placed adjacent to a street, as provided is 1302.2(D), below.

D. Setbacks shall be required which comply with setback requirements of the abutting residential zoning district when a sign is placed on a parcel abutting a street (except Highway 30), which separates a non-residential parcel from a residential parcel or when a sign is placed on a property line separating a non-residential parcel from a residential parcel.

.3 Visual Obstructions: No sign shall be situated in a manner which results in the complete visual obstruction of an existing sign.

.4 Illuminated Signs: Artificially illuminated signs, or lights used to indirectly illuminate signs, shall be placed, shielded, or deflected so as not to shine into residential dwelling units or structures. The light intensity of an illuminated sign shall not exceed the following standards:

- A. No exposed reflective type bulb, par spot or incandescent lamp, which exceeds twenty-five (25) Watts, shall be exposed to direct view from a public street or highway, but may be used for indirect light illumination of the display surface of a sign.
  - B. When neon tubing is employed on the exterior or interior of a sign, the capacity of such tubing shall not exceed three hundred (300) milliamperes rating for white tubing or one hundred (100) milliamperes rating for any colored tubing.
  - C. When fluorescent tubes are used for the interior illumination of a sign, such illumination shall not exceed:
    - 1) Within Residential Zoning Districts: Illumination equivalent to four hundred twenty-five (425) milliamperes rating tubing behind a Plexiglas face with tubes spaced at least seven (7) inches apart, center to center.
    - 2) Within Non-Residential Zoning Districts: Illumination equivalent to eight hundred (800) milliamperes rating tubing behind a Plexiglas face spaced at least nine (9) inches apart, center to center.
- .5 Non-conforming Signs: Signs and sign structures not conforming to the requirements of this ordinance shall be subject to the provisions of Section 1506, Non-Conforming Uses, except that:
- A. Copy: The Copy of a legal non-conforming sign may be changed. For purposes of this Section, “Copy” is defined as text or images on the face of the sign.
  - B. Discontinuance: A non-conforming sign shall be considered to be abandoned and discontinued if there is no Copy on the display surface for a period of six (6) consecutive months. If the discontinuance is for a period greater than six (6) consecutive months, the building or land on which is the sign is located shall thereafter be occupied and used only for a conforming use.
  - C. Non-conforming Signs of Size Greater than 200 Square Feet: Signs with a sign area greater than 200 square feet are prohibited except that legal non-conforming signs greater than 200 square feet which are documented in “A Photo Inventory of Billboard Signs Existing Within Unincorporated Columbia County,” are permitted to the extent that they comply with this Section, and Section 1506, Non-conforming Uses.

D. Notwithstanding Section 1506.9 and 1506.5, a legal non-conforming sign may not be expanded.

.6 Sign Clearance: A minimum of 8 feet above sidewalks and 15 feet above driveways shall be provided under free-standing signs.

1303 Residential Signs: The following signs shall be permitted in conjunction with residential uses:

- .1 A sign stating the name of the owner or occupant of the property with a minimum area on one side of 2 square feet.
- .2 A sign advertising the sale or rental of a residence, not artificially illuminated, of a temporary nature, with a maximum area on one side of 8 square feet.
- .3 A sign advertising the sale of a tract of land, not artificially illuminated, of a temporary nature, with a maximum area on one side of 32 square feet, and erected at least 10 feet behind the property line. Any such sign shall be approved by the Director as to location in regard to health, safety, view obstruction, and type of construction, and shall not be left standing for more than one year.

1304 Real Estate signs advertising individual lots:

- .1 Shall not exceed 6 square feet.
- .2 Shall pertain only to the property upon which they are located.
- .3 Shall be located at least 10 feet behind the front property line.
- .4 Shall not exceed 4 feet in height.
- .5 Shall be temporary in nature.
- .6 Shall not be artificially illuminated.

1305 Signs pertaining to urban area home occupations (as defined within this Ordinance):

- .1 Shall not exceed 3 square feet.

- .2 Shall be located inside the dwelling or located flat against the dwelling within which the home occupation is conducted.
- .3 Only one such sign shall be permitted upon the premises.
- .4 Shall not be artificially illuminate.

1306 Signs pertaining to rural home occupations:

- .1 Shall not exceed 6 square feet.
- .2 Only one such sign shall be permitted upon the premises.
- .3 Shall not be artificially illuminated.
- .4 Shall be located at least 5 feet from the front property line.

1307 Signs advertising agricultural produce within rural and agricultural districts:

- .1 Shall not exceed 32 square feet.
- .2 Shall only advertise produce that is sold on the same premises upon which the sign is located.
- .3 Only one such sign shall be permitted upon the premises.
- .4 May be located within the required setback area of the district provided it is situated in a manner so as not to adversely affect the safety, corner vision, or other similar conditions.
- .5 Shall not be artificially illuminated.

1308 On-Building signs identifying roadside stands within the rural and agricultural districts shall be allowed subject to the following conditions:

- .1 The size and design of such on-building signs shall be compatible with the size and architecture of the building.
- .2 May be illuminated by indirect light only.

1309 Signs identifying multi-family developments or subdivisions:

- .1 Free standing and ground mounted signs shall not exceed 24 square feet, as viewed from a single direction, and shall not exceed 5 feet above the natural ground elevation.

- .2 On-building signs shall be reviewed as part of the architecture of the building.
- .3 No more than one free standing or ground mounted identification sign shall be allowed for a development or complex, even when more than one tax lot or ownership is included in the development, except in mixed use developments, a separate free standing sign may be allowed to identify the multi-family portion of the development.
- .4 Directional signs within the development shall not exceed 3 square feet, except as provided in the district.

1310 Signs advertising a legally recorded subdivision in its entirety or the sale, rental, or lease of tracts of land in excess of 5 acres:

- .1 Shall not exceed 60 square feet.
- .2 Shall pertain only to property upon which they are located.
- .3 Shall observe the yard setback requirements of the districts in which they are located.
- .4 Only one such sign shall be permitted upon the premises.
- .5 Shall not be artificially illuminated.
- .6 Such signs as pertaining to recorded subdivisions shall not remain upon the premises in excess of 18 months from the date of filing of the subdivision unless an extension of this time limit has been granted by the Director.

1311 Signs for Essential Services and Public Facilities: The following signs shall be permitted in all districts:

- .1 City limits signs and public notice signs.
- .2 Police, fire, school, and hospital directional signs.
- .3 Park directional signs.
- .4 Traffic and safety signs.

1312 Bulletin Board for Public and Semi-Public Institutions:

- .1 Shall not exceed 18 square feet.

- .2 Shall pertain only to the institution on the premises.
- .3 May be illuminated by indirect lighting only.
- .4 Only one such bulletin board shall be permitted upon the premises.
- .5 Must observe the same yard setback requirements as required for the structure on the premises.

1313 Commercial and Industrial Districts: *[Amended by Ordinance 2002-02, eff. 6/12/02].*

- .1 Signs Permitted: Signs shall be permitted in Commercial and Industrial zoning districts subject to the provisions of this Section, except to the extent such provisions conflict with the specific development standards for signs in the underlying zoning district.
- .2 Limit on Sign Area: Except as otherwise permitted in Section 1302.5, no sign having a sign area greater than 200 square feet shall be permitted.
- .3 Aggregate Sign Area Per Parcel.
  - A. Except as otherwise provided herein, the maximum permitted area of all signs, including the total area of each face of a double-faced sign, or the sole face of a single faced sign for each parcel, is as follows: 40 square feet; plus
    - 1) For the first fifty (50) linear feet of building frontage on a public road, an additional square foot of sign area per linear foot of building frontage on such public road; plus
    - 2) For the next two hundred and twenty (220) linear feet of building frontage on a public road, an additional one-half (1/2) square foot of sign area per linear foot of building frontage on such public road.
  - B. For the purpose of this section, “building frontage” means the linear length of a building facing a public right of way or the linear length of the public right of way facing a building, whichever is smaller.
  - C. The area of any legal non-conforming sign which is greater than 200 square feet in size shall not be included in the calculation of maximum sign area per parcel under this Section.

- D. The area of any temporary sign permitted under 1313.7 shall not be included in the calculation of maximum sign area per parcel under this section.
- .4 Free Standing Signs: Free standing signs, including ground mounted signs, must comply with the following additional standards:
- A. Height: Free standing signs shall not exceed 20 feet in height above grade or above road grade, whichever is higher.
  - B. Total Area: The total sign area of all freestanding signs allowed by this section plus the area of all other allowed signs on the parcel shall not exceed the aggregate sign limits for the parcel as provided in Section 1313.3.
  - C. Center/Complex Signs: Only one freestanding sign shall be allowed for a center/complex even when there is more than one parcel in or owner of the center/complex, unless one additional sign is needed to provide identification of the development at a major public access point on a different roads. No more than two freestanding signs will be allowed. For purposes of this Section, "Center/Complex" means any number of businesses greater than one which share the same site using common points of ingress and egress and/or common parking facilities. Legal non-conforming signs shall not be included in the calculation of the number of freestanding signs per parcel under this Section.
  - D. Illumination: Free standing signs may be illuminated subject to subsection 1302.4.
- .5 Building Mounted Signs: Signs mounted or painted on buildings must comply with the following additional standards:
- A. Area: The total sign area of all building mounted signs allowed pursuant to this section in addition to the area of all other allowed signs per parcel shall not exceed the aggregate sign limits for the parcel as provided in section 1313.3.
  - B. Height. Building mounted signs shall not extend more than four (4) feet above the roof of the building on which it is mounted.
  - C. Illumination: Building mounted signs may be illuminated subject to the illumination standards set forth in subsection 1302.4.

6. Traffic Control/Directional Signs: On-site traffic control and directional identification signs shall be required as may be necessary, commensurate with the size and use of the site, in conjunction with site design review, if such review is required. Centers/ complexes combining several uses shall provide tenant directories, or building identification and directional signing oriented toward on-site vehicle and pedestrian circulation.
  
- .7 Temporary Signs. Signs of a temporary nature may be allowed provided they meet the following standards. For purposes of this section, “temporary” shall mean not to exceed one year.
  - A. The temporary sign area shall not exceed 60 square feet.
  - B. The temporary sign shall observe the setback provisions under subsection 1302.2.
  - C. Only one temporary sign shall be permitted per parcel.
  - D. The temporary sign shall not be artificially illuminated.
  - E. The temporary sign shall be removed from the premises after the one year temporary sign period has expired.
  
- .8 Animated or Video Signs Prohibited: No sign shall contain, include, or be illuminated by any flashing, intermittent, revolving, rotating, or moving light or move or have any animated or moving parts except that this Section shall not apply to:
  - A. Traffic control signs.
  - B. Signs, displays, devices, or portions thereof with lights that may be changed at intermittent intervals by electronic process or remote control. The maximum size of the display area for such changing numbers or letters is ten (10) square feet.
  
1314. Calculating Sign Area: *[Amended by Ordinance 2002-02, eff. 6/12/02]*. The structure supporting or appearing to support a freestanding sign shall not be included in the area of the sign, unless such structural element is typically used to carry signage. In calculating the square footage of a sign, 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. The maximum square footage limitation of the sign shall be calculated such that no cutouts or other Copy shall be permitted outside of the size limitation.

1315. Copy Area. *[Amended by Ordinance 2002-02, eff. 6/12/02].* 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.

**Section 1400 OFF-STREET PARKING AND LOADING**

OP

- 1401 General Provisions: At the time of the erection of a new building, or an addition to an existing building, or any change in the use of an existing building, structure, or land which results in an intensified use by customers, occupants, employees, or other persons, off-street parking and loading shall be provided according to the requirements of this section.
- 1402 Continuing Obligation: The provisions for and maintenance of off-street parking and loading facilities shall be a continuing obligation of the property owner. No building or any other required permit for a structure or use under this or any other applicable rule, ordinance, or regulation shall be issued with respect to off-street parking and loading, or land served by such land, until satisfactory evidence is presented that the property is, and will remain, available for the designated use as a parking or loading facility.
- 1403 Use of Space:
- .1 Required parking spaces shall be available for parking of vehicles of customers, occupants, and employees.
  - .2 No parking of trucks, equipment, or the conduct of any business activity shall be permitted on the required parking spaces.
  - .3 Required loading spaces shall be available for the loading and unloading of vehicles concerned with the transportation of goods and services.
  - .4 Excepting residential and local commercial districts only, loading areas shall not be used for any other purpose than for loading and unloading.
  - .5 In any district it shall be unlawful to store or accumulate goods in a loading area in a manner which would render the area temporarily or permanently incapable of immediate use for loading operations.
- 1404 Joint Usage of Facilities: Owners of two or more uses, structures, or parcels of land may agree to utilize jointly the same parking and loading spaces when hours of operation do not overlap, provided that satisfactory legal evidence is presented to the Planning Director in the form of deeds, leases, or contracts securing full access to such parking or loading areas for all the parties jointly using them.
- 1405 Plans Required: A plot plan shall be submitted in duplicate to the Director with each application for a building permit or for a change of classification to OP. The plot plan shall include the following information:

- .1 Dimensions of the parking lot.
- .2 Access to streets and location of curb cuts.
- .3 Location of individual parking spaces.
- .4 Circulation pattern.
- .5 Grade and drainage.
- .6 Abutting property.
- .7 A landscaping plan which shall include the location and names of all vegetation, and the location and size of fencing or other screening material. This plan shall be approved by the Director.

1406 Location:

- .1 Spaces required by this section shall be provided on the site of the primary uses, provided that, when practical difficulties prevent their establishment upon the same site, the Planning Director may permit the facility to be located within 300 feet therefrom, measured in a straight line (including streets and alleys) from the nearest property line to the nearest parking space; but in any case the location shall meet all provisions of this ordinance which apply.
- .2 Loading spaces and maneuvering area shall be located only on or abutting the property served.

1407 Change of Use: In case of enlargement or change of use, the number of parking or loading spaces required shall be based upon the total area involved in the enlargement or change in use.

1408 Design Standards:

- .1 Scope:
  - A. These design standards shall apply to all parking, loading, and maneuvering areas except those for single and two-family residential dwellings on individual lots.

- B. All parking and loading areas shall provide for the turning, maneuvering, and parking of all vehicles on the lots.

1409 Loading Spaces:

- .1 Apartment: Each required space shall be at least 12 feet in width and 25 feet in length.
- .2 Commercial: Each required space shall be at least 12 feet in width and 35 feet in length.
- .3 Industrial: Each required space shall be at least 12 feet in width and 60 feet in length.
- .4 Clearance: The height of each required loading space shall provide a minimum vertical clearance of 13 feet.

1410 Size:

- .1 The standard size of a parking space shall be 9 feet by 18 feet.
- .2 Handicapped parking spaces shall be 12 feet by 18 feet.
- .3 Parallel parking, the length of the parking space shall be increased to 22 feet.

1411 Aisles: Aisles shall not be less than:

- .1 25'0" in width for 90 degree parking;
- .2 20'0" in width for 60 degree parking;
- .3 20'0" in width for 45 degree parking; and
- .4 12'0" in width for parallel parking.

1412 Access: There shall be no more than one 45 foot wide curb cut driveway per 150 feet of street frontage, or fraction thereof, permitted per site.

1413 Surfacing and Marking:

- .1 The surfacing of each parking area shall meet minimum County standards to handle the weight of the vehicles which will use the parking area. All areas used for parking and maneuvering of vehicles shall be marked in accordance with the approved plan and such marking shall be continuously maintained. Handicapped parking spaces shall be marked with a wheelchair symbol.
- .2 The parking and loading areas for commercial, industrial, or apartment uses shall be paved with concrete, asphaltic concrete, or another comparable surface.

1414 Drainage and Lighting: Adequate drainage shall be provided to dispose of the run-off generated by the impervious surface area to the parking area. The drainage system shall function so it will not adversely affect adjoining property. Artificial lighting shall be provided in such a manner as to insure the safety of the parking area without interfering with adjoining properties or creating traffic hazards on adjoining streets.

1415 Parking Areas: All parking areas, excluding one and two-family dwellings, shall meet the following requirements:

- .1 All parking areas of less than 20 parking spaces shall have one handicapped parking space. Parking areas with more than 20 spaces shall provide one handicapped parking space for every 50 standard parking spaces.
- .2 All parking areas shall be divided into bays of not more than 20 parking spaces. Between, and at the end of each parking bay, there shall be planters which have a minimum width of 5 feet and be at least 17 feet in length. Each planter shall contain one major structural tree and ground cover which has been deemed appropriate by the Director. Truck loading areas need not comply with the preceding requirements.
- .3 Parking areas shall be separated from the exterior wall of a structure, exclusive of paved pedestrian entranceways, by a 5 foot strip of landscaping.

1415 .4 Industrial or commercial parking areas, which abut a residential or apartment district, shall meet the building setback of the most restrictive adjoining residential or apartment district.

- .5 When industrial or commercial parking areas adjoin a residential or apartment district, there shall be a sight obscuring planting, which is at

least 80 percent opaque and when viewed horizontally from between 2 and 8 feet above ground level. This planting shall be composed of materials which are an adequate size so as to achieve the required degree of screening within 12 months after installation.

- .6 Parking areas shall be set back from a lot or parcel line adjoining a street. The setback area shall be landscaped.
- .7 All parking area setbacks shall be landscaped with major trees, shrubs, and ground cover as approved by the Director.
- .8 A minimum of 10 percent of the parking area shall be landscaped and maintenance of the landscaping shall be the owner's responsibility.

1416 Minimum Required Off-Street Parking Spaces:

.1 Residential Uses:

Single-Family Dwelling:	Two spaces for each dwelling unit.
Two-Family Dwelling:	Two spaces for each dwelling unit.
Apartment Dwelling:	Three spaces per every 2 dwelling units.
Rooming or Boarding House:	Two spaces plus 1 space for each 3 guest accommodations
Motel or Tourist Court:	One space for each guest room, plus 1 per each 2 employees.
Mobile Home Park:	Two spaces per each mobile home space.
Convalescent, Nursing and Health Homes & Institutions, Homes for the Aged, Children's Homes & Welfare or Correctional Institution:	One space for each 4 beds for patients plus 1 additional space per each 2 employees.

1416 .2 Public and Semi-Public Buildings and Uses:

Auditorium or Meeting Room (exclusive of schools):	One space for each 60 square feet of floor area in the auditorium or, where seating is fixed to the floor, 1 space for each 4 seats or 8 feet of bench length.
Church:	One space for each 80 square feet of floor area in the main auditorium or, where seating is fixed to the floor, 1 space for each 4 seats or 8 feet of bench length.
Church Accessory Uses:	In addition to spaces required for the church, 1 space for each 10 persons residing in such building.
Club or Association:	These uses shall be treated as combinations of uses such as hotel, restaurant and tavern etc., and the required spaces for each separate use shall be provided.
Hospital:	Three spaces for each 2 beds.
Library or Museum:	One space for each 400 square feet of reading room plus 1 space for each 2 employees.
Senior High School and equivalent Private and Parochial School:	One space for each 56 square feet in the auditorium, or where seating is fixed to the floor, 1 space for each 8 seats or 16 feet of bench length or 1 space for each 10 seats in classrooms, whichever is greater.
College, university, institution of higher learning and equivalent private or parochial school:	One space for each 5 seats in class rooms.
Elementary, Junior High and equivalent private or parochial school:	One space for 84 square feet of floor area in the main auditorium or 1 space for each 12 seats or 24 feet of bench length, whichever is greater.

Kindergarten, day school, equivalent private or parochial school:

One driveway designed for continuous flow of passenger vehicles for the purpose of loading and unloading children, plus 1 parking space for each 2 employees.

Passenger terminal (bus, air, or rail):

One space for each 2,000 square feet for the first 10,000 square feet with 1 additional for each additional 10,000 square feet.

1416 .3

Retail Uses:

Store, supermarket, department store and personal service shop:

One space for each 400 square feet of gross floor area plus 1 space for each 2 employees.

Service and Repair shop and retail store handling bulky merchandise such as automobiles and furniture:

One space for each 600 square feet of gross floor area plus 1 space for each 2 employees.

Bank or office, including medical and dental:

One space for each 300 square feet plus 1 space for each 2 employees.

Restaurant, Tavern or Bar:

One space for each 100 square feet of gross floor area plus 1 space for each 2 employees.

Hotel:

One space for each 2 guest rooms.

Mortuary:

One space for each 4 chapel seats plus 1 space for each 2 employees.

1416 .4

Commercial Recreation:

Amusement Park:

One space for each 1,000 square feet of patron serving area.

Billiards & Pool:	One space for each table plus 1 space for each 2 employees.
Bowling Alley:	Two spaces for each alley plus 1 space for each 2 employees. Combination uses shall be totaled.
Dance Hall:	One space for each 50 square feet of patron area plus 1 space for each 2 employees.
Golf Driving Range:	One space for each 10 linear feet of driving line.
Gymnasium (except schools):	One space for each 50 square feet of floor area plus 1 space for each 6 seats.
Indoor Arena or Theater:	One space for each 4 seats or 8 feet of bench length.
Miniature Golf:	One space for each 2 holes plus 1 space for each 2 employees.
Moorage (boat):	One space for each 2 boat berths plus 1 space for each 2 employees
Moorage (houseboat):	Two spaces for each household plus 1 space for each 2 employees.
Race Track:	One space for each 8 seats or 16 feet of bench length.
Shooting Gallery:	One space for each 8 seats or 16 feet of bench length.
Skating Rink:	One space for each 50 square feet of floor or rink area plus 1 space for each 2 employees.
Stadium:	One space for each 8 seats or 16 feet of bench length.
Swimming Pool:	One space for each 100 square feet of pool plus 1 space for each 2 employees.
Tennis Court:	One 1 space for each court.

1416 .5

Industry:

Manufacturing:

One space per employee on the largest shift.

Storage:

One space for each 5,000 square feet for the first 20,000 square feet plus 1 additional space for each additional 50,000 square feet.

1417

Unspecified Uses: Any use not specifically listed in the foregoing list shall have the requirements of the listed use or uses deemed equivalent by the Director.

**1418 MINIMUM REQUIRED OFF-STREET LOADING SPACES**

	<u>USE</u>	<u>SQUARE FEET OF FLOOR OR LAND AREA</u>		<u>MINIMUM LOADING SPACES REQUIRED</u>
.1	Commercial	under	5,000	0
		5,000	24,999	1
		25,000	59,999	2
		60,000	99,999	3
		100,000	159,999	4
		160,000	249,999	5
		250,000	369,999	6
		370,000	579,999	7
		580,000	899,999	8
		900,000	2,999,999	9
	over	3,000,000	10	
.2	Hotel	under	30,000	1
		30,000	69,999	2
		70,000	129,999	3
		130,000	219,999	4
		220,000	379,999	5
		380,000	699,999	6
		700,000	1,499,999	7
		over	1,500,000	8
.3	Manufacturing, Wholesale Storage or Hospital	under	5,000	0
		5,000	39,999	1
		40,000	99,999	2
		100,000	159,999	3
		160,000	239,999	4
		240,000	319,999	5
		320,000	399,999	6
		400,000	489,999	7
		490,000	579,999	8
		580,000	669,999	9
		670,000	759,999	10
		760,000	849,999	11
		850,000	939,999	12
		940,000	1,029,999	13
		over	1,030,000	14
.4	Apartment Residential:	One loading space for each 50 dwelling units.		

*[Note: p. 216 Intentionally left blank for expansion].*

**ARTICLE VII**  
**DISCRETIONARY PERMITS**

## Section 1500      **DISCRETIONARY PERMITS**

**1501    GENERAL PROVISIONS:** All applications for zone changes, conditional uses, temporary permits, variances, and restoration, replacement or alteration of nonconforming uses shall be evaluated under the specific criteria listed within this ordinance. Unless otherwise specified in the district, all applications shall be subject to the procedures under Section 1600.

- .1      The granting of a discretionary permit may be subject to such conditions as are reasonably necessary to protect the public health, safety, or general welfare from potentially deleterious effects resultant from approval of the permit, or to fulfill the public need for public service demands created by approval of the request.
- .2      Findings justifying decisions made with regard to a discretionary permit shall be made in writing and shall be provided to the applicant. The Commission may make a tentative decision and instruct the Director to draft findings to support the decision. In such an action, the final decision and the adoption of written findings shall occur at the next regularly scheduled Commission meeting.

**1502    ZONE CHANGES (Map Amendments):** There are two types of zone changes which will be considered by the Commission: Major Map Amendments and Minor Map Amendments.

- .1      Major map Amendments are defined as Zone Changes which require the Comprehensive Plan Map to be amended in order to allow the proposed Zone Change to conform with the Comprehensive Plan. The approval of this type of Zone Change is a 2 step process:
  - A.      The Commission shall hold a hearing on the proposed Zone Change, either concurrently or following a hearing on the proposed amendment to the Comprehensive Plan which is necessary to allow the proposed zoning to conform with the Comprehensive Plan. The Commission may recommend approval of a Major Map Amendment to the Board of Commissioners provided they find adequate evidence has been presented at the hearing substantiating the following:
    - 1.      The proposed Zone Change is consistent with the policies of the Comprehensive Plan;

2. The proposed Zone Change is consistent with the Statewide Planning Goals (ORS 197); and
  3. The property and affected area are presently provided with adequate facilities, services, and transportation networks to support the use, or such facilities, services and transportation networks are planned to be provided concurrently with the development of the property.
- B. Final approval of a Major Map Amendment may be given by the Board of Commissioners. The Commissioners shall hold a hearing on the proposed Zone Change either concurrently or following a hearing on the proposed Comprehensive Plan Amendment which is necessary to allow the proposed zoning to conform with the Comprehensive Plan. The Board may approve a Major Map Amendment provided they find adequate evidence has been presented substantiating the following:
1. The proposed Zone Change is consistent with the policies of the Comprehensive Plan;
  2. The proposed Zone Change is consistent with the Statewide Planning Goals (ORS 197); and
  3. The property and affected area are presently provided with adequate facilities, services, and transportation networks to support the use, or such facilities, services, and transportation networks are planned to be provided concurrently with the development of the property.
- .2 Minor Map Amendments are defined as Zone Changes which do not require an amendment to the comprehensive Plan. The Commission may grant a Minor Map Amendment provide they find adequate evidence has been presented at a hearing substantiating the following:
- A. The Zone Change is consistent with the Comprehensive Plan; and
  - B. The property and affected area are presently provided with adequate facilities, services, and transportation networks to support the use, or such facilities, services, and transportation networks are planned to be provided concurrently with the development of the property.

- .3 Alternate Zones: If the Commission determines that a zone other than the one being proposed will adequately allow the establishment of the proposed use, the Commission may substitute the alternate zone for the proposed zone in either the Major Map Amendment or the Minor Map Amendment procedures.

**1503 CONDITIONAL USES:**

- .1 Status: Approval of a conditional use shall not constitute a change of zoning classification and shall be granted only for the specific use requested; subject to such reasonable modifications, conditions, and restrictions as may be deemed appropriate by the Commission, or as specifically provided herein.
- .2 Conditions: The Commission may attach conditions and restrictions to any conditional use approved. The setbacks and limitations of the underlying district shall be applied to the conditional use. Conditions and restrictions may include a specific limitation of uses, landscaping requirements, off-street parking, performance standards, performance bonds, and other reasonable conditions, restrictions, or safeguards that would uphold the intent of the Comprehensive Plan and mitigate any adverse effect upon the adjoining properties which may result by reason of the conditional use being allowed.
- .3 Conditional Use Permit: A Conditional Use Permit shall be obtained for each conditional use before development of the use. The permit shall stipulate any modifications, conditions, and restrictions imposed by the Commission, in addition to those specifically set forth in this ordinance. On its own motion, or pursuant to a formal written complaint filed with the Planning Department, upon proper notice and hearing as provided by Sections 1603 and 1608 of this ordinance, the Commission, (or Board on appeal) may, but is not required to, amend, add to or delete some or all of the conditions applied to Conditional Use Permits issued by the Planning Commission or Board of Commissioners. The power granted by this subsection may only be exercised upon a finding such amendment, addition or deletion is reasonably necessary to satisfy the criteria established by Section 1503.5 below.
- .4 Suspension or Revocation of a Permit: A Conditional Use Permit may be suspended or revoked by the Commission when any conditions or restrictions imposed are not satisfied.
  - A. A Conditional Use Permit shall be suspended only after a hearing before the Commission. Written notice of the hearing shall be given to the property owner at least 10 days prior to the hearing.
  - B. A suspended permit may be reinstated, if in the judgment of the Commission, the conditions or restrictions imposed in the approval have been satisfied.

- C. A revoked permit may not be reinstated. A new application must be made to the Commission.
- .5 Granting a Permit: The Commission may grant a Conditional Use Permit after conducting a public hearing, provided the applicant provides evidence substantiating that all the requirements of this ordinance relative to the proposed use are satisfied and demonstrates the proposed use also satisfies the following criteria:
- A. The use is listed as a Conditional Use in the zone which is currently applied to the site;
  - B. The use meets the specific criteria established in the underlying zone;
  - C. The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, existence of improvements, and natural features;
  - D. The site and proposed development is timely, considering the adequacy of transportation systems, public facilities, and services existing or planned for the area affected by the use;
  - E. The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs, or precludes the use of surrounding properties for the primary uses listed in the underlying district;
  - F. The proposal satisfies the goals and policies of the Comprehensive Plan which apply to the proposed use;
  - G. The proposal will not create any hazardous conditions.
- .6 Design Review: The Commission may require the Conditional Use be subject to a site design review by the Design Review Board or Planning Commission.

**1504 VARIANCES:** Except as provided in Section 1504.4 below, there are 2 classes of variances to the standards established in this ordinance. A Minor Variance is defined as a request for a variance of less than 25% from a dimensional requirement such as setbacks, height, lot or parcel coverage, lot or parcel width, or lot or parcel depth, or a request for a variance of less than 10% from a minimum lot or parcel size requirement. All other variances are defined as Major Variances. Use variances are not permitted under this ordinance except as permitted under Section 1505.1 “Temporary Permits: Use Not Allowed in District”.

Major Variances from the lot or parcel size requirements of the Primary Agriculture (PA-38), Forest Agriculture (FA-19), Primary Forest (PF-76) and Rural Residential (RR-5) zones are not permitted under this ordinance.

- .1 Major Variances: The Planning Commission may permit and authorize a variance from the requirements of this ordinance when unusual circumstances cause undue hardship in the application of it. The granting of such a variance shall be in the public interest.
- A. A variance shall be made only when all the following conditions and facts exist:
1. The granting of the variance will not be detrimental to the public safety, health, or welfare, or injurious to other property;
  2. The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property;
  3. Approval of the application will allow the property to be used only for purposes authorized by the Zoning Ordinance;
  4. Strict compliance with the Zoning Ordinance would create an unnecessary hardship;
  5. The granting of the variance will not adversely affect the realization of the Comprehensive Plan nor violate any other provision of the Zoning Ordinance.

- B. A variance so authorized shall become void after the expiration of 1 year if the next step in the development process has not been applied for.
  - C. The Planning Commission may impose whatever reasonable requirements it feels will fulfill the intent of this ordinance.
- .2 Variance for Solar Access: The Planning Commission may permit and authorize variances from the requirements of this ordinance, such as height, setbacks, and lot or parcel density, or when such variance is necessary to permit unimpaired access to the sun. A variance shall be granted only when all the conditions of Section 1504.1A are found to exist.
- .3 Minor Variances: The Director is authorized to grant variances of the setback, yard, height, lot or parcel coverage, lot or parcel size, width, or depth requirements of this ordinance in accordance with the following procedures and conditions:
- A. Application shall be made on forms provided by the Director;
  - B. The filing fee for the variance shall be paid;
  - C. The Director shall mail notices to all adjoining property owners within 250 feet and to the members of the CPAC of the area. The people receiving written notice have 10 working days in which to send comments concerning the proposed variance or to request a hearing before the Planning Commission;
  - D. If the Director finds the proposed variance meets the criteria in Section 1504.1A and none of the notified parties request a hearing before the Planning Commission, the Director may approve the variance and shall send copies of the approval to anyone who responded to the notice. The Director may attach reasonable conditions to the approval of the variance. The Director shall send copies of the findings to all affected parties;
  - E. If a person receiving notice for a variance requests a hearing before the Planning Commission, the director shall schedule the request at the next regularly scheduled Planning Commission meeting. Notice of this hearing will be provided in accordance with Section 1600.

- F. A variance so authorized shall become void after the expiration of 1 year if the next step in the development process has not been applied for.

1504.4 Two or More Existing Dwellings on a Parcel:

Notwithstanding subsections 1504.1 and 1504.3 above, and notwithstanding the lot or parcel size provisions of the RR-5 zone, the Director may approve the partitioning of a lawfully created lot or parcel in this zone, upon which two or more lawfully established permanent dwellings exist, into a number of parcels equal to the number of dwellings on the lot or parcel, upon findings by the Director that:

- A. Each new parcel has a pre-existing habitable dwelling, as defined below, which has been continuously habitable since July 25, 1985, none of which were previously approved as resource-related or as temporary dwellings under Section 1505 of this ordinance.

For the purposes of this Section, 'Habitable Dwelling' shall be defined as follows:

'A single family dwelling established before July 25, 1985 providing complete independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation. A habitable dwelling must be structurally sound and fully enclosed, must have heat and a hot and cold running water supply system, and all plumbing fixtures must be connected to a sanitary sewer or an approved private sewage disposal system.'

- B. The creation of the separate parcels will have no adverse impact on farm or forest practices in the area or on the parcels.
- C. The configuration of the parcels will permit the establishment of a new septic system on each parcel, in an area approved by the County Sanitarian, in case the existing drain field fails.
- D. The proposed division of the land is appropriate for the continuation of the existing commercial farm or forestry enterprise on the parcels, and any non-resource parcels are no larger than necessary.

- E. All the new parcels meet all other requirements (access, frontage, setback, lot or parcel width and depth, etc.) of this zone, except for the lot or parcel size as permitted by this section.

**1505 TEMPORARY PERMITS:**

- .1 Use Not Allowed in District: The Planning Commission may allow a temporary permit for a period not to exceed 1 year, for a use not otherwise allowed in the zoning district. The temporary permit may be allowed only after a hearing conducted pursuant to Section 1603 and provided that the applicant provides evidence substantiating the following, unless otherwise provided for in this Ordinance:
  - A. There is no reasonable alternative to the temporary use;
  - B. The permit will be necessary for a limited time or will allow an occasional use, such as housing for seasonal farm labor;
  - C. The temporary use does not involve the erection of a substantial structure or require any other permanent commitment of the land;
  - D. The temporary use will not be detrimental to the area or to adjacent properties; and,
  - E. The temporary use will comply with the Comprehensive Plan.
  
- .2 Temporary Residence While Building: The Director may approve a temporary permit for a period not to exceed 1 year for the use of an existing house, a mobile home or trailer house as a residence, while a permanent dwelling is being constructed on the subject property, provided the applicant submits evidence substantiating the following, unless otherwise provided for in this Ordinance:
  - A. A building permit for a permanent residence on the subject property has been acquired;
  - B. Within 30 days of the issuance of the occupancy permit, the previous house or mobile home shall be removed or made to conform with zoning and building regulations; and
  - C. Failure to maintain a valid building permit will result in immediate revocation of any permit granted pursuant to the provisions of subsection 1505.2.
  
- .3 Care of a Relative: The Director may approve a temporary permit according to the procedure stated in subsection 1601, for a period not to exceed 1 year, for the use of a mobile home or trailer house as a residence for the care of a relative who requires special attention

because of age or poor health, provided the applicant provides evidence of the following, unless otherwise provided for in this Ordinance:

- A. There exists a need for special attention (a doctor's statement establishing this need is appropriate and suggested evidence); and
- B. The temporary living unit can be connected to the existing subsurface sewage system serving the primary dwelling on the property.

.4 Emergency Shelter: The Director may approve a temporary permit for the use of a mobile home or trailer house for emergency shelter needed as a result of destruction or substantial damage to a residence or business due to fire or other natural disaster. The emergency permit may be granted for an initial period not to exceed 60 days provided the applicant submits a written statement:

- A. Indicating the nature and extent of the damage or destruction incurred; and
- B. Agreeing to make application for the appropriate permit(s) within the 60 day period.

Emergency permits shall automatically be extended to the date of the final decision on the permit application(s). Failure to make application for the appropriate permit(s) within the 60 days period will result in immediate revocation of the emergency permit.

.5 Conditions of Approval: The Director may subject approvals granted pursuant to subsection 1505.4 to such conditions as will safeguard the public health, safety, convenience, and general welfare. Such conditions may include, but are not limited to:

- A. Landscaping of the mobile home site;
- B. County approval of a subsurface sewage disposal system;
- C. Placement of manufactured skirting in those areas around the mobile home which are not developed with a foundation;
- D. Removal of the mobile home when the need for which a temporary permit was granted ceases.

1505 .6 Storage of Structures or Equipment: The Director may approve a temporary permit according to the procedure stated in subsection 1601, and for a period not to exceed 6 months, for the storage of structures, including mobile homes, or equipment, provided the applicant submits evidence substantiating the following, unless otherwise provided for in this Ordinance:

- A. There is no reasonable alternative to the storage of the structure or equipment;
- B. The temporary use does not require any permanent commitment of the land; and
- C. The temporary storage site shall meet all required setbacks of the district for primary structures.

.7 Renewal of a Temporary Permit: The Director may renew a temporary permit, for a period not to exceed 1 year, except as provided in Section 1505.6, according to the procedure stated in section 1601, provided the applicant provides evidence substantiating the following, unless otherwise provided for in this ordinance:

- A. The circumstances under which the original permit was granted remain substantially similar;
- B. The use will not be detrimental to the area or to adjacent properties; and
- C. The use will comply with the Comprehensive Plan.

**1506 NON-CONFORMING USES:**

- .1 Continuation of Non-Conforming Uses or Structures: Except as provided in this section, a Non-Conforming Use or structure may be continued, even though it is not in conformity with the use, height, area, and all other regulations for the district in which it is located.
- .2 Normal Maintenance and Repairs: Normal maintenance of a Non-Conforming Use is permitted, including structural alterations to the bearing walls, foundation, columns, beams, or girders, provided that:
  - A. No change in the basic use of the building occurs that would make the use less conforming to the district.
- .3 A Non-Conforming Use may be changed to a use allowable under the underlying district. After a Non-Conforming Use changes to a conforming use, it shall not thereafter be changed back to a Non-Conforming Use.
- .4 Reinstatement of a Discontinued Use: A Non-Conforming Use may be resumed if the discontinuation is for a period less than 1 year. If the discontinuance is for a period greater than 1 year, the building or land shall thereafter be occupied and used only for a conforming use.
- .5 Rebuilding, Change, Moving, or Use Expansion: A Non-Conforming building or use may be rebuilt, moved, or changed in use to a use of the same restrictive classification or expanded, subject to the provisions outlined herein, if upon review in accordance with Section 1601 the Director finds all the following to exist:
  - A. That such modifications are necessary because of practical difficulties or public need;
  - B. That such modifications are not greater than are necessary to overcome the practical difficulties or meet the public need;
  - C. That such modifications will not significantly interfere with the use and enjoyment of other land in the vicinity, nor detract from the property value thereof; and
  - D. That such modifications will not endanger the public health, safety, and general welfare.

- 1506 .6     Rebuilding: When a building or structure is damaged by fire or any other cause beyond the control of the owner, it may be rebuilt.
- .7     Change of Use: A Non-Conforming Use may be changed to a use of the same or a more restrictive classification but not to a use of a less restrictive classification, pursuant to subsection 1506.5.
- .8     Moving: A Non-Conforming Use may be moved to another location on its lot or parcel provided the height and yard requirements of the district in which it is located are met, pursuant to Section 1506.5.
- .9     Expansion: A Non-Conforming Use may be expanded one time only. This expansion shall not exceed 40% of the square footage on the ground level of the existing structure, pursuant to Section 1506.5.

**1507 HOME OCCUPATIONS** *[Amended by Ordinance 99-4, eff. 3/07/00].*

Land Development Services or the County Planning Commission (or the County) may allow the establishment of a Type 1 or Type 2 home occupation in any zone that allows residential uses. The following provisions shall apply:

- .1 Type 1: A Type 1 home occupation is reviewed administratively by Land Development Services and presents no indication of a business to the neighboring property owners. In addition to the general criteria in Subsection 1507.3, the following criteria shall apply to a Type 1 home occupation:
  - A. It shall be operated by a resident of the property on which the business is located.
  - B. No non-residents shall be employed on the property.
  - C. The business generates not more than 20 customer vehicle trips to the property per week.
  - D. Signs are not permitted.
  
- .2 Type 2: A Type 2 home occupation is reviewed as a Conditional Use by the Planning Commission and may be visible to the neighborhood in which it is located. In addition to the general criteria in Subsection 1507.3, the following criteria shall apply to a Type 2 home occupation:
  - A. It shall be operated by a resident or employee of a resident of the property on which the business is located.
  - B. It shall employ on the site no more than five full-time or part-time persons.
  - C. Signs are permitted as per Section 1300 of the CCZO.
  
- .3 The following criteria shall apply to all home occupations:
  - A. A home occupation shall be operated substantially in:
    - 1. The dwelling; or
    - 2. Other buildings normally associated with uses permitted in the zone in which the property is located.
  
  - B. A home occupation shall not unreasonably interfere with other uses permitted in the zone in which the property is located.

**Section 1550      SITE DESIGN REVIEW**

*[Amended by Ordinance 98-9, eff. 11/25/98; amended by Ordinance No. 2003 - 5, effective December 15, 2003].*

The Site Design Review process shall apply to all new development, redevelopment, expansion, or improvement of all community, governmental, institutional, commercial, industrial and multi-family residential (4 or more units) uses in the County.

1551. Types of Site Design Review:

- A. Type 1: Projects, developments and building expansions which meet any of the following criteria:
  - 1. are less than 5,000 sq.ft., and are less than 10% of the square footage of an existing structure.
  - 2. Increase the number of dwelling units in a multi-family project.
  - 3. Increase the height of an existing building.
  
- B. Type 2: Projects, developments and building expansions which meet any of the following criteria:
  - 1. have an area of 5,000 sq.ft. or more, or are 10% or more of the square footage of an existing structure.
  - 2. Change the category of use (e.g., commercial to industrial, etc.).
  - 3. New off-site advertising signs or billboards.
  - 4. Any project meeting any of the Type 2 criteria shall be deemed a Type 2 Design Review application.

1552      Design Review Process: The Planning Director shall review and decide all Type 1 Site Design Review applications. The Planning Commission shall review all Type 2 Design Review applications. Applications shall be processed in accordance with Sections 1600 and 1700 of this ordinance.

- 1553 Pre-application Conference: A pre-application conference is required for all projects applying for a Site Design Review, unless the Director or his/her designate determines it is unnecessary. The submittal requirements for each application are as defined in this section and the standards of the applicable zone, and will be determined and explained to the applicant at the pre-application conference.
- 1554 Pre-application Conference Committee: The committee shall be appointed by the Planning Director and shall consist of at least the following officials, or their designated staff members. Only affected officials need to be present at each pre-application conference.
- A. The County Planning Director.
  - B. The County Director of Public Works.
  - C. The Fire Marshal of the appropriate Rural Fire District.
  - D. The County Building Official.
  - E. The County Sanitarian.
  - F. A city representative, for projects inside Urban Growth Boundaries.
  - G. Other appointees by the Planning Director, such as an Architect, Landscape Architect, real estate agent, appropriate officials, etc.
- 1555 Submittal documents: The following documents, when applicable, are required for a Site Design Review. The scope of the drawings and documents to be included will be determined at the pre-application conference by the Pre-application Conference Committee, and a Site Design Review Submittal Checklist will be given to the applicant, documenting which items are deemed not applicable or not necessary to determine compliance with County and State standards, with a short explanation given for each item so determined.
- A. History.
  - B. Project narrative.
  - C. Existing site plan.
  - D. Proposed site plan.
  - E. Grading plan.
  - F. Drainage plan.
  - G. Wetland mitigation plan. Goal 5 Resource Protection Plans (streams, wetlands, riparian areas, natural areas, fish and wildlife habitat ).
  - H. Landscaping plan.
  - I. Architectural plans.
  - J. Sign drawings.
  - K. Access, parking and circulation plan.
  - L. Impact assessment.

## M. Site Design Review Submittal Checklist.

- 1556 Site Plan Submittal and Analysis: The applicant shall submit an application and any necessary supplemental information as required by this ordinance to the Land Development Services Department. The Planning Director or designate shall review the application and check its completeness and conformance with this ordinance. Once a Type 2 application is deemed complete, it shall be scheduled for the earliest possible hearing before the Planning Commission. A staff report shall be prepared and sent to the applicant, the Planning Commission, and any interested party requesting a copy.
- 1557 Planning Director Review: All Type 1 design review applications will be processed by the Planning Director or designate according to Sections 1601, 1602 and 1609 of this ordinance. If the Director determines that the proposed development meets the provisions of this ordinance, the director may approve the project and may attach any reasonable conditions.
- 1558 Planning Commission Review: The Planning Commission shall hold a public hearing for all Type 2 Design Review applications according to Sections 1603, 1604 and 1608 of this ordinance. If the Planning Commission determines that the proposed development meets the provisions of this ordinance, it may approve the project. The Planning Commission may attach any reasonable conditions to its approval of a site plan.
- 1559 Compliance: Conditions placed upon the development of a site are also placed upon any building permits issued for the same site. These conditions shall be met by the developer prior to an occupancy permit being issued by the Building Official, or as an alternative, a bond shall be posted equal to 125% of the estimated cost of the unfinished work, to ensure completion within 1 year of occupancy. If all improvements are not completed within the 1-year bond period, the County may use the bond to complete the work.
- 1560 Existing Site Plan: The degree of detail in the existing site plan shall be appropriate to the scale of the proposal, or to special site features requiring careful design. An existing site plan shall include the following, unless it is determined by the Planning Director that the information is not applicable or is not necessary to determine compliance with County and State standards, and a short explanation will be given for each item so determined:

- A. A vicinity map showing location of the property in relation to adjacent properties, roads, pedestrianways and bikeways, and utility access. Site features, manmade or natural, which cross property boundaries are to be shown.
- B. A site description map at a suitable scale (i.e. 1"=100'; 1"=50'; or 1"=20') showing parcel boundaries and gross area, including the following elements, when applicable:
  1. Contour lines at the following minimum intervals:
    - a. 2 foot intervals for slopes 0-20%;
    - b. 5 or 10 foot intervals for slopes exceeding 20%;
    - c. Identification of areas exceeding 35% slope.
  2. In special areas, a detailed slope analysis may be required. Sources for slope analysis include maps located at the U.S. Natural Resources Conservation Service office.
  3. Potential natural hazard areas, including potential flood or high ground water, landslide, erosion, and drainage ways. An engineering geologic study may be required.
  4. Wetland areas, springs, wildlife habitat areas, wooded areas, and surface features such as mounds and large rock outcroppings.
  5. Streams and stream corridors.
  6. Location, species and size of existing trees proposed to be removed.
  7. Significant noise sources.
  8. Existing structures, improvements, utilities, easements and other development.
  9. Adjacent property structures and/or uses.

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Proposed Site Plan: A complete application for design review shall be submitted, including the following plans, which may be combined, as appropriate, onto one or more drawings, unless it is determined by the Planning Director that the information is not applicable or is not necessary to determine compliance with County and State standards, and a short explanation will be given for each item so determined:

- A. Site Plan: The site plan shall be drawn at a suitable scale (i.e. 1"=100', 1"=50', or 1"=20') and shall include the following:
1. The applicant's entire property and the surrounding area to a distance sufficient to determine the relationships between the applicant's property and proposed development and adjacent properties and developments.
  2. Boundary lines and dimensions of the property and all proposed property lines. Future buildings in phased development shall be indicated.
  3. Identification information, including names and addresses of project designers.
  4. Natural features which will be utilized in the site plan.
  5. Location, dimensions and names of all existing or platted roads or other public ways, easements, and railroad rights-of-way on or adjacent to the property, city limits, section lines and corners, and monuments.
  6. Location and dimensions of all existing structures, improvements, or utilities to remain, and structures to be removed, all drawn to scale.
  7. Historic structures, as designated in the Comprehensive Plan.
  8. Approximate location and size of storm water retention or detention facilities and storm drains.
  9. Location and exterior dimensions of all proposed structures and impervious surfaces.
  10. Location and dimension of parking and loading areas. pedestrian and bicycle circulation, and related access ways. Individual parking spaces shall be shown.
  11. Orientation of structures, showing entrances and exits.
  12. All exterior lighting, showing type, height, wattage, and hours of use.
  13. Drainage, Stormwater and Erosion Control, including possible adverse effects on adjacent lands.
  14. Service areas for waste disposal and recycling.

15. Noise sources, with estimated hours of operation and decibel levels at the property boundaries.
  16. Goal 5 Resource Protection Plans. Indicate how project will protect streams, wetlands, riparian areas, natural areas, and fish and wildlife habitat from negative impacts.
  17. A landscaping plan which includes, if applicable:
    - a. Location and height of fences, buffers, and screening;
    - b. Location of terraces, decks, shelters, play areas, and common open spaces;
    - c. Location, type, size, and species of existing and proposed shrubs and trees; and
    - d. A narrative which addresses soil conditions and erosion control measures.
- B. Grading Plans: A preliminary grading plan indicating where and to what extent grading will take place, including general contour lines, slope ratios, slope stabilization proposals, and natural resource protection proposals.
- C. Architectural Drawings:
1. Building elevations and sections;
  2. Building materials (color and type);
  3. Floor plan.

D. Signs: (see also Zoning Ordinance Section 1300)

1. Freestanding sign:

- a. Location of sign on site plan;
- b. Elevation of sign (indicate size, total height, height between bottom of sign and ground, color, materials, and means of illumination).

2. On-Building Sign:

- a. Building elevation with location of sign (indicate size, color, materials and means of illumination);
- b. Plot plan showing location of signs on building in relation to adjoining property.

1562 Landscaping: Buffering, Screening and Fencing:

A. General Provisions:

- 1. Existing plant materials on a site shall be protected to prevent erosion. Existing trees and shrubs may be used to meet landscaping requirements if no cutting or filling takes place within the dripline of the trees or shrubs.
- 2. All wooded areas, significant clumps or groves of trees, and specimen conifers, oaks or other large deciduous trees, shall be preserved or replaced by new plantings of similar size or character.

B. Buffering Requirements:

- 1. Buffering and/or screening are required to reduce the impacts on adjacent uses which are of a different type. When different uses are separated by a right of way, buffering, but not screening, may be required.
- 2. A buffer consists of an area within a required setback adjacent to a property line, having a width of up to 10 feet, except where the Planning Commission requires a greater width, and a length equal to the length of the property line adjacent to the abutting use or uses.

3. Buffer areas shall be limited to utilities, screening, pedestrian and bicycle paths, and landscaping. No buildings, roads, or parking areas shall be allowed in a buffer area.
4. The minimum improvements within a buffer area shall include:
  - a. One row of trees, or groupings of trees equivalent to one row of trees. At the time of planting, these trees shall not be less than 10 feet high for deciduous trees and 5 feet high for evergreen trees, measured from the ground to the top of the tree after planting. Spacing of trees at maturity shall be sufficient to provide a year-round buffer.
  - b. In addition, at least one 5-gallon shrub shall be planted for each 100 square feet of required buffer area.
  - c. The remaining area shall be planted in grass or ground cover, or spread with bark mulch or other appropriate ground cover (e.g. round rock). Pedestrian and bicycle paths are permitted in buffer areas.

C. Screening Requirements:

1. Where screening is required, the following standards shall apply in addition to those required for buffering:
  - a. A hedge of evergreen shrubs shall be planted which will form a four-foot high continuous screen within two years of planting; or,
  - b. An earthen berm planted with evergreen plant materials shall be provided which will form a continuous screen six feet in height within two years. The unplanted portion of the berm shall be planted in lawn, ground cover or bark mulch; or,
  - c. A five foot or taller fence or wall shall be constructed to provide a continuous sight obscuring screen. Fences and walls shall be constructed of any materials commonly used in the construction of fences and walls such as wood, brick, or other materials approved by the Director. Corrugated metal is not an acceptable fencing material. Chain link fences with slats may be used if combined with a continuous evergreen hedge.
2. When the new use is downhill from the adjoining zone or use being protected, the prescribed heights of required fences, walls, or landscape screening along the common property line shall be measured from the

actual grade of the adjoining property at the common property line. This requirement may be waived by the adjacent property owner.

3. If four or more off-street parking spaces are required, off-street parking adjacent to a public road shall provide a minimum of four square feet of landscaping for each lineal foot of street frontage. Such landscaping shall consist of landscaped berms or shrubbery at least 4 feet in total height at maturity. Additionally, one tree shall be provided for each 50 lineal feet of street frontage or fraction thereof.
4. Landscaped parking areas may include special design features such as landscaped berms, decorative walls, and raised planters.
5. Loading areas, outside storage, and service facilities must be screened from adjoining properties.

D. Fences and Walls:

1. Fences, walls or combinations of earthen berms and fences or walls up to four feet in height may be constructed within a required front yard. Rear and side yard fences, or berm/fence combinations behind the required front yard setback may be up to six feet in height.
2. The prescribed heights of required fences, walls, or landscaping shall be measured from the lowest of the adjoining levels of finished grade.
3. Fences and walls shall be constructed of any materials commonly used in the construction of fences and walls such as wood, brick, or other materials approved by the Director. Corrugated metal is not an acceptable fencing material. Chain link fences with slats may be used if combined with a continuous evergreen hedge.
4. Re-vegetation: Where natural vegetation or topsoil has been removed in areas not occupied by structures or landscaping, such areas shall be replanted to prevent erosion.

1563 Standards for Approval:

The Planning Commission or Director shall make a finding with respect to each of the following criteria when approving, approving with conditions, or denying an application:

- A. Flood Hazard Areas: See CCZO §1100, Flood Hazard Overlay Zone. All development in Flood Hazard Areas must comply with State and Federal Guidelines.
- B. Wetlands and Riparian Areas: Alteration of wetlands and riparian areas shall be in compliance with State and Federal laws.
- C. Natural Areas and Features: To the greatest practical extent possible, natural areas and features of the site shall be preserved.
- D. Historic and Cultural sites and structures: All historic and culturally significant sites and structures identified in the ~~1984~~ Comprehensive Plan, or identified for inclusion in the County Periodic Review, shall be protected if they still exist.
- E. Lighting: All outdoor lights shall be shielded so as to not shine directly on adjacent properties and roads.
- F. Energy Conservation: Buildings should be oriented to take advantage of natural energy saving elements such as the sun, landscaping and land forms.
- G. Transportation Facilities: Off-site auto and pedestrian facilities may be required by the Planning Commission, Planning Director or Public Works Director consistent with the Columbia County Road Standards and the Columbia County Transportation Systems Plan.

1564 Final Site Plan Approval:

If the Planning Director or Planning Commission approves a preliminary site plan, the applicant shall finalize all the site drawings and submit them to the Director for review. If the Director finds the final site plan conforms with the preliminary site plan, as approved by the Director or Planning Commission, the Director shall give approval to the final site plan. Minor differences between the preliminary site plan and the final site plan may be approved by the Director. These plans shall be attached to the building permit application and shall become a part of that permit.



*[Note: p. 243 Intentionally left blank for expansion].*

**ARTICLE VIII**  
**ADMINISTRATION**

**Section 1600 ADMINISTRATION:**

All applications submitted under the procedures outlined in this ordinance are subject to the appropriate procedures outlined in this ordinance.

1601 Staff Approval: As provided elsewhere in this ordinance, the Director or his designate may approve requested actions which are in conformance with the provisions of this ordinance. Farm and forest management plans, minor variances, expansions or changes of non-conforming uses, temporary permits for the establishment of a temporary residence, care of a relative, or emergency shelter may be approved by the Director using the following procedures.

- .1 The applicant shall submit an application and any necessary supplemental information as required by this ordinance to the Planning Department. This application will be reviewed for completeness and the applicant will be informed if the application is incomplete.
- .2 The Director will mail a notice of the proposed action to all adjacent property owners within 250 feet of the subject property and to the members of the CPAC for the specific area. These people who have been notified by mail will have 10 calendar days in which to either submit their comments and objections to the proposed action or request a public hearing on the matter before the Planning Commission or Hearings Officer.
- .3 If no public hearing has been requested, the Director will review the application and all submitted comments and objections to the proposal. Based upon the review of the facts in the case and this ordinance, the Director may approve, deny, or refer the application to the Planning Commission. The Director shall inform the applicant and any affected party who responded as to the nature of his decision. This notice shall be in writing and shall contain the findings of fact which support the Director's decision.
- .4 The Director may attach reasonable conditions to the approval of any application under these provisions.

1602 Appeal: The Director's decision may be appealed to the Commission by the applicant or any affected property owner in accordance with the provisions of Section 1700.

1603 Quasijudicial Public Hearings: As provided elsewhere in this ordinance, the Hearings Officer, Planning Commission, or Board of Commissioners may approve certain actions which are in conformance with the provisions of this ordinance. Zone Changes, Conditional Use Permits, Major Variances, and Temporary Use Permits shall be reviewed by the appropriate body and may be approved using the following procedures:

- .1 The applicant shall submit an application and any necessary supplemental information as required by this ordinance to the Planning Department. The application shall be reviewed for completeness and the applicant notified in writing of any deficiencies. The application shall be deemed complete upon receipt of all pertinent information. If an application for a permit or zone change is incomplete, the Planning Department shall notify the applicant of exactly what information is missing within 5 days of receipt of the application and allow the applicant to submit the missing information. The application shall be deemed complete for the purpose of this section upon receipt by the Planning Department of the missing information. [*effective 7-15-97*]
- .2 Once an application is deemed complete, it shall be scheduled for the earliest possible hearing before the Planning Commission or Hearings Officer. The Director will publish a notice of the request in a paper of general circulation not less than 10 calendar days prior to the scheduled public hearing. Notices will also be mailed to adjacent individual property owners in accordance with ORS 197.763. [*effective 7-15-97*]

[**Note:** ORS 197.763 requires 20 days notice (or 10 days before the first hearing if there will be 2 or more hearings), and that notice be provided to property owners within 100' (inside UGBs), 250' (outside UGBs), or 500' (in farm or forest zones).]

- .3 At the public hearing, the staff, applicant, and interested parties may present information relevant to the criteria and standards pertinent to the proposal, giving reasons why the application should or should not be approved, or what modifications are necessary for approval. [*effective 7-15-97*]
- .4 Approval of any action by the Planning Commission at the public hearing shall be by procedure outlined in Ordinance 91-2. [*effective 7-15-97*]

1604 Appeal: The decision to approve or deny an application in a quasijudicial hearing may be appealed as provided in Section 1700.

1605 Zone Change - Major Map Amendment: The hearing for a major map amendment shall follow the procedure established in Sections 1502, 1502.1, 1502.1A and 1502.1B. This hearing cannot result in the approval of a major map

amendment. The Commission may make a recommendation to the Board of Commissioners that such a zone change be granted. Approval by the majority of the Commission is necessary in order to make recommendation to the Board of Commissioners. The Board of Commissioners hearing on the proposed zone change-major map amendment will be on the record unless a majority of the Board votes to allow the admission of new evidence.

1606 Legislative Hearing: Requests to amend the text of the Zoning Ordinance or to change a large area of the Zoning Map of Columbia County in order to bring it into compliance with the Comprehensive Plan are legislative hearings. Legislative hearings shall be conducted in accordance with the following procedures.

- .1 A legislative amendment to the Zoning Ordinance Text or Map may be initiated at the request of the Board of Commissioners, a majority of the Commission, or the Director, or any citizen of the County may petition the Commission for such a change.
- .2 Notice of a Legislative Hearing shall be published at least twice, one week apart in newspapers of general circulation in Columbia County. The last of these notices shall be published no less than 10 calendar days prior to the Legislative Hearing. The mailing of notice to individual property owners is not required but shall be done if ordered by the Board of Commissioners.

1607 Consistency with the Comprehensive Plan: All amendments to the Zoning Ordinance Text and Map shall be consistent with the Comprehensive Plan Text and Maps.

- .1 The Commission shall hold a hearing to consider the proposed amendments and shall make a recommendation to the Board of Commissioners with regard to the proposed amendments. The Board of Commissioners shall hold at least one hearing to consider the proposed amendments. Both the Commission and the Board of Commissioners hearings will require notice in the manner outlined in Section 1611.

1608 Contents of Notice: Notice of a quasijudicial hearing shall contain the following information:

- .1 The date, time, and place of the hearing;
- .2 A description of the subject property, reasonably calculated to give notice as to the actual location, including but not limited to the tax account number assigned to the lot or parcel by the Columbia County Tax Assessor;

- .3 Nature of the proposed action;
- .4 Interested parties may appear and be heard;
- .5 Hearing to be held according to the procedures established in the Zoning Ordinance.

1609 Notice of Review by the Director: The submittal of an application which may be approved by the Director requires that notice of the review of such an application be given to affected persons. This means that notice of this review will be mailed to all property owners within 250 feet of the subject property and to the Citizen Planning Advisory Committee for the area. These notices shall contain:

- .1 A description of the subject property, reasonably calculated to give notice as to its actual location, including but not to be limited to metes and bounds descriptions or the tax map designations of the County Assessor;
- .2 The nature of the proposed action;
- .3 Interested parties have 10 calendar days in which to respond in writing or in person with any comment regarding the proposed action;
- .4 Interested parties have 10 calendar days to request in writing a public hearing before the Planning Commission or the Hearings Officer;
- .5 If no request for a public hearing has been received, the Director may approve the proposed action and the applicant shall be issued a permit upon meeting any conditions attached to this approval.

1610 Personal Notice to Adjoining Property Owners: For the purpose of personal notification, the records of the Columbia County Assessor shall be used and persons whose names and addresses are not on file at the time of the filing of the application need not be notified of the action. The failure of the property owner to receive notice shall not invalidate the action if a good faith attempt was made to comply with Section 1600.

1611 Notice of Legislative Hearing: The notice of a legislative hearing shall contain the following items:

- .1 Date, time and place of the hearing;
- .2 A description of the area to be rezoned or the changes to the text;

- .3 Copies of the statement for the proposed changes are available in the Planning Department. These proposed changes may be amended at the public hearing;
- .4 Interested parties may appear and be heard;
- .5 Hearings will be held in accordance with the provisions of the Zoning Ordinance.

1612 Special Hearings: The Board of County Commissioners, in its discretion, may order any quasi-judicial land use application or type of quasi-judicial land use application to be heard at a Special Hearing in lieu of a hearing before the Planning Commission or the Board of County Commissioners.

1613 Appointment of Hearings Officer: Special Hearings shall be heard by a hearings officer appointed by the Board of County Commissioners.

1614 Requests for Special Hearings: In addition to Special Hearings ordered by the Board of County Commissioners on its own initiative, Special Hearings may be initiated by the Board at the request of the Planning Director or his or her designate, or a majority of the Planning Commission, for any quasi-judicial land use application or type of quasi-judicial land use application.

1616 Procedure for Special Hearings: The procedure for Special Hearings shall, to the greatest extent practicable, be the same as for other quasi-judicial land use hearings as set forth in the Columbia County Zoning Ordinance, Planning Commission Ordinance, and Subdivision and Partitioning Ordinance, and ORS Chapters 92, 197 and 215. When a Special Hearing is held in lieu of a Planning Commission hearing, the hearings officer's decision may be appealed as provided in Sections 1700 through 1703 of this ordinance. When a Special Hearing is held in lieu of a Board of County Commissioners' hearing, the hearing officer's decision may be appealed as provided in ORS Chapter 197 for appeals to the Land Use Board of Appeals.

1618 Design Review Board:

- .1 The Board of Commissioners may appoint a 5 member Design Review Board. The Planning Commission shall sit as the Design Review Board in the absence of a separate Design Review Board. The Board of Commissioners shall strive to find engineers, architects, landscaped architects, surveyors, and other professional persons who are familiar with

land development to serve on the Board. No more than one realtor or one builder may serve on the Board at any one time. One Commission member may be appointed to the Board but will not be eligible to act on any appeals made as a result of the Design Review Board's decisions.

- .2 Duties: The Design Review Board or Planning Commission shall review the site design plans as required by this ordinance. They shall review all actions referred to them by the Board of Commissioners, the Commission, or the Hearings Officer. These reviews shall be conducted in accordance with the provisions of this ordinance.
- .3 Approval: The approval of an action by the Design Review Board or Planning Commission shall be by a majority vote of those present. The Design Review Board or Planning Commission must have a quorum to make decisions regarding design review applications.
- .4 Conditions: The Design Review Board or Planning Commission may attach reasonable conditions to an approval. These conditions shall become part of the building permit. No final approval of a building may be given by the Building Official until these conditions have been met or an adequate bond posted to insure the completion has been approved by the Director and filed with the County Clerk's office.
- .5 Appeal: An appeal of a Design Review Board decision may be made to the Planning Commission in accordance with the provisions of Section 1700 of this ordinance. Appeals of the Planning Commission decision shall be directly to the Land Use Board of Appeals, according to the process for appeals adopted by it. [*effective 7-15-97*]

1619 Planning Director:

- .1 It shall be the responsibility of the Director, or the Director's designate, to administer and enforce this ordinance and to decide on all questions of interpretation or applicability to specific properties for any land use regulations. The Director's decision may be appealed to the Planning Commission. Interpretations of land use regulations may also be made by the Planning Commission, Hearings Officer, and/or the Board of Commissioners. [*effective 7-15-97*]
- .2 In addition, the Director shall review and may approve any of the following actions: minor variance; temporary residence; temporary permit - hardship; emergency shelter; and any other action delegated to the Director under the terms of this ordinance or any other Columbia County land use regulation. These approvals shall be made in writing and shall be accompanied by findings supporting the approval. The Director may attach reasonable conditions to any Discretionary Permit approval or referral he approves in accordance with this ordinance.
- .3 Appeal: The Director's decision may be appealed to the Planning Commission in accordance with Section 1700 of this ordinance. Appeals of a decision of the Planning Commission shall be appealed directly to the Land Use Board of Appeals, according to the process for appeals adopted by it. [*effective 7-15-97*]

## Section 1700 APPEALS

### 1701 Appeal Procedures:

- .1 General Procedure: A land use decision, as it is defined in ORS 197.015(10), made by the Director, Hearings Officer (in lieu of the Planning Commission), Planning Commission, or the Design Review Board shall be final at the end of 7 calendar days following the date notice of the decision is mailed to the applicant, and other persons entitled to notice of the decision as provided by ORS 197.763, unless a notice of appeal of decisions to the Planning Commission or the Board of Commissioners is filed with the County Clerk's office. A notice of appeal can be obtained from the Planning Department or from the Clerk's office and shall contain:  
[effective 7-15-97]
  - A. The name, address, and telephone number of the person filing the notice;
  - B. An identification of the decision sought to be reviewed, including the date the decision was made; and
  - C. In the case of decisions by the Planning Commission or Hearings Officer, the specific reasons why the decision should be modified or reversed.
- .2 Appeals of the Planning Commission's decision regarding administrative actions of the Planning Director or decisions of the Design Review Committee shall be to the Land Use Board of Appeals. [effective 7-15-97]
- .3 Any person entitled to notice of the decision as provided by this ordinance or by state law who desires to appeal the decision shall file the notice of appeal with the required fee. Failure to file a notice of appeal, or make payment of the required fee, within the designated time limit, shall be a jurisdictional defect and shall preclude review.
- .4 When a notice of appeal is properly and timely filed in compliance with this section, and timely payment of the filing fee is made, a de novo appeal hearing shall be scheduled at the earliest opportunity. Notice of the hearing shall be mailed to the appellant, the applicant, the property owner, if different from the applicant, and any other persons who requested notice of the appeal hearing in writing. Notice of the appeal hearing shall be published in a newspaper which covers the property subject to the appeal. Notice of the appeal hearing shall be mailed to the parties and distributed to the

newspapers no later than 7 days prior to the scheduled hearing date.  
[effective 7-15-97]

- 1702 Appeal of a Planning Director's Action: Any land use decision by the Director, or Design Review Board may be appealed to the Planning Commission by persons who appeared before the lower decision making body, either in person or in writing. The appeal may concern the approval or denial of an application or any conditions attached to the approval of an application.
- 1703 Appeal of a Planning Commission Action: Any land use decision by the Planning Commission or Hearings Officer (in lieu of the Planning Commission), over which either body had original review authority, may be appealed to the Board of Commissioners by the Board of Commissioners, or by persons who appeared before the lower decision making body, either in person or in writing. The appeal may concern the approval or denial of an application or any conditions attached to the approval of an application. The de novo appeal hearing shall be scheduled before the Board of County Commissioners at the earliest opportunity, and notice of the appeal shall be sent in accordance with procedures outlined in CCZO 1701.4. [effective 7-15-97]