

JULY 1984  
*[Integrated through October 2017]*

## COLUMBIA COUNTY OREGON

# ZONING ORDINANCE

### AMENDED:

ORDI No.	EFFECTIVE DATE	DESCRIPTION
84-4	AUG 1, 1984	Enacting Ordinance
85-2	MAR 1985	Dwellings in Resource Zones
85-7	JUL 1985	Divisions in Resource Zones, Map Amendments
88-6	AUG 1988	Flood Hazard Overlay Zone
88-7	SEP, 1988	Horse Breeding, Boarding, Training in FA-19
89-1	JAN 1989	Motels in C-4
90-1	MAR 1990	Repeals 89-1
90-2	FEB 1990	Lot Size Standards in PF-76
90-3	FEB 1990	Deletes Board of Adjustment
90-4	FEB 1990	Temporary Permit - Storage of Structures & Equipment
90-5	APR 1990	Appeal Procedures
90-24	FEB 1991	Conditional Use Permits
92-4	MAR 1992	Division in RR-5 Where 2 or More Existing Dwellings

92-7	JUL 1992	Home Occupations, Fire Siting Standards, Housekeeping
92-14	NOV 1992	Sign Sections
92-16	JAN 1993	Housekeeping Amendments
93-2	MAR 1993	Delete Maximum Building Height in RIPD - §684.4
93-3	APR, 1993	Frontage in RR-5 - §604.5
93-5	APR 1993	Water Dependent Construction Activities in C-2
93-8	JUL 1993	Airport Industrial AI Zone
94-6	JAN 1995	Special Hearings, Hearings Officer
94-12	JAN 1995	Utilities and RIPD Changes
95-9	NOV 1995	Home Occupations
97-3	APR 1997	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 1998	Surface Mining Amendments
98-2	MAY 1998	Lot or Parcel of Record
98-4	FEB 1999	RR-2, RR-5, Rural Communities
98-9	NOV 1998	Site Design Review - Full Re-write
99-2	JAN 2000	Churches in RR-2, RR-5, RC, EC, R-10, R-7
99-4	MAR 2000	Type 1,2 Home Occupations
99-5	FEB 2000	RR-2, RR-5, Rural Communities
2000 - 04	NOV 2000	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
2009 - 04	SEP 29, 2009	Amends § 942, Airport Industrial Zone
2009 - 08	DEC 22, 2009	Amends § 683, RIPD Permitted Uses
2010 - 06	NOV 26, 2010	Amends § 1100, Flood Hazard Overlay Zone
2010 - 03	JAN 4, 2010	Amends Several §§; adds Article IX and §§ 1800 - 1802, Kennels
2010 - 11	JAN 5, 2010	Resource Zone Amendments, §§300, 400, 500; deletes §1178
Order 78-2010	DEC 15, 2010	Corrects Scrivener's Errors in Ordi No. 2010-11
2015-04	NOV 25, 2015	Amends to Establish Regulations for Marijuana Related Land Uses
Order 2-2016	JAN 13, 2016	Corrects Scrivener's Errors in Ordi No. 2015-04
2017-2	OCT 10, 2017	Adopting the Columbia County Transportation System Plan and Related Amendments to the Columbia County Comp Plan, Zoning

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## **ARTICLE I**

### **GENERAL DEFINITIONS**

## **ARTICLE I – GENERAL DEFINITIONS**

**Section 100 GENERAL DEFINITIONS:** *[Amd. Ordinance 99-4, eff. 3/07/00; Amd. Ordinance 2003-5, eff. 12/15/03; Amd. Ordinance 2015-4, eff. 11-25-15].*

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 Child Care Center: A facility that provides for the care of children, such as a day care center, nursery school, preschool, kindergarten, child play school, before- or after-school care, or child development center, and qualifies under one of the following:
  - A. Certified by the State of Oregon to care for thirteen (13) or more children;
  - B. Certified by the State of Oregon to care for twelve (12) or fewer children and located in a building constructed as other than a single family dwelling;
  - C. A preschool recorded program, as defined by ORS 329A.250(9); or
  - D. A school-age recorded program, as defined by ORS 329A.250(13).
- .18 Commission: The Planning Commission of Columbia County, Oregon.
- .19 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.
- .20 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.
- .21 Director: The Columbia County Planning Director or the Director of the Department of Land Development Services, or his delegate.
- .22 Dormitory: A room for sleeping purposes for more than 4 persons, which is rented.
- .23 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.

- .24 Dwelling, One-Family or Single Family: A structure designed for occupancy by 1 family.
- .25 Dwelling, Duplex or Two-Family: A building designed exclusively for occupancy by 2 families living independently of each other.
- .26 Dwelling, Apartment: A building, or portion thereof, designed for occupancy by 3 or more families living independently of each other.
- .27 Emergent Wetland Vegetation: Plants which may be temporarily to permanently flooded at the base but do not tolerate prolonged inundation of the entire plant.
- .28 Existence: State or fact of existing: something that exists, an entity, or a being.
- .29 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.
- .30 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. Marijuana is a crop for the purposes of farm use as defined by ORS 215.203.
- .31 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.
- .32 Fish Bearing Stream: A stream that fish use or have used in the past. See "Fish Use" below.
- .33 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.
- .34 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.
- .35 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.

- .36 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.
- .37 Garden: Tilling of soil and raising of produce or flowers in a manner that is clearly incidental to the residential use.
- .38 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.
- .39 Grandfather: Use or condition existing prior to the adoption of this ordinance.
- .40 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.
- .41 Lands as defined in Oregon Administrative Rules 660-033-0020 (8) (a-f).
- .42 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.
- .43 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.
- .44 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.
- .45 Home Occupation: An accessory non-residential use conducted within or administered from a portion of a dwelling or its permitted accessory building pursuant to ORS 215.448, except marijuana growing or producing, which is otherwise regulated as a farm use and the processing, wholesaling, dispensing or retailing of marijuana in conjunction with a dwelling.
- .46 Horticulture: The cultivation of plants, garden crops, trees and/or nursery stock.
- .47 Hotel: A building or portion thereof designed or used for occupancy of individuals who are lodged with or without meals.
- .48 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.

- .49 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.
- .50 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.
- .51 Kennel: As applied in this Ordinance, "Kennel" means:
- i. Any property that houses ten (10) or more dogs over six (6) months of age.
  - ii. Any "Animal Pound" or "Animal Shelter" as defined by OAR 603-015-0025(1).
  - iii. Any "Boarding Kennel" as defined by OAR 603-015-0025(2).
  - iv. Any "Commercial Kennel" as defined by OAR 603-015-025(3).
  - v. Any "Grooming Parlor" as defined by OAR 603-015-0025(5).
  - vi. Any "Pet Shop" or "Animal Dealer" as defined by OAR 603-015-0025(7) that handles dogs.

*[Amd. Ordinance No. 2010-3, eff. 01.04.11].*

- .52 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.
- .53 Loading Space: An off-street area used for the temporary parking of a vehicle while loading or unloading persons, merchandise, or materials.
- .54 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.
- .55 Lot or Parcel Area: The total horizontal area enclosed within the property lines of a lot or parcel. (Lot or Parcel Size).
- .56 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.
- .57 Lot or Parcel Depth, Average: The average distance from the narrowest frontage to the property line opposite.
- .58 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.

- .59 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.
- .60 Lot Width, Average: The average horizontal distance between the side property lines.
- .61 Marijuana: The plant cannabis family *cannabaceae*, any part of the plant cannabis family *cannabaceae* and the seeds of the plant cannabis family *cannabaceae*. Marijuana does not include industrial hemp as defined in ORS 571.300.
- A. Marijuana Growing or Producing: The manufacture, planting, cultivation, growing, trimming or harvesting of marijuana or the drying of marijuana leaves and flowers at a location registered under ORS 475.304 where medical marijuana is produced for use by an Oregon Health Authority (OHA) registry identification cardholder or produced by a marijuana producer issued a production license by the Oregon Liquor Control Commission (OLCC). It does not include the drying of marijuana by a marijuana processor, if the marijuana processor is not otherwise producing marijuana; or the cultivation and growing of an immature plant by a marijuana processor, marijuana wholesaler or marijuana retailer, if the marijuana was purchased or otherwise received from a marijuana producer.
- B. Marijuana Processing: The processing, compounding or conversion of marijuana into cannabinoid products, cannabinoid concentrates or cannabinoid extracts at a marijuana processing site registered with the OHA or licensed by the OLCC. Processing does not include packaging or labeling.
- C. Marijuana Wholesaling: The purchasing of marijuana items in Oregon for resale to a person other than a consumer at a site licensed by the OLCC.
- D. Marijuana Retailing: The selling of marijuana items to a consumer at a site registered as a marijuana dispensary by the OHA or licensed as a retail location by the OLCC.
- .62 May: As used in this ordinance, MAY is permissive and SHALL is mandatory.
- .63 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.
- .64 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.
- .65 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.
- .66 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.
- .67 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.)
- .68 Motel: One or more buildings designed or used as temporary living quarters.
- .69 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.
- .70 Net Loss: means a permanent loss of habitat units or habitat value resulting from a development action despite mitigation measures having been taken.
- .71 Noxious Weeds. Plant species listed by the Oregon Department of Agriculture, as amended, as being noxious.
- .72 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.
- .73 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.
- .74 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.
- .75 Ordinary High Water Line: The average height of the high water over 19 years.
- .76 Owner: An owner of property or the authorized agent of an owner.

- .77 Parcel: A unit of land created by a partitioning of land. Parcel is also used generically to describe a unit of land.
- .78 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.
- .79 Person: Every person, firm, partnership, association, or corporation.
- .80 Planning Department: Person(s) who administer and enforce this Ordinance.
- .81 Planning Director: The Director of the Planning Department or the Director's delegate.
- .82 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.
- .83 Premises: A lot or parcel with or without buildings.
- .84 Principal Use: The main use to which the premises are devoted and the primary purpose for which the premises exist.
- .85 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.
- .86 Property Line: A common boundary line between two properties.
- .87 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.
- .88 Property Line, Side: Any property line not designated a front or rear property line.
- .89 Public Water: Water which is provided off site, serves 4 or more dwellings, and meets the State of Oregon requirements.
- .90 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.
- .91 Riparian Corridor: is a fixed distance adjacent to a river, lake, stream or wetland, usually established for protective purposes.

- .92 Riparian Vegetation: is all vegetation located within a riparian area or located within a riparian corridor.
- .93 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.
- .94 Rooming House: Same as "Boarding House".
- .95 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.
- .96 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.
- .97 Shall: As used in this ordinance SHALL is mandatory and MAY is permissive.
- .98 Sign: A publicly displayed board or placard, etc. displaying information or advertising.
- .99 Sign Area: The greatest width multiplied by the greatest height of the display portion of a sign (one side).
- .100 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.
- .101 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.
- .102 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.
- .103 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.
- .104 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.
- .105 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.

.106 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.

.107 Timber Growing, Commercial Timber Production: The growing of trees for the production of timber.

.108 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.

.109 Tourist Court: See "Motel".

.110 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.

.111 Trailer Park: Land designed or used for the temporary parking of 4 or more trailers or vehicles used for human habitation.

.112 Walkway: A sidewalk or path, including any access way, improved to County standards, or to other roadway authority standards, as applicable. See also, Access and Shared-use Path.

.113 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.

- .114 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.
- .115 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.
- .116 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.

*[Amd. Ordinance 2015-4, eff. 11-25-15]*

*[Amd. Ordinance 2017-2, eff. 10.10.17]*

## **ARTICLE II**

### **GENERAL PROVISIONS**

## **ARTICLE II – GENERAL PROVISIONS**

### **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	RIPD	Resource related industrial use on rural Planned Development land.
<u>Suburban Zones</u>		
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.
- 223 Transportation Improvements Permitted Outright: Except where otherwise specifically regulated by this ordinance, the following improvements are permitted outright:
- .1 Normal operation, maintenance, repair, and preservation activities of existing transportation facilities.
- .2 Installation of culverts, pathways, medians, fencing, guardrails, lighting, and similar types of improvements within the existing right-of-way.
- .3 Projects that are consistent with projects identified and planned for in the Transportation (*sic*) System Plan.
- .4 Public transit facilities.

- .5 Landscaping as part of a transporation (*sic*) facility.
- .6 Emergency measure necessary for the safety and protection of property.
- .7 Acquisition of right-of-way for public roads, highways, and other transporation (*sic*) improvements designated in the Transportation System Plan except for those that are located in Primary Agriculture (PA) or Primary Forest (PF) zones.
- .8 Construction of a street or road as part of an approved subdivision or land partition consistent with the applicable land division ordinance.

*[Note: This page intentionally left blank for expansion].*

## **ARTICLE III**

### **RESOURCE DISTRICTS**

## **ARTICLE III – RESOURCE DISTRICTS**

### **PRIMARY AGRICULTURE USE ZONE (PA-80)**

*[Amd. Ordinance 2010-11 eff. 1.05.11; Amd. Ordinance 2015-4, eff. 11-25-15]*

- 301 Purpose
- 302 Definitions
- 303 Table of Authorized Uses & Development
- 304 Permitted Uses
- 305 Uses Subject to Administrative Review
- 306 Conditional Uses
- 307 General Review Standards
- 308 Development Standards
- 309 Land Division Requirements
- 310 Property Line Adjustments
- 311 Construction Financing/Mortgage Tax Lots
- 312 Non-Conforming Uses
- 313 Prohibited Uses

#### **Section 300      PRIMARY AGRICULTURE USE ZONE - 80**

#### **PA-80**

- 301 Purpose: The Primary Agriculture Zone or Exclusive Farm Use (EFU) 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. This district also provides for open space, watershed protection, maintenance of clean air and water, and fish and wildlife habitat, including the creation, restoration and enhancement of wetlands.
- 302 Definitions. For purposes of the PA-80 Zone, the definitions in ORS 215.203, the Statewide Planning Goals, OAR Chapter 660 and the following definitions apply:
  - .1 “Agricultural Land” is comprised of predominately Class I-IV soils as classified by the U.S. Natural Resources Conservation Service (NRCS) 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, technological and energy inputs required, 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. Agricultural land also includes land in capability classes other than I-IV/I-VI that is adjacent to or intermingled with lands in capability classes I-IV/I-VI within a farm unit, and shall be inventoried as agricultural lands even though this land may not be cropped or grazed Agricultural Land does not include land within acknowledged urban growth boundaries or land within acknowledged Exception Areas for Statewide Planning Goals 3 or 4.

- .2 "Commercial Agricultural Enterprise" consists of farm operations that will contribute in a substantial way to the area's existing agricultural economy and help maintain agricultural processors and established farm markets. When determining whether a farm is part of the Commercial Agricultural Enterprise, not only what is produced, but how much and how it is marketed, shall be considered. These are important factors because of the intent of Goal 3 to maintain the agricultural economy of the state.
- .3 "Contiguous" means connected in such a manner as to form a single block of land.
- .4 "Date of Creation and Existence". When a lot, parcel or tract has been reconfigured pursuant to applicable law after November 4, 1993, the effect of which is to qualify a lot, parcel or tract for the siting of a dwelling, the date of the reconfiguration is the date of creation and existence. Reconfigured means any change in the boundary of the lot, parcel or tract.
- .5 "Exception Area" means an area no longer subject to the requirements of Goal 3 or 4 because the area is the subject of a site specific exception acknowledged pursuant to ORS 197.732 and OAR Chapter 660, Division 4.
- .6 "Farm Operator" is a person who operates the farm, doing the work and making the day-to-day decisions about such things as planting, harvesting, feeding, and marketing
- .7 "Farm use" is defined in ORS 215.203 including marijuana growing or producing subject to standards in Section 1803.
- .8 "High Value Farmland" is land in a tract composed predominately of soils that are irrigated and classified by NRCS as prime, unique Class I or II, or not irrigated and classified by NRCS as prime, unique Class I or II. High Value Farmland also includes tracts growing "specified perennials" as demonstrated by aerial photography of the Agricultural Stabilization and Conservation Service of the U. S. Department of Agriculture prior to December 6, 2007 and defined in ORS 215.710. "Specified perennials" means perennials grown for market or research purposes including, but not limited to, nursery stock, berries, fruits, nuts, Christmas trees, or vineyards, but not including seed crops, hay, pasture or alfalfa.
- .9 "Tract" means one or more contiguous lots or parcels in the same ownership.

*[Amd. Ordinance 2015-4, eff. 11-25-15]*

303 Table of Authorized Uses and Development. The following uses, activities and development are authorized in the Primary Agriculture Zone, subject to review and approval under applicable regulatory standards:

Key

HV	High-Value Farm Land
NHV	Other lands, not defined as High-Value Farm Land
P	Permitted
AR	Subject to administrative review and approval process described in Section 1601
CUP/PC	Subject to Planning Commission review and approval for Conditional Use described in Section 1503
NP	Use not permitted

Note: The CCZO Section Column below lists only subsections of authorization and specific criteria of this PA Zone. Other criteria of this ordinance may apply to a proposed use, including but not limited to site design review, conditional use permit review, special use standards, and overlay zoning.

<b>TABLE OF AUTHORIZED USES &amp; DEVELOPMENT</b>			
<b>RESOURCE USES</b>	<b>*HV</b>	<b>*NHV</b>	<b>PA-80 SECTION</b>
Farm Use as defined in ORS 215.203 subject to standards in Section 1803.	P	P	304.1
Use and Management of Forest Lands	P	P	304.2
Farm and Forest Accessory Structures	P	P	304.3
Forest Product Primary Processing Facility	AR	AR	305.19, 307, 308
Wetland Creation/Restoration and Enhancement; Fish & Wildlife Habitat Projs.	P	P	304.4
Aquaculture and Insect Cultivation	AR	AR	305.20 307
<b>RESIDENTIAL</b>	<b>HV</b>	<b>NHV</b>	<b>PA - 80 SECTION</b>
New Dwelling in conjunction with a marijuana crop	NP	NP	
Farm Dwelling	AR	AR	305.1, .2, .3, .4, 307, 308
Family Farm Help Dwelling	AR	AR	305.8, 307, 308
Lot of Record Dwelling – High Value Farmland – Not High Value Farmland	AR NA	NA AR	305.5, 307, 308 305.6, 307, 308
Nonfarm Dwelling	NP	AR	305.7, 307, 308
Replacement Dwelling	AR	AR	305.9, 307, 308
Replacement of Historic Dwelling	AR	AR	305.10, 307, 308
Temporary Medical Hardship Manufactured Home	AR	AR	305.12, 307, 308
Accessory Farm Dwelling(s)	AR	AR	305.11, 307, 308
Residential Care/Training/Foster Home or Facility	AR	AR	305.13, 307, 308
Dwellings provided for in ORS 215.799 for wildlife habitat land	AR	AR	305.14, 307, 308

<b>TABLE OF AUTHORIZED USES &amp; DEVELOPMENT</b>			
<b>COMMERCIAL</b>	<b>HV</b>	<b>NHV</b>	<b>PA - 80 SECTION</b>
Farm Stands except when used in conjunction with a marijuana crop	AR	AR	305.18, 307, 308
Facilities for the processing of farm crops or for the production of biofuel as defined in ORS 315.141 that are not permitted under ORS 215.203(2)(b)(L) or ORS 215.283 (1)(u)	AR	AR	305.22, 307, 308
Home Occupations Type I - Type II -	AR CUP/PC	AR CUP/PC	305.21, 307, 308, 306.1, 307, 308,
Kennels	NP	CUP/PC	306.2, 308
Training and Stabling Horses for Profit	P	P	304.1
Destination Resort	NP	CUP/PC	306.3, 307, 308
Commercial activities that are in conjunction with a farm use and not otherwise permitted under Section 305.22, except commercial activities carried on in conjunction with a marijuana crop.	CUP	CUP/PC	306.4
Winery	AR	AR	305.24, 307
Landscaping Business in conjunction with a Nursery	AR	AR	305.23, 307, 308
<b>INDUSTRIAL</b>	<b>HV</b>	<b>NHV</b>	<b>PA - 80 SECTION</b>
Abandoned/diminished mill sites	CUP/PC	CUP/PC	306.18, 307, 308
<b>MINERAL AND AGGREGATE</b>	<b>HV</b>	<b>NHV</b>	<b>PA - 80 SECTION</b>
Mineral Exploration defined in ORS 517	P	P	304.5
Exploring, Mining and Processing of Geothermal Resources defined in ORS 520 & 522	CUP/PC	CUP/PC	306.4, 307, 308
Mining and Processing of Mineral and Aggregate Materials defined in ORS 517	CUP/PC	CUP/PC	306.4, 307, 308
Processing of Aggregate into Asphalt or Portland Cement	CUP/PC	CUP/PC	306.4, 307, 308
Processing of Other Mineral Resources	CUP/PC	CUP/PC	306.4, 307, 308
<b>TRANSPORTATION</b>	<b>HV</b>	<b>NHV</b>	<b>PA - 80 SECTION</b>
Personal Use Airports and Helipads	CUP/PC	CUP/PC	306.5, 307, 308
Climbing and Passing Lanes within right-of-way existing on July 1, 1987	P	P	304.6
Construction of additional passing and travel lanes, requiring acquisition of right-of-way	CUP/PC	CUP/PC	306.6, 307, 308



<b>TABLE OF AUTHORIZED USES &amp; DEVELOPMENT</b>			
Reconstruction or modification of public roads, not including addition of travel lanes, removal or displacement of buildings or creation of new parcels	P	P	304.7
Reconstruction or modification of public roads involving the removal or displacement of buildings, but no new parcels	CUP/PC	CUP/PC	306.7, 307, 308
Temporary public road detours that will be abandoned and restored to original condition or use at such time as no longer needed	P	P	304.8
Minor improvements to existing road and highway-related facilities within right-of-way	P	P	304.9
Improvement to public highway related facilities, new weigh stations, rest areas etc	CUP/PC	CUP/PC	306.8, 307, 308
Roads, highways and other transportation facilities, requiring an exception	CUP/PC	CUP/PC	306.9, 307, 308
<b>UTILITIES AND SOLID WASTE DISPOSAL FACILITIES</b>	<b>HV</b>	<b>NHV</b>	<b>PA - 80 SECTION</b>
Utility facilities necessary for public service, excepting commercial power generating facilities and transmission towers	CUP/PC	CUP/PC	306.10, 307, 308
Transmission Towers / Communication Facilities	CUP/PC	CUP/PC	306.11, 307, 308
Utility facilities service lines	P	P	304.10
Rural fire protection facilities	AR	AR	305.15
Solid Waste Disposal Sites granted under ORS 459.245 by the Department of Environmental Quality	NP	CUP/PC	306.12, 307, 308
Composting Facilities exempt from DEQ permits under OAR 340-093-0050(3)	AR	AR	305.16, 307, 308
Commercial Power Generating Facilities	CUP/PC	CUP/PC	306.13.1, 307, 308
Commercial Wind Power Generating Facilities	CUP/PC	CUP/PC	306.14 <sup>1</sup> , 307

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<sup>1</sup> Amd. by Order No. 78-2010

<b>TABLE OF AUTHORIZED USES &amp; DEVELOPMENT</b>			
Irrigation canals, delivery lines and those structures and accessory operational facilities associated with Irrigation, Drainage, Water Improvement or Water control Districts defined in ORS 540.505	<b>PC</b>	<b>PC</b>	<b>305.17, 307, 308</b>
<b>PARKS / PUBLIC / QUASI-PUBLIC FACILITIES</b>	<b>HV</b>	<b>NHV</b>	<b>PA - 80 SECTION</b>
Schools, public or private, & all essential buildings	NP	CUP/PC	306.16, 307, 308
Churches and Associated Cemeteries	NP	PC	305.26, 307, 308
Parks, private, including playgrounds, hunting/fishing preserves and campgrounds	NP	CUP/PC	306.14, 307, 308
Parks, public or nonprofit, including playgrounds or community centers	CUP/PC	CUP/PC	306.15, 307, 308
Community Centers owned by a governmental agency or a nonprofit organization	AR	AR	305.25, 307
Living History Museum	AR	AR	305.27, 307
On-site Filming and associated facilities - 45 days or less - More than 45 days	P AR	P AR	304.12 305.28, 307
Model Aircraft takeoff and landing facilities	P	P	304.13,
Extraction and Bottling of Water	AR	AR	305.29, 307
Any outdoor gathering subject to land use review	CUP/PC	CUP/PC	306.18
Land application of reclaimed water or biosolids	P	P	304.14
Golf Courses	NP	CUP/PC	306.17, 307, 308

[Amd. Ordinance 2015-4, eff. 11-25-15]

\*Note: For the purposes of approving a land use application under this zone, the soil class, soil rating or other soil designation of a specific lot or parcel may be changed if:

- (1) The property owner submits a statement of agreement from the Natural Resources Conservation Service (NRCS) that the soil class, soil rating or other soil designation should be adjusted based on new information; or

- (2) Submits a report from a soils scientist whose credentials are acceptable to the State Department of Agriculture that the soil class, soil rating or other soil designation should be changed; and
- (3) Submits a statement from the State Department of Agriculture that the Director of Agriculture or the Director's designee has reviewed the resulting report and finds its analysis to be soundly and scientifically based.

304 Permitted Uses. The following specific development and uses are permitted in the PA-80 Zone and are subject to compliance with the procedures and criteria under Section 308 Development Standards, the prescriptive standards specified herein, and other applicable state, federal, and local regulations.

- .1 Farm use as defined by ORS 215.203(2) including marijuana growing and producing subject to standards in section 1803;
- .2 Propagation or harvesting of a forest products;
- .3 Accessory buildings and structures related to the use and management of farm uses, 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 except when used in conjunction with a marijuana crop;
- .4 Creation, restoration and enhancement of wetlands and fish and wildlife habitat projects;
- .5 Mineral exploration defined in ORS 517.750 including all activities conducted on or beneath the surface of the earth for the purpose of determining presence, location, extent, grade or economic viability of a deposit. "Exploration" does not include prospecting or chemical processing of minerals;
- .6 Climbing and passing lanes within the right-of-way existing as of July 1, 1987;
- .7 Reconstruction or modification of public roads and highways, not including the addition of travel lanes, removal or displacement of buildings or creation of new parcels;
- .8 Temporary public road or highway detours that will be abandoned and restored to original condition or use at such time as no longer needed;
- .9 Minor betterment of existing public road and highway related facilities such as maintenance yards, weigh stations and rest areas, within right-of-way existing as of July 1, 1987, and contiguous publicly-owned property utilized to support the operation and maintenance of public roads and highways;
- .10 Utility facility service lines including utility lines and accessory facilities or structures provided for in OAR 660.033.130(32) that end at the point where the utility service is received by the customer and located on at least one of the following areas: (1) a public right-of-way; (2) land immediately adjacent to a public

right-of-way, provided the written consent of all adjacent property owners has been obtained; or (3) the property to be served by the utility.

- .11 Irrigation canals, delivery lines, and those structures and accessory operational facilities associated with an Irrigation, Drainage, Water Improvement or Water Control District defined in ORS 540.505.
- .12 On-site filming and accessory activities with a duration of 45 days or less provided for in ORS 215.306;
- .13 A site and the buildings and facilities, including accessory building and facilities, for the takeoff and landing of model aircraft, if not more than 500 square feet in floor area or placed on a permanent foundation unless the building or facility preexisted the use approved under this subsection. The site shall not include an aggregate surface or hard surface area unless the surface preexisted the use approved under this subsection. An owner of property used for the purpose authorized in this paragraph may charge a person operating the use on the property rent for the property. An operator may charge users of the property a fee that does not exceed the operators cost to maintain the property, buildings and facilities As used in this subsection, "model aircraft" means a small-scale version of an airplane, glider, helicopter, dirigible or balloon that is used or intended to be used for flight and controlled by radio, lines or design by a person on the ground.
- .14 The land application of reclaimed water, agricultural or industrial process water, or biosolids for agricultural, horticultural, or silvicultural production or for irrigation if a license or permit has been issued by DEQ with the requirements of ORS 215.246, 215.247, 215.249, and 215.251 and the land application is in connection with a permitted use in the PA-80 Zone.

*[Amd. Ordinance 2015-4, eff. 11-25-15]*

- 305 Administrative Review. The following uses are permitted, subject to review and approval under the prescriptive standards specified herein, in Sections 307, 308, & 1550 and as may otherwise be noted in this section and indicated by federal, state and local regulations and permits.

*[Amd. Ordinance 2015-4, eff. 11-25-15]*

#### SINGLE FAMILY RESIDENCES – 305 AR

The following single family residences may be allowed except for new dwellings used in conjunction with a marijuana crop:

- .1 Dwelling for the Farm Operator on High Value Farmland. A farm dwelling may be authorized on a tract of land classified as High Value Farmland where the tract meets the following criteria:
  - A. The subject tract is currently in farm use and has produced at least \$80,000 gross annual income from the sale of farm products in the last two years or three out of the last five years;

1. In determining the gross annual farm income required by Subsection 305.1A., the cost of purchased livestock shall be deducted from the total gross income attributed to the farm or ranch operation. Only the gross income from land owned, not leased or rented, shall be counted. Gross farm income earned from a lot or parcel which has been used previously to qualify another lot or parcel for construction or siting of a primary farm dwelling may not be used;
  2. Non-contiguous PA-80 zoned plots of parcels in Columbia County or contiguous counties in Oregon or Washington may be used to meet the gross income requirements. When a farm or ranch operation has lots or parcels in both "Western" and "Eastern" Oregon, these lots or parcels may not be used to qualify for a dwelling in the other part of the state.
- B. The tract that is zoned for farm, mixed farm or forest use contains no dwellings except lawfully established seasonal farm worker housing; and
- C. The dwelling will be occupied by the person(s) that produced the commodities which provided the income under Subsection 305.1A above.  
*[Amd Order No. 78-2010, 12.15.10.]*
- D. Prior to the final approval for a dwelling authorized by Subsection 305.1, the applicant shall provide evidence that:
1. The covenants, conditions and restrictions described and intended as set forth in Exhibit A found at the end of this Zone have been recorded with the County Clerk of the county or counties where the property subject to the covenants, conditions and restrictions is located;
  2. The covenants, conditions and restrictions shall be recorded for each affected lot or parcel for the primary farm dwelling and shall preclude:
    - a. All future rights to construct a dwelling except for accessory farm dwellings, relative farm assistance dwellings, temporary hardship dwellings or replacement dwellings allowed by ORS Chapter 215; and
    - b. The use of any gross annual farm income earned on the lots or parcels to qualify another lot or parcel for a primary farm dwelling;
  3. The covenants, conditions and restrictions shall be irrevocable unless a statement of release is signed by an authorized representative of the county or counties where the property subject to the covenants, conditions and restrictions is located.

The County Planning Director shall maintain a copy of the covenants, conditions and restrictions filed in the County deed records pursuant to this

subsection and a map or other record depicting the lots and parcels subject to the covenants, conditions and restrictions . The map or other record required by this subsection shall be readily available to the public in the County planning office.

- E. The County Assessor shall be notified of the land use application for the proposed dwelling on the PA-80 property.

.2 Dwelling for the Farm Operator on Other Farmland - Acreage Standard. A farm dwelling may be authorized on a tract of land not classified as High Value Farmland subject to the following standards:

- A. The parcel on which the dwelling is to be located is at least 160 acres in size;
- B. The subject tract is currently in farm use;
- C. The dwelling will be occupied by the person(s) principally engaged in the farm use of the land such as planting, harvesting, marketing or caring for livestock on a commercial scale; and
- D. The subject tract contains no dwellings, except lawfully established seasonal farm worker housing.

.3 Dwelling for the Farm Operator on Other Farmland – Income Standard A farm dwelling may be authorized on a tract of land not classified as High Value Farmland subject to the following standards:

- A. The subject tract is currently employed for farm use and has produced at least \$40,000 in gross annual income from the sale of farm products during the last two years or three of the last five years, (Note: When determining gross income the definition in Subsection 305.1A. above applies) or
- B. The subject tract is currently employed for farm use and has produced gross annual income of at least the midpoint of the median income range of gross annual sales for farms in the County with gross annual sales of \$10,000 or more according to the 1992 Census of Agriculture during the last two years or three of the last five years used (Note: When determining gross annual income Subsection 305.1A. applies); and
- C. The subject tract, including properties zoned PA-80 or FA-80, contains no dwellings except lawfully established seasonal farm worker housing; and
- D. The dwelling will be occupied by the person or persons who produced the commodities in determining gross annual income above.

.4 Dwelling for the Farm Operator on Other Farmland – Sales Capability Test. A dwelling in conjunction with farm use may be authorized on a tract of land not classified as High Value Farmland subject to the following:

*The County reserves this section for use if the County prepares the potential gross sales figures table, approved by DLCD, per acre for each assessor land class pursuant to OAR 660-033-0135(4).*

.5 Lot of Record Dwelling on High Value Farmland.

- A. A dwelling may be authorized on a tract of land classified as High Value Farmland subject to the following criteria:
1. The lot or parcel on which the dwelling will be sited was lawfully created and was acquired and owned continuously by the present owner prior to January 1, 1985. (Note: Present owner may also qualify if the property was inherited by devise or intestate succession from a person that acquired the lawfully created parcel prior to January 1, 1985);
  2. The tract on which the dwelling will be sited has no existing dwellings;
  3. The lot or parcel on which the dwelling will be sited was part of a tract on November 4, 1993 and no dwelling exists on another lot or parcel of the tract;
  4. The dwelling meets all other land use regulations including, but not limited to, regulations which apply to flood hazard areas, development within the Willamette River Greenway, development in forested areas or development in significant resource areas such as riparian areas or big game habitat;
  5. When the lot or parcel on which the dwelling will be sited is part of a tract, the remaining portions of the tract are consolidated into a single lot or parcel when the dwelling is allowed;
  6. The parcel cannot practically be managed for farm use, by itself, or in conjunction with adjacent land, due to extraordinary circumstances inherent in the land or its physical setting or physical barriers that separates the lot from other agricultural land that do not apply generally to other land in the vicinity. Examples of "extraordinary circumstances inherent in the land or its physical setting" include very steep slopes, deep ravines, rivers, streams, roads, railroad or utility lines or other similar natural or physical barriers that by themselves or in combination separate the subject lot or parcel from adjacent agricultural land and prevent it from being practicably managed for farm use by itself or together with adjacent or nearby farms;
  7. The dwelling will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm and forest use;
  8. The dwelling will not significantly increase the cost of farm or forest practices on surrounding lands devoted to farm and forest use; and

9. The dwelling will not materially alter the stability of the overall land use pattern in the area.
  - B. Notice of the application pursuant to Section 1601 shall also be provided to the State Department of Agriculture at least 20 calendar days prior to any decision.
  - C. Authorization of a single-family dwelling under the provisions of this subsection may be transferred by a person who has qualified under this subsection to any other person after the effective date of the land use decision.
  - D. For the purpose of Subsections 305.5A. and .6A. of this section, "owner" includes wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, nephew, stepparent, stepchild, grandparent or grandchild of the owner or a business entity owned by any one or combination of these family members.
  - E. The County Assessor shall be notified of the land use application for the proposed dwelling on the PA-80 property.
- .6 Lot-of-Record Dwelling Not High Value Farmland. A dwelling may be authorized on a lot-of-record on land not classified as High Value Farmland.
- A. To qualify as a lot-of-record, the parcel must meet the following criteria:
    1. The lot or parcel on which the dwelling will be sited was lawfully created and acquired and continuously owned by the present owner prior to January 1, 1985. (Note: The owner may also qualify if the property was inherited by devise or intestate succession from a person who acquired the lawfully created parcel prior to January 1, 1985);
    2. The tract on which the dwelling will be sited has no existing dwelling;
    3. The lot or parcel on which the dwelling will be sited was part of a tract on November 4, 1993 and no dwelling exists on another lot or parcel of the tract;
    4. The dwelling meets all other land use regulations including, but not limited to, regulations which apply to flood hazard areas, development within the Willamette River Greenway, development in forested areas or development in significant resource areas such as riparian or big game habitat; and
    5. When the lot or parcel on which the dwelling will be sited is part of a tract, the remaining portions of the tract are consolidated into a single lot or parcel when the dwelling is allowed.



- B. Notice of the application shall be pursuant to Section 1601 of the Columbia County Zoning Ordinance. An appeal of the Planning Director's decision shall be processed pursuant to Section 1700.
  - C. Authorization of a single-family dwelling under the provisions of this subsection may be transferred by a person who has qualified under this subsection to any other person after the effective date of the land use decision.
  - D. The owner shall include family members as stated in Subsection 305.5D.
  - E. The County Assessor shall be notified of the land use application for the proposed dwelling on the PA-80 property.
- .7 Single-Family Dwelling not provided in conjunction with farm use. A dwelling not related to farm use may be allowed subject to Section 307 General Review Standards and the following criteria:
- A. The dwelling is situated on the lot or parcel, or a portion of a lot or parcel, that is generally unsuitable land for the production of farm crops and livestock or merchantable tree species, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the tract. Size shall not be the sole consideration; a lot or parcel is presumed to be suitable if it is composed predominately of Class I-IV soils, and, if too small to be managed itself, it can be sold, leased, rented or otherwise managed as part of a commercial farm or ranch nearby;
  - B. The dwelling will not materially alter the stability of the overall land use pattern of the area. In making such a determination, consideration shall be given to the cumulative impact of non-farm dwellings on other lots or parcels in the area similarly situated by applying standards articulated in OAR 660-033-0130 (4)(a)(D); specifically, an appropriate study area shall be described for analysis of land use pattern and a statement given as to why the selected area is representative of the land use pattern surrounding the subject parcel and is adequate to conduct the analysis;
  - C. The dwelling will be sited on a lot or parcel created before January 1, 1993, or a lot or parcel created specifically for a non-farm dwelling under Section 309.3;
  - D. The lot or parcel qualifying for a dwelling under this subsection shall be disqualified for farm or forest use assessment pursuant to ORS 215.236; and
  - E. The dwelling complies with other standards of County ordinance, including but not limited to, requiring the landowner to sign and record a deed binding the landowner and successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

- .8 Dwelling for Family Farm Help A dwelling for family farm help may be authorized on the same lot or parcel as the dwelling of the Farm Operator where the dwelling will be occupied by a relative of the Farm Operator whose assistance in the management and farm use of the existing commercial farm operation is required by the Farm Operator. The Farm Operator shall continue to play the predominant role in the management and use of the farm. As used in this subsection, a farm operator is a person who operates a farm, doing the work and making the day-to-day decisions about such things as planting, harvesting, feeding, and marketing. Relative, as defined in this subsection, means grandparent, step grandparent, grandchild, parent, step parent, child, brother, sister, sibling, step-sibling, niece, nephew, or first cousin 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. A change in the farm operation of the dwelling for family farm help is not justification for a zone change, variance or land division.

.9 Replacement Dwelling

- A. The alteration, restoration or replacement of a lawfully established dwelling may be authorized and not subject to Section 1506 where the single-family dwelling being altered, restored, or replaced has:
  1. Intact exterior walls and roof structure;
  2. Interior plumbing, including kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;
  3. Interior wiring for interior lights; and
  4. A heating system.
- B. The dwelling to be replaced must be removed, demolished or converted to an approved non-residential use within 3 months of the completion of the replacement dwelling.
- C. A replacement dwelling may be sited on any part of the same lot or parcel. A dwelling established under this subsection shall comply with all applicable siting standards. However, the siting standards shall not be applied in a manner that prohibits the siting of the dwelling.
- D. If the dwelling to be replaced is located on a portion of the lot or parcel not zoned for Exclusive Farm Use, the applicant, as a condition of approval, shall execute and record in the deed records of the County a deed restriction prohibiting the siting of another dwelling on that portion of the lot or parcel. The restriction imposed shall be irrevocable unless a statement of release is issued by the County.
- E. The County Planning Director shall maintain a record of the lots or parcels that do not qualify for the siting of a new dwelling under the provisions of this subsection, including a copy of the deed restrictions and release statements recorded.

- F. An accessory farm dwelling authorized under Subsection 305.11 may only be replaced by a manufactured dwelling.

.10 Replacement of Historic Dwelling. If an existing dwelling is listed on the *National Register of Historic Places* or in the Comprehensive Plan's *Columbia County 2002 Intensive-Level Historic Survey*, it may be replaced by a dwelling to be used in conjunction with a farm use.

.11 Accessory Farm Dwelling for Year-Round and Seasonal Farm Workers.

- A. An accessory dwelling customarily provided in conjunction with farm use may be authorized, subject to review and approval, under the following criteria:

1. The dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land and whose assistance in the management of the farm use is or will be required by the Farm Operator. However, the Farm Operator shall continue to play the predominant role in the management and farm use of the farm;
2. The accessory farm dwelling will be located:
  - a. On the same lot or parcel as the primary farm dwelling; or
  - b. On the same tract as the primary farm dwelling when the lot or parcel on which the accessory dwelling will be sited is consolidated into a single parcel with all other contiguous lots and parcels in the tract; or
  - c. On a lot or parcel on which the primary farm dwelling is not located when the accessory farm dwelling is limited to only a manufactured dwelling with a deed restriction. The deed restriction shall be filed with the County Clerk and require the manufactured dwelling to be removed when the lot or parcel is conveyed to another party. The manufactured dwelling may remain if it is reapproved under a subsequent land use action pursuant to this section; or
  - d. On a lot or parcel on which the primary farm dwelling is not located when the accessory farm dwelling is limited to only attached multi-unit residential structures allowed by applicable state building code, or similar types of farm labor housing as existing farm labor housing on the farm registered with the Department of Consumer and Business Services, Oregon Occupational Safety and Health Division under ORS 658.750. The applicant shall require all accessory farm dwellings approved under this subsection to be removed, demolished or converted to a nonresidential use when farm worker housing is no longer required; or
  - e. On a lot or parcel on which the primary farm dwelling is not located when the accessory farm dwelling is located on a lot or

parcel consisting of at least 80 acres and the lot or parcel complies with the gross annual farm income requirements of dwellings on land classified as High Value Farmland or not High Value Farmland, whichever is applicable.

3. There is no other dwelling on lands designated for Exclusive Farm Use owned by the Farm Operator that is vacant or currently occupied by persons not working on the subject farm or ranch and that could reasonably be used as an accessory farm dwelling; and
4. The primary farm dwelling to which the proposed dwelling would be accessory meets the following applicable criteria:
  - a. On land not identified as High Value Farmland, the primary farm dwelling is located on a farm or ranch operation that is currently employed for farm use and has produced in the last two years or three of the last five years the lower of the following:
    - i. At least \$40,000 in gross annual income from the sale of farm products. (Note: In determining the gross annual income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract), or
    - ii. Gross annual income of at least the midpoint of the median income range of gross annual sales for farms in the County with gross annual sales of \$10,000 or more according to the 1992 Census of Agriculture, Oregon. (Note: In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract).
  - b. On land identified as High Value Farmland, the primary farm dwelling is located on a farm or ranch operation that is currently employed for farm use and has produced at least \$80,000 in gross annual income from the sale of farm products in the last two years or three of the last five years. (Note: purchased livestock shall be deducted).
5. The primary dwelling is located on a commercial dairy farm as defined by OAR 660-033-0135(11) and meets the following:
  - a. Building permits have been issued and construction has begun or been completed for the buildings and animal waste facilities of the dairy farm; and
  - b. The Oregon Department of Agriculture has approved a permit for a "confined animal feeding operation" under ORS 468B.050 and 468B.200 to 468B.230 and has issued a producer license under ORS 621.072 for the sale of dairy products; and

- B. An accessory farm dwelling approved pursuant to this subsection cannot later be used to satisfy the requirements for a dwelling not provided in conjunction with farm use pursuant to Subsection 305.7.
  - C. The County shall not approve any proposed division of a lot or parcel for an accessory farm dwelling approved pursuant to this subsection. If it is determined that an accessory farm dwelling satisfies the requirements of dwellings in conjunction with farm use, a parcel may be created consistent with the applicable minimum parcel size requirements in OAR 660-033-0100.
- .12 Temporary Medical Hardship Manufactured Home One manufactured dwelling, or recreational vehicle, or temporary use of an existing building in conjunction with an existing dwelling is allowed as a temporary use for the term of the hardship suffered by the existing resident or a relative of the resident, provided that:
- A. The proposed dwelling meets the requirements of Subsection 1505.3;
  - B. The applicant agrees to annually renew the permit and will remove the temporary home when the hardship condition ceases.
- .13 "Residential Home" or "Residential Facility", or room and board arrangements for up to a maximum of fifteen unrelated persons may be allowed in an existing dwelling in any area of the Primary Agriculture Zone subject to Section 307 General Review Standards and to Section 308 for all new development.
- A. "Residential Facility" means a residential care, training or treatment facility licensed or registered by or under the authority defined in ORS 443.400 or ORS 197.660 and licensed by the Children's Services Division under ORS 418.205 to 418.327 which provides residential care alone or in conjunction with treatment or training or a combination of both for six to fifteen individuals.
  - B. "Residential Home" means a residential treatment or training facility or an adult foster home licensed by or under the authority as defined in ORS 443.400 under 443.400 to 443.825 or ORS 197.660 which provides residential treatment or training or an adult foster home for five or fewer individuals.
- .14 New and existing dwellings on a lot or parcel that is subject to the Wildlife Habitat Special Assessment under ORS 308A.403 to 308A.430 and subject to provisions in Sections 307 and 308 as follows:
- A. Lawfully existing dwellings, pursuant to ORS 215.130 (5) to (11), may remain; and
  - B. For a lot or parcel without an existing dwelling, a dwelling established under this subsection shall comply with all applicable PA-80 Zone standards; and
  - C. The fact that a lot or parcel is subject to Wildlife Habitat Special Assessment may not make it easier or more difficult for a landowner to obtain approval for a dwelling on the lot or parcel.

[Amd. Ordinance 2015-4, eff. 11-25-15]

#### UTILITY FACILITIES – 305 AR

- .15 Fire service facilities providing rural fire protection services may be allowed subject to Sections 307 General Review Standards and 308 Development Standards.
- .16 Composting operations and facilities allowed on High Value Farmland or non-High Value Farmland are limited to those that are exempt from a permit from the Department of Environmental Quality (DEQ) under OAR 340-093-0050 (3), only require approval of an Agricultural Compost Management Plan by the Oregon Department of Agriculture, or require a permit from the DEQ under OAR 340-093-0050 where the compost is applied primarily on the subject farm or used to manage and dispose of by-products generated on the subject farm. Excess compost may be sold onsite to neighboring farm operations in the local area and shall be limited to bulk loads of at least one unit (7.5 cubic yards) in size. Buildings and facilities used in conjunction with the composting operation shall only be those required for the operation of the subject facility and shall be sited per provisions in Section 308.
- .17 Irrigation canals, delivery lines and those structures and accessory operational facilities associated with Irrigation, Drainage, Water Improvement, or Water Control District as defined in ORS 540.505 are allowed, subject to compliance with Sections 307, 308 and 1550.

#### COMMERCIAL RESOURCE RELATED USES – 305 AR

- .18 Farm Stand. Structures that are designed and used for the sale of farm crops except when used in conjunction with a marijuana crop and livestock grown on farms in the local agricultural area may be allowed, including the retail sale of incidental items and fee based activity to promote the sale of farm crops or livestock sold at the stand. Together, these accessory items may account for no more than 25% of the total annual sales of the farm stand. Farm stands do not include structures designed for residential occupancy or to accommodate activities other than the sale of farm crops and livestock, nor do they include processing of farm crops, or structures for banquets, public gatherings or entertainment. Farm crops or livestock includes both fresh and processed farm crops and livestock grown on the farm operation or grown on other farm operations in the local agricultural area. Processed crops and livestock includes jams, syrups, apple cider, animal products and other similar farm crops and livestock that have been processed and converted into another product but not prepared food items. Local agricultural area includes adjacent counties bordering the property on which the farm stand is located and include adjacent counties in the State of Washington that border the farm stand(s).
- .19 Facility for the Primary Processing of Forest Products. A facility for the primary processing of forest products is authorized, provided such facility is found to not seriously interfere with accepted farming practices and is compatible with farm uses described in ORS 215.203(2). 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 subsection, means the use of a portable chipper or stud mill or other similar methods of initial treatment of a forest production order to enable its shipment to market. Forest products, as used in this subsection, means timber grown upon a parcel of land or contiguous land where the primary processing facility is located.

- .20 Propagation, cultivation, maintenance and harvesting of aquatic or insect species. Insect species shall not include any species under quarantine. Notice of all applications shall be required under Section 1601 and shall be mailed to the State Department of Agriculture at least 20 calendar days prior to any administrative decision or initial public hearing of the application.
- .21 Type I Home Occupations, as defined by and subject to the applicable provisions in Sections 307, 308 and 1507. Home Occupations do not include commercial activities carried on in conjunction with a marijuana crop.
- .22 A facility for the processing of farm crops or for the production of biofuel, as defined in ORS 315.141 (biomass production or collection), if the facility is located on a farm operation that provides at least one-quarter of the farm crops processed at the facility, or an establishment for the slaughter, processing or selling of poultry or poultry products pursuant to ORS 603.038 (licensing exemption for certain poultry processors). If a building is established or used for the processing facility or establishment, the farm operator may not devote more than 10,000 square feet of floor area to the processing facility or establishment, exclusive of the floor area designated for preparation, storage or other farm use. A processing facility or establishment must comply with all applicable siting standards but the standards may not be applied in a manner that prohibits the siting of the processing facility or establishment.
- .23 Landscaping business, as defined in ORS 671.520, or a business providing landscape architecture services, as described in ORS 671.318, if the business is pursued in conjunction with the growing and marketing of nursery stock on the land that constitutes farm use subject to the requirements of Section 307, 308, and 1550.
- .24 A winery may be allowed on at least 15 acres producing no more than 100,000 gallons annually pursuant to conditions established in ORS 215.452 subject to the requirements of Sections 307, 308 and 1550. The winery shall also be consistent with the Comprehensive Plan and implementing ordinances including, but not limited to, development within floodplains, wetlands, areas of geologic hazards, the Willamette River Greenway, airport overlay, riparian areas, big game habitat, forested areas, open spaces, scenic and historic areas and natural areas.

*[Amd. Ordinance 2015-4, eff. 11-25-15]*

#### PUBLIC AND PRIVATE FACILITIES – 305 AR

- .25 Community Centers owned by a governmental agency or a nonprofit organization and operated primarily by and for residents of the local rural community, subject to compliance with Sections 307, 308 and 1550 Site Design Review.
- .26 Churches and Associated Cemeteries may be allowed subject to Sections 307, 308 and 1550 Site Design Review. New churches and associated cemeteries

are not authorized on lands classified as High Value Farmland. Existing facilities on High Value Farmland may be maintained, enhanced, or expanded subject to provisions in Section 1506. An exception to the statewide Agricultural Land Planning Goal 3 is required to locate a church or cemetery within three miles of an urban growth boundary.

- .27 Living History Museum may be allowed subject to Sections 307, 308 and 1550, and this subsection. A Living History Museum shall be owned and operated by a governmental organization or a local historical society, recognized by the local government or organized under ORS Chapter 65. Limited commercial activities and facilities may be authorized that are directly related to the use and enjoyment of the museum and located within authentic buildings of the depicted historic period.
  - .28 On-Site Filming and accessory facilities with a duration of more than 45 days may be allowed subject to Section 307.
  - .29 Operations for the Extraction and Bottling of Water may be allowed subject to Sections 307, 308 and 1550 for all on-site uses and development.
- 306 Conditional Uses. The following uses may be approved, subject to compliance with the procedures and criteria under Sections 307, 308, and 1503 Conditional Use Permit Hearing, the prescriptive standards specified herein, and other applicable state, federal and local regulations and permits:

#### COMMERCIAL ACTIVITIES – 306 CUP

- .1 Type II Home Occupations, as defined by and subject to Section 1507, may be allowed pursuant to Sections 307, 308 and 1503 with an associated public hearing. Home Occupations do not include commercial activities carried on in conjunction with a marijuana crop.
- .2 Kenel, except on high value farmland as defined herein, subject to standards contained in Section 1802. *[Amd. Ordinance No. 2010-3, eff. 01.04.11]*.
- .3 Destination Resorts may be approved on land not classified as High Value Farmland and shall be consistent with the requirements of Goal 8 Recreational Needs, as well as the review criteria of Sections 307, 308, 1503, and 1550.
- .4 Commercial activities that are in conjunction with farm use except commercial activities carried on in conjunction with a marijuana crop and not otherwise permitted under Section 305.22 require a conditional use permit pursuant to Section 1803.

*[Amd. Ordinance 2015-4, eff. 11-25-15]*

#### MINERAL AND AGGREGATE OPERATIONS – 306 CUP

- .4 The following operations shall be consistent with provisions in Sections 307, 308, 1040, 1503 and 1550:
  - A. Any exploration, mining, and/or subsequent processing for the production of geothermal, oil and/or gas resources, as defined by ORS 522.005;



- B. Surface mining for mining of more than 1,000 cubic yards of material or for the excavation preparatory to mining of a surface area of more than one acre of aggregate and other minerals and subsurface resources, which are included in the County Inventory of Mineral and Aggregate Resources, are subject to compliance with provisions in ORS 215.298 related to mining activities in exclusive farm use zones.

Processing as defined by ORS 517.750 of aggregate by batching into asphalt or cement is not permitted within two miles from a planted vineyard, at least 40 acres in size, planted as of the date the application for batching and blending is filed; and

- C. Processing of other mineral resources and other subsurface resources.

#### TRANSPORTATION – 306 CUP

- .5 Personal-Use Airports and Helipads, including associated hangar, maintenance and service facilities, subject to compliance with Sections 307, 308 and 1503. A personal use airport, as used in this subsection, means an airstrip restricted, except for aircraft emergencies, to use by the owner and, on an infrequent and occasional basis, by invited guests, and by commercial aviation activities in connection with agricultural operations. No aircraft may be based on a personal-use airport other than those owned or controlled by the owner of the airstrip. Exceptions to the activities permitted under this definition may be granted through waiver action by the Aeronautics Division in specific instances. A personal-use airport lawfully existing as of September 13, 1975, shall continue to be permitted subject to any applicable rules of the Aeronautics Division.
- .6 Construction of Additional Passing and Travel Lanes requiring the acquisition of right-of-way, but not resulting in the creation of new parcels, as set forth in OAR 660-012-0065 related to Transportation Improvements on Rural Lands and subject to compliance with Section 307, General Review Standards and Section 1503.
- .7 Reconstruction or modification of Public Roads and Highways involving the removal or displacement of buildings as set forth in OAR 660-012-0065 related to Transportation Improvements on Rural Lands but not resulting in the creation of new parcels, subject to compliance with Sections 307 and 1503.
- .8 Improvements to Existing Public Road and Highway-Related Facilities, such as maintenance yards, weigh stations and rest areas as set forth in OAR 660-012-0065 related to Transportation Improvements on Rural Lands where additional property or right-of-way is required but not resulting in the creation of new parcels, subject to compliance with Sections 307 and 1503.
- .9 Roads, Highways and other Transportation Facilities and Improvements as set forth in OAR 660-012-0065 related to Transportation Improvements on Rural Lands and not otherwise provided for in this Section, subject to adoption of an Exception to Statewide Planning Goal 3 and to any other applicable goal with which the facility or improvement does not comply, subject to compliance with Section 307, General Review Standards and Section 1503.

UTILITIES AND SOLID WASTE DISPOSAL FACILITIES – 305 CUP

- .10 Utility Facilities Necessary for Public Service, including wetland waste treatment systems, but not including commercial facilities for the purpose of generating electrical power for public use by sale, or transmission towers over 200 feet in height, or to interstate natural gas pipelines and associated facilities authorized by and subject to regulation by the Federal Energy Regulatory Commission, may be allowed subject to Sections 307, 308, 1503, and 1550 and to the following criteria:
- A. To demonstrate that a utility is necessary, an applicant must show that reasonable alternatives have been considered and that the utility must be sited in the Primary Agriculture Zone due to one or more of the following factors:
    - 1. Technical and engineering feasibility;
    - 2. The proposed facility is locationally dependent. A utility facility is locationally dependent if it must cross land in one or more areas zoned for exclusive farm use in order to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands;
    - 3. Lack of available urban or nonresource lands;
    - 4. Availability of existing rights-of-way;
    - 5. Public health and safety; and
    - 6. Other requirements of state and federal agencies.
  - B. Cost alone may not be the only consideration in determining that a utility facility is necessary for public service. Land costs shall not be included when considering alternative locations for substantially similar utility facilities and the siting of public facilities that are not substantially similar.
  - C. The County shall impose clear and objective conditions to mitigate and minimize the impacts of the proposed facility in order to prevent a significant change in accepted farming practices or a significant increase in costs of farm practices on surrounding farmlands.
  - D. The County shall require the owner of the utility facility to restore any agricultural land that is damaged or otherwise disturbed by the siting, maintenance, repair or reconstruction of the facility. A bond or other security instrument may be imposed for such consideration.
  - E. The establishment or extension of a sewer system by public or private entities as defined by OAR 660-011-0060(1)(f) in a Primary Agriculture Zone shall be subject to the provisions of OAR 660-011-0060. Systems that solely collect, transfer and/or dispose of storm water runoff or animal waste from farm use defined in ORS 215.203(2) are not considered "sewer systems" for this subsection.

- .11 Transmission Towers /Communication Facilities over 200 feet in height, subject to compliance with Sections 307, 308, 1503, and the following criteria:
- A. The location, size design, and functional characteristics of the tower are reasonably compatible with and have a minimum impact on the livability and development of other properties in the area;
  - B. The tower shall be located so as to not interfere with air traffic;
  - C. The tower will not have significant adverse effect on identified sensitive fish or wildlife habitat, natural areas, or scenic areas designated in the Comprehensive Plan;
  - D. The minimum setback from the property line shall be equal to the minimum setbacks from all property lines pursuant to applicable provisions in Subsection 308.4; and
  - E. The level of facilities and services provided shall be appropriate for, but not limited to, the needs and requirements of the area(s) to be served.
- .12 Solid Waste Disposal Site, for which a permit has been granted by DEQ under ORS 459.245 and the site has been approved by the governing body of a city or county or both, together with the equipment, facilities or buildings necessary for its operation, subject to compliance with Sections 307, 308, 1503, and 1550.
- .13 Commercial Power Generating Facilities, subject to compliance with the applicable provisions in OAR 660-033-0130(37) and subject to Sections 307, 308, 1503, and 1550. On High Value Farmland, an exception to the Statewide Agricultural Lands Planning Goal is required where development of the power generating facility removes more than 12 acres from commercial agricultural production. On farmland not classified as high value, an exception to the statewide Agricultural Lands Planning Goal is required where development of the power generating facility removes more than 20 acres from commercial agricultural production.
- .14 Commercial Wind Power Generating Facilities include, but are not limited to, the following system components: all wind turbine towers and concrete pads, permanent meteorological towers and wind measurement devices, electrical cable collection systems connecting wind turbine towers with the relevant power substation, new or expanded private roads (whether temporary or permanent) constructed to serve the wind power generation facility, office and operation and maintenance buildings, temporary lay-down areas and all other necessary appurtenances.

#### PARKS, PUBLIC AND PRIVATE FACILITIES – 306 CUP

- .15 Private Parks, Playgrounds, Hunting and Fishing Preserves and Campgrounds subject to compliance with review standards found in Sections 307, 1503 and 1550 as follows:

- A. Except on a lot or parcel contiguous to a lake or reservoir, private campgrounds shall not be allowed within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR Chapter 660, Division 4. A campground is an area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes and is established on a site or is contiguous to lands with a park or other outdoor natural amenity that is accessible for recreational use by the occupants of the campground. A campground shall be designed and integrated into the rural agricultural and forest environment in a manner that protects the natural amenities of the site and provides buffers of existing native trees and vegetation or other natural features between campsites. Campgrounds authorized by this subsection shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations. Overnight temporary use in the same campground by a camper or camper's vehicle shall not exceed a total of 30 days during any consecutive 6 month period.
  - B. Campsites may be occupied by a tent, travel trailer, yurt or recreational vehicle. Separate sewer, water or electric service hook-ups shall not be provided to individual camp sites except that electrical service may be provided to yurts allowed for by subsection C. of this section.
  - C. Subject to Planning Commission approval under the provisions of Section 1503, a private campground may provide yurts for overnight camping. No more than one-third or a maximum of 10 campsites, whichever is smaller, may include a yurt. The yurt shall be located on the ground or on a wood floor with no permanent foundation. Upon request by the County, the Land Conservation and Development Commission may provide by rule for an increase in the number of yurts allowed on all or a portion of the campgrounds if the Commission determines that the increase will comply with the standards described in ORS 215.296(1). As used in this subsection, "yurt" means a round, domed shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hook-up or internal cooking appliance.
- .16 Public or Nonprofit Parks, including Playgrounds, may be established consistent with ORS 195.120, OAR 660-034-035 or OAR 660-034-0040, whichever is applicable, and shall be subject to compliance with review standards found in Sections 307 and 308, and sections 1503 Conditional Use Permit and 1550 Site Design Review.
- .17 Schools, public or private for kindergarten through Grade 12, including all buildings essential to the operation of a school, primarily for residents of the rural area in which the school is located may be allowed subject to Sections 307, 1503 and 1550. New schools are not authorized on lands classified as High Value Farmland. Existing schools on High Value Farmland may be maintained, enhanced, or expanded. An exception to the Statewide Agricultural Lands Planning Goal is required when the school would be located within three miles of an urban growth boundary.

Schools established on or before January 1, 2009 that do not primarily serve residents of the rural area may expand provided the expansion occurs on the tax

lot for which the use was established or on a tax lot that is contiguous to the tax lot of the established school. Proposed expansions of schools shall not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use nor shall they significantly increase the cost of accepted farm or forest practices on lands devoted to farm or forest use.

- .18 Golf Courses. A new golfing facility may be approved on a tract of land not classified as High Value Farmland if it is found to be consistent with Sections 307, 1503, and 1550 and meets the state definition of a 9- or 18-hole regulation golf course including accessory uses as outlined in OAR 660-33-0130. Existing golf course facilities on all farmlands may be maintained, enhanced, or expanded up to 36 holes on the same tract consistent with the above cited regulations.
- .19 Mass Gatherings as used in this ordinance means the actual or reasonably anticipated assembly of more than 3,000 persons which continues or can reasonably expected to continue for more than 24 consecutive hours but less than 120 hours within any three month period and which is held primarily in open spaces and not in any permanent structure. Any assembly of persons not meeting the above definition is not a land use decision. An application for a Mass Gathering pursuant to this ordinance shall be processed in accordance with Section 1603, with special notification to the County sheriff, County health office and the local fire district, and shall be subject to the Columbia County Mass Gathering Ordinance.

#### INDUSTRIAL USES – 306 CUP

- .20 Abandoned or diminished mill sites means a mill, plant, or other facility engaged in the processing or manufacturing of wood products, including sawmills and facilities for the production of plywood, veneer, hardboard, panel products, pulp and paper.
  - A. Pursuant to ORS 197.719 these abandoned or diminished mill sites may be zoned for industrial use provided the facility:
    - 1. Is located outside of urban growth boundaries;
    - 2. Was closed after January 1, 1980, or has been operating at less than 25 percent of capacity since January 1, 2003; and
    - 3. Contains or contained permanent buildings used in the production or manufacturing of wood products.
  - B. Notwithstanding statewide land use planning goals protecting agricultural lands or forestlands or statewide land use goals relating to urbanization, the County may amend the County's Comprehensive Plan and land use regulations to allow an abandoned or diminished mill site to be zoned for industrial use.
  - C. The County shall determine the boundary of an abandoned or diminished mill site. For an abandoned or diminished mill site that is rezoned for industrial use under this subsection, land within the boundary of the mill site

may include only those areas that were improved for the processing or manufacturing of wood products.

- D. For an abandoned or diminished mill site that is rezoned for industrial use under this subsection, the Planning Commission may approve only the industrial development and accessory uses subordinate to such development on the mill site. The Planning Commission may not approve any other uses including, but not limited to, retail, commercial or residential development on the mill site.
- E. For land that, on June 10, 2003, was zoned for Primary Agriculture, Primary Forest or Forest Agriculture and that is rezoned for industrial use under this subsection, the County may not later rezone the land for retail, commercial or other nonresource use, except as provided under the statewide land use planning goals or under ORS 197.732.

### 307 General Review Standards.

- .1 All uses in the Primary Agriculture Zone shall meet the review standards found in the above enabling Sections 304, 305 or 306. To also ensure compatibility with farming and forestry activities, the Planning Director, hearings body or Planning Commission shall determine that a use authorized by Sections 304, 305, or 306, except as specifically noted, shall meet the following requirements:
  - A. The proposed use will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; and
  - B. The proposed use will not significantly increase the cost of accepted farm or forest practices on lands devoted to farm or forest use.
- .2 In addition to the requirements in 307.1A. and B., the applicant may demonstrate that the standards for approval will be satisfied by imposing clear and objective conditions to ensure conformance to applicable standards of the proposed PA-80 use.
- .3 For all residential development approved under 305.1 through 305.13, the owner shall sign and record in the deed records a document binding on the landowner and any successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices normally allowed under law.
- .4 Permit Expiration:
  - A. For any discretionary decision under Sections 305 and 306, except as provided for in Subsection 307.5 below, if not within an urban growth area, the approval period for development is void two (2) years from the date of final decision if a development permit is not issued by Land Development Services;
  - B. The Director may grant extensions of up to one year if the applicant requests an extension in writing prior to the approval period expiration and it is determined that the applicant was not able to begin or continue

development during the approval period for reasons which the applicant was not responsible;

- C. Approval of an extension granted under this subsection is an administrative decision, is not a land use decision as described in ORS 197.015 and is not subject to appeal as a land use decision; and
  - D. Additional one year extensions may be authorized where applicable criteria for the decision have not changed.
- .5 For a proposed residential development decision under Subsections 305.1 through 305.13, if not within an urban growth boundary, the approval period shall be valid for four (4) years and an extension granted under B. above shall be valid for two (2) years.

### 308 Development Standards

- .1 The minimum average lot width shall be 100 feet for all activities except farming and forestry.
- .2 The minimum average lot depth shall be 100 feet for all activities except farming and forestry.
- .3 All newly created lots or parcels and those with permitted, reviewed or conditional uses, shall have a minimum of 50 foot frontage on a public or private right-of-way and an approved access in accordance with this ordinance, the Columbia County Road Standards and the Rural Transportation System Plan.
- .4 Setbacks. The following are minimum setbacks for all buildings and structures. In addition, all structures are subject to any special setback lines, where specified on designated arterial or collectors.
  - A. No structure shall be constructed closer than 30 feet to a property line. In the event the subject property is bordered by a zone with more restrictive setbacks, the more restrictive setback of the adjoining zone shall control on the side of the subject property adjoining the more restrictive setback.
  - B. Setbacks in wetland areas shall be required in accordance with Sections 1170 and 1180 of the Columbia County Zoning Ordinance.
- .5 Height. There shall be a height limitation of 100 feet in the PA-80 Zone for farm use structures, except for on those lands containing abandoned mill sites that were rezoned to industrial uses pursuant to ORS 197.719 or are subject to Airport Overlay Zone, or any structure which has received a conditional use or variance approval which allows a greater height of said structure. Unless otherwise prohibited, the maximum building height for all non-farm, non-forest structures shall be 50 feet or 2½ stories, whichever is less.
- .6 Signs. The standards and requirements described in Section 1300 of the Columbia County Zoning Ordinance shall apply to all signs and name plates in the Exclusive Farm Use Zone.

- .7 The Oregon Department of Fish & Wildlife shall be notified and provided with the opportunity to comment on any development within a Goal 5 protected wildlife habitat area.
- .8 Dwellings and other structures to be located on a parcel within designated big game habitat areas pursuant to the provisions of Section 1190 are also subject to the additional siting criteria contained in Section 1190.

309 Land Division Requirements [ORS 215.263].

- .1 No land(s) located within the Primary Agriculture Exclusive Farm Use Zone shall be divided without the express approval of Columbia County under the provisions set forth in the Columbia County Subdivision and Partitioning Ordinance and the provisions of Sections 307 and 308 of this ordinance. A proposed division of land in the PA-80 Zone may not occur for the land application of reclaimed water, agricultural or industrial process water or biosolids described in ORS 215.213(1)(y) or 215.283(1)(v). Parcels resulting from a foreclosure action and the creation of cemetery lots in existing cemeteries are exempt from this Section. A deed or instrument conveying land in lieu of foreclosure shall not constitute a foreclosure action.
- .2 New Resource Farm Parcels. Primary Agriculture parcels may be partitioned to create parcels for farm use as defined by ORS 215.203 and this ordinance provided:
  - A. The proposed partition is appropriate for the continuation of the existing agricultural enterprise within the area; or
  - B. The created parcels are 80 acres or larger;
- .3 New Non-Farm Non-Residential Parcels. Land may be partitioned into parcels of less than 80 acres in size for non-farm residential uses authorized by this ordinance under Sections 305 and 306 subject to compliance with the requirements of ORS Chapter 92, the Columbia County Subdivision and Partitioning Ordinance and the following criteria:
  - A. The parcels for the non-farm use shall not be larger than the minimum size necessary for the use;
  - B. A preliminary site plan shall be submitted depicting the proposed parcel boundaries, natural features and the location of all existing and proposed buildings, structures, and related facilities, including, but not limited to the on-site septic system, water facilities, utility easements, vehicular access, circulation, parking and loading areas;
  - C. Each parcel shall have legal access to an existing public road by frontage or easement; and
  - D. The new non-farm parcels shall be disqualified from special tax assessment as required under ORS 215.236.
- .4 New Non-Farm Residential Parcels



- A. Up to two new parcels each less than 80 acres for non-farm residential use may be created, each to contain one dwelling not provided in conjunction with farm use, subject to compliance with the requirements of the Columbia County Subdivision and Partitioning Ordinance and the following criteria:
1. The non-farm dwellings for the site have been approved under Section 305.7;
  2. The parcels for the non-farm dwellings are divided from a lot or parcel that was lawfully created prior to July 1, 2001 and contains at least 80 acres;
  3. The remainder of the original lot or parcel not containing the non-farm dwellings will contain at least 80 acres after the land division; and
  4. The parcels for the non-farm dwellings are generally unsuitable for the production of farm crops and livestock or merchantable tree species considering the terrain, adverse soil or land conditions, drainage or flooding, vegetation, location and size of the tract. A parcel may not be considered unsuitable based solely on size or location if the parcel can reasonably be put to farm or forest use in conjunction with other land.
- B. Up to two new parcels for non-farm residential use may be created each to contain one dwelling not provided in conjunction with farm use, subject to the provisions of the Columbia County Subdivision and Partitioning Ordinance and the following criteria:
1. The non-farm dwelling for the site has been approved under Section 305.7;
  2. The division is from a lot or parcel that was created prior to July 1, 2001, and is at least 40 acres or larger; and
  3. The parcels for the non-farm dwellings:
    - a. Are not capable of producing more than at least 50 cubic feet per acre of wood fiber;
    - b. Are composed of at least 90 percent Class VI through VIII soils;
    - c. Do not have established water rights for irrigation, and
    - d. Are generally unsuitable for the production of farm crops and livestock or merchantable tree species considering the terrain, adverse soil or land conditions, drainage or flooding, vegetation, location and size of the tract. A parcel may not be considered unsuitable based solely on size or location if the parcel can reasonably be put to farm or forest use in conjunction with other land.

- .5 New parcel for Residential Care/Training/Foster Home and Historic Property Identified in Comprehensive Plan. A new parcel may be approved of less than 80 acres with an existing dwelling to be used as a "Residential Home", approved under Subsection 305.13 or for a dwelling replacement approved under Subsection 305.10 for historic dwellings.
- .6 New parcel for Public Parks or Open Space or Non-Profit Land Conservation Uses. A new parcel may be approved for a provider of a public park or open space, or for a non-profit land conservation organization to permit the purchase of at least one of the resulting parcels subject to the following:
  - A. One of the parcels contains an existing dwelling and is large enough to support the continued residential use of the existing dwelling; and
  - B. The parcel not containing the dwelling:
    - 1. Shall not be eligible for siting a dwelling except as may be authorized within state parks pursuant to ORS 195.120;
    - 2. Shall not be considered in approving or denying an application for the siting of any other dwelling;
    - 3. Shall not be considered in approving a redesignation or rezoning except to allow a public park, open space or other natural resource use *[Amd Order No. 78-2010, 12.15.10.]*; and
    - 4. Shall not be smaller than 25 acres unless the proposed land division is:
      - a. To facilitate the creation of a wildlife habitat protection corridor or implementation of a wildlife habitat protection plan; or
      - b. To allow a transaction in which one of the parties is a public park or open space provider, or a non-profit land conservation organization, that has cumulative ownership of at least 2,000 acres of open space or park property.
- .7 Churches. A new parcel may be approved to establish a church, including cemeteries in conjunction with the church, at a size smaller than 80 acres, if:
  - A. The church has been approved pursuant to Subsection 305.26;
  - B. The new parcel is not larger than 5 acres; and
  - C. The remaining parcel, not including the church, is 80 acres or larger either by itself or by consolidation with another lot or parcel.

### 310 Property Line Adjustments.

- .1 All property line adjustments require review and approval by the Planning Director or his designate, subject to compliance with the following criteria:

- A. Adjustments may be made between one parcel larger than the minimum lot size and one parcel smaller than the minimum lot size as long as the exchange results in the same number of parcels larger than the minimum lot size;
  - B. The lot boundaries resulting from the adjustment will maintain compliance with building setbacks, access standards and environmental health regulations; and
  - C. The adjustment will create no additional parcels(s).
- .2 Parcels greater than 10 acres do not require a survey.
- .3 Property line adjustments in the PA-80 Zone may not be used to:
- A. Decrease the size of a lot or parcel that, before the relocation or elimination of the common property line, is smaller 80 acres and contains an existing dwelling or is approved for the construction of a dwelling, if the abutting vacant tract would be increased to a size as large as or larger than the minimum tract size required to qualify the vacant tract for a dwelling;
  - B. Decrease the size of a lot or parcel that contains an existing dwelling or is approved for construction of a dwelling to a size smaller than 80 acres, if the abutting vacant tract would be increased to a size as large as or larger than the minimum tract size required to qualify the vacant tract for a dwelling; or
  - C. Allow an area of land used to qualify a tract for a dwelling based on an acreage standard to be used to qualify another tract for a dwelling if the land use approval would be based on an acreage standard.
- 311 Construction Financing/Mortgage Tax Lots. Persons owning land in the Primary Agriculture Zone may obtain construction financing for housing or agricultural improvements from a lending institution, governmental agency, or private lender. Should the lender require a portion of the property to be used for collateral for the loan, the property owner shall submit a plot plan and a written statement to the Planning Director describing the size of the parcel(s) involved, the length and terms of the agreement and the purpose of the financing. The property owner shall certify that he/she understands that the financing agreement does not create separate parcels and that neither parcel may be sold or otherwise separated from the other except in the event of foreclosure.
- 312 Nonconforming Uses. The lawful use of any building, structure or land at the time of the enactment of this ordinance may be continued. Alteration of any such use shall be permitted when necessary to comply with local, state, or federal regulations pertaining to the use and development of the land and the buildings thereon. A nonconforming use is transferrable; however, any significant change in, or replacement of, the nonconforming use may require permits under current building and land development codes. Restoration or replacement shall be commenced within one year from the occurrence of any fire, casualty, or natural disaster.

- 313 Prohibited Uses. It is unlawful to erect, alter or establish in the Primary Agriculture Exclusive Farm Use Zone any building, structure or use not authorized and approved under the standards and procedures in this ordinance.
- 314 Special Notification Requirements: The County Agricultural Extension office and the Soil and Water Conservation Service shall be notified of all requests made for Administrative and Conditional Uses and proposed partitions per Sections 305, 306, & 309 of land zoned PA-80. These two agencies will be given 10 working days to comment on such requests.
- 315 Violation of Standards; Complaint; Penalties; Exceptions to Standards. Any person engaged in farm or forest practices on lands devoted to farm or forest uses may file complaints with the County alleging that condition(s) imposed on authorized farm uses have been violated per ORS 215.296. The County shall follow procedures outlined in ORS 215.296 to review, determine, and/or correct these violations.

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## FOREST / AGRICULTURE USE ZONE (FA-80)

*[Amd. Ordinance 2010-11, eff. 1.05.11].*

- 401 Purpose
- 402 Predominant Use Test
- 403 Definitions
- 404 Permitted Uses
- 405 Land Division Requirements
- 406 Property Line Adjustments
- 407 Construction Financing/Mortgage Tax Lo
- 408 Non-Conforming Uses
- 409 Prohibited Uses
- 410 Rezoning Land to a Forest/Agriculture Zone
- 411 Notification of State and Local Agencies

### Section 400 FOREST/AGRICULTURE - 80

### FA - 80

- 401 Purpose: The purpose of this zone is to protect and promote forest and farm uses on lands which have resource value, but which are not suited for either Primary Forest (PF-80) Zone or the Primary Agriculture (PA-80) Zone because of smaller parcel sizes, conflicting adjacent uses, adverse physical features, a predominate mixture of forest and farm uses, or other limiting factors. The Forest/Agriculture (FA-80) Zone is designed to provide for the full range of forest and agricultural uses for such lands, while providing for the maximum property tax benefits available (e.g. farm use assessment, timber tax treatment, open space deferral etc.) and conformity with the Columbia County Comprehensive Plan's Goals and Policies for Forest and Agriculture Lands.
- 402 Predominant Use Test [(OAR 660-06-0050 (2))]. The uses, activities and development in the Forest/Agriculture Zone, except provisions identified in Section 404 for land divisions, are based on a determination of the predominant use of a tract as of January 1, 1993 as either Farm or Forest land. These uses, activities, and development are authorized subject to review and approval under applicable regulatory standards for either the Primary Agriculture (PA-80) Zone or the Primary Forest (PF-80) Zone property. A "tract" is defined as one (1) or more contiguous lots or parcel(s) under the same ownership.
- 403 Definitions. Pursuant to Section 402, for a tract where the predominant use as of January 1, 1993 is determined to be in farm or forest use, the terms related to these uses are defined in Sections 300 and 500 of the Columbia County Zoning Ordinance, the Oregon Revised Statutes Chapter 215 and the Oregon Administrative Rules Chapter 660 Divisions 6 and 33.
- 404 Permitted and Conditional Uses: Permitted and Conditional Uses, partitioning, and development standards will be determined by the Predominant Use Test described in Section 402 above. Notwithstanding the Predominant Use Test, the following Permitted and Conditional Uses shall be reviewed, as follows:

- .1 Uses Subject to Administrative Review. The following uses are permitted, subject to review and approval under prescriptive standards specified herein and as may otherwise be indicated by federal, state and local permits or regulations using the process in Section 1601:

- A. Marijuana Growing or Producing subject to standards in Section 1803.

- .2 Conditional Uses: The following uses shall be reviewed pursuant to Section 1803 and other applicable provisions of the Zoning Ordinance:

- A. The rezoning and conversion of abandoned or diminished mill sites on farm or forest land to industrial uses pursuant to ORS 197.719.

*[Amd. Ordinance 2015-4, eff. 11-25-15]*

405 Land Division Requirements (ORS 215.780 & OAR 660-006-0055). No land(s) located within the mixed Forest/Agriculture Zone shall be divided without the express approval of Columbia County under the provisions set forth in this Section and the Columbia County Subdivision and Partitioning Ordinance. These standards are designed to make new land divisions compatible with forest operations, maintain the opportunity for economically efficient forest and agriculture practices, and to conserve values found on forest lands.

- .1 Land in the mixed Forest/Agriculture Zone may be divided for any of the following reasons:

- A. Based on the determination of predominant use of a tract in Section 402, the following land division requirements shall apply:

- 1. Farm Land Tract - Land Division Requirements in accordance with the applicable provisions of Section 309 of the Columbia County Zoning Ordinance in the Primary Agriculture Zone;
    - 2. Forest Land Tract - Land Division Requirements in accordance with the applicable provisions of Section 511 of the Columbia County Zoning Ordinance in the Primary Forest Zone.

- B. To allow the establishment of a parcel for one lawfully-established dwelling on land zoned for mixed FA-80 use subject to the following requirements:

- 1. The parcel established shall not be larger than five acres, except as necessary to recognize physically limiting factors such as road, streams, or steep slopes etc., in which case the parcel shall not be larger than 10 acres;
    - 2. The dwelling existed prior to June 1, 1995;
    - 3. The remaining parcel, not containing the dwelling:
      - a. Contains 80 acres; or

- b. Is consolidated with another parcel, and together the parcels contain 80 acres; and
    - c. The remaining parcel, not containing the dwelling, has a recorded deed restriction stating it is not entitled to another dwelling unless subsequently authorized by law;
  - 4. The tract shall be predominantly in forest use and that portion in forest use qualifies for special assessment under ORS Chapter 321;
  - 5. The remainder of the tract shall not qualify for any uses allowed under ORS 215.283 that are not allowed on forestland; and
  - 6. A waiver of remonstrance is recorded with the final land division approval] certifying the owner will not remonstrate against or begin legal action or suit proceeding to cause or persuade the owner or operator of any nearby farm and forest lands to modify the conduct of legal and accepted farm and forest operations.
- C. To allow a division of forestland to facilitate a forest practice as defined in ORS 527.620 that results in a parcel less than 40 acres provided parcels so created:
- 1. Shall not be eligible for the siting of a new dwelling;
  - 2. Shall not serve as the justification for the siting of a future dwelling on other lots or parcels;
  - 3. Shall not be used to justify a rezoning of resource lands;
  - 4. Shall not result in a parcel of less than 35 acres, except:
    - a. Where the purpose of the land division is to facilitate an exchange of lands involving a governmental agency; or
    - b. Where the purpose of the land division is to allow transactions in which at least one participant is a person with a cumulative ownership of at least 2,000 acres of forestland;
  - 5. If associated with the creation of a parcel where a dwelling is involved, the parcel containing the dwelling shall not be larger than five acres except as necessary to recognize physical factors such as road or stream in which case the parcel shall not be larger than 10 acres; and
  - 6. Have a waiver of remonstrance is recorded with the final land division approval certifying the owner will not remonstrate against or begin legal action or suit proceeding to cause or persuade the owner or operator of any nearby farm and forest lands to modify the conduct of legal and accepted farm and forest operations.
- D. A division of a lot or parcel zoned for mixed FA-80 use may be allowed if:



1. At least two (2) lawfully established dwellings existed on the lot or parcel prior to November 4, 1993;
  2. Each dwelling complies with the alteration, restoration or replacement criteria for a replacement dwelling under ORS 215.283(1)(p);
  3. Except for one lot or parcel, each lot or parcel is between two (2) and five (5) acres in size;
  4. At least one dwelling is located on each lot or parcel;
  5. The landowner records deed restrictions for all created lots or parcels prohibiting the applicant and successors from further dividing the FA-80 zoned lots or parcels unless subsequently authorized by law;
  6. Neither of the two lawfully established replaceable dwellings was approved under:
    - a. A statute, an administrative rule or a land use regulation as defined in ORS 197.015 that required removal of the dwelling or that prohibited subsequent division of the lot or parcel; or
    - b. A farm use zone provision that allowed both farm and forest uses in a mixed farm and forest use zone under Statewide Goal 4 (Forest Lands);
  7. A waiver of remonstrance is recorded with the final land division approval certifying the owner will not remonstrate against or begin legal action or suit proceeding to cause or persuade the owner or operator of any nearby farm and forest lands to modify the conduct of legal and accepted farm and forest operations.
- E. To allow the creation of two parcels for the purpose of preserving open space or parks, in accordance with provisions in ORS 215.783 as follows:
1. The purpose of the partition is to allow a provider of public parks or open space, or a not-for-profit land conservation organization, to purchase one of the resulting parcels;
  2. The newly created parcel that is not sold to the provider of public parks or open space, or a not-for-profit land conservation organization, must comply with the following:
    - a. If the parcel contains a dwelling or another use allowed under ORS chapter 215, the parcel must be large enough to support the continued residential use or the other allowed use of the parcel; or
    - b. If the parcel does not contain a dwelling, the parcel is eligible for siting a dwelling as may be authorized under ORS 195.120 or as may be authorized under ORS 215.705 to 215.750, based on the size and configuration of the parcel.

3. A condition of final plat approval requires the provider of public parks or open space, or the not-for-profit land conservation organization, to record an irrevocable deed restriction prohibiting the provider or organization and their successors in interest from:
    - a. Establishing a dwelling on the parcel or developing the parcel for any use not authorized in a forest zone or mixed farm and forest zone except park or conservation uses; and
    - b. Recording a waiver of remonstrance with the final land division approval certifying the owner will not remonstrate against or begin legal action or suit proceeding to cause or persuade the owner or operator of any nearby farm and forest lands to modify the conduct of legal and accepted farm and forest operations.
  4. If the partition results in the disqualification of a parcel for a special assessment described in ORS 308A.718, or the withdrawal of a parcel from designation as riparian habitat under ORS 308A.365, the owner must pay additional taxes as provided under ORS 308A.371 or 308A.700 to 308A.733 before the County may approve the division.
- .2 The County Planning Director shall maintain a record readily available to the public of parcels created with deed restrictions on future siting of new dwellings.
- .3 A plat shall be prepared by a registered surveyor to document the land partition. Upon final approval of the plat, the survey shall be recorded by the Columbia County Clerk. Parcels greater than 10 acres do not require a survey. No land division shall result in the creation of a new split-zoned parcel. Parcels resulting from a foreclosure action are exempted from the partitioning process. A deed or instrument conveying land in lieu of foreclosure shall not constitute a foreclosure action.
- 406 Property Line Adjustments. All property line adjustments require review and approval by the Planning Director or his designate, subject to compliance with the following criteria:
- .1 Adjustments may be made between one parcel larger than the minimum lot size and one parcel smaller than the minimum lot size as long as the exchange results in the same number of parcels larger than the minimum lot size;
  - .2 The property boundaries resulting from the adjustment will maintain compliance with building setbacks including primary and secondary fire breaks, access standards and environmental health regulations;
  - .3 The adjustment will create no additional lot(s) or parcel(s);
  - .4 Property line adjustments in the FA-80 Zone may not be used to:
    - A. Decrease the size of a lot or parcel that, before the relocation or elimination of the common property line, is smaller 80 acres and contains an existing dwelling or is approved for the construction of a dwelling if the abutting vacant tract would be increased to a size as

large as or larger than the minimum tract size required to qualify the vacant tract for a dwelling;

- B. Decrease the size of a lot or parcel that contains an existing dwelling or is approved for construction of a dwelling to a size smaller than 80 acres if the abutting vacant tract would be increased to a size as large as or larger than the minimum tract size required to qualify the vacant tract for a dwelling; or
  - C. Allow an area of land used to qualify a tract for a dwelling based on an acreage standard to be used to qualify another tract for a dwelling if the land use approval would be based on an acreage standard.
- 407 Construction Financing/Mortgage Tax Lots. Persons owning land in the Forest/Agricultural Zone may obtain construction financing for forest/agricultural related improvements from a lending institution, governmental agency, or private lender. Should the lender require a portion of the property to be used for collateral for the loan, the property owner shall submit a plot plan and a written statement to the Planning Director describing the size of the parcel(s) involved, the length and terms of the agreement and the purpose of the financing. The property owner shall certify that he/she understands that the financing agreement does not create separate parcels and that neither parcel may be sold or otherwise separated from the other except in the event of foreclosure.
- 408 Non-Conforming Uses. The lawful use of any building, structure or land at the time of the enactment of this Ordinance may be continued. Alteration of any such use shall be permitted when necessary to comply with local, state, or federal regulations pertaining to the use and development of the land and the buildings thereon. A non-conforming use is transferrable; however, any significant change in, or replacement of, the nonconforming use may require permits under current building and land development codes. Restoration or replacement shall be commenced within one year from the occurrence of any fire, casualty, or natural disaster. This section takes precedent over other non-conforming use provisions of the Zoning Ordinance.
- 409 Prohibited Uses. It is unlawful to erect, alter or establish in the Forest/Agricultural Zone any building, structure or use not authorized and approved under the standards and procedures in this Ordinance.
- 410 Rezoning Land to a Forest/Agriculture Zone (OAR 660-006-0057.) Any rezoning or plan map amendment of lands from an acknowledged zone or plan designation to an Forest/Agriculture Zone requires a demonstration that each area being rezoned or replanned contains such a mixture of agriculture and forest uses that neither Statewide Goal 3 nor 4 can be applied alone.
- 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 402 and 404 of this Ordinance that affect farmland. The appropriate offices of the Oregon Departments of Forestry and Fish and Wildlife shall be notified and requested to comment on all applications filed under Sections 402 and 404 of this Ordinance that affect forest lands. To be assured consideration, responses should be received within 10 days of the date of mailing.



## PRIMARY FOREST ZONE(PF-80)

[Amd. Ordinance 2010-11, eff. 1.05.11].

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### Section 500      PRIMARY FOREST ZONE - 80      PF-80

501 .1 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. Uses in this zone will also 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.

The Primary Forest (PF) Zone is intended to:

- A. Conserve, protect, and encourage the management of forest lands for continued timber production, harvesting and related uses;
- B. Conserve and protect watersheds, soil, fish and wildlife habitats and other such uses associated with forests;
- C. Provide for orderly development through planned development of both public and private recreational uses as appropriate and not in conflict with the primary intent of the zone for timber management;
- D. Recognize that the forest lands within the County are necessary for the continuous production of renewable natural resources in the form of forest

crops and, as such, are beneficial to the economy of the County and to the welfare of its people;

- E. Recognize locationally dependent uses, such as communication towers, mineral and aggregate resources, etc;
- F. Provide for dwellings under prescribed conditions;
- G. Provide a compatible zone for those areas inventoried and designated as Forest Lands in the Columbia County Comprehensive Plan; and
- H. Implement the Goals and Policies of the Columbia County Comprehensive Plan.

.2 Definitions. For the purposes of this Zoning District the following definitions shall apply:

- A. "Auxiliary" means a use or alteration of a structure or land which provides help or is directly associated with the conduct of a particular forest practice. An auxiliary structure is located on site, temporary in nature, and is not designed to remain for the forest's entire growth cycle from planting to harvesting. An auxiliary use is removed when a particular forest practice has concluded.
- B. "Commercial Tree Species" means trees recognized under rules adopted under ORS 527.715 for commercial production.
- C. "Cubic Foot Per Acre" means the average annual increase in cubic foot volume of wood fiber per acre for fully stocked stands at the culmination of mean annual increment as reported by the USDA Natural Resource Conservation Service (NRCS) soil survey information, USDA Forest Service plant association guides, Oregon Department of Revenue western Oregon site class maps, or other information determined by the State Forester to be of comparable quality.
- D. "Cubic Foot Per Tract Per Year" means the average annual increase in cubic foot volume of wood fiber per tract for fully stocked stands at the culmination of mean annual increment as reported by the USDA Natural Resource Conservation Service (NRCS) soil survey information, USDA Forest Service plant association guides, Oregon Department of Revenue western Oregon site class maps, or other information determined by the State Forester to be of comparable quality.
- E. "Date of Creation and Existence." When a lot, parcel or tract is reconfigured pursuant to applicable law after November 4, 1993, the effect of which is to qualify a lot, parcel or tract for the siting of a dwelling, the date of the reconfiguration is the date of creation or existence. Reconfigured means any change in the boundary of the lot, parcel, or tract.
- F. "Forest Operation" means any commercial activity relating to the growing or harvesting of any forest tree species as defined in ORS 527.620(6).

- G. "Tract" means one or more contiguous lots or parcels in the same ownership. A tract shall not be considered to consist of less than the required acreage because it is crossed by a public road or waterway.

502 Table of Authorized Uses & Development. The following uses, activities, and development are authorized in the Primary Forest Zone, subject to review and approval under applicable regulatory standards:

Key

- P Permitted outright.  
 AR Subject to administrative review pursuant to Section 1601.  
 CUP/PC Subject to Planning Commission review and approval as a conditional use pursuant to Section 1503.

Note: The CCZO Section Column lists only subsections of authorization and specific criteria of this PF-80 zone. Other criteria may apply to a proposed use such as site design review, overlay zoning, special use standards, or conditional use permits.

<b><u>TABLE OF AUTHORIZED USES &amp; DEVELOPMENT</u></b>		
<b>RESOURCE USES</b>	<b>AUTHORIZATION</b>	<b>PF - 80 SECTION</b>
Forest Operations and Practices	P	503.1
Physical Alterations of the Land Auxiliary to Forest Practices	P	503.4
Farm Use as defined in ORS 215.203 except Marijuana Growing and Producing	P	503.2
Marijuana Growing and Producing subject to standards in Section 1803	AR	504.16
Soil, Air and Water Conservation Activities	P	503.5
<b>RESOURCE-RELATED USES AND DEVELOPMENT</b>	<b>AUTHORIZATION</b>	<b>PF - 80 SECTION</b>
Temp. Structures Auxiliary to Forest Practices	P	503.3
Utility Distribution Lines in Existing Rights-of-Way	P	503.6
Portable Facilities for Primary Processing of Forest Products	P	503.7
Exploration for Mineral and Aggregate as defined in ORS Chap. 517	P	503.8
Wild Fire Towers and Stations	P	503.9
Irrigation Water intake facilities, canals and distribution lines for farm irrigation and ponds	P	503.10

<b><u>TABLE OF AUTHORIZED USES &amp; DEVELOPMENT</u></b>		
Temporary Labor Camps - No Permanent Structures	P	503.12
Exploring, Mining and Processing of Subsurface resources as defined in ORS Chap. 520; and the mining and processing of aggregate and mineral resources as defined in ORS Chap. 517	CUP/PC	505.2, 508 - 510
Permanent Facility for Primary Processing of Forest Products	AR	504.6, 508 - 510
Permanent Logging Equipment Repair and Storage Facility	AR	504.7, 508 - 510
Log Scaling and Weigh Stations	AR	504.3, ,508- 510
Research and Experimentation Facilities as defined by ORS 526.215 or where accessory to forest operations	AR	504.8, 508- 510
<b>SINGLE-FAMILY RESIDENCES</b>	<b>AUTHORIZATION</b>	<b>PF - 80 SECTION</b>
"Lot-of-Record" Forest Land Dwelling	AR	504.1 & 506.1, 507- 510
Large & Multiple Tract Forest Land Dwelling	AR	504.1 & 506.2, 507 - 510
"Template" Forest Land Dwelling	AR	504.1, 506.4, 506.5, 507- 510
Temporary Dwelling for Medical Hardship defined in ORS 215.213 & 215.283	AR	504.2,507- 510
Caretaker Residence for Public Parks and Hatcheries	AR	503.14, 507- 510
<b>INDUSTRIAL</b>	<b>AUTHORIZATION</b>	<b>PF - 80 SECTION</b>
Abandoned/diminished mill sites	CUP/PC	505.13, 508- 510
<b>COMMERCIAL</b>	<b>AUTHORIZATION</b>	<b>PF - 80 SECTION</b>
Home Occupation as defined in ORS 215.448 per CCZO Section 1507	AR (Type1) CUP/PC Type 2)	504.4, 505.1, 507 - 510
Kennel as a Home Occupation	CUP/PC	505.17, 507, 508, 510
<b>PARKS / PUBLIC / QUASI-PUBLIC FACILITIES</b>	<b>AUTHORIZATION</b>	<b>PF - 80 SECTION</b>
Private Parks, Campgrounds, and Youth Camps	CUP/PC	505.4, 505.11, 508 - 510
Public Parks	CUP/PC	505.14, 508 - 510



<b><u>TABLE OF AUTHORIZED USES &amp; DEVELOPMENT</u></b>		
Destination Resorts approved per ORS 197.435 through ORS 197.465 and Statewide Planning Goal 8	CUP/PC	505.15, 508 - 510
An outdoor gathering of less than 3,000 persons that is not anticipated to continue for more than 120 hours in any three-month period	P	503.18
A mass gathering of more than 3,000 persons that is anticipated to continue for more than 120 hours in any three-month period	CUP/PC	505.12, 508
Communication Towers and Facilities	CUP/PC	505.5, 508 - 510
Rural Fire Protection District Stations	AR	504.5, 508 - 510
Power Generating Facilities	CUP/PC	505.6, 508- 510
Solid Waste Disposal Site under ORS 459.245.	CUP/PC	505.3, 508 - 510
Aids to Navigation and Aviation	AR	504.11 508 - 510
Domestic Water intake facilities and related treatment facilities, pumping stations, & distribution lines	AR	504.12, 508 - 510
Reservoirs and Water Impoundments	AR	504.13, 508 - 510
Firearms Training Facility	CUP/PC	505.16, 508 - 510
Cemeteries	AR	504.9, 508 - 510
Hunting/Fishing Operations w/o Accommodations	P	503.15, 508 - 510
Temporary Private Seasonal Hunting/Fishing Operations with Accommodations	AR	504.10, 504.14, 508 - 510
New electric transmission lines w/ROW up to 100 ft. wide as specified in ORS 772.210	CUP/PC	505.7, 508
Local distribution lines and accessory equipment, or equipment which provides service hookups, including water service hookups.	P	503.17, 508 -510
Temporary Asphalt and Concrete Batch Plants	CUP/PC	505.8, 508 - 510
Expansion of Existing Airport	CUP/PC	505.9, 508 - 510
Public Road and Highway Projects	AR	504.16, 508- 510
Structures Accessory to Fish and Wildlife Enhancement	P	503.5, 508 -510
Widening of Roads within Existing Right-of-Way for public roads and highway projects as described in ORS 215.283(1)(k) through (n)	P	503.16

<b><u>TABLE OF AUTHORIZED USES &amp; DEVELOPMENT</u></b>		
Public road and highway projects as described in ORS 215.283(2)(q through ( s)	AR	504.16

[Amd. Ordinance 2015-4, eff. 11-25-15]

503 Permitted Uses. The following uses are permitted in the Primary Forest Zone:

- .1 Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of forest tree species, application of chemicals, and disposal of slash.
- .2 Farm Uses as defined by ORS 215.203 except marijuana growing and producing.
- .3 Temporary on-site structures which are auxiliary to and used during the term of a particular forest operation.
- .4 Physical alterations to the land auxiliary to forest practices including, but not limited to, those made for purposes of exploration, mining, commercial gravel extraction and processing, landfills, dams, reservoirs, road construction or recreational facilities.
- .5 Uses and activities to conserve soil, air and water quality and to provide for and manage wildlife and fisheries resources, including ODFW Wildlife Habitat Conservation and Management Program.
- .6 Additional local distribution lines within existing rights-of-way (e.g., electric, telephone, natural gas, etc.) and accessory equipment (e.g., electric distribution transformers, meter cabinets, terminal boxes, pedestals), and which provide service hookups, including water service hookups.
- .7 Temporary portable facility for the primary processing of forest products. The facility shall be removed at the conclusion of the forest operation requiring its use.
- .8 Exploration for mineral and aggregate resources as defined in ORS Chapter 517.
- .9 Towers and fire stations for forest fire protection.
- .10 Water intake facilities, canals and distribution lines for farm irrigation and ponds.
- .11 Alteration, restoration, or replacement of a lawfully-established dwelling subject to the following:

A. The lawfully established dwelling has:

1. Intact exterior walls and roof structure;

- 2. Interior plumbing, including kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;
- 3. Interior wiring for interior lights: and
- 4. A heating system.
- B. The dwelling to be replaced must be removed, demolished or converted to an approved non-residential use within 3 months of the completion of the replacement dwelling.
- .12 Temporary forest labor camps, without any permanent structures, limited to the duration of the forest operation requiring the use.
- .13 Caretaker residences for public parks and fish hatcheries.
- .14 Uninhabitable structures accessory to fish and wildlife enhancement.
- .15 Private fee hunting or fee fishing operations without any accommodations.
- .16 Widening of roads within existing right-of-way in conformance with the transportation element of acknowledged comprehensive plans including public road and highway projects. as described in ORS 215.283(1) (k) through (n)
- .17 Local distribution lines and accessory equipment, or equipment which provides service hookups, including water service hookups.
- .18 An outdoor gathering as defined in ORS 433.735 or other gathering of fewer than 3,000 persons that is not anticipated to continue for more than 120 hours in any three-month period and is consistent with applicable provisions of the Columbia County Mass Gathering and Public Road Event Ordinances.

*[Amd. Ordinance 2015-4, eff. 11-25-15]*

**504 Uses Subject to Administrative Review.** The following uses are permitted, subject to review and approval under prescriptive standards specified herein and as may otherwise be indicated by federal, state and local permits or regulations using the process contained in Section 1601. All authorized dwellings and permanent structures shall meet the standards listed in Sections 506, 507, 508, 509 and 510 of this Ordinance.

- .1 Single-family dwelling, as authorized under Section 506 of this Ordinance and such accessory buildings and uses as are normally associated with a single-family dwelling.
- .2 One manufactured home or recreational vehicle, or the temporary residential use of an existing building, in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or a relative of the resident, subject to the general review standards in Section 506, if:
  - A. The medical hardship is documented by a licensed physician;

- B. The manufactured home is connected to the existing sewage disposal system, unless the Department of Land Development Services finds the existing system to be inadequate and that it cannot be repaired or is not physically available. If the manufactured home will use a public sanitary system, such condition will not be required;
  - C. The applicant agrees to renew the permit every year and will remove the manufactured home when the hardship condition no longer exists; and
  - D. Notice of Determination. Upon issuance of a temporary hardship determination by the Planning Director, determinations shall be mailed to the applicant and to the owners of parcels within 500 feet of boundaries of the subject parcels. An appeal of the Planning Director's decision shall be processed pursuant to Section 1600 of the Columbia County Zoning Ordinance.
- .3 Log Scaling and weigh stations.
- .4 Type 1 Home Occupations as determined by Section 1507.
- .5 Rural Fire Protection District Stations and Substations.
- .6 Permanent Facilities for the primary processing of forest products.
- .7 Permanent logging equipment repair and storage.
- .8 Forest management research and experimentation facilities as defined by ORS 526.215 or where accessory to forest operations.
- .9 Cemeteries.
- .10 Private seasonal accommodations for fee hunting operations, subject to the following requirements:
  - A. Accommodations are limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code;
  - B. Only minor incidental and accessory retail sales are permitted;
  - C. Accommodations are occupied temporarily for the purpose of hunting during game bird and big game hunting seasons authorized by the Oregon Fish and wildlife Commission; and
  - D. Other conditions as deemed appropriate.
- .11 Aids to navigation and aviation.
- .12 Domestic Water intake facilities, related treatment facilities, pumping stations and distribution lines.
- .13 Reservoirs and water impoundments.

- .14 Private accommodations for fishing occupied on a temporary basis subject to the following requirements:
  - A. Accommodations limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code;
  - B. Only minor incidental and accessory retail sales are permitted;
  - C. Accommodations occupied temporarily for the purpose of fishing during fishing seasons authorized by the Oregon Fish and Wildlife Commission;
  - D. Accommodations must be located within 1/4 mile of fish-bearing Class I waters; and
  - E. The governing body may impose other appropriate conditions.
- .15 Public road and highway projects as described in ORS 215.283(2)(q) through (s) including:
  - A. Construction of additional passing and travel lanes requiring the acquisition of right-of-way but not resulting in the creation of new land parcels;
  - B. Reconstruction or modification of public roads and highways involving the removal or displacement of buildings but does not result in the creation of new land parcels; and
  - C. Improvement of public road and highway related facilities, such as maintenance yards, weigh stations and rest areas, where additional property or right-of-way is required but not resulting in the creation of new land parcels.

.16 Marijuana growing and producing subject to standards in Section 1803.

*[Amd. Ordinance 2015-4, eff. 11-25-15]*

505 Conditional Uses. The following conditional uses may be allowed subject to the general review standards and process in Sections 1503 and 1603 of the Zoning Ordinance. All authorized uses and permanent structures shall also meet the applicable standards listed in Sections 506, 507, and 508 of the Zoning Ordinance and all other local, state, and federal laws pertaining to these uses.

- .1 Type 2 Home occupations, as defined by Section 1507, and subject to the general review standards under Sections 507 and 508 and compliance with the standards of Section 1507.
- .2 Exploring, mining and processing of oil, gas, or other subsurface resources, as defined in ORS Chapter 520 and the mining and processing of mineral and aggregate resources as defined in ORS Chapter 517.
- .3 Disposal site for solid waste approved by the governing body of a city or county or both and for which the Department of Environmental Quality has granted a permit under ORS 459.245, together with equipment, facilities or buildings necessary for its operation. Such site designation shall require owner consent.

.4 Private parks and campgrounds.

- A. Campgrounds in private parks shall only be those allowed by this subsection. Except on a lot or parcel contiguous to a lake or reservoir, campgrounds shall not be allowed within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR Chapter 660, Division 004. A campground is an area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes, and is established on a site or is contiguous to lands with a park or other outdoor natural amenity that is accessible for recreational use by the occupants of the campground. A campground shall be designed and integrated into the rural agricultural and forest environment in a manner that protects the natural amenities of the site and provides buffers of existing native trees and vegetation or other natural features between campsites. Campsites may be occupied by a tent, travel-trailer or recreational vehicle. Separate sewer, water or electric service hook-ups shall not be provided to individual camp sites. Campgrounds authorized by this subsection shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations. Overnight temporary use in the campground by a camper or camper's vehicle shall not exceed a total of 30 days during any consecutive 6 month period.
- B. Campsites may be occupied by a tent, travel-trailer, yurt or recreational vehicle. Separate sewer, water or electric service hook-ups shall not be provided to individual campsites except that electrical service may be provided to yurts allowed for in this subsection.
- C. Subject to County approval, a private campground may provide yurts for overnight camping. No more than one-third or a maximum of 10 campsites, whichever is smaller, may include a yurt. The yurt shall be located on the ground or on a wood floor with no permanent foundation. Upon request by the County, the County Planning Commission may provide by order for an increase in the number of yurts allowed on all or a portion of the campgrounds if the Commission determines that the increase will comply with the standards described in ORS 215.296(1). As used in this Ordinance, "yurt" means a round, domed shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hook-up or internal cooking appliance.

.5 Communication facilities such as television, cellular, microwave and radio and transmission towers over 200 feet in height, subject to compliance with Sections 508, 509, and 1503, and the following criteria:

- A. The location, size, design, and functional characteristics of the tower are reasonably compatible with and have a minimum impact on the livability and development of other properties in the area;
- B. The tower shall be located so as to not interfere with air traffic;

- C. The tower will not have significant adverse effect on identified sensitive fish or wildlife habitat, natural areas, or scenic areas designated in the Comprehensive Plan;
  - D. The minimum setback from the property line shall be equal to the minimum setbacks from all property lines pursuant to applicable provisions in Subsection 509.6; and
  - E. The level of facilities and services provided shall be appropriate for, but not limited to, the needs and requirements of the area(s) to be served.
- .6 Power generating facilities, including alternative power generation facilities. (Note: An exception to the statewide Forest Lands Planning Goal 4 is required where development of the power generating facility removes more than 10 acres from use as a commercial forest operation).
  - .7 New electrical transmission lines with right-of-way width of up to 100 feet as specified in ORS 772.210 and new distribution lines (e.g., electrical, gas, oil, geothermal) with right-of-way 50 feet or less in width.
  - .8 Temporary asphalt and concrete batch plants accessory to specific highway projects.
  - .9 Expansion of existing public airport(s).
  - .10 Permanent forest labor structures to house laborers on a temporary basis for the duration of a forest operation.
  - .11 Youth Camps as defined and provided for in OAR 660-006-0031.
  - .12 Any gathering of more than 3,000 persons which continues or can reasonably be expected to continue for more than 120 hours within any three-month period and any part of which is held in open spaces.
  - .13 The conversion and rezoning of abandoned or diminished mill sites to industrial uses pursuant to ORS 197.719 and subject to the provisions in Section 306.20 of the Zoning Ordinance.
  - .14 Public Parks including only those uses specified under OAR 660-034-0035 or OAR 660-034-0040, whichever is applicable, and subject to provisions in Sections 508 through 510, 1503 and 1550.
  - .15 Destination Resorts reviewed and approved pursuant to ORS 197.435 through 197.465 and Statewide Planning Goal 8, and subject to provisions in Sections 508 through 510, 1503, and 1550.
  - .16 Firearms law enforcement training facility subject to provisions in Sections 508 through 510, 1503, and 1550.
  - .17 Kennel as a home occupation carried on by the resident as an accessory use within dwellings or other buildings allowed in conjunction with farm or forest use subject to standards contained in Section 1507 and Section 1802.

- A. Consistent with all home occupations, land use approval for a kennel granted as a home occupation shall be granted only to the person or persons named on the application and shall not be transferable to or include any other person or organization, unless approved through a new home occupation permit; and
- B. A home occupation permit for a kennel shall be granted only to an individual resident or residents of the dwelling and shall not be granted to an organization, such as but not limited to a business or non-profit corporation.

506 Standards for Dwellings. Dwellings are authorized in the Primary Forest Zone subject to standards found in Sections 507, 508, 509, 510 and documentation of meeting either the Small Tract, Large/Multi-Tract, or Template Dwelling criteria as follows.

.1 Lot of Record Dwelling – Small Tract. A dwelling is authorized on a lot of record provided the parcel meets all of the following criteria:

- A. The parcel was lawfully created and was acquired and owned continuously by the present owner prior to January 1, 1985. The owner may also qualify if the property was inherited by devise or intestate succession from a person who acquired the lawfully created parcel prior to January 1, 1985;
- B. For the purposes of subsection A. of this section, “owner” includes wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent or grandchild of the owner or business entity owned by any one or combination of these family members;
- C. The tract on which the dwelling will be sited does not include a dwelling;
- D. The lot or parcel on which the dwelling will be sited was part of a tract on November 4, 1993, and no dwelling exists on another lot or parcel that was part of that tract;
- E. Based on soil types, the tract is not capable of annually producing 5,000 cubic feet of commercial tree species as recognized under rules adopted under ORS 527.715 for commercial production;
- F. The tract is located within 1,500 feet of a public road which will provide access to the property as defined by ORS 368.001. The road shall be maintained and either paved or surfaced with rock. The road shall not be a Bureau of Land Management road unless the road is maintained and paved to a minimum width of 18 feet and has one defined lane in each direction;
- G. When the lot is located in a big game habitat area, the dwelling must comply with the siting criteria of Sections 507 and 1190 Big Game Overlay District;



- H. Where the dwelling is sited on a portion of a tract, the remaining portions of the tract are consolidated into a single parcel;
  - I. Authorization of a single-family dwelling under the provisions of this subsection may be transferred by a person who has qualified under this subsection to any other person after the effective date of the decision; and
  - J. Applicants owning parcels 10 acres or larger in size shall be required to submit and obtain approval of a Forest Land Assessment and Stocking Compliance Application prior to receiving a permit for a dwelling as authorized by this subsection.
- .2 Large Tract or Multi-Tract Forest Land Dwelling. A dwelling may be authorized on a tract that does not include a dwelling and that meets the following criteria [*Amd Order No. 78-2010, 12. 15. 10*]:
- A. The tract is at least 160 acres in size; or
  - B. The tract is part of one ownership, at least 200 acres in size, that may be composed of separate vacant tracts of designated forest land in Columbia County or its adjacent counties.
- .3 For a dwelling authorized by either 506.1 or 506.2, above, covenants, conditions and restrictions shall be recorded for all remaining parcels of the tract and tracts that are used to meet the acreage requirements of this section pursuant to the following provisions:
- A. The applicant shall consolidate the parcels of the tract and provide evidence that the intended covenants, conditions and restrictions set forth in Exhibit A found at the end of this Zone has been recorded with the County Clerk of the county or counties where the property subject to the covenants, conditions, and restrictions is located.
  - B. The covenants, conditions and restrictions are irrevocable until such time as the property described herein is no longer protected under the statewide planning goals for forest lands or the legislature otherwise provides by statute that these covenants, conditions and restrictions may be removed and the authorized representative of the county or counties where the property subject to the covenants, conditions, and restrictions is located executes and records a release of the covenants, conditions and restrictions.
  - C. Enforcement of the covenants, conditions, and restrictions may be undertaken by the Department of Land Conservation and Development or by the county or counties where the property subject to the covenants, conditions, and restrictions is located.
  - D. Failure to follow the requirements of this subsection shall not affect the validity of the transfer of property or the legal remedies available to the buyers of the property which is subject to the covenants, conditions, and restrictions required by this section.

- E. The County Planning Director shall maintain a copy of the covenants, conditions, and restrictions filed in the County deed records pursuant to this subsection and a map or other record depicting tracts which do not qualify for a siting of a dwelling under the covenants, conditions and restrictions.. The map or other record required by this subsection shall be readily available to the public in the county planning office.

.4 Template Dwelling for Tracts Smaller than 80 Acres. A dwelling may be authorized on a tract that satisfies and meets all the following criteria:

- A. The tract is composed of soils that meets one of the following:
  - 1. Soils that are capable of annually producing more than 85 cubic feet per acre of wood fibre if:
    - a. All or part of at least 11 other lots or parcels that existed on January 1, 1993 and are not within an Urban Growth Area are within a 160 acre square centered on the center of the subject tract. (Note: If the tract abuts a road that existed as of January 1, 1993, the measurement may be made by creating a 160-acre rectangle that is one mile long and one-quarter mile wide centered on the center of the subject tract and aligned with the road to the maximum extent possible); and
    - b. At least three (3) dwellings existed on January 1, 1993 and continue to exist on the other lots or parcels; or
  - 2. Soils that are capable of annually producing 50 to 85 cubic feet per acre of wood fibre if [*Amd Order No. 78-2010, 12.15.10*]:
    - a. All or part of at least seven (7) other lots or parcels that existed on January 1, 1993 and are not within an Urban Growth Area are within a 160 acre square centered on the center of the subject tract. (Note: If the tract abuts a road that existed as of January 1, 1993, the measurement may be made by creating a 160-acre rectangle that is one mile long and one-quarter mile wide centered on the center of the subject tract and aligned with the road to the maximum extent possible.); and
    - b. At least three (3) dwellings existed on January 1, 1993 and continue to exist on the other lots or parcels.
  - 3. Soils that are capable of annually producing 0 to 49 cubic feet per acre of wood fibre if:
    - a. All or part of at least three (3) other lots or parcels that existed on January 1, 1993 and are not within an Urban Growth Area are within a 160 acre square centered on the center of the subject tract. (Note: If the tract abuts a road that existed as of January 1, 1993, the measurement may be made by creating a 160-acre rectangle that is one mile long and one-quarter mile

wide centered on the center of the subject tract and aligned with the road to the maximum extent possible.); and

- b. At least three (3) dwellings existed on January 1, 1993 and continue to exist on the other lots or parcels; and
  - B. The tract contains no dwellings on other lots or parcels that make up the tract;
  - C. No dwellings are allowed on other lots or parcels that make up the tract consistent with the recorded covenants, conditions and deed restrictions established under in Subsection 506.3; and
  - D. Parcels 10 acres or greater in size shall be required to submit and obtain approval of a Forest Land Assessment and Stocking Compliance application prior to receiving a permit for the dwelling as authorized by this subsection.
- .5 Template Dwelling for Tract of 60 Acres or Larger [Rectangular Template]. A dwelling may be authorized on a tract that meets the following criteria:
  - A. If a tract is 60 acres or larger described under Subsection 506.4A. above and abuts a road that existed on January 1, 1993, or a perennial stream, the measurement shall be made by using a 160-acre rectangle that is one mile long and 1/4 mile wide centered on the center of the subject tract and that is to the maximum extent possible aligned with the road or stream, provided one of the three required dwellings is on the same side of the road or stream as the tract *[Amd Order No. 78-2010, 12.15.10]*, and
    - 1. Is located within a 160 acre rectangle that is one mile long and 1/4 mile wide centered on the center of the subject tract and that is, to the maximum extent possible aligned with the road or stream; or
    - 2. Is within 1/4 mile from the edge of the subject tract but not outside the length of the 160-acre rectangle, and on the same side of the road or stream as the tract.
  - B. If a road crosses the tract on which the dwelling will be located, at least one of the three required dwellings shall be on the same side of the road or stream as the proposed dwelling.
- .6 The Planning Director may deny or refer to the Planning Commission for review at a public hearing for the approval of a new dwelling on any property zoned for Primary Forest where the Director determines that approval of the dwelling would:
  - A. Exceed the facilities and service capabilities of the area;
  - B. Materially alter the stability of the overall land use pattern in the area; or
  - C. Create conditions or circumstances that would be contrary to the purposes or intents of the Comprehensive Plan and/or the Primary Forest Zone.

507 Siting of Dwellings and Structures

- .1 All new dwellings and structures are subject to the siting standards in this section. Relevant physical and locational factors including, but not limited to, topography, prevailing winds, proximity to existing roads, access, surrounding land use and source of domestic water shall be used to identify a site which:
  - A. Has the least impact on nearby or adjacent lands zoned for forest or agricultural use;
  - B. Ensures that forest operations and accepted farming practices on the tract will not be curtailed or impeded by locating dwellings and structures as near to each other and to existing developed areas as possible considering topography, water features, required setbacks and firebreaks;
  - C. Minimizes the amount of forest lands used for building sites, road access and service corridors;
  - D. Is consistent with the provisions of Section 510 related to Fire Siting Standards and minimizes the risk associated with wildfire; and
  - E. Is consistent with other requirements contained in the Comprehensive Plan or implementing ordinances, including, but not limited to, regulations which apply to flood, steep slopes, and landslide hazard areas, development within the Willamette River Greenway, development in forested areas or development in significant resource and natural areas, such as wetland riparian and slide-prone areas.
- .2 The applicant shall provide evidence consistent with OAR 660-006-0029(3) that domestic water supply is from a source authorized in accordance with the Department of Water Resources' administrative rules for the appropriation of ground water or surface water in OAR Chapter 690 and not from a Class II stream as defined in the Forest Practices Rule in OAR Chapter 629. If the water supply is unavailable from public sources or sources located entirely on the subject property, then the applicant shall provide evidence that a legal easement has been obtained permitting domestic water lines to cross the properties of affected owners.
- .3 As a condition of approval, if road access to the dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry or the U.S. Bureau of Land management, then the applicant shall provide proof of a long-term road access use permit or agreement. The road use permit may require the applicant to agree to accept responsibility for road maintenance.
- .4 Pursuant to OAR 660-006-0029 (5), approval of a dwelling shall be subject to the following requirements:
  - A. The owner of the tract shall plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet Department of Forestry stocking requirements at the time specified in the Department of Forestry administrative rules;

- B. Land Development Services shall notify the Columbia County Assessor of the above condition at the time the dwelling is approved;
  - C. If the property is over 10 acres the owner shall submit a stocking survey report or a Forest Land Assessment and Stocking Compliance Application to the Columbia County Assessor and the Assessor shall verify that the minimum stocking requirements have been met by the time required by the Department of Forestry administrative rules;
  - D. Upon notification by the Assessor, the Department of Forestry shall determine whether the tract meets minimum stocking requirements of the Forest Practices Act. If the Department determines that the tract does not meet those requirements, the Department shall notify the owner and the Assessor that the land is not being managed as forest land. The Assessor shall then remove the forest land designation pursuant to ORS 321.359 and impose additional tax pursuant to ORS 321.372; and
  - E. A waiver of remonstrance shall be recorded with the County Clerk certifying that the owner will not remonstrate against or begin legal action or suit proceeding to cause or persuade the owner or operator of any farm and forest lands to modify the conduct of legal and accepted farm and forest operations.
- .5 Dwellings and other structures to be located on a parcel within designated Big Game Habitat areas pursuant to the provisions of Section 1190 are subject to the additional siting criteria contained in Section 1190.

508 General Review Standards The Planning Director or hearings body shall determine that a use authorized by Sections 504 and 505 meets all of the following requirements:

- .1 The proposed use will not force significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands;
- .2 The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel;
- .3 A waiver of remonstrance shall be recorded with the County Clerk certifying that the owner will not remonstrate against or begin legal action or suit proceeding to cause or persuade the owner or operator of any farm or forest lands to modify the conduct of legal and accepted farm or forest operations; and
- .4 The proposed use is consistent with requirements contained in the Comprehensive Plan or implementing ordinances, including, but not limited to, regulations which apply to flood hazard areas, development within the Willamette River Greenway, development in forested areas or development in significant resource areas, such as riparian, wetlands or slide-prone areas.

509 Standards of Development

- .1 The minimum average lot or parcel width and minimum average lot or parcel depth shall be 100 feet for all activities except farming or forestry.
- .2 Access to parcels in this zone shall meet Fire Safety Design Standards for Roads in the County Road Standards and access standards found in Section 510 of the Zoning Ordinance.
- .3 There shall be no height limitation for forest operation and management- related structures unless otherwise permitted in the Primary Forest Zone. The maximum building height for all non-farm, non-forest structures shall be 50 feet or 2 ½ stories, whichever is less.
- .4 The standards and requirements described in Section 1300 of the Zoning Ordinance shall apply to all signs and name plates in the Primary Forest Zone.
- .5 The Oregon Department of Fish & Wildlife shall be notified and provided with the opportunity to comment on any development within major and peripheral Big Game Habitat.
- .6 Setbacks:
  - A. There shall be a minimum setback of 50' for front, side, and rear yards for all development in the Primary Forest Zone.
  - B. When this Ordinance or any other ordinance requires a greater or lesser setback than is required by this subsection, the greater setback shall apply.
  - C. All structures are subject to any special setbacks when adjacent to arterial or collector streets designated in the County Transportation Systems Plan.
  - D. No structure or use shall be established in a manner likely to cause contamination of a stream, lake or other body of water. Riparian and natural hazard setbacks set forth in Sections 1170 and 1182 of the Zoning Ordinance shall apply.
  - E. When land divisions create parcels of less than 40 acres for uses listed in Subsection 511.2A., provided those uses have been approved pursuant to this Ordinance, required building setbacks for these parcels will be determined on a case-by-case basis by the Director or the hearings body.
  - F. The owner shall provide and maintain primary fuel-free fire break and secondary fire break areas on land surrounding the dwelling and primary fuel-free break areas surrounding accessory structures in the Primary Forest Zone pursuant to the provisions in Subsections 510.2 and .3.
- .7 Approval Period for Use Permits. For all uses approved under sections 504 and 505, the approval period shall be valid for four (4) years. At a minimum, a development construction permit must be issued by the Land Development Services within the approval period. If a construction permit is not issued within the approval period, the land use permit expires. An extension of two years on the approval period may be granted by the Director if a written request is

received prior to its expiration and the reason for the delay is beyond the control of the owner.

510 Fire Siting Standards for Dwellings, Structures 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, suitable and acceptable for fire protection by the fire protection district, 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 to the dwelling and access to the on-site water supply shall accommodate the turnaround of fire fighting equipment during the fire season. The applicant shall provide verification from the Water Resources Department that any permits or registrations required for water diversion or storage have been obtained or that permits or registrations are not required for the use. 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 establish and maintain a primary fuel-free fire break surrounding the dwelling and accessory structure(s) no less than 30 feet wide in accordance with the provisions in "Protecting Your Home From Wildfire" published by the National Fire Protection Association. The owner may be required to increase the primary fuel-free fire break if the dwelling or structure is located on a 10% or greater slope. The primary fuel-free fire break could include a lawn, low ornamental shrubbery less than 24" in height and/or individual or groups of trees separated by a distance equal to the diameter of the crowns adjacent to each other, or 15 feet, whichever is greater. All existing tree limbs shall be pruned from the base to at least eight feet in height. Dead fuels shall also be removed.
- .3 A secondary fire break of 100 feet outside the primary fuel-free fire break, or its equivalent allowed by Columbia County Board Order No. 239-97 Firebreak Equivalents, shall also be provided and maintained for the dwelling in accordance with the provisions in "Protecting Your Home From Wildfire" published by the National Fire Protection Association. All existing trees shall be pruned from the base to at least 8 feet in height. Dead fuels shall be removed from the secondary fire break area. If the placement of the proposed dwelling cannot meet the secondary fire break due to physical constraints of the land or parcel size, the applicant may apply to obtain a secondary fire break easement from a neighbor or build the structure to a Class 1 or 2 Ignition Resistance Construction as allowed by Board Order No. 239-97, Firebreak Equivalents.
- .4 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, the County Road Department, or the State Department of Forestry.
- .5 No portion of a tree or any other vegetation shall extend to within 15 feet of the outlet of a stove pipe or chimney.

- .6 A dwelling shall meet all of the following requirements:
  - A. The dwelling shall have a fire retardant roof;
  - B. The dwelling shall not be sited on a slope of greater than 40 percent;
  - C. If the dwelling has a chimney or chimneys, each chimney shall have a spark arrester; and
  - D. The dwelling shall be located upon a parcel within a fire protection district unless the applicant meets the criteria of subsection 510.7.
- .7 If the dwelling is not within a fire protection district, the applicant shall provide written documentation to the County of residential fire protection. The applicant shall provide evidence that the applicant has asked to be included within the nearest such district. If the County determines that inclusion within a fire protection district or contracting for residential fire protection is impracticable, the County and fire protection district may provide an alternative means for protecting the dwelling from fire hazards which may include a fire sprinkling system, onsite equipment and water storage or other methods that are reasonable given the site conditions.

511 Land Division Requirements. No land(s) located within the Primary Forest Zone shall be divided without the expressed approval of Columbia County under the provisions set forth in the Columbia County Subdivision and Partitioning Ordinance. A plat shall be prepared by a registered surveyor to document the land partition. Upon final approval of the plat, the survey shall be recorded by the Columbia County Clerk. Parcels greater than 40 acres do not require a survey. No land division shall result in the creation of a new split-zoned parcel. Parcels resulting from a foreclosure action are exempted from the partitioning process. A deed or instrument conveying land in lieu of foreclosure shall not constitute a foreclosure action.

- .1 Primary Forest (PF) parcels that are 160 acres or larger may be partitioned subject to the following standards for divisions on resource parcels:
  - A. All parcels are 80 acres or greater in size;
  - B. The primary forest enterprise is appropriate for the area considering other forest enterprises located within 1/4 mile to determine if there are conflicts;
  - C. The additional parcel(s) will not significantly impact identified sensitive fish or wildlife habitat;
  - D. The resulting parcels are configured such that they are efficient for forest use employing accepted forest practices;
  - E. The division will not result in an appreciable increase in forest management and operating costs; and
  - F. The division will not materially alter the stability of the land use pattern in the area.



- .2 Partitioning Parcels Less Than 80 Acres. The following standards apply to all proposed land divisions on primary forest parcels where the proposed parcel is to be less than 80 acres and the parcel created is the minimum size necessary for the approved use according to subsections 503 and 504.
- A. Land divisions of parcels less than the minimum lot size may be approved for any of the following uses:
1. Exploration for and production of geothermal, gas, oil and other associated hydrocarbons;
  2. Destination resorts reviewed and approved pursuant to ORS 197.435 to 197.465;
  3. Disposal site for solid waste that has been ordered established by the Oregon Environmental Quality Commission under ORS 459.049 or approved under ORS 459.245;
  4. Permanent facility for the processing of forest products;
  5. Permanent logging equipment repair and storage;
  6. Logging scale and weight stations;
  7. Private parks and campgrounds not for residential purposes and with no separate sewer, water and electric service hookups to individual camp sites;
  8. Public parks specified under OAR 660-034-0035 or OAR 660-034-0040, whichever is applicable;
  9. Mining and processing of oil, gas and other subsurface resources;
  10. Transmission towers such as television, radio, and cellular;
  11. Fire Stations for rural fire protection.
  12. Utility facilities for the purpose of generating power. If on a parcel more than 10 acres in size, an exception pursuant to OAR Chapter 660, Division 4 will be required.
  13. Aids to navigation and aviation;
  14. Water intake facilities, related treatment facilities, reservoirs and water impoundments;
  15. Firearms training facility;
  16. Cemeteries;
  17. Preserving open space or parks provided in ORS 215.783

- B. The partitioning of a parcel with an existing dwelling is allowed subject to the following requirements:
  1. The parcel established for the dwelling shall not be larger than 5 acres or less than 2 acres, except as necessary to recognize physical factors such as roads or streams, in which case the parcel shall be no larger than 10 acres;
  2. The dwelling existed prior to June 1, 1995, and the remaining parcel not containing the dwelling is 80 acres or larger, or is consolidated with another parcel and, together, the parcels meet the minimum land division standards of the zone; and
  3. Covenants, conditions and deed restrictions set forth in Exhibit A found at the end of this Zone must be recorded at the County Clerk's Office and state that the remaining parcel, not containing the dwelling, is not entitled to a dwelling unless subsequently authorized by law or goal.
- C. Approval of a division of forest land to facilitate a forest practice as defined in ORS 527.620 shall be based on findings which demonstrate that there are unique property-specific characteristics present in the proposed parcel that require an amount of land smaller than 80 acres in order to conduct the forest practice. Parcels created pursuant to this subsection:
  1. Shall not be eligible for siting of any new dwelling;
  2. Shall not serve as the justification for the siting of a future dwelling on other lots or parcels;
  3. Shall not result in a parcel of less than 35 acres, except:
    - a. Where the purpose of the land division is to facilitate an exchange of lands involving a governmental agency; or
    - b. Where the purpose of the land division is to allow transactions in which at least one participant is a person with a cumulative ownership of at least 2,000 acres of forestland; and
  4. Shall not result in a parcel less than 80 acres or the minimum size required for dwellings approved under the provisions for Large or Multi-Tract Forest Land Dwellings in Subsection 506.2 if associated with the creation of a parcel where a dwelling is involved.
- D. A division of a lot or parcel zoned for mixed farm/forest may be allowed if all of the following criteria are met:
  1. At least two dwellings lawfully existed on the lot or parcel prior to November 4, 1993;
  2. Each dwelling complies with the criteria for a replacement dwelling under Subsection 503.11 of this Ordinance;

3. Except for one lot or parcel, each lot or parcel created under this subsection is between two and five acres in size;
  4. At least one dwelling is located on each lot or parcel created under this subsection; and
  5. The landowner of a lot or parcel created under this subsection provides evidence that a restriction prohibiting the landowner and the landowner's successors in interest from further dividing the lot or parcel has been recorded with the County Clerk. This restriction shall be irrevocable unless subsequently authorized by law.
- E. The proposed use of the division will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel; and *[Amd. Order 78-2010, 12.15.10]*.
  - F. A waiver of remonstrance is recorded with the deed certifying that the owner will not remonstrate against or begin legal action or suit proceeding to cause or persuade the owner or operator of any farm and forest lands to modify the conduct of legal and accepted farm & forest operations; and *[Amd. Order 78-2010, 12.15.10]*.
  - G. The proposed use will not force a significant change in, or significantly increase the cost of, accepted farming of forest practices nor will the division materially alter the stability of the forest enterprise in the area; and *[Amd. Order 78-2010, 12.15.10]*.
  - H. The forest enterprise or other authorized use is appropriate for the subject property considering soils, productivity, topography, and any other forest or agricultural activities located within 1/4 mile to determine if there are potential conflicts; and *[Amd. Order 78-2010, 12.15.10]*.
  - I. The resulting parcels are configured such that they are efficient for existing or future forest use(s) employing accepted forest management practices; and *[Amd. Order 78-2010, 12.15.10]*.
  - J. The new parcels will not significantly impact identified sensitive fish and wildlife habitat; and *[Amd. Order 78-2010, 12.15.10]*.
  - K. The division is consistent with Oregon Revised Statutes, Chapter 92. *[Amd. Order 78-2010, 12.15.10]*.

512 Property Line Adjustments. All property line adjustments require review and approval by the Planning Director subject to compliance with the following criteria:

- .1 Adjustments may be made between one parcel larger than the minimum lot size and one parcel smaller than the minimum lot size as long as the exchange results in the same number of parcels larger than the minimum lot size;

- .2 The lot boundaries resulting from the adjustment will maintain compliance with building setbacks including primary and secondary fire breaks, access standards and environmental health regulations;
  - .3 The adjustment will create no additional parcel(s).
  - .4 Parcels greater than 10 acres do not require a survey; and
  - .5 Property line adjustments in the PA-80 zone may not be used to:
    - A. Decrease the size of a lot or parcel that, before the relocation or elimination of the common property line, is smaller 80 acres and contains an existing dwelling or is approved for the construction of a dwelling, if the abutting vacant tract would be increased to a size as large as or larger than the minimum tract size required to qualify the vacant tract for a dwelling; or
    - B. Allow an area of land used to qualify a tract for a dwelling based on an acreage standard to be used to qualify another tract for a dwelling if the land use approval would be based on an acreage standard.
- 513 Construction Financing/Mortgage Tax Lots. Persons owning land in the Primary Forest Zone may obtain construction financing for housing or forest improvements from a lending institution, governmental agency, or private lender. Should the lender require a portion of the property to be used for collateral for the loan, the property owner shall submit a plot plan and a written statement to the Planning Director describing the size of the mortgage area involved, the length and terms of the agreement and the purpose of the financing. The property owner shall certify that he/she understands that the financing agreement does not create separate parcels and that neither parcel may be sold or otherwise separated from the other except in the event of foreclosure.
- 514 Non-conforming Uses. The lawful use of any building, structure or land at the time of the enactment of this Ordinance may be continued. Alteration of any such use shall be permitted when necessary to comply with local, state, or federal regulations pertaining to the use and development of the land and the buildings thereon. A non- conforming use is transferrable; however, any significant change in, or replacement of, the non-conforming use shall require permits under current building and land development codes. Restoration or replacement shall be commenced within one year from the occurrence of any fire, casualty, or natural disaster. This section takes precedent over other non-conforming use provisions of the Zoning Ordinance.
- 515 Prohibited Uses. It is unlawful to erect, alter or establish in the Primary Forest Zone (PF-80) any building, structure or use not authorized and approved under the standards and procedures in this Ordinance.

- 516 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 Zone and all building or placement permit applications filed under the Primary Forest Zone. Responses should be received within 10 days of the date of mailing to be assured consideration.

## DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FORM

Whereas, the undersigned \_\_\_\_\_ hereinafter referred to as Declarant, is owner in fee simple of the property described in Exhibit A attached hereto and incorporated by reference herein; and

Now, therefore, Declarant hereby declares that all of the property described on Exhibit A shall be held, sold, and conveyed subject to the following covenants, conditions and restrictions:

It is not lawful to use the property described in this instrument for the construction or siting of a dwelling or to use the acreage of the tract to qualify another tract for the construction or siting of a dwelling.

In witness whereof, the undersigned, being Declarant herein, has heretofore set his/her hand this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

State of \_\_\_\_\_ )  
 )  
 ss: County \_\_\_\_\_ )

The foregoing instrument was acknowledged before me the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ by \_\_\_\_\_.

Notary Public for Oregon  
My Commission expires:

*[Note: This page intentionally left blank for expansion].*

## **ARTICLE IV**

### **RURAL DEVELOPMENT DISTRICTS**



## **ARTICLE IV – RURAL DEVELOPMENT DISTRICTS**

### **Section 600     RURAL RESIDENTIAL - 5**

### **RR-5**

*[Amended by Ordinance 99-2, eff. 1/11/00; Amd. Ordinance 2015-4, eff. 11-25-15].*

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) except marijuana growing and producing.
- .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.

*[Amd. Ordinance 2015-4, eff. 11-25-15]*

#### 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.
- .5 Kennel as a home occupation with a maximum of 15 dogs subject to standards contained in Section 1507 and Section 1802.

- A. Consistent with all home occupations, land use approval for a kennel granted as a home occupation shall be granted only to the person or persons named on the application and shall not be transferable to or include any other person or organization, unless approved through a new home occupation permit; and
- B. A home occupation permit for a kennel shall be granted only to an individual resident or residents of the dwelling and shall not be granted to an organization, such as but not limited to a business or non-profit corporation.

*[Amd. Ordinance No. 2010-3, eff. 01.04.11].*

- .6 Marijuana growing and producing within an enclosed structure subject to standards in Section 1803.

*[Amd. Ordinance 2015-4, eff. 11-25-15]*

#### 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.

606 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****RR-2**

*[Amended by Ordinance 98-02, effective 1/11/00; Amd. Ordinance 2015-4, eff. 11-25-15].*

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) except marijuana growing and producing.
- .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.

*[Amd. Ordinance 2015-4, eff. 11-25-15]*

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.

*[Amd. Ordinance 2015-4, eff. 11-25-15]*

624 Prohibited Uses: The following uses are not allowed in the RR-2 zoning district:

- .1 Kennel.

*[Amd. Ordinance No. 2010-3, eff. 01.04.11].*

625 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.

626 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.

627 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****RC**

*[Amended by Ordinance 98-02, effective 1/11/00; Amd. Ordinance 2015-4, eff. 11-25-15].*

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) except marijuana growing and producing.
- .3 The propagation and harvesting of forest products.
- .4 Structures accessory to permitted uses when sited in accordance with Section 653.2.

*[Amd. Ordinance 2015-4, eff. 11-25-15]*

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, marijuana retailing subject to standards in Section 1803 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) except marijuana processing and wholesaling.
- .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.
  - .9 Marijuana growing and producing within an enclosed structure subject to standards in Section 1803.

*[Amd. Ordinance 2015-4, eff. 11-25-15]*

#### 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**      **EC**

*[Amended by Ordinance 98-02, effective 1/11/00; Amd. Ordinance 2015-4, eff. 11-25-15].*

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 Uses Subject to Administrative Review. The following uses are permitted, subject to review and approval under prescriptive standards specified herein and as may otherwise be indicated by federal, state and local permits or regulations using the process contained in Section 1601.

- .1 Marijuana retailing subject to standards in Section 1803.

*[Amd. Ordinance 2015-4, eff. 11-25-15]*

674 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.

*[Amd. Ordinance 2015-4, eff. 11-25-15]*

675 Standards:

- .1 The minimum lot or parcel size for uses permitted under Sections 672, 673 and 674 shall be 5 acres.
- .2 The minimum lot or parcel size for uses permitted under Section 672, 673 and 674 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.

*[Amd. Ordinance 2015-4, eff. 11-25-15]*

**676 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, 673 and 674, 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.

*[Amd. Ordinance 2015-4, eff. 11-25-15]*

677 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 except marijuana growing and producing.
- .2 Management, production, and harvesting of forest products, including wood processing and related operations.

*[Amd. Ordinance 2015-4, eff. 11-25-15]*

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:
  - 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.
- .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. Home occupations do not include commercial activities carried on in conjunction with a marijuana crop.



- .6 A temporary caretaker/watchman residence that is necessary to and in conjunction with a permitted use. The temporary caretaker/watchman residence shall be:
  - A. Temporary in nature and restricted to a manufactured dwelling or mobile home. The temporary residence shall be initially allowed for one (1) year and shall be eligible for annual renewal pursuant to Section 1505.7 until such time as the associated permitted use ceases.
  - B. Approved for potable water and on-site sewage disposal.
  - C. Removed or made to conform with applicable zoning and building regulations when the associated permitted use ceases.
  - D. Accompanied by a signed and recorded Waiver of Remonstrance regarding past, current and future lawful permitted uses on adjacent and nearby properties.

*[Added by Ordinance No. 2009-8 eff. 12/22/09; Amd. Ordinance 2015-4, eff. 11-25-15]*

**684 Prohibited Uses:**

- .1 Marijuana growing and producing.

*[Amd. Ordinance 2015-4, eff. 11-25-15]*

**685 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.

*[Amd. Ordinance 2015-4, eff. 11-25-15]*

**686 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: This page intentionally left blank for expansion].*

## **ARTICLE V**

### **SUBURBAN DISTRICTS**

## **ARTICLE V – SUBURBAN DISTRICTS**

### **Section 700      SINGLE-FAMILY RESIDENTIAL                      R-10**

*[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.
- 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  $\frac{1}{2}$  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.

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

<u>Number of Dwelling Units</u>	<u>Minimum Lot 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.

.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.

.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 except marijuana retailing.
- .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.

*[Amd. Ordinance 2015-4, eff. 11-25-15]*

803 Uses Subject to Administrative Review. The following uses are permitted, subject to review and approval under prescriptive standards specified herein and as may otherwise be indicated by federal, state and local permits or regulations using the process in Section 1601.

- .1 Signs subject to the provisions outlined in Section 1300.
- .2 Off-street parking subject to the provisions outlined in Section 1400.
- .3 Marijuana retailing subject to standards in Section 1803.

*[Amd. Ordinance 2015-4, eff. 11-25-15]*

#### 804 Conditional Uses:

- .1 Greenhouses except for the growing or producing of marijuana;
- .2 Kennels, provided the use complies with standards contained in Section 1802.

*[Amd. Ordinance No. 2010-3, eff. 01.04.11].*

*[Amd. Ordinance 2015-4, eff. 11-25-15]*

#### 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.
- .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 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 265 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.

*[Amd. Ordinance 2017-2, eff. 10.10.17]*

**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 except marijuana retailing.
- .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]

*[Amd. Ordinance 2015-4, eff. 11-25-15]*

813 Conditional Uses:

- .1 Dwelling in conjunction with a business or attached to a commercial use.
- .2 Apartments above a commercial use.
- .3 Kennels, provided there is no overnight boarding, the dogs are kept in an enclosed building, and the use complies with standards contained in Section 1802. *[Amd. Ordinance No. 2010-3, eff. 01.04.11].*

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 Prohibited Uses:

- .1 Marijuana retailing

*[Amd. Ordinance 2015-4, eff. 11-25-15]*

816 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.
- 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.
- .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.

*[Amd. Ordinance 2015-4, eff. 11-25-15]*

- 817 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.
- 818 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 except marijuana retailing.
- .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.

*[Amd. Ordinance 2015-4, eff. 11-25-15]*

823 Uses Subject to Administrative Review. The following uses are permitted, subject to review and approval under prescriptive standards specified herein and as may otherwise be indicated by federal, state and local permits or regulations using the process in Section 1601.

- .1 Signs subject to the provisions outlined in Section 1300.
- .2 Off-street parking subject to the provisions outlined in Section 1400.
- .3 Marijuana retailing subject to standards in Section 1803.

*[Amd. Ordinance 2015-4, eff. 11-25-15]*

824 Conditional Uses:

- .1 Kennels, provided the use complies with standards contained in Section 1802.

*[Amd. Ordinance No. 2010-3, eff. 01.04.11].*

825 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 except marijuana retailing.
- .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.

*[Amd. Ordinance 2015-4, eff. 11-25-15]*

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 Prohibited Uses:

- .1 Marijuana retailing

*[Amd. Ordinance 2015-4, eff. 11-25-15]*

836 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.

*[Amd. Ordinance 2015-4, eff. 11-25-15]*

**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.
- .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 Uses Subject to Administrative Review. The following uses are permitted, subject to review and approval under prescriptive standards specified herein and as may otherwise be indicated by federal, state and local permits or regulations using the process in Section 1601.

- .1 Marijuana growing and producing within an enclosed building subject to standards in Section 1803.

- .2 Marijuana processing and wholesaling subject to standards in Section 1803.

*[Amd. Ordinance 2015-4, eff. 11-25-15]*

914 Conditional Uses:

- .1 Marijuana retailing subject to standards in Section 1803.

*[Amd. Ordinance 2015-4, eff. 11-25-15]*

915 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.

*[Amd. Ordinance 2015-4, eff. 11-25-15]*

## 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 Uses Subject to Administrative Review. The following uses are permitted, subject to review and approval under prescriptive standards specified herein and as may otherwise be indicated by federal, state and local permits or regulations using the process in Section 1601.

- .1 Marijuana growing and producing within an enclosed building subject to standards in Section 1803.
- .2 Marijuana processing and wholesaling subject to standards in Section 1803.

*[Amd. Ordinance 2015-4, eff. 11-25-15]*

924 Conditional Uses:

- .1 Kennels, subject to standards contained in Section 1802. *[Amd. Ordinance No. 2010-3, eff. 01.04.11].*
- .2 Marijuana retailing subject to standards in Section 1803.

*[Amd. Ordinance 2015-4, eff. 11-25-15]*

925 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.
- .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 Uses Subject to Administrative Review. The following uses are permitted, subject to review and approval under prescriptive standards specified herein and as may otherwise be indicated by federal, state and local permits or regulations using the process in Section 1601.

- .1 Marijuana growing and producing within an enclosed building subject to standards in Section 1803.
- .2 Marijuana processing and wholesaling subject to standards in Section 1803.

[Amd. Ordinance 2015-4, eff. 11-25-15]

934 Conditional Uses:

.1 Kennels, subject to standards contained in Section 1802. *[Amd. Ordinance No. 2010-3, eff. 01.04.11].*

.2 Marijuana retailing subject to standards in Section 1803.  
*[Amd. Ordinance 2015-4, eff. 11-25-15]*

935 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.

.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 except marijuana growing and producing.
- .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.

- .17 Law enforcement and firefighting activities, including aircraft and ground based activities, facilities and accessory structures.
- .18 Aircraft leasing and rentals, including facilities and structures to support the rental or leasing activities.
- .19 Aeronautical recreation and sporting activities subject to approval by the airport sponsor, including activities, facilities and accessory structures at airports that support recreational use of aircraft and sporting activities that require the use of aircraft or other devices intended for use in flight.
- .20 Crop dusting activities, including facilities and accessory structures used for the aerial application of chemicals or materials in commercial agricultural or forestry activities.

*[Amended by Ordinance No. 2009-04 effective 09/29/09; Amd. Ordinance 2015-4, eff. 11-25-15]*

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**

**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 and 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.
- .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**

**APSM**

*[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****SM**

*[Amended by Ordinance 98-01, effective 6/29/98; Amd. Ordinance 2015-4, eff. 11-25-15].*

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 except marijuana growing and producing.
- .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.

*[Amd. Ordinance 2015-4, eff. 11-25-15]*

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.
    - 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.
- .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.
- .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.
- .3 "BASE FLOOD ELEVATION (BFE)" means the water surface elevation during the base flood in relation to a specified datum. The Base Flood Elevation is depicted on the FIRM to the nearest foot and in the FIS to the nearest 0.1 foot.
- .4 "BASEMENT" means the portion of a structure with its floor sub grade (below ground level) on all sides. *[Add. Ordinance 2010-6, eff. 11.26.10.]*
- .5 "BELOW-GRADE CRAWLSPACE" means an enclosed area below the base flood elevation in which the interior grade is not more than two feet below the lowest adjacent exterior grade and the height, measured from the interior grade

of the crawlspace to the top of the crawlspace foundation, does not exceed 4 feet at any point. *[Add. Ordinance 2010-6, eff. 11.26.10.]*

- .6 "BUILDING CODES" means the combined specialty codes adopted under ORS 446.062, 446.185, 447.020 (2), 455.020 (2), 455.496, 455.610, 455.680, 460.085, 460.360, 479.730 (1) or 480.545, but does not include regulations adopted by the State Fire Marshal pursuant to ORS chapter 476 or ORS 479.015 to 479.200 and 479.210 to 479.220. *[Add. Ordinance 2010-6, eff. 11.26.10.]*
- .7 "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. *[Amd by Ordinance No. 2008 - 3, eff. July 9, 2008.]*
- .8 "FLOOD OR 'FLOODING'" means a general and temporary condition of partial or complete inundation of normally dry land areas from:
  - (a) The overflow of inland or tidal waters, and/or
  - (b) The unusual and rapid accumulation of runoff of surface waters from any source.
- .9 "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.
- .10 "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.
- .11 "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.
- .12 "HISTORIC STRUCTURE" means a structure that is:
  - (a) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
  - (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or to a district preliminarily determined by the Secretary to qualify as a registered historic district;
  - (c) Individually listed on a state inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior, or

- (d) Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:
  - i. By an approved state program as determined by the Secretary of the Interior, or;
  - ii. Directly by the Secretary of the Interior in states without approved programs.

*[Add. Ordinance 2010-6, eff. 11.26.10.]*

- .13 "LOWEST FLOOR" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure used solely for parking of vehicles, building access, or storage, in an area other than a basement, is not considered a structure's lowest floor provided that the enclosed area is built and maintained in accordance with the applicable design requirements of the Building Code. [ modified for clarity 2010] *[Amd. Ordinance 2010-6, eff. 11.26.10.]*
- .14 "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.
- .15 "NEW CONSTRUCTION" means structures for which the "start of construction" commenced after August 23, 1977 and includes subsequent substantial improvements to the structure. *[Amd. Ordinance 2010-6, eff. 11.26.10.]*
- .16 "PRIMARY ZONE" means the underlying zone upon which the Flood Hazard Overlay Zone is superimposed.
- .17 "RECREATIONAL VEHICLE" means a vehicle that is:
  - (a) Built on a single chassis;
  - (b) 400 square feet or less when measured at the largest horizontal projection;
  - (c) Designed to be self-propelled or permanently towed by a light duty truck, and;
  - (d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

*[Add. Ordinance 2010-6, eff. 11.26.10.]*

- .18 "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. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not the alteration affects the external dimensions of a building. *[Amd. Ordinance 2010-6, eff. 11.26.10.]*

- .19 **"STRUCTURE"** means a walled and roofed building including a gas or liquid storage tank that is principally above ground.
- .20 **"SUBSTANTIAL DAMAGE"** means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of its market value before the damage occurred. *[Amd. Ordinance 2010-6, eff. 11.26.10.]*
- .21 **"SUBSTANTIAL IMPROVEMENT"** means reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The market value of the structure should be:
  - (a) The appraised real market value of the structure prior to the start of the initial repair or improvement, or
  - (b) In the case of damage, the appraised real market value of the structure prior to the damage occurring. The term does not include either:
    - i. A project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications, which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or
    - ii. Alteration of an Historic Structure, provided that the alteration will not preclude the structure's continued designation as an Historic Structure.

*[Add. Ordinance 2010-6, eff. 11.26.10.]*

- .22 **"VIOLATION"** means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance is presumed to be in violation until such time as that documentation is provided.

*[Add. Ordinance 2010-6, eff. 11.26.10.]*

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 November 26, 2010, 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. *[Amd. Ordinance 2010-6, eff. 11.26.10.]*

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.

*[Amd Ordinance 2008 - 3, eff 07.09.08.]*

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.
- .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.

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 basements and crawlspaces) of all new or substantially improved structures, and whether or not the structure contains a basement.

- .4 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).
- .5 The Administrator will maintain for public inspection all records pertaining to the provisions of this ordinance.
- .6 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, Appeals and Variances

- .1 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).
- .2 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).
- .3 Variances to the standards of flood hazard areas shall be administered according to Section 1504 of this Ordinance and 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).

*[Amd. Ordinance 2010-6, eff. 11.26.10.]*

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 consistent with the administrative rules of the Oregon Department of Environmental Quality.  
*[Amd. Ordinance 2010-6, eff. 11.26.10.]*

## .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 a minimum of one (1) foot above the base flood elevation. *[Amd. Ordinance 2010-6, eff. 11.26.10.]*
- 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).

*[Amd Ordinance 2008 - 3, eff 07.0908].*

### **.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.

### **.4 Recreational Vehicles**

Recreational vehicles placed on sites are required to either:

- (i) Be on the site for fewer than 180 consecutive days
- (ii) Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
- (iii) Meet the requirements of 3(A) above and the elevation and anchoring requirements for manufactured homes.

*[Add. Ordinance 2010-6, eff. 11.26.10.]*

## 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 or floodproofed to at least one foot above the depth number specified on the FIRM, or at least 3 feet about highest adjacent grade when no depth number is specified. *[Amd. Ordinance 2010-6, eff. 11.26.10.]*
  - B. New construction and substantial improvements of nonresidential structures within AO zones shall either:
    - (1) have the lowest floor (including basement) elevated 2 feet 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).  
*[Amd. Ordinance 2010-6, eff. 11.26.10.]*
  - C. Require adequate drainage paths around structures on slopes to guide flood waters around and away from proposed structures.

**1112      Standards for Areas Where Elevations are Determined (AE Zones)**

In areas within Zones A1-30 and AE on the community FIRM with a Base Flood Elevation but where no regulatory floodway has been designated, new construction, substantial improvements, or other development (including fill) shall be prohibited, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other and anticipated development, will not increase the water elevation of the base flood more than one foot at any point within the community.

*[Add. Ordinance 2010-6, eff. 11.26.10.]*



*[Note: This page 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.
- .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 Sub-sections 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 1180 WETLAND AREA OVERLAY****WA***[Amended by Ordinance No. 2003 - 5, effective December 15, 2003].*

- 1181 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.
- 1182 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.
- 1183 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.
- 1184 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 1185 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.

- 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.

.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.

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: This page intentionally left blank for expansion].*

**Section 1300 SIGNS**

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

- 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.

## SIGNS

- 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.
  - .5      Transit-related (bus) signs.

*[Amd. Ordinance 2017-2 eff. 10.10.17]*

- 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 (½) 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.
- .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.
- .9 Internal pedestrian connections shall be provided in parking lots with greater than ten (10) parking spaces. These connections shall be a minimum of five (5) feet wide and distinguished from vehicular areas through changes in elevation or contrasting paving materials (such as light-color concrete inlay between asphalt). Paint or thermo-plastic striping and similar types of non-permanent applications may be approved for crossings of parking lot areas that do not exceed 24 feet in crossing length.
- .10 In urban growth boundaries and urban unincorporated communities, parking lots for commercial, industrial, and public/quasi-public uses that have designated employee parking and more than 20 parking spaces shall provide at least 10% of the employee parking spaces (with a minimum of two spaces) as preferential long-term carpool and vanpool parking spaces. Preferential carpool and vanpool parking spaces shall be closer to the entrances of the building than other parking spaces, with the exception of ADA accessible parking spaces.
- .11 A portion of existing parking areas may be redeveloped for transit-oriented improvements, such as a bus stops and pullouts, bus shelters, park and ride stations, transit-oriented developments, and similar facilities, where identified in or consistent with an adopted County transit plan. Subject sites incorporating transit improvements as part of a development proposal are eligible for up to a 10% reduction in required vehicular parking spaces.

[Amd. Ordinance 2017-2, eff. 10.10.17]

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.

.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.

.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.
<b>.4 <u>Commercial Recreation:</u></b>	
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.

.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

	USE	SQUARE FEET OF FLOOR OR LAND AREA	MINIMUM LOADING SPACES REQUIRED
.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.		

**1419** Minimum Required Bicycle Parking Spaces:

- .1 All Public and Semi-Public buildings and uses, Retail uses, Apartment Dwelling uses and Commercial Recreation uses where required new vehicle parking areas exceed 10 motor vehicle spaces must include a designated area for bicycle parking within 50 feet of a public entrance.
- .2 The following are the required number of bicycle parking spaces:
  - A. Apartment Dwelling. Every residential use of four (4) or more dwelling units shall provide at least one (1) sheltered bicycle parking space for each unit. Sheltered bicycle parking spaces maybe located within a garage, storage shed, basement, utility room or similar area. In those instances in which the residential complex has no garage or other easily accessible storage unit, the required bicycle parking spaces shall be sheltered under an eave, overhand, an independent structure, or similar cover.
  - B. Parking Lots. All public and commercial parking lots and parking structures shall provide a minimum of one (1) bicycle parking space for every 10 motor vehicle parking spaces.
  - C. Schools. Elementary and junior high schools, including private or parochial, shall provide one bicycle parking space for every 10 students and employees. High schools shall provide one bicycle parking space for every five (5) students and employees. All spaces shall be sheltered under an eave, overhang, independent structure, or similar cover.

- .3 Single-family dwellings, mobile homes, warehouse, storage and wholesale businesses, and manufacturing establishments shall be exempted from the requirements of Subsection 1419 Bicycle Parking.

*[Amd. Ordinance 2017-2, eff. 10.10.17]*

## **Section 1450 TRANSPORTATION IMPACT ANALYSIS**

**1450** Transportation Impact Analysis: A Transportation Impact Analysis (TIA) must be submitted with a land use application if the proposal is expected to involve one or more of the conditions in 1450.1 (below) in order to minimize impacts on and protect transportation facilities, consistent with Section 660-012-0045(2)(b) and (e) of the State Transportation Planning Rule.

- .1 Applicability – A TIA shall be required to be submitted to the County with a land use application if the proposal is expected to involve one (1) or more of the following:
- A. Changes in land use designation, or zoning designation that will generate more vehicle trip ends.
  - B. Projected increase in trip generation of 25 or more trips during either the AM or PM peak hour, or more than 400 daily trips.
  - C. Potential impacts to intersection operations.
  - D. Potential impacts to residential areas or local roadways, including any non-residential development that will generate traffic through a residential zone.
  - E. Potential impacts to pedestrian and bicycle routes, including, but not limited to school routes and multimodal roadway improvements identified in the TSP.
  - F. The location of an existing or proposed access driveway does not meet minimum spacing or sight distance requirements, or is located where vehicles entering or leaving the property are restricted, or such vehicles are likely to queue or hesitate at an approach or access connection, thereby creating a safety hazard.
  - G. A change in internal traffic patterns may cause safety concerns.
  - H. A TIA is required by ODOT pursuant with OAR 734-051.
  - I. Projected increase of five trips by vehicles exceeding 26,000-pound gross vehicle weight (13 tons) per day, or an increase in use of adjacent roadways by vehicles exceeding 26,000-pound gross vehicle weight (13 tons) by 10 percent.
- .2 Consistent with the County's Guidelines for Transportation Impact Analysis (TIA), a landowner or developer seeking to develop/redevelop property shall contact the County at the project's outset. The County will review existing transportation data to establish whether a TIA is required. It is the responsibility of the applicant to



provide enough detailed information for the County to make a determination. An applicant should have the following prepared, preferably in writing:

- A. Type of uses within the development
- B. The size of the development
- C. The location of the development
- D. Proposed new accesses or roadways
- E. Estimated trip generation and source of data
- F. Proposed study area

If the County cannot properly evaluate a proposed development's impacts without a more detailed study, a TIA will be required. The County will provide a scoping summary detailing the study area and any special parameters or requirements, beyond the requirements set forth in the County's Guidelines for Transportation Impact Analysis, when preparing the TIA.

.3 Approval Criteria. When a TIA is required, a proposal is subject to the following criteria:

- A. The TIA addresses the applicable elements identified by the County Public Works Director and the County's Guidelines for Transportation Impact Analysis;
- B. The TIA demonstrates that adequate transportation facilities exist to serve the proposed development or, identifies mitigation measures that resolve identified traffic safety problems in a manner that is satisfactory to the County Public Works Director and, when state highway facilities are affected, to ODOT;
- C. For affected non-highway facilities, the TIA establishes that mobility standards adopted by the County have been met; and
- D. Proposed public improvements are designed and will be constructed consistent with County Road Standards and access spacing standards in the Transportation System Plan.

.4 Conditions of Approval.

- A. The County may deny, approve, or approve a proposal with conditions necessary to meet operational and safety standards; provide the necessary right-of-way for improvements; and to require construction of improvements to ensure consistency with the future planned transportation system.
- B. Construction of off-site improvements may be required to mitigate impacts resulting from development that relate to capacity deficiencies and public safety; and/or to upgrade or construct public facilities to County Standards.

Improvements required as a condition of development approval, when not voluntarily provided by the applicant, shall be roughly proportional to the impact of the development on transportation

facilities. Findings in the development approval shall indicate how the required improvements directly relate to and are roughly proportional to the impact of development.

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**ARTICLE VII**

**DISCRETIONARY PERMITS**

## 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.

.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.

- .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.
- .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.

1561 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.

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**ARTICLE VIII**

**ADMINISTRATION**



## 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]*



**ARTICLE IX**  
**SPECIAL USE STANDARDS**



## ARTICLE IX – SPECIAL USE STANDARDS

### Section 1800      SPECIAL USE STANDARDS

#### 1801      GENERAL PROVISIONS

Special uses are those included in Section 1800. Due to their public convenience and necessity and their effect upon the surrounding area, these uses are subject to conditions and standards that differ from those required of other uses. Special uses shall be subject to the provisions of the section that regulates the specific use and the provisions of the zoning district in which the special use will be located. Special uses are permitted only when specified as a primary, accessory, or conditional use in the subject zoning district. Where a dimensional or development standard for a special use differs from that of the subject zoning district, the standard for the special use shall apply.

#### 1802      KENNELS

- .1      Minimum Site Area: The minimum site area in RR-5, PF-76, FA-19 and PA-38 zones shall be five acres.
- .2      Setbacks: The minimum setback for all kennel facilities including exercise and waste disposal areas in RR-5, PF-76, FA-19 and PA-38 zones shall be 100 feet. In all other zones in which kennels are allowed, the setback shall be as prescribed by zoning district standards of the zone in which it is located.
- .3      Signs: There shall be a maximum sign area of six(6) square feet in RR-5, PF-76, FA-19 and PA-38 zones. In all other zones in which kennels are allowed, the maximum sign area shall be as prescribed by sign standards contained in Section 1300.
- .4      Kennel Licence: A Columbia County kennel licence shall be obtained.
- .5      Dog Waste: All kennels shall comply with dog waste handling and disposal standards contained in Section 10 D. of the Columbia County Kennel Ordinance.
- .6      Outside Hours: All dogs shall be brought into an enclosed building between the hours of 9pm and 6am.
- .7      Control of Dogs: All dogs shall be confined within an enclosed building or within secure fencing at all times when not under the direct control of a keeper.
- .8      A kennel and/or keeper of a dog shall be subject to ORS 609.095. A violation of ORS 609.095 shall be a basis for denial or revocation of a kennel land use approval.
- .9      All kennels must be sited to minimize impacts on neighboring properties and resource uses.

*[Amd. Ordinance No. 2010-3, eff. 01.04.11].*

#### 1803      MARIJUANA LAND USES

- .1 State Issued Marijuana License or Registration Required. All marijuana land uses except for those not required to be licensed by the Oregon Liquor Control Commission (OLCC) or registered by the Oregon Health Authority (OHA), such as home grown or home made marijuana, shall provide to the Land Development Services Department document of the issuance of the applicable state issued marijuana license or registration at the time of

application for a required land use permit. Applicants for recreational marijuana land uses including producing, processing, wholesaling, and retailing shall also show evidence of a completed County land use compatibility statement for the use for which the application is being submitted.

- .2 Marijuana Growing or Producing Uses. The following standards shall apply to marijuana growing or producing uses:
  - A. Co-location with a Dispensary. Medical grows may not be on the same site as a dispensary.
  - B. Within an Enclosed Building in Certain Zones. Growing and producing must be within an enclosed building in the RR-5, RC, M-3, M-2 and M-1 zones. For the purposes of growing and producing, an enclosed building includes an enclosed greenhouse.
  - C. Additional Setbacks for Indoor Grows in Certain Zones. In the FA-80, PF-80, and RR-5 zoning districts, minimum front, side and rear yard setbacks for buildings accommodating marijuana growing and producing shall be increased by 50 feet.
  - D. Additional Standards in the RR-5 Zone.
    1. Growing and producing uses shall be operated by a resident or employee of a resident of the property on which the uses are located.
    2. The growing and producing use shall employ on the site no more than five full-time or part-time persons.
    3. No more than one State issued growing or producing registration or license is allowed for each parcel of record.
- .3 Marijuana Processing and Wholesaling Uses. The following standards shall apply to marijuana processing and wholesaling uses:
  - A. Within an Enclosed Building. Marijuana processing and wholesaling uses in the M-3, M-2, and M-1 zones shall be within an enclosed building. For the purposes of processing and wholesaling, a greenhouse does not qualify as an enclosed building.
  - B. Wholesaling and Extract Processing in Residential Zones: Marijuana wholesaling and extract processing is prohibited in residential zoning districts.
- .4 Marijuana Dispensary and Retailing Uses: The following standards shall apply to marijuana dispensary and retailing uses:
  - A. Separation from Certain Uses: Marijuana dispensary and retailing uses may not be located within 1,000 feet of a public elementary or secondary school, private or parochial elementary or secondary school, public park or child care center.
  - B. Separation from Each Other: Marijuana dispensary and retailing uses may not be located within 1,000 feet of another marijuana dispensary or retailing use.
  - C. Prohibited in Residential Zoning Districts: Marijuana dispensaries and retailing uses are prohibited in residential zoning districts.

[Amd. Ordinance 2015-4, eff. 11-25-15]

