CLATSOP COUNTY STANDARDS DOCUMENT

ORDINANCE 80-14

Adopted September 30, 1980

Includes Amendments through March 29, 2013

CLATSOP COUNTY STANDARDS DOCUMENT
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ADOPTION OF DEVELOPMENT STANDARDS

Section 1. Title.

This ordinance shall be known as the Clatsop County Development Standards Document of 1980.

Section 2. Scope of Regulations.

(1) This document contains standards applicable to development. The Development Standards Document is used primarily in conjunction with the Development Ordinance.

(2) If there is a conflict between a provision of this Development Standards Document and a requirement of the Development Ordinance, or a requirement adopted under an approval procedure of the Development Ordinance, the requirement resulting from application of the Development Ordinance shall apply.

(3) The standards established by this initial enactment shall be revised and extended as specified in the following section of and by decisions authorized by the Development Ordinance and other ordinances of the County.

Section 3. Revision of Standards.

(4) The standards contained within this document may be revised or deleted and new standards may be added when such action will improve enforcement of the Land and Water Development and Use Ordinance.

(5) The Community Development Director or Planning Commission shall make recommendations for revision of the Development Standards to the Board of Commissioners. The recommendations shall contain a description of the proposed revision and evidence and factual information which supports the action. The potential impacts of the revisions shall be described.

(6) The Board of Commissioners shall hold a public hearing on the proposed revisions with the notice of the hearing published in a newspaper of general circulation. Action to approve the proposed revisions of standards shall be taken through an Order of the Board of Commissioners.

CHAPTER 1. SITE ORIENTATION

S1.010. Basic Characteristics of a Residential Site.

Except as otherwise provided by S1.030, a lot or parcel to be developed for residential use shall comply with the following:

(1) In a location that will not be served by a public sewer, a lot or parcel shall have sufficient size to permit compliance with the requirements of the Department of Environmental Quality for sewage disposal by septic tank and drain field or other alternative system and permit continued reliance on that method of sewage disposal. If the location will not be served by a community water system, a lot or parcel shall have sufficient additional size to permit an on-site water supply for each lot or parcel without conflict between water supply and sewage disposal facilities.

(2) In a location that will be served by public or private sewer, the standards of each zone shall apply.

S1.030. General Exception to Lot Size Standards.

Within Rural Communities and all residentially-zoned areas:

1. If a lot or parcel was legally created through county partitioning or subdivision requirements on or after September 30, 1980 and does not abut the Camp Rilea buffer, has an area or dimension which does not meet the requirements of the zone, it may still be developed as allowed by the zone subject to all other applicable county development standards and requirements.
2. All other areas, including residentially-zoned lots or parcels created prior to September 30, 1980 and those abutting the Camp Rilea buffer:
   - (A) If, at the time of adoption of the zone or of amendment of its lot size or dimension standards, a legally created lot or parcel,, has an area or dimension which does not meet the requirements of the zone, and the lot or parcel <u>was not</u> in the same ownership as any contiguous lots or parcels which do not meet the minimum area or dimension requirements, the lot or parcel may be developed as allowed by the zone and applicable county development requirements.
   - (B) If, at the time of adoption of the zone or of amendment of its lot size or dimension standards, a legally created lot or parcel, has an area or dimension which does not meet the requirements of the zone, and the lot or parcel <u>was</u> in the same ownership as any contiguous lots or parcels which do not meet the minimum area or dimension requirements, the aggregate holdings constitute one land use parcel and that parcel may be developed as allowed by the zone and applicable county development standards and requirements.

CHAPTER 2. SITE ORIENTED IMPROVEMENTS

S2.010. Grading of Building Site.

The grading of a building site shall conform to the standards contained in Chapter 70 of the 1979 edition of the Uniform Building Code published by the International Conference of Building Officials for all hazards including, active dunes and structures allowed in active dune districts.

S2.011. Substantial Construction.

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

(1) Building, development and septic permits have been obtained and a foundation completed for a conventionally built dwelling; or

(2) Substantial construction (as defined in Section 1.030) has been completed at a cost in excess of 10% of the construction value of the proposed structure as determined by Uniformed Building Code calculations. Documentation of the cost of improvements for the dwelling shall be in writing (i.e. receipts, canceled checks, etc.) and shall be submitted to the Community Development Department with a time schedule of the activities/expenditures.

S2.012. Clear Vision Area.

A clear vision area shall be maintained on the corners of all property at the intersection of two streets or a street and a railroad.

(1) A clear vision area shall consist of a triangular areas, two sides of which are lot lines measured from the corner intersection of the street lot lines for a distance specified in this regulation, or, where the lot lines have rounded corners, the lot lines extended in a straight line to a point of intersection and so measured, and the third side of which is a line across the corner of the lot joining the non-intersecting ends of the other two sides.

(2) A clear vision area shall contain no planting, fence, wall, structure or temporary or permanent obstruction exceeding 2.5 feet in height, measured from the top of the curb or, where no curb exists, from the established street center line grade, except that trees exceeding this height may be located in this area, provided all branches and foliage are removed to a height of eight (8) feet above the grade.

(3) The following measurements shall establish clear vision areas:

(A) In an agricultural or residential zone the minimum distance shall be thirty (30) feet or, at intersections including an alley, ten (10) feet.

(B) In all other zones where yards are required, the minimum distance shall be fifteen (15) feet or, at intersections including an alley, ten (10) feet, except that when the angle of intersection between streets, other than an alley, is less than thirty (30) degrees, the distance shall be twenty-five (25) feet.

S2.100. Special Site Development for Environmental Protection.

Special requirements for environmental protection are specified in Chapter 4 in this document. In addition, in all areas of the County, sewage systems shall be allowed in those areas outside the Urban Growth Boundary only to alleviate a health hazard or water pollution problem which has been identified by the Environmental Quality Commission and will be used only as a last resort.

(1) Beach and dune areas: 4.050 through 4.059.
(2) Shoreland and aquatic areas: S4.200 to S4.282.
(3) General soil areas: S4.300 to S4.310.
(4) Rock and mineral resource areas: S4.400 to S4.404.

S2.200. Off-Street Parking Required.

Off-street parking and loading shall be provided for all development requiring a development permit according to S2.200 to S2.212.

S2.202. Minimum Off-Street Parking Space Requirements.

Any uses described herein may provide up to 30% of the required number of parking spaces, except ADA-required spaces, as compact spaces, measuring no less than seven feet wide by eighteen feet long. Compact spaces shall be clearly marked accordingly.
The minimum off-street parking space requirements are as follows:

(1) Residential type of development and number of parking spaces.

Single family dwelling	(2) per dwelling unit
Accessory dwelling unit	(1) per dwelling unit
Multi-family dwelling	(3 per 2) dwelling units
Sorority, fraternity or dorm	(1 per 2) occupants
Residential hotel, rooming or boarding house or club	(2 per 3) guest rooms
Hotel or motel	(1.25) per guest room or suite plus 10 per ksf[1] restaurant/lounge, plus 30 per ksf meeting/banquet room (<50 ksf per guest room) or 20per ksf meeting/banquet room (>50 ksf per guest room).
Mobile home park	(1) per mobile home site, plus (1 per site) for guest parking at a convenient location
Planned development	In addition to the requirements for dwelling units, (1 per 2) units for guest parking at a convenient location

(2) Commercial type of development and number of parking spaces.

General retail or personal service	3.5 per ksf GFA[2]
Grocery, Discount Superstores/Clubs (freestanding)	6.0 per ksf GFA
Home Improvement Superstores	5.0 per ksf GFA
Other Heavy/Hard Goods (Furniture, appliances, Building Materials, Etc.)	3.0 per ksf GFA

[1] KSF: 1000 Square Feet
[2] GFA: Ground Floor Area

Shopping Centers	4.0 per ksf GLA[3] up to 400 ksf; 4.0 to 4.5 per ksf GLA sliding scale between 400 and 600 ksf; 4.5 per ksf GLA over 600 ksf
Coin operated Laundries	1 per 2 washing and drying machines
Auto, boat or trailer sales, or nursery	2.7 per ksf GFA interior sales area, plus 1.5 per ksf GFA interior or storage/display area, plus 2 per service bay
Barber shop or beauty parlor	(1 per 100) sq.ft. floor area
PROFESSIONAL	
General Business Offices	3.6 per ksf for GFA<250 ksf, 3.35 per ksf GLA>250 ksf
Bank Branch w/ Drive In	5.5 per ksf GFA
Data Processing/ Telemarketing	6.0 per ksf GFA
Medical or dental offices	4.5 per ksf GFA
Clinic (medical offices w/ outpatient treatment; no overnight stays)	5.5 per ksf GFA
FOOD & BEVERAGE	
Fine Dining	21.5 per ksf GFA
Casual Restaurant (w/ Bar)	22.5 per ksf GFA
Family Restaurant (w/out Bar)	16.0 per ksf GFA
Fast Food	15.0 per ksf GFA
ENTERTAINMENT	
Theater, gymnasium, racetrack, stadium or similar use	.4 per seat
Amusement park	(1 per 1,000) sq.ft. floor area plus (1 per 2) employees

(3) Institutional, public and quasi-public type of development and number of parking spaces.

Child care center or kindergarten	.35 per person (licensed capacity)
Elementary and Secondary Schools	.35 per student
College and University	Determined by parking study specific to subject institution.
Church, chapel, mortuary, auditorium	.6 per seat
Elderly Housing, Independent Living	.6 per dwelling unit
Elderly Housing, Assisted Living	.4 per dwelling unit
Nursing or convalescent home	1 per room
Hospital	.4 per employee, plus 1 per 3 beds, plus 1 per 5 average daily outpatient treatments, plus 1 per 4 medical staff, plus 1 per student/faculty/staff
Golf course	(8) per hole

(4) Industrial type of development and number of parking spaces.

[3] GLA: Gross Leasable Area

Industrial / Storage / Wholesale Utility	2 per ksf GFA
Manufacturing / Light Industrial (single-use)	1.5 per ksf
Industrial Park (multitenant or mix of service, warehouse)	2 per ksf
Warehouse	.7 per ksf GFA
Mini-Warehouse	.25 per ksf
Air, rail or trucking freight terminal	(1) per employee on largest shift

(5) Requirements for building or development not specifically listed herein shall be determined by the Community Development Director based upon the requirements of comparable uses listed.

(6) Any uses described herein may provide up to 30% of the required number of parking spaces, except ADA-required spaces, as compact spaces, measuring no less than 7 feet 5 inches wide by 15 feet long. Compact spaces shall be clearly marked accordingly.

S2.204. Off-Street Parking Restrictions.

(1) Parking spaces in a public street, including an alley, shall not be eligible as fulfilling any part of the parking requirements.

(2) Required parking facilities may be located on an adjacent parcel of land or separated only by an alley, provided the adjacent parcel is maintained in the same ownership as the use it is required to serve.

(3) Except for industrial uses, required parking shall not be located in a required front or side yard setback area abutting a public street, unless there is a five(5) foot sidewalk in accordance with County standards, and a five(5) foot landscaped buffer separating the parking from on street traffic.

(4) Required parking facilities of two or more uses, structures, or parcels of land may be satisfied by the same parking facilities used jointly, to the extent that it can be shown by the owners or operators that the need for the facilities does not materially overlap (e.g. uses primarily of a daytime vs. nighttime nature) and provided that such right of joint use is evidenced by a deed, lease, contract, or similar written instrument establishing such joint use.

(5) Required parking shall be available for parking of operable passenger vehicles of residents, customers and employees only, and shall not be used for the storage or display of vehicles or materials.

S2.206. Off-Street Parking Plan.

A plan indicating how the off-street parking and loading requirement is to be fulfilled, shall accompany the application for a development permit. The plan shall show all those elements necessary to indicate that these requirements are being fulfilled and shall include but not be limited to:

(1) Delineation of individual parking spaces.

(2) Circulation area necessary to serve spaces.

(3) Access to streets, alleys, and properties to be served.

(4) Curb cuts.

(5) Dimensions, continuity and substance of screening.
(6) Grading, drainage, surfacing and subgrading details.
(7) Delineations of all structures or other obstacles to parking and circulation on the site.
(8) Specifications as to signs and bumper guards.

S2.208. Off-Street Parking Construction.

Required parking spaces shall be a improved and available for use at the time of final building inspection.

S2.210. Design Requirements for Off-Street Parking.

Parking spaces shall be a minimum of 9 feet by 19 feet in size. Driveways and turnarounds providing access to parking areas shall conform to the following provisions:

(1) Except for a single or two family dwelling, groups of more than three parking spaces shall be provided with adequate aisles or turnaround areas so that all vehicles may enter the street in a forward manner.

(2) Except for a single or two family dwelling, more than three parking spaces shall be served by a driveway designed and constructed to facilitate the flow of traffic on and off the site, with due regard to pedestrian and vehicle safety, and shall be clearly and permanently marked and defined. In no case shall two-way and one way driveways be less than eighteen (18) feet and twelve (12) feet in width respectively.

(3) Driveways, aisles, turnaround areas and ramps shall have a minimum vertical clearance of twelve (12) feet for their entire length and width but such clearance may be reduced in parking structures.

(4) Service drives and accessways to public streets shall have minimum vision clearance area formed by the intersection of the driveway center line, the street right-of-way line, and straight line joining said lines through points twenty (20) feet from their intersection (see diagram). No obstruction including plantings, fences, walls, or temporary or permanent structures, exceeding 2.5 feet in height that has a cross section over one (1) foot shall be located in a clear vision area, except that trees exceeding this height may be located in this area, provided all branches and foliage are removed to a height of eight feet above the grade.

(5) The following off-street parking development and maintenance shall apply in all cases, except single and two family dwellings:

(A) Parking areas, aisles and turnarounds for standing and maneuvering of vehicles shall have durable and dustless surfaces or be graveled to a two inch depth and maintained adequately for all weather use.

(B) Parking areas, aisles and turnarounds shall have provisions made for the on-site collection of drainage waters to eliminate sheet flow of such waters onto sidewalks, public rights-of-ways, and abutting private property.

(C) Spaces shall be permanently and clearly marked.

(D) Wheel stops and bumper guards shall be provided where appropriate for spaces abutting a property line or building, and no vehicle shall overhang a public right-of-way and other property line.

(E) Where parking abuts a public right-of-way, a wall or screen planting shall be provided sufficient to screen the parking facilities but without causing encroachment into vision clearance areas. Except in residential areas, where a parking facility or

driveway is serving other than a one or two family dwelling and is located adjacent to residential, agricultural or institutional uses, a site obscuring fence, wall or evergreen hedge shall be provided on the property line. Such screening shall be maintained in good condition and protected from being damaged by vehicles using the parking area.

(F) Artificial lighting which may be provided shall be deflected so as not to shine directly into adjoining dwellings or other types of living units and so as not to create hazard to the public use of a street.

S2.211. Bicycle Parking Requirements

In rural communities, new multi-family residential developments of four or more units, retail, office and institutional developments shall provide at least one bicycle parking space for every ten required off-street parking spaces. Transit transfer and park and ride lots, wherever located shall also provide at least one bicycle parking space for every ten off-street parking spaces.

(1) Bicycle parking facilities shall be placed in a convenient location near the main entrance of the site's principal use. Where possible, bicycle-parking facilities shall be placed under cover. Bicycle parking areas shall not interfere with parking aisles, landscape areas, or pedestrian ways. For security and convenience purposes, bicycle-parking facilities shall be located in areas visible to the adjacent sidewalks and/or vehicle parking areas within the site.

(2) Community Development Director may reduce the number of required bicycle parking spaces on a case- by-case basis if the applicant can demonstrate that the proposed use by its nature would be reasonably anticipated to generate a lesser need for bicycle parking.

S2.212. Loading Facilities.

(1) The minimum area required for commercial and industrial loading spaces is as follows:

(A) 250 sq.ft. for buildings of (5,000 to 20,000) sq.ft. of gross floor area.

(B) 500 sq.ft. for buildings of (20,000 to 50,000) sq.ft. of gross floor area.

(C) 750 sq.ft. for buildings in excess of (50,000) sq.ft. of gross floor area.

(2) The required loading area shall not be less than ten feet in width by twenty-five feet in length and shall have an unobstructed height of fourteen feet.

(3) If possible, required loading areas shall be screened from public view, from public streets and adjacent properties.

(4) Required loading facilities shall be installed prior to final building inspection and shall be permanently maintained as a condition of use.

(5) A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading children shall be located on the site of a school having a capacity greater than twenty-five students.

S2.300. Sign Requirements.

PURPOSE: These regulations are intended to promote scenic values; prevent unsafe driver distractions; provide orientation and directions; facilitate emergency response; and generally provide useful signs in appropriate areas.

(1) Sign placement: No permanent sign or temporary sign in excess of six (6) square feet may be placed in or extend over a required non-street side yard or a street right-of-way,

or within 10 feet of the front property line in a required front yard. Temporary signs of no larger than six (6) square feet may feet may be placed in or extend over a required non-street side yard or a street right-of-way, or within 10 feet of the front property line in a required front yard. No sign may be located in a manner that will impair the use of an existing solar energy system on adjoining property. A minimum of 8 feet above sidewalks and 15 feet above driveways shall be provided under free-standing signs.

(2) Sign lighting/Movement: Any lighting of signs must be directed away from adjacent residential uses and so shielded, installed and aimed that the lighting does not project past the object being illuminated. Illumination of billboards shall be limited to commercial and industrial zoning districts. Except for traffic control signs or traffic hazard warning signs, no sign shall include or be illuminated by a flashing, intermittent, revolving, rotating or moving light or move or have any animated or moving parts.

(3) Signs in any zone: The following signs are permitted in any zoning district without the need for a permit:

(A) City limits signs and public notice signs.
(B) Directional signs for public facilities.
(C) Traffic control and safety signs.
(D) Signs placed by the owner to restrict or limit trespassing, hunting or fishing.

(4) Signs in Residential zones: In Residential zones, signs shall be directed towards facing streets or located at needed points of vehicular access but no closer than 200 feet apart. Signage shall be limited to activities occurring on the property upon which the sign is located as follows:

(A) A single name plate not exceeding three (3) square feet.
(B) A sign not exceeding thirty-two square feet pertaining to the or to a construction project, lease, rental, or sale of the property.
(C) A sign not exceeding 90 square feet advertising a subdivision.
(D) A sign not exceeding 150 square feet, identifying a multi-family dwelling or motel.
(E) A sign not exceeding 24 square feet identifying a non-residential use.
(F) A sign not exceeding 24 square feet identifying a cottage industry.
(G) A sign not exceeding 24 square feet directing traffic to places of interest to the public, such as tourist accommodations and recreation sites, which would otherwise be difficult to find.
(H) A sign identifying a home occupation up to 6 square feet in size.
(I) Signage not exceeding a total of two hundred (200) square feet identifying a mobile home park, recreational campground, primitive campground, commercial farm, or community identification. Individual signs shall not exceed thirty-two (32) square feet in size.
(J) A sign not exceeding 16 square feet for a bed & breakfast.

The size limitations described in (b) through (j) above apply to each side of a single-sided or double-sided sign.

(5) Signs in Resource zones: Except for the AF, F-80 and EFU zones signs are not permitted in resource zones. Individual signs may not exceed thirty-two (32) square feet and are limited as follows:

(A) Signs pertaining to permitted uses in the zone.

(B) Road identification signs.

(6) Signs in Commercial and Industrial zones: The following signs are permitted in Commercial and Industrial zones for activities occurring on the property upon which the sign is located:

(A) Signage not exceeding 200 square feet for commercial establishments. Individual signs may not exceed thirty-two square feet, unless otherwise provided by these regulations.

(B) Signage not exceeding sixty (60) square feet (including any signage in the canopy, windows or other display areas) for retail or light industrial lease spaces in multi-tenant buildings.

(C) A temporary sign not exceeding thirty-two square feet in area pertaining either to the lease, rental or sale of the property or to a construction project.

(7) Temporary (including campaign) signs: In residential, commercial and industrial zones signs placed for a period of not more than six consecutive months are allowed provided they meet the following standards:

(A) The sign may not exceed thirty-two (32) square feet.

(B) The sign may not be illuminated.

(C) The sign shall be removed from the premises fifteen (15) days following the event being advertised or six months after first placement, whichever is earliest.

(8) Calculating Sign Area: The structure supporting or appearing to support a freestanding sign need not be included in the area of the sign, unless that structural element is conveying information as part of the sign. In calculating the square footage, the width shall be measured at the widest part of the sign, including any cut-outs, and the length shall be measured at the longest part of the sign, including any cut-outs. For multiple-sided signs (signs having 3 or more faces) the area size standard shall be applied to the cumulative total of all sides of the sign.

(9) Copy Area: 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.

(10) Non-conforming signs: Signs and sign structures not conforming to the requirements of this ordinance shall be subject to the following:

(A) Text or images on the face of a legal non-conforming sign may be changed but the sign may not be expanded.

(B) A legal non-conforming sign will be considered abandoned and discontinued if there is no text or image on the display surface for a period of six (6) consecutive months.

(11) Permit required: Except as otherwise provided, a Type I development permit is required for the following activities:

(A) Installation of a new permanent sign;

(B) A Type 1 permit shall be required for an increase in the face of any permanent sign face by fifty (50) percent or more;
(C) Expanding the text or images of any non-conforming sign.

The Department shall review any proposed sign for conformance with the standards of this section and any requirements under the State building codes.

S2.400. Water Improvement Standards.

A year round supply of at least 250 gallons of water per day by one of the following sources:

Source	Standard	Proof
Public or Community Water	Within Water Utility or area of service	Written correspondence from Water Utility stating water is available at the property line or conditions to the satisfaction of the Water Utility to make water available at the property line
Well	Existing well or easement provided no more than three (3) households use one well as a potable water source. Over three households must meet state potable requirements (ORS 448.115)	Well log data as to required quantity from certified well driller. Potability test from certified water lab.
Spring	Application from the State of Oregon Water Dept. for domestic water rights of at least .005 CFS (2.25 gals/min). Existing spring on property or easement to spring on adjacent property. Minimal development collection system and sediment box	Permit from the State of Oregon Water Resources Department for domestic water right. Certified to required quantity by Oregon Registered Engineer, Land Surveyor or qualified hydrologist. Potability test from certified water lab
River, stream, pond or hand dug well	Application from the State of Oregon Water Department for domestic water right of at least .005 CFS (2.25 gals/min)	Permit from the State of Oregon Water Resources Department for domestic water right. Potability test from certified water lab.
Rainwater Catchment System	Oregon Building Codes	Design approved by Clatsop County Building Codes

Compliance with this standard does not insure a year-round source of potable water but establishes at a given time that the standard was met.

S2.500 Erosion Control Development Standards

S2.501 Purpose.

The objective of this section is to manage development activities including clearing, grading, excavation and filling of the land, which can lead to soil erosion and the sedimentation of watercourses, wetlands, riparian areas, public and private roadways. The intent of this section is to protect the water quality of surface water, improve fish habitat, and preserve top soil by developing and implementing standards to help reduce soil erosion related to land disturbing activities. In addition, these standards are to serve as guidelines to educate the public on steps to take to reduce soil erosion.

S2.502 Definitions

Certain terms used herein are defined below for the purposes of Section S2.500.

CLEARING: Any development activity that removes vegetative ground cover.

EROSION/ SOIL EROSION:

(1) The wearing away of the land surface by running water, wind, ice, or other geologic agents, including such processes as gravitational creep.

(2) Detachment and movement of soil or rock fragments by water, wind, ice, or gravity.

EXCAVATION: Any act by which organic matter, earth, sand, gravel, rock, or any other materials are cut into, dug, uncovered, removed, displaced, relocated, or bulldozed.

FILL: Any human activity by which earth, sand, gravel, rock, or any other materials are deposited, placed, replaced, pushed, dumped, pulled, transported or moved to a new location, including the conditions resulting therefrom.

GRADING: Excavation or fill or any combination thereof, including the conditions resulting from any excavation or fill such as clearing and stripping.

LAND DISTURBING ACTIVITY: Any development activity which removes, disturbs or covers existing vegetative ground cover by physical means including, but not limited to, clearing, grading, stripping, excavation, or fill.

COMMUNITY DEVELOPMENT DIRECTOR: The Community Development Director is that person designated to act as the Clatsop County Community Development Director, any person designated by the Community Development Director to act as the Erosion Control Specialist, or any other agent authorized by Clatsop County to perform those duties relating to erosion control.

ROADWAY: All travel surfaces used for ingress and egress of a site, recorded easements for access purposes or platted roads, developed or undeveloped; including but not limited to, driveways, easements, access points, private roads, public roads, and County roads.

ROUTINE MAINTENANCE: Actions taken on a periodic basis to repair and/or improve the function of existing roadways including, but not limited to, patching, paving, grading of existing road surfaces and the addition of gravel, placement or replacement of signs, traffic delineators or site posts, and repair or replacement of existing guardrails. The construction of new roadways or improvements to existing roadways including, but not limited to, the creation of new travel lanes, turn lanes, or deceleration lanes, or the addition of new pull-outs, roadside drainage ditches or guardrails; do not constitute routine maintenance.

SEDIMENTATION: The depositing of solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, or gravity.

STRIPPING: Any activity that removes the vegetative surface cover including tree removal, clearing, and storage or removal of top soil.

WATERCOURSE: Any established channel, bed or drainage way where water draining from a land area collects and/or flows on the ground surface including, but not limited to, bays, lakes, rivers, streams, wetlands, channels, gullies and other natural drainage ways.

S2.503 Erosion Control Plan

(1) An Erosion Control Plan shall be required for land disturbing activities, in conjunction with a development permit.

(2) Creation and Submittal of Plan

An Erosion Control Plan shall be submitted by the property owner or their agent with the development permit application to the Clatsop County Department of Community Development. This Erosion Control Plan shall be approved by the Community Development Director prior to any development activity on the site.

The Erosion Control Plan shall be prepared in accordance with the requirements of this section and the "Erosion Control Guidance" published by the Columbia River Estuary Study Taskforce (CREST). The Plan shall contain the following elements, drawn at an appropriate scale. The level of erosion control activity detail is determined by site conditions and project complexity. The area map and site map may be one document if all elements listed below are addressed.

(A) An Area Map depicting accurate size and distances for the following elements:

1) The location of the development site in relation to the property boundaries.
2) The location of all adjacent roadways.
3) The location, size and design of all existing and proposed structures.
4) The location of any lakes, rivers, streams, wetlands, channels, ditches or other watercourses on or near the development site.
5) The direction surface water flows.
6) Indication of the north direction.

(B) A Site Map containing the following elements:

1) The location of existing vegetation adjacent to any watercourse.
2) Areas where vegetative cover will be retained and the type and location of measures taken to protect vegetation from damage.

3) Areas where vegetative cover will be removed and the location of temporary and permanent erosion control measures to be used including, but not limited to: silt fencing, straw bales, graveling, mulching, seeding, and sodding.

4) Indication of the north direction.

5) Indication of slope steepness. Include gradient of surface water flow.

6) The general slope characteristics of adjacent property.

7) Location of the construction access driveway(s) and vehicle parking area(s).

8) Location of soil stockpiles.

(C) An Erosion Control Statement containing the following elements:

1) A schedule of land disturbance activities, project phasing and the time frame for placement of both temporary and permanent erosion and sediment control measures.

2) The name, address and phone number of the person(s) responsible for placement, inspection and maintenance of the temporary and permanent erosion control measures.

3) A statement signed by the property owner and building contractor/ developer certifying that any land clearing, construction, or development involving the movement of earth shall conform to the Erosion Control Plan as approved by the Clatsop County Community Development Director.

(3) Plan Review and Approval

Each Erosion Control Plan shall be reviewed, in conjunction with a development permit, pursuant to the standards listed in this section.

(A) The Community Development Director will review each plan to determine if the applicant has adequately addressed the erosion control standards. Approval of this plan will only indicate that the applicant has addressed minimal County standards regarding erosion control and the approval is not a guarantee that erosion will not occur. The burden is upon the applicant to take the necessary measures to reduce soil erosion.

(B) Any disturbance of land in the Beaches and Dunes Overlay (BDO) larger than 3,000 square feet should also have the plan reviewed and approved by the Clatsop Soil and Water Conservation District. The Clatsop Soil and Water Conservation District should be informed at the start of work and also upon completion of site stabilization after the completion of construction.

S2.504 Design and Operation Standards and Requirements

All clearing, grading, stripping, excavation, and filling activities which are subject to the requirement of an Erosion Control Plan under Section S2.503 (1) shall be subject to the applicable standards and requirements set forth in this section. The standards imposed and the level of erosion control activity detail depend on the site conditions and complexity of the project required to reduce the movement of soil off of the site.

(1) Development Site Erosion Control Guidelines

(A) It is the responsibility of the property owner or their agent such as a contractor to take whatever actions necessary to reduce movement of soil off of the site and/or into a watercourse or roadway. These actions include:

1) All riparian areas should have functioning erosion protection measures in place within 24 hours of initiating clearing, grading, stripping, excavation or fill activities on the site.

2) Other on-site erosion control measures should be constructed and functional in accordance with the time schedule approved in the Erosion Control Plan.

3) All required local, state and federal permits and approvals shall be obtained prior to any land disturbance activity on the site. Copies of applicable state and federal permits shall be provided to the County Community Development Department.

(B) Erosion Sediment Control Standards - The standards imposed and the level of erosion control activity detail depend on the site conditions and complexity of the project required to reduce the movement of soil off of the site.

1) At a minimum, the following elements should be addressed in an Erosion Control Plan:

(a) Erosion control measures should be designed and maintained to insure on-site activities do not impact other properties.

(b) The use of vegetated buffers is encouraged. The vegetative buffer should be relative in area to the uphill disturbed construction area draining into it. Vegetation along a watercourse shall be subject to the standards in Section S4.500.

(c) Permanent soil stabilization measures should be completed within 30 days after completion of construction or development activity ceases on the site.

(d) All temporary erosion and sediment control measures/ materials should be disposed of within 30 days after final site stabilization is achieved with permanent soil stabilization measures. Trapped sediment and other disturbed soils resulting from temporary sediment control measures should be permanently stabilized to prevent further erosion and sedimentation.

2) Depending on the complexity of the project, the following elements may need to be addressed in an Erosion Control Plan:

(a) Construct properly installed filter barriers (including filter fences, straw bales, or equivalent control measures) to control off-site runoff as specified in the CREST Erosion Control Guidance.

(b) Protect storm sewer inlets and culverts by sediment traps or filter barriers.

(c) Install a graveled (or equivalent) entrance road(s) of sufficient length, depth and width to reduce mud, dirt or other sediment from being tracked onto roadways. If necessary, any sediment reaching a roadway should be removed by shoveling or street cleaning (not flushing) before the end of each workday and transported to a controlled sediment deposit area.

(C) Erosion Prevention Standards - The standards imposed and the level of erosion control activity detail depend on the site conditions and complexity of the project required to reduce the movement of soil off of the site.

1) A minimum amount of vegetation should be disturbed during site preparation.

2) Site clearing should occur no sooner than is necessary prior to construction.

3) Disturbed areas should be stabilized with temporary and/or permanent measures as specified in the time schedule of the approved Erosion Control Plan, or as otherwise required by the Community Development Director, following the end of active disturbance or redisturbance, in accordance with the following criteria:

(a) Appropriate temporary stabilization measures should include seeding, mulching, sodding, and/or non-vegetative measures such as sediment blankets.

(b) Appropriate permanent stabilization measures should include seeding, mulching combined with seeding, sodding, landscaping, and non-vegetative measures such as paving, gravel, etc. In dune areas, planting of dune grass may be required.

(c) Areas having slopes greater than 12 percent should be stabilized with mulch, sod, mat or blanket in combination with seeding, or equivalent.

(d) Roadway improvement projects resulting in disturbed slopes steeper than 2:1 should be stabilized with sod, mat or sediment blanket in conjunction with seeding, or equivalent.

4) Soil storage piles containing more than 10 cubic yards of material should be covered with a sediment blanket, impervious cover, or shall incorporate hay or straw into the surface of the soil pile to stabilize it. The pile shall not be placed in a location with a downslope gradient of less than 50 feet to a watercourse, unless the pile is contained by a sediment barrier at the toe of the slope.

5) Land disturbance activities in riparian areas shall be avoided, unless the Community Development Department in conjunction with the other appropriate state, federal and local agencies determines that the development requires the disturbance in the proposed location. If disturbance activities are unavoidable, the following requirements shall be met.

(a) Construction activity shall be kept out of the stream channel and riparian area to the maximum extent possible. Where construction crossings are necessary, additional state, federal and/or local permits may be required. The property owner or agent shall demonstrate compliance with all applicable regulations and obtain all applicable permits for the project, prior to any land disturbing activity on the site.

(b) The time and area of disturbance of stream channels and riparian areas shall be kept to the minimum necessary for the project. Instream work shall follow Oregon Department of Fish and Wildlife (ODFW) Guidelines for timing of in-water work to protect fish and wildlife resources. An ODFW fish biologist shall be consulted and approve the erosion control and streambank restabilization plan, prior to the use of fords across fish bearing streams. The stream channel, including bed and banks, shall be restabilized within 24 hours after channel disturbance is completed, interrupted or stopped.

(2) Guidance Adopted by Reference

The standards and specifications contained in the "Erosion Control Guidance" cited in Section S2.504 is hereby incorporated into this section and made a part hereof by reference for the purpose of delineating procedures and methods of operation under erosion and sediment control plans approved under Section S2.503. In the event of a conflict between the provisions of said guidance and this ordinance, the ordinance shall govern.

(3) Maintenance of Control Measures

All soil erosion and sediment control measures necessary to meet the requirements of this ordinance should be maintained to ensure proper function. Maintenance should include, but not be limited to, the following standards:

(A) Erosion control and prevention measures should be inspected periodically, with a frequency of no less than every 7 days; and

(B) Erosion control and prevention measures shall be inspected every 24 hours during storm events to insure the measures are functioning properly; and

(C) Any sediment build up behind sediment barriers shall be removed and the sediment shall be placed in a controlled sediment area; and

(D) Erosion and sediment control and prevention measures shall be repaired or replaced as frequently as necessary to ensure optimal functioning of the measures.

(4) Amendments of Plans

Amendments to a reviewed Erosion Control Plan shall be submitted to the Community Development Director and shall be processed in the same manner as the original plan.

(5) Responsibility

(A) It will be the responsibility of the property owner to comply with the submitted Erosion Control Plan.

(B) The person submitting the erosion control plan shall not be relieved of responsibility for damage to persons or property otherwise imposed by law, and the County or its officers or agents will not be made liable for such damage, by (1) the approval of a submittal under this ordinance; (2) compliance with the provisions of the submitted plan or with conditions attached to it by the County; (3) failure of County officials to observe or recognize hazardous or unsightly conditions; (4) failure of County officials to disapprove an erosion control plan submittal; or (5) exemptions from erosion control plan submittal requirements of this ordinance.

CHAPTER 3. STRUCTURE SITING AND DEVELOPMENT

S3.010. General Exception to Yard Standards.

(1) Cornices, eaves, canopies, sunshades, gutters, chimneys, flues, belt courses, leaders, sills, plasters, lintels, ornamental features, and other similar architectural features may project not more than two (2) feet into a required yard or into required open space as established by coverage standards and must comply with the setback requirements from property line as stated in this Ordinance.

(2) The following are exceptions to the front yard requirement for a dwelling:

(A) If there are dwellings on both abutting lots with front yards of less than the depth otherwise required, the front yard for a lot need not exceed the average front yard of the abutting dwellings.

(B) If there is a dwelling on one abutting lot with a front yard of less than the depth otherwise required, the front yard for a lot need not exceed a depth of one-half way between the depth of the abutting lot and the required front yard depth.

(3) In zones where front, side or rear setbacks are required, structures up to 2.5 feet (30 inches) in height may be located within that setback area.

(4) Following are requirements for fences within yard setbacks:

(A) Fences over 6 feet in height must be located at or behind the building setback line.

(B) Fences 6 feet or less may be placed on the property line except within clear vision areas.

S3.015 Oceanfront Setback.

For lots abutting the oceanshore, the ocean yard shall be determined by the oceanfront setback line.

(1) The location of the oceanfront setback line for a given lot depends on the location of buildings on lots abutting the ocean shore in the vicinity of the proposed building site and:

(A) For the Clatsop Plains area the location and orientation of the following reference lines

1) Described as the construction setback line in section 4.042: A line 570 feet landward of the Statutory Vegetation Line established and described by ORS 390.770, or the circa 1920's shoreline, whichever is further inland for the area north of Surf Pines to Columbia River south Jetty.

2) Described as the Pinehurst construction setback line, in Ordinance 92-90; and

3) Described as the Surf Pines construction setback line, in Ordinance 83-17.

(B) For the Southwest Coastal Planning Area and elsewhere along the Clatsop County coast, the location and orientation of the Statutory Vegetation Line or the line of Oceanfront Averaging established upland shore vegetation, whichever is further inland.

(2) For the purpose of determining the oceanfront setback line, the term "building" refers to a permanent residential or commercial structure attached to a fixed foundation on a lot. The term "building" does not include accessory structures or uses.

(3) The oceanfront setback line that is established shall be parallel with the reference lines established in the preceding Section S3.015 (1) and measurements from buildings shall be perpendicular to these reference lines.

(4) The setback of a building from these reference lines is measured from the most seaward point of the buildings foundation. A buildings foundation excludes decks, porches, and similar building additions.

(5) The oceanfront setback line for a parcel is determined as follows:

(A) If there are legally constructed buildings within 200 feet of the exterior boundary (side lot lines) of the subject property to both the north and south, the oceanfront setback line for the subject property is the average oceanfront setback of the nearest buildings to the north and south.

(B) If there are legally constructed buildings within 200 feet of the exterior boundary (side lot lines) of the subject property in only one direction, either the north or south, the oceanfront setback line for the subject property is that of the nearest building.

(C) If there are no legally constructed buildings within 200 feet of the exterior boundary (side lot lines) of the subject property, the oceanfront setback line for the subject property shall be established by the geotechnical report.

(6) Notwithstanding the above provisions, the Director shall require a greater oceanfront setback where information in a geotechnical report prepared pursuant to Section 4.030 indicates that a greater oceanfront setback is required to protect the proposed building from an identified coastal erosion hazard.

S3.020. Height Limitations for Non-habitable and Non-storage Structures.

(1) Flag poles: No flag poles shall be greater than six inches in diameter and shall not exceed the maximum height allowed by the zone in which it is located by more than 10 feet. All such poles shall be placed so as to neither obstruct nor obscure the adjacent property owner's lines of vision. Such poles shall not display more than two flags at any one time.

(2) Windmills: Such structures shall not be any higher than 35 feet above either the average surrounding tree line or the highest structure within 250 feet of the windmill site. If no structure exists within 250 feet of the site of the windmill, the windmill shall not exceed 70 feet in height. A windmill shall be placed such that minimal impact on views from adjacent lots result. All such structures shall be subject to a Type II application procedure.

S3.025. Temporary Health Hardship.

(1) One manufactured dwelling or recreational vehicle shall be placed on the same parcel as an existing dwelling for the term if a hardship suffered by the existing resident or a relative of the resident as defined in ORS 215.213 and 215.283.

(2) The applicant must be a relative and must submit certification from a physician that there is a necessity for them to reside on the same premises as the relative in order to receive necessary care.

(3) The manufactured dwelling or recreational vehicle must be hooked to the existing septic system and water supply on the property. No new systems or hookups may be installed.

(4) The permit is effective for one (1) year. No public notice is required in residential zones. Public notice is required in resource zones pursuant to Section 2.115.

(5) Permits for temporary health hardships shall be renewed by January 31st of each year, provided that information, as identified in (2) above, is submitted with the renewal request verifying that the hardship still exists.

(6) The applicant shall submit a statement indicating that "the residence for which the health hardship was issued will be removed when the health hardship no longer exists." When the health hardship is resolved, the manufactured dwelling or recreational vehicle shall be removed.

(7) For purposes of guaranteeing removal of a manufactured dwelling once the health hardship no longer exists, a performance bond shall be required as per Section 6.110.

(8) The health hardship must meet all other applicable standards in the zone.

S3.030. Application of Building Heights to Ocean Front Lots.

(1) Building height restrictions applicable to ocean front lots are intended to apply to property immediately in land of the ocean beach. Partitions or property line adjustments may not be used to change an ocean front lot into a non-ocean front lot.

S3.035. Accessory Dwelling Units

(1) ADUs shall be allowed only on lots or parcels serviced by a State approved Sanitary Sewer.

(2) ADUs shall be allowed only in conjunction with parcels containing one single-family dwelling (the "primary dwelling"). A maximum of one ADU or Guesthouse (see "Guesthouse") is permitted per lot or parcel. ADUs shall not be permitted in conjunction with a duplex or multi-family dwelling.

(3) ADUs shall comply with maximum lot coverage and setback requirements applicable to the parcel containing the primary dwelling.

(4) The ADU may be created through conversion of an existing structure, or construction of a new structure that is either attached to the primary dwelling or detached.

(5) The maximum gross habitable floor area (GHFA) of the ADU shall not exceed 75 percent of the GHFA of the main floor of the primary dwelling on the lot, or 900 square feet, whichever is less. The floor area of any garage shall not be included in the total GHFA.

(6) Only one entrance may be located on the front of the existing dwelling unless the existing dwelling contained more than one entrance before the addition of the ADU.

(7) In order to maintain a consistent architectural character, Accessory dwellings shall be constructed with similar building materials, architectural design and colors that generally match those used on the primary dwelling, except where the approving hearing body requires different materials and/or detailing to promote compatibility with single family dwellings on abutting lots.

A parcel containing a primary dwelling unit and an ADU shall provide a minimum of three off-street parking spaces designed in accordance with County Standards Document S2.202(1).

S3.150. Cluster Development and Density Transfer

S3.151. Purpose.

The intent of these standards is to preserve lands suitable for open space by providing an alternative to the division of rural residential lands into the minimum sized lots allowed in the appropriate zones, and to apply standards to rural residential lands consistent with state administrative rules governing cluster developments.

S3.152. Procedures for Cluster Development.

A cluster development shall comply with the procedures and standards in this section.

(1) The applicant shall discuss the proposed cluster development with the staff of the Clatsop County Department of Community Development in a pre-application conference pursuant to Section 2.020.

(2) An applicant for a cluster development must submit a development plan and receive approval of the plan prior to development.

(3) As soon as plan approval is given, the plan and any conditions of approval shall be recorded in the Office of the County Clerk by book and page and shall constitute an agreement not to divide the property as long as it remains in its present zoning.

(4)

(A) As a condition to the approval that may be given for partitioning under this section, the applicant shall provide all deeds or contracts affecting the original farm use parcel to assure that the maximum density will not be exceeded.

(B) For each partition application under this Standard the Community Development Director or designate shall determine and include with the approved plan map a statement including:

1) the number of homesite lots allowable on the original parcel,
2) a legal description of the original parcel,
3) the number of homesite lots that will result from the proposed partition, and
4) the number of homesite lots, if any, that could be allowed in the future on the original parcel.

S3.158. Residential Cluster Development Standards.

(1) The tract of land to be developed shall not be less than 4 contiguous acres in size, provided that land divided by a road shall be deemed to be contiguous.

(2) The development may have a density not to exceed the equivalent of the number of dwelling units allowed per acre in the zone or zones.

(3) The cluster development shall not contain commercial or industrial developments.

(4) The minimum percentage of common open space shall be 30% excluding roads and property under water (MHHW).

(5) Attached residences are permitted provided the density allowed per acre in the zone is not exceeded (this does not apply in the Clatsop Plains planning area).

(6) The prescribed common open space may be used to buffer adjacent forest, farm, hazard areas or other resource lands such as but not limited to archeological and historical sites, water bodies, etc.

(7) Land in the same ownership or under a single development application that is divided by a road can be used in calculating the acreage that can be used in the clustering option.

(8) For lands zoned primarily for rural residential uses located outside urban growth boundaries, unincorporated community boundaries, and located outside non-resource lands as defined in OAR660-004-000(5)(3), the following additional conditions must be met.

(A) The number of new dwellings units to be clustered does not exceed 10;

(B) None of the new lots or parcels created will be smaller than two acres;

(C) The development is not served by a new community sewer system or by any extension of a sewer system from within an urban growth boundary or from within an unincorporated community, unless the new service or extension is authorized consistent with OAR 660-011-0060;

(D) The overall density of the development will not exceed one dwelling for each unit of acreage specified in the base zone designations effective on October 4, 2000 as the minimum lot size for the area;

(E) Any group or cluster of two or more dwelling units will not force a significant change in accepted farm or forest practices on nearby lands devoted to farm or forest uses and will not significantly increase the cost of accepted farm or forest practices there; and

(F) For any open space or common area provided as part of the cluster development under this subsection (8), the owner shall submit proof of non-revocable deed restrictions recorded in the deed records. The deed restrictions shall preclude all future rights to construct a dwelling on the lot, parcel or tract designated as open space or common area for as long as the lot, parcel or tract remains outside an urban growth boundary.

S3.160. Additional Residential Cluster Development Standards for the Clatsop Plains Planning Area.

(1) All planned developments and subdivisions shall designate and retain areas as permanent common open space.

(2) The minimum percentage of common open space shall be 30% excluding roads.

(3) Permanent common open space shall include, whenever possible, steep dunes which would require substantial alterations for building, buffers along streams, water bodies, deflation plains, and farm and forest lands.

(4) Buffers (screening) shall be provided in all subdivisions and planned developments along all property lines adjacent to arterials and/or collectors.

(5) Permanent common open space as part of subdivisions or planned developments adjoining one another shall be interrelated and continuous whenever possible. This could mean that the common open space could continuously follow ridge tops, deflation plains or shorelands. The Clatsop County Department of Community Development shall prepare a map of potential systems of common open space to be used as a guide for developers.

(6) Streams and drainages which form a system of common open space shall be preserved.

S3.161. Density Transfer Standards for the Clatsop Plains Planning Area.

(1) Transfer of residential development rights between sites in the Clatsop Plains Planning Area is allowed as follows:

(A) The remaining lot or parcel of the sending site shall be rezoned to either the Open Space Parks and Recreation zone or Natural Uplands zone or Conservation Shorelands zone or Natural Shorelands zone. The applicant shall file the rezone request at the same time as the density transfer request is submitted, and

(B) Prior to final approval of a density transfer the County shall require that deed restrictions be filed in the Clatsop County Deed Records in a form approved by County Counsel, that prohibits any further development beyond that envisioned in the approved density transfer until such time as the entire area within the density transfer approval has been included within an urban growth boundary; and

(C) The Community Development Director shall demarcate the approved restrictions on the official Zoning Map, and

(D) No lot or parcel of land shall be involved in more than one (1) density transfer transaction, and

(E) Density transfer goes with the property - not the owner; and

(F) Minimum lot or parcel size shall be one (1) acre for the receiving site.

(2) All lots or parcels sending or receiving density credits shall be recorded in the "Density Table" (S3.162). If a receiving site cannot be identified for all density credits created by the application the applicant shall prepare a notarized affidavit identifying the sending site and number of credits that are not being assigned. This affidavit shall be kept on file with the Community Development Department. The remaining credits may be assigned at a later time to a cluster development in the Clatsop Plains subject the applicable standards of this section.

S3.162. Density Transfer Standards for the Clatsop Plains Planning Area.

The table tracking all density transfers is maintained administratively by the Clatsop County Community Development Department.

S.3180. MAINTENANCE OF COMMON OPEN SPACE AND FACILITIES.

S3.181. Maintenance of Common Open Space and Facilities.

Whenever any lands or facilities, including streets or ways, are shown on the final development plan as being held in common, the tenants be created into a non-profit corporation under the laws of the State of Oregon, and that such corporation shall adopt articles of incorporation and by-laws and adopt and impose a declaration of covenants and restrictions on such common areas and facilities to the satisfaction of the Planning Commission. Said association shall be formed and continued for the purpose of maintaining such common open spaces and facilities. It shall be created in such a manner that owners of property shall automatically be members and shall be subject to assessment levies to maintain said areas and facilities for the purposes intended. The period of existence of such associations shall not be less than twenty (20) years, and it shall continue thereafter until a majority vote of the members shall terminate it.

S.3.190. STANDARDS FOR MOBILE HOMES ON INDIVIDUAL LOTS.

S3.191. Standards for Mobile Homes on Individual Lots.

(1) The mobile home shall bear an Oregon "Insignia of Compliance" with a date not prior to 1972.

(2) Reconstruction or equipment installation shall be State approved as evidences by an appropriate insignia.

(3) Mobile homes shall be installed in accordance with State standards and shall be tied down with one of the following:

- **(A)** A galvanized steel cable of not less than 7/32" diameter having approved clamps and connecting hardware.
- **(B)** A galvanized aircraft cable of not less than 1/4" diameter having approved clamps and connecting hardware.
- **(C)** A galvanized steep strap 1-1/4" x .035" having approved clamps and connecting Hardware.
- **(D)** Any other approved cable or strap with a breaking strength of not less than 4,800 pounds with approved clamps and connecting hardware.

(4) Mobile homes shall have continuous skirting of compatible siding material.

(5) All mobile homes (whether of residential or storage purposes) shall be securely anchored and tied down within thirty (30) days of being placed on the site.

(6) Mobile home add-ons subject to the following:

- **(A)** The siding on the addition and the siding on the rest of the mobile home should match each other as close as possible.
- **(B)** The addition should be located on a foundation approved by the Department of Commerce, Building Codes Division.
- **(C)** Any alteration to the mobile home shall be approved by the Department of Commerce.
- **(D)** The Department of Community Development will review the request within 180 days of permit issuance for conformance to 1-3 above. If conformance has not occurred within the 180 days permit issuance the matter will be referred to the Planning Commission at its earliest convenience for a hearing to determine how to resolve the issue.

S3.192. HISTORIC SITE PROTECTION

S3.193. Historic Site Protection.

The following regulations apply to historic structures and sites identified in the Comprehensive Plan as having potential conflicting uses (Tillamook Rock Lighthouse, the Morrison House, the Clatsop Plains Memorial Church, and the Westport Log Tunnel).

(1) The Community Development Director shall review, under Type II procedure, all building permit applications that propose the following changes to a historic building: exterior alterations (except painting), additions to the building, and construction of auxiliary buildings.

(2) The Community Development Director shall review under a Type II procedure, all proposed activities that may alter the character of historic sites.

(3) The Community Development Director shall notify the Clatsop County Historical Society and the State Historic Preservation Office of the proposed alterations. Comments received on the compatibility of a proposed alteration with the maintenance of a historic building or site's character shall be considered by the Community Development Director in making his determination.

(4) The Community Development Director shall consider the following criteria in conducting this review:

- **(A)** Compatibility of the proposed alteration with the site's historical character
- **(B)** Use of exterior material and details that are consistent with the building's historic character
- **(C)** The maintenance of the building's predominant architectural features.

(5) The Community Development Director shall review under a Type II procedure all demolition permits for historic buildings.

(6) The Community Development Director shall notify the Clatsop County Historical Society and the State Historical Preservation Office of the proposed demolition.

(7) The Community Development Director shall consider the following criteria in conducting his review of a demolition permit:

- **(A)** The state of repair of the building
- **(B)** The feasibility of restoring or moving the building
- **(C)** The interest of public or private individuals or groups in the structure

(8) The Community Development Director may approve the issuance of a demolition permit, or may deny an application based on adequate findings of fact that the demolition would be detrimental to the County's historical heritage. In order to obtain additional information, the Community Development Director may suspend the application for a demolition permit for a period not to exceed 120 days. During this period, the Community Development Director shall attempt to determine if public or private acquisition and restoration is feasible, or other alternatives are possible which could be carried out to prevent demolition of the structure. If, during this period a feasible alternative is found, the Community Development Director may extend the suspension of the application for a period not to exceed one year. If no significant activities are undertaken during the one year period toward the acquisition of the structure, the suspension shall expire and the demolition permit shall be issued by the Building Official, subject to other pertinent requirements.

S.3.194. ARCHEOLOGICAL SITE PROTECTION

S3.195. Archeological Site Protection.

(1) The Community Development Director and Building Official shall review building permits, excavation permits or other land use actions that may affect known archeological sites. If it is determined that a proposed building permit, excavation permit or other land use action may affect the integrity of an archeological site, the Community Development Director shall consult with the State Historic Preservation Office on appropriate measures to preserve or protect the site and its contents. No permit shall be issued until either the State Historic Preservation Office determines that the proposed activity will not adversely affect the archeological site, or the State Historic Preservation Office has developed a program for the preservation or excavation of the site.

(2) Indian cairns, graves and other significant archeological resources uncovered during construction or excavation shall be preserved intact until a plan for their excavation or reinternment has been developed by the State Historic Preservation Office.

S3.200. MOBILE HOME PARK DEVELOPMENT

S3.201. Standards for a Mobile Home Park.

A mobile home park shall be built to state standards in effect at the time of construction and shall comply with the following additional standards.

S3.202. Permitted Uses Within a Mobile Home Park.

No building, structure or land within the boundaries of a mobile home park shall be used for any purpose except for the uses permitted by this article as follows:

(1) Mobile homes for residential use only, together with the normal accessory uses such as a cabana, ramada, patio slab, carport, or garage, and storage or washroom building.

(2) Private and public utilities.

(3) Community recreation facilities, including swimming pools, for residents of the park and guests only.

(4) A mobile home park may have one residence for the use of a caretaker or manager responsible for maintaining or operating the property.

(5) Occupied, abandoned or unoccupied mobile homes may be abated if they constitute a menace to the public health, safety and welfare.

S3.204. General Conditions and Limitations Within a Mobile Home Park.

(1) Area - The parcel of land to be used for mobile home park purposes shall contain not less than four (4) acres.

(2) Density - In no event shall the density exceed eight (8) mobile homes per gross acre. Density requirements shall be established as the minimum square footage of gross site area for each mobile home.

(3) Yard Regulations - For the purposes of this Ordinance, the setback required in each instance shall be a line parallel to and measured at right angles from the front, side or rear property line. The front and rear building setback lines shall extend the full width of the property. The depth of the lot shall not exceed two times the average width. No building, structure or mobile home shall be located so that any part thereof extends into the area between the building setback line and the property line. Fences and signs may be placed within the aforementioned area as an exception to this subsection.

Mobile home parks shall set back at least thirty (30) feet from any interior property line abutting residential zoned property. The setback shall be at least fifteen (15) feet from any interior property line abutting commercial or industrial zoned property. The setback from any abutting public street or highway shall be at least twenty-five (25) feet.

(4) No mobile home shall occupy more than forty (40) percent of the space provided for it.

(5) Screening - A sight-obscuring fence or wall of not less than five (5) feet nor more than six (6) feet in height, and/or evergreen planting of not less than five (5) feet in height, shall surround the mobile home park. Such fence, wall or planting may be placed up to the front property line if adequate vision clearance for entrances and exists is maintained.

(6) Access to a Public Street - A mobile home park shall not be established on any site that does not have access to any public street which does not meet the County Road Standards in Section S6.000.

(7) Service Buildings - Service buildings housing sanitation facilities shall be permanent structures, complying with all applicable County and State ordinances and statutes regulating building, electrical installations and plumbing and sanitation systems.

(8) Structures - Structures located in any mobile home space shall be limited to a storage building, ramada or carport. The storage building, ramada or carport may be combined as one structure. No structural additions shall be built onto or become a part of any mobile home, and no mobile home shall support any building in any manner. The words "structural additions" shall not be construed to exclude the construction of an awning, patio cover, or cabana adjacent to a mobile home. There shall be no outdoor storage of furniture, tools, equipment, building materials or supplies belonging to the occupants or management of the park.

(9) A mobile home permitted in the park, if not resting on continuous foundation, shall be provided with a continuous skirting of non-decaying, non-corroding material extending at least six (6) inches into the ground or to an impervious surface. The skirting or continuous foundation shall have provisions for ventilation and access to the space under the unit.

S3.206. Site Requirements Within a Mobile Home Park.

The following shall be considered the minimum site requirements for a new mobile home park or the expansion of an existing mobile home park.

(1) Accessway - Accessways shall connect each mobile home space to a public street and shall have a minimum right-of-way width of thirty-six (36) feet.

(2) Walkways - Walkways of not less than three (3) feet in width shall be provided from each mobile home space to the service buildings and recreational area or areas, and from the patio to the accessway. A walkway system shall be provided which gives safe, convenient access and should be so designed to be located through interior area, and removed and kept separate from vehicular traffic.

(3) Recreation Area - A minimum of two hundred (200) square feet of recreation area shall be provided for each mobile home space. The recreation area may be in one or more locations in the park. At least one (1) recreational area shall have a minimum size of five thousand (5,000) square feet (and be of a shape that will make it usable for its intended purpose) and at least fifty (50) percent of the required recreation area shall be provided for use by residents of the entire park.

(4) Electrical - Approved underground electrical hookups shall be provided for each mobile home space.

(5) Sewage - Each mobile home space shall be provided with a sewage connection which complies with Oregon State Department of Environmental Quality regulations.

(6) Water Supply - A continuous supply of pure water for drinking and domestic purposes that meet Oregon State standards shall be supplied by underground facilities to all buildings and mobile home spaces within the park.

(7) Anchors and Tie-Downs - Each mobile or trailer space shall be equipped with ground anchors of sufficient number and design to accommodate "over the top" and "frame" type tie-downs to anchor the mobile home or trailer in winds up to and including 100 miles per hour. Anchors and tie-downs shall be in place and installed on said mobile home within thirty (30) days of placement on a site.

S3.208. Mobile Home Space Requirements.

The minimum mobile home space requirements for a new mobile home park or the expansion of an existing mobile home park are as follows:

(1) The average size of a mobile home space in a mobile home park shall not be less than four thousand (4,000) square feet and no space shall be smaller than three thousand (3,000) square feet. No space shall have a width of less than forty (40) feet, nor less than eighty-five (85) feet in depth.

(2) No mobile home space shall have a paved stand of less than ten (10) feet in width and less than thirty (30) feet in length.

(3) Occupied mobile homes shall be parked only on stands provided, shall be setback a minimum of ten (10) feet from the edge of all accessways, and shall observe the setbacks as established in subsection (e) of Section 7.

(4) Each mobile home space shall be provided with a patio having a minimum area of one hundred forty (140) square feet. The patio shall have a minimum width of seven (7) feet and a minimum length of twenty (20) feet and shall be constructed adjacent and parallel to each mobile home parking space.

(5) One (1) permanent storage building containing a minimum of thirty-two (32) square feet of floor area shall be provided for each mobile home space. The building height shall not be less than seven (7) feet nor more than nine (9) feet.

(6) Minimum space requirements between mobile homes:

(A) End-to-end, twenty-five (25) feet.

(B) Temporary or permanent structures situated in one (1) space shall be separated by at least fifteen (15) feet from temporary or permanent structures, or mobile homes in an adjoining space.

S3.210. Improvement Requirements Within a Mobile Home Park.

Improvement requirements for a new mobile home park or the expansion of an existing park are as follows:

(1) Roadways within an accessway and sidewalk shall be paved with a crushed rock base and asphalt or concrete surfacing according to a structural specifications required by the County Roadmaster.

(2) The minimum surfaced width of the roadway within an accessway shall be twenty (20) feet if there is no parking allowed, and thirty (30) feet if parking is allowed. The first fifty (50) feet of the accessway measured from the street shall be surfaced to a width of thirty (30) feet and shall be connected to an existing street according to place approved by County Roadmaster or State Highway Engineer.

(3) Patios shall be paved with asphalt, concrete, or suitable hard surfaced material.

(4) All accessways and walkways within the park shall be lighted at night to provide a minimum of 1.5 foot candles of illumination.

(5) Wires for service to light poles and mobile home spaces shall be underground.

(6) Mobile home stands shall be paved with asphalt or concrete surfacing, or with crushed rock contained with concrete curbing or pressure treated wooded screens.

(7) The mobile home park shall be well drained. Provisions for drainage shall be made in accordance with plans approved by the County Engineer.

(8) Recreation areas shall be suitably improved and maintained for recreational purposes as the Planning Commission finds necessary for the types of residents for whom the mobile home park is intended.

(9) Public telephone service shall be made available for the mobile home park residents.

(10) Adequate and property equipped laundry room facilities shall be made available to the residents of the mobile home park.

S3.212. Plot Plans Required for a Mobile Home Park.

The application for a permit to construct a new mobile home park or to expand an existing mobile home park, shall be accompanied by seven (7) copies of the plot plan of the proposed park. The plot plan should show the general layout of the entire mobile home park, and should be drawn to scale not smaller than one (1) inch representing fifty (50) feet. The drawing shall be placed on substantial tracing paper, and shall show the following information:

The planning process for development shall include:

(1) Professional Design Team. The applicant for all proposed mobile home parks, pursuant to Section S3.200 shall certify that the talents of one of the following professionals shall be used in the planning process for development:

(A) An architect licensed by the State of Oregon.

(B) A registered engineer or registered engineer and land surveyor licensed by the State of Oregon.

The professional chosen by the applicant(s) from (A) or (B) above shall be designated to be responsible for conferring with the Community Development staff with respect to concept and details of the plan.

The selection of the professional coordinator of the design team will not limit the owner of the developer in consulting with the Community Development staff or the Planning Commission.

(2) Plot plan of land in area to be developed indicating location of adjacent streets and all private rights-of-way existing and proposed within four hundred (400) feet of the development site as well as topographical lines for each five (5) foot contour.

(3) A legal boundary survey.

(4) Boundaries and dimensions of the mobile home park.

(5) Location and dimensions of each mobile home space. Designate each space by number, letter or name.

(6) Name of mobile home park and address.

(7) Scale and north point of plan.

(8) Location and dimensions of each existing or proposed structure, together with the usage to be contained therein, and approximate location of all entrances thereto, and height and gross floor area thereof.

(9) Location and width of accessways.

(10) Location and width of walkways.

(11) Extent, location, arrangement and proposed improvements of all off-street parking and loading facilities.

(12) Extent, location, arrangement, type and proposed improvements of all open space, landscaping, fences and walls.

(13) Architectural drawings and sketches demonstrating the planning and character of the proposed development.

(14) Total number of mobile home spaces.

(15) Location of each lighting fixture for lighting the mobile home spaces and grounds.

(16) Location of recreation areas and buildings and area of recreation space in square feet.

(17) Location and type of landscaping, fence, wall or combination of any of these or other screening materials.

(18) Location of point where mobile home park water and sewer system connects with the public system.

(19) Location of available fire and irrigation hydrants.

(20) Location of public telephone service for the park.

(21) Enlarged plot plan of a typical mobile home space showing location of the stand, patio, storage space, parking, sidewalk, utility connections and landscaping.

(22) Detailed plans required - at the time application for a permit to construct a new mobile home park or to expand an existing park, the applicant shall submit seven (7) copies of the required detailed plans:

- **(A)** New structures.
- **(B)** Water and sewer systems.
- **(C)** Electrical systems.
- **(D)** Road, sidewalk and patio construction.
- **(E)** Drainage system, including existing and proposed finished grades.
- **(F)** Recreation area improvements.

(23) Before construction of a swimming pool in a mobile home park, two (2) copies of plans approved by the Oregon State Board of Health shall be filed with the Building Inspector.

S3.214. Improvement Requirements for Expansion of Existing Mobile Home Parks.

(1) Sewers - Existing sewer lines within the park which do not meet the minimum requirements of this article may remain in use so long as they function properly and the park conforms to the County and State regulations governing sewage and waste water. Any replacement of sewer facilities shall conform to the requirements of new mobile home parks.

(2) Water Supply - An existing water supply system which does not meet minimum requirements of this article with respect to general availability, etc. may remain in use so long as it continues to function properly and the park conforms to the County and State regulations governing water supply. Any replacement of water supply facilities shall conform to the requirements for new mobile home parks.

(3) Lighting and Wiring - The electrical and lighting systems shall be made to conform to the Uniform Building Code of the State of Oregon.

(4) Service Building - Service buildings shall be made to conform to the standards for new mobile home parks.

(5) Surfacing for accessways, patios and stands shall be made to conform to the following standards:

(A) Accessways shall be surfaced to a minimum width of twenty (20) feet with a crushed rock base and asphalt or concrete surfacing according to structural specifications established by the County Engineer. If parking is to be allowed, the minimum surfaced width of the roadway shall be thirty (30) feet.

(B) Mobile home standards shall be surfaced with crushed gravel to a size equal to or greater than the dimensions of the trailer located on the stand, but shall not be less than ten (10) feet by thirty (30) feet.

(C) Patios shall have a surface area of at least one hundred forty (140) square feet and a minimum width of seven (7) feet, paved with concrete, asphalt, flagstone or the equivalent.

(D) Walkways shall have a minimum width of three (3) feet with a paved surface of concrete, asphalt or the equivalent. Walkways shall be provided from each mobile home space to the service buildings. From the patio to the surfaced part of the accessways may be considered as part of the walkway to the service building.

(6) Outside Storage - All outside storage in a mobile home park shall be in an enclosed building as required for new mobile home parks.

S3.250. BEACH FRONT MOTEL DEVELOPMENT

S3.251. Purpose.

The purpose of this section is to set forth standards by which resort motels can be placed in beach front areas without resulting in conflicts with the low intensity residential uses and the natural and recreational resources of the area.

S3.252. Development Standards.

All beach front resort motel development in the TC zone shall comply with the following standards:

(1) Adequate off-street parking for guests and employees shall be provided consistent with parking standards of this Ordinance. The parking areas shall be screened from adjacent residential uses and shall be landscaped.

(2) A minimum of 25% of the property shall be retained in landscaping.

(3) Service areas, garbage disposal areas and other similar portions of the development shall be screened from view.

(4) The height of the development shall not exceed the average height of the residential uses of the area and no parts of the development shall block views of the ocean from residential uses in the area.

(5) The construction materials used in the development shall be similar in appearance to material used in neighboring residential dwellings.

(6) Exterior lighting for signs, parking area, walkways and other areas shall be lower intensity so as not to create a distraction to adjacent residential uses.

(7) Access to and from the development shall be by improved streets having a direct connection to major arterials and/or Highway 101.

(8) The development shall not block public access to ocean beaches unless an alternate, suitable access is provided as part of the development.

(9) Natural resources and features on or adjacent to the site prior to development shall be retained to the maximum extent possible.

S3.460. HOME OCCUPATION

S3.461. Purpose.

The purpose of this section is to establish standards by which limited small-scale business activities, hereafter referred to as Home Occupation, could operate in non-commercial and non-industrial zones. Special standards apply to ensure that home occupations will not be a detriment to the character and livability of the surrounding neighborhood. The standards ensure that the home occupation remains subordinante to the residential use, and that the residential viability of the dwelling is maintained.

S3.462. Home Occupation Standards.

The following limitations and requirements shall apply to all Home Occupations.

(1) Parking of 1 space per employee must be provided on the same tract of land. Parking spaces needed for employees of a home occupation shall be provided in defined areas of the property which are accessible, usable, designed and surfaced for that purpose.

(2) No more than two vehicles or trailers are to be used in the operation of the Home Occupation.

(3) No modification shall be made to the dwelling to establish or operate the Home Occupation that would cause it to resemble anything other than a dwelling.

(4) All materials, parts, tools and other equipment used in the operation of the Home Occupation shall be stored entirely within the dwelling or accessory building.

(5) The Home Occupation shall not involve operations or use of equipment or processes which would produce or cause the emission of gasses, dust, odors, vibration, electrical interference, smoke, noise, or light in a manner likely to cause offense to irritation to neighboring residents. The Home Occupation shall comply with the applicable federal, state and local regulations.

(6) No more than one unlighted sign with a combined area on all surfaces of 6 square feet shall be used to identify the Home Occupation. No other form of identification or advertisement shall be used.

(7)

(A) Retail Sales shall be allowed provided the activity does not give the outward appearance or manifest the characteristics of a retail business, such as signs other than those permitted under S3.462(6), advertising the dwelling as a business location, generate noise or traffic that adversely affects neighbors, or cause other adverse off-site impacts.

(B) A Complaint from neighbors shall be cause for review of any Home Occupation conducted as a retail business. The review may be a Type II County enforcement proceeding. In such proceeding, the Compliance Order may impose any of the conditions described in 5.025 of the Clatsop County Land and Water Development and Use Ordinance.

(8) A Home Occupation in or adjacent to the AF, F-80 and EFU zones shall not involve activities which might disrupt or adversely impact forest use of the parcel or adjacent parcels. The Home Occupation shall also not involve activities sensitive to standard farm or forest management practices.

(9) Repair or assembly of any vehicles or engines is not allowed.

(10) Deliveries or pick-ups of supplies or products, associated with the home occupation, are allowed to occur between 8:00 a.m. and 6:00 p.m.

(11) No outside storage, display of goods or merchandise, oe external evidence of a home occupation shall occur except as otherwise permitted in this section.

(12) The premises upon which the home occupation is conducted shall be the residence of the person conducting the home occupation.

(13)

- **(A)** Not more than three (3) non-resident employees or vehicles are allowed on the premises at any one time in conjunction with a home occupation in the RSA-MFR, RA-1, RA-2 and RA-5 zones
- **(B)** Not more than five (5) non-resident employees or vehicles are allowed on the premises at any one time in conjunction with a home occupation in the AF, F-80 and EFU zones.

(14) Parking of any trailers associated with the home occupation shall be within an enclosed building or screened from view by adjoining properties.

S3.464. Bed & Breakfast Establishment Standards.

The following standards shall apply to all bed & breakfast establishments in order to preserve the character of the neighborhood or area in which it is to be located. Bed and breakfast establishments shall be allowed in the zones as permitted by this section and as defined by ORS 215.448 (Home Occupations). The regulations have been established to provide an alternative form of lodging for visitors who prefer a residential setting.

(1) Number of rental units.

- **(A)** 1-5 unit establishment is subject to approval of a Type I development permit and Section 2.070 in the following zones: NC, TC and GC.
- **(B)** 1-5 unit establishment is subject to approval of a Type II conditional use permit and Section 5.000-5.030 in the following zones: RSA-SFR, RSA-MFR, CR, SFR-1, RA-1, RA-2, RA-5, RA-10, EFU, AF, F-80.

(2) Establishment shall be operated substantially in:

- **(A)** The dwelling unit, and historical resource buildings; and
- **(B)** It shall not unreasonably interfere with other uses permitted in the zone in which the property is located; and
- **(C)** Will employ not more than three full or part-time persons; and
- **(D)** The premises upon which the bed and breakfast establishment is conducted shall be the residence of the person conducting the establishment.

(3)

- **(A)** One off-street parking space shall be provided for each rental unit plus the 2 required spaces for the residence of the person conducting the establishment. Off-street parking requirements are subject to the standards in Section S2.200-S2.212 (Off-Street Parking Required).
- **(B)** Additional parking shall be provided for employees subject to the standards in Section S2.200-S2.212 (Off-Street Parking Required).
- **(C)** A reduction in the number of rental units may be required if the impacts of the parking area cannot be mitigated.

(4) Signing is limited to a six (6) square foot nameplate, non-illuminated (replaces S3.462 (6)).

(5) All Bed and breakfast establishments shall comply with the applicable state and local health, building and fire code requirements.

(6) Bed and breakfast establishments shall comply with the development standards of the base zone, and overlay zone where applicable.

(7) Any expansion of an existing building or alterations that increase the intensity of the establishment, may require, at the discretion of the Community Development Director, a Type II conditional use permit subject to Section 5.000-5.030, in the following zones:
(A) RSA-SFR, RSA-MFR, CR, SFR-1, RA-1, RA-2, RA-5, RA-10, EFU, AF, F-80.

(8) Residential structures may be remodeled for the development of a bed and breakfast establishment. However, structural alteration may not be made which prevent the structure from being used as a residence in the future. Internal or external changes which will make the dwelling appear less residential in nature or function are not allowed.

(9) An establishment in or adjacent to the AF, F-80 and EFU zones shall not involve activities which might disrupt or adversely impact farm or forest use of the parcel or adjacent parcels.

(10) Access to serve a bed and breakfast establishment shall be designed to meet the criteria within Standards Section S5.032-S5.033 (Access Control) and the applicable standards within Section S6.000 (Road Standard Specifications for Design and Construction).

S3.466. Bed & Breakfast Establishment Standards for Standard Sized Lots or Parcels.

Bed and breakfast establishments may be considered on parcels or lots that meet the minimum lot size in the following zones as provided by this section:

Zone	Standard
RSA-SFR	Conditional use permit
RSA-MFR	Conditional use permit
CR	Conditional use permit
SFR-1	Conditional use permit
RA-1	Conditional use permit
RA-2	Conditional use permit
RA-5	Conditional use permit
RA-10	Conditional use permit
CBR	Not permitted
NC	Permitted use
TC	Permitted use
GC	Permitted use
EFU	Conditional use permit
AF	Conditional use permit
F-80	Conditional use permit

S3.468. Bed & Breakfast Establishment Standards for Substandard Sized Lots or Parcels.

Bed & breakfast establishments may only be considered on parcels or lots that are less than the minimum lot size in the following circumstances:

Zone	Standard
RSA-SFR	Not permitted
RSA-MFR	Conditional use permit
CR	Conditional use permit
SFR-1	Not permitted
RA-1	Conditional use permit
RA-2	Conditional use permit
RA-5	Conditional use permit
RA-10	Conditional use permit
CBR	Not permitted
NC	Conditional use permit
TC	Conditional use permit
GC	Conditional use permit
EFU	Conditional use permit
AF	Conditional use permit
F-80	Conditional use permit

SECTION S3.500. FARM AND FOREST ZONES DWELLING AND/OR USE STANDARDS.

Section S3.508. Single Family Dwelling.

A single family dwelling may be approved as a Conditional Use under Section 3.518(13) of the AF zone subject to the following approval criteria and standards:

(1) The County shall require as a condition of approval of a single family dwelling that the landowner for the dwelling sign and record in the deed records for the County a document binding the landowner, and the landowner's successors in interest, prohibiting them for 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.

Section S3.509. Approval of Certain uses.

Certain uses in the F-80, AF and EFU zones may only be approved subject to these standards:

(1) A use proposed on agricultural land requiring compliance with this section may be approved only where the County finds that the use will 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 or forest use.

(2) A use proposed on forest land requiring compliance with this section may be approved only where the County finds that the use will not:

- **(A)** Force a significant change in, or significantly increase the cost of accepted farm or forest practices on agriculture or forest lands; or
- **(B)** Significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks of fire suppression personnel.

(3) An applicant for a use requiring compliance with subsection (1) may demonstrate that the standards for approval set forth in subsection (1) of this section will be satisfied through the imposition of conditions. Any conditions so imposed shall be clear and objective.

(4) A written statement recorded with the deed or written contract with the County or its equivalent is obtained from the land owner which recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and Rules is required for the following uses:

- **(A)** Parks and campgrounds;
- **(B)** Reservoirs and water impoundments;
- **(C)** Home occupations;
- **(D)** A mobile home in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or a relative; or
- **(E)** Private accommodations for fishing occupied on a temporary basis.

A forest operation is any commercial activity relating to the growing or harvesting of any forest tree species."Forest tree species" does not include:

- **(A)** Christmas trees on land use solely for the production of cultured Christmas trees as defined in ORS 215.203(3).
- **(B)** Hardwood timber, including but not limited to hybrid cottonwood, which is:

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

Section S3.510. Single Family Residential Dwelling Not Provided in Conjunction With Farm Use.

A single family residential dwelling not provided in conjunction with farm use may be established under Section 3.518(13) of the AF zone upon a finding that either subsection 1 or 2 is met:

(1)

(A) The dwelling or activities associated with the dwelling will not force a significant change in or significantly increase the cost of accepted farming or forest practices on nearby lands devoted to farm or forest use;
(B) The dwelling is situated upon a lot or parcel or 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. A lot or parcel or portion of a lot or parcel shall not be considered unsuitable solely because of size or location if it can reasonably be put to farm or forest use in conjunction with other land. A "tract" is one or more contiguous lots or parcels in the same ownership.
(C) The dwelling will be sited on a lot or parcel created before January 1, 1993;
(D) The dwelling will not materially alter the stability of the overall land use pattern of the area; and
(E) The dwelling complies with such other conditions as the County considers necessary.

(2)

(A) The dwelling or activities associated with the dwelling will not force a significant change in or significantly increase the cost of accepted farming or forest practices on nearby lands devoted to farm or forest use;
(B) The dwelling is situated upon a lot or parcel or 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. A lot or parcel or portion of a lot or parcel shall not be considered unsuitable because of size or location if it can reasonably be put to farm or forest use in conjunction with other land;
(C) The dwelling will be sited on a lot or parcel created after January 1, 1993, as allowed under ORS 215.263(4);
(D) The dwelling will not materially alter the stability of the overall land use pattern of the area; and

(E) The dwelling complies with such other conditions as the County considers necessary.

Section S3.511. Dwellings Subject to the "Small Tract/Poor Soils" Criteria.

Dwellings may be approved under Section 3.518(14)(A) of the AF zone and Section 3.566(6) of the EFU zone subject to the following approval criteria and conditions:

(1) A dwelling site is on a tract composed of soil not capable of producing 5,000 cubic feet per year of commercial tree species, and located within 1,500 feet of a public road. The road shall not be a U.S. Forest Service road or Bureau of Land Management road, and shall be maintained and either paved or surfaced with rock. Commercial tree species are trees recognized under rules adopted under ORS 527.715 for commercial production. "Tract" means one or more contiguous lots or parcels in the same ownership.

(2) When the lot or parcel on which the dwelling will be sited lies within an area designated either major or peripheral big game habitat, the siting of the dwelling shall be consistent with the limitations on density upon which the comprehensive plan and the Land and Water Development and Use Ordinance regulations intended to protect the habitat are based.

(3) When the lot or parcel on which the dwelling will be sited is part of a tract, the remaining Portions of the tract shall be consolidated into a single lot or parcel when the dwelling is allowed. "Tract" means one or more contiguous lots or parcels in the same ownership.

(4) A dwelling authorized under this section may be allowed only if the lot or parcel on which the dwelling will be sited was lawfully created and was acquired by the present owner:

(A) Prior to January 1, 1985; or

(B) By devise or by intestate succession from a person who acquired the lot or parcel prior to January 1, 1985.

(5) For purposes of subsection (4) of this section, "owner" includes the 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 a business entity owned by any one or combination of these family members.

(6) A proposed dwelling under this section is not allowed:

(A) If it is prohibited by or will not comply with the applicable requirements of the County's Land and Water Development and Use Ordinance or other provisions of law;

(B) Unless it complies with the siting requirements of Section S3.512 and the road requirements in Section S6.000;

(C) Unless no dwellings are allowed on other lots or parcels that make up the tract and deed restrictions established under subsection (7) for the other lots or parcels that make up the tract are met;

(D) If the tract on which the dwelling will be sited includes a dwelling. "Tract" means one or more contiguous lots or parcels in the same ownership.

(7)

(A) The applicant for a dwelling authorized by these standards that requires one or more lot or parcel to meet minimum acreage requirements shall provide evidence that the covenants, conditions and restrictions form adopted as "Exhibit A" 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, 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;

(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) The failure to follow the requirements of this section shall not affect the validity of the transfer of property or the legal remedies available to the buyers of property which is subject to the covenants, conditions and restrictions required by this section;

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

S3.512. Siting Requirements for Dwellings and Structures in Forest and Agriculture-Forest Zones.

The following siting criteria shall apply to all new dwellings and structures in forest and agriculture/forest zones. These criteria are designed to make such uses compatible with forest operations and agriculture, to minimize wildfire hazards and risks and to conserve values found on forest lands. The County shall consider the criteria in this section to identify the building site:

(1) dwellings and structures shall be sited on the parcel so that:

(A) They have the least impact on nearby or adjoining forest or agricultural lands;

(B) The siting ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized;

(C) The amount of forest lands used to site access roads, service corridors, the dwelling and structures is minimized; and

(D) The risks associated with wildfire are minimized.

(2) Siting criteria satisfying subsection (1) of this section may include setbacks from adjoining properties, clustering near or among existing structures, siting close to existing roads and siting on that portion of the parcel least suited for growing trees.

(3) The applicant shall provide evidence to the County that the domestic water supply is from a source authorized in accordance with the Water Resources Department's administrative rules for the appropriation of ground water or surface water and not from a Class II stream as defined in the Forest Practices rules (OAR Chapter 629). For purposes of this subsection, evidence of a domestic water supply means:

(A) Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water; or

(B) A water use permit issued by the Water Resources Department for the use described in the application; or

(C) Verification from the Water Resources Department that a water use permit is not required for the use described in the application. If the proposed water supply is from a well and is exempt from permitting requirements under ORS 537.545, the applicant shall submit the well constructor's report to the County upon completion of the well.

(4) 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, the U.S. Bureau of Land Management, or the U.S. Forest Service, 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.

(5) Approval of a dwelling shall be subject to the following requirements:

(A) Approval of a dwelling requires the owner of the tract to 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 Department of Forestry administrative rules. "Tract" means one or more contiguous lots or parcels in the same ownership.

(B) The Community Development Department shall notify the County Assessor of the above condition at the time the dwelling is approved;

(C) The property owner shall submit a stocking survey report to the County Assessor and the Assessor will verify that the minimum stocking requirements have been met by the time required by Department of Forestry rules. The Assessor will inform the Department of Forestry in cases where the property owner has not submitted a stocking survey report or where the survey report indicates that minimum stocking requirements have not been met;

(D) Upon notification by the Assessor the Department of Forestry will 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 will notify the owner and the Assessor that the land is not being managed as forest land. The Assessor will then remove the forest land designation pursuant to ORS 321.359 and impose the additional tax pursuant to ORS 321.372.

(6) The dwelling shall be located upon a parcel within a fire protection district or shall be provided with residential fire protection by contract. If the dwelling is not within a fire protection district, the applicant shall provide evidence that the applicant has asked to be included within the nearest such district. If the governing body determines that inclusion within a fire protection district or contracting for residential fire protection is impracticable, the governing body may provide an alternative means for protecting the dwelling from fire hazards. The means selected may include a fire sprinkling system, onsite equipment and water storage or other methods that are reasonable, given the site conditions. If a water supply is required for fire protection, it shall be a swimming pool, pond, lake, or similar body of water that at all times contains at least 4,000 gallons or a stream that has a continuous year round flow of at least one cubic foot per second. 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. Road access shall be provided to within 15 feet of the water's edge for firefighting pumping units. The road access shall accommodate the turnaround of firefighting equipment during the fires season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.

(7) Road access to the dwelling shall meet road design standards described in S6.000.

(8) The owners of the dwellings and structures shall maintain a primary fuel-free break area surrounding all structures and clear and maintain a secondary fuel-free break area in accordance with the provisions in "*Recommended Fire Siting Standards for Dwellings and Structures and Fire Safety Design Standards for Roads*" dated March 1, 1991 and published by the Oregon Department of Forestry.

(9) The dwelling shall have a fire retardant roof.

(10) The dwelling shall not be sited on a slope of greater than 40 percent.

(11) If the dwelling has a chimney or chimneys, each chimney shall have a spark arrester.

S3.513. Standards for a Winery.

(1) A winery, authorized under the AF or EFU zone is a facility that produces wine with a maximum annual production of:

(A) Less than 50,000 gallons and that:

1) Owns an on-site vineyard of at least 15 acres;

2) Owns a contiguous vineyard of at least 15 acres;

3) Has a long-term contract for the purchase of all of the grapes from at least 15 acres of a vineyard contiguous to the winery; or

4) Obtains grapes from any combination of subparagraph 1), 2) or 3) of this paragraph; or

(B) At least 50,000 gallons and no more than 100,000 gallons and that:

1) Owns an on-site vineyard of at least 40 acres;

2) Owns a contiguous vineyard of at least 40 acres;

3) Has a long-term contract for the purchase of all of the grapes from at least 40 acres of a vineyard contiguous to the winery; or

4) Obtains grapes from any combination of subparagraph 1), 2) or 3) of this paragraph.

(2) The winery described in subsection (1)(A) or (B) of this section shall allow only the sale of:

(A) Wines produced in conjunction with the winery; and

(B) Items directly related to wine, the sales of which are incidental to retail sale of wine on- site. Such items include those served by a limited service restaurant, as defined in ORS 624.010.

(3) Prior to the issuance of a permit to establish a winery under this section, the applicant shall show that vineyards, described in subsection (1)(A) and (B) of this section, have been planted or that the contract has been executed, as applicable.

(4) The County shall adopt findings for each of the standards described in paragraphs (A) and (B) of this subsection. Standards imposed on the siting of a winery shall be limited solely to each of the following for the sole purpose of limiting demonstrated conflicts with accepted farming or forest practices on adjacent lands:

(A) Establishment of a setback, not to exceed 100 feet, from all property lines for the winery and all public gathering places; and

(B) Provision of direct road access, internal circulation and parking.

(5) The County shall also apply local criteria regarding flood plains, geologic hazards, solar access, airport safety or other regulations for resource protection acknowledged to comply with any statewide goal respecting open spaces, scenic and historic areas and natural resources. Any winery approved under this section shall not be a basis for an exception under ORS 197.732 (1)(a) or (b).

S3.514. Dwellings Subject to the "Large Tract" Criteria.

Dwellings may be approved under Section 3.518(14)(B) of the AF zone or Section 3.554(8)(B) of the F-80 zone subject to the following approval criteria and conditions:

(1) The tract on which the dwelling is to be located contains at least 160 contiguous acres or 200 acres in one ownership that are not contiguous but are in the same County or adjacent counties and zoned for forest use. Contiguous means connected in such a manner as to form a single block of land. "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.

(2)

(A) The applicant for a dwelling authorized by these standards that requires one or more lots or parcels to meet minimum acreage requirements shall provide evidence that the covenants, conditions and restrictions form adopted as "Exhibit A" 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, 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;

(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) The failure to follow the requirements of this section shall not affect the validity of the transfer of property or the legal remedies available to the buyers of property which is subject to the covenants, conditions and restrictions required by this section;

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

(3) A proposed dwelling under this section is not allowed:

(A) If it is prohibited by or will not comply with the applicable requirements of the County's Land and Water Development and Use Ordinance or other provisions of law;

(B) Unless it complies with the siting requirements of Section S3.512 and the road requirements in Section S6.000;

(C) Unless no dwellings are allowed on other lots or parcels that make up the tract and deed restrictions established under subsection (2) for the other lots or parcels that make up the tract are met;

(D) If the tract on which the dwelling will be sited includes a dwelling.

Section S3.515. Dwellings Subject to the "Template Test" Criteria.

Dwellings may be approved under Section 3.518(14)(C) of the AF zone or Section 3.554(8)(C) of the F-80 zone subject to the following approval criteria and conditions:

(1) A single-family dwelling may be allowed on a lot or parcel if the lot or parcel is predominantly composed of soils that are:

(A) Capable of producing 0 to 49 cubic feet per acre per year of wood fiber if:

1) All or part of at least three other lots or parcels that existed on January 1, 1993, are within a 160 acre square centered on the center of the subject tract; and

2) At least three dwellings existed on January 1, 1993 on the other lots or parcels.

(B) Capable of producing 50 to 85 cubic feet per acre per year of wood fiber if:

1) All or part of at least seven other lots or parcels that existed on January 1, 1993, are within a 160 acre square centered on the center of the subject tract; and

2) At least three dwellings existed on January 1, 1993 on the other lots or parcels.

(C) Capable of producing more than 85 cubic feet per acre per year of wood fiber if:

1) All or part of at least 11 other lots or parcels that existed on January 1, 1993, are within a acre square centered on the center of the subject tract; and

2) At least three dwelling existed on January 1, 1993 on the other lots or parcels.

(D) Cubic feet per acre 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 Soil Conservation Service. Where SCS data are not available or are shown to be inaccurate, an alternative method for determining productivity may be used. An alternative method must provide equivalent data and be approved by the Department of Forestry.

(E) "Tract", as it is used in this subsection, 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.

(2) If a tract 60 acres or larger described under subsection (1) abuts a road or 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. 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 as the proposed dwelling. However, one of the three required dwellings shall be on the same side of the road or stream as the tract, and:

(A) Be 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;

(B) Be 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.

(3) If the tract under subsection (1) abuts a road that existed on January 1, 1993, the measurement may be made by creating 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.

(4) A proposed dwelling under this section is not allowed:

(A) If it is prohibited by or will not comply with the applicable requirements of the County's Land and Water Development and Use Ordinance or other provisions of law;

(B) Unless it complies with the siting requirements of Section S3.512 and the road requirements in Section S6.000;

(C) Unless no dwellings are allowed on other lots or parcels that make up the tract and deed restrictions established under subsection (5) for the other lots or parcels that make up the tract are met;

(D) If the tract on which the dwelling will be sited includes a dwelling.

S3.516. Mining in EFU and AF Zones:

(1) A land use permit is required for mining more than 1,000 cubic yards of material or excavation preparatory to mining of a surface area of more than one acre. The County may set standards for a lower volume or smaller surface area than that set forth in this subsection.

(2) A permit for mining of aggregate shall be issued only for a site included on an inventory in an acknowledged Comprehensive Plan.

(3) For purposes of this section, "mining" includes all or any part of the process of mining by the removal of overburden and the extraction of natural mineral deposits thereby exposed by any method including open-pit mining operations, auger mining operations, processing, surface impacts of underground mining, production of surface mining refuse and the construction of adjacent or off-site borrow pits except those constructed for use as access roads. "Mining" does not include excavations of sand, gravel, clay, rock or other similar materials conducted by a landowner or tenant on the landowner or tenant's property for the primary purpose of reconstruction or maintenance of access roads and excavation or grading operations conducted in the process of farming or cemetery operations, on-site road construction or other on-site construction or non-surface impacts of underground mines.

S3.517. Standards for Uses in the F-80, AF and EFU Zones in Areas of Major or Peripheral Big Game Range.

(1) To ensure that future development does not unduly conflict with Major Big Game Rage, the County shall:

(A) Conditional uses in the AF zone may be allowed only if they are found to be consistent with the maintenance of big game range;

(B) Proposed Review and Conditional Use applications shall be submitted to the Oregon Department of Fish and Wildlife for their comments on consistently with Major Big Game habitat and recommendations on appropriate siting criteria to minimize any conflicts; and

(C) All proposed Plan and zone changes of land zoned F-80, EFU or AF to a more intensive zone shall be submitted to the Oregon Department of Fish and Wildlife for a determination of possible conflicts with big game habitat requirements. If the Department identified conflicts, the County will consider recommendations for resolving these conflicts.

(2) To ensure that future development does not unduly conflict with Peripheral Big Gam Range, the County shall:

(A) Conditional uses in the AF zone may be allowed only if they are found to be consistent with the maintenance of big game range;

(B) Proposed Review and Conditional Use applications shall be submitted to the Oregon Department of Fish and Wildlife for their comments on consistently with Major Big Game habitat and recommendations on appropriate siting criteria to minimize any conflicts; and

(C) All proposed Plan and zone changes of land zoned F-80, EFU or AF to a more intensive zone shall be submitted to the Oregon Department of Fish and Wildlife for a determination of possible conflicts with big game habitat requirements. If the Department identified conflicts, the County will consider recommendations for resolving these conflicts.

S3.518. Dwellings in Conjunction with Farm Use.

The following standards are applicable to dwellings under Section 3.566(5) in the EFU zone:

(1) On land not identified as high-value farmland a dwelling may be considered customarily provided in conjunction with farm use if:

(A) The parcel on which the dwelling will be located is at least:

1) 160 acres and not designated rangeland; or
2) 320 acres and designated rangeland; or
3) As large as the minimum parcel size if located in a zoning district with an acknowledged minimum parcel size larger than indicated in paragraph 1) or 2) of this subsection.

(B) The subject tract is currently employed for farm use, as defined in the County's Land and Water Development and Use Ordinance;

(C) The dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land, such as planting, harvesting, marketing or caring for livestock, at a commercial scale;

(D) Except as permitted in ORS 215.213(1)(r) and 215.283(1)(p), there is no other dwelling on the subject tract.

(2) On land not identified as high-value farmland, a dwelling may be considered customarily provided in conjunction with farm use if:

(A) The subject tract is at least as large as the median size of those commercial farm or ranch tracts capable of generating at least $10,000 in annual gross sales that are located within a study area which includes all tracts wholly or partially within one mile from the perimeter of the subject tract; and

(B) The subject tract is capable of producing at least the median level of annual gross sales of County indicator crops as the same commercial farm or ranch tracts used to calculate the tract size in subsection (A) of this section; and

(C) The subject tract is currently employed for a farm use, as defined in the County Land and Water Development and Use Ordinance, at a level capable of producing the annual gross sales required in subsection (B) of this section; and

(D) The subject lot or parcel on which the dwelling is proposed is not less than ten acres; and

(E) Except as permitted in ORS 215.213(1)(r) and 215.283(1)(p), there is no other dwelling on the subject tract; and

(F) If no farm use has been established at the time of application, land use approval shall be subject to a condition that no building permit may be issued prior to the establishment of the farm use required by subsection (C) of this section.

(3) In order to identify the commercial farm or ranch tracts to be used in Section (2) of this rule, the gross sales capability or each tract in the study area including the subject tract must be determined, using the gross sales figures provided by the Oregon Land Conservation and Development Commission (LCDC) pursuant to Section (4) of this rule as follows:

(A) Identify the study area. This includes all the land in the tracts wholly or partially within one mile of the perimeter of the subject tract;

(B) Determine for each tract in the study area the number of acres in every land classification from the County Assessor's data;

(C) Determine the potential earning capability for each tract by multiplying the number of acres in each land class by the gross sales per acre for each land class provided by LCDC pursuant to Section (4) of this rule. Add these to obtain the potential earning capability for each tract;

(D) Identify those tracts capable of grossing at least $10,000 based on the data generated in subsection (3)(C) of this rule;

(E) Determine the median size and median gross sales capability for those tracts capable of generating at least $10,000 in annual gross sales to use in subsections (2)(A) and (B) of this rule.

(4) LCDC shall annually provide the County with a table of the estimated potential gross sales per acre for each Assessor land class (irrigated and non-irrigated) required in Section (3) of this rule.

(5) On land not identified as high-value farmland, a dwelling may be considered customarily provided in conjunction with farm use if:

(A) The subject tract is currently employed for the farm use, as defined in the County's Land and Water Development and Use Ordinance, that produced in the last two years or three of the last five years the lower of the following:

1) At least $40,000 (1994 dollars) in gross annual income from the sale of farm products; or

2) 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; and

(B) Except as permitted in ORS 215.213(1)(r) and 215.283(1)(p), there is no other dwelling on the subject tract; and

(C) The dwelling will be occupied by a person or persons who produced the commodities which grossed the income in subsection (A) of this section;

(D) In determining the gross income required by subsection (A) of this section, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract.

(6) On land identified as high-value farmland, a dwelling may be considered customarily provided in conjunction with farm use if:

(A) The subject tract is currently employed for the farm use, as defined in the County's Land and Water Development and Use Ordinance, that produced at least $80,000 (1994 dollars) in gross annual income from the sale of farm products in the last two years or three of the last five years. In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract; and

(B) Except as permitted in ORS 215.213(1)(r) and 215.283(1)(p), there is no other dwelling on the subject tract; and

(C) The dwelling will be occupied by a person or persons who produced the commodities which grossed the income in subsection (A) of this section;

(D) In determining the gross income required by subsection (A) of this section, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract.

Section S3.519. Non Farm Dwelling Permitted Under Section 3.566(7)

A non-farm dwelling may be permitted under Section 3.566(7) of the EFU zone if the following standards are met:

(1)

(A) The lot or parcel on which the dwelling will be sited was lawfully created and was acquired by the present owner:

1) Prior to January 1, 1985; or

2) By devise or by interstate succession from a person who acquired the lot or parcel prior to January 1, 1985.

(B) The tract on which the dwelling will be sited does not include a dwelling;

(C) The proposed dwelling is not prohibited by, and will comply with, the requirements of the acknowledged comprehensive plan and land use regulations and other provisions of law;

(D) The lot or parcel on which the dwelling will be sited is not high-value farmland except as provided in subsections (3)(C) and (D) of this section;

(E) When the lot or parcel on which the dwelling will be sited lies within an area designated in an acknowledged comprehensive plan as habitat of big game, the siting of the dwelling is consistent with the limitations on density upon which the acknowledged comprehensive plan and land use regulations intended to protect the habitat are based.

(2) 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;

(3) Notwithstanding the requirements of paragraph (3)(a)(D) of this rule, a single-family dwelling may be sited on high-value farmland if:

(A) It meets the other requirements of subsections (3)(a) and (b) of this rule;

(B) The lot or parcel is protected as high-value farmland as defined in OAR 660-33-020(8)(a); and

(C) The County determines that:

1) The lot or parcel cannot practicably be managed for farm use, by itself or in conjunction with other land, due to extraordinary circumstances inherent in the land or its physical setting that do not apply generally to other land in the vicinity;

2) The dwelling will comply with the provisions of ORS 215.296(1);

3) The dwelling will not materially alter the stability of the overall land use pattern in the area.

(D) Notice shall be provided to the State Department of Agriculture for all applications for dwellings allowed under this section. Notice shall be provided in accordance with the County's applicable regulations, but shall be mailed at least 20 days prior to any public hearing.

(4) Notwithstanding the requirements of paragraph (3)(a)(D) of this rule, a single-family dwelling may be sited on high-value farmland if:

(A) It meets the other requirements of subsections (3)(a) and (b) of this rule;

(B) The tract on which the dwelling will be sited is:

1) Identified in OAR 660-33-020(8)(c) or (d); and

2) Not high-value farmland defined in OAR 660-33-020(8)(a); and

3) Twenty-one acres or less in size.

(C)

1) The tract is bordered on at least 67 percent of its perimeter by tracts that are smaller than 21 acres, and at least two such tracts had dwellings on January 1, 1993; or

2) The tract is bordered on at least 25 percent of its perimeter by tracts that are smaller than 21 acres, and at least four dwellings existed on January 1, 1993, within 1/4 mile of the center of the subject tract. Up to two of the four dwellings may lie within an urban growth boundary, but only if the subject tract abuts an urban growth boundary.

(5) If land is in a zone that allows both farm and forest uses and is acknowledged to be in compliance with both Goals 3 and 4, a County may apply the standards for siting a dwelling under either Section (3) of this rule or OAR 660-06-027, as appropriate for the predominant use of the tract on January 1, 1993;

(6) A County may, by application of criteria adopted by ordinance, deny approval of a dwelling allowed under Section (3) of this rule in any area where the County 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 of the area; or

(C) Create conditions or circumstances that the County determines would be contrary to the purposes or intent of its acknowledged comprehensive plan or land use regulations.

(7) For purposes of subsection (3)(a) of this rule, "owner" includes the 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 a combination of these family members;

(8) The County Assessor shall be notified that the governing body intends to allow the dwelling.

(9) When the County approves an application for a single-family dwelling under this section, the application may be transferred by a person who has qualified under this section to any other person after the effective date of the land use decision.

Section S3.520. Non Farm Dwellings Permitted Under Section 3.566(8)

Certain non-farm dwellings may be permitted under Section 3.566(8) of the EFU zone subject to the following standards:

(1) The County must make findings that:

(A) The dwelling or activities associated with the dwelling will not force a significant change in or significantly increase the cost of accepted farming or forest practices on nearby lands devoted to farm or forest use;

(B) The dwelling is situated upon a 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. a lot or parcel shall not be considered unsuitable solely because of size or location if it can reasonably be put to farm or forest use in conjunction with other land. If the parcel is under forest assessment, the dwelling shall be situated upon generally unsuitable land for the production of merchantable tree species recognized by the Forest Practices Rules, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the parcel. a lot or parcel is not "generally unsuitable" simply because it is too small to be farmed profitably by itself. If a lot or

parcel can be sold, leased, rented or otherwise managed as a part of a commercial farm or ranch, it is not "generally unsuitable". a lot or parcel is presumed to be suitable if it is composed predominantly of Class I - IV soils. Just because a lot or parcel is unsuitable for one farm use does not mean it is not suitable for another farm use. If a lot or parcel is under forest assessment, the area is not "generally unsuitable" simply because it is too small to be managed for forest production profitably by itself. If a lot or parcel under forest assessment can be sold, leased, rented or otherwise managed as a part of a forestry operation, it is not "generally unsuitable". If a lot or parcel is under forest assessment, it is presumed suitable if it is composed predominantly of soils capable of producing 50 cubic feet of wood fiber per acre per year. If a lot or parcel is under forest assessment, to be found compatible and not seriously interfere with forest uses on surrounding land it must not force a significant change in forest practices or significantly increase the cost of those practices on the surrounding land;

(C) The dwelling will not materially alter the stability of the overall land use pattern of the area. In determining whether a proposed non-farm dwelling will alter the stability of the land use pattern in the area, a County shall consider the cumulative impact of non-farm dwellings on other lots or parcels in the area similarly situated. If the application involves the creation of a new parcel for the nonfarm dwelling, a County shall consider whether creation of the parcel will lead to creation of other nonfarm parcels, to the detriment of agriculture in the area; and

(D) The dwelling complies with such other conditions the County considers necessary.

(E) Cubic feet per acre per year, as the phrase is used in subsection (B) of this section, 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 Soil Conservation Service. Where SCS data are not available or are shown to be inaccurate, an alternative method for determining productivity may be used. An alternative method must provide equivalent data and be approved by the Department of Forestry.

(2) If a single-family dwelling is established on a lot or parcel as set forth in Section (3) of this rule or OAR 660-06-027, no additional dwelling may later be sited under the provisions of Section (4) of this rule.

S3.530. DEVELOPMENT OF HISTORIC AND/OR ARCHEOLOGICAL SITES.

S3.531. Development of Historic and/or Archeological Sites.

(1) No development shall be allowed on land which has been identified as a historical-archeological site without review and approval by the Director and appropriate agencies. Development adjacent to lands identified as historical-archeological sites shall be subject to the Director's review and shall not adversely impact the adjacent historical-archeological site.

(2) The County shall work with the local Historical Advisory Committee and other organizations to identify and protect important local historical and archeological sites. Compatible uses and designs of uses should be encouraged for property adjacent to important historical or archeological sites.

(3) Clatsop County shall protect significant historical resources by:

- **(A)** encouraging those programs that make preservation economically possible;
- **(B)** implementing measures for preservation when possible;
- **(C)** recognizing such areas in public and private land use determinations subject to County review.

S3.550. RECREATION VEHICLE PARKS

S3.551. Purpose.

The purpose of the regulations imposed upon recreation vehicle parks is to assure that each park provides safe and sanitary accommodations for the campers, travel trailers and other vehicles which are located temporarily in the park; that the support services provided tourists (utility conveniences and facilities) are adequate for the period of their stay in the park; and that the park does not permit the use of any of its accommodations for mobile home or recreational vehicles which are used for permanent occupancy.

The scope of the park is to encompass additional recreation activities such as overnight tent camping and picnicking, and to only provide those in-park services and supplies required by the clientele.

S3.552. Standards and Requirements.

The following standards and requirements shall govern the application of a park in an area in which it is permitted:

(1) Duration of Occupancy. No recreation vehicle shall remain the park for more than thirty (30) days in any sixty (60) day period. No habitable vehicle, which is not a recreation vehicle, shall be allowed in the park for any period with the exception of one mobile home unit for the exclusive use of the park manager and/or caretaker.

(2) Size, Density, Lot Dimension and Setbacks.

- **(A)** Size. Minimum total acreage shall not be less than five (5) acres.
- **(B)** Density. Maximum recreational vehicle spaces per gross acre shall not exceed ten (10) spaces.
- **(C)** The minimum lot area for any recreation vehicle or travel trailer space shall not be less than 3,500 square feet.
- **(D)** The minimum lot width shall be forty (40) feet.
- **(E)** The minimum lot length shall be seventy (70) feet.
- **(F)** The minimum distance between recreation vehicles, and a public street, arterial or highway right-of-way shall be sixty (60) feet.
- **(G)** The minimum distance between recreation vehicles and all property lines shall be ten (10) feet.
- **(H)** The minimum distance between recreation vehicles and other like units shall be twenty- five (25) feet.
- **(I)** The minimum distance between recreation vehicles and public services buildings shall be twenty-five (25) feet.
- **(J)** No recreation vehicle site or structure shall be placed closer than 30 feet to perennial streams or lakes (high water mark) or other bodies of water.
- **(K)** The space provided for a recreation vehicle shall be covered with crushed gravel, or paved with asphalt, concrete or similar material and be designed to provide run-off of surface water. The part of the space which is not occupied by the recreation vehicle, or not part of an outdoor patio, need not be paved or covered with gravel provided the area is landscaped or otherwise treated to prevent dust.

(3) Plot and Building Plans. Seven (7) copies of the plans drawn to scale required by the Oregon State Health Division shall be submitted to the Clatsop County Community Development Office.

(4) Recreation Areas. Recreation areas and facilities such as playgrounds, swimming pools and community buildings should be provided to the extent necessary to meet the anticipated needs of the clientele the recreation park is designed to serve.

(A) A developed recreation area shall be provided which contains a minimum of 2,500 square feet or 200 square feet per site space, whichever is the greater.

(B) Provide separate adult and tot recreation areas.

(C) Playground areas shall be protected from main thoroughfares and parking areas.

(D) Recreation areas shall be centrally located to the spaces they are to serve. At least one recreation area shall have a minimum size of five thousand (5,000) square feet and be of a shape that will make is usable for its intended purpose.

(5) Utilities and Sanitation.

(A) All facilities and service structures including each recreation vehicle/travel trailer space shall be provided with underground water and utilities.

(B) Approved public drinking fountains are to be located in playground and service building area.

(C) Recreation vehicles without bathroom facilities shall be parked within two hundred (200) feet of the park utility building.

(6) Lighting. Lighting is required for all common walkways, toilet facilities, service buildings, service building areas and roadways.

(7) Access and Circulation.

(A) The recreation vehicle park shall be served by hard surfaced roads.

(B) The recreation vehicle park shall not be located where it will have a hazardous entrance or exit onto a road or onto a road that has a hazardous intersection with a major arterial.

(C) The amount of traffic generated by the recreation vehicle park shall not exceed the capability of roads serving the development.

(D) Off highway entry (ingress and egress) shall be provided by the park owner in order to permit entrance/access, as well as parking, through the park toll booth without causing traffic stoppage or unsafe traffic movement on public roads.

(E) Roadways within the park shall be hard surfaced to a width of twenty (20) feet if no parking is permitted on the roadway, and thirty (30) feet if parking is permitted on the roadway.

(F) The first fifty (50) feet of access (for ingress and egress) measured from the street shall be hard surfaced to a width of thirty-six (36) feet and shall be connected to an existing street according to plans approved by the County Roadmaster and/or the Oregon State Highway Engineer.

(G) Street grades shall not be in excess of eight (8) percent at any given point.

(8) Parking.

(A) The total number of parking spaces in the park, exclusive of parking provided for the use of the manager, employees or specialized additional parking, shall be equal to one 10' x 20' space per camping space. All parking spaces shall be covered with crushed gravel or paved with asphalt, concrete or similar material.

(B) Additional parking areas for boats, trailers, etc. shall be conveniently located for supervision, but these specialized parking areas shall be separated from all other parking facilities. The ratio of one 10' x 20' additional parking space for every eight (8) camping spaces shall be observed.

(9) Walkways.

(A) A walkway system shall be provided and maintained which gives safe, convenient access to park spaces.

(B) Common trails and walkways shall be provided to connect recreational vehicle sites to common areas, bathroom facilities, service buildings and natural amenities.

(C) Common walkways shall be located through interior areas and be kept separated from vehicular traffic.

(10) Greenbelts, Natural Screening and Open Space.

(A) Ten (10) percent of the gross area of the recreation park must be reserved for open space. This open space is in addition to areas used for lots, roads, walkways, play areas and service areas.

(B) a site obscuring greenbelt buffer strip shall be required around all sides of the recreation park to a height of eight (8) feet above ground level. This buffer strip shall be composed of natural screening, plantings, or other screens of a material type, size and located as recommended by the Planning Commission.

(C) Vegetative screening is to be provided between recreation park spaces, between spaces and service buildings, as well as between park and commercial activities, etc.

S3.640. AMUSEMENT ESTABLISHMENT

S3.641. Amusement Establishment.

Amusement establishment - a commercial amusement establishment may be authorized after consideration of the following factors:

(1) Adequacy of access from principal street, together with the probably effect on traffic volumes of abutting and nearby streets;

(2) Adequacy of off-street parking;

(3) Adequacy of building and site design provisions to minimize glare from the building and site;

(4) Noise levels shall not exceed Department of Environmental Quality standards

SECTION S.3.650 TSUNAMI INUNDATION ZONE

Section S3.651. Review Required

Pursuant to OAR 632-05-050 Tsunami Inundation Zone, persons proposing new construction of or the conversion to essential facilities, hazardous facilities, major structures, or special occupancy structures are required to contact the Oregon Department of Geology and Mineral Industries (DOGAMI) at the earliest reasonable date for a consultation regarding the requirements of ORS 455.446 and 455.447 that pertain to their proposed facility or structure. As used in this section, "essential facility" means hospitals and other medical facilities having surgery and emergency treatment areas, fire and police stations, tanks or other structures containing housing or supporting water or fire suppression materials or equipment required for the protection of essential or hazardous facilities or special occupancy structures, emergency vehicle shelters and garages, structures and equipment in emergency-preparedness centers, standby power generating equipment for essential facilities, and structures and equipment in government communication centers and other facilities required for emergency response. As used in this section, "hazardous facility" means structures housing supporting or containing sufficient quantities of toxic or explosive substances to be of danger to the safety of the public if released. As used in this section, "special occupancy structure" means covered structures whose primary occupancy is public assembly with a capacity greater than 300 persons, buildings with a capacity greater than 250 individuals for every public, private or parochial school through secondary level or child care centers, buildings for colleges or adult education schools with a capacity greater than 500 persons, medical facilities with 50 or more resident, incapacitated patients not included in facilities mentioned above, jails and detention facilities, and all structures and occupancies with a capacity greater than 5,000 persons.

Section S. 3.655 Verification of Review

Prior to the issuance of a development permit for a regulated structure or facility, the developer of that structure or facility shall present verification of consultation with DOGAMI, or verification of an exception.

S3.700. GEOLOGIC HAZARD REQUIREMENTS

S3.701. Special Requirements for Hazard Areas.

The special requirements applicable in the Hazard maps in the Comprehensive Plan are set forth in S3.700 to S3.708. The general procedures and requirements for approving development in the district are contained in Sections 4.040 through 4.047 of the Clatsop County Land and Water Development and Use Ordinance of 1980. The standards in S3.700 to S3.708 shall be used in conducting such approvals.

S3.702. Preliminary Site Investigation.

Subject to Section 4.040-4.047.

S3.704. Detailed Site Investigation for Geologic Hazard Areas.

Development in a Geologic Hazards Overlay District requires a detailed site investigation report if the preliminary site investigation report required in Section S3.702 confirms existence of a geologic hazard area or is in a geologic hazard area identified by Martin Ross' report "*A Field Inventory of Geologic Hazards from Silver Point to Cove Beach, Clatsop County, Oregon*". The report shall contain the information listed below together with appropriate identification of information sources and the date of the information.

Before a development permit can be issued, the site investigation report must be approved as part of the development permit approval process. The approved site investigation report shall be referred to in the deed and other documents of sale and shall be recorded with the record of deeds.

(1) Background Data in Report. The site investigation report shall contain the following background information:

- **(A)** The methods used in the investigation and the approximate number of man-hours spent on the site.
- **(B)** a general analysis of the local and regional topography and geology including the faults, folds, geologic and engineering geologic units and any soil, rock and structural details important to engineering or geologic interpretations.
- **(C)** a history of problems on and adjacent to the site, which may be derived from discussions with local residents and officials and the study of old photographs, reports and newspaper files.
- **(D)** The extent of the surface soil formation and its relationship to the vegetation of the site, the activity of the land form and the location of the site.
- **(E)** The following ground photographs of the site with information showing the scale and date of the photographs and their relationship to the topographic map:
  - *1)* a view of the general area.
  - *2)* The site of the proposed development.
  - *3)* Any features which are important to the interpretation of the hazard potential of the site.
  - *4)* Unusual natural features and important wildlife habitat.

(2) Topography Map. a topography base map of (1 to 100) scale and with a contour interval of (two feet) shall be prepared identifying the following features and shall be accompanied by references to the source and date of information used.

(A) The position of the lot line.

(B) The boundaries of the property.

(C) Species identification of major plant communities.

(D) Any springs, streams, marshy areas or standing bodies of water.

(E) Areas subject to flooding, including those shown on the flood hazard maps prepared under the HUD National Flood Insurance Program.

(F) Areas subject to stream erosion and areas exhibiting significant surface erosion due to improper drainage and runoff concentration.

(G) Geological information, including lithologic and structural details important to engineering and geologic interpretation.

(3) Subsurface Analysis. If upon initial investigation it appears there are critical areas where the establishment of geologic conditions at depth is required, a subsurface analysis obtained by drill holes, well logs and other geophysical techniques shall be conducted by the person responsible for the site investigation report to include the following data as appropriate.

(A) The lithology and compaction of all subsurface horizons to bedrock.

(B) The depth, width, slope and bearing of all horizons containing significant amounts of silt and clay and any other subsurface waters.

(C) The depth, bearing and capacity of seasonal and permanent aquifers.

(D) Underlying areas of buried vegetation.

(4) Development Proposal. The site investigation report shall include the following information on the proposed development as applicable. The information will be shown on the maps described above or appropriately referenced.

(A) Plans and profiles showing the position and height of each structure, paved area and area where cut and fill is required for the construction.

(B) The percent and location of the surface of the site which will be covered by impermeable or semi-impermeable surfaces.

(C) Points to preserve for public access.

(D) a description of the impact of the development on any critical biological habitats.

(E) a stabilization program for the development describing:

1) how much of the site will be exposed during construction and what measures will be taken to reduce erosion.

2) a revegetation program designed to return open areas to a stable condition as soon as possible following construction.

3) the time of commencement of revegetation planting.

(F) a description of safeguards that will be provided as part of the proposed development.

(G) For a logging or farming operation, areas to be protected from vegetation loss or groundwater pollution shall be identified and means for protection described.

(5) Special Review for Water Supply or Sewerage. If a well or an on-site sewage disposal system is planned, the proposed location shall be described and the following shall be determined:

(A) The maximum and minimum levels (seasonal extreme) in water table height.

(B) The expected water needs of the proposed development.

(C) The water supply capacity and the expected effect of the increased water consumption on the water table.

(D) Any detrimental contamination of the groundwater, lakes or marshes that may occur.

(6) Conclusions in the Report.

(A) The site investigation report shall contain conclusions stating the following:

1) How intended use of the land is compatible with the existing conditions.

2) The existing or potential hazards found during the investigation.

3) The manner for achieving compliance with applicable development criteria and standards.

(B) Recommended safeguards and mitigation for specific areas and hazards shall be specified.

(C) Conclusions shall be based on data included in the report and the sources of information and facts shall be referenced.

S3.706. Site Investigation Report Review.

The Community Development Director, Planning Commission or Board of Commissioners may want to have a technical site investigation report reviewed including the methods actually used to avoid hazards. The Community Development Director, Planning Commission or Board of Commissioners may request the owner or developed to pay for a portion or all of the review on behalf of the County.

S3.708. Qualifications.

The site investigation report shall be conducted by a registered geologist. The Department of Community Development shall maintain a list of qualified geologists.

CHAPTER 4. ENVIRONMENTAL PROTECTION

S4.011. Standards for Area Protection Conditions.

When the imposition of discretionary standards is authorized to avoid detrimental impacts to the public, the standards should be designed to:

(1) Designate the size, number, location and nature of vehicle access points.

(2) Increase the amount of street dedication, roadway width or improvements within the street right-of-way.

(3) Protect vegetation, water resource, wildlife habitat or another significant natural resource.

S4.200. COLUMBIA RIVER ESTUARY SHORELAND AND AQUATIC USE AND ACTIVITY STANDARDS

S4.201. Purpose.

Columbia River Estuary shoreland and aquatic area standards are requirements which apply to development uses and activities proposed in one or more of the following management designations: Marine Industrial Shorelands Zone (MI); Conservation Shorelands Zone (CS); Natural Shorelands Zone (NS); Aquatic Development Zone (AD); Aquatic Conservation Two Zone (AC-2); Aquatic Conservation One Zone (AC-1); Aquatic Natural Zone (AN); and those areas included in the Shorelands Overlay District (/SO). These standards are intended to protect the unique economic, social, and environmental values of the Columbia River Estuary.

S4.202. General Standard.

Proposed uses and activities in the Columbia River Estuary shoreland and aquatic areas may only be approved when it is determined that such uses or activities are consistent with the purposes of the Columbia River Estuary management areas in which they are proposed and satisfy all applicable Comprehensive Plan policies and Columbia River Estuary Shoreland and Aquatic Activity and Use Standards. In addition, some uses and activities in the Columbia River Estuary which could potentially alter the estuarine ecosystem are also subject to an Impact Assessment and Resource Capability Determination.

S4.203. General Development Zone Standards.

The standards in this subsection apply to all development activities and uses in Columbia River Estuary shoreland and aquatic development zones, where appropriate.

(1) Shoreland and aquatic area uses and activities that are not water-dependent shall not preclude or unduly conflict with existing, proposed or potential future water-dependent uses or activities on the site or in the vicinity.

(2) Uses will be designed and located so as not to unduly interfere with adjacent uses (particularly adjacent historic structures). Appropriate landscaping, fencing, and/or other buffering techniques shall be used to protect the character of adjacent uses.

(3) Waterfront access for the public, such as walkways, trails, waterfront seating or landscaped areas, shall be provided except when proven to be inconsistent with security and safety factors. Industrial and port facilities should designate public viewing points, for viewing waterfront and/or port operations in areas which would not interfere with operations. Provisions of public access shall not result in enlargement of development areas requiring dredge or fill activities or other alteration of estuarine resources.

(4) Joint use of parking, moorage and other commercial support facility is encouraged where feasible and where consistent with local ordinance requirements.

(5) In some locations maintenance, placement or replacement of riparian vegetation may be required to enhance visual attractiveness or assist in bank stabilization.

S4.204. Agriculture and Forestry.

Standards in this subsection are applicable to agricultural and forestry activities on Columbia River Estuary shorelands. Activities outside of the coastal shorelands boundary are not covered by this subsection. Certain activities associated with agriculture and forestry (i.e. log storage, dike maintenance and shipping facilities for agricultural and forest products, are covered under different subsections).

(1) Tillage and drainage practices should minimize sedimentation and control surface water runoff of animal wastes and excess fertilizers, herbicides and pesticides. Agriculture chemicals shall be applied so as to minimize the amount that is lost to the aquatic environment.

(2) A buffer strip of permanent vegetation shall be maintained between cultivated or pasture areas and an undiked body of water, so as to filter surface runoff and retard sedimentation.

(3) Feed lots or other confinement lots for livestock shall be:

- **(A)** Located at least 100 feet from streams or waterbodies;
- **(B)** Away from hillsides leading directly to streams;
- **(C)** Outside the 100 year floodplain;
- **(D)** Located so as to protect groundwater supplies; and
- **(E)** Designed such that runoff is controlled with diversion structures, settling ponds or other land management practices.

(4) Forest practices and forest road building will comply with rules established under the Oregon Forest Practices Act, administered by the Oregon Department of Forestry.

(5) On Development and Water-dependent Development Shorelands, agriculture uses shall be undeveloped and low intensity to reserve these areas for intensive residential, commercial or industrial use, as appropriate.

(6) On Conservation Shorelands, agriculture uses shall be low intensity and consistent with maintenance of the forest resource and recreational values of these lands.

S4.205. Airports.

Terminal stations for aircraft, passenger and cargo operations, including runways, towers, and associated structures and systems shall comply with the following standard:

(1) Airports and associated facilities shall be located away from migratory bird flyways and habitat used by resident waterfowl and other birds, in the interest of air safety and wildlife conservation.

S4.206. Aquaculture and Fisheries.

The standards in this subsection apply to all projects that could affect commercial or recreational fisheries or aquaculture in the Columbia River Estuary. This section is also applicable to the development of aquaculture facilities and to fisheries enhancement projects.

(1) Water diversion structures or man-made spawning channels shall be designed and built to maintain minimum stream flows for aquatic life in affected streams.

(2) Water discharged from aquaculture or hatchery facilities shall comply with state and federal water quality standards and any waste discharge permit conditions.

(3) Aquaculture facilities shall be located far enough from sanitary sewer outfalls to avoid potential health hazards.

(4) Aquaculture facilities shall be constructed to blend in with and not detract from the aesthetic qualities of the area. In developed areas, views from upland property shall be given consideration in facility design.

(5) In-water construction activity in aquatic areas shall follow the recommendations of state and federal fisheries agencies with respect to project timing to avoid unnecessary impacts on migratory fish.

(6) Commercial fish drifts shall be protected from conflicting in-water activity, including dredging, in-water dredged material disposal, and aquatic area mining and mineral extraction, by coordinating review of such activity with fishery regulatory agencies, fishing organizations, drift captains and drift right owners, and other interested parties.

(7) Prior to approval of in-water activities with the potential for affecting commercial fishing activities, the project sponsor shall notify local drift captains, the Columbia River Fisherman's Protective Union and the Northwest Gillnetters Association and the state fishery agency.

S4.207. Residential, Commercial and Industrial Development.

The standards in this subsection are applicable to construction or expansion of residential, commercial or industrial facilities in shoreland and aquatic areas of the Columbia River Estuary. Within the context of this section, residential uses include single and multi-family structures, mobile homes, and floating residences (subject to an exception to Oregon Statewide Planning Goal 16). Duck shacks, recreational vehicles, hotels, motels and bed and breakfast facilities are not considered residential structures for purposes of this section. Commercial structures and uses include all retail or wholesale storage, service or sales facilities and uses, whether water-dependent, water-related, or non-dependent, non-related. Industrial uses and activities include facilities for fabrication, assembly, and processing, whether water-dependent, water-related, or non-dependent, non-related.

(1) Sign placement shall not impair views of water areas. Signs shall be constructed against existing buildings whenever feasible. Off-premise outdoor advertising shall not be allowed in aquatic areas.

(2) Off-street parking may be located over an aquatic area only if all of the following conditions are met:

- **(A)** Parking will be on an existing pile-supported structure; and
- **(B)** Suitable shoreland areas are not available; and
- **(C)** The amount of aquatic area committed to parking is minimized; and
- **(D)** The aquatic area is in an Aquatic Development zone; and
- **(E)** Applicable off-street parking standards, Section S2.200, are met.

(3) Joint uses of parking, moorage and other commercial support facility is encouraged where feasible and where consistent with local ordinance requirements.

(4) Uses on floating structures shall be located in areas protected from currents and wave action. The floats shall not rest on the bottom during low tidal cycles or low-flow periods.

(5) Where groundwater is or may be used as a water supply, the groundwater table shall not be significantly lowered by drainage facilities, or be affected by salt water intrusion due to groundwater mining.

(6) Fill in estuarine aquatic areas or in significant non-tidal wetlands in shoreland areas shall not be permitted for residential uses.

(7) Piling or dolphin installation, structural shoreline stabilization, and other structures not involving dredge or fill, but which could alter the estuary may be allowed only if all of the following criteria are met:

(A) If a need (i.e. a substantial public benefit) is demonstrated; and

(B) The proposed use does not unreasonably interfere with public trust right; and

(C) Feasible alternative upland locations do not exist; and

(D) Potential adverse impacts, as identified in the impact assessment, are minimized.

(8) Residential, commercial or industrial development requiring new dredging or filling of aquatic areas may be permitted only if all of the following criteria are met:

(A) The proposed use is required for navigation or other water-dependent use requiring an estuarine location, or if specifically allowed in the applicable aquatic zone; and

(B) If a need (i.e. a substantial public benefit) is demonstrated; and

(C) The proposed use does not unreasonably interfere with public trust rights; and

(D) Feasible alternative upland locations do not exist; and

(E) Potential adverse impacts, as identified in the impact assessment, are minimized.

(9) Commercial or industrial developments with ship receiving facilities shall provide facilities for disposing of vessel solid wastes. Disposal of fish wastes associated with commercial or industrial development, shall comply with state and federal regulations.

S4.208. Estuarine Construction:

Piling and Dolphin Installation, Shoreline Stabilization, and Navigational Structures. The standards in this subsection apply to over-the-water and in-water structures such as docks, bulkheads, moorages, boat ramps, boat houses, jetties, pile dikes, breakwaters and other structures involving installation of piling or placement of riprap in Columbia River Estuary aquatic areas. This subsection not apply to structures located entirely on shorelands or uplands, but does apply to structures, such as boat ramps, that are in both aquatic and shoreland designations. Standards in this subsection also apply to excavation for creation of new water surface area.

(1) When land use management practices and vegetative shoreline stabilization are shown to be infeasible (in terms of cost, effectiveness or other factors), structural means may be approved subject to applicable policies, standards and designation use restrictions.

(2) Where structural shoreline stabilization is shown to be necessary because of the infeasibility of vegetative means, the choice among various structural means shall be made on a case by case basis. Factors to be considered include, but are not limited to:

(A) Hydraulic features;

(B) Shoreland habitat;

(C) Adjacent land and water uses;

(D) Aquatic habitat;

(E) Water quality;

(F) Engineering feasibility;

(G) Navigation;

(H) Impacts on public shoreline access.

(3) Jetties, groins and breakwaters shall be constructed of clean, erosion-resistant materials from upland sources. In-stream gravels shall not be used, unless part of an approved mining project. Material size shall be appropriate for predicted wave, tide and current conditions.

(4) Where a jetty, groin, breakwater or other in-water structure is proposed for erosion or flood control, the applicant shall demonstrate that non-structural solutions, such as land use management practices, or other structural solutions, such as riprap, will not adequately address the problem.

(5) Piling or dolphin installation, structural shoreline stabilization, and other structures not involving a dredge or fill, but which could alter the estuary may be allowed only if the following criteria are met:

(A) If a need (i.e. a substantial public benefit) is demonstrated; and

(B) The proposed use does not unreasonably interfere with public trust rights; and

(C) Feasible alternative upland locations do not exist; and

(D) Potential adverse impacts, as identified in the impact assessment, are minimized.

(6) Jetties, groins, breakwaters and piers requiring aquatic fill may be allowed only if all of the following criteria are met:

(A) The proposed use is required for navigation or other water-dependent use requiring an estuarine location, or if specifically allowed in the applicable aquatic zone; and

(B) If a need (i.e. a substantial public benefit) is demonstrated; and

(C) The proposed use does not unreasonably interfere with public trust rights; and

(D) Feasible alternative upland locations do not exist; and

(E) Potential adverse impacts, as identified in the impact assessment, are minimized.

(7) Proposals for bulkheads may be approved only if it is demonstrated that sloped riprap will not adequately fulfill the project's objectives.

(8) Proposals for new bulkheads or for new riprap bankline slopes steeper than 1.5 to 1 (horizontal to vertical) must demonstrate that adequate shallow areas will be available for juvenile fish shelter, or that the area is not typically used for juvenile fish shelter.

(9) Plant species utilized for vegetative stabilization shall be selected on the basis of potential sediment containment and fish and wildlife habitat values. Trees, shrubs and grasses native to the region should be considered for vegetative stabilization; however, plan species and vegetation stabilization techniques approved by the Soil Conservation Service, the U.S. Army Corps of Engineers and other participating federal and state resource agencies are also appropriate. Stabilization of dike slopes must not include vegetation (particularly trees) which jeopardize the dike.

(10) Riprap bank protection must be appropriately designed with respect to slope, rock size, placement, underlying material and expected hydraulic conditions. Project design by a licensed engineer shall meet this requirement. Riprap projects designed by other individuals, such as experienced contractors, soil conservation service personnel or others, may meet this standard.

(11) New shoreline stabilization projects shall not restrict existing public access to public shorelines.

(12) Shoreline stabilization shall not be used to increase land surface area. Where an avulsion has occurred, fill may be used to restore the previous bankline, so long as the corrective action is initiated within one year of the date of the avulsion. Any other extension of the bankline into aquatic areas shall be subject to the policies and standards for fill.

(13) Structural shoreline stabilization measures shall be coordinated with state and federal agencies to minimize adverse effects on aquatic and shoreland resources and habitats.

(14) Bulkheads installed as a shoreland stabilization and protective measure shall be designed and constructed to minimize adverse physical effects (i.e. erosion, shoaling, reflection of wave energy or interferences with sediment transport in adjacent shoreline areas) resulting from their placement.

(15) Emergency maintenance, for the purpose of making repairs or for the purpose of preventing irreparable harm, injury or damage to persons, property or shoreline stabilization facilities is permitted, notwithstanding the other requirements in these standards, but subject to those regulations imposed by the Corps of Engineers and the Division of State Lands.

(16) Revegetated shoreline areas shall be protected from excessive livestock grazing or other activities that would prevent development of effective stabilizing plant cover.

(17) The size and shape of a dock or pier shall be the minimum required for the intended use.

(18) Proposals for new docks and piers may be approved only after consideration of alternatives such as mooring buoys, dryland storage, and boat ramps.

(19) Individual single-user docks and piers are discouraged in favor of community moorage facilities common to several users and interests.

(20) With regard to excavation of shorelands to create new estuarine aquatic surface area, the following provisions are applicable. The maximum feasible amount of the new water surface area shall be excavated as an upland site, behind protective berms. The new aquatic area shall be connected to adjacent water areas as the excavation is completed. Excavation in this manner shall not result in channelization of the waterway.

(21) Sediments and materials generated by the excavation to create new estuarine water surface area shall be deposited on land in an appropriate manner.

(22) Water quality degradation due to excavation to create new estuarine water surface area shall be minimized. Adverse effects on water circulation and exchange, increase in erosion and shoaling conditions, and introduction of contaminants to adjacent aquatic areas resulting from excavation of the area and presence of the new aquatic area will be minimized to the extent feasible.

S4.209. Deep-Water Navigation, Port and Industrial Development.

The standards in this subsection apply to port and industrial development occurring in and over Columbia River estuarine waters, and on adjacent shorelands. This section also applies to navigation projects related to deep-draft maritime activities, such as channel, anchorage and turning basin development or expansion.

(1) New or expanded shoreland and aquatic area facilities for the storage of transmission of petroleum products must have on-site equipment for the containment of oil spills. a contingency plan for containment and clean-up of oil spills shall be provided.

(2) New or expanded facilities for deep-water navigation, port or industrial development requiring aquatic area dredging or filling may be allowed only if all of the following criteria are met:

- **(A)** The proposed use is required for navigation or other water-dependent use requiring an estuarine location, or if specifically allowed in the applicable aquatic zone; and
- **(B)** If a need (i.e. a substantial public benefit) is demonstrated; and
- **(C)** The proposed use does not unreasonably interfere with public trust rights; and
- **(D)** Feasible alternative upland locations do not exist; and
- **(E)** Potential adverse impacts, as identified in the impact assessment are minimized.

(3) Deep-water navigation, port or industrial development requiring new piling or dolphin installation, construction of pile-supported structures, or other uses or activities which could alter the estuary may be permitted only if all of the following criteria are met:

(A) A need (i.e. a substantial public benefit) is demonstrated; and

(B) The proposed use does not unreasonably interfere with public trust rights; and

(C) Feasible alternative upland locations do not exist; and

(D) Potential adverse impacts, as identified in the impact assessment are minimized.

(4) Off-street parking may be located over an aquatic area only if all of the following conditions are met:

(A) Parking will be on an existing pile-supported structure; and

(B) Suitable shoreland areas are not available; and

(C) The amount of aquatic area committed to parking is minimized; and

(D) The aquatic area is in an Aquatic Development zone; and

(E) Applicable off-street parking standards Section S2.200 are met.

(5) New or expanded ports or ship receiving facilities shall provide facilities for collecting, handling and disposing of vessel wastes.

(6) Port or industrial development in or over estuarine aquatic areas involving the following activities shall be subject to an impact assessment.

(A) Dredging.

(B) Aquatic area fill.

(C) In-water structures.

(D) Structural shoreline stabilization.

(E) New in-water log storage areas.

(F) Water in-take pipes.

(G) Effluent discharge.

(H) In-water dredged material disposal.

(I) Beach nourishment.

(J) Other activity which could adversely affect estuarine physical or biological resources.

S4.210. Land Transportation Systems.

Standards in this subsection are applicable to the maintenance and construction of railroads, roads and bridges in Columbia River Estuary shoreland and aquatic areas. Public, as well as private facilities are covered under this section. Forest roads, however, are excluded.

(1) New or relocated land transportation routes shall be designed and sited so as to:

(A) Enhance areas in the Marine Industrial Shorelands zone when possible; and

(B) Direct urban expansion toward areas identified as being suitable for development; and

(C) Take maximum advantage of the natural topography and cause minimum shoreline disruption; and

(D) Preserve or improve public estuary access where existing or potential access sites are identified; and

(E) Avoid isolating high-intensity waterfront use areas of water-dependent development areas from water access.

(2) Maintenance and repair of roads and railroads and maintenance and replacement of bridges shall be permitted regardless of the plan designation through which the road or railroad passes, provided:

(A) The same alignment is maintained; and

(B) The same width is maintained, except that necessary enlargements to meet current safety and engineering standards may be permitted; and

(C) The number of travel lanes is not increased.

(3) Fill-supported causeways or bridge approach fills across significant non-tidal wetlands in shoreland areas shall not be permitted; bridge abutments may, however, be approved.

(4) Removal of riparian vegetation along transportation rights-of-way may be permitted in order to maintain clear vision.

S4.211. Log Storage.

This subsection includes standards for the establishment of new, and the expansion of existing, log storage and sorting areas in Columbia River Estuary aquatic and shoreland areas.

(1) New aquatic log storage areas shall be located such that logs will not go aground during tidal changes or during low flow periods.

(2) Proposals for reestablishment of previously used aquatic log storage areas must meet standards applied to new log storage areas, unless such areas have been abandoned for fewer than 36 months.

(3) New aquatic log storage areas shall not be located in areas which would conflict with active development fish drifts or with other commercial or recreational fishing activities.

(4) New aquatic log storage areas shall be located where water quality degradation will be minimal and where good flushing conditions prevail.

(5) Unpaved shoreland log yards underlaid by permeable soils shall have at least four feet of separation between the yard surface and the winter water table.

(6) Log storage and sorting facilities in Marine Industrial Shorelands, shall not preclude or conflict with existing or possible future water-dependent uses at the site or in the vicinity, unless the log storage or sorting facility is itself an essential part of a water-dependent facility.

S4.213. Shallow Draft Ports and Marinas.

The standards in this subsection apply to development of new marinas and improvements to existing marinas in aquatic areas of the Columbia River Estuary. Also covered are adjacent shoreland support facilities that are in conjunction with or incidental to the marina. Included under this section's coverage are both public and private marinas for either recreational, charter or commercial shallow draft vessels.

(1) New marinas may be approved only when existing marinas are inadequate with respect to location, support services or size; or cannot expand to meet area moorage needs.

(2) New marinas shall be located in or adjacent to areas of extensive boat usage, and in areas capable of providing necessary support services (including street access, upland parking, water, electricity and waste disposal).

(3) The feasibility of upland boat storage shall be evaluated concurrent with proposals for new or expanded marina facilities.

(4) Marina development and expansion may require some filling and dredging of presently undeveloped areas. Significant aquatic and shorelands resources shall be protected from preventable adverse impacts in the design, construction, and maintenance of marina facilities.

(5) Marina development requiring filling or dredging in estuarine aquatic areas may be permitted only if all of the following criteria are met:

- **(A)** If required for navigation or for other water-dependent uses requiring an estuarine location, or if specifically allowed under the applicable aquatic zone; and
- **(B)** If a need (i.e. a substantial public benefit) is demonstrated; and
- **(C)** The proposed dredging or filling does not unreasonably interfere with public trust rights; and
- **(D)** Feasible upland alternative sites do not exist; and
- **(E)** Adverse impacts, as identified in the impact assessment are minimized.

(6) New, expanded or renovated marinas shall be designed to assure adequate water circulation and flushing.

(7) New or expanded marinas shall provide facilities for collecting, handling and disposing of vessel wastes.

(8) Disposal of fish wastes shall comply with federal and state regulations.

(9) Covered moorages may be permitted in marinas subject to the following requirements:

- **(A)** Information is provided on existing water quality and habitat conditions in the aquatic area proposed for the covered moorage; and
- **(B)** Data on existing aquatic vegetation, and an analysis of the proposed covered moorages' impact on aquatic vegetation are provided; and
- **(C)** Information is provided on light penetration, both with and without the proposed covered moorage; and
- **(D)** No more than 20% of the marina's aquatic surface is occupied by the covered moorage.

(10) New or expanded marina fuel docks shall maintain on-site equipment for the containment of spilled fuel. A contingency plan for containment and cleanup of accidental spills shall be provided.

(11) Floating docks in marinas shall be located such that they do not rest on the bottom during low tides.

(12) New individual docks outside of marinas may only be built when it is shown that existing marinas cannot reasonably accommodate the proposed use. Factors to be considered in this determination include, but are not limited to:

- **(A)** distance between proposed dock and nearest marina;
- **(B)** availability and cost of moorage space in marinas;
- **(C)** area where the boat will be used; and
- **(D)** presence of other individual docks in the area.

(13) The size and shape of docks and piers in marinas shall be limited to that required for the intended use.

(14) Alternatives to new docks and piers, such as mooring buoys, dry land storage and launching ramps, shall be investigated and considered before new docks are permitted in a marina.

(15) Off-street parking may be located over an aquatic area only if all of the following conditions are met:

(A) Parking will be on an existing pile-supported structure; and
(B) Suitable shoreland areas are not available; and
(C) The amount of aquatic area committed to parking is minimized; and
(D) The aquatic area is in an Aquatic Development zone; and
(E) Applicable off-street parking standards, Section S2.200, are met.

S4.214. Mining and Mineral Extraction.

Standards in this subsection are applicable to the extraction of sand, gravel, petroleum products and other minerals from both submerged lands under Columbia River Estuary aquatic areas and from shoreland areas. These standards are also applicable to outer continental shelf mineral development support facilities built in the estuary.

(1) Aquatic area mining and mineral extraction shall only occur in aquatic areas deeper than ten (10) feet below MLLW, where estuarine resource values are low, and when no feasible upland sources exist.

(2) Proposed mining and mineral extraction activities with potential impacts on estuary shoreland and aquatic areas shall provide the local government with a copy of a proposed or approved surface mining plan.

(3) Project sponsors proposing estuarine shoreland or aquatic area mining or mineral extraction shall demonstrate that the activity is sited, designed and operated to minimize adverse impacts on the following:

(A) Significant fish and wildlife habitat; and
(B) Hydraulic characteristics; and
(C) Water quality.

(4) Petroleum extraction and drilling operations shall not be allowed in estuarine aquatic areas. Petroleum may, however, be extracted from beneath estuarine aquatic areas using equipment located on shorelands or uplands. Petroleum exploration activities, with the exception of exploratory drilling, may be permitted in estuarine aquatic areas and in estuarine shoreland areas.

(5) Unless part of an approved fill project, spoils and other material removed from aquatic areas shall be subject to Dredging and Dredged Material Disposal Standards in Section S4.232.

S4.216. Recreation and Tourism.

Standards in this subsection are applicable to recreational and tourist-oriented facilities in Columbia River Estuary shoreland and aquatic areas.

(1) Off-street parking may be located over an aquatic area only if all of the following conditions are met:

(A) Parking will be on an existing pile-supported structure; and
(B) Suitable shoreland areas are not available; and
(C) The amount of aquatic area committed to parking is minimized; and
(D) The aquatic area is in an Aquatic Development zone; and
(E) Applicable off-street parking standards, Section S2.200, are met.

(2) New or expanded recreation developments shall be designed to minimize adverse effects on surface and groundwater quality. Adverse effects of storm run-off from parking lots shall be minimized.

(3) New or expanded recreational developments shall be designed and located so as not to unduly interfere with adjacent land uses.

(4) Structures developed for use as a duck shack may be permitted subject to the following requirements:

(A) They may be used to store recreational equipment for hunting waterfowl;

(B) They will have a holding tank so sewage is not disposed of directly into the river;

(C) The duck shack will not exceed 500 square feet if constructed on a float, or 750 square feet if constructed on a pier; and

(D) An individual may not occupy the structure for more than fifteen (15) days of any consecutive thirty (30) day period.

S4.218. Mitigation and Restoration.

Standards in this subsection are applicable to estuarine restoration and mitigation projects in Columbia River Estuary aquatic areas and adjacent shorelands.

(1) Any fill activities that are permitted in estuarine aquatic areas or dredging activities in intertidal and shallow to medium depth estuarine subtidal areas shall be mitigated through project design and/or compensatory mitigation (creation, restoration or enhancement of another area) to ensure that the integrity of the estuary ecosystem is maintained. The Comprehensive Plan shall designate and protect specific sites for mitigation which generally correspond to the types and quantity of aquatic area proposed for dredging or filling.

(2) Mitigation for fill in the aquatic areas or dredging in intertidal and shallow to medium depth subtidal areas shall be implemented, to the extent feasible, through the following mitigation actions:

Project Design Mitigation Actions

(A) Avoiding the impact altogether by not taking a certain action or parts of an action;

(B) Minimizing impacts by limiting the degree or magnitude of action and its implementation;

(C) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment (this would include removing wetland fills, rehabilitation of a resource use and/or extraction site when its economic life is terminated, etc.);

(D) Reducing or eliminating the impact over time by preservation and maintenance operations;

Compensatory Mitigation Actions

(E) Creation, restoration or enhancement of an estuarine area to maintain the functional characteristics and processes of the estuary, such as its natural biological productivity, habitats, and species diversity, unique features and water quality.

Any combination of the above actions may be required to implement mitigation requirements. The compensatory mitigation actions listed in part (e) shall only be considered when, after consideration of impact avoidance, reduction or rectification, there are still unavoidable impacts.

(3) If compensatory mitigation actions are required, the U.S. Fish and Wildlife Service shall be asked to make a Resource Category determination for the site proposed for development. The classification shall be listed on the permit application and review notice. If the area subject to impact is in a Resource Category 2 of lower (4 =lowest), the following sequence of mitigation options shall be considered:

(A) In-Kind/On-Site
(B) In-Kind/Off-Site
(C) Out-of-Kind/On-Site
(D) Out-of-Kind/Off-Site

Generally, the requirements for considering each option before moving on to the next shall be stricter for higher Resource Categories.

The following list summarizes the mitigation goal for each resource category:

(A) Resource Category 1: Habitat to be impacted is of high value for evaluation species and is unique and irreplaceable on a national basis or in the Columbia River Estuary area.
Mitigation goal: No loss of existing habitat value.

(B) Resource Category 2: Habitat to be impacted is of high value for evaluation species and is relatively scarce or becoming scarce on a national basis or in the Columbia River Estuary area.
Mitigation goal: No net loss of in-kind habitat value.

(C) Resource Category 3: Habitat to be impacted is of high to medium value for evaluation species and is relatively abundant on a national basis and in the Columbia River Estuary area.
Mitigation goal: No net loss of habitat value while minimizing loss of in-kind habitat value.

(D) Resource Category 4: Habitat to be impacted is of medium to low value for evaluation species.
Mitigation goal: Minimize loss of habitat value.

(4) Permit applicants shall submit a mitigation plan for each project proposal that requires mitigation. The mitigation plan shall define specific goals and objectives of the proposed mitigation action. The plan shall also address where applicable, performance specifications that include but are not necessarily limited to the following:

(A) starting date;
(B) completion date;
(C) grade specifications.
(D) area and elevation specifications;
(E) channel specifications;
(F) buffers;
(G) vegetation plantings;
(H) monitoring;
(I) contingency plan (outline of potential remedial work and specific remedial contingency actions);
(J) accountability requirements (e.g. bonding or any mechanism that serves as a bond).

Goals, objectives and performance specifications shall be defined for both project design and compensatory mitigation. These components of the plan shall be developed in cooperation with relevant state and federal resource and regulatory agencies.

(5) Each mitigation action shall be reviewed against its goal, objectives, and performance specifications.

(6) All compensatory mitigation site plans shall include a contingency plan. The contingency plan shall include corrective measures to be taken in the event of suboptimal project performance (based on project goals and objectives). a list of remedial follow-up action strategies shall be specified in the contingency plan. These remedial strategies shall specifically address the goals, objectives and performance specifications of the mitigation site plan.

(7) Post-mitigation monitoring for project design mitigation, when relevant, and compensatory mitigation shall be required over a 2-5 year time period, depending on the size and complexity of the mitigation project. Local governments, in coordination with state and federal resource agencies, shall design and implement the monitoring. Monitoring requirements may be waived as follows:

(A) a waiver of the 2-5 year monitoring requirements shall be granted if, at any time during the 2-5 year period, the project is judged successful; or

(B) If a mitigation project fails to satisfy the original goals and objectives after the designated time period, and the developer has met all the site design and contingency plan requirements, then the developer is not responsible for remedial action. However monitoring may still be required up to a predetermined time period to help agencies determine workable strategies for future mitigation efforts.

(8) All mitigation actions shall begin prior to or concurrent with the associated development action.

(9) For estuarine wetlands, once a compensatory mitigation action is required, the habitat types displayed in OAR 141-85-254 shall provide the basis for comparing development activities and possible mitigation areas. The mitigation trade method described in OAR 141-85-256 shall be used to determine acreage and credit requirements for mitigation sites.

(10) For non-tidal wetlands, once a compensatory mitigation action is required, habitat trade requirements shall be determined in coordination with appropriate state and federal agencies. Mitigation requirements shall be made on a case by case basis using determinations made by these agencies.

(11) Removal and fill actions potentially exempt from estuarine mitigation requirements include:

(A) Removal or fill of less than 50 cubic yards of material;

(B) Filling for repair and maintenance of existing functional dikes where there is negligible physical or biological damage to tidal marsh or intertidal area;

(C) Riprap to allow protection of existing bank line with clean, durable erosion resistant material provided that the need for riprap protection is demonstrated and that this need cannot be met with natural vegetation, and no appreciable increase in upland occurs;

(D) Filling for repair and maintenance of existing roads where there is negligible physical or biological damage to tidal marsh or intertidal areas;

(E) Dredging for authorized navigational channels, jetty or navigational aid installation, repair or maintenance contract with the Army Corps of Engineers;

(F) Any proposed alteration that would have negligible adverse physical or biological impact on estuarine resources.

(G) Dredging or filling required as part of an estuarine resource creation, restoration, or enhancement project agreed to by local, state, and federal agencies; and

(H) Beach nourishment, subject to Dredging and Dredged Material Disposal Standards, Section S4.232.

Any waiver of mitigation shall be coordinated with state and federal agencies.

(12) Activities that do not require mitigation even though they involve intertidal removal include:

(A) Maintenance dredging - dredging a channel basin, or other facility which has been dredged before and is currently in use or operation or has been in use or operation sometime during the past five years, provided that the dredging does not deepen the facility beyond its previously authorized or approved depth plus customary over-dredging; and

(B) Aggregate mining - provided the site has historically been used for aggregate removal on a periodic basis.

(13) Actions not considered as mitigation include:

(A) As a general rule, conversion of an existing wetland type to another wetland type as mitigation for impacts on another wetland shall not be allowed. However, diked non-tidal wetlands with low wildlife value can be discounted and restored to tidal influence as mitigation for impacts in diked non-tidal wetlands. Also, enhancement of an existing wetland can be considered mitigation for impacts in another wetland;

(B) Transfer of ownership of existing wetlands to public ownership;

(C) Dedication of existing wetlands for natural uses;

(D) Provision of funds for research; or

(E) Monetary compensation for lost wetlands except where monies are used to purchase mitigation credits at a mitigation bank.

(14) The following criteria shall be considered when selecting and including potential mitigation sites in the Mitigation and Restoration Plan for the Columbia River Estuary (not in order of priority):

(A) Proximity to potential development sites;

(B) Opportunity to create to restore habitat conditions and other values similar to those at the impacted sites or historically and presently scarce habitat types;

(C) Character of potential sites (e.g. low habitat value and no conflicting uses);

(D) Potential for protection through zoning; and

(E) Amount of new dike requirements, if any.

(15) A plan amendment shall be required to remove any mitigation site from the mitigation plan. For a Priority 1 mitigation site the plan amendment shall require a demonstration that there is no longer a need for the site or that a suitable alternative mitigation site has been designated and protected. a Priority 2, Level 3 site shall be partially or totally removed from the mitigation plan if the landowner proposed a development that would preclude all or part of its use for mitigation and, if 30 days after the permit application has been circulated, a negotiated agreement to sell the land or certain land ownership rights for mitigation use, has not been made. The negotiation shall be between the landowner and any interested buyer. The site shall not be removed from the plan until the development is completed. a Priority 2, Level 4 or Priority 3 site shall be partially or totally removed from the mitigation plan if the landowner chooses to develop part or all of the site to a degree that would preclude its availability for mitigation use.

(16) Clatsop County shall make the determination of whether a development will preclude all or some of the potential use of the site for mitigation purposes.

(17) After a mitigation action takes place, Clatsop County shall amend its plan and change the designation to reflect is aquatic character.

(18) The developer implementing a mitigation action shall be responsible for all costs associated with the mitigation project unless an alternative agreement for cost responsibility is negotiated between the landowner and the developer.

(19) Shorelands in the Marine Industrial Shorelands zone can only be used for mitigation subject to a finding that the use of the site for mitigation will not preclude or conflict with water-dependent uses.

(20) Significant Goal 17 resource areas (major marshes, significant wildlife habitat, and exceptional aesthetic resources) can only be used for mitigation subject to a finding that the use of the site for mitigation will be consistent with protection of natural values.

(21) For mitigation sites on Exclusive Farm Use land, construction of new farm related structures valued at $5,000 or less shall be exempt from mitigation overlay district protection.

(22) Shorelands in the Marine Industrial Shorelands zone can only be used for restoration subject to a finding that the use of the site for restoration will not preclude or conflict with water-dependent uses.

(23) Priority 2, Level 3 and 4 mitigation sites shall be designated as mitigation sites until they are proposed for restoration outside of the context of mitigation. At this time restoration shall be considered an allowed use subject to the 30 day freeze restrictions presented in mitigation standard 17. Restoration shall only be allowed at Priority 2 sites subject to a finding that the site is no longer required for mitigation.

(24) Priority 3, Level 4 mitigation sites shall be designated as mitigation sites until they are specified for restoration outside of the context of mitigation. At this time, restoration shall be considered an allowed use. Restoration shall only be allowed at Priority 3 sites subject to a finding that the site is no longer required for mitigation.

(25) Significant Goal 17 resource areas (major marshes, significant wildlife habitat, and exceptional aesthetic resources) can only be used for restoration subject to a finding that the use of the site for restoration will be consistent with protection of its natural values.

S4.219. Solid Waste Disposal.

Standards in this subsection are applicable to disposal of solid waste in the Columbia River Estuary aquatic and shoreland zones:

(1) Solid waste disposal on shorelands shall be allowed only when an alternative upland location is demonstrated to be infeasible. Solid waste deposited in a shoreland disposal site shall be strictly confined to the site with the stipulation that all leachates be controlled by impermeable dike structures with appropriate treatment and outfall facilities. Disposal shall comply with state and federal waste disposal requirements.

(2) Solid waste material shall not be deposited in aquatic areas.

(3) Aesthetic impacts of shoreland solid waste disposal sites shall be minimized by screening the site with natural or planted vegetation.

S4.220. Utility.

Standards in this subsection are applicable to utility structures and uses in the Columbia River Estuary aquatic and shoreland zones.

(1) Electrical or communication transmission lines shall be located underground, unless burial is demonstrated as economically infeasible. Routes for major overhead electrical and communication transmission lines shall be chosen which minimize interference with migratory bird flyways and significant habitat of waterfowl, birds of prey and other birds.

(2) Utilities shall not be located on new land unless part of an otherwise approved development fill project and no other alternative is feasible.

(3) Above-ground utilities shall be designed to have the least adverse effect on visual and other aesthetic characteristics of the area. Interference with public uses and public access to the estuary shall be minimized.

(4) After installation or maintenance of existing utility structures is completed, disturbed stream banks and aquatic and riparian vegetation shall be stabilized and restored.

S4.230. Bankline and Streambed Alteration.

Standards in this subsection are applicable to an alteration of a stream bank or streambed in the Columbia River Estuary, either within or outside of its normal high water boundary.

(1) Alterations to stream banks or streambeds shall:

- **(A)** Maintain stream surface area where feasible; and
- **(B)** Make maximum use of natural or existing deepwater channels; and
- **(C)** Avoid creation of undesirable hydraulic conditions; and
- **(D)** Minimize impacts on estuarine aquatic and shoreland resources.

(2) Excavation activities in stream bankline areas resulting in expansion of existing aquatic area shall comply with standards regulating excavation of shorelands for the creation of new water surface area in Estuarine Construction, Section S4.208.

S4.231. Diking.

The standards in this subsection apply to the construction, maintenance and repair of flood control dikes in Columbia River Estuary shoreland and aquatic areas. The standards do not apply to dredged material containment dikes.

(1) Dike maintenance and repair may be allowed under any of the following circumstances:

(A) Dikes which have been inadvertently breached may be repaired, subject to state and federal permit requirements, if the repair is commenced within 36 months of the breach, regardless of whether the property has reverted to estuarine habitat.

(B) Existing serviceable dikes (including those that allow some seasonal inundation) may be repaired.

(C) Dikes which have been inadvertently breached may be repaired, subject to state and federal permit requirements, if the property has not reverted to estuarine habitat (as determined by U.S. Army Corps of Engineers and the Oregon Division of State Lands).

Dike repair projects that do not fit under (A), (B), or (C) above; that is projects where the property has reverted and more than 36 months have elapsed; must be reviewed as new dikes.

(2) Dike maintenance and repair are distinguished from new dike construction. To qualify as maintenance and repair, changes in the location, size, configuration, orientation and alignment of the dike must be limited to the minimum amount necessary to retain or restore its operation or function or to meet current engineering standards. Filling aquatic areas for dike maintenance may be allowed only if it can be clearly demonstrated that there are no feasible engineering alternatives which would avoid the use of aquatic area fill.

(3) The outside dike face shall be suitably protected from erosion during construction and maintenance operations. Shoreline stabilization standards shall be met.

(4) New dikes in aquatic areas may be permitted either;

(A) As part of an approved fill project; or

(B) As a temporary flood protection measure needed to promote public safety and welfare, subject to applicable U.S. Army Corps of Engineers, and Oregon Division of State Lands rules; or

(C) Subject to an exception to Statewide Planning Goal 16.

(5) Dredging of subtidal estuarine areas as a source of fill material for dike maintenance, in all aquatic area designation, may be allowed upon the applicant's demonstration that:

(A) Alternative methods of accomplishing dike maintenance are infeasible (i.e. dikes proposed for receiving dredged material are remote from upland sources of fill material and that land-based heavy equipment access to the dike area is not possible);

(B) Dredging in all cases will be limited to that necessary to maintain the dikes. Dredging as a source of fill material for dike maintenance does not include enlarging or changing the bottom contour of natural aquatic areas for navigation of any other aquatic area use;

(C) Dredging will not disturb or excavate emergent vegetation, intertidal flats, or other adjacent intertidal estuarine resources;

(D) Dredging as a source of fill material for dike maintenance will, in all cases, take place in subtidal aquatic areas, and shall be limited to the deepest subtidal aquatic area accessible to float-mounted dredging equipment. In narrow tributary areas of the estuary, dredging shall be limited to the deepest subtidal areas nearest the centerline of the waterway. In reaches of the estuary exceeding 200 feet in width, dredging shall be limited to subtidal areas greater than 80 feet in distance from the waterward toe of the dikes. The intent of this standard is to protect the dike structures from sloughing, maintain existing berms and shoal water immediately adjacent to dikes, and limit dredge excavations to subtidal areas below the level of effective light penetration.

(E) Dredging will not be confined to localized areas of river bottom. All excavations as a source of fill material shall be linearly dispersed along the entire dike maintenance area. Dredging shall not alter the existing contour of the river bottom such that deep trenches and pockets capable of stranding or impeding estuarine life forms will be created.

(F) Dredging operations shall be consistent with state and federal resource agency conditions, the requirements of local governments, and concerns of private interests, to ensure that project timing and dredging conditions protect estuarine resources (e.g. fish runs, spawning activity, benthic productivity, wildlife habitat, etc.).

S4.232. Dredging and Dredged Material Disposal.

Standards in this subsection are applicable to all Columbia River Estuary estuarine dredging operations and to both estuarine shoreland and aquatic dredged material disposal.

(1) Dredging in estuarine aquatic areas, subject to dredging and dredged material disposal policies and standards, shall be allowed only:

(A) If specifically allowed by the applicable aquatic zone and required for one or more of the following uses and activities:

1) Navigation or navigational access;

2) An approved water-dependent use of aquatic areas or adjacent shorelands that requires an estuarine location;

3) An approved restoration project;

4) Mining or mineral extraction;

5) Excavation necessary for approved bridge crossing support structures, or pipeline, cable, or utility crossing;

6) Obtaining fill material for dike maintenance where an exception to Oregon Statewide Planning Goal 16 has been approved;

7) Maintenance and installation of tidegates and in existing functional dikes tidegate drainage channels;

8) Aquaculture facilities;

9) Temporary alterations; and

10) Incidental dredging for harvest of benthic species or removable in-water structures such as stakes or racks.

(B) If a need (i.e. a substantial public benefit) is demonstrated; and

(C) If the use or alteration does not unreasonably interfere with public trust rights; and

(D) If no feasible alternative upland locations exist; and

(E) If adverse impacts, as identified in the impact assessments, are minimized.

(2) When dredging is permitted, the dredging shall be the minimum necessary to accomplish the proposed use.

(3) Undesirable erosion, sedimentation, increased flood hazard, and other changes in circulation shall be avoided at the dredging and disposal site and in adjacent areas.

(4) The timing of dredging and dredged material disposal operations shall be coordinated with state and federal resource agencies, local governments, and private interests to protect estuarine aquatic and shoreland resources, minimize interference with commercial and recreational fishing, including snag removal from development drifts, and insure proper flushing of sediment and other materials introduced into the water by the project.

(5) Bottom sediments in the dredging area shall be characterized by the applicant in accordance with U.S. Environmental Protection Agency, and Oregon Department of Environmental Quality standards. Information that may be required includes, but is not limited to, sediment grain size distribution, organic content, oil and grease, selected heavy metals, pesticides and other organic compounds, and benthic biological studies.

The types of sediment tests required will depend on dredging and disposal techniques, sediment grain size, available data on the sediments at the dredging site, and proximity to contaminant sources. Generally, projects involving in-water disposal of fine sediments will require a higher level of sediment testing than projects involving disposal of coarse sediments. Projects involving upland disposal may be exempted from the testing requirement, depending on the nature of the sediments and the amount of existing sediment data available.

Unavailable burdens on the permit applicant shall be minimized by considering the economic cost of performing the sediment evaluation, the utility of the data to be provided, and the nature and magnitude of any potential environmental effect.

(6) Adverse short term effects of dredging and aquatic area disposal such as increased turbidity, release of organic and inorganic materials or toxic substances, depletion of dissolved oxygen, disruption of the food chain, loss of benthic productivity, and disturbance of fish runs and important localized biological communities shall be minimized.

(7) Impacts on areas adjacent to the dredging site such as destabilization of fine textured sediments, erosion, siltation and other undesirable changes in circulation patterns shall be minimized.

(8) The effects of both initial and subsequent maintenance dredging, as well as dredging equipment marshaling and staging, shall be considered prior to approval of new projects or expansion of existing projects. Projects will not be approved unless disposal sites with adequate capacity to meet initial excavation dredging and at least five years of expected maintenance dredging requirements are available.

(9) Dredging for maintenance of existing tidegate drainage channels and drainage ways is limited to the amount necessary to maintain and restore flow capacity essential for the function (the drainage service provided by the tidegate) of tidegates and to allow drainage and protection of agricultural and developed areas. Tidegate maintenance dredging does not include enlarging or extending the dimensions of, or changing the bottom elevations of, the affected tidegate drainage channel or drainage way as it existed prior to the accumulation of sediments.

(10) Dredging of subtidal estuarine areas as a source of fill material for dike maintenance, in all aquatic area designation, may be allowed upon the applicant's demonstration that:

(A) Alternative methods of accomplishing dike maintenance are infeasible (i.e. dikes proposed for receiving dredged material are remote from upland sources of fill material and that land based heavy equipment access to the dike area is not possible);

(B) Dredging in all cases will be limited to that necessary to maintain the dikes. Dredging as a source of fill material for dike maintenance does not include enlarging or changing the bottom contour of natural aquatic areas for navigation of any other aquatic area use;

(C) Dredging will not disturb or excavate emergent vegetation, intertidal flats, or other adjacent intertidal estuarine resources;

(D) Dredging as a source of fill material for dike maintenance will, in all cases, take place in subtidal aquatic areas, and shall be limited to the deepest subtidal aquatic area accessible to float-mounted dredging equipment. In narrow tributary areas of the estuary, dredging shall be limited to the deepest subtidal areas nearest the centerline of the waterway. In reaches of the estuary exceeding 200 feet in width, dredging shall be limited to subtidal areas greater than 89 feet in distance from the waterward toe of the dikes. The intent of this standard is to protect the dike structures from sloughing, maintain existing berms and shoal water immediately adjacent to dikes, and limit dredge excavations to subtidal areas below the level of effective light penetration.

(E) Dredging will not be confined to localized areas of river bottom. All excavations as a source of fill material shall be linearly dispersed along the entire dike maintenance area. Dredging shall not alter the existing contour of the river bottom such that deep trenches and pockets capable of stranding or impeding estuarine life forms will be created.

(F) Dredging operations shall be consistent with state and federal resource agency conditions, the requirements of local governments, and concerns of private interests, to ensure that project timing and dredging conditions protect estuarine resources (e.g. fish runs, spawning activity, benthic productivity, wildlife habitat, etc.).

(11) Dredging for mining and mineral extraction, including sand extraction, shall only be allowed in areas deeper than 10 feet below MLLW where the project sponsor demonstrates that mining and mineral extraction in aquatic areas is necessary because no feasible upland sites exist and that the project will not significantly impact estuarine resources. The estuary bottom at the project site shall be sloped so that sediments from areas shallower than 10 feet below MLLW and other areas not included in the project do not slough into the dredged area. Dredging as part of an approved dredging project which also provided fill for an approved fill project shall not be subject to this standard.

(12) When proposing dredging for sand extraction, the project sponsor shall first consider obtaining the material from a shoaled area within a federally authorized navigation channel that is currently shallower than its authorized depth. Said dredging shall be coordinated with the U.S. Army Corps of Engineers. The dredging depth shall not exceed the authorized channel depth plus any over-dredging that the Corps would normally perform while maintaining the site.

Dredged Material Disposal Standards

(13) Dredged material disposal shall occur only at designated sites or at new sites which meet the requirements of the Dredged Material Disposal Site Selection Policies.

(14) Proposals for in-water disposal of dredged materials, including flowlane disposal, beach nourishment, estuarine open-water disposal, ocean disposal, and agitation dredging, shall:

- **(A)** Demonstrate the need for the proposed action and that there are no feasible alternative disposal sites or methods that entail less damaging environmental impacts; and
- **(B)** Demonstrate that the dredged sediments meet state and federal sediment testing requirements and water quality standards (see Dredging Standard 5); and
- **(C)** Not be permitted in the vicinity of a public water intake.

(15) Proposals for in-water estuary disposal shall be coordinated with commercial fishing interests, including, but not limited to: development drift captains at the dredging and disposal site, the Columbia River Fisherman's Protective Union, Northwest Gillnetters Association, and the State fishery agencies. In-water disposal actions shall avoid development drifts whenever feasible. When it is not feasible to avoid development drifts, impacts shall be minimized in coordination with fisheries interests through:

- **(A)** Disposal timing,
- **(B)** Gear placement,
- **(C)** Choice of disposal area within the drift, and
- **(D)** Disposal techniques to avoid snag placement.

(16) Flowlane disposal, estuarine open water disposal and agitation dredging shall be monitored to assure that estuarine sedimentation is consistent with the resource capabilities and purposes of affected natural and conservation designations. The monitoring program shall be established prior to undertaking disposal. The program shall be designed to both characterize baseline conditions prior to disposal and monitor the effects of the disposal. The primary goals of the monitoring are to determine if the disposal is resulting in measurable adverse impacts and to establish methods to minimize impacts. Monitoring shall include, at a minimum, physical measurements such a bathymetric changes and may include biological monitoring. Specific monitoring requirements shall be based on, at a minimum, sediment grain size at the dredging and disposal site, presence of contaminants, proximity to sensitive habitats and knowledge of resources and physical characteristics of the disposal site.

(17) Flowlane disposal shall be in Aquatic Development areas identified as low in benthic productivity and use of these areas shall not have adverse hydraulic effects. Use of flowlane disposal areas in the estuary shall be allowed only when no feasible alternative land or ocean disposal sites with less damaging environmental impacts can be identified and the biological and physical impacts of flowlane disposal are demonstrated to be insignificant. The feasibility and desirability of alternative sites shall take into account, at a minimum:

- **(A)** Operational constraints such as distance to the alternative sites;
- **(B)** Sediment characteristics at the dredging site;
- **(C)** Timing of the operation;
- **(D)** Environmental Protection Agency constraints on the use of designated ocean disposal sites;

(E) The desirability of reserving some upland sites for potentially contaminated material only.

Long term use of a flowlane disposal area may only be allowed if monitoring confirms that the impacts are not significant. Flowlane disposal is contingent upon demonstration that:

(F) Significant adverse effects due to changes in biological and physical estuarine properties will not result; and

(G) Flowlane disposal areas shall be shown able to transport downstream without excessive shoaling, interference with recreational and commercial fishing operations, including the removal of snags from development drifts, undesirable hydraulic effects, or adverse effects on estuarine resources (fish runs, spawning activity, benthic productivity, wildlife habitat, etc.).

(18) Ocean disposal shall be conducted such that:

(A) The amount of material deposited at a site is compatible with benthic productivity, other marine resources, and other uses of the area;

(B) Interference with sport and commercial fishing is minimized;

(C) Disposal is strictly confined to the sites designated by the U.S. Environmental Protection Agency; and

(D) The disposal site does not shoal excessively and create dangerous wave and swell conditions.

(19) Beach nourishment shall only be conducted at sites identified in the Dredged Material Management Plan. New sites may be added to the Plan by amendment after an exception to Oregon Statewide Planning Goal 16 for the site has been approved. Beach nourishment shall be conducted such that:

(A) The beach is not widened beyond its historical profile. The historical profile shall be defined as the widest beach profile that existed prior to June 1986.

(B) The material placed on the beach consists of sand of equal or greater grain size than the sand existing on the beach.

(C) Placement and subsequent erosion of the materials does not adversely impact tidal marshes or productive intertidal and shallow subtidal areas.

(D) Efforts are made to maintain a stable beach profile.

(E) Dredged material is graded at a uniform slope and contoured to minimize juvenile fish stranding and hazards to beach users.

Use of beach nourishment sites shall be allowed only when no feasible land or ocean sites with less damaging environmental impacts can be identified. The feasibility and desirability of alternative sites shall take into account, at a minimum:

(F) Operational constraints such as distance to the alternative sites;

(G) Sediment characteristics at the dredging site;

(H) Timing of the operation;

(I) Environmental Protection Agency constraints on the use of designated ocean disposal sites;

(J) The desirability of reserving some upland sites for potentially contaminated material only.

(20) Except as noted below, land disposal and site preparation shall be conducted such that:

(A) Surface runoff from disposal sites is controlled to protect water quality and prevent sedimentation of adjacent water bodies, wetlands, and drainage ways. Disposal runoff water must enter the receiving waterway through a controlled outfall at a location with adequate circulation and flushing characteristics. Underground springs and aquifers must be identified and protected;

(B) Dikes are constructed according to accepted engineering standards and are adequate to support and contain the maximum potential height and volume of dredged materials at the site, and form a sufficiently large containment area to encourage proper ponding and to prevent the return of dredged materials into the waterway or estuary. Containment ponds and outfall weirs shall be designed to maintain adequate standing water at all times to further encourage settling of dredged materials. The dikes shall be constructed within the boundaries of the disposal site and shall be constructed of material obtained from within the site or other approved source. Clean dredged material placed on land disposal sites located directly adjacent to designated beach nourishment sites may be allowed to flow directly into the waterway without conforming to (A) and (B) of this Section, provided that all policies and standards for in-water disposal and beach nourishment are met and the dredged materials are not allowed to enter wetlands or the waterway in areas other than the designated beach nourishment site.

(21) Land disposal sites which are not intended for dredged material disposal or development use within a two year period following disposal shall be revegetated as soon as site and weather conditions allow, unless habitat management plans agreed upon by resource management agencies specify that open sand areas should remain at the site. The project sponsor shall notify the City and state and federal permitting and resource management agencies when disposal is completed and shall coordinate revegetation with these agencies. The notification shall be sent to at least the following agencies: the local jurisdiction, U.S. Army Corps of Engineers, Soil Conservation Service, Division of State Lands, Oregon Department of Fish and Wildlife. Revegetation of a disposal site does not preclude future use of the sites for dredged material disposal.

The disposal site design shall be reviewed to determine if wetlands or other habitats will form on the site during the period between disposal actions. The disposal permit may be conditioned to allow future disposal actions to fill the created wetlands or habitats.

(22) The final height and slope after each use of a land dredged material disposal site shall be such that:

(A) The site does not enlarge itself by sloughing and erosion into adjacent areas;

(B) Loss of materials from the site during storms and freshets is minimized; and

(C) Interference with the view from nearby residences, scenic points, and parks does not occur.

S4.235. Filling of Aquatic Areas and Non-Tidal Wetlands.

This subsection applies to the placement of fill material in tidal wetlands and waters of the Columbia River Estuary. These standards also apply to fill in non-tidal wetlands in shoreland designations that are identified as "significant" wetlands under Statewide Planning Goal 17.

(1) Fill in estuarine aquatic areas may be permitted only if all of the following criteria are met:

- **(A)** If required for navigation or for other water-dependent uses requiring an estuarine location, or if specifically allowed under the applicable aquatic zone; and
- **(B)** If a need (i.e. a substantial public benefit) is demonstrated; and
- **(C)** The proposed fill does not unreasonably interfere with public trust rights; and
- **(D)** Feasible alternative upland locations do not exist; and
- **(E)** Adverse impacts, as identified in the impact assessment, are minimized.

(2) A fill shall cover no more than the minimum necessary to accomplish the proposed use.

(3) Aquatic area fills using either dredged material or other easily erodible material shall be surrounded by appropriately stabilized dikes.

(4) Aquatic areas shall not be used for disposal of solid waste.

(5) Projects involving fill may be approved only if the following alternatives are examined and found to be infeasible:

- **(A)** Construct some or all of the project on piling;
- **(B)** Conduct some or all of the proposed activity on existing upland;
- **(C)** Approve the project at a feasible alternative site where adverse impacts are less significant.

S4.237. Riparian Vegetation Protection.

The standards in this subsection apply to any development use and activity affecting vegetation adjacent to and bordering Columbia River estuarine aquatic areas.

(1) Riparian vegetation resources are described in the County's Comprehensive Plan and identified on Columbia River Estuary Resource Base Maps. These resources shall be maintained through the use of protective setbacks, except where direct water access is required for water-dependent and water-related uses. Development shall be setback 50 feet from all identified significant wetland and biological habitat and from the shoreline.

Pasture land, land managed for agricultural crops, landscaped area or unvegetated areas which do not function as riparian vegetation may, in particular locations, be included as part of the 50 protection buffer. Upon request, the County may undertake a site investigation to establish the extent of riparian vegetation requiring protection in a particular location.

(2) Temporary removal of riparian vegetation due to construction or landscaping may be permitted subject to revegetation plan approved by the County specifying: (a) temporary stabilization measures and (b) methods and timing of restoration of riparian vegetation. Native plant species should be considered for revegetation; however, plant species and revegetation techniques approved by the Soil Conservation Service, the US Army Corps of Engineers, and other participating federal and state agencies are appropriate.

S4.239. Fish and Wildlife Habitat.

This subsection applies to uses and activities with potential adverse impacts on fish or wildlife habitat in Columbia River Estuary aquatic and shoreland areas.

(1) Projects affecting endangered, threatened or sensitive species habitat, as identified by the US Fish and Wildlife Service or Oregon Department of Fish and Wildlife, shall be designed to minimize potential adverse impacts. This shall be accomplished by one or more of the following:

- **(A)** Soliciting and incorporating agency recommendations into local permit reviews;
- **(B)** Dedicating and setting aside undeveloped on-site areas for habitat;
- **(C)** Providing on or off-site compensation for lost or degraded habitat;
- **(D)** Retaining key habitat features (for example: roosting trees, riparian vegetation, feeding areas).

(2) In-water construction activity in aquatic areas shall follow the recommendation of state and federal fisheries agencies with respect to project timing to avoid unnecessary impacts on migratory fish.

(3) Uses and activities with the potential for adversely affecting fish and wildlife habitat may be approved only if the following impact mitigation actions are incorporated into the permit where feasible. These impact mitigation actions are listed from highest to lowest priority:

- **(A)** Avoiding the impact altogether by not taking a certain action or parts of an action;
- **(B)** Minimizing impacts by limiting the degree or magnitude of an action and its implementation;
- **(C)** Rectifying the impact by repairing, rehabilitating, restoring the affected environment (this may include removing wetland fills, rehabilitation of a resource use and/or extraction site when its economic life is terminated, etc.);
- **(D)** Reducing or eliminating the impact over time by preservation and maintenance operations.

(4) Projects involving subtidal or intertidal aquatic area fill or intertidal aquatic dredging with the potential for adversely affecting aquatic habitat must provide compensatory mitigation, consistent with Mitigation and Restoration Standards (subsection S4.218).

S4.240. Public Access to the Estuary and its Shoreline.

Standards in this subsection apply to all uses and activities in Columbia River Estuary shoreland and aquatic areas which directly or indirectly affect public access. "Public access" is used broadly here to include director physical access to estuary aquatic areas (boat ramps, for example), aesthetic access (viewing opportunities, for example), and other facilities that provide some degree of public access to shorelands and aquatic areas.

(1) Projects to improve public access shall be designed to assure that adjacent privately owned shoreland is protected from public encroachment.

(2) Clatsop County will implement its Public Access Plan.

(3) Clatsop County shall review under the provisions of ORS 271.300-271.360, proposals for the sale, exchange or transfer of public ownership which provides public access to estuarine waters.

S4.241. Significant Areas.

The standards in this subsection are intended to protect certain Columbia River shoreland and aquatic resources with estuary-wide significance. Significant shoreland and aquatic resources are identified as such in the Estuarine Resources and Coastal Shoreland Elements of the Comprehensive Plan. Significant aquatic resources are found in Natural Aquatic areas. This section applies only to activities and uses that potentially affect significant shoreland or aquatic resources. Other resources without estuary-wide significance are not covered by this section. Only those resources identified as significant under Statewide Planning Goal 17 are covered by these standards.

(1) Temporary removal of riparian vegetation may be permitted in conjunction with a water-dependent use where direct access to the water is required for construction or for a temporary use. Riparian vegetation removed for these reasons must be replaced upon project completion. Permanent removal of riparian vegetation may be approved for a water-dependent project.

(2) Permanent removal of riparian vegetation may be permitted along transportation rights-of-way for purposes of maintaining clear vision. Riparian vegetation that threatens the stability of flood control dikes may be removed.

(3) Public access to significant scenic areas shall be provided in a manner consistent with the preservation of the scenic area and other significant resources.

(4) Tidegated sloughs and drainage ditches identified as having significant aquatic habitat value, significant riparian vegetation, or other significant shoreland resource value may be maintained with respect to depth, but their bankline location and configuration may not be altered, unless part of an approved fill or shoreline stabilization project.

(5) Riparian vegetation may be removed as necessary for approved mitigation, restoration or creation projects.

(6) Timber may be harvested in the AN zone and adjacent riparian areas under the following conditions:

- **(A)** Any timber harvesting operations must be carried out in accordance with a harvest plan approved by the Oregon Department of Forestry; and
- **(B)** Selection of trees for harvest shall be done with consideration of retaining natural values.

S4.242. Water Quality Maintenance.

The standards in this subsection are intended to help protect and enhance the quality of water in the Columbia River Estuary. Impacts on water quality in aquatic areas and in tidegated sloughs in shoreland areas are covered.

(1) New and expanded marinas shall provide facilities for collecting, handling and deposing of all vessel wastes.

(2) Thermal effluents shall be cooled before they are returned to the estuary.

(3) The potential adverse impacts on water quality from dredging, fill, in-water dredged material disposal, in-water log storage, water intake or withdrawal, and slip or marina development will be assessed during permit review. Parameters to be addressed include:

- **(A)** Turbidity
- **(B)** Dissolved oxygen
- **(C)** Biochemical oxygen demand
- **(D)** Contaminated sediments

(E) Salinity
(F) Water temperature
(G) Flushing

(4) New or expanded marine fuel docks must provide on-site equipment for the containment of spilled fuels. A contingency plan for containment and clean-up of accidental spills shall be required.

(5) New point-source waste water discharges into the Columbia River will be controlled through the National Pollution Discharge Elimination System (NPDES) permit program.

(6) Estuarine aquatic area pesticide and herbicide application will be controlled by the Department of Environmental Quality and by the Department of Agriculture.

S4.243. Water-Dependent and Water-Related Use Criteria.

Shoreland and Aquatic zones must differentiate between water-dependent uses, water-related uses and other uses when establishing procedures and requirements for proposed uses. The level of development must be compatible with the purpose and characteristics of the shorelands and adjacent waters.

(1) A use is water-dependent when it can only be accomplished on, in, or adjacent to water, or direct water access is required for any of the following:

(A) Waterborne transportation (such as navigation; moorage, fueling and servicing of ships or boats; terminal and transfer facilities; fish or other material receiving and shipping), or;

(B) Recreation (active recreation such as swimming, boating and fishing or passive recreation such as viewing and walking), or;

(C) a source of water (e.g. energy production, cooling of industrial equipment or wastewater, other industrial processes, aquaculture operations), or;

(D) Marine research or education (such as observation, sampling, recording information, conducting field experiments and teaching).

(2) A use is water-related when it:

(A) Provides goods and/or services that are directly associated with water-dependent uses, supplying materials to, or using products of water-dependent commercial and industrial uses; or offering services directly tied to the functions of water-dependent; and

(B) If not located adjacent to water, would experience a public loss of quality in the goods and services offered (evaluation of public loss of quality in the goods and services offered (evaluation of public loss of quality will involve subjective consideration of economic, social and environmental value).

S4.250 STANDARDS FOR FLOATING RESIDENCES AND FLOATING RECREATIONAL CABINS.

S4.251. Standards for Floating Residences and Floating Recreational Cabins.

Floating residences and recreational cabins shall demonstrate and maintain at all times:

(1) Lawful moorage;

(2) Compliance with rules and regulations of the Oregon Division of State Lands in existence on the date the structure was approved by Clatsop County; and

(3) Compliance with rules and regulations of the Oregon Department of Environmental Quality in existence on the date the structure was approved by Clatsop County.

S4.252. Access and Parking Standards.

The owner of a floating residence or recreational cabin must demonstrate and at all times maintain lawful access to the structure. In addition, the owner must demonstrate at all times not less than two (2) lawful parking spaces. The parking spaces must be at the normal and customary location at which users park their vehicles to access the structure.

S4.254. Failure to Comply with Floating Residence and Floating Recreational Cabin Standards.

If it is determined by the Code Compliance Specialist that the owners or users of a floating residence that is a lawful nonconforming structure are in violation of County standards, the Code Compliance Specialist shall, in addition to any other remedy allowed by law or ordinance, revoke the owner's right to maintain the floating residence.

S4.260. ECOLA CREEK AND NECANICUM ESTUARINE STANDARDS.

S4.262. Aquaculture.

(1) Structures and activities associated with an aquaculture operation shall not unduly interfere with navigation.

(2) Water diversion or other shoreline structures shall be located so as not to unduly interfere with public shoreline access. Public access to the facility shall be provided consistent with safety and security considerations.

(3) Aquaculture facilities shall be constructed to blend in, and not detract from the aesthetic qualities of the area. In developed areas, views of upland owners shall be given consideration in facility design.

(4) Water diversion structures or man-made spawning channels shall be constructed so as to maintain minimum required stream flows for aquatic life in the adjacent stream.

(5) The potential impacts of introducing a new fish or shellfish species (or race within a species) shall be carefully evaluated so as to protect existing aquatic life in the stream and estuary.

(6) Aquaculture facilities shall be located far enough away from sanitary sewer outfalls to the extent that there will be no potential health hazard.

(7) Water discharged from the facility shall meet all federal and state water quality standards, and any conditions attached to a waste discharge permit.

S4.264. Boat Ramp.

(1) Boat ramps requiring fill or dredging shall be evaluated under fill or dredging requirements. (Fill or removal of 50 cubic yards or less does not require permits from the U.S. Army Corps of Engineers or the Division of State Lands). Necessary permits will be obtained.

(2) Boat ramps shall not be located in marsh areas or tideflats. Water depths shall be adequate so that dredging is not necessary.

(3) Boat ramps shall be compatible with surrounding uses, such as natural areas or residential areas.

S4.266. Dock/Moorage.

(1) Community docks or moorages shall be given higher priority than private individual docks or moorages.

(2) Where a private individual dock is proposed, the applicant must provide evidence that alternative moorage sites, such as nearby marinas, community docks or mooring buoys are not available, are impracticable or will not satisfy the need.

(3) Evidence shall be provided by the applicant that the size of the dock or moorage is the minimum necessary to fulfill the purpose.

(4) Covered or enclosed moorage shall not be allowed except in connection with a commercial or industrial use where such shelter is necessary for repair and maintenance of vessels and associated equipment, such as fishing nets, etc.

(5) Open pile piers or secured floats shall be used for dock construction. Fills in aquatic areas to create a dock or moorage are not permitted.

(6) Piers and floats shall extend no further out into the water than is needed to affect navigational access. Conflicts with other water surface uses such as fishing or recreational boating shall be minimized.

(7) Floats in tidally-influenced areas shall be located such that they do not rest on the bottom at low water.

S4.268. Fill.

(1) Fill shall be permitted for active restoration, aquaculture, placement of communications facilities, water dependent recreation such as marinas, and flood control and erosion control structures.

(2) Where fills are permitted, the fill shall be the minimum necessary to accomplish the proposed use.

(3) Fill shall be permitted only after it is established through environmental impact assessment that negative impacts on the following factors will be minimized:

- **(A)** Navigation.
- **(B)** Productive estuarine habitat.
- **(C)** Water circulation and sedimentation patterns.
- **(D)** Water quality.
- **(E)** Recreation activities.

(4) Where existing public access is reduced, suitable public access as part of the development project shall be provided.

(5) Aquatic areas shall not be used for sanitary landfills or the disposal of solid waste.

(6) Fill in intertidal or tidal marsh areas shall not be permitted.

(7) Fills in CONSERVATION Shorelands and Aquatic areas shall be allowed only if consistent with the resource capabilities of the area and the purpose of the CONSERVATION designation. Fills are not permitted in natural areas.

(8) Fills shall be permitted only in areas where alteration has taken place in the past, such as the riprap bank of the Necanicum River in downtown Seaside.

(9) The following uses and activities shall be permitted with the following findings of fact:

- **(A)** Maintenance and protection of man-made structures (riprap or other shoreline protection) existing as of October 7, 1977.
- **(B)** Active restoration if a public need is demonstrated.
- **(C)** Aquaculture if:
  - *1)* an estuarine location is required;
  - *2)* a public need is demonstrated;
  - *3)* no alternative upland locations exist for the portion of the use requiring fill, and
  - *4)* adverse impacts are minimized as much as feasible.
- **(D)** High intensity water-dependent recreation and minor navigational improvements if:
  - *1)* The findings of (9)(C)1)-4) are made, and
  - *2)* If consistent with the resource capabilities of the area and the purposes of the management unit, and

(E) Flood and erosion control structures if:

1) Required to protect a water-dependent use, as otherwise allowed in (9)(B)-(D);

2) Land use management practices and non-structural solutions are inadequate to protect the use;

3) There is no alternative upland locations for the portion of the use being protected;

4) An estuarine location is required by the use;

5) a public need is demonstrated; and

6) Adverse impacts to include those on water currents, erosion and accretion patterns, are minimized as much as feasible.

S4.270. Land Transportation Facilities.

(1) Land transportation facilities shall not be located in wetlands or aquatic areas except where bridge crossing on pilings are needed.

(2) Highways, railroads and bridges should be designed and located to take advantage of the natural topography so as to cause minimum disruption of the shoreline area. Causeways across aquatic areas shall not be permitted.

(3) The impacts of proposed rail or highway facilities on land use patterns and physical/visual access shall be evaluated.

(4) Culverts shall be permitted only where bridges are not feasible, and shall be large enough to protect water quality, salinity regime and wildlife habitat.

S4.272. Maintenance Dredging.

(1) Dredging shall not occur in marshes, tide flats or other productive subtidal areas as determined by the state and federal permit process.

(2) Dredging shall be permitted in areas of the Necanicum River with lower productivity and only to the extent necessary to achieve minor navigational improvement.

(3) Dredging shall be permitted for high intensity recreation purposes, including a moorage or small marina, where such use conforms with the above standards and the goals of this plan.

(4) Dredging other than for aquaculture or restoration shall be limited to the main channel of the Necanicum River.

S4.274. Marinas.

(1) The applicant shall provide evidence to show that existing marina facilities are inadequate to meet the demand and that existing facilities cannot feasiblely be expanded.

(2) Marina facilities shall be designed and constructed so as to minimize negative impacts on navigation, water quality, sedimentation rates and patterns, fish rearing or migration routes, important sediment-dwelling organisms, birds, other wildlife, tidal marshes and other important vegetative habitat. An impact assessment shall normally be required.

(3) Flushing and water circulation adequate to maintain ambient water quality shall be provided by design or artificial means. a calculated flushing time shall be presented as evidence that this standard has been met.

(4) The size of the proposed facility, particularly that portion occupying the water surface, shall be the minimum required to meet the need. In this regard, new facilities shall make maximum use of dry boat moorage on existing shoreland areas.

(5) Means for preventing contaminants from entering the water shall be provided. Equipment shall be available on-site for clean-up of accidental spills of contaminants. Sewage, storm drainage and fish wastes shall not be discharged directly into the water.

(6) Marina facilities should provide for maximum public access and recreation use, consistent with safety and security considerations. Walkways, seating, fishing areas and similar facilities should be provided.

(7) Covered or enclosed water moorage shall be minimized, except as needed for maintenance, repair or construction activities.

(8) Marina facilities shall be located only in areas of existing shoreline development on the Necanicum River where its location would not eliminate marsh areas, and where water depths are sufficient so that new dredging is not required.

S4.276. Piling.

(1) Piling for a use permitted in the estuary shall be approved only after the applicant has established that adverse impacts on navigation, estuarine habitat and processes, water circulation and sedimentation patterns, water quality and recreation activities are minimized.

(2) The piling will meet all state and federal engineering standards.

(3) Piling shall be used in lieu of fill wherever the use is engineering feasible. The number of pilings shall be the minimum necessary to accomplish the proposed use.

S4.278. Restoration/Resource Enhancement - Active.

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

(2) Aquaculture shall be evaluated under those standards.

S4.280. Necanicum Estuary Shoreline Stabilization.

(1) General Standards.

(A) Preferred Methods.

Proper management of existing stream side vegetation is the preferred method of stabilization followed by planting of vegetation. Where vegetative protection is inappropriate (because of the high erosion rate, the use of the site or other factors) structural means such as riprap may be used as a last resort.

In the placement of stabilization materials, factors to be considered include, but are not limited to: effects on birds and wildlife habitat, uses of lands and waters adjacent to the bank, effects on fishing areas, effects on aquatic habitat, relative effectiveness of the various structures, engineering feasibility, cost and erosion, flooding and sedimentation of adjacent areas.

(B) Emergency repair to shoreline stabilization facilities is permitted, not withstanding the other regulations in these standards subject to these standards imposed by the State of Oregon, Division of State Lands and the U.S. Army Corps of Engineers.

(C) Conditional use application for shoreline stabilization shall be based on a demonstration of need and consistency with the intent of the designation of the area and the resource capabilities of the area. Impacts shall be minimized.

(2) Standards for Revegetation and Vegetation Management.

(A) Plant species shall be selected to insure that they provide suitable stabilization and value for wildlife. Justification shall be presented as to the necessity and feasibility for use of a bank with a slope greater than 2:1 (horizontal to vertical). Trees, shrubs and grasses native to the area are generally preferred.

(B) The area to be revegetated should be protected from excessive livestock grazing or other activities that would hinder plant growth.

(3) Standards for Riprap.

(A) Good engineering and construction practices shall be used in the placement of riprap, with regard to slope, size, composition and quality of material, excavation of the toe trench, placement of gravel fill blanket and operation of equipment in the water. State and federal agency regulations should be consulted in this regard.

(B) Riprapped banks should be vegetated to improve bird and wildlife habitat, where feasible.

(C) Shoreline protection measures shall not restrict existing public access to public shorelines.

(D) Shoreline protection measures should be designed to minimize their impacts on the aesthetic qualities of the shoreline.

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

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

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

S4.282. Utilities.

(1) Overhead electrical or communications transmission lines shall be located so as not to unduly interfere with migratory bird flyways and significant habitat or residential waterfowl, birds of prey and other birds. In cases of serious conflict, utility facilities should be located underground.

(2) Applicants for utility facility, including cable crossings, shall provide evidence as to why an aquatic site is needed, the alternative locations considered, and the relative impacts of each. Crossings shall avoid disrupting marsh areas wherever it is engineering feasible.

(3) Utility facilities shall not be located on new fill land unless part of an otherwise approved project and no other alternative exists.

(4) Above ground utility facilities shall be designed to have the least adverse effect on visual and other aesthetic characteristics of the area.

(5) Effluents from point-source discharges shall meet all applicable state and federal water and air quality standards. Monitoring shall be carried out so as to determine the on-going effects on the estuarine environment.

(6) After installation or maintenance is completed, banks shall be replanted with native species or otherwise protected against erosion. The preproject bankline shall be maintained as closely as possible.

(7) Storm water shall be directed into existing natural drainages wherever possible, and shall be dispersed into several locations so as to minimize the impact on the estuary. When adjacent to salt marshes and/or natural areas, special precautions shall be taken to insure contamination of the marsh by oil, sediment or other pollutants does not occur. This may be through use of holding ponds, weirs, dry wells, or other means.

S4.300. GENERAL SOIL DEVELOPMENT

This section deleted in its entirety by Ordinance 03-08.

S4.400. ROCK AND MINERAL RESOURCE USE

S4.401. Purpose. Development Standards - Extraction Area.

A development plan shall be submitted to the County Community Development Department for any activity allowed as a conditional use. The development plan shall provide the necessary documents, permits, and maps to demonstrate compliance with the following standards and requirements:

(1) Screening and Fencing.

- **(A)** An earthen berm and buffer of existing or planted trees or vegetation shall be maintained to fully screen the view of any mineral and aggregate activity and all related equipment from any public road, public park, or residence within 1000 feet. Where screening is shown to be impractical because of topography or other physical characteristics of the site, the screening requirements may be waived by the Community Development Director.
- **(B)** Sight obscuring fencing or approved barrier type shrubs shall be required to eliminate any safety hazards that use of the site may create. Fencing, if required, shall be sight obscuring and a minimum of 6 feet high.

(2) Access.

- **(A)** All private access roads from mineral and aggregate sites to public roads shall be paved or graveled. If graveled, the access road shall be graded and maintained as needed to minimize dust.
- **(B)** Improvement or fees in lieu of improvements of public roads, County roads and state highways may be required when the Community Development Director or hearings body, in consultation with the appropriate road authority, determines that the increased traffic on the roads resulting from the surface mining activity will damage the sufficiently to warrant off-site improvement. If the fee in lieu of improvements is required, the amount of the fee shall reflect the applicant's pro-rata share of the actual total cost of the capital expenditure of the road construction or reconstruction project necessitated by and benefiting the surface mining operation. Discounts for taxes and fees already paid for such improvements, such as road taxes for vehicles and for property already dedicated or improved, shall be applied.
- **(C)** Any internal road at a mineral and aggregate site within 250 feet of a Sensitive Use shall be paved or graveled, and shall be maintained at all times to reduce noise and dust in accordance with County or DEQ standards specified in the ESEE analysis.
- **(D)** An effective vehicular barrier or gate shall be required at all access points to the site.

(3) Hours of Operation.

- **(A)** Blasting shall be restricted to the hours of 8:00 a.m. to 5:00 p.m. Monday through Friday. No blasting shall occur on Saturdays, Sundays, or any recognized legal holiday.
- **(B)** Mineral and aggregate extraction, drilling, processing and equipment operation located within 1000 feet of a Sensitive Use is restricted to the hours of 7:00 a.m. to 6:00 p.m. Monday through Friday, and 8:00 a.m. to 5:00 p.m. Saturday. All other sites are limited to operating hours of 7:00 a.m. to 10:00 p.m. Monday through Saturday. No operation shall occur on Sundays or recognized legal holidays.

(C) An increase in operating time limits shall be granted for all activities except blasting if:

1) There are no Sensitive Uses within 1000 feet of the mining site; or if

2) There are Sensitive Uses within 1000 feet, the increased activity will not exceed noise standards established by the County or DEQ; and

3) The operator shall notify the owners and occupants of all Sensitive Uses within 1000 feet by first class mail which is mailed at least 96 hours prior to the date and approximate time of the activity for which the operator receives an exception.

(D) The operating time limits may be waived in the case of an emergency as determined by the County governing body.

(4) Environmental Standards.

(A) DEQ Standards. Mineral and aggregate extraction, processing and other operations shall conform to all applicable environmental standards of the County and State. Any crusher, asphalt, concrete, ready-mix or other machinery shall submit an approved DEQ permit(s) at the time of development plan application.

(B) DOGAMI Standards. Mineral and aggregate extraction, processing, other operations and site reclamation shall conform to the requirements of the Department of Geology and Mineral Industries (DOGAMI).

(C) Permits Required. Mining shall not commence until all applicable State and Federal permits, if any, are provided to the County.

(5) Equipment Removal. All surface mining equipment, machinery, vehicles, buildings, man-made debris and other material related to the mineral and aggregate activity shall be removed from the site within 30 days of completion of all mining, processing and reclamation, except for structures which are permitted uses in the underlying zone.

(6) Performance Agreement.

(A) The operator of a mineral and aggregate site shall provide the County with annual notification of DOGAMI permits.

(B) Mineral and aggregate operations shall be insured for $500,000.00 against liability and tort arising from production activities or operations incidental thereto conducted or carried on by virtue of any law, ordinance or condition, and such insurance shall be kept in full force and effect during the period of such operations. a prepaid policy of such insurance which is effective for a period of one year shall be deposited with the County prior to commencing any mineral and aggregate operations. The owner or operator shall annually provide the County with evidence that the policy has been renewed.

(7) Significant Resource Area Protection. Conflicts between inventoried mineral and aggregate resource sites and significant fish and wildlife habitat, riparian areas and wetlands, and ecologically and scientifically significant natural areas and scenic areas protected by the Clatsop Plains Community Plan or other provision of the County Comprehensive Plan, shall be addressed in the application and findings for the conditional use.

(8) Site Reclamation. a reclamation plan shall be submitted concurrently with the development plan required in Section 4.418. The reclamation plan shall include a schedule showing the planned order and sequence of reclamation, shall assure that the site will be restored or rehabilitated for the land uses anticipated after the quarry operation, and shall meet DOGAMI requirements.

(9) Water Management.

(A) Surface water shall be managed in a manner which meets all applicable DEQ, DOGAMI, and ODFW water quality standards. Approval may be conditioned upon meeting such standards by a specified date. Discharge across public roads shall be prohibited. Existing natural drainages on the site shall not be changed in a manner which substantially interferes with drainage patterns on adjoining property, or which drains waste materials or waste water onto adjoining property or perennial streams. Where the mineral and aggregate operation abuts a lake, river, or perennial stream, all existing vegetation within 100 feet of the mean high water mark shall be retained unless otherwise authorized in accordance with the ESEE analysis and the development plan.

(B) All water required for the mineral and aggregate operation, including dust control, landscaping and processing of material, shall be legally available and appropriated for such use. The applicant shall provide written documentation of water rights from the State Department of Water Resources and/or local water district prior to any site operation.

(10) Floodplain. Any quarry operation located wholly or in part in a Special Flood Hazard Area as shown on the Federal Insurance Rate Map (FIRM) shall receive approval in accordance with Section 4.000 of this Ordinance prior to any site operation.

S4.500. PROTECTION OF RIPARIAN VEGETATION

S4.501. Purpose and Areas Included.

Riparian vegetation is important for maintaining water temperature and quality, providing bank stabilization, thus minimizing erosion, providing habitat for the feeding, breeding, and nesting of aquatic and terrestrial wildlife species, and protecting and buffering the aquatic ecosystem from human disturbances. This section establishes standards to protect riparian vegetation on lands not subject to the requirements of the Oregon Forest Practices Act.

Areas of riparian vegetation are identified as follows:

(1) Estuarine and Coastal Shoreland rivers and sloughs: a riparian vegetation zone of 50 feet wide shall be maintained except where shown on the County's estuarine resource base maps.

(2) Lakes, reservoirs, and river segments outside of Estuarine or Coastal Shoreland areas: a riparian vegetation zone 50 feet wide shall be maintained. Where emergent wetland vegetation exists adjacent to a lake, reservoir, or river, the 50 feet shall be measured from the landward extent of the emergent wetland area. If a shrub or forested wetland area exists adjacent to the lake, reservoir or river, the zone of riparian vegetation shall be the entire area of the shrub or forested wetland.

Measurements are taken horizontally and perpendicular from the line of non-aquatic vegetation. Where no aquatic vegetation is present, the measurement shall occur in estuarine and coastal shoreland areas from the mean higher high water line and from the ordinary high water line in non-estuarine areas.

S4.504. Development Standards.

(1) All development, as defined by LWDUO section 1.030, shall be located outside of the zone of riparian vegetation areas defined in S4.500 above, unless direct water access is required in conjunction with a water dependent or water-related use or as otherwise provided by this Ordinance.

(2) Because the zone of riparian vegetation is a uniform width, it may in particular locations include pasture land, land managed for agricultural crops, landscaped area or unvegetated areas which do not function as riparian vegetation. Upon request, the County may undertake a site investigation to establish the extent of riparian vegetation requiring protection in a particular location.

(3) Exemptions from (1) and (2) above and from the applicable setback requirement for the front or rear yard that is opposite the riparian area may be granted without a variance for uses on:

(A) Lots located in areas identified in the Comprehensive Plan's Goal 2 exception element as "built and committed" and which existed as of the date of adoption of this ordinance, and single family residential "lots of record" as defined and used in Chapter 884 Oregon Laws 1981 as amended, where the lot depth resulting from the riparian setback and the opposite front/rear yard setback is less than 45 feet.

(B) Other lots in identified "built and committed" areas and other "lot of record" where the combination of setbacks required by this section result in a buildable lot depth of less than 45 feet.

Exemptions from the riparian setback shall be the minimum necessary to accommodate the proposed use after the yard opposite the riparian area has been reduced to a width of no less than ten feet.

(4) Vegetation within the riparian setback shall be maintained with the following exceptions:

(A) The removal of dead, diseased or dying trees that pose and erosion or safety hazard.

(B) Vegetation removal necessary to direct water access to the Columbia River Estuary for an approved water dependent or water-related use that meets the criteria in Section S4.243.

(C) Removal of vegetation necessary for the placement of structural shoreline stabilization.

(5) The requirements of this section shall not apply to actions covered by the Oregon Forest Practices Act.

S4.600. AGRICULTURAL AND TIMBERS STANDARDS WITHIN A GOAL 5 WETLAND

S4.602. Standards for Low Intensity, Non-Structural Agricultural Uses within a Goal 5 Wetland.

(1) No man-made forms of drainage to be employed.

(2) A 50 foot strip of natural vegetation shall be left along any year round standing or running water area.

(3) The number of animals to be grazed on a parcel and the times of year they will be on the parcel shall be set out in the permit. The applicant must show that the area has the carrying capacity for the number of animals proposed without major modifications to the parcel and without significantly affecting the integrity of the wetland area.

S4.604. Standards for Selective Harvesting of Timber Within a Goal 5 Wetland.

(1) Any harvesting of timber shall be according to a plan approved with the Conditional Use Permit.

(2) Selection of trees to harvest shall be done with consideration of retaining wetland values.

(3) Exemptions from (1) and (2) above and from the applicable setback requirement for the front or rear yard that is opposite the riparian area may be granted without a variance for uses on:

(A) Lots located in areas identified in the Comprehensive Plan's Goal 2 exception element as "built and committed" and which existed as of the date of adoption of this ordinance, and single family residential "lots of record" as defined and used in Chapter 884 Oregon Laws 1981 as amended, where the lot depth resulting from the riparian setback and the opposite front/rear yard setback is less than 45 feet.

(B) Other lots in identified "built and committed" areas and other "lots of record" where the combination of setbacks required by this section result in a buildable lot depth of less than 45 feet.

Exemptions from the riparian setback shall be the minimum necessary to accommodate the proposed use after the yard opposite the riparian area has been reduced to a width of no less than ten feet.

SECTION S4.700. COMMUNICATION FACILITIES SITING STANDARDS

Section S4.701. Purpose.

To accommodate the increasing communications needs of Clatsop County residents, businesses, and visitors, while protecting the public health, safety and general welfare and visual environment of the County, these regulations are established to:

(1) Enhance the ability to provide communications services to County residents, businesses and visitors;

(2) Simplify the process for obtaining permits for Communication Facilities, while at the same time protecting the legitimate interests of County residents;

(3) Protect the County's natural resources and visual environment from the potential adverse visual effects of Communication Facilities, through careful design and siting standards;

(4) Limit the number of towers needed to serve the County, by requiring facilities to be placed on existing buildings and structures where possible, and requiring co-location of wireless communication providers on existing and new towers.

These standards shall be construed to be consistent with any federal or state standards regulating communication facilities which pre-empt or take precedence over the standards herein. In the event that either the federal or state government adopt mandatory or standards more stringent than those described herein, these standards shall be revised accordingly.

Section S4.702. Applicability.

All communication facilities towers or antennas located within Clatsop County, whether upon private or public lands shall be subject to Section S4.700.

Only the following facilities shall be exempted from the application of this section:

(1) Pre-existing towers or antenna. Towers and antenna existing prior to the date of this ordinance shall not be required to meet the requirements of this section, so long as the pre-existing towers and antenna were in compliance with all applicable permitting requirements in effect at the time of installation and are currently in compliance with all other required approvals, permits and exceptions.

(2) Amateur (ham) and citizen band transmitters or radio stations, antennas and microwave dishes or receivers.

(3) Maintenance or repair. Maintenance, repair or reconstruction of a communication facility and related equipment, provided that there is no change in the height or any other dimension of the facility.

(4) Emergency Communication Facilities. Temporary communication facilities for emergency communications by public officials.

Section S4.703. Definitions:

The following definitions shall apply:

ANTENNA: An exterior transmitting or receiving device used in telecommunications that radiates or captures radio frequency signals or electromagnetic waves, including but not limited to directional antenna, such as panels, microwave dishes, and satellite dishes and omni-directional antenna, such as whip antenna but not including satellite earth stations.

ANTENNA, ATTACHED: An antenna mounted on an existing building, silo, smokestack, water tower, utility or power pole, or other support structure other than an antenna tower.

ANTENNA, CONCEALED (STEALTH): An antenna with a support structure that screens or camouflages the presence of antennas and/or towers from public view, in a manner appropriate to the site's context and surrounding environment. Examples of concealed antennas include manmade trees, clock towers, flag poles, light structures, and similar structures that camouflage or conceal the presence of antennas or towers.

ANTENNA TOWER: A freestanding structure, including monopole, guyed and lattice towers, designed and constructed primarily to support antennas and transmitting and receiving equipment. The term includes microwave towers, common-carrier towers, cellular telephone towers, and the like. The term includes the structure and any support thereto.

ANTENNA TOWER HEIGHT: The distance from the average grade at the antenna tower base to the highest point of the tower. Overall antenna tower height includes the base pad, mounting structures and panel antennas, but excludes lighting rods and whip antennas.

CO-LOCATION: Locating wireless communications equipment for more than one Communications Provider on a single structure.

COMMUNICATION FACILITIES (SECTION 1.030): Communication lines and towers, antennas and microwave receivers.

FACILITY (COMMUNICATION): The equipment, physical plant and portion of the property and/or building used to provide power and communication services, including but not limited to cables and wires, conduits, pedestals, antennas, towers, concealed structures, electronic devices, equipment buildings and cabinets, landscaping, fencing and screening, and parking areas.

MICROCELL: A low power facility used to provide increased capacity to telecommunications demand areas or provide infill coverage in areas of weak reception, including a separate transmitting and receiving station serving the facility.

UNREASONABLE ADVERSE IMPACT: The proposed project would produce an end result which is:

(1) out-of-character with the designated scenic, natural, historic, and cultural resources affected, including existing buildings, structures, and features within the designated resource area, and

(2) would diminish the scenic, natural, historic, and cultural value of the designated resource.

Section S4.704. Zoning/Where Permitted.

Communication Facilities are permitted as a principal or conditional use on a property as follows:

Zoning District	Attached Antennas	Concealed (stealth) antennas	Microcell Towers	Antenna Towers-New Facilities
CBR, CR, RSA-SFR, SFR-1	--	--	--	--
RA-1, RA-2, RA-5, RSA-MFR, RC-MFR, KS-RCR, RCR, AC-RCR	P	P	--	--
F-80	P	P(1)	P(80' or less in height) [1]	CUP II (100' or less in height) [1] CUP IIa (Towers > 100') [1]
AF, EFU	P	P(1)	P(80' or less in height) [1]	CUP II (Towers < 200' in height)[1] CUP IIa (Towers >200' in height)[1]
TC, NC	P	P	P (60' or less in height)	P(60' or less in height) CUP II (Towers >60')
GC, RCC	P	P	P(80' or less in height)	P(80' or less in height) CUP II (Towers > 80')
HI	P	P	P(80' or less in height)	P(100' or less in height) CUP II (Towers > 100')
MI	P	P	P(80' or less in height)	P(80' or less in height) CUP II (Towers > 80')
LI, RCI, RCC-LI	P	P	P(80' or less in height)	P(80' or less in height) CUP II (Towers > 80')
QM, UGB	--	--	--	--
OPR, RM	--	--	--	--
LW	--	--	--	--
CS, NS, EAC	--	--	--	--
AD	P	P	P (60' or less in height)	RUII (Towers 60' or less in height)
AC-2, AC-1, AN, NU	--	--	--	--
NAC-2, MR	--	--	--	--

P-	Permitted by Type I Administrative Review {Section 2.015}
CUP (II)-	Type II Conditional Use Permit Review {Section 2.020, 5.000-5.030}
CUP(IIa)-	Type II(a) Hearing's Officer Conditional Use Permit Review {Section 2.025, 5.000-5.030}
RU(II)-	Type II Review Use Permit Review {Section 2.020, 5.040-5.051)
- -	Not Permitted

Special Conditions
(1): Project shall comply with Standards Section S3.509 (Farm/Forest Zone Use Standards)

Section S4.705. Preferred Communication Facilities.

The order of preference for new permanent Communication Facilities is, from most preferred to least preferred.

(1) Co-location on existing Communication Facilities; (if not technically feasible, then;)
(2) Attached antennas (if not technically feasible, then;)
(3) Concealed antennas (if not technically feasible, then;)
(4) Microcell antenna towers (if not technically feasible; then;)
(5) New Communication Facilities tower.

New Communication Facilities shall use the most preferred facility type where technically feasible. A lesser preferred facility type shall only be allowed if the applicant provides substantial evidence as outlined in Section S4.709(5)(C),1)-7), or it can be demonstrated that the proposed facility will have a lesser visual impact than the use of more preferred facilities.

Section S4.706. Facilities on Residential Properties.

Communication Facilities may not be placed on properties or buildings zoned primarily for residential purposes, except as permitted by Section S4.704 (Zoning/Where Permitted). This does not apply to buildings on farm and forest parcels containing dwelling units.

Section S4.707. Facilities at Scenic, Natural, Historic and Cultural Areas.

Communication Facilities may be located on a scenic, natural, historic and cultural site or structure subject to approval of a Type II(a) conditional use permit by the County Hearing's Officer. Communication Facilities shall not create an unreasonable adverse impact toward the view from any public park, natural scenic vista, historical building, major scenic and view corridor or residential area. In determining the potential unreasonable adverse impact of the proposed facility upon designated scenic, natural, historic and cultural resources, the Hearing's Officer shall consider the following factors:

(1) The extent to which the proposed communications facility is visible from the viewpoint(s) of the impacted designated resource;
(2) The type, number, height and proximity of existing structures and features, and background features within the same line of sight as the proposed facility;
(3) The amount of vegetative screening;
(4) The distance of the proposed facility from the impacted designated resource;
(5) The presence of reasonable alternatives that allow the facility to function consistently with its purpose.

Section S4.708. Communication Facilities Spacing.

Antenna towers over 60 feet in height shall be located at least 2,640 feet from other Communication Facilities over 60 feet in height. Alternative spacing requirements may only be approved under the Conditional Development and Use process in accordance with Section 5.030 and where it is demonstrated that the location of the towers will take advantage of an existing natural or artificial feature to conceal the facility or minimize its visual impacts.

Section S4.709. Requirements and Performance Standards.

All Communication Facilities must demonstrate compliance with the following standards prior to County approval.

(1) Antenna Tower and Equipment Setbacks.

(A) Attached antennas. Attached antennas and other appurtenances may encroach up to 2 feet into the minimum building setbacks in the underlying zoning district, but shall not extend over property lines.

(B) Concealed (stealth) antennas. Minimum setbacks for concealed antennas are the same as the minimum building setbacks in the underlying zone.

(C) Communication Facilities, other than attached and concealed antennas. Minimum setbacks for Communication Facilities are as follows:

1) From property lines or dedicated public right-of-way of properties zoned GC, TC, NC, HI, MI, LI, AF, F-80, EFU, TC, NC and AD when located adjacent to residential zoning- facilities shall be set back by a distance greater than or equal to two times the height of the structure.

2) From property lines or dedicated public right-of-way of properties adjacent to the Oregon Department of Transportation's Scenic Byways for Highway 101 (Pacific Coast Scenic Byway) and Highway 30 (All American Road) (Refer to Figure 11- Oregon Scenic Byways)- facilities shall be set back by a distance greater than or equal to two times the height of the structure.

3) All Communication Facilities, other than attached and concealed antennas, not located adjacent to residential zoning or the Oregon Scenic Byways of Highway 101 or 30, shall comply with the minimum setback requirements of the underlying zoning district.

4) Alternative setbacks may only be approved under the Conditional Development and Use process in accordance with Section 5.030 and where it is demonstrated that the location of the proposed facility will take advantage of an existing natural or artificial feature to conceal the facility or minimize its visual impacts.

(D) Guy wires and equipment buildings and cabinets. Minimum setbacks for guy wires and equipment buildings and cabinets are the same as the minimum building setbacks in the underlying zone.

(2) Equipment Design.

(A) Attached antennas on a roof may extend up to 15 feet over the height of the building or structure, and may exceed the underlying zone height limit. Alternative height limits for attached antennas may only be approved under the Type I Administrative Review process (Section 2.015) and where it is demonstrated that the location of the antenna(s) will take advantage of an existing natural or artificial feature to conceal the facility or minimize its visual impacts. Attached antennas on a roof shall be located as close to the center of the roof as possible. Attached antennas mounted on a building or structure wall shall be as flush to the wall as technically possible, and shall not project above the top of the wall. Attached antennas and equipment shall be located, painted and/or screened to be architecturally and visually compatible with the building or structure it is attached on.

(B) Microcell antenna towers may contain up to three whip or panel antennas. Microcell antenna towers shall be painted or coated in a uniform non-reflective color that blends with the surrounding built and natural environment. The use of wood poles is further encouraged.

(C) Communication Facility antenna towers shall be painted or coated in a uniform non-reflective metallic color or other color that blends with the surrounding built and natural environment, unless state or federal regulations require different colors.

(D) Communication Facility antenna towers shall not be artificially lighted except as required by the FAA or other state or federal agency. If safety lighting is required by the FAA, the use of red beacons is preferred to flashing strobe lights. Security lighting on the site may be mounted up to 20 feet in height, and shall be directed towards the ground to reduce light pollution, prevent offsite light spillage, and avoid illuminating the tower.

(E) Equipment buildings shall be compatible with the architectural style of the surrounding built environment considering exterior materials, roof form, scale, mass, color, texture and character. Equipment buildings shall be constructed with materials that are equal to or better than the materials of the principal use. Equipment cabinets shall be located, painted and/or screened to be architecturally and visually compatible with the surrounding built and natural environment.

(F) Equipment shall not generate noise in excess of federal, state and local noise regulations. This does not apply to generators used in emergency situations where the regular power supply for a facility is temporarily interrupted.

(3) Site Design. All Communication Facilities shall be designed to blend into the surrounding environment to the greatest extent feasible. The following measures shall be implemented:

(A) Screening and landscaping appropriate to the context of the site and in harmony with the character of the surrounding environment is required when any part of the Communication Facility is visible from a public right-of-way or adjacent properties. Fencing may be up to 8 feet in height. Natural materials shall be used for screening and fencing to the maximum extent possible. Wire fencing, if utilized, shall be screened from public view. If a facility fronts on a public street or abuts a residential zone, a combination of hedges and/or evergreen trees (at least 4 feet in height when planted) shall be planted along the roadway or around the facility to provide a continuous visual screen.

(B) Existing vegetation and grades on the site shall be preserved as much as possible.

(C) Signage at the site is limited to non-illuminated warning and equipment identification signs. This does not apply to concealed antennas that are incorporated into freestanding signs. Signs shall be designed subject to the standards in Section S2.300.

(D) Communication Facilities shall not include staffed offices, long term vehicle storage or other outdoor storage, or other uses not needed to send, receive or relay transmissions.

(4) Radio Frequency Emission Standards. All existing and proposed Communication Facilities are prohibited from exceeding or causing other facilities to exceed the radio frequency emission standards specified by Part 1, Practice and Procedure, Title 47 of the Code of Federal Regulations, Section 1.1310, Radio Frequency Radiation Exposure Limits. A statement by a licensed professional engineer shall be provided demonstrating that the proposed facility complies with all FCC standards for radio emissions.

(5) Co-location Requirements for Communication Facilities.

(A) Communication Facilities providers shall cooperate to achieve co-location of facilities and equipment. Communication Facilities providers shall not act to exclude other providers from co-locating on the same tower when co-location is structurally and technically possible. Competitive conflict shall not be considered an adequate reason to preclude co-location.

(B) In addition to equipment proposed for the applicant's use, proposed Communication Facilities shall be designed in all respects to accommodate both the applicant's antenna and comparable antenna for at least two (2) additional users if the antenna tower is over 100 feet in height or for at least one (1) additional comparable antenna if the antenna tower is between 60 feet and 100 feet in height.

(C) Availability of suitable existing towers or other structures for co-location. No new tower shall be permitted unless the applicant demonstrates that no existing tower or structure can accommodate the applicant's proposed antenna by co-locating. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed antenna may consist of the following:

1) No existing towers or structures are located within the geographic area required to meet the applicant's engineering requirements.

2) Existing towers or structures are not of sufficient height to meet the applicant's engineering requirements.

3) Existing towers or structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment and cannot be reinforced to provide sufficient structural strength.

4) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing tower and structures, or the antenna on the existing towers and structures would cause interference with the applicant's proposed antenna.

5) The fees or costs required to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs below new tower development are presumed reasonable.

6) Property owners or owners of existing towers or structures that are unwilling to accommodate the applicant's needs.

7) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

(6) Exceptions to Co-location.

(A) The Community Development Director may reduce the required shared capacity described in Section S4.709(5), if an antenna tower necessary to provide for such sharing dominates and adversely alters the areas visual character.

(B) If conditions for approval of a Communication Facilities include co-location, and:

1) The tower owner is not willing to provide space for other carriers when it would not impair the structural integrity of the tower or cause interference; or

2) The tower owner modifies the structure in a way to make co-location impractical or impossible;

then the development and building permit and any related administrative or conditional use review or variance may be revoked by the Board of County Commissioners after a notice and a hearing. If approval is revoked, the Communication Facilities shall be removed at the owner's expense.

(7) Abandonment. Communication Facilities will be considered abandoned if they are unused by all providers at the facility for a period of 180 consecutive days. Determination of abandonment shall be made by the Community Development Director, who shall have the right to demand documentation from the facility owner regarding the tower or antenna usage. Upon determination of abandonment, the facility owner shall have 90 days to:

(A) Reuse the facility, or transfer the facility to another owner who will reuse it; or

(B) Remove the facility. If the facility is not reused or removed within 90 days of determination of abandonment County approval shall expire, and the County may remove the facility at the facility and/or property owner's expense.

(8) Modification to Existing Facilities or Pre-existing Facilities.

(A) Addition of equipment for co-location of additional Communication Facility providers on existing antenna towers and sites are not subject to the conditional use review process, if the tower height remains unchanged. Addition of equipment for co-location of additional Communication Facility providers on existing legal nonconforming antenna towers is not considered a nonconforming use expansion, and is exempt from Section 5.600 (Nonconforming Uses), if the tower height remains unchanged. Minor modifications to an existing Communications Facility shall be subject to the Type I Administrative Review process as outlined in Section 2.015 (Type I Procedure). Proposed modifications or additions shall be submitted to the Community Development Director for approval if consistent with provisions of applicable communication facility siting standards.

(B) Minor and Major Modifications; the following definitions shall apply:

1) Minor modifications: The addition of equipment and no more than two (2) antenna arrays to any existing tower, so long as the addition of the antenna arrays add no more than twenty (20) feet in height to the facility. Minor modifications requested by the applicant may be approved under Section 2.015 (Type I Procedure) if such changes are consistent with the purposes and general character of the original application.

2) Major modifications: Major modifications are any that exceed the definition of minor modifications. Major modifications to towers allowed under these regulations shall be subject to conditional use review.

(9) Building Codes and Safety Standards. To insure the structural integrity of communication facilities, the owner of a facility shall insure that it is constructed, operated, and maintained in compliance with the standards contained in applicable local, state and federal building codes and the applicable standards for telecommunication facilities, as amended from time to time.

Section S4.710. Application Submittal Requirements.

(1) Application Contents: Applications for administrative or conditional use review of proposed Communication Facilities, and additions or modifications to existing facilities, shall include the following:

(A) A site plan showing the location and legal description of the site; on-site land uses and zoning; adjacent roadways; parking and access; areas of vegetation and landscaping to be added, retained, replaced or removed; setbacks from property lines; and the location of the facility, including all related improvements and equipment.

(B) A vicinity map showing adjacent properties, land uses, zoning and roadways: within 500 feet of the proposed attached antenna site, proposed concealed (stealth) antenna, microcell antenna tower or a proposed Communication Facility tower.

(C) Elevation drawings of the proposed facility showing all antennas, towers, structures, equipment buildings and cabinets, fencing, screening, landscaping, lighting, and other improvements related to the facility, showing specific materials, placement and colors.

(D) Photorealistic renderings (photo simulations) of the site after antenna tower construction, demonstrating the true impact of the antenna on the surrounding visual environment. The Community Development Director may request photorealistic renderings of the site from specific vantage points. This requirement does not apply to facilities permitted under the administrative review process, unless such information is requested by the Community Development Director.

(E) A report describing the facility and the technical, economic and other reasons for its design and location, the need for the facility and its role in the network; and describing the capacity of the structure, including the number and type of antennas it can accommodate.

(F) The FAA response to the Notice of Proposed Construction of Alteration (FAA Form 7460-1), if the facility is located near an airport or a flight path.

(G) A statement from the applicant verifying that the request has been submitted to the Oregon State Aeronautics Division for a formal response.

(H) A copy of the provider's Federal Communication Commission (FCC) license verifying that the applicant is authorized by the licensing guidelines of the FCC.

(I) A letter of intent to allow co-location on the antenna tower as provided in Section S4.709(5)(Co-Location), if the Communication Facility is taller than 60 feet.

(J) A letter of intent to remove the facility at the expense of the facility and/or property owner if it is abandoned, as provided by Section S4.709(7)(Abandonment). The letter shall include a signed statement by the property owner consenting the County entry to the property to remove an abandoned facility.

(K) Proof of ownership of the land upon which a Communication Facility is proposed to be constructed, or installed, or a copy of an appropriate easement, lease or rental agreement.

(L) A statement by a licensed professional engineer shall be provided demonstrating that the proposed facility complies with all FCC standards for radio emissions.

(2) Copies. The Community Development Director may request additional copies of any submittal item for staff and agency review.

(3) Facility Inventory. The first application for a proposed Communication Facility by a provider shall include a detailed inventory of all the provider's existing and approved facilities within Clatsop County, and all incorporated areas within the County.

Section S4.711. Application Review.

(1) Administrative Type I Review. Applications for proposed Communications Facilities subject to administrative review shall be reviewed by the Community Development Director for conformity with the requirements of S4.704 (Zoning/Where Permitted) and S4.709 (Requirements and Performance Standards) as well as the criteria identified in Section 2.085 (Development Permit Decision). The Community Development Director shall render a decision to approve, approve with conditions or deny approval of the proposal within 45 days of submittal of the application. Any decision to deny a request to place, construct or modify facilities shall be in writing and shall include specific reasons for the action. A decision by the Community Development Director may be appealed by the applicant within 10 days of the decision to the County Hearing's Officer as specified in Section 2.230 (Request for Review). The fee for Type I administrative review of a proposed Communication Facility shall be paid when the application is submitted. A Pre-application conference may be required at the discretion of the Community Development Director in accordance with Section 2.045 (Preapplication conference).

(2) Conditional Use Permit Review. Applications for proposed Communications Facilities subject to Type II (Section 2.020) or Type II(a) (Section 2.025) conditional use review shall be reviewed for conformity with the requirements of S4.704 (Zoning/Where Permitted) and S4.709 (Requirements and Performance Standards) as well as the criteria set forth within Section 5.000-5.030 (Conditional Use). The Community Development Director or Hearing's Officer shall render a decision within 150 days of receipt of a complete application. Any decision to deny a request to place, construct or modify facilities shall be in writing and shall include specific reasons for the action. A decision by the Community Development Director or Hearing's Officer may be appealed within 10 days of the decision to the Board of County Commissioners as specified in Section 2.230 (Request for Review). The fee for the conditional use review of a proposed Communication Facility shall be paid when the application is submitted. A Pre-application conference may be required at the discretion of the Community Development Director in accordance with Section 2.045 (Pre-application conference).

(3) Technical Issues and Expert Review. Communications Facilities may involve complex technical issues that require review and input by independent experts. The Community Development Director may require the applicant to pay reasonable costs of a third party technical study for a proposed Communication Facility. Selection of expert(s) to review the proposal shall be the sole discretion of the County.

(4) Development and Building Permits. Development and/or building permits shall not be issued until the facility is approved through the administrative or conditional use review process.

CHAPTER 5 VEHICLE ACCESS CONTROL AND CIRCULATION.

S5.030 Purpose.

The following access control standards apply to industrial, commercial and residential developments including land divisions as noted in the Land and Water Development and Use Ordinance. Access shall be managed to maintain an adequate "level of service" and to maintain the "functional classification" of roadways as required by the Clatsop County Transportation System Plan. Major roadways, including arterials, and collectors, serve as the primary system for moving people and goods within and through the county. "Access management" is a primary concern on these roads. Local streets and alleys provide access to individual properties. If vehicular access and circulation are not properly designed, these roadways will be unable to accommodate the needs of development and serve their transportation function.

The regulations in this section further the orderly layout and use of land, protect community character, and conserve natural resources by promoting well-designed road and access systems and discouraging the unplanned subdivision of land.

S 5.032 Definitions:

The following definitions apply to this section.

ACCESS. The place, means, or way by which pedestrians, bicycles, and vehicles enter or leave property.

ACCESS MANAGEMENT. The control of street (or highway) access for the purpose of improving the efficiency safety, and/or operation of the roadway of vehicles; may include prohibiting, closing, or limiting direct vehicle access to a roadway from abutting properties, either with physical barriers (curbs, medians, etc.) or by land dedication or easement.

FIRE EQUIPMENT ACCESS DRIVE. A road which complies with the requirements for fire apparatus access roads as described in the Uniform Fire Code.

FLAG LOT. A lot not meeting minimum frontage requirements and where access to the public road is by a narrow private right-of-way line.

FRONTAGE STREET. A public or private drive which generally parallels a public street between the right-of-way and the front building setback line. The frontage street provides access to private properties which separating them from an arterial street.

SHARED DRIVEWAY. A driveway connecting two or more contiguous sites to the public street system."

S5.033 Access Control Standards.

(1) Traffic Impact Study Requirements. The County or other agency with access jurisdiction may require a traffic impact study prepared by a qualified professional to determine access, circulation and other transportation requirements. (See, Section 5.350 – Traffic Impact Study.)

(2) The County or other agency with access permit jurisdiction may require the closing or consolidation of existing curb cuts or other vehicle access points, recording of reciprocal access easements (i.e., for shared driveways), development of a frontage street, installation of traffic control devices, and/or other mitigation as a condition of granting an access permit, to ensure the safe and efficient operation of the street and highway system.

(3) Access Options. When vehicle access is required for development (i.e., for off-street parking, delivery, service, drive-through facilities, etc.), access shall be provided by one of the following methods (a minimum of 10 feet per lane is required). These methods are "options" to the developer/subdivider.

(A) Option 1. Access is from an existing or proposed alley or mid-block lane. If a property has access to an alley or lane, direct access to a public street is not permitted.

(B) Option 2. Access is from a private street or driveway connected to an adjoining property that has direct access to a public street (i.e., "shared driveway"). A public access easement covering the driveway shall be recorded in this case to assure access to the closest public street for all users of the private street/drive.

(C) Option 3. Access is from a public street adjacent to the development parcel. If practicable, the owner/developer may be required to close or consolidate an existing access point as a condition of approving a new access. Street accesses shall comply with the access spacing standards in Subsection (6) below.

(D) Access to and from off-street parking areas shall not permit backing onto a public street. Except that in limited situations where no alternative design is possible and sight distances are acceptable, parking areas having three or fewer spaces may allow for backing onto a collector or local street subject to the approval of the Public Works Director.

(4) Subdivisions Fronting Onto an Arterial Street. New residential land divisions fronting onto an arterial street shall be required to provide alleys or secondary (local or collector) streets for access to individual lots. When alleys or secondary streets cannot be constructed due to topographic or other physical constraints, access may be provided by consolidating driveways for clusters of two or more lots (e.g., includes flag lots and mid-block lanes).

(5) Double-Frontage Lots. When a lot has frontage onto two or more streets, access shall be provided first from the street with the lowest classification. For example, access shall be provided from a local street before a collector or arterial street. Except for corner lots, the creation of new double-frontage lots shall be prohibited in the RSA-SFR, RSA-MFR, CR, SFR-1, RA-1, RA-5, or CBR Zones, unless topographic or physical constraints require the formation of such lots. When double-frontage lots are permitted in the RSA-SFR, RSA-MFR, CR, SFR-1, RA-1, RA-5, or CBR Zones, a landscape buffer with trees and/or shrubs and ground cover not less than 20 feet wide shall be provided between the back yard fence/wall and the sidewalk or street; maintenance shall be assured by the owner (i.e., through homeowner's association, etc.).

(6) Reverse Frontage Lots. When a lot has frontage opposite that of the adjacent lots, access shall be provided from the street with the lowest classification.

(7) Access Spacing. The access spacing standards below shall apply to newly established public street intersections, private drives, and non-traversable medians unless the Public Works Director determines that site and or road conditions make it impractical to meet the access spacing standard.

Access Spacing			
Functional Classification	Posted Speed	Minimum Spacing Between Driveways and/or Streets	Minimum Spacing Between Traffic Signals
Arterial	35 mph or less	150 feet	2800 feet
	40 mph	185 feet	
	45 mph	230 feet	
	50 mph	275 feet	
	55 mph	350 feet	
Collector	25-35 mph	100 feet	400 feet
Local Street	25 mph	Access to each lot permitted	400 feet

(8) Number of Access Points. For single-family (detached and attached), two-family, and three-family housing types, one street access point is permitted per lot, when alley access cannot otherwise be provided; except that two access points may be permitted for two-family and three-family housing on corner lots (i.e., no more than one access per street), subject to the access spacing standards above. The number of street access points for multiple family, commercial, industrial, and public/institutional developments shall be minimized to protect the function, safety and operation of the street(s) and sidewalk(s) for all users. Shared access may be required, in conformance with Section S5.033(9), below, in order to maintain the required access spacing, and minimize the number of access points.

(9) Shared Driveways. The number of driveway and private street intersections with public streets shall be minimized by the use of shared driveways with adjoining lots where feasible. The County shall require shared driveways as a condition of land division or site design review, as applicable, for traffic safety and access management purposes in accordance with the following standards:

(A) Shared driveways and frontage streets may be required to consolidate access onto a collector or arterial street. When shared driveways or frontage streets are required, they shall be stubbed to adjacent developable parcels to indicate future extension. "Stub" means that a driveway or street temporarily ends at the property line, but may be extended in the future as the adjacent parcel develops. "Developable" means that a parcel is either vacant or it is likely to receive additional development (i.e., due to infill or redevelopment potential).

(B) Access easements (i.e., for the benefit of affected properties) shall be recorded for all shared driveways, including pathways, at the time of final plat approval or as a condition of site development approval.

(C) Exception. Shared driveways are not required when existing development patterns or physical constraints (e.g., topography, parcel configuration, and similar conditions) prevent extending the street/driveway in the future.

(10) Street Connectivity and Formation of Blocks Required. In order to promote efficient vehicular and pedestrian circulation throughout the county, land divisions and large site developments, as determined by the Community Development Director, shall produce complete blocks bounded by a connecting network of public and/or private streets, in accordance with the following standards:

(A) Block Length and Perimeter. No block shall be more than 1,000 feet in length between street corner lines unless it is adjacent to an arterial street. The recommended minimum length of blocks along an arterial street is 1.800 feet. An exception to the above standard may be granted, as part of the applicable review process, when blocks are divided by one or more pathway(s); pathways shall be located to minimize out-of-direction travel by pedestrians and may be designed to accommodate bicycles; or where the site's topography or the location of adjoining streets makes it impractical to meet the standard.

(B) Street Standards. Public and private streets shall also conform to Sections S6.000 – Transportation Improvements and Road Standard Specifications for Design and Construction and Section S5.040 - Pedestrian and Bicycle Access and Circulation, and applicable Americans With Disabilities Act (ADA) of 1990 design standards.

(C) Driveway Openings. Driveway openings or curb cuts shall be the minimum width necessary to provide the required number of vehicle travel lanes (12 feet for each travel lane). The following standards (i.e., as measured where the front property line meets the sidewalk or right-of-way) are required to provide adequate site access, minimize surface water runoff, and avoid conflicts between vehicles and pedestrians:

1) Single family, two-family, and three-family uses shall have a minimum driveway width of 10 feet, and a maximum width of 24 feet.

2) Multiple family uses with between 4 and 7 dwelling units shall have a minimum driveway width of 20 feet, and a maximum width of 24 feet.

3) Multiple family uses with more than 8 dwelling units, and off-street parking areas with 16 or more parking spaces, shall have a minimum driveway width of 24 feet, and a maximum width of 30 feet. These dimensions may be increased if the Community Development Director determines that more than two lanes are required based on the number of trips generated or the need for turning lanes.

4) Access widths for all other uses shall be based on 12 feet of width for every travel lane, except that driveways providing direct access to parking spaces shall conform to the parking area standards in Sections S6.000 – Transportation Improvements and Road Standard Specifications for Design and Construction.

5) Driveway Aprons. Driveway aprons (when required) shall be constructed of concrete or asphalt and shall be installed between the street right-of-way and the private drive, as shown above. Driveway aprons shall conform to ADA standards for sidewalks and pathways, which require a continuous route of travel that is a minimum of 3 feet in width, with a cross slope not exceeding 2 percent.

(11) Fire Access and Parking Area Turn-Arounds. A fire equipment access drive shall be provided for any portion of an exterior wall of the first story of a building that is located more than 150 feet from an existing public street or approved fire equipment access drive, or an alternative acceptable to the local Fire District and Public Works Director. Parking areas shall provide adequate aisles or turn-around areas for service and delivery vehicles so that all vehicles may enter the street in a forward manner. For requirements related to cul-de-sacs, please refer to Section S5.102.10 - Cul-de-Sac.

(12) Vertical Clearances. Driveways, private streets, aisles, turn-around areas and ramps shall have a minimum vertical clearance of 13’ 6 “ for their entire length and width.

(13) Vision Clearance. See Section S2.012. Clear Vision Area.

(14) Construction. The following development and maintenance standards shall apply to all driveways and private streets, except that the standards do not apply to driveways serving one single-family detached dwelling:

(A) Surface Options. Driveways, parking areas, aisles, and turn-arounds may be paved with asphalt, concrete or comparable surfacing, or a durable non-paving material may be used to reduce surface water runoff and protect water quality. Paving surfaces shall be subject to review and approval by the Public Works Director.

(B) Surface Water Management. When a paved surface is used, all driveways, parking areas, aisles and turn-arounds shall have on-site collection or infiltration of surface waters to eliminate sheet flow of such waters onto public rights-of-way and abutting property. Surface water facilities shall be constructed in conformance with standards approved by the Public Works Director.

(C) Driveway Aprons. When driveway approaches or “aprons” are required to connect driveways to the public right-of-way, they shall be paved with concrete or asphalt surfacing.

S5.040. PEDESTRIAN AND BICYCLE ACCESS AND CIRCULATION

S5.041. Purpose.

To ensure safe, direct and convenient pedestrian and bicycle circulation, all new development in rural communities, except single family detached housing (i.e., on individual lots), shall provide a continuous pedestrian and/or multi-use pathway system. (Pathways only provide for pedestrian circulation. Multi-use pathways accommodate pedestrians and bicycles.) The system of pathways shall be designed based on the standards in Subsections S5.034(1) and S5.034(2) below:

(1) Continuous Pathways. The pathway system shall extend throughout the development site, and connect to all future phases of development, adjacent trails, public parks and open space areas whenever possible. The developer may also be required to connect or stub pathway(s) to adjacent streets and private property, in accordance with the provisions of S5.033 - Access Control Standards, and S6.000 - Transportation Improvements and Road Standard Specifications for Design and Construction

(2) Safe, Direct, and Convenient Pathways. Pathways within developments shall provide safe, reasonably direct and convenient connections between primary building entrances, and all adjacent streets based on the following definitions:

- **(A)** Reasonably direct. A route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for likely users.
- **(B)** Safe and convenient. Bicycle and pedestrian routes that are reasonably free from hazards and provide a reasonably direct route of travel between destinations.

(3) Connections Within Development. For all developments subject to Site Design Review, pathways shall connect all building entrances to one another. In addition, pathways shall connect all parking areas, storage areas, recreational facilities and common areas (as applicable), and adjacent developments to the site.

(4) Street Connectivity. Multiuse pathways (for pedestrians and bicycles) shall be provided at or near mid-block where the block length exceeds the length required by Section S5.104. Pathways shall also be provided where cul-de-sacs or dead-end streets are planned, to connect the ends of the streets together, to other streets, and/or to other developments. Pathways used to comply with these standards shall conform to all of the following criteria:

- **(A)** Multi-use pathways (i.e., for pedestrians and bicyclists) are no less than 8-feet wide and located within a 12 foot right-of-way or easement that allows access for emergency vehicles;
- **(B)** If streets within a subdivision or neighborhood are lighted, pathways shall also be lighted;
- **(C)** Stairs or switchback paths using a narrower right-of-way/easement may be required in lieu of a multi-use pathway where grades are steep;

(D) The decision-maker may determine, based upon facts in the record, that a pathway is impracticable due to: physical or topographic conditions (e.g., freeways, railroads, extremely steep slopes, sensitive lands, and similar physical constraints); buildings or other existing development on adjacent properties that physically prevent a connection now or in the future, considering the potential for redevelopment; and sites where the provisions of recorded leases, easements, covenants, restrictions, or other agreements recorded as of the effective date of this Code prohibit the pathway connection.

1) Vehicle/Pathway Separation. Where pathways are parallel and adjacent to a driveway or street (public or private), they shall be raised 6 inches and curbed, or separated from the driveway/street by a 5-foot minimum strip with bollards, a landscape berm, r other physical barrier. If a raised path is used, the ends of the raised portions must be equipped with curb ramps.

2) Housing/Pathway Separation. Pedestrian pathways shall be separated a minimum of 5 feet from all residential living areas on the ground floor, except at building entrances. Separation is measured from the pathway edge to the closest dwelling unit. The separation area shall be landscaped. No pathway/building separation is required for commercial, industrial, public, or institutional uses.

3) Crosswalks. Where pathways cross a parking area, driveway, or street ("crosswalk"), they shall be clearly marked with contrasting paving materials, humps/raised crossings, or painted striping. An example of contrasting paving material is the use of a concrete crosswalk through an asphalt driveway. If painted striping is used, it should consist of thermo-plastic striping or similar type of durable application.

4) Pathway Surface. Pathway surfaces shall be concrete, asphalt, brick/masonry pavers, or other durable surface, at least 5 feet wide, and shall conform to ADA requirements. Multi-use paths (i.e., for bicycles and pedestrians) shall be the same materials, at least 8 feet wide.

5) Accessible routes. Pathways shall comply with the federal Americans With Disabilities Act (ADA), which requires accessible routes of travel from the parking spaces to the accessible entrance. The route shall be compliant with the following standards:

(a) Shall not contain curbs or stairs;
(b) Must be at least 3 feet wide;
(c) Is constructed with a firm, stable, slip resistant surface; and
(d) The slope shall not be greater than 1:12 in the direction of travel.

S5.100. SUBDIVISION DESIGN STANDARDS

S5.101. Principles of Acceptability.

A subdivision shall conform to the current Comprehensive Plan and shall take into consideration preliminary plans made in anticipation thereof. a subdivision shall conform to the requirements of state law and the standards established by this Ordinance.

S5.102. Streets.

(1) General. The location, width, and grade of streets shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed use of the land to be served by the streets. Where location is not shown in a comprehensive development plan, the arrangement of streets in a subdivision shall either:

- **(A)** Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or
- **(B)** Conform to a plan for the neighborhood approved or adopted by the Planning Commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical.

(2) Minimum right-of-way and roadway widths. The width of streets and roadways shall be adequate to fulfill County specifications as provided in Section S6.000 of this Ordinance.

(3) Where existing conditions, such as the topography or the size or shape of land parcels, make it otherwise impractical to provide buildable lots, the Planning Commission may accept a narrower right-of-way. If necessary, special slope easements may be required.

(4) Reserve strips. Reserve strips or street plugs controlling access to streets will not be approved unless necessary for the protection of the public welfare or of substantial property rights and in these cases they may be required. The control and disposal of the land comprising such strips shall be placed within the jurisdiction of the County under conditions approved by the Planning Commission.

(5) Alignment. As far as practical, streets other than minor streets shall be in alignment with existing streets by continuations of the center lines thereof. Staggered street alignment resulting in "T" intersections shall wherever practical leave a minimum distance of 200 feet between the center lines of streets having approximately the same direction and otherwise shall not be less than 125 feet.

(6) Future extension of streets. Where necessary to give access to or permit a satisfactory future subdivision or adjoining land, streets shall be extended to the boundary of the subdivision and the resulting dead-end streets may be approved without a turnaround. Reserve strips and street plugs may be required to preserve the objectives of street extensions.

(7) Intersection angles. Streets shall be laid out to intersect at angles as near to right angles as practical except where topography requires a lesser angle, but in no case shall the acute angle be less than 60 degrees unless there is a special intersection design. The intersection of an arterial or collector street with another street shall have at least 100 feet of tangent adjacent to the intersection unless topography requires a lesser distance. Other streets, except alleys, shall have at least 50 feet or tangent adjacent to the intersection unless topography requires a lesser distance. Intersections which contain an acute angle of less than 80 degrees or which include an arterial street shall have a minimum corner radius sufficient to allow for roadway radius of 20 feet and maintain a uniform width between the roadway and the right-of-way line.

(8) Existing streets. Whenever existing streets adjacent to or within a tract are of inadequate width, additional right-of-way shall be provided at the time of subdivision.

(9) Half streets. Half streets, while generally not acceptable, may be approved where essential to the reasonable development of the subdivision, when in conformity with the other requirements of these regulations, and when the Planning Commission finds it will be practical to require the dedication of the other half when the adjoining property is subdivided. Whenever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract. Reserve strips and street plugs may be required to preserve the objectives of half strips.

(10) Cul-de-sacs. a cul-de-sac shall be as short as possible and shall terminate with a turnaround.

(11) Street names. Except for extensions of existing streets, no street shall be used which will duplicate or be confused with the names of existing streets. Street names and numbers shall conform to the established pattern in the surrounding area and, if near a city, to the pattern in the city, and shall be subject to the approval of the Planning Commission.

(12) Grades and curves. Grades shall not exceed 6 percent on arterials, 10 percent on collector streets, 12 percent on any other street. Center line radii of curves shall not be less than 300 feet on major arterials, 200 feet on secondary arterials, or 100 feet on other streets, and shall be to an even 10 feet. Where existing conditions, particularly topography, make it otherwise impractical to provide buildable lots, the Planning Commission may accept steeper grades and sharper curves.

(13) Streets adjacent to railroad right-of-way. Wherever the proposed subdivision contains or is adjacent to a railroad right-of-way, provision may be required for a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the land between the streets and the railroad. The distance shall be determined with due consideration at cross streets of the minimum distance required for approach grades to a future grade separation and to provide sufficient depth to allow screen planting along the railroad right-of-way.

(14) Marginal access streets. Where a subdivision abuts or contains an existing or proposed arterial street, the Planning Commission may require marginal access streets, reverse frontage lots with suitable depth, screen planting contained in a non-access reservation along the rear or side property line, or other treatment necessary for adequate protection of residential properties and to afford separation of through and local traffic.

(15) Alleys. Alleys shall be provided in commercial and industrial districts, unless other permanent provisions for access to off-street parking and loading facilities are approved by the Planning Commission.

S5.104. Blocks.

(1) General. The length, width, and shape of blocks shall take into account the need for adequate lot size and street width and shall recognize the limitations of the topography.

(2) Size. No block shall be more than 1,000 feet in length between street corner lines unless it is adjacent to an arterial street or unless the topography or the location of adjoining street justifies an exception. The recommended minimum length of blocks along an arterial street is 1,800 feet.

(3) Easements.

(A) Utility lines. Easements for sewers, water mains, electric lines, or other public utilities shall be dedicated whenever necessary. The easements shall be at least 12 feet wide and centered on lot lines where possible, except for utility pole tieback easements which may be reduced to six feet in width.

(B) Water courses. If a subdivision is traversed by a water course such as a drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of- way conforming substantially with the lines of the water course, and such further width as will be adequate for the purpose. Streets or parkways parallel to major water courses may be required.

(C) Pedestrian ways. When desirable for public convenience, pedestrian pathways shall be required to connect to cul-de-sacs or to pass through unusually long or oddly shaped blocks in accordance with Section S5.040.

S5.106. Lots.

(1) Size and shape, lot size, width, shape, and orientation shall be appropriate for the location of the subdivision and for the type of use contemplated. An interior lot shall have a minimum average width of 50 feet and a corner lot a minimum average width of 60 feet. a lot shall have a minimum average of 100 feet, and the depth shall not ordinarily exceed two times the average width. These minimum standards shall apply with the following exceptions:

(A) In areas that will not be served by a public water supply or a sewer, minimum lot sizes shall conform to the requirements of the County Health Department and shall take into consideration requirements for water supply and sewage disposal, as specified in Section 34. The depth of such lots shall not ordinarily exceed two times the average width.

(B) Where property is zoned, lot sizes shall conform to the zoning requirement. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street parking and service facilities required by the type of use contemplated.

(2) Access. Each lot shall abut upon a street other than an alley for a width of at least 25 feet.

(3) Through lots. Through lots shall be avoided except where they are essential to provide separation of residential development from traffic arteries or adjacent non-residential activities or to overcome specific disadvantages of topography and orientation. a planting screen easement at least 10 feet wide and across, which there shall be no right of access may be required along the line of lots abutting such a traffic artery or other incompatible use.

(4) Lot side lines. The side lines of lots, as far as practicable, shall run at right angles to the street upon which the lots face.

S5.108 General Soil Development.

Lot grading in areas subject to the geologic hazard overlay zone shall conform to the standards of Section 4.040.

S5.110. Building Lines.

If special building setback lines are to be established in the subdivision, they shall be shown on the subdivision plat or included in the deed restriction.

S5.112. Large Lot Subdivision.

In subdividing tracts into large lots which at some future time are likely to be resubdivided, the Planning Commission may require that the blocks be of such size and shape, be so divided into lots, and contain such building size restrictions as will provide for extension and opening of streets at intervals which will permit a subsequent division of any parcel into lots of smaller size.

S5.114. Land for Public Purposes.

If the County has an interest in acquiring any portion of the proposed subdivision for a public purpose, or if the County has been advised of such interest by a school district or other public agency, and there is reasonable assurance that steps will be taken to acquire the land, then the Planning Commission may require that those portions of the subdivision be reserved for public acquisition, for a period not to exceed one year.

S5.115. SUBDIVISION IMPROVEMENTS

S5.116. Improvement Procedures.

In addition to other requirements, improvements shall conform to the requirements of this ordinance and improvement standards or specifications adopted by the County and shall be installed in accordance with the following procedure:

(1) Work shall not be commenced until plans have been reviewed for adequacy and approved by the County. To the extent necessary for evaluation of the subdivision proposal, the plans may be required before approval of the final map. All plans shall be prepared on tracing cloth in accordance with requirements of the County.

(2) Work shall not be commenced until the County has been notified in advance, and if work has been discontinued for any reason it shall not be resumed until the County has been notified.

(3) Required improvements shall be inspected by and constructed to the satisfaction of the County. The County may require changes in typical sections and details if unusual conditions arising during construction warrant such change in the public interest.

(4) Underground utilities, sanitary sewers, and storm drains installed in streets by the subdivider shall be constructed prior to the surfacing of the streets. Stubs for service connections for underground utilities and sanitary sewers shall be placed to lengths that will avoid the need to disturb street improvements when service connections are made.

(5) A map showing public improvements as built shall be filed with the County Engineer upon completion of the improvements.

S5.118. Specifications for Improvements.

The County Engineer shall prepare and submit to the Board of County Commissioners specifications to supplement the standards of this ordinance based on engineering standards appropriate for the improvements concerned. Specifications shall be prepared for the construction of the following:

(1) Streets including related improvements such as curbs, shoulders, median strips and sidewalks, and including suitable provisions for necessary slope easements.

(2) Drainage facilities.

(3) Sidewalks in pedestrian ways.

(4) Sewers and sewage disposal facilities.

(5) Public water supplies and water distribution systems.

S5.120. Improvement Requirements.

The following improvements shall be installed at the expense of the subdivider:

(1) Water supply. Lots within a subdivision shall either be served by a public domestic water supply system conforming to state or County specifications or the lot size shall be increased to provide such separation of water sources and sewage disposal facilities as the County Sanitarian considers adequate for soil and water conditions.

(2) Sewage. Lots within a subdivision either shall be served by a public sewage disposal system conforming to state or County specifications or the lot size shall be increased to provide sufficient area for a septic tank disposal system approved by the County Sanitarian as being adequate for soil and water conditions considering the nature of the water supply.

(3) Drainage. Such grading shall be performed and drainage facilities installed conforming to County specifications as necessary to provide proper drainage within the subdivision and other affected areas in order to secure healthful, convenient conditions for the residents of the subdivision and for the general public. Drainage facilities in the subdivision shall be connected to drainage ways or storm sewers outside the subdivision. Dikes and pumping systems shall be installed if necessary to protect the subdivision against flooding or other inundation.

(4) Streets. Where streets are to be accepted into the County road system, the subdivider shall grade and improve streets in the subdivision and the extension of such streams to the paving line of existing streets with which such streets intersect in conformance with County specifications. Street improvements shall include related improvements such as curbs, shoulders, sidewalks and median strips to the extent these are required. All other streets shall be improved in accordance with minimum road standards as set forth in S6.000.

(5) Pedestrian ways. A sidewalk in conformance with the standards of Section S5.034 shall be installed in the center of pedestrian ways.

(6) Underground utilities. Underground utilities shall be required.

S5.200. SUBDIVISION, PARTITION AND PROPERTY LINE ADJUSTMENT SURVEY REQUIREMENTS

Subdivisions, partitions and property line adjustments shall be surveyed pursuant to ORS 92.

S5.201. Standards for Polyester Film Plats - Clatsop County.

The following are standards and requirements for preparation of plats:

(1) Pursuant to ORS 92.080 and notwithstanding ORS 205.232 and 205.234, all plats subdividing or partitioning any land in any county in this state, and dedications of streets or roads or public parks and squares and other writing made a part of such subdivision or partition plats offered for record in any county in this state shall be made in permanent black India type ink or silver halide permanent photocopy, upon material that is 18 inches x 24 inches in size with an additional three-inch binding edge on the left side when required by the County Clerk or the County Surveyor, that is suitable for binding and copying purposes and that has such characteristics of strength and permanency as may be required by the County Surveyor. All signatures on the original subdivision or partition plat shall be in permanent black India type ink. The subdivision or partition plat shall be of such a scale as required by the County Surveyor. The lettering of the approvals, the declaration, the surveyor's certificate, and all other information shall be of such a size or type as will be clearly legible, but no part shall come nearer any edge of the sheet than one inch. The subdivision or partition plat may be placed on as many sheets as necessary, but a face sheet and an index page shall be included for subdivision or partitions plats placed upon three or more sheets.

(2) In addition to standards and requirements of the Oregon Revised Statutes, the County Surveyor may set other requirements for surveys of final plats including but not limited to type of ink, how corrections are to be conducted, margins, scale, etc.

CHAPTER 6. ROAD STANDARD SPECIFICATIONS FOR DESIGN AND CONSTRUCTION.

Section 6.000. Transportation Improvements and Road Standard Specifications for Design and Construction.

S6.005. General Road and Access Policies:

(1) Purpose. The establishment of the criteria to be used in Clatsop County for evaluating the appropriateness of proposed roads which are intended to provide access to lots or parcels. This criteria shall form the basis for determining what requirements are necessary to ensure that there will be adequate provisions available now, and in the future, to provide for the transportation needs of lots, parcels, or developments.

The Clatsop County Road Standards are the intended to provide access to new development in a manner which reduces construction cost, makes efficient use of land, allows emergency vehicle access while discouraging inappropriate traffic volumes and speeds, and which accommodates convenient pedestrian and bicycle circulation. The standards apply to County roads, dedicated roads and private roads.

The Road Standards to be applied are based on the density of the zone in which it will be built and shall be constructed to that standard. The Clatsop County Department of Community Development, Planning Commission or Board of County Commissioners will on a case by case basis consider possible future parcelization and whether or not the road being built should be private or dedicated.

Where a partition is proposed in Major or Peripheral Big Game Range areas, the road shall be located to minimize its impact on big game range.

(2) Conditions of Development Approval. No development may occur unless required transportation facilities are in place or guaranteed, in conformance with the provisions of this document. Improvements required as a condition of development approval, when not voluntarily accepted by the applicant, shall be roughly proportional to the impact of development on public facilities and services. Findings in the development approval shall indicate how the required improvements are roughly proportional to the impact.

(3) Criteria. Roads in Clatsop County shall be designed, constructed, and maintained to:

- **(A)** Be capable of ensuring unrestricted travel to and from a property.
- **(B)** Provide adequate, safe, and legal access with minimum public cost.
- **(C)** Place the burden of the costs on the benefited person(s).
- **(D)** Provide access for fire protection, ambulance, police, mail, school bus, public transit, and garbage services.
- **(E)** Provide for drainage ways and utility services.
- **(F)** Be compatible with adjoining land use.
- **(G)** Minimize, with the constraints of reasonable engineering practices and costs, the creation of roads within lands designated for Exclusive Farm Use, Forest Resource,

Open Space Reserve, Rural and Rural Service Areas designated by the Clatsop County Comprehensive Plan.

(H) Ensure that the new road will minimize interference with forest management or harvesting practices.

(I) Minimize within the constraints of reasonable engineering practices and costs the loss of productive agricultural or forest land, and be located on that portion of such land that is least suitable for timber or agricultural production, taking into consideration, but not limited to, the following: topography, soil capability or classification, erosion potential, and the size and resultant configuration of the affected tracts.

(J) Minimize the loss of important wildlife habitat, such as sensitive deer and elk range, identified natural areas, and other significant natural features.

(K) Facilitate safe and convenient pedestrian and bicycle trips to meet local travel needs in developed areas.

(L) Streets within or adjacent to a development shall be improved in accordance with the Transportation System Plan and the provisions of this Section.

(4) Standards, Generally:

(A) The following are a variety of types or forms of access used to gain ingress and egress to property within Clatsop County:

1) County roads
2) Federal roads
3) State highways
4) Dedicated ways
5) Flag lots
6) Ways of necessity
7) Public roads
8) Private roads
9) Prescriptive roads

(B) Publicly dedicated and maintained roads provide superior access.

(C) Flag lots may provide access, but can hinder future development of the surrounding area.

(D) Private roads function best if they are designed to serve a predetermined, limited amount of development.

(E) Paved roads are safer, less of a nuisance, and more economical to maintain than gravel roads.

(F) Road requirements should support a complete transportation network, and not inhibit new land development innovations and concepts.

(G) Dedicated ways or County roads shall be the ordinary standard recommended for subdivisions, except as may be dictated by natural hazards, topography, or other special circumstances.

(5) Standards, Specifically:

(A) As far as is feasible, roads shall be in alignment with existing or appropriate projections of existing roads by continuation of their centerline.

(B) When necessary to give access to, or permit a satisfactory future division of adjoining lands, rights-of-way or easements shall be extended to the boundary of a major partition, subdivision, or development. The County may also require the

improvement of such rights-of-way or easements in a Class "a" division. a temporary turnaround may be required for the resulting dead end road.

(C) Frontage roads, or double frontage parcels or lots may be required by the County when a proposed parcel or lot would otherwise abut an arterial or collector road in order to effect separation of through and local traffic. In addition, screening or other treatments may be required along arterials and collectors in order to provide adequate noise and visual protection to adjacent properties.

(D) Whenever a proposed division or development is intended to abut a public road, the County shall restrict or limit as to location and number, vehicular access points unless specifically exempted in any approval thereof.

(E) Where a cut or fill road slope is outside the normal right-of-way, a slope easement shall be required of sufficient width to permit maintenance of the cut or fill and drainage structure.

S6.010. Improvement Plans.

The Improvement Plans will include, but not be limited, to the following:

(1) A plan view showing:

- **(A)** Dimensioning necessary to survey and relocate the roadway.
- **(B)** Right-of-way lines as shown on the final plat.
- **(C)** Proposed drainage structures, showing both size and type of structure.
- **(D)** Location of all existing and proposed utilities.
- **(E)** Location and dimensions of the pedestrian circulation system.
- **(F)** Location of bicycle parking.
- **(G)** Location and type of signs.
- **(H)** Toe of slope and top of cut lines showing the limits of the construction area within the dedication.
- **(I)** Section lines, fractional section lines and/or Donation Land Claim lines tie to corner from which dedication description is prepared.
- **(J)** Vicinity map in the upper left hand corner of the first plan sheet showing roughly the relationships of the proposed road to cities, state highways, county roads, or other well defined topographical features.
- **(K)** The stamp and signature of the Registered Professional Engineer preparing the plans.

(2) A profile showing:

- **(A)** Centerline grades and vertical curves.
- **(B)** Curb profiles where curbs are required.
- **(C)** Super elevation transition diagrams for horizontal curves shall be shown if curbs are not required.

(3) Typical roadway cross-section showing:

- **(A)** Width and depth of base.
- **(B)** Width and depth of paving.
- **(C)** Curbs if required.
- **(D)** Side slopes.
- **(E)** Ditch section in cut areas.

(4) Detail plans of all bridges, stamped by a registered professional engineer.

(5) Detail plans of any drainage and irrigation structures, sewer lines, or other structures.

(6) Any other information required by the County Road Department.

S6.050. Public and County Road Standards.

(1) Road Design:

(A) The radius of curvature, grade and intersection curb return radius of streets shall conform with the minimum standards prescribed in Tables 1, 2, 3, and 4 of these standards.

(B) Alignment of streets: Streets located on opposite sides of an intersecting street shall have their centerlines directly opposite each other where possible; otherwise, the centerlines shall be separated by not less than 125 feet.

(C) Intersection angles: Street intersections shall be as near right angles as possible except where topography requires a lesser angle, but in no case shall the acute angle be less than 60 degrees.

(D) Location of centerline: The centerline of the paving shall correspond to the centerline of the right-of-way where possible and practical.

(E) Continuation of streets: Subdivision streets which constitute the continuation of streets in contiguous territory shall be aligned so that their centerlines coincide. Where straight-line continuations are not possible, such centerlines shall be continued by curves. New streets or the continuation of a street in contiguous territory may be required by the Planning Commission where such continuation is necessary to maintain the function of the street or a desirable existing or planned pattern of streets and blocks in the surrounding area. Any road or street which does not connect directly to a County maintained road, City maintained street or state highway will not be accepted for maintenance by the County.

(F) Streets in Subdivision Adjoining Unsubdivided Land:

1) Stubbed streets: Where a subdivision adjoins unsubdivided land, streets which may be necessary to assure the proper subdivision of the adjoining land or the continuation of the function of a major arterial or collector street shall be provided through to the boundary line of the subdivision.

2) Half streets: Half streets proposed adjacent and parallel to the boundary line of the subdivision, while generally not acceptable, may be approved where essential to the reasonable development of the subdivision when in conformity with other requirements of this ordinance and when the Planning Commission finds it will be practical to require the dedication and improvement of the other half when the adjoining property is subdivided. Half streets shall not be permitted where lots would front on such streets. Where half streets are provided, a performance bond may be required to insure all improvements until such time as the remaining half street on adjacent property is dedicated and improved. Whenever an existing half street is adjacent and parallel to the boundary line of a proposed subdivision, the subdivider shall dedicate and improve such additional right-of-way as may be necessary to meet the standards for the type of streets involved.

(G) Subdivision roads: All roads not to be maintained by the County shall be posted with an approved sign stating roads are not County maintained.

(H) Existing streets: Whenever existing streets adjacent to or within a tract are of inadequate width, additional right-of-way shall be provided at the time of the subdivision. When existing streets are to be used as access to the subdivision they shall be constructed as to provide reasonable access as determined by the County Public Works Director or County Engineer.

(I) Cross Sections and Tables. All new arterials, collectors, and local streets must conform with design standards of Table 1 Road Right-of-Way and Improvement Standards.

(2) Improvement Plans: A complete set of Improvement Plans shall be submitted and approved by the County Public Works Director prior to the start of construction on any County maintained road, public way or subdivision road which is to become a public way.

(3) Surveying: All roads shall be located by a survey crew so as to insure that the road is constructed in the location shown on the improvement plans. The construction of the road improvement shall be within 0.3' more or less of the horizontal and vertical location shown on the improvement plans.

(4) Monumentation: All P.C. and P.T. points on horizontal curves shall be referenced with a 5/8" x 30" steel rod driver twenty-four (24) inches into the ground set at the intersection of the R/W line and a line perpendicular to the tangent at the P.C. or P.T. point and shall be witnessed by a white 4" x 4" cedar post forty-eight (48) inches in length set eighteen (18) inches into the ground set twelve (12) inches from and in line with the P.C. or P.T. point. As an alternative to the white cedar posts, a forty-eight (48) inch steel post painted white may be used for such witness posts.

(5) Standard Specifications; All roadway excavation, fill construction, subgrade preparation, aggregate bases, surfacing, prime coats and paving will be built in accordance with the 1974 edition of the Oregon State Highway Division's "Standard Specifications for Highway Construction". Whenever these specifications refer to the State, consider that to mean the County of Clatsop, the appropriate County Department or appropriate County address. In case of discrepancy or conflict in the plans, standard specifications, supplemental standard specifications and special provisions, they shall govern in the following order:

(A) Special Provisions

(B) Plans specifically applicable to the project.

(C) Standard or general plans.

(D) Supplemental Standard Specifications.

(E) Standard Specifications.

(6) Testing: All testing except as herein noted, will conform to methods described in "A.A.S.H.T.O. Materials, Part 11, Tests", 11th Edition 1974. All lab costs for testing will be born by the developer.

(7) Inspection: The County Road Department shall be notified 48 hours in advance of the time for subgrade inspection, 48 hours in advance of the time for base inspection and 48 hours in advance of the time for paving inspection. The subgrade is to be inspected before placing the base. The base is to be inspected before placing the pavement.

If proper notification for inspection has not been given, the Clatsop County Road Department will not grant approval of the road for twelve months. In this way, the County can observe any deficiencies that may develop in the road and have them corrected before acceptance.

(8) Subgrade: All subgrades will be compacted in accordance with Section 203.41 of the Standard Specifications.

(9) Aggregate Base: Aggregates for aggregate base shall be gravel or rock, crushed or uncrushed, including sand, reasonably well graded from coarse to fine. The grading shall be such that the maximum size shall not exceed 75 percent of the compacted thickness of the layer in which it is incorporated. The aggregate fraction passing a 1/4" sieve shall constitute not less than 10 percent nor more than 50 percent of the whole, by weight, and not more than 8 percent of the total aggregate shall pass a no. 200 sieve. Within the above limits, the subbase aggregate shall be so graded that the materials will be dense and firm when watered and compacted. If crushed aggregate meeting the requirements of Section 703.07 of the Standard Specifications is used, a 2-inch reduction in aggregate base depth will be allowed.

(10) Asphalt Prime Coat: For all roadway sections using an oil mat, an asphalt prime coat will be applied to the aggregate base in addition to the oil mat. The prime coat will be applied in accordance with Section 408 of the Standard Specifications. Application rate and type of oil will be as approved by the County Public Works Director. The aggregate shall be 3/4 to ½ or as approved by the County Public Works Director and specified in Section 703.12 of the Standard Specifications. The aggregate shall be applied approximately at the rate of 0.01 cubic yards/square yard. A three-day curing period will be required.

(11) Asphalt Penetration Macadam: Where any oil mat is required it shall be applied in accordance with Section 406 of the Standard Specifications. It shall be equal to or greater than a Type 0-9 penetration macadam as shown on the O.S.H.D. Standard Table of Details (Drawing No. 1833). The bituminous material used in the first two spreads shall be as approved by the County Public Works Director. The bituminous material used in the seal coat may be as approved by the Public Works Director.

(12) Asphalt Concrete Pavement: Where asphalt concrete pavement is required it shall be done in accordance with Sections 401 and 403 of the Standard Specifications. The asphalt cement shall be as approved by the County Public Works Director. The class of asphalt concrete shall be Class B.

(13) Concrete Curb: Where required Portland cement concrete curbs shall be constructed in accordance with Clatsop County "curb-driveway" Standard Drawing and Section 609 of Standard Specifications. The concrete shall be Class 3300 as specified in Section 504 of Standard Specifications.

(14) Select Backfill: The curbs shall be backfilled in the areas shown on the plans with select backfill. This select backfill shall consist of materials with a maximum size of three inches. The material shall compacted to at least 90 percent of its relative maximum density.

(15) Clearing: The right-of-way shall be cleared of all trees. However, in subdivisions where traffic safety would not be involved and a lesser requirement would not create a hazard, the right-of-way shall be cleared a minimum of forty-feet (40) or four-feet (4) beyond the edge of shoulder or curb line or the finished road. Also in subdivision, the case of an individual tree which is considered an exceptional or stately tree, an allowance can be made to leave the tree within the above mentioned four (4) foot area. In some instances, consideration can also be given to allow the prism of the road to shift slightly toward one side of the right-of-way. Any change in the alignment should be done to provide a safe and aesthetic looking roadway.

(16) Signs: Clatsop County has jurisdiction concerning the location of all signs on County maintained roads and public ways.

When in the Public Works Director's opinion there may be a need for a change in the speed limit for a road, he shall request the Oregon State Speed Control Board to study the road in question. If the Speed Control Board issues an order to post a speed limit on the road, Clatsop County will furnish and install the speed limit signs at the County's expense.

Name signs for County maintained roads shall have reflective green background with reflective white letters.

Signing at intersections will be paid for as follows:

(A) Intersection of two County maintained roads:
- *1)* Stop signs - County.
- *2)* Name signs - County.

(B) Intersection of a County maintained road and a public way:
- *1)* Stop signs - County.
- *2)* Name signs - County.

(C) Intersection of two public ways:
- *1)* Stop signs - Others.
- *2)* Name signs - Others.

(D) Intersection of two private ways:
- *1)* Stop signs - Others.
- *2)* Name signs - Others.

(E) Intersection of private way and public way:
- *1)* Stop signs - Others.
- *2)* Name signs - Others.

Clatsop County Road Department may furnish and install the signs which were referred to above as paid for by "others". However, they shall be paid by "others" for the County's expense.

(17) Drainage:

(A) Size of culverts: The design and construction of all drainage facilities within a project shall be of sufficient size and quality to receive and transport, at a 25 year storm frequency standard all surface drainage and natural drainage course waters coming to and passing through the project from the watershed or watersheds to which it is servient, when the lands located in such are at full planned development, according to the Comprehensive Framework Plan. The minimum diameter pipe to be used shall be 12 inches.

Prior to approval being granted for a project, it must be shown that the existing downstream facilities be adequate to receive and pass storm water runoff discharged through and from the proposed project from a 25 year storm based on the present development plus any proposed developments of the lands of the watershed or watersheds to which the proposed project is servient.

In those areas located in the 100-year floodplain, the design and construction of all drainage facilities shall be of sufficient size and quality to receive and transport the 100- year storm without raising the floodplain elevation. The drainage facilities may be designed to pass less than a 100-year storm provided retention or detention of the runoff is designed and that such retention or detention does not raise the floodplain upstream.

(B) Drainage easements: When, due to topographical or other reason, all or any portion of the water collected in the project must be discharged at the boundary of the project, such that it is concentrated and must run across other private property before reaching a natural or existing drainage course, the developer shall make all necessary arrangements with the affected property owner or owners. Arrangements shall include, but are not limited to, a proper easement for drainage in favor of the public executed by the affected owner or owners and a method of transporting the water, i.e. ditch, sewer, etc., satisfactory to the Department and said owner or owners.

If it is necessary to carry water across portions of the land being developed hereunder, which are not to become public, and a satisfactory easement has not been provided in the official plat of the area, the developer shall prepare and cause to be executed a proper easement to the public for such purpose.

(C) Connections to roadside ditches: Where drainage is to be connected to an existing roadside ditch, the ditch shall not be deepened so as to produce a finished ditch more than two (2) feet below the maximum of two (2) foot depth, the developer shall cause to be constructed a proper size storm sewer line in said roadside ditch.

Table 1- Right-of-Way and Improvement Standards Table

Functional Road Class	A.D.T	Design Standard Typical	Travel Width	R-O-W Width	Surface Type	Design Speed MPH	Max. % Grade	Min. Curve Radius	Street Signs
Arterial	>1000	A - 32	24	80	A.C.	45	12	750	(1)
Collector	300 – 1000	A - 28	24***	60	A.C.	40	12	500	(1)
Local	60 – 300	A - 24	22	60	A.C./Oil	35	12	350	(1)
Subdivision (10+ lots)	>60	A - 22	20	50	A.C.(5)	25	12	250	(1)
Subdivision (4-9 lots)	30 – 60	A - 20	18	50	A.C.(5)	20	12**	150	(1)
Partition (> 3 ***)	<60	A - 20	18	50	Gravel	20	12**	150	(1)
Partition (1-3 lots)	<30	A – 14(4)	14	25	Gravel	15	16*	50	(1)

* If unavoidable conditions exist a grade of 2% greater than that shown may be allowed with A.C. paving.
** If unavoidable conditions exist a grade of 4% greater than that shown may be allowed with A.C. paving.
*** May be reduced to 22 feet as specified in AASHTO if approved by the County Engineer.
(1) One (1) approved street sign will be provided at each intersection for each named street.
(2) All dead-end streets will be terminated with a cul-de-sac or approved turnaround. See Design Standard Typical Cul-de-sac for details.
(3) Drainage/slope easements may be required if roadway slopes extend beyond the right-of-way.
(4) A-14 roads require turn-outs at a maximum distance of 400 feet, or at a lesser interval that will maintain a continuous visual contact between each successive turn-out.
(5) Minimum A.C. thickness is 3" nominally compacted ODOT Class C, or approved equal.

Table 1A - Road Improvement Policy Matrix

(For Reference Purposes Only)

	Resources Zones	Non-Resource Zones	
	New Road Created or Existing Road Used	New Road Created	Existing Road Used
1.Must a road be improved in conjunction with a partition?			
A. Private Road	No	Yes	Yes [1]
B. Public Road	No	Yes	No
C. County Road	Yes [2]	Yes	No
2. Minimum Road Standard Required?			
A. Private Road	n/a	A-12	A-12[1]
B. Public Road	n/a	A-20	A-20
C. County Road	[2]	A-20[3]	A-20

[1] If an existing private road provides access to a parcel, this road must be improved to at least an A-12 standard. See Table 1, Road Right-of-way and Improvement Standards.

[2] If a County road is created or utilized in a resource zone to provide access to a partitioned parcel, the Board of Commissioners shall establish minimum improvement standards and control the timing of the improvement.

[3] If a new portion of a County road is created to provide access to a non-resource zone partition, the Board of Commissioners shall set the improvement standards (the minimum improvement shall be an A-20 standard).

S6.160. Private Road Minimum Requirements.

Table 2 and the following minimum requirements shall apply for any action relating to the approval of a private road:

(1) Private roads shall provide access to no more than ten (10) abutting lots or parcels. A private road may serve more than ten (10) lots or parcels when the parcels are within a planned development or subdivision and when such road is constructed to the standards for a public road, and is approved as a part of the planned development or subdivision. Under no circumstances shall a private road serve other roads or areas.
Surf Pines and The Highlands at Gearhart are exempt from this requirement. These two areas are served by private roads and already exceed the 10-lot standard.

(2) Private roads shall not be approved if the road is presently needed, or is likely to be needed, for development of adjacent property, or to be utilized for public road purposes in the normal development of the area, or if the private road is intended to serve commercial, or industrial district uses. Private roads shall not be approved for commercial or industrial land divisions.

(3) The minimum easement for a private road shall be 25 feet, except where the natural slope of the land within the easement (cross-slope) is greater than 21 percent, in which case the easement width shall be 50 feet. The minimum right-of-way width shall accommodate required cut and fill slopes, ditches, turnouts and cul-de-sacs.

(4) A lot or parcel abutting a railroad or limited access road right-of-way may require special consideration with respect to its access requirements.

(5) Guardrail is required on all bridges and for a distance of 40 feet along the approaches to all bridges. Guardrail is also required along any fill slope or natural ground slope below the road that is steeper than 1:1, over 10 feet high, and is within 10 feet horizontally of the edge of the traveled road surface. The guardrail materials must be approved as conforming to Oregon State Highway Standard Specifications.

(6) The County may require that the private road being considered be established as a dedicated way or County road and improved to the applicable standards, if it is determined by the County that the access and transportation needs of the public would be better served by such a change.

The determination made by the County will include the following:

(A) proximity of other roads being used for the same purpose,

(B) topography of the parcel and contiguous parcels,

(C) potential development as determined by the existing zoning or proposed zoning if the request involves a zone change,

(D) safety factors such as visibility, frequency or road access points.

(7) All private roads that are dead-end roads shall have a cul-de-sac or other suitable turnaround.

(8) A private road shall directly connect only to a public, county or state road.

(9) The travel surface of the private road shall be constructed so as to ensure egress and ingress for the parcels served during normal climatic conditions:

(A) Twelve (12) inches of pit run base course or equivalent. The grade of rock shall be approved by the County Road Department prior to construction.

As an alternate, the depth of the base course containing 4 or 6-inch minus or jaw run may be less than 12 inches as determined on a case-by-case basis by the County Road Department.

(B) Two inches of 3/4-inch minus top course.

(10) The County shall require that a maintenance agreement be recorded in the records of Clatsop County along with any map or plat creating a private road, and include the following terms:

(A) That the agreement for maintenance shall be enforceable by a majority of persons served by the road.

(B) That the owners of land served by the road, their successors, or assigns, shall maintain the road, either equally or in accordance with a specific formula.

(11) The County shall require that an easement over the private road for ingress and egress, including the right of maintenance, be conveyed to the properties served by the road.

S6.170. Minimum Construction Standards for Private Roads.

(1) Twelve (12) foot wide improved travel surface (see a-12 standard cross-section).

(2) Turnouts shall be required at 800 feet maximum spacing, or at distances which ensure continuous visual contact between turnouts, and constructed to the following dimensional standards: 50 feet in length and seven (7) feet in width, with 25 foot tapers on each end back from its point of connection with the County or public road.

(3) Cut and fill slope requirements, and ditch lines as detailed on the a-12 standard cross section. The grade of the ditch slopes parallel to centerline shall be no less than 1% to provide for adequate drainage. The developer shall be required to provide all erosion control measures necessary to maintain the standard cross section and to eliminate any increase in any stream turbidity.

(4) The width of the road approach at its intersection with the County road, or other public road, shall equal 18 feet, and taper over a distance of 50 feet to the travel surface width back from its point of connection with the County or public road.

(5) The finished grade within 20 feet of the traveled portion of the roadway shall not exceed +3 percent. Elsewhere the finished grade shall not exceed 18 percent. Any finished grade in excess of 14% shall be paved.

(6) A 30 foot radius cul-de-sac, or other suitable turnaround, at the terminus of the private road or within 200 feet of its terminus.

(7) All culverts, bridges and other waterway crossings serving two (2) or more parcels shall be constructed and maintained to carry American Association of State Highway and Transportation Officials (AASHTO) HS-20 loading. a typical acceptable type is 16 gauge, galvanized CMP for small cross drains and drainageway crossings. Twelve inch diameter culverts are the absolute minimum. Bridges and other large waterway crossings shall be certified by a professional registered engineer.

(8) All private road points of access to public roads shall include a landing area to extend 20 feet minimum beyond the shoulder of the public road on which the profile grade shall not exceed three (3) percent. A greater landing area may be required to allow for future road improvements.

Table 2- Minimum Road Standards for Private Roads

Revision Class	Maximum # of Parcels to be Served	Maximum Grade	Lane Width	Minimum Lanes Required	Recommended Easement Width	Design Speed	Top Course	Base Course
A[4]	Private Roads are not allowed within Class "A" Division except as noted							
B	10	18% [3]	10	1[2]	25	--	--	--
C	10	18% [3]	10	1[2]	25	--	--	--

[1] "A" - Within an Urban Growth Boundary or Rural Service Area Boundary.
"B" - Zoned for 5 acres or smaller, excluding Class "a" divisions.
"C" - Zoned for larger than 5 acres in size.

[2] Turnouts shall be provided intervisibly or at 800 foot intervals, whichever is less.

[3] Grades greater than 14% shall be paved.

[4] A private road is not permitted in an Urban Growth Boundary or Rural Service Area except that it may be permitted outside UGB's or RSA's.

Note: See Sections S6.160 and S6.170 for complete standards.

CHAPTER 7. STATE AND FEDERAL REQUIREMENTS SECTION.

The following are state and federal requirements that estuarine development proposals must address in addition to the policies and standards of local Comprehensive Plans. These requirements have been identified separately because state and federal agencies are responsible for their implementation. Local governments may refer to these requirements in commenting on estuarine developments. The "Ref: State and Federal Requirements Section" notations included in the Regional Policies and Shoreland and Aquatic Use and Activity Standards refer to the following materials. Where appropriate, state and federal statutes and guidelines complementing specific policies and standards are noted.

AGRICULTURE

Policy 20.1, #3

Non-Point Sources, Generally	16 USC § et seq., Soil Conservation and Domestic Allotment Act 33 USC § 1251 et seq., Federal Water Pollution Control Act 40 CFR, Part 122-123, Environmental Protection Agency ORS 468, Pollution Control ORS 634, Pesticide Control OAR 340, Statewide Water Quality Management Plan ORS 527, Insect and Disease Control; Forest Practices OAR 629, Forest Practices Rules ORS 561, Department of Agriculture OAR 603, Pesticide Control

Non-point sources of pollution resulting from agricultural uses and supporting activities are regulated primarily through the statewide Water Quality Maintenance Plan (OAR 340.41-51) implemented by DEQ and approved by EPA. The Forest Practices Rules applied to silviculture operations are intended to control introduction of pollutants to aquatic areas from non-confined sources by three mechanisms. First, the Department of Forestry is required to consult with all state authorities, and affected federal agencies, concerned with "the forest environment" where such expertise from such agencies is desirable or necessary (OAR 629.24.105). Second, silviculture operations must be conducted in full compliance with DEQ regulations pertaining to solid waste control and air and water pollution (OAT 629.24.106). Finally, OAR 629.24.107 lists types of forest operations for which advance written notification is required (see Policy 21.12D). The Soil Conservation Service actively comments on agricultural practices and may participate in control of silviculture operations resulting from determinations made by the Department of Forestry based on Forest Practices Rules notification procedures.

Note that the State Departments of Environmental Quality, Forestry and Agriculture regulate use of chemicals used in agriculture and forestry activities, including herbicides, insecticides, rodenticides, fertilizers and adjuvants (see below: Departments of Forestry, Agriculture and Environmental Quality).

Department of Forestry	ORS 527, Forestry Administration ORS 527, Insect and Disease Control; Forest Practices OAR 629, Division 54, Forest Practices Rules

Oregon Department of Forestry applies administrative rules to regulate the handling storage, and application of chemicals used in silviculture in order to protect the waters of the state from contamination. DOR requirements for protection of waterways and areas of open waters (including wetlands) are: (1) aerial application of chemicals must provide a buffer strip of at least one swath width untreated on each side of every Class I stream or area of open water, and (2) chemical applications made from the ground must leave untreated a buffer strip of at least ten (10) feet on each side of every waterway or open area of water.

Department of Agriculture	ORS 561, Department of Agriculture ORS 634, Pesticide Control OAR 603, Division 57, Pesticide Control

The Department of Agriculture has promulgated administrative rules pertaining to registration of individuals engaged in pesticide application, standards of competence for chemical application operators and general restrictions on pesticide uses, including pesticide application permits. Estuarine aquatic areas and wetlands are protected generally through water quality non-degradation policy contained in ORS 468, Pollution Control and relating to agricultural chemical applications restricted by OAR 603.

Department of Environmental Quality	ORS 468, Pollution Control ORS 634, Pesticide Control OAR 340, Division 41, Statewide Water Quality Management Plan: Beneficial Uses, Policies, Standards and Treatment Criteria for Oregon

The Department of Environmental Quality does not directly regulate application of agricultural chemicals, aside from requirements for instruction and licensing of commercial pesticide application activities, including dealers, consultants, and operators. DEQ relies on general statewide policy pertaining to maintenance of existing water quality and control of non-point sources of pollution (including agricultural runoff). DEQ relies on general statewide policy pertaining to maintenance of existing water quality and control of non-point sources of pollution (including agricultural runoff). DEQ implements policies and guidelines applicable to water quality in identified basin areas pursuant to maintain the beneficial uses of the water of each basin. OAR 340.41.205 sets water quality standards for the North Coast-Lower Columbia Basin, including restrictions on pesticides and organic toxic substances.

ESTUARINE CONSTRUCTION: PILING/DOLPHIN INSTALLATION, SHORELINE STABILIZATION AND NAVIGATIONAL STRUCTURES

Policy 20.8, #5

Navigational Structures, Generally	33 USC § 401 et seq., Rivers and Harbors Appropriations 33 CFR, Part 320, Section 10 and 404, U.S. Army Corps of Engineers 42 USC § 4321 et seq., National Environmental Policy Act 40 CFR, Part 1500-1508, Regulations for Implementing the Procedural Requirements of the National Environmental Policy Act

The National Environmental Policy Act (NEPA) requires that any federal development proposal (i.e., any development proposal supported wholly or in part by federal funding), or privately sponsored project requiring licensing or permits issued by federal agencies, and potentially disruptive to the environment, by collaboratively evaluated by all affected agencies. Mandatory federal regulations for implementing the procedural requirements of NEPA are presented in 40 CFR, Part 1500-1508. Assessments of the impact of actions expected to significantly affect the environment are required to:

(1) Rigorously explore and objectively evaluate all reasonable alternatives, briefly discussing reasons for eliminating any alternatives from detailed study.
(2) Devote substantial treatment to each alternative considered in detail so that reviewers may evaluate the comparative merits.
(3) Include reasonable alternatives not within the jurisdiction of the lead agency.
(4) Include the no action alternative.
(5) Include appropriate mitigation measures not already included in the proposed action or alternatives.

As the principal (or lead) permitting agency regarding issues of waterway development (e.g., navigational structures, docks, moorages, fill, etc.) The Corps of Engineers is responsible for assessing the environmental impacts of actions proposed for the water of the United States (33CFR, Part 320, Section 10 and 404). The Corps, therefore, is required by federal law to determine the range of reasonable alternatives to a proposed development action, concentrating on three primary objectives: (1) avoiding the impact by not taking action (i.e., permit denial), (2) minimizing impacts through other reasonable courses of action, and (3) rectifying, reducing, or compensating for the expected impact. Thus, in preparing an investigation of expected impacts with respect to a determined set of alternatives, the Corps must focus on means of avoiding or minimizing adverse impacts to the estuarine environment.

FISH AND WILDLIFE HABITAT

Policy 20.10, #4

Minimum Stream Flows	ORS 536, Water Resources: Irrigation, Drainage, Flood Control, Reclamation OAR 690, Water Resources Department

Principal authority for utilization and control of water resources in Oregon is held by the Department of Water Resources. Generally, water resource policies promulgated by the Department of Water Resources are to encourage, promote and secure the maximum beneficial use and control of water resources for domestic, municipal, irrigation, power development, industrial, mining, recreation, wildlife and fish life uses. Regarding maintenance of minimum perennial stream flows, Department of Water Resources policy declares that multi-purpose impoundment structures are preferred over single-purpose structures; upstream impoundments are preferred over downstream impoundments. In all cases protection of fishery resources and recreational assets is to be determining (ORS 536.310 (4), (5)). The Department of Water Resources requires that human consumption and wildlife and fisheries resources receive preference over industrial, irrigation and livestock consumption of water resources (ORS 536.310 (8), (12)).

Structures or works which do not give proper cognizance to multi-purpose water resource use, and which are not planned, constructed, and operated in conformity with the provisions of ORS 36.310, are declared to be prejudicial to the public interest (OAR 690.80.000).

Note also, pursuant to the Fish and Wildlife Coordination Act (16 U.S.C. 66 et. seq.), before actions proposing the impoundment, diversion, or other control or modification of any body of water may be permitted consultations with the appropriate state and federal agencies exercising jurisdiction over affected resources are required.

Policy 20.10, #6

Riparian Environments	16 USC § 661 et seq., Fish and Wildlife Coordination Act 33 USC § 401 et seq., Rivers and Harbors Appropriations Act 33 USC § 1251 et seq., Federal Water Pollution Control Act ORS 496, Application, Administration and Enforcement of Wildlife Laws OAR 635, Department of Fish and Wildlife

Federal and state resource agencies are required to coordinate review of development proposals and actions affecting public waters. Broadly, resource agency responsibility is reactive and limited to procedural response to proposed alterations of estuarine aquatic, shoreline and riparian areas pursuant to the permit requirements of federal and state statutes (e.g., Federal Section 10 and 404 permits issued by the Corps of Engineers and subject to review and conditional requirements applied by affected federal and state resource agencies. See Standards Section, Industrial and Port Facilities, and Navigational Structures). Recent state legislation, Chapter 720 of Oregon 1981 Laws addressing fish habitat improvement, provides policy initiative to the Oregon Department of Fish and Wildlife, establishing an active mechanism for c conservation of privately owned riparian habitat. Chapter 720, at present unmodified and not complemented by administrative rule, allows for tax exemption of riparian environments adjacent to uplands where property taxation is assess on the basis of intensive land use activities (i.e., riparian environments bordering intensive farm use areas and forest and rangelands). The intent of Chapter 720 is to protect riparian environments from development pressure by distinguishing the tax assessment of such environments from uplands utilized for economic or development activity. Riparian environments (defined as streams, and the adjacent vegetation communities which are predominantly influenced by their association with water; not to extend more than 100 feet landward of the ordinary high water line) may be identified by the Department of Fish and Wildlife and a tax exempt status established for such areas. In addition, an in-stream fish habitat improvement tax credit program is also established by Chapter 720. Tax exemption and tax credit programs apply only to riparian and instream areas outside urban growth boundaries. These programs are scheduled to commence in the fall of 1982.

FOREST AND FOREST PRODUCTS INDUSTRY

Policy 20.12, #3

Stream and Riparian Habitat Restoration

Refer to Policy 20.10 #6 for discussion of stream and riparian environment permit authorities and the Oregon fish habitat improvement program.

Policy 20.12, #4

Water Quality	ORS 526, Forestry Administration ORS 527, Insect and Disease Control; Forest Practices OAR 629, Forest Practices Rules

The Oregon Department of Forestry requires written notification and approval of the following types of forest activities (OAR 629.24.107): harvesting of forest crops, road construction and operation, site preparation, application of insecticides, herbicides, rodenticides, fertilizers and adjuvants, treatment of slashing after completion of operations, and precommercial thinning. Further, the Department of Forestry has promulgated OAR 629.24.500-541, Forest Practices Rules-Northwest Oregon Region. The latter delineate the lands affected in Northeast Oregon by the Forest Practices Rules and establish minimum standards and rules for: road location, design, construction and maintenance; harvesting design, including stream banks (Class I and II streams); requirements for felling and bucking practices; and, post harvest operations. Note that OAR 629.24.105 states that consultation between the Department of Forest and other, affected resource agencies is necessary regarding "forest environment situations" where the expertise of such resource agencies would be appropriate. In addition, OAR 629.24.106 indicates that silviculture operations must be conducted in full compliance with Department of Environmental Quality regulations pertaining to solid waste control and air and water pollution (OAR 340). Procedurally, forestry officials review forest practice notifications and derive preliminary assessments; grading expected environmental impacts as low, moderate, or high.

In the case of preliminary assessments anticipated moderate or high environmental impacts, the Department of Forestry established contact with the Department of Environmental Quality and other concerned resource agencies, pursuant to OAR 629.24.105 and .106, to determine means of accommodating the proposed forest activities.

SHALLOW-DRAFT PORTS AND MARINAS

Policy 20.20, #4

Water Quality	33 USC § 1251 et seq., Federal Water Pollution Control Act and Amendments of 1972 40 CFR, Part 122-125, Environmental Protection Agency ORS 468, Pollution Control OAR 340, Department of Environmental Quality, and OAR 340.41-51, Statewide Water Quality Management Plan

The Oregon State Department of Environmental Quality (DEQ) administers a federally approved water quality permit program. Thus, the Environmental Protection Agency (EPA) and DEQ coordinate their activities in applying the requirements of the Federal Water Pollution Control Act (FWPCA or as the amended Clean Water Act of 1977). Regarding marinas and related water quality issues, DEQ implements three administrative rules: OAR 340.14, Procedures of issuance, denial, modification, and revocation of permits; OAR 340.41, Statewide water quality management plan; and, OAR 340.45, Regulations pertaining to NPDES and WPFC permits. These statutes establish the authority whereby DEQ specifies the activities, operations, emissions and discharges which may be permitted in the design, construction and operation of marinas and mooring basins. Generally, EPA exercises oversight of DEQ regarding marina-related water quality issues, pursuant to Section 401 of the FWPCA. The result is a combined state and federal certification specifying requirements, limitations and conditions of marina activities and operations which must be met. For example, a "Spill Prevention and Control Countermeasure Plan" (SPCC Plan) is required if marina or mooring basin facilities include petroleum holding tanks with total capacity exceeding 1320 gallons. The SPCC plan must address containment measures and clean-up operations. Further, EPA specifies the allowable minimum conditions for water exchanges and residence time within marinas and mooring basins enclosed by protective breakwaters or other structures and land forms.

SIGNIFICANT AREAS: NATURAL, SCIENTIFIC, SCENIC, HISTORICAL, CULTURAL, AND ARCHAEOLOGICAL

Policy 20.21, #2

Historic Site Review	ORS 273.705, Removal of Historical and Other Valuable Materials OAR - None

Pursuant to ORS 273.705, the Division of State Lands (DSL) requires permit review of all activities intending excavation or removal of archaeological, historical, pre-historical or anthropological materials from state lands or lands leased by the state. DSL consults with the Oregon State Museum of Anthropology in order to identify archaeological or historic sites and to establish permit conditions intended to protect the integrity of such sites. Permit approval is required for excavation or removal of artifacts or for other activities (e.g., construction, site grading and preparation for development purposes), which may alter the archaeological or historical materials located on or near the site.

WATER QUALITY MAINTENANCE

Policy 20.23, #1

Non-Point Sources	16 USC § 540 et seq., Soil Conservation and Domestic Allotment Act 33 USC §1251 et seq., Federal Water Pollution Control Act 40 CFR, Part 122-125, Environmental Protection Agency ORS 468, Pollution Control OAR 340.41-.51, Statewide Water Quality Management Plan ORS 527, Insect and Disease Control; Forest Practices OAR 629, Forest Practices Rules ORS 568, Soil and Water Conservation OAR 667, Soil and Water Conservation Commission

Collectively, federal and state oversight of water quality issues related to non-point pollutant sources (i.e., nonconfined discharges as from agricultural and silvicultural uses, mine or petroleum- related sources of pollution, road construction, and urban runoff) is complex. Discernable waste and pollutants resulting from urbanized areas are regulated by the Department of Environmental Quality and the Environmental Protection Agency. Pollutants generated by agricultural and silvicultural uses (including chemical wastes and erosion materials), are, generally, regulated by DEQ. EPA, and the Soil Conservation Service working in conjunction with local Soil Conservation Districts. The Forest Practices Rules are the central authority whereby DEQ and SCS comment on the forest practices regulated directly by the Oregon Department of Forestry (Ref. OAR 629.24.106, Compliance with Rules and Regulations of the Department of Environmental Quality, and OAR 629.24.107, Types of Operations for which Notification shall be required). Little federally owned forest lands are present in Clatsop County and regulations promulgated by the U.S. Forest Service are of little impact. The regulation of non-point sources of pollution relies on the interaction of state agencies together with federal authorities implementing broad oversight capabilities stemming from federal approval of state-operated permitting programs. Note that pollutant discharges from confined animal feeding operations and aquatic animal production facilities are classified as discrete or point discharges under the federally approved State Water Quality Maintenance Program, OAR 340.

AQUACULTURE STANDARDS

Aquaculture Siting and Water Impoundments: Section S4.206	33 USC §1251 et seq., Federal Water Pollution Control Act 40 CFR, Part 122-125, Environmental Protection Agency ORS 468, Pollution Control OAR 340.41-.51, Statewide Water Quality Management Plan ORS 536, Water Resources: Irrigation, Drainage, Flood Control, Reclamation OAR 690, Water Resources Department OAR 635, Department of Fish and Wildlife OAR 635.40, Private Salmon Hatcheries

The Water Resources Department is primarily responsible for determining the appropriateness of diverting estuarine or estuarine tributary waters to aquaculture facilities. Water Resources Department review of aquaculture facility proposals is coordinated with the Department of Fish and Wildlife (OAR 635.40), and the Department of Environmental Quality (OAR340.41-.51). Diversion of water resources for aquaculture purposes must recognize the multiple-purpose requirements of state water resources policies declared in OAR 690.80 (see Fish & Wildlife Habitat Policy 20.10 #4).

The Department of Fish and Wildlife reviews all salmon hatchery or aquaculture proposals in light of expected impacts to the biological resources of the state (OAR 634.40). Further, all in-water structures required for aquaculture facilities (e.g., diversion structures, spawning channels, bank stabilization, wharves, docks, floats, etc.), must meet ODFW standards noted in the Department's Environmental Management Manual. Note that the U.S. Fish and Wildlife Service, and the U.S. Army Corps of Engineers (33 CFR, Part 320), have established guidelines for in-water structures that are similar to the standards used by the Oregon Department of Fish and Wildlife.

The quality of water discharged from aquaculture facilities is regulated by the Department of Environmental Quality by way of Oregon's federally approved Statewide Water Quality Maintenance Program, OAR 340 (see Water Quality Maintenance, Policy 9, #1). Note that water discharges from aquatic animal production facilities are classified as discrete or point pollutant discharges and minimum standards applied to such discharges are detailed in 40 CFR, Part 122 and Appendices B and C to Part 122.

INDUSTRIAL AND PORT FACILITIES

Water Quality Maintenance Section S4.209	33 USC § 1251 et seq., Federal Water Pollution Control Act and Amendments of 1972 40 CFR, Part 122-125, Environmental Protection Agency ORS 468, Pollution Control OAR 340.41-.51, Statewide Water Quality Management Plan

The Oregon State Department of Environmental Quality (DEQ) administers a federally approved water quality permit program. Thus, the Environmental Protection Agency and DEQ coordinate their activities in applying the requirements of the Federal Water Pollution Control Act (FWPCA or as the amended Clean Water Act of 1972). DEQ and EPA has promulgated policy guidelines for the regulation of pollutant discharges from industrial and port facility sites (OAR 340.41-.51 and 40 CHR, Part 122-125 respectively). Generally, industrial and port activities require pollutant discharge permits controlling release of all process wastes and regulating surface runoff from process sites or bulk material handling areas (e.g., catchment basins and waste treatment facilities for runoff from materials storage, as with coal stockpiles). State statute establishes the authority whereby DEQ specifies the activities, operations and discharges which may be permitted in the design, construction and operation of industrial port facilities.

Note also that storage of significant amounts of toxic materials or petroleum products requires special permit oversight. EPA directives establish specifications, limitations and conditions for storage of such materials at port or shore side facilities. A "Spill Prevention and Control Countermeasure Plan" (SPCC Plan) is required if port facility storage of petroleum products exceeds 1320 gallons. The SPCC plan must address containment measures and cleanup operations (see Shallow Draft-Ports and Marinas, Policy 4, #4).

Siting and Environmental Review of Industrial and Port Facilities, Section S4.209	16 USC § 661 et seq., Fish and Wildlife Coordination Act 33 USC § 401 et seq., Rivers and Harbors Appropriations Act 33 USC 1251 et seq., Federal Water Pollution Control Act 42 USC § 4321 et seq., National Environmental Policy Act 33 CFR, Part 320, Section 10 and 404, U.S. Army Corps of Engineers 40 CFR, Part 1500-1508, Regulations for implementing the Procedural Requirements of the National environmental Policy Act OAR 340, Statewide Water Quality Management Plan OAR 635, Department of Fish and Wildlife

As the principal (or lead) review and permitting agency relating to issues of waterway development (i.e., any proposed development affecting the waters of the U.S., as with water-dependent industrial or port development), the Corps of Engineers is responsible for assessment of the environmental impacts resulting from industrial and port facilities sited in estuarine aquatic and shoreline areas. Federal permits issued by the Corps, pursuant to the Rivers and Harbors Appropriations Act, are required for works pursued in the navigable waters of the U.S. These permits are necessary for placing structures in or excavating from or depositing materials in such waters. The National Environmental Policy Act (NEPA) requires that any federal development proposal (i.e., any development proposal supported wholly or in part by federal funding) or privately sponsored project requiring licensing or permits issued by federal agencies, and potentially disruptive to the environment, be collaboratively evaluated by all affected agencies. Mandatory federal regulations for implementing the procedural requirements of NEPA are presented in 40 CFR, Part 1500-1508. Assessments of the impact of actions expected to significantly affect the environment are required to:

(1) Rigorously explore and objectively evaluate all reasonable alternatives, briefly discussing reasons for eliminating any alternatives from detailed study.

(2) Devote substantial treatment to each alternative considered in detail so that reviewers may evaluate the comparative merits.

(3) Include reasonable alternatives not within the jurisdiction of the lead agency.

(4) Include the no action alternative.

(5) Include appropriate mitigation measures not already included in the proposed action or alternatives (see Estuarine Construction: Piling/Dolphin Installation, etc., Policy 20.8, #5).

The Fish and Wildlife Coordination Act specifies the requirements for consultation between federal and state resource agencies in the review of development activities proposing to alter or control the waters of any stream or body of water. Consultation is required for projects involving navigation as well as shoreline alterations. Thus, the Corps of Engineers must compile environmental assessments for development proposals affecting estuarine aquatic and shoreline areas and must include the expertise of all affected federal and state agencies in deriving assessment information. Generally, federal and state resource agencies have established detailed guidelines or departmental policies for review of development activities affecting aquatic and shoreline resources as a means of implementing the conditions of the Fish and Wildlife Coordination Act and the procedural requirements of NEPA. Agency guidelines and policies contain criteria intended to regulate generic types of development activities and uses (e.g., docks and moorages; bulkheads and seawalls; cable, pipelines and transmission lines; jetties and groins; lagoons and impoundments; etc.), and are the basis of coordinated assessment findings collected by the Corps resulting from the public notice comment process required for development actions proposed in the waters of the U.S. Following is a list of the most commonly referenced review criteria used by federal and state regulatory and resource agencies. These criteria may also be referred to as the “best management practices” advocated by each agency. Note that in some instances agencies have not entered policies of environmental review into public record and rely on internal memoranda detailing departmental policy.

Environmental Protection Agency	F.R. Vol. 35, No. 84; F.R. Vol. 40, No. 173; 40 CFR, Part 122-125
National Marine Fisheries Service	U.S. Department of Commerce. Doc. No. 003-020-00123-8, "Environmental Impact and Analysis and Response Program", and internal policy
U.S. Fish & Wildlife Service	F.R. Volume 40, No. 123
U.S. Army Corps of Engineers	33 CFR, Prt 320, Section 10 and 404
Oregon Dept. Of Fish & Wildlife	Departmental "Environmental Management Manual", Wildlife Commission Policy, and internal policy
Oregon Division of State Lands	OAR 141.85, Rules of Issuance and Enforcement of Removal and Fill Permits
Energy Facility Siting	ORS 469, Energy Conservation OAR 345, Energy Facility Siting Council

The Energy Facility Siting Council and the Department of Energy (DOE) coordinate the regulation of siting, design, construction and operation of energy facilities including thermal power, hydropower, geothermal power, or combustion turbine power plants with generating capacity in excess of 25,000 kilowatts, nuclear installations, high voltage transmission lines, large-scale solar collecting facilities, and petroleum, natural gas or other fossil energy pipelines. The Energy Facility Siting Council and DOE collaborate in the analysis of prospective energy facility sites, energy facility development proposals, and in facility construction, operation and monitoring. Note that the Energy Facility Siting Council is recrate to review energy-related development proposals for compliance with statewide planning goals administered by the Department of Land Conservation and Development (OAR 345.11, Standards for the Siting of Biomass and Fossil-Fuel Power Plants), and thus is required to review docks and shoreline transshipment provisions ancillary to such facilities.

LOG DUMP/SORT AREA (IN-WATER)

Log Dump and In-Water Sorting Policy Section S4.211	ORS 468, Pollution Control OAR 340.41-.51, Statewide Water Quality Management Plan

As the agency responsible for implementing the federally approved "Statewide Water Quality Maintenance Program", the Department of Environmental Quality has established policies for control of log handling in navigable waters of the State. "Log Handling in Oregon's Public Waters - An Implementation Program and Policy" was adopted by the Oregon Environmental Quality Commission in 1975, and revised in 1979. Thus, Commission approved DEQ policy functions in support of more general DEQ administrative rules relating to water quality. Present DEQ policy requires that new wood processing facilities proposing to receive logs directly from public waters will not be approved without specific authorization by the Environmental Quality Commission. In general, such facilities will not be permitted by DEQ in cases where water quality, or other beneficial uses of state waters, would be jeopardized. New free-fall log dumps are not permitted, while existing free-fall log dumps must be replaced by equipment or practices providing controlled dumping of logs. Further, best practicable bark and wood debris controls, collection and disposal methods, as approved by DEQ, must be employed at all log dumps, raft building and sorting areas and millside handling sites. Existing log dumps and in-water sorting are to be controlled with regard to DEQ approved programs. DEQ policy indicates that, if necessary, log dumps and in-water handling will be phased out in order that water quality violations do not result from such activities.

LOG STORAGE (IN-WATER)

In-Water Log Handling and Storage Policy: Section S4.211	ORS 468, Pollution Control OAR 340.41-.51, Statewide Water Quality Management Plan

The Oregon Department of Environmental Quality has established in-water log handling guidelines pursuant to OAR 340, "Log Handling in Oregon's Public Waters (1979)" (see Log Dump/Sort Area (In-Water)).

DEQ policy requires that the inventory of logs stored in state waters, for any purpose, be held to the most feasible minimum volume and period. Storage exceeding twelve months requires approval by DEQ, and must be supported by evidence demonstrating the need for such storage, and that feasible alternatives to in-water storage are not available. In all instances of in-water log handling, the operating entity is responsible for clean-up and removal of sunken logs, and when use is discontinued all logs must be removed from the water and structures must be secured such that water quality impacts do not persist. DEQ policy requires a new application and approval of in-water log handling at sites in state waters where log handling activities have not occurred for a period of five years.

The DEQ requires that in existing storage areas where logs go aground on tidal changes or low flow cycles minimization of such log storage will be accomplished by:

(1) Establishing a program to reduce tideland area impacted by loose log storage to a minimum. Affected industries are required to submit a program or plan to achieve reduced impacts within 120 days of notification by DEQ.

(2) DEQ will not approve applications to the Corps of Engineers or the Division of State Lands for permits to place or recondition piling for log raft mooring unless the applicant provides information detailing measures taken to minimize impacts due to log grounding. DEQ will not support applications for replacement of piling in areas where logs go aground without presentation of substantial evidence that alternative feasible means of storage and alterative storage sites (including upland storage and handling) have been thoroughly evaluated.

LOG STORAGE/SORTING YARD (DRY LAND)

Log and Wood Products Handling and Storage in Shoreline Areas: Section S4.212	ORS 468, Pollution Control OAR 340.41-.51, Statewide Water Quality Management Plan

The Oregon Department of Environmental Quality has established criteria for regulation of upland log and wood product handling and storage sites located in shoreline areas, pursuant to OAR 340. "Log Handling in Oregon's Public Waters 1979" specifies that all "dry land" log storage, wood chip, and hog fuel handling and storage facilities located adjacent to waterways must be designed, constructed and operated to control leachates and prevent loss of bark, chips, sawdust and other wood debris into public waters. Note also that DEQ requires review and approval of any modification of present upland storage and handling facilities or plans for new facilities.

MARINAS

Water Quality in Marinas: Section S4.213	33 USC § 1251 et seq., Federal Water Pollution Control Act and Amendments of 1972 40 CFR, Part 122-125, Environmental Protection Agency ORS 468, Pollution Control OAR 340, Department of Environmental Quality, and OAR 340.41-.51, Statewide Water Quality Management Plan

As described in the section, Shallow-Draft Ports and Marinas, the Oregon Department of Environmental Quality has formulated a statewide water quality permit program and has authority, subject to federal oversight, to regulate water quality maintenance in the state. In practice, therefore, the Environmental Protection Agency and DEQ policies are complementary in application of the requirements of the Federal Water Pollution Control Act. Regarding marinas and relates water quality issues, DEQ implements three administrative rules: OAR 340.14, Procedures for Issuance, Denial, Modification, and Revocation of Permits; OAR 340.41, Statewide Water Quality Management Plan; and OAR 340.45, Regulations Pertaining to NPDES and WPFC Permits. These statutes establish the authority whereby DEQ specifies the activities, operation, emissions, and discharges which may be permitted in the design, construction, and operation of marinas and mooring basins. In Oregon, EPA commonly exercises oversight of DEQ regarding marina-related water quality issues, pursuant to Section 401 of the FWPCA. The result is a combined state and federal certification specifying requirements, limitations and conditions of marina activities and operations which must be met. In particular, EPA takes the lead in specifying the minimum conditions for water exchanged and residence time within marinas and mooring basins enclosed by breakwaters or other structures and land forms. Final project design and construction receives a joint EPA/DEQ certification, but EPA stipulates specific project conditions.

MINING/MINERAL EXTRACTION

Leasing and Environmental Review (Exploration and Extraction): Section S4.214	33 USC § 401 et seq., Rivers and Harbors Appropriations Act 33 USC § 1251 et seq., Federal Water Pollution Control Act 33 CFR, Part 320, Section 10 and 404, U.S. Army Corps of Engineers 40 CFR, Part 122-125, Environmental Protection Agency ORS 520, Conservation of Oil and Gas ORS 632.10, Mineral Industries, General ORS 274, 005-820, Submersible and Submerged Lands OAR 141.85, Rules for Issuance and Enforcement of Removal and Fill Permits

The Oregon Division of State Lands (DSL) is responsible for leasing all oil and gas resources underlying state owned lands. Generally, tidal and submerged lands in the lower Columbia River are owned by the state, and in cases where such areas have been sold, granted or otherwise conveyed by the state, oil and gas resource rights have been retained. The Department of Geology and Mineral Industries (DOGMI) regulates practices related to exploration and extraction of oil and gas in the state (OAR 632.10). The oil and gas exploration and extraction guidelines established by DOGMI are included as conditions to the provisions of DSL leases. Although DOGMI has the authority to establish rules regulating geological and seismic surveys on, and operations to remove oil and gas from submersible and submerged lands, within the estuary, no administrative rule has been promulgated pursuant to OAR 520.055, General Jurisdiction and Authority, Tidal Lands. However, DOGMI and DSL have coordinated departmental guidelines for exploration, "General Conditions Governing Permits to Explore Tide and Submerged Lands (1964)". Note also that DSL applies a dual drilling lease authority for submersible and submerged lands in the estuary. All submersible and submerged lands lying more than 10 miles easterly of the 124th West Meridian (in the vicinity of Smith Point) are subject to oil and gas leasing policies detailed in ORS 247.705-.860, while leasing of lands westerly of this line is controlled by ORS 274.551. In either case, DSL is required to consult with DOGMI, the Department of Environmental Quality, and the Department of Fish and Wildlife, incorporating regulations and rules relating to best management practices applied by these departments for conservation of oil and gas resources, water quality maintenance and protection of fish and wildlife resources in all lease agreements and permits.

Further, exploration and extraction activities in waters of the U.S. may require permits issued by the Corps of Engineers, subject to review by involved federal agencies. Broadly, federal and state agencies comment on exploration and drilling leases concerning issues related to fill and removal activities, water quality impacts (e.g., well discharges, slush pits, sumps), and fish and wildlife habitat protection.

NAVIGATIONAL STRUCTURES

Siting of Navigational Structures and Environmental Assessment: Section S4.215	16 USC § 661 et seq., Fish and Wildlife Coordination Act 33 USC § 401 et seq., Rivers and Harbors Appropriations Act 33 USC § 1251 et seq., Federal Water Pollution Control Act 42 USC § 4321 et seq., National Environmental Policy Act 33 CFR, Part 320, Section 10 and 404, U.S. Army Corps of Engineers 40 CFR, Part 1500-1508, Regulations of Implementing the Procedural Requirements of the National Environmental Policy Act 40 CFR, Part 122-125, Environmental Protection Agency OAR 141.85, Rules for Issuance and Enforcement of Removal and Fill Permits, Division of State Lands OAR 340, Statewide Water Quality Management Plan OAR 635, Department of Fish and Wildlife

Generally, aquatic area siting of significant navigational structures (e.g., jetties, groins, and breakwaters) requires assessment of the environmental impacts expected from such activities and the uses necessary to their installation. As described in Industrial and Port Facilities, the Corps of Engineers is the lead review and permitting agency regarding issues of waterway development, including navigational structures, affecting the waters of the U.S., pursuant to the Rivers and Harbors Appropriations Act. Federal permits issued by the Corps are required for works proposed in the navigable waters of the U.S. These permits are necessary for placing structures in or excavating from or depositing materials in such waters. In addition, the National Environmental Policy Act and the Fish and Wildlife Coordination Act combine to mandate evaluation of any development proposal intending to alter, control or modify the waters of any streams or body of water by all affected federal and state resource agencies.

Federal and state resource agencies have established policies and guidelines for application of their authorities for review of estuarine aquatic area and shoreline development proposals. These review criteria are broad in scope and, generally, emphasize that navigational structures be designed and constructed, based on all feasible development alternatives, to protect fish and wildlife and associated environmental values. Further, navigational structures are reviewed with respect to potential interference with public access, creation of adverse sediment transport patterns, or other adverse effects on aquatic habitats. (See Industrial and Port Facilities for a list of the most commonly referenced review criteria used by federal and state regulatory and resource agencies).

RESIDENTIAL USES

Water Quality Maintenance	33 USC § 1251 et seq., Federal Water Pollution Control Act and Amendments of 1972 40 CFR, Part 122-125, Environmental Protection Agency ORS 468, Pollution Control OAR 340.41, Statewide Water Quality Management Plan

State and administrative rule OAR 340.41 establishes a system of regional water quality management plans. Oregon's federally approved water quality maintenance program provides the authority whereby the Department of Environmental Quality may specify the conditions under which discharges may be permitted to public waters (see policies under Water Quality Maintenance). Treatment of all sewage wastes is detailed in OAR 340.41.215, North Coast-Lower-Columbia Basin. While storm drainage systems may not require individual discharge permits, DEQ reserves the authority to regulate such discharges as sources of pollution to the estuarine system, based on policies of non-degradation of regional water quality criteria established for the North Coast-Lower-Columbia Basic (OAR 340.41.202). Thus, storm drainage systems are reviewed and may be regulated (i.e., discharges permits required) if the effluent or runoff results in degradation of regional water quality.

SOLID WASTE DISPOSAL

Siting of Disposal Facilities and Control of Runoff: Section S4.219	33 USC § 1251 et seq., Federal Water Pollution Control Act 40 CFR, Part 122-125, Environmental Protection Agency ORS 468, Pollution Control OAR 340.41, Statewide Water Quality Management Plan OAR 340.61, Solid Waste Management in General

As with water quality management the Department of Environmental Quality has formulated a system of solid waste management which fulfills the requirements of federal statute and has been programmatically approved by the Environmental Protection Agency. OAR 340.61 promulgates DEQ policy and guidelines for solid waste collection, storage, and transportation. DEQ solid waste management guidelines are comprehensive in nature, in that criteria are set forth to control potential hazards to public health and safety and pollution of air and adjacent land and public waters. All solid waste disposal sites must have DEQ permit approval and cannot be substantially altered or expanded without permit review. Solid waste disposal site proposals must be supported by a feasibility study or environmental assessment detailing plans and specifications for site location and design (including plans for berms, dikes, surface drainage control, road access, waste water facilities, etc.), o operational plans, and monitoring and reporting methods. OAR 340.61.040 describes conditions applied to landfills and material wastes deposited in approved landfill sites. Note that EPA exercises special oversight in the control of hazardous waste control, including specific requirements for underground injection of hazardous materials (pumping of hazard materials to underground storage, see 40 CFR, Prt 122, National Discharge Elimination System; Hazardous Waste Permit Program; and Underground Injection Control Program).

UTILITIES

Utilities and Pollutant Discharges Section S4.220	33 USC § 1251 et seq., Federal Water Pollution Control Act 40 CFR, Part 122-125, Environmental Protection Agency ORS 468, Pollution Control OAR 340.41, Statewide Water Quality Management Plan

The federally approved water quality management program implemented by the Department of Environmental Quality applies to all point source discharges from utilities, including waste water treatment plants and treated waste water outfalls (e.g., industrial discharges). OAR 340.41 specifies the operations and discharges criteria which may be permitted in construction, operation, and maintenance of these facilities. Section 340.41.215 specifically addresses the discharge limitations placed on utilities with outfall structures to public waters of the North Coast-Lower-Columbia Basin management area. Note that EPA reviews issues related to major outfalls and may participate in permit review or discharges expected to be potential sources of water quality degradation.

DIKE STRUCTURES

Dike Structures and Environmental Review: Section S4.231	16 USC § 661 et seq., Fish and Wildlife Coordination Act 33 USC § 401 et seq., Rivers and Harbors Appropriations Act 33 USC 1251 et seq., Federal Water Pollution Control Act 42 USC 4321 et seq., National Environmental Policy Act 33 CFR, Part 320, Section 10 and 404, U.S. Army Corps of Engineers 40 CFR, Part 1500-1508, Regulations for Implementing the Procedural Requirements of the National Environmental Policy Act 40 CFR, Part 122-125, Environmental Protection Agency ORS 541-605-.665, Removal of Material; Filling OAR 141.85, Rules for Issuance and Enforcement of Removal and Fill Permits, Division of State Lands OAR 340, Statewide Water Quality Management Plan OAR 635, Department of Fish and Wildlife

As with all structures affecting public waters, federal and state permits and procedural review of project proposals are required to construct and maintain dikes and flood control structures. The Standards sections for Industrial and Port Facilities, and Navigational Structures, outline the interaction of federal and state statutes addressing placement of structures in or excavating from or depositing materials in public waters. Section for Industrial and Port Facilities also references the review criteria used by federal and state regulatory and resource agencies in assessing the effects of proposed uses and activities in aquatic areas. These review criteria apply to dike structures and are, generally, considered to represent resource agency policy interpretations of "good engineering" and "best management" practices.

DREDGING

Dredging and Water Quality Maintenance: Section S4.232	33 USC § 401 et seq., Rivers and Harbors Appropriations Act 33 USC § 1251 et seq., Federal Water Pollution Control Act 33 CFR, Part 122-125, Environmental Protection Agency OAR 340.41, Statewide Water Quality Management Plan

All dredging operations in public waters are subject to federal and state permit standards. The Corps of Engineers is the lead permitting agency in all dredging-related matters, while specific permit review of the water quality effects of dredging is reserved for the Department of Environmental Quality and the Environmental Protection Agency. Commonly, the Corps focuses on matters concerning navigational requirements and issues dredging permits with water quality standards formulated by coordination comments received from DEQ and EPA. Thus, the physical aspects of volume of material excavated and project dimensions are controlled by the Corps, while water quality parameters intended to prevent the degradation of public waters are stipulated by DEQ certification, with oversight in some instances by the EPA. DEQ water quality criteria are put forth in OAR 340.41, Statewide Water Quality Management Plan. EPA water quality guidelines are presented in F.R. Vol. 38, No. 84, F.R. Vol. 40, No. 173, and 40 CFR, Part 122-125. Collectively, these criteria and guidelines set standards for organic, dissolved chemical, and sediment content of waters in the project excavation area and in locations of effluent discharge (i.e., settling pond outfall).

DREDGED MATERIAL DISPOSAL

Disposal Site and Water Quality Maintenance: Section S4.233	33 USC § 401 et seq., Rivers and Harbors Appropriations Act 33 USC § 1251 et seq., Federal Water Pollution Control Act 33 CFR, Part 320, Section 10 and 404, U.S. Army Corps of Engineers 40 CFR, Part 122-125, Environmental Protection Agency OAR 340.41, Statewide Water Quality Management Plan

As described in Standards Section, Dredging, the Corps of Engineers is responsible for permitting of dredging operations pursuant to water quality provisions, or conditions of operation, attached by the Department of Environmental Quality. Effluent from dredged material disposal sites must be appropriate to water quality criteria established by OAR 340.41. Generally, DEQ (and EPA) review dredged material disposal plans for potential adverse effects due to dissolved constituents and sediments introduced to receiving waters. Upland disposal sites are required to contain dredged spoils for a sufficient period of time (often employing flow between a system of ponds or cells) such that suspended materials may settle and not be introduced to adjacent aquatic areas. This may entail specification of weir overflow heights, to maintain ponding residence time and ensure that the uppermost surface water is drained from the site, and dredged material disposal site water depths (pond depths). Further, effluent may contain dissolved materials not subject to pond settling, requiring control of dredging rates to maintain necessary mixing and dilution in receiving waters (see Dredging for Water Quality Criteria reference).

SHORELINE STABILIZATION

Emergency Fill Activities: Section S4.238	33 USC § 401 et seq., Rivers and Harbors Appropriations Act 33 USC § 1251 et seq., Federal Water Pollution Control Act 33 CFR, Part 122-125, Environmental Protection Agency ORS 541.605-.665, Removal of Materials; Filling OAR 141.85, Rules for Issuance and Enforcement of Removal and Fill Permits

Administrative Rule 141.85 applies to fill deposited as a means of bankline or shoreline stabilization. Emergency permits for fill as a shoreline control activity are issued by the Division of State Lands (DSL) if such an activity is immediately necessary to protect public safety and welfare due to unforeseen circumstances. DSL requires notification of the nature, location, and extent of necessary shoreline alteration within 24 hours of the action. Following a site inspection, a verbal determination is made by DSL in support or denial of emergency shoreline alterations. Standard removal and fill permits are required after the emergency situation has passed, with DSL reserving ultimate approval of the shoreline alteration as a permanent action.
As the principal permitting authority regarding actions affecting waters of the U.S., the Corps of Engineers has authority to temporarily permit fill activities if: (1) an unacceptable hazard to life or severe loss of property will occur if an emergency permit is not granted; and (2) the anticipated threat or loss may occur before a permit can be issued or modified under normal procedures. The Corps, coordinating with EPA, may grant emergency fill activities limited in duration to the time required to complete the authorized emergency action, not to exceed 90 days. Federal emergency fill authorizations must include conditions requiring restoration of fill or disposal sites. Such conditions may require removal of the fill and/or remedial actions to prevent erosion. Federal statute requires that emergency permits be in compliance with the emergency rules established by DSL.